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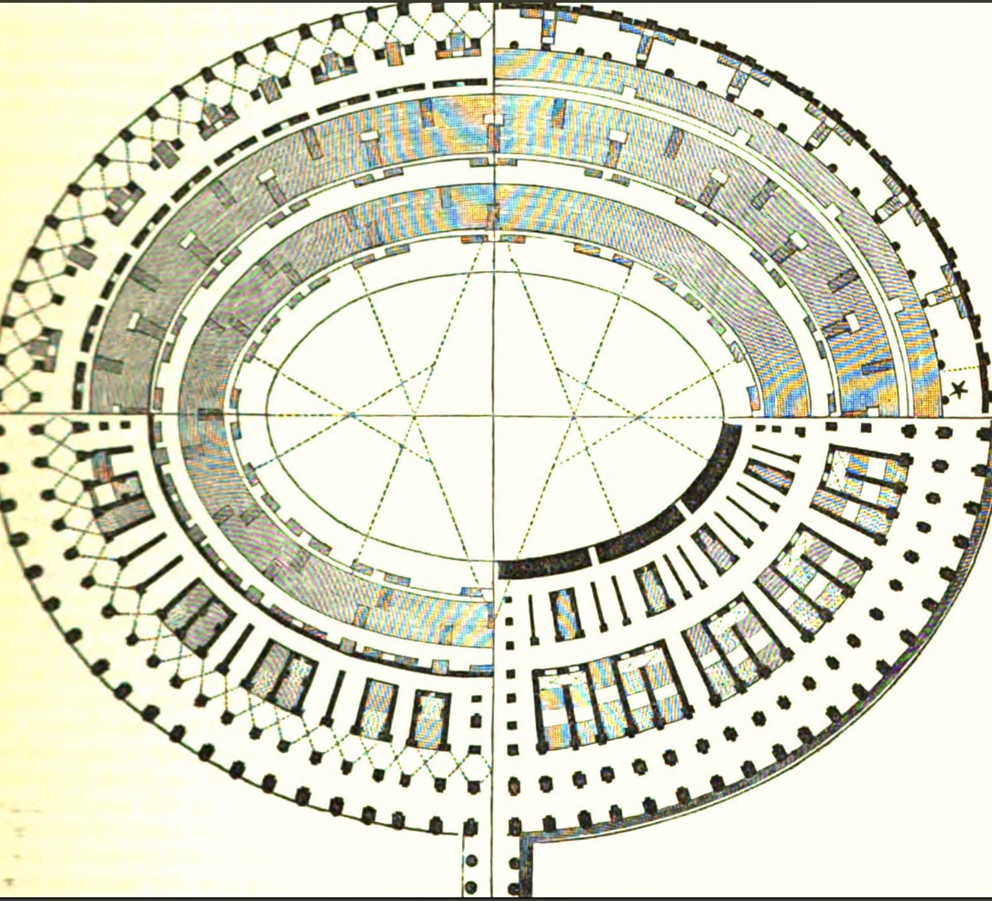

Dictionary of Greek and Roman antiquities

William Smith

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DICTIONARY

OF

GREEK AND ROMAN ANTIQUITIES.

EDITED BY

WILLIAM SMITH, LL.D.

ILLUSTRATED BY NUMEROUS ENGRAVINGS ON WOOD.

Second Edition,

IMPROVED AND ENLARGED.

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PREFACE

TO

THE SECOND EDITION.

It was inevitable that many defects should be found in the first Edition of a work like the Dictionary of Greek and Roman Antiquities, embracing a great variety of subjects, written by different persons, and published periodically. Of these no one was more fully aware than the Editor; and accordingly, when the sale of a very large impression rendered the preparation of a second Edition necessary, he resolved to spare no pains and exertions to render the work still more worthy of the approbation with which it had been already received. The following will be found to be the principal improvements in the present Edition.

1. Many of the most important articles are rewritten. This is especially the case in the earlier portion of the work, since it was originally intended to complete it in a much smaller compass than was afterwards found advisable; and accordingly many subjects in the earlier letters of the alphabet were treated in the first Edition with a brevity which prevented the writers from giving a full and satisfactory explanation of several important points.

2. Many subjects which were entirely omitted in the first Edition are here supplied. Any one who has had experience in the arrangement of a work in alphabetical order will not be surprised that there should be many omissions in the first Edition of such a work. Some idea may be formed of the extensive additions made to the work, when it is stated that, including the articles which have been rewritten, the present Edition contains upwards of three hundred pages of entirely new matter.

3. Those articles which have not been rewritten have been carefully revised, and in many of them errors have been corrected, extraneous matter omitted, and much additional information given. In this part of his labours the Editor has received the most valuable assistance from Mr. George Long, Dr. Schmitz, and Mr. Philip Smith.

4. Additional illustrations have been given by means of new woodcuts, wherever the subjects appeared to require them. Many of these new wood-

cuts are of considerable importance, as the reader may see by referring to the articles *Amphitheatrum*, *Aquaeductus*, *Columna*, *Templum*, and many others.

5. An alteration has been made in the arrangement of the work, which will tend to facilitate its use. In the former Edition there was some inconsistency in the use of Greek, Latin, and English words for the names of articles. In the present Edition the Latin language has been always employed for the heading of the articles, except in those subjects connected with Greek Antiquities where no corresponding words existed in Latin; as, for instance, in legal terms, and in the names of magistrates. In these cases the Greek language has been necessarily employed; but, in compliance with a wish expressed by many persons, the Greek words are given in Latin letters, with the Greek characters subjoined.

In conclusion, the Editor has to express his regret that he is unable in any way to make the additions and alterations in the present Edition available to the purchasers of the former one. He had at one time thought of publishing them in a separate form; but he found, as the work proceeded, that this was quite impossible, on account of their great number and length. In fact, the present Edition must be regarded, to a considerable extent, as a new work.

WILLIAM SMITH.

London, August 1st, 1848.

PREFACE

TO

THE FIRST EDITION.

The study of Greek and Roman Antiquities has, in common with all other philological studies, made great progress in Europe within the last fifty years. The earlier writers on the subject, whose works are contained in the collections of Gronovius and Grævius, display little historical criticism, and give no comprehensive view or living idea of the public and private life of the ancients. They were contented, for the most part, with merely collecting facts, and arranging them in some systematic form, and seemed not to have felt the want of any thing more: they wrote about antiquity as if the people had never existed; they did not attempt to realise to their own minds, or to represent to those of others, the living spirit of Greek and Roman civilisation. But by the labours of modern scholars life has been breathed into the study: men are no longer satisfied with isolated facts on separate departments of the subject, but endeavour to form some conception of antiquity as an organic whole, and to trace the relation of one part to another.

There is scarcely a single subject included under the general name of Greek and Roman Antiquities, which has not received elucidation from the writings of the modern scholars of Germany. The history and political relations of the nations of antiquity have been placed in an entirely different light since the publication of Niebuhr's Roman History, which gave a new impulse to the study, and has been succeeded by the works of Böckh, K. O. Müller, Wachsmuth, K. F. Hermann, and other distinguished scholars. The study of the Roman law, which has been unaccountably neglected in this country, has been prosecuted with extraordinary success by the great jurists of Germany, among whom Savigny stands preeminent, and claims our profoundest admiration. The subject of Attic law, though in a scientific point of view one of much less interest and importance than the Roman law, but without a competent knowledge of which it is impossible to understand the Greek orators, has also received much elucidation from the writings of Meier, Schömann, Bunsen, Platner, Hudtwalcker, and others. Nor has the private life of the ancients been neglected. The discovery of Herculaneum and Pompeii has supplied us with important information on the subject, which has also been discussed with ability by several modern writers, among whom W. A. Becker, of Leipzig, deserves to be particularly mentioned. The study of ancient art likewise, to which our scholars have paid little attention, has been diligently cultivated in Germany from the time of Winckelmann and Lessing, who founded the modern school of criticism in art, to which we are indebted for so many valuable works.

While, however, so much has been done in every department of the subject, no attempt has hitherto been made, either in Germany or in this country, to make the results of modern researches available for the purposes of instruction, by giving them in a single work, adapted for the use of students. At present, correct information on many matters of antiquity can only be obtained by consulting a large number of costly works, which few students can have access to. It was therefore thought that a work on Greek and Roman Antiquities, which should be founded on a careful examination of the original sources, with such aids as could be derived from the best modern writers, and which should bring up the subject, so to speak, to the present state of philological learning, would form a useful acquisition to all persons engaged in the study of antiquity.

It was supposed that this work might fall into the hands of two different classes of readers, and it was therefore considered proper to provide for the probable wants of each, as far as was possible. It has been intended not only for schools, but also for the use of students at universities, and of other persons, who may wish to obtain more extensive information on the subject than an elementary work can supply. Accordingly numerous references have been given, not only to the classical authors, but also to the best modern writers, which will point out the sources of information on each subject, and enable the reader to extend his inquiries further if he wishes. At the same time it must be observed, that it has been impossible to give at the end of each article the whole of the literature which belongs to it. Such a list of works as a full account of the literature would require, would have swelled the work much beyond the limits of a single volume, and it has therefore only been possible to refer to the principal modern authorities. This has been more particularly the case with such articles as treat of the Roman constitution and law, on which the modern writers are almost innumerable.

A work like the present might have been arranged either in a systematic or an alphabetical form. Each plan has its advantages and disadvantages, but many reasons induced the Editor to adopt the latter. Besides the obvious advantage of an alphabetical arrangement in a work of reference like the present, it enabled the Editor to avail himself of the assistance of several scholars who had made certain departments of antiquity their particular study. It is quite impossible that a work which comprehends all the subjects included under Greek and Roman Antiquities can be written satisfactorily by any one individual. As it was therefore absolutely necessary to divide the labour, no other arrangement offered so many facilities for the purpose as that which has been adopted; in addition to which, the form of a Dictionary has the additional advantage of enabling the writer to give a complete account of a subject under one head, which cannot so well be done in a systematic work. An example will illustrate what is meant. A history of the patrician and plebeian orders at Rome can only be gained from a systematic work by putting together the statements contained in many different parts of the work, while, in a Dictionary, a connected view of their history is given from the earliest to the latest times under the respective words. The same remark will apply to numerous other subjects.

Some subjects have been included in the present work which have not usually been treated of in works on Greek and Roman Antiquities. These subjects have been inserted on account of the important influence which they exercised upon the public and private life of the ancients. Thus, considerable space has been given to the articles on Painting and Statuary, and also to those on the different departments of the Drama. There may seem to be some inconsistency and apparent capriciousness in the admission and rejection of subjects, but it is very difficult to determine at what point to stop in a work of this kind. A Dictionary of Greek and Roman Antiquities, if understood in its most extensive signification, would comprehend an account of every thing relating to antiquity. In its narrower sense, however, the term is confined to an account of the public and private life of the Greeks and Romans, and it is convenient to adhere to this signification of the word, however arbitrary it may be. For this reason several articles have been inserted in the work which some persons may regard as out of place, and others have been omitted which have sometimes been improperly included in writings on Greek and Roman Antiquities. Neither the names of persons and divinities, nor those of places, have been inserted in the present work, as the former will be treated of in the "Dictionary of Greek and Roman Biography and Mythology," and the latter in the "Dictionary of Greek and Roman Geography."

The subjects of the woodcuts have been chosen by the writers of the articles which they illustrate, and the drawings have been made under their superintendence.* Many of these have been taken from originals in the British Museum, and others from the different works which contain representations of works of ancient art, as the Museo Borbonico, Museo Capitolino, Millin's Peintures de Vases Antiques, Tischbein's and D'Hancarville's engravings from Sir William Hamilton's Vases, and other similar works. Hitherto little use has been made in this country of existing works of art, for the purpose of illustrating antiquity. In many cases, however, the representation of an object gives a far better idea of the purposes for which it was intended, and the way in which it was used, than any explanation in words only can convey. Besides which, some acquaintance with the remains of ancient art is almost essential to a proper perception of the spirit of antiquity, and would tend to refine and elevate the taste, and lead to a just appreciation of works of art in general.

Mr. George Long, who has contributed to this work the articles relating to Roman Law, has sent the Editor the following remarks, which he wishes to make respecting the articles he has written, and which are accordingly subjoined in his own words.

"The writer of the articles marked with the letters G. L. considers some "apology necessary in respect of what he has contributed to this work. He has "never had the advantage of attending a course of lectures on Roman Law, and "he has written these articles in the midst of numerous engagements, which left

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* The woodcuts have been executed by Mr. John Jackson.

"little time for other labour. The want of proper materials also was often felt, "and it would have been sufficient to prevent the writer from venturing on "such an undertaking, if he had not been able to avail himself of the library "of his friend, Mr. William Wright, of Lincoln's Inn. These circumstances "will, perhaps, be some excuse for the errors and imperfections which will be "apparent enough to those who are competent judges. It is only those who "have formed an adequate conception of the extent and variety of the matter "of law in general, and of the Roman Law in particular, who can estimate the "difficulty of writing on such a subject in England, and they will allow to him "who has attempted it a just measure of indulgence. The writer claims such "indulgence from those living writers of whose labours he has availed himself, "if any of these articles should ever fall in their way. It will be apparent "that these articles have been written mainly with the view of illustrating "the classical writers; and that a consideration of the persons for whose use "they are intended, and the present state of knowledge of the Roman Law in "this country, have been sufficient reasons for the omission of many important "matters which would have been useless to most readers and sometimes unintelligible.

"Though few modern writers have been used, compared with the whole "number who might have been used, they are not absolutely few, and many of "them to Englishmen are new. Many of them also are the best, and among "the best, of the kind. The difficulty of writing these articles was increased by "the want of books in the English language; for, though we have many writers "on various departments of the Roman Law, of whom two or three have been "referred to, they have been seldom used, and with very little profit."

It would be improper to close these remarks without stating the obligations this work is under to Mr. Long. It was chiefly through his advice and encouragement that the Editor was induced to undertake it, and during its progress he has always been ready to give his counsel whenever it was needed. It is therefore as much a matter of duty as it is of pleasure, to make this public acknowledgment to him.

WILLIAM SMITH.

London, April 2nd, 1842.

A

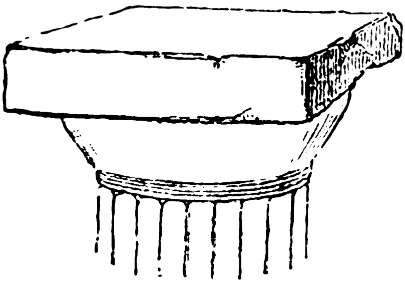
DICTIONARY

OF

GREEK AND ROMAN ANTIQUITIES.

AB'ACUS (ἄβαξ) denoted primarily a square tablet of any material; and was hence applied in the following significations: —

1. In Architecture it denoted the flat square stone, which constituted the highest member of a column, being placed immediately under the architrave. The annexed figure is drawn from that in the British Museum, which was taken from the Parthenon at Athens, and is a perfect specimen of the capital of a Doric column.

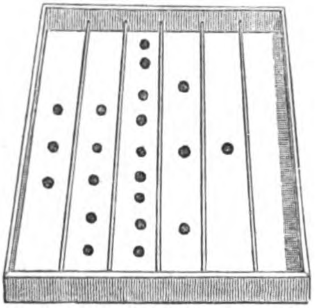


In the more ornamented orders of architecture, such as the Corinthian, the sides of the abacus were curved inwards, and a rose or some other decoration was frequently placed in the middle of each side; but the name Abacus was given to the stone thus diversified and enriched, as well as in its original form. (Vitruv. iii. 3, iv. 1. § 7.)

2. A painted panel, coffer, or square compartment in the wall or ceiling of a chamber. (Plin. *H. N.* xxxiii. 56, xxxv. 1, 13; Vitruv. vii. 3. § 10; Letronne, *Peintur. mur.* p. 476.)

3. A wooden tray, used for a variety of purposes in domestic economy. It was, for instance, the name given to the *mactra* (μάκτρα), or tray for kneading dough. (Cratin. *Frag.* p. 27, ed. Runkel; Pollux, vi. 90, x. 105; Cato, *R. R.* 10; Hesych. *s. v.* μάκτρα; Schol. *in Theocr.* iv. 61.)

4. A board, covered with sand or dust, used by mathematicians for drawing diagrams (Eustath. *in Od.* i. 107), and by arithmeticians for the purposes of calculation. (Pers. *Sat.* i. 131.) For the latter purpose perpendicular lines or channels seem to have been drawn in the sand upon the board; but sometimes the board had perpendicular wooden divisions, the space on the right hand being intended for units, the next space for tens, the next for hundreds, and so on. Thus was constructed the ἀβάκιον, ἐφ' οὗ ψηφίζουσιν, "the abacus on which they calculate," *i. e.* reckon by the use of stones (ψῆφοι, *calculi*). (Comp. Pol. v. 26.) The figure following represents the probable form and appearance of such an abacus. The reader will observe, that stone after stone might be put into the right-hand partition until they amounted to 10, when it would be necessary to take them all out as represented in the figure, and instead of them to put one stone into the next partition. The stones in this division might in like manner amount to 10, thus representing 10 × 10 = 100, when it would be necessary to take out the 10, and instead of them to put one stone into the third partition, and so on. On this principle the stones in the abacus, as delineated in the figure, would be equivalent to 359,310.



5. A board adapted for playing with dice or counters, resembling a draught-board or backgammon-board. (Caryst. *ap. Ath.* x. p. 435, d; Suet. *Ner.* 22; Macrob. *Sat.* i. 5.) The Greeks had a tradition ascribing this contrivance to Palamedes, hence they called it "the abacus of Palamedes." (Τὸ Παλαμήδειον ἀβάκιον, Eustath. *in Od.* i. 107.) [LATRUNCULI]

6. A table or sideboard, chiefly used for the display (*exponere*) of gold and silver cups. The tops of such tables were sometimes made of silver, but more usually of marble, and appear in some cases to have had numerous cells or partitions beneath, in which the plate was likewise placed. The use of abaci was first introduced at Rome from Asia Minor after the victories of Cn. Manlius Vulso, B. C. 187, and their introduction was regarded as one of the marks of the growing luxury of the age.

(Cic. *Verr.* iv. 16, *Tusc.* v. 21; Liv. xxxix. 6; Plin. *H. N.* xxxvii. 6; Petron. 73; Sid. Apoll. xvii. 7, 8.) These abaci are sometimes called *mensae Delphicae.* (Cic. *Verr.* iv. 59; Mart. xii. 67; Becker, *Gallus*, vol. i. p. 140.)

7. A part of the theatre on or near the stage.

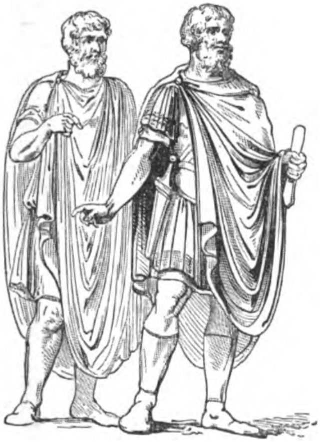
8. The diminutive ABACULUS (ἀβακίσκος) denoted a tile of marble, glass, or any other substance used for making ornamental pavements. They were of various colours. (Plin. *H. N.* xxxvi. 67; Moschion, *ap. Ath.* v. 207, d.) [J. Y.]

ABACTUS VENTER. [ABORTIO.]

ABALIENA'TIO. [MANCIPIUM.]

ABDICA'TIO. [MAGISTRATUS.]

ABOLLA, the Latin form of ἀμβόλλα, *i. e.* ἀναβολή, a loose woollen cloak. Nonius quotes a passage of Varro to show that it was a garment worn by soldiers (*vestis militaris*), and thus opposed to the toga. Its form and the mode of wearing it are seen in the figures annexed, taken from the bas-reliefs on the triumphal arch of Septimius Severus at Rome.



It was, however, not confined to military occasions, but was also worn in the city. (Suet. *Cal.* 35.) It was especially used by the Stoic philosophers at Rome as the *pallium philosophicum*, just as the Greek philosophers were accustomed to distinguish themselves by a particular dress. (Juv. iv. 75; Mart. iv. 53, viii. 48.) Hence the expression of Juvenal (iv. 75) *facinus majoris abollae* merely signifies, "a crime committed by a very deep philosopher." (Heinrich, *ad Juv. l. c.*; Becker, *Gallus*, vol. ii. p. 99.)

ABO'RTIO. This word and the cognate word *abortivus*, *abortus*, were applied to a child prematurely born, whence it appears that they were also applied to signify a premature birth brought about designedly. The phrase *abactus venter* in Paulus (*Sent. Recep.* iv. 9) simply means a premature birth. That abortion in the secondary sense of the word was practised among the Romans, appears from various passages and from there being an enactment against it. (Dig. 48. tit. 19. s. 38.) It is not stated at what time a penalty against procuring abortion was established. It is maintained by some modern writers that the practice of abortion became so common among the Romans, that combined with celibacy and other causes it materially diminished the population of Rome. But this general assertion is not sufficiently proved. The practice of abortion appears not to have been viewed in the same light by the Greeks and Romans as by the Christian nations of modern times. Aristotle in his *Politik* (vii. 14), recommends it on the condition that the child has not yet got sensation and life, as he expresses it. In Plato's *Republic* (v. p. 25), it is also permitted. At Athens, a person who had caused the abortion of a child by means of a potion (ἀμβλωθρίδιον), was liable to an action (ἀμβλώσεως γραφή), but we do not know what was the penalty in case of conviction: it was certainly not death. There was a speech of Lysias on this subject, which is lost. (*Frag.* p. 8. ed. Reiske.) [G. L.]

ABROGA'TIO. [LEX.]

ABSOLU'TIO. [JUDEX.]

ABSTINENDI BENEFI'CIUM. [HERES.]

ABU'SUS. [USUS FRUCTUS.]

ACAENA (Ἀκαίνη, ἄκαινα, or in later Greek ἄκενα, in one place ἄκαινον) is a very ancient Greek word, for it is said to have been derived from the Thessalians or from the Pelasgians. It seems originally to have meant a pointed stick: thus it was applied both to a goad and to a shepherd's staff. Afterwards it came (like our *pole* and *perch*, and the German *stange*) to mean a measuring rod of the length of ten Greek feet, or, according to Hesychius, 9⅔ πήχεις, which is the same thing. It was used in measuring land, and thus it resembles the Roman decempeda. It is doubtful whether there was a corresponding square measure. (Schol. *in Apoll. Rhod.* iii. 1326; Suid. *s. v.*; Hesych. *s. v.*; Schow, *Hesych. Restit.* p. 648; Olympiodor. *ad* Aristot. *Meteorolog.* p. 25; Heron. *ap.* Salmas. *ad. Solin.* p. 481; Wurm, *de Pond.* p. 93.) Compare ACNA. [P. S.]

ACA'TIUM. [NAVIS.]

ACCENSI. 1. Public officers who attended on several of the Roman magistrates. They summoned the people to the assemblies, and those who had lawsuits to court; they preserved order in the assemblies and the courts, and proclaimed the time of the day when it was the third hour, the sixth hour, and the ninth hour. An accensus anciently preceded the consul who had not the fasces, and lictors without fasces walked behind him, which custom after being disused was restored by Julius Caesar in his first consulship. (Varr. *L. L.* vii. 58, ed. Müller; Plin. *H. N.* vii. 60; Suet. *Jul.* 20; Liv. iii. 33.) Accensi also attended on the governors of provinces (Cic. *ad Fratr.* i. 1. § 4), and were commonly freedmen of the magistrate on whom they attended.

2. A body of reserve troops, who followed the Roman army without having any military duties to perform, and who were taken one by one to supply any vacancies that might occur in the legions. They were according to the census of Servius Tullius taken from the fifth class of citizens. They were placed in battle in the rear of the army, behind the triarii, and seem to have acted sometimes as orderlies to the officers. They were also called *Adscripticii* and in later times *Supernumerarii*. (Fest. *s. v. Accensi*, *Adscripticii;* Liv. i. 43, viii. 8, 10; Veget. ii. 19; Niebuhr, *Rom. Hist.* vol. i. p. 449, &c.)

ACCEPTILA'TIO is defined to be a release by mutual interrogation between debtor and creditor, by which each party is exonerated from the same contract. In other words acceptilatio is the form of words by which a creditor releases his debtor from a debt or obligation, and acknowledges he has received that which in fact he has not received (veluti imaginaria solutio). This release of debt by acceptilatio applies only to such debts as have been contracted by stipulatio, conformably to a rule of Roman law, that only contracts made by words can be put an end to by words. But the astuteness of the Roman lawyers found a mode of complying with the rule, and at the same time extending the acceptilatio to all kinds and to any number of contracts. This was the invention of Gallus Aquilius, who devised a formula for reducing all and every kind of contracts to the stipulatio. This being done, the acceptilatio would immediately apply, inasmuch as the matter was by such formula brought within the general rule of law above mentioned. The acceptilatio must be absolute and not conditional. A part of a debt or obligation might be released as well as the whole, provided the thing was in its nature capable of division. A pupillus could not release a debt by acceptilatio, without the auctoritas of his tutor, but he could be released from a debt. A woman also could not release a debt by stipulatio without the auctoritas of a tutor. The phrase by which a creditor is said to release his debtor by acceptilatio is, *debitori acceptum*, or *accepto facere* or *ferre*, or *acceptum habere*. When anything which was done on the behalf of or for the state, such as a building for instance, was approved by the competent authorities, it was said, in *acceptum ferri*, or *referri*. (Dig. 46. tit. 4; 48. tit. 11. s. 7; Gaius, ii. 84, &c. iii. 169, &c.) [G. L.]

ACCE'SSIO is a legal term which signifies that two things are united in such wise that one is considered to become a component part of the other; one thing is considered the principal, and the other is considered to be an accession or addition to it. Sometimes it may be doubtful which is to be considered the principal thing and which the accession. But the owner of the principal thing, whichever it is, became the owner of the accession also. The most undisputed kind of accessio is that which arises from the union of a thing with the ground; and when the union between the ground and the thing is complete, the thing belongs to him who is the owner of the ground. Thus if a man builds on the ground of another man, the building belongs to the owner of the ground, unless it is a building of a moveable nature, as a tent; for the rule of law is "superficies solo cedit." A tree belonging to one man, if planted in the ground of another man, belongs to the owner of the ground as soon as it has taken root. The same rule applies to seeds and plants.

If one man wrote on the papyrus (chartulae) or parchment (membranae) of another, the material was considered the principal, and of course the writing belonged to the owner of the paper or parchment. If a man painted a picture on another man's wood (tabula) or whatever the materials might be, the painting was considered to be the principal (tabula picturae cedit). The principle which determined the acquisition of a new property by accessio was this — the intimate and inseparable union of the accessory with the principal. Accordingly, there might be accessio by pure accident without the intervention of any rational agent. If a piece of land was torn away by a stream from one man's land and attached to the land of another, it became the property of the man to whose land it was attached after it was firmly attached to it, but not before. This must not be confounded with the case of ALLUVIO.

The person who lost his property by accessio had as a general rule a right to be indemnified for his loss by the person who acquired the new property. The exceptions were cases of mala fides.

The term accessio is also applied to things which are the products of other things, and not added to them externally as in the case just mentioned. Every accessio of this kind belongs to the owner of the principal thing: the produce of a beast, the produce of a field, and of a tree belongs to the owner. In some cases one man may have a right to the produce (fructus) of a thing, though the thing belongs to another. [USUS FRUCTUS.]

The term accessiones was also applied to those who were sureties or bound for others, as fidejussores. (Dig. 45. tit. 1. s. 91.; Puchta, *Cursus der Institutionen*, ii. p. 661; Dig. 41. tit. 1; Gaius, ii. 73, &c. CONFUSIO.) [G. L.]

ACCLAMA'TIO was the public expression of approbation or disapprobation, pleasure or displeasure, &c. by loud acclamations. On many occasions, there appear to have been certain forms of acclamations always used by the Romans; as, for instance, at marriages, *Io Hymen*, *Hymenaee*, or *Talassio* (explained by Liv. i. 9.); at triumphs, *Io triumphe, Io triumphe;* at the conclusion of plays the last actor called out *Plaudite* to the spectators; orators were usually praised by such expressions as *Bene et praeclare*, *Belle et festive*, *Non potest melius*, &c. (Cic. *De Orat.* iii. 26.) Under the empire the name of *acclamationes* was given to the praises and flatteries which the senate bestowed upon the emperor and his family. These acclamationes, which are frequently quoted by the *Scriptores Historiae Augustae*, were often of considerable length, and seem to have been chanted by the whole body of senators. There were regular *acclamationes* shouted by the people, of which one of the most common was *Dii te servent.* (Capitol. *Maxim. duo*, 16, 26, *Gordian. tres*, 11; Lamprid. *Alex. Sever.* 6—12; Vopisc. *Tac.* 4, 5, 7, *Prob.* 11.) Other instances of *acclamationes* are given by Ferrarius, *De Veterum Acclamationibus et Plausu*, in Graevius, *Thesaur. Rom. Antiq.* vol. vi.

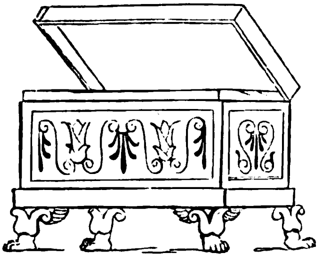
ACCUBA'TIO, the act of reclining at meals. [COENA.]

ACCU'BITA, the name of couches which were used in the time of the Roman emperors, instead of the triclinium, for reclining upon at meals. The mattresses and feather-beds were softer and higher, and the supports (*fulcra*) of them lower in proportion, than in the triclinium. The clothes and pillows spread over them were called *accubitalia*. (Lamprid. *Heliog.* 19, 25; Schol. *ad Juv. Sat.* v. 17.) [J. Y.]

ACCUSA'TIO. [JUDEX.]

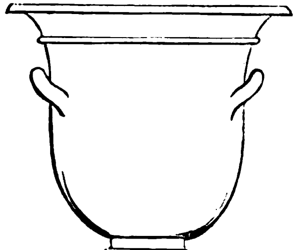
ACERRA (λιβανωτρίς), the incense box used in sacrifices. (Hor. *Carm.* iii. 8. 2; Virg. *Aen.* v. 745.) The incense was taken out of the acerra and let fall upon the burning altar: hence, we have the expression *de acerra libare.* (Ov. *ex Pont.* iv. 8. 39; Pers. ii. 5.) [TURIBULUM.] The acerra represented below is taken from a bas-relief in the museum of the Capitol.

The acerra was also, according to Festus (*s. v.*), a small altar, placed before the dead, on which



perfumes were burnt. There was a law in the Twelve Tables, which restricted the use of acerrae at funerals. (Cic. *de Leg.* ii. 24.) [J. Y.]

ACETA'BULUM (*ὀξίς, ὀξύϐαφον, ὀξυϐάφιον*), a vinegar-cup, which, from the fondness of the Greeks and Romans for vinegar, was probably always placed on the table at meals to dip the food in before eating it. The vessel was wide and open above, as we see in the annexed cut, taken from Panofka's work on Greek vases; and the name was also given to all cups resembling it in size and form, to whatever use they might be applied. They were commonly of earthenware, but sometimes of silver, bronze, or gold. (Aristoph. *Av.* 361; Athen. vi. p. 230, xi. p. 494; Quintil. viii. 6.) The cups used by jugglers in their performances were also called by this name. (Sen. *Ep.* 45.)



ACETA'BULUM, a Roman measure of capacity, fluid and dry, equivalent to the Greek *ὀξύϐαφον*. It was one-fourth of the hemina; and therefore one-eighth of the sextarius. It contained the weight in water of fifteen Attic drachmae. (Plin. *H. N.* xxi. 34. s. 109.) [P. S.]

ACHAICUM FOEDUS, the Achaean league. In treating of the Achaean league we must distinguish between two periods, the earlier and the later; the character of the former was pre-eminently religious, and that of the latter pre-eminently political.

1. *The earlier period.*—When the Heracleidae took possession of Peloponnesus, which had until then been chiefly inhabited by Achaeans, a portion of the latter, under Tisamenus, turned northwards and occupied the north coast of Peloponnesus, which was called *αἰγιαλός*, and from which the Ionians, its former inhabitants, were expelled and sought refuge in Attica. The country which was thus occupied by the Achaeans and derived from them its name of Achaia, contained twelve confederate towns, which were governed by the descendants of Tisamenus, till at length they abolished the kingly rule after the death of Ogyges, and established a democracy. In the time of Herodotus (i. 145; comp. Strab. viii. p. 383, &c.) the twelve towns of which the league consisted were: Pellene, Aegeira, Aegae, Bura, Helice, Aegium, Rhypes (Rhypae), Patreis (ae), Phareis (ae), Olenus, Dyme, and Tritaeeis (Tritaea). After the time of Herodotus, Rhypes and Aegae disappear from the number of the confederated towns, as they had become deserted (Paus. vii. 23. 25; Strab. viii. p. 387), and Ceryneia and Leontium stepped into their place. (Polyb. ii. 41; comp. Paus. vii. 6.) The common place of meeting was Helice, which town, together with Bura, was swallowed up by the sea during an earthquake in B. C. 373, whereupon Aegium was chosen as the place of meeting for the confederates. (Strab. viii. p. 384; Diod. xv. 48; Paus. vii. 24.) The bond which united the towns of the league was not so much a political as a religious one, as is shown by the common sacrifice offered at Helice to Poseidon. This solemn sacrifice was perfectly analogous to that offered by the Ionians at the Panionia, and it is even intimated by Herodotus that it was an imitation of the Ionian solemnity. After the destruction of Helice, and when Aegium had become the central point of the league, the common sacrifice was offered up to the principal divinities of the latter town; that is, to Zeus, surnamed Homagyrius, and to Demeter Panachaea. (Paus. vii. 24.) In a political point of view the connection between the several towns appears to have been very loose, for we find that some of them acted quite independently of the rest. (Thuc. ii. 9.) The confederation exercised no great influence in the affairs of Greece down to the time when it was broken up by the Macedonians. The Achaeans kept aloof from the restless commotions in the other parts of Greece, and their honesty and sincerity were recognised by the circumstance of their being appointed, after the battle of Leuctra, to arbitrate between the Thebans and Lacedaemonians. (Polyb. ii. 39.) Demetrius, Cassander and Antigonus Gonatas placed garrisons in some of their towns, and in others tyrants rose supported by Macedonian influence. The towns were thus torn from one another, and the whole confederacy destroyed.

2. *The later period.*—When Antigonus in B. C. 281 made the unsuccessful attempt to deprive Ptolemaeus Ceraunus of the Macedonian throne, the Achaeans availed themselves of the opportunity of shaking off the Macedonian yoke, and renewing their ancient confederation. The grand object however now was no longer a common worship, but a real political union among the confederates. The towns which first shook off the yoke of the oppressors, were Dyme and Patrae, and the alliance concluded between them was speedily joined by the towns of Tritaea and Pharae. (Polyb. ii. 41.) One town after another now expelled the Macedonian garrisons and tyrants; and when, in B. C. 277, Aegium, the head of the earlier league, followed the example of the other towns, the foundation of the new confederacy was laid, and the main principles of its constitution were settled, though afterwards many changes and modifications were introduced. The fundamental laws were, that henceforth the confederacy should form one inseparable state, that each town, which should join it, should have equal rights with the others, and that all members, in regard to foreign countries, should be

regarded as dependent, and bound to obey in every respect the federal government, and those officers who were entrusted with the executive. (Polyb. ii. 37, &c.) No town therefore was allowed to treat with any foreign power without the sanction of the others. Aegium, for religious reasons, was at first appointed the central point of the league, and retained this distinction until the time of Philopoemen, who carried a decree that the meetings might be held in any of the towns of the confederacy. (Liv. xxxviii. 30.) Aegium therefore was the seat of the government, and it was there that the citizens of the various towns met at regular and stated times, to deliberate upon the common affairs of the league, and if it was thought necessary, upon those of separate towns, and even upon individuals, and to elect the officers of the league. After having thus established a firm union among themselves, they zealously exerted themselves in delivering other towns also from their tyrants and oppressors. The league, however, acquired its great strength in B. C. 251, when Aratus united Sicyon, his native place, with it, and some years later gained Corinth also for it. Megara, Troezene, and Epidaurus soon followed their example. Afterwards Aratus persuaded all the more important towns of Peloponnesus to join the confederacy, and thus Megalopolis, Argos, Hermione, Phlius, and others were added to it. In a short period the league reached the height of its power, for it embraced Athens, Megara, Aegina, Salamis, and the whole of Peloponnesus, with the exception of Sparta, Elis, Tegea, Orchomenos, and Mantineia. Greece seemed to revive, and promised to become stronger and more united than ever, but it soon was clear that its fresh power was only employed in self-destruction and annihilation. But it would be foreign to the object of this work to enter further into the *history* of the confederacy: we must confine ourselves to an outline of its constitution, as it existed at the time of its highest prosperity.

Polybius (ii. 38) remarks that there was no other constitution in the world, in which all the members of the community had such a perfect equality of rights, and so much liberty, and, in short, which was so perfectly democratical and so free from all selfish and exclusive regulations, as the Achaean league; for all members had equal rights, whether they had belonged to it for many years, or whether they had only just joined it, and whether they were large or small towns. The common affairs of the confederate towns were regulated at general meetings attended by the citizens of all the towns, and held regularly twice every year, in the spring and in the autumn. These meetings which lasted three days, were held in a grove of Zeus Homagyrius in the neighbourhood of Aegium, and near a sanctuary of Demeter Panachaea. (Polyb. ii. 54, iv. 37, v. 1, xxix. 9; Liv. xxxii. 22, xxxviii. 32; Strab. viii. p. 385; Paus. vii. 24.) In cases of urgent necessity, however, extraordinary meetings might be convened, either at Aegium or in any other of the confederate places. (Liv. xxxi. 25; Polyb. xxv. 1, xxix. 8; Plut. *Arat.* 41.) Every citizen, both rich and poor, who had attained the age of thirty, might attend the assemblies, speak and propose any measure, to which they were invited by a public herald. (Polyb. xxix. 9; Liv. xxxii. 20.) Under these circumstances the assemblies were sometimes of the most tumultuous kind, and a wise and experienced man might find it difficult to gain a hearing among the crowds of ignorant and foolish people. (Polyb. xxxviii. 4.) It is, however, natural to suppose that the ordinary meetings, unless matters of special importance were to be discussed, were attended chiefly by the wealthier classes, who had the means of paying the expenses of their journey, for great numbers lived at a considerable distance from the place of meeting.

The subjects which were to be brought before the assembly were prepared by a council (*βουλή*), which seems to have been permanent. (Polyb. xxiii. 7, xxviii. 3, xxix. 9; Plut. *Arat.* 53.) The principal subjects on which the great assembly had to decide were — peace and war (Polyb. iv. 15, &c.); the reception of new towns into the confederacy (Polyb. xxv. 1); the election of the magistrates of the confederacy (Polyb. iv. 37. 82; Plut. *Arat.* 41); the punishment of crimes committed by these magistrates, though sometimes special judges were appointed for that purpose, as well as the honours or distinctions to be conferred upon them. (Polyb. iv. 14, viii. 14, xl. 5. 8; Paus. vii. 9.) The ambassadors of foreign nations had to appear before the assembly, and to deliver the messages of their states, which were then discussed by the assembled Achaeans. (Polyb. iv. 7, xxiii. 7, &c., xxviii. 7; Liv. xxxii. 9.) The assembly likewise had it in its power to decree, as to whether negotiations were to be carried on with any foreign power or not, and no single town was allowed to send embassies to a foreign power on its own responsibility even on matters of merely local importance, although otherwise every separate town managed its own internal affairs at its own discretion, so long as it did not interfere with the interests of the league. No town further was allowed to accept presents from a foreign power. (Polyb. xxiii. 8; Paus. vii. 9.) The votes in the assembly were given according to towns, each having one vote, whether the town was large or small. (Liv. xxxii. 22, &c.)

The principal officers of the confederacy were: 1. at first two strategi (*στρατηγοί*), but after the year B. C. 255, there was only one (Strab. viii. p. 385), who in conjunction with an hipparchus (*Ἵππαρχος*) or commander of the cavalry (Polyb. v. 95, xxviii. 6) and an under-strategus (*ὑποστρατηγός*, Polyb. iv. 59) commanded the army furnished by the confederacy, and was entrusted with the whole conduct of war; 2. a public secretary (*γραμματεύς*), and 3. ten demiurgi (*δημιουργοί*, Strab. *l. c.*; Liv. xxxii. 22, xxxviii. 30; Polyb. v. 1, xxiii. 10, who calls the demiurgi *ἄρχοντες*). These officers seem to have presided in the great assembly, where they probably formed the body of men which Polybius (xxxviii. 5) calls the *γερουσία*; the demiurgi or the strategus might convene the assembly, though the latter only when the people were convened in arms and for military purposes. (Polyb. iv. 7; Liv. xxxv. 25.) All the officers of the league were elected in the assembly held in the spring, at the rising of the Pleiades (Polyb. ii. 43, iv. 6. 37, v. 1), and legally they were invested with their several offices only for one year, though it frequently happened that men of great merit and distinction were re-elected for several successive years. (Plut. *Arat.* 24. 30, *Cleom.* 15.) If one of the officers died during the period of his office, his place was filled by his predecessor, until the time for the new elections arrived. (Polyb. xl. 2.) The close union existing among the confederate towns was, according to Polybius (ii. 37), strengthened by their adopting common weights, measures, and coins.

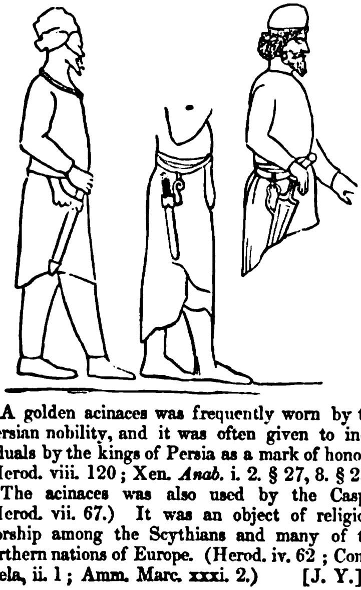
But the perpetual discord of the members of the league, the hostility of Sparta, the intrigues of the Romans, and the folly and rashness of the later strategi, brought about not only the destruction and dissolution of the confederacy, but of the freedom of all Greece, which with the fall of Corinth, in B. C. 146, became a Roman province under the name of Achaia. (Comp. Schorn, *Gesch. Griechenlands von der Entstehung des Aetol. u. Achäisch. Bundes*, especially pp. 49, &c. 60, &c.; A. Matthiae, *Vermischte Schriften*, p. 239, &c.; Drumann, *Ideen zur Gesch. des Verfalls der Griech. Staaten*, p. 447; Tittmann, *Griech. Staatsverfass.* p. 673, &c.; K. F. Hermann, *Griech. Staatsalterth.* § 185.) [L. S.]

ACHANE (Ἀχάνη), a Persian and Boeotian measure, equivalent to 45 Attic medimni. (Aristot. *ap. Schol. ad Aristoph. Acharn.* 108, 109; Suid. *s. v.*) According to Hesychius a Boeotian ἀχάνη was equal to one Attic medimnus. [P. S.]

A'CIES. [Exercitus.]

ACI'NACES (ἀκινάκης), a Persian sword, whence Horace (*Carm.* i. 27. 5) speaks of the *Medus acinaces*. It was a short and straight weapon, and thus differed from the Roman *sica*, which was curved. (Pollux, i. 138; Joseph. *Ant. Jud.* xx. 7. § 10. [Sica.] It was worn on the right side of the body (insignis *acinace dextro*, Val. Flacc. *Argon.* vi. 701), whereas the Greeks and Romans usually had their swords suspended on the left side.

The form of the acinaces, with the method of using it, is illustrated by the following Persepolitan figures. In all the bas-reliefs found at Persepolis, the acinaces is invariably straight, and is commonly suspended over the right thigh, never over the left, but sometimes in front of the body. The form of the acinaces is also seen in the statues of the god Mithras, one of which is figured in the cut on the title-page of this work.



A golden acinaces was frequently worn by the Persian nobility, and it was often given to individuals by the kings of Persia as a mark of honour. (Herod. viii. 120; Xen. *Anab.* i. 2. § 27, 8. § 29.) The acinaces was also used by the Caspii. (Herod. vii. 67.) It was an object of religious worship among the Scythians and many of the northern nations of Europe. (Herod. iv. 62; Comp. Mela, ii. 1; Amm. Marc. xxxi. 2.) [J. Y.]

ACI'SCULUS. [Ascia.]

ACLIS. [Hasta.]

ACNA or ACNUA (also spelt *agna* and *agnua*) was, according to Varro, the Italian name, and according to Columella, the common Baetican name of the actus quadratus. [Actus.] An old writer, quoted by Salmasius, says "agnua habet pedes XIIII. cccc," *i. e.* 14,400 square feet. The name is almost certainly connected with the Greek ἄκαινα, though the measure is different. (Varro, *R. R.* i. 10. § 2; Colum. *R. R.* v. 2. § 5; Schneider, *Comment. ad ll. cc.*; Salmasius, *ad Solin.* p. 481.) [P. S.]

ACO'NTION (ἀκόντιον). [Hasta.]

ACRATISMA (ἀκράτισμα). [Coena.]

ACROA'MA (ἀκρόαμα), any thing heard, and especially any thing heard with pleasure, signified a play or musical piece; hence a concert of players on different musical instruments, and also an interlude, called *embolia* by Cicero (*pro Sext.* 54), which was performed during the exhibition of the public games. The word is also applied to the actors and musicians who were employed to amuse guests during an entertainment (Cic. *Verr.* iv. 22; *pro Arch.* 9; Suet. *Octav.* 74; Macrob. *Sat.* ii. 4); and it is sometimes used to designate the *anagnostae*. [Anagnostae.]

ACROLITHI (ἀκρόλιθοι), statues, of which the extremities (face, feet, and hands, or toes and fingers) only were of marble, and the remaining part of the body of wood either gilt, or, what seems to have been more usual, covered with drapery. The word occurs only in the Greek Anthology (Brunck, *Anal.* vol. iii. p. 155, No. 20; *Anth. Pal.* xii. 40), and in Vitruvius (ii. 8. § 11); but statues of the kind are frequently mentioned by Pausanias (ii. 4. § 1, vi. 25. § 4, vii. 21. §§ 4 or 10, vii. 23. § 5, viii. 25. § 4 or 6, viii. 31. § 1 or 2, and § 3 or 6, ix. 4. § 1.) It is a mistake to suppose that all the statues of this kind belonged to an earlier period. They continued to be made at least down to the time of Praxiteles. (Comp. Jacobs, *Comment. in Anth. Graec.*, vol. iii. Pt. 1. p. 298; and Winckelmann, *Geschichte der Kunst*, B. i. c. 2. § 13.) [P. S.]

ACRO'POLIS (ἀκρόπολις). In almost all Greek cities, which were usually built upon a hill, rock, or some natural elevation, there was a kind of tower, a castle, or a citadel, built upon the highest part of the rock or hill, to which the name of *acropolis* was given. Thus we read of an acropolis at Athens, Corinth, Argos, Messene, and many other places. The Capitolium at Rome answered the same purpose as the Acropolis in the Greek cities; and of the same kind were the tower of Agathocles at Utica (App. *Pun.* 14), and that of Antonia at Jerusalem. (Joseph. *B. J.* v. § 8, *Act. Apostol.* xxi. 34.) At Athens, the Acropolis served as the treasury, and as the names of all public debtors were registered there, the expression of "registered upon the Acropolis" (ἐγγεγραμμένος ἐν Ἀκροπόλει) always means a public debtor (ἐν ἀκροπόλει γεγραμμένοι, Dem. *c. Theocr.* p. 1337. 24; Böckh. *Publ. Econ. of Athens*, p. 388, 2nd edit.).

ACROSTO'LIUM (ἀκροστόλιον). [Navis.]

ACROTE'RIUM (ἀκρωτήριον) signifies an extremity of any thing. It is generally used in the plural.

1. In Architecture it seems to have been used originally in the same sense as the Latin *fastigium*,

namely, for the sloping roof of a building, and more particularly for the ornamental front or gable of such a roof, that is, *the pediment*. (Plut. *Caes.* 63, compared with Cic. *Philipp.* ii. 43, and Suet. *Caes.* 81.) The usual meaning of *acroteria*, however, is the pedestals placed on the summit of a pediment to receive statues or other ornamental figures. There were three acroteria, one above each angle of the pediment. Vitruvius says that those over the outer angles (*acrot. angularia*) should be as high as the apex of the tympanum, and the one over the highest angle one-eighth part higher. (Vitruv. iii. 3, or iii. 5. § 12, ed. Schneider.) Some writers include the statues themselves as well as the bases under the name; but the only authority for this seems to be an error of Salmasius. (*In* Ael. Spart. *Pescen. Nig.* 12.) 2. The extremities of the prow of a vessel, which were usually taken from a conquered vessel as a mark of victory: the act of doing so was called ἀκρωτηριάζειν. (Xen. *Hell.* ii. 3. § 8, vi. 2. § 36; Herod. iii. 59, viii. 121.) 3. The extremities of a statue, wings, feet, hands, &c. (Dem. *c. Timocr.* p. 738; Athen. v. p. 199, c.) [P. S.]

ACTA. 1. Signified the public acts and orders of a Roman magistrate, which after the expiration of his office were submitted to the senate for approval or rejection. (Suet. *Caes.* 19, 23; Cic. *Phil.* i. 7, &c.) After the death of Julius Caesar the triumvirs swore, and compelled all the other magistrates to swear, to observe and maintain all his acta (*in acta jurare*, comp. Tac. *Ann.* i. 72; Suet. *Tib.* 67); and hence it became the custom on the accession of each emperor for the new monarch to swear to observe and respect all the acta of his predecessors from Julius Caesar downwards, with the exception of those who had been branded with infamy after death, such as Nero and Domitian. Every year all the magistrates upon entering upon their office on the 1st of January swore approval of the acts of the reigning emperor: this oath was originally taken by one magistrate in each department on behalf of his colleagues, but subsequently it was the usual practice for each magistrate to take the oath personally. (Dion Cass. xlvii. 18, liii. 28; Tac. *Ann.* xvi. 22, with the Excursus of Lipsius; Dion Cass. lviii. 17, lx. 25.)

2. Acta Forensia were of two kinds: first, those relating to the government, as leges, plebiscita, edicta, the names of all the magistrates, &c., which formed part of the *tabulae publicae;* and secondly, those connected with the courts of law. The acta of the latter kind contained an account of the different suits, with the arguments of the advocates and the decisions of the court. In the time of the republic the names of those who were acquitted and condemned were entered on the records of the court (*in tabulas absolutum non retulit*, Cic. *ad Fam.* viii. 8. §. 3), and it appears from the quotations of Asconius from these Acta, that they must have contained abstracts of the speeches of the advocates as early as the time of Cicero. (*In Scaurian.* p. 19, *in Milonian.* pp. 32, 44, 47, ed. Orelli.) Under the empire the proceedings of the higher courts seem to have been always preserved, and they are frequently referred to in the Digest. They are sometimes called *Gesta;* and they commenced with the names of the consuls for the year, and the day of the month. (Amm. Marc. xxii. 3; August. *Acta c. Fortun. Manich. Retract.* i. 16; Cod. Theod. 2. tit. 29. s. 3.) Specimens of these Acta are given by Brissonius. (*De Formulis*, v. § 113.) They were taken by clerks (*ab actis fori*), whose titles and duties occur in Lydus (*de Magistr.* ii. 20, &c.) and the *Notitia Dignitatum*.

3. Acta Militaria, contained an account of the duties, numbers, and expences of each legion (Veget. ii. 19), and were probably preserved in the military treasury founded by Augustus (Suet. *Aug.* 49; Tac. *Ann.* i. 78; Dion Cass. lv. 25.) The soldiers, who drew up these acta, are frequently mentioned in inscriptions and ancient writers under various titles, as, *librarius legionis; actuarius* or *actarius legionis; tabularius castrensis*, &c.

4. Acta Senatus, called also Commentarii Senatus (Tac. *Ann.* xv. 74) and Acta Patrum (*Ann.* v. 4), contained an account of the various matters brought before the senate, the opinions of the chief speakers, and the decision of the house. It has been usually inferred from a passage of Suetonius ("Inito honore primus omnium instituit, ut tam senatus quam populi diurna acta conficerentur et publicarentur," *Caes.* 20), that the proceedings of the senate were not published till the first consulship of Julius Caesar, B. C. 59; but this was not strictly the case; for not only had the decrees of the senate been written down and published long previously, but the debates on the Catilinarian conspiracy had been widely circulated by Cicero (*p. Sull.* 14, 15.) All that Suetonius means to say is, that the proceedings of the senate, which had been only occasionally published before and by private individuals, were for the first time, by the command of Caesar, published regularly every day (*senatus acta diurna*) under the authority of government as part of the daily gazette. Augustus forbade the publication of the proceedings of the senate, but they still continued to be preserved, and one of the most distinguished senators, who received the title *ab actis senatus*, was chosen by the emperor to compile the account. (Tac. *Ann.* v. 4; Spart. *Hadr.* 3; Orelli, *Inscr.* No. 2274, 3186.) The persons entrusted with this office must not be confounded with the various clerks (*actuarii, servi publici, scribae, censuales*), who were present in the senate to take notes of its proceedings, and who were only excluded when the senate passed a *senatusconsultum tacitum*, that is, when they deliberated on a subject of the greatest importance, respecting which secresy was necessary or advisable. (Capit. *Gord.* 12.) It was doubtless from notes and papers of these clerks that the Acta were compiled by the senator, who was entrusted with this office. The Acta were deposited in some of the record offices in particular departments of the public libraries, to which access could only be obtained by the express permission of the praefectus urbi. They were consulted and are frequently referred to by the later historians (Vopisc. *Prob.* 2; Lamprid. *Sever.* 56; Capitol. *Opil. Macr.* 6), and many extracts from them were published in the Acta Diurna. Tacitus and Suetonius never refer to the Acta Senatus as authorities, but only to the Acta Diurna.

5. Acta Diurna, a gazette published daily at Rome by the authority of the government during the later times of the republic, and under the empire, corresponding in some measure to our newspapers. (Tac. *Ann.* iii. 3, xiii. 31, xvi. 22.) In addition to the title *Acta Diurna*, we find them referred to under the names of *Diurna*, *Acta Pub-*

lica, *Acta Urbana*, *Acta Rerum Urbanarum*, *Acta Populi*, and they are frequently called simply *Acta*. The Greek writers on Roman history call them *τὰ ὑπομνήματα*, *τὰ δημόσια ὑπομνήματα*, *τὰ δημόσια γράμματα* and *τὰ κοινὰ ὑπομνήματα*. The nature of their contents will be best seen from the following passage of Petronius (c. 53) where in imitation of them is given by the actuarius of Trimalchio: — "Actuarius — tamquam acta urbis recitavit: vii. Kal. Sextilis in praedio Cumano, quod est Trimalchionis, nati sunt pueri XXX., puellae XL.; sublata in horreum ex area tritici millia modium quingenta; boves domiti quingenti. Eodem die Mithridates servus in crucem actus est, quia Gaii nostri genio maledixerat. Eodem die in arcam relatum est, quod collocari non potuit, sestertium centies. Eodem die incendium factum est in hortis Pompeianis, ortum ex aedibus Nastae villici. Jam etiam edicta aedilium recitabantur, et saltuariorum testamenta, quibus Trimalchio cum elogio exhaeredabatur; jam nomina villicorum et repudiata a circumitore liberta in balneatoris contubernio deprehensa; atriensis Baias relegatus; jam reus factus dispensator; et judicium inter cubicularios actum." From this passage, and from the numerous passages in ancient writers, in which the Acta Diurna are quoted (references to which are given in the works of Le Clerc and Liberkühn cited below), it would appear that they usually contained the following matters: — 1. The number of births and deaths in the city, an account of the money paid into the treasury from the provinces, and every thing relating to the supply of corn. These particulars would be extracted from the tabulae publicae. By an ancient regulation, ascribed to Servius Tullius (Dionys. iv. 15), all births were registered in the temple of Venus, and all deaths in that of Libitina; and we know that this practice was continued under the empire, only that at a later time the temple of Saturn was substituted for that of Venus for the registration of births. (Jul. Cap. *M. Aurel.* 9.) 2. Extracts from the Acta Forensia, containing the edicts of magistrates, the testaments of distinguished men, reports of trials, with the names of those who were acquitted and condemned, and likewise a list of the magistrates who were elected. 3. Extracts from the acta senatus, especially all the decrees and acclamationes [ACCLAMATIO] in honour of the reigning emperor. 4. A court circular, containing an account of the births, deaths, festivals, and movements of the imperial family. 5. An account of such public affairs and foreign wars as the government thought proper to publish. 6. Curious and interesting occurrences, such as prodigies and miracles, the erection of new edifices, the conflagration of buildings, funerals, sacrifices, a list of the various games, and especially amatory tales and adventures, with the names of the parties. (Comp. Cic. *ad Fam.* ii. 15.) The fragments of some Acta Diurna have been published by Pighius and Dodwell, but their genuineness is too doubtful to allow us to make use of them as authorities.

It is certain that these acta were published under the authority of the government, but it is not stated under whose superintendence they were drawn up. It is probable, however, that this duty devolved upon the magistrates, who had the care of the tabulae publicae, namely, the censors under the republic (Liv. iv. 8, xliii. 16), and sometimes the quaestors, sometimes the praefecti aerarii under the empire. (Tac. *Ann.* xiii. 28.) By a regulation of Alexander Severus, seven of the fourteen curatores urbis, whom he appointed, had to be present when the acta were drawn up. (Lamprid. *Alex. Sev.* 33.) The actual task of compiling them was committed to subordinate officers, called *actuarii* or *actarii*, who were assisted by various clerks, and by reporters (*notarii*), who took down in short-hand the proceedings in the courts, &c. After the acta had been drawn up, they were exposed for a time in some public place in the city, where persons could read them and take copies of them. Many scribes, whom Cicero speaks of under the name of *operarii*, made it their business to copy them or make extracts from them for the use of the wealthy in Rome, and especially in the provinces, where they were eagerly sought after and extensively read. (Cic. *ad Fam.* viii. 1, xiii. 8; Tac. *Ann.* xvi. 22.) After the acta had been exposed in public for a certain time, they were deposited, like the Acta Senatus, in some of the record offices, or the public libraries.

The style of the acta, as appears from the passage in Petronius, was very simple and concise. They contained a bare enumeration of facts without any attempt at ornament.

As to the time at which these acta were first composed, there is a considerable variety of opinion among modern writers. It is maintained that the passage of Suetonius (*Caes.* 20), quoted above, does not imply that the acta were first published in the first consulship of Julius Caesar, and that the meaning of it is, "that he first ordained that the acta diurna of the senate should be compiled and published just as (*tam quam*) those of the people had been." But although this interpretation is probably the correct one, still there is no passage in the ancient writers in which the Acta Diurna are decisively mentioned, previous to Caesar's first consulship; for the *diarium* referred to by Sempronius Asellio (Gell. v. 18), which is frequently brought forward as a proof of this early publication, is the journal of a private person. There is likewise no evidence to support an opinion adopted by many modern writers that the publication of the acta first commenced in B. C. 133 to supply the place of the Annales Maximi, which were discontinued in that year (Cic. *de Orat.* ii. 12), while on the contrary the great difference of their contents renders it improbable that such was the case. The Acta Diurna continued in use to the downfall of the western empire, or at least till the removal of the seat of government to Constantinople, but they were never published at the latter city.

(Lipsius, *Excursus ad Tac. Ann.* v. 4; Ernesti, *Excursus ad Suet. J. Caes.* 20; Schlosser, *Ueber die Quellen der spätern latein. Geschichtschreiber, besonders über Zeitungen, &c.* in the *Archiv für Geschichte*, pp. 80—106; Prutze, *De Fontibus, quos in conscribendis rebus inde a Tiberio usque ad mortem Neronis gestis auctores veteres secuti videantur*, Halle, 1840; Zell, *Ueber die Zeitungen der alten*, Friburg, 1834; but the two best works on the subject are, Le Clerc, *Des Journaux chez les Romains*, Paris, 1838, and Lieberkühn, *De Diurnis Romanorum Actis*, Weimar, 1840.)

A'CTIA (Ἄκτια), a festival of Apollo, celebrated at Nicopolis in Epeirus, with wrestling, musical contests, horse-racing, and sea fights. It was established by Augustus, in commemoration of his victory over Antony off Actium, and was probably the revival of an ancient festival; for there was a celebrated temple of Apollo at Actium, which is mentioned by Thucydides (i. 29), and Strabo (vii. p. 325), and which was enlarged by Augustus. The games instituted by Augustus were celebrated every four years (πενταετηρίς, *ludi quinquennales*); they received the title of a sacred Agon, and were also called Olympia. (Strab. *l. c.*; Dion Cass. li. 1.; Suet. *Aug.* 18; Böckh, *Corp. Inscr.* No. 1720, p. 845; Krause, *Olympia*, p. 221.)

A'CTIO is defined by Celsus (Dig. 44. tit. 7. s. 51) to be the right of pursuing by judicial means (*judicio*) what is a man's due.

With respect to its subject-matter, the actio was divided into two great divisions, the *in personam actio*, and the *in rem actio*. The *in personam actio* was against a person who was bound to the plaintiff by contract or delict, that is, when the claim against such person was 'dare, facere, praestare oportere;' the *in rem actio* applied to those cases where a man claimed a corporal thing (*corporalis res*) as his property, or claimed a right, as for instance the use and enjoyment of a thing, or the right to a road over a piece of ground (*actus*). The *in rem actio* was called *vindicatio;* the *in personam actio* was called in the later law *condictio*, because originally the plaintiff gave the defendant notice to appear on a given day for the purpose of choosing a judex. (Gaius, iv. 5.)

The old actions of the Roman law were called *legis actiones*, or *legitimae*, either because they were expressly provided for by laws (*leges*), or because they were strictly adapted to the words of the laws, and therefore could not be varied. In like manner, the old writs in England contained the matter or claim of the plaintiff expressed according to the legal rule.[*]

The five modes of proceeding by legal action as named and described by Gaius (iv. 12), were, Sacramento, Per judicis postulationem, Per condictionem, Per manus injectionem, Per pignoris capionem.

But these forms of action gradually fell into disuse, in consequence of the excessive nicety required, and the failure consequent on the slightest error in the pleadings; of which there is a notable example given by Gaius himself (iv. 11), in the case of a plaintiff who complained of his vines (*vites*) being cut down, and was told that his action was bad, inasmuch as he ought to have used the term trees (*arbores*) and not vines; because the law of the Twelve Tables, which gave him the action for damage to his vines, contained only the general expression "trees" (*arbores*). The Lex Aebutia and two Leges Juliae abolished the old *legitimas actiones*, except in the case of *damnum infectum* [DAMNUM INFECTUM], and in matters which fell under the cognizance of the Centumviri. [CENTUMVIRI.]

In the old Roman constitution, the knowledge of the law was closely connected with the institutes and ceremonial of religion, and was accordingly in the hands of the patricians alone, whose aid their clients were obliged to ask in all their legal disputes. Appius Claudius Caecus, perhaps one of the earliest writers on law, drew up the various forms of actions, probably for his own use and that of his friends: the manuscript was stolen or copied by his scribe Cn. Flavius, who made it public: and thus, according to the story, the plebeians became acquainted with those legal forms which hitherto had been the exclusive property of the patricians. (Cic. *De Orat.* i. 41, *pro Murena*, c. 11; Dig. 1. tit. 2. s. 2. § 7.)

Upon the old legal actions being abolished, it became the practice to prosecute suits according to certain prescribed forms or formulae, as they were called, which will be explained after we have noticed various divisions of actions, as they are made by the Roman writers.

The division of *actiones* in the Roman law is somewhat complicated, and some of the divisions must be considered rather as emanating from the schools of the rhetoricians than from any other source. But this division, though complicated, may be somewhat simplified, or at least rendered more intelligible, if we consider that an action is a claim or demand made by one person against another, and that in order to be a valid legal claim it must be founded on a legal right. The main division of actions must therefore have a reference or analogy to the main division of rights; for in every system of law the form of the action must be the expression of the legal right. Now the general division of rights in the Roman law is into rights of dominion or ownership, which are rights against the whole world, and into rights arising from contract, and quasi contract, and delict. The *actio in rem* implies a complainant, who claims a certain right against every person who may dispute it, and the object and end of the action are to compel an acknowledgment of the right by the particular person who disputes it. By this action the plaintiff maintains his property in or to a thing, or his rights to a benefit from a thing (*servitutes*). Thus the *actio in rem* is not so called on account of the subject-matter of the action, but the term is a technical phrase to express an action which is in no way founded on contract, and therefore has no determinate individual as the other necessary party to the action; but every individual who disputes the right becomes, by such act of disputing, a party liable to such action. The *actio in rem* does not ascertain the complainant's right, and from the nature of the action the complainant's right cannot be ascertained by it, for it is a right against all the world; but the action determines that the defendant has or has not a claim which is valid against the plaintiff's claim. The *actio in personam* implies a determinate person or persons against whom the action lies, the right of the plaintiff being founded on the acts of the defendant or defendants: it is, therefore, in respect of something which has been agreed to be done, or in respect of some injury for which the plaintiff claims compensation. The *actio mixta* of Justinian's legislation (Inst. iv. tit. 6, s. 20) was so called from its being supposed to partake of the nature of the *actio in rem* and the *actio in personam*. Such was the action among co-heirs as to the division of the inheritance, and the action for the purpose of settling boundaries which were confused.

Rights, and the modes of enforcing them, may also be viewed with reference to the sources from which they flow. Thus, the rights of Roman citizens flowed in part from the sovereign power, in part from those to whom power was delegated.

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[*] "Breve quidem cum sit formatum ad similitudinem regulae juris, quia breviter et paucis verbis intentionem proferentis exponit et explanat, sicut regula juris, rem quae est breviter enarrat." (Bracton, f. 413.)

That body of law which was founded on, and flowed from the edicts of the praetors, and curule aediles, was called *jus honorarium*, as opposed to the *jus civile*, in its narrower sense, which comprehended the *leges*, *plebiscita*, *senatus consulta*, &c. The *jus honorarium* introduced new rights and modified existing rights; it also provided remedies suitable to such new rights and modifications of old rights, and this was effected by the actions which the praetors and aediles allowed. On this jurisdiction of the praetors and aediles is founded the distinction of actions into *civiles* and *honorariae*, or, as they are sometimes called, *praetoriae*, from the greater importance of the praetor's jurisdiction.

There were several other divisions of actions, all of which had reference to the forms of procedure.

A division of actions was sometimes made with reference to the object which the plaintiff had in view. If the object was to obtain a thing, the action was called *persecutoria*. If the object was to obtain damages (*poena*) for an injury, as in the case of a thing stolen, the action was *poenalis;* for the thing itself could be claimed both by the *vindicatio* and the *condictio*. If the object was to obtain both the thing and damages, it was probably sometimes called *actio mixta*, a term which had however another signification also, as already observed. The division of *actiones* into *directae* and *utiles* must be traced historically to the *actiones fictitiae* or fictions by which the rights of action were enlarged and extended. The origin of this division was in the power assumed by the praetor to grant an action in special cases where no action could legally be brought, and in which an action, if brought, would have been *inanis* or *inutilis*. After the decline of the praetor's power, the *actiones utiles* were still extended by the contrivances of the *juris prudentes* and the rescripts of the emperors. Whenever an *actio utilis* was granted, it was framed on some analogy to a legally recognised right of action. Thus, in the examples given by Gaius (iv. 34), he who obtained the *bonorum possessio* by the praetor's edict, succeeded to the deceased by the praetorian and not the civil law: he had, therefore, no direct action (*directa actio*) in respect of the rights of the deceased, and could only bring his action on the fiction of his being what he was not, namely, *heres*.

Actions were also divided into *ordinariae* and *extraordinariae*. The *ordinariae* were those which were prosecuted in the usual way, first before the praetor, *in jure*, and then before the judex, *in judicio*. When the whole matter was settled before or by the praetor in a summary way, the name *extraordinaria* was applicable to such action. [INTERDICT.]

The term *condictiones* only applies to personal actions; but not to all personal actions. It does not comprehend actions *ex delicto*, nor *bonae fidei actiones*. As opposed to *bonae fidei actiones*, *condictiones* were sometimes called *actiones stricti juris*. In the *actiones stricti juris* it appears that the formula of the praetor expressed in precise and strict terms the matter submitted to the judex, whose authority was thus confined within limits. In the *actiones bonae fidei*, or *ex fide bona* (Cic. *Top.* 17), more latitude was given, either by the formula of the praetor, or was implied in the kind of action, such as the action *ex empto*, *vendito*, *locato*, &c., and the special circumstances of the case were to be taken into consideration by the judex. The *actiones arbitrariae* were so called from the judex in such case being called an arbiter, probably, as Festus says, because the whole matter in dispute was submitted to his judgment; and he could decide according to the justice and equity of the case, without being fettered by the praetor's formula. It should be observed also, that the judex properly could only condemn in a sum of money; but the arbiter might declare that any particular act should be done by either of the parties, which was called his *arbitrium*, and was followed by the *condemnatio* if it was not obeyed.

The division of actions into *perpetuae* and *temporales* had reference to the time within which an action might be brought, after the right of action had accrued. Originally those actions which were given by a *lex*, *senatus consultum*, or an imperial constitution, might be brought without any limitation as to time; but those which were granted by the praetor's authority were generally limited to the year of his office. A time of limitation was, however, fixed for all actions by the late imperial constitutions.

The division of actions into *actiones in jus* and *in factum* is properly no division of actions, but has merely reference to the nature of the formula. In the formula *in factum concepta*, the praetor might direct the judex barely to inquire as to the fact which was the only matter in issue; and on finding the fact, to make the proper *condemnatio:* as in the case of a freedman bringing an action against his patronus. (Gaius, iv, 46.) In the formula *in jus* the fact was not in issue, but the legal consequences of the fact were submitted to the discretion of the judex. The formula *in factum* commenced with the technical expression, *Si paret*, &c., "If it should appear," &c.; the formula *in jus* commenced, *Quod A. A.*, &c., "Whereas A. A. did so and so." (Gaius, iv. 47.)

The actions which had for their object the punishment of crimes, were considered public; as opposed to those actions by which some particular person claimed a right or compensation, and which were therefore called *privatae*. The former were properly called *judicia publica;* and the latter, as contrasted with them, were called *judicia privata*. [JUDICIUM.]

The actions called *noxales* arose when a *filius familias* (a son in the power of his father), or a slave, committed a theft, or did any injury to another. In either case the father or owner might give up the wrong-doer to the person injured, or else he must pay competent damages. These actions, it appears, take their name either from the injury committed, or because the wrong-doer was liable to be given up to punishment (*noxae*) to the person injured. Some of these actions were of legal origin, as that of theft, which was given by the Twelve Tables; that of *damnum injuriae*, which was given by the Aquilia Lex; and that of *injuriarum et vi bonorum raptorum*, which was given by the edict, and therefore was of praetorian origin. This instance will serve to show that the Roman division and classification of actions varied according as the Roman writers contemplated the sources of rights of action, or the remedies and the modes of obtaining them.

An action was commenced by the plaintiff summoning the defendant to appear before the praetor or other magistrate who had *jurisdictio:* this process was called *in jus vocatio;* and, according to the laws of the Twelve Tables, was in effect a dragging of the defendant before the praetor if he refused to go quietly. This rude proceeding was modified in later times, and in many cases there could be no *in jus vocatio* at all, and in other cases it was necessary to obtain the praetor's permission under pain of a penalty. It was also established that a man could not be dragged from his own house; but if a man kept his house to avoid, as we should say, being served with a writ, he ran the risk of a kind of sequestration (*actor in bona mittebatur*). The object of these rules was to make the defendant appear before the competent jurisdiction; the device of entering an appearance for the defendant does not seem to have suggested itself to the Roman lawyers. (Dig. 2. tit. 4.) If the defendant would not go quietly, the plaintiff called on any bystander to witness (*antestari*) that he had been duly summoned, touched the ear of the witness, and dragged the defendant into court. (Hor. *Serm.* i. 9. 75—78; Plautus, *Curcul.* v. 2.) The parties might settle their dispute on their way to the court, or the defendant might be bailed by a vindex. (Cic. *Top.* 2; Gaius, iv. 46; Gellius, xvi. 10.) The vindex must not be confounded with the vades. This settlement of disputes on the way was called *transactio in via*, and serves to explain a passage in St. Matthew (v. 25).[*]

When before the praetor, the parties were said *jure agere.* The plaintiff then prayed for an action, and if the praetor allowed it (*dabat actionem*), he then declared what action he intended to bring against the defendant, which was called *edere actionem.* This might be done in writing, or orally, or by the plaintiff taking the defendant to the *album*, and showing him which action he intended to rely on. (Dig. 2. tit. 13.) As the *formulae* comprehended, or were supposed to comprehend, every possible form of action that could be required by a plaintiff, it was presumed that he could find among all the formulae some one which was adapted to his case, and he was accordingly supposed to be without excuse if he did not take pains to select the proper formula. (Cic. *Pro Ros. Com.* c. 8.) If he took the wrong one, or if he claimed more than his due, he lost his cause (*causa cadebat*, Cic. *De Orat.* i. 36); but the praetor sometimes gave him leave to amend his claim or *intentio.* (Gaius, iv. 53, &c.) If, for example, the contract between the parties was for something *in genere*, and the plaintiff claimed something *in specie*, he lost his action: thus the contract might be, that the defendant undertook to sell the plaintiff a quantity of dye-stuff or a slave; if the plaintiff claimed Tyrian purple, or a particular slave, his action was bad; therefore, says Gaius, according to the terms of the contract so ought the claim of the *intentio* to be. As the formulae were so numerous and comprehensive, the plaintiff had only to select the formula which he supposed to be suitable to his case, and it would require no further variation than the insertion of the names of the parties and of the thing claimed, or the subject-matter of the suit, with the amount of damages, &c., as the case might be. When the praetor had granted an action, the plaintiff required the defendant to give security for his appearance before the praetor (*in jure*) on a day named, commonly the day but one after the *in jus vocatio*, unless the matter in dispute was settled at once. The defendant, on finding a surety, was said *vades dare* (Hor. *Serm.* I. i. 11), *vadimonium promittere*, or *facere;* the surety, *vas*, was said *spondere;* the plaintiff when satisfied with the surety was said, *vadari reum*, to let him go on his sureties, or to have sureties from him. When the defendant promised to appear *in jure* on the day named, without giving any surety, this was called *vadimonium purum.* In some cases *recuperatores* were named, who, in case of the defendant making default, condemned him in the sum of money named in the *vadimonium.*

If the defendant appeared on the day appointed, he was said *vadimonium sistere;* if he did not appear, he was said *vadimonium deseruisse*, and the praetor gave to the plaintiff the *bonorum possessio.* (Hor. *Serm.* i. 9. 36—41; Cic. *Pro P. Quintio*, c. 6.) Both parties, on the day appointed, were summoned by a crier (*praeco*), when the plaintiff made his claim or demand, which was very briefly expressed, and may be considered as corresponding to our declaration at law.

The defendant might either deny the plaintiff's claim, or he might reply to it by a plea, *exceptio.* If he simply denied the plaintiff's claim, the cause was at issue, and a judex might be demanded. The forms of the *exceptio* also were contained in the praetor's edict, or upon hearing the facts the praetor adapted the plea to the case. The *exceptio* was the defendant's defence, and was often merely an equitable answer or plea to the plaintiff's legal demand. The plaintiff might claim a thing upon his contract with the defendant, and the defendant might not deny the contract, but might put in a plea of fraud (*dolus malus*), or that he had been constrained to come to such agreement. The *exceptio* was in effect something which negatived the plaintiff's demand, and it was expressed by a negative clause: thus, if the defendant asserted that the plaintiff fraudulently claimed a sum of money which he had not given to the defendant, the *exceptio* would run thus: *Si in ea re nihil dolo malo Auli Agerii factum sit neque fiat.* Though the *exceptio* proceeded from the defendant, it was expressed in this form, in order to be adapted for insertion in the formula, and to render the *condemnatio* subject to the condition.

Exceptions were *peremptoriae* or *dilatoriae.* Peremptory exceptions were a complete and perpetual answer to the plaintiff's demand, such as an exceptio of *dolus malus*, or of *res judicata.* Dilatory exceptions were, as the name imports, merely calculated to delay the plaintiff's demand; as, for instance, by showing that the debt or duty claimed was not yet due. Gaius considers the exceptio *litis dividuae* and *rei residuae* (iv. 122) as belonging to this class. If a plaintiff prosecuted his action after a dilatory exception, he lost altogether his right of action. There might be dilatory exceptions also to the person of the plaintiff, of which class is the *exceptio cognitoria*, by which the defendant objects either that the plaintiff is not intitled to sue by a *cognitor*, or that the cognitor whom he had named was not qualified to act as a cognitor. If the exception was allowed, the plaintiff could either sue himself, or name a proper cognitor, as the case might be. If a defendant neglected to take advantage of a peremptory *exceptio*, the praetor might afterwards give him permission to avail himself of it; whether he could do the same in the case of a dilatory was a doubtful question. (Gaius, iv. 125.)

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[*] It is not easy to state correctly the changes in procedure which took place after the abolition of the *legitimae actiones.* Compare Gaius iv. 25, 46.

The plaintiff might reply to the defendant's *exceptio*, for the defendant by putting in his plea became an actor. [Actor.] The defendant's plea might be good, and a complete answer to the plaintiff's demand, and yet the plaintiff might allege something that would be an answer to the plea. Thus, in the example given by Gaius (iv. 126), if an argentarius claimed the price of a thing sold by auction, the defendant might put in a plea, which, when inserted in the formula, would be of this shape: — *Ut ita demum emptor damnetur, si ei res quam emerit, tradita sit;* and this would be in form a good plea. But if the conditions of sale were that the article should not be handed to the purchaser before the money was paid, the argentarius might put in a *replicatio* in this shape: — *Nisi praedictum est ne aliter emptori res traderetur quam si pretium emptor solverit.* If the defendant answered the *replicatio*, his answer was called *duplicatio;* and the parties might go on to the *triplicatio* and *quadruplicatio*, and even further, if the matters in question were such that they could not otherwise be brought to an issue.

The *praescriptio*, which was so called from being written at the head or beginning of the formula, was adapted for the protection of the plaintiff in certain cases. (Gaius, iv. 130, &c.; Cic. *De Orat.* i. 37.) For instance, if the defendant was bound to make to the plaintiff a certain fixed payment yearly or monthly, the plaintiff had a good cause of action for all the sums of money already due; but in order to avoid making his demand for the future payments not yet due, it was necessary to use a praescription of the following form: — *Ea res agatur cujus rei dies fuit.*

A person might maintain or defend an action by his *cognitor* or *procurator*, or, as we should say, by his attorney. The plaintiff and defendant used a certain form of words in appointing a cognitor, and it would appear that the appointment was made in the presence of both parties. The cognitor needed not to be present, and his appointment was complete when by his acts he had signified his assent. (Cic. *Pro Q. Roscio*, c. 2; Hor. *Serm.* i. 5. 35.) No form of words was necessary for appointing a *procurator*, and he might be appointed without the knowledge of the opposite party.

In many cases both plaintiff and defendant might be required to give security (*satisdare*); for instance, in the case of an *actio in rem*, the defendant who was in possession was required to give security, in order that if he lost his cause and did not restore the thing, nor pay its estimated value, the plaintiff might have an action against him or his sureties. When the *actio in rem* was prosecuted by the *formula petitoria*, that *stipulatio* was made which was called *judicatum solvi.* As to its prosecution by the *sponsio*, see Sponsio and Centumviri. If the plaintiff sued in his own name, he gave no security; nor was any security required, if a cognitor sued for him, either from the cognitor or the plaintiff himself, for the cognitor was personally liable. But if a procurator acted for him, he was obliged to give security that the plaintiff would adopt his acts; for the plaintiff was not prevented from bringing another action when a procurator acted for him. Tutors and curators generally gave security like procurators. In the case of an *actio in personam*, the same rules applied to the plaintiff as in the *actio in rem.* If the defendant appeared by a cognitor, the defendant had to give security; if by a procurator, the procurator had to give security.

When the cause was brought to an issue, a judex or judices might be demanded of the praetor who named or appointed a judex and delivered to him the formula which contained his instructions. The judices were said *dari* or *addici.* So far the proceedings were said to be *in jure;* the prosecution of the actio before the judex requires a separate discussion. [Judicium.]

The following is an example of a formula taken from Gaius (iv. 47): — *Judex esto. Si paret Aulum Agerium apud Numerium Negidium mensam argenteam deposuisse eamque dolo malo Numerii Negidii Aulo Agerio redditam non esse quanti ea res erit tantam pecuniam judex Numerium Negidium Aulo Agerio condemnato: si non paret, absolvito.*

The nature of the formula, however, will be better understood from the following analysis of it by Gaius: — It consisted of four parts, the *demonstratio*, *intentio*, *adjudicatio*, *condemnatio.* The *demonstratio* is that part of the formula which explains what the subject-matter of the action is. For instance, if the subject-matter be a slave sold, the *demonstratio* would run thus: — *Quod Aulus Agerius Numerio Negidio hominem vendidit.* The *intentio* contains the claim or demand of the plaintiff: — *Si paret hominem ex jure Quiritium Auli Agerii esse.* The *adjudicatio* is that part of the formula which gives the judex authority to adjudicate the thing which is the subject of dispute to one or other of the litigant parties. If the action be among partners for dividing that which belongs to them all, the adjudication would run thus: — *Quantum adjudicari oportet judex Titio adjudicato.* The *condemnatio* is that part of the formula which gives the judex authority to condemn the defendant in a sum of money, or to acquit him: for example, *Judex Numerium Negidium Aulo Agerio sestertium milia condemna: si non paret, absolve.* Sometimes the *intentio* alone was requisite, as in the formulae called *praejudiciales* (which some modern writers make a class of actions), in which the matter for inquiry was, whether a certain person was a freedman, what was the amount of a *dos*, and other similar questions, when a fact solely was the thing to be ascertained.

Whenever the formula contained the *condemnatio*, it was framed with the view to pecuniary damages; and accordingly, even when the plaintiff claimed a particular thing, the judex did not adjudge the defendant to give the thing, as was the ancient practice at Rome, but condemned him in a sum of money equivalent to the value of the thing. The formula might either name a fixed sum, or leave the estimation of the value of the thing to the judex, who in all cases, however, was bound to name a definite sum in the condemnation.

The formula then contained the pleadings, or the statements and counter-statements, of the plaintiff and the defendant; for the *intentio*, as we have seen, was the plaintiff's declaration; and if this was met by a plea, it was necessary that this also should be inserted in the formula. The formula also contained the directions for the judex, and gave him the power to act. The English and Roman procedure are severally stated in Mr.

Spence's work on the *Equitable Jurisdiction of the Court of Chancery*, pp. 206—235. The Roman forms of procedure underwent various changes in the course of time, which it is not very easy to describe; but it has been remarked by Hollweg (*Handbuch des Civilprozesses*, p. 19) that the system of procedure maintained itself in all essential particulars unaltered for many centuries, and what we learn from Cicero (B. C. 70) is almost the same as what we learn from Gaius (A. D. 160). Modern writers, however, differ on various points; and the subject requires a complete examination from one who is fully acquainted with the Roman law, and practically versed in the nature of legal proceedings generally.

The following are the principal actions which we read of in the Roman writers, and which are briefly described under their several heads: — Actio — Aquae pluviae arcendae; Bonorum vi raptorum; Certi et Incerti; Commodati; Communi dividundo; Confessoria; Damni injuria dati; Dejecti vel effusi; Depensi; Depositi; De dolo malo; Emti et venditi; Exercitoria; Ad Exhibendum; Familiae erciscundae; Fiduciaria; Finium regundorum; Furti; Hypothecaria; Injuriarum; Institoria; Judicati; Quod jussu; Legis Aquiliae; Locati et conducti; Mandati; Mutui; Negativa; Negotiorum gestorum; Noxalis; De pauperie; De peculio; Pignoraticia, or Pignoratitia; Publiciana; Quanti minoris; Rationibus distrahendis; De recepto; Redhibitoria; Rei uxoriae, or Dotis; Restitutoria and Rescissoria; Rutiliana; Serviana; Pro socio; Tributoria; Tutelae. [G. L.]

ACTOR signified generally a plaintiff. In a civil or private action, the plaintiff was often called *petitor*; in a public action (*causa publica*), he was called *accusator*. (Cic. *ad Att.* i. 16.) The defendant was called *reus*, both in private and public causes: this term, however, according to Cicero (*De Orat.* ii. 43), might signify either party, as indeed we might conclude from the word itself. In a private action, the defendant was often called *adversarius*, but either party might be called *adversarius* with respect to the other. Originally, no person who was not *sui juris* could maintain an action; a *filius familias*, therefore, and a slave, could not maintain an action; but in course of time certain actions were allowed to a *filius familias* in the absence of his parent or his procurator, and also in case the parent was incompetent to act from madness or other like cause. (Dig. 47. tit. 10. s. 17.) Wards (*pupilli*) brought their actions by their tutor (*tutor*); and in case they wished to bring an action against their tutor, the praetor named a tutor for the purpose. (Gaius, i. 184.) *Peregrini*, or aliens, originally brought their action through their patronus; but afterwards in their own name, by a fiction of law, that they were Roman citizens. A Roman citizen might also generally bring his action by means of a cognitor or procurator. [Actio.] A *universitas* or corporate body, sued and was sued by their *actor* or *syndicus*. (Dig. 3. tit. 4.)

Actor has also the sense of an agent or manager of another's business generally. The *actor publicus* was an officer who had the superintendence or care of slaves belonging to the state. Lipsius says that the *actor publicus* was a slave or freedman. A slave could acquire property for others, though not for himself. In the case mentioned by Pliny (*Ep.* vii. 18), the *actor publicus* was the representative of the community (*respublica*) of Comum. (Tacit. *Ann.* ii. 30, iii. 67; Lips. *Excurs. ad Tacit. Ann.* ii 30.) [G. L.]

ACTUA'RIAE NAVES. [Navis.]

ACTUA'RII, or ACTA'RII, clerks who compiled the Acta Publica. [Acta, p. 8, b.] The name is also sometimes given to the *Notarii*, or short-hand writers, who took down the speeches in the senate and the courts (Suet. *Jul.* 55; Sen. *Ep.* 33); respecting whom and the use of short-hand among the Romans, see Notarii.

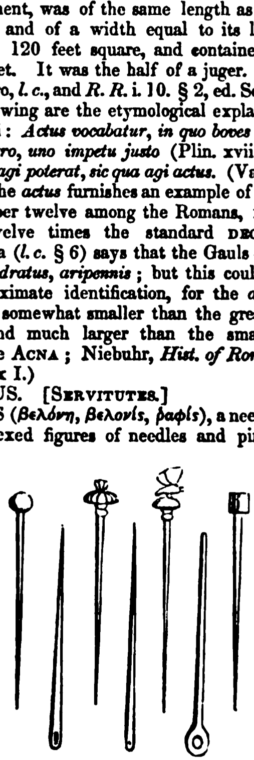
2. Military officers whose duty it was to keep the accounts of the army, to see that the contractors supplied the soldiers with provisions according to agreement, &c. (Amm. Marc. xx. 5; Cod. 12. tit. 37. s. 5. 16; 12. tit. 49.)

3. The title of certain physicians at the court of Constantinople. [Medicus.]

ACTUS, a Roman measure of land, which formed the basis of the whole system of land measurement. In that system the name *actus* (from *ago*), which originally meant a way between fields for beasts of burthen to pass (or, as some say, the length of a furrow), was given to such a way when of a definite width and length, and also to a square piece of land of the same length. The former was called *actus minimus* or *simplex*, and was 120 feet (Roman) long by 4 feet wide. (Varro, *L. L.* iv. 4, or v. 34, Müller; Colum. v. 1. § 5, ed. Schneider; Festus, *s. v. iter inter vicinos IV. pedum latum*). The *actus quadratus*, which was the square unit in the system of Roman land-measurement, was of the same length as the *actus minimus*, and of a width equal to its length: it was thus 120 feet square, and contained 14,400 square feet. It was the half of a juger. (Colum. *l. c.*; Varro, *l. c.*, and *R. R.* i. 10. § 2, ed. Schneider). The following are the etymological explanations of the word: *Actus vocabatur, in quo boves agerentur cum aratro, uno impetu justo* (Plin. xviii. 3); *Ut ager quo agi poterat, sic qua agi actus.* (Varro, *L. L. l. c.*) The *actus* furnishes an example of the use of the number twelve among the Romans, its length being twelve times the standard decempeda. Columella (*l. c.* § 6) says that the Gauls called the *actus quadratus*, *aripennis*; but this could only be an approximate identification, for the *actus quadratus* is somewhat smaller than the great French *arpent* and much larger than the small *arpent*. (Compare Acna; Niebuhr, *Hist. of Rome*, vol. ii. Appendix I.) [P. S.]

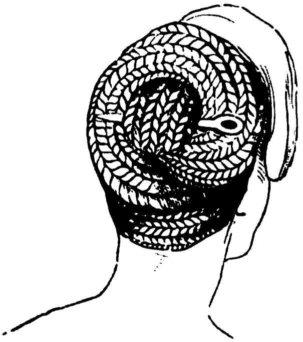
ACTUS. [Servitutes.]

ACUS (βελόνη, βελονίς, ῥαφίς), a needle, a pin. The annexed figures of needles and pins, chiefly



taken from originals in bronze, vary in length from an inch and a half to about eight inches.

Pins were made not only of metal, but also of wood, bone, and ivory. They were used for the same purposes as with us, and also in dressing the hair. (Mart. xiv. 24.) The mode of platting the hair, and then fastening it with a pin or needle, is shown in the annexed figure of a female head, taken from a marble group which was found at Apt, in the south of France. (Montfaucon, *Ant. Exp. Suppl.* iii. 3.) This fashion has been continued to our own times by the females of Italy, and of some parts of Germany, as for instance, in the neighbourhood of Coblenz.



ADDICTI. [Nexi.]

ADDI'CTIO. [Actio.]

ADDIX (ἄδδιξ, ἄδδιξις), a Greek measure of capacity, equal to four χοίνικες. (Hesych. *s. v.*; Schol. *ad Hom. Od.* 19.) [P. S.]

ADEIA (ἄδεια), freedom from fear, or security, in any public action. When any one in Athens, who had not the full privileges of an Athenian citizen, such as a foreigner, a slave, &c., wished to accuse a person of any offence against the people, he was obliged to obtain first permission to do so, which permission was called *adeia*. (Plut. *Pericl.* 31.) An Athenian citizen who had incurred *atimia*, was also obliged to obtain *adeia* before he could take part in public affairs (Plut. *Phoc.* 26); and it was not lawful for any one to propose to the people, that an *atimus* should be restored to his rights as a citizen, or that a public debtor should be released from his debt, till *adeia* had been granted for this purpose by a decree passed in an assembly of 6000 citizens voting secretly by ballot. (Dem. *c. Timocr.* p. 715; Andoc. *de Myst.* p. 36; Böckh, *Public Economy of Athens*, p. 392, 2d ed.)

ADE'MPTIO. [Legatum.]

ADGNA'TI. [Cognati.]

ADGNA'TIO. [Heres; Testamentum.]

ADI'TIO HEREDITA'TIS. [Heres.]

ADJUDICA'TIO. [Actio.]

ADLEC'TI or ALLECTI. 1. Those who were chosen to fill up a vacancy in any office or collegium, and especially those who were chosen to fill up the proper number of the senate. As these would be generally equites, Festus (*s. v.*) defines the *adlecti* to be equites added to the senate: and he appears in this passage to make a difference between the *adlecti* and *conscripti*. But they were probably the same; for in another passage (*s. v. conscripti*), he gives the same definition of the *conscripti* as he had done of the *adlecti*, and Livy (ii. 1) says *conscriptos in novum senatum appellabant lectos*.

2. Those persons under the empire who were admitted to the privileges and honours of the praetorship, quaestorship, aedileship, and other public offices, without having any duties to perform. (Capitolin. *Pertin.* 6.) In inscriptions we constantly find, *adlectus inter tribunos*, *inter quaestores*, *inter praetores*, &c.

ADLECTOR, a collector of taxes in the provinces in the time of the Roman emperors. (Cod. Theod. 12. tit. 6. s. 12.)

ADMISSIONA'LES were chamberlains at the imperial court, who introduced persons to the presence of the emperor. (Lamprid. *Sever.* 4; *officium admissionis*, Suet. *Vesp.* 14.) They were divided into four classes; the chief officer of each class was called *proximus admissionum* (Amm. Marc. xxii. 7); and the *proximi* were under the *magister admissionum*. (Amm. Marc. xv. 5; Vop. *Aurel.* 12.) The admissionales were usually freedmen. (Cod. Theod. 6. tit. 2. s. 12; tit. 9. s. 2; tit. 35. s. 3.)

Friends appear to have been called *amici admissionis primae*, *secundae*, or *tertiae*. According to some writers, they were so called in consequence of the order in which they were admitted; according to others, because the *atrium* was divided into different parts, separated from one another by hangings, into which persons were admitted according to the different degrees of favour in which they were held. (Sen. *de Benef.* vi. 33, 34, *Clem.* i. 10.)

ADOLESCENS. [Infans.]

ADO'NIA (Ἀδώνια), a festival celebrated in honour of Aphrodite and Adonis in most of the Grecian cities, as well as in numerous places in the East. It lasted two days, and was celebrated by women exclusively. On the first day they brought into the streets statues of Adonis, which were laid out as corpses; and they observed all the rites customary at funerals, beating themselves and uttering lamentations. The second day was spent in merriment and feasting; because Adonis was allowed to return to life, and spend half of the year with Aphrodite. (Aristoph. *Pax*, 412, Schol. *ad loc.*; Plut. *Alcib.* 18, *Nic.* 13.) For fuller particulars respecting the worship and festivals of Adonis, see *Dict. of Biogr. s. v. Adonis.*

ADO'PTIO, adoption. 1. Greek, was called by the Athenians εἰσποίησις, or sometimes simply ποίησις or ϑέσις. The Greek writers use ϑέσις also as equivalent to the Roman *adoptio*, and ϑετοί as equivalent to *adoptivi*. (App. *B. C.* iii. 13, 14.) The adoptive father was said ποιεῖσθαι, εἰσποιεῖσθαι, or sometimes ποιεῖν: and the father or mother (for a mother after the death of her husband could consent to her son being adopted) was said ἐκποιεῖν: the son was said ἐκποιεῖσθαι, with reference to the family which he left; and εἰσποιεῖσθαι, with reference to the family into which he was received. The son, when adopted, was called ποιητός, εἰσποιητός, or ϑετός: in opposition to the legitimate son born of the body of the father, who was called γνήσιος.

A man might adopt a son either in his lifetime or by his testament, provided he had no male offspring and was of sound mind. He might also, by testament, name a person to take his property, in case his son or sons should die under age. (Dem.

Κατὰ Στεφάνου Ψευδ. 13.) If he had male offspring, he could not dispose of his property. This rule of law was closely connected with the rule as to adoption; for if he could have adopted a son when he had male children, such son would have shared his property with the rest of his male children, and to that extent the father would have exercised a power of disposition which the law denied him.

Only Athenian citizens could be adopted; but females could be adopted (by testament at least) as well as males. (Isaeus, Περὶ τοῦ Ἁγνίου Κλήρου.) The adopted child was transferred from his own family and demus into those of the adoptive father; he inherited his property and maintained the sacra of his adoptive father. It was not necessary for him to take his new father's name, but he was registered as his son. The adopted son might return to his former family, in case he left a child to represent the family of his adoptive father: unless he so returned, he lost all right which he might have had on his father's side if he had not been adopted; but he retained all rights which he might have on his mother's side, for the act of adoption had no effect so far as concerned the mother of the adopted person; she still continued his mother after the act of adoption.

The next of kin of an Athenian citizen were entitled to his property if he made no disposition of it by will, or made no valid adoption during his lifetime; they were, therefore, interested in preventing fraudulent adoptions. The whole community were also interested in preventing the introduction into their body of a person who was not an Athenian citizen. To protect the rights of the next of kin against unjust claims by persons who alleged themselves to be adopted sons, it was required that the father should enter his son, whether born of his body or adopted, in the register of his phratria (φρατρικὸν γραμματεῖον) at a certain time, the Thargelia (Isaeus, Περὶ τοῦ Ἀπολλοδώρ. Κλήρου, 3, 5), with the privity of his kinsmen and phratores (γεννῆται, φράτορες). Subsequently to this, it was necessary to enter him in the register of the adoptive father's demus (ληξιαρχικὸν γραμματεῖον), without which registration it appears that he did not possess the full rights of citizenship as a member of his new demus.

If the adoption was by testament, registration was also required, which we may presume that the person himself might procure to be done, if he was of age, or, if not, his guardian or next friend. If a dispute arose as to the property of the deceased (κλήρου διαδικασία) between the son adopted by testament and the next of kin, there could properly be no registration of the adopted son until the testament was established. If a man died childless and intestate, his next of kin, according to the Athenian rules of succession (Dem. Πρὸς Λεωχ. c. 6), took his property by the right of blood (ἀγχιστεία κατὰ γένος). Though registration might in this case also be required, there was no adoption properly so called, as some modern writers suppose; for the next of kin necessarily belonged to the family of the intestate.

The rules as to adoption among the Athenians are not quite free from difficulty, and it is not easy to avoid all error in stating them. The general doctrines may be mainly deduced from the orations of Isaeus, and those of Demosthenes against Macartatus and Leochares.

2. Roman. The Roman term was *adoptio* or *adoptatio*. (Gell. v. 19.) The Roman relation of parent and child arose either from a lawful marriage or from adoption. *Adoptio* was the general name which comprehended the two species, *adoptio* and *adrogatio;* and as the adopted person passed from his own familia into that of the person adopting, *adoptio* caused a *capitis diminutio*, and the lowest of the three kinds. Adoption, in its specific sense, was the ceremony by which a person who was in the power of his parent (*in potestate parentum*), whether child or grandchild, male or female, was transferred to the power of the person adopting him. It was effected under the authority of a magistrate (*magistratus*), the praetor, for instance, at Rome, or a governor (*praeses*) in the provinces. The person to be adopted was mancipated [Mancipatio] by his natural father before the competent authority, and surrendered to the adoptive father by the legal form called *in jure cessio*. (Gell. v. 19; Suet. *Aug.* 64.)

When a person was not in the power of his parent (*sui juris*), the ceremony of adoption was called *adrogatio*. Originally, it could only be effected at Rome, and only by a vote of the populus (*populi auctoritate*) in the comitia curiata (*lege curiata*); the reason of this being that the caput or status of a Roman citizen could not, according to the laws of the Twelve Tables, be affected except by a vote of the populus in the comitia curiata. Clodius, the enemy of Cicero, was adrogated into a plebeian family by a lex curiata, in order to qualify himself to be elected a tribunus plebis. (Cic. *ad Att.* ii. 7, *p. Dom.*) Females could not be adopted by the adrogatio. Under the emperors it became the practice to effect the adrogatio by an imperial rescript (*principis auctoritate, ex rescripto principis*); but this practice had not become established in the time of Gaius, or, as it appears, of Ulpian. (Compare Gaius, i. 98, with Gaius as cited in Dig. i. tit. 7. s. 2; and Ulpian, *Frag.* tit. 8.) It would seem, however, from a passage in Tacitus (*Hist.* i. 15), that Galba adopted a successor without the ceremony of the adrogatio. By a rescript of the Emperor Antoninus Pius, addressed to the pontifices, those who were under age (*impuberes*), or wards (*pupilli*), could, with certain restrictions, be adopted by the adrogatio. If a father who had children in his power consented to be adopted by another person, both himself and his children became in the power of the adoptive father. All the property of the adopted son became at once the property of the adoptive father. (Gaius, ii. 98.) A person could not legally be adopted by the adrogatio till he had made out a satisfactory case (*justa, bona, causa*) to the pontifices, who had the right of insisting on certain preliminary conditions. This power of the pontifices was probably founded on their right to preserve the due observance of the sacra of each gens. (Cic. *p. Dom.* 13, &c.) It would accordingly have been a good ground of refusing their consent to an adrogatio, if the person to be adopted was the only male of his gens, for the sacra would in such case be lost. It was required that the adoptive father also had no children, and no reasonable hopes of any; and that he should be older than the person to be adopted. It is generally assumed that all adrogations were made before the curiae. Gaius, however, and Ulpian use the expressions *per populum, auctoritate populi*, expressions of very doubtful import with reference to their period. After the comitia curiata fell into disuse, it is most probable that there was no formal assembly of the curiae, and that they were represented by the thirty lictors.

A woman could not adopt a person, for even her own children were not in her power.

The rules as to adoption which the legislation of Justinian established, are contained in the Institutes (i. tit. 11).

The effect of adoption, as already stated, was to create the legal relation of father and son, just as if the adopted son were born of the blood of the adoptive father in lawful marriage. The adopted child was intitled to the name and sacra privata of the adopting parent, and it appears that the preservation of the sacra privata, which by the laws of the Twelve Tables were made perpetual, was frequently one of the reasons for a childless person adopting a son. In case of intestacy, the adopted child would be the heres of his adoptive father. He became the brother of his adoptive father's daughter, and therefore could not marry her; but he did not become the son of the adoptive father's wife, for adoption only gave to the adopted son the jura agnationis. (Gaius, i. 97—107; Dig. 1. tit. 7; Cic. *p. Domo.*)

The phrase of "adoption by testament" (Cic. *Brut.* 58) seems to be rather a misapplication of the term; for though a man or woman might by testament name a heres, and impose the condition of the heres taking the name of the testator or testatrix, this so-called adoption could not produce the effects of a proper adoption. It could give to the person so said to be adopted, the name or property of the testator or testatrix, but nothing more. Niebuhr (*Lectures*, vol. ii. p. 100) speaks of the testamentary adoption of C. Octavius by C. Julius Caesar, as the first that he knew of; but the passage of Cicero in the *Brutus* and another passage (*Ad Hirt.* viii. 8), show that other instances had occurred before. A person on passing from one gens into another, and taking the name of his new familia, generally retained the name of his old gens also, with the addition to it of the termination *anus*. (Cic. *ad Att.* iii. 20, and the note of Victorius.) Thus, C. Octavius, afterwards the Emperor Augustus, upon being adopted by the testament of his uncle the dictator, assumed the name of Caius Julius Caesar Octavianus; but he caused the adoption to be confirmed by the curiae. As to the testamentary adoption of C. Octavius, see Drumann, *Geschichte Roms*, vol. i. p. 337, and the references there given. Livia was adopted into the Julia gens by the testament of Augustus (Tac. *Ann.* i. 8); and it was not stated that this required any confirmation. But things were changed then. The Lex Julia et Papia Poppaea gave certain privileges to those who had children, among which privileges was a preference in being appointed to the praetorship and such offices. This led to an abuse of the practice of adoption; for childless persons adopted children in order to qualify themselves for such offices, and then emancipated their adopted children. This abuse was checked by a senatus consultum in the time of Nero. (Tac. *Ann.* xv. 19; Cic. *de Off.* iii. 18, *ad Att.* vii. 8; Suet. *Jul. Caes.* 83, *Tib.* 2, &c.; Heinec. *Syntagma;* Dig. 36. tit. 1. s. 63.) [G. L.]

ADORA'TIO (*προσκύνησις*) was paid to the gods in the following manner: — The person stretched out his right hand to the statue of the god whom he wished to honour, then kissed his hand and waved it to the statue. While doing this he moved round his whole body, for which custom Plutarch (*Num.* 14) gives some curious reasons; but the true reason probably was, that the person might be the more surely put into communication with the deity, as it was uncertain where he would reveal himself as the *deus praesens*. It was also the practice to have the head and ears covered, so that only the forepart of the face remained uncovered. (Plin. *N. H.* xxviii. 5; Minucius Felix, 2; Lucret. v. 1197.) The *adoratio* differed from the *oratio* or prayers, which were offered with the hands folded together and stretched out to the gods, the natural attitude prescribed by nature to the suppliant, and which we find mentioned by Homer. (*Il.* vii. 177; *ὑπτιάσματα χερῶν*, Æsch. *Prom.* 1004; *caelo supinas ferre manus*, Hor. *Carm.* iii. 23. 1.) The adoration paid to the Roman emperors was borrowed from the eastern mode of adoration, and consisted in prostration on the ground, and kissing the feet and knees of the emperor.

ADROGA'TIO. [ADOPTIO (ROMAN).]

ADSCRIPTI'VI. [ACCENSI.]

ADSERTOR. [ASSERTOR.]

ADSESSOR. [ASSESSOR.]

ADSIGNA'TIO. [AGRARIAE LEGES and AGER.]

ADSTIPULA'TIO. [OBLIGATIONES.]

ADSTIPULA'TOR. [INTERCESSIO.]

ADULTUS. [INFANS.]

ADULTER'IUM, adultery. 1. GREEK. Among the Athenians, if a man caught another man in the act of criminal intercourse (*μοιχεία*) with his wife, he might kill him with impunity; and the law was also the same with respect to a concubine (*παλλακή*). He might also inflict other punishment on the offender. It appears that among the Athenians there was no adultery, unless a married woman was concerned. (Lysias, *Ὑπὲρ τοῦ Ἐρατοσθένους Φόνου.*) But it was no adultery for a man to have connection with a married woman who prostituted herself, or who was engaged in selling any thing in the agora. (Demosth. *Κατὰ Νεαίρας*, c. 18.) The Roman law appears to have been pretty nearly the same. (Paulus, *Sent. Recept.* vi. tit. 26.) The husband might, if he pleased, take a sum of money from the adulterer by way of compensation, and detain him till he found sureties for the payment. If the alleged adulterer had been unjustly detained, he might bring an action against the husband; and, if he gained his cause, he and his sureties were released. If he failed, the law required the sureties to deliver up the adulterer to the husband before the court, to do what he pleased with him, except that he was not to use a knife or dagger. (Demosth. *Κατὰ Νεαίρ.* 18.)

The husband might also prosecute the adulterer in the action called *μοιχείας γραφή*. If the act of adultery was proved, the husband could no longer cohabit with his wife under pain of losing his privileges of a citizen (*ἀτιμία*). The adulteress was excluded even from those temples which foreign women and slaves were allowed to enter; and if she was seen there, any one might treat her as he pleased, provided he did not kill her or mutilate her. (Dem. *Κατὰ Νεαίρ.* c. 22; Aeschin. *Κατὰ Τιμάρχ.* c. 36.)

2. Roman. Adulterium properly signifies, in the Roman law, the offence committed by a man, married or unmarried, having sexual intercourse with another man's wife. Stuprum (called by the Greeks φθορά) signifies the commerce with a widow or a virgin. It was the condition of the female which determined the legal character of adultery; there was no adultery unless the female was married. It is stated, however (Dig. 48. tit. 5. s. 13), that a woman might commit adultery whether she was "justa uxor sive injusta," the meaning of which is not quite certain; but probably it means whether she was living in a marriage recognised as a marriage by the Roman law or merely by the jus gentium. The male who committed adultery was *adulter*, the female was *adultera*. The Latin writers were puzzled about the etymology of the word adulterium; but if we look to its various significations besides that of illegal sexual commerce, we may safely refer it to the same root as that which appears in adultus. The notion is that of "growing to," "fixing," or "fastening to," one thing on another and extraneous thing: hence, among other meanings, the Romans used adulterium and adulteratio as we use the word "adulteration," to express the corrupting of a thing by mixing something with it of less value.

In the time of Augustus a lex was enacted (probably B.C. 17), intitled *Lex Julia de Adulteriis coërcendis*, the first chapter of which repealed some prior enactments on the same subject, with the provisions of which prior enactments we are, however, unacquainted. Horace (*Carm.* iv. 5. 21) alludes to the Julian law. In this law, the terms adulterium and stuprum are used indifferently; but, strictly speaking, these two terms differed as above stated. The chief provisions of this law may be collected from the Digest (48. tit. 5), from Paulus (*Sentent. Recept.* ii. tit. 26. ed. Schulting), and Brissonius (*Ad Legem Juliam De Adulteriis*, Lib. Sing.).

It seems not unlikely that the enactments repealed by the Julian law contained special penal provisions against adultery; and it is also not improbable that, by the old law or custom, if the adulterer was caught in the fact, he was at the mercy of the injured husband, and that the husband might punish with death his adulterous wife. (Dionys. ii. 25; Suet. *Tib.* 35.) It seems, also, that originally the act of adultery might be prosecuted by any person, as being a public offence; but under the emperors the right of prosecution was limited to the husband, father, brother, patruus, and avunculus of the adulteress.

By the Julian law, if a husband kept his wife after an act of adultery was known to him, and let the adulterer off, he was guilty of the offence of lenocinium. The husband or father in whose power the adulteress was, had sixty days allowed for commencing proceedings against the wife, after which time any other person might prosecute. (Tacit. *Ann.* ii. 85.) A woman convicted of adultery was mulcted in half of her dos and the third part of her property (*bona*), and banished (*relegata*) to some miserable island, such as Seriphos, for instance. The adulterer was mulcted in half his property, and banished in like manner, but not to the same island as the woman. The adulterer and adulteress were subjected also to civil incapacities; but this law did not inflict the punishment of death on either party; and in those instances under the emperors in which death was inflicted, it must be considered as an extraordinary punishment, and beyond the provisions of the Julian law. (Tacit. *Ann.* ii. 50, iii. 24; J. Lips. *Excurs. ad Tacit. Ann.* iv. 42; Noodt, *Op. Omn.* i. 286, &c.) But by a constitution of Constantine (Cod. ix. 30, if it is genuine), the offence in the adulterer was made capital. By the legislation of Justinian (*Nov.* 134. c. 10), the law of Constantine was probably only confirmed; but the adulteress was put into a convent, after being first whipped. If her husband did not take her out in two years, she was compelled to assume the habit, and to spend the rest of her life in the convent.

The Julian law permitted the father (both adoptive and natural) to kill the adulterer and adulteress in certain cases, as to which there were several nice distinctions established by the law. If the father killed only one of the parties, he brought himself within the penalties of the Cornelian law De Sicariis. The husband might kill persons of a certain class, described in the law, whom he caught in the act of adultery with his wife; but he could not kill his wife. The husband, by the fifth chapter of the Julian law, could detain for twenty hours the adulterer whom he had caught in the fact, for the purpose of calling in witnesses to prove the adultery. If the wife was divorced for adultery, the husband was intitled to retain part of the dos. (Ulpian, *Fr.* vi. 12.) The authorities for the Lex Julia de Adulteriis, both ancient and modern, are collected by Rein, *Das Criminalrecht der Römer*, 1844. [G. L.]

ADVERSA'RIA, note-book, memorandum-book, posting-book, in which the Romans entered memoranda of any importance, especially of money received and expended, which were afterwards transcribed, usually every month, into a kind of ledger. (*Tabulae justae, codex accepti et expensi.*) They were probably called *Adversaria*, because they lay always open before the eyes. (Cic. *p. Rosc. Com.* 3; Prop. iii. 23. 20.)

ADVERSA'RIUS. [Actor.]

ADU'NATI (ἀδύνατοι), persons supported by the Athenian state, who, on account of infirmity or bodily defects, were unable to obtain a livelihood. The sum which they received from the state appears to have varied at different times. In the time of Lysias and Aristotle, one obolus a day was given; but it appears to have been afterwards increased to two oboli. The bounty was restricted to persons whose property was under three minae. It was awarded by a decree of the people; but the examination of the individuals belonged to the senate of the Five Hundred: the payments were made by prytaneias. Peisistratus is said to have been the first to introduce a law for the maintenance of those persons who had been mutilated in war; but, according to others, this provision derived its origin from a law of Solon. (Plut. *Solon.* 31; Schol. *ad Aesch.* vol. iii. p. 738, ed. Reiske; Aesch. *c. Tim.* p. 123; Harpocrat. Suid. Hesych. *s. v.*; Lysias, Ὑπὲρ τοῦ Ἀδυνάτου, a speech written for an individual in order to prove that he was intitled to be supported by the state; Böckh, *Public Econ. of Athens*, p. 242, &c. 2nd edit.)

ADVOCA'TUS seems originally to have signified any person who gave another his aid in any affair or business, as a witness for instance (Varr. *De Re Rust.* ii. c. 5); or for the purpose of aiding and protecting him in taking possession of a piece of property. (Cic. *pro Caecin.* c. 8.) It was also used to express a person who gave his advice and aid to another in the management of a cause, as a juris-consultus did; but the word did not signify the orator or patronus who made the speech (Cic. *de Orat.* ii. 74) in the time of Cicero. Under the emperors, it signified a person who in any way assisted in the conduct of a cause (Dig. 50. tit. 13. s. 1), and was sometimes equivalent to orator. (Tacit. *Ann.* x. 6.) The advocate had then a fee, which was called honorarium. [Orator, Patronus, Lex Cincia.]

The advocatus is defined by Ulpian (Dig. 50, tit. 13) to be any person who aids another in the conduct of a suit or action; but under the empire the jurisconsulti no longer acted as advocates, in the old sense of that term. They had attained a higher position than that which they held under the republic.

The advocatus fisci was an important officer established by Hadrianus. (Spart. *Hadrian.* 60.) It was his business to look after the interests of the fiscus or the imperial treasury, and, among other things, to maintain its title to *bona caduca*. The various meanings of advocatus in the Middle Ages are given by Du Cange, *Gloss.* (Dig. 28. tit. 4. s. 3; Hollweg, *Handbuch des Civilprozesses*, p. 196.) [G. L.]

A'DYTUM. [Templum.]

AEACEIA (αἰάκεια), a festival of the Aeginetans in honour of Aeacus, the details of which are not known. The victor in the games which were solemnised on the occasion, consecrated his chaplet in the magnificent temple of Aeacus. (Schol. *ad Pind. Ol.* vii. 156, xiii. 155; Müller, *Aeginetica*, p. 140.) [L. S.]

AEDES. [Domus; Templum.]

AEDES VITIO'SAE, RUINO'SAE. [Damnum Infectum.]

AEDI'CULAE, signifies in the singular, a room, but in the plural, a small house. It is, however, more frequently used in the sense of a shrine, attached to the walls of temples or houses, in which the statue of a deity was placed. The aediculae attached to houses, sometimes contained the penates of the house, but more frequently the guardian gods of the street in which they were placed. (Liv. xxxv. 41; Petron. 29.)

AEDI'LES (ἀγορανόμοι). The name of these functionaries is said to be derived from their having the care of the temple (*aedes*) of Ceres. The aediles were originally two in number, and called aediles plebeii; they were elected from the plebes, and the institution of the office dates from the same time as that of the tribuni plebis, B. C. 494. Their duties at first seem to have been merely ministerial; they were the assistants of the tribunes in such matters as the tribunes entrusted to them, among which are enumerated the hearing of causes of smaller importance. At an early period after their institution (B. C. 446), we find them appointed the keepers of the senatus consulta, which the consuls had hitherto arbitrarily suppressed or altered. (Liv. iii. 55.) They were also the keepers of the plebiscita. Other functions were gradually entrusted to them, and it is not always easy to distinguish their duties from some of those which belong to the censors; nor to distinguish all the duties of the plebeian and curule aediles, after the establishment of the curule aedileship. They had the general superintendence of buildings, both sacred and private: under this power they provided for the support and repair of temples, curiæ, &c., and took care that private buildings which were in a ruinous state (*aedes vitiosae, ruinosae*) were repaired by the owners, or pulled down. The superintendence over the supply and distribution of water at Rome was, at an early period, a matter of public administration. According to Frontinus, this was the duty of the censors; but when there were no censors, it was within the province of the aediles. The care of each particular source or supply was farmed to undertakers (*redemptores*), and all that they did was subject to the approbation of the censors or the aediles. (*De Aquaeduct. Rom.* lib. ii.) The care of the streets and pavements, with the cleansing and draining of the city, belonged to the aediles, and the care of the cloacae. They had the office of distributing corn among the plebes, which was sometimes given gratuitously, sometimes sold at a cheap rate; but this distribution of corn at Rome must not be confounded with the duty of purchasing or procuring it from foreign parts, which was performed by the consuls, quaestors, and praetors, and sometimes by an extraordinary magistrate, as the praefectus annonae. The aediles had to see that the public lands were not improperly used, and that the pasture-grounds of the state were not trespassed on; and they had power to punish by fine any unlawful act in this respect. The fines were employed in paving roads, and in other public purposes. They had a general superintendence over buying and selling, and, as a consequence, the supervision of the markets, of things exposed to sale, such as slaves, and of weights and measures: from this part of their duty is derived the name under which the aediles are mentioned by the Greek writers (ἀγορανόμοι). It was their business to see that no new deities or religious rites were introduced into the city, to look after the observance of religious ceremonies, and the celebrations of the ancient feasts and festivals. The general superintendence of police comprehended the duty of preserving order, decency, and the inspection of the baths, and houses of entertainment, of brothels, and of prostitutes. The aediles had various officers under them, as praecones, scribae, and viatores.

The Aediles Curules, who were also two in number, were originally chosen only from the patricians, afterwards alternately from the patricians and the plebes, and at last indifferently from both. (Liv. vii. 1.) The office of curule aediles was instituted B. C. 365, and, according to Livy, on the occasion of the plebeian aediles refusing to consent to celebrate the ludi maximi for the space of four days instead of three; upon which a senatus consultum was passed, by which two aediles were to be chosen from the patricians. From this time four aediles, two plebeian and two curule, were annually elected. (Liv. vi. 42.) The distinctive honours of the aediles curules were, the sella curulis, from whence their title is derived, the toga praetexta, precedence in speaking in the senate, and the jus imaginum. (Cic. *Verr.* v. 14.) Only the aediles curules had the jus edicendi, or the power of promulgating edicta (Gaius, i. 6); but the rules comprised in their edicta served for the guidance of all the aediles. The edicta of the curule aediles were founded on their authority as superintendents of the markets, and of buying and selling in general. Accordingly, their edicts had mainly, or perhaps solely, reference to the rules as to buying and selling, and contracts for bargain and sale. They were the foundation of the actiones aedilicíae, among which are included the *actio redhibitoria*, and *quanti minoris*. (Dig. 21. tit. 1. *De Aedilicio Edicto;* Gell. iv. 2.) A great part of the provisions of the aediles' edict relate to the buying and selling of slaves. The persons both of the plebeian and curule aediles were sacrosancti. (Liv. iii. 55.)

It seems that after the appointment of the curule aediles, the functions formerly exercised by the plebeian aediles were exercised, with some few exceptions, by all the aediles indifferently. Within five days after being elected or entering on office, they were required to determine by lot, or by agreement among themselves, what parts of the city each should take under his superintendence; and each aedile alone had the care of looking after the paving and cleansing of the streets, and other matters, it may be presumed, of the same local character within his district. (*Tabul. Heracl.* ed. Mazoch.)

In the superintendence of the public festivals and solemnities, there was a further distinction between the two sets of aediles. Many of these festivals, such as those of Flora (Cic. *Verr.* v. 14; Ovid. *Fast.* v. 278, &c.) and Ceres, were superintended by either set of aediles indifferently; but the plebeian games (*plebeii ludi*) were under the superintendence of the plebeian aediles (Liv. xxxi. 50.), who had an allowance of money for that purpose; and the fines levied on the pecuarii, and others, seem to have been appropriated to these among other public purposes. (Liv. x. 23; xxvii. 6; Ovid. *Fast.* v. 278, &c.) The celebration of the Ludi magni or Romani, of the Ludi scenici, and the Ludi Megalesii or Megalenses, belonged specially to the curule aediles (Liv. xxxi. 50; and the Didascaliae to the plays of Terence), and it was on such occasions that they often incurred a prodigious expense, with the view of pleasing the people and securing their votes in future elections. This extravagant expenditure of the aediles arose after the close of the second Punic war, and increased with the opportunities which individuals had of enriching themselves after the Roman arms were carried into Greece, Africa, and Spain. Even the prodigality of the emperors hardly surpassed that of individual curule aediles under the republic; such as C. Julius Caesar (Plut. *Caesar*, 5) afterwards the dictator, P. Cornelius Lentulus Spinther; and, above all, M. Aemilius Scaurus, whose expenditure was not limited to bare show, but comprehended objects of public utility, as the reparation of walls, dock-yards, ports, and aqueducts. (Cic. *de Off.* ii. 17; Plin. *H. N.* xxxiii. 3, xxxvi. 15.) An instance is mentioned by Dion Cassius (xliii. 48) of the Ludi Megalesii being superintended by the plebeian aediles; but it was done pursuant to a senatus consultum, and thus the particular exception confirms the general rule.

In B. C. 45, Julius Caesar caused two curule aediles and four plebeian aediles to be elected; and thenceforward, at least so long as the office of aedile was of any importance, six aediles were annually elected. The two new plebeian aediles were called Cereales, and their duty was to look after the supply of corn. Though their office may not have been of any great importance after the institution of a praefectus annonae by Augustus, there is no doubt that it existed for several centuries, and at least as late as the time of Gordian.

The aediles belonged to the class of the minores magistratus. Dionysius states that the aediles were originally chosen at the comitia curiata (ix. 43); but this is not probable. The plebeian aediles were originally chosen at the comitia centuriata, but afterwards at the comitia tributa (Dionys. vi. 90. ix. 43. 49; Liv. ii. 56, 57), in which comitia the curule aediles also were chosen, at the same time (Plut. *Marius*, 5); but it appears that there was a separate voting for the curule and the plebeian aediles, and that the curule aediles were elected first. It appears that until the lex annalis was passed, a Roman citizen might be a candidate for any office after completing his twenty-seventh year. This lex annalis, which was passed at the instance of the tribune L. Villius Tappulus, B. C. 180, fixed the age at which each office might be enjoyed. (Liv. xl. 44.) The passage of Livy does not mention what were the ages fixed by this law; but it is collected from various passages of Roman writers, that the age fixed for the aedileship was thirty-six. This, at least, was the age at which a man could be a candidate for the curule aedileship, and it does not appear that there was a different rule for the plebeian aedileship. In Cicero's time, the aediles were elected some time in July, the usual place of election was the Field of Mars (Campus Martius), and the presiding magistrate was a consul.

The aediles existed under the emperors; but their powers were gradually diminished, and their functions exercised by new officers created by the emperors. After the battle of Actium, Augustus appointed a praefectus urbi, who exercised the general police, which had formerly been one of the duties of the aediles. Augustus also took from the aediles, or exercised himself, the office of superintending the religious rites, and the banishing from the city of all foreign ceremonials; he also assumed the superintendence of the temples, and thus may be said to have destroyed the aedileship by depriving it of its old and original function. This will serve to explain the fact mentioned by Dion Cassius (lv. 24), that no one was willing to hold so contemptible an office, and Augustus was therefore reduced to the necessity of compelling persons to take it: persons were accordingly chosen by lot, out of those who had served the office of quaestor and tribune; and this was done more than once. The last recorded instance of the splendours of the aedileship is the administration of Agrippa, who volunteered to take the office, and repaired all the public buildings and all the roads at his own expense, without drawing anything from the treasury. (Dion Cass. xlix. 43; Plin. *H. N.* xxxvi. 15.) The aedileship had, however, lost its true character before this time. Agrippa had already been consul before he accepted the office of aedile, and his munificent expenditure in this nominal office was the close of the splendour of the aedileship. Augustus appointed the curule aediles specially to the office of putting out fires, and placed a body of 600 slaves at their command; but the praefecti vigilum afterwards performed this duty. In like manner the *curatores viarum* were appointed by him to superintend the roads near the city, and the quatuorviri to superintend those within Rome. The *curatores operum publicorum* and the *curatores alvei Tiberis*, also appointed by Augustus, stripped the aediles of the remaining few duties that might be called honourable. They lost also the superintendence of wells, or springs, and of the aqueducts. (Frontinus ii. *De Aquaeductibus.*) They retained, under the early emperors, a kind of police, for the purpose of repressing open licentiousness and disorder: thus the baths, eating-houses, and brothels were still subject to their inspection, and the registration of prostitutes was still within their duties. (Tacit. *Annal.* ii. 85.) We read of the aediles under Augustus making search after libellous books, in order that they might be burnt; and also under Tiberius (Tacit. *Ann.* iv. 35.)

The coloniae, and the municipia of the later period, had also their aediles, whose numbers and functions varied in different places. They seem, however, as to their powers and duties, to have resembled the aediles of Rome. They were chosen annually. (*De Aedil. Col.*, &c. Otto. Lips. 1732.)

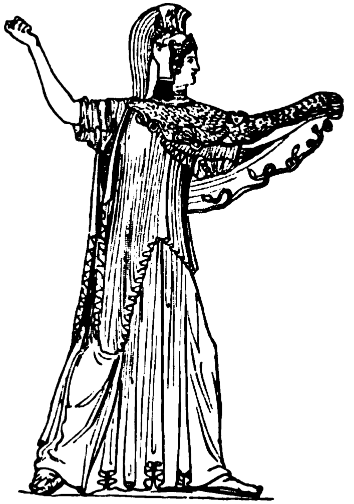
The history, powers, and duties of the aediles are stated with great minuteness by Schubert, *De Romanorum Aedilibus*, lib. iv. Regimontii, 1828. See also Wunder, *De Romanorum Comitiis Aedilium Curulium*, in his edition of Cicero's Oration Pro Cn. Plancio, Leipzig, 1830. [G. L.]

AEDI'TUI, AEDI'TUMI, AEDI'TIMI (*νεωκόροι, ζάκοροι*), persons who took care of the temples, and attended to the cleaning of them. Notwithstanding this menial service, they partook of the priestly character, and are sometimes even called priests by the Greek grammarians. (Suid. Hesych. Etym. M. *s. v.* *ζάκορος*; Pollux, i. 14.) In many cases they were women, as Timo in Herodotus (vi. 134), who also speaks of her as *ὑποζάκορος*, from which it is clear that in some places several of these priests must have been attached to one and the same temple, and that they differed among themselves in rank. Subsequently the menial services connected with the office of the *Neocori* were left to slaves, and the latter became a title given to priestly officers of high rank, of whom an account is given in a separate article. [Neocori.] The aeditui lived in the temples, or near them, and acted as ciceroni to those persons who wished to see them. (Plin. *H. N.* xxxvi. 4. § 10; *Cic. Verr.* iv. 44; Liv. xxx. 17; *Schol. ad Hor. Ep.* ii. 1. 230.) In ancient times the aeditui were citizens, but under the emperors freedmen. (Serv. *ad Virg. Aen.* ix. 648.)

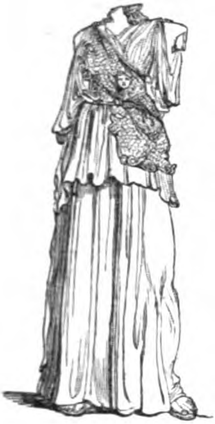
AEGINETA'RUM FE'RIAE (*Αἰγινητῶν ἑορτή*), a festival in honour of Poseidon, which lasted sixteen days, during which time every family took its meals quietly and alone, no slave being allowed to wait, and no stranger invited to partake of them. From the circumstance of each family being closely confined to itself, those who solemnised this festival were called *μονοφάγοι*. Plutarch (*Quaest. Graec.* 44) traces its origin to the Trojan war, and says that, as many of the Aeginetans had lost their lives, partly in the siege of Troy and partly on their return home, those who reached their native island were received indeed with joy by their kinsmen; but in order to avoid hurting the feelings of those families who had to lament the loss of their friends, they thought it proper neither to show their joy nor to offer any sacrifices in public. Every family, therefore, entertained privately their friends who had returned, and acted themselves as attendants, though not without rejoicings. [L. S.]

AEGIS (*αἰγίς*), the shield of Zeus, signifies literally a goat-skin, and is formed on the same analogy with *νεβρίς*, a fawn-skin. (Herod. iv. 189.) According to ancient mythology, the aegis worn by Zeus was the hide of the goat Amaltheia, which had suckled him in his infancy. Hyginus relates (*Astron. Poet.* 13), that, when he was preparing to resist the Titans, he was directed, if he wished to conquer, to wear a goat-skin with the head of the Gorgon. To this particular goat-skin the term aegis was afterwards confined. Homer always represents it as part of the armour of Zeus, whom on this account he distinguishes by the epithet *aegis-bearing* (*αἰγίοχος*). He, however, asserts, that it was borrowed on different occasions both by Apollo (*Il.* xv. 229, 307—318, 360, xxiv. 20), and by Athena (*Il.* ii. 447—449, xviii. 204, xxi. 400).

The skins of various quadrupeds having been used by the most ancient inhabitants of Greece for clothing and defence, we cannot wonder that the goat-skin was employed in the same manner. It must also be borne in mind that the heavy shields of the ancient Greeks were in part supported by a belt or strap (*τελαμών*, *balteus*) passing over the right shoulder, and, when not elevated with the shield, descending transversely to the left hip. In order that a goat-skin might serve this purpose, two of its legs would probably be tied over the right shoulder of the wearer, the other extremity being fastened to the inside of the shield. In combat the left arm would be passed under the hide, and would raise it together with the shield, as is shown in a marble statue of Athena, preserved in the museum at Naples, which, from its style of art, may be reckoned among the most ancient in existence.



Other statues of Athena represent her in a state of repose, and with the goat-skin falling obliquely from its loose fastening over her right shoulder, so as to pass round the body under the left arm. The annexed figure is taken from a colossal statue of Athena at Dresden.



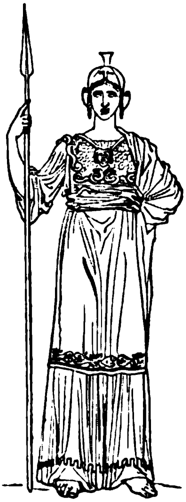
Another mode of wearing this garment, also of peaceful expression, is seen in a statue of Athena at Dresden, of still higher antiquity than that last referred to, and in the very ancient image of the same goddess from the temple of Zeus at Aegina. In both of these the aegis covers the right as well as the left shoulder, the breast, and the back, falling behind so as almost to reach the feet. Schorn (in Böttiger's *Amalthea*, ii. 215) considers this as the original form of the aegis.

By a figure of speech, Homer uses the term aegis to denote not only the goat-skin, which it properly signified, but together with it the shield to which it belonged. By thus understanding the word, it is easy to comprehend both why Athena is said to throw her father's aegis around her shoulders (*Il.* v. 738, xviii. 204), and why on one occasion Apollo is said to hold it in his hand and to shake it so as to terrify and confound the Greeks (*Il.* xv. 229. 307—321), and on another occasion to cover with it the dead body of Hector in order to protect it from insult (xxiv. 20). In these passages we must suppose the aegis to mean the shield, together with the large expanded skin or belt by which it was suspended from the right shoulder.

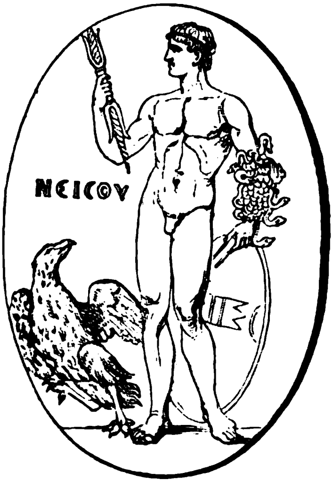
As the Greeks prided themselves greatly on the rich and splendid ornaments of their shields, they supposed the aegis to be adorned in a style corresponding to the might and majesty of the father of the gods. In the middle of it was fixed the appalling Gorgon's head (*Il.* v. 741), and its border was surrounded with golden tassels (θύσανοι), each of which was worth a hecatomb (ii. 446—449). In the figures above exhibited, the serpents of the Gorgon's head are transferred to the border of the skin.

By the later poets and artists, the original conception of the aegis appears to have been forgotten or disregarded. They represent it as a breast-plate covered with metal in the form of scales, not used to support the shield, but extending equally on both sides from shoulder to shoulder; as in the annexed figure, taken from a statue at Florence.

With this appearance the descriptions of the aegis by the Latin poets generally correspond. (Virg. *Aen.* viii. 435—438; Val. Flacc. vi. 174; Sid. Apoll. *Carm.* 15; Sil. Ital. ix. 442.)



It is remarkable that, although the aegis properly belonged to Zeus, yet we seldom find it as an attribute of Zeus in works of art. There is, however, in the museum at Leyden, a marble statue of Zeus, found at Utica, in which the aegis hangs over his left shoulder. The annexed figure is taken from an ancient cameo. Zeus is here represented with the aegis wrapt round the fore part of his left arm. The shield is placed underneath it, at his feet.



The Roman emperors also assumed the aegis, intending thereby to exhibit themselves in the character of Jupiter. Of this the armed statue of Hadrian in the British Museum presents an example. In these cases the more recent Roman conception of the aegis is of course followed, coinciding with the remark of Servius (*Aen.* viii. 435), that this breast-armour was called aegis when worn by a god; *lorica*, when worn by a man. (Comp. Mart. vii. 1.) [J. Y.]

AEINAUTAE (ἀειναῦται), magistrates at Miletus, consisting of the chief men in the state, who obtained the supreme power on the deposition of the tyrants, Thoas and Damasenor. Whenever they wished to deliberate on important matters, they embarked on board ship (hence their name), put out at a distance from land, and did not return to shore till they had transacted their business. (Plut. *Quaest. Graec.* 32.)

AEIPHU'GIA (ἀειφυγία). [EXSILIUM.]

AEISITI (ἀείσιτοι). [PRYTANEIUM.]

AENEATO'RES (ahenatores, Amm. Marc. xxiv. 4), were those who blew upon wind instruments in the Roman army, namely, the *buccinatores*, *cornicines*, and *tubicines*, and they were so called because all these instruments were made of *aes* or bronze. (Suet. *Caes.* 32.) Aeneatores were also employed in the public games. (Sen. *Ep.* 84.) A *collegium aeneatorum* is mentioned in inscriptions. (Orelli, *Inscr.* No. 4059.)

AENIGMA (αἴνιγμα), a riddle. It appears to have been a very ancient custom among the Greeks, especially at their symposia, to amuse themselves by proposing riddles to be solved. Their partiality for this sort of amusement is attested by the fact that some persons, such as Theodectes of Phaselis and Aristonymus, acquired considerable reputation as inventors and writers of riddles. (Athen. x. pp. 451, 452, xii. p. 538.) Those who were successful in solving the riddle proposed to them received a prize, which had been previously agreed upon by the company, and usually consisted of wreaths, taeniae, cakes, and other sweetmeats, or kisses, whereas a person unable to solve a riddle was condemned to drink in one breath a certain quantity of wine, sometimes mixed with salt water. (Athen. x. p. 457; Pollux, vi. 107; Hesych. *s. v.* γρῖφος.) Those riddles which have come down to us are mostly in hexameter verse, and the tragic as well as comic writers not unfrequently introduced them into their plays. Pollux (*l. c.*) distinguishes two kinds of riddles, the αἴνιγμα and γρῖφος, and, according to him, the former was of a jocose and the latter of a serious nature; but in the writers whose works have come down to us, no such distinction is observed; and there are passages where the name γοῖφος is given to the most ludicrous jokes of this kind. (Aristoph. *Vesp.* 20; comp. Becker, *Charicles*, vol. i. p. 473.) The Romans seem to have been too serious to find any great amusement in riddles; and when Gellius (xviii. 2) introduces some Romans at a banquet engaged in solving riddles, we must remember that the scene is laid at Athens; and we do not hear of any Romans who invented or wrote riddles until a very late period. Appuleius wrote a work entitled *Liber Ludicrorum et Griphorum*, which is lost. After the time of Appuleius, several collections of riddles were made, some of which are still extant in MS. in various libraries. [L. S.]

AE'NUM, or AHE'NUM (*sc. vas*), a brazen vessel, used for boiling, is defined by Paullus to be a vessel hanging over the fire, in which water was boiled for drinking, whereas food was boiled in the *cacabus*. (Dig. 33. tit. 7. s. 18. § 3.) This distinction is not, however, always observed; for we read of food being cooked in the *aënum*. (Juv. xv. 81; Ov. *Met.* vi. 645.) The word is also frequently used in the sense of a dyer's copper; and, as purple was the most celebrated dye of antiquity, we find the expressions *Sidonium aënum*, *Tyrium aënum*, &c. (Ov. *Fast.* iii. 822; Mart. xiv. 133.)

AEO'RA, or EO'RA (αἰώρα, ἐώρα), a festival at Athens, accompanied with sacrifices and banquets, whence it is sometimes called εὔδειπνος. The common account of its origin is as follows: — Icarius was killed by the shepherds to whom he had given wine, and who, being unacquainted with the effects of this beverage, fancied in their intoxication that he had given them poison. Erigone, his daughter, guided by a faithful dog, discovered the corpse of her father, whom she had sought a long time in vain; and, praying to the gods that all Athenian maidens might perish in the same manner, hung herself. After this occurrence, many Athenian women actually hung themselves, apparently without any motive whatever; and when the oracle was consulted respecting it, the answer was, that Icarius and Erigone must be propitiated by a festival. (Hygin. *Poet. Astron.* ii. 4.) According to the *Etymologicum Magnum*, the festival was celebrated in honour of Erigone, daughter of Aegisthus and Clytaemnestra, who came to Athens to bring the charge of matricide against Orestes before the Areiopagus; and, when he was acquitted, hung herself, with the same wish as the daughter of Icarius, and with the same consequences. According to Hesychius, the festival was celebrated in commemoration of the tyrant Temaleus, but no reason is assigned. Eustathius (*ad Hom.* pp. 389, 1535) calls the maiden who hung herself Aiora. But as the festival is also called Ἀλῆτις (apparently from the wanderings of Erigone, the daughter of Icarius), the legend which was first mentioned seems to be the most entitled to belief. Pollux (iv. 7. § 55) mentions a song made by Theodorus of Colophon, which persons used to sing whilst swinging themselves (ἐν ταῖς αἰώραις). It is, therefore, probable that the Athenian maidens, in remembrance of Erigone and the other Athenian women who had hung themselves, swung themselves during this festival, at the same time singing the above-mentioned song of Theodorus. (See also Athen. xiv. p. 618.) [L. S.]

AERA. [CHRONOLOGIA.]

AERA'RII, a class of Roman citizens, who are said not to have been contained in the thirty tribes instituted by Servius Tullius. It is, however, one of the most difficult points in the Roman constitution to determine who they were; since all the passages in which they are mentioned refer only to the power of the censors to degrade a citizen, for bad conduct, by removing him from his tribe and making him an aerarian; but we nowhere find any definition of what an aerarian was. The Pseudo-Asconius (*ad Cic. divin. in Caecil.* p. 103, ed. Orelli), says that a plebeian might be degraded by being transferred to the *tabulas Caeritum* and becoming an *aerarius*. The error in this statement is, that not only a plebeian, but a senator and an eques also might become an aerarian, while for a plebeian there was no other punishment except that of becoming an aerarian. From the Pseudo-Asconius we collect that to have one's name transferred to the tables of the Caerites was equivalent to becoming an aerarian; secondly, that an aerarian no longer belonged to a century; and, thirdly, that he had to pay the tribute in a different manner from the other citizens. These statements are confirmed by the Scholiasts Cruquius on Horace (*Epist.* i. 6. 62) and by Gellius (xvi. 13). If we strictly keep to what we there learn, we cannot adopt the opinion that the aerarians consisted of artizans and freedmen (Niebuhr, *Hist. of Rome*, vol. i. p. 472), for some artizans had a very honourable position in the Servian constitution; but there were certain occupations, especially those of retail dealers (*caupones*, κάπηλοι), which were thought degrading, and which were carried on generally by isopolites, who took up their abode at Rome, and the number of this class of persons (*municipes* or *cives sine suffragio*) may have been very great. These people we conceive to have been the *aerarii*, not, indeed, on account of their occupation, but because they were citizens who did not enjoy the suffrage. Hence the Caerites were probably the first body of aerarians; and any Roman citizen guilty of a crime punishable by the censors, might be degraded to the rank of an aerarian; so that his civic rights were suspended, at least for the time that he was an aerarian. But we cannot suppose that the fact of a Roman citizen engaging in trade brought about such a degradation; for there can be little doubt that the persons constituting the city tribes (*tribus urbanae*) were more or less all engaged in trade and commerce. Hence, to remove a man from a country tribe to a city tribe, cannot have been equivalent to making him an aerarian (Cic. *pro Cluent.* 43), and the latter can have been the case only when he was excluded from *all* the tribes, or when he belonged to a city tribe; so that moving him from his tribe was equivalent to excluding him from all tribes. Persons who were made *infames* likewise became aerarians, for they lost the jus honorum and the suffragium. (Augustin. *de Civ. Dei*, ii. 13; Cic. *pro Cluent.* 42.) The two scholiasts above referred to agree in stating that the aerarians had to pay a tributum pro capite; and that this tax was considerably higher than that paid by the other citizens, must be inferred from Livy (iv. 24), who states that Aemilius Mamercus was made an aerarian *octuplicato censu*. They were not allowed to serve in the legions; but as they nevertheless enjoyed the protection of the state, such a high rate of taxation cannot be considered unjust.

It has been asserted that the *libertini*, as such, belonged to the class of the aerarians; but this opinion is founded upon a wrong statement of Plutarch (*Poplic.* 7), that freedmen did not obtain the suffrage till the time of Appius Claudius; for Dionysius (iv. 22) informs us that Servius Tullius incorporated them with the city tribes. (Comp. Zonaras, vii. 9; Huschke, *Verfassung des Serv. Tull.* p. 494, &c.; Göttling, *Gesch. der Röm. Staatsverf.* p. 260, &c.; Becker, *Handbuch der Röm. Alterth.* vol. ii. pp. 183—196.) [L. S.]

AERA'RII TRIBU'NI. [AES EQUESTRE; TRIBUNI.]

AERA'RIUM (τὸ δημόσιον), the public treasury at Rome, and hence the public money itself. After the banishment of the kings the temple of Saturn was employed, upon the proposition of Valerius Poplicola, as the place for keeping the public money, and it continued to be so used till the later times of the empire. (Plut. *Popl.* 12, *Quaest. Rom.* 42; Festus, *s. v. Aerarium*).* Besides the public money and the accounts connected with its receipts, expenditure, and debtors, various other things were preserved in the treasury; of these the most important were: — 1. The standards of the legions (Liv. iii. 69, iv. 22, vii. 23). 2. The various laws passed from time to time, engraven on brazen tables (Suet. *Caes.* 28). 3. The decrees of the senate, which were entered there in books kept for the purpose, though the original documents were preserved in the temple of Ceres under the custody of the aediles. (Joseph. *Ant.* xiv. 10. § 10; Plut. *Cat. Min.* 17; Cic. *de Leg.* iii. 4; Tac. *Ann.* iii. 51.) [AEDILES.] 4. Various other public documents, the reports and despatches of all generals and governors of provinces, the names of all foreign ambassadors that came to Rome [LEGATUS], &c.

The *aerarium* was the common treasury of the state, and must be distinguished from the *publicum*, which was the treasury of the populus or the patricians. It is mentioned as one of the grievances of the plebeians that the booty gained in war was frequently paid into the publicum (*redigitur in publicum*), instead of being paid into the aerarium, or distributed among the soldiers (Liv. ii. 42); but since we no longer read, after the time of the decemvirate, of the booty being paid into the publicum, but always into the aerarium, it is supposed by Niebuhr that this was a consequence of the decemviral legislation. (Niebuhr, *Hist. Rom.* vol. ii. notes 386, 954.) Under the republic the aerarium was divided into two parts: the *common* treasury, in which were deposited the regular taxes [TRIBUTUM; VECTIGALIA], and from which were taken the sums of money needed for the ordinary expenditure of the state; and the *sacred* treasury (*aerarium sanctum* or *sanctius*, Liv. xxvii. 10; Flor. iv. 2; Caes. *B. C.* i. 14; Cic. *ad Att.* vii. 21), which was never touched except in cases of extreme peril. Both of these treasuries were in the temple of Saturn, but in distinct parts of the temple. The sacred treasury seems to have been first established soon after the capture of Rome by the Gauls, in order that the state might always have money in the treasury to meet the danger which was ever most dreaded by the Romans, — a war with the Gauls. (Appian, *B. C.* ii. 41.) At first, probably part of the plunder which the Romans gained in their wars with their neighbours was paid into this sacred treasury; but a regular means for augmenting it was established in B. C. 357 by the Lex Manlia, which enacted that a tax of five per cent. (*vicesima*) upon the value of every manumitted slave should be paid into this treasury. As this money was to be preserved, and therefore space was some object, it had, at least at a later time, either to be paid in gold or was kept in the treasury in gold, since Livy speaks of *aurum vicesimarium* (Liv. vii. 16, xxvii. 10; comp. Cic. *ad. Att.* ii. 16). A portion of the immense wealth obtained by the Romans in their conquests in the East was likewise deposited in the sacred treasury; and though we cannot suppose that it was spared in the civil wars between Marius and Sulla, yet Julius Caesar, when he appropriated it to his own use on the breaking out of the second civil war, B. C. 49, still found in it enormous sums of money. (Plin. *H. N.* xxxiii. 3. s. 17; Dion Cass. xli. 17; Oros. vi. 15; Lucan, iii. 155.)

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* Of this temple three Corinthian pillars with the architrave are still extant, standing on the Clivus Capitolinus to the right of a person ascending the hill. It was rebuilt by L. Munatius Plancus in the time of Augustus (Suet. *Aug.* 29; Orelli, *Inscr.* No. 590), and again restored by Septimius Severus. (Becker, *Handbuch der Römischen Alterthümer*, vol. i. p. 315.)

Upon the establishment of the imperial power under Augustus, there was an important change made in the public income and expenditure. He divided the provinces and the administration of the government between the senate, as the representative of the old Roman people, and the Caesar: all the property of the former continued to be called *aerarium*, and that of the latter received the name of *fiscus*. [FISCUS.] The *aerarium* consequently received all the taxes from the provinces belonging to the senate, and likewise most of the taxes which had formerly been levied in Italy itself, such as the revenues of all public lands still remaining in Italy, the tax on manumissions, the custom-duties, the water-rates for the use of the water brought into the city by the aquaeducts, the sewer-rates, &c.

Besides the *aerarium* and the *fiscus*, Augustus established a third treasury, to provide for the pay and support of the army, and this received the name of *aerarium militare.* It was founded in the consulship of M. Aemilius Lepidus and L. Arruntius, A. D. 6, in consequence of the difficulty which was experienced in obtaining sufficient funds from the ordinary revenues of the state to give the soldiers their rewards upon dismission from service. Augustus paid a very large sum into the treasury upon its foundation, and promised to do so every year. In the Monumentum Ancyranum, Augustus is said to have paid into the treasury in the consulship of Aemilius and Arruntius 170 millions of sesterces; but this sum is probably the entire amount which he contributed to it during his whole reign. As he reigned eight years and a half after the establishment of the treasury, and would probably have made the payments half yearly, he would in that case have contributed ten millions of sesterces every half year. He also imposed several new taxes to be paid into this aerarium. (Suet. *Aug.* 49; Dion Cass. lv. 23, 24, 25, 32; *Monumentum Ancyranum*, pp. 32, 65, ed. Franzius and Zumptius, Berol. 1845.) Of these the most important was the *vicesima hereditatum et legatorum*, a tax of five per cent., which had to be paid by every Roman citizen upon any inheritance or legacy being left to him, with the exception of such as were left to a citizen by his nearest relatives, or such as were below a certain amount. (Dion Cass. lv. 25, lvi. 28; Plin. *Paneg.* 37—40; Capitol. *M. Anton.* 11.) This tax was raised by Caracalla to ten per cent., but subsequently reduced by Macrinus to five (Dion Cass. lxxvii. 9, lxxviii. 12), and eventually abolished altogether. (Cod. 6. tit. 33. s. 3.) There was also paid into the aerarium militare a tax of one per cent. upon every thing sold at auctions (*centesima rerum venalium*), reduced by Tiberius to half per cent. (*ducentesima*), and afterwards abolished by Caligula altogether for Italy (Tac. *Ann.* i. 78, ii. 42; Suet. *Cal.* 16); and likewise a tax upon every slave that was purchased, at first of two per cent. (*quinquegesima*), and afterwards of four per cent. (*quinta et vicesima*) of its value. (Dion Cass. lv. 31; Tac. *Ann.* xiii. 31; Orelli, *Inscr.* No. 3336.) Besides these taxes, no doubt the booty obtained in war and not distributed among the soldiers was also deposited in the military treasury.

The distinction between the aerarium and the fiscus continued to exist at least as late as the reign of M. Aurelius (τὸ βασιλικὸν καὶ τὸ δημόσιον, Dion Cass. lxxi. 33; Vulcat. Gallic. *Avid. Cass.* 7); but as the emperor gradually concentrated the administration of the whole empire into his hands, the aerarium likewise became exclusively under his control, and this we find to have been the case even in the reign of M. Aurelius, when the distinction between the aerarium and the fiscus was still retained. (Dion Cass. lxxi. 33.) When the aerarium ceased to belong to the senate, this distinction between the aerarium and fiscus naturally ceased also, as both of them were now the treasury of the Caesar; and accordingly later jurists used the words aerarium and fiscus indiscriminately, though properly speaking there was no treasury but that of the Caesar. The senate, however, still continued to possess the management of the municipal chest (*arca publica*) of the city. (Vopisc. *Aurelian.* 20.)

In the time of the republic, the entire management of the revenues of the state belonged to the senate; and under the superintendence and control of the senate the quaestors had the charge of the aerarium. [SENATUS; QUAESTOR.] With the exception of the consuls, who had the right of drawing from the treasury whatever sums they pleased, the quaestors had not the power to make payments to any one, even to a dictator, without a special order from the senate. (Polyb. vi. 12, 13; Liv. xxxviii. 55; Zonar. vii. 13.) In B. C. 45, when no quaestors were chosen, two praefects of the city had the custody of the aerarium (Dion. Cass. xliii. 48); but it doubtless passed again into the hands of the quaestors, when they were elected again in the following year. In their hands it seems to have remained till B. C. 28, when Augustus deprived them of it and gave it to two praefects, whom he allowed the senate to choose from among the praetors at the end of their year of office; but as he suspected that this gave rise to canvassing, he enacted, in B. C. 23, that two of the praetors in office should have the charge of the aerarium by lot. (Suet. *Octav.* 36; Dion Cass. liii. 2, 32; Tac. *Ann.* xiii. 29.) They were called *praetores aerarii* (Tac. *Ann.* i. 75; Frontin. *de Aquae Duct.* 100) or *ad aerarium* (Orelli, *Inscr.* n. 723). This arrangement continued till the reign of Claudius, who restored to the quaestors the care of the aerarium, depriving them of certain other offices which they had received from Augustus (Tac. *Ann.* xiii. 29; Suet. *Claud.* 24; Dion. Cass. lx. 24); but as their age seemed too young for so grave a trust, Nero took it from them and gave it to those who had been praetors, and who received the title of *praefecti aerarii.* (Tac. *Ann.* xiii. 28, 29.) During the latter part of the reign of Trajan, or the beginning of that of Vespasian, a fresh change seems to have been made, for we read of *praetores aerarii* in the time of the latter (Tac. *Hist.* iv. 9); but in the reign of Trajan, if not before, it was again entrusted to praefects, who appear to have held their office for two years; and henceforth no further change seems to have been made. (Plin. *Paneg.* 91, 92, *Ep.* x. 20; Suet. *Claud.* 24.) They are called in inscriptions *praefecti aerarii Saturni*, and they appear to have had quaestors also to assist them in their duties, as we find mention of *quaes-*

tores aerarii Saturni in inscriptions under Hadrian and Severus. (Gudius, *Ant. Inscr.* p. 125. n. 6. p. 131. n. 3; Gruter, p. 1027, n. 4.) These praefects had jurisdiction; and before their court in the temple of Saturn, all informations were laid respecting property due to the aerarium and fiscus. (Plin. *Paneg.* 36; Dig. 49. tit. 14. ss. 13, 15.)

The *aerarium militare* was under the care of distinct praefects, who were first appointed by lot from among those who had filled the office of praetor, but were afterwards nominated by the emperor. (Dion. Cass. lv. 25; comp. Tac. *Ann.* v. 8.) They frequently occur in inscriptions under the title of *praefecti aerarii militaris.* (Walter, *Geschichte des Römischen Rechts*, pp. 201, &c., 397, &c. 2d edition; Lipsius, *ad Tac. Ann.* xiii. 29.)

AES (χαλκός). These words signify both *pure copper* and a composition of metals, in which copper is the predominant ingredient. In the latter sense they should not be translated *brass*, but rather *bronze*. Brass is a combination of *copper* and *zinc*, while all the specimens of ancient objects formed of the compound material called *aes*, are found upon analysis to contain no zinc; but, with very limited exceptions, to be composed entirely of *copper and tin*, which mixture is properly called *bronze*. Our chief information about the copper and bronze of the ancients is derived from Pliny (*H. N.* xxxiv.). Copper, being one of the most abundant and generally distributed of the metals, was naturally used at a very early period by the Greeks and Romans. Pliny (*H. N.* xxxiv. 1) mentions three of its ores (*lapides aerosi*), namely, *cadmia*, *chalcitis*, and *aurichalcum* or *orichalcum*, into the exact nature of which this is not the place to inquire.

In the most ancient times we can ascend to, the chief supply came from Cyprus, whence the modern name of *copper* is said to be derived. (Comp. Hom. *Odyss.* i. 184, and Nitzsch's *Note*; Plin. *H. N.* vii. 56. s. 57); but according to an old tradition it was first found in Euboea, and the town of *Chalcis* took its name from a copper-mine. (Plin. *H. N.* iv. 12. s. 21.) It was also found in Asia and the south of Italy, in Gaul, in the mountains of Spain (comp. Paus. vi. 19. § 2), and in the Alps. The art of smelting the ore was perfectly familiar to the Greeks of Homer's time. (Comp. Hesiod. *Theog.* 861—866.)

The abundance of copper sufficiently accounts for its general use among the ancients; money, vases, and utensils of all sorts, whether for domestic or sacrificial purposes, ornaments, arms offensive and defensive, furniture, tablets for inscriptions, musical instruments, and indeed every object to which it could be applied, being made of it. (Hesiod, *Op. et Di.* 150, 151; Lucret. v. 1286.) We have a remarkable result of this fact in the use of χαλκεύς and χαλκεύειν, where working in iron is meant. (Hom. *Od.* ix. 391; Aristot. *Poët.* 25.) For all these purposes the pure metal would be comparatively useless, some alloy being necessary both to harden it and to make it more fusible. Accordingly, the origin of the art of mixing copper and tin is lost in the mythological period, being ascribed to the Idaean Dactyli The proportions in which the component parts were mixed seemed to have been much studied, and it is remarkable how nearly they agree in all the specimens that have been analysed. Some bronze nails from the ruins of the Treasury of Atreus at Mycenae; some ancient coins of Corinth; a very ancient Greek helmet, on which is a boustrophedon inscription, now in the British Museum; portions of the breastplates of a piece of armour called the Bronzes of Siris, also preserved in our national collection; and an antique sword found in France, produced in 100 parts,

87·43 and 88 copper
12·53 and 12 tin
——— —
99·96 100

At a later period than that to which some of the above works may be referred, the addition of a variety of metals seems to have been made to the original combination of copper and tin. The writers on art make particular mention of certain of these bronzes which, notwithstanding the changes they underwent by the introduction of novel elements, were still described by the words χαλκός and aes. That which appears to have held the first place in the estimation of the ancients was the *aes Corinthiacum*, which some pretended was an alloy made accidentally, in the first instance, by the melting and running together of various metals (especially *gold* and *bronze*), at the burning of Corinth by Lucius Mummius, in B. C. 146. (Plin. *H. N.* xxxiv. 2. s. 3; Florus, ii. 16.) This account is obviously incorrect, as some of the artists whose productions are mentioned as composed of this highly valued metal, lived long before the event alluded to. Pliny (*l. c.*) particularises three classes of the Corinthian bronze. The first, he says, was white (*candidum*), the greater proportion of *silver* that was employed in its composition giving it a light colour. In the second sort or quality, *gold* was introduced, in sufficient quantity to impart to the mixture a strong yellow or gold tint. The third was composed of equal portions of the different metals. Some, however, contend that the *aes Corinthiacum* was no composition of precious metals at all, but merely a very pure and highly refined bronze. (Fiorillo, in the *Kunstblatt*, 1832, No. 97.) The next bronze of note among the ancient Greek sculptors is distinguished by the title of *hepatizon*, which it seems it acquired from its colour, which bore some resemblance to that of the *liver* (ἧπαρ). Pliny says that it was inferior to the Corinthian bronze, but was greatly preferred to the mixtures of Delos and Aegina, which, for a long period, had the highest reputation. The colour of the bronze called *hepatizon* must have been very similar to that of the *cinque cento* bronzes — a dull reddish brown. Before the invention of these sorts of bronze, the first in order of celebrity was the *aes Deliacum.* Its reputation was so great that the island of Delos became the mart to which all who required works of art in metal crowded, and led, in time, to the establishment there of some of the greatest artists of antiquity. (Plin. *l. c.* 2. s. 4.) Next to the Delian, or rather in competition with it, the *aes Aegineticum* was esteemed. No metal was produced naturally in Aegina; but the founders and artists there were most skilful in their composition of bronze. The distinguished sculptors, Myron and Polycleitus, not only vied with one another in producing the finest works of art, but also in the choice of the bronze they used. Myron preferred the Delian, while Polycleitus adopted the Aeginetan mixture. (Plin. *H. N.* xxxiv. 2. s. 5.) From a passage in Plutarch it has been supposed that this far-famed Delian bronze was of a light and somewhat sickly tint. (See Quatremère de Quincy, *Jupiter Olympien;* Plut. *De Pyth. Orac.* 2.) Plutarch says, that in his time its composition was unknown. For further information on the composition of bronze, see L. Savot (*Num. Ant.* p. ii. c. 17), Falbroni (in the *Atti dell' Acad. Ital.* vol. i. pp. 203—245, and *Götting. Gel. Anzeig.* 1811, No. 87), and Winckelmann (*Werke*, vol. v.).

No ancient works in brass, properly so called, have yet been discovered, though it has been affirmed that zinc was found in an analysis made of an antique sword (see Mongez, *Mém. de l'Institut.*); but it appeared in so extremely small a quantity, that it hardly deserved notice; if it was indeed present, it may rather be attributed to some accident of nature than to design. On the subject of metals and metallurgy in general, see METALLUM, and for the use of bronze in works of art see STATUARIA. [P. S.]

AES (money, *nummi aënei* or *aerii*). Since the most ancient coins in Rome and the old Italian states, were made of aes, this name was given to money in general, so that Ulpian (Dig. 50. tit. 16. s. 159) says, *Etiam aureos nummos aes dicimus.* (Compare Hor. *Ars Poët.* 345, *Ep.* i. 7. 23.) For the same reason we have *aes alienum*, meaning debt, and *aera* in the plural, pay to the soldiers. (Liv. v. 4; Plin. *H. N.* xxxiv. 1.) The Romans had no other coinage except bronze or copper (*aes*), till B. C. 269, five years before the first Punic war, when silver was first coined; gold was not coined till sixty-two years after silver. (Plin. *H. N.* xxxiii. 13.) For this reason Argentinus, in the Italian mythology, was made the son of Aesculanus. (*Quia prius aerea pecunia in usu esse coepit post argentea.* August. *De Civ. Dei*, iv. 21.) Respecting the Roman copper money, see AS, and respecting the Greek copper money see CHALCOUS. [P. S.]

AES CIRCUMFORA'NEUM, money borrowed from the Roman bankers (*argentarii*), who had shops in porticoes round the forum. (Cic. *Ad Attic.* ii. 1.)

AES EQUESTRE, AES HORDEA'RIUM, and AES MILITA'RE, were the ancient terms for the pay of the Roman soldiers, before the regular *stipendium* was introduced. The *aes equestre* was the sum of money given for the purchase of the horse of an eques; the *aes hordearium*, the sum of money paid yearly for the keep of the horse of an eques, in other words the pay of an eques; and the *aes militare*, the pay of a foot soldier. (Gaius, iv. 27.) None of this money seems to have been taken from the public treasury, but to have been paid by certain private persons, to whom this duty was assigned by the state.

The *aes hordearium*, which amounted to 2000 asses, had to be paid by single women (*viduae*, i. e. both maidens and widows) and orphans (*orbi*), provided they possessed a certain amount of property, on the principle, as Niebuhr remarks, that in a military state, the women and children ought to contribute for those who fight in behalf of them and the commonwealth; it being borne in mind, that they were not included in the census. (Liv. i. 43; Cic. *de Rep.* ii. 20.) The equites had a right to distrain (*pignoris capio*) if the *aes hordearium* was not paid. (Gaius, *l. c.*)

The *aes equestre*, which amounted to 10,000 asses, was to be given, according to the statement of Livy (*l. c.*), out of the public treasury (*ex publico*); but as Gaius says (*l. c.*), that the equites had a right to distrain for this money likewise, it seems impossible that this account can be correct; for we can hardly conceive that a private person had a right of distress against a magistrate, that is, against the state, or that he could distrain any of the public property of the state. It is more probable that this money was also paid by the single women and orphans, and that it was against these that the equites had the same right to distrain, as they had in the case of the *aes hordearium*.

The *aes militare*, the amount of which is not expressly mentioned, had to be paid by the *tribuni aerarii*, and if not paid, the foot soldiers had a right of distress against them. (Cato, *ap. Gell.* vii. 10; Varr. *L. L.* v. 181, ed. Müller; Festus, *s. v. aerarii tribuni;* Gaius, *l. c.*) It is generally assumed from a passage of the Pseudo-Asconius (*in Verr.* p. 167, ed. Orelli), that these *tribuni aerarii* were magistrates connected with the treasury, and that they were the assistants of the quaestors; but Madvig (*De Tribunis Aerariis Disputatio*, in *Opuscula*, vol. ii. pp. 258—261), has brought forward good reasons for believing that the *tribuni aerarii* were private persons, who were liable to the payment of the *aes militare*, and upon whose property a distress might be levied, if the money were not paid. He supposes that they were persons whose property was rated at a certain sum in the census, and that they obtained the name of *tribuni aerarii*, either because they received money from the treasury for the purpose of paying the soldiers, or because, which is the more probable, they levied the *tributum*, which was imposed for the purpose of paying the army, and then paid it to the soldiers. The state thus avoided the trouble of collecting the tributum and of keeping minute accounts, for which reason the vectigalia were afterwards farmed, and the foot-soldiers were thus paid in a way similar to the horse-soldiers. These *tribuni aerarii* were no longer needed when the state took into its own hands the payment of the troops [EXERCITUS], but they were revived in B. C. 70, as a distinct class in the commonwealth by the Lex Aurelia, which gave the judicia to the senators, equites and tribuni aerarii. [TRIBUNI AERARII.] The opinion of Niebuhr (*Hist. of Rome*, vol. i. p. 474.), that the *aes militare* was paid by the aerarians [AERARII] is, it must be recollected, merely a conjecture, which, however ingenious, is supported by no ancient authority.

It has been well remarked by Niebuhr (*Hist. of Rome*, vol. ii. p. 442), that the 2000 asses, which was the yearly pay of a horseman, give 200 asses a month, if divided by 10, and that the monthly pay of a foot soldier was 100 asses a month. It must be recollected that a year of ten, and not of twelve months, was used in all calculations of payments at Rome in very remote times.

AES MANUA'RIUM was the money won in playing with dice, *manibus collectum.* *Manus* was the throw in the game. All who threw certain numbers, were obliged to put down a piece of money; and whoever threw the Venus (the highest throw) won the whole sum, which was called the *aes manuarium.* (Gell. xvii. 13; Suet. *Aug.* 71.)

AES UXO'RIUM, a tax paid by men who reached old age without having married. It was first imposed by the censors, M. Furius Camillus and M. Postumius, in B. C. 403, but we do not know whether it continued to be levied afterwards. (Festus, *s. v.*; Val. Max. ii. 9. § 1; Plut. *Camill.* 2.) [Lex Julia et Papia Poppaea.]

AESTIMATIO LITIS. [Judex.]

AESYMNETES (αἰσυμνήτης, from αἶσα, "a just portion," hence "a person who gives every one his just portion"), originally signified merely a judge in the heroic games, but afterwards indicated an individual who was occasionally invested voluntarily by his fellow-citizens with unlimited power in a Greek state. His power, according to Aristotle, partook in some degree of the nature both of kingly and tyrannical authority; since he was appointed legally and ruled over willing subjects, but at the same time was not bound by any laws in his public administration. (Aristot. *Polit.* iii. 9. § 5, iv. 8. § 2; Hesych. *s. v.*) Hence Theophrastus calls the office τυραννὶς αἱρετή, and Dionysius (v. 73) compares it with the dictatorship at Rome. It was not hereditary; but it was sometimes held for life, and at other times only till some object was accomplished, such as the reconciling of the various factions in the state, and the like. We have only one express instance in which a person received the title of Aesymnetes, namely, that of Pittacus, in Mytilene, who was appointed to this dignity, because the state had been long torn asunder by the various factions, and who succeeded in restoring peace and order by his wise regulations and laws. (Dionys. v. 73; Strab. xiii. p. 617; Plut. *Solon*, 4; Diog. Laërt. i. 75; Plehn, *Lesbiaca*, pp. 46, 48.) There were, however, no doubt many other persons who ruled under this title for a while in the various states of Greece, and those legislators bore a strong resemblance to the aesymnetes, whom their fellow-citizens appointed with supreme power to enact laws, as Dracon, Solon, Zaleucus and Charondas. In some states, such as Cyme and Chalcedon, it was the title borne by the regular magistrates. (Wachsmuth, *Hellen. Alterthum.* vol. i. pp. 423, 441, 2d ed.; Tittmann, *Griech. Staatsv.* p. 76, &c.; Schömann, *Antiq. Jur. Publ. Graec.* p. 88; Hermann, *Staatsalterth.* § 63.)

AETAS. [Infans; Impubes.]

AETOLICUM FOEDUS. (Κοινὸν τῶν Αἰτώλων.) The inhabitants of the southern coast of the country, afterwards called Aetolia, appear to have formed a sort of confederacy as early as the time of Homer. (*Il.* ii. 638, &c., xiii. 217 &c.) In the time of Thucydides (iii. 111), the several Aetolian tribes between the rivers Achelous and Evenus, appear to have been quite independent of one another, although they were designated by the common name of Aetolians; but we nevertheless find that, on certain occasions, they acted in concert, as for example, when they sent embassies to foreign powers, or when they had to ward off the attacks of a common enemy. (Thuc. *l. c.*, iii. 95, &c.) It may therefore be admitted that there did not exist any definite league among the tribes of Aetolia, and that it was only their common danger that made them act in concert; but such a state of things, at any rate, facilitated the formation of a league, when the time came at which it was needed. But the league appears as a very powerful one very soon after the death of Alexander the Great, viz. during the Lamian war against Antipater. (Diod. xix. 66, xx. 99.) How far its organisation was then regulated is unknown, though a certain constitution must have existed as early as that time, since we find that Aristotle wrote a work on the Aetolian constitution. (Strab. vii. p. 321.) But it was certainly wanting in internal solidity, and not based upon any firm principles. In B. C. 204, two of the heads of the confederacy, Dorimachus and Scopas, were commissioned to regulate its constitution, and it was perhaps in consequence of their regulation, that a general cancelling of debts was decreed two years later. (Polyb. xiii. 1, *Fragm. Hist.* 68.) The characteristic difference between the Aetolian and Achaean leagues, was that the former originally consisted of a confederacy of nations or tribes, while the latter was a confederacy of towns. Hence the ancient and great towns of the Aetolians, throughout the period of the league, are of no importance and exercise no influence whatever. Even Thermon, although it was the head of the league, and the place where the ordinary meetings of the confederates were held (Polyb. v. 8, xviii. 31, xxviii. 4; Strab. x. p. 463), did not serve as a fortress in times of war, and whenever the Aetolians were threatened by any danger, they preferred withdrawing to their impregnable mountains.

The sovereign power of the confederacy was vested in the general assemblies of all the confederates (κοινὸν τῶν Αἰτώλων, *concilium Aetolorum*), and this assembly unquestionably had the right to discuss all questions respecting peace and war, and to elect the great civil or military officers of the league. It is however clear, that those assemblies could not be attended by all the Aetolians, for many of them were poor, and lived at a great distance, in addition to which the roads were much more impassable than in other parts of Greece. The constitution of the league was thus in theory a democracy, but under the cover of that name it was in reality an aristocracy, and the name *Panaetolicum*, which Livy (xxxi. 29) applies to the Aetolian assembly, must be understood accordingly, as an assembly of the wealthiest and most influential persons, who occasionally passed the most arbitrary resolutions, and screened the maddest and most unlawful acts of the leading men under the fine name of a decree of all the Aetolians.

We have already mentioned that the ordinary place of meeting was Thermon, but on extraordinary occasions assemblies were also held in other towns belonging to the league, though they were not situated in the country of Aetolia Proper, e. g. at Heracleia (Liv. xxxiii. 3), Naupactus (xxxv. 12), Hypata (xxxvi. 2, 8), and Lamia (xxxv. 43, 44). The questions which were to be brought before the assembly were sometimes discussed previously by a committee, selected from the great mass, and called Apocleti (ἀπόκλητοι, Suid. *s. v.*; Liv. xxxvi. 28.) Some writers believe that the Apocleti formed a permanent council, and that the thirty men sent out to negotiate with Antiochus were only a committee of the Apocleti. (Polyb. iv. 9, xx. 10, xxi. 3; Tittmann, *Griech. Staatsverf.* p. 727.)

The general assembly usually met in the autumn, when the officers of the league were elected. (Polyb. iv. 37.) The highest among them, as among those of the Achaean league, bore the title of στρατηγός, whose office lasted only for one year. The first whose name is known, was Eurydamus, who commanded the Aetolians in the war against the Galatians. (Paus. x. 16. § 2.) The strategus had the right to convoke the assembly; he presided in it, introduced the subjects for deliberation, and levied the troops. (Liv. xxxviii. 4.) He had his share of the booty made in war, but was not allowed to vote in decisions upon peace and war. (Liv. xxxv. 25.) This was a wise precaution, as a sanguine strategus might easily have involved the league in wars which would have been ruinous to the nation. His name was signed to all public documents, treaties, and decrees of the general assembly. An exception occurs in the peace with the Romans, because they themselves dictated it and abandoned the usual form. (Polyb. xxii. 15.) Respecting the mode of election, we are informed by Hesychius (*s. v.* κυάμῳ πατρίῳ), that it was decided by white and black beans, and not by voting, but by drawing lots, so that we must suppose the assembly nominated a number of candidates, who then had to draw lots, and the one who drew a white bean was strategus.

The officers next in rank to the strategus were the hipparchus and the public scribe. (Polyb. xxii. 15 ; comp. Liv. xxxviii. 11.) We further hear of σύνεδροι, who act as arbiters (Böckh, *Corp. Inscr.* vol. ii. p. 633), and νομογράφοι, who however may have had no more to do with the writing down of laws, than the Athenian nomothetae. (Böckh, *l. c.* pp. 857, 858.)

With the exception of the points above mentioned, the constitution of the Aetolian league is involved in great obscurity. There are, however, two things which appear to have had an injurious effect upon the confederacy, first the circumstance that its members were scattered over a large tract of country, and that besides Aetolia Proper and some neighbouring countries, such as Locris and Thessaly, it embraced towns in the heart of Peloponnesus, the island of Cephalenia in the west, and in the east the town of Cius on the Propontis ; in the second place, many of the confederates had been forced to join the league, and were ready to abandon it again as soon as an opportunity offered. (Polyb. iv. 25 ; comp. xxii. 13, 15 ; Liv. xxxviii. 9, 11.) The towns which belonged to the league of course enjoyed isopolity ; but as it endeavoured to increase its strength in all possible ways, the Aetolians also formed connections of friendship and alliance with other states, which did not join the league. (Polyb. ii. 46.) The political existence of the league was destroyed in B. C. 189 by the treaty with Rome, and the treachery of the Roman party among the Aetolians themselves caused in B. C. 167 five hundred and fifty of the leading patriots to be put to death, and those who survived the massacre, were carried to Rome as prisoners. (Liv. xlv. 31 ; Justin, xxxiii. 2 ; comp. Tittmann, *Darstellung der Griech. Staatsverf.* p. 721, &c. ; Lucas, *Ueber Polyb. Darstellung des Aetol. Bundes*, Königsberg, 1827, 4to. ; K. F. Hermann, *Griech. Staatsalterth.* § 183 ; Schorn, *Geschichte Griechenl.* p. 25, &c. ; Brandstäter, *Die Gesch. des Aetol. Landes, Volkes und Bundes*, p. 298, &c.) [L. S.]

AETO'MA (ἀέτωμα). [FASTIGIUM.]

AFFI'NES, AFFI'NITAS, or ADFI'NES, ADFI'NITAS. Affinitas is that relation into which one family comes with respect to another by a marriage between the members of the respective families ; but it is used more particularly to express the relation of husband and wife to the cognati of wife and husband respectively. The husband and wife were also affines with respect to their being members of different families ; and the betrothed husband and wife (sponsus, sponsa) with reference to their intended marriage. Affinitas can only be the result of a lawful marriage. There are no degrees of affinitas corresponding to those of cognatio, though there are terms to express the various kinds of affinitas. The father of a husband is the socer of the husband's wife, and the father of a wife is the socer of the wife's husband ; the term socrus expresses the same affinity with respect to the husband's and wife's mothers. A son's wife is nurus or daughter-in-law to the son's parents ; a wife's husband is gener or son-in-law to the wife's parents.

Thus the avus, avia — pater, mater — of the wife become by the marriage respectively the socer magnus, prosocrus, or socrus magna — socer, socrus — of the husband, who becomes with respect to them severally progener and gener. In like manner the corresponding ancestors of the husband respectively assume the same names with respect to the son's wife, who becomes with respect to them pronurus and nurus. The son and daughter of a husband or wife born of a prior marriage, are called privignus and privigna, with respect to their step-father or step-mother ; and, with respect to such children, the step-father and step-mother are severally called vitricus and noverca. The husband's brother becomes levir with respect to the wife, and his sister becomes Glos (the Greek γάλως). Marriage was unlawful among persons who had become such affines as above-mentioned ; and the incapacity continued even after the dissolution of the marriage in which the affinitas originated. (Gaius, i. 63.) A person who had sustained such a capitis diminutio as to lose both his freedom and the civitas, lost also all his affines. (Dig. 38. tit. 10. s. 4 ; Böcking, *Institutionen*, vol. i. p. 267.) [G. L.]

AGALMA (ἄγαλμα). [STATUARIA.]

AGAMIOU GRAPHE (ἀγαμίου γραφή). [MATRIMONIUM.]

AGA'SO, a groom, a slave whose business it was to take care of the horses. The word is also used for a driver of beasts of burthen, and is sometimes applied to a slave who had to perform the lowest menial duties. (Liv. xliii. 5 ; Plin. *H. N.* xxxv. 11 ; Curt. viii. 6 ; Hor. *Serm.* ii. 8. 72 ; Pers. v. 76.)

AGATHOERGI (ἀγαθοεργοί). In time of war the kings of Sparta had a body-guard of 300 knights (ἱππεῖς), of whom the five eldest retired every year, and were employed for one year, under the name of *agathoergi* in missions to foreign states. (Herod. i. 67.) It has been maintained by some writers that the *agathoergi* did not attain that rank merely by seniority, but were selected from the ἱππεῖς by the ephors without reference to age. (Ruhnken, *Ad Timaei Lexic. Plat. s.v.* ; Hesych. *s. v.* ; Bekker, *Anecd.* vol. i. p. 209.)

A'GELA (ἀγέλη), an assembly of young men in Crete, who lived together from their eighteenth year till the time of their marriage. Up to the end of their seventeenth year they remained in their father's house ; and from the circumstance of their belonging to no *agela*, they were called ἀπάγελοι. They were then enrolled in *agelae*, which were of an aristocratic nature, and gave great power to particular families. An *agela* always consisted of the sons of the most noble citizens, who were usually under the jurisdiction of the father of the youth who had been the means of collecting the *agela*. It was the duty of this person, called ἀγελάτης, to superintend the military and gymnastic exercises of the youths (who were called ἀγελάσται), to accompany them to the chase, and to punish them when disobedient. He was accountable, however, to the state, which supported the *agela* at the public expense. All the members of an *agela* were obliged to marry at the same time. When they ceased to belong to an agela, they partook of the public meals for men (ἀνδρεῖα) [Syssitia]. These institutions were afterwards preserved in only a few states of Crete, such for instance as Lyctus. (Ephorus, *ap. Strab.* x. p. 480, &c.; Heracl. Pont. c. 3.; Höck, *Creta*, iii. p. 100, &c.; Müller, *Dor.* iv. 5. § 3; Hermann, *Griech. Staatsalterthümer*, § 22; Wachsmuth, *Hellen. Alterthumskunde*, vol. i. p. 362, 2d ed.; Krause, *Die Gymnastik u. Agonistik d. Hellenen*, p. 690, &c.) At Sparta the youths left their parents' houses at seven years of age and entered the *βοῦαι*.

AGE'MA (ἄγημα from ἄγω), the name of a chosen body of troops in the Macedonian army, consisting of horse-soldiers and foot-soldiers, but usually of the former. It seems to have varied in number; sometimes it consisted of 150 men, at other times of 300, and in later times it contained as many as 1000 or 2000 men. (Diod. xix. 27, 28: Liv. xxxvii. 40; xliii. 51. 58; Curt. iv. 13; Polyb. v. 25, 65, xxxi. 8; Hesych. and Suid. *s. v.*; Eustath. *ad Od.* i. p. 1399, 62.)

AGER is the general term for a district or tract of country, which has some definite limits, and belongs to some political society. Ager Romanus is the old territory of the Romans. Agri, in the plural, often means lands in the country as opposed to town: "est in agris," means "he is in the country:" "mittere in agros," a phrase that occurs in speaking of the agrarian laws, means to assign portions of the Ager Publicus to individuals. (Liv. vi. 17, x. 21.)

Terra is an indefinite term: it is a whole country without reference to political limits, as Terra Italia.

Ager Publicus was the property of the Roman state, part of the Publicum. Ager Privatus was the property of individuals. Some remarks on the general division of land into Publicus and Privatus, and on the nature of land that was Sacer and Religiosus, are contained in the article on the Agrarian Laws. Ager Occupatorius is land occupied by a victorious people when the conquered people had been driven out (*Rei Agrariae Auctores*, p. 45, ed. Goes.): the possessiones [Agrariae Leges] were included in the Ager Occupatorius. Such land as was restored to those who had lost it by conquest, was called Redditus. The Ager Occupatorius was also called Ager Arcifinius or Arcifinalis, so denominated "ab arcendis hostibus" (p. 38. ed. Goes.). But the terms Ager Arcifinius and Occupatorius do not appear to be exactly equivalent, though some of the writers on the Res Agraria make them so. Ager Arcifinius appears to express the whole of a territory, which had only some natural or arbitrary boundary, and was not defined by measurement (*qui nulla mensura continetur;* Frontinus.) Such were the scattered portions of the Roman Ager Publicus. The Ager Occupatorius might signify so much of the public land included in the Arcifinius as was held by possessors (occupantes), or, as Niebuhr explains it, the term Occupatorius was confined to the public land, strictly so called, and designated the tenure under which it was held.

Frontinus divides lands into three heads (*qualitates*): Ager Divisus et Assignatus; Ager mensura comprehensus; Ager Arcifinius. He defines the Arcifinius, as above stated. The Ager mensura comprehensus appears to signify a tract, of which the limits were defined by measurement, which was given in the mass to some community (*cujus modus universus civitati est assignatus*), of which he mentions two examples.

Ager Divisus et Assignatus was public land that was assigned or granted to private persons. The verb *divido*, or some form of it, is used by Livy (iv. 51, v. 30) to express the distribution of the land. The word *assigno* indicates the fixing of the signa or boundaries. Ager Quaestorius was public land, which was sold by the quaestors (pp. 2, 14, ed. Goes.), in square patches, each side of which was the length of ten linear actus: the square consequently contained 100 quadrati actus or fifty jugera.

Ager Limitatus was public land marked out by limites for the purpose of assignment to coloni or others. The limites were drawn with reference to the heavens (p. 150, ed. Goes.); and this mode of dividing the land was founded on the old Etruscan doctrine, for the Etruscans divided the earth into parts, following the course of the sun by drawing a line from east to west, and another from south to north. This was the foundation of the limites of a templum, a term which means the celestial vault, and also so much of the earth's surface as the augur could comprehend in his view. This was the foundation of the Roman Limitatio of land. A line (limes) was drawn through a given point from east to west, which was called the Decumanus, originally Duocimanus* (according to Hyginus), because it divides the earth into two parts: another line was drawn from south to north, which was called Cardo, "a mundi cardine." The length of these two chief limites would be determined by the limits of the land which was to be divided. The points from which the two chief limites were drawn varied according to circumstances. Those which were parallel to the Decumanus were Prorsi, direct; those which were parallel to the Cardo were Transversi, transverse. The limes was therefore a term applied to a boundary belonging to a tract of land, and the centuriae included in it, and is different from finis, which is the limit of any particular property. The Decumani, Cardines, and other limites of a district form an unchangeable kind of network in the midst of the changeable properties which have their several fines (Rudorff). The distance at which the limites were to be drawn, would depend on the magnitude of the squares or centuriae, as they were called, into which it was proposed to divide the tract. The whole tract might not be square: sometimes the Decumani Limites would be only half as long as the Cardines (p. 154. ed. Goes.). Every sixth limes, reckoning from the Decumanus and including it, was wider than the intermediate limites, and these wider limites served as roads, but they were not included under the term of Viae Publicae, though a limes and a via publica might sometimes coincide. (Hyginus, ed. Goes. p. 163.) The narrower limites were called Linearii in the provinces, but in Italy they were called Subruncivi. The limites parallel to the cardo were drawn in the same way.

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* Duocimanus, according to Hyginus, was changed into Decimanus; "Decumanus," says Niebuhr, "probably from making the figure of a cross, which resembles the numeral X, like decussatus." Neither explanation is satisfactory.

The Roman measure of length used for land was the actus of 120 feet: the square actus was 14,400 square feet; and a juger or jugerum was two actus quadrati. The word centuria properly means a hundred of any thing. The reason of the term centuria being applied to these divisions may be, that the plebeian centuries contained 100 actus, which is 50 jugera, the amount contained in the portions put up to sale by the quaestors: but Siculus Flaccus (p. 15, ed. Goes.) gives a different account. The centuria sometimes contained 200 jugera, and in later periods 240 and 400. This division into centuriae only comprehended the cultivable land. When a colony was founded or a tract of land was divided, that part which did not consist of arable land was the common property of the colony or settlement; and was used as pasture. Such tracts appear to be the Compascuus Ager of the Lex Thoria (c. 4, &c.). The land that was thus limited, would often have an irregular boundary, and thus many centuries would be incomplete. Such pieces were called Subseciva, and were sometimes granted to the colony or community, and sometimes reserved to the state. That such portions existed in some quantity in Italy is shown by the fact of Vespasian and Titus making sales of them, and Domitian is said to have restored them to the possessors.

A plan of each tract of limited land was engraved on metal (aes), and deposited in the tabularium. This plan (forma) showed all the limites or centuriae, and was a permanent record of the original limitation. Descriptions also accompanied the plan, which mentioned the portions that belonged to different individuals, and other particulars. (Siculus Flaccus, *De Divis. et Assig.* ed. Goes., p. 16; and the passages collected by Brissonius, *Select. ex Jur. Civil.* iii. c. 5.) Some of these records, which belong to an early period of Roman history, are mentioned by Siculus Flaccus, as existing when he wrote (p. 24. ed. Goes.). These registered plans were the best evidence of the original division of the lands, and if disputes could not be settled otherwise, it was necessary to refer to them.

As to the marks by which boundaries were distinguished, they were different in the case of Ager Arcifinius and Ager Limitatus. In the case of Ager Arcifinius, the boundaries were either natural or artificial, as mountain ridges, roads, water sheds, rocks, hills, ramparts of earth, walls of rubble, and so forth: rivers, brooks, ditches and water conduits were also used as boundaries. Marks were also made on rocks, and trees were planted for this purpose, or were left standing (arbores intactae, antemissae). Trees were often marked: those which were the common property of two landowners were marked on both sides; and those which belonged to a single proprietor were marked on the side which was turned from the proprietor's land (arbores insignes, signatae, notatae). By cutting off a piece of the bark, a scar would be formed which would answer as a signum. In angles, such as a trifinium or quadrifinium, more special boundary marks were used, for instance, at a trifinium three trees would be planted. Taps, or pieces of wood, lead and iron, were also inserted in trees to point to some piece of water as the nearest boundary.

The Ager Limitatus was marked in a different way by boundary stones and posts, not by natural barriers. The boundaries of the territory were marked by termini, which received their names under the empire from the emperor who gave the commission for partitioning the land. Accordingly, we find the expressions Lapides Augustales, Tiberiani, and so forth, mentioned as the termini fixed by these emperors for the boundaries of the colonies which they founded. The Termini Territoriales marked the limits of the district, the Pleurici ran parallel to the Decumani and Cardines, the Actuarii Centuriales were at the angles of the centuriae, the Epipedonici in the centre of the centuriae, the Proportionales at the beginning and end of the jugera. The boundaries of a property were also marked by termini; and the owner of a property might place termini within it to mark the pieces into which he divided it for his children.

The termini were either posts of wood or stones. In the colonies of Augustus, the boundaries of the centuriae were marked by stones; those of the several allotments by oak posts (termini robusti, pali roborei.) Sometimes pali actuarii are mentioned, from which it appears that the boundaries of the centuriae were sometimes determined by wooden posts. The stones used in a particular limitatio were of the same kind and colour in order to make them more useful as boundary stones. The stones were either polished (politi, dolati) or rough hewn (taxati a ferro), or in their entire rough state. The size varied from half a foot to two and a half feet, and the larger might sometimes be mistaken by ignorant people for mile stones. The form of the stones also varied, as we see from the representations contained of them in the MSS. of the Agrimensores. The number of angles varied in those which were angular: some were cylindrical, some pointed, others of a pyramidal form. The head stones at the beginning and end of a boundary were more conspicuous than those which lay between them. Inscriptions and marks were also put on the termini. The termini on the boundaries of the limited land have often considerable inscriptions; the centurial and pleurite termini give the number of the century and the name of the limes. Various kinds of marks were also devised to facilitate the ascertaining of boundaries without the trouble of referring to the plan.

These precautions were not all. A stone might be removed and a boundary might thus become uncertain. It was accordingly the practice to bury something under the stone that was not perishable, as bones, embers and ashes from the offering made at the time when the stone was set up. Small coins were also put under it, and fragments of glass, pottery, and the like, which would serve to determine the place of the stone. The same practice is enjoined by the laws of Manu (viii. 249, 250, 251), a fact noticed by Dureau de la Malle. On the introduction of Christianity, the practice of making such offerings was discontinued, and this kind of evidence was lost. Under the old religion it was also the practice to traverse the boundaries at the terminalia, in the month of February. In the case of the territorial boundaries, this was done by the whole community; and pursuant to this old custom, the boundaries of the original territory of Rome, six miles from the city, were traversed at the terminalia. Private persons also examined their boundaries at the terminalia, and the usual offerings were made. The parish perambulations and other perambulations of modern times bear some resemblance to this Roman usage.

It has been observed that finis, a term which expresses the boundary of separate properties, must not be confounded with limes; nor must fundus be confounded with locus. A fundus has determinate boundaries (fines): a locus is indeterminate, and may be part of a fundus or comprise more than a fundus. A dispute about a fundus is a question of property; a dispute about a locus or finis is a dispute about boundaries.

Niebuhr conjectures "that a fundus assigned by the state was considered as one entire farm, as a whole, the limits of which could not be changed." But he adds, "This did not preclude the division of estates, nor even the sale of duodecimal parts of them;" and further, "The sale or transfer of them, when the whole was not alienated, was in parts according to the duodecimal scale." But to this it is replied by Dureau de la Malle, that when there were five, seven or nine heredes, there must be a fractional division. A fundus generally had a particular name which was not changed, and it is stated that both in Italy and France many of these properties still have Roman names. But the fact of a fundus *generally* having a name, and the fact of the name being often preserved, does not prove that *all* fundi retained their original limits according to Roman usage; nor does the fact, that there were sometimes two, sometimes three owners of one fundus (Dig. 10. tit. 1. s. 4.), prove that a fundus never had its limits changed, while it disproves Niebuhr's assertion as to duodecimal parts, unless the halves and thirds were made up of duodecimal parts, which cannot be proved. It seems probable enough, that an original fundus would often retain its limits unchanged for centuries. But it is certain that the bounds (fines) of private properties often changed. Rudorff remarks: "The boundary of a property is changeable. It may by purchase, exchange, and other alienation, be pushed further, and be carried back." The localities of the great Cardines, Decumani, and other Limites, as the same writer has been already quoted to show, are unchangeable.

The difficulty of handling this subject is very great, owing to the corrupted text of the writers on the Res Agraria. The latest edition of these writers is by Goesius, Amsterdam, 1674. A new and corrected edition of these writers with a suitable commentary would be a valuable contribution to our knowledge of the Roman land system. (*Rei Agrariae Auctores*, ed. Goes.; Rudorff, *Zeitschrift für Geschicht. Rechtsw.* Ueber die Gränzscheidungsklage, vol. x.; Niebuhr, vol. ii. appendix 1; Dureau de la Malle, *Economie Politique des Romains*, vol. ii. p. 166, &c.) [G. L.]

AGER SANCTUS (*τέμενος*). For an account of the lands in Greece devoted to the service of religion, see Temenos: for an account of those in Rome, see Sacerdos.

AGETO'RIA (ἀγητόρια) [Carneia.]

AGGER (χῶμα), from *ad* and *gero*, was used in general for a heap or mound of any kind which might be made of stones, wood, earth or any other substance. It was more particularly applied to a mound, usually composed of earth, which was raised round a besieged town, and which was gradually increased in breadth and height, till it equalled or overtopped the walls. Hence we find the expressions *aggere oppidum oppugnare*, *aggere oppidum cingere*; and the making of the agger is expressed by the verbs *exstruere*, *construere*, *jacere*, *facere*, &c. Some of these *aggeres* were gigantic works, flanked with towers to defend the workmen and soldiers, and surmounted by parapets, behind which the soldiers could discharge missiles upon the besieged towns. At the siege of Avaricum, Caesar raised in twenty-five days an agger 330 feet broad, and 80 feet high. (*B. G.* vii. 24.) As the agger was sometimes made of wood, hurdles, and similar materials, we sometimes read of its being set on fire. (Liv. xxxvi. 23; Caes. *B. G.* vii. 24, *B. C.* ii. 14, 15.) The word agger was also applied to the earthen wall surrounding a Roman encampment, composed of the earth dug from the ditch (*fossa*), which was usually nine feet broad and seven feet deep; but if any attack was apprehended, the depth was increased to twelve feet, and the breadth to thirteen feet. Sharp stakes, &c., were usually fixed upon the agger, which was then called *vallum*. When both words are used (as in Caesar, *B. G.* vii. 72, *agger ac vallum*), the agger means the mound of earth; and the vallum the sharp stakes (*valli*), which were fixed upon the agger.

At Rome, the formidable rampart erected by Servius Tullius to protect the western side of Rome was called *agger*. It extended from the further extremity of the Quirinal to that of the Esquiline. It was fifty feet broad, having a wall on the top, defended by towers, and beneath it was a ditch a hundred feet wide and thirty feet deep. (Cic. *de Rep.* ii. 6; Dionys. ix. 68.) Pliny (*H. N.* iii. 5. s. 9) attributes the erection of this rampart to Tarquinius Superbus, but this is in opposition to all the other ancient writers who speak of the matter.

AGITATO'RES. [Circus.]

AGMEN. [Exercitus.]

AGNA'TI. [Cognati.]

AGNO'MEN. [Nomen.]

AGONA'LIA, or AGO'NIA (Ov. *Fast.* v. 721), one of the most ancient festivals at Rome, celebrated several times in the year. Its institution, like that of other religious rites and ceremonies, was attributed to Numa Pompilius. (Macrob. *Saturn.* i. 4.) We learn from the ancient calendars that it was celebrated on the three following days, the 9th of January, the 21st of May, and the 11th of December (*a. d.* V. *Id. Jan.*; XII. *Kal. Jun.*; III. *Id. Dec.*); to which we should probably add the 17th of March (*a. d.* XVI. *Kal. Apr.*), the day on which the Liberalia was celebrated, since this festival is also called *Agonia* or *Agonium Martiale*. (Varr. *L. L.* vi. 14, ed. Müller; Macrob. *l. c.*; *Kalendarium Vaticanum*.) The object of this festival was a disputed point among the ancients themselves; but as Hartung has observed (*Die Religion der Römer*, vol. ii. p. 33), when it is recollected that the victim which was offered was a ram, that the person who offered it was the rex sacrificulus, and that the place where it was offered was the regia (Var. *L. L.* vi. 12; Ov. *Fast.* i. 333; Fest. *s. v. Agonium*), we shall not have much difficulty in understanding the significance of this festival. The ram was the usual victim presented to the guardian gods of the state, and the rex sacrificulus and the regia could be employed only for such ceremonies as were connected with the highest gods and affected the weal of the whole state. Regarding the sacrifice in this light, we see a reason for its being offered several times in the year.

The etymology of the name was also a subject of much dispute among the ancients; and the various etymologies that were proposed are given at length by Ovid. (*Fast.* i. 319—332.) None of these, however, are at all satisfactory; and we would therefore suggest another. It is well known that the Quirinal hill was originally called *Agonus*, and the Colline gate *Agonensis*. (Fest. *s. vv. Agonium*, *Quirinalis;* comp. Dionys. ii. 37.) What is then more likely than that this sacrifice should have been originally offered on this hill, and should thence have received the name of Agonalia? It is expressly stated that the sacrifice was offered in the *regia*, or the *domus regis*, which in the historical times was situated at the top of the *sacra via*, near the arch of Titus (Becker, *Handbuch d. Röm. Alterth.* vol. i. pp. 237, 238); but in the earliest times the regia is stated by an ancient writer to have been upon the Quirinal (Solin. i. 21), and this statement seems to render our supposition almost certain. (*Classical Museum*, vol. iv. pp. 154—157.)

The *Circus Agonensis*, as it is called, is supposed by many modern writers to have occupied the place of the present Piazza Navona, and to have been built by the emperor Alexander Severus on the spot where the victims were sacrificed at the Agonalia. Becker (*Ibid.* pp. 668—670) has however brought forward good reasons for questioning whether this was a circus at all, and has shown that there is no authority whatever for giving it the name of circus *Agonensis*.

AGO'NES (ἀγῶνες), the general term among the Greeks for the contests at their great national games. [CERTAMINA.] The word was also used to signify law-suits, and was especially employed in the phrase ἀγῶνες τιμητοί and ἀτίμητοι. [TIMEMA.]

AGONO'THETAE (ἀγωνοθέται), were persons, in the Grecian games, who decided disputes and adjudged the prizes to the victors. Originally, the person who instituted the contest and offered the prize was the *agonothetes*, and this continued to be the practice in those games which were instituted by kings or private persons. But in the great public games, such as the Isthmian, Pythian, &c., the *agonothetae* were either the representatives of different states, as the Amphictyons at the Pythian games, or were chosen from the people in whose country the games were celebrated. During the flourishing times of the Grecian republics, the Eleians were the *agonothetae* in the Olympic games, the Corinthians in the Isthmian games, the Amphictyons in the Pythian games, and the Corinthians, Argives, and inhabitants of Cleonae in the Nemaean games. The ἀγωνοθέται were also called αἰσυμνῆται, ἀγωνάρχαι, ἀγωνοδίκαι, ἀθλοθέται, ῥαβδοῦχοι or ῥαβδονόμοι (from the staff they carried as an emblem of authority), βραβεῖς, βραβευταί.

AGORA (ἀγορά), properly means an assembly of any nature, and is usually employed by Homer for the general assembly of the people. The *agora* seems to have been considered an essential part in the constitution of the early Grecian states, since the barbarity and uncivilised condition of the Cyclops is characterised by their wanting such an assembly. (Hom. *Od.* ix. 112.) The *agora*, though usually convoked by the king, appears to have been also summoned at times by some distinguished chieftain, as for example, by Achilles before Troy. (Hom. *Il.* i. 54.) The king occupied the most important seat in these assemblies, and near him sat the nobles, while the people sat in a circle around them. The power and rights of the people in these assemblies have been the subject of much dispute. Platner, Tittman, and more recently Nitzsch in his commentary on the Odyssey, maintain that the people was allowed to speak and vote; while Müller (*Dor.* iii. 1. § 3), who is followed by Grote (*Hist. of Greece*, vol. ii. p. 91), maintains that the nobles were the only persons who proposed measures, deliberated, and voted, and that the people was only present to hear the debate, and to express its feeling as a body; which expressions might then be noticed by a prince of a mild disposition. The latter view of the question is confirmed by the fact, that in no passage in the Odyssey is any of the people represented as taking part in the discussion; while, in the Iliad, Ulysses inflicts personal chastisement upon Thersites, for presuming to attack the nobles in the *agora*. (*Il.* ii. 211—277.) The people appear to have been only called together to hear what had been already agreed upon in the council of the nobles, which is called βουλή (*Il.* ii. 53, vi. 114, γέροντες βουλευταί), and θόωκος (*Od.* ii. 26), and sometimes even ἀγορά (*Od.* ix. 112; ἀγοραὶ βουληφόροι). Justice was administered in the agora by the king or chiefs (Hes. *Theog.* 85; Hom. *Il.* xviii. 497, &c. *Od.* xii. 439), but the people had no share in its administration, and the agora served merely the purpose of publicity. The common phrases used in reference to the *agora* are εἰς ἀγορὴν καλέειν; ἀγορὴν ποιεῖσθαι, τίθεσθαι; εἰς τὴν ἀγορὴν εἰσιέναι, ἀγείρεσθαι, &c. (Wachsmuth, *Hellen. Alterthumsk.* vol. i. p. 346, 2d ed.; Hermann, *Lehrbuch. d. Griech. Staatsalt.* § 55; Grote, *Hist. of Greece*, vol. ii. pp. 91—101.)

Among the Athenians, the proper name for the assembly of the people was ἐκκλησία, and among the Dorians ἁλία. The term *agora* was confined at Athens to the assemblies of the phylae and demi. (Aesch. *c. Ctes.* § 27. p. 50. 37; Schömann, *De Comitiis Athen.* p. 27, *Antiq. Jur. Publ. Graec.* pp. 203, 205; Böckh, *Corp. Inscrip.* vol. i. p. 125.) In Crete the original name ἀγορά continued to be applied to the popular assemblies till a late period. (Bekker, *Anecdot.* vol. i. p. 210.)

A'GORA (ἀγορά), was the place of public assembly in a Greek city, both for traffic, and for the transaction of all public business. It answers to the Roman *forum;* and, in fact, it is impossible to keep these two subjects entirely separate.

In the earliest times, the Agora was merely an open piece of ground, which was generally in front of the royal palace, and, in sea-port towns, close to the harbour. The Agora of Troy was in the citadel. Here, the chiefs met in council, and sat in judgment, and the people assembled to witness athletic games. It was evidently also the place of traffic and of general intercourse: in one passage of Homer, we have a lively picture of the idlers who frequented it. It was enclosed with large stones sunk into the earth, and seats of marble were placed in it for the chiefs to sit in judgment, and it was hallowed by the shrine of one or more divinities. In the Agora which Homer particularly describes, — that of the Phaeacians, — there was a temple of Poseidon. (Hom. *Il.* ii. 788, vii. 345, 346, xviii. 497—506, *Od.* vi. 263—285, viii. 16, 109, xvi. 361.)

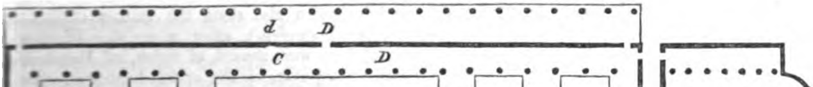
Out of this simple arrangement arose the magnificent ἀγοραί of later times, which consisted of an open space, enclosed by porticoes or colonnades, divided into separate parts for the various occupations which were pursued in it, adorned with statues, altars, and temples, and built about with edifices for the transaction of public and private business, and for the administration of justice.

Our information respecting these edifices is rather scanty. The chief authorities are Pausanias and Vitruvius. The existing ruins are in such a state as to give us a very little help.

We have, first of all, in this, as in other departments of architecture, to distinguish the ancient style from that introduced by the Greeks of Ionia after the Persian war, and more especially by Hippodamus of Miletus [see Dict. of Biog. *s. v.*], whose connection with the building of ἀγοραί of a new form is marked by the name 'Ιπποδάμεια, which was applied to the Agora in the Peiraeus. (Harpocr. *s. v.* 'Ιπποδάμεια.) The general character of the Greek ἀγορά is thus described by Vitruvius (v. 1): — "The Greeks arrange their fora in a square form, with very wide double colonnades, and adorn them with columns set near one another and with stone or marble entablatures, and they make walks in the upper stories."

Among the ἀγοραί described by Pausanias, that of the Eleians is mentioned by him (vi. 24) as being "not on the same plan as those of the Ionians and the Greek cities adjoining Ionia, but it is built in the more ancient fashion, with porticoes separated from one another, and streets between them. But the name of the Agora in our days is *Hippodromos*, and the people of the country exercise their horses there. But of the porticoes, the one towards the south is of the Dorian style of work, and the pillars divide it into three parts (in this the Hellanodicae generally pass the day): but against these (pillars) they place altars to Zeus... To one going along this portico, into the Agora, there lies on the left, along the further side of this portico, the dwelling of the Hellanodicae (ὁ 'Ελλανοδικεών): and there is a street which divides it from the Agora... And near the portico where the Hellanodicae pass the day, is another portico, there being one street between them: this the Eleians call the Corcyraean portico" (because it was built from the tithe of spoil taken from the Corcyraeans in war). "But the style of the portico is Dorian and double, having columns on the one side towards the Agora, and on the other side towards the parts beyond the Agora: and along the middle of it is a wall, which thus supports the roof: and images are placed on both sides against the wall." He then proceeds to mention the ornaments of the Agora, namely, the statue of the philosopher Pyrrhon; the temple and statue of Apollo Acesius; the statues of the Sun and Moon; the temple of the Graces, with their wooden statues, of which the dress was gilt, and the hands and feet were of white marble; the temple of Seilenus, dedicated to him alone, and not in common with Dionysus; and a monumental shrine, of peculiar form, without walls, but with oak pillars supporting the roof, which was reported to be the monument of Oxylus. The Agora also contained the dwelling of the sixteen females, who wove in it the sacred robe for Hera. It is worthy of remark that several of these details confirm the high antiquity which Pausanias assigns to this Agora.

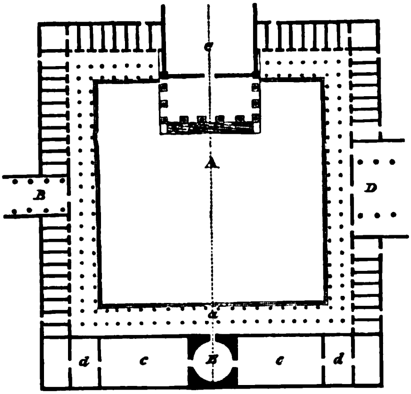
Hirt has drawn out the following plan from the description of Pausanias. (*Geschichte der Baukunst bei den Alten*, Taf. xxi. fig. 5.) We give it, not as feeling satisfied of its complete accuracy, but as a useful commentary on Pausanias.



GROUND PLAN OF THE OLD AGORA AT ELIS.

A, the chief open space of the agora, called, in the time of Pausanias, *hippodromus*: *a*, colonnades separated by streets, *b*: B, the Stoa in which the Hellanodicae sat, divided from the Agora by a street O: C, the house of the Hellanodicae: *x*, the Tholus: D, the Corcyraean Stoa, composed of two parts, *c* looking into the Agora, and *d* looking away from it: *e*, *g*, *h*, small temples: *f*, statues of the Sun and Moon: *i*, monument of Oxylus: *k*, house of the sixteen women.

In this Agora the Stoa, B, answers to the later basilica, and the house C, to the *prytaneium* in other Greek ἀγοραί. With respect to the other parts, it is pretty evident that the chief open space, A, which Pausanias calls τὸ ὕπαιθρον τῆς ἀγορᾶς, was devoted to public assemblies and exercise, and the στοαί (*a*), with their intervening streets (*b*), to private business and traffic. Hirt traces a resemblance of form between the Eleian agora and the Forum of Trajan. It is evident that the words of Vitruvius, above quoted, refer to the more modern, or Ionian form of the Agora, as represented in the following plan, which is also taken from Hirt (*Geschichte der Baukunst*, xxi. fig. 1): —

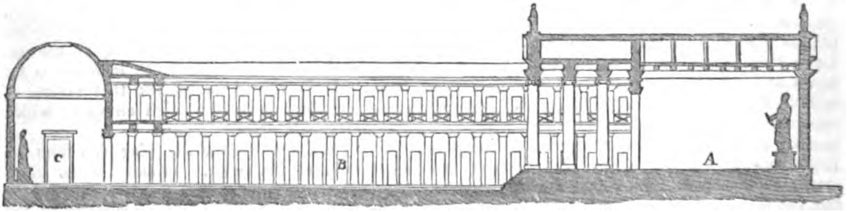


PLAN OF A GREEK AGORA, ACCORDING TO VITRUVIUS.

A, the open court, surrounded by double colonnades and shops: B, the Curia: C, the chief temple, also used as a treasury: D, the Basilica, or court of justice: E, the Tholus, in connection with the other rooms of the Prytaneium, *c*, *d*.

The cut below, which is also from Hirt, represents a section of the Agora made along the dotted line on the plan.

We gain further information respecting the buildings connected with the Agora, and the works of art with which it was adorned, chiefly from the statements of Pausanias respecting those of particular cities, such as Athens (i. 5. § 2), Thebes (ix. 17. § 1), Sicyon (ii. 7. § 7, 9. § 6), Argos (ii. 21), Sparta (iii. 11), Tegea (viii. 47. § 3), Megalopolis (viii. 30. § 2), to which passages the reader is referred for the details. The buildings mentioned in connection with the Agora are: — 1. Temples of the gods and shrines of heroes [TEMPLUM], besides altars and statues of divinities. The epithet ἀγοραῖος is often applied to a divinity who was thus worshipped in the Agora (Paus. *ll. cc.*; Aesch. *Eumen.* 976; Soph. *Oed. Tyr.* 161, where mention is made of the circular throne of Artemis in the Agora), and Aeschylus expressly refers to the θεοὶ ἀγορᾶς ἐπισκόποι (*Sept. c. Theb.* 271, 272). 2. The Senate-house (βουλευτήριον), and other places for the meetings of the governing bodies, according to the constitution of the particular state: in the Agora at Sparta, for example, there were the senate-house of the Gerontes and the places of meeting of the Ephori, the Nomophylaces, and the Bidiaei. 3. The residence of the magistrates for the time being [PRYTANEIUM]. 4. Courts of justice [BASILICA]. 5. The public treasury [THESAURUS]. 6. The prison [CARCER]. 7. The police station, if such a term may be applied to an ancient Agora. At Athens, for example, the station of the thousand Scythian bowmen, who formed the police force of the state, was in the middle of the Agora: this does not, however, seem to have been a permanent building, but only a number of tents. 8. Buildings used for the regulation of the standards of measure, and so forth; such as the building vulgarly called the Temple of the Winds at Athens [HOROLOGIUM], and the Milliarium Aureum at Rome, which seems to have been imitated from a similar standard at Athens [MILLIARIUM]. To these various buildings must be added the works of art, with which the open area and the porticoes of the Agora were adorned; which were chiefly in celebration of gods and heroes who figured in the mythology, of men who had deserved well of the state, of victories and other memorable events, besides those which obtained a place there purely by their merits as master-pieces of art. As a specimen we may take the Agora at Athens, a portico of which, thence called the στοὰ ποικίλη, was adorned with the paintings of Polygnotus, Micon, and others, and in which also stood the statues of the ten heroes (ἀρχηγέται), after whom the Phylae of Cleisthenes were named, of Solon, of Harmodius, and Aristogeiton, of the orator Lycurgus, and of very many others. It was customary also to build new porticoes out of the spoils taken in great wars, as examples of which we have the Corcyraean portico at Elis, mentioned above, and the Persian portico at Sparta.



SECTION OF THE SAME.

The open area of the Agora was originally the place of public assembly for all purposes, and of general resort. Its use for political purposes is described in the preceding article. Here also were celebrated the public festivals. At Sparta, the part of the Agora in which stood the statues of Apollo, Artemis, and Leto, was called χόρος, because the choruses of the Ephebi performed their dances there at the festival of the Gymnopaedia. (Paus. iii. 9.) Lastly, it was the place of social and fashionable resort. At Athens, fashionable loungers were called ἀγάλματα ἀγορᾶς.

Originally the Agora was also the market, and was surrounded with shops, as shown in the above plan. As commerce increased, it was found convenient to separate the traffic from the other kinds of business carried on in the Agora, and to assign to each its distinct place, though this was by no means universally the case. The market, whether identical with, or separate from the Agora for political and other assemblies, was divided into parts for the different sorts of merchandise, each of course furnished with colonnades, which the climate rendered necessary, and partly with shops and stalls, partly with temporary booths of wicker-work (σκηναί, Harpocr. *s. v.* σκηνίτης; Demosth. *de Cor.* p. 284). Each of these parts was called a κύκλος. It is generally stated that this term was applied only to that division of the market where meat, fish, and such things were sold; but Becker has shown that it was used also for other parts of the market (*Charikles*, vol. i. pp. 268, 269). The several divisions of the market were named according to the articles exposed for sale in them. (Poll. ix. 47, x. 19.) Of these divisions, the following were the most important.

The part in which fish and other delicacies for the table were exposed to sale was called ἰχθῦς, ὄψον, or ἰχθυόπωλις ἀγορά, and was the chief centre of business. It was open only for a limited time, the signal for commencing business being given by the sound of a bell, which was obeyed with an eagerness that is more than once pleasantly referred to by the ancient writers. (Plutarch, *Sympos.* iv. 4, 2; Strab. xiv. p. 658.) The coarseness and impositions of the fishsellers, and the attempts of purchasers to beat them down, are frequently alluded to by the comic poets. (Amphis, *ap. Ath.* vi. p. 224, e.; Alexis, *ibid.*; Xenarch. *ibid.* p. 225, c.; Alexis, *ibid.* p. 226, a, b.; comp. Plat. *Leg.* xi. p. 917.) It is not quite clear whether meat, poultry, and so forth, were sold in the same place as the fish, or had a separate division of the market assigned to them. Bread was partly sold in the assigned place in the market, which was perhaps the same as the meal-market (τὰ ἄλφιτα), and partly carried round for sale: the sellers were generally women, and were proverbially abusive. (Aristoph. *Ran.* 857, *Vesp.* 1389.) In another part of the market, called μυῤῥίναι, were the women who sold garlands of myrtle and flowers for festivals and parties. (Plut. *Arat.* 6; Aristoph. *Thesm.* 448, 457.) Near these, probably, were the sellers of ribands and fillets for the head. (Demosth. *in Eubul.* p. 1308.) The wholesale traffic in wine, as distinct from the business of the κάπηλος [Caupo], was carried on in the market, the wine being brought in from the country in carts, from which it was transferred to amphorae: the process is represented in two pictures at Pompeii. (Alexis, *ap. Ath.* x. p. 431, e.; *Mus. Borbon.* vol. iv. Relaz. d. Scav. A., and vol. v. p. 48.) [Amphora.] The market for pottery was called χύτραι; and must not be confounded with the place where cooks sat and offered themselves for hire, with their cooking utensils: this latter place was called μαγειρεῖα. (Poll. ix. 48; Alexis, *ap. Ath.* iv. p. 164, f.) In short, every kind of necessary or luxury was exposed for sale in its assigned place. Thus, we find, besides those already mentioned, the market for onions (τὰ κρόμυα), for garlick (τὰ σκόροδα), for nuts (τὰ κάρυα), for apples (τὰ μῆλα), for fresh cheese (ὁ χλωρὸς τυρός), for oil (τοὔλαιον), for perfumes and unguents (τὰ μύρα), for frankincense (ὁ λιβανωτός), for spices (τὰ ἀρώματα), for couches (αἱ κλῖναι), for new and old clothes (ἀγορὰ ἱματιόπωλις, or σπειρόπωλις, Poll. vii. 78), for books (βιβλιοθήκη), and for slaves (τὰ ἀνδράποδα, Poll. x. 19). Lastly, a part of the market was devoted to the money-changers (τραπεζῖται). [Argentarii.] Mention is sometimes made of the women's market, γυναικεία ἀγορά, a term which has given rise to much doubt. (Theophr. *Char.* 2; Poll. x. 18.) The common explanation is, that it was the part of the market to which women resorted to purchase what they wanted for household uses. But it appears clearly that purchases were seldom made in the market by women, and never by free women. The only plausible explanation is, either that a distinct part of the market was assigned to those commodities, the sellers of which were women, such as the ἀρτοπώλιδες, λεκιθοπώλιδες, ἰσχαδοπώλιδες, στεφανοπώλιδες, and others, or else that the term was applied to that part of the market where articles for the use of women were sold. But the matter is altogether doubtful. The above list of commodities, sold in the respective divisions of the market, might be still further extended. Indeed, with reference to the Athenian market, to which the description chiefly applies, there can be no doubt that every article of home produce or of foreign commerce from the known world was there exposed for sale. (See Thuc. ii. 18; Xen. *Oecon. Ath.* ii. 7; Isocr. *Paneg.* 64; Ath. xiv. p. 640, b, c.)

It is not to be supposed, however, that the sale of these various articles was confined to the market. Frequent mention is made of shops in other parts of the city (*e. g.* Thuc. viii. 95), and some articles, such as salt fish, seem to have been sold outside the gates. (Aristoph. *Equit.* 1246.)

The time during which the market was frequented was the forenoon; but it is difficult to determine precisely how much of the forenoon is denoted by the common phrases πλήθουσα ἀγορά, περὶ πλήθουσαν ἀγοράν, πληθώρη ἀγορᾶς. (Herod. ii. 173, vii. 223.) Suidas (*s. v.*) explains πλήθουσα ἀγορά as ὥρα τρίτη, but elsewhere (*s. v.* περὶ πλήθ. ἀγ.) he says that it was either the fourth, or fifth, or sixth hour. We might infer that the whole period thus designated was from nine to twelve o'clock (equinoctial time); but Herodotus, in two passages (iii. 104, iv. 181) makes a distinction between πλήθουσα ἀγορά and μεσημβρία. (Comp. Liban. *Ep.* 1084.) The time of the conclusion of the market was called ἀγορᾶς διάλυσις (Herod. iii. 104, comp. Xenoph. *Oecon.* 12, 1; and for a further discussion respecting the time of the full market, see Duker, *ad Thuc.* viii. 92; Wesseling, *ad Diod. Sic.* xiii. 48; Perizon. *ad Aelian. V. H.* xii. 30; Gesner and Reiz, *ad Lucian. Philops.* 11, vol. iii. p. 38; Bähr, *ad Herod.* ii. 173.) During these hours the market was a place not only of traffic but of general resort. Thus Socrates habitually frequented it as one of the places where he had the opportunity of conversing with the greatest number of persons. (Xen. *Mem.* i. 1. § 10; Plat. *Apol.* p. 17.) It was also frequented in other parts of the day, especially in the evening, when many persons might be seen walking about or resting upon seats placed under the colonnades. (Demosth. *in Con.* p. 1258; Pseudo-Plut. *Vit. X. Or.* p. 849, d.; Lucian. *Jup. Trag.* 16, vol. ii. p. 660.) Even the shops themselves, not only those of the barbers, the perfumers, and the doctors, but even those of the leather-sellers and the harness-makers, were common places of resort for conversation; and it was even esteemed discreditable to avoid them altogether. (Aristoph. *Plut.* 337, *Av.* 1439; Xen. *Mem.* iv. 2. § 1; Lysias, *in Pancl.* pp. 730, 732, *de Inval.* p. 754; Demosth. *in Aristog.* p. 786.)

The persons who carried on traffic in the market were the country people (ἀγοραῖοι), who brought in their commodities into the city, and the retail dealers (*κάπηλοι*) who exposed the goods purchased of the former, or of producers of any kind (*αὐτοπῶλαι*), or of foreign merchants (*ἔμποροι*), for sale in the markets. (Plat. *de Repub.* ii. p. 371; Xen. *Mem.* iii. 7. § 6; Plut. *Arat.* 8; Caupo.) A certain degree of disgrace was attached to the occupation of a retail dealer, though at Athens there were positive enactments to the contrary. (Andoc. *de Myst.* p. 68; Aristot. *de Repub.* i. 10, iii. 5; Plat. *Leg.* xi. pp. 918, 919; Diog. Laërt. i. 104, ix. 66; Aristoph. *Eq.* 181; Demosth. *c. Eubul.* 30, p. 1303.) There is an interesting but very difficult question as to the effect which the occupation of selling in the market had upon the social position of women who engaged in it. (Demosth. *in Neaer.* p. 1367; Lys. *in Theomn.* p. 361; Plut. *Sol.* 23; Harpocr. and Suid. *s.v.* Πωλῶσι; Becker, *Charikles*, vol. i. pp. 260—266.) The wholesale dealers also sold their goods by means of a sample (*δεῖγμα*), either in the market, or in the place called δεῖγμα, attached to the port. (Harpocr. *s. v.* δεῖγμα; Poll. ix. 34; Plut. *Demosth.* 23; Plat. *Leg.* vii. p. 788; Diphil. *ap. Ath.* xi. p. 499, e.; Böckh, *Econ. of Ath.* p. 58, 2d ed.) The retail dealers either exposed their goods for sale in their shops, or hawked them about. (Aristoph. *Acharn.* 33; Plut. *Apophth. Lacon.* 62, p. 236.) The privilege of freely selling in the market belonged to the citizens: foreigners had to pay a toll. (Demosth. *in Eubul.* p. 1308; Böckh, *Econ. of Ath.* p. 313.)

Most citizens either made their own purchases in the market (Aeschin. *c. Timarch.* p. 87; Aristoph. *Lysistr.* 555—559), or employed a slave, who was called, from his office, ἀγοραστής (Xen. *Mem.* i. 5. § 2; comp. Ath. iv. p. 171; Poll. iii. 126; Terent. *Andr.* ii. 2. 31.) Sometimes female slaves performed this office (Lysias, *de Caed. Eratosth.* p. 18, comp. p. 11), but such an appearance in public was not permitted to any free woman, except a courtezan (Machon, *ap. Ath.* xiii. p. 580.) The philosopher Lynceus, of Samos, wrote a book for the guidance of purchasers in the market. (Ath. vi. p. 228.) It was esteemed disreputable for people to carry home their purchases from the markets, and there were therefore porters in attendance for that purpose, who were called *προὔνεικοι*, *παιδαρίωνες*, and *παιδῶνες*. (Theophrast. *Char.* xvii.—xxii.; Hesych. *s. v.* *προὔνεικοι*.) The preservation of order in the market was the office of the Agoranomi.

Both the architectural details of the Agora and the uses of its several parts might be further illustrated by the remains of the ἀγορά or ἀγοραί (for it is even doubtful whether there were two or only one) at Athens; but this would lead us too far into topographical details. This part of the subject is fully discussed in the following works: Leake, *Topography of Athens;* Krause, *Hellas*, vol. ii.; Müller, in Ersch and Gruber's *Encyclopädie*, art. *Attica;* Hirt, *Lehre d. Gebäude*, ch. v. supp. 1; Wachsmuth, *Hellen. Alterthumsk.* vol. i. supp. 6, b, 2d ed.

For the whole subject the chief modern authorities are the following: — Hirt, *Lehre d. Gebäude d. Griechen und Römern*, ch. v.; Stieglitz, *Archäol. d. Baukunst;* Wachsmuth, *Hellenische Alterthumskunde;* Böckh, *Public Oeconomy of Athens;* and especially Becker, *Charikles*, 4th scene, vol. i. pp. 236—296, in the original. [P.S.]

AGORA'NOMI (ἀγορανόμοι) were public functionaries in most of the Grecian states, whose duties corresponded in many respects to those of the Roman aediles; whence Greek writers on Roman affairs call the aediles by this name. Under the Roman empire, the agoranomi were called λογισταί (Schol. *ad Aristoph. Acharn.* 688): they enjoyed in later times great honour and respect, and their office seems to have been regarded as one of the most honourable in the Greek states. We frequently read in inscriptions of their being rewarded with crowns, of which many instances are given by Müller. (*Aeginetica*, p. 138) They were called by the Romans *curatores reipublicae.* (Cod. 1. tit. 54. s. 3.)

Agoranomi existed both at Sparta and Athens. Our knowledge of the Spartan agoranomi is very limited, and derived almost entirely from inscriptions. They stepped into the place of the ancient *Empelori* (ἐμπέλωροι) in the time of the Romans. They formed a collegium (*συναρχία*) with one at their head, called πρέσβυς (Böckh, *Corp. Inscr.* vol. i. p. 610; and Sauppe in *Rheinisches Museum*, vol. iv. p. 159, New Series.) The Athenian agoranomi were regular magistrates during the flourishing times of the republic. They were ten in number, five for the city and five for the Peiraeeus, and were chosen by lot, one from each tribe. (Dem. *c. Timocr.* p. 735; Aristoph. *Acharn.* 689.) The reading in Harpocration (*s. v.* ἀγορανόμοι), which mentions twenty agoranomi, fifteen for the city, and five for the Peiraeeus, is false. (Böckh, *Corp. Inscr.* vol. i. p. 337.)

The principal duty of the agoranomi was, as their name imports, to inspect the market, and to see that all the laws respecting its regulation were properly observed. They had the inspection of all things which were sold in the market, with the exception of corn, which was subject to the jurisdiction of the *σιτοφύλακες*. [Sitophylaces.] The agoranomi had in fact chiefly to attend to retail-trade (*καπηλεία*): wholesale-trade was not much carried on in the market-place, and was under the jurisdiction of the *ἐπιμεληταὶ τοῦ Ἐμπορίου*. They regulated the price and quantity of all things which were brought into the market, and punished all persons convicted of cheating, especially by false weights and measures. They had in general the power of punishing all infraction of the laws and regulations relating to the market, by inflicting a fine upon the citizens, and personal chastisement upon foreigners and slaves, for which purpose they usually carried a whip. They had the care of all the temples and fountains in the market-place, and received the tax (*ξενικὸν τέλος*) which foreigners and aliens were obliged to pay for the privilege of exposing their goods for sale in the market. (Schol. *ad Aristoph. Acharn.* 689; Plat. *Leg.* vi. p. 763, viii. p. 849, xi. pp. 917, 918; Liban. *Declam.* 46; ἀγορᾶς τέλος, Aristoph. *Acharn.* 861, and Schol.; Phot. *s. v.* *κατὰ τὴν ἀγοράν*.) The public prostitutes were also subject to their regulations, as was the case at Corinth (Justin. xxi. 5.), and they fixed the price which each prostitute was to take. (Suid. and Zonar. *s. v.* *διάγραμμα*.) The duties of the agoranomi resembled those of the astynomi. [Astynomi.] (Meier, *Att. Process*, pp. 89—92; Böckh, *Publ. Econ. of Athens*, pp. 48, 333, 2nd ed.)

AGRA'PHIOU GRAPHE' (ἀγραφίου γραφή). The names of all persons at Athens who owed any sum of money to the state (οἱ τῷ δημοσίῳ ὀφείλοντες) were registered by the practores (πράκτορες), upon tablets kept for that purpose in the temple of Athena, on the Acropolis (Dem. *c. Aristog.* i. p. 791; Harpocr. and Suidas, *s. v.* Ψευδεγγραφή); and hence the expression of being registered on the Acropolis (ἐγγεγραμμένος ἐν Ἀκροπόλει) always means being indebted to the state. (Dem. *c. Theocr.* p. 1337.) Whoever paid his fine after registration was erased, either wholly or in part, according to the amount paid; but if a person's name was improperly erased, he was subject to the action for non-registration (ἀγραφίου γραφή), which was under the jurisdiction of the thesmothetae. If an individual was not registered, he could only be proceeded against by ἔνδειξις, and was not liable to the ἀγραφίου γραφή. (Dem. *in Theocr.* p. 1338.) Hesychius, whose account has been followed by Hemsterhuis and Wesseling, appears to have been mistaken in saying that the ἀγραφίου γραφή could be instituted against debtors, who had not been registered. (Meier, *Att. Process*, pp. 353, 354; Böckh, *Publ. Econ. of Athens*, pp. 388, 389, 2nd ed.)

AGRAPHOU METALLOU GRAPHE′ (ἀγράφου μετάλλου γραφή) was an action brought before the thesmothetae at Athens, against an individual, who worked a mine without having previously registered it. The state required that all mines should be registered, because the twenty-fourth part of their produce was payable to the public treasury. (Böckh, *Publ. Econ. of Athens*, p. 664, 2nd ed.; Meier, *Att. Process*, p. 354.)

AGRA′RIAE LEGES. "It is not exactly true that the agrarian law of Cassius was the earliest that was so called: every law by which the commonwealth disposed of its public land, bore that name; as, for instance, that by which the domain of the kings was parcelled out among the commonalty, and those by which colonies were planted. Even in the narrower sense of a law whereby the state exercised its ownership in removing the old possessors from a part of its domain, and making over its right of property therein, such a law existed among those of Servius Tullius." (Niebuhr, *Rom. Hist.* vol. ii. p. 129. transl.)

The complete history of the enactments called agrarian laws, either in the larger and more correct sense, or in the narrower sense of the term, as explained in this extract, would be out of place here. The particular objects of each agrarian law must be ascertained from its provisions. But all these numerous enactments had reference to the public land; and many of them were passed for the purpose of settling Roman colonies in conquered districts, and assigning to the soldiers, who formed a large part of such colonists, their shares in such lands. The true meaning of all or any of these enactments can only be understood when we have formed a correct notion of property in land, as recognised by Roman law. It is not necessary, in order to obtain this correct notion, to ascend to the origin of the Roman state, though if a complete history of Rome could be written, our conception of the real character of property in land, as recognised by Roman law, would be more enlarged and more precise. But the system of Roman law, as it existed under the emperors, contained both the terms and the notions which belonged to those early ages, of which they are the most faithful historical monuments. In an inquiry of the present kind, we may begin at any point in the historical series which is definite, and we may ascend from known and intelligible notions which belong to a later age, towards their historical origin, though we may never be able to reach it.

Gaius (ii. 2, &c.), who probably wrote under the Antonines, made two chief divisions of Roman land; that which was *divini juris*, and that which was *humani juris*. Land which was divini juris was either *sacer* or *religiosus*. (Compare Frontinus, *De Re Agraria*, xiii. or p. 42. ed. Goes.) Land which was sacer was consecrated to the Dii Superi; land which was religiosus belonged to the Dii Manes. Land was made sacer by a lex or senatus consultum; and, as the context shows, such land was land which had belonged to the state (*populus Romanus*). An individual could make a portion of his own land religiosus by the interment in it of one of his family: but it was the better opinion that land in the provinces could not thus be made religiosus; and the reason given is this, that the ownership or property in provincial lands is either in the state (*pop. Rom.*) or in the Caesar, and that individuals have only the possession and enjoyment of it (*possessio et usus fructus*). Provincial lands were either *stipendiaria* or *tributaria:* the stipendiaria were in those provinces which were considered to belong to the Roman state; the tributaria were in those provinces which were considered as the property of the Caesar. Land which was humani juris, was divided into public and private: public land belonged to the state; private land, to individuals.

It would seem to follow from the legal form observed in making land sacer, that it thereby ceased to be publicus; for if it still continued publicus, it had not changed its essential quality. Niebuhr (*Appendix* I. vol. ii.) has stated that "all Roman land was either the property of the state (common land, domain), or private property, — *aut publicus aut privatus;*" and he adds that "the landed property of the state was either consecrated to the gods (*sacer*), or allotted to men to reap its fruits (*profanus, humani juris*)." Niebuhr then refers to the view of Gaius, who makes the division into *divini juris* and *humani juris*, the primary division; but he relies on the authority of Frontinus, supported by Livy (viii. 14), as evidence of the correctness of his own division.*

Though the origin of that kind of property called public land must be referred to the earliest ages of the Roman state, it appears from Gaius that under the emperors there was still land within the limits of the empire, the ownership of which was not in the individuals who *possessed* and enjoyed it, but in the populus Romanus, or the Caesar. This *possession* and enjoyment are distinguished by him from ownership (*dominium*). The term *possessio* frequently occurs in those jurists from whom the Digest was compiled; but in these writers, as they are known to us, it applies only to private land, and the Ager Publicus is hardly, if at all, ever noticed by them. Now this term Possessio, as used in the Digest, means the possession of *private* land by one who has no kind of right to it; and this possessio was protected by the praetor's interdict, even when it was without *bona fides* or *justa causa:* but the term Possessio in the Roman historians, Livy for instance, signifies the occupation (occupatio) and enjoyment of *public* land; and the true notion of this, the original Possessio, contains the whole solution of the question of the Agrarian Laws. For this solution we are mainly indebted to Niebuhr and Savigny.

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* It is obvious, on comparing two passages in Frontinus (*De Re Agraria* xi. xiii.), that Niebuhr has mistaken the meaning of the writer, who clearly intends it to be inferred that the sacred land was not public land. Besides, if the meaning of Frontinus was what Niebuhr has supposed it to be, his authority is not equal to that of Gaius on a matter which specially belongs to the province of the jurist, and is foreign to that of the agrimensor. The passage of Livy does not prove Niebuhr's assertion. Livy merely states that the temple and grove of Sospita Juno should be common to the Lanuvini municipes and the Roman people; and in what other terms could he express the fact that the temple should be used by both people? That does not prove that a temple was considered the same kind of public property as a tract of unconsecrated land was. The form of dedition in Livy (i. 38) may easily be explained.

This latter kind of Possessio, that which has private land for its object, is demonstrated by Savigny (the term here used can hardly be said to be too strong) to have arisen from the first kind of possessio: and thus it might readily be supposed that the Roman doctrine of possessio, as applied to the occupation of private land, would throw some light on the nature of that original possessio out of which it grew. In the imperial period, public land had almost ceased to exist in the Italian peninsula, but the subject of possession in private lands had become a well understood branch of Roman law. The remarks in the three following paragraphs are from Savigny's valuable work, *Das Recht des Besitzes* (5th ed. p. 172): —

1. There were two kinds of land in the Roman state, *ager publicus* and *ager privatus:* in the latter alone private property existed. But conformably to the old constitution, the greater part of the ager publicus was occupied and enjoyed by private persons, and apparently by the patricians only, or at least by them chiefly till the enactment of the Licinian Rogations; yet the state could resume the land at pleasure. Now we find no mention of any legal form for the protection of the occupier, or Possessor as he was called, of such public land against any other individual, though it cannot be doubted that such a form actually existed. But if we assume that the interdict which protected the possession of an individual in private land, was the form which protected the possessor of the public land, two problems are solved at the same time, — an historical origin is discovered for possession in private land, and a legal form for the protection of possession in public land.

An hypothesis, which so clearly connects into one consistent whole, facts otherwise incapable of such connection, must be considered rather as evolving a latent fact, by placing other known facts in their true relative position, than as involving an independent assumption. But there is historical evidence in support of the hypothesis.

2. The words *possessio*, *possessor*, and *possidere* are the technical terms used by writers of very different ages, to express the occupation and the enjoyment of the public lands; that is, the notion of occupying and enjoying public land was in the early ages of the republic distinguished from the right of property in it. Nothing was so natural as to apply this notion, when once fixed, to the possession of private land as distinct from the ownership; and accordingly the same technical terms were applied to the possession of private land. Various applications of the word possessio, with reference to private land, appear in the Roman law, in the bonorum possessio of the praetorian heres and others. But all the uses of the word possessio, as applied to ager privatus, however they may differ in other respects, agreed in this: — they denoted an actual possession and enjoyment of a thing, without the strict Roman (Quiritarian) ownership.

3. The word possessio, which originally signified the right of the possessor, was in time used to signify the object of the right. Thus *ager* signified a piece of land, viewed as an object of Quiritarian ownership; *possessio*, a piece of land, in which a man had only a bonitarian or beneficial interest, as, for instance, Italic land not transferred by mancipatio, or land which from its nature could not be the subject of Quiritarian ownership, as provincial lands and the old ager publicus. Possessio accordingly implies *usus;* ager implies *proprietas* or ownership. This explanation of the terms ager and possessio is from a jurist of the imperial times, quoted by Savigny (Javolenus, Dig. 50. tit. 16. s. 115); but its value for the purpose of the present inquiry is not on that account the less. The ager publicus, and all the old notions attached to it, as already observed, hardly occur in the extant Roman jurists; but the name possessio, as applied to private land, and the legal notions attached to it, are of frequent occurrence. The form of the interdict, — *uti possidetis,* — as it appears in the Digest, is this: — Uti *eas aedes*...possidetis...vim fieri veto. But the original form of the interdict was: Uti nunc possidetis eum *fundum*, &c. (Festus in *Possessio*); the word fundus, for which aedes was afterwards substituted, appears to indicate an original connection between the interdict and the ager publicus.

We know nothing of the origin of the Roman public land, except that it was acquired by conquest, and when so acquired it belonged to the state, that is, to the populus, as the name publicus (populicus) imports; and the original populus was the patricians only. We may suppose that in the early periods of the Roman state, the conquered lands being the property of the populus, might be enjoyed by the members of that body, in any way that the body might determine. But it is not quite clear how these conquered lands were originally occupied. The following passage from Appian (*Civil Wars*, i. 7) appears to give a probable account of the matter, and one which is not inconsistent with such facts as are otherwise known: — "The Romans," he says, "when they conquered any part of Italy, seized a portion of the lands, and either built cities in them, or sent Roman colonists to settle in the cities which already existed. Such cities they designed to be garrison places. As to the land thus acquired from time to time, they either divided the cultivated part among the colonists, or sold it, or let it to farm. As to the land which had fallen out of cultivation in consequence of war, and which, indeed, was the larger part, having no time to allot it, they gave public notice that any one who chose might in the meantime cultivate this land, on payment of part of the yearly produce, namely, a tenth of the produce of arable land, and a fifth of the produce of olive-yards and vineyards. A rate was also fixed to be paid by those who pastured cattle (on this undivided land) both for the larger and smaller animals. And this they did with a view to increase the numbers of the Italian people, whom they considered to be most enduring of labour, in order that they might have domestic allies. But it turned out just the contrary of their expectations. For the rich occupied the greater part of this undivided land, and at length, feeling confident that they should never be deprived of it, and getting hold of such portions as bordered on their lands, and also of the smaller portions in the possession of the poor, some by purchase and others by force, they became the cultivators of extensive districts instead of farms. And in order that their cultivators and shepherds might be free from military service, they employed slaves instead of freemen; and they derived great profit from their rapid increase, which was favoured by the immunity of the slaves from military service. In this way the great became very rich, and slaves were numerous all through the country. But this system reduced the number of the Italians, who were ground down by poverty, taxes, and military service; and whenever they had a respite from these evils, they had nothing to do, the land being occupied by the rich, who also employed slaves instead of freemen." This passage, though it appears to contain much historical truth, does not distinctly explain the original mode of occupation; for we can scarcely suppose that there were not some rules prescribed as to the occupation of this undivided land. Livy also gives no clear account of the mode in which these possessions were acquired; though he states in some passages that the conquered lands were occupied by the nobles, and occupation (occupatio) in its proper sense signifies the taking possession of vacant land. As the number of these nobles was not very great, we may easily conceive that in the earlier periods of the republic, they might regulate among themselves the mode of occupation. The complaint against the nobles (patres) shortly before the enactment of the Licinian Rogations was, that they were not content with keeping the land which they illegally possessed (possesso per injuriam agro), but that they refused to distribute among the plebs the vacant land (vacuum agrum) which had then recently been taken from the enemy. (Liv. iv. 51, vi. 5. 37; OCCUPATIO). It probably sometimes happened that public land was occupied, or *squatted on* (to use a North American phrase), by any adventurers.[*]

But whatever was the mode in which these lands were occupied, the possessor, when once in possession, was, as we have seen, protected by the praetor's interdict. The patron who permitted his client to occupy any part of his possession as tenant at will (*precario*), could eject him at pleasure by the *interdictum de precario;* for the client did not obtain a possession by such permission of his patron. The patron would, of course, have the same remedy against a trespasser. But any individual, however humble, who had a possession, was also protected in it against the aggression of the rich; and it was "one of the grievances bitterly complained of by the Gracchi, and all the patriots of their age, that while a soldier was serving against the enemy, his powerful neighbour, who coveted his small estate, ejected his wife and children." (Nieb.) The state could not only grant the occupation or possession of its public land, but could sell it, and thus convert public into private land. A remarkable passage in Orosius (Savigny, p. 176, note), shows that public lands, which had been given to certain religious corporations to *possess*, were sold in order to raise money for the exigencies of the state. The *selling* of that land which was *possessed*, and the circumstance of the possession having been a *grant* or public act, are both contained in this passage.

The public lands which were occupied by possessors, were sometimes called, with reference to such possession, *occupatorii;* and, with respect to the state, *concessi*. Public land which became private by sale was called *quaestorius;* that which is often spoken of as assigned (*assignatus*), was marked out and divided (*limitatus*) among the plebeians in equal lots, and given to them in absolute ownership, or it was assigned to the persons who were sent out as a colony. Whether the land so granted to the colony should become Roman or not, depended on the nature of the colony. The name ager publicus was given to the public lands which were acquired even after the plebs had become one of the estates in the Roman constitution, though the name publicus, in its original sense, could no longer be applicable to such public lands. After the establishment of the plebs as an estate, the possession of public land was still claimed as the peculiar privilege of the patricians, as before the establishment of the plebs it seems to have been the only way in which public lands were enjoyed by the populus: the assignment, that is the grant by the state of the ownership of public land in fixed shares, was the privilege of the plebs. In the early ages, when the populus was the state, it does not appear that there was any assignment of public lands among the populus, though it may be assumed that public lands would occasionally be sold; the mode of enjoyment of public land was that of possessio, subject to an annual payment to the state. It may be conjectured that this ancient possessio, which we cannot consider as having its origin in anything else than the consent of the state, was a good title to the use of the land so long as the annual payments were made. At any rate, the plebs had no claim upon such ancient possessions. But with the introduction of the plebs as a separate estate, and the acquisition of new lands by conquest, it would seem that the plebs had as good a title to a share of the newly conquered lands, as the patricians to the exclusive enjoyment of those lands which had been acquired by conquest before the plebs had become an estate; and according to Livy (iv. 49), the plebs founded their claim to the captured lands on their services in the war. The determination of what part of newly conquered lands (arable and vineyards) should remain public, and what part should be assigned to the plebs, which, Niebuhr says, "it need scarcely be observed was done after the completion of every conquest," ought to have been an effectual way of settling all disputes between the patricians and plebs as to the possessions of the former; for such an appropriation, if it were actually made, could have no other meaning than that the patricians were to have as good title to possess their share as the plebs to the ownership of their assigned portions. The plebs at least could never fairly claim an assignment of public land, appropriated to remain such, at the time when they received the share of the conquered lands to which they were intitled. But the fact is, that we have no evidence at all as to such division between lands appropriated to remain public and lands assigned in ownership, as Niebuhr assumes. All that we know is, that the patricians *possessed* large tracts of public land, and that the plebs from time to time claimed and enforced a division of part of them. In such a condition of affairs, many difficult questions might arise; and it is quite as possible to conceive that the claims of the plebs might in some cases be as ill founded as the conduct of the patricians was alleged to be rapacious in extending their possessions. In the course of time, owing to sales of possessions, family settlements, permanent improvements made on the land, the claims on the land of creditors who had lent money on the security of it, and other causes, the equitable adjustment of rights under an agrarian law was impossible; and this is a difficulty which Appian (i. 10. 18) particularly mentions as resulting from the law of Tib. Gracchus.

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[*] It is stated in the American Almanac for 1839, that though the new territory of Iowa contains above 20,000 inhabitants, "none of the land has been purchased, the people being all what are termed squatters." The land alluded to is all public land. The squatter often makes considerable improvements on the land which he has occupied, and even sells his interest in it, before any purchase is made of the land. The privilege of pre-emption which is allowed to the squatter, or to the person who has purchased his interest, is the only security which either the squatter or the person who purchases from him, has for the improvements made on the land.

Public pasture lands, it appears, were not the subject of assignment.

The property (*publicum*) of the Roman people consisted of many things besides land. The conquest of a territory, unless special terms were granted to the conquered, seems to have implied the acquisition by the Roman state of the conquered territory and all that it contained. Thus not only would land be acquired, which was available for corn, vineyards, and pasture; but mines, roads, rivers, harbours, and, as a consequence, tolls and duties. If a Roman colony was sent out to occupy a conquered territory or town, a part of the conquered lands was assigned to the colonists in complete ownership. [Colonia.] The remainder, it appears, was left or restored to the inhabitants. Not that we are to understand that they had the property in the land as they had before; but it appears that they were subject to a payment, the produce of which belonged to the Roman people. In the case of the colony sent to Antium, Dionysius (ix. 60) states, "that all the Antiates who had houses and lands remained in the country, and cultivated both the portions that were set aside for them and the portions appropriated to the colonists, on the condition of paying to them a fixed portion of the produce;" in which case, if the historian's statement is true, all the sums paid by the original landholders were appropriated to the colonists. Niebuhr seems to suppose, that the Roman state might at any time resume such restored lands; and, no doubt, the notion of a possibility of resumption under some circumstances at least was involved in the tenure by which these lands were held; but it may be doubted if the resumption of such lands was ever resorted to except in extraordinary cases, and except as to conquered lands which were the public lands of the conquered state. Private persons, who were permited to retain their lands subject to the payment of a tax, were not the possessors to whom the agrarian laws applied. In many cases large tracts of land were absolutely seized, their owners having perished in battle or been driven away, and extensive districts, either not cultivated at all or very imperfectly cultivated, became the property of the state. Such lands as were unoccupied could become the subject of possessio; and the possessor would, in all cases, and in whatever manner he obtained the land, be liable to a payment to the state, as above-mentioned in the extract from Appian.

This possessio was a real interest, for it was the subject of sale: it was the use (*usus*) of the land; but it was not the ager or property. The possessio strictly could not pass by the testament of the possessor, at least not by the mancipatio. (Gaius, ii. 102.) It is not easy, therefore, to imagine any mode by which the possession of the heres was protected, unless there was a legal form, such as Savigny has assumed to exist for the general protection of possessiones in the public lands. The possessor of public land never acquired the ownership by virtue of his possession; it was not subject to usucapion. The ownership of the land which belonged to the state, could only be acquired by the grant of the ownership, or by purchase from the state. The state could at any time, according to strict right, sell that land which was only possessed, or assign it to another than the possessor. The possession was, in fact, with respect to the state, precarium; and we may suppose that the lands so held would at first receive few permanent improvements. In course of time, and particularly when the possessors had been undisturbed for many years, possession would appear, in an equitable point of view, to have become equivalent to ownership; and the hardship of removing the possessors by an agrarian law would appear the greater, after the state had long acquiesced in their use and occupation of the public land.

In order to form a correct judgment of these enactments which are specially cited as agrarian laws, it must be borne in mind that the possessors of public lands owed a yearly tenth, or fifth, as the case might be, to the state. These annual payments were, it seems, often withheld by the possessors, and thus the state was deprived of a fund for the expenses of war and other general purposes.

The first mention by Livy of conquered land being distributed among the plebs belongs to the reign of Servius Tullius (i. 46, 47). The object of the agrarian law of Sp. Cassius (Liv. ii. 41; Dionys. viii. 70), B. C. 484, is supposed by Niebuhr to have been "that the portion of the populus in the public lands should be set apart, that the rest should be divided among the plebeians, that the tithe should again be levied and applied to paying the army." The agrarian law of C. Licinius Stolo (Liv. vi. 36;

Appian, *B. C.* i. 8) B. C. 365, limited each individual's possession of public land to 500 jugera, and imposed some other restrictions; but the possessor had no better title to the 500 jugera which the law left him, than he formerly had to what the law took from him. [LEGES LICINIAE.] The surplus land was to be divided among the plebeians, as we may assume from this being an agrarian law. The Licinian law not effecting its object, Tib. Sempronius Gracchus, B. C. 133, revived the measure for limiting the possession of public land to 500 jugera. The arguments of the possessors against this measure, as they are stated by Appian (*B. C.* i. 10), are such as might reasonably be urged; but he adds that Gracchus proposed to give to each possessor, by way of compensation for improvements made on the public land, the full ownership of 500 jugera, and half that quantity to each of his sons if he had any. Under the law of Tiberius Gracchus three commissioners (triumviri) were to be chosen annually by the thirty-five tribes, who were to decide all questions that might arise as to the claims of the state upon lands in the occupation of possessors. The law provided that the land which was to be resumed should be distributed in small allotments among the poorer citizens, and they were not to have the power of alienating their allotments. Gracchus also proposed that the ready money which Attalus III., King of Pergamus, had with all his other property bequeathed to the Roman state, should be divided among the persons who received allotments, in order to enable them to stock their land. Tiberius Gracchus lost his life in a riot B. C. 133; but the senate allowed the commissioners to continue their labours. After the death of Tiberius Gracchus, a tragical event happened at Rome. P. Cornelius Scipio, who had maintained the cause of the possessors, both Roman and Italian, against the measure of Gracchus, was found dead in his bed. Suspicion was strong against the party of Caius Gracchus, the younger brother of Tiberius, whose sister Sempronia was the wife of Scipio, but no inquiry was made into the cause of Scipio's death. Caius Gracchus became a tribune of the plebs, B. C. 123, and he put the law of his brother again in force, for it had virtually been suspended by the senate, B. C. 129, by their withdrawing the powers from the three commissioners, of whom Gracchus was one, and giving them to the consul, C. Sempronius Tuditanus, who, being engaged in the Illyrian war, could not attend to the business. Caius Gracchus proposed the establishment of various colonies under the provisions of the law. To check his power, the senate called in the aid of another tribune, M. Livius Drusus, who outbid Caius in his popular measures. The law of Gracchus proposed that those who received allotments of land should pay the state a small sum in respect of each. Drusus released them from this payment. Caius proposed to found two colonies: Drusus proposed to found twelve, each consisting of three thousand men. Caius Gracchus lost his life in a civil commotion B. C. 121. Shortly after his death, that clause of the Sempronian law which forbade the alienation of the allotments, was repealed; and they forthwith began to fall into the hands of the rich by purchase, or by alleged purchases as Appian obscurely states (*B. C.* i. 27). A tribune, Spurius Borius (Borius is the name in the MSS. of Appian), carried a law to prevent future divisions of the public land, with a provision that the sums payable in respect of this land to the state, should be formed into a fund for the relief of the poor. But another tribune, Spurius Thorius, B. C. 111, repealed this law as to the tax from the public lands, and thus the plebs lost everything for the future, both lands and poors' money. [LEX THORIA.]

Other agrarian laws followed. In the sixth consulship of Marius, B. C. 100, agrarian laws were carried by the tribune L. Appuleius Saturninus and his party, the object of which was chiefly to provide for the veteran soldiers of Marius. These measures were carried by violence, but they were subsequently declared null. The tribune, M. Livius Drusus the younger, B. C. 91, proposed the division of all the public land in Italy and the establishment of the colonies which had been projected: he was for giving away everything that the state had (Florus, iii. 16). This Drusus was also a tool of the senate, whose object was to humble the equestrian order by means of the plebs and the Italian Socii. But the Socii were also interested in opposing the measures of Drusus, as they possessed large parts of the public land in Italy. To gain their consent, Drusus promised to give them the full Roman citizenship. But he and the senate could not agree on all these measures, Drusus was murdered, and the Socii, seeing their hopes of the citizenship balked, broke out in open war (B. C. 90). The measures of Drusus were declared null, and there was no investigation as to his death. The Social or Marsic war, after threatening Rome with ruin, was ended by the Romans conceding what the allies demanded. [LEX JULIA.]

The land to which all the agrarian laws, prior to the Thoria Lex, applied, was the public land in Italy, south of the Macra and the Rubico, the southern boundaries of Gallia Cisalpina on the west and east coasts respectively. The Thoria Lex applied to all the public land within these limits, except what had been disposed of by assignation prior to the year B. C. 133, in which Tiberius Gracchus was tribune, and except the Ager Campanus. It applied also to public land in the province of Africa, and in the territory of Corinth. [THORIA LEX.] The object of the agrarian law of P. Servilius Rullus, proposed in the consulship of Cicero B. C. 63, was to sell all the public land both in and out of Italy, and to buy lands in Italy on which the poor were to be settled. Ten commissioners, with extraordinary powers, were to carry the law into effect, and a host of surveyors, clerks, and other officers, were to find employment in this agrarian job. The job was defeated by Cicero, whose three extant orations against Rullus contain most instructive matter on the condition of the Roman state at that time. The tribune Flavius, B. C. 60, at the instigation of Cn. Pompeius, brought forward a measure for providing the soldiers of Pompeius with lands. Cicero was not altogether opposed to this measure, for he wished to please Pompeius. One clause of the law provided that lands should be bought for distribution with the money that should arise in the next five years from the new revenues that had been created by the Asiatic conquests of Pompeius. The law was dropped, but it was reproduced in a somewhat altered shape by C. Julius Caesar in his consulship, B. C. 59, and it included the Stellatis Ager and the Campanus Ager, which all previous agrarian laws had left untouched. The fertile tract of Capua (Campanus Ager) was distributed among 20,000 persons, who had the qualification that the law required, of three or more children. After this distribution of the Campanian land, and the abolition of the port duties and tolls (*portoria*), Cicero observes (*ad Att.* ii. 16), "there was no revenue to be raised from Italy, except the five per cent. (*vicesima*)" from the sale and manumission of slaves.

The lands which the Roman people had acquired in the Italian peninsula by conquest were greatly reduced in amount by the laws of Gracchus and by sale. Confiscations in the civil wars, and conquests abroad, were, indeed, continually increasing the public lands; but these lands were allotted to the soldiers and the numerous colonists to whom the state was continually giving lands. The system of colonisation which prevailed during the republic, was continued under the emperors, and considerable tracts of Italian land were disposed of in this manner by Augustus and his successors. Vespasian assigned lands in Samnium to his soldiers, and grants of Italian lands are mentioned by subsequent emperors, though we may infer that at the close of the second century of our aera, there was little public land left in the peninsula. Vespasian sold part of the public lands called *subseciva*. Domitian gave the remainder of such lands all through Italy to the possessors (Aggenus). The conquests beyond the limits of Italy furnished the emperors with the means of rewarding the veterans by grants of land, and in this way the institutions of Rome were planted on a foreign soil. But, according to Gaius, property in the land was not acquired by such grant; the ownership was still in the state, and the provincial landholder had only the possessio. If this be true, as against the Roman people or the Caesar, his interest in the land was one that might be resumed at any time, according to the strict rules of law, though it is easily conceived that such foreign possessions would daily acquire strength, and could not safely be dealt with as possessions had been in Italy by the various agrarian laws which had convulsed the Roman state. This assertion of the right of the populus Romanus and of the emperors, might be no wrong "inflicted on provincial landowners by the Roman jurisprudence,"* as Niebuhr affirms. The tax paid by the holders of ager privatus in the provinces was the only thing which distinguished the beneficial interest in such land from Italic land, and might be, in legal effect, a recognition of the ownership according to Roman law. And this was Savigny's earlier opinion with respect to the tax paid by provincial lands; he considered such tax due to the Roman people as the sovereign or ultimate owner of the lands. His later opinion, as expressed in the *Zeitschrift für Geschichtliche Rechtswissenschaft* (vol. v. p. 254), is, that under the Caesars a uniform system of direct taxation was established in the provinces, to which all provincial land was subject; but land in Italy was free from this tax, and a provincial town could only acquire the like freedom by receiving the privilege expressed by the term Jus Italicum. The complete solution of the question here under discussion could only be effected by ascertaining the origin and real nature of this provincial land-tax; and as it may be difficult, if not impossible, to ascertain such facts, we must endeavour to give a probable solution. Now it is consistent with Roman notions that all conquered land should be considered as the property of the Roman state; and it is certain that such land, though assigned to individuals, did not by that circumstance alone become invested with all the characters of that Roman land which was private property. It had not the privilege of the Jus Italicum, and consequently could not be the object of Quiritarian ownership, with its incidents of mancipatio, &c. All land in the provinces, including even that of the liberae civitates, and the ager publicus properly so called, could only become an object of Quiritarian ownership by having conferred upon it the privilege of Italic land, by which it was also released from the payment of the tax. It is clear that there might be and was ager privatus, or private property, in provincial land; but this land had not the privileges of Italic land, unless such privilege was expressly given to it, and accordingly it paid a tax. As the notions of landed property in all countries seem to suppose a complete ownership residing in some person, and as the provincial landowner, whose lands had not the privilege of the Jus Italicum, had not that kind of ownership which, according to the notions of Roman law, was complete ownership, it is difficult to conceive that the ultimate ownership of provincial lands (with the exception of those of the liberae civitates) could reside any where else than in the populus Romanus, and, after the establishment of the imperial power, in the populus Romanus or the Caesar. This question is, however, one of some difficulty, and well deserves further examination. It may be doubted, however, if Gaius means to say that there could be no Quiritarian ownership of private land in the provinces; at least this would not be the case in those districts to which the Jus Italicum was extended. The case of the Recentoric lands, which is quoted by Niebuhr (Cic. *c. Rullum*, i. 4), may be explained. The land here spoken of was land in Sicily. One object of the measure of Rullus was to exact certain extraordinary payments (*vectigal*) from the public lands, that is, from the possessors of them; but he excepted the Recentoric lands from the operation of his measure. If this is private land, Cicero argues, the exception is unnecessary. The argument, of course, assumes that there was or might be private land in Sicily: that is, there was or might be land which would not be affected by this part of the measure of Rullus. Now the opposition of public and private land in this passage certainly proves, what can easily be proved without it, that individuals in the provinces owned land as individuals did in Italy; and such land might with propriety be called *privatus*, as contrasted with that called *publicus* in the provinces: in fact, it would not be easy to have found another name for it. But we know that ager privatus in the provinces, unless it had received the Jus Italicum, was not the same thing as ager privatus in Italy, though both were private property. Such a passage then as that just referred to in Cicero, leads to no necessary conclusion that the ultimate ownership or dominion of this private land was not in the Roman people.

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* Niebuhr observes that Frontinus speaks of the "*arva publica* in the provinces, in contradistinction to the agri privati there;" but this he certainly does not. This contradistinction is made by his commentator Aggenus who, as he himself says, only conjectures the meaning of Frontinus; and, perhaps, he has not discovered it. (*Rei Agr. Script.* pp. 38. 46, 47.) Savigny's explanation of this passage is contained in the *Zeitschrift für Gesch. Rechtsw.* vol. xi. p. 24.

It only remains briefly to notice the condition of the public land with respect to the fructus, or vectigal which belonged to the state. This, as already observed, was generally a tenth, and hence the ager publicus was sometimes called decumanus; it was also sometimes called ager vectigalis. The tithes were generally farmed by the publicani, who paid their rent mostly in money, but sometimes in grain. The letting was managed by the censors, and the lease was for five years. The form, however, of leasing the tenths was that of a sale, *mancipatio*. In course of time the word *locatio* was applied to these leases. The phrase used by the Roman writers was originally *fructus locatio*, which was the proper expression; but we find the phrase, *agrum fruendum locare*, also used in the same sense, an expression which might appear somewhat ambiguous; and even *agrum locare*, which might mean the leasing of the public lands, and not of the tenths due from the possessors of them. Strabo (p. 622), when speaking of the port duties of Cume in Aeolis, says they were sold, by which he no doubt means that they were farmed on certain terms. It is, however, made clear by Niebuhr, that in some instances at least the phrase *agrum locare*, does mean the leasing of the tenths; whether this was always the meaning of the phrase, it is not possible to affirm.

Though the term ager vectigalis originally expressed the public land, of which the tithe was leased, it afterwards came to signify lands which were leased by the state, or by different corporations. This latter description would comprehend even the ager publicus; but this kind of public property was gradually reduced to a small amount, and we find the term ager vectigalis, in the later period, applied to the lands of towns which were so leased that the lessee, or those who derived their title from him, could not be ejected so long as they paid the vectigal. This is the ager vectigalis of the Digest (vi. tit. 3), on the model of which was formed the emphyteusis, or ager emphyteuticarius. [EMPHYTEUSIS.] The rights of the lessee of the ager vectigalis were different from those of a possessor of the old ager publicus, though the ager vectigalis was derived from, and was only a new form of the ager publicus. Though he had only a *jus in re*, and though he is distinguished from the owner (*dominus*), yet he was considered as having the possession of the land. He had, also, a right of action against the town, if he was ejected from his land, provided he had always paid his vectigal.

The nature of these agrarian laws, of which the first was the proposed law of Spurius Cassius, and the last, the law of C. Julius Caesar, B.C. 59, is easily understood. The plebs began by claiming a share in those conquered lands of which the patricians claimed the exclusive enjoyment, subject to a fixed payment to the state. It was one object of the Rogations of Licinius to check the power of the nobles, and to limit their wealth; and as they had at that time little landed property, this end would be accomplished by limiting their enjoyment of the public land. But a more important object was to provide for the poorer citizens. In a country where there is little trade, and no manufacturing industry, the land is the only source to which the poorer classes can look for subsistence. Accordingly, at Rome there was a continual demand for allotments, and these allotments were made from time to time. These allotments were just large enough to maintain a man and his family, and the encouragement of population was one of the objects contemplated by these grants of land. (Liv. v. 30.) Rome required a constant supply of soldiers, and the system was well adapted to give the supply. But this system of small holdings did not produce all the results that were anticipated. Poverty and mismanagement often compelled the small owners to sell their lands to their richer neighbours, and one clause of the law of Tib. Gracchus forbade persons selling their allotments. This clause was afterwards repealed, not, as some would suppose, to favour the rich, but simply because the repeal of so absurd an enactment would be beneficial to all parties. In the later republic agrarian laws were considered as one means of draining the city of the scum of the population, which is only another proof of the impolicy of these measures, for the worthless populace of a large city will never make a good agricultural population. (Cic. *ad Att.* i. 19.) They were also used as means of settling veteran soldiers, who must either be maintained as soldiers, or provided for in some way. Probably from about the close of the second Punic war, when the Romans had large standing armies, it became the practice to provide for those who had served their period by giving them a grant of land (Liv. xxxi. 4); and this practice became common under the later republic and the empire. The Roman soldier always looked forward to a release from service after a certain time, but it was not possible to send him away empty-handed. At the present day none of the powers of Europe which maintain very large armies could safely disband them, for they could not provide for the soldiers, and the soldiers would certainly provide for themselves at the expense of others. It was perhaps not so much a system of policy with the Romans as necessity, which led them from time to time to grant lands in small allotments to the various classes of citizens who have been enumerated.

The effects of this system must be considered from several points of view—as a means of silencing the clamours of the poor, and one of the modes of relieving their poverty, under which aspect they may be classed with the Leges Frumentariae; of diffusing Roman settlers over Italy, and thus extending the Roman power; as a means of providing for soldiers; and as one of the ways in which popular leaders sought to extend their influence. The effects on agriculture could hardly be beneficial, if we consider that the fact of the settlers often wanting capital is admitted by ancient authorities, that they were liable to be called from their lands for military service, and that persons to whom the land was given were often unacquainted with agriculture, and unaccustomed to field labour. The evil that appears in course of time in all states is the poverty of a large number of the people, for which different countries attempt to provide different remedies. The Roman system of giving land failed to remedy this evil; but it was a system that developed itself of necessity in a state constituted like Rome.

Those who may choose to investigate the subject of the agrarian laws, will find the following references sufficient for the purpose: — Liv. i. 46, 47; ii. 41, 42, 43, 44, 48, 52, 61, 63, iii. 1, 9, iv. 12, 36, 43, 44, 47, 48, 49, 51, 52, 58, v. 24. 30, vi. 5, 6, 16, 21, 35, vii. 16, x. 13, 47, xxxiii. 42, xxxiv. 40; Dionys. ii. 15, viii. 70, &c., ix. 51, &c., x. 36; Plut. *Camillus*, c. 39, *T. Gracchus*, *C. Gracchus;* Appian, *B. C.* i. 7, &c; Cic. c. *Rullum; ad Att.* i. 19, ii. 16; Dion Cass. xxxviii. 1, &c. xlv. 9, &c. xlvii. 14, xlviii. 2; Vell. Pat. ii. 2, 6, 44; Florus, iii. 13, &c.; *Zeitschrift für Geschichtliche Rechtswissenschaft*, Das Ackergesetz von Spurius Thorius, vol. x. by Rudorff; Niebuhr, *Roman History*, vol. ii. p. 129, &c.; Savigny, *Das Recht des Besitzes*, 5th ed.; Classical Museum, Parts V. VI. VII., articles by the author of this article, and an article by Professor Puchta, of Berlin; Political Dictionary, art. *Agrarian Law*, by the author of this article. [G. L.]

AGRAU'LIA (ἀγραυλία) was a festival celebrated by the Athenians in honour of Agraulos, the daughter of Cecrops. (*Dict. of Biogr. s. v.*) We possess no particulars respecting the time or mode of its celebration; but it was, perhaps, connected with the solemn oath, which all Athenians, when they arrived at manhood (ἔφηβοι), were obliged to take in the temple of Agraulos, that they would fight for their country, and always observe its laws. (Lycurg. *c. Leocr.* p. 189; Dem. *de Legat.* p. 438; Plut. *Alcib.* 15; Stobaeus, *Serm.* xli. 141; Schömann, *De Comitiis*, p. 332; Wachsmuth, *Hellen. Alterth.* vol. i. p. 476, 2nd ed.)

Agraulos was also honoured with a festival in Cyprus, in the month Aphrodisius, at which human victims were offered. (Porphyr. *De Abstin. ab Anim.* i. 2.)

AGRICULTU'RA, agriculture.

Authorities. — When we remember that agriculture, in the most extended acceptation of the term, was for many centuries the chief, we may say, almost the sole peaceful occupation followed by any large portion of the free population in those European nations which first became highly civilised, we shall not be surprised to find that the contemporaries of Cicero were able to enumerate upwards of fifty Greek writers who had contributed to this science. But although the Homeric poems are filled with a series of the most charming pictures derived from the business of a country life, although Hesiod supplies abundance of wise saws and pithy aphorisms, the traditional wisdom accumulated during many successive generations, although Xenophon has bequeathed to us a most graceful essay on the moral beauty of rustic pursuits interspersed with not a few instructive details, and although much that belongs to the Natural History of the subject will be found treasured up in the vast storehouses of Aristotle and Theophrastus, yet nothing which can be regarded in the light of a formal treatise upon the art as exhibited in the pastures and cornfields of Hellas, has descended to us, except a volume, divided into twenty books, commonly known as the *Geoponica* (Γεωπονικά), whose history is somewhat obscure, but which, according to the account commonly received, was drawn up at the desire of Constantine VI. (A. D. 780—802) by a certain Cassianus Bassus, and consists of extracts from numerous writers, chiefly Greek, many of whom flourished in the second, third, and fourth centuries. This collection is systematically arranged and comprehends all the chief branches; but it has never been considered of much value, except in so far as it tends to confirm or illustrate the statements found elsewhere. The information conveyed by it is, upon many points, extremely meagre, the materials were worked up at a late period by an editor with whose history and qualifications for his task we are altogether unacquainted, while the most important quotations are taken from authors of whom we know little or nothing, so that we cannot tell whether their precepts apply to the same or to different climates, whether they give us the fruit of their own experience, or, as we have great reason to suspect in many instances, were themselves mere compilers.

The Romans, during the brightest periods of their history, were devotedly attached to the only lucrative profession in which any citizen could embark with honour, and from the first dawn until the decline of their literature, rural economy formed a favourite theme for composition both in prose and verse. The works of the Sasernae, father and son, those of Scrofa Tremellius, of Julius Hyginus, of Cornelius Celsus, of Julius Atticus, and of Julius Graecinus have perished; but we still possess, in addition to Virgil, four "Scriptores de Re Rustica," two, at least, of whom were practical men. We have, in the first place, 162 chapters from the pen of the elder Cato (B. C. 234—149), a strange medley, containing many valuable hints for the management of the farm, the olive garden, and the vineyard, thrown together without order or method, and mixed up with medical prescriptions, charms for dislocated and broken bones, culinary receipts, and sacred litanies, the whole forming a remarkable compound of simplicity and shrewdness, quaint wisdom and blind superstition, bearing, moreover, a strong impress of the national character; in the second place, we have the three books of Varro (B. C. 116—28), drawn up at the age of eighty, by one who was not only the most profound scholar of his age, but likewise a soldier, a politician, an enthusiastic and successful farmer; in the third place, the thirteen books of Columella (A. D. 40 [?]), more minute than the preceding, especially in all that relates to the vine, the olive, gardening, and fruit trees, but evidently proceeding from one much less familiar with his subject; and, lastly, the fourteen books of Palladius (a writer of uncertain date who closely copies Columella), of which twelve form a Farmer's calendar, the different operations being ranged according to the months in which they ought to be performed. Besides the above, a whole book of Pliny and many detached chapters are devoted to matters connected with the labours of the husbandman; but in this, as in the other portions of that remarkable encyclopaedia, the assertions must be received with caution, since they cannot be regarded as exhibiting the results of original investigation, nor even a very correct representation of the opinions of others.

We ought not here to pass over unnoticed the great work of Mago the Carthaginian, who, as a native of one of the most fertile and carefully cultivated districts of the ancient world, must have had ample opportunities for acquiring knowledge. This production, extending to twenty-eight books, had attained such high fame that, after the destruction of Carthage, it was translated into Latin by orders of the senate; a Greek version, with additions and probably omissions, was executed by Dionysius of Utica, and published in twenty books during the century before the commencement of our era; and this, again, was a few years afterwards condensed into six books by Diophanes of Nicaea, and presented to King Deiotarus. In what follows, Cato, Varro, and Columella will be our chief supports, although references will be made to and illustrations drawn from the other sources indicated above. (Varr. *R. R.* i. 1; Col. *R. R.* i. 1; Plin. *H. N.* xviii. 3; Proleg. *ad Geopon.* in ed. Niclas.)

Division of the Subject.

Rural Economy may be treated of under two distinct heads —

A. Agriculture proper (*Agricultura*), or the art of tilling the soil.

B. The management of stock (*Pastio*).

A. AGRICULTURA.

Agriculture proper teaches the art of raising the various crops necessary for the sustenance and comfort of man and of the domestic animals, in such a manner that the productive energies of the soil may be fully developed but not exhausted nor enfeebled, and teaches, farther, how this may be accomplished with the least possible expenditure of capital. The crops to which the Greeks and Romans chiefly directed their attention were — 1. Different kinds of grain, such as wheat and barley; leguminous vegetables cultivated for their seeds, such as beans, peas, and lupines; herbs cut green for forage, such as grass, tares, and lucerne; and plants which furnished the raw material for the textile fabrics, such as hemp and flax. 2. Fruit trees, especially the vine, the olive, and the fig. 3. Garden stuffs. — For the second of these divisions we refer to the articles OLETUM and VINEA; and we shall not touch at all upon gardening, since the minute details connected with this topic are of little or no service in illustrating the classics generally.

Agriculture in its restricted sense comprehends a knowledge

I. Of the subject of our operations, that is, the farm (*fundus, praedium*), which must be considered. *a.* with reference to its situation and soil (*quo loco et qualis*), and *b.* with reference to the dwelling-house and steading (*villa et stabula*).

II. Of the instruments (*instrumenta*) required to perform the various operations (*quae in fundo opus sint ac debeant esse culturae causa*), these instruments being twofold, *a.* men (*homines*); and *b.* the assistants of men (*adminicula hominum*), viz. domestic animals (*boves, equi, canes*, &c.) together with tools (*instrumenta*), properly so called, such as ploughs and harrows.

III. Of the operations themselves, such as ploughing, harrowing, and sowing (*quae in fundo colendi causa sint facienda*), and of the time when they are to be performed (*quo quidquid tempore fieri conveniat*).

IV. Of the object of these operations, viz. the different plants considered with reference to their species, varieties, and habits. Under this head we may also conveniently include what is termed the rotation of crops, that is, the order in which they ought to succeed each other upon the same ground.

I. *a.* COGNITIO FUNDI

(*Knowledge of the Farm*). In selecting a farm, the two points which first demanded attention were, 1. The healthiness of the situation (*salubritas*), a matter of the greatest anxiety in Italy, where the ravages of malaria appear to have been not less fatal in ancient than they have proved in modern times; and, 2. The general fertility of the soil. It was essential to be fully satisfied upon both of these particulars; for to settle in a pestilential spot was to gamble with the lives and property of all concerned (*non aliud est atque alea domini vitae et rei familiaris*), and no man in his senses would undertake to till land which was not likely to yield a fair return for his outlay of money and labour (*fructus pro impensa ac labore*). The next object of solicitude was a good aspect. The property was, if possible, to have a southerly exposure, to be sheltered by a wooded hill from the sweep of boisterous and cutting winds, and not to be liable to sudden misfortunes (*ne calamitosum siet*), such as inundations or violent hail storms. It was highly important that it should be in the vicinity of a populous town (*oppidum validum*), or if not, that it should be readily accessible either by sea, or by a navigable stream (*amnis qua naves ambulant*), or by a good well frequented road (*via bona celebrisque*); that there should be an abundant supply of water (*bonum aquarium*); that it should be so situated that the proprietor, if he did not live upon the estate, might be able to give active and constant personal superintendence; and, finally, that it should be moderate in size, so that every portion might be brought into full cultivation (*laudato ingentia rura — Exiguum colito*).

These preliminary matters being ascertained, the soil might be considered in reference *a.* to its general external features (*forma*), *β.* to its internal qualities (*qualis sit terra*).

a. In so far as its external features were concerned it might be flat (*solum campestre*), or upland rolling ground (*collinum*), or high lying (*montanum*), or might comprise within its limits all three, which was most desirable, or any two of them. These variations would necessarily exercise important influence on the climate, on the description of crops which might be cultivated with advantage, and on the time chosen for performing the various operations, the general rule being that as we ascend the temperature falls, that corn and sown crops in general (*segetes*) succeed best on plains, vineyards (*vineae*) on gentle slopes, and timber trees (*silvae*) upon elevated sites, and that the different labours of the rustic may be commenced earlier upon low than upon high ground. When flat it was better that it should incline gently and uniformly in one direction (*aequabiliter in unam partem vergens*) than be a dead level (*ad libellam aequum*), for in the latter case the drainage being necessarily imperfect, it would have a tendency to become swampy; but the worst form was when there were converging slopes, for there the water collected into pools (*lacunas*).

β. In so far as its internal qualities were concerned, soil might be classed under six heads forming three antagonistic pairs.: —

1. The deep and fat (*pingue*), 2. The shallow and lean (*macrum, jejunum*), 3. The loose (*solu-

tum), 4. The dense (*spissum*), 5. The wet (*humidum, aquosum, uliginosum*), 6. The dry (*siccum*), while the endless gradations and combinations of which the elementary qualities were susceptible produced all the existing varieties. These are named sometimes from their most obvious constituents, the stony (*lapidosum*), the gravelly (*glareosum*), the sandy (*arenosum*), the mortary (*sabulosum*), the chalky (*cretosum*), the clayey (*argillosum*); sometimes from their colour, the black (*nigrum*), the dark(*pullum*), the grey (*subalbum*), the red (*rubicundum*), the white (*album*); sometimes from their consistency, the crumbling (*putre, friabile, cineritium*), as opposed to the tenacious (*densum, crassum, spissum*); sometimes from their natural products, the grassy (*graminosum, herbosum*), the weedy (*spurcum*); sometimes from their taste, the salt (*salsum*), the bitter (*amarum*); *rubrica* seems to have been a sort of red chalky clay, but what the epithets *rudecta* and *materina* applied to earth (*terra*) by Cato may indicate, it is hard to determine (Cato 34; comp. Plin. *H. N.* xviii. 17). The great object of the cultivator being to separate the particles as finely as possible (*neque enim aliud est colere quam resolvere et fermentare terram*), high value was attached to those soils which were not only rich, but naturally pulverulent. Hence the first place was held by *solum pingue et putre*, the second by *pinguiter densum*, while the worst was that which was at once dry, tenacious, and poor (*siccum pariter et densum et macrum*). The ancients were in the habit of forming an estimate of untried ground, not only from the qualities which could be detected by sight and touch, but also from the character of the trees, shrubs, and herbage growing upon it spontaneously, a test of more practical value than any of the others enumerated in the second Georgic (177—258.)

When an estate was purchased, the land might be either in a state of culture (*culta novalia*), or in a state of nature (*rudis ager*).

The comparative value of land under cultivation estimated by the crops which it was capable of bearing, is fixed by Cato (1), according to the following descending scale: —

1. Vineyards (*vinea*), provided they yielded good wine in abundance. 2. Garden ground well supplied with water (*hortus irriguus*). 3. Osier beds (*salictum*). 4. Olive plantations (*oletum*). 5. Meadows (*pratum*). 6. Corn land (*campus frumentarius*). 7. Groves which might be cut for timber or fire-wood (*silva caedua*). 8. *Arbustum.* This name was given to fields planted with trees in regular rows. Upon these vines were trained, and the open ground cultivated for corn or leguminous crops in the ordinary manner, an arrangement extensively adopted in Campania, and many other parts of Italy in modern times, but by no means conducive to good husbandry. 9. Groves yielding acorns, beech-mast, and chestnuts (*glandaria silva*). The fact that in the above scale, corn land is placed below meadows may perhaps be regarded as an indication that, even in the time of Cato, agriculture was upon the decline among the Romans.

When waste land was to be reclaimed, the ordinary procedure was to root out the trees and brushwood (*fruteta*), by which it might be encumbered, to remove the rocks and stones which would impede the labours of men and oxen, to destroy by fire or otherwise troublesome weeds, such as ferns and reeds (*filices, junci*), to drain off the superfluous moisture, to measure out the ground into fields of a convenient size, and to enclose these with suitable fences. The three last-mentioned processes alone require any particular notice, and we therefore subjoin a few words upon DRAINS, LAND-MEASURES, FENCES.

DRAINS (*fossae, sulci alveati, incilia*) were of two kinds: —

1. Open (*patentes*). 2. Covered (*caecae*).

1. *Fossae patentes*, open ditches, alone were formed in dense and chalky soil. They were wide at top, and gradually narrowed in wedge fashion (*imbricibus supinis similes*) as they descended.

2. *Fossae caecae*, covered drains, or *sivers* as they are termed in Scotland, were employed where the soil was loose, and emptied themselves into the *fossae patentes*. They were usually sunk from three to four feet, were three feet wide at top and eighteen inches at bottom; one half of the depth was filled up with small stones or sharp gravel (*nuda glarea*), and the earth which had been dug out, was thrown in above until the surface was level. Where stones or gravel could not readily be procured, green willow poles were introduced, crossing each other in all directions (*quoquoversus*), or a sort of rope was constructed of twigs twisted together so as to fit exactly into the bottom of the drain; above this the leaves of some of the pine tribe were trodden down, and the whole covered up with earth. To prevent the apertures being choked by the falling down of the soil, the mouths were supported by two stones placed upright, and one across (*utilissimum est.... ora earum binis utrimque lapidibus statuminari et alio superintegi*). To carry off the surface-water from land under crop, open furrows (*sulci aquarii, elices*) were left at intervals, which discharged themselves into cross furrows (*colliquiae*) at the extremities of the fields, and these again poured their streams into the ditches. (Cat. 43. 155; Col. ii. 2. 8; xi. 2; Pallad. vi. 3; Plin. *H. N.* xviii. 6. 19. 26; Virg. *Georg.* i. 113.)

MEASURES OF LAND.—The measure employed for land in Latium was the *jugerum*, which was a double *actus quadratus*, the actus quadratus, anciently called *acna*, or *acnua*, or *agnua*, being a square, whose side was 120 Roman feet. The subdivisions of the *as* were applied to the jugerum, the lowest in use being the *scripulum*, a square whose side was ten feet. 200 jugera formed a *centuria*, a term which is said to have arisen from the allotments of land made by Romulus to the citizens, for these being at the rate of 2 jugera to each man, 200 jugera would be assigned to every hundred men. Lastly, four centuriae made a *saltus*. We thus have the following table: —

1 scripulum = 100 square feet, Roman measure.
144 scripula = 1 actus = 14,400 square feet.
2 actus = 1 jugerum = 28,800 square feet.
200 jugera = 1 centuria.
4 centuriae = 1 saltus.

Now, since three actus quadrati contained 4800 square yards, and since the English imperial acre contains 4840 square yards, and since the Roman foot was about $\frac{3}{8}$ of an inch less than the imperial foot, it follows that the Roman juger was less than $\frac{5}{8}$ of an imperial acre by about 500 square yards.

In Campania the measure for land was the *versus quadratus*, a square whose side was 100 feet, the words *actus* and *versus* marking the ordinary length of furrow in the two regions. (Varr. *R. R.* i. 10, *L. L.* iv. 4; Col. v. 1; Plin. *H. N.* xviii. 3.)

FENCES (*sepes, sepimenta*) were of four kinds:—

1. *Sepimentum naturale*, the quickset hedge (*vivae sepes*).

2. *Sepimentum agreste*, a wooden paling made with upright stakes (*pali*) interlaced with brushwood (*virgultis implicatis*), or having two or more cross-spars (*amites, longuria*) passed through holes drilled in the stakes, after the manner of what are now termed *flakes* (*palis latis perforatis et per ea foramina trajectis longuriis fere binis aut ternis*).

3. *Sepimentum militare*, consisting of a ditch (*fossa*) with the earth dug out and thrown up inside so as to form an embankment (*agger*), a fence used chiefly along the sides of public roads or on the banks of rivers.

4. *Sepimentum fabrile*, a wall which might be formed either of stones (*maceria*), as in the vicinity of Tusculum, or of baked bricks as in the north of Italy, or of unbaked bricks as in Sabinum, or of masses of earth and stone pressed in between upright boards (*in formis*), and hence termed *formacii*. These last were common in Spain, in Africa, and near Tarentum, and were said to last for centuries uninjured by the weather. (Varr. i. 14; Plin. *H. N.* xxxv. 14; comp. Col. v. 10, x. 3; Pallad. i. 34; vi. 3.)

Finally, after the land had been drained, divided, and fenced, the banks which served as boundaries, and the road-sides were planted with trees, the elm and the poplar being preferred, in order to secure a supply of leaves for the stock and timber for domestic use. (Cat. 6.)

I. *b*. VILLA RUSTICA.

In erecting a house and offices, great importance was attached to the choice of a favourable position. The site selected was to be elevated rather than low, in order to secure good ventilation and to avoid all danger of exhalations from running or stagnant water; under the brow of a hill, for the sake of shelter; facing the east so as to enjoy sunshine in winter and shade in summer; near, but not too near to a stream, and with plenty of wood and pasture in the neighbourhood. The structures were to be strictly in proportion to the extent of the farm; for if too large, the original cost is heavy, and they must be kept in repair at a great expense; if too small, the various products would run the risk of being injured by the want of proper receptacles (*ita edifices ne villa fundum quaerat neve fundus villam*, Cat. *R. R.* 3). The buildings were usually arranged round two courts, with a tank in the centre of each, and divided into three parts, named according to the purposes for which they were destined. 1. (*Pars*) *Urbana*. 2. (*Pars*) *Rustica*. 3. (*Pars*) *Fructuaria*.

1. *Urbana*. This comprehended that part of the building occupied by the master and his family, consisting of eating rooms (*coenationes*) and sleeping apartments (*cubicula*), with different aspects for summer and winter, baths (*balnearia*), and porticoes or promenades (*ambulationes*). Columella recommends that this portion of the mansion should be made as commodious as the means of the proprietor will permit, in order that he himself may be tempted to spend more time there, and that the lady of the family (*matrona*) may be more willing to bear her husband company.

2. *Rustica*. This comprehended that part of the building occupied by the servants, consisting of a large and lofty kitchen (*culina*), to which they might at all times resort, baths (*bàlneae*) for their use on holidays, sleeping closets (*cellae*) for the *servi soluti*, a gaol (*ergastulum*) under ground for the *servi vincti*. In this division were included also the stables, byres, sheds, folds, courts, and enclosures of every description (*stabula, bubilia, septa, ovilia, cortes*) for the working oxen (*domiti boves*), and other stock kept at home, together with a magazine or storehouse (*horreum*) where all the implements of agriculture (*omne rusticum instrumentum*) were deposited, and within this, a lock-up room for the reception of the iron tools (*ferramenta*). In so far as the distribution of rooms was concerned, the overseer (*villicus*) was to have his chamber beside the main entrance (*janua*), in order that he might observe all who came in or went out, the book-keeper (*procurator*) was to be placed over the gate, that he might watch the *villicus* as well as the others, while the shepherds (*opiliones*), oxmen (*bubulci*), and such persons were to be lodged in the immediate vicinity of the animals under their charge.

3. *Fructuaria*. This comprehended that part of the building where the produce of the farm was preserved, consisting of the oil cellar (*cella olearia*), the press-house (*cella torcularia*), the vault for wines in the cask (*cella vinaria*), the boiling-room for inspissating must (*defrutaria*), all of which were on the ground floor, or a little depressed below the level of the soil. Above were hay-lofts (*foenilia*), repositories for chaff, straw, leaves, and other fodder (*palearia*), granaries (*horrea, granaria*), a drying-room for newly cut wood (*fumarium*) in connection with the rustic bath flues, and store-rooms (*apothecae*) for wine in the amphora, some of which communicated with the *fumarium*, while others received the jars whose contents had been sufficiently mellowed by the influence of heat.

In addition to the conveniences enumerated above, a mill and bake house (*pistrinum et furnum*) were attached to every establishment; at least two open tanks (*piscinae, lacus sub dio*), one for the cattle and geese, the other for steeping lupines, osiers, and objects requiring maceration; and, where there was no river or spring available, covered reservoirs (*cisternae sub tectis*) into which rain water was conveyed for drinking and culinary purposes. (Cat. 3, 4, 14; Varr. i. 11—14; Col. i. 6; Geopon. ii. 3.)

II. INSTRUMENTA.

The instrumenta employed to cultivate the ground were two-fold: *a*. Persons (*homines*); *b*. Aids to human toil (*adminicula hominum*), namely, oxen and other animals employed in work; together with tools (*instrumenta*), in the restricted sense of the word.

II. *a*. HOMINES.

The men employed to cultivate a farm might be either, 1. free labourers (*operarii*), or 2. slaves (*servi*).

1. *Free labourers*. Cato considers the facility of procuring persons of this description, whom in one place he calls *mercenarii politores*, as one of the

circumstances that ought to weigh with a purchaser in making choice of a farm; for although a large proportion of the work upon great estates was, during the later ages at least of the Roman republic, always performed by slaves, it was considered advantageous to employ hirelings for those operations where a number of hands were required for a limited period, as in hay-making, the corn harvest, and the vintage, or, according to the cold-blooded recommendation of Varro, in unhealthy situations where slaves would have died off fast, entailing a heavy loss on their owner. *Operarii* consisted either of poor men with their families, who were hired directly by the farmer, or of gangs (*conductitiae liberorum operae*) who entered into an engagement with a contractor (*mercenarius*), who in his turn bargained with the farmer for some piece of work in the slump, or lastly, of persons who had incurred debt which they paid off in work to their creditors. This, which was an ordinary practice in the earlier ages of the Roman republic, seems in later times to have been confined to foreign countries, being common especially in Asia and Illyria. Free labourers worked under the inspection of an overseer (*praefectus*), whose zeal was stimulated by rewards of different kinds.

2. Slaves (*servi*). Rustic slaves were divided into two great classes, those who were placed under no direct personal restraint (*servi soluti*), and those who worked in fetters (*servi vincti*) when abroad, and when at home were confined in a kind of prison (*ergastulum*), where they were guarded and their wants supplied by a gaoler (*ergastularius*). Slaves, moreover, in large establishments, were ranked in bodies according to the duties which they were appointed to perform, it being a matter of obvious expediency that the same individuals should be regularly employed in the same tasks. Hence there were the ox-drivers (*bubulci*), who for the most part acted as ploughmen also (*aratores*), the stable-men (*jugarii*), who harnessed the domestic animals and tended them in their stalls, the vine-dressers (*vinitores*), the leaf-strippers (*frondatores*), the ordinary labourers (*mediastini*), and many other classified bodies. These, according to their respective occupations worked either singly, or in small gangs placed under the charge of inspectors (*magistri operum*). When the owner (*dominus*) did not reside upon the property and in person superintend the various operations in progress, the whole farming establishment was under the control of a general overseer (*villicus*, *actor*), himself a slave or freedman, who regulated the work, distributed food and clothing to the labourers, inspected the tools, kept a regular account of the stock, performed the stated sacrifices, bought what was necessary for the use of the household, and sold the produce of the farm, for which he accounted to the proprietor, except on very extensive estates where there was usually a book-keeper (*procurator*) who managed the pecuniary transactions, and held the *villicus* in check. With the villicus was associated a female companion (*contubernalis mulier*) called *villica*, who took charge of the female slaves, and the in-door details of the family. The duties and qualifications of a villicus will be found enumerated in Cat. c. 5, and Colum. i. 8; comp. Geopon. ii. 44, 45.

The food of the slaves composing the household (*familia*) was classed under three heads, 1. *Cibaria.* 2. *Vinum.* 3. *Pulmentarium.*

1. *Cibaria.* The *servi compediti*, being kept constantly in confinement, received their food in the shape of bread at the rate of 4 pounds (Roman pound = 11⅝ oz. avoirdupois) per diem in winter, and 5 pounds in summer, until the figs came in, when they went back to 4 pounds. The *servi soluti* received their food in the shape of corn, at the rate of 4 modii (pecks) of wheat per month in winter, and 4½ in summer. Those persons, such as the *villicus*, the *villica*, and the shepherd (*opilio*), who had no hard manual labour to perform, were allowed about one fourth less.

2. *Vinum.* The quantity of wine allowed varied much according to the season of the year, and the severity of the toil imposed, but a *servus solutus* received about 8 amphorae (nearly 48 imperial gallons) a year, and a *servus compeditus* about 10 amphorae, besides *lora* [see VINUM] at discretion for three months after the vintage.

3. *Pulmentarium.* As pulmentaria they received olives which had fallen from the trees (*oleae caducae*), then those ripe olives (*oleae tempestivae*), from which the least amount of oil could be expressed, and, after the olives were all eaten up, salt fish (*halec*), and vinegar (*acetum*). In addition to the above, each individual was allowed a sextarius (very nearly an imperial pint) of oil per month, and a modius of salt per annum.

The clothing (*vestimenta*) of the rustic labourers was of the most coarse description, but such as to protect them effectually from cold and wet, enabling them to pursue their avocations in all weathers. It consisted of thick woollen blanket shirts (*tunicae*), skin coats with long sleeves (*pelles manicatae*), cloaks with hoods (*saga cucullata*, *cuculiones*), patch-work wrappers (*centones*) made out of the old and ragged garments, together with strong sabots or wooden shoes (*sculponeae*). A tunic was given every year, a *sagum* and a pair of *sculponeas* every other year.

The number of hands required to cultivate a farm, depended almost entirely on the nature of the crops.

An arable farm of 200 jugers where the ordinary crops of corn and leguminous vegetables were raised required two pairs of oxen, two bubulci and six ordinary labourers, if free from trees, but if laid out as an arbustum, three additional hands.

An olive garden of 240 jugers required three pairs of oxen, three asses for carrying manure (*asini ornati clitellarii*), one ass for turning the mill, five score of sheep, a villicus, a villica, five ordinary labourers, three bubulci, one ass-driver (*asinarius*), one shepherd (*opilio*), one swineherd (*subulcus*); in all twelve men and one woman.

A vineyard of 100 jugers required one pair of oxen, one pair of draught asses (*asini plostrarii*), one mill ass (*asinus molaris*), a villicus, a villica, one bubulcus, one asinarius, one man to look after the plantations of willows used for withes (*salictarius*), one subulcus, ten ordinary labourers; in all fifteen men and one woman. (Cat. 5, 56—59, 10, 11; Varr. i. 19; Colum. i. 7, 8, ii. 12.)

In what has been said above, we have assumed that the proprietor was also the farmer, but it was by no means uncommon to let (*locare*) land to a tenant (*politor*, *partiarius*, Cat.; *colonus*, Varr. Colum.), who paid his rent either in money (*pensio; ad pecuniam numeratam conduxit*), as seems to have been the practice when Columella wrote, or by making over to the landlord a fixed proportion of the produce (*non nummo sed partibus locare*), according to the system described by Cato, and alluded to by the younger Pliny. These *coloni* sometimes tilled the same farm from father to son for generations (*coloni indigenae*), and such were considered the most desirable occupants, since they had a sort of hereditary interest in the soil, while on the other hand frequent changes could scarcely fail to prove injurious. The worst tenants were those who did not cultivate in person, but, living in towns (*urbanus colonus*), employed gangs of slaves. Upon the whole Columella recommends the owner of an estate to keep it in his own hands, except when it is very barren, the climate unhealthy, or the distance from his usual place of abode so great that he can seldom be upon the spot. Cato gives a table of the proportion which the *partiarius* ought to pay, according to the nature of the crop, and the fertility of the region; but as he says nothing with regard to the manner in which the cost of cultivation was divided between the parties, his statement gives us no practical insight into the nature of these leases (Cat. 136, 137; Colum. i. 7, Plin. *Epp.* ix. 37, comp. iii. 19.)

II. *b.* Adminicula Hominum.

The domestic animals employed in labour, and their treatment will be considered under the second great division of our subject, *Pastio*, or the management of stock.

The tools (*instrumenta*) chiefly used by the farmer were the plough (*aratrum*), the grubber (*irpex*), harrows (*crates, crates dentatae*), the rake (*rastrum*), the spade (*ligo*, *pala*), the hoe (*sarculum*, *bidens*, *marra* [?]), the spud or weeding-hook (*runco*), the scythe and sickle (*falx*), the thrashing-machine (*plostellum Poenicum*, *tribulum*), the cart (*plostrum*), the axe (*securis*, *dolabra*). These will be described as we go along in so far as may be necessary to render our observations intelligible, but for full information the reader must consult the separate articles devoted to each of the above words.

III. The Operations of Agriculture.

The most important operations performed by the husbandman were:—1. Ploughing (*aratio*). 2. Manuring (*stercoratio*). 3. Sowing (*satio*). 4. Harrowing (*occatio*). 5. Hoeing (*sarritio*). 6. Weeding (*runcatio*). 7. Reaping (*messio*). 8. Thrashing (*tritura*). 9. Winnowing (*ventilatio*). 10. Storing up (*conditio*).

The Flamen who offered sacrifice on the Cerealia to Ceres and Tellus, invoked twelve celestial patrons of these labours by the names *Vervactor; Reparator; Imporcitor; Insitor; Obarator; Occator; Sarritor; Subruncator; Messor; Convector; Conditor; Promitor;* significant appellations which will be clearly understood from what follows. The functions of the last deity alone do not fall within our limits; but we shall add another to the list in the person of *Sterculius*. (Serv. *ad Virg. Georg.* i. 21: Plin. *H. N.* xvii. 9; Lactant. i. 20; Macrob. *Sat.* i. 7; Prudent. *Peristeph.* iii. 449; Augustin. *de C. Dei.* xviii. 15.)

1. *Ploughing* (*aratio*).

The number of times that land was ploughed, varying from two to nine, as well as the season at which the work was performed, depended upon the nature of the soil and the crop for which it was prepared. The object of ploughing being to keep down weeds, to pulverise the earth as finely as possible (Virg. *Georg.* ii. 204), and to expose every portion of it in turn to the action of the atmosphere, the operation was repeated again and again (Virg. *Georg.* i. 47), until these objects were fully attained. When stiff low-lying soil (*campus uliginosus*) was broken up for wheat, it was usual to plough it four times, first (*proscindere*) as early in spring as the weather would permit (Virg. *Georg.* i. 63), after which the land was termed *vervactum*, and hence the god *Vervactor;* for the second time (*offringere*, *iterare*, *vervacta subigere*), about the summer solstice, under the patronage of the god *Reparator*, and on this occasion the field was cross-ploughed (Virg. *Georg.* i. 97); for the third time (*tertiare*), about the beginning of September; and for the fourth time, shortly before the equinox, when it was ribbed (*lirare*) for the reception of the seed, the ribbing being executed under favour of the god *Imporcitor*, by adding two mouldboards to the plough (*aratrum auritum*), one on each side of the share. (Varr. i. 29; Pallad. i. 43.) Rich soil on sloping ground was ploughed three times only, the ploughing in spring or at the beginning of September being omitted; light (*exilis*) moist soil also three times, at the end of August, early in September, and about the equinox; whilst the poorest hill soil was ploughed twice in rapid succession, early in September, so that the moisture might not be dried up by the summer heat. (Virg. *Georg.* i. 70.)

The greatest care was taken not to plough ground that had been rendered miry by rain, nor that which after a long drought had been wetted by showers which had not penetrated beyond the surface (Col. ii. 4; Pallad. ii. 3); but whether this last is really the *terra cariosa* of Cato, as Columella seems to think, is by no means clear. (Cat. v. 34; comp. Plin. *H. N.* xvii. 5.)

With regard to the depth to which the share was to be driven, we have no very precise directions; but Columella recommends generally deep ploughing (ii. 2. § 23; comp. Plin. *H. N.* xviii. 16) in preference to mere scratching (*scarificatio*) with light shares (*exiguis vomeribus et dentalibus*).

The plough was almost invariably drawn by oxen, although Homer (*Il.* x. 351; *Od.* viii. 124) prefers mules, yoked close together in such a manner as to pull by their necks and not by the horns, guided and stimulated chiefly by the voice. The lash was used very sparingly, and the young steer was never pricked by the goad (*stimulus*), since it was apt to render him restive and unmanageable. The animals were allowed to rest at the end of each furrow, but not to stop in the middle of it: when unharnessed, they were carefully rubbed down, allowed to cool, and watered, before they were tied up in the stall, their mouths having been previously washed with wine. (Col. ii. 2.)

The ploughman (*bubulcus*) was required to make perfectly straight and uniform furrows (*sulco vario ne ares*), so close to each other as altogether to obliterate the mark of the share, and was particularly cautioned against missing over any portion of the ground, and thus leaving *scamna*, that is, masses of hard unstirred earth (*necubi crudum solum et immotum relinquat, quod agricolae scamnum vo-*

cant). The normal length of a furrow was 120 feet, and this is the original import of the word *actus*. A distinction is drawn between *versus* and *versura*, the former being properly the *furrow*, the latter the extremity of the furrow, or the turning point; but this is far from being strictly observed. (Col. ii. 5. §§ 27, 28.)

Four days were allowed for the four ploughings of a juger of rich low-lying land (*jugerum talis agri quatuor operis expeditur*). The first ploughing (*proscissio*) occupied two days, the second (*iteratio*) one day, the third (*tertiatio* [?]) three fourths of a day, and ribbing for the seed one fourth of a day (*in liram satum redigitur quadrante operae*). The same time is allowed for the three ploughings of rich upland soil (*colles pinguis soli*) as for the four ploughings of the uliginosus campus, the fatigue being much greater, although the difficulties presented by the acclivity were in some measure relieved by ploughing hills in a slanting direction, instead of straight up and down. (Cat. 61; Varr. i. 27. 29; Col. ii. 2, 4; Plin. *H. N.* xviii. 19, 20. 26; Pallad. i. 6, ii. 3, viii. 1, x. 1; Geopon. ii. 23; and comp. Hom. *Il.* xiii. 704; xviii. 370. 540; *Od.* v. 127.)

2. *Manuring* (*stercoratio*).

Manure (*fimus*, *stercus*). The manure chiefly employed was the dung of birds and of the ordinary domestic animals (*stercus columbinum*, *bubulum*, *ovillum*, *caprinum*, *suillum*, *equinum*, *asininum*, &c.). This differed considerably in quality, according to the source from which it was procured; and hence those who raised different kinds of crops are enjoined to keep the different sorts of dung separate, in order that each might be applied in the most advantageous manner. That derived from pigeon-houses (*columbariis*), from aviaries where thrushes were fattened (*ex aviariis turdorum et merularum*), and from birds in general, except water-fowl, was considered as the hottest and most powerful, and always placed apart, being sown by the hand exactly as we deal with guano at the present moment. The ancient writers very emphatically point out the necessity of procuring large supplies of manure, which the Romans regarded as under the especial patronage of a god named *Sterculius*, and farmers were urged to collect straw, weeds, leaves of all sorts, hedge clippings, and tender twigs, which were first used to litter the stock, and then, when mixed with ashes, sweepings of the house, road-scrapings, and filth of every description, served to swell the dunghills (*sterquilinia*). These were at least two in number, one being intended for immediate use, the other for the reception of fresh materials, which were allowed to remain for a year; dung, when old and well rotted, being accounted best for all purposes, except for top-dressing of meadows, when it was used as fresh as possible. The dunghills were formed on ground that had been hollowed out and beaten down or paved, so that the moisture might not escape through the soil, and they were covered over with brushwood or hurdles to prevent evaporation. In this way the whole mass was kept constantly moist, and fermentation was still further promoted by turning it over very frequently and incorporating the different parts.

The particular crops to which manure was chiefly applied will be noticed hereafter; but in so far as regards the time of application it was laid down in September or October, on the ground that was to be autumn sown; and in the course of January or February, on the ground that was to be spring sown. A full manuring (*stercoratio*) for a juger of land on an upland slope (*quod spissius stercoratur*) was 24 loads (*vehes*), each load being 80 modii or pecks; while for low-lying land (*quod rarius stercoratur*) 18 loads were considered sufficient. The dung was thrown down in small heaps of the bulk of five modii, it was then broken small, was spread out equally and ploughed in instantly that it might not be dried up by the rays of the sun, great care being taken to perform these operations when the moon was waning, and if possible with a west wind. According to the calculations of Columella, the livestock necessary for a farm of two hundred jugers ought to yield 1440 loads per year; that is, enough for manuring 60 jugers at the rate of 24 loads to the juger. In what proportions this was distributed is nowhere very clearly defined, and must necessarily have varied according to circumstances. If we take two statements of Cato in connection with each other, we shall be led to conclude that he advises one half of the whole manure made upon a farm to be applied to the raising of green crops used as fodder (*pabulum*), one-fourth to the top-dressing of meadows, and the remaining fourth to the olives and fruit-trees. Columella recommends the manuring of light soil (*exilis terra*) before the second ploughing; but when rich lands were summer fallowed previous to a corn crop, no manure was considered requisite. (Hom. *Od.* xvii. 297, Theophrast. Π. Φ. Α. iii. 25; Cat. 5, 7, 29, 36, 37, 61; Varr. i. 13, 38; Colum. ii. 5, 6, 9, 10, 14, 15, xi. 2; Pallad. i. 33, x. i; Cic. *de Senect.* 15; Plin. *H. N.* xvii. 9, xviii. 19, 23; Geopon. ii. 21, 22.)

The system of manuring by penning and feeding sheep upon a limited space of ground was neither unknown nor neglected, as we perceive from the precepts of Cato (30), Varro (ii. 2. § 12), and Pliny (*H. N.* xviii. 53), all of whom recommend the practice.

The ashes obtained by burning weeds, bushes, prunings, or any sort of superfluous wood, were found to have the best effect (Virg. *Georg.* i. 81; Colum. ii. 15; Plin. xvii. 9; Geopon. xii. 4), and sometimes, as we know from Virgil (*Georg.* i. 84), it was deemed profitable to set fire to the stubble standing in the fields. (Plin. *H. N.* xviii. 30.) Caustic lime was employed as a fertiliser by some of the tribes of Transalpine Gaul in the time of Pliny, but in Italy its application seems to have been very limited and to have been confined to vines, olives, and cherry-trees. (Cat. 38; Pallad. i. 6; Plin. *H. N.* xvii. 9, xviii. 25, 30.)

Marl also (*marga*) of different kinds was known to the Greeks, was applied by the Megarenses to wet cold lands, and was extensively employed in Gaul and Britain; but not being found in Italy, did not enter into the agricultural arrangements of the Latins. Pliny devotes several chapters to an elaborate discussion upon these earths, of which he describes various sorts which had been made the subject of experiment, classifying them according to their colour, their constitution, and their qualities; the white (*alba*), the red (*rufa*), the dove-coloured (*columbina*), the clayey (*argillacea*), the sandy (*arenacea*), the stony (*tophacea*), the fat (*pinguis*), and the caustic [?] (*aspera*). Some of them we recognise at once, as for example, the fat white clayey marl chiefly used in Britain, the effects of which were believed to endure for eighty years. (Plin. *H. N.* xvii. 5, 8; comp. Varro, i. 7, *In Galliis Transalpina intus ad Rhenum aliquot regiones accessi... ubi agros stercorarent candida fossicia creta.*)

Somewhat analogous to the use of marl was the system strongly recommended by Theophrastus and Columella, but condemned by Pliny, of combining soils in which some quality existed in excess, with those possessing opposite characters — dry gravel with chalky clay, or heavy wet loam with sand, — the object being frequently attained to a certain extent by subsoil ploughing, which was greatly approved of as a means of renovating fields exhausted by severe cropping. (Theophrast. Π. Φ. Α. iii. 25; Colum. ii. 15; Plin. *H. N.* xvii. 5.)

When ordinary manures could not be procured in sufficient quantity, a scheme was resorted to which was at one time pursued in this country, and is still adopted with considerable success in many parts of Italy and in the sandy tracts of southern France. The field was sown about the middle of September with beans or lupines, which were ploughed into the ground the following spring, in all cases before the pod was fully formed, and at an earlier stage of their growth on light than on stiff soils. Nay, many crops, such as beans, peas, lupines, vetches, lentils (*ervilia, cicercula*), even when allowed to come to maturity, were supposed to exercise an ameliorating influence, provided their roots were immediately buried by the plough, although perhaps in this case the beneficial effect may have resulted from the manure applied before they were sown. On the other hand, corn in general, poppies, fenugreek, and all crops pulled up by the roots, such as cicer and flax, were supposed to exhaust (*urere*) the soil, which then required either repose or manure to restore its powers. (Theophrast. Π. Φ. Α. viii. 9; Cat. 37; Varr. i. 23; Colum. ii. 13—15, xi. 2; Pallad. i. 6, vi. 4, x. 9; Plin. *H. N.* xvii. 9, xviii. 10. 14—16.)

3. *Sowing* (*satio*)

May be considered under three heads. 1. The time of sowing. 2. The manner of sowing. 3. The choice, preparation, and quantity of the seed.

1. The seed-time (*sementis*) κατ' ἐξοχην, commenced at the autumnal equinox, and ended fifteen days before the winter solstice. Few, however, began before the setting of the Pleiades (23d October), unless on cold wet ground, or in those localities where bad weather set in soon; indeed, it was an old proverb that, while a late sowing often disappointed the hopes of the husbandman, an early one never realised them (*maturam sationem saepe decipere solere, seram numquam quin mala sit*); and the Virgilian maxim is to the same purpose. Spring sowing (*trimestris satio*) was practised only in very deep stiff land, which would admit of being cropped for several years in succession (*restibilis ager*), or where, from peculiar circumstances connected with the situation or climate, such as the great inclemency of the winters, it was impossible for the farmer to sow in autumn; and hence, generally speaking, was resorted to very sparingly, and for the most part from necessity rather than inclination.

2. We can infer from incidental notices in agricultural writers, that the seed was committed to the ground in at least three different modes.

a. The seed was cast upon a flat surface finely pulverised by the plough and harrow, and then covered up by ribbing the land (*tertio cum arant*, JACTO SEMINE, *boves lirare dicuntur*). (Varr. i. 29; comp. Colum. ii. 13.)

b. The land was ribbed, the seed was then dropped upon the tops of the *lirae* or elevated ridges, according to our fashion for turnips, LIRAS *autem rustici vocant easdem porcas cum sic aratum est, ut inter duos latius distantes sulcos, medius cumulus siccam sedem frumentis praebeat.* (Colum. ii. 4. § 8.) This plan was followed on wet land to secure a dry bed for the seed, which would probably be covered up by hand-rakes (*rastris*).

c. The land was ribbed as in the former case; but the seed, instead of being dropped upon the ridge of the *lira*, was cast into the depression of the furrow, and might be covered up either by the harrow or by ploughing down the middle of the lira. This was practised on light, sloping, and therefore dry, land (*neque in lira sed sub sulco talis ager seminandus est*, Colum. ii. 4. § 11).

It will be seen clearly that, whichever of the above modes was adopted, the seed would spring up in regular rows, as if sown by a drill, and that only one half of the land would be covered with seed. In point of fact, the quantity of seed sown on a given extent of ground was not above half of what we employ.

Vetches, fenugreek, and some other crops, as will be noticed below, were frequently thrown upon land unprepared (*cruda terra*), and the seeds then ploughed in. The seed seems to have been cast out of a three-peck basket (*trimodiam satoriam*, sc. *corbem*), which from superstitious motives was frequently covered over with the skin of a hyaena. Pliny points out how necessary it was that the hand of the sower should keep time with his stride, in order that he might scatter the grains with perfect uniformity.

3. The points chiefly attended to in the choice of seed corn were, that it should be perfectly fresh and free from mixture or adulteration, and of an uniform reddish colour throughout its substance. When the crop was reaped, the largest and finest ears were selected by the hand, or, where the produce was so great as to render this impossible, the heaviest grains were separated by a sieve (*quidquid exteratur capisterio expurgandum erit*) and reserved. In addition to these precautions it was not unusual to doctor seeds of all sorts (*medicare semina*) by sprinkling them with an alkaline liquor (*nitrum*, i. e. probably carbonate of soda), or with the deposit left by newly expressed oil (*amurca*), or by steeping them in various preparations, of which several are enumerated by Columella and Pliny; the object being twofold, in the first place to increase the quantity and quality of the produce, and in the second place to protect it from the ravages of vermin, especially the little animal called *curculio*, probably the same insect with our weevil.

The quantity of seed sown varied according to the soil, the situation, the season, and the weather, the general rule being that less was required for rich and finely pulverised (*pingue et putre*), or light and sharp (*gracile*), or thin poor soil (*macrum, exile*) than for such as was stiff and heavy (*crassum, cretosum*), or moderately tenacious; less for an open field than for an *arbustum*, less at the beginning of the season than towards the close (although this is contradicted by Pliny, *H. N.* xviii. 24), and less in rainy than in dry weather, maxims which are fully explained by the authorities quoted below. The average amount of seed used for the three principal species of grain — wheat, spelt and barley — was respectively, five, ten, and six modii per juger. (Xenoph. *Oecon.* 17; Theophrast. ii. 6. and iii. 25; Cat. 34, 35; Varr. i. 29, 34, 40, 52; Colum. ii. 2, 3, 8, 9, 10, 13, xii. 2; Pallad. i. 6, 34, x. 2; Virg. *Georg.* i. 193, 219, 225; Plin. *H. N.* xiv. 21, xvi. 27, xviii. 24, 73; Geopon. ii. 15—20.)

4. *Harrowing* (*occatio*)

Might be performed at two different periods: after the first or second ploughing, in order to powder the soil completely; and after sowing, in order to cover up the seed. When the land was encumbered with roots and deep-seated weeds, a grubber (*irpex*, Cat. 10. Varr. *L. L.* iv. 31) formed of a strong plank set with iron spikes was employed, but in ordinary cases wicker hurdles (*vimineae crates*), sometimes fitted with teeth (*dentatae*), were dragged over the ground; or the clods were broken with hand-rakes (*rastra*). The seed, as we have seen above, being for the most part ploughed in, and the operation for that reason placed under the patronage of a god *Obarator*, the second harrowing (*iteratio*) was omitted, except where the surface still rose in lumps (Virg. *Georg.* i. 104); but since it was the duty of a good farmer to have his fields in the best order before he began to sow, the older Roman writers considered harrowing after sowing as a proof of bad husbandry.—"Veteres Romani dixerunt male subactum agrum, qui satis frugibus occandus sit." (Colum. ii. 4, 13, xi. 2; Plin. *H. N.* xviii. 20; Virg. *Georg.* i. 94, 104.)

5. *Hoeing* (*sarritio*).

The next care, after covering up the seed, was to loosen the earth round the roots of the young blades, in order that air and moisture might gain free access and enable them to send forth more numerous and more vigorous shoots and fibres (*ut fruticare possint*). This process was termed *σκαλεία*, *sarritio*, or *sarculatio*, and was carried on by hand with an instrument called *sarculum*, the form of which is not known. Corn was usually hoed twice, for the first time in winter, as soon as it fairly covered the ground (*cum sata sulcos contexerint*), provided there was no frost; and for the second time in spring, before the stalk became jointed (*antequam seges in articulum eat*); great care being taken at all times not to injure the root. On the first occasion, and then only, where the ground was dry and the situation warm, the plants, in addition to a simple hoeing (*plana sarritio*), were earthed up (*adobruere*). Columella recommends sarritio for almost all crops, except lupines; but authorities differed much as to the necessity or propriety of performing the operation in any case, and those who advocated its expediency most warmly, agreed that the periods at which it ought to be executed, and the number of times that it ought to be repeated, must depend upon the soil, climate, and a variety of special circumstances. (Cat. 37; Varr. i. 18, 29, 36; Colum. ii. 11, xi. 2; Plin. *H. N.* xviii. 21, 26; Geopon. ii. 24; comp. Plaut. *Capt.* iii. 5. 3; Virg. *Georg.* i. 155.)

6. *Weeding* (*runcatio*).

Hoeing was followed by weeding (*βοτανισμός*, *runcatio*), which in the case of grain crops took place immediately before they began to blossom, or immediately after the flower had passed away. The weeds were either pulled up by the roots (*evulsis inutilibus herbis*), or cut over with a bill-hook, which Palladius terms *runco*. (Cat. 37; Varr. i. 30; Colum. ii. 11, xi. 2; Pallad. i. sub. fin.; Plin. *H. N.* xviii. 21; Geopon. ii. 24.)

But after the farmer had laboured with unremitting zeal in cleaning and pulverising the soil, in selecting and medicating the seed, in hoeing the young blades, and in extirpating the common noxious weeds (*lolium*, *tribuli*, *lappae*, *cardui*, *rubi*, *avena*), the safety of the crop was threatened by a vast number of assailants (*tum variae illudant pestes*); such as worms of various kinds (*vermiculi*) attacking both root and ear, caterpillars (*urucae*), spiders (*phalangia*), snails (*limaces*, *cochleae*), mice (*mures*), moles (*talpae*), and the whole race of birds, besides which, each kind of plant was believed to have its own special vegetable enemy, which, if not carefully watched, would spring up, choke, and destroy it. The most formidable of these pests are enumerated by Pliny (*H. N.* xviii. 17), who proposes sundry precautions and remedies, of which many are ridiculous superstitions. But the foe dreaded above all others in the vineyard and the cornfield was a peculiar blight or mildew termed *robigo*, which wrought such havoc in damp low-lying situations that it was regarded as a manifestation of wrath on the part of a malignant spirit, whose favour the rustic sought to propitiate by the annual festival of the *Robigalia*. [ROBIGALIA.]

Another danger of an opposite description arose from the grain shooting up so rapidly that the stalk was likely to become immoderately long and weak. The danger in this case was averted by pasturing down the too luxuriant herbage with sheep (*luxuriem segetum tenera depascit in herba*), or by dragging over it an iron-toothed harrow (*cratis et hoc genus dentatae stilis ferreis*), by which it was said to be combed (*pectinari*). (Plin. *H. N.* xviii. 17. 21; Virg. *Georg.* i. 151.)

7. *Reaping* (*messio*).

The corn was reaped as soon as it had acquired a uniform yellow tint, without waiting until it had become dead ripe, in order to avoid the loss sustained by shaking, and by the ravages of animals. The necessity of pursuing this course with regard to barley, is especially insisted upon; but is quite at variance with modern practice. (Colum. ii. 9.)

Varro describes three distinct methods of reaping (*tria genera messionis*).

1. That followed in Umbria, where the stalk was shorn close to the ground with a hook (*falx*); each handful was laid down; and when a number of these had accumulated, the ears were cut off, thrown into baskets (*corbes*), and sent to the thrashing-floor, the straw (*stramentum*) being left upon the field, and afterwards gathered into a heap.

2. That followed in Picenum, where they used a small iron saw (*serrula ferrea*) fixed to the extremity of a crooked wooden handle (*ligneum incurvum batillum*); with this they laid hold of a bundle of ears which were cut off, the straw being left standing to be mown subsequently.

3. That followed in the vicinity of Rome and

most other places, where the stalks were grasped in the left hand and cut at half their height from the ground, the whole of the portion detached being conveyed in baskets to the thrashing-floor, and the part left standing being cut afterwards.

The last two methods only are particularly noticed by Columella, who describes the instruments employed in the second under the names of *pectines* and *mergi* [*ae ?*] (*multi mergis, alii pectinibus spicam ipsam legunt*); and those employed in the third as *falces vericulatae* (*multi falcibus vericulatis, atque iis vel rostratis vel denticulatis medium culmum secant*); a series of terms which have never been very satisfactorily explained. In addition to the above, Pliny and Palladius describe a reaping-machine worked by oxen, which was much used in the extensive level plains of the Gauls. Virgil (*Georg.* i. 316), perhaps, alludes to binding up the corn in sheafs; but his words are not so clear upon this point as those of Homer in the charming picture of a harvest-field contained in the eighteenth book of the *Iliad*. (Varr. i. 50; Colum. ii. 20; Plin. *H. N.* xviii. 30; Pallad. vii. 2; Geopon. ii. 25; comp. Hom. *Il.* xi. 67, xviii. 550.)

8. *Thrashing* (*tritura*).

After the crop had been properly dried and hardened (*torrefacta*) by exposure to the sun, it was conveyed to the thrashing-floor (ἅλως, ἀλωή, or ἀλωά, *area*). This was an open space, on some elevated spot over which the wind had free course, of a circular form, slightly raised in the centre to allow moisture to run off. The earth was compressed by heavy rollers (*gravi cylindro, molari lapide*), pounded with rammers (*paviculis*), and reduced to a solid consistency with clay and chaff, so as to present an even unyielding surface; or, better still, paved with hard stones. Here the corn was spread out and beaten with flails (*baculis excutere, fustibus cudere, perticis flagellare*); or more commonly, except when the ears alone had been brought from the field, trodden out (*exterere*) by the feet of a number of men or horses, who were driven backwards and forwards within the ring. To produce the effect more easily and more perfectly, the cattle were frequently yoked to a machine (*tribulum, tribula, trahea, traha*), consisting of a board made rough by attaching to it stones or pieces of iron, and loaded with some heavy weight; or, what was termed a Punic wain (*plostellum Poenicum*) was employed, being a set of toothed rollers covered with planks, on which sat the driver who guided the team.

Attached to the area was a huge shed or half-enclosed barn (*nubilarium*), of sufficient dimensions to contain the whole crop. Here the corn was dried in unfavourable seasons before being thrashed, and hither it was hurriedly conveyed for shelter when the harvest work was interrupted by any sudden storm. (Cat. 91, 129; Varr. i. 13, 51, 52; Colum. i. 6, ii. 19; Pallad. i. 36, viii. 1; Plin. *H. N.* xviii. 29, 30; Hom. *Il.* xiii. 588; xx. 495; xxi. 77; Virg. *Georg.* i. 178; Geopon. ii. 26.)

9. *Winnowing* (*ventilatio*).

When the grain was mixed with chaff, it was laid down in small piles upon the area, in order that the lighter particles might be borne away by the passing breeze; but when the wind was not sufficiently strong, it became necessary to winnow (*ventilare*) it. This was effected by a labourer (λικμητήρ, *ventilator*) who tossed it up from a sieve (*vannus, capisterium*) or shovel (πτύον, *ventilabrum*), when the heavy portion fell down in a heap, and the chaff floated off through the air. When it was intended to keep the corn for any length of time, it was common to repeat the process (*repurgare, repolire*), that it might be thoroughly cleaned. (Varr. i. 52; Colum. ii. 9. 20; comp. Hom. *Il.* v. 499; xiii. 588.)

10. *Preservation of Corn* (*de frumento servando*).

After the corn had been thrashed out and winnowed, or at least the ears separated from the stalk, the next care was to store up (*condere*) the grain in fitting repositories (*granaria, horrea*). The great object in view being to preserve it from becoming mouldy or rotten, and to protect it from the ravages of vermin, especially the weevil (*curculio*), we find that very great diversity of opinion existed as to the means by which those ends might best be attained. By some the store-houses were built with brick walls of great thickness, for the purpose, it would seem, of securing a uniform temperature, and had no window or aperture, except a hole in the roof, through which they were filled. Others, again, raised these structures aloft on wooden columns, and allowed currents of air to pass through on all sides and even from below; while others admitted particular winds only, such, namely, as were of a drying character. Many plastered the walls with a sort of hard stucco worked up with amurca, which was believed to act as a safeguard against vermin, while others considered the use of lime under any form as decidedly injurious. These and many different opinions, together with receipts for various preparations wherewith to sprinkle the corn, will be found detailed in the authorities cited below, among whom Pliny very sensibly observes that the principal consideration ought to be the condition of the grain itself when housed; since, if not perfectly dry, it must of necessity breed mischief. In many countries, as in Thrace, Cappadocia, Spain, and Africa, the corn was laid up in pits (*scrobibus*) sunk in a perfectly dry soil and well lined with chaff, a practice now extensively adopted in Tuscany. Wheat in the ear (*cum spica sua*) might, according to Varro, if the air was excluded, be preserved in such receptacles for fifty years, and millet for an hundred. (Cat. 92; Varr. i. 57; Colum. i. 6; Pallad. i. 19; Plin. *H. N.* xviii. 30; Geopon. ii. 27—31.)

IV. CROPS.

Crops, as already remarked, may be divided into four classes:—1. Grain or corn crops. 2. Leguminous crops, or pulse. 3. Crops cut green for forage. 4. Crops which supplied the raw materials for the textile fabrics. We might extend the number of classes did we purpose to treat of certain plants, such as poppies (*papavera*) and *sesamum*, raised to a small extent only, and confined to particular localities; but our limits do not permit us to embrace so wide a field of inquiry.

In addition to the above, much attention was devoted to what may be termed secondary crops; those, namely, which did not afford directly food or clothing for man or beast, but which were required in order to facilitate the cultivation and collection of the primary crops. Thus, beds of willows (*salicta*) for baskets and withes, and of reeds (*arundineta*) for vine-props, were frequently in favourable situations very profitable, just as land in certain districts of Kent yields a large return when planted with young chestnuts for hop-poles.

1. *Corn Crops* (*frumenta*).

The word applied in a general sense to denote what we now call "the cereal grasses" was *frumenta;* but of these wheat being by far the most important, it is not wonderful that the term in question should be employed frequently to denote wheat specially, and occasionally in such a manner as to exclude other kinds of grain, as when Pliny remarks, "calamus altior frumento quam hordeo," meaning "in wheat the stalk is longer than in barley." The only frumenta which it will be necessary for us to consider particularly in this place are —

a. Triticum and *Far; b. Hordeum; c. Panicum* and *Milium.*

a. Triticum and *Far.* No one entertains any doubt that *triticum* (πυρὸς in Greek, and by the later writers σῖτος) is the generic name for the grain which we denominate *wheat;* but when we proceed to examine the different species or varieties, we are involved in many difficulties, for the botanical descriptions transmitted to us by the ancients are in all cases so imperfect, and in many instances so directly at variance with each other, that it becomes almost impossible to identify with certainty the objects to which they refer, with those familiar to ourselves. Columella (ii. 6; comp. Dioscorid. ii. 107; Theophr. *H. P.* viii. 1. 4), who attempts a systematic classification, assigns the first place among "frumenta" to *Triticum* and *Semen adoreum*, each of which contained several species or varieties. Among many different kinds of triticum he deems the following only deserving of particular notice: —

1. *Robus*, possessing superior weight and brilliancy (*nitor*).
2. *Siligo*, very white, but deficient in weight. (Colum. ii. 9, § 13; Plin. *H. N.* xviii. 8.)
3. *Trimestre* (τριμηνιαῖος s. τρίμηνος), a sort of siligo, receiving its name from lying three months only in the ground, being spring-sown. We find this kind sometimes denominated δίμηνος also, since in very warm situations it came to maturity in two months after it was sown.

Among the different kinds of *Semen adoreum*, the following are particularly noticed: —

1. *Far Clusinum*, distinguished by its whiteness.
2. *Far venuculum rutilum.* } Both heavier than
3. *Far venuculum candidum.* } the *Clusinum.*
4. *Halicastrum* or *Semen trimestre*, very heavy and of fine quality. Here we must remark that although *robus, siligo*, and *trimestre* are set down as particular species or varieties of the more general term *triticum*, which is used in contradistinction to *semen adoreum*, it is much more usual to find *triticum* used in a restricted sense to denote ordinary winter wheat, in opposition to both *siligo* and *adoreum*, and hence Pliny declares that the most common kinds of grain were "*Far*, called *adoreum* by the ancients, *siligo*, and *triticum*."

Now, with regard to the three kinds of *triticum* enumerated above, we shall have little difficulty in deciding that they were not distinct species, but merely varieties of the same species; for we are assured by Columella (ii. 9), that triticum, when sown in wet land, passed in the course of three years into *siligo*, and by Pliny (xviii. 8) that *siligo*, in most parts of Gaul, passed, at the end of two years, into *triticum;* again, Columella, in describing *trimestre*, admits (although contradicted by Plin. *H. N.* xviii. 7) that it is a variety of *siligo*, while modern experience teaches us that winter and spring wheats are convertible by subjecting them to peculiar modes of cultivation. Hence we conclude that *robus* and *siligo* were varieties of what is now termed by botanists *Triticum hybernum*, and that *trimestre* was a variety of our *Triticum aestivum*, which is itself a variety of the *hybernum*.

The question with regard to *Far, Ador, Semen adoreum, Semen, Adoreum*, names used indifferently by the Latin writers, does not admit of such an easy solution. But after a careful examination of the numerous, vague, perplexing, and contradictory statements scattered over the classics, the discussion of which separately would far exceed our limits, we may with considerable confidence decide that *far* was a variety of the Greek ζέα or ζεία, and of the modern *Triticum spelta*, if not absolutely identical with one or both. Spelt, which is fully recognised by botanists as a distinct species of triticum, is much more hardy than common wheat, succeeding well in high exposed situations where the latter would not ripen, and its chaff adheres with singular firmness to the grain, both of which circumstances were prominent characteristics of *far*. (Colum. ii. 8; Plin. *H. N.* xviii. 7, 8, 30.) Indeed, it was found impossible to get rid of the thick double case in which it was enclosed, by the ordinary modes of thrashing; therefore it was stored up with the chaff attached (*convenit cum palea sua condi et stipula tantum et aristis liberatur*); and when used as food it was necessary to pound it in a mortar, or rub it in a mill of a peculiar construction, in order to separate the tenacious husks — a process altogether distinct from grinding, and indicated by the words *pinsere, pistura, pistores.* (Cat. 2; Plin. *H. N.* xviii. 10.) The idea entertained by some commentators, that the distinction between triticum and far consisted in the circumstance that the latter was awned while the former was beardless, is altogether untenable; for not only does Pliny say expressly in one passage (xviii. 10), *far sine arista est*, and in another (xviii. 30), as distinctly that far had *aristae*, but it is perfectly clear from Varro (i. 48; compare Plin. *H. N.* xviii. 7), that ordinary triticum had a beard, and from Pliny that siligo was generally, although not uniformly, without one — a series of assertions whose contradictory nature need occasion no surprise, since it is now well known that this, like colour, is a point which does not amount to specific difference, for white, red, awned, and beardless wheats are found to change and run into each other, according to soil, climate, and mode of culture. Another fact noticed by Pliny, to which, if correct, botanists seem not to have given due attention, is, that *triticum* had four joints in its stalk, *far* six, and barley eight.

All agree that triticum (we shall use the word hereafter in the restricted sense of common winter-wheat) succeeded best in dry, slightly elevated, open ground, where the full influence of the sun's rays was not impeded by trees, while siligo and far were well adapted for low damp situations and stiff clayey soils (Cato 34, 35; Varr. i. 9; Colum. ii. 6; Plin. xviii. 8). The sowing of winter wheat (*satio autumnalis*) whether triticum, siligo, or adoreum, commenced for the most part, according to the

Virgilian precept, after the morning setting of the Pleiades, that is, by the Roman calendar (ix. Kal. Nov.), after the 24th of October, and was always concluded before the 9th of December, it being a maxim strictly observed among prudent husbandmen to abstain from all field work for fifteen days before, and fifteen days after the winter solstice. In wet or light soils, however, and in all exposed situations, where it was important that the roots should have a firm hold of the ground before the rains and frosts set in, the sowing was frequently completed by the end of September.

Spring sowing (*statio trimestris*) was practised only when the farmer had been prevented by accidental circumstances from completing his work in autumn; or in those localities where, from the extreme cold and heavy snows, it was feared that the young blades would be destroyed in winter; or finally, where, from the depth and stiffness of the soil (*crassitudine*), it might be cropped repeatedly without a fallow. In every case it was considered advisable to throw the seed as soon as the weather would permit, that is, in ordinary seasons, early in March. The quantity of seed required was from four to six modii of *triticum* or *siligo* to the juger according as the soil was rich or poor; and from nine to ten modii of far. To understand this difference, we must recollect that the far was stored up and sown out in its thick husks; and, therefore, would occupy almost twice as much space as when cleaned like the triticum. The various operations performed upon the above quantity of seed before it could be brought to the thrashing-floor, required ten days and a half of work.—Four for the ploughman (*bubulcus*); one for the harrower (*occator*); three for the hoer (*sarritor*), two days on the first occasion, and one on the second; one for the weeder (*runcator*); one and a half for the reaper (*messor*).

The finest Italian wheat weighed from twenty-five to twenty-six pounds the modius, which corresponds to upwards of seventy English pounds avoirdupois to the imperial bushel, the Roman pound being very nearly 11·8 oz. avoird., and the modius ·99119 of an imperial peck. The lightest was that brought from Gaul and from the Chersonese. It did not weigh more than twenty pounds the modius. Intermediate were the Sardinian, the Alexandrian, the Sicilian, the Bœotian, and the African, the two last approaching most nearly in excellence to the Italian.

The proportion which the produce bore to the seed sown varied, when Cicero and Varro wrote, in the richest and most highly cultivated districts of Sicily and Italy from 8 to 10 for 1; 15 for 1 was regarded as an extraordinary crop obtained in a few highly favoured spots only, while in the age of Columella, when agriculture had fallen into decay, the average return was less than 4 for 1. Parts of Egypt, the region of Byzacium in Africa, the neighbourhood of Garada in Syria, and the territory of Sybaris were said to render a hundred or even a hundred and fifty fold; but these accounts were in all likelihood greatly exaggerated. (Cic. *in Verr.* iii. 47; Varr. i. 44; Colum. iii. 3. § 4; Plin. *H. N.* xviii. 21.)

Far is uniformly represented as having been the first species of grain ever cultivated in Italy, and as such was employed exclusively in religious ceremonies. Hence also *farina* became the generic term for flour or meal whether derived from far, from triticum, or from any other cereal. Thus we read of *triticea farina*, *siliginea farina*, *hordeacea farina*, even *avenacea farina* (Plin. *H. N.* xviii. 9, xx. 13, xxii. 25). In the expressions *far triticeum*, *far hordaceum* found in Columella (viii. 5, 11), *far* is evidently used for *farina*, and we shall see that even *siligo* is in like manner used to denote, not only the solid grain, but the flour produced by grinding it. This being premised, we may proceed to examine the meaning of the terms *pollen*, *similago* s. *simila*, *cibarium*, *siligo*, *flos*, *alica*, *amylum*, *granea*, &c., several of which have never been clearly explained. Here again we can give the result only of an investigation, in the course of which we are obliged to thread our way through statements at once obscure and irreconcilable. Regarding *triticum* and *siligo* as two well distinguished varieties of wheat, their products when ground were thus classed by millers: —

From triticum,

1. *Pollen*, the finest flour dust, double dressed.
2. *Simila*, or *Similago*, the best first flour.
3. *Cibarium secundarium*, second flour.
4. *Furfures*, bran.

From siligo,

1. *Siligo*, the finest double-dressed flour, used exclusively for pastry and fancy bread.
2. *Flos* (*siliginis*), first flour.
3. *Cibarium secundarium*, second flour.
4. *Furfures*, bran.

It would appear that Celsus (ii. 18), considering wheat generally as triticum, called the finest and purest flour *siligo*; ordinary flour, *simila*; the whole produce of the grain, bran, and flour mixed together, *αὐτόπυρος*. (Plin. *H. N.* xviii. 8, 9, 10, 11.)

Alica is placed by Pliny among the different kinds of corn (xviii. 7), and is probably the same with the *Halicastrum*, *Alicastrum*, or spring-sown *far* of Columella. But *alica* is also used to denote, not only the grain, but a particular preparation of it, most clearly described in another passage of Pliny (xviii. 11). The finest was made from Campanian zea, which was first rubbed in a wooden mortar to remove the husk, and then (*excussis tunicis*) the pure grain (*nudata medulla*) was pounded. In this manner three sorts were produced and classed according to their fineness, the *minimum*, the *secundarium*, and the coarsest or *aphaerema*, and each was mixed with a kind of fine white chalk, found between Naples and Puteoli, which became intimately amalgamated with it (*transit in corpus*, *coloremque et teneritatem affert*). This compound was the principle ingredient in a sort of porridge also called *alica*, while *alicarius*, signifying properly one who pounded alica, frequently denotes a miller in general. (Plin. *H. N.* xviii. 7, 11, 29, xxii. 25; Cat. 76; Cels. vi. 6; Mart. ii. 37, xiii. 6; Geopon. iii. 7.)

Amylum is starch, and the modes of preparing it are described by Cato (87), and Pliny (*H. N.* xviii. 7).

Granea was wheat, not ground, but merely divested of its husk, and made into a sort of porridge by boiling it in water and then adding milk. (Cat. 86.)

b. Hordeum s. *Ordeum* (*κρίθη*; *κρῖ*, Hom.). Next in importance to *triticum* and *adoreum*, was *hordeum* or barley, which was a more appropriate food for the lower animals than wheat, was better for man when made into *polenta* than wheat of an indifferent quality, and furnished excellent straw and chaff (*stramentum*, *palea*).

The species most generally cultivated, termed *hexastichum* or *cantherinum*, was, we can scarcely doubt, identical with what we now call *bear* or *bigg*, the *Hordeum hexastichon* or six-rowed barley of botanists. It was sown after the vernal equinox (hence called *τριμήνη*, Theophr. *H. P.* viii. 1), upon land that had been twice ploughed, at the rate of five modii to the juger; succeeded best in a dry, loose, rich soil; and being an exhausting crop, the land from which it had been reaped was summer fallowed, or recruited by manure. It was cut as soon as it was ripe; for the stalk being brittle, was liable to be beaten down; and the grain not being enclosed in an outer husk, was easily shaken.

Another species, termed *Galaticum* or *distichum*, the same apparently with the modern *Hordeum vulgare*, or with the *Hordeum distichum*, varieties of the common two-rowed barley, was remarkable for its weight and whiteness, and answered well for mixing with wheaten flour in baking bread for slaves. It was sown in autumn, winter or early spring, at the rate of six modii to the juger. Five modii of seed hordeum required six days and a half of labour to bring it to the thrashing-floor; viz. ploughing three days, harrowing (*occatoria opera*) one, hoeing (*sarritoria*) one and-a-half, reaping (*messoria*) one.

Pliny speaks of hordeum as the lightest of all frumenta, weighing only 15 pounds to the modius (Roman pound=11·8 oz. avoird.). In mild climates it might be sown early in autumn. (Theophr. *H. P.* viii. 1; Cat. 35; Varr. i. 34; Colum. ii. 9. §§ 14, 15, 16; Virg. *Georg.* i. 210; Plin. *H. N.* xviii. 7, 10; Geopon. ii. 14.)

c. Panicum and *Milium* are commonly spoken of together, as if they were only varieties of the same grain. The first is in all probability the *Panicum miliaceum* or *common millet* of botanists, the *ἔλυμος* or *μέλινη* of the Greeks; the second is perhaps the *Setaria Italica* or *Italian millet*, which corresponds to the description of *κέγχρος*; while the species noticed by Pliny as having been brought from India less than ten years before the period when he wrote is, we can scarcely doubt, the *Sorghum vulgare*, or *Durra* of the Arabs.

Panicum and milium were sown in spring (Virg. *Georg.* i. 216), towards the end of March, at the rate of four sextarii (pints) only to the juger, but they required repeated hoeing and weeding to keep them clean. They succeeded well in light loose soil, even on sand if well irrigated; and as soon as the ears were fairly formed, they were gathered by the hand, hung up to dry in the sun, and in this state would keep for a longer period than any other grain. Milium was baked into bread or cakes, very palatable when eaten hot; and both panicum and milium made good porridge (*puls*). Although not much used by the population of Italy, except perhaps in Campania, they formed a most important article of food in the Gauls, in Pontus, in Sarmatia, and in Ethiopia. (Cat. 6; Colum. ii. 9. § 17; Plin. *H. N.* xviii. 7, 10, 26; Pallad. iv. 3; Geopon. ii. 38; Theophr. Π. Φ. Α. ii. 17, *H. P.* viii. 3; Dioscor. ii. 119.)

Secale, rye, the *Secale cereale* of botanists, is not mentioned by any of the Greek writers unless it be the *βρίζα* described by Galen (*De Aliment. Facult.* i. 2) as cultivated in Thrace and Macedonia (but this, in all probability, was a coarse variety of spelt), nor by Cato, Varro, Columella, nor Palladius. Pliny alone (*H. N.* xviii. 40) speaks of it, and in the following terms:—"Secale Taurini sub Alpibus *Asiam* vocant, deterrimum, et tantum ad arcendam famem: foecunda sed gracili stipula, nigritia triste, sed pondere praecipuum. Admiscetur huic far ut mitiget amaritudinem ejus; et tamen sic quoque ingratissimum ventri est. Nascitur qualicunque solo cum centesimo grano, ipsumque pro laetamine est." In the previous chapter he makes it identical with *farrago*, that is, corn sown for the purpose of being cut green as fodder. See remarks upon *Farrago* below.

Avena, the oat (*βρόμος* s. *βρῶμος*, Theophr. *H. P.* viii. 4; Dioscorid. ii. 16), the *Avena sativa* of botanists, need scarcely be noticed in this place since it cannot be raised as a grain with any advantage in a climate so warm as that of Greece or of Italy. Columella (ii. 10. § 9) and Pliny (*H. N.* xviii. 42, *Avena Graeca*) recommended that it should be sown for green fodder, and the latter remarks that it became a sort of corn (*frumenti fit instar*) in Germany, where it formed a regular crop, and where oatmeal porridge was a national dish (*neque alia pulte vivant*, *H. N.* xviii. 44. § 1. comp. iv. 27, vi. 35). In another passage (*H. N.* xxii. 68) the same author prescribes oatmeal (*avenacea farina*) steeped in vinegar as a remedy for spots on the skin. The *Avena* condemned as a troublesome weed by Cato (*R. R.* xxxvii. § 5) and Virgil (*steriles avenae*, G. i. 154) is, probably, the *Avena fatua* of botanists, although Pliny (*H. N.* xviii. 44. § 1) makes no distinction between this and the cultivated kind.

Other cereals we may dismiss very briefly.

Oryza (*ὄρυζα*, *ὄρυζον*), rice, was imported from the East, and was much esteemed for making gruel (*ptisana*).

Zea (*ζέα*, *ζεῖα*), *Olyra* (*ὄλυρα*), *Tiphe* (*τίφη*), and *Arinca*, of which the first two are named by Homer, must be regarded as varieties of the *Triticum Spelta* or *Far* (Herod. ii. 36; Theophr. *H. P.* ii. 5, viii. 9; Dioscorid. ii. 110; Galen. *de Aliment. Facult.* i. 2, 13). The statements found in the eighteenth book of Pliny's Natural History in reference to these four are altogether unintelligible when compared with each other. He evidently copied, as was too often his custom, from a number of discordant authorities without attempting to reconcile or thinking it necessary to point out their contradictions. In one place (xviii. 20. § 4) he says distinctly that *Arinca* is the *Olyra* of Homer, and in another he seems to say (xviii. 11) that Olyra in Egypt became Far (*far in Ægypto ex olyra conficitur*). Now we know from Herodotus (ii. 36) that in his time Olyra and Zea were considered synonymous, and that these exclusively were cultivated by the Egyptians. Hence we shall be led to conclude that the wheat which has been raised recently from the seeds discovered in the mummy cases is in reality the ancient Zea or Olyra, and from its appearance we should further be induced to identify it with the *Triticum ramosum* of Pliny (*H. N.* xviii. 21).

With regard to *Irio* and *Horminum*, of which the former seems to have been called *ἐρύσιμον* by the Greeks, both enumerated by Pliny among *frumenta*, although he afterwards somewhat qualifies this assertion, we do not hazard a conjecture. (Plin. *H. N.* xviii. 10. § 1—22, xxii. 75.)

We may concludė this section with an enumeration of the technical terms employed to denote the different parts of an ear and stalk of corn.

The whole ear was named *spica;* the beard or awn *arista;* the ear, when beardless, *spica mutica*, the white solid substance of the grain, *intimum solidum — nudata medulla — granum;* the husk which immediately envelopes the granum, *gluma*, with which *cortex*, *tunica*, *folliculus*, are used as synonymous; the outer husk *acus;* the outer husk with the short straw attached, *palea;* the stem, *stipula*, *culmus*, to which *scapus*, *caulis* correspond in leguminous plants; the knots or joints in the stem, *geniculi*, *articuli;* the sheath-like blade in the stem from which the ear issues forth, *vagina*.

2. *Leguminous Crops* (χέδροπα, *Legumina*).

The vegetables falling properly under this head, chiefly cultivated by the ancients, were: *a. Faba; b. Lupinus; c. Lens s. Lenticula; d. Cicer; e. Cicercula; f. Phaseolus; g. Pisum;* to which, in order to avoid multiplying subdivisions, we may add *Napi* and *Rapa*, since in common with the legumina they served as food both for men and cattle.

a. Faba. The ancient *faba*, the κύαμος of the Greeks, notwithstanding all that has been urged to the contrary, was certainly one of the varieties of our common field bean, the *Vicia Faba*, or *Faba vulgaris arvensis* of botanists. It required either rich and strong, or well manured land. If sown upon moist low-lying ground that had remained long uncropped (*veteretum*), no previous preparation was necessary; but the seed was scattered and at once ploughed in; the field was then ribbed and finally harrowed (*cum semen crudo solo ingesserimus, inarabimus, imporcatumque occabimus*), the object being to bury the seed as deep as possible. But if beans were to be sown upon land from which a corn crop had been just reaped (*restibilis ager*), after the stubble was cleared away, manure was spread at the rate of twenty-four vehes to the juger, and then the remaining operations were the same as above. Rich land required from four to six modii to the juger, poorer soil somewhat more. A portion of the seed was committed to the ground about the middle (*mediae sementi*), the remainder at the end of the corn-sowing season (*septimontialis satio*). Virgil (*Georg.* i. 215), indeed, following the practice of his own district, directs that beans should be sown in spring; but this was disapproved of in the rest of Italy because the stalks (*caules — fabalia*), the pods (*siliquae*), and the husks (*acus fabaginum*), all of which were of great value as food for cattle, were less luxuriant in the spring-sown (*trimestris faba*) than in the autumnal crop. Columella recommends that beans should be hoed three times, in which case they required no weeding. When they had arrived at maturity, they were reaped close to the ground, were made up into sheaves (*fasciculi*), were thrashed by men who tossed the bundles with forks, trampled them under foot, and beat them with flails (*baculis*), and finally, were cleaned by winnowing. The harvest took place in Central Italy about the end of May, and hence the first of June was named *Calendae Fabariae*, because on that day new beans were used in sacred rites. From four to six modii of seed required two days' work of the ploughman, if the land was newly broken up, but only one if it had been cropped the previous season; harrowing occupied one day and a half, the first hoeing one day and a half, the second and third each one day, reaping one day; in all, seven or eight days.

Bean meal (*lomentum*, σμῆγμα) was baked into bread or cakes (ἄρτος κυάμινος), especially if mixed with the flour of wheat or millet; when made into porridge (*fabacia*, *puls fabata*), it was accounted an acceptable offering to the gods and termed *Refriva*, — a name properly applied to the beans brought home and set apart for holy purposes. (Hom. *Il.* xiii. 589; Cat. 35; Varr. i. 44; Colum. ii. 10, 12; Pallad. ii. 9, vii. 3; Plin. *H. N.* xvii. 5, xviii. 12, xix. 3; Geopon. ii. 35; Dioscorid. ii. 127; Theophr. *H. P.* iv. 2, vii. 3, viii, 1; comp. Fest. *s. v. Refriva;* Gell. iv. 11, x. 15; Macrob. *Sat.* i. 12; Cic. *de Div.* i. 30; Ov. *Fast.* v. 436.)

b. Lupinus, the θέρμος of the Greeks, seems to include the *Lupinus albus*, the *L. luteus*, and the *L. pilosus* of botanists, the common white, yellow, and rose lupines of our gardens. The first of the above species was that chiefly cultivated by the Romans, and is pronounced by Columella to be the most valuable of the legumina, because it demanded very little labour, was a sure crop, and instead of exhausting, actually refreshed and manured the land. Steeped in water and afterwards boiled, it formed an excellent food for oxen in winter, and might be used even for man during periods of scarcity. It could be sown as soon as thrashed, might be cast upon ground unprepared by ploughing or any other operation (*crudis novalibus*), and was covered up anyhow, or not covered up at all, being protected by its bitterness from the attacks of birds and other animals.

The proper season for sowing was early in autumn, in order that the stalks might acquire vigour before the cold weather set in; the quantity of seed was ten modii to the juger, and the crop was reaped after it had remained a year in the ground. It succeeded well in any dry light land, but not in wet tenacious soil. Ten modii required in all only three days' work; one for covering up, one for harrowing, and one for reaping, and of these operations, the two first might, if there was a press of work, be dispensed with. (Cat. v. 35; Colum. ii. 10, 16, xi. 2; Pallad. i. 6, ii. 9, vi. 3, vii. 3, ix. 2; Plin. *H. N.* xviii. 14; Geopon. ii. 39; Virg. *Georg.* i. 75.)

c. Lens s. Lenticula, the φακός of the Greeks, the modern *Ervum Lens*, *Vicia Lens*, or Lentile, was sown twice a year, late in autumn (*per mediam sementim*) and early in spring, on dry light soil, in the proportion of rather more than a modius to the juger. It was recommended to mix the seed with dry manure, and after leaving it in this state for four or five days, then to scatter it. A modius and a half required eight days' work — ploughing, three; harrowing, one; hoeing, two; weeding, one; pulling, one. (Cat. 35; Virg. *Georg.* i. 228; Colum. ii. 10, 12; xi. 2.; Plin. *H. N.* xviii. 12, 31; Pallad. xii. 11; Theophr. *H. P.* viii. 3; Dioscorid. ii. 129; Geopon. ii. 37; comp. Martial, xiii. 9. 1; Gell. xviii. 8.)

d. Cicer, the ἐρέβινθος of the Greeks. The *Cicer arietinum* (κριός) and the *Cicer Punicum*, varieties of our common chick-pea, were sown in rich soil, during the month of March, in the proportion of three modii to the juger, the seeds having been previously steeped to make them germinate more readily. The crop was considered injurious to the soil, and therefore avoided by prudent husbandmen. Three modii of Cicer required four days for ploughing and sowing, two days for harrowing, one day for hoeing, one day for weeding, and three days for pulling (*velluntur tribus*). (Colum. ii. 10, 12; Plin. *H. N.* xviii. 12; Dioscorid. ii. 126; Theophr. viii. 1, 3, 5, 6; Geopon. ii. 36.)

e. Cicercula, the *λάθυρος* of the Greeks, the *Lathyrus sativus* of botanists, which Pliny seems to regard as a small variety of the *Cicer*, was sown in good land either at the end of October or at the beginning of the year, in the proportion of three modii to the juger. None of the legumina proved less hurtful to the ground, but it was rarely a successful crop, for it suffered most from the dry weather and hot winds which usually prevailed when it was in flower. Four modii of Cicercula required six days' work — ploughing, three; harrowing, one; weeding, one; pulling, one. (Colum. ii. 10, 12; Plin. *H. N.* xviii. 12; Pallad. ii. 5, iii. 4; Theophr. *H. P.* viii. 3; comp. Plutarch. *Quaest. Rom.*)

f. Phaselus s. *Phaseolus* (*φασήλος*; *φασήολος*; *φασίολος*), the common kidney-bean, succeeded best in rich land regularly cropped, and was sown towards the end of October in the proportion of four modii to the juger. These four modii required three or four days' work, — ploughing, one or two, according to the soil; harrowing, one; reaping, one. The pods of the phaselus were sometimes eaten along with the seeds, according to our own custom. (Virg. *Georg.* i. 227; Colum. ii. 10, 12, xi. 2; Plin. *H. N.* xviii. 12; Pallad. ix. 12; x. 1.)

g. Pisum (*πίσον*; *πίσος*; *πίσσος*), the common field pea, succeeded best in a loose soil, a warm situation, and a moist climate. It was sown immediately after the autumnal equinox, in the proportion of rather less than four modii to the juger, and cultivated exactly in the same manner as the *phaselus*. (Colum. ii. 10, 13; Plin. *H. N.* xviii. 7, 12; Theophr. *H. P.* iii. 27, viii. 3, 5.)

Napus, the *βουνιάς* of Dioscorides, is the modern Rape, the *Brassica rapa* of botanists. *Rapum*, the *γογγυλίς* of Theophrastus, is the modern Turnip, the *Brassica Napus* of botanists. The value of these plants was in a great measure overlooked by the earlier Roman writers, while the Greeks regarded them too much in the light of garden herbs; but Pliny enlarges upon their merits, and by the Gauls beyond the Po, who wintered their oxen upon them, their culture was deemed next in importance to that of corn and wine. They were highly useful as food for man, for cattle, and even for birds; both the leaf and bulb were available; being very hardy, they could be left in the ground, or would keep well if stored up, and thus one crop might be made to hold out until another came in. They required loose, well-pulverised, and highly-manured soil. Rapa succeeded best in low, moist situations, and were sown at the end of June after five ploughings (*quinto sulco*); napi, which were more adapted for dry sloping land, at the end of August or the beginning of September, after four ploughings (*quarto sulco*); both, however, in warm and well-watered spots might be sown in spring. A juger required four sextarii (about four imperial pints) of turnip seed and five of rape seed, because the napus does not, like the rapum, expand into an ample bulb (*non in ventrem latescit*), but sends a thin root straight down (*sed tenuem radicem deorsum agit*). Columella, however, distinctly states that the rapum and napus passed into each other, under the influence of a change of soil or climate. *Rapina* is the term for a bed or field of turnips. (Dioscorid. ii. 134, 136; Cat. v. 35; Colum. ii. 10; Plin. *H. N.* xviii. 13.)

3. *Green Forage Crops* (*Pabula*).

This term included all those crops which were cut green and employed exclusively as forage for the lower animals. The most important were: — *a. Medica. b. Foenum Graecum. c. Vicia. d. Cicera. e. Ervum, Ervilia. f. Farrago, Ocymum. g. Foenum.* The description of the last will involve an account of the system pursued in the management of meadows.

a. Medica (Μηδική sc. *πόα*) the modern Lucerne. The most important of all the plants cultivated for stock exclusively was Medica, so called because introduced into Greece during the Persian wars. When once properly sown, it would last for many years, might be cut repeatedly during the same season, renovated rather than exhausted the soil, was the best fattener of lean cattle, the best restorative for those that were sick, and so nourishing that a single juger supplied sufficient food for three horses during a whole year. Hence the greatest care was bestowed upon its culture.

The spot fixed upon, which was to be neither dry nor spongy, received a first ploughing about the beginning of October, and the upturned earth was allowed to be exposed to the weather for the winter; it was carefully ploughed a second time, at the beginning of February, when all the stones were gathered off, and the larger clods broken by the hand; in the month of March it was ploughed for a third time and harrowed. The ground thus prepared was divided into plots or beds (*areas*) as in a garden, each fifty feet long and ten feet broad, so that ready access might be gained by the walks between for supplying water and extirpating the weeds. Old dung was then spread over the whole, and the sowing took place at the end of April, a cyathus (about $\frac{1}{12}$ of an imperial pint) of seed being allowed for each bed of the dimensions described above. The seed was immediately covered in with wooden rakes (*ligneis rastellis*), and the operations of hoeing and weeding were performed repeatedly with wooden implements. It was not cut for the first time until it had dropped some of its seed, but afterwards might be cut as tender as the farmer thought fit. After each cutting it was well watered, and as soon as the young blades began to sprout, every weed was sedulously removed. Managed in this manner it might be cut six times a year for ten (Pliny says thirty) years. It was necessary to use caution in giving it at first to cattle, since it was apt to inflate them, and make blood too rapidly, but when they were habituated to its use it might be supplied freely. It is very remarkable that this species of forage, to which so much importance was attached by the Romans, has altogether disappeared from Italy. We are assured by M. Chateauvieux that not a single plant of it is now to be seen. (Varr. i. 42; Colum. ii. 10, 28; Virg. *Georg.* i. 215; Pallad. iii. 6, v. 1 3

Plin. *H. N.* xviii. 16; Dioscorid. ii. 177; Theophr. *H. P.* viii. 7.)

b. Foenum-Graecum, variously termed *τῆλις*, *βούκερως* s. *βούκερας*, *κεραῖτις* and *αἰγόκερως*, the *Trigonella foenum Graecum*, or common Fenugreek of botanists, was called *Siliqua* by country people, and succeeded best when totally neglected, care being taken in the first place not to bury the seed deep (*scarificatione seritur*). Six or seven modii, which was the allowance for a juger, required two days for sowing and one for reaping. (Cat. 35; Colum. ii. 10, xi. 2; Plin. *H. N.* xviii. 16, xxiv. 19; Dioscorid. ii. 124; Theophr. *H. P.* iii. 17, viii. 8.)

c. Vicia (*σάρακον*, the *βικίον* of Galen), some one of the varieties of the *Vicia sativa*, the Vetch or Summer (or Winter) Tare of botanists. It might be sown on dry land at different periods of the year, usually about the autumnal equinox when intended for green fodder; in January or later, when raised for seed. (But see Plin. *H. N.* xviii. 15.) The quantity required in the former case was seven modii to the juger, in the latter six. Particular care was taken not to cast the seed when there was dew or moisture of any sort upon the surface of the ground; the period of the day selected for the operation was therefore some hours after sunrise, and no more was scattered than could be covered up before night. It required little labour — ploughing two days, harrowing one, reaping one; in all, four days' work for six or seven modii. (Cat. 35; Varr. i. 31; Virg. *Georg.* i. 75; Colum. ii. 10. § 29, 12. § 3; Plin. *H. N.* xviii. 15; comp. Ov. *Fast.* v. 267.)

d. Cicera, the *ὦχρος* of Theophrastus, the *Lathyrus Cicera* of botanists, was sown after one or two ploughings (*primo vel altero sulco*), in the month of March, the quantity of seed varying, according to the richness of soil, from two and a half to four modii for the juger. In southern Spain it was given to the cattle crushed (*cicera fresa*), steeped in water, and then mixed with chaff. Twelve pounds of *ervum* were considered equivalent to sixteen of *cicera*, and sufficient for a yoke of oxen.

Cicera was cultivated for its seed also, and formed a not unpalatable food for man, differing little if at all in taste from the cicercula, but being of a darker colour. (Colum. ii. 11, § 1, 12; Pallad. iv. 6; Plin. *H. N.* xviii. 12; Theophr. *H. P.* iv. 2.)

e. Ervum, Ervilia, the *ὄροβος* of Dioscorides, are apparently varieties of the *Ervum Ervile*, or Wild Tare of botanists. *Ervum* succeeded best in poor dry land; might be sown at any time between the autumnal equinox and the beginning of March, at the rate of five modii to the juger, and demanded little care. The above quantity required six days' labour — ploughing and sowing two, harrowing one, hoeing one, weeding one, reaping one. (Varr. i. 32; Virg. *Ecl.* iii. 100; Colum. ii. 10. § 34, 11. § 11, 12. § 3, 13. § 1, vi. 3, xi. 2; Pallad. ii. 8; Plin. *H. N.* xviii. 15; Theophr. *H. P.* ix. 22; Dioscorid. ii. 131; comp Plaut. *Mostell.* i. 1.)

f. Farrago, Ocymum. On comparing the various authorities quoted at the end of this paragraph, although they abound in contradictions, we shall be led to conclude —

1. That *farrago* was the general term employed to denote any kind of corn cut green for fodder. The name was derived from *far*, the refuse of that grain being originally sown for this purpose (*farrago ex recrementis farris praedensa seritur*), but afterwards rye (*secale*), oats (*avenae*), and barley, were employed; the last-mentioned being, in the estimation of Columella, the best; and these grains were not always sown alone, but frequently with an admixture of the vetch and various legumina. Hence *farrago* is used by Juvenal to denote a confused medley of heterogeneous topics.

2. That as *farrago* properly denoted corn cut green for fodder, so *ocymum* was the name given to plants of the bean kind, when used in the same manner, before they came to maturity, and formed pods. Manlius Sura gives the proportions of ten modii of beans, two of vetches, and two of erviliae to the juger; and this combination was said to be improved by the addition of *Avena Graeca*, sown in autumn; it was the first crop available in the early part of the year, and hence, of the three forms *ocinum*, *ocimum*, *ocymum*, we can scarcely doubt that the last is the most accurate, and that the name was given on account of the rapidity of its growth in spring. From the expression of Pliny, "Apud antiquos erat pabuli genus quod Cato *Ocymum* vocat," and the silence of Columella, who mentions the garden herb *ocymum* (basil) only, we infer that this sort of pabulum was little used after the time of Varro. The notion of Gesner that ocymum is clover, the *ὠκύθοον τριπέτηλον* of Callimachus, is directly at variance with the statements of Pliny, who mentions *trifolium* as a distinct plant. (Cat. 27, 53, 54; Varr. i. 23, 31; Colum. ii. 10. § 31, 35, xi. 3. § 29; Plin. *H. N.* xviii. 16.)

g. Foenum, Prata. So much importance was attached to stock, that many considered a good meadow as the most valuable species of land, requiring little trouble or outlay, subject to none of the casualties to which other crops were exposed, affording a sure return every year, and that twofold, in the shape of hay and of pasture. The meadows were of two kinds, the Dry Meadow (*siccaneum pratum*) and the Irrigated or Water Meadow (*pratum riguum*). The hay produced from a meadow whose own rich natural moisture did not require an artificial stimulus was the best. Any land which declined with a gentle slope, if either naturally rich and moist, or capable of irrigation, might be laid down as a meadow, and the most approved method of procedure was the following: — The land having been thoroughly ploughed and well laboured in summer, was in autumn sown with rapa, or napi or beans, the following year with wheat, and in the third year, all trees, bushes, and rank weeds having been extirpated, with the vetch (*vicia*) mixed with grass seeds. The clods were broken down with rakes, the surface accurately levelled by wicker hurdles, so that the scythe of the mower (*foeniseca*) might nowhere encounter any obstacle. The vetches were not cut until they had arrived at maturity and begun to drop their seed; and after they had been removed, the grass, when it had attained to a proper height, was mown and made into hay. Then the irrigation commenced, provided the soil was stiff, for in loose earth it was necessary to allow the grass roots to obtain a firm hold. For the first year no stock were permitted to graze lest their feet should poach up the soft ground, but the young blades were cut from time to time. In the second year, after the hay-making was over, if the ground was moderately dry and hard, the smaller animals were admitted, but no horses or oxen until the third. About the middle of February in each year, an abundant top-dressing of manure mixed with grass-seeds was applied to the upper part of the field, the benefit of which was extended to the lower portions by the flow either of natural rain or of artificial streams. When old meadows became mossy, the best remedy was to sprinkle ashes copiously, which in many cases killed the moss; but when this failed, the most sure plan was to break up the land afresh, which, having lain long undisturbed, was sure to afford abundant crops.

In making hay, the grass was to be cut (*falcibus subsecari*) before the stem had begun to lose its natural moisture, while the seed was not yet perfectly ripe; and in drying, it was essential to avoid the two extremes of exposing it for too long or too short a time to the sun and air. In the former case, the juices were sucked out, and it became little better than straw; in the latter, it was liable to ferment, heat, and take fire. After being properly turned over with forks (*furcillis versari*) it was collected and laid in regular swathes (*coartabimus in strigam*), and then bound into sheaves or bundles (*atque ita maniplos vinciemus*). The loose stalks were next raked together (*rastellis eradi*) and the whole crop (*foenisicia*) carried home and stored in lofts, or, if this was not convenient, built up in the field into conical ricks (*in metas extrui conveniet*). Lastly, the inequalities passed over by the mowers (*quae foeniseces praeterierunt*) were cut close and smooth (*siciliendo prata, id est, falcibus consectanda*), an operation termed *sicilire pratum*, the gleanings thus obtained, which formed a sort of aftermath, being called *foenum cordum*, or *sicilimenta*. (Cat. 5, 8, 9, 29, 50; Varr. i. 7, 49; Colum. ii. 16—18; Pallad. ii. 2, iii. 1, iv. 2, x. 10.)

4. *Crops affording Materials for textile Fabrics.*

Of these, the most important were, *a. Cannabis*: *b. Linum.*

a. Cannabis (κάνναβις, κάνναβος) the *Cannabis sativa*, or Common Hemp of botanists, required rich, moist, well-watered, deeply trenched, and highly manured land. Six grains were sown in every square foot of ground during the last week in February, but the operation might be delayed for a fortnight if the weather was rainy. Columella is unable to give any details with regard to the amount of time and labour necessary for raising a crop of hemp. (Varr. i. 23; Colum. ii. 10, 12, 21; Plin. *H. N.* xix. 9; Dioscorid. iii. 165.)

b. Linum (λίνον), the *Linum usitatissimum*, or Common Flax of botanists, being regarded as a very exhausting crop, was altogether avoided, unless the soil happened to be peculiarly suitable, or the price which it bore in the district very inviting (*nisi pretium provitat*). It was sown from the beginning of October until the end of the first week in December, in the proportion of eight modii to the juger, and sometimes in February at the rate of ten modii. On account of its scourging qualities (Virg. *Georg.* i. 77), it was generally grown upon rich land, such being less liable to be seriously injured, but some sowed it very thick upon poor land, in order that the stalks might be as thin, and therefore the fibres as delicate as possible. (Virg. *Georg.* i. 212; Colum. ii. 10, 14; Plin. *H. N.* xvii. 9, xix. 1; Pallad. xi. 2; Geopon. ii. 10; Dioscorid. ii. 125; Theophr. *H. P.* viii. 7.)

Succession or Rotation of Crops.

It is evident from the instructions given by Columella (ii. 4) for ploughing the best land, that a summer fallow usually preceded a corn crop. For since the first ploughing was early in spring, the second in summer, and the third in autumn, it is impossible that a crop could have been raised upon the ground during any portion of the period here indicated; and the same author expressly states elsewhere (ii. 9), in accordance with the Virgilian precept (*G.* i. 71), that the land upon which wheat (*far*, *siligo*) was grown ought to repose every other year; in which case, however, manure might be dispensed with. Nor did this plan apply to corn alone, for it would seem to have been the general practice to permit nearly one half of the farm to remain at rest, while the productive energies of the other moiety were called into action. It will be seen from the calculations with regard to time and labour for an arable farm containing 200 jugers (Colum. ii. 12), that 100 jugers only were sown in autumn, 50 with wheat, 50 with leguminous or green crops; and if spring-sowing was resorted to, which was by no means general, 30 more, so that out of 200 jugers, at least 70, and more frequently 100, were left fallowed.

There were, indeed, exceptions to this system. Some land was so peculiarly deep and rich that it might be cropped for two or more years in succession (*terra restibilis*); but in this case it was relieved by varying the crop, the field from which winter wheat (*far*) had been reaped being highly manured and sown immediately with beans, or the ground which had borne lupines, beans, vetches, or any renovating crop, was allowed to lie fallow during winter and then sown with spring-wheat (*far*) (Virg. *Georg.* i. 73; comp. Plin. *H. N.* xviii. 21), while a third rotation, still more favourable, was to take two leguminous or renovating crops after one exhausting or corn crop. In Campania, the extraordinary fertility of the soil allowed them to tax its energies much more severely, for there it was common to sow barley, millet, turnips (*rapa*), and then barley or wheat again, the land receiving manure before the millet and turnips, but never remaining vacant; while that peculiarly favoured district near Naples, called the *Campi Laborini*, or *Terrae Laboriae*, now the *Terra di Lavoro*, yielded an uninterrupted series of corn crops, two of far, and one of millet, without a moment of repose (*seritur toto anno, panico semel, bis farre*). (Cat. 35; Varr. i. 44; Virg. *Georg.* i. 71, &c.; Colum. ii. 9, 10, 12; Plin. *H. N.* xviii. 21, 23.)

It will be proper, before bringing this part of the subject to a close, to explain a word which may occasion embarrassment in consequence of its signification being variously modified by the Roman agricultural writers. This is the adjective *novalis*, which frequently appears as a substantive, and in all the three genders, according as *ager*, *terra*, or *solum* is understood.

1. The original meaning of *novalis* or *novale*, looking to its etymology, must have been, *land newly reclaimed* from a state of nature; and in this sense it is used by Pliny (*H. N.* xvii. 5), *Talis* (sc. *odor*) *fere est in novalibus caesa vetere sylva.* (Comp. Callistr. in Pand. xlvii. 21. 3.)

2. Varro, in his treatise *De Lingua Latina* (v. 39; comp. vi. 59, ed. Müller), places *novalis ager*,

land which is allowed occasionally to repose, in opposition to *restibilis ager*, land which is cropped unceasingly, — *Ager restibilis qui restituitur ac reseritur quotquot annis; contra qui intermittitur a novando novalis*, — and hence Pliny (*H. N.* xviii. 19). *Novale est quod alternis annis seritur.*

3. Varro, in his Treatise *De Re Rustica* (i. 29), defines *Seges* to mean a field which has been ploughed and sown; *arvum*, a field ploughed but not yet sown; *novalis ubi satum fuit antequam secunda aratione renovetur*, ambiguous words which may be interpreted to denote a field which has borne a crop, but which has not been ploughed for a second crop; in which case it will be equivalent to *a fallow field.*

4. Columella, in one passage (vi. praef. § 1), employs *novale solum* for new or virgin land untouched by the plough; for in contrasting the tastes of the agriculturist and the grazier, he remarks that the former delights *quam maxime subacto et puro solo*, the latter *novali graminosoque*; and Varro (ii. praef. § 4) in like manner places *novalis* as pasture land, in opposition to *seges*, as corn land, — *bos domitus causa fit ut commodius nascatur frumentum in segete et pabulum in novali.*

5. Columella, in another passage, places *culta novalia*, land under tillage in a general sense, in opposition to *rudis ager*, land in a state of nature; and thus we must understand the *haec tam culta novalia* in Virgil's first *Eclogue* (v. 71), and *tonsas novales*, the cultivated fields from which a crop has been reaped, — a phrase which forms the connecting link between this meaning and that noticed above under 3. (Comp. Pallad. i. 6, ii. 10.)

B. PASTIO.

The second great department of our subject is *Pastio*, s. *Res Pastoricia*, s. *Scientia Pastoralis*, these terms being all alike understood to denote the art of providing and feeding stock so as to yield the most ample profit.

But *Pastio* must be considered under the twofold forms of

α. *Pastio Agrestis* s. *Res Pecuaria*, and
β. *Pastio Villatica.*

The former comprehending the management of cattle, sheep, horses, &c.; the latter of poultry, game, fish, bees, and some other animals to be noticed hereafter.

α. PASTIO AGRESTIS S. RES PECUARIA.

Contains three heads:

I. *Minores Pecudes*, including, 1. Sheep; 2. Goats; 3. Swine.

II. *Majores Pecudes*, including, 1. Kine; 2. Horses; 3. Asses; 4. Mules. Varro indeed, for no reason apparently except to preserve a sort of numerical symmetry, places mules in the third division, but as they evidently belong to the same class as horses and asses, we have to this extent departed from his arrangement.

III. Animals provided not for the profit which they yield directly in the market, but necessary for the proper maintenance of the foregoing: these are —

1. Dogs (*canes*); 2. Feeders (*pastores*).

Again, in each of these nine subdivisions (with the exception of mules who do not breed) attention must be directed to nine different circumstances, of which four are to be considered in the purchase of stock (*in pecore parando*), four in the feeding of stock (*in pecore pascendo*), while the ninth, of a more general character, relates to number (*de numero*).

The four circumstances which demand attention in purchasing stock are, *a.* The age of the animal (*aetas*). *b.* His points (*cognitio formae*) by which we determine whether he is good of his kind. *c.* His breeding (*quo sit seminio*), by which we determine whether he is of a good kind. *d.* The legal forms (*de jure in parando*) essential to render a sale valid, and the warranty which the buyer may demand (*quemadmodum quamque pecudem emi oporteat civili jure*).

The four circumstances to be considered after a breeding stock has been acquired are, *e.* The mode of feeding (*pastio*) in answer to the questions *where*, *when*, and *with what* (*in qua regione, et quando et queis*). *f.* The impregnation of the female, the period of gestation, and her treatment while pregnant, all of which are embodied in the word *foetura*. *g.* The rearing of the young (*nutricatus*). *h.* The preservation of their health, and treatment when diseased (*de sanitate*).

i. The ninth and last inquiry (*de numero*) relates to the number of flocks and herds which can be maintained with advantage in a given space, the number of individuals which it is expedient to combine into one flock or herd, and the proportions to be observed with regard to the sex and age of the members of each flock and herd.

In following the divisions and topics indicated above, we omit the discussions on the diseases of stock and their remedies, which abound in the agricultural writers, and which form the subject of an elaborate treatise (*Mulo-medicina* s. *De Arte Veterinaria*), bearing the name of *Vegetius*, which is probably a translation or compilation from the works of the Greek *ἱππίατροι*, or veterinary surgeons, executed at a late period.

I. MINORES PECUDES.

1. Sheep (*pecus ovillum* s. *oviarium*) were divided into two classes with reference to their wool.

(1.) *Pecus hirtum*, whose fleeces were not protected artificially.

(2.) *Pecus Tarentinum* s. *Pecus Graecum* s. *Oves pellitae* s. *Oves tectae*, whose fleeces were protected from all external injury by skin jackets. Their wool being thus rendered finer, and being more easily scoured and dyed, brought a higher price than any other.

Sheep were likewise divided into two classes according as they were home-fed or reared in extensive and distant pastures; we first consider them under this point of view.

Home-fed sheep (*greges villatici*) were allowed to pasture in the fields around the farm during a portion of the year, wherever the nature of the country and the system of cultivation pursued rendered this practicable, or, more frequently, were kept constantly confined in sheds (*stabula — septa — ovilia*), built in warm and sheltered situations, with hard floors sloping outwards to prevent the accumulation of moisture, which was regarded as particularly injurious to both the feet and the fleece. They were fed upon cytisus, lucerne, barley, and leguminous seeds, or when such rich and succulent food could not be obtained, on hay, bran, chaff, grape husks, and dry leaves, especially those of the elm, oak, and fig, being at all times plentifully supplied with salt. They were littered with leaves and twigs, which were frequently changed, and the pens were kept carefully clean.

The more numerous flocks which were reared in extensive pastures (*qui in saltibus pascuntur*) usually passed the winter in the low plains upon the coast, and were driven by regular drift roads (*calles publicae*) in summer to the mountains of Central Italy, just as in modern times vast droves pass every autumn from the Abruzzi to seek the more genial climate of Puglia or the Maremma. Those who were employed to watch them (*opiliones*) being often at a great distance from home were furnished with beasts of burden for transporting the materials required in the construction of folds and huts, at their halting places, and all the stores necessary for themselves and their charge. The sheep were usually collected every night to secure them against robbers and beasts of prey; in summer they fed in the morning and evening, and reposed during the noontide heat in sheltered spots, while in winter they were not allowed to go out until the frost was off the ground. The flocks were often very numerous, containing sometimes 15,000 head, one shepherd (*opilio*) being allowed to every five or six score.

The breeds most prized by the early Romans were the Calabrian, the Apulian, which were short woolled (*breves villo*), the Milesian, and, above all, the Tarentine; but in the time of Columella those of Cisalpine Gaul from the vicinity of Altinum (Mart. xiv. 153), and those from the Campi Macri round Parma and Mutina were especially esteemed. The system of crossing was by no means unknown; for M. Columella, the uncle of the author, produced an excellent variety by crossing the *tectae oves* of Cadiz with some wild rams from Africa, and again crossing their progeny with the Tarentines. In purchasing stock attention was always paid to the localities where they were to be maintained; thus sheep of large size (*procerae oves*) were naturally deemed best fitted for rich plains, stout compact animals (*quadratae*) for light hilly soils, and the smaller kinds (*exiguae*) for mountainous regions, just as in this country the Leicesters are kept with greatest advantage in the low-lying luxuriant pastures of Lincolnshire, Cheviots in the grass hills from which they derive their name, and the black-faced on the lofty mountains of Wales and Scotland. As to colour, pure white was most sought after; but certain natural tints, such as the dark grey (*pullus*), which distinguished the flocks of Pollentia in Liguria (*fuscique ferax Pollentia villi*, Silius, viii. 599), the yellowish brown (*fuscus*) in those of Corduba (so often celebrated by Martial. v. 37, viii. 2. 8, ix. 62, xiv. 188; comp. Juv. xii. 40), and the red brown (*ruber*) in some of the Asiatic varieties, were highly prized.

The points characteristic of a good animal and the warranty usually required of the seller will be found fully detailed in Varro (ii. 2) and Columella (vii. 2, 3).

Those which were smooth and bare under the belly (*ventre glabro*), anciently called *apicae*, were always rejected, and particular care was taken that the fleece of the ram should be perfectly pure, or at least uniform in colour, his tongue also being examined in order to ascertain that it was not black or spotted, since such defects would have been transmitted to his progeny. (Virg. *Georg.* iii. 387; Colum. vii. 3.)

Ewes were not considered fit for breeding until they were two years old, and they continued to produce until they had reached the age of seven: rams (*arietes*) were believed to be in vigour from three years old until eight. The most favourable period for impregnation in the case of ewes that had not previously brought forth, was the latter end of April, about the Palilia (21st April); for others, from the setting of Arcturus (13th May) to the setting of the Eagle (23d July); and, since the period of gestation was about 150 days, the earliest lambs (*agni*, *agnae*) would be yeaned in September, the latest about the middle of December, these being, as was remarked by Celsus, the only animals produced with advantage in midwinter. Ewes when about to lamb (*incientes*) were placed apart, constantly watched, and assisted in parturition. As soon as they had brought forth, the first milk which was of a thick consistence, and called *colostra*, was carefully withdrawn, being considered injurious in all animals, and productive of a disease named *colostratio*. The lambs were now tended with the greatest solicitude, were generally kept in the house near a fire for some days, were not allowed to go forth to pasture for a considerable time, but were partially reared by the hand on the most tender and nourishing food, being finally weaned at the age of four months. Those lambs which were carried in the womb longer than the regular time were termed *chordi*; those born late in the season, *serotini;* those which, in consequence of their mothers being unable to supply milk, were suckled by others, *subrumi*. Castration was not performed upon such as were intended for wethers (*verveces*) until five months old. The males set apart to supply the deficiencies in the breeding flock (*quos arietes submittere volunt*) were selected from the progeny of such ewes as usually gave birth to twins, those which were polled (*mutili*) being preferred on the whole to those with horns (*cornuti*).

The management of *oves pellitae* differed from that of the ordinary *greges villatici* merely in the amount of care with which they were tended. They were furnished with an ample supply of the most nutritious food, each individual receiving daily in winter three sextarii (pints) of barley or of beans crushed in their pods (*fresae cum suis valvulis fabae*), in addition to hay, lucerne, dry or green cytisus, and other fodder. Their stalls were usually paved with stone, and kept scrupulously clean; they seldom left the house, and, when allowed to pasture, it was looked upon as essential that the ground should be free from bushes and briars of every description which might tear their fleece or its covering. The jackets were frequently taken off to cool the animals, the wool was combed out at least thrice a year, and well washed and annointed with oil and wine. The wethers were killed at two years old, their skin being then in perfection.

Sheep-shearing (*tonsura*) commenced in warm districts in April; but in cold situations was deferred until the solstice. A fine day was chosen, and the operation was performed before the sun had attained to its full power, in order that the sheep might not be hot and the wool not moist. The most careful placed a rug under the animal (*tegeticulis subjectis oves tondere solent*) that no portion of the clip might be lost or damaged (*ne qui flocci intereant*). The wool, when fresh shorn and still impregnated with the sweat of the animal, was called *lana succida;* the fleeces when rolled up were termed *vellera*, or *velamina*. *Oves hirtae*, when shorn, were immediately smeared with wine and oil, to which white wax and hog's lard were occasionally added; while the jackets of the *oves pellitae* were anointed with the same mixture, and then replaced on the animals. Instead of this, some rubbed in a wash composed of equal parts of boiled lupine juice, lees of old wine, and amurca. Any wound inflicted during the process was dressed with tar (*pix liquida*). On the fourth day they were bathed, if possible, in the sea; if not, in rain-water mixed with salt. In Spain and some other places it was customary to shear the sheep twice a year, under the belief that the additional labour was more than compensated by the increased quantity of wool. The ancient practice of plucking the wool instead of shearing it, still lingered in certain districts even when Pliny wrote. (Varr. ii. 1. § 5, 16, 20, ii. 2; Colum. i. Praef. § 26, vii. 2, 3, 4, xi. 2. § 14; Plin. *H. N.* viii. 47, 48; Pallad. ii. 16, v. 7, vi. 8, vii. 6, viii. 4, xii. 13.)

2. Goats (*pecus caprinum*) were divided into two classes, the *genus mutilum et raripilum*, the polled and thin haired, and the *genus cornutum et setosum*, the horned and shaggy; but there does not appear to have been any difference in the mode of rearing them, nor indeed do they seem to have been kept distinct; but it was considered advisable that the old he-goat, the *dux gregis*, should be *mutilus*, because he was then less troublesome and pugnacious.

The points characteristic of a good animal will be found enumerated in Varro (ii. 3, § 2—5) and in Columella (vii. 6). The most high bred had always two long flaps of skin (*verruculae*, *laciniae*) depending from the throat. One peculiarity connected with sales was that they were never warranted in good health, for they were believed to be always more or less labouring under fever.

The management of goats was in most respects the same as that of sheep, except that, although intolerant of frost and cold, they throve better in mountainous craggy ground or among copsewood, where they broused with great eagerness on the young twigs, than in open grassy plains. Both from their wandering nature and their liability to contract disease when crowded in pens, not more than fifty were kept together in a flock under the charge of the same goatherd (*caprarius*), the proportion of one male (*caper*, *hircus*) to about fifteen females (*caprae*, *capellae*) being commonly observed.

When in stalls (*caprilia*), the sloping floor was usually formed out of the native rock or paved with smooth stones, for no litter was placed beneath their feet. The houses were swept out daily: and it was deemed essential to their health that no moisture or dirt of any kind should be allowed to accumulate. The she-goat was capable of breeding from one year old until eight; but the progeny of a mother under three years old were not worth keeping permanently, but sold off. The best time for impregnation was the end of autumn; for the period of gestation being five months, the kids (*hoedi*) were thus born in spring. If the dam was of a good stock, she generally produced two or even three at a birth, which were weaned at the end of three months, and then transferred at once to the flock (*submittuntur et in grege incipiunt esse*).

The hair (*pili*) of goats was shorn or plucked (*capras vellere* is the technical phrase) out regularly, and used in the manufacture of coarse stuffs (*usum in castrorum et miseris velamina nautis*, — *pilos ministrant ad usum nauticum et ad bellica tormenta*). The cloths woven from this material were termed *Cilicia*, because the goats in the southern and central provinces of Asia Minor, like the modern Angora species, were remarkable for the length of their hair. (*In Cilicia circaque Syrtes villo tonsili vestiuntur*, are the words of Pliny, who here alludes to the goats from the Cinyps in Libya, the "Cinyphii hirci" of Virgil.) (Colum. i. Praef. § 26, vii. 6; Plin. *H. N.* viii. 50; Pallad. xii. 13; Varr. ii. 3, ii. 1. § 5. 28.)

3. Swine (*pecus suillum*) were divided into two classes, the *sues densae*, usually black in colour, thickly covered with bristles; and the *sues glabrae*, generally white, and comparatively smooth; but there seems to have been little difference in the management of the two breeds, except that the former was the more hardy.

The points characteristic of a good animal, and the warranty usually required by the purchaser, will be found in Varro (ii. 4), Columella (vii. 9), and Palladius (iii. 26).

During a great portion of the year, wherever it was practicable, they were driven out to feed early in the morning in woods where acorns, beech-mast, wild fruits, and berries abounded; and in the middle of the day they reposed, if possible, in swampy ground, where they had not only water but mud also wherein to wallow; in the cool of the evening they fed again, were taught to assemble when the swineherd (*subulcus*) sounded his horn, and were then driven home to the farm. In winter they were not allowed to go forth when frost was hard upon the ground. When kept in the house, their chief food was acorns, or when the supply of these failed, beans, barley, and other kinds of grain and pulse. The number in each herd varied from 100 to 150, or even more, according to circumstances and the means of the proprietor, and the proportion of one boar to ten sows was usually observed.

The sows were not considered fit for breeding until upwards of a year old, and continued prolific to the age of seven; boars (*verres*) were in full vigour from one year old till four; the best time for impregnation was from the middle of February up to the vernal equinox, the period of gestation was four months, and the pigs being weaned at the end of two, a double farrow might be procured in a year.

Each breeding sow (*scrofa*) brought up her pigs (*porcus*, *porca*, *porcellus*) in a separate stye (*hara*), constructed in such a manner that the superintendant (*custos*, *porculator*) might easily see into the interior and thus be prepared to relieve the progeny, which were in constant danger of being crushed by the weight of the mother who was supposed to bring forth as many young as she had teats, and was capable of suckling eight at first, but when they increased in size it was deemed advisable to withdraw one half of that number. Sucking pigs (*lactentes*) when ten days old were accounted pure for sacrifice, and hence were anciently termed *sacres;* after the suckling time (*nutricatus*, *porculatio*), which lasted two months, was over, they were denominated *delici*, and sometimes *nefrendes*, because not yet able to crunch hard food. The males not reserved for breeding were castrated when from six to twelve months old, and were then termed *majales*. (Varr. ii. 4 ; Colum. vii. 9, Praef. i. § 26 ; Plin. *H. N.* viii. 51 ; Pallad. iv. 26.)

II. Majores Pecudes.

1. Kine (*pecus bubulum*, *armentum bubulum*) were divided into classes, according as they were kept at home and employed in the labours of the farm (*boves domiti*), or pastured in large herds (*armenta*).

Boves domiti, wherever the nature of the soil and the mode of culture pursued permitted, were allowed to pasture; since growing grass (*viride pabulum*) was considered the most suitable of all food ; when this could not be supplied, it became necessary to stall-feed them (*alere ad praesepia*) ; but they were allowed to stand in the open air during the hot weather, while in winter they were kept in spacious byres (*stabula*, *consepta*) built with a southerly aspect so as to be sheltered from cold winds, the floors being hard and sloping to prevent moisture from being absorbed, and to allow it to run off freely, while to promote the warmth and comfort of the animals they were bedded with abundance of litter (*stramentum pecori et bubus diligenter substernatur*, Cat. 5.), usually straw, or leaves, such as those of the ilex, which were supposed to yield little nourishment. Their staple food from the middle of April until the middle of June was vetches, lucerne, clover, and other fodder cut green ; from the middle of June to the beginning of November the leaves of trees, those of the elm, the oak, and the poplar being regarded as the best ; from the beginning of November until April meadow hay (*foenum pratense*), and, where hay could not be procured, chaff, grape husks, acorns, and dry leaves were substituted mixed with barley, or with some of the leguminous seeds, such as beans, lupines, or chick-peas previously steeped in water (*maceratae*), or crushed (*fresae*). When an ox was fed upon hay, from 30 to 40 pounds weight (Roman pound = 11⅗ oz. avoird.) was an ample allowance, except during the months of November and December, that is, during the ploughing and sowing season, when they received from the feeder (*pabulatorius*) as much food of the most nutritious kind as they could consume. Lumps of salt placed near the *consepta* proved very attractive to the animals and conduced to their health.

Large herds were pastured chiefly in woods where there was abundance of grass, leaves, and tender twigs, shifting to the coast in winter and to the cool shady hills in summer, under the charge of herdsmen (*armentarii*), a class altogether distinct from the *bubulci*, or hinds, who worked and tended the *boves domestici*. The common number in a herd was from 100 to 120, the animals were carefully inspected every year, and the least promising (*rejiculae*) weeded out. The proportion of two bulls, a yearling and a two-year old, to 60 or 70 cows was usually observed, but Columella doubles the number of males. The Umbrian oxen, especially those on the Clitumnus, were the largest and finest in Italy ; those of Etruria, Latium, and Gaul were smaller, but strongly made and well adapted for labour ; those of Thrace were valued for sacrificial purposes in consequence of being for the most part pure white ; but the cattle of Epirus, the most important pastoral district of the Roman world, were superior to all others.

The points characteristic of a good animal, and the warranty usually demanded by the buyer, will be found fully detailed in Varro (ii. 5), in Columella, who here copies the description of the Carthaginian Mago (vi. 1, 20, 21), and in Palladius (iv. 11, 12).

Cows (*vaccae*) were not fit for breeding until they were upwards of two years old, and they continued to produce until they had reached the age of ten. Considerable variation is to be found in the agricultural writers as to the age at which the bulls arrived at full vigour, Varro considering that they might be employed when a year old, Columella and Pliny recommending that they should be kept until four. The former, however, is the precept of the practical man, and is consonant with modern experience. The time of gestation being nearly ten (lunar) months, the most favourable period for impregnation was from the middle of June to the end of July, for thus the calves (*vituli*) would be born when spring was well advanced (*maturo vere*). When parturition was approaching, the pregnant cow (*horda vacca*) was carefully watched, fed richly, and protected from the assaults of the gad-fly and other tormenting assailants ; the calf for some time after its birth was allowed to suck freely, but as it increased in strength was tempted with green food, in order that it might in some degree relieve the mother, and after six months had elapsed, was fed regularly with wheat bran, barley meal, or tender grass, and gradually weaned entirely. Castration was performed at the age of two years. The vituli intended for labour were to be handled (*tractari*) from an early age to render them tame, but were not to be broken in to work (*domari*) before their third, nor later than their fifth year. The method of breaking (*domitura*) those taken wild from the herd is fully described by Columella (vi. 2), and Palladius fixes the end of March as the time most appropriate for commencing the operation. The members of a herd, according to age and sex, were termed, *Vitulus*, *Vitula* ; *Juvencus*, *Juvenca* ; *Bos novellus*, *Buculus* ; *Bos vetulus*, *Taurus*, *Vacca* ; a barren cow was named *Taura*. (Cat. 5, 30 ; Varr. ii. 1, 5 ; Colum. vi. 1—3, 20—24 ; Plin. *H. N.* viii. 45 ; Pallad. iv. 11, 12, vi. 7, viii. 4.)

2. Horses (*pecus equinum* s. *equitium*, *armentum equinum*) are divided by Columella into *Generosi*, blood horses ; *Mulares*, horses adapted for breeding mules ; *Vulgares*, ordinary horses.

The points of a horse, the method of ascertaining his age up to seven years old, and the warranty usually given by the seller, are detailed in Varro (ii. 7. § 4, 5, 6) in Columella (vi. 29), and in Palladius (iv. 13).

Horses either pastured in grass fields or were fed in the stable upon dry hay (*in stabulis ac praesepibus*), to which barley was added when the animal was required to undergo any extraordinary fatigue. Brood mares were frequently kept in large troops which shifted, like sheep and oxen, from the mountains to the coast, according to the season ; two mounted men being attached to each herd of fifty. The mare (*equa*) was considered fit for breeding at two years old, and continued prolific up to the age of ten ; the stallion (*admissarius*) remained in vigour from three years old until twenty, but when young was limited to twelve or fifteen females. The period of gestation being twelve lunar months and ten days, the best time for impregnation was from the vernal equinox to the summer solstice, since parturition would then take place during the most favourable season. High bred mares were not allowed to produce more than once in two years. Ten days after birth the foal (*pullus equinus, equuleus*) was permitted to accompany its dam to pasture; at the age of five months, it was customary to begin feeding them with barley-meal and bran, and when a year old, with plain unground barley; but the best colts were allowed to continue sucking until they had completed two years, and at three years they were broken in for the toil to which they were destined, whether for racing (*ad cursuram*), for draught (*ad rhedam*), for carrying burthens (*ad vecturam*), or for military service (*ad ephippium*), but they were not regularly worked until four off.

Race and war horses were not castrated; but the operation was frequently performed on those destined for the road, from the conviction that the gelding (*cantherius*), while less bold and spirited was more safe and tractable (*in viis habere malunt placidos*).

It is to be observed that horses were, and indeed are, very little used for agricultural purposes in Italy and Southern Europe, the ordinary toils being carried on almost exclusively by oxen, and hence they never were by any means objects of such general interest to the farmer as among ourselves.

We may remark that Varro, Columella, and many other writers, repeat the absurd story embellished by the poetry of Virgil, that mares in some districts of Spain became pregnant by the influence of a particular wind, adding that the colts conceived in this manner did not live beyond the age of three years. (Varr. i. Praef. § 26, ii. 1. § 18, 7. § 7; Colum. vi. 27, 29; Plin. *H. N.* viii. 42; Pallad. iv. 13.)

3. *Asses* (*asinus, asina*) were divided into two classes, the *Genus mansuetum*, or common domestic quadruped (*asinus, asellus*), and the *Genus ferum*, the wild ass (*onager, onagrus*), which was common in Phrygia and Lycaonia, was easily tamed and made an excellent cross.

The most celebrated breeds were those of Arcadia and of Reate. The latter was so highly esteemed in the time of Varro, that a single individual of this stock had been known to fetch sixty thousand sesterces (about 500*l.* sterling), and a team of four, as much as four hundred thousand (upwards of 3300*l.* sterling). Such animals were of course delicately nurtured, being fed chiefly upon *far* and barley bran (*furfures ordeacei*). The inferior description of asses (*minor asellus*) were valued by farmers because they were very hardy, not subject to disease, capable of enduring much toil, required little food and that of the coarsest kind, such as the leaves and twigs of thorny shrubs, and might be made serviceable in various ways, as in carrying burdens (*aselli dossuarii*), turning corn mills and even in ploughing, where the soil was not stiff. The time of impregnation, the period of gestation, and the management of the foals (*pulli*), were the same as in horses. They were seldom kept in sufficient numbers to form a herd. (Varr. ii. 1. § 14, ii. 6.; Colum. vii. 1; Plin. *H. N.* viii. 43; Pallad. iv. 14.)

4. Mules. *Mulus* and *Mula* were the general terms for the hybrid between a horse and an ass, but in practice a distinction was drawn between *Muli* and *Hinni*. *Hinni* were the progeny of a stallion and a she-ass, *Muli* of a male ass and a mare. The latter were larger in proportion, and more esteemed than the former. A cross sometimes was formed between the mare and the onager as a matter of curiosity.

Uncommon care was taken by breeders of mules in the selection of the parents. A strong large-boned mare, powerful rather than swift, was usually chosen. The male asses at their birth were removed from their mother, suckled by mares, reared upon the most nourishing food (hay and barley), and attained to full vigour when three years old. A good admissarius from Arcadia or Reate was worth from thirty to forty thousand sesterces (250*l.* to 330*l.* sterling). The period of gestation was observed to be a little longer than in the case of the pure horse or ass, extending to thirteen lunar months; in all other respects their management, habits, and mode of sale were the same.

The great use of mules was in drawing travelling carriages (*hisce enim binis conjunctis omnia vehicula in viis ducuntur*); they were also employed, like asses, in carrying burdens upon pack saddles (*clitellae*), and in ploughing light land. The finer kinds, when kept in herds, were driven in summer from the rich plains of Rosea on the Velinus to the Montes Gurgures. (Varr. ii. 1. § 16, ii. 8; Colum. vi. 36, 37; Plin. *H. N.* viii. 44; Pallad. iv. 14.)

III.

1. Dogs (*canes*) were divided into three classes:

a. Canes Villatici, watch-dogs, whose office was to guard farm-houses against the aggressions of thieves.

b. Canes Pastorales s. *Canes Pecuarii*, to protect the flocks and herds from robbers and wild beasts. Each opilio was generally attended by two of these, equipped with spiked collars (*mellum*), to serve as a defence in their encounters with wolves and other adversaries.

c. Canes Venatici. Sporting dogs.

Varro and Columella describe minutely the points of the first two classes, with which alone the former was concerned, and these seem to be identical with the animals employed for the same purpose at the present day in the Abruzzi. They were fed upon barley meal and whey, or in places where no cheese was made, on wheaten bread moistened with the warm liquor in which beans had been boiled. (Varr. ii. 9; Colum. vii. 12.)

2. Feeders (*pastores*).

The flocks and herds which fed in the immediate neighbourhood of the farms were usually tended by old men, boys, or even women; but those which were driven to distant and mountainous pastures were placed under the care of persons in the vigour of life, who always went well armed and were accompanied by beasts of burden (*jumenta dossuaria*), carrying all the apparatus and stores required during a protracted absence; the whole body of men and animals being under the command of an experienced and trustworthy individual, styled *Magister Pecoris*, who kept all the accounts and possessed a competent knowledge of the veterinary art.

We may conclude this part of the subject with a few words upon the management of dairy produce, which was treated as a distinct science (*τυροποιΐα*) by the Greeks, who wrote many treatises upon the topic.

Cheese-making commenced in May, and the method followed by the Romans was substantially the same as that now practised. The milk unskimmed was used as fresh as possible, was slightly warmed, the rennet (*coagulum*) was then added; as soon as the curd formed, it was transferred to baskets (*fiscellae*, *calathi*) or wooden chesets (*formae*) perforated with holes, in order that the whey (*serum*) might drain off quickly, and was pressed down by weights to hasten the process. The mass was then taken out of the frame, sprinkled with salt, and placed upon a wicker crate or wooden board in a cool dark place; when partially dried, it was again pressed more powerfully than before, again salted and again shelved,—operations which were repeated for several days until it had required a proper consistency. It might be flavoured with thyme, with pine cones, or any other ingredient, by mixing the condiments with the warm milk.

The rennet or coagulum was usually obtained from the stomach of the hare, kid, or lamb (*coagulum leporinum*, *hoedinum*, *agninum*), the two former being preferred to the third, while some persons employed for the same purpose the milky juice expressed from a fig-tree branch, vinegar, and a variety of other substances.

The cheeses from cows' milk (*casei bubuli*) were believed to contain more nourishment, but to be more indigestible than those from ewes' milk (*casei ovilli*); the least nourishing and most digestible were those from goats' milk (*casei caprini*), the new and moist cheeses in each case being more nourishing (*magis alibiles*), and less heavy (*in corpore non resides*), than those which were old and dry.

Butter is mentioned by Varro (ii. 2. § 16), but seems to have been scarcely used as an article of food (Varr. ii. 1. § 28. 11; Colum. vii. 8; Plin. *H. N.* xi. 96, xxiv. 93, xxv. 39, xxviii. 34; Pallad. vi. 9).

β. VILLATICA PASTIO.

Villaticae Pastiones, from which many persons towards the close of the republic and under the empire derived large revenues, were separated into two departments, according to the names given to the buildings or enclosures adapted to the different animals: —

I. *Aviaria* s. *Ornithones*.
II. *Vivaria*.

I. *Aviaria* s. *Ornithones*, in the most extended acceptation of the term, signified receptacles for birds of every description, whether wild or tame, terrestrial or amphibious, but it is frequently and conveniently employed in a more limited sense to denote the structures formed for birds caught in their wild state by the fowler (*auceps*), from whom they were purchased, and then shut up and sold at a profit after they became fat.

In this way we may distinguish between, *a. Cohors in plano*, *b. Columbarium*, *c. Ornithon*, of which the first two only were known to the earlier Romans.

a. Cohors in plano, was the poultry-yard including the houses and courts destined for those domestic fowls which were bred and fed on the farm, and which were not able or not permitted to fly abroad. Of these the chief were, 1. Barn-door fowls or chickens (*gallinae*). 2. Guinea fowls (*gallinae Numidicae* s. *Africanae*). 3. Pheasants (*phasiani*). 4. Peacocks (*pavones*). 5. Geese (*anseres*). 6. Ducks (*anates*). 7. Teal (?) (*querquedulae*).

b. Columbarium, the dove-cote.

c. The *Ornithon* proper, the inmates of which were chiefly, 1. Thrushes and blackbirds (*turdi*, *merulae*), especially the former. 2. Quails (*coturnices*). 3. Turtledoves (*turtures*). 4. Ortolans (?) (*miliariae*), all of which are in Italy birds of passage arriving in great flocks at particular seasons.

II. In like manner the term *Vivaria*, which may be employed to denote all places contrived for the reception of animals used for food or which supplied articles of food and did not fall under the denomination of *pecudes* or *aves*, must be separated into those designed for the reception of land animals, and those for fishes.

α. Leporaria, *Apiaria*, *Coclearia*, *Gliraria*, and *β. Piscinae.*

α. Leporaria. The animals kept in leporaria were chiefly, 1. Hares and rabbits (*lepores*). 2. Various species of deer (*cervi*, *capreae*, *oryges*). 3. Wild boars (*apri*), and under the same category rank, 4. Bees (*apes*). 5. Snails (*cochleae*). 6. Dormice (*glires*).

β. Piscinae or fish-ponds, divided into —

1. *Piscinae aquae dulcis*, fresh-water ponds; and
2. *Piscinae aquae salsae*, salt-water ponds.

We commence then with a description of the inhabitants of the *Cohors in plano* and their dwelling.

I. AVIARIA.

I. *a. Cohors in plano.*

In the science of rearing poultry (*Ratio Cohortalis*, *ὀρνιθοτρόφια*), three precepts were of general application. The birds were to be kept scrupulously clean, were to be abundantly supplied with fresh air and pure water, and were to be protected from the attacks of weasels, hawks, and other vermin. The two former objects were attained by the choice of a suitable situation, and by incessant attention upon the part of the superintendents (*curatores*, *custodes*); the latter was effected by overlaying the walls of the houses and courts, both inside and out, with coats of smooth hard plaster or stucco, and by covering over the open spaces with large nets.

Again, the attention of those who desired to rear poultry with profit was chiefly occupied by five considerations: 1. The choice of a good breeding stock (*de genere*). 2. The impregnation of the hens (*de foetura*). 3. The management of the eggs during incubation (*de ovis*). 4. The rearing of the pullets (*de pullis*). 5. Fattening them for the market (*de fartura*), this last process being, however, frequently conducted not by the farmer (*rusticus*), but by persons who made it their sole occupation (*fartores*).

1, 2. Chickens (*gallinae*). Of the different species of domestic fowls, the most important were *gallinae*, which were divided into three classes: — *a. Gallinae Villaticae* s. *Cohortales*, the common chicken. *b. Gallinae Africanae* s. *Numidicae*, the same probably with the *μελεαγρίδες* of the Greeks, the distinctions pointed out by Columella scarcely amounting to a specific difference; and *c. Gallinae Rusticae.* The last were found in great abundance in the Insula Gallinaria, but it is so difficult to determine from the descriptions transmitted to us what they really were, that we know not whether we ought to regard them as pheasants, as red-legged partridges, as wood-grouse, or as some species of game different from any of these. The *Africanae*, always scarce and dear, were treated almost exactly in the same manner as peacocks, and never became of importance to the farmer; the *Rusticae* are little spoken of except as objects of curiosity, and Columella declares that they would not breed in confinement (*in servitute non foetant*). We therefore confine our observations to the *Villaticae*.

Among the breeds celebrated for fighting were the Tanagrian, the Rhodian, and the Chalcidean; but these were not the most profitable for the market. The points of a good barn-door fowl are minutely described by Varro, Columella, and Palladius, who all agree in recommending the breeder to reject such as were white, for they were more delicate and less prolific than those whose plumage was darker. Some were permitted to roam about (*vagae*) during the day, and pick up what they could, but the greater number were constantly shut up (*clausae*) in a poultry yard (*gallinarium*, *ὀρνιθοβοσκεῖον*), which was an enclosed court (*septum*) with a warm aspect, strewed with sand or ashes wherein they might wallow, and covered over with a net. It contained hen-houses (*caveae*) to which they retired at night and roosted upon poles stretched across (*perticae*) for their convenience, nests (*cubilia*) for the laying hens being constructed along the walls. The whole establishment was under the control of a poultry man (*aviarius*, *custos s. curator gallinarius*), who occupied an adjoining hut, usually assisted by an old woman and a boy, for the flocks were often very large, containing upwards of two hundred. The proportion of one cock (*gallus*) to five hens was commonly observed, the males not required for breeding being killed young or made into capons (*capi*). Their food consisted of barley with the husk removed (*hordeum pinsitum*), millet, vetches, and lentils, when these articles could be procured cheap, but when too dear, they were supplied with the refuse of wheat, bran with a little of the flour adhering, the seeds of cytisus, and the like.

The laying season began in January and continued until the autumnal equinox. From twenty-five to thirty eggs, the number being increased or diminished according as the weather was hot or cold, were placed beneath a clocking hen (*gallina glociens*) from one to two years old, who was kept constantly shut up except at feeding time, or even furnished with food while on the nest. The curator made his rounds regularly during the twenty days of incubation, turning the eggs, that they might all receive equal heat, and rejecting those which upon examination were found to contain no embryos. Such as were not required for hatching, were preserved by rubbing them with strong brine, and then storing them up in chaff or bran. The chicks for fifteen days were fed by hand on polenta mixed with nasturtium (cress) seed.

Chickens, when fattened for sale, were shut up in dark narrow cribs, light and motion being unfavourable to the process; or each bird was swung separately in a basket, with a small hole at each end, one for the head, the other for the rump, and bedded upon the softest hay or chaff, but so cramped in space that he could not turn round. In this state they were crammed with wheat, linseed, barley meal kneaded with water into small lumps (*turundae*), and other farinaceous food, the operation requiring from twenty to twenty-five days. (Var. iii. 9; Colum. viii. 2, &c. 12; Plin. *H. N.* x. 21; Pallad. i. 27, 29.)

3. Pheasants (*phasiani*) are not mentioned among domestic poultry by Varro or Columella, but find a place in the compilation of Palladius, who directs that young birds, that is, those of a year old, should be selected as breeders in the proportion of one cock to two hens, and that the eggs should be hatched by barn-door fowls. The chicks were to be fed for the first fortnight on cold boiled barley lightly sprinkled with wine, afterwards upon bruised wheat, locusts, and ant's eggs, and were to be prevented from having access to water. They became fat in thirty days if shut up and crammed with wheat flour made up into small lumps (*turundae*) with oil. (Pallad. i. 29.)

4. Peacocks (*pavones*, *pavi*, *pavae*) are said to have been first introduced as an article of food by Q. Hortensius at a banquet on the installation of an augur (*augurali aditiali coena*). They speedily became so much in request that soon afterwards a single full-grown bird sold for fifty denarii (upwards of a guinea and a half), and a single egg for five (upwards of three shillings), while one breeder, M. Aufidius Lurco, derived an income of 60,000 sesterces (about 500*l.* sterling) from this source alone. The most favourable situations for rearing peacocks were afforded by the small rocky but well-wooded islets off the Italian coast, where they roamed in freedom without fear of being lost or stolen, provided their own food, and brought up their young. Those persons who could not command such advantage, kept them in small enclosures roofed over, or under porticoes, perches (*perticae*) being supplied for them to roost upon, with a large grassy court in front, surrounded by a high wall and shaded by trees. They were fed upon all kinds of grain but chiefly barley, did not arrive at full maturity for breeding until three years old, when one cock was allowed to five hens, and care was taken to supply each bird with a separate nest (*discreta cubilia*). The hatching process was most profitably performed by common barn-door fowls, for in this way the pea-hen laid three times in a season, first five eggs (*ova pavonina*), then four, and lastly two or three, but if allowed to incubate herself could rear only one brood. In the time of Varro, three chicks (*pulli pavonini*) for each full-grown bird were considered a fair return. (Varr. iii. 6; Colum. viii. 11; Pallad. i. 28; Plin. x. 20; comp. Juv. i. 143.)

5. Geese (*anseres*) were easily reared, but were not very profitable and somewhat troublesome, for a running stream or a pond with a good supply of herbage was essential, and they could not be turned out to graze in the vicinity of growing crops, which they tore up by the roots, at the same time destroying vegetation by their dung. Birds for breeding were always selected of a large size and pure white, the grey variety (*varii vel fusci*) being regarded as inferior on the supposition that they were more nearly allied to the wild species. Their food consisted of clover, fenugreek, lettuce, together with leguminous plants, all of which were sown for their use, and especially an herb called *σέρις* by the Greeks, which seems to have been

a sort of endive. Impregnation took place about mid-winter, one gander being allowed to three females, who when the laying season, which was early in spring, approached, were shut up in a structure (*χηνοβοσκεῖον*) consisting of a court (*cohors*), surrounded by a high wall with a portico inside containing receptacles (*harae*, *cellae*, *speluncae*), from two to three feet square, built of hewn stone or brick, well lined with chaff, for the eggs. Incubation, according to the weather, lasted from twenty-five to thirty days, during which period the mothers were supplied by the custos with barley crushed in water. The goslings remained in the house for about ten days, and were fed upon polenta, poppy seed, and green cresses (*nasturtium*) chopped in water, after which they were taken out in fine weather to feed in marshy meadows and pools. It was found in practice most advantageous to employ barn-door hens to hatch the eggs, since they made more careful mothers; and in this case the goose would lay three times in a season, first five eggs, then four, and lastly three.

Goslings, when from four to six months old, were shut up to fatten in dark warm coops (*saginarium*), where they were fed with barley pottage and fine flour moistened with water, being allowed to eat and drink three times a day as much as they could swallow. In this way they became fit for the market in two months or less. A flock of geese furnished not only eggs but feathers also, for it was customary to pluck them twice a year, in spring and autumn, and the feathers were worth five denarii (about three shillings and fourpence) a pound. (Varro, iii. 10; Colum. viii. 13; Plin. *H. N.* x. 22; Pallad. i. 30.)

6. Ducks (*anates*). The duck-house (*νησσοτροφεῖον*) was more costly than the chenoboscium, for within its limits were confined, not only ducks, but querquedulae, phalerides, boscades (whatever these may have been), and similar birds which seek their food in pools and swamps. A flat piece of ground, if possible marshy, was surrounded by a wall fifteen feet high, well stuccoed within and without, along the course of which upon an elevated ledge (*crepido*) a series of covered nests (*tecta cubilia*) were formed of hewn stone, the whole open space above being covered over with a net or trellice work (*clatris superpositis*). A shallow pond (*piscina*) was dug in the centre of the enclosure, the margin formed of *opus signinum*, and planted round with shrubs; through this flowed a small stream which traversed the court in a sort of canal into which was thrown food for the inmates, consisting of wheat, barley, millet, acorns, grape skins, small crabs or cray fish, and other water animals. The eggs were generally hatched by common hens, the precautions taken during incubation and the rearing of the ducklings being the same as in the case of pullets. (Var. iii. 11; Colum. viii. 15.)

I. *b.* *Columbarium.*

Pigeons (*columbus*, *columba*). Varro distinguishes two species or varieties, the one *Genus saxatile* s. *agreste*, probably the *Columba livia* of naturalists, which was shy and wild, living in lofty turrets (*sublimes turriculae*), flying abroad without restraint, and generally of a darkish colour, dappled, and without any admixture of white, the other kind more tame (*clementius*), feeding about the doors of the farm, and for the most part white. Between these a cross breed (*miscellum*) was usually reared for the market in a lofty edifice (*περιστεροτροφεῖον*; *περιστερεὼν*), constructed for the purpose. These buildings, placed under the charge of a *columbarius*, were frequently large enough to contain 5000, were vaulted, or roofed in with tiles, and furnished with one small entrance, but well lighted by means of large barred or latticed windows (*fenestrae Punicanae*, s. *reticulatae*). The walls, carefully stuccoed, were lined from top to bottom with rows of round-shaped nests with a single small aperture (*columbaria*), often formed of earthenware (*fictilia*), one being assigned to every pair, while in front of each row a plank was placed upon which the birds alighted. A copious supply of fresh water was introduced for drinking and washing; their food, consisting of the refuse of wheat (*excreta tritici*), millet, vetches, peas, kidney-beans, and other leguminous seeds, was placed in narrow troughs ranged round the walls, and filled by pipes from without. Those pigeons, which were kept in the country, being allowed to go out and in at will, supported themselves for a great part of the year upon what they picked up in the fields, and were regularly fed (*acceptant conditiva cibaria*) for two or three months only; but those in or near a town were confined in a great measure to the *περιστεροτροφεῖον*, lest they should be snared or destroyed. They were very fruitful, since one pair would rear eight broods of two each in the course of a year, and the young birds (*pulli*) very speedily arrived at maturity, and began forthwith to lay in their turn. Those set aside for the market had their wing feathers plucked out and their legs broken, and were then fattened upon white bread previously chewed (*manducato candido farciunt pane*).

A handsome pair of breeding pigeons of a good stock would fetch at Rome, towards the close of the republic, two hundred sesterces (upwards of a guinea and a half); if remarkably fine, as high as a thousand (nearly eight guineas); and as much as sixteen hundred (more than thirteen pounds) was a price sometimes asked, while Columella speaks of four thousand (upwards of thirty pounds) having been given in his time; and some persons were said to have a hundred thousand (nearly a thousand pounds sterling) invested in this kind of property. The instinct which teaches pigeons to return to the place where they have been fed was remarked by the ancients, who were wont, for the sake of amusement, to bring them to the theatres and there let them loose. (Varr. iii. 7; Colum. viii. 8; Plin. *H. N.* x. 52, 74, xi. 64, xviii. 42; Pallad. i. 24.)

I. *c.* *Ornithon*, *Aviarium* (ὀρνιθοτροφεῖον).

Ornithones, in the restricted sense, were divided into two classes: 1. Those constructed for pleasure merely being designed for the reception of nightingales and other singing birds. 2. Those for profit, in which thousands of wild birds were confined and fattened. Varro gives a very curious and minute description of an ornithon belonging to the first class, which he himself possessed, and Lucullus endeavoured to combine the enjoyment of both, for he had a triclinium constructed in his Tusculan villa inside of an ornithon, delighting to behold one set of birds placed upon the table ready for his repast, while others were fluttering at the windows by which the room was lighted. Ornithones of the second class, with which alone we are at present concerned, were kept by poulterers (*macellarii*), and others in the city, but the greater number were situated in Sabinum, because thrushes were most abundant in that region. These huge cages were formed by enclosing a space of ground with high walls and covering it in with an arched roof. Water was introduced by pipes, and conducted in numerous narrow channels, the windows were few and small, that light might be excluded as much as possible, and that the prisoners might not pine from looking out upon the open country, where their mates were enjoying freedom. Indeed, so sensitive were thrushes, and so apt to despond when first caught, that it was the practice to shut them up for some time with other tame individuals of their own kind (*veterani*), who acted as decoys (*allectores*), in reconciling them to captivity. In the interior of this building numerous stakes (*pali*) were fixed upright, upon which the birds might alight; long poles also (*perticae*) were arranged in an inclined position resting against the walls with spars nailed in rows across, and lofts were constructed, all for the same purpose. Two smaller apartments were attached, one in which the superintendant (*curator*) deposited the birds which died a natural death, in order that he might be able to square accounts with his master, the other, called the *seclusorium*, communicating with the great hall by a door, into which those birds wanted for the market were driven from time to time, and killed out of sight, lest the others might droop on witnessing the fate of their companions.

Millet and wild berries were given freely, but their chief food consisted of dry figs carefully peeled (*diligenter pinsita*) and kneaded with far or pollen into small lumps, which were chewed by persons hired to perform this operation. The birds usually kept in an ornithon have been mentioned above, but of these by far the most important were thrushes, which made their appearance in vast flocks about the vernal equinox, and seem to have been in great request; for out of a single establishment in Sabinum, in the time of Varro, five thousand were sometimes sold in a single year at the rate of three denarii a head, thus yielding a sum of 60,000 sesterces, about five hundred pounds sterling.

The manure from ornithones containing thrushes and blackbirds was not only a powerful stimulant to the soil, but was given as food to oxen and pigs, who fattened on it rapidly.

Turtle doves (*turtures*, dim. *turturillae*) belonged to the class which did not lay eggs in captivity (*nec parit nec excludit*), and consequently, as soon as caught, were put up to fatten (*volatura ita ut capitur farturae destinatur*). They were not however confined in an ordinary ornithon but in a building similar to a dove-cote, with this difference, that the interior, instead of being fitted up with columbaria, contained rows of brackets (*mutulae*), or short stakes projecting horizontally from the wall and rising tier above tier. Over each row, the lowest of which was three feet from the ground, hempen mats (*tegeticulae cannabinae*) were stretched, on which the birds reposed day and night, while nets were drawn tight in front to prevent them from flying about, which would have rendered them lean. They fattened readily in harvest time, delighting most in dry wheat, of which one-half modius per day was sufficient for 120 turtles, or in millet moistened with sweet wine. (Varr. iii. 8; Colum. viii. 9; Pallad. i. 25; Plin. *H. N.* x. 24, 34, 35, 53, 58, 74; comp. Plaut. *Mostell.* i. 1. 44; Juv. vi. 38.)

II. Vivaria.

II. *a.* *Leporaria.*

Leporaria anciently were small walled paddocks, planted thickly with shrubs to give shelter; and intended, as the name implies, for the reception of animals of the hare kind; viz. 1. The common grey hare (*Italicum hoc nostrum*, sc. *genus*). 2. The mountain or white hare from the Alps, seldom brought to Rome (*toti candidi sunt*). 3. Rabbits (*cuniculi*), believed to be natives of Spain. These, at least the first and third, bred rapidly, were caught occasionally, shut up in boxes, fattened and sold. In process of time, the name *leporarium* was changed for the more appropriate term θηριοτροφεῖον, since a variety of wild animals, such as boars (*apri*), stags (*cervi*), and roe deer (*capreae*), were procured from the hunter (*venator*), and shut up in these parks, which now embraced several acres even in Italy, while in the provinces, especially Transalpine Gaul, they frequently comprehended a circuit of many miles of hill and swamp, glade and forest. This space was, if possible, fenced by a wall of stone and lime, or of unburnt brick and clay, or, where the extent rendered even the latter too costly, by a strong paling (*vacerra*) formed of upright stakes (*stipites*) drilled with holes (*per latus efforantur*), through which poles (*amites*) were passed horizontally, the whole of oak or cork tree timber, braced and, as it were, latticed by planks nailed diagonally (*seris transversis clatrare*), much in the fashion of wooden hurdles. Even in the largest enclosures it was necessary to support the animals in winter, and in those of moderate size they were frequently tamed to such an extent, that they would assemble at the sound of a horn to receive their food. (Varr. iii. 12; Colum. ix. 1; Plin. *H. N.* viii. 52.)

Bees (*apes*). The delight experienced in the management of these creatures is sufficiently proved by the space and care devoted to the subject in Virgil, and by the singularly minute instructions contained in the agricultural writers, especially in Columella, who derived his materials from the still more elaborate compilations of Hyginus and Celsus, the former being the author of a regular bee calendar, in which the various precepts for the guidance of the bee fancier (*mellarius*, *apiarius*; μελιτουργὸς, *meliturgus*) were arranged in regular order according to the seasons and days of the year. The methods which the ancients describe differ little, even in trifling details, from those followed by ourselves, although in some respects our practice is inferior, since they never destroyed a hive for the sake of its contents, but abstracted a portion of the honey only, always leaving a sufficient supply for the support of the insects in winter; and the same swarm, occasionally reinforced by young recruits, might thus continue for ten years, which was regarded as the limit. Our superior knowledge of natural history has however enabled us to determine that the chief of the hive is always a female, not a male (*rex*) as was the general belief; to ascertain the respective duties performed by the queen, the working bees, and drones (*fuci* s. *fures*), which were unknown or confounded; and to reject the absurd fancy, to which however we are indebted for the most charming episode in the Georgics, which originated with the Greeks, and is repeated with unhesitating faith by almost every authority, that swarms might be produced by spontaneous generation from the putrescent carcase of an ox (*ex bubulo corpore putrefacto;* and hence they were commonly termed *βοογόνας* by the poets, and by Archelaus *βοὸς φθιμένης πεποτημένα τέκνα*).

The early Romans placed the hives in niches, hollowed out of the walls of the farm-house itself, under the shelter of the eaves (*subter subgrundas*), but in later times it became more common to form a regular apiary (*apiarium*, *alvearium*, *mellarium ; μελιττοτροφεῖον*, *μελιττῶνη*), sometimes so extensive, as to yield 5000 pounds of honey in a season. This was a small enclosure in the immediate vicinity of the villa, in a warm and sheltered spot, as little subject as possible to great variations of temperature, or to disturbances of any description from the elements or from animals; and carefully removed from the influence of foetid exhalations, such as might proceed from baths, kitchens, stables, dunghills, or the like. A supply of pure water was provided, and plantations were formed of those plants and flowers to which they were most attached, especially the cytisus and thyme, the former as being conducive to the health of bees, the latter as affording the greatest quantity of honey (*aptissimum ad melificium*). The yew was carefully avoided, not because in itself noxious to the swarm, but because the honey made from it was poisonous. (*Sic mea Cyrneas fugiant examina taxos.*) The hives (*alvi*, *alvei*, *alvearia*, *κυψέλαι*), if stationary, were built of brick (*domicilia lateribus facta*) or baked dung (*ex fimo*), if moveable, and these were considered the most convenient, were hollowed out of a solid block, or formed of boards, or of wicker work, or of bark, or of earthenware, the last being accounted the worst, because more easily affected by heat or cold, while those of cork were accounted best. They were perforated with two small holes for the insects to pass in and out, were covered with moveable tops to enable the mellarius to inspect the interior, which was done three times a month, in spring and summer, for the purpose of removing any filth which might have accumulated, or any worms that might have found entrance; and were arranged, but not in contact, in rows one above another, care being taken that there should not be more than three rows in all, and that the lowest row should rest upon a stone parapet, elevated three feet from the ground, and coated with smooth stucco to prevent lizards, snakes, or other noxious animals from climbing up.

When the season for swarming arrived, the movements which indicated the approaching departure of a colony (*examen*) were watched unremittingly, and when it was actually thrown off, they were deterred from a long flight by casting dust upon them, and by tinkling sounds, being at the same time tempted to alight upon some neighbouring branch by rubbing it with balm (*apiastrum*, *μελισσόφυλλον*, s. *μέλινον*, s. *μελίφυλλον*), or any sweet substance. When they had all collected, they were quietly transferred to a hive similarly prepared, and if they showed any disinclination to enter were urged on by surrounding them with a little smoke.

If quarrelsome, their pugnacity was repressed by sprinkling them with honey water (*mella*); if lazy, they were tempted out by placing the sweet-smelling plants they most loved, chiefly apiastrum or thyme, in the immediate vicinity of the hive, recourse being had at the same time to a slight fumigation. If distracted by sedition in consequence of the presence of two pretenders to the throne, the rivals were caught, examined, and the least promising put to death. In bad weather, those stricken down and disabled by cold or sudden rain were tenderly collected, placed in a spot warmed by artificial heat, and as they revived laid down before their hives. When the weather for any length of time prevented them from going abroad, they were fed upon honey and water, or upon figs boiled in must and pounded into a paste.

The honey harvest (*mellatio*, *mellis vindemia*, *castratio alvorum*, *dies castrandi*, *μελίτωσις*), according to Varro, took place three times a year, but more usually twice only, in June and October; on the first visitation four-fifths, at the second two-thirds of the honey was abstracted; but these proportions varied much according to the season, and the strength of the particular hive. The system pursued was very simple: the moveable top was taken off, or a door contrived in the side opened, the bees were driven away by a smoking apparatus, and the mellarius cut out with peculiarly formed knives as much of the contents as he thought fit.

The comb (*favus*, *κηρίον*), which was the product of their industry, was composed of wax (*cera*, *κηρὸς*) formed into hexagonal cells (*sex angulis cella*), the geometrical advantages of which were soon discovered by mathematicians, containing for the most part honey (*mel*, *μέλι*), but also the more solid sweet substance commonly called bee-bread (*propolis*, *πρόπολις*), the classical name being derived, it is said, from the circumstance that it is found in greatest abundance near the entrance. The combs were cemented together, and the crevices in the hive daubed over with a glutinous gum, the erithace (*ἐριθάκη*) of Varro and his Greek authorities, which seems to be the same with what is elsewhere termed *melligo* (*μελίτωμα*).

Columella and Palladius describe ingenious plans for getting possession of wild swarms (*apes sylvestres*, *ferae*, *rusticae*, as opposed to *urbanae*, *cicures*); and Pliny notices the humble bees which constructed their nests in the ground, but seems to suppose that they were peculiar to a district in Asia Minor. The marks which distinguish the varieties of the domestic species will be found detailed by the different authorities quoted below. (Aristot. *Hist. Anim.* v. ix; Aelian. *de Anim.* i. 59, 60, v. 10, 11; Var. ii. 5, iii. 3, 16; Virg. *Georg.* iv.; Colum. ix. 3. &c., xi. 2; Plin. *H. N.* xi. 5, &c.; Pallad. i. 37—39, iv. 15, v. 8, vi. 10, vii. 7, ix. 7, xi. 13, xii. 8.)

Snails (*cochleae*). Certain species of snails were favourite articles of food among the Romans, and were used also medicinally in diseases of the lungs and intestines. The kinds most prized were those from Reate, which were small and white; those from Africa of middling size, and very fruitful; those called *solitanae*, also from Africa, larger than the former; and those from Illyria, which were the largest of all. The place where they were preserved (*cochlearium*) was sheltered from the sun, kept moist, and not covered over, nor walled in, but surrounded by water, which prevented the escape of the inmates who were very prolific, and required nothing except a few laurel leaves and a little bran. They were fattened by shutting them up in a jar smeared with boiled must and flour, and perforated with holes to admit air. It has been recorded that an individual named Fulvius Hirpinus constructed, near Tarquinii, the first cochlearium ever formed in Italy, a short time before the civil war between Caesar and Pompey. (Varr. iii. 14; Plin. *H. N.* ix. 56, xxx. 7, 15; comp. Sallust. *Jug.* 93.)

Dormice (*glires*) were regarded as articles of such luxury that their use as food was forbidden in the sumptuary laws of the more rigid censors; but, notwithstanding, a *glirarium* became a common appendage to a villa. It was a small space of ground surrounded with a smooth wall of polished or stuccoed stone, planted with acorn-bearing trees to yield food, and containing holes (*cavi*) for rearing the young. They were fattened up in earthen jars (*dolia*) of a peculiar construction, upon chestnuts, walnuts, and acorns. (Varr. iii. 15; Plin. *H. N.* ix. 57; comp. Martial, iii. 58, xiii. 59; Petron. 31; Amm. Marc. xxviii. 4.)

II. *b. Piscinae.*

Lastly, we may say a few words upon artificial fish ponds, which were of two kinds — freshwater ponds (*piscinae dulces*), and salt water ponds (*piscinae salsae s. maritimae*).

The former, from an early period, had frequently been attached to ordinary farms, and proved a source of gain; the latter were unknown until the last half century of the republic, were mere objects of luxury, and were confined for the most part to the richest members of the community, to many of whom, such as Hirrus, Philippus, Lucullus, and Hortensius, who are sneeringly termed *piscinarii* by Cicero, they became objects of intense interest. These receptacles were constructed at a vast cost on the sea-coast, a succession being frequently formed for different kinds of fish, and the most ingenious and elaborate contrivances provided for the admission of the tide at particular periods, and for regulating the temperature of the water; large sums were paid for the stock with which they were filled, consisting chiefly of mullets and muraenae; and a heavy expense was incurred in maintaining them, for fishermen were regularly employed to catch small fry for their food, and when the weather did not permit such supplies to be procured, salt anchovies and the like were purchased in the market. For the most part they yielded no return whatever, during the lifetime at least of the proprietors, for the inmates were regarded as pets, and frequently became so tame as to answer to the voice and eat from the hand. When sales did take place the prices were very high. Thus Hirrus, who, on one occasion, *lent* Caesar 6,000 muraenae, at a subsequent period obtained 4,000,000 of sesterces (upwards of 30,000*l.*) for an ordinary villa, chiefly in consequence of the ponds and the quantity of fish they contained.

A certain Sergius Orata, a short time before the Marsic War, formed artificial oyster-beds (*vivaria ostrearum*) from which he obtained a large revenue. He first asserted and established the superiority of the shell-fish from the Lucrine Lake, which have always maintained their celebrity, although under the empire less esteemed than those from Britain. (Varr. *R. R.* iii. 17; Colum. viii. 16, 17; Plin. *H. N.* ix. 54, 55; Cic. *ad Att.* i. 19.)

Of modern treatises connected with the subject of this article the most important is Dickson's "Husbandry of the Ancients," 2 vols. 8vo. 1788, the work of a Scotch clergyman, who was well acquainted with the practical details of agriculture and who had studied the Latin writers with great care, but whose scholarship was unfortunately so imperfect that he was in many instances unable to interpret correctly their expressions. Many useful and acute observations will be found in the "Economie Politique des Romains" by Dureau de la Malle, 2 tomes, 8vo. Paris, 1840, but he also is far from being accurate, and he is embarrassed throughout by very erroneous views with regard to the rate of interest among the Romans, and by the singular misconception that from the expulsion of the kings until the end of the second Punic war, the law forbade any Roman citizen to possess more than 7 jugers of land. (Vol. ii. p. 2.) Those who desire to compare the agriculture of modern Italy with ancient usages will do well to consult Arthur Young's "Travels in Italy," and the Appendix of Symonds; the "Agriculture Toscane" of J. C. L. Simonde, 8vo. Génève, 1801; and "Lettres écrites d'Italie à Charles Pictet par M. Lullin de Chateauvieux." 8vo. Paris. 2nd ed. 1820. [W. R.]

AGRIMENSO'RES. At the foundation of a colony and the assignation of lands the auspicia were taken, for which purpose the presence of the augur was necessary. But the business of the augur did not extend beyond the religious part of the ceremony: the division and measurement of the land were made by professional measurers. These were the *Finitores* mentioned in the early writers (Cic. *c. Rullum*, ii. 13; Plautus, *Poenulus*, Prolog. 49), who in the later periods were called Mensores and Agrimensores. The business of a Finitor could only be done by a free man, and the honourable nature of his office is indicated by the rule that there was no bargain for his services, but he received his pay in the form of a gift. These Finitores appear also to have acted as judices, under the name of arbitri, in those disputes about boundaries which were purely of a technical, not a legal, character.

Under the empire the observance of the auspices in the fixing of camps and the establishment of military colonies was less regarded, and the practice of the Agrimensores was reduced to a system by Julius Frontinus, Hyginus, Siculus Flaccus, and other Gromatic writers, as they are sometimes termed. As to the meaning of the term Groma, and the derived words, see Facciolati, *Lexicon*, and the Index to Goesius, *Rei Agrariae Scriptores.* The teachers of geometry in the large cities of the empire used to give practical instruction on the system of gromatice. This practical geometry was one of the liberalia studia (Dig. 50. tit. 13. s. 1); but the professors of geometry and the teachers of law were not exempted from the obligation of being tutores, and from other such burdens (*Frag. Vat.* § 150), a fact which shows the subordinate rank which the teachers of elementary science then held.

The Agrimensor could mark out the limits of the centuriae, and restore the boundaries where they were confused, but he could not assign (*assignare*) without a commission from the emperor. Military persons of various classes are also sometimes mentioned as practising surveying, and settling disputes about boundaries. The lower rank of the professional Agrimensor, as contrasted with the Finitor of earlier periods, is shown by the fact that in the imperial period there might be a contract with an Agrimensor for paying him for his services.

The Agrimensor of the later period was merely employed in disputes as to the boundaries of properties. The foundation of colonies and the assignation of lands were now less common, though we read of colonies being established to a late period of the empire, and the boundaries of the lands must have been set out in due form. (Hyginus, p. 177, ed. Goes.) Those who marked out the ground in camps for the soldiers' tents are also called Mensores, but they were military men. (Vegetius, *De Re Militari*, ii. 7.) The functions of the Agrimensor are shown by a passage of Hyginus (*De Controvers.* p. 170): in all questions as to determining boundaries by means of the marks (*signa*), the area of surfaces, and explaining maps and plans, the services of the Agrimensor were required: in all questions that concerned property, right of road, enjoyment of water, and other easements (*servitutes*) they were not required, for these were purely legal questions. Generally, therefore, they were either employed by the parties themselves to settle boundaries, or they received their instructions for that purpose from a judex. In this capacity they were advocati. But they also acted as judices, and could give a final decision in that class of smaller questions which concerned the quinque pedes of the Mamilia Lex [LEX MAMILIA], as appears from Frontinus (pp. 63, 75, ed. Goes.). Under the Christian emperors the name Mensores was changed into Agrimensores to distinguish them from another class of Mensores, who are mentioned in the codes of Theodosius and Justinian (vi. 34, xii. 28). By a rescript of Constantine and Constans (A. D. 344) the teachers and learners of geometry received immunity from civil burdens. According to a constitution of Theodosius and Valentinian (A. D. 440) as given in the collection of Goesius (p. 344), they received jurisdiction in questions of Alluvio; but Rudorff observes, "that the decisive words 'ut judicio agrimensoris finiatur,' and 'haec agrimensorum semper esse judicia' are a spurious addition, which is not found either in Nov. Theod. Tit. 20, nor in L. 3. C. De Alluv. (Cod. Just. vii. tit. 41)." According to another constitution of the same emperors, the Agrimensor was to receive an aureus from each of any three bordering proprietors whose boundaries he settled, and if he set a limes right between proprietors, he received an aureus for each twelfth part of the property through which he restored the limes. Further, by another constitution of the same emperors (Goesius, p. 343), the young Agrimensores were to be called "clarissimi" while they were students, and when they began to practise their profession, spectabiles. All this, which is repeated by modern writers, is utterly incredible. (Rudorff, p. 420, &c., and the notes.)

(Rudorff, *Ueber die Feldmesser*, Zeitschrift für Geschicht. Rechtsw. vol. x. p. 412, a clear and exact exposition; Niebuhr, vol. ii. appendix 2; Dureau de la Malle, *Economie Politique des Romains*, vol. i. p. 179; the few remarks of the last writer are of no value.) [G. L.]

AGRIO'NIA (ἀγριώνια), a festival which was celebrated at Orchomenus, in Boeotia, in honour of Dionysus, surnamed Ἀγριώνιος. It appears from Plutarch (*Quaest. Rom.* 102), that this festival was solemnised during the night only by women and the priests of Dionysus. It consisted of a kind of game, in which the women for a long time acted as if seeking Dionysus, and at last called out to one another that he had escaped to the Muses, and had concealed himself with them. After this they prepared a repast; and having enjoyed it, amused themselves with solving riddles. This festival was remarkable for a feature which proves its great antiquity. Some virgins, who were descended from the Minyans, and who probably used to assemble around the temple on the occasion, fled and were followed by the priest armed with a sword, who was allowed to kill the one whom he first caught. This sacrifice of a human being, though originally it must have formed a regular part of the festival, seems to have been avoided in later times. One instance, however, occurred in the days of Plutarch. (*Quaest. Graec.* 38.) But as the priest who had killed the woman was afterwards attacked by disease, and several extraordinary accidents occurred to the Minyans, the priest and his family were deprived of their official functions. The festival, as well as its name, is said to have been derived from the daughters of Minyas, who, after having for a long time resisted the Bacchanalian fury, were at length seized by an invincible desire of eating human flesh. They therefore cast lots on their own children, and as Hippasus, son of Leucippe, became the destined victim, they killed and ate him, whence the women belonging to that race were at the time of Plutarch still called the destroyers (ὀλεῖαι or αἰολαῖαι) and the men mourners (ψολοεῖς). (Müller, *Die Minyer*, p. 166. &c.; K. F. Hermann, *Lehrbuch d. gottesdienstlichen Alterthümer d. Griechen*, § 63. n. 13.) [L. S.]

AGRO'NOMI (ἀγρονόμοι), are described by Aristotle as the country police, whose duties corresponded in most respects to those of the astynomi in the city [ASTYNOMI], and who performed nearly the same duties as the hylori (ὑλωροί). (*Polit.* vi. 5.) Aristotle does not inform us in what state they existed; but from the frequent mention of them by Plato, it appears probable that they belonged to Attica. (Plat. *Legg.* vi. pp. 617, 618; Timaeus, *Lex. s. v.* and Ruhnken's note, in which several passages are quoted from Plato.)

AGRO'TERAS THU'SIA (ἀγροτέρας θυσία), a festival celebrated every year at Athens in honour of Artemis, surnamed Agrotera (from ἄγρα, chase). It was solemnized, according to Plutarch (*De Malign. Herod.* 26), on the sixth of the month of Boedromion, and consisted in a sacrifice of 500 goats, which continued to be offered in the time of Xenophon. (Xenoph. *Anab.* iii. 2. § 12.) Aelian (*V. H.* ii. 25) places the festival on the sixth day of Thargelion, and says that 300 goats were sacrificed; but as the battle of Marathon which gave rise to this solemn sacrifice, occurred on the sixth of Boedromion, Aelian's statement appears to be wrong. (Plut. *De Glor. Athen.* 7.)

This festival is said to have originated in the following manner: — When the Persians invaded Attica, Callimachus, the polemarch, or, according to others, Miltiades, made a vow to sacrifice to Artemis Agrotera as many goats as there should be enemies slain at Marathon. But when the number of enemies slain was so great, that an equal number of goats could not be found at once, the Athenians decreed that 500 should be sacrificed every year. This is the statement made by Xenophon; but other ancient authors give different accounts. The Scholiast on Aristoph. (*Equit.* 666) relates that the Athenians, before the battle, promised to sacrifice to Artemis one ox for every enemy slain; but when the number of oxen could not be procured, they substituted an equal number of goats. [L. S.]

AGYRMUS (ἀγυρμός). [Eleusinia.]

AGYRTAE (ἀγύρται), mendicant priests, who were accustomed to travel through the different towns of Greece, soliciting alms for the gods whom they served. These priests carried, either on their shoulders or on beasts of burthen, images of their respective deities. They appear to have been of Oriental origin, and were chiefly connected with the worship of Isis, Opis and Arge (Herod. iv. 35), and especially of the great mother of the gods; whence they were called μητραγύρται. They were generally speaking, persons of the lowest and most abandoned character. They undertook to inflict some grievous bodily injury on the enemy of any individual who paid them for such services, and also promised, for a small sum of money, to obtain forgiveness from the gods whom they served, for any sins which either the individual himself or his ancestors had committed. (Plat. *Rep.* ii. p. 364, b.; Plut. *Superst.* c. 3; Zosim. i. 11; Max. Tyr. xix. 3; Athen. vi. p. 266, d; Origen, *c. Cels.* i. p. 8; Phil. *Leg.* ii. p. 792; Ruhnken, *ad Timaei Lex. s. vv.* ἀγείρουσαν and ἐπαγωγαί; K. F. Hermann, *Lehrbuch d. gottesdienstlichen Alterthümer d. Griechen*, § 42, n. 13.)

These mendicant priests came into Italy, but at what time is uncertain, together with the worship of the gods whom they served. (Cic. *De Leg.* ii. 16; Heindorff, *ad Hor. Serm.* i. 2. 2.)

AHE'NUM. [Aenum.]

AIKIAS DIKE (αἰκίας δίκη), an action brought at Athens, before the court of the Forty (οἱ τετταράκοντα), against any individual, who had struck a citizen of the state. Any citizen, who had been thus insulted, might proceed in two ways against the offending party, either by the αἰκίας δίκη, which was a private action, or by the ὕβρεως γραφή, which was looked upon in the light of a public prosecution, since the state was considered to be wronged in an injury done to any citizen. It appears to have been a principle of the Athenian law, to give an individual, who had been injured, more than one mode of obtaining redress. If the plaintiff brought it as a private suit, the defendant would only be condemned to pay a fine, which the plaintiff received; but if the cause was brought as a public suit, the accused might be punished even with death, and if condemned to pay a fine, the latter went to the state.

It was necessary to prove two facts in bringing the αἰκίας δίκη before the Forty. First, That the defendant had struck the plaintiff, who must have been a free man, with the intention of insulting him (ἐφ' ὕβρει), which, however, was always presumed to have been the intention, unless the defendant could prove that he only struck the plaintiff in joke. Thus Ariston, after proving that he had been struck by Conon, tells the judges that Conon will attempt to show that he had only struck him in play. (Dem. c. *Conon.* p. 1261.) Secondly, It was necessary to prove that the defendant struck the plaintiff first, and did not merely return the blows which had been given by the plaintiff (ἄρχειν χειρῶν ἀδίκων, or merely ἀδίκων ἄρχειν, Dem. c. *Euerg.* pp. 1141, 1151.)

In this action, the sum of money to be paid by the defendant as damages was not fixed by the laws; but the plaintiff assessed the amount according to the injury, which he thought he had received, and the judges determined on the justice of the claim. It was thus an assessed action, and resembled the procedure in public causes. The orations of Demosthenes against Conon, and of Isocrates against Lochites, were spoken in an action of this kind, and both of these have come down to us; and there were two orations of Lysias, which are lost, relating to the same action, namely, against Theopompus and Hippocrates. (Harpocrat. *s. v.* αἰκίας; Meier, *Att. Process*, p. 547, &c.; Böckh, *Publ. Econ. of Athens*, pp. 352, 364, 372, 374, 2nd ed.)

AITHOUSA (αἴθουσα), a word only used by Homer, is probably for αἴθουσα στοά, a portico exposed to the sun. From the passages in which it occurs, it seems to denote a covered portico, opening on to the court of the house, αὐλή, in front of the vestibule, πρόθυρον. Thus a chariot, leaving the house, is described as passing out of the πρόθυρον and the αἴθουσα. (*Il.* xxiv. 323; *Od.* iii. 493, xv. 146, 191.). The word is used also in the plural, to describe apparently the porticoes which surrounded the αὐλή. (*Il.* vi. 243; *Od.* viii. 57.) It was in such a portico that guests were lodged for the night. (*Od.* iii. 399, vii. 345). It was also the place of reception for people flocking to the palace on a public occasion (*Il.* xxiv. 239; *Od.* viii. 57); and hence perhaps the epithet ἐρίδουπος, which Homer usually connects with it. [P. S.]

ALA, a part of a Roman house. [Domus.]

ALA, ALARES, ALA'RII. These words, like all other terms connected with Roman warfare, were used in different or at least modified acceptations at different periods.

Ala, which literally means *a wing*, was from the earliest epochs employed to denote the wing of an army, and this signification it always retained, but in process of time was frequently used in a restricted sense.

1. When a Roman army was composed of Roman citizens exclusively, the flanks of the infantry when drawn up in battle array were covered on the right and left by the cavalry; and hence *Ala* denoted the body of horse which was attached to and served along with the foot-soldiers of the legion. (See Cincius, *de Re Militari*, who, although he flourished B. C. 200, is evidently explaining in the passage quoted by Aulus Gellius, xvi. 4, the original acceptation of the term.)

2. When, at a later date, the Roman armies were composed partly of Roman citizens and partly of *Socii*, either *Latini* or *Italici*, it became the practice to marshall the Roman troops in the centre of the battle line and the Socii upon the wings. Hence *ala* and *alarii* denoted the contingent furnished by the allies, both horse and foot, and the two divisions were distinguished as *dextera ala* and *sinistra ala*. (Liv. xxvii. 2, xxx. 21, xxxi. 21; Lips. *de Milit. Rom.* ii. dial. 7. We find in Liv. x. 40, the expression *cum cohortibus alariis*, and in x. 43, *D. Brutum Scaevam legatum cum legione prima et decem cohortibus alariis equitatuque ire . . . . jussit.*)

3. When the whole of the inhabitants of Italy had been admitted to the privileges of Roman citizens the terms *alarii*, *cohortes alariae* were transferred to the foreign troops serving along with the Roman armies. In Cæsar (*B. G.* i. 51) we see the *Alarii* expressly distinguished from the *legionarii*, and we find the phrase (*B. C.* i. 73) *cohortes alariae et legionariae*, while Cicero (*ad Fam.* ii. 17) speaks of the *Alarii Transpadani*.

4. Lastly, under the empire, the term *ala* was applied to regiments of horse, raised it would seem with very few exceptions in the provinces, serving apart from the legions and the cavalry of the legions. It is to troops of this description that Tacitus refers when (*Ann.* xv. 10) he mentions *Alares Pannonii robur equitatus.*

Some further details on this subject are given under Exercitus. [W. R.]

ALABARCHES (ἀλαϐάρχης), appears to have been the chief magistrate of the Jews at Alexandria; but whose duties, as far as the government was concerned, chiefly consisted in raising and paying the taxes. (Joseph. *Ant.* xviii. 18. § 1, xix. 5. § 1, xx. 5. § 2; Euseb. *H. E.* ii. 5.) Hence, Cicero (*ad Att.* ii. 17) calls Pompey alabarches from his raising the taxes. The etymology of this word is altogether uncertain, and has given rise to great disputes; some modern writers propose, but without sufficient reason, to change it, in all the passages in which it occurs, into *arabarches.* The question is fully discussed by Sturzius. (*De Dialect. Macedon. et Alexandrin.* p. 65, &c.)

ALABASTRUM and ALABASTER (ἀλάϐαστρον, ἀλάϐαστρος), a box or vase for holding perfumes and ointments; so called because they were originally made of alabaster, of which the variety, called onyx-alabaster, was usually employed for this purpose. (Plin. *H. N.* xiii. 2. s. 3, xxxvi. 8. s. 12.) They were, however, subsequently made of other materials, as, for instance, gold (χρύσεια ἀλάϐαστρα). Such vases are first mentioned by Herodotus (iii. 20), who speaks of an "alabaster-box of perfumed ointment" (μύρου ἀλάϐαστρον), as one of the presents sent by Cambyses to the Ethiopian king; and after his time they occur both in Greek and Roman writers. (Aristoph. *Acharn.* 1053; Aelian, *V. H.* xii. 18; Martial, xi. 8; Matth. xxvi. 7; Mark, xiv. 3; Luke, vii. 37.) These vessels were of a tapering shape, and very often had a long narrow neck, which was sealed; so that when the woman in the Gospels is said to break the alabaster-box of ointment for the purpose of anointing Christ, it appears probable that she only broke the extremity of the neck, which was thus closed.

ALABASTRI'TES. [Alabaster.]

ALAEA (Ἀλαῖα), games which were annually celebrated at the festival of Athena, surnamed Alea, near Tegea, in the neighbourhood of the magnificent temple of the same goddess. (Paus. viii. 47. § 3.) [L. S.]

ALA'RII. [Ala.]

ALAUDA, a Gaulish word, the prototype of the modern French *Alouette,* denoting a small crested bird of the lark kind which the Latins in allusion to its tuft denominated *Galerita.* The name alauda was bestowed by Julius Caesar on a legion of picked men, which he raised at his own expence among the inhabitants of Transalpine Gaul, about the year B. C. 55, not as erroneously asserted by Gibbon, during the civil war; which he equipped and disciplined after the Roman fashion; and on which in a body, he at a subsequent period bestowed the freedom of the state. This seems to have been the first example of a regular Roman legion levied in a foreign country and composed of barbarians. The designation was, in all probability, applied from a plume upon the helmet, resembling the "apex" of the bird in question, or from the general shape and appearance of the head-piece. Cicero in a letter to Atticus, written in B. C. 44, states that he had received intelligence that Antonius was marching upon the city "cum legione alaudarum," and from the Philippics we learn that by the Lex Judiciaria of Antonius even the common soldiers of this corps (*Alaudae — manipulares ex legione Alaudarum*) were privileged to act as judices upon criminal trials, and enrolled along with the veterans in the third decuria of judices, avowedly, if we can trust the orator, that the framer of the law and his friends might have functionaries in the courts of justice upon whose support they could depend.

That the legion Alauda, was numbered V. is proved by several inscriptions, one of them belonging to the age of Domitian in honour of a certain Cn. Domitius, who among many other titles is styled TRIB. MIL. LEG. V. ALAUDAE. It had however disappeared from the army list in the time of Dion Cassius, that is, in the early part of the third century, for the historian, when giving a catalogue of such of the twenty-three or twenty-five legions which formed the establishment of Augustus, as existed when he wrote, makes no mention of any fifth legion except the *Quinta Macedonica.* (Sueton. *Jul.* 24; Caesar, *B. C.* i. 39; Plin. *H. N.* xi. 44; Cic. *Philip.* i. 8. § 20, v. 5. § 12, xiii. 2. § 3, 18. § 37; Gruter, *Corp. Inscrip. Lat.* CCCCIII. 1, DXLIV. 2, DXLIX. 4, DLIX. 7; Orelli, *Inscrip. Lat.* n. 773.) [W. R.]

ALBOGALE'RUS. [Apex.]

ALBUM is defined to be a tablet of any material on which the praetor's edicts, and the rules relating to actions and interdicts, were written. [Edictum.] The tablet was put up in a public place in Rome, in order that all persons might have notice of its contents. According to some authorities, the album was so called, because it was either a white material, or a material whitened, and of course the writing would be a different colour. According to other authorities, it was so called because the writing was in white letters. If any person wilfully altered or erased (*raserit, corruperit, mutaverit*) any thing in the album, he was liable to an action *albi corrupti,* and to a heavy penalty. (Dig. 2. tit. i. s. 7, 9.)

Probably the word album originally meant any tablet containing any thing of a public nature. Thus, Cicero informs us that the Annales Maximi were written on the album by the pontifex maximus. (*De Orat.* ii. 12.) But, however this may be, it was in course of time used to signify a list of any public body; thus we find the expression, *album senatorium,* used by Tacitus (*Ann.* iv. 42), to express the list of senators, and corresponding to the word *leucoma* used by Dion Cassius (lv. 3). The phrase *album decurionum* signifies the list of decuriones whose names were entered on the album of a municipium, in the order prescribed by the lex municipalis, so far as the provisions of the lex extended. (Dig. 50. tit. 3.) *Album judicum* is the list of judices. (Suet. *Claud.* 16.) [Judex.] [G. L.]

ALCATHOEA (ἀλκαθοῖα). The name of games celebrated at Megara, in commemoration of the Eleian hero Alcathous, son of Pelops, who had killed a lion which had destroyed Euippus, son of King Megareus. (Pind. *Isthm.* viii. 148; Paus. i. 42. § 1.) [L. S.]

ALEA, gaming, or playing at a game of chance of any kind. Hence, *alea, aleator,* a gamester, a gambler. Playing with *tali* or *tesserae* was generally understood; because these were by far the most common games of chance among the Romans. [Talus; Tessera.]

Gaming was considered disreputable at Rome; and hence *aleator* was used as a term of reproach. (Cic. in *Cat.* ii. 10, *ad Att.* xiv. 5.) It was also forbidden at Rome by special laws, during the times of the republic, and under the emperors (*vetita legibus alea*). (Hor. *Carm.* iii. 24. 58; Cic. *Philipp.* ii. 23; Ov. *Trist.* ii. 470, &c., Dig. 11. tit. 5.) We have, however, no express information as to the time when these laws were enacted or the exact provisions which they contained. There are three laws mentioned in the Digest (*l. c.*) forbidding gambling, the *Leges Titia*, *Publicia*, and *Cornelia*, and likewise a senatus consultum, and the praetor's edictum. At what time the two former laws were passed is quite uncertain; but the Lex Cornelia was probably one of the laws of the dictator Sulla, who, we know, made several enactments to check the extravagance and expense of private persons. [Sumtus.] Some writers infer from a passage of Plautus (*Mil. Glor.* ii. 2. 9) that gaming must have been forbidden by law in his time; but the *lex talaria* in this passage seems rather to refer to the laws of the game than to any public enactment. Some modern writers, however, read *lex alearia* in this passage. The only kinds of gaming allowed by the law were, first, playing at table for the different articles of food, and playing for money at games of strength, such as hurling the javelin, running, jumping, boxing, &c. (Dig. *l. c.*) Those who were convicted of gaming were condemned to pay four times the sum they had staked (Pseudo-Ascon. *in Cic. Div.* § 24. p. 110. ed. Orelli), and became *infames* in consequence. We know that *infamia* was frequently a consequence of a judicial decision [Infamia]; and we may infer that it was in this case from the expression of Cicero. ("Hominem lege, quae est de alea, condemnatum, *in integrum restituit*," Cic. *Phil.* ii. 23.) Justinian forbade all gaming both in public and in private. (Cod. 3. tit. 43.) Games of chance were, however, tolerated in the month of December at the Saturnalia, which was a period of general relaxation (Mart. iv. 14, v. 84; Gell. xviii. 13; Suet. *Aug.* 71); and among the Greeks, as well as the Romans, public opinion allowed old men to amuse themselves in this manner. (Eurip. *Med.* 67; Cic. *Senect.* 16.) Under the empire gambling was carried to a great height, and the laws were probably little more than nominal. Many of the early emperors, Augustus, Caligula, Claudius, Vitellius, and Domitian, were very fond of gaming, and set but an evil example to their subjects in this matter. (Suet. *Aug.* 70, 71; Dion Cass. lix. 22; Suet. *Cal.* 41, *Claud.* 33; Dion Cass. lx. 2; Suet. *Dom.* 21.) Professed gamesters made a regular study of their art; and there were treatises on the subject, among which was a book written by the emperor Claudius. (Ov. *Trist.* ii. 471; Suet. *Claud.* 33.)

Alea sometimes denotes the implement used in playing, as in the phrase *jacta alea est*, "the die is cast," uttered by Julius Caesar, immediately before he crossed the Rubicon (Suet. *Jul.* 32); and it is often used for chance, or uncertainty in general. (Hor. *Carm.* ii. 1. 6; Cic. *Div.* ii. 15.) Respecting the enactments against gambling, see Rein, *Criminalrecht der Römer*, p. 833.

ALEAIA (Ἀλέαια), a festival celebrated to the honour of Athena Alea at Tegea with games and contests, of which we find mention in inscriptions. (Paus. viii. 47, § 3; Krause, *Die Gymnastik u. Agonistik d. Hellenen*, pp. 734—736; K. F. Hermann, *Lehrbuch d. gottesdienstlichen Alterthümer d. Griechen*, § 51, n. 11; comp. Halotia.)

ALI'CULA (ἄλλιξ or ἄλληξ), an upper dress, which was, in all probability, identical with the chlamys, although Hesychius explains it as a kind of chiton (Euphor. *Fr.* 112, *ap.* Meineke, *Anal. Alex.* p. 137; Callim. *Fr.* 149, *ap.* Naeke, *Opusc.* vol. ii. p. 86; Hesych. *s. v.*; Suid. *s. v.* ἄλλικα and ἐνετῆσι; Müller, *Arch. d. Kunst*, § 337, n. 6; Martial, xii. 83.) [P. S.]

ALIMENTA'RII PUERI ET PUELLAE. In the Roman republic, the poorer citizens were assisted by public distributions of corn, oil, and money, which were called *congiaria*. [Congiarium.] These distributions were not made at stated periods, nor to any but grown-up inhabitants of Rome. The Emperor Nerva was the first who extended them to children, and Trajan appointed them to be made every month, both to orphans and to the children of poor parents. The children who received them were called *pueri et puellae alimentarii*, and also (from the emperor) *pueri puellaeque Ulpiani;* and the officers who administered the institution were called *quaestores pecuniae alimentariae*, *quaestores alimentorum*, *procuratores alimentorum*, or *praefecti alimentorum*.

The fragments of an interesting record of an institution of this kind by Trajan have been found at Velleia, near Placentia, from which we learn the sums which were thus distributed, and the means by which the money was raised. A similar institution was founded by the younger Pliny, at Comum. (Plin. *Epist.* vii. 18, i. 8; and the inscription in Orelli, 1172.) Trajan's benevolent plans were carried on upon a larger scale by Hadrian and the Antonines. Under Commodus and Pertinax the distribution ceased. In the reign of Alexander Severus, we again meet with *alimentarii pueri and puellae*, who were called *Mammaeani*, in honour of the emperor's mother. We learn, from a decree of Hadrian (Ulp. *in Dig.* 34. tit. 1. s. 14), that boys enjoyed the benefits of this institution up to their eighteenth, and girls up to their fourteenth year; and, from an inscription (Fabretti, 235, 619), that a boy four years and seven months old received nine times the ordinary monthly distribution of corn. (Aurel. Vict. *Epit.* xii. 4; Capitolin. *Ant. Pi.* 8, *M. Aur.* 26, *Pert.* 9; Spart. *Had.* 7; Lamprid. *Sev. Alex.* 57; Orelli, *Inscr.* 3364, 3365; Fabretti, 234, 617; Rasche, *Lex. Univ. Rei Num. s. v. Tutela Italiae;* Eckhel, *Doct. Num. Vet.* vol. vi. p. 408; F. A. Wolf, *Von einer milden Stiftung Trajans.*) [P. S.]

ALI'PILUS, a slave, who attended on bathers, to remove the superfluous hair from their bodies. (Sen. *Ep.* 56; Pignor. *de Serv.* 42.). [P. S.]

ALIPTAE (ἀλεῖπται) among the Greeks, were persons who anointed the bodies of the athletae, preparatory to their entering the palaestra. The chief object of this anointing was to close the pores of the body, in order to prevent excessive perspiration, and the weakness consequent thereon. To effect this object, the oil was not simply spread over the surface of the body, but also well rubbed into the skin. The oil was mixed with fine

African sand, several jars full of which were found in the baths of Titus, and one of these is now in the British Museum. This preparatory anointing was called *ἡ παρασκευαστικὴ τρίψις*. The athleta was again anointed after the contest, in order to restore the tone of the skin and muscles; this anointing was called *ἡ ἀπυθεραπειά*. He then bathed, and had the dust, sweat, and oil scraped off his body, by means of an instrument similar to the strigil of the Romans, and called *στλεγγίς*, and afterwards *ξύστρα*. The aliptae took advantage of the knowledge they necessarily acquired of the state of the muscles of the athletae, and their general strength or weakness of body, to advise them as to their exercises and mode of life. They were thus a kind of medical trainers. *ἰατραλεῖπται*. (Plut. *de Tuend. San.* 16. p. 430; Celsus, i. 1; Plin. *H. N.* xxix. 1, 2.) Sometimes they even superintended their exercises, as in the case of Milesias. (Pindar, *Olym.* viii. 54—71; and Böckh's note.) [Athletae.] The part of the palaestra in which the athletae were anointed was called *ἀλειπτήριον*.

Among the Romans, the aliptae were slaves who scrubbed and anointed their masters in the baths. They, too, like the Greek *ἀλεῖπται*, appear to have attended to their masters' constitution and mode of life. (Cic. *ad Fam.* i. 9, 35; Senec. *Ep.* 56; Juvenal, *Sat.* iii. 76, vi. 422; Pignor. *de Serv.* p. 81.) They were also called *unctores*. They used in their operations a kind of scraper called a strigil, towels (*lintea*), a cruise of oil (*guttus*), which was usually of horn, a bottle [Ampulla], and a small vessel called *lenticula*. [Baths.]

The apartment in the Greek palaestra where the anointing was performed was called *ἀλειπτήριον*, that in the Roman baths was called *unctuarium*. [P. S.]

ALLU'VIO. "That," says Gaius (ii. 70, &c.), "appears to be added to our land by alluvio, which a river adds to our land (*ager*) so gradually that we cannot estimate how much is added in each moment of time; or, as it is commonly expressed, it is that which is added so gradually as to escape observation. But if a river (at once) takes away a part of your land, and brings it to mine, this part still remains your property." There is the same definition by Gaius in his *Res Cotidianae* (Dig. 41. tit. 1. s. 7), with this addition:—"If the part thus suddenly taken away should adhere for a considerable time to my land, and the trees on such part should drive their roots into my land, from that time such part appears to belong to my land." The *acquisitio per alluvionem* was considered by the Roman jurists to be by the jus gentium, in the Roman sense of that term; and it was comprehended under the general head of Accessio. A man might protect his land against loss from the action of a river by securing the banks of his land (Dig. 43. tit. 15; *De Ripa Munienda*), provided he did not injure the navigation.

If an island was formed in the middle of a river, it was the common property of those who possessed lands on each bank of the river; if it was not in the middle, it belonged to those who possessed lands on that bank of the river to which it was nearest. (Gaius, ii. 72.) This is explained more minutely in the Digest (41. tit. 1. s. 7). A river means a public river (*flumen publicum*).

According to a constitution of the Emperor Antoninus Pius, there was no jus alluvionis in the case of agri limitati, for a certain quantity (certus cuique modus) was assigned by the form of the centuriae. (Dig. 41. tit. 1. s. 16; comp. Aggenus Urbicus, in Frontin. *Comment. De Alluvione*, pars prior, ed. Goes; and Ager.) *Circumluvio* differs from alluvio in this, that the whole of the land in question is surrounded by water, and subject to its action. Cicero (*De Orat.* i. 38) enumerates the *jura alluvionum* and *circumluvionum* as matters included under the head of *causae centumvirales*.

The doctrine of alluvio, as stated by Bracton in the chapter *De acquirendo Rerum Dominio* (fol. 9), is taken from the Digest (41. tit. 1. s. 7), and is in several passages a copy of the words of Gaius, as cited in the Digest. [G. L.]

ALOA or HALOA (Ἀλῷα, Ἁλῶα), an Attic festival, but celebrated principally at Eleusis, in honour of Demeter and Dionysus, the inventors of the plough and protectors of the fruits of the earth. It took place every year after the harvest was over, and only fruits were offered on this occasion, partly as a grateful acknowledgment for the benefits the husbandman had received, and partly that the next harvest might be plentiful. We learn from Demosthenes (*c. Neaer.* p. 1385), that it was unlawful to offer any bloody sacrifice on the day of this festival, and that the priests alone had the privilege to offer the fruits. The festival was also called *θαλύσια* (Hesych. *s. v.*), or *συγκομιστήρια*. [L. S.]

ALO'GIOU GRAPHE' (*ἀλογίου γραφή*) an action which might be brought before the logistae (*λογισταί*) at Athens, against all persons who neglected to pass their accounts, when their term of office expired. (Suid. Hesych. Etymol. *s. v.*; Pollux, viii. 54; Meier, *Att. Process*, p. 363.)

ALTA'RE. [Ara.]

ALU'TA. [Calceus.]

ALYTAE (*ἀλύται*). [Olympia.]

AMANUENSIS, or AD MANUM SERVUS, a slave, or freedman, whose office it was to write letters and other things under his master's direction. The amanuensis must not be confounded with another sort of slaves, also called *ad manum servi*, who were always kept ready to be employed in any business. (Suet. *Caes.* 74, *Aug.* 67, *Ner.* 44, *Tit.* 3, *Vesp.* 3; Cic. *De Orat.* iii. 60, 225; Pignor. *De Servis*, 109.) [P. S.]

AMARY'NTHIA, or AMARY'SIA (Ἀμαρύνθια, or Ἀμαρύσια), a festival of Artemis Amarynthia, or Amarysia, celebrated, as it seems, originally at Amarynthus in Euboea, with extraordinary splendour; but it was also solemnized in several places in Attica, such as Athmone (Paus. i. 31. § 3); and the Athenians held a festival, as Pausanias says, in honour of the same goddess, in no way less brilliant than that in Euboea. (Hesych. *s. v.* Ἀμαρύσια.) The festival in Euboea was distinguished for its splendid processions; and Strabo himself (x. p. 448) seems to have seen, in the temple of Artemis Amarynthia, a column on which was recorded the splendour with which the Eretrians at one time celebrated this festival. The inscription stated, that the procession was formed of three thousand heavy-armed men, six hundred horsemen, and sixty chariots. (Comp. Schol. *ad Pind. Ol.* xiii. 159.) [L. S.]

AMBARVA'LIA. [Arvales Fratres.]

A'MBITUS, which literally signifies "a going about," cannot, perhaps, be more nearly expressed than by our word *canvassing*. After the plebs had formed a distinct estate at Rome, and when the whole body of the citizens had become very greatly increased, we frequently read, in the Roman writers, of the great efforts which it was necessary for candidates to make, in order to secure the votes of the citizens. At Rome, as in every community into which the element of popular election enters, solicitation of votes, and open or secret influence and bribery, were among the means by which a candidate secured his election to the offices of state. The elections recurred annually, and candidates had plenty of practice in the various modes of corruption.

Whatever may be the authority of the piece intitled "Q. Ciceronis de Petitione Consulatus ad M. Tullium Fratrem," it seems to present a pretty fair picture of those arts and means, by which a candidate might lawfully endeavour to secure the votes of the electors, and also some intimation of those means which were not lawful, and which it was the object of various enactments to repress.

A candidate was called *petitor;* and his opponent with reference to him, *competitor.* A candidate (*candidatus*) was so called from his appearing in the public places, such as the fora and Campus Martius, before his fellow-citizens, in a whitened toga. On such occasions, the candidate was attended by his friends (*deductores*), or followed by the poorer citizens (*sectatores*), who could in no other manner show their good will or give their assistance. (Cic. *pro Murena,* c. 34.) The word *assiduitas* expressed both the continual presence of the candidate at Rome, and his continual solicitations. The candidate, in going his rounds or taking his walk, was accompanied by a *nomenclator*, who gave him the names of such persons as he might meet; the candidate was thus enabled to address them by their name, an indirect compliment which could not fail to be generally gratifying to the electors. The candidate accompanied his address with a shake of the hand (*prensatio*). The term *benignitas* comprehended generally any kind of treating, as shows, feasts, &c. Candidates sometimes left Rome, and visited the coloniae and municipia, in which the citizens had the suffrage; thus Cicero proposed to visit the Cisalpine towns, when he was a candidate for the consulship. (Cic. *ad Att.* i. 1.)

That ambitus, which was the object of several penal enactments, taken as a generic term, comprehended the two species,—*ambitus* and *largitiones* (bribery). *Liberalitas* and *benignitas* are opposed by Cicero, as things allowable, to *ambitus* and *largitio*, as things illegal. (Cic. *de Orat.* ii. 25; and compare *pro Murena*, c. 36.) The word for *ambitus* in the Greek writers is *δεκασμός*. Money was paid for votes; and in order to insure secrecy and secure the elector, persons called *interpretes* were employed to make the bargain, *sequestres* to hold the money till it was to be paid (Cic. *pro Cluent.* 26), and *divisores* to distribute it. (Cic. *ad Att.* i. 16.) The offence of ambitus was a matter which belonged to the judicia publica, and the enactments against it were numerous. The earliest enactment that is mentioned simply forbade persons "to add white to their dress," with a view to an election. (B.C. 432; Liv. iv. 25.) This seems to mean using some white sign or token on the dress, to signify that a man was a candidate. The object of the law was to check *ambitio*, the name for going about to canvass, in place of which ambitus was subsequently employed. Still the practice of using a white dress on occasion of canvassing was usual, and appears to have given origin to the application of the term *candidatus* to one who was a petitor. (*Cretata ambitio*, Persius, *Sat.* v. 177; Polyb. x. 4. ed. Bekker.) A Lex Poetelia (B.C. 358; Liv. vii. 15) forbade candidates canvassing on market days, and going about to the places in the country where people were collected. The law was passed mainly to check the pretensons of novi homines, of whom the nobiles were jealous. By the Lex Cornelia Baebia (B.C. 181) those who were convicted of ambitus were incapacitated from being candidates for ten years. (Liv. xl. 19; *Schol. Bob.* p. 361.) The Lex Acilia Calpurnia (B.C. 67) was intended to suppress treating of the electors and other like matters: the penalties were fine, exclusion from the senate, and perpetual incapacity to hold office. (Dion Cass. xxxvi. 21.) The Lex Tullia was passed in the consulship of Cicero (B.C. 63) for the purpose of adding to the penalties of the Acilia Calpurnia. (Dion Cass. xxxvii. 29; Cic. *pro Murena*, c. 23.) The penalty under this lex was ten years' exile. This law forbade any person to exhibit public shows for two years before he was a candidate. It also forbade candidates hiring persons to attend them and be about their persons. In the second consulship of M. Licinius Crassus and Cn. Pompeius Magnus (B.C. 55) the Lex Licinia was passed. This lex, which is entitled De Sodalitiis, did not alter the previous laws against bribery; but it was specially directed against a particular mode of canvassing, which consisted in employing agents (*sodales*) to mark out the members of the several tribes into smaller portions, and to secure more effectually the votes by this division of labour. This distribution of the members of the tribes was called *decuriatio.* (Cic. *pro Plancio*, c. 18.) It was an obvious mode of better securing the votes; and in the main is rightly explained by Rein, but completely misunderstood by Wunder and others. Drumann (*Geschichte Roms*, vol. iv. p. 93) confounds the *decuriatio* with the *coitio* or coalition of candidates to procure votes. The mode of appointing the judices in trials under the Lex Licinia was also provided by that lex. They were called Judices Editicii, because the accuser or prosecutor nominated four tribes, and the accused was at liberty to reject one of them. The judices were taken out of the other three tribes; but the mode in which they were taken is not quite clear. The penalty under the Lex Licinia was exile, but for what period is uncertain. The Lex Pompeia (B.C. 52), passed when Pompeius was sole consul for part of that year, appears to have been rather a measure passed for the occasion of the trials then had and contemplated than any thing else. It provided for the mode of naming the judices, and shortened the proceedings. When C. Julius Caesar obtained the supreme power in Rome, he used to recommend some of the candidates to the people, who, of course, followed his recommendation. As to the consulship, he managed the appointments to that office just as he pleased. (Suet. *Caes.* c. 41.) The Lex Julia de Ambitu was passed (B.C. 18) in the time of Augustus, and it excluded from office for five years (Dion Cass. liv. 16; Suet. *Oct.* 34) those who were convicted of bribery. But as the penalty was milder than those under the former laws, we must conclude that they were repealed in whole or in part. Another Lex Julia de Ambitu was passed (B.C. 8; Dion Cass. lv. 5) apparently to amend the law of B.C. 18. Candidates were required to deposit a sum of money before canvassing, which was forfeited if they were convicted of bribery. If any violence was used by a candidate, he was liable to exile (*aquae et ignis interdictio*).

The popular forms of election were observed during the time of Augustus. Under Tiberius they ceased. Tacitus (*Annal.* i. 15) observes: — "The comitia were transferred from the campus to the patres," the senate.

While the choice of candidates was thus partly in the hands of the senate, bribery and corruption still influenced the elections, though the name of ambitus was, strictly speaking, no longer applicable. But in a short time, the appointment to public offices was entirely in the power of the emperors; and the magistrates of Rome, as well as the populus, were merely the shadow of that which had once a substantial form. A Roman jurist, of the imperial period (Modestinus), in speaking of the Julia Lex de Ambitu, observes, "This law is now obsolete in the city, because the creation of magistrates is the business of the princeps, and does not depend on the pleasure of the populus; but if any one in a municipium should offend against this law in canvassing for a sacerdotium or magistratus, he is punished, according to a senatus consultum, with infamy, and subjected to a penalty of 100 aurei." (Dig. 48. tit. 14.)

The laws that have been enumerated are probably all that were enacted, at least all of which any notice is preserved. Laws to repress bribery were made while the voting was open; and they continued to be made after the vote by ballot was introduced at the popular elections by the Lex Gabinia (B.C. 139). Rein observes that "by this change the control over the voters was scarcely any longer possible; and those who were bribed could not be distinguished from those who were not." One argument in favour of ballot in modern times has been that it would prevent bribery; and probably it would diminish the practice, though not put an end to it. But the notion of Rein that the bare fact of the vote being secret would increase the difficulty of distinguishing the bribed from the unbribed is absurd; for the bare knowledge of a man's vote is no part of the evidence of bribery. It is worth remark that there is no indication of any penalty being attached to the receiving of a bribe for a vote. The utmost that can be proved is, that the *divisores* or one of the class of persons who assisted in bribery were punished. (Cic. *pro Plancio*, c. 23, *pro Murena*, c. 23.) But this is quite consistent with the rest: the briber and his agents were punished, not the bribed. When, therefore, Rein, who refers to these two passages under the Lex Tullia, says: "Even those who received money from the candidates, or at least those who distributed it in their names, were punished," he couples two things together that are entirely of a different kind. The proposed Lex Aufidia (Cic. *ad Att.* i. 16) went so far as to declare that if a candidate promised money to a tribe and did not pay it, he should be unpunished; but if he did pay the money, he should further pay to each tribe (annually ?) 3000 sesterces as long as he lived. This absurd proposal was not carried; but it shows clearly enough that the principle was to punish the briber only.

The trials for ambitus were numerous in the time of the republic. A list of them is given by Rein. The oration of Cicero in defence of L. Murena, who was charged with ambitus, and that in defence of Cn. Plancius, who was tried under the Lex Licinia, are both extant. (Rein, *Criminalrecht der Römer*, where all the authorities are collected; Cic. *Pro Plancio*, ed. Wunder.) [G. L.]

AMBLO'SEOS GRAPHE' (ἀμβλώσεως γραφή). [Abortio.]

AMBRO'SIA (ἀμβρόσια), festivals observed in Greece, in honour of Dionysus, which seem to have derived their name from the luxuries of the table, or from the indulgence of drinking. According to Tzetzes on Hesiod (*Op. et D.* v. 504) these festivals were solemnized in the month of Lenaeon, during the vintage. (Etym. M. *s. v.* Ληναιών, p. 564. 7.; G. E. W. Schneider, *Ueber das Attische Theaterwesen*, p. 43; K. F. Hermann, *Lehrb. d. gottesdienstl. Alterth. d. Griechen*, § 58. n. 7.) [L. S.]

AMBUBAIAE, female musicians from Syria, who gained their living by performing in public, at Rome, especially in the Circus. Their name is derived from the Syrian word *abub* or *anbub*, a flute. Their moral condition was that which females of their class generally fall into. The Bayaderes of India will perhaps give the best idea of what they were. (Hor. *Sat.* i. 2. 1, with Heindorf's Note; Juvenal, iii. 62; Suet. *Ner.* 27; *Priapeia*, 26; Petron. lxxiv. 13.) [P. S.]

AMBU'RBIUM, or AMBURBIA'LE, a sacrifice which was performed at Rome for the purification of the city, in the same manner as the ambarvalia was intended for the purification of the country. The victims were carried through the whole town, and the sacrifice was usually performed when any danger was apprehended in consequence of the appearance of prodigies, or other circumstances. (Obseq. *De Prodig.* c. 43; Apul. *Metamorph.* iii. ab init. p. 49, Bipont.; Lucan. i. 593.) Scaliger supposed that the amburbium and ambarvalia were the same; but their difference is expressly asserted by Servius (*ad Virg. Ecl.* iii. 77), and Vopiscus (*amburbium celebratum, ambarvalia promissa;* Aurel. c. 20).

AMENTUM. [Hasta.]

AMICTO'RIUM, a linen covering for the breasts of women, probably the same as the strophium. [Strophium.] (Mart. xiv. 149.) In later times it seems to have been used in the same sense as Amictus. (Cod. Theod. 8. tit. 5. s. 48.) [Amictus.]

AMICTUS, AMI'CULUM. The verb *amicire* is commonly opposed to *induere*, the former being applied to the putting on of the outer garment, the chlamys, pallium, laena, or toga (ἱμάτιον, φᾶρος); the latter, to the putting on of the inner garment, the tunica (χιτών). In consequence of this distinction, the verbal nouns, *amictus* and *indutus*, even without any further denomination of the dress being added, indicate respectively the outer and the inner clothing. (See Tibull. i. 9. 13.; Corn. Nep. *Cimon*, 4, *Dat.* 3. § 2; Virg. *Aen.* iii. 545, v. 421, compared with Apoll. Rhod. ii. 30.) Sometimes, however, though rarely, *amicire* and *induere* are each used in a more general way, so as to refer to any kind of clothing.

In Greek *amicire* is expressed by ἐφέννυσθαι, ἀμφιέννυσθαι, ἀμπέχεσθαι, ἐπιβάλλεσθαι, περιβάλλεσθαι: and *induere* by ἐνδύνειν. Hence came ἐφεστρίς, ἀμπεχόνη, ἐπίβλημα and ἐπιβόλαιον, περίβλημα and περιβόλαιον, an outer garment, and ἔνδυμα, an inner garment, a tunic, a shirt. [J.Y.]

AMMA (ἅμμα), a Greek measure of length, equal to forty πήχεις (cubits), or sixty πόδες (feet). It was used in measuring land. (Hero, *De Mensuris*.) [P.S.]

AMNE'STIA (ἀμνηστία), is a word used by the later Greek writers, and from them borrowed by the Romans, to describe the act or arrangement by which offences were *forgotten*, or regarded as if they had not been committed, so that the offender could not be called to account for them. The word is chiefly used with reference to the offences committed, or alleged to have been committed, against the laws, during those conflicts of opposing factions which so often occurred in the Greek republics, and in which the victorious party usually took a sanguinary vengeance upon its opponents. So rare, indeed, were the exceptions to this course of vengeance, that there is only one case of amnesty in Greek history, which requires any particular notice. This was the amnesty which terminated the struggle between the democratical and oligarchical parties at Athens, and completed the revolution by which the power of the Thirty Tyrants was overthrown, B. C. 403. It was arranged by the mediation of the Spartan king Pausanias, and extended to all the citizens who had committed illegal acts during the recent troubles, with the exception of the Thirty and the Eleven, and the Ten who had ruled in Peiraeus; and even they were only to be excepted in case of their refusal to give an account of their government; their children were included in the amnesty, and were permitted to reside at Athens. An addition was made to the oath of the senators, binding them not to receive any *endeiris* or *apagoge* on account of anything done before the amnesty, the strict observance of which was also imposed by an oath upon the dicastae. (Xen. *Hellen.* ii. 4. §§ 38—43; Andoc. *de Myst.* p. 44; Dem. in *Boeot.* p. 1018; Nepos, *Thrasybul.* 3, who makes a confusion between the Ten Tyrants of Peiraeus and the Ten who succeeded the Thirty in the city; Taylor, *Lysiae Vita;* Wachsmuth, *Hellen. Alterth.* vol. i. pp. 646, 647, new edition; Hermann, *Polit. Antiq. of Greece*, § 169.)

The form of the word is incorrectly given in some modern works as ἀμνηστεία. But even the genuine form only belongs to later Greek; being used only by Plutarch (*Cic.* 42, *Anton.* 14), Herodian (iii. 4. § 17, v. 4. § 18, viii. 12. § 6), Philo, and still later writers. The better writers used ἄδεια, and the verbal form is οὐ μνησικακεῖν. Respecting the supposed allusion to the word by Cicero, see Facciolati, *s. v.* [P. S.]

AMPHIARAIA (ἀμφιαράϊα), games celebrated in honour of the ancient hero Amphiaraus, in the neighbourhood of Oropus, where he had a temple with a celebrated oracle. (*Schol. ad Pind. Ol.* vii. 154; the rites observed in his temple are described by Pausanias (i. 34. § 3.; K. F. Hermann, *Lehrb. d. gottesdienstl. Alterth. d. Griechen*, § 63. n. 1.) [L. S.]

AMPHI'CTYONES (Ἀμφικτύονες), members of an *Amphictyonia* (Ἀμφικτυονία or Ἀμφικτιονία). Institutions called Amphictyonic appear to have existed in Greece from time immemorial. Of their nature and object history gives us only a general idea; but we may safely believe them to have been associations of originally neighbouring tribes, formed for the regulation of mutual intercourse, and the protection of a common temple or sanctuary, at which the representatives of the different members met, to transact business and celebrate religious rites and games. This identity of religion, coupled with near neighbourhood, and that too in ages of remote antiquity, implies in all probability a certain degree of affinity, which might of itself produce unions and confederacies amongst tribes so situated, regarding each other as members of the same great family. They would thus preserve among themselves, and transmit to their children, a spirit of nationality and brotherhood; nor could any better means be devised than the bond of a common religious worship, to counteract the hostile interests which, sooner or later, spring up in all large societies. The causes and motives from which we might expect such institutions to arise, existed in every neighbourhood; and accordingly we find many *Amphictyoniae* of various degrees of importance, though our information respecting them is very deficient.

Thus we learn from Strabo, that there was one of some celebrity whose place of meeting was a sanctuary of Poseidon (Müller, *Dorians*, ii. 10. § 5; Strab. viii. p. 374) at Calauria, an ancient settlement of the Ionians in the Saronic Gulf. The original members were Epidaurus, Hermione, Nauplia, Prasiae in Laconia, Aegina, Athens, and the Boeotian Orchomenus (Thirlwall, *Hist. of Greece*, vol. i. p. 375); whose remoteness from each other makes it difficult to conceive what could have been the motives for forming the confederation, more especially as religious causes seem precluded by the fact, that Troezen, though so near to Calauria, and though Poseidon was its tutelary god, was not a member. In after times, Argos and Sparta took the place of Nauplia and Prasiae, and religious ceremonies were the sole object of the meetings of the association. There also seems to have been another in Argolis (Strab. *l. c.*; Pausan. iv. 5) distinct from that of Calauria, the place of congress being the Ἡραῖον, or temple of Hera. Delos, too, was the centre of an Amphictyony — the religious metropolis, or Ἱστίη νήσων of the neighbouring Cyclades, where deputies and embassies (θεωροί) met to celebrate religious solemnities, in honour of the Dorian Apollo, and apparently without any reference to political objects. (Müller, ii. 3. § 7; Callim. *Hymn.* 325.)

The system indeed was by no means confined to the mother country; for the federal unions of the Dorians, Ionians, and Aeolians, living on the west coast of Asia Minor, seem to have been Amphictyonic in spirit, although modified by exigencies of situation. Their main essence consisted in keeping periodical festivals in honour of the acknowledged gods of their respective nations. Thus the Dorians held a federal festival, and celebrated religious games at Triopium, uniting with the worship of their national god Apollo that of the more ancient and Pelasgic Demeter. The Ionians met for similar purposes in honour of the Heliconian Poseidon * at Mycale,—their place of assembly being called the Panionium, and their festival Panionia. The twelve towns of the Aeolians assembled at Grynea, in honour of Apollo. (Herod. i. 144, 148,

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* Poseidon was the god of the Ionians, as Apollo of the Dorians. Müller, *Dor.* ii. 10. §. 5.

149; Dionys. iv. 25.) That these confederacies were not merely for offensive and defensive purposes, may be inferred from their existence after the subjugation of these colonies by Croesus; and we know that Halicarnassus was excluded from the Dorian union, merely because one of its citizens had not made the usual offering to Apollo of the prize he had won in the Triopic contests. A confederation somewhat similar, but more political than religious, existed in Lycia (Strab. xiv. p. 664): it was called the "Lycian system," and was composed of twenty-three cities.

But besides these and others, there was one Amphictyony of greater celebrity than the rest, and much more lasting in its duration. This was by way of eminence called the Amphictyonic league; and differed from the other associations in having two places of meeting, the sanctuaries of two divinities. These were the temple of Demeter, in the village of Anthela, near Thermopylae (Herod. vii. 200), where the deputies or representatives met in autumn; and that of Apollo at Delphi, where they assembled in spring. The connection of this Amphictyony with the latter not only contributed to its dignity, but also to its permanence. With respect to its early history, Strabo (ix. p. 420) says, that even in his days it was impossible to learn its origin. We know, however, that it was originally composed of twelve *tribes* (not cities or states, it must be observed), each of which tribes contained various independent cities or states. We learn from Aeschines (*De F. L.* § 122, ed. Bekker), a most competent authority (B. C. 343), that eleven of these tribes were as follows:—The Thessalians, Boeotians (not Thebans only), Dorians, Ionians, Perrhaebians, Magnetes, Locrians, Oetaeans or Ainianes, Phthiots or Achaeans of Phthia, Malians, or Melians, and Phocians; other lists (Paus. x. 8. § 2) leave us in doubt whether the remaining tribe were the Dolopes or Delphians; but as the Delphians could hardly be called a distinct tribe, their nobles appearing to have been Dorians, it seems probable that the Dolopes were originally members, and afterwards supplanted by the Delphians. (Titmann, pp. 39, 43.) The preponderance of the Thessalian and northern nations of Greece proves the antiquity of the institution, no less than eight of the twelve tribes being of the Pelasgic race: and the fact of the Dorians standing on an equality with such tribes as the Malians, shows that it must have existed before the Dorian conquest of the Peloponnesus which originated several *states* more powerful, and therefore more likely to have sent their respective deputies, than the tribes mentioned. The Thessalians indeed in all probability joined the league about twenty years before that event, when they settled in Thessaly, after quitting Thesprotia in Epeirus, and the date of the origin of the league itself has been fixed (Clinton, *F. H.* vol. i. p. 66) between the 60th and 80th years from the fall of Troy. That it existed moreover before the Ionian migration, may be inferred from the Ionians of Asia having a vote, acquired without doubt when in the country, and from the statement of Tacitus (*Annal.* iv. 14): "Samii decreto Amphictyonum nitebantur, quis præcipuum fuit rerum omnium judicium, qua tempestate Græci, conditis per Asiam urbibus, ora maris potiebantur."

We learn from Aeschines (*l. c.*), that each of the twelve Amphictyonic tribes had two votes in congress, and that deputies from such towns as (Dorium and)[*] Cytinium had equal power with the Lacedaemonians, and that Eretria and Priene, Ionian colonies, were on a par with Athens (ἰσόψηφοι τοῖς Ἀθηναίοις). It seems therefore to follow, either that each Amphictyonic tribe had a cycle (Strab. ix. p. 420; Pausan. x. 8. § 2), according to which its component states returned deputies, or that the vote of the tribe was determined by a majority of votes of the different states of that tribe. The latter supposition might explain the fact of there being a larger and smaller assembly—a βουλὴ and ἐκκλησία—at some of the congresses, and it is confirmed by the circumstance that there was an annual election of deputies at Athens, unless this city usurped functions not properly its own.

The council itself was called *Pylaea* (Πυλαία) from its meeting in the neighbourhood of Pylae (Thermopylae), but the same name was given to the session at Delphi as well as to that at Thermopylae. It was composed of two classes of representatives, one called *Pylagorae* (Πυλαγόραι), the other *Hieromnemones* (Ἱερομνήμονες). Of the former, three were annually elected at Athens to act with one Hieromnemon appointed by lot. (Aristoph. *Nubes*, v. 607.) That his office was highly honourable we may infer from the oath of the Heliasts (Dem. *c. Timocr.* § 170, ed. Bekker), in which he is mentioned with the nine archons. On one occasion we find that the president of the council was a Hieromnemon, and that he was chosen general of the Amphictyonic forces, to act against the Amphissians. (Titmann, p. 87.) Hence it has been conjectured that the Hieromnemones, also called ἱερογραμματεῖς, were superior in rank to the pylagorae. (Titmann, pp. 84, 86.) Aeschines also contrasts the two in such a way as to warrant the inference that the former office was the more permanent of the two. Thus he says (*c. Ctes.* § 115, ed. Bekker), "When Diognetus was Hieromnemon, ye chose me and two others Pylagorae." He then contrasts "the Hieromnemon of the Athenians with the Pylagorae for the time being." There is even good reason for supposing that the Hieromnemon was elected for life (Clinton, *F. H.* vol. iii. p. 621; Titmann, *l. c.*), although some writers are of a different opinion. (Schömann, *de Comit.* p. 392.) Again, we find inscriptions (Böckh, *Inscr.* 1171), containing surveys by the Hieromnemones, as if they formed an executive; and that the council concluded their proceedings on one occasion (Aesch. *c. Ctes.* § 124), by resolving that there should be an extraordinary meeting previously to the next regular assembly, to which the Hieromnemones should come with a decree to suit the emergency, just as if they had been a standing committee. Their name implies a more immediate connection with the temple; but whether they voted or not upon matters in general is doubtful: from the two Amphictyonic decrees quoted below, we might infer that they did not, while the inscriptions (1688 and 1699), quoted by Schömann (p. 392), and the statement of Demosthenes (*pro Coron.* § 277, ed. Bekker), lead to a contrary conclusion. The narrative of Aeschines (*c. Ctes.* § 121) implies that they were more peculiarly the representatives of their constituent states. Probably the respective functions of the two classes of representatives were not strictly defined, and varied at different times, if indeed they are always correctly distinguished by the authors who allude to them. The ἐκκλησία, or general assembly, included not only the classes mentioned, but also those who had joined in the sacrifices and were consulting the god, and as there was a large multitude annually collected at the Amphictyonic session at Thermopylae, it was probably numerously attended. (Hesychius, *ad Soph. Trach.* v. 639.) It was convened on extraordinary occasions by the chairman of the council (Ὁ τὰς γνώμας ἐπιψηφίζων, Aesch. *l. c.*).

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[*] There is a doubt about the reading.—See Thuc. iii. 95; Titmann, p. 52.

Of the duties of this latter body nothing will give us a clearer view than the oaths taken and the decrees made by it. The oath was as follows (Aesch. *De F. L.* § 121): "They would destroy no city of the Amphictyons, nor cut off their streams in war or peace; and if any should do so, they would march against him and destroy his cities; and should any pillage the property of the god, or be privy to or plan any thing against what was in his temple at Delphi, they would take vengeance on him with hand and foot, and voice, and all their might." There are two decrees given by Demosthenes, both commencing thus (Dem. *de Cor.* § 197): — "When Cleinagoras was priest (ἱερέως), at the spring meeting, it was resolved by the pylagorae and the assessors of the Amphictyons, and the general body of them," &c. The resolution in the second case was, that as the Amphissians continued to cultivate "*the sacred district*," Philip of Macedon should be requested to help Apollo and the Amphictyons, and that he was thereby constituted absolute general of the Amphictyons. He accepted the office, and soon reduced the offending city to subjection. From the oath and the decrees, we see that the main duty of the deputies was the preservation of the rights and dignity of the temple at Delphi. We know, too, that after it was burnt down (B. C. 548), they contracted with the Alcmaeonidae for the rebuilding (Herod. ii. 180, v. 62); and Athenaeus (B. C. 160) informs us (iv. p. 173, b) that in other matters connected with the worship of the Delphian god they condescended to the regulation of the minutest trifles. History, moreover, teaches that if the council produced any palpable effects, it was from their interest in Delphi; and though it kept up a standing record of what ought to have been the international law of Greece, it sometimes acquiesced in, and at other times was a party to, the most iniquitous and cruel acts. Of this the case of Crissa is an instance. This town lay on the Gulf of Corinth, near Delphi, and was much frequented by pilgrims from the West. The Crissaeans were charged by the Delphians with undue exactions from these strangers, and with other crimes. The council declared war against them, as guilty of a wrong against the god. The war lasted ten years, till, at the suggestion of Solon, the waters of the Pleistus were turned off, then poisoned, and turned again into the city. The besieged drank their fill, and Crissa was soon rased to the ground; and thus, if it were an Amphictyonic city, was a solemn oath doubly violated. Its territory—the rich Crissaean or Cirrhaean plain—was consecrated to the god, and curses imprecated upon any one who should till or dwell in it. Thus ended the First Sacred War (B. C. 586), in which the Athenians and Amphictyons were the instruments of Delphian vengeance. (Paus. x. 37. § 4; Clinton, *F. H.* vol. ii. p. 196; Aeschin. *c. Ctes.* § 109.) The Second, or Phocian War (B. C. 356), was the most important in which the Amphictyons were concerned (Thirlwall, *Hist. of Greece*, vol. v. p. 263—372); and in this the Thebans availed themselves of the sanction of the council to take vengeance on their enemies, the Phocians. To do this, however, it was necessary to call in Philip of Macedon, who readily proclaimed himself the champion of Apollo, as it opened a pathway to his own ambition. The Phocians were subdued (B. C. 346), and the council decreed that all their cities, except Abae, should be rased, and the inhabitants dispersed in villages not containing more than fifty inhabitants. Their two votes were given to Philip, who thereby gained a pretext for interfering with the affairs of Greece; and also obtained the recognition of his subjects as Hellenes. To the causes of the Third Sacred War allusion has been made in the decrees quoted by Demosthenes. The Amphissians tilled the devoted Cirrhaean plain, and behaved, as Strabo (ix. p. 419) says, worse than the Crissaeans of old (χείρους ἦσαν περὶ τοὺς ξένους). Their submission to Philip was immediately followed by the battle of Chaeroneia (B. C. 338), and the extinction of the independence of Greece. In the following year, a congress of the Amphictyonic states was held; in which war was declared as if by united Greece against Persia, and Philip elected commander-in-chief. On this occasion the Amphictyons assumed the character of national representatives as of old, when they set a price upon the head of Ephialtes, for his treason to Greece at Thermopylae, and erected monuments in honour of the Greeks who fell there. Herodotus indeed (vii. 214, 228), speaking of them in reference to Ephialtes, calls them οἱ τῶν Ἑλλήνων Πυλαγόροι.

We have sufficiently shown that the Amphictyons themselves did not observe the oaths they took; and that they did not much alleviate the horrors of war, or enforce what they had sworn to do, is proved by many instances. Thus, for instance, Mycenae was destroyed by Argos (B. C. 468), Thespiae and Plataeae by Thebes, and Thebes herself swept from the face of the earth by Alexander (ἐκ μέσης τῆς Ἑλλάδος ἀνηρπάσθη, Aeschin. *c. Ctes.* § 133). Indeed, we may infer from Thucydides (i. 112), that a few years before the Peloponnesian war, the council was a passive spectator of what he calls ὁ ἱερὸς πόλεμος, when the Lacedaemonians made an expedition to Delphi, and put the temple into the hands of the Delphians, the Athenians, after their departure, restoring it to the Phocians; and yet the council is not mentioned as interfering. It will not be profitable to pursue its history further; it need only be remarked, that Augustus wished his new city, Nicopolis (A. D. 31), to be enrolled among its members; and that Pausanias, in the second century of our era, mentions it as still existing, but deprived of all power and influence. In fact, even Demosthenes (*De Pace*, p. 63), spoke of it as the shadow at Delphi (ἡ ἐν Δελφοῖς σκιά). In the time of Pausanias, the number of Amphictyonic deputies was thirty.

There are two points of some interest, which still remain to be considered; and first, the etymology of the word Amphictyon. We are told (Harpocrat. *s. v.*) that Theopompus thought it derived from the name of Amphictyon, a prince of Thessaly, and the supposed author of the institution. Others, as Anaximenes of Lampsacus, connected it with the word ἀμφικτίονες, or neighbours. Very few, if any, modern scholars doubt that the latter view is correct; and that Amphictyon, with Hellen, Dorus, Ion, Xuthus, Thessalus, Larissa the daughter of Pelasgus, and others, are not historical, but mythic personages — the representatives, or poetic personifications, of their alleged foundations, or offspring. As for Amphictyon (Thirlwall, *Hist. of Greece*, vol. i. p. 373), it is too marvellous a coincidence that his name should be significant of the institution itself; and, as he was the son of Deucalion and Pyrrha, it is difficult to guess of whom his council consisted. (*Philol. Museum*, vol. ii. p. 359.) Besides, though Herodotus (i. 56) and Thucydides (i. 3) had the opportunity, they yet make no mention of him. We may conclude therefore, that the word should be written amphictiony*, from ἀμφικτίονες, or those that dwelt around some particular locality.

The next question is one of greater difficulty; it is this: — Where did the association originate? — were its meetings first held at Delphi, or at Thermopylae? There seems a greater amount of evidence in favour of the latter. In proof of this, we may state the preponderance of Thessalian tribes from the neighbourhood of the Maliac bay, and the comparative insignificance of many of them; the assigned birthplace and residence of the mythic Amphictyon, the names Pylagorae and Pylaea. Besides, we know that Thessaly was the theatre and origin of many of the most important events of early Greek history: whereas, it was only in later times, and after the Dorian conquest of Peloponnesus, that Delphi became important enough for the meetings of such a body as the Amphictyonic; nor if Delphi had been of old the only place of meeting, is it easy to account for what must have been a loss of its ancient dignity. But whatever was the cause, we have still the fact, that there were two places of congress; to account for which, it has been supposed that there were originally two confederations, afterwards united by the growing power of Delphi, as connected with the Dorians, but still retaining the old places of meeting. We must, however, admit that it is a matter of mere conjecture whether this were the case or not, there being strong reasons in support of the opinion that the Dorians, on migrating southwards, combined the worship of the Hellenic Apollo with that of the Pelasgian Demeter, as celebrated by the Amphictyons of Thessaly. Equally doubtful is the question respecting the influence of Acrisius, king of Argos (Schol. *ad Eurip. Orest.* 1094; Callim. *Epig.* xli.; Strab. ix. p. 420); and how far it is true that he first brought the confederacy into order, and determined other points connected with the institution. We may however remark that his alleged connection with it, is significant of a Pelasgic element in its conformation. (Thirlwall, *Hist. of Greece*, cc. x. xliii.; Heeren, *Polit. Hist. of Greece*, c. 7; St. Croix, *Des Anciens Gouvernemens Féderatifs;* Tittmann, *Ueber den Bund der Amphictyonen;* Müller, *Dorians*, book ii. 3. §. 5; *Phil. Mus.* vol. i. p. 324; Hermann, *Manual of the Polit. Antiq. of Greece*, § 11—14; Wachsmuth, *Hellenische Alterthumskunde;* Niebuhr, *Hist. of Rome*, vol. i. p. 31. transl.) [R. W.]

AMPHIDRO'MIA (ἀμφιδρόμια), a family festival of the Athenians at which the newly born child was introduced into the family, and received its name. No particular day was fixed for this solemnity; but it did not take place very soon after the birth of the child, for it was believed that most children died before the seventh day, and the solemnity was therefore generally deferred till after that period, that there might be at least some probability of the child remaining alive. According to Suidas, the festival was held on the fifth day, when the women who had lent their assistance at the birth washed their hands, but this purification preceded the real solemnity. The friends and relations of the parents were invited to the festival of the amphidromia, which was held in the evening, and they generally appeared with presents, among which are mentioned the cuttle-fish and the marine polyp. (Hesych. and Harpocr. *s. v.*) The house was decorated on the outside with olive branches when the child was a boy, or with garlands of wool when the child was a girl; and a repast was prepared, at which, if we may judge from a fragment of Ephippus in Athenaeus (ix. p. 370; comp. ii. p. 65), the guests must have been rather merry. The child was then carried round the fire by the nurse, and thus, as it were, presented to the gods of the house and to the family, and at the same time received its name, to which the guests were witnesses. (Isaeus, *De Pyrrhi Haered.* p. 34. s. 30. Bekker.) The carrying of the child round the hearth was the principal part of the solemnity, from which its name was derived. But the Scholiast on Aristophanes (*Lysistr.* 758) derives its name from the fact that the guests, whilst the name was given to the child, walked or danced around it. This festival is sometimes called from the day on which it took place: if on the seventh day, it is called ἕβδομαι or ἕβδομας: if on the tenth day, δεκάτη, &c. (Hesych. and Aristoph. *Av.* 923; K. F. Hermann, *Lehrb. d. gottesdienstlichen alterthümer d. Griechen*, § 48. n. 6.) [L. S.]

AMPHIMALLUM. [Tapes.]

AMPHIO'RCIA or AMPHOMO'SIA (ἀμφιορκία or ἀμφωμοσία), the oath which was taken, both by the plaintiff and defendant, before the trial of a cause in the Athenian courts, that they would speak the truth. (Hesych. Suid.) According to Pollux (viii. 10), the *amphiorcia* also included the oath which the judges took, that they would decide according to the laws; or, in case there was no express law on the subject in dispute, that they would decide according to the principles of justice.

AMPHIPROSTYLOS. [Templum].

AMPHISBETE'SIS (ἀμφισβήτησις.) [Heres.]

AMPHITAPAE. [Tapes].

AMPHITHALAMUS. [Domus]

AMPHITHEA'TRUM (ἀμφιθέατρον) was a description of building arranged for the exhibition of combats of gladiators, and wild beasts, and ships, which constituted the *ludi amphitheatrales.* [Gladiatores; Venatio; Naumachia.]

I. *Its History.* — Such exhibitions — which were peculiar to the Romans, and which were unknown to the Greeks till the Romans introduced them — originally took place in the Forum and the Circus, the shows of gladiators being given in the former, and those of wild beasts in the latter; indeed the amphitheatre itself is sometimes called *circus*. The shape of the circus, however, was much better fitted for the chariot races, for which it was at first designed, than for the gladiatorial combats, and the more wholesale slaughter of animals, which, in process of time, came to be the favourite amusements of the Romans. For these purposes, the circus was too long and too narrow, and the spina was a great impediment, so that a new form of building was required, which should accommodate a multitude of spectators in such a manner as that all might have a good view of the space occupied by the combatants, which space too required to be of quite a different shape from the circus, as the combatants were to be kept as much as possible in the same place. The idea of such a building was suggested, as the name (from ἀμφί, *on both sides*, θέατρον, *a theatre*) seems to imply, by the existing theatre: indeed, the first amphitheatre of which we have any account — that of C. Scribonius Curio — was, literally, a *double theatre* *, being composed of two theatres, placed on pivots, so that they could be turned round, spectators and all, and placed either back to back, forming two separate theatres for dramatic exhibitions, or face to face, forming an amphitheatre, for the shows of gladiators and wild beasts. This edifice, which was erected by Curio (the celebrated partisan of Caesar), for the celebration of his father's funeral games, is described and somewhat vehemently commented upon by Pliny. (*H. N.* xxxvi. 15. s. 24. § 8.) The next amphitheatre, and apparently the first to which the name was applied, was built by Julius Caesar himself, during his perpetual dictatorship, in B. C. 46 (Dion Cass. xliii. 22, who thus describes the building: *Θέατρον τι κυνηγετικὸν, ὃ καὶ ἀμφιθέατρον ἐκ τοῦ πέριξ πανταχόθεν ἕδρας ἄνευ σκηνῆς ἔχειν προσεῤῥέθη*). This, however, was still only of wood, a material which was frequently used for theatres, and which was, therefore, naturally adopted for amphitheatres, but which sometimes proved inadequate to support the weight of the immense body of spectators, and thus occasioned serious accidents. For example, we are told that a wooden amphitheatre, which was built at Fidenae in the reign of Tiberius by Atilius, a freedman, gave way, in consequence of the imperfections in the foundation and in the joints of the timbers, and buried either 20,000 or 50,000 spectators in its ruins. (Suet. *Tiber.* 40; Tac. *Ann.* iv. 63.) These wooden buildings were, of course, also exposed to great danger from fire; thus a wooden amphitheatre at Placentia was burned in the civil war between Otho and Vitellius. (Tac. *Hist.* ii. 20.)

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* Thus Pindar (*Nem.* vi. 42), Ἐν ἀμφικτιόνων ταυροφόνῳ τριετηρίδι: see Böckh ad locum.

It was not, however, till the fourth consulship of Augustus, B. C. 30, that a more durable amphitheatre, of stone, was erected by Statilius Taurus, in the Campus Martius. (Dion Cass. li. 23; Suet. *Octav.* 29; Tac. *Ann.* iii. 72; Strab. vi. p. 236.) But, since this building was destroyed by fire, it must be supposed that only the shell was of stone, and the seats and staircases of wood. This edifice was the only one of the kind until the building of the Flavian amphitheatre. It did not satisfy Caligula, who commenced an amphitheatre near the Septa; but the work was not continued by Claudius. (Dion Cass. lix. 10; Suet. *Cal.* 18, 21.) Nero too, in his second consulship, A. D. 57, erected a vast amphitheatre of wood, but this was only a temporary building. (Suet. *Ner.* 12; Tac. *Ann.* xiii. 31.) The amphitheatre of Taurus was destroyed in the burning of Rome, A. D. 64 (Dion Cass. lxii. 18), and was probably never restored, as it is not again mentioned. It is still a question with the topographers whether any traces of it are now visible. (Comp. Becker, *Handb. d. Röm. Alter.* vol. i. pp. 642, 643, and Urlichs, *Beschreiburg Roms.* pp. 53, 54.†)

The erection of an amphitheatre in the midst of Rome, proportioned to the magnitude of the city, was among the designs of Augustus, who delighted in the spectacles of the venatio, and especially in the uncommon species and immense number of the animals exhibited in them; so that, as he himself informs us, in one of his *venationes* there were no less than 3500 animals slaughtered. (Suet. *Vesp.* 9; Aur. Vict. *Epit.* 1; *Monum. Ancyr.*) It was not, however, till the reigns of Vespasian and Titus, that the design of Augustus was carried into effect by the erection of the *Amphitheatrum Flavium*, or, as it has been called since the time of Bede, the *Colosseum* or *Colisaeum*, a name said to be derived from the Colossus of Nero, which stood close by.

This wonderful building, which for magnitude can only be compared to the pyramids of Egypt, and which is perhaps the most striking monument at once of the material greatness and the moral degradation of Rome under the empire, was commenced by Vespasian, but at what precise time is uncertain; for the genuineness of the medal, which is quoted by Lipsius, as placing its commencement in his eighth consulship, A. D. 77, is more than doubtful. (Rasche, *Lex. Univ. Rei Num.* vol. v. pt. 2. p. 1017; Eckhel, *Doctr. Num. Vet.* vol. vi. p. 340.) It was completed by Titus, who dedicated it in A. D. 80, when 5000 animals of different kinds were slaughtered. (Suet. *Tit.* 7; Dion Cass. lxvi. 25.) From the somewhat obscure account of an old writer (*Catal. Imp. Vienn.* p. 243, Ronc.), we learn that Vespasian carried the building so far as to dedicate the first three ranges of seats, that Titus added two ranges more, and that Domitian completed the building *usque ad clypea*. Without professing to be able to explain these statements fully, we may observe that it is extremely probable, as will be seen more clearly from the description of the building, that Titus would dedicate the amphitheatre as soon as it was fit for use, without waiting for the final completion of the upper and less essential parts.

There is an ecclesiastical tradition, but not entitled to much credit, that the architect of the *Colisaeum* was a Christian, and afterwards a martyr, named Gaudentius, and that thousands of the captive Jews were employed in its erection.

The Flavian amphitheatre, from its enormous size, rendered the subsequent erection of any other such building in Rome perfectly unnecessary. It became the spot where prince and people met together to witness those sanguinary exhibitions, the degrading effects of which on the Roman character can hardly be over-estimated. It was thoroughly repaired by Antoninus Pius. (Capit. *Ant. Pi.* 8.) In the reign of Macrinus, on the day of the Vulcanalia, it was struck by lightning, by which the upper rows of benches were consumed, and so much damage was done to other parts of the structure, that the games were for some years celebrated in the Stadium. (Dion Cass. lxxviii. 25.) Its restoration was commenced by Elagabalus and completed by Alexander Severus. (Lamprid. *Heliog.* 17; *Alex. Sev.* 24.) It was again struck by lightning in the reign of Decius (Hieron. p. 475), but was soon restored, and the games continued to be celebrated in it down to the sixth century. The latest recorded exhibition of wild beasts was in the reign of Theodoric. Since that time it has been used sometimes in war as a fortress, and in peace as a quarry, whole palaces, such as the Cancellaria and the Palazzo Farnese, having been built out of its spoils. At length the popes made efforts to preserve it: Sixtus V. attempted to use it as a woollen factory, and to convert the arcades into shops; Clement XI. enclosed the lower arcades, and, in 1750, Benedict XIV. consecrated it to Christians who had been martyred in it. The best accounts of the building are contained in the following works: Lipsius *de Amphitheatro;* Nibby, *dell' Anfiteatro Flavio*, a supplement to Nardini, vol. i. p. 233, in which we have the most complete historical account; Fea, *Notizie degli scavi nell' Anfiteatro Flavio;* Bunsen, *Beschreibung d. Stadt Rom.* vol. iii. p. 319, &c.; Cressy and Taylor, *The Architectural Antiquities of Rome;* Maffei, *Verona Illustrata;* Stieglitz, *Archäol. d. Baukunst;* Hirt, *Geschichte d. Baukunst bei den Alten.*

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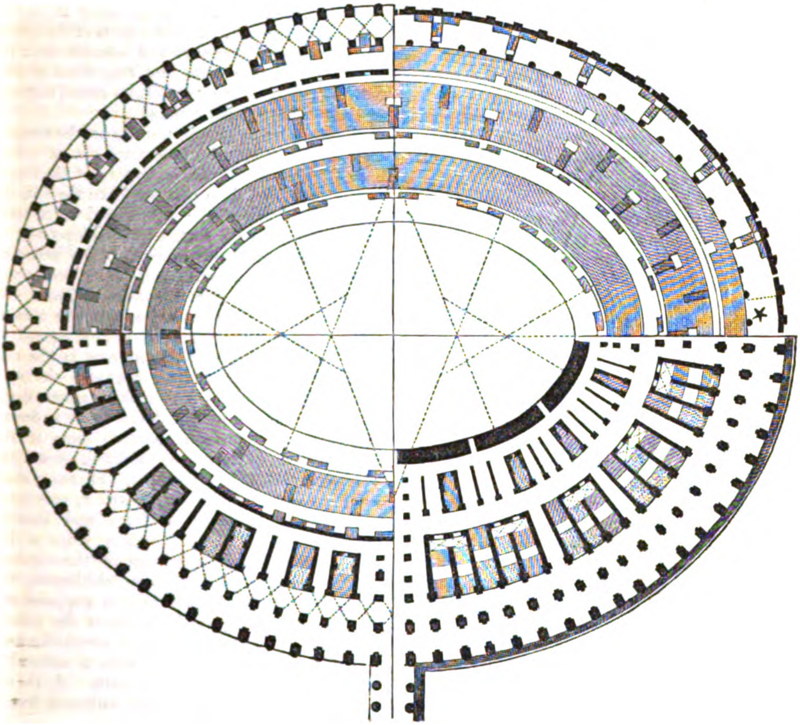
* As a mere matter of etymology, the word θέατρον (a place for *beholding*), would more strictly apply to the *amphitheatre*, which was intended exclusively for spectacle, while the *theatre*, which was for recitations accompanied by music, might be at least as fitly described by the word ᾠδεῖον.

† In the lower eastern angle of the walls of Aurelian, near the church of S. Croce, are the remains of an amphitheatre, of brick, called in the *Notitia*, the *Amphitheatrum Castrense*. Its date is very uncertain. (See further Becker, *Handb. d. Röm. Alter.* vol. i. pp. 549, &c.)

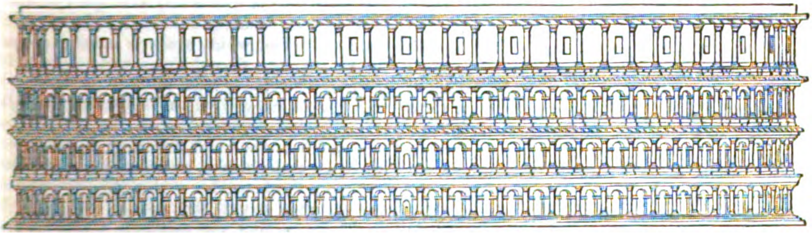
II. *Description of the Flavian Amphitheatre.* — Notwithstanding the damages of time, war, and spoliation, the Flavian amphitheatre still remains complete enough to give us a fair idea, excepting in some minor details, of the structure and arrangements of this description of building. The notices of the ancient authors are extremely scanty; and Vitruvius of course fails us here altogether; indeed, this description of building was so completely new in his time, that only once does the bare word *amphitheatrum* occur in his book (i. 7). We derive important aid from the remains of amphitheatres in the provinces of the ancient Roman empire. We shall first describe the Colisaeum, and then mention the chief points of difference between it and these other amphitheatres.

The very site of the Flavian amphitheatre, as of most others, furnishes an example of the prodigal contempt of labour and expense which the Roman emperors displayed in their great works of architecture. The Greeks, in choosing the sites of their theatres, almost always availed themselves of some natural hollow on the side of a hill; but the Roman amphitheatres, with few exceptions, stand upon a plain. The site of the Colisaeum was in the middle of the city, in the valley between the Caelius, the Esquiline, and the Velia, on the marshy ground which was previously the pond of Nero's palace, *stagnum Neronis* (Suet. *Vesp.* 9; Martial. *de Spect.* ii. 5). No mere measures can give an adequate conception of this vast structure, the dimensions and arrangements of which were such as to furnish seats for 87,000 spectators, round an arena large enough to afford space for the combats of several hundred animals at once, for the evolutions of mimic sea-fights, and for the exhibition of artificial forests; with passages and staircases to give ingress and egress, without confusion, to the immense mass of spectators, and others for the attendants on the arena; dens for the thousands of victims devoted to destruction; channels for the rapid influx and outlet of water when the arena was used for a *naumachia;* and the means for the removal of the carcasses, and the other abominations of the arena. Admirable pictures of the magnitude and magnificence of the amphitheatre and its spectacles are drawn in the *Essays* of Montaigne (iii. 6.), and in the latter part of Gibbon's twelfth chapter. As a general description of the building the following passage of Gibbon is perfect: — "It was a building of an elliptic figure, founded on fourscore arches, and rising, with four successive orders of architecture, to the height of 140 [157] feet. The outside of the edifice was incrusted with marble, and decorated with statues. The slopes of the vast concave, which formed the inside, were filled and surrounded with sixty or eighty rows of seats, of marble likewise, covered with cushions, and capable of receiving with ease about 80,000 spectators. Sixty-four *vomitories* (for by that name the doors were very aptly distinguished), poured forth the immense multitude; and the entrances, passages, and staircases, were contrived with such exquisite skill, that each person, whether of the senatorial, the equestrian, or the plebeian order, arrived at his destined place without trouble or confusion. Nothing was omitted, which, in any respect, could be subservient to the convenience and pleasure of the spectators. They were protected from the sun and rain by an ample canopy, occasionally drawn over their heads. The air was continually refreshed by the playing of fountains, and profusely impregnated by the grateful scent of aromatics. In the centre of the edifice, the *arena*, or stage, was strewed with the finest sand, and successively assumed the most different forms. At one moment it seemed to rise out of the earth, like the garden of the Hesperides, and was afterwards broken into the rocks and caverns of Thrace. The subterraneous pipes conveyed an inexhaustible supply of water; and what had just before appeared a level plain, might be suddenly converted into a wide lake, covered with armed vessels, and replenished with the monsters of the deep. In the decoration of these scenes, the Roman emperors displayed their wealth and liberality; and we read on various occasions that the whole furniture of the amphitheatre consisted either of silver, or of gold, or of amber. The poet who describes the games of Carinus, in the character of a shepherd, attracted to the capital by the fame of their magnificence, affirms that the nets designed as a defence against the wild beasts were of gold wire; that the porticoes were gilded; and that the *belt* or circle which divided the several ranks of spectators from each other, was studded with a precious mosaic of beautiful stones."

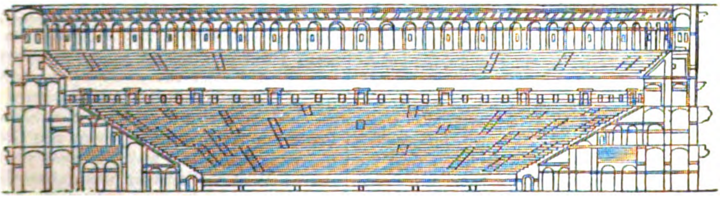
The following ground-plan, external elevation, and section, are from Hirt, and contain of course some conjectural details. The ground plan is so arranged as to exhibit in each of its quarters the plan of each of the stories: thus, the lower right hand quarter shows the true *ground*-plan, or that of the lowest story; the next on the left shows a plan of the erections on the level of the second row of exterior columns, as well as the seats which sloped down from that level to the lower one; the next quarter shows a similar plan of the third order, and the upper right-hand quarter exhibits a view of the interior as it would appear to an eye looking vertically down upon it. The dotted lines on the arena are the radii, and their points of intersection the centres, of the several arcs which make up the ellipses.



GROUND PLAN OF THE FLAVIAN AMPHITHEATRE.



LONGITUDINAL ELEVATION OF THE FLAVIAN AMPHITHEATRE.



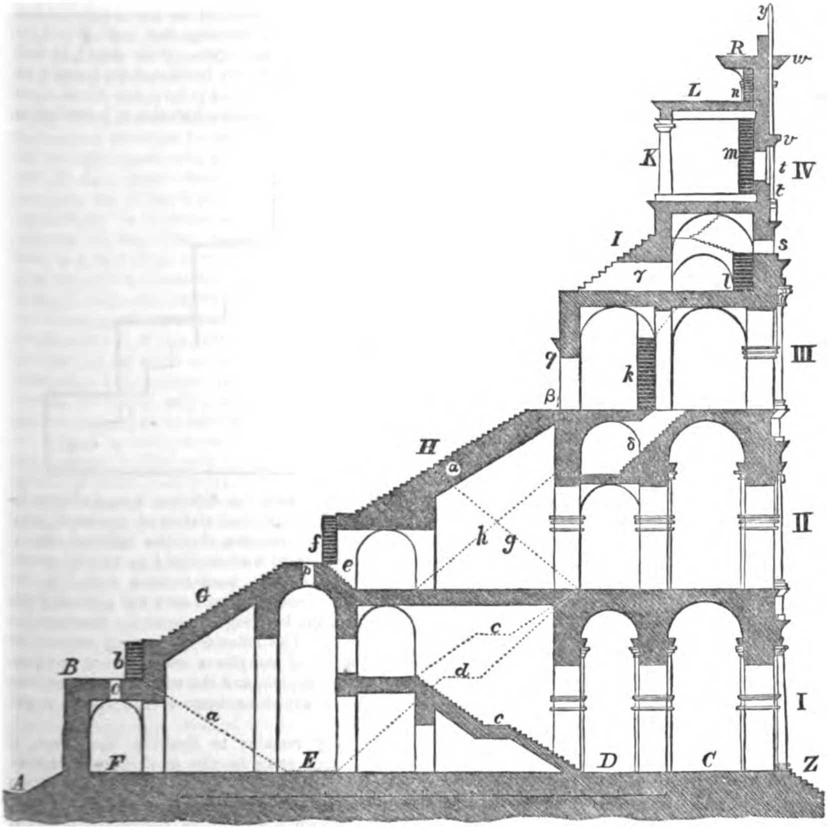
LONGITUDINAL SECTION OF THE FLAVIAN AMPHITHEATRE.

This structure, like all the other existing amphitheatres, is of an elliptical form. It covers nearly six acres of ground. The plan divides itself naturally into two concentric ellipses, of which the inner constituted the *arena* or space for the combats, while the ring between this and the outer circumference was occupied by the seats for the spectators. The lengths of the major and minor axes of these ellipses are, respectively, 287 feet by 180, and 620 feet by 513. The width of the space appropriated to spectators is, therefore, 166½ feet all round the building. The ratio of the diameters of the external ellipse is nearly that of 6 to 5, which becomes exactly the proportion, if we take in the substructions of the foundation. Of course, the ratio of the diameters of the arena is different, on account of the diminished size: it is, in fact, nearly as 8 to 5. The minor axis of the arena is here, and generally, about one-third of that of the outer ellipse. The material used was stone, in large blocks, fastened together, where necessary, by metal clamps. The exterior was faced with marble and adorned with statues. The external elevation requires little description. It is divided into four stories, corresponding to the tiers of corridors by which access was gained to the seats at different levels. These corridors are connected with the external air by eighty arched openings in each of the three lower stories. To the piers which divide these arches are attached three-quarter columns, that is, columns one-fourth of whose circumference appears to be buried in the wall behind them. Thus, each of the three lower stories presents a continuous façade of eighty columns backed by piers, with eighty open arches between them, and with an entablature continued unbroken round the whole building. The width of the arches is as nearly as possible the same throughout the building, namely, 14 feet 6 inches, except at the extremities of the diameters of the ellipse, where they are two feet wider. Each tier is of a different order of architecture, the lowest being a plain Roman Doric, or perhaps rather Tuscan, the next Ionic, and the third Corinthian. The columns of the second and third stories are placed on pedestals; those of the lowest story are raised from the ground by a few steps. The highest tier is of quite a different character, as it merely consists of a wall, without corridors, against which, instead of columns, are placed pilasters of the Corinthian order; and the wall between them is pierced with windows, in the alternate intercolumniations only, and therefore, of course, forty in number. The whole is crowned with a bold entablature, which is pierced with holes above the brackets which supported the feet of the masts upon which the *velarium* or awning was extended: and above the entablature is a small attic. The total height of that part of the building which remains entire, namely, about three-eighths of the whole circumference, is 157 feet: the stories are respectively about 30, 38, 38, and 44 feet high. The massiveness of the crowning entablature, the height of the upper story, and the great surface of blank wall in its intercolumniations, combine to give the elevation a somewhat heavy appearance; while the projecting cornices of each story, intercepting the view from below, take off very much from the apparent height of the building. Indeed, it would be a waste of words to attempt to specify all the architectural defects of the composition.

The stone used in the building is a species of travertine: some of the blocks are as much as five feet high, and eight or ten feet long; and it is remarkable, that all those which form the exterior have inscribed upon them small numbers or signs, which evidently indicate the place of each in the building, and which prove how great was the care taken to adapt every single stone to the form of the whole edifice. In some parts of the interior large masses of brickwork and tufa are seen: and in the upper part there are fragments of other buildings worked in; but this, no doubt, happened in some of the various repairs.

There are coins extant, bearing on the reverse a view of the amphitheatre, so arranged as to show not only the outside, but a portion of the interior also. It is from them that we learn the fact, that the outer arches of the second and third stories were decorated with statues in their openings, unless, indeed, the figures shown in the arches are meant for rude representations of the people passing through the outer colonnade. These coins also show, on the highest story, in the alternate spaces between the pilasters, circles against the wall, corresponding to the windows in the other alternate spaces; they are, perhaps, the *clypea* mentioned by the old author cited above, that is, ornamental metal shields, hung there to decorate the building. There are several coins of Titus and Domitian of this type (Eckhel, *Doctr. Num. Vet.* vol. vi. pp. 357—359, 375). There are similar coins of Gordian, which are, however, very inferior in execution to those of Titus and Domitian. (Eckhel, vol. vii. p. 271.) The coins of Titus and Domitian also show a range of three stories of columns by the side of the amphitheatre, which (though the matter is doubtful) is supposed to represent a colonnade which ran from the palace of Titus on the Esquiline to the amphitheatre, to which it gave access at the northern extremity of its minor axis, as shown on the plan. At the other extremity of this axis was the entrance from the Palatine.

The eighty arches of the lower story (except the four at the extremities of the axes) formed the entrances for the spectators, and gave admission to a corridor, running uninterruptedly round the building, behind which again is another precisely similar corridor. (See the plan and section.) The space behind the second corridor is divided by eighty walls, radiating inwards from the inner piers of the second corridor; which support the structure, and between which are partly staircases leading to the upper stories, and partly passages leading into a third corridor, which, like the first and second, runs round the whole building. Beyond this corridor the radiating walls are again continued, the spaces between them being occupied, as before, partly by staircases leading on the one side to the *podium*, and on the other to the lower range of seats (*maenianum*), and partly by passages leading to a fourth continuous corridor much lower and smaller than the others, which was divided from the *arena* by a massive wall (called *podium*), the top of which formed the place assigned to the spectators of the highest rank. From this fourth corridor there are several entrances to the *arena;* and it is most probable that the whole of the corridor was subservient to the arrangements of the *arena.* (See the lower right-hand quarter of the plan, and the section.) On the second story we have the two outer colonnades repeated, and the radiating walls of the first block are continued up through this story; and between them are staircases leading out on to the second range of seats, and passages leading into a small inner corridor, from which access is obtained to a sort of terrace (*praecinctio*) which runs round the building between the first and second ranges of seats, and increases the facilities for the spectators getting to their proper places. Sloping down from this *praecinctio* to the level of the top of the *podium*, and supported by the inner series of radiating walls, are the lower series of seats. On the third story (above the floor of which the details are almost entirely conjectural), we have again the double colonnade, the inner wall of which rises immediately behind the top of the second range of seats, with only the interval of a narrow *praecinctio*, to which access was given by numerous doors in the wall just mentioned, which was also pierced with windows. Above the outer corridor of this story is a mezzanine, or small middle story, in front of which and above the inner colonnade were a few tiers of wooden benches for the lowest class of spectators. Above this mezzanine was a gallery, which ran right round the building, and the front of which is supposed to have been formed by a range of columns. It seems that the terrace formed by the top of this gallery would be also available for spectators. And, lastly, the very summit of the wall was formed into a sort of terrace which was, no doubt, occupied by the men who worked the ropes of the *velarium*. The doors which opened from the staircases and corridors on to the interior of the amphitheatre were designated by the very appropriate name of *vomitoria*. The whole of the interior was called *cavea*. The following section (from Hirt) exhibits these arrangements as clearly as they can be shown without the aid of perspective.



SECTION OF THE CORRIDORS, STAIRS, AND SEATS.

I. II. III. IV. The four stories of the exterior.
A. The arena.
B. The podium.
C. D. E. F. The four corridors.
G. H. I. The three maenians.
K. The upper gallery; *L*. The terrace over it.

R. The space on the summit of the wall for the managers of the velarium.

Z. The steps which surrounded the building on the outside.

a. Stairs from the third colonnade to the podium.

b. Short transverse steps from the podium to the first maenianum. (Compare the plan.)

c, d. Stairs from the ground story to the second; whence the second maenianum was reached in two ways, *e.* and *g.*

e. Steps to the first praecinctio, from which there were short transverse steps (*f.*) to the second maenianum.

g. Stairs leading direct from the corridors of the second story to the second maenianum, through the vomitorium *a.*

h. Stairs leading from the floor of the second story to the small upper story, whence other stairs (δ) led to the third story, from which access was obtained to the upper part of the second maenianum by doors (β) in the inner wall of the second corridor *q.*

k. Stairs from the second story to the mezzanine, or middle story, whence access was obtained to the third maenianum by passages (γ).

l. Stairs in the mezzanine, leading to the upper part of the third maenianum, and to the gallery *K.*

m. Steps from the gallery to the terrace over it.

n. Steps from that terrace to the summit.

o. p. Grated openings to light the two inner corridors.

q. See under *h.*

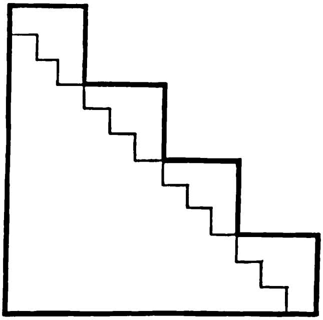
s. Windows to light the mezzanine.

t. Windows of the gallery.

v. Rest, and *w.* loop, for the masts of the velarium *g.*

The arena was surrounded by a wall of sufficient height to guard the spectators against any danger from the wild beasts, namely about fifteen feet. A further protection was afforded, at least sometimes, by a network or trellis of metal; and it is mentioned, as an instance of the profuse ostentation which the emperors were so fond of displaying, that Nero, in his amphitheatre, had this trellis gilt, and its intersections ornamented with bosses of amber. (Plin. *H. N.* xxxvii. 3. s. 11. § 2). The wall just mentioned appears to have been faced with marble, and to have had rollers suspended against it as an additional protection against the possibility of the wild beasts climbing it. (Lips. *de Amph.* 12.) The terrace on the top of this wall, which was called *podium* (a name sometimes also applied to the wall itself), was no wider than to be capable of containing two, or at the most three ranges of moveable seats, or chairs. This, as being by far the best situation for distinctly viewing the sports in the arena, and also more commodiously accessible than the seats higher up, was the place set apart for senators and other persons of distinction, such as the ambassadors of foreign states (Suet. *Octav.* 44; Juv. *Sat.* ii. 143, &c.); the magistrates seem to have sat here in their curule chairs (Lipsius *de Amph.* 11); and it was here, also, that the emperor himself used to sit, in an elevated place called *suggestus* (Suet. *Caes.* 76; Plin. *Paneg.* 51), or *cubiculum* (Suet. *Nero*, 12); and likewise the person who exhibited the games, on a place elevated like a pulpit or tribunal (*editoris tribunal*). The vestal virgins also appear to have had a place allotted to them on the podium. (Suet. *Octav.* 44).

Above the podium were the *gradus*, or seats of the other spectators, which were divided into stories called *maeniana*. The whole number of seats is supposed to have been about eighty. The first *maenianum*, consisting of fourteen rows of stone of marble seats, was appropriated to the equestrian order. The seats appropriated to the senators and equites were covered with cushions (*pulvillis*), which were first used in the time of Caligula. (Juv. *Sat.* iii. 154; Dion, lix. 7.) Then, after a horizontal space, termed a *praecinctio*, and forming a continued landing-place from the several staircases which opened on to it, succeeded the second *maenianum*, where were the seats called *popularia* (Suet. *Domitian.* 4), for the third class of spectators, or the *populus*. Behind this was the second *praecinctio*, bounded by the high wall already mentioned; above which was the third *maenianum*, where there were only wooden benches for the *pullati*, or common people. (Suet. *Octav.* 44.) The open gallery at the top was the only part of the amphitheatre, in which women were permitted to witness the games, except the vestal virgins, and perhaps a few ladies of distinction and influence who were suffered to share the space appropriated to the vestals (Suet. *Octav.* 44). The seats of the *maeniana* did not run in unbroken lines round the whole building, but were divided into portions called *cunei* (from their shape), by short flights of stairs which facilitated the access to the seats. (Suet. *Oct.* 44; Juv. *Sat.* vi. 61.) See the plan, and the annexed section of a small portion of the seats.



Not only were the different ranges of seats appropriated to different classes of spectators, but it is pretty certain also that the different *cunei* of each *maenianum* were assigned to specific portions of the people, who were at once guided to their places by numbers placed over the external arches by which the building was entered: these numbers still exist. The office of preserving order in the distribution of the places was assigned to attendants called *locarii*, and the whole management was under the superintendence of the *villicus amphitheatri.*

It only remains to describe the *arena*, or central open space for the combatants, which derived its name from the sand with which it was covered, chiefly for the purpose of absorbing the blood. Such emperors as Caligula, Nero, and Carinus, showed their prodigality by using cinnabar and borax instead of the common sand. It was bounded, as already stated, by the wall of the *podium*, but in the earlier amphitheatres, in which the *podium* was probably not so lofty, there were ditches (*euripi*) between it and the *arena*, which were chiefly meant as a defence against the elephants. The *euripi* were first made by Julius Caesar, and were dispensed with by Nero, in order to gain space for the spectators. (Suet. *Caes.* 39; Plin. *H. N.* viii. 7; Lipsius *de Amph.* 12.)

The space of the arena was entirely open, except that perhaps there was, in the centre, an altar of Diana, or Pluto, or of Jupiter Latiaris, on which, it is inferred from some passages of the ancient authors, that a *bestiarius* was sacrificed at the opening of the games; but the evidence is very slight. (Lips. *de Amph.* 4.) There were four principal entrances to it, at the extremities of the axes of the ellipse, by passages which led directly from the four corresponding arches of the exterior: there were also minor entrances through the wall of the *podium*. There is a difficulty about the position of the dens of the wild beasts. The rapidity with which vast numbers of animals were let loose into the *arena* proves that the dens must have been close to it. The spaces under the seats seem to have been devoted entirely to the passage of the spectators, with only the exception of the innermost corridor, the entrances from which to the *arena* suggest the probability that it was subsidiary to the arena; but, even if so, it was probably used rather for the introduction and removal of the animals, than for their safe keeping. Some have supposed dens in the wall of the *podium*: but this is quite insufficient. In the year 1813, the *arena* was excavated, and extensive substructions were discovered, which, it has been supposed, were the dens, from which the animals were let loose upon the arena through trap-doors. The chief difficulty is to reconcile such an arrangement with the fact that the *arena* was frequently flooded and used for a naval combat, and that too in the intervals between the fights of wild-beasts. (Calpurn. *Eclog.* vii. 64, 73: the whole poem is a very interesting description of the games of the amphitheatre.) [NAUMACHIA.] All that can be said with any approach to certainty is, that these substructions were either dens for the animals, or channels for water, and possibly they may have been so arranged as to combine both uses, though it is difficult to understand how this could have been managed. The only method of solving the difficulty in those cases in which a *naumachia* took place *between* the *venationes*, appears to be, to assume that the animals intended for the second *venatio* were kept in the innermost colonnade, or in dens in its immediate vicinity during the *naumachia*; unless, which seems to us quite incredible, there was any contrivance for at the same time admitting the air to, and excluding the water from, their cells beneath the arena. In the amphitheatre at Verona, there are remains of channels for water under the arena, communicating with an opening in its centre; but some antiquaries believe that these were only intended for draining off the rain water.

It is unnecessary to attempt a detailed description of the statues and other ornaments with which the amphitheatre was adorned; but the *velarium*, or awning, by which the spectators were sheltered from the sun, requires some explanation, which will be found under VELUM. The space required for the working of the *velarium*, and the height necessary for keeping it from bending down by its own weight so low as to obstruct the view from the upper benches, are probably the reasons for the great disproportion between the height of the upper part of the amphitheatre, and the small number of spectators accommodated in that part.

The luxurious appliances of fountains of scented water to refresh the spectators, and so forth, are sufficiently described in the passage already quoted from Gibbon. (Comp. Lucan. ix. 808).

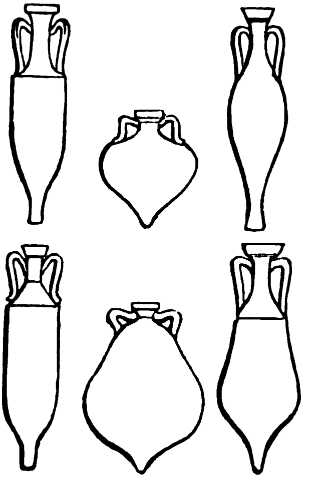
III. *Other Amphitheatres.* — The Flavian amphitheatre, as has been already stated, was, from the time of its erection, the only one in Rome; for the obvious reason that it was sufficient for the whole population. The little *Amphitheatrum Castrense* was probably only intended for the soldiers of the guard, who amused themselves there with fights of gladiators. But in the provincial cities, and especially the colonies, there were many amphitheatres. Indeed, it is not a little interesting to observe the contrast between the national tastes of the Greeks and Romans, which is indicated by the remains of theatres in the colonies of the former, and of amphitheatres in those of the latter. The immense expense of their construction would, however, naturally prevent the erection of many such buildings as the Colisaeum. (Cassiod. *Ep.* v. 42.) The provincial amphitheatres were, probably, like the earlier ones at Rome itself, generally built of wood, such as those at Placentia and Fidenae, already mentioned. Of these wooden amphitheatres there are of course no remains; but in several of the larger cities of the Roman empire there are important ruins of large amphitheatres of stone. The principal are those at Verona, Paestum, Pompeii, and Capua, in Italy; at Nîmes, Arles, and Frejus, in France; at Pola, in Istria; at Syracuse, Catania, and some other cities in Sicily. They are all constructed on the same general principles as the Colisaeum, from which, again, they all differ by the absence of the outermost corridor; and, consequently, their height could not have exceeded three stories; while some of them only had two. Of the Veronese amphitheatre, the outer wall and colonnade are entirely gone, excepting four arches; but the rest of the building is almost perfect. When complete, it had seventy-two arches in the outer circle, and, of course, the same number of radiating walls, with their passages and staircases; the lengths of the axes of the outer ellipse were 500 and 404 feet, those of the arena, 242 and 146. It was probably built under Domitian and Nerva. (Maffei, *Verona Illustrata.*) The next in importance is that at Nimes, the outer dimensions of which are computed at 434 by 340 feet. "The exterior wall, which is nearly perfect, consists of a ground story and upper story, each pierced with sixty arches, and is surmounted by an attic. Its height, from the level of the ground, is above 70 English feet. The lower or ground story is adorned with pilasters, and the upper with Tuscan or Doric columns. The attic shows the holes destined to receive the posts on which was stretched the awning that covered the amphitheatre. The rows of seats are computed to have been originally 32 in number. There were four principal entrances. The amphitheatre has been computed to hold 17,000 persons: it was built with great solidity, without cement." (*Pen. Cyclop.* art. *Nimes.*) That at Arles was three stories high, and has the peculiarity of being built on uneven ground, so that the lowest story is, for the most part, below the level of the surface, and the principal entrances are on the second story. (For a detailed description, see Guis, *Description de l'Amphithéâtre d'Arles*, 1665; and *Pen. Cyclop.*

art. *Arles.*) Both these amphitheatres belong probably to the time of the Antonines. (Maffei, *de Amph. Gall.*) The amphitheatre at Pola stands on the side of a hill, and is higher on one side than on the other. There is little to remark respecting the other amphitheatres, except that a fragment of an inscription, found in that at Capua, informs us that it was built under Hadrian, at the cost of the inhabitants of the city, and was dedicated by Antoninus Pius; and, concerning that of Pompeii, that the earthquake, which preceded the eruption by which the city was buried, injured the amphitheatre so much, that antiquarians have been disappointed in looking for any new information from it; there is an excellent description of it in the work entitled *Pompeii*, vol. i. c. 9. There are traces of amphitheatres of a ruder kind, chiefly of earth, in various parts of our own country, as at Dorchester, Silchester, Caerleon, and Redruth.

IV. *Uses of the Amphitheatre.* — This part of the subject is treated of under GLADIATORES, NAUMACHIA, and VENATIONES. This is not the place to discuss the influence of the spectacles of the amphitheatre on the character and destinies of the Roman people: some good remarks on the subject will be found in the *Library of Entertaining Knowledge, Menageries*, vol. ii. c. 12. [P. S.]

AMPHOMO'SIA. [AMPHIORKIA.]

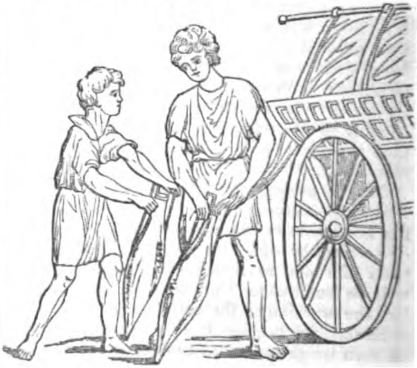
AM'PHORA (ἀμφορεύς, old form ἀμφιφορεύς, Hom. *Il.* xxiii. 107; *Od.* x. 164, *et alib.*; *Schol.* in Apoll. Rhod. iv. 1187; Simon. in *Anth. Pal.* xiii. 19). A large vessel, which derived its name from its being made with a handle on each side of the neck (from ἀμφί, *on both sides*, and φέρω *to carry*), whence also it was called *diota*, that is, a *vessel with two ears* (δίωτος, δίωτος στάμνος or κάδισκος, Plat. *Hipp. Maj.* p. 288, d.; Ath. xi. p. 473; Moeris *s. v.* ἀμφορέα; Hor. *Carm.* i. 9. 8). The form and size varied, but it was generally made tall and narrow, and terminating in a point, which could be let into a stand or into the ground, to keep the vessel upright; several amphorae have been found in this position in the cellars at Pompeii. The following cut represents amphorae from the Townley and Elgin collections in the British Museum.



The usual material of the amphora was earthenware (Hor. *de Ar. Poët.* 21), whence it was also called *testa* (*Carm.* i. 20. 2): but Homer mentions them of gold and of stone (*Il.* xxiii. 92; *Od.* xxiv. 74, xiii. 105): and in later times glass amphorae were not uncommon (Petron. 34); several have been found at Pompeii: Nepos mentions, as a great rarity, amphorae of onyx, as large as Chian *cadi* (*ap.* Plin. *H. N.* xxxvi. 7. s. 12). The amphora was often made without handles. The name of the maker, or of the place of manufacture, was sometimes stamped upon them: this is the case with two in the Elgin collection, Nos. 238 and 244. [FICTILE.]

Amphorae were used for the preservation of various things which required careful keeping, such as wine, oil, honey, grapes, olives, and other fruits (Hom. *Il.* xxiii. 170; Cato, *R. R.* x. 2; Colum. *R. R.* xii. 16, 47; Hor. *Epod.* ii. 15; Cic. *c. Verr.* iv. 74); for pickled meats (Xen. *Anab.* v. 4. § 28); and for molten gold and lead (Herod. iii. 96; Nepos, *Hann.* 9). There is in the British Museum a vessel resembling an amphora, which contains the fine African sand used by the athletae. It was found, with seventy others, in the baths of Titus, in 1772. Respecting the use of the amphora in the streets of Rome, see Petron. 70, 79; Propert. iv. 5. 73; Macrob. *Sat.* ii. 12; and the commentators on Lucretius, iv. 1023. Homer and Sophocles mention amphorae as used for cinerary urns (*Il.* xxiii. 91, 92; Soph. *Fr.* 303, Dind.); and a discovery was made at Salona, in 1825, which proves that they were used as coffins: the amphora was divided in half in the direction of its length to receive the corpse, and the two halves were put together again and buried in the earth: the skeletons were found still entire. (Steinbüchel, *Alterthum.* p. 67.) Amphorae of particular kinds were used for various other purposes, such as the *amphora nasiterna* for irrigation (Cato, *R. R.* 11. § 3), and the *amphora spartea*, which was perhaps a wicker amphora for gathering grapes in. (*Ibid.* § 2.)

The most important employment of the amphora was for the preservation of wine: its use for this purpose is fully described under VINUM. The following woodcut, taken from a painting on the wall of a house at Pompeii, represents the mode of filling the amphora from a wine-cart.



There is an interesting account of the use of the amphora among the Egyptians, in Sir G. Wilkinson's *Ancient Egyptians*, vol. ii. pp. 157—160.

The name *amphora* was also applied both by the Greeks and the Romans to a definite measure of capacity, which, however, was different among the two peoples, the Roman amphora being only two-thirds of the Greek ἀμφορεύς. In both cases the word appears to be an abbreviation, the full phrase being in Greek ἀμφορεὺς μετρητής (*the standard amphora*), and in Latin *amphora quadrantal* (*the cubic amphora*). Respecting the measures themselves, see Metretes, Quadrantal. At Rome a standard amphora, called *amphora Capitolina*, was kept in the temple of Jupiter on the Capitol (Rhemn. Fann. *de Pond*. 61; Capitol. *Maxim*. 4). The size of ships was estimated by amphorae (Cic. *ad Fam*. xii. 15; Liv. xxi. 63); and the produce of a vineyard was reckoned by the number of *amphorae*, or of *culei* (of twenty amphorae each), which it yielded. [P.S.]

AMPLIA'TIO. [Judicium.]

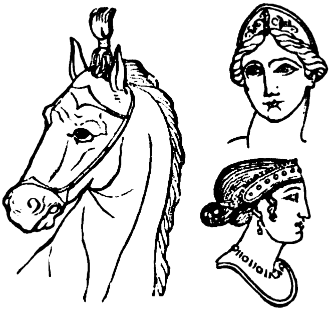
AMPULLA (λήκυθος, βομβύλιος), a bottle, usually made either of glass or earthenware, rarely of more valuable materials. Bottles both of glass and earthenware are preserved in great quantities in our collections of antiquities, and their forms are very various, though always narrow-mouthed, and generally more or less approaching to globular. From their round and swollen shape, Horace applies the word, as the Greeks did λήκυθος, to indicate grand and turgid, but empty, language. (Hor. *Ep*. i. 3. 14, *de Ar. Poët*. 97.) Bottles were used for holding all kinds of liquids, and are mentioned especially in connection with the bath. Every Roman took with him to the bath a bottle of oil (*ampulla olearia*), for anointing the body after bathing, and as such bottles frequently contained perfumed oils we read of *ampullae cosmianae*. (Mart. iii. 82. 26.) A bottle of this kind is figured under Balneum.

The dealer in bottles was called *ampullarius*, and part of his business was to cover them with leather (*corium*). A bottle so covered was called *ampulla rubida*. (Plaut. *Rud*. iii. 4. 51, *Stich*. ii. 1. 77, compared with Festus, *s. v. Rubida*.)

AMPYX, AMPYCTER (ἄμπυξ, ἀμπυκτήρ), called by the Romans *frontale*, was a broad band or plate of metal, which Greek ladies of rank wore upon the forehead as part of the head-dress. (*Il*. xxii. 468—470; Aeschyl. *Supp*. 431; Theocr. i. 33.) Hence it is attributed to the female divinities. Artemis wears a frontal of gold (χρυσέαν ἄμπυκα, Eurip. *Hec*. 464); and the epithet χρυσάμπυκες is applied by Homer, Hesiod, and Pindar to the Muses, the Hours, and the Fates. From the expression τὰν κυανάμπυκα Θήβαν in a fragment of Pindar, we may infer that this ornament was sometimes made of blue steel (κύανος) instead of gold; and the Scholiast on the above cited passage of Euripides asserts, that it was sometimes enriched with precious stones.

The frontal of a horse was called by the same name, and was occasionally made of similar rich materials. Hence, in the Iliad, the horses which draw the chariots of Hera and of Ares are called χρυσάμπυκες.

The annexed woodcut exhibits the frontal on the head of Pegasus, taken from one of Sir William Hamilton's vases, in contrast with the corresponding ornament as shown on the heads of two females in the same collection.



Frontals were also worn by elephants. (Liv. xxxvii. 40.) Hesychius (*s. v.* Λυδίῳ Νόμῳ) supposes the men to have worn frontals in Lydia. They appear to have been worn by the Jews and other nations of the East. (Deut. vi. 8, xi. 18.) [J. Y.]

AMULE'TUM (περίαπτον, περίαμμα, φυλακτήριον), an amulet. This word in Arabic (Hamalet) means *that which is suspended*. It was probably brought by Arabian merchants, together with the articles to which it was applied, when they were imported into Europe from the East. It first occurs in the Natural History of Pliny.

An amulet was any object — a stone, a plant, an artificial production, or a piece of writing — which was suspended from the neck, or tied to any part of the body, for the purpose of counteracting poison, curing or preventing disease, warding off the evil eye, aiding women in childbirth, or obviating calamities and securing advantages of any kind.

Faith in the virtues of amulets was almost universal in the ancient world, so that the whole art of medicine consisted in a very considerable degree of directions for their application; and in proportion to the quantity of amulets preserved in our collections of antiquities, is the frequent mention of them in ancient treatises on natural history, on the practice of medicine, and on the virtues of plants and stones. Some of the amulets in our museums are merely rough unpolished fragments of such stones as amber, agate, cornelian, and jasper; others are wrought into the shape of beetles, quadrupeds, eyes, fingers, and other members of the body. There can be no doubt that the selection of stones either to be set in rings, or strung together in necklaces, was often made with reference to their reputed virtues as amulets. (Plin. *H. N.* xxv. 9. s. 67, xxix. 4. s. 19, xxx. 10. s. 24., xxxvii. 8. s. 37.) [Fascinus.] [J. Y.]

AMUSSIS or AMUSSIUM, a carpenter's and mason's instrument, the use of which was to obtain a true plane surface; but its construction is difficult to make out from the statements of the ancient writers. It appears clearly from Vitruvius (i. 6. § 6) that it was different from the *regula* (straight rule), and from the *libella* (plumbline or square), and that it was used for obtaining a truer surface, whether horizontal or perpendicular, than those two instruments together would give. It is defined by the grammarians as a *regula* or *tabula*, made perfectly plane and smooth, and used for making work level and for smoothing stones (*Regula ad quam aliquid exaequatur*, Festus, *s. v.*; *amussis est aequamentum levigatum, et est apud fabros tabula quaedam, qua utuntur ad saxa levigand*a, Varr. *ap. Non.* i. 28); and another grammarian very clearly describes it as a plane surface, covered with red ochre, which was placed on work, in order to test its smoothness, which it of course did by leaving the mark of the red ochre on any projections. (*Amussis est tabula rubricata quae demittitur examinandi operis gratia, an rectum opus surgat*, Sisenna, *ap. Charis.* ii. p. 178, Putsch). There was also a difference of opinion among the grammarians, whether the amussis was only an instrument for trying a level, or a tool for actually making one (Festus, *s. v. Examussim*). The amussis was made sometimes of iron (Fest. *ibid.*), and sometimes of marble (Vitruv. *l. c.*). It gives rise to the adverbs *amussim*, *adamussim*, and *examussim*, meaning with perfect regularity and exactness. (See Forcellini, *Lexicon.*) [P. S.]

AMU'SSIUM. [Amussis.]

ANADE'MA. [Mitra.]

ANADI'KIA (ἀναδικία). [Apellatio.]

ANA'GLYPHA or ANAGLYPTA (ἀνάγλυφα, ἀνάγλυπτα), chased or embossed vessels made of bronze or of the precious metals, which derived their name from the work on them being in relief, and not engraved. (Plin. *H. N.* xxxiii. 11. s. 49; Virg. *Aen.* v. 267; Martial. iv. 39; Caelatura; Toreutice.) The name was also applied to sculptured gems. [P. S.]

ANAGLYPTA. [Anaglypha.]

ANAGNOSTAE, also called *Lectores*, were slaves, who were employed by the educated Romans in reading to them during meals or at other times. (Cic. *ad Att.* i. 12; Corn. Nep. *Att.* 14; Plin. *Ep.* i. 15, iii. 5, ix. 36.)

ANAGO'GES DIKE' (ἀναγωγῆς δίκη). If an individual sold a slave who had some secret disease — such, for instance, as epilepsy — without informing the purchaser of the circumstance, it was in the power of the latter to bring an action against the vendor within a certain time, which was fixed by the laws. In order to do this, he had to report (ἀνάγειν) to the proper authorities the nature of the disease; whence the action was called ἀναγωγῆς δίκη. Plato supplies us with some information on this action; but it is uncertain whether his remarks apply to the action which was brought in the Athenian courts, or to an imaginary form of proceeding. (Plat. *Leg.* xi. p. 916; Hesych. *s. v.* ἀναγωγή: Suid. *s. v.* ἐναγωγή, ἐνάγεσθαι: Meier, *Att. Process*, p. 525.)

ANAGO'GIA (ἀναγώγια), a festival celebrated at Eryx, in Sicily, in honour of Aphrodite. The inhabitants of the place believed that, during this festival, the goddess went over into Africa, and that all the pigeons of the town and its neighbourhood likewise departed and accompanied her. (Aelian, *Hist. An.* iv. 2, *V. H.* i. 14; Athen. ix. p. 394.) Nine days afterwards, at the so-called καταγώγια (return), one pigeon having returned and entered the temple, the rest followed. This was the signal for general rejoicing and feasting. The whole district was said at this time to smell of butter, which the inhabitants believed to be a sign that Aphrodite had returned. (Athen. ix. p. 395; comp. K. F. Hermann, *Lehrb. d. gottesdienst. Alterth. d. Griechen*, § 68. n. 29.) [L. S.]

ANAKEIA (ἀνάκεια) or ANAKEION (ἀνάκειον), a festival of the Dioscuri, or Ἄνακτες, as they were called, at Athens. (Hesych. vol. i. p. 325; Pollux, i. 37.) Athenaeus (vi. p. 235) mentions a temple of the Dioscuri called Ἀνάκειον, at Athens; he also informs us (iv. p. 137) that the Athenians, probably on the occasion of this festival, used to prepare for these heroes in the Prytaneium a meal consisting of cheese, a barley-cake, ripe figs, olives, and garlic, in remembrance of the ancient mode of living. These heroes however, received the most distinguished honours in the Dorian and Achaean states, where it may be supposed that every town celebrated a festival in their honour, though it may not have been under the name of ἀνάκεια. Pausanias (x. 38. 3) mentions a festival held at Amphissa, called that of the ἀνάκτων παίδων: but adds that it was disputed whether they were the Dioscuri, the Curetes, or the Cabeiri. (K. F. Hermann, *Lehrb. d. gottesdienst. Alterth. d. Griechen*, § 62. n. 27.) [L. S.]

ANAKEI'MENA (ἀνακείμενα). [Donaria.]

ANAKLETE'RIA (ἀνακλητήρια), the name of a solemnity at which a young prince was proclaimed king, and ascended the throne. The name was chiefly applied to the accession of the Ptolemaic kings of Egypt. (Polyb. *Reliq.* xviii. 38, xxviii. 10.) The prince went to Memphis, and was there adorned by the priests with the sacred diadem, and led into the temple of Phtha, where he vowed not to make any innovations either in the order of the year or of the festivals. He then carried to some distance the yoke of Apis, in order to be reminded of the sufferings of man. Rejoicings and sacrifices concluded the solemnity. (Diod. *Fragm.* lib. xxx.) [L. S.]

ANAKLYPTE'RIA. [Matrimonium.]

ANA'KRISIS (ἀνάκρισις), the preliminary investigation of a case by a magistrate or archon, before it was brought before the courts of justice at Athens. For the purpose of ascertaining whether the action would lie, both parties, the complainant and defendant, were summoned, separately, and if either of them did not appear without a formal request to have the matter delayed (ὑπωμοσία), he tacitly pleaded guilty, and accordingly lost the suit. (Demosth. *c. Theocr.* p. 1324.) The anacrisis began by both the plaintiff and the defendant taking an oath, the former thereby attesting that he had instituted the prosecution with truth and conscientiousness (προωμοσία), and the latter, that to the best of his knowledge he was innocent (ἀντωμοσία). (Timaeus, *Lex. Plat.* p. 38, with Ruhnken's note; Diog. Laert. ii. 40; Plat. *Apol. Socr.* 3.) It was further promised by both, that the subsequent prosecution and defence should be conducted with fairness and justice. (Harpocrat., Suid., Hesych. *s. v.* ἀντωμοσία: Pollux, viii. 122.) If the defendant did not bring forward any objection to the matter being brought before a court of justice, the proceeding was termed εὐθυδικία. (Demosth. *c. Phorm.* p. 908, *c. Steph.* p. 1103.) Such objections might be raised in regard to the incompetency of the court to which the matter was to be referred, or in regard to the form in which the accusation was brought forward, and the like (Lys. *c. Pancl.* p. 732; Pollux, viii. 57); they were always looked upon with suspicion (Demosth. *c. Leoch.* p. 1097, *p. Phorm.* p. 944); but, nevertheless, they were not unfrequently resorted to by defendants, either in the form of a διαμαρτυρία, or that of a παραγραφή. In the case of a διαμαρτυρία, the plaintiff had to bring forward witnesses to show that the objections raised by the defendant were unfounded; and if this could not be done, the defendant had a right to bring witnesses to show that his objections were founded on justice, and in accordance with the laws. But each of the litigant parties might denounce the witnesses of his opponent as false witnesses, and thus a secondary lawsuit might be interwoven with the principal one. If the *διαμαρτυρία* was resorted to in a civil case, the party who made use of it had to deposit a sum of money (*παρακαταβολή*), and when the plaintiff lost his suit, he had to pay to the defendant a fine for having raised an accusation without foundation. In lawsuits about the succession to the property of a person, the *διαμαρτυρία* was the only form in which objections could be raised. (Bekker, *Anecdot.* p. 236.) The *παραγραφή* was an objection in writing, which was made by the defendant, without his employing any witnesses, and which was decided upon in court; and in this, also, the loser had to pay a fine to the party that gained the suit. (Pollux, viii. 58.) When the plaintiff gained his case, the prosecution proceeded in its regular course. The *ἀντιγραφή*, however, might be something more than a mere objection, inasmuch as the defendant might turn against the plaintiff, and raise an accusation against him. Such an accusation very commonly consisted in the defendant charging his accuser with having no right to claim the privileges of an Athenian citizen, in consequence of which the latter was prevented from exercising those privileges until he had established his claims to them. This kind of *ἀντιγραφή* was frequently a mere device to annoy the plaintiff.

These are, in general, the proceedings in the *ἀνάκρισις*: and from what thus took place, it is clear that the main part of the evidence on both sides was brought out in the *ἀνάκρισις*, and at the regular trial in court the main object was to work upon the minds of the judges through the influence of the orators, with reference to the evidence brought out in the *ἀνάκρισις*. The latter, therefore, consisted of the simple evidence which required no oratorical discussion, and which was contained, — 1. in laws; 2. in documents; 3. in the statement of free witnesses; 4. in the statement of slaves; and 5. in oaths. In all these kinds of evidence, one party might have recourse to the *πρόκλησις*, that is, call upon the other party to bring forward such other evidence as was not already given. (Demosth. *c. Steph.* p. 1006, *c. Theocr.* p. 987, *c. Pantaen.* p. 978.) There was, however, no strict obligation to comply with such a demand (Demosth. *c. Olymp.* p. 1181), and in certain cases the party called upon might, in accordance with established laws, refuse to comply with the demand; for instance, persons belonging to the same family could not be compelled to appear as witnesses against one another. (Demosth. *c. Tim.* p. 1195.) But if the reading of a document, throwing light upon the point at issue, was refused, the other party might bring in a *δίκη εἰς ἐμφανῶν κατάστασιν*.

In regard to the laws which either party might adduce in its support, it must be observed, that copies of them had to be read in the anacrisis, since it would have been difficult for any magistrate or judge to fix, at once, upon the law or laws bearing upon the question at issue. In what manner the authorities were enabled to insure faithful and correct copies being taken of the laws, is not known; but it is highly probable that any one who took a copy in the archives, had to get the signature of some public officer or scribe to attest the correctness of the copy.

Other legal documents, such as contracts (*συνθῆκαι*, *συγγραφαί*), wills, books of accounts, and other records (Demosth. *p. Phorm.* p. 950), not only required the signature and seal of the party concerned, but their authenticity had to be attested by witnesses. (Demosth. *c. Onet.* p. 869).

Evidence (*μαρτυρία*) was given not only by freeborn and grown-up citizens, but also by strangers or aliens (Demosth. *c. Lacrit.* pp. 927, 929, 930, 937), and even from absent persons evidence might be procured (*ἐκμαρτυρία*, Demosth. *c. Steph.* p. 1130; Pollux, viii. 36), or a statement of a deceased person might be referred to (*ἀκοὴν μαρτυρεῖν*, Demosth. *c. Steph.* p. 1130, *c. Leoch.* p. 1097). If any one was called upon to bear witness (*κλητεύειν*), he could not refuse it; and if he refused, he might be compelled to pay a fine of 1000 drachmae (Demosth. *de Fals. Leg.* pp. 396, 403; Aeschin. *c. Timocr.* p. 71), unless he could establish by an oath (*ἐξωμοσία*), that he was unable to give his evidence in the case. Any one who had promised to bear witness, and afterwards failed to do so, became liable to the action of *δίκη λειπομαρτυρίου* or *βλάβης*. The evidence of an avowed friend or enemy of either party might be rejected. (Aeschin. *c. Timocr.* p. 72.) All evidence was either taken down in writing as it was given by the witnesses, or in case of its having been sent in previously in writing, it was read aloud to the witness for his recognition, and he had generally to confirm his statement by an oath. (Demosth. *c. Steph.* pp. 1115, 1119, 1130, *c. Con.* p. 1269; comp. Diog. Laert. iv. 7.) The testimony of slaves was valid only when extorted by instruments of torture, to which either one party might offer to expose a slave, or the other might demand the torture of a slave. (Demosth. *c. Nicostr.* p. 1254, *c. Aphob.* p. 855, *c. Onet.* p. 874, *c. Steph.* p. 1135.)

A distinct oath was required in cases where there were no witnesses or documents, but it has been remarked above that oaths were also taken to confirm the authenticity of a document, or the truth of a statement of a witness. [JUSJURANDUM.]

If the evidence produced was so clear and satisfactory, that there was no doubt as to who was right, the magistrate could decide the case at once, without sending it to be tried in a court. During the anacrisis as well as afterwards in the regular court, the litigant parties might settle their dispute by an amicable arrangement. (Demosth. *c. Theocrin.* p. 1323, *c. Mid.* p. 529; Aeschin. *de Fals. Leg.* p. 269; Pollux, viii. 143.) But if the plaintiff, in a public matter, dropped his accusation, he became liable to a fine of 1000 drachmae, and incurred partial atimia; in later times, however, this punishment was not always inflicted, and in civil cases the plaintiff only lost the sum of money which he had deposited. When the parties did not come to an understanding during the anacrisis, all the various kinds of evidence brought forward were put into a vessel called *ἐχῖνος*, which was sealed and entrusted to some officer to be kept until it was wanted on the day of trial. (Demosth. *c. Olymp.* p. 1173; Schol. *ad Aristoph. Vesp.* 1427.) The period between the conclusion of the preliminary investigation and until the matter was brought before a court, was considered to belong to the anacrisis, and that period was differently fixed by law, according to the nature of the charge. In cases of murder, the period was never less than three months, and in others the trial in court commenced on the thirtieth day after the beginning of the anacrisis, as, *e. g.* in the *δίκαι ἐρανικαί, ἐμπορικαί, μεταλλικαί*, and *προικός* (Harpocrat. *s. v. ἔμμηνοι δίκαι*; Pollux, viii. 63, 101), and the day fixed for the trial was called *κυρία τοῦ νόμου*. (Demosth. *c. Mid.* p. 544.) In other cases, the day was fixed by the magistrate who conducted the anacrisis. But either party might petition for a postponement of the trial, and the opposite party might oppose the petition by an oath that the ground on which the delay was sought for, was not valid, or unsatisfactory. (Harpocrat. *s. v. ἀνθυπωμοσία*; Pollux, viii. 60.) Through such machinations, the decision of a case might be delayed to the detriment of justice; and the annals of the Athenian courts are not wanting in numerous instances, in which the ends of justice were thwarted in this manner for a number of years. (Demosth. *c. Mid.* p. 541; comp. Meier and Schömann, *Der Att. Proc.* p. 622; C. F. Hermann, *Griech. Staatsalth.* § 141; Schöman, *Antiquit. Jur. publ. Graec.* p. 279; Wachsmuth, *Hellen. Alterthumskunde*, ii. p. 262, &c. 2nd edit.) The examination which an archon underwent before he entered on his office, was likewise called *ἀνάκρισις*. [L. S.]

ANALEMMA (*ἀνάλημμα*), in its original meaning, is any thing raised or supported; it is applied in the plural to walls built on strong foundations. (Hesych. Suid. *s. v.*) Vitruvius uses the word to describe an instrument which, by marking the lengths of the shadows of a fixed gnomon, showed the different altitudes of the sun at the different periods of the year. (Vitruv. ix. 7, 8. s. 6, 7, Schneider.) It must not be confounded with the modern analemma, which is much more complicated and precise than the instrument described by Vitruvius. [P. S.]

ANAPIE'SMATA. [Theatrum.]

ANATHE'MATA (*ἀναθήματα.*) [Donaria.]

ANATOCISMUS. [Fenus.]

ANAUMACHIOU GRAPHE' (*ἀναυμαχίου γραφή*), was an impeachment of the trierarch who had kept aloof from action while the rest of the fleet was engaged. From the personal nature of the offence and the punishment, it is obvious that this action could only have been directed against the actual commander of the ship, whether he was the sole person appointed to the office, or the active partner of the perhaps many *συντελεῖς*, or the mere contractor (*ὁ μισθωσάμενος*). In a cause of this kind, the strategi would be the natural and official judges. The punishment prescribed by law for this offence was a modified atimia, by which the criminal and his descendants were deprived of their political franchise; but, as we learn from Andocides, were allowed to retain possession of their property. (*De Myst.* p. 10. 22, ed. Steph.; Petit. *Leg. Att.* p. 667.) [J. S. M.]

ANAXAGOREIA (*ἀναξαγόρεια*), a day of recreation for all the youths at Lampsacus, which took place once every year, in compliance, it was said, with a wish expressed by Anaxagoras, who, after being expelled from Athens, spent the remainder of his life here. This continued to be observed even in the time of Diogenes Laërtius. (*Anaxag.* c. 10.) [L. S.]

ANCHISTEIA (*ἀγχιστεία*). [Heres.]

ANCI'LE. [Salii.]

ANCILLA. [Servus.]

A'NCORA. [Navis.]

A'NKULE (*ἀγκύλη*). [Hasta.]

ANDABATAE. [Gladiator.]

ANDREIA (*ἀνδρεῖα*). [Syssitia.]

A'NDRIAS (*ἀνδρίας*). [Statuaria.]

ANDROGEO'NIA (*Ἀνδρογεώνια*), a festival with games, held every year in the Cerameicus at Athens, in honour of the hero Androgeus, son of Minos, who had overcome all his adversaries in the festive games of the Panathenaea, and was afterwards killed by his jealous rivals. (Paus. i. 27. § 9; Apollod. iii. 15. § 7; Hygin. *Fab.* 41; Diod. iv. 60, 61.) According to Hesychius, the hero also bore the name of Eurygyes (the possessor of extensive lands), and under this title games were celebrated in his honour, *ὁ ἐπ' Εὐρυγύῃ ἀγών*. (Hesych. vol. i. p. 1332; K. F. Hermann, *Gottesdienst. Alterth. d. Griechen*, § 62, n. 22. [L. S.]

ANDROLE'PSIA (*ἀνδρολημψία* or *ἀνδρολήψιον*), a legal means by which the Athenians were enabled to take vengeance upon a community in which an Athenian citizen had been murdered. For when the state or city in whose territory the murder had been committed, refused to bring the murderer to trial, the law allowed the Athenians to take possession of three individuals of that state or city, and to have them imprisoned at Athens, as hostages, until satisfaction was given, or the murderer delivered up, and the property found upon the persons thus seized was confiscated. (Demosth. *c. Aristocr.* p. 647; Harpocrat. *s. v.*; Pollux, viii. 40; Suid. and Etym. M. *s. v.*; Bekker, *Anecdot.* p. 213.) The persons entrusted with the office of seizing upon the three hostages, were usually the trierarchs, and the commanders of ships of war. (Demosth. *De Coron. Trier.* p. 1232.) This Athenian custom is analogous to the *clarigatio* of the Romans. (Liv. viii. 14.) [L. S.]

ANDRONI'TIS. [Domus, Greek.]

ANGARI'A (*ἀγγαρεία*, Hdt. *ἀγγαρήϊον*) is a word borrowed from the Persians, signifying a system of posting, which was used among that people, and which, according to Xenophon, was established by Cyrus. Horses were provided, at certain distances, along the principal roads of the empire; so that couriers (*ἄγγαροι*), who also, of course, relieved one another at certain distances, could proceed without interruption, both night and day, and in all weathers. (Herod. viii. 98; iii. 126; Xen. *Cyrop.* viii. 6. § 17; Suid. *s. v.*) It may easily be supposed that, if the government arrangements failed in any point, the service of providing horses was made compulsory on individuals; and hence the word came to mean compulsory service in forwarding royal messages; and in this sense it was adopted by the Romans under the empire, and is frequently found in the Roman laws. The Roman *angaria*, also called *angariarum exhibitio* or *praestatio*, included the maintenance and supply, not only of horses, but of ships and messengers, in forwarding both letters and burdens; it is defined as a *personale munus*; and there was no ground of exemption from it allowed, except by the favour of the emperor. (Dig. 50. tit. 4. s. 18. §§ 4, 29; tit. 5. s. 10, 11; 49, tit. 18. s. 4. § 1; Cod. Theod. 8. tit. 5; Cod. Justin. 12. tit. 51.)

According to Suidas, the Persian word was originally applied to any bearers of burdens, and next, to compulsory service of any kind. [P. S.]

ANGIPORTUS, or ANGIPORTUM, a narrow lane between two rows of houses; such a lane might have no issue at all, or end in a private house, so as to be what the French call a *cul-de-sac*, or it might terminate at both ends in some public street. The ancients derived the word from *angustus* and *portus*, and explain it as meaning, originally, the narrow entrance to a port. (Fest. p. 17. ed. Müller; Varro, *De L. L.* v. 145, vi. 41; Ulpian, in Dig. *De Signif. Verb.* 59.) The number of such narrow courts, closes, or lanes seems to have been considerable in ancient Rome. (Cic. *de Div.* i. 32, *p. Mil.* 24, *ad Heren.* iv. 51; Plaut. *Pseud.* iv. 2. 6, *ap. Non.* iii. 1; Ter. *Adelph.* iv. 2. 39; Horat. *Carm.* i. 25. 10; Catull. 58. 4.) [L. S.]

ANGUSTUS CLAVUS. [Clavus.]

ANNA'LES MA'XIMI. [Pontifex.]

ANNO'NA is used to signify, 1. The produce of the year in corn, fruit, wine, &c., and hence, 2. Provisions in general, especially the corn which, in the latter years of the republic, was collected in the storehouses of the state, and sold to the poor at a cheap rate in times of scarcity; and which, under the emperors, was distributed to the people gratuitously, or given as pay and rewards. [Congiarium; Frumentatio; Praefectus Annonae.] [P. S.]

A'NNULUS (δακτύλιος), a ring. Every freeman in Greece appears to have used a ring; and, at least in the earliest times, not as an ornament, but as an article for use, as the ring always served as a seal. How ancient the custom of wearing rings among the Greeks was, cannot be ascertained; though it is certain, as even Pliny (*H. N.* xxxiii. 4) observes, that in the Homeric poems there are no traces of it. In works of fiction, however, and in those legends in which the customs of later ages are mixed up with those of the earliest times, we find the most ancient heroes described as wearing rings. (Paus. i. 17. § 3, x. 30. § 2; Eurip. *Iphig. Aul.* 154, *Hippol.* 859.) But it is highly probable that the custom of wearing rings was introduced into Greece from Asia, where it appears to have been almost universal. (Herod. i. 195; Plat. *de Re Publ.* ii. p. 359.) In the time of Solon seal-rings (σφραγῖδες), as well as the practice of counterfeiting them, seem to have been rather common, for Diogenes Laërtius (i. 57) speaks of a law of Solon which forbade the artist to keep the form of a seal (σφραγίς) which he had sold. (Instances of counterfeited seals are given in Becker's *Charikles*, ii. p. 217.) Whether, however, it was customary as early as the time of Solon to wear rings with precious stones on which figures were engraved, may justly be doubted; and it is much more probable that at that time the figures were cut in the metal of the ring itself, a custom which was never abandoned altogether. Rings without precious stones were called ἄψηφοι, the name of the gem being ψῆφος or σφραγίς. (Artemidor. *Oneirocrit.* ii. 5.) In later times rings were worn more as ornaments than as articles for use, and persons now were no longer satisfied with one, but wore two, three, or even more rings; and instances are recorded of those who regularly loaded their hands with rings. (Plat. *Hipp. Min.* p. 368; Aristoph. *Eccles.* 632, *Nub.* 332, with the Schol.; Dinarch. *in Demosth.* p. 29; Diog. Laërt. v. 1.) Greek women likewise used to wear rings, but not so frequently as men; the rings of women also appear to have been less costly than those of men, for some are mentioned which were made of amber, ivory, &c. (Artemid. *l. c.*) Rings were mostly worn on the fourth finger (παράμεσος, Plut. *Sympos. Fragm.* lib. iv.; Gellius, x. 10). The Lacedaemonians are said to have used iron rings at all times. (Plin. *H. N.* xxxiii. 4.) With the exception perhaps of Sparta, the law does not appear to have ever attempted in any Greek state to counteract the great partiality for this luxury; and nowhere in Greece does the right of wearing a gold ring appear to have been confined to a particular order or class of citizens.

The custom of wearing rings was believed to have been introduced into Rome by the Sabines, who are described in the early legends as wearing gold rings with precious stones (*gemmati annuli*) of great beauty. (Liv. i. 11; Dionys. ii. 38.) Florus (i. 5) states that it was introduced from Etruria in the reign of Tarquinius Priscus, and Pliny (*l. c.*) derives it from Greece. The fact that among the statues of the Roman kings in the capitol, two, Numa and Servius Tullius, were represented with rings, can scarcely be adduced as an argument for their early use, as later artists would naturally represent the kings with such insignia as characterized the highest magistrates in later times. But at whatever time rings may have become customary at Rome, thus much is certain, that at first they were always of iron, that they were destined for the same purpose as in Greece, namely, to be used as seals, and that every free Roman had a right to use such a ring. This iron ring was used down to the last period of the republic by such men as loved the simplicity of the good old times. Marius wore an iron ring in his triumph over Jugurtha, and several noble families adhered to the ancient custom, and never wore gold ones. (Plin. *H. N.* xxxiii. 6.)

When senators in the early times of the republic were sent as ambassadors to a foreign state, they wore during the time of their mission gold rings, which they received from the state, and which were perhaps adorned with some symbolic representation of the republic, and might serve as a state-seal. But ambassadors used gold rings only in public; in private they wore their iron ones. (Plin. xxxiii. 4.) In the course of time it became customary for all the senators, chief magistrates, and at last for the equites also, to wear a gold seal-ring. (Liv. ix. 7. 46, xxvi. 36; Cic. *c. Verr.* iv. 25; Liv. xxiii. 12; Flor. ii. 6.) This right of wearing a gold ring, which was subsequently called the *jus annuli aurei*, or the *jus annulorum*, remained for several centuries at Rome the exclusive privilege of senators, magistrates, and equites, while all other persons continued to use iron ones. (Appian, *de Reb. Pun.* 104.) Magistrates and governors of provinces seem to have had the right of conferring upon inferior officers, or such persons as had distinguished themselves, the privilege of wearing a gold ring. Verres thus presented his secretary with a gold ring in the assembly at Syracuse. (Cic. *c. Verr.* iii. 76, 80, *ad Fam.* x. 32; Suet. *Caes.* 39.) During the empire the right of granting the annulus aureus belonged to the emperors, and some of them were not very scrupulous in conferring this privilege. Augustus gave it to Mena, a freedman, and to

Antonius Musa, a physician. (Dion Cass. xlviii. 48, liii. 30.) In A. D. 22 the emperor Tiberius ordained that a gold ring should only be worn by those ingenui whose fathers and grandfathers had had a property of 400,000 sestertia, and not by any freedman or slave. (Plin. *H. N.* xxxiii. 8.) But this restriction was of little avail, and the ambition for the annulus aureus became greater than it had ever been before. (Plin. *Epist.* vii. 26, viii. 6; Suet. *Galb.* 12. 14; Tacit. *Hist.* i. 13; Suet. *Vitell.* 12; Stat. *Silv.* iii. 3. 143, &c.) The emperors Severus and Aurelian conferred the right of wearing gold rings upon all Roman soldiers (Herodian. iii. 8; Vopisc. *Aurel.* 7); and Justinian at length allowed all the citizens of the empire, whether ingenui or libertini, to wear such rings.

The status of a person who had received the jus annuli appears to have differed at different times. During the republic and the early part of the empire the jus annuli seems to have made a person ingenuus (if he was a libertus), and to have raised him to the rank of eques, provided he had the requisite equestrian census (Suet. *Galb.* 10, 14; Tacit. *Hist.* i. 13, ii. 57), and it was probably never granted to any one who did not possess this census. Those who lost their property, or were found guilty of a criminal offence, lost the jus annuli. (Juv. *Sat.* xi. 42; Mart. viii. 5, ii. 57.) Afterwards, especially from the time of Hadrian, the privilege was bestowed upon a great many freedmen, and such persons as did not possess the equestrian census, who therefore for this reason alone could not have become equites; nay, the jus annuli at this late period did not even raise a freedman to the station of ingenuus: he only became, as it were, a half ingenuus (*quasi ingenuus*), that is, he was entitled to hold a public office, and might at any future time be raised to the rank of eques. (Jul. Capitol. *Macrin.* 4.) The Lex Visellia (Cod. 9. tit. 21) punished those freedmen, who sued for a public office without having the jus annuli aurei. In many cases a libertus might through the jus annuli become an eques, if he had the requisite census, and the princeps allowed it; but the annulus itself no longer included this honour. This difference in the character of the annulus appears to be clear also from the fact, that women received the jus annuli (Dig. 40. tit. 10. s. 4), and that Alexander Severus, though he allowed all his soldiers to wear the gold ring, yet did not admit any freedmen among the equites. (Lamprid. *Al. Sev.* 9.) The condition of a libertus who had received the jus annuli was in the main as follows: — Hadrian had laid down the general maxim, that he should be regarded as an ingenuus, *salvo jure patroni.* (Dig. 40. tit. 10. s. 6.) The patronus had also to give his consent to his freedman accepting the jus annuli, and Commodus took the annulus away from those who had received it without this consent. (Dig. 40. tit. 10. s. 3.) Hence a libertus with the annulus might be tortured, if, *e. g.* his patron died an unnatural death, as in case of such a libertus dying, his patron might succeed to his property. The freedman had thus during his lifetime only an imago libertatis, he was a quasi ingenuus but had not the status of an ingenuus (Cod. 6. tit. 8. s. 2; Dig. 40. tit. 10. s. 5), and he died quasi libertus. In the reign of Justinian these distinctions were done away with. Isidorus (xix. 32) is probably alluding to the period preceding the reign of Justinian, when he says, that freemen wore gold, freedmen silver, and slaves iron rings.

The practical purposes, for which rings, or rather the figures engraved upon them, were used at all times, were the same as those for which we use our seals. Besides this, however, persons, when they left their houses, used to seal up such parts as contained stores or valuable things, in order to secure them from thieves, especially slaves. (Plat. *de Leg.* xii. p. 954; Aristoph. *Thesmoph.* 414, &c.; Plaut. *Cas.* ii. 1. 1; Cic. *ad Fam.* xvi. 26, *de Orat.* ii. 61; Mart. ix. 88.) The ring of a Roman emperor was a kind of state-seal, and the emperor sometimes allowed the use of it to such persons as he wished to be regarded as his representatives. (Dion Cass. lxvi. 2.) The keeping of the imperial seal-ring was entrusted to an especial officer (*cura annuli*, Just. *Hist.* xliii. 5). The signs engraved upon rings were very various, as we may judge from the specimens still extant: they were portraits of ancestors, or friends, subjects connected with the mythology, or the worship of the gods; and in many cases a person had engraved upon his seal symbolical allusions to the real or mythical history of his family. (Cic. *in Catil.* iii. 5; Val. Max. iii. 5. 1; Cic. *de Finib.* v. 1; Suet. *Tib.* 58. 63; Plin. *H. N.* ii. 7, &c.) Sulla thus wore a ring with a gem, on which Jugurtha was represented at the moment he was made prisoner. (Plin. *H. N.* xxxvii. 4; Plut. *Mar.* 10.) Pompey used a ring on which three trophies were represented (Dion Cass. xliii. 18), and Augustus at first sealed with a sphinx afterwards with a portrait of Alexander the Great, and at last with his own portrait, which was subsequently done by several emperors. (Plin. *H. N.* xxxvii. 4; Suet. *Aug.* 50; Dion Cass. li. 3; Spartian. *Hadr.* 26.) The principal value of a ring consisted in the gem framed in it, or rather in the workmanship of the engraver. The stone most frequently used was the onyx (*σαρδῶνος, σαρδόνυξ*), on account of its various colours, of which the artists made the most skilful use. In the art of engraving figures upon gems, the ancients in point of beauty and execution far surpass every thing in this department that modern times can boast of. The ring itself (*σφενδόνη*), in which the gem was set, was likewise in many cases of beautiful workmanship. The part of the ring which contained the gem was called pala. In Greece we find that some persons fond of show used to wear hollow rings, the inside of which was filled up with a less valuable substance. (Artemid. *l. c.*)

With the increasing love of luxury and show, the Romans, as well as the Greeks, covered their fingers with rings. Some persons also wore rings of immoderate size, and others used different rings for summer and winter. (Quinctil. xi. 3; Juv. i. 28; Mart. xi. 59, xiv. 123.)

Much superstition appears to have been connected with rings in ancient as well as in more modern times; but this seems to have been the case in the East and in Greece more than at Rome. Some persons made it a lucrative trade to sell rings, which were believed to possess magic powers, and to preserve those who wore them from external dangers. Such persons are Eudamus in Aristophanes (*Plut.* 883, with the Schol.), and Phertatus in Antiphanes (*ap. Athen.* iii. p. 123). These rings were for the most part worn by the lower classes, and then not made of costly material, as may be inferred from the price (one drachma) in the two instances above referred to. There are several celebrated rings with magic powers, mentioned by the ancient writers, as that of Gyges which he found in a grave (Plat. *de Republ.* ii. p. 359, &c.; Plin. *H. N.* xxxiii. 4), that of Charideia (Heliod. *Aeth.* iv. 8), and the iron ring of Eucrates (Lucian, *Philops.* 17). Compare Becker, *Charikles*, vol. ii. p. 398, &c.; Kirchmann, *de Annulis*, Slesvig. 1657; P. Burmann, *de Jure Annulorum*, Ultraject. 1734. [L. S.]

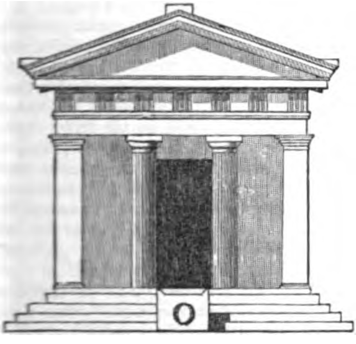
ANNUS. [Calendarium.]

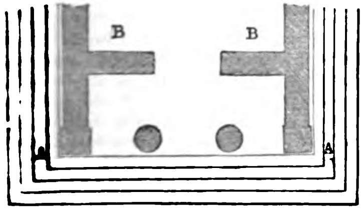
ANQUISI'TIO. [Judex.]

ANSA'TAE HASTAE. [Hasta.]

ANTAE (*παραστάδες*), were originally posts or pillars flanking a doorway. (Festus, *s. v. Antes.*) They were of a square form, and are, in fact, to be regarded rather as strengthened terminations of the walls than as pillars affixed to them. There is no clear case of the application of the word to detached square pillars, although Nonius explains it by *quadrae columnae* (1. § 124).

The chief use of *antae* was in that form of temple, which was called, from them, *in antis* (*ναὸς ἐν παραστάσι*), which Vitruvius (iii. 1. s. 2 § 2, Schn.) describes as having, in front, antae attached to the walls which enclosed the cella; and in the middle, between the antae, two columns supporting the architrave. The ruins of temples, corresponding to the description of Vitruvius, are found in Greece and Asia Minor; and we here exhibit as a specimen a restoration of the front of the temple of Artemis Propylaea, at Eleusis, together with a plan of the pronaos:





A, A, *the antae;* B, B, *the cella, or ναός.*

Vitruvius gives the following rules for a temple *in antis* of the Doric order: — The breadth should be half the length; five-eighths of the length should be occupied by the *cella*, including its front walls, the remaining three-eighths by the *pronaos* or *porticus*; the *antae* should be of the same thickness as the columns; in the intercolumniations there should be a marble balustrade, or some other kind of railing, with gates in it; if the breadth of the portico exceeds forty feet, there should be another pair of columns behind those between the *antae*, and a little thinner than they; besides other and minor details. (Vitruv. iv. 4.)

In the pure Greek architecture, the *antae* have no other capitals than a succession of simple mouldings, sometimes ornamented with leaves and arabesques, and no bases, or very simple ones; it is only in the later (Roman) style, that they have capitals and bases resembling those of the columns between them. The antae were generally of the same thickness throughout; the only instance of their tapering is in one of the temples of Paestum.

In a Greek private house the entrance was flanked by a pair of antae with no columns between them; and the space thus enclosed was itself called *παραστάς*. (Vitruv. vi. 10. s. 7. § 1. Schn.) So also Euripides uses the term to denote either the pronaos of a temple (*Iph. in Taur.* 1126), or the vestibule of a palace. (*Phoen.* 415.)

The following are the chief of the other passages in which *antae* or *παραστάδες* are mentioned: — Eurip. *Androm.* 1121, where *παραστάδος κρεμαστά* signifies the arms suspended from one of the *antae* of the temple; Cratin. *Dionys. Fr.* 9, *ap. Polluc.* vii. 122, x. 25, Meineke, *Fr. Com. Graec.* vol. ii. p. 42; Xen. *Hier.* xi. 2: Hero, *Autom.* p. 269; *Inscript. ap. Gruter.* p. 207. See also Stieglitz, *Archäologie der Baukunst*, vol. i. pp. 236—242. [Templum.] [P. S.]

ANTEAMBULO'NES, were slaves who were accustomed to go before their masters, in order to make way for them through the crowd. (Suet. *Vesp.* 2.) They usually called out *date locum domino meo;* and if this were not sufficient to clear the way, they used their hands and elbows for that purpose. Pliny relates an amusing tale of an individual who was roughly handled by a Roman knight, because his slave had presumed to touch the latter, in order to make way for his master. (*Ep.* iii. 14.) The term *anteambulones* was also given to the clients, who were accustomed to walk before their patroni when the latter appeared in public. (Martial, ii. 18, iii. 7, x. 74.)

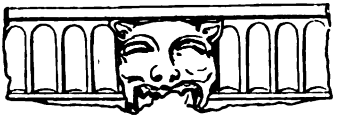
ANTECESSO'RES, called also ANTECURSO'RES, were horse-soldiers, who were accustomed to precede an army on the march, in order to choose a suitable place for the camp, and to make the necessary provisions for the army. They were not merely scouts, like the *speculatores.* (Hirt. *Bell. Afr.* 12, who speaks of *speculatores et antecessores equites;* Suet. *Vitell.* 17; Caes. *B. G.* v. 47.) This name was also given to the teachers of the Roman law. (Cod. I. tit. 17. s. 2. § 9. 11.)

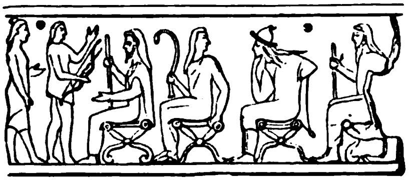
ANTECOENA. [Coena.]

ANTEFIXA, terra-cottas, which exhibited various ornamental designs, and were used in architecture, to cover the frieze (*zophorus*) or cornice of the entablature. (Festus, *s. v.*) These terra-cottas do not appear to have been used among the Greeks, but were probably Etrurian in their origin, and were thence taken for the decoration of Roman buildings.

The name *antefixa* is evidently derived from the circumstance that they were *fixed before* the buildings which they adorned; and in many instances they have been found fastened to the frieze with leaden nails. They were formed in moulds, and then baked by fire; so that the number of them might be increased to any extent. Of the great variety and exquisite beauty of the workmanship, the reader may best form an idea by inspecting the collection of them in the British Museum.

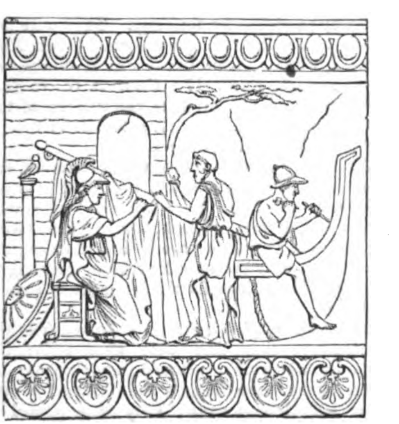
The two imperfect antefixa, here represented, are among those found at Velletri, and described by Carloni. (*Roma*, 1785.)





The first of them must have formed part of the upper border of the frieze, or rather of the cornice. It contains a panther's head, designed to serve as a spout for the rain-water to pass through in descending from the roof. Similar antefixa, but with comic masks instead of animals' heads, adorned the temple of Isis at Pompeii. The second of the above specimens represents two men who have a dispute, and who come before the sceptre-bearing kings, or judges, to have their cause decided. The style of this bas-relief indicates its high antiquity, and, at the same time, proves that the Volsci had attained to considerable taste in their architecture. Their antefixa are remarkable for being painted: the ground of that here represented is blue; the hair of the six men is black, or brown; their flesh red; their garments white, yellow, and red: the chairs are white. The two holes may be observed, by which this slab was fixed upon the building.

Cato the Censor complained that the Romans of his time began to despise ornaments of this description, and to prefer the marble friezes of Athens and Corinth. (Liv. xxxiv. 4.) The rising taste which Cato deplored may account for the superior beauty of the antefixa preserved in the British Museum, which were discovered at Rome. A specimen of them is given at the foot of the preceding column It represents Athena superintending the construction of the ship Argo. The man with the hammer and chisel is Argus, who built the vessel under her direction. The pilot Tiphys is assisted by her in attaching the sail to the yard. Another specimen of the antefixa is given under the article ANTYX.



ANTENNA. [NAVIS.]

ANTEPAGMENTA, doorposts, the jambs of a door. Vitruvius (iv. 6.) gives minute instructions respecting the form and proportions of the antepagmenta in the doors of temples; and these are found in general to correspond with the examples preserved among the remains of Grecian architecture. (See Hirt, *Baukunst nach den Grundsätzen der Alten*, xvi.) [JANUA.] [J. Y.]

ANTEPILA'NI. [EXERCITUS.]

ANTESIGNA'NI. [EXERCITUS.]

ANTESTA'RI. [ACTIO.]

ANTHESPHO'RIA (ἀνθεσφόρια), a flower-festival, principally celebrated in Sicily, in honour of Demeter and Persephone, in commemoration of the return of Persephone to her mother in the beginning of spring. It consisted in gathering flowers and twining garlands, because Persephone had been carried off by Pluto while engaged in this occupation. (Pollux, i. 37.) Strabo (vi. p. 256) relates that at Hipponium the women celebrated a similar festival in honour of Demeter, which was probably called anthesphoria, since it was derived from Sicily. The women themselves gathered the flowers for the garlands which they wore on the occasion, and it would have been a disgrace to buy the flowers for that purpose. Anthesphoria were also solemnized in honour of other deities, especially in honour of Hera, surnamed Ἀνθεία, at Argos (Paus. ii. 22. § 1), where maidens, carrying baskets filled with flowers, went in procession, whilst a tune called ἱεράκιον was played on the flute. (Comp. *Etym. Gud.* p. 57.) Aphrodite, too, was worshipped at Cnossus, under the name Ἀνθεία (Hesych. *s. v.*), and has therefore been compared with Flora, the Roman deity, as the anthesphoria have been with the Roman festival of the *Florifertum*, or *Floralia*. [L. S.]

ANTHESTE'RIA. [DIONYSIA.]

ANTI'DOSIS (ἀντίδοσις), in its literal and general meaning, "an exchange," was, in the language of the Attic courts, peculiarly applied to proceedings under a law which is said to have originated with Solon. (Demosth. *c. Phaenipp.* init.) By this, a citizen nominated to perform a leiturgia, such as a trierarchy or choregia, or to rank among the property-tax payers in a class disproportioned to his means, was empowered to call upon any qualified person not so charged to take the office in his stead, or submit to a complete exchange of property — the charge in question, of course, attaching to the first party, if the exchange were finally effected. For these proceedings the courts were opened at a stated time every year by the magistrates that had official cognizance of the particular subject; such as the strategi in cases of trierarchy and rating to the property-taxes, and the archon in those of choregia; and to the tribunal of such an officer, it was the first step of the challenger to summon his opponent. (Dem. c. *Phaenipp.* p. 1040; Meier, *Att. Process.* p. 471;

προσκαλεῖσθαι τινα εἰς ἀντίδοσιν, Lysias Ὑπὲρ τοῦ Ἀδυνάτου, p. 745.) It may be presumed that he then formally repeated his proposal, and that the other party stated his objections, which, if obviously sufficient in law, might, perhaps, authorise the magistrate to dismiss the case; if otherwise, the legal resistance, and preparations for bringing the cause before the dicasts, would naturally begin here. In the latter case, or if the exchange were accepted, the law directed the challenger to repair to the houses and lands of his antagonist, and secure himself, as all the claims and liabilities of the estate were to be transferred, from fraudulent encumbrances of the real property, by observing what mortgage placards (ὅροι), if any, were fixed upon it, and against clandestine removal of the other effects, by sealing up the chambers that contained them, and, if he pleased, by putting bailiffs in the mansion. (Dem. *c. Phaenipp.* pp. 1040, 1041.) His opponent was, at the same time, informed, that he was at liberty to deal in like manner with the estate of the challenger, and received notice to attend the proper tribunal on a fixed day, to take the usual oath. The entries here described seem, in contemplation of law, to have been a complete effectuation of the exchange. (Dem. *c. Mid.* p. 540, *c. Phaenipp.* p. 1041. 25), and it does not appear that primarily there was any legal necessity for a further ratification by the dicasts; but, in practice, this must always have been required by the conflict of interests between the parties. The next proceeding was the oath, which was taken by both parties, and purported that they would faithfully discover all their property, except shares held in the silver mines at Laurion; for these were not rated to leiturgiae or property-taxes, nor consequently liable to the exchange. In pursuance of this agreement, the law enjoined that they should exchange correct accounts of their respective assets (ἀποφάσεις) within three days; but in practice the time might be extended by the consent of the challenger. After this, if the matter were still uncompromised, it would assume the shape and follow the course of an ordinary lawsuit [Dice′], under the conduct of the magistrate within whose jurisdiction it had originally come. The verdict of the dicasts, when adverse to the challenged, seems merely to have rendered imperative the first demand of his antagonist, viz. that he should submit to the exchange or undertake the charge in question; and as the alternative was open to the former, and a compromise might be acceded to by the latter, at any stage of the proceedings, we may infer that the exchange was rarely, if ever, finally accomplished. The irksomeness, however, of the sequestration, during which the litigant was precluded from the use of his own property, and disabled from bringing actions for embezzlement and the like against others (for his prospective reimbursement was reckoned a part of the sequestrated estate, Dem. *c. Aphob.* ii. p. 841, *c. Mid.* p. 540), would invariably cause a speedy, perhaps, in most cases, a fair adjustment of the burdens incident to the condition of a wealthy Athenian. (Böckh, *Publ. Econ. of Athens*, pp. 580—583, 2nd ed.) [J. S. M.]

ANTIGONEIA (ἀντιγόνεια), sacrifices instituted by Aratus and celebrated at Sicyon with paeans, processions, and contests, in honour of Antigonus Doson, with whom Aratus formed an alliance for the purpose of thwarting the plans of Cleomenes. (Plut. *Cleom.* 16, *Arat.*, 45; Polyb. xxviii. 16, xxx. 20.) [L. S.]

ANTIGRAPHE′ (ἀντιγραφή), originally signified the writing put in by the defendant, in all causes, whether public or private, in answer to the indictment or bill of the prosecutor. From this signification, it was applied by an easy transition to the substance as well as the form of the reply, both of which are also indicated by ἀντωμοσία, which means, primarily, the oath corroborating the statement of the accused. Harpocration has remarked that *antigraphe* might denote, as antomosia does in its more extended application, the bill and affidavit of either party; and this remark seems to be justified by a passage of Plato. (*Apolog. Soc.* p. 27. c.) Schömann, however, maintains (*Att. Process*, p. 465) that *antigraphé* was only used in this signification in the case of persons who laid claim to an unassigned inheritance. Here, neither the first nor any other claimant could appear in the character of a prosecutor; that is, no δίκη or ἔγκλημα could be strictly said to be directed by one competitor against another, when all came forward voluntarily to the tribunal to defend their several titles. This circumstance Schömann has suggested as a reason why the documents of each claimant were denoted by the term in question.

Perhaps the word "plea," though by no means a coincident term, may be allowed to be a tolerably proximate rendering of antigraphe. Of pleas there can be only two kinds, the dilatory, and those to the action. The former, in Attic law, comprehends all such allegations as, by asserting the incompetency of the court, the disability of the plaintiff, or privilege of the defendant, and the like, would have a tendency to show that the cause in its present state could not be brought into court (μὴ εἰσαγώγιμον εἶναι τὴν δίκην); the latter, everything that could be adduced by way of denial, excuse, justification, and defence generally. It must be, at the same time, kept in mind, that the process called "special pleading," was at Athens supplied by the magistrate holding the anacrisis, at which both parties produced their allegations, with the evidence to substantiate them; and that the object of this part of the proceedings was, under the directions, and with the assistance of the magistrate, to prepare and enucleate the question for the dicasts. The following is an instance of the simplest form of indictment and plea:—"Apollodorus, the son of Pasion of Acharnae, against Stephanus, son of Menecles of Acharnae, for perjury. The penalty rated, a talent. Stephanus bore false witness against me, when he gave in evidence the matters in the tablets. Stephanus, son of Menecles of Acharnae. I witnessed truly, when I gave in evidence the things in the tablet." (Dem. *in Steph.* i. p. 1115.). The pleadings might be altered during the anacrisis; but once consigned to the echinus, they, as well as all the other accompanying documents, were protected by the official seal from any change by the litigants. On the day of trial, and in the presence of the dicasts, the echinus was opened, and the plea was then read by the clerk of the court, together with its antagonist bill. Whether it was preserved afterwards as a public record, which we know to have been the case with respect to the γραφή in some causes, we are not informed.

From what has been already stated, it will have been observed, that questions requiring a previous decision, would frequently arise upon the allegations of the plea; and that the plea to the action in particular would often contain matter that would tend essentially to alter, and, in some cases, to reverse the relative positions of the parties. In the first case, a trial before the dicasts would be granted by the magistrate whenever he was loth to incur the responsibility of decision; in the second, a cross-action might be instituted, and carried on separately, though, perhaps, simultaneously with the original suit. Cases would also sometimes occur in which the defendant, from considering the indictment as an unwarrantable aggression, or, perhaps, one best repelled by attack, would be tempted to retaliate upon some delinquency of his opponent, utterly unconnected with the cause in hand, and to this he would be, in most cases, able to resort. An instance of each kind will be briefly given, by citing the common *paragraphé*, as a cause arising upon a dilatory plea; a cross-action for assault (*αἰκίας*) upon a primary action for the same (Dem. *in Ev. et Mnesib.* p. 1153); and a *δοκιμασία*, or "judicial examination of the life or morals" of an orator upon an impeachment for misconduct in an embassy (*παραπρεσβεία*). (Aesch. *in Timarch.*) All causes of this secondary nature (and there was hardly one of any kind cognisable by the Attic courts, that might not occasionally rank among them) were, when viewed in their relation with the primary action, comprehended by the enlarged signification of *antigraphé*, or, in other words, this term, inexpressive of form or substance, is indicative of a repellent or retaliative quality, that might be incidental to a great variety of causes. The distinction, however, that is implied by *antigraphé*, was not merely verbal and unsubstantial; for we are told, in order to prevent frivolous suits on the one hand, and unfair elusion upon the other, the loser in a *paragraphé*, or cross-action upon a private suit, was condemned by a special law to pay the *ἐπωβελία*, rateable upon the valuation of the main cause, if he failed to obtain the votes of one-fifth of the jury, and certain court fees (*πρυτανεῖα*) not originally incident to the suit. That there was a similar provision in public causes, we may presume from analogy, though we have no authority to determine the matter. (Meier, *Att. Process*, p. 625.) [J. S. M.]

ANTIGRAPHEIS (*ἀντιγραφεῖς*). [GRAMMATEUS.]

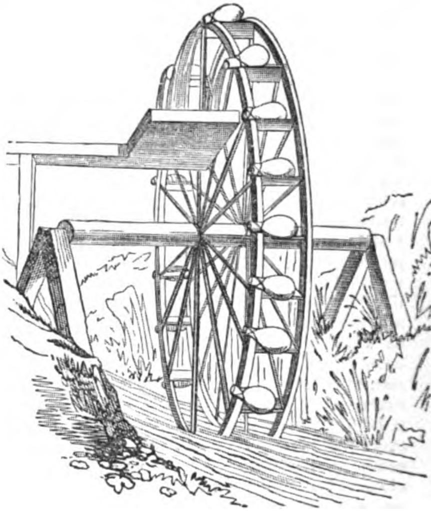
ANTINOEIA (*ἀντινόεια*), annual festivals and quinquennial games, which the Roman emperor Hadrian instituted in honour of his favourite, Antinous, after he was drowned in the Nile, or, according to others, had sacrificed himself for his sovereign, in a fit of religious fanaticism. The festivals were celebrated in Bithynia, and at Mantineia, in which places he was worshipped as a god. (Spartian. *Hadrian*, c. 14; Dion Cass. lxix. 10; Paus. viii. 9. § 4.) [L. S.]

ANTIPHERNA (*ἀντίφερνα*). [DOS.]

ANTIQUA'RII. [LIBRARII.]

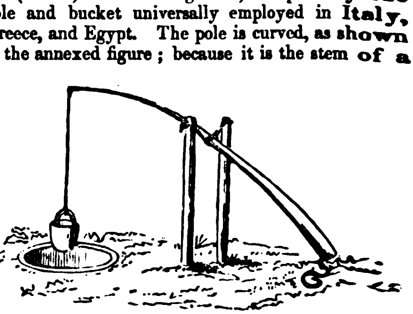
A'NTLIA (*ἀντλία*), any machine for raising water; a pump. The annexed figure shows a machine which is still used on the river Eissach in the Tyrol, the ancient Atagis. As the current puts the wheel in motion, the jars on its margin are successively immersed and filled with water. When they reach the top, the water is sent into a trough, from which it is conveyed to a distance, and chiefly used for irrigation.

Lucretius (v. 517) mentions a machine contructed on this principle: — "Ut fluvios versare rotas atque haustra videmus."



In situations where the water was at rest, as in a pond or a well, or where the current was too slow and feeble to put the machine in motion, it was constructed so as to be wrought by animal force, and slaves or criminals were commonly employed for the purpose (*εἰς ἀντλίαν καταδικασθῆναι*, Artemid. *Oneiroc.* i. 50; *in antliam condemnare*, Suet. *Tib.* 51.) Five such machines are described by Vitruvius, in addition to that which has been already explained, and which, as he observes, was turned *sine operarum calcatura, ipsius fluminis impulsu.* These five were, 1. the tympanum; a tread-wheel, wrought *hominibus calcantibus*: 2. a wheel resembling that in the preceding figure; but having, instead of pots, wooden boxes or buckets (*modioli quadrati*), so arranged as to form steps for those who trod the wheel: 3. the chain-pump: 4. the *cochlea*, or Archimedes' screw: and 5. the *ctesibica machina*, or forcing-pump. (Vitruv. x. 4—7; Drieberg, *Pneum. Erfindungen der Griechen*, p. 44—50.)

On the other hand, the antlia with which Martial (ix. 19) watered his garden, was probably the pole and bucket universally employed in Italy, Greece, and Egypt. The pole is curved, as shown in the annexed figure; because it is the stem of a

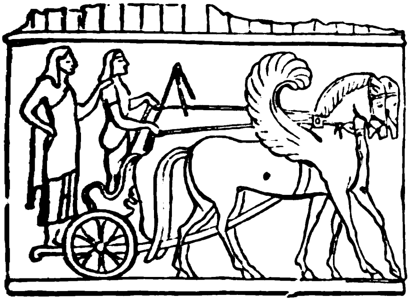


fir, or some other tapering tree. The bucket, being attached to the top of the tree, bends it by its weight; and the thickness of the other extremity serves as a counterpoise. The great antiquity of this method of raising water is proved by representations of it in Egyptian paintings. (Wilkinson, *Manners and Cust. of Anc. Egypt*, ii. 1—4; see also *Pitt. d'Ercolano*, vol. i. p. 257.) [J. Y.]

ANTOMO'SIA (ἀντωμοσία). [Anakrisis, p. 92, a; Paragraphe.]

ANTYX (ἄντυξ, probably allied etymologically to ἄμπυξ), the rim or border of any thing, especially of a shield, or chariot. The rim of the large round shield of the ancient Greeks was thinner than the part which it enclosed. Thus the ornamental border of the shield of Achilles, fabricated by Hephaestus, was only threefold, the shield itself being sevenfold. (*Il.* xviii. 479; comp. xx. 275.) See examples of the *antyx* of a shield in woodcuts to Antefixa, Arma, Clipeus.

On the other hand, the *antyx* of a chariot must have been thicker than the body to which it was attached, and to which it gave both form and strength. For the same reason, it was often made double, as in the chariot of Hera. (Δοιαὶ δὲ περίδρομοι ἄντυγές εἰσι, *Il.* v. 728.) It rose in front of a chariot in a curved form, on which the reins might be hung. (*Il.* v. 262, 322.) A simple form of it is exhibited in the annexed woodcut from the work of Carloni. Sometimes antyx is used to signify the chariot itself. [J. Y.]



APA'GELI (ἀπάγελοι). [Agela.]

APAGO'GE (ἀπαγωγή). [Endeixis.]

APATU'RIA (ἀπατούρια), was a political festival, which the Athenians had in common with all the Greeks of the Ionian name (Herod. i. 147), with the exception of those of Colophon and Ephesus. It was celebrated in the month of Pyanepsion, and lasted for three days. The origin of this festival is related in the following manner: — About the year 1100 B. C., the Athenians were carrying on a war against the Boeotians, concerning the district of Cilaenae, or, according to others, respecting the little town of Oenoe. The Boeotian Xanthius, or Xanthus, challenged Thymoetes, king of Attica, to single combat; and when he refused, Melanthus, a Messenian exile of the house of the Nelids, offered himself to fight for Thymoetes, on condition that, if victorious, he should be the successor to Thymoetes. The offer was accepted; and when Xanthius and Melanthus began the engagement, there appeared behind Xanthius a man in the τραγῇ, the skin of a black she-goat. Melanthus reminded his adversary that he was violating the laws of single combat by having a companion, and while Xanthius looked around, Melanthus slew the *deceived* Xanthius. From that time, the Athenians celebrated two festivals, the Apaturia, and that of Dionysus Melanaegis, who was believed to have been the man who appeared behind Xanthius. This is the story related by the Scholiast on Aristophanes. (*Acharn.* 146.) This tradition has given rise to a false etymology of the name ἀπατούρια, which was formerly considered to be derived from ἀπατᾶν, to deceive. All modern critics, however (Müller, *Dorians*, i. 5. 4; Welcker, *Aeschyl. Tril.* p. 288), agree that the name is composed of α = ἅμα, and πατόρια, which is perfectly consistent with what Xenophon (*Hellen.* i. 7. § 8) says of the festival: Ἐν οἷς (ἀπατουρίοις) οἵ τε πατέρες καὶ οἱ συγγενεῖς ξύνεισι σφίσιν αὐτοῖς. According to this derivation, it is the festival at which the phratriae met, to discuss and settle their own affairs. But, as every citizen was a member of a phratria, the festival extended over the whole nation, who assembled *according to phratriae.* Welcker (*Anhang z. Trilog.* p. 200), on account of the prominent part which Dionysus takes in the legend respecting the origin of the Attic Apaturia, conceives that it arose from the circumstance that families belonging to the Dionysian tribe of the Aegicores had been registered among the citizens.

The first day of the festival, which probably fell on the eleventh of the month of Pyanepsion, was called δορπία, or δόρπεια (Athen. iv. p. 171; Hesych. and Suid. *s. v.*); on which every citizen went in the evening to the phratrium, or to the house of some wealthy member of his own phratria, and there enjoyed the supper prepared for him. (Aristoph. *Acharn.* 146.) That the cup-bearers (οἰνόπται) were not idle on this occasion, may be seen from Photius (Lexic. *s. v.* Δορπία).

The second day was called ἀνάῤῥυσις (ἀναῤῥύειν) from the sacrifice offered on this day to Zeus, surnamed Φράτριος, and to Athena, and sometimes to Dionysus Melanaegis. This was a state sacrifice, in which all citizens took part. The day was chiefly devoted to the gods, and to it must, perhaps, be confined what Harpocration (*s. v.* Λαμπάς) mentions, from the Atthis of Istrus, that the Athenians at the apaturia used to dress splendidly, kindle torches on the altar of Hephaestus, and sacrifice and sing in honour of him. Proclus on Plato (*Tim.* p. 21. *b.*), in opposition to all other authorities, calls the first day of the Apaturia ἀνάῤῥυσις, and the second δορπία, which is, perhaps, nothing more than a slip of his pen.

On the third day, called κουρεῶτις (κοῦρος), children born in that year, in the families of the phratriae, or such as were not yet registered, were taken by their fathers, or in their absence by their representatives (κύριοι), before the assembled members of the phratria. For every child a sheep or goat was sacrificed. The victim was called μεῖον, and he who sacrificed it μειαγωγός (μειαγωγεῖν). It is said that the victim was not allowed to be below (Harpocrat. Suid. Phot. *s. v.* Μεῖον), or, according to Pollux (iii. 52), above, a certain weight. Whenever any one thought he had reason to oppose the reception of the child into the phratria, he stated the case, and, at the same time, led away the victim from the altar. (Demosth. *c. Macart.* p. 1054.) If the members of the phratria found the objections to the reception of the child to be sufficient, the victim was removed; when no objections were raised, the father, or he who supplied his place, was obliged to establish by oath that the child was the offspring of free-born parents, and citizens of Athens. (Isaeus, *De Haered. Ciron.* p. 100. §19; Demosth. *c. Eubul.* p. 1315.) After the victim was sacrificed, the phratores gave their votes, which they took from the altar of Jupiter Phratrius. When the majority voted against the reception, the cause might be tried before one of the courts of Athens; and if the claims of the child were found unobjectionable, its name, as well as that of the father, was entered in the register of the phratria, and those who had wished to effect the exclusion of the child were liable to be punished. (Demosth. *c. Macart.* p. 1078.) Then followed the distribution of wine, and of the victim, of which every phrator received his share; and poems were recited by the elder boys, and a prize was given to him who acquitted himself the best on the occasion. (Plat. *Tim.* p. 21, *b.*) On this day, also, illegitimate children on whom the privileges of Athenian citizens were to be bestowed, as well as children adopted by citizens, and newly created citizens were introduced; but the last, it appears, could only be received into a phratria when they had previously been adopted by a citizen; and their children, when born by a mother who was a citizen, had a legitimate claim to be inscribed in the phratria of their grandfather, on their mother's side. (Platner, *Beiträge*, p. 168.) In later times, however, the difficulties of being admitted into a phratria seem to have been greatly diminished.

Some writers have added a fourth day to this festival, under the name of ἐπίβδα (Hesych. *s. v.* Ἀπατούρια: and Simplicius on *Aristot. Phys.* iv. p. 167. *a.*); but this is no particular day of the festival, for ἐπίβδα signifies nothing else but a day subsequent to any festival. (See Rhunken, *Ad Tim. Lex. Plat.* p. 119.) [L. S.]

APAU'LIA. [Matrimonium.]

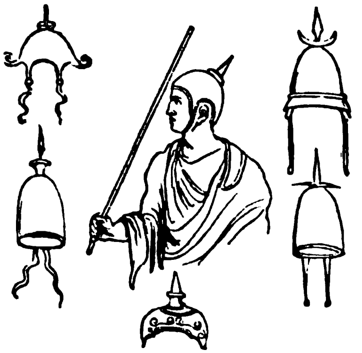
APELEU'THERI (ἀπελεύθεροι). [Liberti.]

APERTA NAVIS. [Navis.]

APEX, a cap worn by the flamines and salii at Rome. The essential part of the apex, to which alone the name properly belonged, was a pointed piece of olive-wood, the base of which was surrounded with a lock of wool. This was worn on the top of the head, and was held there either by fillets only, or, as was more commonly the case, by the aid of a cap, which fitted the head, and was also fastened by means of two strings or bands, which were called *apicula* (Festus, *s. v.*), or *offendices* (Festus, *s. v.*), though the latter word is also interpreted to mean a kind of button, by which the strings were fastened under the chin. (Comp. Serv. *ad Virg. Aen.* ii. 683, viii. 664, x. 270.)

The flamines were forbidden by law to go into public, or even into the open air without the apex (Gell. x. 15), and hence we find the expression of *alicui apicem dialem imponere* used as equivalent to the appointment of a flamen dialis. (Liv. vi. 41.) Sulpicius was deprived of the priesthood, only because the apex fell from his head whilst he was sacrificing. (Val. Max. i. 1. § 4.)

Dionysius (ii. 70) describes the cap as being of a conical form. On ancient monuments we see it round as well as conical. From its various forms, as shown on bas-reliefs and on coins of the Roman emperors, who as priests were entitled to wear it, we have selected six for the annexed woodcut. The middle figure is from a bas-relief, showing one of the salii with a rod in his right hand. The Albogalerus, or albus galerus was a white cap worn by the flamen dialis, made of the skin of a white victim sacrificed to Jupiter, and had the apex fastened to it by means of an olive-twig. (Festus, *s. v. albogalerus;* Gell. x. 15.)



From apex was formed the epithet *apicatus*, applied to the flamen dialis by Ovid (*Fast.* iii. 197).

APHLASTON (ἄφλαστον). [Navis.]

APHORMES DIKE' (ἀφορμῆς δίκη), was the action brought against a banker or money-lender (τραπεζίτης), to recover funds advanced for the purpose of being employed as banking capital. Though such moneys were also styled παρακαταθῆκαι, or deposits, to distinguish them from the private capital of the banker (ἰδία ἀφορμή), there is an essential difference between the actions ἀφορμῆς and παρακαταθήκης, as the latter implied that the defendant had refused to return a deposit intrusted to him, not upon the condition of his paying a stated interest for its use, as in the former case, but merely that it might be safe in his keeping till the affairs of the plaintiff should enable him to resume its possession in security. [Paracatatheck'.] The former action was of the class πρός τινα, and came under the jurisdiction of the thesmothetae. The speech of Demosthenes in behalf of Phormio was made in a παραγραφή against an action of this kind. [J. S. M.]

APHRACTUS. [Navis.]

APHRODI'SIA (Ἀφροδίσια), festivals celebrated in honour of Aphrodite, in a great number of towns in Greece, but particularly in the island of Cyprus. Her most ancient temple was at Paphos, which was built by Aërias or Cinyras, in whose family the priestly dignity was hereditary. (Tacit. *Hist.* ii. 3, *Annal.* iii. 62; Maxim. Tyr. *Serm.* 83.) No bloody sacrifices were allowed to be offered to her, but only pure fire, flowers, and incense (Virg. *Aen.* i. 116); and therefore, when Tacitus (*Hist.* ii. 3) speaks of victims, we must either suppose, with Ernesti, that they were killed merely that the priest might inspect their intestines, or for the purpose of affording a feast to the persons present at the festival. At all events, however, the altar of the goddess was not allowed to be polluted with the blood of the victims, which were mostly he-goats. Mysteries were also celebrated at Paphos in honour of Aphrodite; and those who were initiated offered to the goddess a piece of money, and received in return a measure of salt and a phallus. In the mysteries themselves, they received instructions ἐν τῇ τέχνῃ μοιχικῇ. A second or new Paphos had been built, according to tradition, after the Trojan war, by the Arcadian Agapenor; and, according to Strabo (xiv. p. 683), men and women from other towns of the island assembled at New Paphos, and went in solemn procession to Old Paphos, a distance of sixty stadia; and the name of the priest of Aphrodite, ἀγήτωρ (Hesych. *s. v.*), seems to have originated in his heading this procession. Aphrodite was worshipped in most towns of Cyprus, and in other parts of Greece, such as Cythera, Sparta, Thebes, Elis, &c.; and though no Aphrodisia are mentioned in these places, we have no reason to doubt their existence; we find them expressly mentioned at Corinth and Athens, where they were chiefly celebrated by the numerous prostitutes. (Athen. xiii. pp. 574, 579, xiv. p. 659.) Another great festival of Aphrodite and Adonis in Sestus is mentioned by Musaeus. (*Hero and Leand.* 42.) [L. S.]

APLUSTRE. [Navis.]

APOCLE'TI (ἀποκλητοί). [Aetolicum Foedus, p. 27. b.].

APODECTAE (ἀποδέκται), the Receivers, were public officers at Athens, who were introduced by Cleisthenes in the place of the ancient colacretae (κωλακρέται). They were ten in number, one for each tribe, and their duty was to receive all the ordinary taxes and distribute them to the separate branches of the administration, which were entitled to them. They accordingly kept lists of persons indebted to the state, made entries of all moneys that were paid in, and erased the names of the debtors from the lists. They had the power to decide causes connected with the subjects under their management; though if the matters in dispute were of importance, they were obliged to bring them for decision into the ordinary courts. (Pollux, viii. 97; Etymolog. Mag. Harpocrat. Suid. Hesych. *s. v.*; Aristot. *Pol.* vi. 8; Dem. *c. Timocr.* pp. 750, 762; Aesch. *c. Ctes.* p. 375; Böckh, *Publ. Econ. of Athens*, p. 159, 2nd ed.)

APOGRAPHE' (ἀπογραφή), is literally "a list, or register;" but in the language of the Attic courts, the terms ἀπογράφειν and ἀπογράφεσθαι had three separate applications:—1. Ἀπογραφή was used in reference to an accusation in public matters, more particularly when there were several defendants; the denunciation, the bill of indictment, and enumeration of the accused, would in this case be termed *apographé*, and differ but little, if at all, from the ordinary *graphé*. (Andoc. *de Myst.* 13; Antiph. *de Choreut.* 783.) 2. It implied the making of a solemn protest or assertion before a magistrate, to the intent that it might be preserved by him, till it was required to be given in evidence. (Dem. *in Phaen.* 1040.) 3. It was a specification of property, said to belong to the state, but actually in the possession of a private person; which specification was made, with a view to the confiscation of such property to the state. (Lys. *de Aristoph. Bonis.*)

The last case only requires a more extended illustration. There would be two occasions upon which it would occur; first, when a person held public property without purchase, as an intruder; and secondly, when the substance of an individual was liable to confiscation in consequence of a judicial award, as in the case of a declared state debtor. If no opposition were offered, the *apographé* would attain its object, under the care of the magistrate to whose office it was brought; otherwise, a public action arose, which is also designated by the same title.

In a cause of the first kind, which is said in some cases to have also borne the name πόθεν ἔχει τὰ χρήματα καὶ πόσα ταῦτα εἴη, the claimant against the state had merely to prove his title to the property; and with this we must class the case of a person that impugned the *apographé*, whereby the substance of another was, or was proposed to be, confiscated, on the ground that he had a loan by way of mortgage or other recognised security upon a portion of it; or that the part in question did not in any way belong to the state debtor, or person so mulcted. This kind of opposition to the *apographé* is illustrated in the speech of Demosthenes against Nicostratus, in which we learn that Apollodorus had instituted an *apographé* against Arethusius, for non-payment of a penalty incurred in a former action. Upon this, Nicostratus attacks the description of the property, and maintains that three slaves were wrongly set down in it as belonging to Arethusius, for they were in fact his own.

In the second case, the defence could of course only proceed upon the alleged illegality of the former penalty; and of this we have an instance in the speech of Lysias, for the soldier. There Polyaenus had been condemned by the generals to pay a fine for a breach of discipline; and, as he did not pay it within the appointed time, an *apographé* to the amount of the fine was directed against him, which he opposes, on the ground that the fine was illegal. The *apographé* might be instituted by an Athenian citizen; but if there were no private prosecutor, it became the duty of the demarchi to proceed with it officially. Sometimes, however, extraordinary commissioners, as the συλλογεῖς and ζητηταί, were appointed for the purpose. The suits instituted against the *apographé* belonged to the jurisdiction of the Eleven, and for a while to that of the Syndici. (Πρὸς τοῖς συνδίκοις ἀπογραφὰς ἀπογράφων, Lycurg. quoted by Harpocration.) The further conduct of these causes would, of course, in a great measure depend upon the claimant being, or not being, in possession of the proscribed property. In the first case the ἀπογράφων, in the second the claimant, would appear in the character of a plaintiff. In a case like that of Nicostratus above cited, the claimant would be obliged to deposit a certain sum, which he forfeited if he lost his cause (παρακαταβολή); in all, he would probably be obliged to pay the costs or court fees (πρυτανεῖα) upon the same contingency.

A private citizen, who prosecuted an individual by means of ἀπογραφή, forfeited a thousand drachmae, if he failed to obtain the votes of one-fifth of the dicasts, and reimbursed the defendant his prytaneia upon acquittal. In the former case, too, he would probably incur a modified atimia, *i. e.* a restriction from bringing such actions for the future. [J. S. M.]

APOKERUXIS (ἀποκήρυξις), implies the method by which a father could at Athens dissolve the legal connection between himself and his son; but as it is not mentioned by any of the orators or the older writers, it could rarely have taken place. According to the author of the declamation on the subject (Ἀποκηρυττόμενος), which has generally been attributed to Lucian, substantial reasons were required to insure the ratification of such extraordinary severity. Those suggested in the treatise referred to are, deficiency in filial attention, riotous living, and profligacy generally. A subsequent act of pardon might annul this solemn rejection; but if it were not so avoided, the son was denied by his father while alive, and disinherited afterwards. It does not, however, appear that his privileges as to his tribe or the state underwent any alteration. The court of the archon must have been that in which causes of this kind were brought forward, and the rejection would be completed and declared by the voice of the herald (ἀποκήρυξαι). It is probable that an adoptive father also might resort to this remedy against the ingratitude of a son. (Meier, *Att. Process*, p. 432, &c.) [J. S. M.]

APOLEIPSIS (ἀπόλειψις). [Divortium.]

APOLLINA'RES LUDI. [Ludi.]

APOLLO'NIA (Ἀπολλώνια) is the name of a propitiatory festival solemnized at Sicyon, in honour of Apollo and Artemis, of which Pausanias (ii. 7. § 7) gives the following account: — Apollo and Artemis, after the destruction of the Python, had wished to be purified at Sicyon (*Aegialea*); but being driven away by a phantom (whence in after-times a certain spot in the town was called Φόβος), they proceeded to Carmanos in Crete. Upon this the inhabitants of Sicyon were attacked by a pestilence, and the seers ordered them to appease the deities. Seven boys and the same number of girls were ordered to go to the river Sythas, and bathe in its waters; then to carry the statues of the two deities into the temple of Peitho, and from thence back to that of Apollo. Similar rites, says Pausanias, still continue to be observed; for at the festival of Apollo, the boys go to the river Sythas, and carry the two deities into the temple of Peitho, and thence back to that of Apollo.

Although festivals under the name of Apollonia, in honour of Apollo, are mentioned in no other place, still it is not improbable that they existed under the same name in other towns of Greece. [L. S.]

APOPEMPSIS (ἀπόπεμψις). [Divortium.]

APOPHANSIS, or APOPHASIS (ἀπόφανσις or ἀπόφασις), was the proclamation of the decision which the majority of the judges came to at the end of a trial, and was thus also used to signify the day on which the trial took place. (Dem. *c. Euerget.* p. 1153; Lex Rhetor. p. 210.) The word was also employed to indicate the account of a person's property, which was obliged to be given when an *antidosis* was demanded. [Antidosis.]

APO'PHORA (ἀποφορά), which properly means "produce or profit" of any kind, was used at Athens to signify the profit which accrued to masters from their slaves. It thus signified the sum which slaves paid to their masters when they laboured on their own account, and the sum which masters received when they let out their slaves on hire either for the mines or any other kind of labour, and also the money which was paid by the state for the use of the slaves who served in the fleet. (Dem. *c. Aphob.* i. p. 819, *c. Nicostr.* p. 1253; Andoc. *De Myster.* p. 19; Xen. *Rep. Ath.* i. 11; Böckh, *Publ. Econ. of Athens*, p. 72, 2nd ed.) The term *apophora* was also applied to the money which was paid by the allied states to Sparta, for the purpose of carrying on the war against the Persians. When Athens acquired the supremacy, these moneys were called φόροι. (Böckh, *Ibid.* p. 396.)

APOPHORE'TA (ἀποφόρητα), presents which were given to friends at the end of an entertainment, to take home with them. These presents were usually given on festival days, especially during the Saturnalia. Martial gives the title of *Apophoreta* to the fourteenth book of his Epigrams, which contains a number of epigrams on the things usually given away as *apophoreta*. (Suet. *Vesp.* 19; *Cal.* 55; *Octav.* 75.)

APOPHRADES HEMERAI (ἀποφράδες ἡμέραι), unlucky or unfortunate days (*dies nefasti*), on which no public business, nor any important affairs of any kind, were transacted at Athens. Such were the last three days but one of every month, and the twenty-fifth day of the month Thargelion, on which the Plynteria were celebrated. (*Etym. Mag.* p. 131; Plut. *Alcib.* 34; Lucian, *Pseudolog.* 13; Schömann, *De Comitiis*, p. 50.)

APORRHE'TA (ἀπόῤῥητα), literally "things forbidden," has two peculiar, but widely different, acceptations in the Attic dialect. In one of these it implies contraband goods, an enumeration of which at the different periods of Athenian history, is given by Böckh (*Publ. Econ. of Athens*, p. 53, 2nd ed.); in the other, it denotes certain contumelious epithets, from the application of which both the living and the dead were protected by special laws. (Meier, *Att. Process.* p. 482.) Among these, ἀνδρόφονος, πατραλοίας, and μητραλοίας are certainly to be reckoned; and other words, as ῥίψασπις, though not forbidden *nominatim* by the law, seem to have been equally actionable. The penalty for using these words was a fine of 500 drachmae (Isoc. *in Loch.* p. 396), recoverable in an action for abusive language (κακηγορίας). It is surmised that this fine was incurred by Meidias in two actions on the occasion mentioned by Demosthenes (*in Mid.* pp. 540, 543; see also Hudtwalcker, *De Diaetet.* p. 150). [J.S.M.]

APOSTA'SIOU DIKE' (ἀποστασίου δίκη). This is the only private suit which came, as far as we know, under the exclusive jurisdiction of the polemarch. (Aristot. *De Ath. Rep.* quoted by Harpocrat.) It could be brought against none but a freedman (ἀπελεύθερος), and the only prosecutor permitted to appear was the citizen to whom he had been indebted for his liberty, unless this privilege was transmitted to the sons of such former master. The tenor of the accusation was, that there had been a default in duty to the prosecutor; but what attentions might be claimed from the freedman, we are not informed. It is said, however, that the greatest delict of this kind was the selection of a patron (προστάτης) other than the former master. If convicted, the defendant was publicly sold; but if acquitted, the unprosperous connection ceased for ever, and the freedman was at liberty to select any citizen for his patron. The patron could also summarily punish the above-mentioned delinquencies of his freedman by private incarceration without any legal award. (Petit. *Leg. Attic.* p. 261.) [J. S. M.]

APOSTOLEIS (ἀποστολεῖς), ten public officers at Athens, whose duty it was to see that the ships were properly equipped and provided by those who were bound to discharge the trierarchy.

They had the power, in certain cases, of imprisoning the trierarchs who neglected to furnish the ships properly (Dem. *pro Cor.* p. 262); and they constituted a board, in conjunction with the inspectors of the docks (*οἱ τῶν νεωρίων ἐπιμεληταί*), for the prosecution of all matters relating to the equipment of the ships. (Dem. *c. Euerg.* p. 1147; Meier, *Att. Process*, p. 112; Böckh, *Publ. Econ. of Athens*, p. 543.)

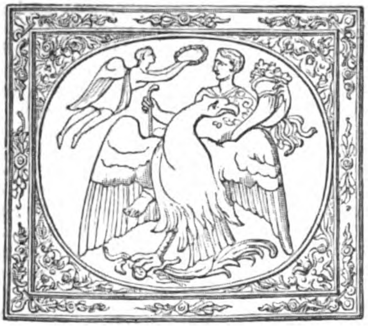
APOTHE'CA (ἀποθήκη), a place in the upper part of the house, in which the Romans frequently placed the earthen amphorae in which their wines were deposited. This place, which was quite different from the *cella vinaria*, was above the *fumarium;* since it was thought that the passage of the smoke through the room tended greatly to increase the flavour of the wine. (Colum. i. 6. § 20; Hor. *Carm.* iii. 8. 11, *Sat.* ii. 5. 7, and Heindorf's note.) The position of the apotheca explains the expression in Horace (*Carm.* iii. 21. 7), *Descende, testa.* (Comp. Becker, *Gallus*, vol. ii. p. 169.)

APOTHEO'SIS (ἀποθέωσις), the enrolment of a mortal among the gods. The mythology of Greece contains numerous instances of the deification of mortals; but in the republican times of Greece we find few examples of such deification. The inhabitants of Amphipolis, however, offered sacrifices to Brasidas after his death (Thuc. v. 11); and the people of Egeste built an *heroum* to Philippus, and also offered sacrifices to him on account of his personal beauty. (Herod. v. 47.) In the Greek kingdoms, which arose in the East on the dismemberment of the empire of Alexander, it does not appear to have been uncommon for the successor to the throne to have offered divine honours to the former sovereign. Such an apotheosis of Ptolemy, king of Egypt, is described by Theocritus in his 17th Idyl. (See Casaubon's note on Suet. *Jul. Caes.* 88.)

The term apotheosis, among the Romans, properly signified the elevation of a deceased emperor to divine honours. This practice, which was common upon the death of almost all the emperors, appears to have arisen from the opinion, which was generally entertained among the Romans, that the souls or manes of their ancestors became deities; and as it was common for children to worship the manes of their fathers, so it was natural for divine honours to be publicly paid to a deceased emperor, who was regarded as the parent of his country. This apotheosis of an emperor was usually called *consecratio;* and the emperor who received the honour of an apotheosis, was said *in deorum numerum referri*, or *consecrari*. In the earliest times Romulus is said to have been admitted to divine honours under the name of Quirinus (Plut. *Rom.* 27, 28; Liv. i. 16; Cic. *de Rep.* ii. 10); but none of the other Roman kings appears to have received this honour, and in the republican times we also read of no instance of an apotheosis. Julius Caesar was deified after his death, and games were instituted to his honour by Augustus (Suet. *Jul. Caes.* 88); and the example thus set was followed in the case of the other emperors.

The ceremonies observed on the occasion of an apotheosis have been minutely described by Herodian (iv. 2) in the following passage: — "It is the custom of the Romans to deify those of their emperors who die, leaving successors; and this rite they call apotheosis. On this occasion a semblance of mourning, combined with festival and religious observances, is visible throughout the city. The body of the dead they honour after human fashion, with a splendid funeral; and making a waxen image in all respects resembling him, they expose it to view in the vestibule of the palace, on a lofty ivory couch of great size, spread with cloth of gold. The figure is made pallid, like a sick man. During most of the day senators sit round the bed on the left side, clothed in black; and noble women on the right, clothed in plain white garments, like mourners, wearing no gold or necklaces. These ceremonies continue for seven days; and the physicians severally approach the couch, and looking on the sick man, say that he grows worse and worse. And when they have made believe that he is dead, the noblest of the equestrian and chosen youths of the senatorial orders take up the couch, and bear it along the Via Sacra, and expose it in the old forum. Platforms like steps are built upon each side; on one of which stands a chorus of noble youths, and on the opposite, a chorus of women of high rank, who sing hymns and songs of praise to the deceased, modulated in a solemn and mournful strain. Afterwards they bear the couch through the city to the Campus Martius, in the broadest part of which a square pile is constructed entirely of logs of timber of the largest size, in the shape of a chamber, filled with faggots, and on the outside adorned with hangings interwoven with gold and ivory images and pictures. Upon this, a similar but smaller chamber is built, with open doors and windows, and above it, a third and fourth, still diminishing to the top, so that one might compare it to the light-houses which are called Phari. In the second story they place a bed, and collect all sorts of aromatics and incense, and every sort of fragrant fruit or herb or juice; for all cities, and nations, and persons of eminence emulate each other in contributing these last gifts in honour of the emperor. And when a vast heap of aromatics is collected, there is a procession of horsemen and of chariots around the pile, with the drivers clothed in robes of office, and wearing masks made to resemble the most distinguished Roman generals and emperors. When all this is done, the others set fire to it on every side, which easily catches hold of the faggots and aromatics; and from the highest and smallest story, as from a pinnacle, an eagle is let loose to mount into the sky as the fire ascends, which is believed by the Romans to carry the soul of the emperor from earth to heaven; and from that time he is worshipped with the other gods."

In conformity with this account, it is common to see on medals struck in honour of an apotheosis an altar with fire on it, and an eagle, the bird of Jupiter, taking flight into the air. The number of medals of this description is very numerous. We can from these medals alone trace the names of sixty individuals, who received the honours of an apotheosis, from the time of Julius Caesar to that of Constantine the Great. On most of them the word CONSECRATIO occurs, and on some Greek coins the word ΑΦΙΕΡΩCΙΣ. The following woodcut is taken from an agate, which is supposed to represent the apotheosis of Germanicus. (Montfaucon, *Ant. Expl.* Suppl. vol. v. p. 137.) In his left hand he holds the cornucopia, and Victory is placing a laurel crown upon him.



A very similar representation to the above is found on the triumphal arch of Titus, on which Titus is represented as being carried up to the skies on an eagle. There is a beautiful representation of the apotheosis of Augustus on an onyx-stone in the royal museum of Paris.

Many other monuments have come down to us, which represent an apotheosis. Of these the most celebrated is the bas-relief in the Townley gallery in the British Museum, which represents the apotheosis of Homer. It is clearly of Roman workmanship, and is supposed to have been executed in the time of the Emperor Claudius.

The wives, and other female relations of the emperors, sometimes received the honour of an apotheosis. This was the case with Livia Augusta, with Poppaea the wife of Nero, and with Faustina the wife of Antoninus. (Suet. *Claud.* 11; Dion Cass. xl. 5; Tac. *Ann.* xvi. 21; Capitolin. *Anton. Philos.* 26.)

APPARITO'RES, the general name for the public servants of the magistrates at Rome, namely, the Accensi, Carnifex, Coactores, Interpretes, Lictores, Praecones, Scribae, Stator, Strator, Viatores, of whom an account is given in separate articles. They were called apparitores because they were at hand to execute the commands of the magistrates (*quod iis apparebant et praesto erant ad obsequium*, Serv. *Ad Virg. Aen.* xii. 850; Cic. *pro Cluent.* 53; Liv. i. 8). Their service or attendance was called *apparitio.* (Cic. *ad Fam.* xiii. 54, *ad Qu. Fr.* i. 1. § 4.) The servants of the military tribunes were also called apparitores. We read that the Emperor Severus forbade the military tribunes to retain the apparitores, whom they were accustomed to have. (Lamprid. *Sever.* 52.)

Under the emperors, the apparitores were divided into numerous classes, and enjoyed peculiar privileges, of which an account is given in Just. Cod. 12. tit. 52—59.

APPELLA'TIO. 1. Greek (*ἔφεσις*, or *ἀναδικία*). Owing to the constitution of the Athenian tribunals, each of which was generally appropriated to its particular subjects of cognisance, and therefore could not be considered as homogeneous with or subordinate to any other, there was little opportunity for bringing appeals properly so called. It is to be observed also, that in general a cause was finally and irrevocably decided by the verdict of the dicasts (*δίκη αὐτοτελής*). There were, however, some exceptions, in which appeals and new trials might be resorted to.

A new trial to annul the previous award might be obtained, if the loser could prove that it was not owing to his negligence that judgment had gone by default, or that the dicasts had been deceived by false witnesses. And upon the expulsion of the thirty tyrants, a special law annulled all the judgments that had been given during the usurpation. (Dem. *c. Timocr.* p. 718.) The peculiar title of the above-mentioned causes was *ἀνάδικοι δίκαι*, which was also applied to all causes of which the subject-matter was by any means again submitted to the decision of a court.

An appeal from a verdict of the heliasts was allowed only when one of the parties was a citizen of a foreign state, between which and Athens an agreement existed as to the method of settling disputes between individuals of the respective countries (*δίκαι ἀπὸ συμβόλων*). If such a foreigner lost his cause at Athens, he was permitted to appeal to the proper court in another state, which (*ἔκκλητος πόλις*) Böckh, Schömann, and Hudtwalcker suppose to have been the native country of the litigant. Platner, on the other hand, arguing from the intention of the regulation, viz. to protect both parties from the partiality of each other's fellow-citizens, contends that some disinterested state would probably be selected for this purpose. The technical words employed upon this occasion are *ἐκκαλεῖν*, *ἐκκαλεῖσθαι*, and *ἡ ἔκκλητος*, the last used as a substantive, probably by the later writers only, for *ἔφεσις*. (Harpocr. Hudtw. *De Diaet.* p. 125.) This as well as the other cases of appeal are noticed by Pollux (viii. 62, 63) in the following words:—"*Ἔφεσις* is when one transfers a cause from the arbitrators (*διαιτηταί*), or archons, or men of the township (*δημόται*) to the dicasts, or from the senate to the assembly of the people, or from the assembly to a court (*δικαστήριον*), or from the dicasts to a foreign tribunal; and the cause was then termed *ἐφέσιμος*. Those suits were also called *ἔκκληται δίκαι*. The deposit staked in appeals, which we now call *παραβόλιον*, is by Aristotle styled *παράβολον*." The appeals from the diaetetae are generally mentioned by Dem. *c. Aphob.* p. 862; *c. Boeot. de Dote*, pp. 1013, 1017, 1024; and Hudtwalcker supposes that they were allowable in all cases except when the *μὴ οὖσα δίκη* was resorted to. [Dike.]

It is not easy to determine upon what occasions an appeal from the archons could be preferred; for after the time of Solon their power of deciding causes had degenerated into the mere presidency of a court (*ἡγεμονία δικαστηρίου*), and the conduct of the previous examination of causes (*ἀνάκρισις*). It has been also remarked (Platner, *Proc. und Klag.* vol. i. p. 243), that upon the plaintiff's suit being rejected in this previous examination as unfit to be brought before a court, he would most probably proceed against the archon in the assembly of the people for denial of justice, or would wait till the expiration of his year of office, and attack him when he came to render the account of his conduct in the magistracy (*εὐθύναι*). (Antiph. *De Choreut.* p. 788.) An appeal, however, from the archons, as well as from all other officers, was very possible when they imposed a fine of their own authority and without the sanction of a court; and it might also take place when the king archon had by his sole voice made an award of dues and privileges (*γέρα*) contested by two priesthoods or sacerdotal races. (*Lex. Rhetoricum*, pp. 219, 19.)

The appeal from the demotae would occur, when a person hitherto deemed one of their members, had been declared by them to be an intruder and no genuine citizen. If the appeal were made, the demotae appeared by their advocate as plaintiff, and the result was the restitution of the franchise, or thenceforward the slavery of the defendant.

It will have been observed, that in the three last cases, the appeal was made from few or single or local judges to the heliasts, who were considered the representatives of the people or country. With respect to the proceedings, no new documents seem to have been added to the contents of the echinus upon an appeal; but the anacrisis would be confined merely to an examination, as far as was necessary, of those documents which had been already put in by the litigants.

There is some obscurity respecting the two next kinds of appeal that are noticed by Pollux. It is conjectured by Schömann (*Att. Process*, p. 771) that the appeal from the senate to the people refers to cases which the former were for various reasons disinclined to decide, and by Platner (vol. i. p. 427), that it occurred when the senate was accused of having exceeded its powers.

Upon the appeal from the assembly to court, there is also a difference of opinion between the two last-mentioned critics, Schömann maintaining (*Att. Process*, p. 771) that the words of Pollux are to be applied to a voluntary reference of a cause by the assembly to the dicasts, and Platner suggesting the possible case of one that incurred a praejudicium of the assembly against him (*προβολή, καταχειροτονία*) calling upon a court (*δικαστήριον*) to give him the opportunity of vindicating himself from a charge that his antagonist declined to follow up. Platner also supposes the case of a magistrate summarily deposed by the assembly, and demanding to prove his innocence before the heliasts. [J.S.M.]

2. ROMAN. The word APPELLATIO, and the corresponding verb *appellare*, are used in the early Roman writers to express the application of an individual to a magistrate, and particularly to a tribune, in order to protect himself from some wrong inflicted, or threatened to be inflicted. It is distinguished from *provocatio*, which in the early writers is used to signify an appeal to the populus in a matter affecting life. It would seem that the provocatio was an ancient right of the Roman citizens. The surviving Horatius, who murdered his sister, appealed from the duumviri to the populus. (Liv. i. 26.) The decemviri took away the provocatio; but it was restored by a lex consularis de provocatione, and it was at the same time enacted that in future no magistrate should be made from whom there should be no appeal. On this Livy (iii. 55) remarks, that the plebes were now protected by the *provocatio* and the *tribunicium auxilium;* this latter term has reference to the appellatio properly so called (iii. 13. 56). Appius (Liv. iii. 56) applied (*appellavit*) to the tribunes; and when this produced no effect, and he was arrested by a viator, he appealed (*provocavit*). Cicero (*De Orat.* ii. 48) appears to allude to the re-establishment of the provocatio, which is mentioned by Livy (iii. 55). The complete phrase to express the provocatio is *provocare ad populum;* and the phrase which expresses the appellatio, is *appellare*, and in the later writers *appellare ad.* It appears that a person might *appellare* from one magistrate to another of equal rank; and, of course, from an inferior to a superior magistrate; and from one tribune to another.

The appeals which have here been referred to, were limited to criminal matters. In civil suits there was not, and could not be any appeal under the republic, for the purpose of revising and altering a decision, for each magistrate had power to decide finally within the limits of his jurisdiction: and as a general rule, the sentence of a judex could not be reversed by the magistrate who appointed the judex. The only mode in which a person could have relief, in such cases, was by the intercessio of a superior magistrate, or the appellatio of the tribunes which would be in the nature of a stay of execution. The *In integram restitutio* also existed under the republic.

When the supreme power became vested in the emperors, the terms provocatio and appellatio lost their original signification. Thus Gellius (iv. 14) has used *provocatio* for appellatio. In the Digest (49. tit. 1. *De Appellationibus*) provocatio and appellatio are used indiscriminately, to express what we call an appeal in civil matters: but provocatio seems so far to have retained its original meaning as to be the only term used for an appeal in criminal matters. The emperor centred in himself both the power of the populus and the veto of the tribunes; but the appeal to him was properly in the last resort. Augustus (Sueton. *Octavianus*, 33) established a system of regular appeals from litigant parties at Rome to the Praetor Urbanus, as in the provinces to the governors. Nero (Sueton. *Nero*, 17) enacted that, all appeals from *privati* (Tacit. *Annal.* xiv. 28) *judices* should be to the senate. Appellatio among the later Roman jurists, then, signifies an application for redress from the decision of an inferior to a superior, on the ground of wrong decision, or other sufficient ground. According to Ulpian (Dig. 49. tit. 1), appeals were common among the Romans, "on account of the injustice or ignorance of those who had to decide (*judicantes*), though sometimes an appeal alters a proper decision, as it is not a necessary consequence that he who gives the last gives also the best decision." This remark must be taken in connection with the Roman system of procedure, by which such matters were referred to a judex for his decision, after the pleadings had brought the matter in dispute to an issue. From the emperor himself there was, of course, no appeal; and by a constitution of Hadrian, there was no appeal from the senate to the emperor. The emperor, in appointing a judex, might exclude all appeal and make the decision of the judex final. M. Aurelius by a rescript (Dig. 49. tit. 1. s. 1, 21) directed an appeal from the judgment of a judex to the magistrate who had appointed the judex. The appeal, or *libellus appellatorius*, showed who was the appellant, against whom the appeal was, and what was the judgment appealed from.

Appellatio also means to summon a party before a judex, or to call upon him to perform something that he has undertaken to do. (Cic. *Ad Att.* i. 8.) The debtor who was summoned (*appellatus*) by his creditor, and obeyed the summons, was said *respondere.*

The system of appellationes as established under the empire was of very extensive application, and was not limited to matters of criminal and civil procedure. A person might appeal in matters that related to the fiscus, to penalties and fines, and to civil offices and burdens. This subject is fully treated by Hollweg, *Handbuch des Civilprozesses*, p. 350. [G. L.]

APPLICATIO'NIS JUS. [Exsilium.]

APROSTA'SIOU GRAPHE' (*ἀπροστασίου γραφή*), an action falling under the jurisdiction of the polemarch, which was brought against those metoeki, or resident aliens, who had neglected to provide themselves with a patron (*προστάτης*). This action is stated to have been also brought against those metoeki, who exercised the rights of full citizens, or did not pay the *μετοίκιον*, a tax of twelve drachmae exacted from resident aliens; but Meier has remarked that this action was only applicable in such cases, provided that the metoeki had no patron. (Harpocrat.; Zonar.; Suid. and the other grammarians; Meier, *Att. Process*, p. 315, &c.)

APSIS or ABSIS (*ἁψίς*), in its literal meaning from *ἅπτω*, is a fastening of any kind; for example, the meshes of a net. (Hom. *Il.* v. 487.) It was applied specially to the joining together the extremities of a piece of wood, so as to give it the shape of a bow; and hence it came to signify anything of that shape, such as a bow, an arch, or a wheel. (Hes. *Op.* 424; Herod. iv. 72.) A potter's wheel is described, in the Anthology, as *κύκλος ἁψῖδος*. The next transition of meaning is to anything *vaulted* (for example, *ἡ ὑπουρανία ἁψίς*, *the vault of heaven*, Plat. *Phaedr.* p. 247, b.); and in this sense it was adopted in architecture, first, for any building or portion of a building of a circular form, or vaulted (Plin. *Epist.* ii. 17. § 18), and more especially for the circular and vaulted end of a Basilica. (Paul. Nol. *Ep.* 12; Augustin, *Ep.* 203; Isid. *Orig.* xv. 8.) For other applications of it, all with the general meaning of a vault or curve, see Forcellini. [P. S.]

AQUAEDUCTUS (*ὑδραγωγία*), literally, a water-conduit, would, of course, properly describe any channel for the passage of water; but the word is used especially for the magnificent structures by means of which Rome and other cities of the Roman empire were supplied with water, and which may be described in general terms as a channel, constructed as nearly as possible with a regular declivity from the source whence the water was derived to the place where it was delivered, carried through hills by means of tunnels, and over valleys upon a substruction of solid masonry or arches.

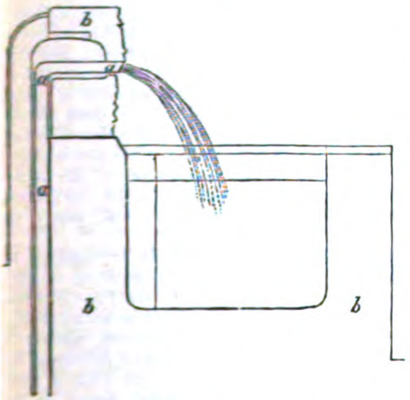
The aqueduct is mentioned by Strabo as among the structures which were neglected by the Greeks, and first brought into use by the Romans (v. p. 235). It will presently be seen that this statement requires some slight modification; but, if understood of the grand structures we have referred to, it is true enough that the Greeks (before the Roman conquest) had none such, and for the obvious reason, that they had no need of them. There is no occasion to discuss the possibility or impossibility of constructing aqueducts without arches, which is the reason alleged by some writers for their not being used by the Greeks; there is reason enough in the physical geography of the country. Springs (*κρῆναι, κρουνοί*) were sufficiently abundant to supply the great cities with water; and great attention was paid to the preservation and adornment of them; they were converted into public fountains by the formation of a head for their waters, and the erection of an ornamental superstructure; and were dedicated to some god or hero. Pausanias (x. 4. § 1) considers no place to deserve the name of *city*, which has not such a fountain. We are indebted to the same author and other Greek writers for accounts of some of the most celebrated fountains; such as that of Theagenes, at Megara (Paus. i. 40. § 1); those of Peirene and Lerna at Corinth, where there were many other fountains, as well as a Roman aqueduct erected by Hadrian (ii. 3. §§ 2, 3, 5; 4. § 5); that in the grove of Aesculapius at Epidaurus (ii. 17. § 5); and several others (iv. 31, 32, 34, vii. 5, 21, viii. 13), of which we need only mention the *Enneakrounos* at Athens, which was constructed by Peisistratus and his sons, and of which Thucydides records the interesting fact, marking the transition from the natural springs to the artificial fountain, and showing the importance attached even to the former, that "it was called Callirhoë formerly, *when the springs were visible* (*φανερῶν τῶν πηγῶν οὐσῶν*, Thuc. ii. 15; Paus. i. 14. § 1): to this enumeration might be added the springs of salt-water in certain temples; as in those of Erechtheus at Athens, and of Poseidon Hippius at Mantineia. (Paus. i. 26. § 5, viii. 10. § 4.)

In these cases we have no reason to suppose that there was any thing more than a fountain over or close to the springs, forming a head for the water derived, either immediately, or by very short channels, from them. But we are not without examples of constructions more nearly approaching the Roman aqueducts in kind, though not in degree. That the Greeks, at a very early period, had some powers of hydraulic engineering is shown by the drainage tunnels of the lake Copaïs, and the similar works of Phaeax at Agrigentum [Emissarium]; and we have an instance of a channel for water being carried through a mountain, to supply the city of Samos. The height of the mountain was 150 orguiae (900 Greek feet); the length of the tunnel was seven stadia (7-8ths of a Roman mile, or about 1420 yards); its section was a square of eight Greek feet. The actual channel for the water was cut below this, and was, if the text is right, thirty Greek feet deep, and three wide; the water passed through pipes (*διὰ σωλήνων*) from a copious spring, and was thus brought to the city. (Herod. iii. 60.) Müller conjectures that the work was one of those executed by Polycrates (*Archäol. d. Kunst*, § 81).

The chief regulations among the Greeks respecting fountains and springs, whether in town or country, were the following: — Water might be fetched from the public fountains or wells to a distance of four stadia; beyond this, persons must dig their own wells; but if any one dug to a depth of ten *orguiae* (or, according to Plato, *μέχρι τῆς κεραμίδος γῆς*) without finding water, he was permitted to take from his neighbour's well a pitcher of six *choës* twice a day (Plut. *Sol.* 23; Plat. *Leg.* viii. p. 844, a, b).

The Romans were in a very different position, with respect to the supply of water, from most of the Greek cities. They, at first, had recourse to the Tiber, and to wells sunk in the city; but the water obtained from those sources was very unwholesome, and must soon have proved insufficient, from the growth of the population, to say nothing of the supplies afterwards required for the *naumachiae* and public baths. It was this necessity that led to the invention of aqueducts, in order to bring pure water from a considerable distance, from the hills, in fact, which surround the Campagna. The date of the first aqueduct is assigned by Frontinus to the year A. U. C. 441, or B.C. 313 (*De Aquaed. Urb. Rom.* 4, p. 14, ed. Adler); and the number of aqueducts was gradually increased, partly at the public expense, and partly by the munificence of individuals, till, in the time of Procopius, they amounted to fourteen; and, even before they were all erected, they might well excite the admiration which Pliny expresses with respect to the Claudian aqueduct, in the following passage (*H. N.* xxxvi. 15. s. 24): — "But if any one will carefully calculate the quantity of the public supply of water, for baths, reservoirs, houses, trenches (*euripi*), gardens, and suburban villas; and, along the distance which it traverses, the arches built, the mountains perforated, the valleys levelled; he will confess that there never was any thing more wonderful in the whole world."

But why did the Romans waste so much money and labour on works, the purpose of which might have been effected much more scientifically by the simple plan of laying pipes along the ground? Of course, it is easy to give the unthinking answer, that they were ignorant of the laws of hydrostatics, and did not know that water finds its own level! It is truly marvellous that such an absurd notion should ever have been entertained, and yet it is the common explanation of the fact of their building aqueducts instead of laying down water-pipes. If it were at all necessary to prove that a nation, so far advanced in civilisation as the Romans, or indeed that any individual arrived at years of discretion, had discovered that water finds its own level, the proof might be supplied from passages in Latin authors *, from the whole arrangements for the distribution of the water of the aqueducts, and from the very existence of their numerous fountains; as a decisive ocular demonstration, we have given above a section of one of the many fountains still existing at Pompeii. Another reason assigned for the construction of aqueducts by the Romans is their want of the materials, and the manufacturing skill, to make pipes of a sufficient size; combined, on the other hand, with the love of magnificence and the ostentatious disregard of expense, by which the architectural works of the empire are characterised. Some weight should doubtless be assigned to these considerations, although, in fact, the Romans made use of pipes as well as aqueducts: but the great point is, that it has been too hastily assumed that the aqueduct *is* an unscientific mode of conveying water to a large city from distant sources; or that it is peculiar to the ancients. London itself is chiefly supplied by an aqueduct, for such is the New River in principle, although the country through which it flows is such as not to require arches and tunnels like those of the Roman aqueducts; and the remark would apply to several other great cities. The whole matter is a question of the balance of advantages. On the one hand there is the expense of the aqueduct: on the other, the enormous pipes which would be required for the conveyance of an equal quantity of water, their liability to get obstructed, and to yield at the joints, the loss by friction, especially in the bends, and the unequal pressure of the water. In fact, the most recent feat of engineering science in this department is exactly a return to the Roman aqueduct, which has been preferred to any other plan for conveying water in large quantities a considerable distance, over great inequalities of ground: we refer to the aqueduct, begun in 1837 and finished in 1842, by which the water of the river Croton is conveyed a distance of forty miles, for the supply of New York, and which is thus described: — "An artificial channel, built with square stones, supported on solid masonry, is carried over valleys, through rivers, under hills, on arches and banks, or through tunnels and bridges, over these forty miles. Not a pipe, but a sort of condensed river, arched over to keep it pure and safe, is made to flow at the rate of a mile and a half an hour towards New York." A more exact description of an ancient Roman aqueduct could not easily be given. (See *Illustrations of the Croton Aqueduct*, by F. B. Tower, 1843.)



a, a, The ascending pipe.
b, b, The basin, made of blocks of travertine.

The detailed description of the arrangements of the aqueduct will be better understood, after an enumeration of the principal aqueducts by which water was conveyed to Rome across the Campagna.

They were fourteen in number; and only four of them belong to the time of the republic, while five were built in the reigns of Augustus and Claudius. Our knowledge of the subject is derived almost entirely from the treatise *De Aquaeductibus Urbis Romae*, by S. Julius Frontinus, who was *curator aquarum* (keeper of the aqueducts) under Nerva and Trajan. It should be observed that the *Aquaeductus* is often called simply *Aqua*.

1. The *Aqua Appia* was begun by the censor Appius Claudius Caecus (to whom also Rome was indebted for her first great road), in B.C. 313. Its sources were near the *Via Praenestina*, between the seventh and eighth milestones, and its termination was at the *salinae, by the Porta Trigemina.*

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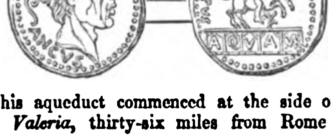
* Vitruvius not only expressly states the law (viii. 6, s. 5), but describes one form of the aqueduct in which it was practically applied (viii. 7. s. 6), as will be seen below. Pliny also, in describing the passage of water through pipes, states the law in these very distinct terms: — "Subit altitudinem exortus sui." (*H. N.* xxxi. 6. s. 31.)

Its length was 11,190 *passus*, for 11,130 of which it was carried under the earth, and for the remaining 60 *passus*, within the city, from the *Porta Capena* to the *Porta Trigemina*, it was on arches. The distribution of its water began from the *Clivus Publicius*. (Frontin. 5; Liv. ix. 29; Diod. xx. 36; Aur. Vict. *Vir. Illust.* 34, who confounds it with the *Anio.*) No traces of it remain.

2. The *Anio Vetus* was commenced forty years later, B. C. 273, by the censor M. Curius Dentatus, and was finished by M. Fulvius Flaccus. The expense was defrayed out of the spoils taken from Pyrrhus. The water was derived from the river Anio, above Tibur, at a distance of twenty Roman miles from the city; but, on account of its windings, its actual length was forty-three miles, of which length less than a quarter of a mile only (namely, 221 *passus*) was above the ground. There are considerable remains of this aqueduct on the Aurelian wall, near the *Porta Maggiore*, and also in the neighbourhood of Tivoli. It was built of blocks of peperino stone, and the water-course was lined with a thick coating of cement. (Front. 6; Aur. Vict. *Vir. Ill.* 43.)

3. The *Aqua Marcia*, one of the most important of the whole, was built by the praetor Q. Marcius Rex, by command of the senate, in B. C. 144. The want of a more plentiful supply of water had been long felt, especially as that furnished by the *Anio Vetus* was of such bad quality as to be almost unfit for drinking; and, in B.C. 179, the censors, M. Aemilius Lepidus and M. Flaccus Nobilior, had proposed the erection of a new aqueduct; but the scheme had been defeated, in consequence of Licinius Crassus refusing to let it be carried through his lands. (Liv. xl. 51.) The two existing aqueducts had also fallen into decay by neglect, and had been much injured by private persons drawing off the water at different parts of their course. The senate therefore commissioned the praetor Marcius to repair the old aqueducts, and to build a third, which was named after him. Some writers have pretended that the original construction of this aqueduct is to be ascribed to Ancus Marcius, alleging a passage of Pliny (*H. N.* xxxi. 3. s. 24), and a medal of the Marcian gens, family Philippus, which bears on the obverse a head with the legend ANCVS, and on the reverse a representation of an aqueduct, with the letters AQVAMR between the arches, supporting an equestrian statue with the legend PHILIPPVS: but those who know any thing of the history of Roman family records will understand that this medal bears no evidence to the point in question, and is simply a perpetuation of two of the greatest distinctions of the *Marcia gens*, their alleged descent from Ancus, and the aqueduct which bore their name; and Pliny's opinion is simply one of his ludicrous blunders, arising probably from his confounding Marcius Rex with the king Ancus Marcius. (Eckhel, *Doctr. Num. Vet.* vol. v. p. 248.)



This aqueduct commenced at the side of the *Via Valeria*, thirty-six miles from Rome; its length was 61,710½ *passus*, of which only 7463 were above ground; namely, 528 on solid substructions, and 6935 on arches. It was high enough to supply water to the summit of the Capitoline Mount. It was repaired by Agrippa in his aedileship, B. C. 33 (see below, No. 5.), and the volume of its water was increased by Augustus, by means of the water of a spring 800 *passus* from it: the short aqueduct which conveyed this water was called the *Aqua Augusta*, but is never enumerated as a distinct aqueduct. Pliny states that the water of the *Aqua Marcia* was the coldest and most wholesome of all which was brought to Rome; and Vitruvius and other writers refer to the excellence of the water as being proverbial. Several arches of the *Aqua Marcia* are still standing. (Frontin. 12; Plin. *H. N.* xxxi. 3. s. 24, who differs from Frontinus in some of the details; Strab. v. p. 240; Vitruv. viii. 3. § 1; Dion Cass. xlix. 42; Plut. *Coriol.* 1; Propert. iii. 22, 24; Martial. vi. 42. 16; Stat. *Silv.* i. 5, 25.)

4. The *Aqua Tepula*, which was built by the censors Cn. Servilius Caepio and L. Cassius Longinus in B. C. 127, began at a spot in the Lucullan or Tusculan land, two miles to the right of the tenth milestone on the *Via Latina*. It was afterwards connected with

5. The *Aqua Julia*. Among the splendid public works executed by Agrippa in his aedileship, B. C. 33, was the formation of a new aqueduct, and the restoration of all the old ones. From a source two miles to the right of the twelfth milestone of the *Via Latina*, he constructed his aqueduct (the *Aqua Julia*) first to the *Aqua Tepula*, in which it was merged as far as the reservoir (*piscina*) on the *Via Latina*, seven miles from Rome. From this reservoir the water was carried along two distinct channels, on the same substructions (which were probably the original substructions of the *Aqua Tepula*, newly restored), the lower channel being called the *Aqua Tepula*, and the upper the *Aqua Julia*; and this double aqueduct again was united with the *Aqua Marcia*, over the watercourse of which the other two were carried. The monument erected at the junction of these three aqueducts, is still to be seen close to the *Porta S. Lorenzo*. It bears an inscription referring to the repairs under Caracalla. (See the woodcut below, p. 112.) The whole course of the *Aqua Julia*, from its source, amounted to 15,426 *passus*, partly on massive substructions, and partly on arches. (Frontin. 8, 9, 19.)

6. The *Aqua Virgo* was built by Agrippa, to supply his baths. From a source in a marshy spot by the eighth milestone on the *Via Collatina*, it was conducted by a very circuitous route, chiefly under the ground, to the *M. Pincius*, whence it was carried on arches to the *Campus Martius*. Its length was 14,105 *passus*, of which 12,865 were underground; in its subterranean course it received the water of numerous springs; and its water was as highly esteemed for bathing as that of the *Aqua Marcia* was for drinking. It is one of the two aqueducts on the left bank of the Tiber, which are still in use, though on a much-diminished scale. (See below.) The origin of its name is variously explained. (Frontin. 10; Dion Cass. liv. 11; Plin. *H. N.* xxxi. 3. s. 25; Cassiod. *Var.* vii. 6; Ovid, *Trist.* iii. 12. 22; Martial. v. 20. 9, vi. 42. 18, xi. 47. 6.)

7. The *Aqua Alsietina* (sometimes called also *Aqua Augusta*), on the other side of the Tiber, was constructed by Augustus from the *Lacus Alsietinus* (*Lago di Martignano*), which lay 6500 passus to the right of the fourteenth milestone on the *Via Claudia*, to the part of the *Regio Transtiberina* below the *Janiculus*. Its length was 22,172 passus, of which only 358 were on arches; and its water was so bad that it could only have been intended for the supply of Augustus's *Naumachia*, and for watering gardens. Its reservoir was 1800 feet long by 1200 wide. (Frontin. 11.)

8, 9. The two most magnificent aqueducts were the *Aqua Claudia* and the *Anio Novus* (or *Aqua Aniena Nova*), both commenced by Caligula in A. D. 36, and finished by Claudius in A. D. 50. The water of the *Aqua Claudia* was derived from two copious and excellent springs, called *Caerulus* and *Curtius*, near the thirty-eighth milestone on the *Via Sublacensis*, and it was afterwards increased by a third spring, *Albudinus*. Its water was reckoned the best after the *Marcia*. Its length was 46,406 passus (nearly 46½ miles), of which 9567 were on arches. Of a still greater length was the *Anio Novus*, which began at the forty-second milestone, on the *Via Sublacensis*, and received in addition, at the thirty-eighth milestone, opposite the sources of the *Aqua Claudia*, a stream called the *Rivus Herculaneus*. It was the longest and the highest of all the aqueducts, its length being nearly 59 miles (58,700 *passus*), and some of its arches 109 feet high. In the neighbourhood of the city these two aqueducts were united, forming two channels on the same arches, the *Claudia* below and the *Anio Novus* above. An interesting monument connected with these aqueducts, is the gate now called *Porta Maggiore*, which was originally a magnificent double arch, by means of which the aqueduct was carried over the *Via Labicana* and the *Via Praenestina*. The *Porta Labicana* was blocked up by Honorius; but the arch has been lately cleared of his barbarous constructions. Over the double arch are three inscriptions, which record the names of Claudius as the builder, and of Vespasian and Titus as the restorers of the aqueduct. (See the woodcut below.) By the side of this arch the aqueduct passes along the wall of Aurelian for some distance, and then it is continued upon the *Arcus Neroniani* or *Caelimontani*, which were added by Nero to the original structure, and which terminated at the temple of Claudius, which was also built by Nero, on the *Caelius*, where the water was probably conveyed to a *castellum* already built for the *Aqua Julia*, and for a branch of the *Aqua Marcia*, which had been at some previous time continued to the *Caelius*: the monument called the Arch of Dolabella is probably a remnant of this common *castellum*. (Becker, *Handb. d. Röm. Alterth.* vol. i. pp. 499—502.)

These nine aqueducts were all that existed in the time of Frontinus, who thus speaks of them collectively, in terms which can hardly be thought exaggerated: — "*Tot aquarum tam multis necessariis molibus pyramidas videlicet otiosas compares, aut inertia sed fama celebrata opera Graecorum.*" It has been calculated that these nine aqueducts furnished Rome with a supply of water equal to that carried down by a river thirty feet broad by six deep, flowing at the rate of thirty inches a second. There was also another aqueduct, not reckoned with the nine, because its waters were no longer brought all the way to Rome:

10. This was the *Aqua Crabra*, which had its source near that of the *Julia*, and which was originally carried right through the Circus Maximus; but the water was so bad, that Agrippa would not bring it into the *Julia*, but abandoned it to the people of the Tusculan land; hence it was called *Aqua Damnata*. At a later period, part of its water was brought into the *Aqua Julia*. (Frontin. 9.) Considerable traces of it remain.

There are still four aqueducts of later construction to be added to the list.

11. The *Aqua Trajana* was brought by Trajan from the *Lacus Sabatinus* (now *Bracciano*), to supply the *Janiculus* and the *Regio Transtiberina*. Its construction is recorded on coins of gold, silver, and bronze, of the years 111 and 112 A. D. (Eckhel, *Doctr. Num. Vet.* vi. pp. 425, 428). Trajan also restored and improved the other aqueducts, especially the *Anio Novus*. (Frontin. 92, 93.)

12. The *Aqua Alexandrina* was constructed by Alexander Severus; its source was in the lands of Tusculum, about fourteen miles from Rome, between Gabii and the Lake Regillus. Its small height shows that it was intended for the baths of Severus, which were in one of the valleys of Rome. (Lamprid. *Alex. Sev.* 25; Fabretti, *Diss.* i. § 23.)

13. The *Aqua Septimiana*, built by Septimius Severus, was, perhaps, only a branch of the *Aqua Julia*, formed by the emperor to bring water to his baths. (Fabretti, *Diss.* iii. § 285.)

14. The *Aqua Algentia* had its source at *M. Algidus* by the *Via Tusculana*, 9000 *passus* from Rome, according to Fabretti; but more probably 15,000. Its builder is unknown.

These seem to have been the fourteen aqueducts, which were still preserved in use at Rome in the time of Procopius (*Goth.* i. 19); but there is a doubt respecting some of the last five. Thus the *Epilogus* to the *Notitia* mentions the *Ciminia*, the *Severiana*, and the *Antonia*, and makes the whole number nineteen; while Aurelius Victor enumerates twenty. The account of Procopius seems the most exact, and the excess in the other statements may be explained from the enumeration of the small accessory branches of the chief aqueducts: for the *Aqua Jovia* of Bunsen there is no sufficient authority. (Becker, *Handb. d. Röm. Alterth.* vol. i. p. 707.)

Great pains were taken by successive emperors to preserve and repair the aqueducts. From the Gothic wars downwards, they have for the most part shared the fate of the other great Roman works of architecture; their situation and purpose rendering them peculiarly exposed to injury in war; but still their remains form the most striking features of the Campagna, over which their lines of ruined arches, clothed with ivy and the wild fig-tree, radiate in various directions. Three of them still serve for their ancient use; and these three alone, according to Tournon, supply the modern city with a quantity of water much greater than that which is furnished to Paris by the Canal de l'Ourcq, for a population six times as large. They are: —(1.) The *Acqua Vergine*, the ancient *Aqua Virgo*, which was restored by Pope Pius IV. and further embellished by Benedict XIV. and Clement XIII. The chief portion of its waters gush out through the beautiful *Fontana di Trevi*, but it also supplies twelve other public fountains, and the greater part of the lower city. (2.) The *Acqua Felice*, named after the conventual name of its restorer Sixtus V. (Fra Felice) is, probably, a part of the ancient *Aqua Claudia*, though some take it for the *Alexandrina*. It supplies twenty-seven public fountains, and the eastern part of the city. (3.) The *Acqua Paola*, the ancient *Alsietina*, supplies the *Transtevere* and the Vatican, and feeds, among others, the splendid fountains before St. Peter's. Of the ruins of the other aqueducts the most extensive, within Rome, are those of the *Arcus Neroniani*, and of the *Aqua Crabra*; the most interesting are the *Porta Maggiore*, with the two channels of the *Aqua Claudia* and *Anio Novus*, and the remains of the triple aqueduct of Agrippa by the *Porta S. Lorenzo*. The following woodcut (after Hirt) represents restored sections of them, preserving their relative proportions: —

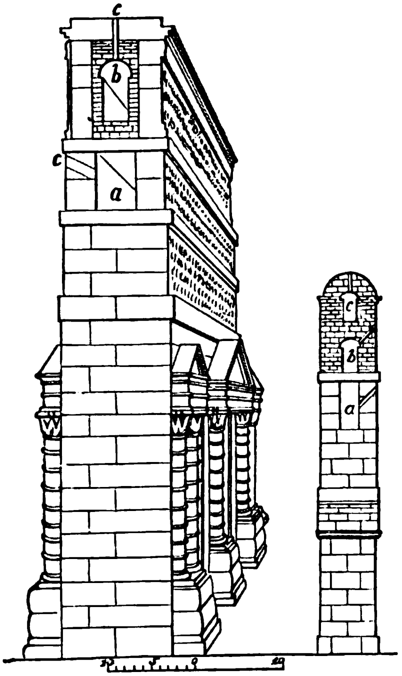


Fig. 1. — Section of the *Porta Maggiore* at Rome: *a.* the *Aqua Claudia*; *b.* the *Anio Novus*; *c.* openings to give vent to the air.

Fig. 2. — Section of the triple aqueduct of Agrippa: *a.* the *Aqua Marcia*; *b.* the *Aqua Tepula*; *c.* the *Aqua Julia*. The two latter are of brick and vaulted over. The air-vents are also shown.

The magnificence displayed by the Romans in their public works of this class, was by no means confined to the capital; for aqueducts more or less stupendous were constructed by them in various and even very remote parts of the empire, — at Athens, Corinth, Catana, Salona, Nicomedia, Ephesus, Smyrna, Alexandria in the Troad, Syracuse, Metz, Clermont in Auvergne, Nimes (the Pont du Gard), Lyon, Evora, Merida, and Segovia. Those at Ephesus and Alexandria were built by Hadrian and Herodes Atticus, and that at Athens was commenced by Hadrian and finished by Antoninus Pius, who also built those at Corinth and Nicomedia. That at Evora, which was built by Quintus Sertorius, is still in good preservation; and at its termination in the city has a very elegant *castellum* in two stories, the lower one of which has Ionic columns. Merida in Spain, the Augusta Emerita of the Romans, who established a colony there in the time of Augustus, has among its other antiquities the remains of two aqueducts, of one of which thirty-seven piers are standing, with three tiers of arches; while of the other there are only two which form part of the original constructions, the rest being modern. But that of Segovia, for which some Spanish writers have claimed an antiquity anterior to the sway of the Romans in Spain, is one of the most perfect and magnificent works of the kind anywhere remaining. It is entirely of stone, and of great solidity, the piers being eight feet wide and eleven in depth; and, where it traverses a part of the city, the height is upwards of a hundred feet, and it has two tiers of arches, the lowermost of which are exceedingly lofty.

We proceed to describe in detail the construction and arrangements of Roman aqueducts. There are three matters to be considered: the source from which the water was derived; the aqueduct itself, by which it was conveyed; and the reservoir in which it was received, and from which it was distributed for use.

(1.) *The Sources.* — It is unnecessary to follow Vitruvius into the minute rules which he lays down for the discovery of springs, where they were not naturally visible, and for testing the quality of the water: it is enough to refer to his statements as showing the importance attached to these points. (Vitruv. viii. 1.) It was also necessary that the springs should have such an elevation, as that, after allowing for the fall necessary to give the channel its proper inclination, the water should enter the final reservoir at a sufficient height to permit of its distribution for public and private use; for there were no engines used, as in modern waterworks, to raise the water to a higher elevation than that at which it was required. When the source had been fixed upon, whether it was an open spring (*fons*), or one got at by sinking a well (*puteus*), a head was dug for the water, and inclosed with a wall; and, if necessary, the supply was increased by digging channels from neighbouring springs: the rules for these operations also are minutely laid down by Vitruvius (viii. 7. s. 6. §§ 12—15).

(2.) *The Channel, or Aqueduct itself.** — In order to convey the water from its source to its destination, a channel was constructed, having a slight, and, as nearly as possible, a uniform declivity. An elaborate description of the means adopted to secure this object is quite needless for readers of the present day, as they were almost precisely similar to those with which we are familiar in our railways: hills were pierced through by tunnels, and valleys crossed either by solid substructions or arches of masonry, according to the height required; and of these arches there were often two tiers, and sometimes even three. The channel itself (*specus*, *canalis*) was a trough of brick or stone, lined with cement, and covered with a coping, which was almost always arched; and the water either ran directly through this trough, or it was carried through pipes laid along the trough. When the channel was carried beneath the surface, if the hill through which it passed was of rock, it was merely cut in the rock; but if of earth or sand, it was constructed of blocks of stone.

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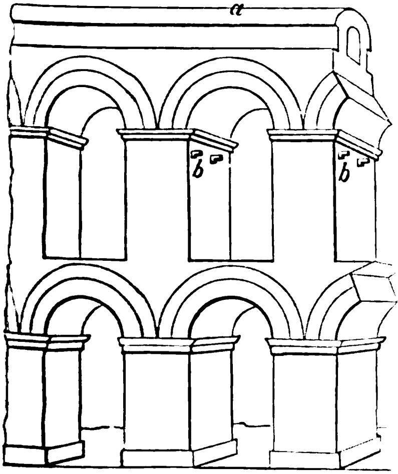
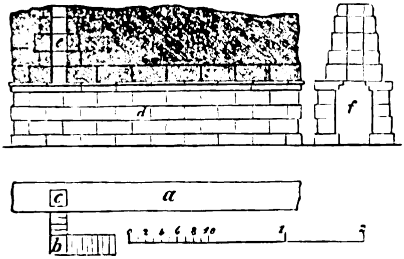
* Though the word *aquaeductus* is applied generally to the whole structure, yet in its special and proper meaning it seems only to have signified that part of the work in which the water-channel was carried over a valley, on arches or on solid substructions: a channel on the surface of the ground was properly called *rivus*; and one beneath the surface, *rivus subterraneus*, or *cuniculus*.

The following woodcut represents a portion of a double-arched aqueduct, and shows a section of the *specus* (*a*): *b b* are projecting blocks, which are often seen in such positions, and which were doubtless the supports for the centerings used in building the arches.



The object of covering the *specus* was to exclude the sun and rain, and other corruptions and obstructions; but it was necessary to provide a vent for the air, which otherwise would have been compressed to such a degree as to burst the walls or roof of the *specus*. These vent-holes were made at regular intervals in the roof of the *specus*, or, when another channel passed over it, in the side. They are represented in the sections, given above, of the *Aqua Claudia*, *Marcia*, &c. To ventilate the subterranean channel of an aqueduct, a shaft (*puteus*) of masonry was carried to the surface of the ground at intervals of an *actus*, or 120 Roman feet (or two *actus*, according to Pliny, who calls them *lumina*), as shown in the following woodcut (after Hirt), which represents the plan, longitudinal section, and transverse section, of part of a *rivus subterraneus*, the ruins of which still exist at Palmyra.

The *rivus subterraneus* possessed the advantage over the *aquaeductus* of being less exposed to variations of temperature, and more secure from injury; on the other hand, it was of course more difficult to get at when it required repairs. A reference to the account given above, of the Roman aqueducts, will show how large a portion of them was subterranean.



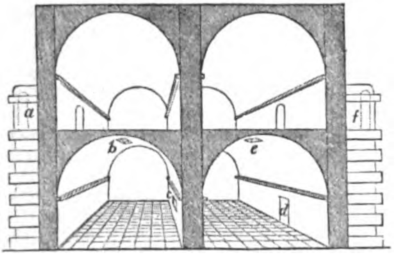
a, The water-course; *b*, steps giving access to it; *c*, the shaft; *d*, *e*, section of the *specus* and shaft; *f*, transverse section of them.

Instead of, or within, the *specus*, pipes (*fistulae*, *tubuli*), were often used for the passage of the water. They were of lead, or terra-cotta (*fictiles*), and sometimes, for the sake of economy, of leather. The rules which Vitruvius lays down apply particularly to leaden pipes, although he gives the preference to the earthen ones, chiefly on the ground that the water which passed through them was more wholesome. The pipes were made in lengths not less than ten feet, and of various widths, which were denominated in the manner explained under Fistula. They were cemented together at the joints, which in earthen pipes were made to overlap, and when the water was first let in, ashes were mixed with it, in order that they might settle in the joints and stop them more completely. The use of pipes permitted variations to be made in the construction of the aqueduct: namely, the water could be carried round, instead of through a hill, if the circuit was not too great; and in very wide valleys, the costly structure of arches could be dispensed with. In this case, a low horizontal substruction was made across the bottom of the valley, and the pipe was brought down the one slope, along this substruction, and up the opposite slope, to a height, of course, somewhat less than that of the opposite side. The horizontal part of the pipe across the bottom of the valley (*venter*), had ventilating openings for the escape of the air. At the bendings, instead of the pipe, an elbow was bored in a solid piece of stone, into which the ends of the adjacent pieces of pipe were securely cemented. (For further details, see Vitruvius.) In those places where the pipes were laid on the surface, reservoirs were sometimes made, at intervals of 200 *actus* (24,000 feet), in order that, if a part of the pipe needed repair, the supply of water might not be entirely cut off. The advantage in the use of pipes, according to Vitruvius, was the facility of repairing them.

The slope (*fastigium*), on which the aqueduct was built, in order to give the water a proper fall (*libramentum*), ought not, says Vitruvius, to be less than half a foot in every 100 feet (1 in 200); but Pliny only allows a *sicilicus* (a quarter of an inch) in 100 feet. The great circuit, which most of the aqueducts of Rome made, was taken chiefly (as is the case with the New River), to prevent the too rapid descent of the water. There is, however, a considerable variation in their declivities: for example, the *Aqua Marcia* and the

Aqua Claudia, though of such different heights at Rome, have their sources at the same elevation.

At convenient points on the course of the aqueduct, and especially near the middle and end, there was generally a reservoir (*piscina*, *piscina limosa*) in which the water might deposit any sediment that it contained. The construction of these reservoirs will be understood from the following woodcut, which represents a restored section of one which still exists.



The water flowed from the aqueduct *a* into the first upper chamber, thence down and up again through the openings *b*, *c*, *e*, into the second upper chamber, out of which it passed into the continuation of the aqueduct *f*, having deposited its sediment in the two lower chambers, which could be cleaned out by the door *d*. The *piscina* was not always vaulted: Hirt, from whose work the above cut is taken, gives also an engraving of an open *piscina*. These reservoirs were not always used: for example, the *Aqua Virgo* and the *Alsietina* were without them. They were especially necessary when the water was conveyed through pipes. They were also used as reservoirs for the supply of the neighbouring country, chiefly for the purposes of irrigation.

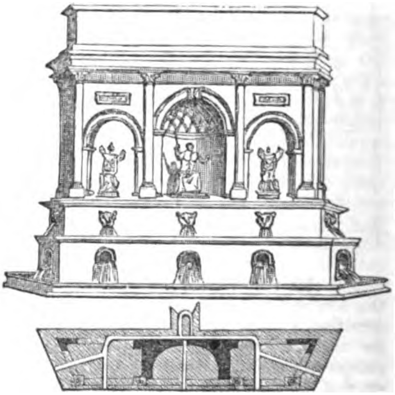
The details, which we have now been noticing, are minutely described by Frontinus, and by Vitruvius[*] (viii. c. 7. s. 6), and briefly by Pliny (*H. N.* xxxi. 6. s. 31).

(3.) *The Termination of the Aqueduct, and the Arrangements for the Distribution of its Water.* — The water thus conducted to the city was received, when it reached the walls, in a vast reservoir called *castellum*, which formed the *head of water* and also served the purpose of a *meter*. The more ancient name in use, when the aqueducts were first constructed, was *dividiculum*. (Fest. *s. v.*) From this principal *castellum* the water flowed into other *castella*, whence it was distributed for public and private use. The term *castellum* is sometimes also applied to the intermediate reservoirs already mentioned.

The chief *castellum* was, externally, a highly decorated building; for example, that of Hadrian, at Athens, was adorned with Ionic pillars, and that at Evora, in Portugal, had the form of a circular temple. Internally, there was generally one vast chamber, with a vaulted roof supported by massive pillars, into which the water flowed from the aqueduct, and from which it was conducted through pipes of fixed dimensions, into three smaller reservoirs, which were, however, so arranged, that the middle one was only supplied from the overflow of the other two. Of these three reservoirs, the two outer supplied respectively the public baths and the private houses, and the middle one the public ponds and fountains (*lacus et salientes*): so that, in case of a deficient supply for useful purposes, none would be wasted on the fountains; the arrangement also enabled a proper account to be kept of the quantity supplied for private use, for the protection of the revenue derived from this source. (Vitruv. viii. 7. s. 6. §§ 1, 2.)

The minor *castella*, which received the water from this chief head, were distributed over the city, in such a manner that the *Aqua Appia* supplied seven *regiones* by means of twenty *castella*; the *Anio Vetus*, ten *regiones* through thirty-five *castella*; the *Marcia*, ten *regiones* through fifty-one *castella*; the *Tepula*, four *regiones* through fourteen *castella*; the *Julia*, seven *regiones* through seventeen *castella*; the *Virgo*, three *regiones* through eighteen *castella*; the *Claudia* and the *Anio Vetus*, ninety-two *castella*. (Frontin. 79—86.) For an account of the parts of the city supplied by the different aqueducts, see Becker, *Handb. d. Röm. Alterth.* vol. i. pp. 707, 708.

The subjoined plan and elevation represent a ruin still remaining at Rome, commonly called the "Trophies of Marius," which is generally considered to have been the castellum of an aqueduct.



It is now much dilapidated, but was tolerably entire about the middle of the 16th century, as may be seen by the drawing published by Gamucci (*Antichità di Roma*, iii. p. 100), from which this restoration is made. The trophies, then remaining in their places, from which the monument derives its modern appellation, are now placed on the Capitol. The ground plan is given from an excavation made some years since by the students of the French Academy; it explains part of the internal construction, and shows the arrangement adopted for disposing of the superfluous water of an aqueduct. The general stream of water is first divided by the round projecting buttress into two courses, which subdivide themselves into five minor streams, and finally fall into a reservoir.

The *castella* were divided into two classes, the *publica* and *privata*.

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[*] The particular attention which Vitruvius pays to the conveyance of water through pipes, warrants the supposition that in his time, when some of the most important of the aqueducts were not yet erected, that method was very largely employed.

The *castella publica* were again subdivided into six classes, which furnished water for the following uses:—(1.) The Praetorian camp (*castra*); (2.) the ponds and fountains (*lacus et salientes*); (3.) the circus, naumachiae, and amphitheatres (*munera*); (4.) the baths, and the service of certain important handicrafts, such as the fullers, dyers, and tanners (*opera publica*); (5.) irregular distributions made by the special order of the emperor (*nomine Caesaris*); (6.) extraordinary grants to private individuals by the favour of the prince (*beneficia Caesaris*). The distribution under each of these heads is described by Frontinus (3, 78).

The *castella privata* were, as the name implies, for the supply of private houses. When a supply of water from the aqueducts was first granted for private uses, each person obtained his quantum by inserting a branch pipe, as we do, into the main; which was probably the custom in the age of Vitruvius, as he makes no mention of private reservoirs. Indeed, in early times, all the water brought to *Rome* by the aqueducts was applied to public purposes exclusively, it being forbidden to the citizens to divert any portion of it to their own use, except such as escaped by flaws in the ducts or pipes, which was termed *aqua caduca*. (Frontin. 94.) But as even this permission opened a door for great abuses from the fraudulent conduct of the *aquarii*, who damaged the ducts for the purpose of selling the *aqua caduca*, and as the subsequent method of supply required the main-pipe to be punctured in too many places (Frontin. 27), a remedy was sought by the institution of *castella privata*, and the public were henceforward forbidden to collect the *aqua caduca*, unless permission was given by special favour (*beneficium*) of the emperor. (Frontin. 111.) The *castella privata* were built at the joint expense of the families supplied by them; but they were considered as public property, and were under the control of the *curatores aquarum*. (Frontin. 106.) The right of water (*jus aquae impetratae*) did not follow the heir or purchaser of the property, but was renewed by grant upon every change in the possession. (Frontin. 107.)

The leaden cisterns, which each person had in his own house to receive the water laid on from the *castellum privatum*, were called *castella domestica*.

All the water which entered the *castellum* was measured, at its ingress and egress, by the size of the tube through which it passed. The former was called *modulus acceptorius*, the latter *erogatorius*. To distribute the water was termed *erogare*; the distribution, *erogatio*; the size of the tube, *fistularum* or *modulorum capacitas*, or *lumen*. The smaller pipes which led from the main to the houses of private persons, were called *punctae*; those inserted by fraud into the duct itself, or into the main after it had left the castellum, *fistulae illicitae*.

The *erogatio* was regulated by a tube called *calix*, of the diameter required, and not less than a foot in length, attached to the extremity of each pipe, where it entered the castellum; it was probably of lead in the time of Vitruvius, such only being mentioned by him; but was made of bronze (*aeneus*) when Frontinus wrote, in order to check the roguery of the aquarii, who were able to increase or diminish the flow of water from the reservoir by compressing or extending the lead. As a further security, the *calix* was stamped. Pipes which had no *calix*, were termed *solutae*. Frontinus also observes that the velocity of the water passing through the *calix*, and, consequently, the quantity given out, could be varied according to the angle which the *calix* made with the side of the reservoir: its proper position was, of course, horizontal.

It is evident how watchful an oversight must have been required to keep the aqueducts in repair, to regulate their use, and to prevent the fraudulent abstraction of their water. Under the republic, this office was discharged, sometimes, by the censors, but more generally by the aediles (Cic. *ad Div.* viii. 6), and sometimes a special overseer was appointed. (Frontin. 95, 119.) Augustus first established the office of *curator* (or *praefectus*) *aquarum* (Suet. *Octav.* 37), the duties of which are minutely described by Frontinus (99), who seems, while he held the office, to have performed it with the utmost zeal: among other cares, he had plans and models made of the whole course of all the aqueducts (17, 64). The *curatores aquarum* were invested with considerable authority. They were attended outside the city by two lictors, three public slaves, a secretary, and other attendants.

In the time of Nerva and Trajan, a body of four hundred and sixty slaves were constantly employed under the orders of the *curatores aquarum* in attending to the aqueducts. They were divided into two families, the *familia publica*, established by Agrippa, and the *familia Caesaris*, added by Claudius; and they were subdivided into the following classes:—1. The *villici*, whose duty it was to attend to the pipes and *calices*. 2. The *castellarii*, who had the superintendence of all the *castella*, both within and without the city. 3. The *circuitores*, so called because they had to go from post to post, to examine into the state of the works, and also to keep watch over the labourers employed upon them. 4. The *silicarii*, or paviours, who had to remove and relay the pavement when the pipes beneath it required attention. 5. The *tectores*, who had charge of the masonry of the aqueducts. These and other workmen appear to have been included under the general term of Aquarii. (Cod. xii. tit. 42 or 43. s. 10; Frontin. 116, 117.) The following are the most important works on the Roman aqueducts:—Frontinus, *de Aquaeductibus Urbis Romae;* Fabretti, *de Aquis et Aquaeductibus Veteris Romae;* Stieglitz, *Archäologie der Baukunst;* Hirt, *Geschichte d. Baukunst;* Platner and Bunsen, *Beschreibung d. Stadt Rom;* Becker, *Handbuch d. Römischen Alterthümer*, vol. i.) [P. S.]

AQUAE DUCTUS. [Servitutes.]

AQUAE ET IGNIS INTERDICTIO. [Exsilium.]

AQUAE HAUSTUS. [Servitutes.]

AQUAE PLUVIAE ARCENDAE ACTIO. That water was called *aqua pluvia* which fell from the clouds, and overflowed in consequence of showers, and the prevention of injury to land from such water was the object of this action. The action *aquae pluviae* was allowed between the owners of adjoining land, and might be maintained either by the owner of the higher land against the owner of the lower land, in case the latter by any thing done to his land (*manu facto opere*) prevented the water from flowing naturally from the higher to the lower land; or by the owner of the lower land against the owner of the higher land, in case the latter did any thing to his land by which the water flowed from it into the lower land in a different way from what it naturally would. In the absence of any special custom or law to the contrary, the lower land was subject to receive the water which flowed naturally from the upper land; and this rule of law was thus expressed,—*ager inferior superiori servit.* The fertilising materials carried down to the lower land were considered as an ample compensation for any damage which it might sustain from the water. Many difficult questions occurred in the application to practice of the general rules of law as to aqua pluvia; and, among others, this question,—What things done by the owners of the land were to be considered as preventing or altering the natural flow of the waters? The conclusion of Ulpian is, that acts done to the land for the purposes of cultivation were not to be considered as acts interfering with the natural flow of the waters. Water which increased from the falling of rain, or in consequence of rain changed its colour, was considered within the definition of aqua pluvia; for it was not necessary that the water in question should be only rain water, it was sufficient if there was any rain water in it. Thus, when water naturally flowed from a pond or marsh, and a person did something to exclude such water from coming on his land, if such marsh received any increase from rain water, and so injured the land of a neighbour, the person would be compelled by this action to remove the obstacle which he had created to the free passage of the water.

This action was allowed for the special protection of land (*ager*): if the water injured a town or a building, the case then belonged to flumina and stillicidia. The action was only allowed to prevent damage, and therefore a person could not have this remedy against his neighbour, who did any thing to his own land by which he stopped the water which would otherwise flow to that person's land and be profitable to it. The title in the Digest contains many curious cases. (Dig. 39. tit. 3; Cic. *Pro Muren.* 10, *Topic.* 9; Boëthius, *Comment. in Cic. Top.* iv. 9.) [G. L.]

AQUA'RII, were slaves who carried water for bathing, &c. into the female apartments: they were also called *aquarioli*, and were held in great contempt. (Juv. vi. 332; Festus, *s. v.* and Müller's Note; Hieron. *Ep.* 27; Jul. Paul. iii. 7.) Becker imagines that the name was also applied to slaves who had the care of the fountains and ponds in gardens. (*Gallus*, vol. i. p. 288.) The aquarii were also public officers who attended to the aqueducts under the aediles, and afterwards under the *curatores aquarum.* (Cic. *ad Fam.* viii. 6; Zeno, *Cod. Just.* xi. tit. 42; AQUAEDUCTUS.) [P. S.]

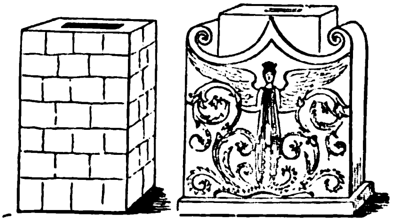
A'QUILA. [SIGNA MILITARIA.]

ARA (*βωμός, ἐσχάρα, ϑυτήριον*), an altar. Altars were in antiquity so indispensable a part of the worship of the gods, that it seemed impossible to conceive of the worship of the gods without altars. Thus we have the amusing syllogism in Lucian, *εἰ γὰρ εἰσὶ βωμοί, εἰσὶ καὶ ϑεοί· ἀλλὰ μὴν εἰσὶ βωμοί, εἰσὶν ἄρα καὶ ϑεοί* (*Jupiter Trag.* c. 51). In reference to the terms, *βωμός* properly signifies any elevation, and hence we find in Homer *ἱερὸς βωμός*, but it afterwards came to be applied to an elevation used for the worship of the gods, and hence an altar. Ἐσχάρα was used in the limited sense of an altar for burnt-offerings. In Latin *ara* and *altare* are often used without any distinction, but properly *ara* was lower than *altare:* the latter was erected in honour of the superior gods, the former in honour of the inferior, heroes and demigods. Thus we read in Virgil (*Ecl.* v. 65):—

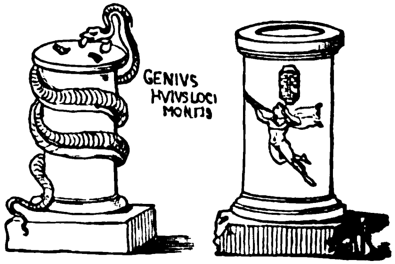
> "En quattuor aras:
> Ecce duas tibi, Daphni; duas, altaria, Phoebo."

On the other hand, sacrifices were offered to the infernal gods, not upon altars, but in cavities (*scrobes, scrobiculi, βόθροι, λάκκοι*) dug in the ground. (Festus, *s. v. Altaria.*)

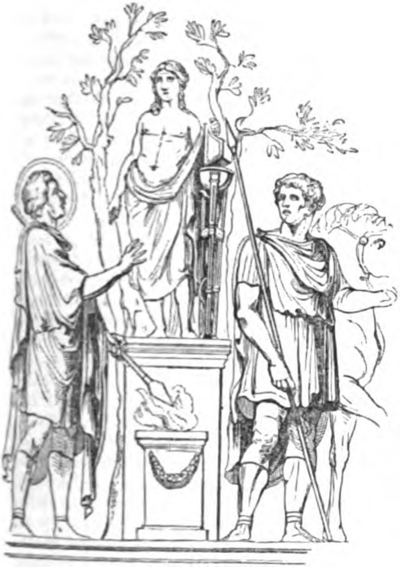
As among the ancients almost every religious act was accompanied by sacrifice, it was often necessary to provide altars on the spur of the occasion, and they were then constructed of earth, sods, or stones, collected on the spot. When the occasion was not sudden, they were built with regular courses of masonry or brickwork, as is clearly shown in several examples on the column of Trajan at Rome. See the left-hand figure in the woodcut annexed. The first deviation from this absolute simplicity of form consisted in the addition of a base, and of a corresponding projection at the top, the latter being intended to hold the fire and the objects offered in sacrifice. These two parts are so common as to be almost uniform types of the form of an altar, and will be found in all the figures inserted underneath.



Altars were either square or round. The latter form, which was the less common of the two, is exemplified in the following figures.



In later times altars were ornamented with festoons and garlands of flowers; and the altar represented in the next cut shows the manner in which these festoons were suspended. They were also adorned with sculpture; and some were covered with the works of the most celebrated artists of antiquity. The first cut above exhibits a specimen of the elaborate style, the outline of an Etruscan altar, in contrast with the unadorned altar. If an altar was erected before a statue of a god, it was always to be lower than the statue before which it was placed (Vitruv. iv. 9). Of this we have an example in a medallion on the Arch of Constantine at Rome, representing an altar erected before a statue of Apollo. See the annexed cut.



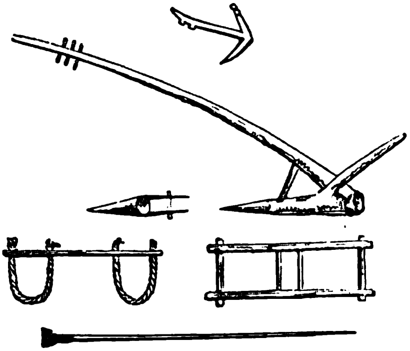
It was necessary that an altar should be built in the open air, in order that the steam of the sacrifice might be wafted up to heaven, and it might be built in any place, as on the side of a mountain, on the shore of the sea, or in a sacred grove. But as the worship of the gods was in later times chiefly connected with temples, altars became an indispensable part of the latter, and though there could be altars without temples, there could hardly be temples without altars. The altars of burnt-offerings, at which animal sacrifices were presented, were erected before the temples (βωμοὶ πρόναοι, Aesch. *Suppl.* 497), as shown in the woodcut in the article Antae; but there were also altars, on which incense was burnt and bloodless sacrifices offered, within the temple, and principally before the statue of the divinity to whom they were dedicated. All altars were places of refuge. The suppliants were considered as placing themselves under the protection of the deities to whom the altars were consecrated; and violence to the unfortunate, even to slaves and criminals, in such circumstances, was regarded as violence towards the deities themselves. It was also the practice among the Greeks to take solemn oaths at altars, either taking hold of the altar or of the statue of the god. Cicero (*pro Balb.* 5) expressly mentions this as a Greek practice. (Comp. K. F. Hermann, *Gottesdienst. Alterth. d. Griechen*, § 17, and § 22. n. 9.)

ARAEOSTYLOS. [Templum.]

ARATEIA (ἀράτεια), two sacrifices offered every year at Sicyon in honour of Aratus, the general of the Achaeans, who after his death was honoured by his countrymen as a hero, in consequence of the command of an oracle. (Paus. ii. 9. § 4.) The full account of the two festive days is preserved in Plutarch's Life of Aratus (c. 53). The Sicyonians, says he, offer to Aratus two sacrifices every year: the one on the day on which he delivered his native town from tyranny, which is the fifth of the month of Daisius, the same which the Athenians call Anthesterion; and this sacrifice they call σωτήρια. The other they celebrate in the month in which they believe that he was born. On the first, the priest of Zeus offered the sacrifices; on the second, the priest of Aratus, wearing a white ribbon with purple spots in the centre, songs being sung to the lyre by the actors of the stage. The public teacher (γυμνασίαρχος) led his boys and youths in procession, probably to the heroum of Aratus, followed by the senators adorned with garlands, after whom came those citizens who wished to join the procession. The Sicyonians still observe, he adds, some parts of the solemnity, but the principal honours have been abolished by time and other circumstances. (Wachsmuth, *Hellen. Alterth.* vol. ii. p. 528.) [L.S.]

ARA'TRUM (ἄροτρον), a plough. The Greeks appear to have had from the earliest times diversities in the fashion of their ploughs. Hesiod (*Op. et Dies*, 432) advises the farmer to have always two ploughs, so that if one broke the other might be ready for use; and they were to be of two kinds, the one called αὐτόγυον, because in it the plough-tail (γύης, *buris*, *bura*) was of the same piece of timber with the share-beam (ἔλυμα, *dens*, *dentale*) and the pole (ῥυμός, ἱστοβοεύς, *temo*); and the other called πηκτόν, *i. e.* compacted, because in it the three above-mentioned parts, which were moreover to be of three different kinds of timber, were adjusted to one another, and fastened together by means of nails (γόμφοισιν). (Comp. Hom. *Il.* x. 353, xiii. 703.)

The method of forming a plough of the former kind was by taking a young tree with two branches proceeding from its trunk in opposite directions, so that whilst in ploughing the trunk was made to serve for the pole, one of the two branches stood upwards and became the tail, and the other penetrated the ground, and, being covered sometimes with bronze or iron, fulfilled the purpose of a share. This form is exhibited in the uppermost figure of the annexed woodcut, taken from a medal. The next figure shows the plough still used in Mysia, as described and delineated by Sir C. Fellows. It is a little more complicated than the first plough, inasmuch as it consists of two pieces of timber instead of one, a handle (ἐχέτλη, *stiva*) being inserted into the larger piece at one side of it. Sir C. Fellows



(*Excursion in Asia Minor*, 1838, p. 71) observes that each portion of this instrument is still called by its ancient Greek name, and adds, that it seems suited only to the light soil prevailing where he observed it, that it is held by one hand only, that the form of the share (*ὕννις*) varies, and that the plough is frequently used without any share. "It is drawn by two oxen, yoked from the pole, and guided by a long reed or thin stick (*κάτρινος*), which has a spud or scraper at the end for cleaning the share." See the lowest figure in the woodcut.

Another recent traveller in Greece gives the following account of the plough which he saw in that country—a description approaching still nearer to the *πηκτὸν ἄροτρον* of Homer and Hesiod. "It is composed," says he, "of two curved pieces of wood, one longer than the other. The long piece forms the pole, and one end of it being joined to the other piece about a foot from the bottom, divides it into a share, which is cased with iron, and a handle. The share is, besides, attached to the pole by a short cross-bar of wood. Two oxen, with no other harness than yokes, are joined to the pole, and driven by the ploughman, who holds the handle in his left hand, and the goad in his right." (Hobhouse, *Journey through Albania*, &c., vol. i. p. 140.) A view of the plain of Elis, representing this plough in use, is given by Mr. S. Stanhope in his *Olympia* (p. 42).

The yoke and pole used anciently in ploughing did not differ from those employed for draught in general. Consequently they do not here require any further description. [JUGUM.] To the bottom of the *pole*, in the compacted plough, was attached the *plough-tail*, which, according to Hesiod, might be made of any piece of a tree (especially the *πρῖνος*, i. e. the ilex, or holm-oak), the natural curvature of which fitted it to this use. But in the time and country of Virgil pains were taken to force a tree into that form which was most exactly adapted to the purpose. (*Georg.* i. 169, 170.) The upper end of the buris being held by the ploughman, the lower part, below its junction with the pole, was used to hold the *share-beam*, which was either sheathed with metal, or driven bare into the ground, according to circumstances.

To these three continuous and most essential parts, the two following are added in the description of the plough by Virgil:—

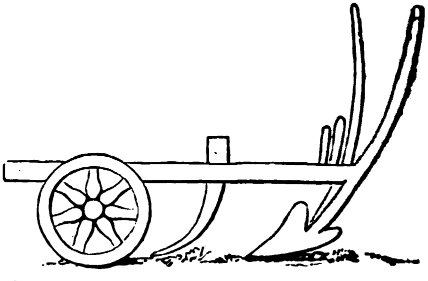
1. The *earth-boards*, or *mould-boards* (*aures*), rising on each side, bending outwardly, in such a manner as to throw on either hand the soil which had been previously loosened and raised by the share, and adjusted to the share-beam which was made double for the purpose of receiving them:—

"Binae *aures*, duplici aptantur *dentalia* dorso."

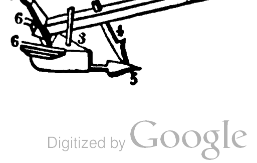
According to Palladius (i. 43), it was desirable to have ploughs both with earth-boards (*aurita*) and without them (*simplicia*).

2. The *handle* (*stiva*), which is seen in Fellows's woodcut, and likewise in the following representation of an ancient Italian plough. Virgil considers this part as used to turn the plough at the end of the furrow. "Stivaque, quae currus a tergo torqueat imos." Servius, however, in his note on this line explains *stiva* to mean "the handle by which the plough is directed." It is probable that, as the *dentalia*, i. e. the two share-beams, which Virgil supposes were in the form of the Greek letter Λ, which he describes by *duplici dorso*, the buris was fastened to the left share-beam, and the stiva to the right, so that, instead of the simple plough of the Greeks, that described by Virgil, and used, no doubt, in his country (see the following woodcut), was more like the modern Lancashire plough, which is commonly held behind with both hands. Sometimes, however, the stiva (*ἐχέτλη*, Hes. *Op. et Dies*, 467) was used alone and instead of the tail, as in the Mysian plough above represented. To a plough so constructed the language of Columella was especially applicable, "Arator stivae paene rectus innititur" (i. 9); and the expressions of Ovid, "Stivaeque innixus arator" (*Met.* viii. 218), and "Inde premens stivam designat moenia sulco." (*Fast.* iv. 825.) In place of "stiva," Ovid also uses the less appropriate term "capulus" (*Ep. de Ponto*, i. 8. 61); "Ipse manu capulum prensi moderatus aratri." When the plough was held either by the stiva alone, or by the buris alone, a piece of wood (*manicula*) was fixed across the summit, and on this the labourer pressed with both hands. Besides guiding the plough in a straight line, his duty was to force the share to a sufficient depth into the soil. Virgil alludes to this in the phrase "Depresso aratro" (*Georg.* i. 45). The cross-bar, which is seen in Mr. Fellows's drawing, and mentioned in Sir J. C. Hobhouse's description, and which passes from the pole to the share for the purpose of giving additional strength, was called *σπάθη*, in Latin *fulcrum*. The coulter (*culter*, Plin. *H. N.* xviii. 48) was used by the Romans as it is with us. It was inserted into the pole so as to depend vertically before the share, cutting through the roots which came in its way, and thus preparing for the more complete loosening and overturning of the soil by the share.

About the time of Pliny two small wheels (*rotae, rotulae*) were added to the plough in Rhaetia; and Servius (*l. c.*) mentions the use of them in the country of Virgil. The annexed woodcut shows the form of a wheel-plough, as represented on a piece of engraved jasper, of Roman workmanship. It also shows distinctly the *temo* or pole, the coulter or *culter*, the *dentale* or share-beam, the *buris* or plough-tail, and the handle or *stiva*.



(Caylus, *Rec. d'Ant.* v. pl. 83. No. 6.) It corresponds, in all essential particulars, with the



plough now used about Mantua and Venice, of which an engraving is given above. 1. Buris. 2. Temo. 3. Dentale. 4. Culter. 5. Vomer. 6. Aures.

Respecting the operation of ploughing, see Agricultura, p. 49. [J. Y.]

A'RBITER. [Judex.]

ARBITRA'RIA A'CTIO. [Actio.]

ARCA, a chest or coffer. — 1. A chest, in which the Romans were accustomed to place their money: the phrase *ex arca solvere* had the meaning of paying in ready money. (Comp. Cic. *ad Att.* i. 9.) These chests were either made of or bound with iron, or other metals. (Juv. xi. 26, xiv. 259.) The name *arca* was usually given to the chests in which the rich kept their money, and was opposed to the smaller *loculi* (Juv. i. 89), *sacculus* (Juv. xi. 26), and *crumena*.

2. *Arca publica* was used under the empire to signify the city-funds, which were distinct from the aerarium and the fiscus, and the administration of which belonged to the senate. (Vopisc. *Aurel.* 20.) The name *arca* was, however, also used as equivalent to *fiscus*, that is, the imperial treasury: thus, we read of the *arca frumentaria*, *arca olearia*, *arca vinaria*, *&c.* (Symm. x. 33; compare Dig. 50. tit. 4. s. 1.)

3. *Arca* also signified the coffin in which persons were buried (Aur. Vict. *De Vir. Ill.* 42; Lucan, viii. 736), or the bier on which the corpse was placed previously to burial. (Dig. 11. tit. 7. s. 7.)

4. It was also a strong cell made of oak, in which criminals and slaves were confined. (Cic. *Pro Milon.* c. 22; Festus, *s. v. Robum.*)

A'RCERA, a covered carriage or litter, spread with cloths, which was used in ancient times in Rome, to carry the aged and infirm. It is said to have obtained the name of arcera on account of its resemblance to an arca. (Varr. *L. L.* v. 140, ed. Müller; Gell. xx. 1.)

ARCHEION (ἀρχεῖον) properly means any public place belonging to the magistrates (comp. Herod. iv. 62), but was more particularly applied at Athens to the archive office, where the decrees of the people and other state documents were preserved. This office is sometimes called merely τὸ δημόσιον. (Dem. *de Cor.* p. 275.) At Athens the archives were kept in the temple of the mother of the gods (μητρῷον), and the charge of it was intrusted to the president (ἐπιστάτης) of the senate of the Five-hundred. (Dem. *de Fals. Leg.* p. 381, *in Aristog.* i. p. 799; Paus. i. 3. § 4.)

ARCHIA'TER (ἀρχίατρος, compounded of ἀρχὸς or ἄρχων, a chief, and ἰατρός, a physician), a medical title under the Roman emperors, the exact signification of which has been the subject of much discussion; for while some persons interpret it "the chief of the physicians" (*quasi* ἄρχων τῶν ἰατρῶν) others explain it to mean "the physician to the prince" (*quasi* τοῦ ἄρχοντος ἰατρός). Upon the whole it seems tolerably certain that the former is the true meaning of the word, and for these reasons: — 1. From its etymology it can hardly have any other sense, and of all the words similarly formed (ἀρχιτέκτων, ἀρχιτρίκλινος, ἀρχιεπίσκοπος, &c.) there is not one that has any reference to "*the prince.*" 2. We find the title applied to physicians who lived at Edessa, Alexandria, &c., where no king was at that time reigning. 3. Galen (*de Ther. ad Pis.* c. 1, vol. xiv. p. 211, ed. Kühn) speaks of Andromachus being appointed "*to rule over*" the physicians (ἄρχειν), *i. e.*, in fact, to be "archiater." 4. Augustine (*De Civit. Dei*, iii. 17) applies the word to Aesculapius, and St. Jerome (metaphorically of course) to our Saviour (xiii. *Homil. in S. Luc.*), in both which cases it evidently means "the chief physician." 5. It is apparently synonymous with *protomedicus*, *supra medicos*, *dominus medicorum*, and *superpositus medicorum*, all which expressions occur in inscriptions, &c., and also with the title *Rais 'ala 'l-atebbá*, among the Arabians. 6. We find the names of several persons who were physicians to the emperor, mentioned without the addition of the title *archiater*. 7. The archiatri were divided into *Archiatri sancti palatii*, who attended on the emperor, and *Archiatri populares*, who attended on the people; so that it is certain that *all* those who bore this title were not "physicians to the *prince*." The chief argument in favour of the contrary opinion seems to arise from the fact, that of all those who are known to have held the office of *Archiatri* the greater part certainly were also physicians to the emperor; but this is only what might *à priori* be expected, viz. that those who had attained the highest rank in their profession would be chosen to attend upon the prince.*

The first person whom we find bearing this title is Andromachus, physician to Nero, and inventor of the Theriaca (Galen. *l. c.*; Erotian. *Lex. Voc. Hippocr.* Praef.): but it is not known whether he had at the same time any sort of authority over the rest of the profession. In fact, the history of the title is as obscure as its meaning, and it is chiefly by means of the laws respecting the medical profession that we learn the rank and duties attached to it. In after times (as was stated above) the order appears to have been divided, and we find two distinct classes of archiatri, viz. those of the palace and those of the people. (Cod. Theodos. xiii. tit. 3; *De Medicis et Professoribus.*) The *archiatri sancti palatii* were persons of high rank, who not only exercised their profession, but were judges on occasion of any disputes that might occur among the physicians of the place. They had certain privileges granted to them, *e. g.* they were exempted from all taxes, as were also their wives and children; they were not obliged to lodge soldiers or others in the provinces; they could not be put in prison, &c.; for though these privileges seem at first to have been common to all physicians (Cod. Just. x. tit. 52. s. 6. *Medicos et maxime Archiatros*), yet afterwards they were confined to the archiatri of the palace, and to those of Rome. When they obtained their dismissal from attendance on the emperor, either from old age or any other cause, they retained the title *ex-archiatri*, or *ex-archiatris*. (Cod. x. tit. 52. leg. 6.) The *archiatri populares* were established for the relief of the poor, and each city was to be provided with five, seven, or ten, according to its size. (Dig. 27. tit. 1. s. 6.) Rome had fourteen, besides one for the vestal virgins, and one for the gymnasia. (Cod. Theodos. *l. c.*) They were paid by the government, and were therefore obliged to attend their poor patients gratis; but were allowed to receive fees from the rich. (Cod. Theodos. *l. c.*) The archiatri populares were not appointed by the governors of the provinces, but were elected by the people themselves. (Dig. 50. tit. 9. s. 1.) The office appears to have been more lucrative than that of archiatri sancti palatii, though less honourable. In later times, we find in Cassiodorus (see Meibom. *Comment. in Cass. Formul. Archiatr.* Helmst. 1668) the title "comes archiatrorum," "count of the archiatri," together with an account of his duties, by which it appears that he was the arbiter and judge of all disputes and difficulties, and ranked among the officers of the empire as a *vicarius* or *dux.* (See Le Clerc, and Sprengel, *Hist. de la Méd.* Further information on the subject may be found in several works referred to in the Oxford edition of Theophilus *De Corp. Hum. Fabr.* p. 275; and in Goldhorn, *De Archiatris Romanis et eorum Origine usque ad finem imperii Romani Occidentalis*, Lips. 1841.) [W. A. G.]

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* Just as in England the President of the College of Physicians is (or used to be) ex-officio physician to the sovereign.

ARCHIMI'MUS. [Mimus.]

ARCHITECTU'RA (ἀρχιτεκτονία, ἀρχιτεκτονική), in its widest sense, signifies all that we understand by *architecture*, and by *civil* and *military engineering:* in its more restricted meaning, it is the science of building according to the laws of proportion and the principles of beauty. In the former sense, it has its foundation in *necessity:* in the latter, upon *art* taking occasion from necessity. The hut of a savage is not, properly speaking, a work of architecture; neither, on the other hand, is a building in which different and incongruous styles are exhibited side by side. An architectural construction, in the artistic sense, must possess not only *utility*, but *beauty*, and also *unity:* it must be suggestive of some *idea*, and referable to some *model*.

The architecture of every people is not only a most interesting branch of its antiquities, but also a most important feature in its history; as it forms one of the most durable and most intelligible evidences of advancement in civilization. If the Greek and Roman literature and history had been a blank, what ideas of their knowledge, and power, and social condition would their monuments have still suggested to us! What a store of such ideas is even now being developed from the monuments of Asia, Egypt, and America!

The object of the present article is to give a very compendious account of the history and principles of the art, as practised by the Greeks and Romans. The details of the subject will be, for the most part, referred to their separate and proper heads. The lives of the architects will be found in the *Dictionary of Greek and Roman Mythology and Biography.*

It is well observed by Stieglitz that architecture has its origin in nature and religion. The necessity for a habitation, and the attempt to adorn those habitations which were intended for the gods, are the two causes from which the art derives its existence. In early times we have no reason to suppose that much attention was paid to domestic architecture, but we have much evidence to the contrary. The resources of the art were lavished upon the temples of the gods; and hence the greater part of the history of Grecian architecture is inseparably connected with that of the temple, and has its proper place under Templum, and the subordinate headings, such as Columna, under which heads also the different orders are described.

But, though the first rise of architecture, as a fine art, is connected with the temple, yet, viewed as the science of construction, it must have been employed, even earlier, for other purposes, such as the erection of fortifications, palaces, treasuries, and other works of utility. Accordingly, it is the general opinion of antiquaries, that the very earliest edifices, of which we have any remains, are the so-called Cyclopean works, in which we see huge unsquared blocks of stone built together in the best way that their shapes would allow; although it can be proved, in some instances, that the rudeness of this sort of work is no sufficient proof of its very early date, for that it was adopted, not from want of skill, but on account of the object of the work, and the nature of the materials employed. (Bunbury, *On Cyclopean Remains in Central Italy*, in the *Classical Museum*, vol. ii.) [Murus.] The account of the early palaces cannot well be separated from that of domestic architecture in general, and is therefore given under Domus; that of erections intended, or supposed to be intended, for treasuries, will be found under Thesaurus.

In addition to these, however, there are other purposes, for which architecture, still using the term in its lower sense, would be required in a very early stage of political society; such as the general arrangement of cities, the provision of a place for the transaction of public business, with the necessary edifices appertaining to it [Agora, Forum], and the whole class of works which we embrace under the head of civil engineering, such as those for drainage [Cloaca, Emissarius], for communication [Via, Pons], and for the supply of water [Aquaeductus]. The nature of these several works among the Greeks and Romans, and the periods of their development, are described under the several articles. Almost equally necessary are places devoted to public exercise, health, and amusement, Gymnasium, Stadium, Hippodromus, Circus, Balneum, Theatrum, Amphitheatrum. Lastly, the skill of the architect has been from the earliest times employed to preserve the memory of departed men and past events; and hence we have the various works of monumental and triumphal architecture, which are described under the heads Funus, Arcus, Columna.

The *materials* employed by the architect were marble or stone, wood, and various kinds of earth, possessing the property of being plastic while moist and hardening in drying, with cement and metal clamps for fastenings: the various metals were also extensively used in the way of ornament. The details of this branch of the subject are given in the descriptions of the several kinds of building.

The *principles* of architectural science are *utility*, *proportion*, and *the imitation of nature.* The first requisite is that every detail of a building should be subordinate to its general purpose. Next, the form of the whole and of its parts must be derived from simple geometrical figures; namely, the straight line, the plane surface, and regular or symmetrical rectilinear figures, as the equilateral or isosceles triangle, the square or rectangle, and the regular polygons; symmetrical curves, as the circle and ellipse; and the solids arising out of these various figures, such as the cube, the pyramid, the cylinder, the cone, the hemisphere, &c. Lastly, the ornaments, by which these forms are relieved and beautified, must all be founded either on geometrical forms or on the imitation of nature.

To this outline of the purposes and principles of the art, it only remains to subjoin a brief sketch of its history, which Hirt and Müller divide into five periods: the first, which is chiefly mythical, comes down to the time of Cypselus, Ol. 30, B. C. 660 (Müller brings this period down to the 50th Olympiad, B. C. 580): the second period comes down to the termination of the Persian war, Ol. 75. 2, B. C. 478 (Müller brings it down to Ol. 80, B. C. 460): the third is the brilliant period from the end of the Persian war to the death of Alexander the Great, Ol. 114, B. C. 323 (Müller closes this period with the death of Philip, Ol. 111, B. C. 336): the fourth period is brought down by Hirt to the battle of Actium, B. C. 31, but by Müller only to the Roman conquest of Greece, B. C. 146; the latter division has the convenience of marking the transition from Greek to Roman architecture: Hirt's fifth period is that of the Roman empire, down to the dedication of Constantinople, A. D. 330; while Müller's fifth period embraces the whole history of Roman architecture, from the time when it began to imitate the Greek, down to the middle ages, when it became mingled with the Gothic: Hirt's division requires us to draw a more definite line of demarcation than is possible, between the Roman and Byzantine styles, and also places that line too early.

The characteristics of these several periods will be developed under the articles which describe the several classes of buildings: they are therefore noticed in this place with the utmost possible brevity. Our information respecting the first period is derived from the Homeric poems, the traditions preserved by other writers, and the most ancient monuments of Greece, Central Italy, and the coast of Asia Minor. Strongly fortified cities, palaces, and treasuries, are the chief works of the earlier part of this period; and to it may be referred most of the so-called Cyclopean remains; while the era of the Dorian invasion marks, in all probability, the commencement of the Dorian style of temple architecture. The principal names of artists belonging to this period are Daedalus, Euryalus, Hyperbius, Docius, and some others. In the second period the art made rapid advances under the powerful patronage of the aristocracies in some cities, as at Sparta, and of the tyrants in others, as Cypselus at Corinth, Theagnes at Megara, Cleisthenes at Sicyon, the Peisistratids at Athens, and Polycrates at Samos. Architecture now assumed decidedly the character of a fine art, and became associated with the sister arts of sculpture and painting, which are essential to its development. The temples of particular deities were enriched and adorned by presents, such as those which Croesus sent to the Pythian Apollo. Magnificent temples sprung up in all the principal Greek cities; and while the Doric order was brought almost, if not quite, to perfection, in Greece Proper, in the Doric colonies of Asia Minor, and in Central Italy and Sicily, the Ionic order appeared, already perfect at its first invention, in the great temple of Artemis at Ephesus. The ruins still existing at Paestum, Syracuse, Agrigentum, Selinus, Aegina, and other places, are imperishable monuments of this period. Nor were works of utility neglected, as we see in the fountain of the Peisistratids at Athens, the aqueduct at Samos [AQUAEDUCTUS], the sewers (*ὑπόνομοι*) and baths (*κολυμβῆθρα*) at Agrigentum. To this period also belong the great works of the Roman kings. The commencement of the third and most brilliant period of the art was signalized by the rebuilding of Athens, the establishment of regular principles for the laying out of cities by Hippodamus of Miletus, and the great works of the age of Pericles, by the contemporaries of Pheidias, at Athens, Eleusis, and Olympia; during its course every city of Greece and her colonies was adorned with splendid edifices of every description; and its termination is marked by the magnificent works of Deinocrates and his contemporaries at Alexandria, Antioch, and other cities. The first part of the fourth period saw the extension of the Greek architecture over the countries conquered by Alexander, and, in the West, the commencement of the new style, which arose from the imitation, with some alterations, of the Greek forms by Roman architects, to which the conquest of Greece gave, of course, a new impulse. By the time of Augustus, Rome was adorned with every kind of public and private edifice, surrounded by villas, and furnished with roads and aqueducts; and these various erections were adorned by the forms of Grecian art; but already Vitruvius begins to complain that the purity of that art is corrupted by the intermixture of heterogeneous forms. This process of deterioration went on rapidly during the fifth period, though combined at first with increasing magnificence in the scale and number of the buildings erected. The early part of this period is made illustrious by the numerous works of Augustus, and his successors, especially the Flavii, Nerva, Trajan, Hadrian, and the Antonines, at Rome and in the provinces; but from the time of the Antonines the decline of the art was rapid and decided. In one department, a new impulse was given to architecture by the rise of Christian churches, which were generally built on the model of the Roman Basilica. One of the most splendid specimens of Christian architecture is the church of S. Sophia at Constantinople, built in the reign of Justinian, A. D. 537, and restored, after its partial destruction by an earthquake, in 554. But, long before this time, the Greco-Roman style had become thoroughly corrupted, and that new style, which is called the Byzantine, had arisen out of the mixture of Roman architecture with ideas derived from the Northern nations. It is beyond our limits to pursue the history of this and later styles of the art.

Of the ancient writers, from whom our knowledge of the subject is derived, the most important is, of course, Vitruvius. The following are the principal modern works on the general subject: — Winckelmann, *Anmerkungen über die Baukunst der Alten*, 1762; Stieglitz, *Archäologie der Baukunst*, 1801, and *Geschichte der Baukunst*, 1827; Hirt, *Baukunst nach den Grundsätzen der Alten*, 1809, and *Geschichte der Baukunst bei den Alten*, 1821; Müller, *Handbuch der Archäologie der Kunst*, 1825; the various works of travels, topography, and antiquities, such as those of Stuart, Chandler, Clarke, Dodwell, &c., all the most important of which will be found cited by the authorities referred to; and, for Central Italy, Müller's *Etrusker*, and Abeken's *Mittelitalien vor der Römiscchen Herrschaft*. [P. S.]

ARCHITHEO'RUS. [DELIA.]

ARCHON (*ἄρχων*). The government of Athens appears to have gone through the cycle of changes, which ancient history records as the lot of many other states. It began with monarchy; and after passing through a dynasty* and aristocracy, ended in democracy. Of the kings of Athens, considered as the capital of Attica, Theseus may be said to have been the first; for to him whether as a real individual or a representative of a certain period, is attributed the union of the different and independent states of Attica under one head. (Thuc. ii. 15.) The last was Codrus; in acknowledgment of whose patriotism in meeting death for his country, the Athenians are said to have determined that no one should succeed him with the title of βασιλεύς, or king. It seems, however, equally probable, that it was the nobles who availed themselves of this opportunity to serve their own interests, by abolishing the kingly power for another, the possessors of which they called ἄρχοντες, or rulers. These for some time continued to be, like the kings of the house of Codrus, appointed for life: still an important point was gained by the nobles, the office being made ὑπεύθυνος, or accountable (Paus. iv. 5. § 4; Dem. c. *Neaer.* p. 1370; Aristot. *Polit.* ii. 9; Böckh, *Pub. Econ. of Athens*, vol. ii. p. 27. 1st ed.), which of course implies that the nobility had some control over it; and perhaps, like the barons of the feudal ages, they exercised the power of deposition.

This state of things lasted for twelve reigns of archons. The next step was to limit the continuance of the office to ten years, still confining it to the Medontidae, or house of Codrus, so as to establish what the Greeks called a dynasty, till the archonship of Eryxias, the last archon of that family elected as such, and the seventh decennial archon. (Clinton, *F. H.*, vol. i. p. 182.) At the end of his ten years (B. C. 684), a much greater change took place: the archonship was made annual, and its various duties divided among a college of nine, chosen by suffrage (χειροτονία) from the Eupatridae, or Patricians, and no longer elected from the Medontidae exclusively. This arrangement continued till the timocracy established by Solon, who made the qualification for office depend not on birth, but property, still retaining the election by suffrage, and, according to Plutarch, so far impairing the authority of the archons and other magistrates, as to legalise an appeal from them to the courts of justice instituted by himself. (Ὅσα ταῖς ἀρχαῖς ἔταξε κρίνειν, ὁμοίως καὶ περὶ ἐκείνων εἰς τὸ δικαστήριον ἐφέσεις ἔδωκεν, Plut. *Solon.* 18.) The election by lot is believed to have been introduced by Cleisthenes (B. C. 508; Herod. vi. 109); for we find this practice existing shortly after his time; and Aristotle (*Polit.* ii. 9) expressly states that Solon made no alteration in the αἵρεσις, or mode of election, but only in the qualification for office. If, however, there be no interpolation in the oath of the Heliasts (Dem. c. *Timocr.* p. 747), we are forced to the conclusion that the election by lot was as old as the time of Solon; but the authority of Aristotle and other evidence strongly incline us to some such supposition, or rather leave no doubt of its necessity. The last change is supposed to have been made by Aristeides (Γράφει ψήφισμα κοινὴν εἶναι τὴν πολίτειαν, καὶ τοὺς ἄρχοντας ἐξ Ἀθηναίων πάντων αἱρεῖσθαι, Plut. *Arist.* 22), who, after the battle of Plataea (B. C. 479), abolished the property qualification, throwing open the archonship and other magistracies to all the citizens, that is, to the Thetes, as well as the other classes, the former of whom were not allowed by Solon's laws to hold any magistracy at all; in conformity with which, we find that, even in the time of Aristeides, the archons were chosen by lot from the wealthiest class of citizens (οἱ πεντακοσιομέδιμνοι, Plut. *Arist.* ad init.).

Still, after the removal of the old restrictions, some security was left to insure respectability; for, previously to an archon entering on office, he underwent an examination called the ἀνάκρισις (Pollux, viii. 85; Deinar. c. *Aristog.* p. 107; τοὺς ἐννέα ἄρχοντας ἀνακρίνετε εἰ γονέας εὖ ποιοῦσιν. Dem. c. *Eubul.* p. 1320), as to his being a legitimate and a good citizen, a good son, and qualified in point of property: εἰ τὸ τίμημά ἐστιν αὐτῷ; was the question put. Now, there are (Schömann, *De Comitiis*, p. 312.; Böckh, vol. ii. p. 277) strong reasons for supposing that this form of examination continued even after the time of Aristeides; and if so, it would follow that the right in question was not given to the Thetes promiscuously, but only to such as possessed a certain amount of property. But even if it were so, it is admitted that this latter limitation soon became obsolete; for we read in Lysias (Ὑπὲρ τοῦ Ἀδυνάτου, p. 169), that a needy old man, so poor as to receive a state allowance, was not disqualified from being archon by his indigence, but only by bodily infirmity; freedom from all such defects being required for the office, as it was in some respects of a sacred character. Yet, even after passing a satisfactory ἀνάκρισις, each of the archons, in common with other magistrates, was liable to be deposed, on complaint of misconduct made before the people, at the first regular assembly in each prytany. On such an occasion, the ἐπιχειροτονία, as it was called, took place; and we read (Dem. c. *Theocrin.* p. 1330; Pollux, viii. 95; Harp. in Κυρία Ἐκκλησία) that, in one case, the whole body of Θεσμοθέται was deprived of office (ἀπεχειροτονήθη), for the misbehaviour of one of their body: they were, however, reinstated, on promise of better conduct for the future.

With respect to the later ages of Athenian history, we learn from Strabo (ix. 1), that even in his day, the Romans allowed the freedom of Athens; and we may conclude that the Athenians would fondly cling to a name and office associated with some of their most cherished remembrances. That the archonship, however, though still in existence, was merely honorary, we might expect from the analogy of the consulate at Rome; and, indeed, we learn that it was sometimes filled by strangers, as Hadrian and Plutarch. Such, moreover, was the democratical tendency of the assembly and courts of justice established by Solon, that, even in earlier times, the archons had lost the great political power which they at one time possessed (Thuc. i. 126), and that, too, after the division of their functions amongst nine. They became, in fact, not as of old, directors of the government; but merely municipal magistrates, exercising functions and bearing titles which we will proceed to describe.

It has been already stated, that the duties of the single archon were shared by a college of nine. The first or president of this body was called ὁ ἄρχων, by way of pre-eminence; and sometimes ὁ ἐπώνυμος ἄρχων from the year being distinguished by and registered in his name. The second was styled ὁ βασιλεύς, or the king archon; the third, ὁ πολέμαρχος, or commander-in-chief; the remaining six, οἱ ϑεσμοθέται, or legislators. As regards the duties of the archons, it is sometimes difficult to distinguish what belonged to them individually and what collectively. It seems, however, that a considerable portion of the judicial functions of the ancient kings devolved upon the *Archon Eponymus*, who was also constituted a sort of state protector of those who were unable to defend themselves. (Dem. c. *Macar.* Νόμος, p. 1076; Pollux, viii. 89.) Thus he had to superintend orphans and their estates, heiresses, families losing their representatives (οἶκοι οἱ ἐξερημούμενοι), widows left pregnant, and to see that they were not wronged in any way. Should any one do so, he was empowered to inflict a fine of a certain amount, or to bring the parties to trial. Heiresses, indeed, seem to have been under his peculiar care; for we read (Dem. c. *Macar.* p. 1069), that he could compel the next of kin either to marry a poor heiress himself, even though she were of a lower class, or to portion her in marriage to another. Again we find (*Id.* p. 1055; Pollux, viii. 62) that, when a person claimed an inheritance or heiress adjudged to others, he summoned the party in possession before the archon eponymus (Ἐπιδικασία) who brought the case into court, and made arrangements for trying the suit. We must, however, bear in mind that this authority was only exercised in cases where the parties were citizens, the polemarch having corresponding duties when the heiress was an alien. It must also be understood that, except in very few cases, the archons did not decide themselves, but merely brought the causes into court, and cast lots for the dicasts who were to try the issue. (Dem. c. *Steph.* ii. p. 1136.) Another duty of the archons was to receive εἰσαγγελίαι (Harpocr. *s. v.*), or informations against individuals who had wronged heiresses, children who had maltreated their parents, guardians who had neglected or defrauded their wards. (Κάκωσις ἐπικλήρου, γονέων, ὀρφανῶν. Dem. c. *Macar.* p. 1069; Schömann, p. 181.) Informations of another kind, the ἔνδειξις and φάσις, were also laid before the eponymus, though Demosthenes (c. *Timocr.* p. 707) assigned the former to the thesmothetae. (Endeixis.) The last office of the archon which we shall mention was of a sacred character; we allude to his superintendence of the greater Dionysia and the Thargelia, the latter celebrated in honour of Apollo and Artemis. (Pollux, viii. 89.)

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* By this is meant that the supreme power, though not monarchical, was confined to one family.

The functions of the βασιλεύς, or *King Archon*, were almost all connected with religion: his distinguishing title shows that he was considered a representative of the old kings in their capacity of high priest, as the Rex Sacrificulus was at Rome. Thus he presided at the Lenaean, or older Dionysia; superintended the mysteries and the games called λαμπαδηφορίαι, and had to offer up sacrifices and prayers in the Eleusinium, both at Athens and Eleusis. Moreover, indictments for impiety, and controversies about the priesthood, were laid before him; and, in cases of murder, he brought the trial into the court of the Areiopagus, and voted with its members. His wife, also, who was called βασίλισσα or βασίλιννα, had to offer certain sacrifices, and therefore it was required that she should be a citizen of pure blood, without stain or blemish. His court was held in what was called ἡ τοῦ βασιλέως στοά. (Dem. c. *Lacr.* p. 940; c. *Androt.* p. 601; c. *Neaer.* p. 1370; Lysias, c. *Andoc.* p. 103, where the duties are enumerated; Elmsley, *Ad Aristoph. Achar.* 1143, et Scholia; Harpocr. *s. v.* Ἐπιμελητὴς τῶν μυστηρίων; Plato, *Euthyphr.* ad init. et *Theaet.* ad fin.; Pollux, viii. 90.)

The *Polemarch* was originally, as his name denotes, the commander-in-chief (Herod. vi. 109, 111; Pollux, viii. 91); and we find him discharging military duties as late as the battle of Marathon, in conjunction with the ten στρατηγοί: he there took, like the kings of old, the command of the right wing of the army. This, however, seems to be the last occasion on record of this magistrate appointed by lot, being invested with such important functions; and in after ages we find that his duties ceased to be military, having been in a great measure transferred to the protection and superintendence of the resident aliens, so that he resembled in many respects the praetor peregrinus at Rome. In fact, we learn from Aristotle, in his "Constitution of Athens," that the polemarch stood in the same relation to foreigners as the archon to citizens. (Demosth. c. *Lacr.* p. 940; Arist. apud Harpocr. *s. v.*; Pollux, viii. 91, 92.) Thus, all actions affecting aliens, the isoteles and proxeni, were brought before him previously to trial; as, for instance, the δίκη ἀπροστασίου against a foreigner, for living in Athens without a patron; so was also the δίκη ἀποστασίου against a slave who failed in his duty to the master who had freed him. Moreover, it was the polemarch's duty to offer the yearly sacrifice to Artemis, in commemoration of the vow made by Callimachus, at Marathon, and to arrange the funeral games in honour of those who fell in war. These three archons, the ἐπώνυμος, βασιλεύς, and πολέμαρχος, were each allowed two assessors to assist them in the discharge of their duties.

The *Thesmothetae* were extensively connected with the administration of justice, and appear to have been called legislators (Thirlwall, *Hist. of Greece*, vol. ii. p. 17), because in the absence of a written code, they might be said to make laws, or ϑεσμοί, in the ancient language of Athens, though in reality they only declared and explained them. They were required to review, every year, the whole body of laws, that they might detect any inconsistencies or superfluities, and discover whether any laws which were abrogated were in the public records amongst the rest. (Aeschin. c. *Ctesiph.* p. 59.) Their report was submitted to the people, who referred the necessary alterations to a legislative committee chosen for the purpose, and called νομοθέται.

The chief part of the duties of the thesmothetae consisted in receiving informations, and bringing cases to trial in the courts of law, of the days of sitting in which they gave public notice. (Pollux, viii. 87, 88.) They did not try them themselves; but seem to have constituted a sort of grand jury, or inquest. Thus they received ἐνδείξεις against parties who had not paid their fines, or owed any money to the state; and in default of bringing the former parties to trial, they lost their right of going up to the Areiopagus at the end of their year of office. (Dem. c. *Meid.* p. 529; c. *Macar.* p. 1075; c. *Timocr.* 707; Böckh, vol. i. p. 59, vol. ii. p. 72.) Again, indictments for personal injuries (ὕβρεως γραφαί) were laid before them, as well as informations against olive growers, for rooting up more trees than was allowed to each proprietor by law. So, too, were the indictments for bribing the Heliaea, or any of the courts of justice at Athens, or the senate, or forming clubs for the overthrow of the democracy, and against retained advocates (συνήγοροι) who took bribes either in public or private causes. Again, an information was laid before them if a foreigner cohabited with a citizen, or a man gave in marriage as his own daughter the child of another, or confined as an adulterer one who was not so. They also had to refer informations (εἰσαγγελίαι) to the people; and where an information had been laid before the senate, and a condemnation ensued, it was their duty to bring the judgment into the courts of justice for confirmation or revision. (Dem. *c. Steph.* ii. p. 1137; *c. Neaer.* pp. 1351, 1363, 1368, *c. Timocr.* p. 720; Pollux, viii. 88; Böckh, vol. i. pp. 259, 317.)

A different office of theirs was to draw up and ratify the σύμβολα, or agreements, with foreign states, settling the terms on which their citizens should sue and be sued by the citizens of Athens. In their collective capacity, the archons are said to have had the power of death in case an exile returned to an interdicted place: they also superintended the ἐπιχειροτονία of the magistrates, held every prytany (ἐπερωτῶσι εἰ δοκεῖ καλῶς ἄρχειν), and brought to trial those whom the people deposed, if an action or indictment were the consequence of it. Moreover, they allotted the dicasts or jurymen, and probably presided at the annual election of the strategi and other military officers. (Pollux, viii. 87, 88; Harpocr. *s. v.* Καταχειροτονία: Schömann, p. 231; Dem. *c. Aris.* p. 630.)

We may here remark, that it is necessary to be cautious in our interpretation of the words ἀρχή and ἄρχοντες, since in the Attic orators they have a double meaning, sometimes referring to the archons peculiarly so called, and sometimes to any other magistracy. Thus in Isaeus (*De Cleonymi Haered.*) we might on a cursory perusal infer, that when a testator left his property away from his heir-at-law, by what was technically called a δόσις (Harpocr. *s. v.*; Isaeus, περὶ κλήρων), the archon took the original will into custody, and was required to be present at the making of any addition or codicil to it. A more accurate observation proves that by εἷς τῶν ἀρχόντων is meant one of the ἀστυνόμοι, who formed a magistracy (ἀρχή) as well as the nine archons.

A few words will suffice for the privileges and honours of the archons. The greatest of the former was the exemption from the trierarchies — a boon not allowed even to the successors of Harmodius and Aristogeiton. As a mark of their office, they wore a chaplet or crown of myrtle; and if any one struck or abused one of the thesmothetae or the archon, when wearing this badge of office, he became ἄτιμος, or infamous in the fullest extent, thereby losing his civic rights. (Böckh, vol. ii. p. 322; Dem. *c. Lept.* pp. 462, 464, 465, *c. Meid.* p. 524; Pollux, viii. 86.) The archons, at the close of their year of service, were admitted among the members of the Areiopagus. [AREIOPAGUS.]

The Archon Eponymus being an annual magistrate at Athens, like the consul at Rome, it is manifest that a correct list of the archons is an important element in the determination of Athenian chronology. Now from *Creon* (B.C. 684), the first annual archon, to *Comias* (B.C. 560), we have the names of about twenty-four. From B.C. 560 to the invasion of Xerxes (B.C. 480), the names and years of about twenty-four more have been determined. From B.C. 480 to 292, Diodorus and Dionysius Halicarnassus furnish an almost unbroken succession for a period of nearly 200 years. The names, so far as they are known, are given by Clinton (*F. H.*), who remarks that the compiler of the Parian marbles places the annual archons one year too high respectively. He also states (vol. ii. p. 12) that the best list is that of Corsini, who however is surpassed by Wesseling within the period embraced by the remains of Diodorus. [R.W.]

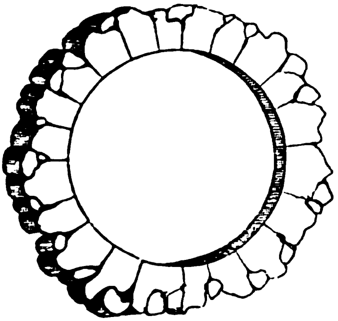
ARCHO'NES (ἀρχώνης). [TELONES.]

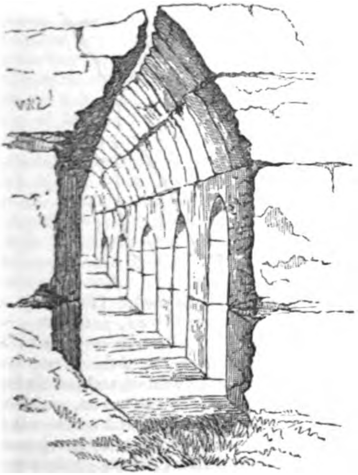
ARCIFI'NIUS AGER. [AGER.]

ARCUS (also *fornix*, Virg. *Aen.* vi. 631; Cic. *in Verr.* i. 7; καμάρα), an arch. It is possible to give an arched form to the covering of any opening by placing horizontal courses of stones projecting over one another, from both sides of the opening, till they meet at top, and then cutting the ends of the projecting stones to a regular curve, as shown below. This form is found in the most ancient architecture of nearly all nations, but it does not constitute a true arch. A true arch is formed of a series of wedge-like stones, or of bricks, supporting each other, and all bound firmly together by their mutual pressure.

It would seem that the arch, as thus defined, and as used by the Romans, was not known to the Greeks in the early periods of their history, otherwise a language so copious as theirs, and of such ready application, would not have wanted a name properly Greek by which to distinguish it. But the constructive principle, by which an arch is made to hold together, and to afford a solid resistance against the pressure upon its circumference, was known to them even previously to the Trojan war, and its use is exemplified in two of the earliest buildings now remaining — the chamber built at Orchomenus, by Minyas, king of Boeotia, described by Pausanias (ix. 38), and the treasury of Atreus at Mycenae. (Paus. ii. 16.) Both these works are constructed under ground, and each of them consists of a circular chamber formed by regular courses of stones laid horizontally over each other, each course projecting towards the interior, and beyond the one below it, till they meet in an apex over the centre, which was capped by a large stone, and thus resembled the inside of a dome. Each of the horizontal courses of stones formed a perfect circle, or two semicircular arches joined together, as the subjoined plan of one of these courses will render evident.

It will be observed that the innermost end of each stone is bevelled off into the shape of a wedge, the apex of which, if continued, would meet in the centre of the circle, as is done in forming an arch; while the outer ends against the earth are left rough, and their interstices filled up with small irregular-shaped stones, the immense size of the principal stones rendering it unnecessary to continue the sectional cutting throughout their whole length. Indeed, if these chambers had been constructed upon any other principle, it is clear that the pressure of earth all around them would have caused them to collapse. The method of construction here described was communicated to the writer of the present article by the late Sir William Gell. Thus it seems that the Greeks did understand the constructive principle upon which arches are formed, even in the earliest times; although it did not occur to them to divide the circle by a diameter, and set the half of it upright to bear a superincumbent weight. But they made use of a contrivance even before the Trojan war, by which they were enabled to gain all the advantages of our archway in making corridors, or hollow galleries, and which in appearance resembled the pointed arch, such as is now termed Gothic. This was effected by cutting away the superincumbent stones in the manner already described, at an angle of about 45° with the horizon. The mode of construction and appearance of such arches is represented in the annexed drawing of the walls of Tiryns, copied from Sir William Gell's Argolis. The gate of Signia (*Segni*) in Latium exhibits a similar example.





The principle of the true arch seems to have been known to the Romans from the earliest period: it is used in the *Cloaca Maxima*. It is most probably an Etruscan invention. The use of it constitutes one leading distinction between Greek and Roman architecture, for by its application the Romans were enabled to execute works of far bolder construction than those of the Greeks — to erect bridges and aqueducts, and the most durable and massive structures of brick. The Romans, however, never used any other form of arch than the semicircle. [A. R.]

ARCUS TRIUMPHA'LIS (a triumphal arch), was a structure peculiar to the Romans, among whom it seems to have taken its origin from the *Porta Triumphalis*, the gate by which a general celebrating a triumph led his army into the city, on which occasions the gate was adorned with trophies and other memorials of the particular victory celebrated. In process of time other arches were erected, both at Rome and in the provinces, to celebrate single victories, the memorials of which were carved upon them or fixed to them, and these remained as permanent monuments. They even came to be erected in memory of a victory for which there had been no triumph; nay, even to commemorate other events than victories. That at Ancona, for example, was erected in honour of Trajan, when he had improved the harbour of the city at his own expense.

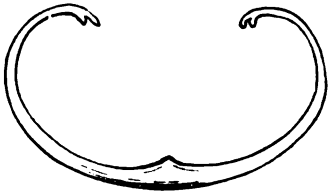
Triumphal arches were insulated structures built across the principal streets of the city, and, according to the space of their respective localities, consisted of either a single arch-way, or of a central one for carriages, with two smaller ones on each side for foot passengers, which sometimes have side communications with the centre arch. Sometimes there were two arches of equal height, side by side. Each front was ornamented with trophies and bas-reliefs, which were also placed on the sides of the passages. Both façades had usually columns against the piers, supporting an entablature, surmounted by a lofty attic, on the front of which was the inscription, and on the top of it bronze chariots, war-horses, statues, and trophies.

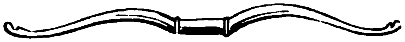
Stertinius is the first upon record who erected any thing of the kind. He built an arch in the Forum Boarium, about B. C. 196, and another in the Circus Maximus, each of which was surmounted by gilt statues. (Liv. xxxiii. 27.) Six years afterwards, Scipio Africanus built another on the Clivus Capitolinus, on which he placed seven gilt statues and two figures of horses (Liv. xxxvii. 3); and in B. C. 121, Fabius Maximus built a fourth in the Via Sacra, which is called by Cicero (*in Verr.* i. 7) the *Fornix Fabianus*. None of these remain, the Arch of Augustus at Rimini being one of the earliest among those still standing. That these erections were either temporary or very insignificant, may be inferred from the silence of Vitruvius, who says nothing of triumphal arches. We might be sure, from the nature of the case, that such structures would especially mark the period of the empire.

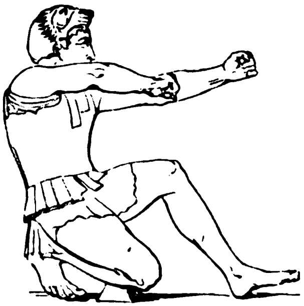
There are twenty-one arches recorded by different writers as having been erected in the city of Rome, five of which now remain: — 1. *Arcus Drusi*, which was erected to the honour of Nero Claudius Drusus on the Appian way. (Suet. *Claud.* 1.) 2. *Arcus Titi*, at the foot of the Palatine, which was erected to the honour of Titus, after his conquest of Judaea, but was not finished till after his death; since in the inscription upon it he is called *Divus*, and he is also represented as being carried up to heaven upon an eagle. The bas-reliefs of this arch represent the spoils from the temple of Jerusalem carried in triumphal procession; and are among the best specimens of Roman sculpture. This arch has only a single opening, with two columns of the Roman or composite order on each side of it. 3. *Arcus Septimii Severi*, which was erected by the senate (A. D. 203) at the end of the Via Sacra, in honour of that emperor and his two sons, Caracalla and Geta, on account of his victories over the Parthians and Arabians. 4. *Arcus Gallieni*, erected to the honour of Gallienus by a private individual, M. Aurelius Victor. 5. *Arcus Constantini*, which is larger and more profusely ornamented than the Arch of Titus. It was erected by the senate in honour of Constantine, after his victory over Maxentius. It consists of three arches, with columns against each front, and statues on the entablatures over them, which, with the other sculptured ornaments, originally decorated the arch of Trajan. [P. S.]

ARCUS (βιός, τόξον), the bow used for shooting arrows, is one of the most ancient of all weapons, but is characteristic of Asia rather than of Europe. Thus in the description given by Herodotus (vii. 61—80) of the various nations composing the army of Xerxes, we observe that nearly all the troops without exception used the bow. The Scythians and Parthians were the most celebrated archers in the East, and among the Greeks the Cretans, who frequently served as a separate corps in the Greek armies, and subsequently also among the auxiliary troops of the Romans. (Comp. Xen. *Anab.* i. 2. § 9; Liv. xlii. 35.)

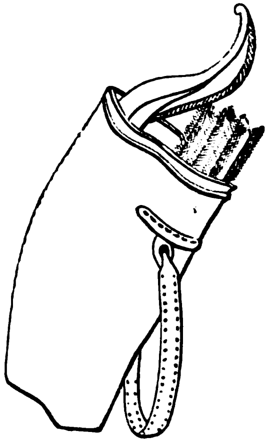
The form of the Scythian and Parthian bow differed from that of the Greeks. The former was in the shape of a half-moon, and is shown in the upper of the two figures here exhibited, which is taken from one of Sir W. Hamilton's fictile vases. (Comp. Amm. Marc. xxii. 8.) The Greek bow, on the other hand, the usual form of which is shown in the lower of the preceding figures, has a double curvature, consisting of two circular portions united in the middle (πῆχυς). According to the description in Homer (*Il.* iv. 105—126), the bow was made of two pieces of horn, hence frequently called κέρας and *cornu*. The bow-string (νευρά) was twisted, and was frequently made of thongs of leather (νεῦρα βόεια). It was always fastened to one end of the bow, and at the other end there hung a ring or hook (κορώνη), usually made of metal (χρυσέη), to which the string was attached, when the bow was to be used. In the same passage of Homer we have a description of a man preparing to shoot, and this account is illustrated by the following outline of a statue belonging to the group of the Aeginetan marbles. The bow, placed in the hands of this statue, was probably of bronze, and has been lost.







When not used, the bow was put into a case (τοξοθήκη, γωρυτός, *Corytus*), which was made of leather, and sometimes ornamented (φαεινός, Hom. *Od.* xxi. 54). The bow-case is very conspicuous in the sculptured bas-reliefs of Persepolis. It frequently held the arrows as well as the bow, and on this account is often confounded with the *Pharetra* or quiver. Though its use was comparatively rare among the Greeks and Romans, we find it exhibited in a bas-relief in the Museo Pio-Clementino (vol. iv. tav. 43), which is copied in the annexed cut.



ARDA'LION (ἀρδάλιον). [FUNUS.]

A'REA. [AGRICULTURA, p. 44.]

AREIO'PAGUS. The Areiopagus (ὁ Ἄρειος πάγος, or hill of Ares), at Athens, was a rocky eminence, lying to the west of, and not far from the Acropolis. To account for the name, various stories were told. Thus, some said that it was so called from the Amazons, the daughters of Ares, having encamped there when they attacked Athens; others again, as Aeschylus, from the sacrifices there offered by them to that god; while the more received opinion connected the name with the legend of Ares having been brought to trial there by Poseidon, for the murder of his son Halirrhotius. (Dem. *c. Aristocr.* p. 642; Aeschyl. *Eum.* 659.) To none, however, of these legends did the place owe its fame, but rather to the council (Ἡ ἐν Ἀρείῳ πάγῳ βουλή), which held its sittings there, and was sometimes called Ἡ ἄνω βουλή, to distinguish it from the senate of Five Hundred, which sat in the Cerameicus within the city. That it was a body of very remote antiquity, acting as a criminal tribunal, was evidently believed by the Athenians themselves. In proof of this, we may refer to the express assertions of the orators, and the legend of Orestes having been tried before the council for the murder of his mother — a trial which took place before Athena, and which Aeschylus represents as the origin of the court itself. Again, we find that even before the first Messenian war (B. C. 740) began, the Messenians offered to refer the points in dispute to the Argive Amphictiony, or the Athenian Areiopagus (Paus. iv. 5. § 1; Thirlwall, *Hist. Greece*, vol. i. p. 345), because this body was believed to have had jurisdiction in cases of manslaughter (δίκας φονικάς), "from of old."

There is sufficient proof, then, that the Areiopagus existed before the time of Solon, though he is admitted to have so far modified its constitution and sphere of duty, that he might almost be called its founder. What that original constitution was, must in some degree be left to conjecture, though there is every reason to suppose that it was aristocratical, the members being taken, like the Ephetae, from the noble patrician families (εὐπατριδῶν). We may remark that, after the time of Solon, the Ephetae, fifty-one in number, sat collectively in four different courts, and were charged with the hearing of such cases of accidental or justifiable homicide as admitted of or required expiation, before the accused could resume the civil and religious rights he had lost: a resumption impossible in cases of wilful murder, the capital punishment for which could only be escaped by banishment for life, so that no expiation was required or given. (Müller, *Eumen.* § 64 ; Pollux, viii. 125.) Now the Ephetae formerly administered justice in five courts, and for this and other reasons it has been conjectured that they and the Areiopagus then formed one court, which decided in all cases of murder, whether wilful or accidental. In support of this view, it has been urged that the separation of functions was rendered necessary by that change of Solon which made the Areiopagus no longer an aristocratic body, while the Ephetae remained so, and as such were competent to administer the rights of expiation, forming, as they did, a part of the sacred law of Athens, and therefore left in the hands of the old patricians, even after the loss of their political privileges. On this point we may remark, that the connection insisted on may to a great extent be true ; but that there was not a complete identity of functions is proved by Plutarch (*Solon.* c. 19), in a quotation from the laws of Solon, showing that even before that legislator the Areiopagites and Ephetae were in some cases distinct.

It has been observed, in the article ARCHON, that the principal change introduced by Solon in the constitution of Athens, was to make the qualification for office depend not on birth but property ; also that, agreeably to his reforms, the nine archons, after an unexceptionable discharge of their duties, "went up" to the Areiopagus, and became members of it for life, unless expelled for misconduct. (Deinarch. c. *Demosth.* p. 97 ; Plut. *Sol.* c. 18.)

The council then, after his time, ceased to be aristocratic in constitution ; but, as we learn from Attic writers, continued so in spirit. In fact, Solon is said to have formed the two councils, the senate and the Areiopagus, to be a check upon the democracy ; that, as he himself expressed it, "the state, riding upon them as anchors, might be less tossed by storms." Nay, even after the archons were no longer elected by suffrage but by lot, and the office was thrown open by Aristeides to all the Athenian citizens, the "upper council" still retained its former tone of feeling. We learn, indeed, from Isocrates (*Areiop.* p. 147), that no one was so bad as not to put off his old habits on becoming an Areiopagite; and though this may refer to private rather than public conduct, we may not unreasonably suppose that the political principles of the younger would always be modified by the older and more numerous members—a modification which, though continually less in degree, would still be the same in direction, and make the Areiopagus what Pericles found it, a counteracting force to the democracy. Moreover, besides these changes in its constitution, Solon altered and extended its functions. Before his time it was only a criminal court, trying cases of "wilful murder and wounding, of arson and poisoning" (Pollux, viii. 117 ; Dem. *c. Arist.* p. 627), whereas he gave it extensive powers of a censorial and political nature. Thus we learn that he made the council an "overseer of everything, and the guardian of the laws," empowering it to inquire how any one got his living, and to punish the idle. (Plutarch. *Solon.* c. 22 ; Isoc. *l. c.*)

We learn from other authorities that the Areiopagites were "superintendents of good order and decency," terms rather unlimited and undefined, as it is not improbable Solon wished to leave their authority. There are, however, recorded some particular instances of its exertion. (Athen. iv. pp. 167, c.—168, b. vi. p. 245, c. ed. Dindorf; Pollux, viii. 112.) Thus we find that they called persons to account for extravagant and dissolute living, and that too even in the later days of Athenian history. On the other hand, they occasionally rewarded remarkable cases of industry, and, in company with certain officers called γυναικονόμοι, made domiciliary visits at private entertainments, to see that the number of guests was not too large, and also for other purposes. But their censorial and political authority was not confined to matters of this subordinate character. We learn from Aristotle (Plut. *Themis.* c. 10 ; see Böckh, vol. i. p. 208), that at the time of the Median invasion, when there was no money in the public treasury, the Areiopagus advanced eight drachmae a man to each of the sailors—a statement which proves that they had a treasury of their own, rather than any control over the public finances, as some have inferred from it. (Thirlwall, *Hist. Greece*, vol. iii. app. 1.) Again, we are told (Lycurg. *c. Leoc.* p. 154) that at the time of the battle of Chaeroneia, they seized and put to death those who deserted their country, and that they were thought by some to have been the chief preservation of the city.

It is probable that public opinion supported them in acts of this kind, without the aid of which they must have been powerless for any such objects. In connection with this point, we may add that when heinous crimes had notoriously been committed, but the guilty parties were not known, or no accuser appeared, the Areiopagus inquired into the subject, and reported (ἀποφαίνειν) to the demus. The report or information was called ἀπόφασις. This was a duty which they sometimes undertook on their own responsibility, and in the exercise of an old-established right, and sometimes on the order of the demus. (Deinarch. *c. Dem.* p. 97; Schömann, *De Comitiis*, p. 217, transl.) Nay, to such an extent did they carry this power, that on one occasion they apprehended an individual (Antiphon) who had been acquitted by the general assembly, and again brought him to a trial, which ended in his condemnation and death. (Dem. *De Cor.* pp. 271, 272; Deinarch. *c. Dem.* p. 98.) Again, we find them revoking an appointment of the people whereby Aeschines was made the advocate of Athens before the Amphictionic council, and substituting Hyperides in his room. In these two cases also, they were most probably supported by public opinion, or by a strong party in the state. (Dem. *l. c.*)

They also had duties connected with religion, one of which was to superintend the sacred olives growing about Athens, and try those who were charged with destroying them. (Lysias, *Περὶ τοῦ Σηκοῦ*, p. 110.) We read, too, that in the discharge of their duty as religious censors, they on one occasion examined whether the wife of the king archon was, as required by law, an Athenian; and finding she was not, imposed a fine upon her husband. (Dem. *c. Neaer.* p. 1372.) We learn from the same passage, that it was their office generally to punish the impious and irreligious. Again we are told, though rather in a rhetorical way, that they relieved the needy from the resources of the rich, controlled the studies and education of the young, and interfered with and punished public characters as such. (Isocr. *Areiop.* p. 151.)

Independent, then, of its jurisdiction as a criminal court in cases of wilful murder, which Solon continued to the Areiopagus, its influence must have been sufficiently great to have been a considerable obstacle to the aggrandisement of the democracy at the expense of the other parties in the state. In fact, Plutarch (*Solon*, c. 18), expressly states that Solon had this object in view in its reconstruction; and accordingly, we find that Pericles, who never was an archon or Areiopagite, and who was opposed to the aristocracy for many reasons, resolved to diminish its power and circumscribe its sphere of action. His coadjutor in this work was Ephialtes, a statesman of inflexible integrity, and also a military commander. (Plut. *Cim.* 7, *Peric.* 10, 13.) They experienced much opposition in their attempts, not only in the assembly, but also on the stage, where Aeschylus produced his tragedy of the Eumenides, the object of which was to impress upon the Athenians the dignity, the sacredness, and constitutional worth of the institution which Pericles and Ephialtes wished to reform. He reminds the Athenians that it was a tribunal instituted by their patron goddess Athena, and puts into her mouth a popular harangue full of warnings against innovations, and admonishing them to leave the Areiopagus in possession of its old and well grounded rights, that under its watchful guardianship they might sleep in security. (Müller, *Eum.* § 35.) Still the opposition failed: a decree was carried, about B. C. 458, by which, as Aristotle says, the Areiopagus was "mutilated," and many of its hereditary rights abolished. (Arist. *Pol.* ii. 9; Cic. *De Nat. Deor.* ii. 29, *De Rep.* i. 27.) Cicero, who in one place speaks of the council as governing Athens, observes in another that from that time all authority was vested in the ecclesia, and the state robbed of its ornament and honour. Plutarch (*Cimon*, 15) tells us that the people deprived the Areiopagus of nearly all its judicial authority (*τὰς κρίσεις πλὴν ὀλίγων ἀπάσας*), establishing an unmixed democracy, and making themselves supreme in the courts of justice, as if there had formerly been a superior tribunal. But we infer from another passage, that the council lost considerable authority in matters of state; for we learn that Athens then entered upon a career of conquest and aggrandisement to which she had previously been a stranger; that, "like a rampant horse, she would not obey the reins, but snapped at Euboea, and leaped upon the neighbouring islands." These accounts in themselves, and as compared with others, are sufficiently vague and inconsistent to perplex and embarrass; accordingly, there has been much discussion as to the precise nature of the alterations which Pericles effected; some, amongst whom we may mention Müller (*Eum.* § 37), are of opinion that he deprived the Areiopagus of their old jurisdiction in cases of wilful murder, and one of his chief arguments is that it was evidently the design of Aeschylus to support them in this prerogative, which therefore must have been assailed. For a sufficient answer to this, we would refer our readers to Bishop Thirlwall's remarks (*Hist. of Greece*, vol. iii. p. 24), merely stating in addition, that Demosthenes (*c. Aristocr.* p. 641) * expressly affirms, that neither tyrant nor democracy had ever dared to take away from them this jurisdiction. In addition to which it may be remarked, that the consequences ascribed to the innovation do not indicate that the Areiopagus lost its authority as a criminal tribunal, but rather that it was shorn of its power as superintending the morals and conduct of the citizens, both in civil and religious matters, and as exercising some control over their decisions. Now an authority of the former kind seems far removed from any political influence, and the popular belief as to its origin would have made it a dangerous object of attack, to say nothing of the general satisfaction the verdicts had always given. We may observe, too, that one of the chief features of a democracy is to make all the officers of the state responsible; and that it is not improbable that one of the changes introduced by Ephialtes was, to make the Areiopagus, like other functionaries, accountable to the demus for their administration, as, indeed, we know they afterwards were. (Aesch. *c. Ctes.* p. 56; Böckh, vol. i. p. 353.) This simple regulation would evidently have made them subservient, as they seem to have been, to public opinion; whereas no such subserviency is recorded in criminal matters, their tribunal, on the contrary, being always spoken of as most just and holy; so much so, that Demosthenes says (*c. Arist.* pp. 641, 642) that not even the condemned whispered an insinuation against the righteousness of their verdicts. Indeed, the proceedings before the Areiopagus, in cases of murder, were by their solemnity and fairness well calculated to insure just decisions. The process was as follows: — The king archon (Pollux, viii. 90) brought the case into court, and sat as one of the judges, who were assembled in the open air, probably to guard against any contamination from the criminal. (Antiphon, *De Caede Herod.* p. 130; Dem. *c. Arist. l. c.*; Pollux, viii. 33.) The accuser, who was said *εἰς Ἄρειον πάγον ἐπισκήπτειν*, first came forward to make a solemn oath (*διωμοσία*) that his accusation was true, standing over the slaughtered victims, and imprecating extirpation upon himself and his whole family, were it not so. The accused then denied the charge with the same solemnity and form of oath. Each party then stated his case with all possible plainness, keeping strictly to the subject, and not being allowed to appeal in any way to the feelings or passions of the judges (*προοιμιάζεσθαι οὐκ ἐξῆν οὐδὲ οἰκτίζεσθαι*. Aristot. *Rhet.* i. 1; Pollux, viii. 117.) After the first speech (*μετὰ τὸν πρότερον λόγον*), a criminal accused of murder might remove from Athens, and thus avoid the capital punishment fixed by Draco's *Θεσμοί*, which on this point were still in force. Except in cases of parricide, neither the accuser nor the court had power to prevent this; but the party who thus evaded the extreme punishment was not allowed to return home (*φεύγει ἀειφυγίαν*), and when any decree was passed at Athens to legalise the return of exiles, an exception was always made against those who had thus left their country (*οἱ ἐξ Ἀρείου πάγου φεύγοντες*). See Plato, *Leges*, ix. 11.

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* For an able vindication of this statement of Demosthenes, the reader is referred to Hermann, *Opusc.* vol. iv. p. 299.

The reputation of the Areiopagus as a criminal court was of long continuance, as we may learn from an anecdote of Aulus Gellius, who tells us (xii. 7) that C. Dolabella, proconsul of the Roman province of Asia, referred a case which perplexed himself and his council to the Areiopagus (*ut ad judices graviores exercitatioresque*); they ingeniously settled the matter by ordering the parties to appear that day 100 years (*centesimo anno adesse*). They existed in name, indeed, till a very late period. Thus we find Cicero mentions the council in his letters (*Ad Fam.* xiii. 1; *Ad Att.* i. 14, v. 11); and under the emperors Gratian and Theodosius (A. D. 380), *Ῥούφιος Φῆστος* is called proconsul of Greece, and an Areiopagite. (Meursius, *Areiop.*)

Of the respectability and moral worth of the council, and the respect that was paid to it, we have abundant proof in the writings of the Athenian orators, where, indeed, it would be difficult to find it mentioned except in terms of praise. Thus Lysias speaks of it as most righteous and venerable (*c. Andoc.* p. 104; compare Aesch. *c. Timar.* 12; Isocr. *Areiop.* 148); and so great was the respect paid to its members, that it was considered rude in the demus laughing in their presence, while one of them was making an address to the assembly on a subject they had been deputed to investigate. This respect might, of course, facilitate the resumption of some of their lost power, more especially as they were sometimes intrusted with inquiries on behalf of the state, as on the occasion to which we have just alluded, when they were made a sort of commissioners, to inquire into the state of the buildings about the Pnyx, and decide upon the adoption or rejection of some proposed alterations. Isocrates, indeed, even in his time, when the previous inquiry or *δοκιμασία* had fallen into disuse, speaks well of their moral influence; but shortly after the age of Demetrius Phalereus, a change had taken place; they had lost much of their respectability, and were but ill fitted to enforce a conduct in others which they did not observe themselves. (Athen. iv. p. 167.)

The case of St. Paul (Act. xvii. 22.) is generally quoted as an instance of their authority in religious matters; but the words of the sacred historian do not necessarily imply that he was brought before the council. It may, however, be remarked, that they certainly took cognizance of the introduction of new and unauthorized forms of religious worship, called *ἐπίθετα ἱερά*, in contradistinction to the *πάτρια* or older rites of the state. (Harpocrat. *s. vv.* Ἐπίθετοι Ἑορταί; Schömann, *De Comitiis*, p. 286. transl.) There was also a tradition that Plato was deterred from mentioning the name of Moses as a teacher of the unity of the Godhead, by his fear of the Areiopagus. (Justin Martyr, *Cohor. ad Graec.* p. 22.)

With respect to the number of the Areiopagus in its original form, a point of no great moment, there are various accounts; but it is plain that there could have been no fixed number when the archons became members of this body at the expiration of their year of office. Lysias, indeed, speaks of them (Περὶ τοῦ Σηκοῦ, pp. 110, 111; see *Argum. Orat. c. Androt.*) as forming a part of the Areiopagus even during that time; a statement which can only be reconciled with the general opinion on the subject, by supposing that they formed a part of the council during their year of office, but were not permanent members till the end of that time, and after passing a satisfactory examination. [R. W.]

ARE'NA. [AMPHITHEATRUM.]

ARETA'LOGI, a class of persons whose conversation formed one of the entertainments of the Roman dinner-tables. (Suet. *Octav.* 74.) The word literally signifies *persons who discourse about virtue;* and the class of persons intended seem to have been poor philosophers, chiefly of the Cynic and Stoic sects, who, unable to gain a living by their public lectures, obtained a maintenance at the tables of the rich by their philosophical conversation. Such a life would naturally degenerate into that of the parasite and buffoon; and accordingly we find these persons spoken of contemptuously by Juvenal, who uses the phrase *mendax aretalogus:* they became a sort of *scurrae.* (Juv. *Sat.* xv. 15, 16; comp. Casaubon. *ad Suet. l. c.*; and Ruperti and Heinrich, *ad Juv. l. c.*) [P. S.]

A'RGEI. We learn from Livy (i. 22) that Numa consecrated places for the celebration of religious services, which were called by the pontifices "argei." Varro calls them the chapels of the argei, and says they were twenty-seven in number, distributed in the different districts of the city. We know but little of the particular uses to which they were applied, and that little is unimportant. Thus we are told that they were solemnly visited on the Liberalia, or festival of Bacchus; and also, that whenever the flamen dialis went (*ivit*) to them, he was to adhere to certain observances. They seem also to have been the depositaries of topographical records. Thus we read in Varro,—*In sacreis Argeorum scriptum est sic: Oppius mons princeps*, &c., which is followed by a description of the neighbourhood. There was a tradition that these argei were named from the chieftains who came with Hercules, the Argive, to Rome, and occupied the Capitoline, or, as it was anciently called, Saturnian hill. It is impossible to say what is the historical value or meaning of this legend; we may, however, notice its conformity with the statement that Rome was founded by the Pelasgians, with whom the name of Argos was connected. (Varr. *L. L.* v. 45, ed. Müller; Ov. *Fast.* iii. 791; Gell. x. 15; Niebuhr, *Rom. Hist.* vol. i. p. 214.)

The name argei was also given to certain figures thrown into the Tiber from the Sublician bridge, on the Ides of May in every year. This was done by the pontifices, the vestals, the praetors, and other citizens, after the performance of the customary sacrifices. The images were thirty in number, made of bulrushes, and in the form of men (*εἴδωλα ἀνδρείκελα*, *priscorum simulacra virorum*). Ovid makes various suppositions to account for the origin of this rite; we can only conjecture that it was a symbolical offering to propitiate the gods, and that the number was a representative either of the thirty patrician curiae at Rome, or perhaps of the thirty Latin townships. Dionysius of Halicarnassus states (i. 19, 38) that the custom continued to his times, and was instituted by Hercules to satisfy the scruples of the natives when he abolished the human sacrifices formerly made to Saturn. (Varr. *L. L.* vii. 44; Ov. *Fast.* v. 621; Plut. *Quaest. Rom.* p. 102, Reiske; Arnold, *Rom. Hist.* vol. i. p. 67; Bunsen and Platner, *Beschreibung Roms*, vol. i. p. 688—702.) [R. W.]

ARGENTA'RII (*τραπεζῖται*), bankers or money changers. 1. GREEK. The bankers at Athens were called *Τραπεζῖται* from their tables (*τράπεζαι*) at which they sat, while carrying on their business. Public or state banks seem to have been a thing unknown in antiquity, though the state must have exercised some kind of superintendence, since without it it is scarcely possible to conceive how persons could have placed such unlimited confidence in the bankers, as they are known to have done at Athens. They had their stands or tables in the market place (Plat. *Apol.* p. 17, *Hipp. Min.* p. 368), and although the banking and money changing business was mostly carried on by *μέτοικοι*, or resident aliens and freedmen, still these persons do not seem to have been looked upon with any disrespect, and the business itself was not disreputable. Their principal occupation was that of changing money at an agio (Isocrat. *Trapez.* 21; Dem. *De fals. Leg.* p. 376, *c. Polycl.* p. 1218; Pollux, iii. 84, vii. 170); but they frequently took money, at a moderate premium, from persons who did not like to occupy themselves with the management of their own affairs. Thus the father of Demosthenes, *e. g.*, kept a part of his capital in the hands of bankers. (Dem. *c. Aphob.* i. p. 816.) These persons then lent the money with profit to others, and thus, to a certain degree, obtained possession of a monopoly. The greater part of the capital with which they did business in this way, belonged to others (Dem. *p. Phorm.* p. 948), but sometimes they also employed capital of their own. Although their sole object was pecuniary gain (Dem. *p. Phorm.* p. 953), and not by any means to connect themselves with wealthy or illustrious families, yet they acquired great credit at Athens, and formed business connections in all the principal towns of Greece, whereby their business was effectually supported. (Dem. *p. Phorm.* p. 958, *c. Polycl.* p. 1224.) They even maintained so great a reputation that not only were they considered as secure merely by virtue of their calling, but such confidence was placed in them, that sometimes business was transacted with them without witnesses (Isocr. *Trapez.* 2), and that money and contracts of debt were deposited with them, and agreements were concluded or cancelled in their presence. (Dem. *c. Callip.* p. 1243, *c. Dionysod.* p. 1287.) The great importance of their business is clear from the immense wealth of Pasion, whose bank produced a net annual profit of 100 minae. (Dem. *p. Phorm.* p. 946.) There are, however, instances of bankers losing everything they possessed, and becoming utterly bankrupt. (Dem. *p. Phorm.* p. 959, *c. Steph.* i. p. 1120.) That these bankers took a high interest when they lent out money, scarcely needs any proof, their loans on the deposits of goods are sufficient evidence. (Dem. *c. Nicostr.* p. 1249.) Their usual interest was 36 per cent., an interest that scarcely occurs any where except in cases of money lent on bottomry. The only instance of a bank recognized and conducted on behalf of the state occurs at Byzantium, where at one time it was let by the republic to capitalists to farm. (Arist. *Oecon.* ii. p. 283; comp. Böckh, *Publ. Econom. of Athens*, p. 126, &c. 2d edit.)

2. ROMAN. The *Argentarii* at Rome were also called *argenteae mensae exercitores*, *argenti distractores* and *negotiatores stipis argentariae*. (Orelli, *Inscript.* n. 4060.) They must be distinguished from the *mensarii* or public bankers, though even the ancients confound the terms, as the *mensarii* sometimes did the same kind of business as the argentarii, and they must also be distinguished from the *nummularii*. [MENSARII; NUMMULARII.] The argentarii were private persons, who carried on business on their own responsibility, and were not in the service of the republic; but the shops or *tabernae* which they occupied and in which they transacted their business about the forum, were state property. (Dig. 18. tit. 1. s. 32; Liv. xl. 51.) As their chief business was that of changing money, the argentarii probably existed at Rome from very early times, as the intercourse of the Romans with other Italian nations could not well exist without them; the first mention, however, of their existing at Rome and having their shops or stalls around the forum, occurs about B. C. 350, in the wars against the Samnites. (Liv. vii. 21.) The business of the argentarii, with which that of the mensarii coincided in many points, was very varied, and comprised almost every thing connected with money or mercantile transactions, but it may be divided into the following branches. 1. *Permutatio*, or the exchange of foreign coin for Roman coin, in which case a small agio (collybus) was paid to them. (Cic. *in Verr.* iii. 78.) In later times when the Romans became acquainted with the Greek custom of using bills of exchange, the Roman argentarii, e. g., received sums of money which had to be paid at Athens, and then drew a bill payable at Athens by some banker in that city. This mode of transacting business is likewise called permutatio (Cic. *ad Att.* xii. 24, 27, xv. 15; comp. v. 15, xi. 1, 24, *ad Fam.* ii. 17, iii. 5, *ad Quint. Frat.* i. 3, *p. Rabir.* 14), and rendered it necessary for the argentarii to be acquainted with the current value of the same coin in different places and at different

times. (See the comment. on Cic. *pro Quinct.* 4.) 2. The keeping of sums of money for other persons. Such money might be deposited by the owner merely to save himself the trouble of keeping it and making payments, and in this case it was called *depositum;* the argentarius then paid no interest, and the money was called *vacua pecunia.* When a payment was to be made, the owner either told the argentarius personally or he drew a cheque. (Plaut. *Curcul.* ii. 3. 66, &c., iii. 66, iv. 3. 3, &c.) Or the money was deposited on condition of the argentarius paying interest; in this case the money was called *creditum*, and the argentarius might of course employ the money himself in any lucrative manner. (Suet. *Aug.* 39.) The argentarius thus did almost the same sort of business as a modern banker. Many persons entrusted all their capital to them (Cic. *p. Caec.* 6), and instances in which the argentarii made payments in the name of those whose money they had in hand, are mentioned very frequently. A payment made through a banker was called *per mensam, de mensa*, or *per mensae scripturam*, while a payment made by the debtor in person was a payment *ex arca* or *de domo.* (Plaut. *Curcul.* v. 3. 7, &c., 43, *Captiv.* ii. 3. 89; Cic. *ad Att.* i. 9, *Top.* 3; Schol. *ad Horat. Sat.* ii. 3. 69; Senec. *Epist.* 26; Gaius, iii. 131.) An argentarius never paid away any person's money without being either authorised by him in person or receiving a cheque which was called *perscriptio*, and the payment was then made either in cash, or, if the person who was to receive it, kept an account with the same banker, he had it added in the banker's book to his own deposit. This was likewise called *perscribere* or simply *scribere.* (Plaut. *Asin.* ii. 4. 30, &c., *Curcul.* v. 2. 20; Donat. *ad Terent. Phorm.* v. 7. 28, &c., *ad Adelph.* ii. 4. 13; Cic. *ad Att.* iv. 18, ix. 12, xii. 51, *Philip.* v. 4, *in Verr.* v. 19; Horat. *Sat.* ii. 3. 76.) It also occurs that argentarii made payments for persons who had not deposited any money with them; this was equivalent to lending money, which in fact they often did for a certain per centage of interest. (Plaut. *Curc.* iv. 1. 19, 2. 22, *Truc.* i. 1. 51, &c., *Epid.* i. 2. 40; Tac. *Ann.* vi. 17.) Of all this business, of the receipts as well as of the expenditure, the argentarii kept accurate accounts in books called *codices, tabulae* or *rationes* (Plin. *H. N.* ii. 7), and there is every reason for believing that they were acquainted with what is called in book-keeping double entry. When an argentarius settled his accounts with persons with whom he did business, it was done either in writing or orally, both parties meeting for the purpose (Dig. 2. tit. 14. s. 47. § 1, 14. tit. 3. s. 20; Plaut. *Aulul.* iii. 5. 53, &c.), and the party found to be in debt paid what he owed, and then had his name effaced (*nomen expedire* or *expungere*) from the banker's books. (Plaut. *Cist.* i. 3. 41; Cic. *ad Att.* xvi. 6.) As the books of the argentarii were generally kept with great accuracy, and particularly in regard to dates, they were looked upon as documents of high authority, and were appealed to in the courts of justice as unexceptionable evidence. (Cic. *p. Caec.* 6; Gellius, xiv. 2.) Hence the argentarii were often concerned in civil cases, as money transactions were rarely concluded without their influence or co-operation. Their codices or tabulae could not be withheld from a person who in court referred to them for the purpose of maintaining his cause, and to produce them was called *edere* (Dig. 2. tit. 13. s. 1. § 1), or *proferre codicem* (2. tit. 13. s. 6. §§ 7, 8). 3. Their connection with commerce and public auctions. This branch of their business seems to have been one of the most ancient. In private sales and purchases, they sometimes acted as agents for either party (*interpretes*, Plaut. *Curc.* iii. 1. 61), and sometimes they undertook to sell the whole estate of a person, as an inheritance. (Dig. 5. tit. 3. s. 18, 46. tit. 3. s. 88.) At public auctions they were almost invariably present, registering the articles sold, their prices, and purchasers, and receiving the payment from the purchasers. (Cic. *p. Caec.* 4, 6; Quinctil. xi. 2; Suet. *Ner.* 5; Gaius, iv. 126; Capitolin. *Anton.* 9.) At auctions, however, the argentarii might transact business through their clerks or servants, who were called *coactores* from their collecting the money. 4. The testing of the genuineness of coins (*probatio nummorum*). The frequent cases of forgery, as well as the frequent occurrence of foreign coins, rendered it necessary to have persons to decide upon their value, and the argentarii, from the nature of their occupation, were best qualified to act as probatores; hence they were present in this capacity at all payments of any large amount. This, however, seems originally to have been a part of the duty of public officers, the mensarii or nummularii, until in the course of time the opinion of an argentarius also came to be looked upon as decisive; and this custom was sanctioned by a law of Marius Gratidianus. (Plin. *H. N.* xxiii. 9; comp. Cic. *ad Att.* xii. 5; Dig. 46. tit. 3. s. 39.) 5. The *solidorum venditio*, that is, the obligation of purchasing from the mint the newly coined money, and circulating it among the people. This branch of their functions occurs only under the empire. (Symmach. *Epist.* ix. 49; Procop. *Anecd.* 25; comp. Salmasius, *De Usur.* c. 17. p. 504.)

Although the argentarii were not in the service of the state, they existed only in a limited number, and formed a collegium, which was divided into *societates* or corporations, which alone had the right to admit new members of their guild. (Orelli, *Inscript.* n. 913, 995.) It appears that no one but free men could become members of such a corporation, and whenever slaves are mentioned as argentarii, they must be conceived as acting only as servants, and in the name of their masters, who remained the responsible parties even if slaves had transacted business with their own peculium. (Dig. 2. tit. 13. s. 4. § 3, 14. tit. 3. s. 19.) With regard to the legal relation among the members of the corporations, there existed various regulations; one member (socius), for example, was responsible for the other. (Auct. *ad Herenn.* ii. 13; Dig. 2. tit. 14. ss. 9, 25, 27.) They also enjoyed several privileges in the time of the empire, and Justinian, a particular patron of the argentarii, greatly increased these privileges (Justin. *Nov.* 136); but dishonest argentarii were always severely punished (Suet. *Galb.* 10; Auson. *Epigr.* 15), and in the time of the emperors, they were under the superintendence of the praefectus urbi. (Dig. 1. tit. 12. s. 1. § 9.)

As regards the respectability of the argentarii, the passages of the ancients seem to contradict one another, for some writers speak of their occupation as respectable and honourable (Cic. *p. Caec.* 4; Aurel. Vict. 72; Suet. *Vesp.* 1; Acron. *ad Horat.*

Sat. i. 6. 86), while others speak of them with contempt (Plaut. *Curc.* iv. 2. 20, *Casin.* Prol. 25, &c.; *Trucul.* i. 1. 47); but this contradiction may be easily reconciled by distinguishing between a lower and a higher class of argentarii. A wealthy argentarius who carried on business on a large scale, was undoubtedly as much a person of respectability as a banker in modern times; but others who did business only on a small scale, or degraded their calling by acting as usurers, cannot have been held in any esteem. It has already been observed that the argentarii had their shops round the forum (Liv. ix. 40, xxvi. 11, 27; Plaut. *Truc.* i. 1. 51; Terent. *Phorm.* v. 8. 28, *Adelph.* ii. 4. 13); hence to become bankrupt, was expressed by *foro cedere*, or *abire*, or *foro mergi*. (Plaut. *Epid.* i. 2. 16; Dig. 16. tit. 3. s. 7. § 2.) The shops or booths were public property, and built by the censors, who sold the use of them to the argentarii. (Liv. xxxix. 44, xl. 51, xli. 27, xliv. 16; comp. J. G. Sieber, *Dissertat. de Argentariis*, Lipsiae, 1737; H. Hubert, *Disput. juridicae III. de Argentaria veterum*, Traject. 1739; W. T. Kraut, *De Argentariis et Nummulariis*, Göttingen, 1826.) [L. S.]

ARGENTUM (ἄργυρος), silver, one of the two metals which, on account of their beauty, their durability, their density, and their rarity, have been esteemed in all civilised countries, and in all ages, as *precious*, and which have, on account of the above qualities and the facility of working them, been used for money. The ancients were acquainted with silver from the earliest known periods. (Pliny ascribes its discovery to Erichthonius or to Aeacus, *H. N.* vii. 56. s. 57.) It is constantly mentioned in Homer; but in a manner which proves that it was comparatively scarce. It was much more abundant in Asia than in Greece Proper, where there were not many silver mines. The accounts we have of the revenues of the early Lydian and Persian kings, and of the presents of some of them, such as Gyges and Croesus, to Pytho and other shrines, prove the great abundance of both the precious metals in Western Asia. Of this wealth, however, a very large proportion was laid up in the royal and sacred treasuries, both in Asia and in Greece. But in time, and chiefly by the effects of wars, these accumulations were dispersed, and the precious metals became commoner and cheaper throughout Greece. Thus, the spoils of the Asiatics in the Persian wars, and the payment of Greek mercenaries by the Persian kings, the expenditure of Pericles on war and works of art, the plunder of the temple of Delphi by the Phocians, the military expenses and wholesale bribery of Philip, and, above all, the conquests of Alexander, caused a vast increase in the amount of silver and gold in actual circulation. The accounts we have of the treasures possessed by the successors of Alexander would be almost incredible if they were not perfectly well attested.

It was about this time also that the riches of the East began to be familiar to the Romans, among whom the precious metals were, in early times, extremely rare. Very little of them was found in Italy; and though Cisalpine Gaul furnished some gold, which was carried down by the Alpine torrents, it contained but a very small proportion of silver. The silver mines of Spain had been wrought by the Carthaginians at a very early period; and from this source, as well as from the East, the Romans no doubt obtained most of their silver as an article of commerce. But when first Spain and then Greece, Asia Minor, and Syria, were brought beneath the Roman power, they obtained that abundant supply both of silver and gold which formed the instrument of the extravagance and luxury of the later republic and the empire. "The value of the precious metals did not, however, fall in proportion to their increase, as large quantities, wrought for works of art, were taken out of circulation." (Böckh.)

The relative value of gold and silver differed considerably at different periods in Greek and Roman history. Herodotus mentions it (iii. 95) as 13 to 1; Plato (*Hipp.* c. 6. p. 231), as 12 to 1; Menander (*ap. Polluc.* ix. 76), as 10 to 1; and Livy (xxxviii. 11), as 10 to 1, about B. C. 189. According to Suetonius (*Jul. Caes.* 54), Julius Caesar, on one occasion, exchanged silver for gold in the proportion of 9 to 1; but the most usual proportion under the early Roman emperors was about 12 to 1; and from Constantine to Justinian about 14 to 1, or 15 to 1. The proportion in modern times, since the discovery of the American mines, has varied between 17 to 1 and 14 to 1.

Silver Mines and Ores. — In the earliest times the Greeks obtained their silver chiefly as an article of commerce from the Phocaeans and the Samians; but they soon began to work the rich mines of their own country and its islands. The chief mines were in Siphnos, Thessaly, and Attica. In the last-named country, the silver mines of Laurion furnished a most abundant supply, and were generally regarded as the chief source of the wealth of Athens. We learn from Xenophon (*Vectig.* iv. 2), that these mines had been worked in remote antiquity; and Xenophon speaks of them as if he considered them inexhaustible. In the time of Demosthenes, however, the profit arising from them had greatly diminished; and in the second century of the Christian era they were no longer worked. (Paus. i. 1. § 1.) The Romans obtained most of their silver from the very rich mines of Spain, which had been previously worked by the Phoenicians and Carthaginians, and which, though abandoned for those of Mexico, are still not exhausted. The ore from which the silver was obtained was called *silver earth* (ἀργυρῖτις γῆ, or simply ἀργυρῖτις, Xen. *Vectig.* i. 5, iv. 2). The same term (*terra*) was also applied to the ore by the Romans.

A full account of all that is known respecting the ores of silver known to the ancients, their mining operations, and their processes for the reduction of the ores, is given by Böckh. (*Dissertation on the Silver Mines of Laurion*, §§ 3, 4, 5.)

Uses of Silver. — By far the most important use of silver among the Greeks was for money. It was originally the universal currency in Greece. Mr. Knight, however, maintains (*Prol. Hom.*) that gold was coined first because it was the more readily found, and the more easily worked; but there are sufficient reasons for believing that, until some time after the end of the Peloponnesian war, the Athenians had no gold currency. [AURUM.] It may be remarked here that all the words connected with money are derived from ἄργυρος, and not from χρυσός, as καταργυρόω, "to bribe with money;" ἀργυραμοιϐός, "a money-changer," &c.; and ἄργυρος is itself not unfrequently used to signify money in general (Soph.

Antiq. 295), as *aes* is in Latin. At Rome, on the contrary, silver was not coined till B. C. 269, before which period Greek silver was in circulation at Rome; and the principal silver coin of the Romans, the *denarius*, was borrowed from the Greek *drachma*. For further details respecting silver money, see NUMMUS, DENARIUS, DRACHMA.

From a very early period, silver was used also in works of art. Its employment for ornamenting arms, so often referred to by Homer, belongs to this head. The use of it for mere purposes of luxury and ostentation, as in plate, seems to have become generally prevalent about the close of the Peloponnesian wars (Athen. vi. p. 229, f.), but much more so from the time of Alexander, after which it becomes so common as hardly to need any proof or illustration,—more common indeed than with us. (Cic. *in Verr.* iv. 21.) The Romans distinguished between plain and chased silver vessels by calling the former *pura* or *levia* (Plin. *Ep.* iii. 1; Juv. ix. 141, xiv. 62; Mart. iv. 38), and the latter *caelata*, *aspera*, or *toreumata*. [CAELATURA; TOREUTICE.]

The chief ancient authorities respecting silver, as well as gold, are the 3d, 4th, and 5th books of Strabo, the 5th of Diodorus, especially cc. 27 and 36, and the 33d of Pliny, from c. 6. s. 31; of modern works the most important are Böckh's *Public Economy of Athens*, Bk. i. cc. 1—3, with the supplementary *Dissertation on the Silver Mines of Laurion*, and Jacob's *History of the Precious Metals*. [P. S.]

A'RGIAS GRAPHE' (ἀργίας γραφή), that is, an action for idleness. Vagrants and idlers were not tolerated at Athens from very early times, and every person was obliged to be able to state by what means he supported himself. (Herod. ii. 177; Diod. i. 77.) According to some (Plut. *Sol.* 37, Pollux, viii. 42), even Draco had enacted laws against idleness, while, according to others, Solon, in his legislation, borrowed these laws from the Egyptians, and others again state that Peisistratus was the first who introduced them at Athens. (Plut. *Sol.* 31.) In accordance with this law, which is called ἀργίας νόμος, all poor people were obliged to signify that they were carrying on some honourable business by which they gained their livelihood (Dem. *c. Eubul.* p. 1308; Isocrat. *Areopag.* 17; Dionys. xx. 2); and if a person by his idleness injured his family, an action might be brought against him before the archon eponymus not only by a member of his family, but by any one who chose to do so. (*Lexic. Seguer.* p. 310.) At the time when the Areiopagus was still in the full possession of its powers, the archon seems to have laid the charge before the court of the Areiopagus. If the action was brought against a person for the first time, a fine might be inflicted on him, and if he was found guilty a second or third time, he might be punished with ἀτιμία. (Pollux, viii. 42.) Draco had ordained atimia as the penalty even for the first conviction of idleness. (Plut., Poll. *ll. cc.*) This law was modified by Solon, who inflicted atimia only when a person was convicted a third time, and it is doubtful as to whether in later times the atimia was inflicted at all for idleness. As the Areiopagus was entrusted with the general superintendence of the moral conduct of citizens, it is probable that it might interfere in cases of ἀργία, even when no one came forward to bring an action against a person guilty of it. (Val. Max. ii. 6; Platner, *Process.* ii. p. 150, &c.; Meier und Schoemann, *Att. Proc.* pp. 193, 298, &c.; Böckh, *Publ. Econ.* p. 475, 2d edit.) According to Aelian (*V. H.* iv. 1), a similar law existed also at Sardes. [L. S.]

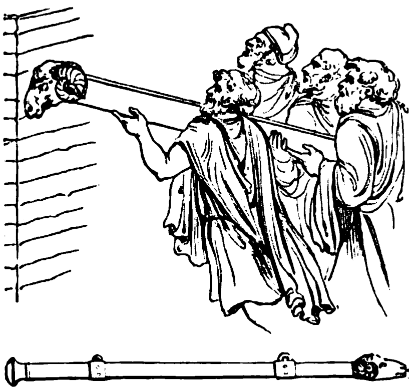
ARGU'RIOU DIKE' (ἀργυρίου δίκη), a civil suit of the class πρός τινα, and within the jurisdiction of the thesmothetae, to compel the defendant to pay monies in his possession, or for which he was liable, to the plaintiff. This action is casually alluded to in two speeches of Demosthenes (*in Boeot.* p. 1002, *in Olympiodor.* p. 1179), and is treated of at large in the speech against Callippus. [J. S. M.]

ARGYRA'SPIDES (ἀργυράσπιδες), a division of the Macedonian army of Alexander the Great, who were so called because they carried shields covered with silver plates. They were picked men, and were commanded by Nicanor, the son of Parmenion, and were held in high honour by Alexander. After the death of Alexander they followed Eumenes, but afterwards they deserted to Antigonus, and delivered Eumenes up to him. Antigonus, however, soon broke up the corps, finding it too turbulent to manage. (Diod. xvii. 57, 58, 59, xviii. 63, xix. 12, 41, 43, 48; Justin. xii. 7; Curtius, iv. 13. § 27; Plutarch, *Eumen.* 13, &c.; Droysen, *Nachfolg. Alex.* passim.) The Greek kings of Syria seem to have had a corps of the same name in their army: Livy mentions them as the royal cohort in the army of Antiochus the Great. (Liv. xxxvii. 40; Polyb. v. 79.) The Emperor Alexander Severus, among other things in which he imitated Alexander the Great, had in his army bodies of men who were called *argyroaspides* and *chrysoaspides*. (Lamprid. *Alex. Sev.* 50.) [P. S.]

ARGYROCOPEION (ἀργυροκοπεῖον), the place where money was coined, the mint, at Athens. It appears to have been in or adjoining to the chapel (ἡρῷον) of a hero named Stephanephorus, in which were kept the standard weights for the coins, just as at Rome in the sanctuary of Juno Moneta. [MONETA.] (Pollux, vii. 103; Harpocrat.; Suid.; Böckh, *Corp. Inscr.* vol. i. p. 164, and the explanation of that inscription in his *Public Economy of Athens*, p. 144, 2nd ed.; comp. TALENTUM.) [P. S.]

ARIADNEIA (ἀριάδνεια), festivals solemnized in the island of Naxos in honour of Ariadne, who, according to one tradition, had died here a natural death, and was honoured with sacrifices, accompanied by rejoicing and merriment. (Plut. *Thes.* 20.) Another festival of the same name was celebrated in honour of Ariadne in Cyprus, which was said to have been instituted by Theseus in commemoration of her death in the month of Gorpiaeus. The Amathusians called the grove in which the grave of Ariadne was shown, that of Aphrodite-Ariadne. This is the account given by Plutarch (*Thes.* 20) from Paeon, an Amathusian writer. (Comp. C. F. Hermann, *Lehrb. des Gottesdienstl. Alterthümer*, § 65. n. 12.) [L. S.]

A'RIES (κριός), the battering-ram, was used to shake, perforate, and batter down the walls of besieged cities. It consisted of a large beam, made of the trunk of a tree, especially of a fir or an ash. To one end was fastened a mass of bronze or iron (κεφαλή, ἐμβολή, προτομή), which resembled in its form the head of a ram. The upper figure in the annexed woodcut is taken from the bas-reliefs on the column of Trajan at Rome. It shows the aries in its simplest state, and as it was borne and impelled by human hands, without other assistance. In an improved form, the ram was surrounded with iron bands, to which rings were attached for the purpose of suspending it by ropes or chains from a beam fixed transversely over it. See the lower figure in the woodcut. By this contrivance the soldiers were relieved from the necessity of supporting the weight of the ram, and they could with ease give it a rapid and forcible motion backwards and forwards.



The use of this machine was further aided by placing the frame in which it was suspended upon wheels, and also by constructing over it a wooden roof, so as to form a "testudo" (χελώνη κριοφόρος, Appian, *Bell. Mith.* 73; *testudo arietaria*, Vitruv. x. 19), which protected the besieging party from the defensive assaults of the besieged. Josephus, who gives a description of the machine (*B. J.* iii. 7. § 19), adds, that there was no tower so strong, no wall so thick, as to resist the force of this machine, if its blows were continued long enough. The beam of the aries was often of great length, *e. g.* 80, 100, or even 120 feet. The design of this was both to act across an intervening ditch, and to enable those who worked the machine to remain in a position of comparative security. A hundred men, or even a greater number, were sometimes employed to strike with the beam.

The aries first became an important military engine in the hands of the Macedonians, at the time of Philip and Alexander the Great, though it was known at a much earlier period. (Comp. Thuc. ii. 76.) Vitruvius speaks (*l. c.*) of Polydus, a Thessalian, in the time of Philip, who greatly improved the machine, and his improvements were carried out still further by Diades and Chaereas, who served in the campaigns of Alexander the Great. The Romans learnt from the Greeks the art of building these machines, and appear to have employed them for the first time to any considerable extent in the siege of Syracuse in the second Punic war. [HELEPOLIS.]

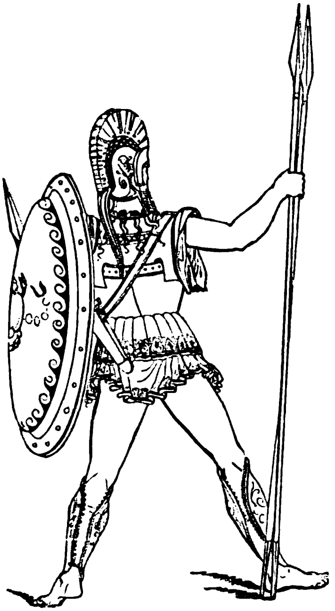
ARISTOCRA'TIA (ἀριστοκρατία), a term in common use among Greek writers on politics, though rarely employed by historians, or otherwise than in connection with political theories. It signifies literally "the government of the best men," and as used by Plato, Aristotle, Polybius, &c., it meant (in reference to a state where political power was not shared by the bulk of the community, but was in the hands of a privileged class, existing along with a class personally free, and possessed of civil rights, but excluded from the exercise of the highest political functions) the government of a class whose supremacy was founded not on wealth merely, but on personal distinction (ὅπου μὴ μόνον πλουτίνδην ἀλλὰ καὶ ἀριστίνδην αἱροῦνται τὰς ἀρχάς, Aristot. *Pol.* iv. 5. p. 127, ed. Göttl. Ἡ ἀριστοκρατία βούλεται τὴν ὑπεροχὴν ἀπονέμειν τοῖς ἀρίστοις τῶν πολιτῶν, Ibid. p. 128). That there should be an aristocracy, moreover, it was essential that the administration of affairs should be conducted with a view to the promotion of the general interests, not for the exclusive or predominant advantage of the privileged class. (Aristot. *Pol.* iii. 5, p. 83, ed. Göttl.; Plat. *Polit.* p. 301, a.) As soon as the government ceased to be thus conducted, or whenever the only title to political power in the dominant class was the possession of superior wealth, the constitution was termed an oligarchy (ὀλιγαρχία), which, in the technical use of the term, was always looked upon as a corruption (παρέκβασις, Aristot. *Pol.* iii. 5. p. 84, ed. Göttl.) of an aristocracy. (Comp. Plat. *l. c.*; Arist. *Pol.* iv. 3. pp. 117, 118, ed. Göttl. iv. 6, ἀριστοκρατίας γὰρ ὅρος ἀρετὴ, ὀλιγαρχίας δὲ πλοῦτος.) In the practical application of the term aristocracy, however, the personal excellence which was held to be a necessary element was not of a higher kind than what, according to the deeply-seated ideas of the Greeks, was commonly hereditary in families of noble birth (Plat. *Menex.* p. 237, a., *Cratyl.* p. 394, a.; Aristot. *Pol.* iv. 6, ἡ γὰρ εὐγένειά ἐστιν ἀρχαῖος πλοῦτος καὶ ἀρετή. v. 1, εὐγενεῖς γὰρ εἶναι δοκοῦσιν οἷς ὑπάρχει προγόνων ἀρετὴ καὶ πλοῦτος), and in early times would be the ordinary accompaniments of noble rank, namely, wealth, military skill, and superior education and intelligence (comp. Aristot. *Pol.* iv. 6, εἰώθασί καλεῖν . . . . ἀριστοκρατίας διὰ τὸ μᾶλλον ἀκολουθεῖν παιδείαν καὶ εὐγένειαν τοῖς εὐπορωτέροις). It is to be noted that the word ἀριστοκρατία is never, like the English term *aristocracy*, the name of a class, but only of a particular political constitution.

On tracing the historical development of aristocratical government, we meet with a condition of things which may almost be called by that name in the state of society depicted in the Homeric poems, where we already see the power of the kings limited by that of a body of princes or nobles, such as would naturally arise in the infancy of society, especially among tribes in which, from the frequency of wars, martial skill would be a sure and speedy method of acquiring superiority. When the kingly families died out, or were stripped of their peculiar privileges, the supreme power naturally passed into the hands of these princes or chieftains, who formed a body of nobles, whose descendants would of course for the most part inherit those natural, and be also alone in a position to secure those acquired advantages, especially warlike skill, which would form their title to political superiority. Some aristocracies thus arose from the natural progress of society: others arose from conquest. The changes consequent on the rise of the Hellenes, and the Thessalian, Boeotian and Dorian conquests in Greece, established pretty generally a state of things in which we find the political power in the hands of a body of nobles consisting chiefly or entirely of the conquerors, beneath whom is a free population not possessed of political rights, consisting of the older inhabitants of the land, together with, in most instances, a body of serfs attached to the domains of the nobles. These last are described under various names, as Εὐπατρίδαι in Attica, or Γαμόροι as in Syracuse and several of the Doric states. From the superior efficiency of the cavalry in early times, we also find the nobles as a class bearing the name Ἱππόται, Ἱππεῖς, or Ἱπποβόται (as in Chalcis, Herod. v. 77), since, generally speaking, they alone had wealth sufficient to enable them to equip themselves for that kind of service; and in most states the first great advance of the commonalty in power arose from their gaining greater efficiency as heavy-armed foot soldiers; that force, when properly organised and armed, being found more than a match for cavalry. (See especially Arist. *Pol.* iv. 3, 10; K. F. Hermann, *Griech. Staatsalterth.* c. iii. §§ 55—59; Wachsmuth, *Hellen. Alterthumsk.* vol. i. c. 3. §§ 30, 31; Thirlwall, *Hist. of Greece*, vol. i. c. 10. p. 394, &c.) Compare the articles EUPATRIDAE, GEOMORI, PATRICII. [C. P. M.]

ARMA, ARMATU'RA (ὅπλα, Hom. ἔντεα, τεύχεα), arms, armour. Homer describes in various passages the entire suit of armour of some of his greatest warriors, viz. of Achilles, Patroclus, Agamemnon, Menelaus and Paris (*Il.* iii. 328—339, iv. 132—138, xi. 15—45, xvi. 130—142, xix. 364—391); and we observe that it consisted of the same portions which were used by the Greek soldiers ever after. Moreover, the order of putting them on is always the same. The heavy-armed warrior, having already a tunic around his body, and preparing for combat, puts on,—first, his greaves (κνημῖδες, *ocreae*); secondly, his cuirass (θώραξ, *lorica*), to which belonged the μίτρη underneath, and the zone (ζώνη, ζωστήρ, *cingulum*) above; thirdly, his sword (ξίφος, *ensis*, *gladius*) hung on the left side of his body by means of a belt which passed over the right shoulder; fourthly, the large round shield (σάκος, ἀσπίς, *clipeus*, *scutum*), supported in the same manner; fifthly, his helmet (κόρυς, κυνέη, *cassis*, *galea*); sixthly and lastly, he took his spear (ἔγχος, δόρυ, *hasta*), or, in many cases, two spears (δοῦρε δύω). The form and use of these portions are described in separate articles under their Latin names. The annexed woodcut exhibits them all in the form of a Greek warrior attired for battle, as shown in Hope's *Costume of the Ancients* (i. 70).

Those who were defended in the manner which has now been represented, are called by Homer ἀσπισταί, from their great shield (ἀσπίς); also ἀγχεμάχοι, because they fought hand to hand with their adversaries; but much more commonly πρόμαχοι because they occupied the front of the army: and it is to be observed that these terms, especially the last, were honourable titles, the expense of a complete suit of armour (πανοπλίη, Herod. i. 60) being of itself sufficient to prove the wealth and rank of the wearer, while his place on the field was no less indicative of strength and bravery.

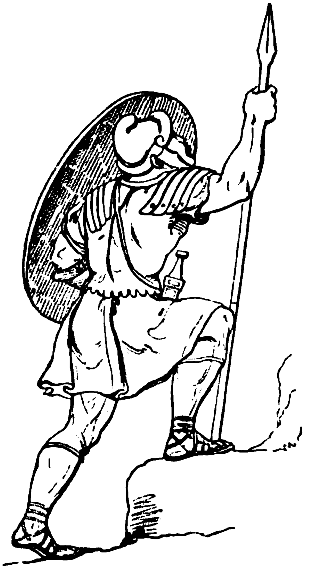
In later times, the heavy-armed soldiers were called ὁπλῖται, because the term ὅπλα more especially denoted the defensive armour, the shield and thorax. By wearing these they were distinguished from the light-armed, whom Herodotus (ix. 62, 63), for the reason just mentioned, calls ἄνοπλοι, and who are also denominated ψιλοί, and γυμνοί, γυμνῆται, or γυμνῆτες. Instead of being defended by the shield and thorax, their bodies had a much slighter covering, sometimes consisting of skins, and sometimes of leather or cloth; and instead of the sword and lance, they commonly fought with darts, stones, bows and arrows, or slings.



Besides the heavy and light-armed soldiers, the ὁπλῖται and ψιλοί, who in general bore towards one another the intimate relation now explained, another description of men, the πελτασταί, also formed a part of the Greek army, though we do not hear of them in early times. Instead of the large round shield, they carried a smaller one called the πέλτη, and in other respects their armour was much lighter than that of the hoplites. The weapon on which they principally depended was the spear.

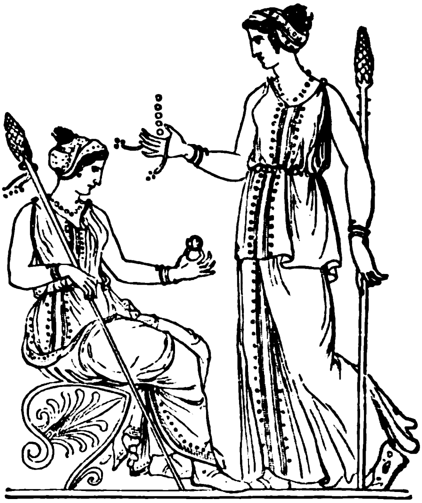
The Roman soldiers had different kinds of arms and armour; but an account of the arms of the different kinds of troops cannot be separated from a description of the troops of a Roman army, and the reader is therefore referred to EXERCITUS. We need only give here the figure of a Roman soldier taken from the arch of Septimus Severus at Rome. On comparing it with that of the Greek hoplite in the other cut, we perceive that the several parts of the armour correspond, excepting only that the Roman soldier wears a dagger (μάχαιρα, *pugio*) on his right side instead of a sword on his left, and instead of greaves upon his legs, has *femoralia* and *caligae*. All the essential parts of the Roman heavy armour (*lorica*, *ensis*, *clipeus*, *galea*, *hasta*) are mentioned together in an epigram of Martial (ix. 57); and all except the spear in a well known passage (*Eph.* vi. 14—17) of St. Paul, whose enumeration exactly coincides with the figures on the arch of Severus, and who makes mention not only of greaves, but of shoes or sandals for the feet.

The soft or flexible parts of the heavy armour were made of cloth or leather. The metal principally used in their formation was that compound of copper and tin which we call bronze, or more properly bell-metal. [Aes.] Hence the names for this metal (χαλκός, *aes*) are often used to mean *armour*, and the light reflected from the arms of a warrior is called αὐγὴ χαλκείη by Homer, and *lux aëna* by Virgil. (*Aen.* ii. 470.) Instead of copper, iron afterwards came to be very extensively used in the manufacture of arms, although articles made of it are much more rarely discovered, because iron is by exposure to air and moisture exceedingly liable to corrosion and decay. Gold and silver, and tin unmixed with copper, were also used, more especially to enrich and adorn the armour. [J. Y.]



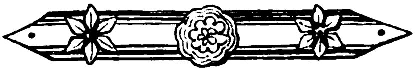
ARMA'RIUM, originally a place for keeping arms, afterwards a cupboard, set upright in the wall of a room, in which were kept not only arms, but also clothes, books, money, ornaments, small images and pictures, and other articles of value. The armarium was generally placed in the atrium of the house. (Dig. 33. tit. 10. s. 3; Cic. *Pro Cluent.* 64; Petron. *Sat.* 29; Plin. *H. N.* xxix. 5. s. 32, xxxv. 2.) The divisions of a library were called *armaria.* (Vitruv. vii. *Praef.;* Vopisc. *Tac.* 8.) We find *armarium distegum* mentioned as a kind of sepulchre in an inscription in Gruter (p. 383. No. 4). For other passages see Forcellini, *s. v.* [P. S.]

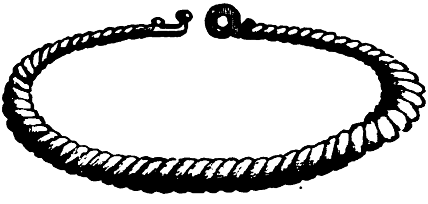
ARMILLA (ψάλιον, ψέλιον, or ψέλλιον, χλιδών, ἀμφιδέαι), a bracelet or armlet, worn both by men and women. It was a favourite ornament of the Medes and Persians (Herod. viii. 113, ix. 80; Xen. *Anab.* i. 2. § 27); and in Europe was also worn by the Gauls and Sabines. (Gell. ix. 13; Liv. i. 11.) Bracelets do not appear to have been worn among the Greeks by the male sex, but Greek ladies had bracelets of various materials, shapes, and styles of ornament. The bracelet was sometimes called σφιγκτήρ (from σφίγγω), in Latin *spinther* or *spinter* (Plaut. *Menaech.* iii. 3), which derived its name from its keeping its place by compressing the arm of the wearer. Bracelets seem to have been frequently made without having their ends joined; they were then curved, so as to require, when put on, to be slightly expanded by having their ends drawn apart from one another; and, according to their length, they went once, twice, or thrice round the arm, or even a greater number of times. As they frequently exhibited the form of serpents, they were in such cases called *snakes* (ὄφεις) by the Athenians (Hesych. *s. v.* ὄφεις). Twisted bracelets of the kind described above often occur on Greek painted vases. See the annexed cut from Sir William Hamilton's great work, vol. ii. pl. 35.



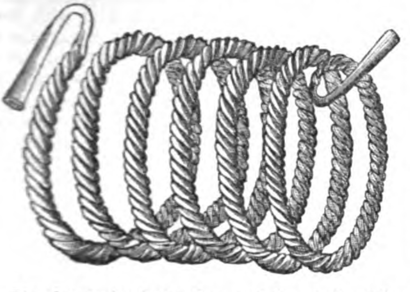
Bracelets were likewise worn at Rome by ladies of rank, but it was considered a mark of effeminacy for men in an ordinary way to use such female ornaments. (Suet. *Cal.* 52, *Ner.* 30.) They were, however, publicly conferred by a Roman general upon soldiers for deeds of extraordinary merit (Liv. x. 44; Plin. *H. N.* xxxiii. 2; Festus, *s. v.*); in which case they were worn as a mark of honour, and probably differed in form from the ordinary ornaments of the kind. See the cut below.

The following cuts exhibit Roman bracelets. The first figure represents a gold bracelet discovered at Rome on the Palatine Mount. (Caylus, *Rec. d'Ant.* vol. v. pl. 93.) The rosette in the middle is composed of distinct and very delicate leaves. The two starlike flowers on each side of it have been repeated where the holes for securing them are still visible. The second figure represents





a gold bracelet found in Britain, and preserved in the British Museum. It appears to be made of two



gold wires twisted together, and the mode of fastening it upon the arm, by a clasp, is worthy of observation. It has evidently been a lady's ornament. The third figure represents an armilla, which must have been intended as a reward for soldiers, for it would be ridiculous to suppose such a massive ornament to have been designed for women. The original, of pure gold, is more than twice the length of the figure, and was found in Cheshire. (*Archaeologia*, xxvii. 400.)

ARMILU'STRIUM, a Roman festival for the purification of arms. It was celebrated every year on the 14th before the calends of November (Oct. 19), when the citizens assembled in arms and offered sacrifices in the place called Armilustrum, or Vicus Armilustri, in the 13th region of the city. (Festus, *s. v.*; Varro, *De Ling. Lat.* iv. 32, v. 3; Liv. xxvii. 37; P. Vict. *De Regionibus U. R.;* Inscrip. in Gruter, p. 250.) [P. S.]

ARRA, A'RRABO, or ARRHA, A'RRHABO, Gaius (iii. 139.) says: "What is given as arra, is a proof of a contract of buying and selling;" but it also has a more general signification. That thing was called arrha which one contracting party gave to another, whether it was a sum of money or any thing else, as an evidence of the contract of sale being made: it was no essential part of the contract of buying and selling, but only evidence of agreement as to price. (Gaius, Dig. 18. tit. 1. s. 35). An arrha might be given before the completion of a contract, when the agreement was that some formal instrument in writing should be made, before the contract should be considered perfect. If he who gave the arrha refused to perfect the contract, he forfeited it: if he who had received the arrha, refused to perfect the contract, he was obliged to return double the amount of the arrha. If the arrha was given as evidence of a contract absolutely made, it was evidence of the unalterable obligation of the contract, which neither party alone could rescind; unless the arrha was expressly given to provide for the case of either party changing his mind, on the condition that if the giver receded from his bargain, he should forfeit the arrha, and if the receiver receded from his bargain, he should forfeit double its value. When the contract was completely performed, in all cases where the arrha was money, it was restored, or taken as part of the price, unless special customs determined otherwise; when the arrha was a ring or any other thing, not money, it was restored. The recovery of the arrha was by a personal action.

The arrha in some respects resembles the deposit of money which a purchaser of land in England generally pays, according to the conditions of sale, on contracting for his purchase; and the earnest money sometimes paid on a sale of moveable things.

The term arrha, in its general sense of an evidence of agreement, was also used on other occasions, as in the case of betrothment (*sponsalia*). [MATRIMONIUM.] Sometimes the word arrha is used as synonymous with pignus (Terent. *Heautont.* iii. 3. 42), but this is not the legal meaning of the term. (Thibaut, *System des Pandekten-Rechts*, § 144; Inst. iii. tit. 23; Dig. 18. tit. 1. s. 35; tit. 3. s. 6; 14. tit. 3. s. 5. § 15; 19. tit. 1. s. 11. § 6; Cod. 4. tit. 21. s. 17; Gellius, xvii. 2; compare Bracton, ii. c. 27, *De acquirendo Rerum Dominio in causa Emptionis*, and what he says on the arrha, with the passage in Gaius already referred to.) [G. L.]

ARRHEPHO'RIA (ἀῤῥηφόρια), a festival which, according to the various ways in which the name is written (for we find ἐρσηφόρια or ἐῤῥηφόρια) is attributed to different deities. The first form is derived from ἄῤῥητα, and thus would indicate a festival at which mysterious things were carried about. The other name would point to Erse or Herse, a daughter of Cecrops, and whose worship was intimately connected with that of Athena. And there is, indeed, sufficient ground for believing that the festival was solemnized, in a higher sense, in honour of Athena. (*Etymol. Mag. s. v.* Ἀῤῥηφόροι.) It was held at Athens, in the month of Skirophorion. Four girls, of between seven and eleven years (ἀῤῥηφόροι, ἐρσηφόροι, ἐῤῥηφόροι: Aristoph. *Lysist.* 642), were selected every year by the king archon from the most distinguished families, two of whom superintended the weaving of the sacred peplus of Athena, which was begun on the last day of Pyanepsion (Suid. s. *v.* Χαλκεῖα); the two others had to carry the mysterious and sacred vessels of the goddess. These latter remained a whole year on the Acropolis, either in the Parthenon or some adjoining building (Harpocrat. s. *v.* Δειπνοφόρος: Paus. i. 27. § 4); and when the festival commenced, the priestess of the goddess placed vessels upon their heads, the contents of which were neither known to them nor to the priestess. With these they descended to a natural grotto within the district of Aphrodite in the gardens. Here they deposited the sacred vessels, and carried back something else, which was covered and likewise unknown to them. After this the girls were dismissed, and others were chosen to supply their place in the acropolis. The girls wore white robes adorned with gold, which were left for the goddess; and a peculiar kind of cakes was baked for them. To cover the expenses of the festival, a peculiar liturgy was established, called ἀῤῥηφορία. All other details concerning this festival are unknown. (Comp. C. F. Hermann, *Lehrb. der gottesdienstl. Alterth.* § 61. n. 9.) [L. S.]

ARROGA'TIO. [ADOPTIO.]

A'RTABA (ἀρτάβη), a Persian measure of capacity, principally used as a corn-measure, which contained, according to Herodotus (i. 192), 1 medimnus and 3 choenices (Attic), *i.e.* 51 choenices =102 Roman sextarii=$12\frac{3}{4}$ gallons nearly; but, according to Suidas, Hesychius, Polyaenus (*Strat.* iv. 3, 32), and Epiphanius (*Pond.* 24) only 1 Attic medimnus =96 sextarii=12 gallons nearly: the latter is, however, only an approximate value.

There was an Egyptian measure of the same name, of which there were two sorts, the old and the new artaba. (Didymus, c. 19.) The old artaba contained 4½ Roman modii = 72 sextarii = 9 gallons nearly, according to most writers; but Galen (c. 5) makes it exactly 5 modii. It was about equal to the Attic metretes; and it was half of the Ptolemaic medimnus, which was to the Attic medimnus as 3 : 2. The later and more common Egyptian arbata contained 3⅓ modii = 53⅓ sextarii = 6½ gallons about, which is so nearly the half of the Persian, that we may fairly suppose that in reality it was the half. It was equal to the Olympic cubic foot. (Rhemn. Fann. *Carmen de Pond. et Mens.* v. 89, 90; Hieron. *Ad Ezech.* 5; Böckh, *Metrolog. Untersuch.* pp. 242, &c., 285; *Publ. Econ. of Ath.* p. 93, 2nd ed.; Wurm, *De Pond.*, &c. p. 133.) [P. S.]

ARTEMI'SIA (*ἀρτεμίσια*), one of the great festivals celebrated in honour of Artemis in various parts of Greece, in the spring of the year. We find it mentioned at Syracuse in honour of Artemis Potamia and Soteria. (Pind. *Pyth.* ii. 12.) It lasted three days, which were principally spent in feasting and amusements. (Liv. xxv. 23; Plut. *Marcell.* 18.) Bread was offered to her under the name of Λοχία. (Hesych. *s. v.*) But these festivals occur in many other places in Greece, as at Delphi, where, according to Hegesander (Athen. vii. p. 325), they offered to the goddess a mullet on this occasion; because it appeared to hunt and kill the sea-hare, and thus bore some resemblance to Artemis, the goddess of hunting. The same name was given to the festivals of Artemis in Cyrene and Ephesus, though in the latter place the goddess was not the Grecian Artemis, but a deity of Eastern origin. (Dionys. iv. 25; Achill. Tat. vi. 4, vii. 12, viii. 17; Xenoph. *Ephes.* i. 2.) [L. S.]

ARU'RA (*ἄρουρα*), a Greek measure of surface. which would appear, from its name, to have been originally the chief land-measure. It was, according to Suidas, the fourth part of the *πλέθρον*. The *πλέθρον*, as a measure of length, contained 100 Greek feet; its square therefore = 10,000 feet, and therefore the arura = 2500 Greek square feet, or the square of 50 feet.

Herodotus (ii. 168) mentions a measure of the same name, but apparently of a different size. He says that it is a hundred Egyptian cubits in every direction. Now the Egyptian cubit contained nearly 17¾ inches (Hussey, *Ancient Weights*, &c. p. 237); therefore the square of 100 × 17¾ inches, *i.e.* nearly 148 feet, gives approximately the number of square feet (English) in the arura, viz. 21,904. (Wurm, *De Pond.* &c. p. 94.) [P. S.]

ARUSPEX. [HARUSPEX.]

ARVA'LES FRATRES. The fratres arvales formed a college or company of twelve in number, and were so called, according to Varro (*De Ling. Lat.* v. 85, Müller), from offering public sacrifices for the fertility of the fields. That they were of extreme antiquity is proved by the legend which refers their institution to Romulus, of whom it is said, that when his nurse Acca Laurentia lost one of her twelve sons, he allowed himself to be adopted by her in his place, and called himself and the remaining eleven "Fratres Arvales." (Gell. vi. 7.) We also find a college called the *Sodales Titii*, and as the latter were confessedly of Sabine origin, and instituted for the purpose of keeping up the Sabine religious rites (Tac. *Ann.* i. 53), there is some reason for the supposition of Niebuhr (*Rom. Hist.* vol. i. p. 303), that these colleges corresponded one to the other — the Fratres Arvales being connected with the Latin, and the Sodales Titii with the Sabine, element of the Roman state, just as there were two colleges of the *Luperci*, namely, the *Fabii* and the *Quinctilii*, the former of whom seem to have belonged to the Sabines.

The office of the fratres arvales was for life, and was not taken away even from an exile or captive. They wore, as a badge of office, a chaplet of ears of corn (*spicea corona*) fastened on their heads with a white band. (Plin. *H. N.* xviii. 2.) The number given by inscriptions varies, but it is never more than nine; though, according to the legend and general belief, it amounted to twelve. One of their annual duties was to celebrate a three days' festival in honour of Dea Dia, supposed to be Ceres, sometimes held on the XVI., XIV., and XIII., sometimes on the VI., IV., and III. Kal. Jun., *i. e.* on the 17th, 19th, and 20th, or the 27th, 29th, and 30th of May. Of this the master of the college, appointed annually, gave public notice (*indicebat*) from the temple of Concord on the capitol. On the first and last of these days, the college met at the house of their president, to make offerings to the Dea Dia; on the second they assembled in the grove of the same goddess, about five miles south of Rome, and there offered sacrifices for the fertility of the earth. An account of the different ceremonies of this festival is preserved in an inscription, which was written in the first year of the Emperor Elagabalus (A. D. 218), who was elected a member of the college under the name of M. Aurelius Antoninus Pius Felix. The same inscription contains a hymn, which appears to have been sung at the festival from the most ancient times. (Marini, *Atti e Monumenti degli Arvali*, tab. xli.; Orelli, *Corp. Inscrip.* nr. 2270; Klausen, *De Carmine Fratrum Arvalium.*)

Besides this festival of the Dea Dia, the fratres arvales were required on various occasions, under the emperors, to make vows and offer up thanksgivings, an enumeration of which is given in Forcellini. (*Lex. s. v.*) Strabo, indeed (v. 3), informs us that, in the reign of Tiberius, these priests (*ἱερομνήμονες*) performed sacrifices called the *Ambarvalia* at various places on the borders of the ager Romanus, or original territory of Rome; and amongst others, at Festi, a place between five and six miles from the city, in the direction of Alba. There is no boldness in supposing that this was a custom handed down from time immemorial, and, moreover, that it was a duty of this priesthood to invoke a blessing on the whole territory of Rome. It is proved by inscriptions that this college existed till the reign of the Emperor Gordian, or A. D. 325, and it is probable that it was not abolished till A. D. 400, together with the other colleges of the Pagan priesthoods.

The private ambarvalia were certainly of a different nature from those mentioned by Strabo, and were so called from the victim (*hostia ambarvalis*) that was slain on the occasion being led three times round the cornfields, before the sickle was put to the corn. This victim was accompanied by a crowd of merry-makers (*chorus et socii*), the reapers and farm-servants dancing and singing, as they marched along, the praises of Ceres, and praying for her favour and presence, while they offered her the libations of milk, honey, and wine.

(Virg. *Georg.* i. 338.) This ceremony was also called a *lustratio* (Virg. *Ecl.* v. 83), or purification; and for a beautiful description of the holiday, and the prayers and vows made on the occasion, the reader is referred to Tibullus (ii. 1). It is, perhaps, worth while to remark that Polybius (iv. 21. § 9) uses language almost applicable to the Roman ambarvalia in speaking of the Mantineans, who, he says (specifying the occasion), made a purification, and carried victims round the city, and all the country.

There is, however, a still greater resemblance to the rites we have been describing, in the ceremonies of the rogation or gang week of the Latin church. These consisted of processions through the fields, accompanied with prayers (*rogationes*) for a blessing on the fruits of the earth, and were continued during three days in Whitsun-week. The custom was abolished at the Reformation in consequence of its abuse, and the perambulation of the parish boundaries substituted in its place. (Hooker, *Eccl. Pol.* v. 61. 2; Wheatley, *Com. Pray.* v. 20.) [R. W.]

ARX (*ἄκρα*), signified a height within the walls of a city, but which was never closed by a wall against the city in earlier times, and very seldom in later times. The same city may have had several *arces*, as was the case at Rome; and hence Virgil says with great propriety (*Georg.* ii. 535):—

> "Septemque una sibi muro circumdedit arces."

As, however, there was generally one principal height in the city, the word *arx* came to be used as equivalent to *acropolis* [Acropolis]. (Niebuhr, *Hist of Rome*, vol. iii. note 411.) At Rome, one of the summits of the Capitoline hill was specially called *Arx*, but which of them was so called has been a subject of great dispute among Roman topographers. The opinion of the best modern writers is, that the *Capitolium* was on the northern summit, and the *Arx* on the southern. The *Arx* was the regular place at Rome for taking the auspices, and was hence likewise called *auguraculum*, according to Paulus Diaconus, though it is more probable that the Auguraculum was a place in the Arx. (Liv. i. 18, x. 7; Paul. Diac. *s. v. Auguraculum;* Becker, *Römisch. Alterth.* vol. i. p. 386, &c., vol. ii. part i. p. 313.)

AS, or *Libra*, a pound, the unit of weight among the Romans. [Libra.]

AS, the earliest denomination of money, and the constant unit of value, in the Roman and old Italian coinages, was made of the mixed metal called Aes. Like other denominations of money, it no doubt originally signified a pound weight of copper uncoined: this is expressly stated by Timaeus, who ascribes the first coinage of *aes* to Servius Tullius. (Plin. *H. N.* xxxiii. 3. s. 13, xviii. 3; Varro, *De Re Rust.* ii. 1; Ovid. *Fast.* v. 281.) According to some accounts, it was coined from the commencement of the city (Plin. *H. N.* xxxiv. 1), or from the time of Numa (Epiph. *Mens. et Pond.*; Isidor. *Etym.* xvi. 18); and according to others, the first coinage was attributed to Janus or Saturn. (Macrob. *Saturn.* i. 7.) This mythical statement in fact signifies, what we know also on historical evidence, that the old states of Etruria, and of Central Italy, possessed a bronze or copper coinage from the earliest times. On the other hand, those of Southern Italy, and the coast, as far as Campania, made use of silver money. The Roman monetary system was probably derived from Etruria. (Niebuhr, *Hist. of Rome*, vol. i. p. 457, 3d ed.; Abeken, *Mittel-Italien*, pp. 284, 326.)

The earliest copper coins were not struck, but cast in a mould. [Forma.] In the collection of coins at the British Museum there are four ases joined together, as they were taken from the mould in which many were cast at once. In most ases the edge shows where they were severed from each other.

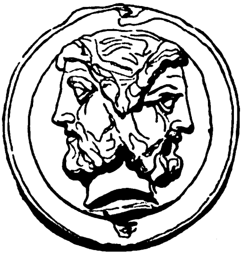
Under the Roman empire, the right of coining silver and gold belonged only to the emperors; but the copper coinage was left to the aerarium, which was under the jurisdiction of the senate. [Comp. Nummus; Moneta.]

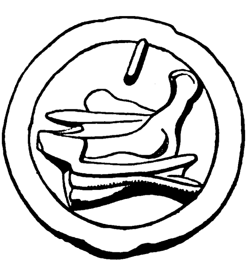
The as was originally of the weight of a pound of twelve ounces, whence it was called *as libralis* in contradistinction to the reduced ases which have now to be spoken of, and which give rise to one of the most perplexing questions in the whole range of archaeology.

Pliny (*H. N.* xxxiii. 3. s. 13) informs us that in the time of the first Punic war (B. C. 264—241), in order to meet the expenses of the state, the full weight of a pound was diminished, and ases were struck of the same weight as the sextans (that is, two ounces, or one sixth of the ancient weight); and that thus the republic paid off its debts, gaining five parts in six: that afterwards, in the second Punic war, in the dictatorship of Q. Fabius Maximus (about B. C. 217), ases of one ounce were made, and the denarius was decreed to be equal to sixteen ases, the republic thus gaining one half; but that in military pay the denarius was always given for ten ases: and that soon after, by the Papirian law (about B. C. 191), ases of half an ounce were made. Festus also (*s. v. Sextantarii Asses*) mentions the reduction of the as to two ounces at the time of the first Punic war. There seem to have been other reductions besides those mentioned by Pliny, for there exist ases, and parts of ases, which show that this coin was made of every number of ounces from twelve down to one, besides intermediate fractions; and there are copper coins of the Terentian family which show that it was depressed to $\frac{1}{48}$ and even $\frac{1}{60}$ of its original weight. Though some of these standards may be rejected as accidental, yet on the whole they clearly prove, as Niebuhr observes (*Hist. of Rome*, vol. i. p. 461), that there must have been several reductions before the first which Pliny mentions. Niebuhr maintains further, that these various standards prove that Pliny's account of the reductions of the coin is entirely incorrect, and that these reductions took place gradually from a very early period, and were caused by a rise in the value of copper in comparison with silver, so that the denarius was in the first Punic war *really* equal in value to only twenty ounces of copper, and in the second Punic war to sixteen ounces, instead of 120, which was its nominal value. He admits, however, that the times when these reductions were resolved upon were chiefly those when the state was desirous of relieving the debtors; and thinks that we might assign, with tolerable accuracy, the periods when these reductions took place. On the other hand, Böckh argues that there is no proof of any such increase in the value of copper, and on this and many other grounds his conclusion is, that all the reductions of the weight of the as, from a pound down to two ounces, took place during the first Punic war, and that they were accompanied by a real and corresponding diminution in the value of the as. (*Metrologische Untersuchungen*, § 28.) It is impossible to give here even a summary of the arguments on both sides: the remarks of Niebuhr and Böckh must themselves be studied. It is by no means improbable that there was some increase in the value of copper during the period before the first Punic war, and also that the fixing of the sextantal standard arose partly out of the relation of value between copper and the silver coinage which had been very lately introduced. On the other hand, it is impossible entirely to reject Pliny's statement that the immediate object of the reductions he mentions was the public gain. Mr. Grote, who sides with Böckh, remarks, that "such a proceeding has been so nearly universal with governments, both ancient and modern, that the contrary may be looked upon as a remarkable exception." (*Classical Museum*, vol. i. p. 32.)

These variations make it impossible to fix any value for the as, except with reference to some more specific standard; and this we find in the denarius. Taking the value of this coin at about 8½ pence [DENARIUS], the as, at the time of the first coinage of the denarius (B. C. 269), was one-tenth of this value, that is, about ·85 of a penny or 3·4 farthings; and in the time of the second Punic war, when 16 ases went to the denarius, the as was worth about 2⅛ farthings. When the silver coinage got thoroughly established, the reckoning was no longer by ases, but by sestertii. [SESTERTIUS.] Also, during the period or periods of reduction, the term *aes grave*, which originally signified the old heavy coins, as opposed to the reduced ases, came to mean any quantity of copper coins, of whatever weight or coinage, reckoned not by tale, but by the old standard of a pound weight to the as; and this standard was actually maintained in certain payments, such as military pay, fines, &c. (Liv. iv. 41, 60, v. 2, xxxii. 26; Plin. *l. c.*; Sen. *ad Helv.* 12; Niebuhr, *Hist. of Rome*, vol. i. pp. 466, 467). This mode of reckoning also supplied a common measure for the money of Rome, and the other states of Italy, which had ases of very various weights, most of them heavier than the Roman. The name of aes grave was also applied to the uncoined metal. (Servius, *ad Virg. Aen.* vi. 862; *Massa, aes rude, metallum infectum*, Isidor. xvi. 18. 13.)

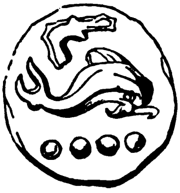
The oldest form of the as is that which bears the figure of an animal (a bull, ram, boar, or sow); whence the ancient writers derived the word for money, *pecunia*, from *pecus*, an etymology on which no opinion need be pronounced; but whether this impress was intended to represent property by that form of it which was then most common, or had some mythological meaning, is doubtful. Niebuhr denies the antiquity of this type, but his sole objection is satisfactorily answered by Böckh. The type seems however to have been much less used in the Roman than in some other old Italian coinages; and most of the pieces which bear it are of a rude oblong shape. The next form, and the common one in the oldest Roman ases, is round, and is that described by Pliny (*H. N.* xxxiii. 3. s. 13), as having the two-faced head of Janus on one side, and the prow of a ship on the other (whence the expression used by Roman boys in tossing up, *capita aut navim*, Macrob. *Sat.* i. 7). The annexed specimen, from the British Museum, weighs 4000 grains: the length of the diameter in this and the two following cuts is half that of the original coins.

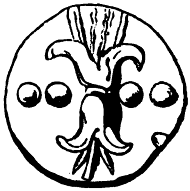




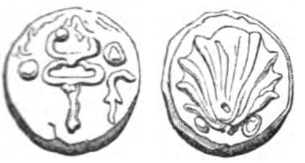
The as was divided into parts, which were named according to the number of ounces they contained. They were the *deunx*, *dextans*, *dodrans*, *bes*, *septunx*, *semis*, *quincunx*, *triens*, *quadrans* or *teruncius*, *sextans*, *sescunx* or *sescuncia*, and *uncia*, consisting respectively of 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1½, and 1 ounces. Of these divisions the following were represented by coins; namely, the *semis*, *quincunx*, *triens*, *quadrans*, *sextans*, and *uncia*. There is a solitary instance of the existence of the *dodrans*, in a coin of the Cassian family, bearing an S and three balls. We have no precise information as to the time when these divisions were first introduced, but it was probably nearly as early as the first coinage of copper money.

The *semis*, *semissis*, or *semi-as*, half the as, or six ounces, is always marked with an S to represent its value, and very commonly with heads of Jupiter, Juno, and Pallas, accompanied by strigils. The *quincunx*, or piece of five ounces, is very rare. There is no specimen of it in the British Museum. It is distinguished by five small balls to represent its value. The *triens*, the third part of the as, or piece of four ounces, is marked with four balls. In the annexed specimen, from the British Museum, the balls appear on both sides, with a thunderbolt on one side, and a dolphin with a strigil above it on the other. Its weight is 1571 grains.





The *quadrans* or *teruncius*, the fourth part of the as, or piece of three ounces, has three balls to denote its value. An open hand, a strigil, a dolphin, grains of corn, a star, heads of Hercules, Ceres, &c., are common devices on this coin. Pliny (*H. N.* xxxiii. 3. s. 13) says that both the triens and quadrans bore the image of a ship. The *sextans*, the sixth part of the as, or piece of two ounces, bears two balls. In the annexed specimen, from the British Museum, there is a caduceus and strigil on one side, and a cockle-shell on the other. Its weight is 779 grains.



The *uncia*, one ounce piece, or twelfth of the as, is marked by a single ball. There appear on this coin heads of Pallas, of Roma, and of Diana, ships, frogs, and ears of barley. (For other devices, see Eckhel, *Doctr. Num. Vet.*)

After the reduction in the weight of the as, coins were struck of the value of 2, 3, 4, and even 10 ases, which were called respectively *dussis* or *dupondius*, *tressis*, *quadrussis*, and *decussis*. Other multiples of the as were denoted by words of similar formation, up to *centussis*, 100 ases; but most of them do not exist as coins.

It is a very remarkable fact that, while the duodecimal division of the as prevailed among the nations of Italy south of the Apennines, the decimal division was in use to the north of that chain; so that, of the former nations no quincunx has been discovered, of the latter no semis. In Sicily the two systems were mixed. [PONDERA.] For further details respecting the coinage of the other Italian states, see Böckh, *Metrol. Untersuch.* § 27; Abeken, *Mittel-Italien*, and Lepsius, *Ueber die Verbreitung des Italischen Munzsystems von Etrurien aus.*

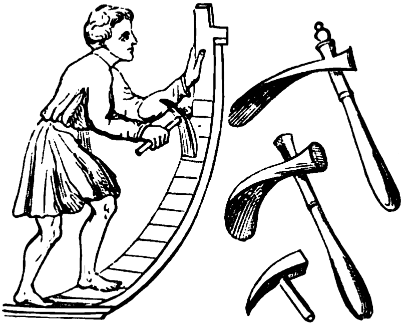
In certain forms of expression, in which *aes* is used for money without specifying the denomination, we must understand the as. Thus *deni aeris*, *mille aeris*, *decies aeris*, mean respectively 10, 1000, 1,000,000 *ases.*

The word *as* was used also for any whole which was to be divided into twelve equal parts; and these parts were called *unciae.* Thus the nomenclature of the duodecimal division of the as was applied not only to weight and money, but to measures of length, surface, and capacity, to inheritances, interest, houses, farms, and many other things. Hence, for example, the phrases *haeres ex asse*, the heir to a whole estate; *haeres ex dodrante*, the heir to three-fourths, &c. (Cic. *Pro Caecin*, 6; Corn. Nep. *Attic.* 5.) Pliny even uses the phrases *semissem Africae* (*H. N.* xviii. 6. s. 7), and *dodrantes et semiuncias horarum* (*H. N.* ii. 14. s. 11).

The as was also called, in ancient times, *assarius* (sc. nummus), and in Greek *τὸ ἀσσάριον.* According to Polybius (ii. 15) the assarius was equal to half the obolus. On the coins of Chios we find *ἀσσάριον*, *ἀσσαρίου ἥμισυ*, *ἀσσάρια δύο*, *ἀσσάρια τρία.* (In addition to the works referred to in this article, and those of Hussey and Wurm, much valuable information will be found in the work entitled, *Aes Grave del Museo Kircheriano*, &c. Roma, 1839, 4to.; and in Lepsius's review of it appended to his treatise *Ueber die Tyrrhener-Pelasger.*) [P. S.]

ASCAULES. [TIBIA.]

ASCIA (*σκέπαρνον*, Hom. *Od.* v. 235), an adze. Muratori (*Ins. Vet. Thes.* i. 534—536) has published numerous representations of the adze, as it is exhibited on ancient monuments. We select the three following, two of which show the instrument itself, with a slight variety of form, while the third represents a ship-builder holding it in his right hand, and using it to shape the rib of a vessel.

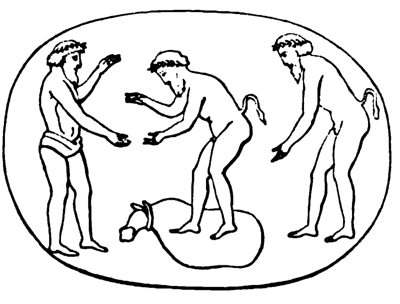


We also give another instrument in the above cut taken from a coin of the Valerian family, and alled *acisculus.* It was chiefly used by masons, whence, in the ancient glossaries, *Acisculariu*s is translated *λατόμος, a stone-cutter.*

As to the reason why Ascia is represented on sepulchral monuments, see Forcellini, *Lexicon, s. v.* [J. Y.]

ASCLEPIEIA (*ἀσκληπίεια*), the name of festivals which were probably celebrated in all places where temples of Asclepius (Aesculapius) existed. The most celebrated, however, was that of Epidaurus, which took place every five years, and was solemnized with contests of rhapsodists and musicians, and with solemn processions and games. (Schol. *ad Pind. Nem.* iii. 145; Paus. ii. 26. §. 7.) Ἀσκληπίεια are also mentioned at Lampsacus (Böckh, *Corp. Inscr.* vol. ii. p. 1131), and at Athens (Aeschin, *c. Ctesiph.* p. 455), which were, probably, like those of Epidaurus, solemnized with musical contests. They took place on the eighth day of the month of Elaphebolion. [L. S.]

ASCOLIASMUS (*ἀσκωλιασμός*, the leaping upon the leathern bag, *ἀσκός*) was one of the many kinds of amusements in which the Athenians indulged during the Anthesteria and other festivals in honour of Dionysus. The Athenians sacrificed



a he-goat to the god, made a bag out of the skin, smeared it with oil, and then tried to dance upon it. The various accidents accompanying this attempt afforded great amusement to the spectators. He who succeeded was victor, and received the skin as a reward. (Schol. *ad Aristoph. Plut.* 1130; Plat. *Symp.* p. 190; Virg. *Georg.* ii. 384; Pollux, ix. 121; Hesych. *s. s.* Ἀσκωλιάζοντες; Krause, *Gymnastik und Agonistik d. Hellenen*, p. 399, who gives a representation of it from an ancient gem, which is copied in the above cut.)

ASEBEIAS GRAPHE (ἀσεβείας γραφή), was one of the many forms prescribed by the Attic laws for the impeachment of impiety. From the various tenor of the accusations still extant, it may be gathered that this crime was as ill-defined at Athens, and therefore as liable to be made the pretext for persecution, as it has been in all other countries in which the civil power has attempted to reach offences so much beyond the natural limits of its jurisdiction. The occasions, however, upon which the Athenian accuser professed to come forward may be classed as, first, breaches of the ceremonial law of public worship; and, secondly, indications of that, which in analogous cases of modern times would be called heterodoxy, or heresy. The former comprehended encroachment upon consecrated grounds, the plunder, or other injury of temples, the violation of asylums, the interruption of sacrifices and festivals, the mutilation of statues of the gods, the introduction of deities not acknowledged by the state, and various other transgressions peculiarly defined by the laws of the Attic sacra, such as a private celebration of the Eleusinian mysteries and their divulgation to the uninitiated, injury to the sacred olive trees, or placing a suppliant bough (ἱκετηρία) on a particular altar at an improper time. (Andoc. *De Myst.* p. 110.) The heretical delinquencies may be exemplified by the expulsion of Protagoras (Diog. Laërt. ix. 51, 52) for writing "that he could not learn whether the gods existed or not," in the persecution of Anaxagoras (Diog. Laërt. ii. 12), like that of Galileo in after times, for impugning the received opinions about the sun, and the condemnation of Socrates for not holding the objects of the public worship to be gods. (Xen. *Apol. Soc.*) The variety of these examples will have shown that it is impossible to enumerate all the cases to which this sweeping accusation might be extended; and, as it is not upon record that religious Athens (Xen. *Rep. Ath.* iii. 8) was scandalised at the profane jests of Aristophanes, or that it forced Epicurus to deny that the gods were indifferent to human actions, it is difficult to ascertain the limit at which jests and scepticism ended, and penal impiety began.

With respect to the trial, any citizen that pleased ὁ βουλόμενος — which, however, in this as in all other public actions, must be understood of those only who did not labour under an incapacitating disfranchisement (ἀτιμία) — seems to have been a competent accuser; but as the nine archons, and the areiopagites, were the proper guardians of the sacred olives (μορίαι, σηκοί, Lysias, Περὶ τοῦ Σηκοῦ, p. 282), it is not impossible that they had also a power of official prosecution upon casually discovering any injury done to their charge.

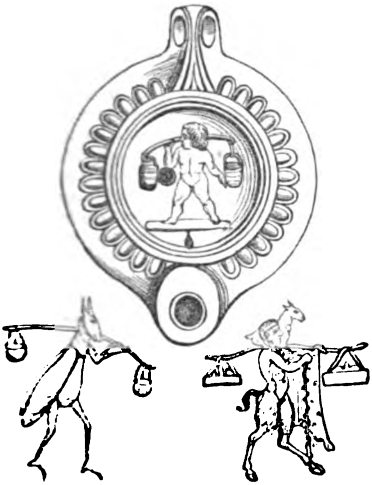
The cases of Socrates, Aspasia, and Protagoras, may be adduced to show that citizens, resident aliens, and strangers, were equally liable to this accusation. And if a minor, as represented in the declamation of Antiphon, could be prosecuted for murder (φόνου), a crime considered by the early Greeks more in reference to its ceremonial pollution than in respect of the injury inflicted upon society, it can hardly be concluded that persons under age were incapable of committing, or suffering, for this offence. (Antiph. *Tetral.* ii. p. 674.)

The magistrate, who conducted the previous examination (ἀνάκρισις) was, according to Meier (*Att. Proc.* pp. 300, 304, n. 34) invariably the king archon, but whether the court into which he brought the causes were the areiopagus, or the common heliastic court, of both of which there are several instances, is supposed (Meier, *Att. Proc.* p. 305) to have been determined by the form of action adopted by the prosecutor, or the degree of competency to which the areiopagus rose or fell at the different periods of Athenian history. From the *Apology of Socrates* we learn that the forms of the trial upon this occasion were those usual in all public actions, and that, *generally*, the amount of the penalty formed a separate question for the dicasts after the conviction of the defendant. For some kinds of impiety, however, the punishment was fixed by special laws, as in the case of persons injuring the sacred olive trees, and in that mentioned by Andocides (*De Myst.* p. 110).

If the accuser failed to obtain a fifth of the votes of the dicasts, he forfeited a thousand drachmae, and incurred a modified ἀτιμία. The other forms of prosecution for this offence were the ἀπαγωγή (Dem. *c. Androt.* p. 601. 26), ἐφήγησις (Meier, *Att. Proc.* p. 246), ἔνδειξις (Andoc. *De Myst.* p. 8), προβολή (Libanius, *Argum. ad Dem. in Mid.* 509, 10), and in extraordinary cases εἰσαγγελία (Andoc. *De Myst.* p. 43); besides these, Demosthenes mentions (*c. Androt.* p. 601) two other courses that an accuser might adopt, δικάζεσθαι πρὸς Εὐμολπίδας, and φράζειν πρὸς τὸν βασιλέα, of which it is difficult to give a satisfactory explanation. [J. S. M.]

ASIARCHAE (ἀσιάρχαι), were, in the Roman province of Asia, the chief presidents of the religious rites, whose office it was to exhibit games and theatrical amusements every year, in honour of the gods and the Roman emperor, at their own expense, like the Roman aediles. As the exhibition of these games were attended with great expense, wealthy persons were always chosen to fill this office; for which reason, Strabo says, some of the inhabitants of Tralles, which was one of the most wealthy cities in Asia, were always chosen asiarchs. They were ten in number, selected annually by the different towns of Asia, and approved of by the Roman proconsul; of these, one was the chief asiarch, and frequently, but not always, resided at Ephesus. Their office lasted only for a year; but they appear to have enjoyed the title as a mark of courtesy for the rest of their lives. In the other Roman provinces in Asia, we find similar magistrates corresponding to the Asiarchae in proconsular Asia, as for instance the Bithyniarchae, Galatarchae, Lyciarchae, &c. (Strab. xiv. p. 649; Acts, xix. 31., with the notes of Wetstein and Kuinoel; Euseb. *H. E.* iv. 15; Winer, *Biblisches Realwörterbuch*, art. *Asiarchen.*)

ASILLA (ἄσιλλα), a wooden pole, or yoke, held by a man either on his two shoulders, or more commonly on one shoulder only, and used for carrying burthens. (Aristot. *Rhet.* i. 7.) It is called *ἀνάφορον* by Aristophanes (*Ran.* 8). It deserves mention here chiefly from its frequent occurrence in works of Grecian art, of which some specimens are given in the annexed cut.



ASSA'RIUS NUMMUS. [As.]

ASSERTOR, or ADSERTOR, contains the same root as the verb *adserere*, which, when coupled with the word *manu*, signifies to lay hold of a thing, to draw it towards one. Hence the phrase *adserere in libertatem*, or *liberali adserere manu*, applies to him who lays his hand on a person reputed to be a slave, and *asserts*, or maintains his freedom. The person who thus maintained the freedom of a reputed slave was called *adsertor* (Gaius, iv. 14), and by the laws of the Twelve Tables it was enacted in favour of liberty, that such adsertor should not be called on to give security in the sacramenti actio to more than the amount of L. asses. The person whose freedom was thus claimed, was said to be *adsertus*. The expressions *liberalis causa*, and *liberalis manus*, which occur in classical authors, in connection with the verb *adserere*, will easily be understood from what has been said. (Terent. *Adelph.* ii. 1. 40; Plaut. *Poen.* iv. 2. 83; see also Dig. 40. tit. 12. *De liberali Causa.*) Sometimes the word *adserere* alone was used as equivalent to *adserere in libertatem*. (Cic. *Pro Flacco*, c. 17.)

The expression *asserere in servitutem*, to claim a person as a slave, occurs in Livy (iii. 44, xxxiv. 18.) [G. L.]

ASSESSOR, or ADSESSOR, literally, one who sits by the side of another. The duties of an assessor, as described by Paulus (Dig. 1. tit. 21. s. 1.) related to "cognitiones, postulationes, libelli, edicta, decreta, epistolae;" from which it appears that they were employed in and about the administration of law. The consuls, praetors, governors of provinces, and the judices, were often imperfectly acquainted with the law and the forms of procedure, and it was necessary that they should have the aid of those who had made the law their study. (Cic. *de Oratore*, i. 37, *In Verrem*, ii. 29). The praefectus praetorio, and praefectus urbi, and other civil and military functionaries, had their assessors. An instance is mentioned by Tacitus (*Ann.* i. 75) of the Emperor Tiberius assisting at the judicia (*judiciis adsidebat*), and taking his seat at the corner of the tribunal; but this passage cannot be interpreted to mean, as some persons interpret it, that the emporor sat there in the character of an assessor properly so called: the remark of Tacitus shows that, though the emperor might have taken his seat under the name of assessor and affected to be such, he could be considered in no other light than as the head of the state. (Compare Sueton. *Tib. Nero*, 33, *Tib. Claudius*, 12).

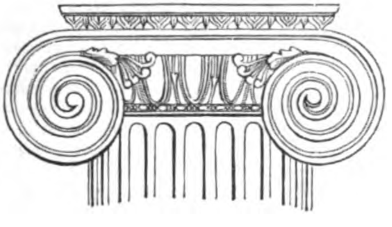
Under the empire the practice of having assessors continued (Plin. *Ep.* i. 20, vi. 11, x. 19; Gellius, i. 22). Suetonius (*Galba*, 14) mentions the case of an assessor being named to the office of praefectus praetorio. The Emperor Alexander Severus gave the assessores a regular salary. (Lamprid. *Alex. Sev.* 46.) Freedmen might be assessores. In the later writers the assessores are mentioned under the various names of *consiliarii*, *juris studiosi*, *comites*, &c. The *juris studiosi*, mentioned by Gellius (xii. 13), as assistant to the judices (*quos adhibere in consilium judicaturi solent*), were the assessores. Sabinus, as it appears from Ulpian (Dig. 47. tit. 10. s. 5), wrote a book on the duties of assessors. The assessors sat on the tribunal with the magistrate. Their advice, or aid, was given during the proceedings as well as at other times, but they never pronounced a judicial sentence. As the old forms of procedure gradually declined, the assessores, according to the conjecture of Savigny (*Geschichte des Röm. Rechts im Mittelalter*, vol. i. p. 79), took the place of the judices. For other matters relating to the assessores, see Hollweg, *Handbuch des Civilprozesses*, p. 152. [G. L.]

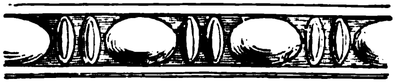
ASSI'DUI. [Locupletes.]

ASTRA'GALUS (ἀστραγαλος), literally signifies that particular bone in the ankles of certain quadrupeds, which the Greeks, as well as the Romans, used for dice and other purposes, as described under the corresponding Latin word Talus.

As a Latin word, *astragalus* is used by Vitruvius, who of course borrowed it from the Greek writers on architecture, for a certain moulding (the astragal) which seems to have derived its name from its resemblance to a string or chain of *tali;* and it is in fact always used in positions where it seems intended to bind together the parts to which it is applied. It belongs properly to the more highly decorated forms of the Ionic order, in which it appears as a lower edging to the larger mouldings, especially the *echinus* (ovolo), particularly in the capital, as shown in the following woodcut, which represents an Ionic capital found in the ruins of the temple of Dionysus at Teos. Still finer examples occur in the capitals of the temples of Erechtheus and Athene Polias, at Athens, where it is seen, too, on the sides of the volutes. It is also often used in the entablature as an edging to the divisions of the cornice, frieze, and architrave. The lower figure in the woodcut represents a portion of the astragal which runs beneath the crowning moulding of the architrave of the temple of Erechtheus. It is taken from a fragment in the British Museum, and is drawn of the same size as the original.

The term is also applied to a plain convex moulding of the same sectional outline as the former, but without the division into links, just like a *torus* on a small scale: in this form it is used in the Ionic base [Spira]. In the orders subsequent to the Ionic, — the Corinthian, Roman Doric, and Composite, — the astragal was very freely used. The rules for the use of the moulding are given by Vitruvius (iii. 5. § 3, iv. 6. §§ 2, 3. Schneid.). Numerous fine examples of it will be found in the plates of Mauch (*Die Griechischen und Romischen Bau-Ordnungen*, Potsdam, 1845.) [P.S.]





ASTRATEIAS GRAPHE' (ἀστρατείας γραφή), was the accusation instituted against persons who failed to appear among the troops after they had been enrolled for the campaign by the generals. (Lys. *in Alc.* pp. 521, 571.) We may presume that the accuser in this, as in the similar action for leaving the ranks (λειποταξίου), was any citizen that chose to come forward (ὁ βουλόμενος, οἷς ἔξεστι), and that the court was composed of soldiers who had served in the campaign. The presidency of the court, according to Meier, belonged to the generals. The defendant, if convicted, incurred disfranchisement — ἀτιμία, both in his own person and that of his descendants, and there were very stringent laws to punish them if they appeared at the public sacra, to which even women and slaves were admitted. (Andoc. *de Myst.* p. 35; Aesch. *in Ctes.* p. 59; Dem. *in Timocr.* p. 732; Meier, *Att. Process*, p. 363, &c.) [J. S. M.]

ASTROLO'GIA. This word is occasionally employed by the best Latin writers (e. g. Cic. *de Divin.* ii. 42.) to denote *astronomy* in general, and indeed is found in that sense more frequently than *astronomia*, which is of rare occurrence. In the present article, however, we confine ourselves to what is strictly termed *judicial astrology*, and treat of astronomy under Astronomia.

At a period far beyond the records of authentic history a belief arose, which still prevails unshaken in the East, that a mysterious but close connection subsisted between the relative position and movements of the heavenly bodies and the fate of man. In process of time it was maintained that the fortunes of each individual throughout life depended upon the aspect of the sky at the moment of his birth, and especially upon the star which was rising above the horizon at the instant when he saw the light, and upon those which were in its immediate vicinity (*conjunctae*), or removed from it by a sixth, a fourth, or a third part of a great circle of the sphere, or, finally, upon those which were at the opposite extremity of the same diameter (*oppositae*). Few doubted that by observation and deep study persons might acquire the power of expounding these appearances, that the destiny of the child might be predicted with certainty by those who were skilled to interpret the language of the stars, and that the result of any undertaking might be foretold from the aspect of the firmament when it was commenced. Hence a numerous and powerful class of men arose who were distinguished by various designations. From the country where astronomy was first studied, and their science was first developed, they were called *Chaldaei* or *Babylonii*; from observing the stars, *astronomi*, *astrologi*, *planetarii*; from employing diagrams such as were used by geometricians, *mathematici*; from determining the lot of man at his natal hour, *genethliaci*; from prophesying the consummation of his struggles, ἀποτελεσματικοί; while their art was known as ἀστρολογία, μετεωρολογία, γενεθλιαλογία, ἀποτελεσματική, *Ars Chaldaeorum*, *Mathesis*, or, from the tables they consulted, πινακική. Their calculations were termed *Babylonii numeri*, Χαλδαίων μέθοδοι, Χαλδαίων ψηφίδες, *Rationes Chaldaicae*; their responses when consulted *Chaldaeorum monita*, *Chaldaeorum natalicia praedicta*, *Astrologorum praedicta*.

The stars and constellations to which attention was chiefly directed were the planets and the signs of the zodiac, some of which were supposed to exert uniformly a benign influence (ἀγαθοποιοὶ ἀστέρες), such as Venus, Jupiter, Luna, Virgo, Libra, Taurus; others to be uniformly malign (κακοποιοὶ ἀστέρες), such as Saturnus, Mars, Scorpio, Capricornus; others to be doubtful (ἐπίκοινοι ἀστέρες), such as Mercurius. By the combination and conjunction (συνδρομή, *constellatio*) or opposition, however, of those benign with those malign, the power of the latter might be neutralised or even reversed, and a most happy horoscope be produced, as in the case of Augustus who was born under Capricornus (Suet. *Aug.* 94), and hence that figure frequently appears on his medals. For the sake of expediting calculations, the risings, settings, movements, and relative positions (*ortus*, *occasus*, *motus*, *viae*, *discessiones*, *coetus*, *conventus*, *concursiones*, *circuitus*, *transitus*, *habitus*, *forma*, *positura*, *positus siderum et spatiu*) were carefully registered in tables (πίνακες, ἐφημερίδες). In so far as the planets were concerned, it was of especial importance to note through what sign of the zodiac they happened to be passing, since each planet had a peculiar sign, called the *domus* or house of the planet, during its sojourn in which it possessed superior power. Thus Libra, Capricornus, and Scorpio were respectively the *houses* of Venus, Saturn, and Mars.

The exact period of birth (*hora genitalis*) being the critical moment, the computations founded upon it were styled γένεσις (*genitura*), ὡροσκόπος (*horoscopus*), or simply θέμα, and the star or stars in the ascendant *sidus natalitium*, *sidera natalitia*.

Astrologers seem to have found their way to Italy even before a free communication was opened up with the East by the Roman conquests in Greece and Asia, since they are mentioned contemptuously by Ennius. (ap. Cic. *De Div.* i. 58.) About a century later the government seem to have become sensible of the inconvenience and danger likely to arise from the presence of such impostors, for in B.C. 139 an edict was promulgated by C. Cornelius Hispallus, at that time praetor, by which the Chaldaeans were banished from the city, and ordered to quit Italy within ten days (Val. Max. i. 3. § 2), and they were again banished from the city in B. C. 33, by M. Agrippa, who was then aedile. (Dion Cass. xlix. 1.) Another severe ordinance was levelled by Augustus against this class (Dion Cass. lxv. 1, lxvi. 25), but the frequent occurrence of such phrases as "expulit et mathematicos" (Suet. *Tib.* 36), "pulsis Italia mathematicis" (Tac. *Hist.* ii. 62), in the historians of the empire prove how firm a hold these pretenders must have obtained over the public mind, and how profitable the occupation must have been which could induce them to brave disgrace, and sometimes a cruel death (Tac. *Ann.* ii. 32). Notwithstanding the number and stringent character of the penal enactments by which they were denounced, they appear to have kept their ground, and although from time to time crushed or terrified into silence, to have revived with fresh vigour in seasons of confusion and anarchy, when all classes of the community hanging in suspense between hope and fear, were predisposed to yield to every superstitious impulse. It must be remembered also, that the most austere princes did not disdain, when agitated by doubts or excited by ambitious longings, to acquire the principles of the art and to consult its professors, as we may perceive, not to multiply examples, from the well-known story of Tiberius and Thrasyllus (Tac. *Ann.* vi. 20, 21). Hence Tacitus, after recounting the high promises by which the "mathematici" stimulated Otho to assume the purple, adds in a tone of sorrowful resignation, "genus hominum potentibus infidum, sperantibus fallax, quod in civitate nostra et vetabitur semper et retinebitur." (See Cic. *Div.* ii. 42, &c.; Gell. xiv. 1; Hor. *Carm.* ii. 17. 17; Pers. v. 46; Juv. iii. 43, vii. 194, xiv. 248, vi. 553—581; Tac. *Ann.* ii. 27, 32, iii. 22, iv. 58, vi. 20, xii. 22, 52, 68, xvi. 14, *Hist.* i. 22, ii. 62; Suet. *Tib.* 14, 36, *Vitell.* 14, *Nero*, 40; Gell. i. 9; Dion Cass. xlix. 43, lvi. 25, lvii. 15, lxv. 1; Zonar. ii. p. 142; Lips. *Excurs.* vii. *ad Tac. Ann.* ii.; Jani, *Excurs. ad Hor. Carm.* ii. 17. 17; Ruperti, *Not. ad Tac. Ann.* ii. 27. For the penal enactments, see Rein, *Das Criminalrecht der Römer*, p. 901, &c. Leipzig, 1844. Those who would acquire a knowledge of the technical details of astrology, as practised by the ancients, must peruse the works of Manilius, Julius Firmicus, and Ptolemy.) [W. R.]

ASTRONO'MIA, astronomy. It is not proposed in the present article to give a technical history of the rise and progress of astronomy among the ancients, but to confine ourselves to what may be regarded as the popular portion of the science, the observations, namely, upon the relative position and apparent movements of the celestial bodies, especially the fixed stars, which from the earliest epoch engaged the attention of those classes of men who as shepherds or mariners were wont to pass their nights in the open air. We shall consider: —

1. The different names by which the constellations were distinguished among the Greeks and Romans, and the legends attached to each; but we shall not attempt to investigate at length the origin of these names nor the times and places when and where they were first bestowed. The materials for this first section have been carefully collected by Ideler in his essay entitled *Untersuchungen über den Ursprung und die Bedeutung der Sternnamen* (Berlin, 1809), a work which we now mention specially once for all to avoid the necessity of constant references; in the *Historische Untersuchungen über die astronomischen Beobachtungen der Alten*, by the same author (Berlin, 1806); in a paper by Buttmann *Uber die Entstehung der Sternbilder auf der griechischen Sfäre*, contained in the Transactions of the Berlin Academy for 1826; and in the *Geschichte der Astronomie* of Schaubach.

2. The risings and settings of the fixed stars considered with reference to the position of the sun in the ecliptic, — a series of phenomena which recurring regularly every tropical year, served in the most remote ages as the sole guides for the operations of the husbandman, and which, being in later times frequently appealed to by the poets, are sometimes designated the "Poetical Risings and Settings of the Stars." Here we chiefly depend upon the compilations and dissertations, ancient and modern, brought together in the *Uranologion* of Petavius; upon the disquisition by J. F. Pfaff entitled *Commentatio de Ortibus et Occasibus Siderum apud auctores classicos commemoratos* (Gotting. 1786); upon a paper by Ideler, *Ueber den astronomischen Theil der Fasti des Ovid*, in the Transactions of the Berlin Academy for 1822—1823, and on the *Handbuch der Chronologie* by the same author.

3. The division of the year into two, three, or more seasons, according to the risings and settings of particular stars or clusters of stars. The *Handbuch der Chronologie* contains a full examination of all the most important passages from the Greek and Roman authors which bear upon these points.

The determination of the length of the year and the distribution of time into months, days, hours, and other periods, which in some degree belong to the same subject, are treated of separately under the heads of CALENDARIUM and DIES, and confining our attention for the present to the fixed stars (*errones*, *stellae erraticae*, see Gell. xiv. 1), we shall make a few remarks on the bodies of the solar system under PLANETAE.

I. THE HISTORY AND NAMES OF THE CONSTELLATIONS.

To begin with the two earliest among profane writers, Homer and Hesiod, the former notices the *Bear* or *Waggon*; *Bootes*; *Orion*; the *Dog of Orion*; the *Pleiades*, and the *Hyades*: the latter, *Orion*; *Sirius*; the *Pleiades*; the *Hyades*; and *Arcturus*. We are not entitled to conclude from this that they were not acquainted with the names or forms of any other constellations, but it seems certain that neither the *Little Bear* nor the *Dragon* were known to Homer, for although these remain always above the horizon in the latitude of Greece and Asia Minor, he speaks of the (Great) Bear as the only constellation which never plunges into Ocean's baths; and we are elsewhere, as will be seen below, distinctly told that the Little Bear was introduced into Greece from the East by Thales.

Pliny (*H. N.* ii. 6) attributes the invention of the signs of the zodiac to Cleostratus of Tenedos (fl. B. C. 500), and asserts that *Aries* and *Sagittarius* were marked out before the rest. The first distinct information, however, with regard to the Grecian heavens was contained in the Ἔνοπτρον and the Φαινόμενα of Eudoxus of Cnidus, who died B. C. 352. Both of these works are, it is true, lost with the exception of a few fragments, but their contents are known to us from the poem of Aratus (fl. B. C. 260), which, as we are assured in the commentary which bears the name of Hipparchus, does little more than represent in verse, with very few variations, the matter contained in the two treatises named above, especially in the latter. The great popularity enioyed by the production of Aratus (*Cum sole et luna semper Aratus erit*) must have depended upon the attractions presented by his theme, and certainly not upon the spirit or grace with which that theme was handled. We know the names of thirty-five Greeks who composed commentaries upon it, and we are acquainted with no less than three translations into Latin verse—one by Cicero, of which fragments only remain; another by Caesar Germanicus, of which a considerable portion has been preserved; and a third by Rufus Festus Avienus, which is entire. Virgil borrowed largely from this source in those portions of his Georgics which contain references to the heavenly bodies, and particularly in that section which is devoted to prognostics of the weather. There are also valuable Greek scholia ascribed to the younger Theon, but manifestly compounded of materials derived from many different quarters. The work itself is divided into three parts:

1. A description of the constellations, extending to line 454.

2. A short account of the Planets, of the Milky Way, of the Tropical Circles, and of the Equator, followed from v. 559 by a full detail of the stars which rise and set as each sign of the zodiac appears in succession (συνανατολαί).

3. At line 733 commences what is frequently regarded as a separate poem, and placed apart under the title Διοσημεῖα, consisting of a collection of the various appearances which enable an observer of nature to predict the weather. It will be seen below that the constellations described by Aratus still retain, with a few variations, the names by which he distinguishes them.

In a little tract ascribed to Eratosthenes (fl. B.C. 230), entitled Καταστερισμοί, probably an abridgment of a more complete treatise, in which he details the mythological origin of the constellations, together with the number and place of the stars in each, we find the same forms arranged in the same order as in Aratus, who is followed step by step. The *Bird*, however, is here termed the *Swan;* the *Centaur* is individualised into *Chiron;* and the *Hair of Berenice* appears for the first time, having been introduced by Conon in honour of the sister-wife of Ptolemy Euergetes.

Scientific astronomy commenced at Alexandria in the early part of the third century before our era; and the first steps were made by Timocharis and Aristyllus, who flourished about B.C. 290. They invented the method of determining the places of the fixed stars, by referring them to one of the great circles of the heavens, and for this purpose selected the equator. By them, as we learn from Ptolemy, the right ascension and declination of many stars were observed, among others of *Spica* in the Virgin, which they found to be 8° from the equinox of autumn.

Hipparchus, about 150 years later, followed up the track which they had indicated: his observations extended from B.C. 162 to B.C. 127; and, whether we regard the originality, the magnitude, or the importance of his labours, he is well entitled to be regarded as the father of the science. (See Plin. *H. N.* ii. 26.) In addition to many other services, he first drew up a regular catalogue of the fixed stars, pointing out their position and magnitude, he first delineated accurately the shape of the constellations, and he first discovered the precession of the equinoxes by comparing his own observations with those of Timocharis and Aristyllus. It is much to be lamented that all the works of so great a man should have perished, with the exception of a commentary in three books upon the description of the fixed stars by Eudoxus and Aratus (Ἐξήγησις τῶν Ἀράτου καὶ Εὐδόξου φαινομένων), the least valuable perhaps of all his productions. We have, however, every reason to believe that the substance of his most valuable observations has been preserved in the Almagest of Ptolemy, which long enjoyed such high fame that all former authors were allowed to sink into oblivion.

The catalogue of the fixed stars by Ptolemy (fl. A. D. 100), contained in the seventh and eighth books of the Almagest and derived in all probability in a great measure from that compiled by Hipparchus, long served as the model for all subsequent labours in the same field, and little more than two centuries have elapsed since any attempt was made to supersede it by something more perfect. It embraces 48 constellations (21 northern, 15 southern, and the 12 signs of the zodiac), comprising 15 stars of the first magnitude, 45 of the second, 208 of the third, 474 of the fourth, 217 of the fifth, 49 of the sixth, 9 obscure, and 5 nebulous, in all 1022. These are the constellations, usually denominated the *Old Constellations*, to distinguish them from the additions made in modern times, and these we shall consider in regular order. The stars are enumerated according to the place which they occupy in the figures, the latitude, longitude, and magnitude of each being specified. In connection with many constellations, several stars are mentioned as ἀμόρφωτοί, that is, not included within the limits of any one of the figures; among those near the Lion he notices the *Hair of Berenice*, among those near the Eagle the *Antinous*. The single stars and small groups to which particular names are assigned, are, *Arcturus*, the *Lyre*, *Capella*, the *Kids*, the *Eagle*, the *Hyades*, the *Pleiades*, the *Manger*, the *Asses*, *Regulus* (βασιλίσκος), *Vindemiatrix*, *Spica*, *Antares*, the *Hound* (he does not give the name *Sirius*), *Canopus*, and *Procyon*.

Among our Greek authorities we must not pass over Geminus, whose work Εἰσαγωγὴ εἰς τὰ Φαινόμενα contains in sixteen chapters an exposition of the most striking facts in Astronomy and Mathematical Geography. We know nothing of him personally; but it has been inferred from his book that he was a native of Rhodes, and that he flourished about B. C. 70, at Rome, or at some place under the same parallel. The second chapter treats of the constellations and of those stars and small clusters distinguished by particular names. The *Coma Berenices*, which is not included in the 21 northern constellations of Ptolemy, has here an independent place assigned to it; the *Foal*, or *Little Horse*, is termed προτομὴ ἵππου καθ' Ἵππαρχον, which seems to indicate that it was introduced by Hipparchus; in addition to the 15 Southern Constellations of Ptolemy, we find the *Stream* (χύσις ὕδατος) issuing from the urn of Aquarius, and the *Thyrsus* of the Centaur. The sixteenth chapter is particularly interesting and valuable, since it contains a parapegma or calendar of the risings and settings of the fixed stars, with prognostics of the weather, according to Meton, Euctemon, Eudoxus, Calippus, and others, the observations of each being quoted separately.

The Romans adopted the knowledge of the stars communicated by the Greeks without in the slightest degree extending it. Only two Latin writers discourse specially on the subject, Manilius and Julius Firmicus, and their treatises belong rather to Judicial Astrology. The poets, however, especially Ovid and Virgil, make frequent allusions to the risings and settings of the fixed stars, to the most remarkable constellations and to the legends attached to them. Cicero, Germanicus, and Avienus, as we have stated above, executed translations of Aratus, while in Vitruvius, Pliny, Columella, Martianus Capella, the Scholiast on Germanicus, and Hyginus, we find a multitude of details. Manilius, it is clear, took Aratus for his guide in so far as the constellations were concerned; for he does not notice the *Hair of Berenice*, the *Foal*, nor the *Southern Crown*.

Pliny speaks of the constellations as seventy-two in number; but he seems to have eked out the sum by counting separately portions of figures, such as the *Pleiades*, the *Hyades*, the *Urn* and the *Stream of Aquarius*, the *Thyrsus of the Centaur*, the *Head of Medusa*, the *Scymetar of Perseus*, the *Manger*, the *Two Asses*, *Capella*, the *Kids*, the *Hair of Berenice*, the *Throne of Caesar*, and probably the more conspicuous among the individual stars, such as *Arcturus* and *Sirius*. He sets down the number of observed stars at 1600, which far exceeds the catalogue of Ptolemy.

The Scholia on Germanicus do not constitute a regular commentary like the Scholia on Aratus, but are translations from Eratosthenes, with some excerpts, added subsequently perhaps, from the Sphaera Graeca et Barbara of Nigidius Figulus and other works on astronomical myths.

The *Poeticon Astronomicon*, which bears the name of Hyginus, is written in the style of Eratosthenes, and is in a great measure borrowed from him. No notice is here taken of the *Foal* nor of the *Southern Crown*, which proves that at the time when it was composed, whenever that may have been, more attention was paid to Aratus than to Hipparchus and Ptolemy.

Names of the Constellations.

In what follows we arrange the constellations, with one or two trifling exceptions, in the order adopted by Ptolemy, enumerating first the twenty-one northern signs; secondly, the twelve zodiacal signs; and lastly, the fifteen southern signs. In each case we give, first, the name by which the constellation is known among ourselves; secondly, the name ascribed to it by Aratus; and lastly, the other Greek and Latin names which most frequently occur or which deserve particular notice.

Northern Signs.

1. THE GREAT BEAR, THE PLOUGH, CHARLES' WAIN, Ἄρκτος (μεγάλη), Ἑλίκη (Arat. 27, &c.), *Major Arctus*, *Major Ursa* (German.), *Helice* (Cic., Manil. i. 303). The most remarkable cluster in the northern hemisphere both on account of its brilliancy and from the circumstance that it never sinks below the horizon in Europe and those parts of Asia known to the ancients, is that which as early as the time of Homer was known by the names of Ἄρκτος, *The She Bear*, or Ἅμαξα, *The Waggon* (*Il.* xviii. 487, *Od.* v. 275), which the Romans translated by the equivalent terms *Ursa* and *Plaustrum* or *Currus*. At a later period when the Lesser Bear had been added to the number of the celestial signs, the epithets μεγάλη and μικρά were applied to them respectively by way of distinction, and in like manner Ovid (*Trist.* iv. 3) speaks of them as *magna minorque ferae*. The ancient Italian name for the seven bright stars which form the most conspicuous portion of the group was *Septem Triones* (Cic.), that is, according to the interpretation of Varro (*L. L.* vi. 4; Gell. ii. 21; Festus, *s. v. Triones*), *The Seven Ploughing Oxen*, an appellation which as well as that of ἅμαξα was extended to the Lesser Bear. Thus Aratus commences his description

> δύω δέ μιν ἀμφὶς ἔχουσαι
> Ἄρκτοι ἅμα τροχόωσι, τὸ δὴ καλέονται ἅμαξαι,

deriving ἅμαξαι, absurdly enough, from ἅμα; Virgil celebrates

> Arcturum, pluviasque Hyadas, *geminosque Triones*,

and Vitruvius (ix. 3) not only employs *Septemtrio* simply for the Greater Bear, but distinguishes between *Septemtrio major* and *Septemtrio minor*, and again speaks of the *Arctos, qui Septemtriones dicuntur*.

In addition to the above designations we find Ἑλίκη, applied to the Greater Bear alone, derived from its sweeping round in a curve (ἀπὸ τοῦ ἑλίσσεσθαι, Schol. *ad Arat.* 37), while from the mythical connection established between this constellation and Callisto, daughter of the Arcadian monarch Lycaon, the Latin poets constantly refer to it as *Lycaonis Arctos; Parrhasis Arctos; Parrhasides stellae; Maenalis Ursa*, &c. The term *Boves Icarii* employed by Propertius (ii. 24. 24), is explained below (No. 5) under *Arctophylax*. For the story of Callisto and her transformation see Ovid. *Met.* ii. 409, *Fast.* ii. 155; Serv. *ad Virg. Georg.* i. 246; Hygin. *Poet. Astron.* ii. 1. 2.

2. THE LESSER *or* LITTLE BEAR, Ἄρκτος (μικρά), Κυνόσουρα, Κυνόσουρις (Arat. 27—308), *Arctus minor* (Cic.), *Cynosura* (Cic. Manil. i. 306). This constellation, we are assured by many authorities (Schol. *ad Hom. Il.* xviii. 187; Achill. Tat. *Isagog. in Arat. Phaen.* c. 1; Diog. Laërt. i. 23; Hygin. *Poët. Astron.* ii. 2), was first added to the Grecian catalogues by Thales by whom it may possibly have been imported from the East; and while from its close resemblance in form, it shared the names of Ἄρκτος and ἅμαξα with its more ancient and majestic companion, it enjoyed exclusively the appellations of Φοινίκη and Κυνόσουρα. The former was derived from the circumstance that it was selected by the Phoenicians as the guide by which they shaped their course at sea, the Grecian mariners with less judgment employing Helice for the same purpose (Arat. 37; Erat. *Cat.* 2; Schol. *ad German.* p. 89; Hygin. *P. A.* ii. 2). The latter, signifying *canis cauda*, applied by the ancients to the whole figure, and not as in modern times merely to the pole star, seems to have been suggested by the appearance presented by three of the stars which form a circular sweep, bearing some resemblance to the upturned curl of a dog's tail, and will thus be an expression analogous to that of *Helice*. The early astronomers seem to have generally considered that one of the

tars in the Little Bear marked the position of the pole, but it is difficult to determine from their words to which they severally refer. According to Hyginus who, however, seems not to have clearly understood Eratosthenes whom he quotes, one of the three stars forming the tail was called *Polus* and the two others, from circling round it, Χορευταὶ, *The Dancers*, the same apparently with the *Ludentes* of the Scholiast on Germanicus.

Those poets who regarded the Great Bear as Callisto represented the Little Bear as her dog; but according to another legend commonly received, the two bears were the two nymphs who acted as nurses in Crete to infant Jove (Arat. 31), and hence the phrase *Cretaeae Arcti* (German.).

3. The Dragon, Δράκων (Arat. 45), translated by the Latins *Draco* (Cic. German. Vitruv.), *Serpens* (German. Vitruv. Manil. Ovid), and *Anguis* (Virgil. Ovid. Manil.). Servius (*ad Virg. Georg.* i. 205) remarks that there are three *Angues* in the sky, one lying between the Bears:

> Maximus hic flexu sinuoso elabitur Anguis
> Circum perque duas in morem fluminis Arctos:

(comp. Vitruv. ix. 3): the second grasped by *Ophiucus:* the third, to the south, around the *Crater* and *Corvus*. The superior richness of the Greek language distinguished these as Δράκων, Ὄφις, and Ὕδρη. The description of Aratus has been rendered almost verbatim and with great spirit by Virgil in the lines quoted above. Mythologically, the dragon was regarded as the snake which once guarded the apples of the Hesperides, or as a snake snatched by Minerva from the giants and whirled by her aloft to the pole. (Hygin. *P. A.* ii. 3, iii. 2; Serv. *ad Virg. Georg.* i. 244.)

4. Cepheus, Κηφεύς (Arat. 183), *Cepheus* (Cic. Vitruv. Manil.), *Iasides Cepheus* (German.). The legends respecting this ill-fated monarch and the other members of his family who beamed in the heavens, *Cassiopeia*, *Perseus*, and *Andromeda*, are detailed at length in the Catasterisms of Eratosthenes and in Hyginus.

5. The Bear-Warden, Bootes, The Waggoner, Ἀρκτοφύλαξ (Arat. 91), *Arctophylax* (Cic. German. Manil. i. 323), translated by Ovid (*Trist.* i. 10. 15) *Custos Ursae*, and by Vitruvius (ix. 3.) *Custos Arcti*, or simply *Custos* (*l. c.*), was denominated also Βοώτης (Arat. *l. c.*), *Bootes* (Cic. German. Manil.), i. e. *Bubulcus*, the ox-driver, and according to the Scholiast on Aratus (*l. c.*) Τρυγητής, the vintager. The first name which supposes the constellations to represent a man upon the watch denotes simply the position of the figure with regard to the Great Bear, or when the latter was regarded as Callisto, then Arctophylax became her son Arcas, by whom she was hunted and slain; the second name, which is found in Homer (*Od.* v. 272) refers to the ἅμαξα, the imaginary form of Βοώτης being fancied to occupy the place of the driver of the team; the third name is connected with the period of the heliacal rising of the group which indicated the season of the vintage.

The chief star in the constellation is Arcturus, Ἀρκτοῦρος (Arat. 95), *Arcturus* (Cic. German. Vitruv. Manil.), a word of similar import with Arctophylax. It is twice mentioned by Hesiod (*Erg.* 566, 610), and, as we shall see hereafter, occupied a prominent place in the calendars of Greece and Rome. Some late writers, such as the Scholiast on Germanicus, Hyginus and Martianus Capella, use the name Arcturus for the whole constellation, but Aratus, Geminus, and Ptolemy consider it as a single star.

The legends with regard to Boötes present many different aspects; by the Greeks he was usually represented as Arcas, the son of Callisto; Ovid in one passage (*Fast.* vi. 235) calls him Lycaon, the father of the hapless damsel; by others he was pronounced to be Icarius (or Icarus) to whom Bacchus taught the use of the vine, and then the constellation Virgo was his daughter; Erigone, and either the greater or the lesser hound, was her dog Maera (*Canis Icarius*, Ov. *Fast.* iv. 939). Hence, too, the Septemtriones are styled *Boves Icarii* by Propertius (ii. 24. 24).

Homer (*Od.* v. 272) calls Boötes ὀψὲ δύων, from his descending below the horizon in an upright position, and therefore very gradually. Compare Ov. *Fast.* iii. 405; Claud. *Rapt. Proserp.* ii. 190, and the "pigri sarraca Bootae" of Juvenal, v. 23.

6. The Northern Crown, Στέφανος (Arat. 71), *Corona* (Cic. Vitruv. Manil.), *Ariadnes corona*, *Minoa corona*, German.). Ptolemy distinguishes between the Northern and the Southern Crown (Στέφανος βόρειος, νότιος), and hence the modern name. According to the legend commonly adopted this was the chaplet of Ariadne placed by Bacchus in the firmament to do honour to his mistress, and hence the epithets applied by Germanicus as quoted above. (Comp. Virg. *Georg.* i. 222; Ov. *Fast.* iii. 460; Manil. i. 330.)

The name *Gemma*, now given to the most resplendent star in the circle, was not known to the Romans.

7. Hercules. The constellation now known by this name is described by Aratus (v. 63) as an unknown or nameless form (εἴδωλον ἄϊστον; ἀπευθέος εἰδώλοιο), which from its resemblance to a man toiling (μογέοντι ἀνδρὶ ἐοικὸς εἴδωλον) on his knees, was usually called Ἐνγόνασιν, which the Romans either expressed in the same letters, *Engonasi* (Manil. v. 645), *Engonasin* (Cic.), or by the translations *Geniculatus*, *Ingeniculatus* (Vitruv. ix. 3), *Ingeniculus* (Jul. Firm. viii. 17), *Nixus in genibus* (Vitruv. ibid.), *Nixa genu species* (German. Manil. i. 322, v. 645), *Dextro genu nixus* (German.), or simply *Nisus s. Nixus* (Cic. German.), *Innixus* (Avien. 205), or with reference to the labouring attitude *Defectum sidus*, *Effigies defecta labore* (German.).

According to Avienus (v. 175), the appellation of Hercules was bestowed by Panyasis, by others it was regarded as Theseus, by others as Ceteus, son of Lycaon, by others as Prometheus chained to Caucasus. (Hygin. *P. A.* ii. 6, iii. 5.)

8. The Lyre, Χέλυς, Λύρα (Arat. 268), *Lyra* (German. Vitruv. Manil. i. 331), *Fides* (Cic.), *Fidis* (Col. xi. 2. § 43, &c.), *Fidicula* (Plin. *H. N.* xviii. 64, &c.). Ptolemy (Φ. Α.) designates as ὁ λαμπρὸς τῆς λύρας, the peculiarly bright star (α Lyrae), which renders this constellation so conspicuous; but it appears probable that the simple Λύρα among the Greek astronomers, as well as *Fidis* and *Fidicula* among the Latins, was frequently employed to denote this single star, as well as the whole sign. Manilius seems to speak of *Fides* as a constellation distinct from Lyra, but the passages are very confused (i. 409; comp. 324, 337). The invention of the Lyre being ascribed to Mercury, we naturally find the epithets Ἑρμαίη

(Arat. 674), Κυλληναίη (597), *Mercurialis* (German.), *Cyllenia* (Cic.) attached to it.

9. **The Swan**, Ὄρνις, αἰόλος ὄρνις (Arat. 273, 275), *Ales* (Cic.), *Volucris*, *Avis* (Vitruv. ix. 4). The Bird is the name given by Aratus and Geminus to the constellation termed by Eratosthenes (c. 25) Κύκνος, rendered *Cycnus* by Germanicus and Manilius, for which the synonym *Olor* is frequently substituted. By mythologists it was regarded as the swan of Leda.

10. **Cassiopeia**, Κασσιέπεια (Arat. 189), *Cassiepeia* (Cic. German. Manil. i. 361), *Cassiopea* (Vitruv.). For the myth regarding her, see Hygin. *P. A.* ii. 10; comp. Arat. 654; Manil. v. 504; Propert. i. 17. 3; Columell. xi. 2. § 78.

11. **Perseus**, Περσεύς (Arat. 248), *Perseus* (Cic. German. Vitruv. Manil. i. 357, 365), was pictured as bearing in one hand a crooked sword (ἅρπη, falx), and in the other the head of the Gorgon Medusa, Γοργόνιον (Gemin. Ptolem.), *Gorgoneum caput* (Vitruv. ix. 3), *Gorgonis ora* (Manil. i. 366), *Caput Gorgonis*. (Hygin. *P. A.* iii. 11).

12. **The Charioteer**, Ἡνίοχος (Arat. 156), *Heniochus* (Manil. i. 369), *Auriga* (Cic. German. Vitruv.), *Aurigator* (Avien.), was, according to one legend (German.), *Ericthonius*,

> Quem primum cursu volitantem Jupiter alto
> Quadrijugis conspexit equis. Manil. i. 370.

According to another (German. *ibid.*) Myrtilus the charioteer of Oenomaus, who betrayed his master to Pelops. (Hygin. *Fab.* 84.)

The brightest star in this constellation (α') was termed Αἴξ (Arat. 157) by the Greeks, who pictured a goat supported upon the upper part of the left arm of the figure, and by the Romans *Capella* (Ovid. Manil. Plin.) or *Capra* (Cic. Vitruv. Hor. German. Columel.). The epithet Ὠλενίη in Aratus (164), according to the explanation of his Scholiast, was applied because the αἴξ rested ἐπὶ τῆς ὠλένης τοῦ Ἡνιόχου, and hence *Olenie*, *Olenium pecus*, *Olenium astrum*. Its heliacal rising took place soon before the winter solstice, and thus it was termed *signum pluviale*, while the legends declared that this was the very goat Amaltheia who nursed Jupiter upon Mount Ida. Both of these points are touched upon in the couplet of Ovid:

> Nascitur Oleniae signum pluviale Capellae,
> Illa dati coelum praemia lactis habet.

The two stars (ζ, η') placed by Aratus (166) and Ptolemy on the wrist of Auriga were

The Kids, Ἔριφοι (Arat. 158), *Hoedi* (Cic. Vitruv. Manil. i. 372), and are said to have been first named by Cleostratus of Tenedos about B.C. 500 (Hygin. *P. A.* ii. 13). They, as well as Capella, are spoken of as heralds of the storm. (Manil. i. 372; Virg. *Georg.* i. 205, *Aen.* ix. 663; Hor. *Carm.* iii. 1. 28.) The star which marks the northern horn-tip of the Bull was, according to Vitruvius (ix. 3), called *Aurigae Manus*, since he was supposed to hold it in his hand.

13. **The Serpent Holder**, Ὀφιοῦχος (Arat. 75), *Ophiuchus* (German. Vitruv.), *Anguitenens* (Cic. Manil. v. 384), *Anguifer* (Columel. xi. 2. § 49), *Serpentarius* (Schol. German.), was commonly regarded by mythical writers and poets as Aesculapius (Eratosth. c. 6; Ov. *Fast.* vi. 735), and by some as Hercules, not to mention other more obscure legends. (Hygin. *P. A.* ii. 14, iii. 13.)

14. **The Snake**, grasped by and surrounding the figure, was termed ὄφις (Arat. 86), *Anguis* (Cic. German.), or *Serpens* (Cic. Vitruv.),

> *Serpentem* Graiis *Ophiuchus* nomine dictus
> Dividit, &c. Manil. i. 338.

and is reckoned as a separate constellation.

15. **The Arrow**, Ὀϊστός (Arat. 311), Τόξον (Eratosth.), *Sagitta* (German. Vitruv.), *Clara sagitta*, *Fulgens sagitta* (Cic.), is distinct from the arrow fitted to the bow of Sagittarius, the archer, in the zodiac. Hence Aratus, after describing the latter, adds

> Ἔστι δέ τις προτέρω βεβλημένος ἄλλος ὀϊστὸς
> Αὐτὸς ἄτερ τόξου.

(Comp. Cic. 325; German. 683; Manil. i. 349.)

16. **The Eagle**, Ἀετός (ἀητός, Arat. 315), *Aquila* (Cic. Vitruv.), or, in poetical circumlocution, *Jovis armiger* (German. Avien.), *Jovis ales* (German. Manil. i. 350), *Armiger uncis unguibus ales* (German.), *Praepes adunca Jovis* (Ov. *Fast.* vi. 196). The principal star is named specially ἀετός by Ptolemy; but from the circumstance of his placing it among those of the second magnitude, it has been conjectured that it was less bright in his day than at present.

Antinous. Ptolemy, when noticing the stars around the Eagle not properly included within the limits of the constellation, remarks, ἐφ᾽ ὧν ὁ Ἀντίνοος, which corroborates the statement of Dion Cassius, that Hadrian assigned a star to his favourite. Antinous, as a separate constellation, was first introduced by Tycho Brahe.

17. **The Dolphin**, Δελφίς (Arat. 313), s. Δελφίν, *Delphinus* (Cic. German. Vitruv. Manil. i. 353), *Delphin* (German.) was regarded by mythologists as the dolphin which bore Arion.

18. **The Little Horse**, Ἵππου προτομή, literally, *the fore quarters of a horse*, was unknown to Aratus and Eratosthenes; but appears from the words of Geminus to have been introduced by Hipparchus. It is not noticed by Vitruvius nor by Manilius.

19. **Pegasus**, Ἵππος (Arat. 205), *Equus* (Cic. Vitruv. Manil. i. 355), *Sonipes*, *Sonipes ales* (German.). The legends having declared that this was the steed of Bellerophon, the name Pegasus (German. 505) was employed as early as Eratosthenes to distinguish the constellations, but Aratus speaks of it simply as *the horse*. (Ov. *Fast.* iii. 450.) The figure was supposed to represent the fore quarters only.

20. **Andromeda**, Ἀνδρομέδη (Arat. 197), *Andromeda* s. *Andromede* (Cic. German. Vitruv. Manil. i. 357, 363). Andromeda was the daughter of Cepheus and Cassiopeia, and hence the constellation is termed *Cepheis* by Manilius and Germanicus (i. 443), while in consequence of her deliverance from the sea monster by Perseus we find *Persea* in the scholiast on Germanicus.

21. **The Triangle**, Δελτωτόν (Arat. 235; Cic.), *Deltotum* (German. Manil. i. 360), the τρίγωνον of Ptolemy, and hence Vitruv. ix. 3, "Insuper Arietis signum facientes stellae sunt *trigonum* paribus lateribus."

Signs of the Zodiac.

1. **The Ram**, Κριός (Arat. 225), *Aries* (Cic. German. Vitruv. Manil. i. 263), *Laniger* (German. 699; Manil. ii. 546). This was the very golden-fleeced ram which bore away Phryxus and

Helle from the wrath of Ino, and hence the designations in Ovid of *Phryxea Ovis*, *Pecus Athamantidos Helles*.

2. THE BULL, Ταῦρος (Arat. 167), *Taurus* (Cic. German. Vitruv. Manil. i. 264), *Bos* (German. 181), was by some mythologers regarded as the bull into which Jupiter transformed himself to gain Europa; according to others as the cow into which Io was metamorphosed; in either case an object of jealousy to Juno, as indicated by Ovid (*Fast.* iv. 7. 7). In another passage (vi. 712), in reference to the former idea, he speaks of him as *Agenoreus*, while Martial (x. 51) applies the epithet *Tyrius*.

This constellation is chiefly remarkable from including within its limits two small but closely packed clusters of stars, which attracted attention at a very early period, and are distinguished by Homer (*Il.* xviii. 486) and Hesiod (*Erg.* 615) as the HYADES and PLEIADES, names which they still retain unchanged.

The HYADES, Ὑάδες (Arat. 173), *Hyades* (German. &c.), situated in the forehead of the figure (ἐπὶ παντὶ μετώπῳ, Arat.; ἐπὶ τοῦ βουκράνου, Gemin.), derived their name ἀπὸ τοῦ ὕειν, because the period of their setting in the morning twilight (the end of November) marked the most wet and stormy period of the year. By the Italian peasants they were denominated the *suculae*, i. e. the little swine, and hence it has been imagined, but probably erroneously, that Ὑάδες is etymologically connected with Ὗς (Plin. *H. N.* xviii. 26; Gell. xiii. 9). They set in the evening twilight at Rome, towards the close of the republic, about the 20th of April, and hence were known as the *sidus Parilicium* (or *Palilicium*), the *Parilia* (or *Palilia*), the festival which marked the birth-day of the city, being kept upon the 21st. Ancient astronomers were not agreed as to the number of stars included in the Hyades (see Schol. *ad Arat.*). Thales reckoned two only (viz. α and ϵ), the two eyes of the bull; Euripides three; Achaeus four; Hesiod five; Pherecydes seven. The latter made nymphs of them, and the names have been preserved by Hyginus. One of these, *Thyene*, is put by Ovid (*Fast.* vi. 711) for the whole group, which elsewhere (v. 734) he terms the *Sidus Hyantis*, in allusion to a legend which he had previously (v. 169) recounted.

Still more important were the PLEIADES, Πλειάδες, Πληϊάδες (Hom. *l. c.* Arat. 255 regards them as a distinct constellation), *Pleiades* (German. &c. &c.), a word for which various etymologies have been proposed, the most reasonable being the verb πλεῖν, their heliacal rising and setting in the first half of May and the beginning of November having been the signal in the early ages of Greece for the mariner to commence and to discontinue his voyages. The form πελειάδες, i. e. *the flock of pigeons*, probably originated in a corruption. The Italian name was *Vergiliae* (Cic.), *Sidus Vergiliarum* (Vitruv. ix. 2), derived manifestly from their heliacal rising in spring. Aratus notices the circumstance that they are commonly spoken of as the *seven* stars, although six only are visible, and thus Ovid also

> "Quae septem dici sex tamen esse solent."

The fact is that the cluster consists of six stars, which can be distinctly seen by the naked eye, and of several very small ones, which are telescopic. Under very favourable circumstances, however, one of these may have occasionally been discerned, as Hipparchus states, or, possibly, as we know to have been the case with other fixed stars, one of them may have lost a portion of the lustre which it at one period possessed, and have become nearly or totally invisible. Be this as it may, the disappearance of the seventh Pleiad gave rise to a multitude of legends. By Hesiod they are styled Ἀτλαγενεῖς, *Children of Atlas*, from whom the Roman poets adopted the expression *Atlantides*, the name of the damsels (Arat. 262) being *Alcyone*, *Merope*, *Celaeno*, *Electra*, *Sterope* (or *Asterope*, German.), *Taygete* and *Maia*. Of these six wedded divinities, the seventh a mortal man, and thus her brilliancy became dimmed by the influence of the debasing alliance. One or other of the above names is frequently employed to denote the whole, as *Taygete* (Virg. *Georg.* iv. 232; Ov. *Met.* iii. 594), *Maia* (Virg. *Georg.* i. 225), *Sterope* (Ov. *Trist.* x. 14), and in like manner Πλειάς or *Pleias* is often used in the singular.

3. THE TWINS, Δίδυμοι (Arat. 147), *Gemini* (Cic. German. Vitruv. Manil. i. 265). The two brightest stars, being supposed to represent Castor and Pollux.

4. THE CRAB, Καρκίνος (Arat. 147), *Cancer* (Cic. Vitruv. German. Manil. i. 265), called *Lernaeus* by Columella (x. 313), because, according to the legend, it crawled out of the Lernaean swamp to attack Hercules while he was doing battle with the Hydra. The epithet *Littoreus* in Ovid (*Met.* x. 127) and Manilius (iii. 316) probably refers merely to the ordinary habits of the animal, and not, as Ideler supposes, to the same contest.

Two small stars in this constellation (γ, δ) were called Ὄνοι, *Asini* s. *Aselli*, the Donkeys, one being distinguished as the northern (βόρειος), the other as the southern (νότιος), and a nebular brightness between them, Φάτνη, *Praesepe*, the Stall or Manger. (Arat. 894, &c.; Plin. *H. N.* xviii. 35; Ptolem.) These seem to form what Manilius calls *Jugulae* (v. 174, and note of Scalig.), although *Jugula* is a name sometimes applied to Orion.

5. THE LION, Λέων (Arat. 149), *Leo* (Cic. German. Vitruv. Manil. i. 266), regarded as the Nemean lion slain by Hercules, and hence constantly termed simply *Nemacus* (e. g. Manil. iii. 409). The bright star now known as *Regulus*, a name introduced by Copernicus, was anciently, as we learn from the scholiast on Aratus, called βασιλίσκος, and marked the heart of the animal (ἐπὶ τῆς καρδίας). In Pliny it is *Regia* (*H. N.* xviii. 26, 28), in the scholiast on Germanicus, *Tyberone*, which is either a corruption, or arose from his mistaking the meaning of the word in Pliny, who says, "Stella *Regia* appellata Tuberoni in pectore Leonis," *i. e.* The star on the Lion's heart called *Regia* by Tubero.

6. THE VIRGIN, Παρθένος (Arat. 96, &c.), *Virgo* (Cic. German. Vitruv. Manil. i. 266), *Erigone* (Manil. ii. 552, et pass.), was mythically regarded as Δίκη, *Justitia*, or *Astraea*, or as *Erigone*, or as *Ceres*, or as *Isis*, or as *Fortuna*, the last name being given to her, according to the scholiast on Germanicus, "because she is a headless constellation."

The brightest star in the constellation is called by Aratus Στάχυς, *Spica* (German. Vitruv.), *Spicum* (Cic.), The Corn Ear, and this the figure is supposed to grasp in her left hand.

The star which marks the right wing (ε) was προτρυγητήρ (Arat. 138) s. προτρυγητής s. τρυγητήρ, translated *Provindemiator*, *Vindemiator* s. *Vindemitor*, and is now known as *Vindemiatrix*, names which it received in consequence of rising shortly before the period of the vintage. (Arat. 138 and schol.; Columell. xi. 2. § 24; Ov. *Fast*. iii. 407; Plin. *H. N.* xviii. 26, 31; Vitruv. ix. 3, says that the Greek name was προτρύγετος, and the Roman, *Provindemia Major*.)

7. The Balance was by the earlier Greek astronomers invariably denominated Χηλαί (Arat. 89), *Chelae* (Cic. German. Manil. ii. 544, et pass.), The Claws, *i. e.* of the Scorpion, which stands next in the Zodiac. Geminus, who flourished, it is believed, about B. C. 80, is, as far as we know, the first Greek writer who distinguishes the seventh sign as Ζυγός, which is used by Ptolemy indifferently with Χηλαί. The term *Libra*, for which Cicero in one passage employs *Jugum*, was first formally adopted by the Romans in the Calendar of Julius Caesar, to whom it was very probably suggested by Sosigenes. The figure, it would seem, was derived from the East, and must be regarded as a symbol of equality introduced into the heavens at the period when the entrance of the sun into that constellation marked the Autumnal Equinox. The scientific Latin writers, such as Vitruvius, Columella, and Pliny, uniformly distinguish this sign by the name *Libra* alone; the poets use either *Libra* or *Chelae*, as may suit their purpose. Manilius combines both into one phrase (*Juga Chelarum*, i. 609), while the ingenious conceit by which Virgil represents the Scorpion as drawing in his claws in order to make room for Augustus, is known to every reader of the first Georgic. (Comp. Ov. *Met.* ii. 195.)

In the commentary of Theon on the Almagest, *Libra* is frequently represented by Λίτρα or Λίτραι, a word originally borrowed by the Romans from the Sicilians, transformed into *Libra*, and then restored to the later Greeks in the new sense of a Balance.

8. The Scorpion, Σκορπίος (Arat. 85. 304), *Scorpius* (Cic. German.), *Scorpios* (Manil. i. 268, et pass.), *Scorpio* (Vitruv.). Cicero, in his translation of Aratus, and Manilius, both make use also of the term *Nepa*, a word, according to Festus, of African origin, sometimes employed to denote a *Scorpion* and sometimes a *Crab* (Plaut. *Cas.* ii. 8. 7; Cic. *de Fin.* v. 15); and thus Cicero, in line 460 of his Aratus, distinctly indicates the fourth sign by the word *Nepa*, which elsewhere is put for the Scorpion. Aratus names this constellation μέγα θηρίον and τέρας μέγα (84, 402), because, according to the Grecian arrangement, as explained in the last paragraph, it occupied, together with its claws, the space of two signs. (Ov. *Met.* ii. 195.)

'Αντάρης, now Antares, the name given to the brightest star, is first found in the works of Ptolemy, and probably refers to its colour and brilliancy, *rivalling that of* (the planet) *Mars*.

9. The Archer, τοξευτής, τοξευτήρ, and simply τόξον (Arat. 306, 400, 664, 665), *Sagittarius* (Vitruv.), *Sagittipotens* (Cic.), *Sagittifer* (German.), *Arcitenens* (Cic.), and simply *Arcus* (Cic. German.). This bowman was supposed to be in the shape of a centaur (*Mixtus equo*, Manil. i. 270), hence is frequently termed *Centaurus*, and sometimes individualised into *Chiron* (*Haemonii arcus*, Ov. *Met.* ii. 81), thus giving rise to a confusion between this sign and the Centaur among the southern constellations. (Comp. Columell. x. 56; Hygin. *P. A.* ii. 27.)

10. The Goat (*i. e.* the Chamois), Αἰγόκερως (Arat. 284), *Aegoceros* (German.), *Capricornus* (Cic. German. Vitruv. Manil. i. 271), *Caper* (Manil. ii. 659), called also Πάν by Eratosthenes. Hyginus, the scholiast on Germanicus, and Isidorus, inform us that some of the ancients represented this creature with the tail of a fish, and in this form it is actually figured on several coins of Augustus, who was born under the sign. No notice of such a peculiarity in shape is taken by Aratus, Eratosthenes, or Ptolemy.

11. The Waterman, 'Υδροχόος (Arat. 283), *Hydrochoos* (German.), *Aquarius* (Cic. Vitruv. German. Manil. i. 472), *Aquitenens* (German. 560), *Fundens latices* (German. 388), *Aequoreus juvenis* (Manil. ii. 558), *Juvenis gerens aquam* (Ov. *Fast.* i. 652), and simply *Juvenis* (Manil. iv. 709), was regarded by those who connected the figure with mythical legends sometimes as *Deucalion* (German. 568), sometimes as *Ganymedes*. (Manil. v. 487; comp. Schol. *ad Arat.* 283.)

The four stars (γ, ζ, η, π) on the rigth hand were, according to Geminus, named κάλπις, which is equivalent to the Latin *Situla*, an Urn.

The Water Stream, "Υδωρ (Arat.), χύσις ὕδατος, *Aqua* (Cic.), *Effusio Aquae* (Schol. Germ. 119), which ends with the bright star, now known by the Arabic name *Fomahand* or *Fomalhant*, in the mouth of the Piscis Australis (see Manil. i. 446, and comp. Vitruv. ix. 4, *quae vero ab Aquario fundi memoratur Aqua profluit inter Piscis Austrini caput et caudam Ceti*), is regarded as a separate constellation under the name of "Υδωρ by Aratus (389—399), and also by Geminus, who distinguishes it as the "Υδωρ τὸ ἀπὸ τοῦ 'Υδροχόου, "the Water flowing from the Waterman," in order that it may not be confounded with the constellation Eridanus, the Ποταμὸς ὁ ἀπὸ τοῦ 'Ωρίωνος, "the River flowing from Orion."

12. The Fishes, 'Ιχθύες (Arat. 240) or in the dual 'Ιχθύε, *Pisces* (Cic. Vitruv.), *Gemini Pisces*, *Imbriferi duo Pisces* (German.). One of these was entitled the Northern (*Aquilonaris Piscis*, Vitruv. ix. 3), the other the Southern Fish (Schol. *ad Arat.* 240; Ov. *Fast.* iii. 401; Schol. German. Hygin. *P. A.* iii. 29); but in order to prevent the embarrassment which might arise from identifying the latter with the "Ιχθυς νότιος, or *Piscis Australis*, a constellation of the southern hemisphere, Ptolemy names the northern of the two ἑπόμενος, and the other ἡγουμένος, a precaution by no means unnecessary since Manilius actually confounds (i. 272) the fishes of the Zodiac with the Piscis Australis. The Scholiast on Aratus remarks that the Northern Fish was represented with a swallow's head, and on that account styled χελιδονίας (i. e. *hirundininus*) by the Chaldaeans, a circumstance for which Scaliger accounts by supposing that the name was given in consequence of the entrance of the sun into this constellation, when the swallow appeared in Greece as the herald of Spring.

The legends connected with this constellation (Eratosth. 58; Hygin. *P. A.* ii. 30. 41) bear reference to a Syrian divinity, termed by the Greeks sometimes *Atargatis*) a Semitic word signifying *The*

Great Fish), sometimes *Derceto*, sometimes *Derce*. This power they confounded with another Syrian goddess *Astarte*, whom again they identified with their own Aphrodite. The story ran that when fleeing in terror from the violence of Typhon, she plunged into the Euphrates, and was transformed into a fish. (Manil. ii. 33, iv. 580.) Avienus terms these fishes *Bombycii*, for which Grotius has rightly proposed to substitute *Bambycii*, for Atargatis was specially worshipped at *Bambyce* or *Hierapolis* in Cyrrhestica. (Strab. xvi. p. 517; Plin. *H. N.* v. 23; Selden, *de Diis Syriis*, ii. 3.)

The bright star (α) which is supposed to form the knot of the two bands which connects the fishes by their tails, is by Aratus (245) named *Σύνδεσμος ὑπουραῖος*, by his scholiast *δεσμὸς οὐραῖος*, by Geminus and Germanicus simply *Σύνδεσμος*, terms variously translated *Nodus* (Cic.), *Nodus Piscium* (Vitruv.), *Nodus coelestis* (Avien.), *Commissura piscium* (Plin. xviii. 31). The bands themselves are called in one passage of Aratus (362) *Δεσμοὶ οὐραῖοι*, more commonly *Λίνοι* or *Λίνα*, the *Vincla* of Cicero and Germanicus, the *Alligamentum linteum* of the scholiast on the latter.

From Vitruvius (ix. 4) it appears that the sprinkling of indistinct stars between the Fishes and the Whale, was called by the Greeks Ἑρμηδόνη, a word explained by Hesychius to mean *τῶν ἀμυδρῶν ἀστέρων χύσις*.

Southern Signs.

1. THE WHALE, *Κῆτος* (Arat. 353), Ὀρφός (Jul. Firm. Astron. viii. 17), *Cetus* (Vitruv. ix. 4; Manil. i. 440), *Pristis* (German. 644; Manil. i. 363), *Nereia Pistris* (German. 714), *Neptunia Pistrix* (Cic., comp. German. 709). The last three designations are different forms of the Greek Πρῆστις, which Suidas interprets to signify *εἶδος κήτους θαλασσίου*. This was the sea-monster, according to Aratus, sent to devour Andromeda.

2. ORION, *Ὠρίων* (Arat. 322), *Ὠαρίων* (Pind. Callim.), *Orion* (Cic. German. Vitruv. Manil. i. 399), *Oarion* (Catull. lxv. sub fin.), *Proles Hyriea* (Ov. *Fast.* vi. 719, comp. v. 495). *Argion* in Julius Firmicus (viii. 9), is probably a corrupt form of Oarion.

This is one of the oldest constellations, being noticed in Homer (xviii. 486) and Hesiod (*Erg.* 598, 615, 619), both of whom employ the expression *σθένος Ὠρίωνος*. The figure was supposed to represent an armed warrior (*ξίφεος ἶφι πεποιθώς*, Arat.), grasping a shield in his left hand and a club in his right (*manu laeva tenens clipeum, clavum altera*, Vitruv. ix. 4), with a glittering belt, from which a sword depended (*Balteus Orionis*, *Vagina*, German.; *Ensis*, Cic.). The origin of the name is quite unknown, the ordinary derivation from *οὖρον*, to which a mythical legend was adapted, being altogether unworthy of attention. The morning setting of this remarkable cluster, about the beginning of November, pointed out in ancient times to the husbandman and the mariner the approach of the most stormy period of the year. (Hor. *Carm.* i. 28. 21, *Epod.* xv. 7, *Carm.* iii. 27. 18, *Epod.* x. 9; Virg. *Aen.* i. 535, iv. 52.)

An anonymous Greek writer quoted by Scaliger declares that the popular name for Orion was *Ἀλετροπόδιον*, which seems a corruption of *Ἀλεκτροπόδιον*, i. e. *Cocks-foot*, and Ideler thinks that we can, without any great stretch of fancy, trace a resemblance to a fowl strutting along.

Among the Romans *Jugula* or *Jugulae* seems to have been the indigenous appellation; the former is noticed by Varro and Festus, the latter occurs in Plautus (*Amph.* i. 1. 119) —

> " Nec Jugulae, neque Vesperugo, neque Vergiliae
> occidunt :"

but no satisfactory explanation has been proposed. The two bright stars (α, γ) under the head were called *Humeri*. (Var. *L. L.* vi. 3.)

3. THE ERIDANUS, *Ποταμός* (Arat. 358), *Amnis* (Cic. German.). Aratus remarks that it was considered as a remnant of the Eridanus,

> *Λείψανον Ἠριδανοῖο πολυκλαύστου ποταμοῖο*,

that mythical non-existent (*τὸν μηδαμοῦ γῆς ὄντα*, Strab.) stream which proved a fruitful source of speculation in ancient as it has done in modern times. The Romans identified the Eridanus with the Po; and hence while Cicero employs the former, Germanicus uses Eridanus and Padus indifferently. (Comp. Vitruv. ix. 4.) From Eratosthenes, the Scholiast on Germanicus and Hyginus (*P. A.* ii. 32), we learn that this constellation was by others called the Nile, that being the only earthly river which flowed from the south towards the north, as this stream of stars appears to do when rising above the horizon.

4. THE HARE, *Λαγωός* (Arat. 338), *Λαγώς*, *Lepus* (Vitruv. ix. 4), *Levipes Lepus* (Cic.), *Auritus Lepus* (German.), *Velox Lepus* (Manil.).

5. THE GREAT DOG, *Κύων*, *Σείριος* (Arat. 326), *Canis* (Cic.), *Canis Sirius* (German.). Aratus (342) employs the phrase *μεγάλοιο Κυνός*, but the epithet must be here understood to refer to the magnitude of the principal star and not to the constellation *Procyon*, which the Greeks never call the *Little or Lesser Dog*.

The most important star in the Great Dog, perhaps the brightest in the heavens, was frequently specially named *Κύων*, sometimes emphatically *τὸ ἄστρον*, and by the Romans *Canis* or *Canicula*, but is more frequently designated by the appellation *Σείριος*, *Sirius*, which occurs four times in Hesiod (*Erg.* 417, 587, 619, *Scut.* 397), although, in the first of these passages, the sun, and not a fixed star, is probably indicated. Indeed the word seems to be properly an adjective, signifying *glittering* or *bright*; and Eratosthenes remarks (c. 33), that astronomers were in the habit of denominating other stars *Σειρίους διὰ τὴν τῆς φλογὸς κίνησιν*. Homer twice (*Il.* v. 5, xxii. 25) alludes to this star without naming it, in one passage with the epithet *ὀπωρινός*, which will be discussed hereafter.

About four hundred years before our era, the heliacal rising of Sirius at Athens, corresponding with the entrance of the sun into the sign Leo, marked the hottest season of the year, and this observation being taken on trust by the Romans of a later epoch without considering whether it suited their age and country, the *Dies Caniculares* became proverbial among them, as the *Dog Days* are among ourselves, and the poets constantly refer to the Lion and the Dog in connection with the heats of midsummer.

6. THE LITTLE DOG, *Προκύων* (Arat. 450), *Procyon* (German.), or, literally translated, *Antecanem* (Cic.), *Antecanis* (schol. German.), so called because in Greece the constellation in question rises heliacally before the (Great) Dog. The names *Antecanis* and *Antecanem*, however, do not appear

to have been generally adopted, for Pliny (*H. N.* xviii. 28), when speaking of Procyon, remarks, "quod sidus apud Romanos non habet nomen, nisi *Caniculam* hanc velimus intelligi, hoc est, minorem canem ut in astris pingitur," words which do not necessarily imply that Procyon ever was actually termed *Canicula* by the Roman writers, although this was certainly sometimes the case if we can trust the express assertion of Hyginus, "Canem (sc. Icarii) autem sua adpellatione et specie *Caniculam* dixerunt, quae a Graecis, quod ante majorem canem exoritur, προκύων adpellatur" (P. A. ii. 4). A passage in Pliny (*H. N.* xviii. 69. § 3), would at first sight appear to be decisive: "IV. Kalendas Maii, Canis occidit, sidus et per se vehemens, *et cui praeoccidere Caniculam necesse sit.*" But since we know that in Northern latitudes the Great Dog not only rises after, but also sets before the Little Dog, it is evident that, unless we suppose Pliny to be involved in inextricable confusion, *Canicula* cannot here signify the sign Procyon. The explanation generally adopted, although somewhat forced, is that a reference is made to the practice of offering a dog in sacrifice on the Robigalia. (See Ov. *Fast.* iv. 936, &c.; Columell. x. 342, and the commentators on Pliny.)

While, as on the whole seems probable, Procyon was sometimes termed Canicula by the Romans, so on the other hand, the star Sirius seems to have been occasionally called Προκύων by the Greeks because he rose before the rest of the constellation to which he belonged. (See Galen. *Comment. in Hippocrat. Epidem.* i.) We cannot, however, attach this meaning to the words of Horace (*Carm.* iii. 29. 18) —

> jam Procyon furit
> Et stella vesani Leonis —

for the appearance of Procyon would to his countrymen be in reality a more sure indication of the hottest season than the rising of the Greater Dog.

We have already intimated that the Greeks designate the two constellations simply as Κύων and Προκύων, not as the Greater and Lesser Dog, a distinction which prevailed among the Romans, as we perceive clearly from Vitruvius (ix. 4): "Geminos autem minusculus Canis sequitur contra Anguis caput: Major item sequitur Minorem."

When Boötes was regarded as Icarius, and Virgo, as his daughter Erigone, Procyon became Maera, the dog of Icarius. (Hygin. *P. A.* ii. 4; comp. Ov. *Fast.* iv. 940.)

7. The Ship Argo, Ἀργώ (Arat. 342), *Argo* (Cic. Manil. i. 420), *Navis* (Cic.), *Argo Navis* (Cic.), *Navis quae nominatur Argo* (Vitruv.), *Argoa puppis* (German.). *Ratis Heroum* (Manil. v. 13). Like Pegasus and the Bull, it was supposed to represent only one half of the object (ἡμίτομος), the portion namely of the vessel behind the mast (ἱστὸν διχόωσα κατ' αὐτὸν, Arat. 605. *Puppe trahitur*, German.). The brightest star was by Eudoxus and Aratus (351, 368) distinguished as πηδάλιον (*gubernaculum*, Cic.), the rudder, instead of which Κάνωβος (*stella Canopi quae his regionibus est ignota*, Vitruv. ix. 4), a name which appears first in Eratosthenes (c. 37), and Hipparchus, became general. According to the Scholiast on Germanicus, it was called also *Ptolemaeon*, or, as Martianus Capella has it, *Ptolemaeus*, in honour, evidently, of some Egyptian monarch. This star, as the words of Vitruvius indicate, was not visible in Italian latitudes.

Cicero, in addition to the rudder, distinguishes the mast (*malum*) also, "radiato stipite malum."

8. The Water Snake, Ὕδρη (Arat. 444), Ὕδρος (Eratosth. Gemin. Ptolem), *Hydra* (Cic. Germ. Hygin. Avien.), *Hydros* (Germ.), *Anguis* (Vitruv. ix. 4; Ov. *Fast.* ii. 243; Manil. i. 422. See also Serv. *ad Virg. Georg.* i. 205; Hygin. *P. A.* ii. 40, iii. 39).

9. The Cup, Κρατήρ (Arat. 448), *Crater* (German. Vitruv. Manil. i. 424), *Fulgens Cratera* (Cic.), *Urna* (Schol. German.).

10. The Raven or Crow, Εἴδωλον κόρακος (Arat. 449), *Corvus* (Cic. German Vitruv.), *Phoebo sacer ales* (Manil. i. 424).

The Cup and the Raven were represented as standing upon the back of the Water Snake, and the whole three are grouped together by Ovid (*Fast.* ii. 243) in the couplet: —

> Continuata loco tria sidera, *Corvus* et *Anguis*,
> Et medius *Crater* inter utrumque jacet.

11. The Centaur, Κένταυρος (Arat. 431, 436), Ἱππότα φήρ (Arat. 664), Χείρων (Eratosth.), *Centaurus* (Cic. Vitruv. German.), *Geminus Biformis* (German.), *Sonipes* (German.), *Duplici Centaurus imagine* (Manil. i. 425), *Chiron* (German. 418, 624). By Ptolemy he is represented with a thyrsus in his hand, and these stars were, as we are told by Geminus, formed by Hipparchus into a distinct constellation under the name Θυρσόλογχος.

12. The Wolf, Θηρίον (Arat. 442), *Bestia* (Vitruv. ix. 4), *Hostia* (Hygin. *P. A.* ii. 38). This, according to Aratus (*l. c.*) was a wild beast grasped in the hand of the Centaur, but it received no name from the Greeks or Romans.

13. The Altar, Θυτήριον (Arat. 403), *Ara* (Cic. German. Manil. i. 428), *Apta Altaria sacris* (685), according to Geminus and Ptolemy Θυμιατήριον, translated *Turibulum* by Germanicus and Vitruvius (ix. 4). The scholiast on Germanicus furnishes two other names, *Sacrarium* and *Pharus*. In the legend preserved by Manilius (i. 428), it was the altar erected by Jove when heaven was invaded by the giants.

14. The Southern Crown. Not named by Aratus, who merely remarks (401) that under the fore-feet of Sagittarius are some stars sweeping round in a circle (δινωτοὶ κύκλῳ), but to these Geminus and Ptolemy give the specific name of Στέφανος νότιος. In consequence of no legend being attached to the group, Germanicus (388) describes it as

> *sine honore Corona*
> Ante Sagittiferi multum pernicia crura.

(Comp. Hygin. *P. A.* ii. 28. Manilius takes no notice of it.) Geminus has preserved two other names, Οὐρανίσκος and Κηρυκεῖον; the former Martianus Capella renders by *Coelulum*, the latter, used by Hipparchus, denotes a herald's wand of peace. Others, according to the scholiast on Aratus, regarded it as Ixion's wheel (Ἰξίονος τροχόν).

15. The Southern Fish, Ἰχθὺς νότιος (Arat. 387), *Piscis Notius* (Manil. i. 445; Hygin. *P. A.* iii. 40), *Piscis Australis* (Cic.), *Piscis Austrinus* (Vitruv. ix. 4; Columell. xi. 2).

It appears from Eratosthenes (38), and the scholiast on Germanicus, that it was styled also Ἰχθὺς μέγας, *Piscis magnus*.

Before quitting this part of our subject, we must add a few words on

Coma Berenices; Berenices Crinis. Milvus.

1. The Hair of Berenice, Πλόκαμος s. Βόστρυχος Βερονίκης (Callim. Schol. *ad Arat.* 146), *Coma Berenices* (see Catull. lxv.) was, as we have seen above, formed by Conon out of certain unappropriated (ἀμορφωτοί) stars behind the Lion's Tail, in honour of Berenice, the wife of Ptolemy Euergetes, and afforded a theme for a complimentary elegy by Callimachus, of which we possess a translation by Catullus. The constellation being unknown to Aratus, is not alluded to by his translators, Cicero and Germanicus, nor is it noticed by Manilius. When Pliny (*H. N.* ii. 71) observes "Septemtriones non cernit Troglodytice, et confinis Ægyptus: nec Canopum Italia, et quem vocant Berenices Crinem; item quem sub Divo Augusto cognominavere Caesaris Thronon, insignes ibi stellas," it is much more probable that he committed a positive blunder, than that, as some have supposed, he intended to indicate under the name of *Berenices Crinem* some southern sign to which no one else makes any allusion.

2. We find in Ovid (*Fast.* ii. 793) the following couplet in reference to the night of the 17th of March: —

Stella Lycaoniam vergit declivis ad Arcton
Miluus. Haec illa nocte videnda venit,

and in Pliny (*H. N.* xviii. 65. § 1), "Caesar et Idus Martias ferales sibi annotavit Scorpionis occasu: XV. vero Kalendas Aprilis Italiae Milvum ostendi: duodecimo Kalendas Equum occidere matutino." In the first of these passages we find a constellation named *Milvus* or the Kite described as one of the northern signs, or at least as a sign visible in Italy, and the period of its rising fixed to the 17th of March. The words of Pliny, although more ambiguous than those of Ovid, would lead us to suppose that he was quoting this, as well as the preceding observation, from the Calendar of Caesar; but the abruptness of his ordinary style is such as to prevent us from affirming this with certainty.

Now no Greek and no other Roman writers mention any constellation bearing the above name, nor can we adopt the explanation of Grotius, who supposes that the Swan or the Eagle is indicated, for the rising of these signs is removed by three months from the period here fixed. Ideler has, in all probability, discovered the solution of the enigma. In the Parapegma of Geminus, a phaenomenon described by the words Ἰκτῖνος φαίνεται, *i.e. Milvus apparet*, is placed by Eudoxus thirteen days before the vernal equinox, and by Euctemon and Calippus respectively, eight days and one day before the same epoch, while Ptolemy, in his Φάσεις ἀπλανῶν, marks under the 12th of Phamenoth (*i. e.* according to Ideler 8th March), Εὐδόξῳ χελιδὼν καὶ ἰκτῖνος φαίνεται. But the ἰκτῖνος, rendered *milvus* by the Latins, was, as we are told by Aristotle (*H. A.* viii. 16), a bird of passage, and hence the arrival of the ἰκτῖνος, like that of the swallow, took place at and served to mark a particular season of the year. Ovid and Pliny, being ignorant of this fact, and finding in the calendars which they consulted the words *Milvus apparet*, took it for granted, without further inquiry, that *Milvus* was the name of a constellation; for when we consider the context of the naturalist, as well as the date, but one day later than that fixed by Ovid, we can scarcely doubt that he, as well as the poet, believed *Milvus* to be a "Stella."

II. Risings and Settings of the Fixed Stars.

A nation like the Greeks, whose climate permitted them to watch their flocks by night during a considerable part of the year, could not fail to remark that certain fixed stars appeared and disappeared in regular succession, as the sun passed through the different stages of his annual career. Accordingly, we find, that as early as the time of Hesiod, the changes of the seasons, and the more important operations of agriculture, were fixed with reference to the risings and settings of Orion, the Pleiades, the Hyades, Arcturus, and Sirius. Such observations were in the first instance extremely rude; but after Thales had turned the attention of his countrymen to scientific astronomy, these celestial phenomena were determined with great care and accuracy: tables were drawn up in which the risings and settings of the more brilliant stars, with reference to the sun, were fully detailed, together with such notices, touching the winds and weather to be expected at the different epochs, as experience suggested. Copies were engraved on stone or brass, and, being nailed or hung up in the market-places of large towns and other places of public resort, received the name of παραπήγματα. Two catalogues of this description have been preserved which are valuable, inasmuch as they frequently quote the authority of the early Greek astronomers, Meton, Euctemon, Eudoxus, Calippus, &c. for their statements. The one was drawn up by Geminus (fl. B. C. 80), the other by the famous Ptolemy (A. D. 140). In the former the risings and settings of the stars are fixed according to the passage of the sun through the signs of the zodiac; in the latter they are ranged under the months and years of the Julian Calendar.

The practice commenced by Hesiod was followed by subsequent writers upon rural economy, and we accordingly find numerous precepts in Virgil, Columella, and Pliny delivered with reference to the risings and settings of the stars, forming a complete Calendarium Rusticum. Ovid has combined the Fasti of the city with these Rural Almanacs, and has thus gained an opportunity of enlivening his poem by recounting the various myths attached to the constellations. Indeed it would appear that Caesar, when he reconstructed the Fasti of Rome, included the risings and settings of the stars, since Pliny frequently quotes the authority of Caesar for his statements on these points. Thus the Fasti of Ovid may be considered as a commentary upon the almanac in common use.

The early Grecian *parapegmata* were undoubtedly constructed from actual observation in the countries where they were first exhibited, and must therefore have completely answered the purpose for which they were intended. But this does not by any means hold good of the corresponding compilations of the Romans, who, being little versed in astronomy themselves, copied blindly from others without knowledge or discrimination.

It is necessary to attend to two facts: —

1. The time of the risings and settings of the fixed stars varies for the same place at different epochs. Thus the Pleiades which at Rome rose

along with the sun on the 16th of April, B. C. 44, rose with the sun at Rome several days earlier in the age of Meton, and do not now rise with the sun at Rome until several days later. This is caused by the precession of the equinoxes.

2. The time of the risings and settings of the fixed stars is different on the same day in places whose latitude is different. Thus, in the year when the Pleiades rose along with the sun at Rome on the 16th of April, they did not rise along with the sun at Athens until the 22d of April.

Too little attention was paid to these considerations by the Roman writers; and consequently we not unfrequently discover that they combined the observations of astronomers who lived at times and places remote from them and from each other — that calculations made for the latitude of Athens, or of Rhodes, or of Alexandria, 300 years before, were adopted at once and transferred to their calendars without change or modification.

Another source of confusion is a want of precision in specifying the different kinds of risings and settings, which ought always to be most carefully distinguished from each other by appropriate scientific terms.

The risings and settings of the fixed stars, when considered with reference to the sun's place in his orbit, may be arranged under eight heads: —

(*a*) When a star rises at sunrise.
(*b*) When a star rises at sunset.
(*c*) When a star sets at sunrise.
(*d*) When a star sets at sunset.

(α) When a star rises shortly before the sun so as to be just visible in the morning twilight as it ascends above the horizon before its rays are overpowered by the light of the more brilliant luminary.

(β) When a star rises shortly after sunset so as to be just visible in the evening twilight as it ascends above the horizon.

(γ) When a star sets shortly before sunrise so as to be just visible in the morning twilight as it sinks below the horizon.

(δ) When a star sets shortly after sunset so as to be just visible in the evening twilight as it sinks below the horizon.

The names by which these, taken in order, are discriminated by the Greek astronomers Geminus (*Isagog.* cap. xi.) and Ptolemy (*Math. Syntax.* viii. 4) are the following: —

(*a*) Ἐπιτολὴ ἑῴα ἀληθινή, G. — Ἑῴα συνανατολὴ ἀληθινή, P. — *Ortus Matutinus Verus.* True morning rising.

(*b*) Ἐπιτολὴ ἑσπερία ἀληθινή, G. — Ἑσπερία συνανατολὴ ἀληθινή, P. — *Ortus Vespertinus Verus.* True evening rising.

(*c*) Δύσις ἑῴα ἀληθινή, G. — Ἑῴα συγκατάδυσις ἀληθινή, P. — *Occasus Matutinus Verus.* True morning setting.

(*d*) Δύσις ἑσπερία ἀληθινή, G. — Ἑσπερία συγκατάδυσις ἀληθινή, P. — *Occasus Vespertinus Verus.* True evening setting.

(α) Ἐπιτολὴ ἑῴα φαινομένη, G. — Ἑῴα προανατολὴ φαινομένη, P. — *Ortus Matutinus Apparens* s. *Ortus Heliacus.* Heliacal rising, *i. e.* First visible rising of a star in the morning twilight.

(β) Ἐπιτολὴ ἑσπερία φαινομένη, G. — Ἑσπερία ἐπανατολὴ φαινομένη, P. — *Ortus Vespertinus Apparens.* Last visible rising of a star after sunset.

(γ) Δύσις ἑῴα φαινομένη, G. — Ἑῴα πρόδυσις φαινομένη, P. — *Occasus Matutinus Apparens.* First visible setting of a star before sunrise.

(δ) Δύσις ἑσπερία φαινομένη, G. — Ἑσπερία ἐπικατάδυσις φαινομένη, P. — *Occasus Vespertinus Apparens* s. *Occasus Heliacus.* Heliacal setting, *i. e.* Last visible setting of a star in the evening twilight.

With regard to the above technicalities we must observe

1. That Geminus (*l. c.*) draws a distinction between the words ἀνατολή and ἐπιτολή. By ἀνατολή he understands the rising of a star considered simply with reference to its elevation above the horizon, which takes place once in twenty-four hours in consequence of the diurnal motion; by ἐπιτολή, the rising of the star considered with reference to its distance from the sun, which depends upon the sun's place in the ecliptic. As to the settings of the stars, he would make δύσις the correlative of ἀνατολή and κρύψις of ἐπιτολή; but to this last definition he does not himself adhere, since he constantly employs δύσις to denote the setting of a star, when considered with reference to its distance from the sun. Ptolemy, while he includes all the risings and settings under the general designation of Φάσεις ἀπλανῶν, endeavours to introduce an improved nomenclature, by varying the preposition according as the star rises or sets along with (σύν), or before (πρό) or after (ἐπί) the sun, but pays no regard to the rule of Geminus with respect to ἀνατολή and ἐπιτολή.

2. Two terms, in addition to those set down above, are commonly employed by writers on these topics, the COSMICAL rising and setting (*Ortus Cosmicus, Occasus C.*), and the ACRONYCHAL rising and setting (*Ortus Acronychus, Occasus A.*).

The epithet *Cosmicus*, as applied to this subject, first occurs in a note of Servius on Virg. *Georg.* i. 218, "ortus et occasus duo sunt: unus ἡλιακός, id est, *solaris*; et alter κοσμικός, id est, *mundanus*: unde fit ut ea signa quae cum sole oriuntur a nobis non possint videri; et ea, quae videmus, quantum ad solis rationem pertinet, videantur occidere." Modern astronomers have for the most part (see Petavius, Varr. *Diss.* p. 3, ed. 1630) adopted the phrase *Ortus Cosmicus* to indicate the rising marked (*a*), that is, the *Ortus Matutinus Verus*, and *Occasus Cosmicus* to indicate the setting marked (*c*), that is, the *Occasus Matutinus Verus*, but Ideler (*Historische Untersuchungen*, &c. p. 311), while he interprets *Ortus Cosmicus* in the sense usually received, applies *Occasus Cosmicus* to the setting marked (γ), that is, to the *Occasus Matutinus Apparens.*

Again, the epithet ἀκρόνυχος appears to be first used by Theophrastus (*De Signis Pluv. et Vent.* cap. i. § 2) where ἀνατολαὶ ἀκρόνυχοι are alone mentioned, and are distinctly explained to mean the rising of a star at sunset, that is, the *Ortus Vespertinus Verus* marked (*b*), and in this sense the phrase *Ortus Acronychus* is found in the treatises of Petavius and others who employ also the expression *Occasus Acronychus* to indicate the setting marked (*d*), that is, the *Occasus Vespertinus Verus.* Ideler concurs in the latter, but interprets *Ortus Acronychus* to mean the rising marked (β), that is, the *Ortus Vespertinus Apparens.* This view is certainly at variance with the words of Theophrastus, which are quite explicit and are corroborated by Julius Firmicus (ii. 8); but on the other hand in the Parapegma of Geminus, in the observations ascribed to Eudoxus, *ἀκρόνυχος* is the general term applied to all evening settings, and most of these unquestionably refer to the apparent phenomena. Euctemon again makes use of *ἑσπερίος* to express the same meaning. The words *'Ἀρκτοῦρος ἀκρόνυχος πρωΐας δύνει* under Scorpius d. 8. are probably corrupt.

Under these circumstances to prevent all confusion or ambiguity, we have altogether passed over the terms *Cosmicus* and *Acronychus* in our table, but have retained *Heliacus*, which, like *Cosmicus*, first occurs in the passage quoted from Servius, but is applied uniformly by subsequent writers to the phenomenon marked (*a*) and (*δ*), and to no others.

3. Pliny (*H. N.* xviii. 25) proposes to designate by *Emersus*, what we have called the Heliacal Rising (*a*), because the star then for the first time emerges from the sun's rays, and by *Occultatio*, what we have called the *Heliacal Setting* (*δ*), because this is the last appearance of the star, which is forthwith obscured by the sun's rays, but these terms do not appear to have been ever generally received.

4. It is manifest that of the eight phenomena, named above, the first four are purely matters of calculation, since the true risings and settings never can be visible to the naked eye. These then ought always to have been, and for some time always were, excluded from rural calendars intended for the use of practical men. We find, however, from the fragments of Calippus, preserved in the Parapegma of Geminus, when verified by computation, that this astronomer had substituted the true risings and settings for the apparent risings and settings, which were there marked in the tables of Euctemon, Meton and Eudoxus. Hence, great caution would become indispensable in quoting from different authorities, or in advancing an original statement. If the rising of a star was named, it would be necessary not only to specify whether it was the morning or the evening rising, but also whether the true or the apparent rising was indicated, and to proceed in like manner for the setting of a star. Now and then we find in Columella and Pliny some attempt to preserve accuracy in one or other of these essential points, as when the latter observes (xviii. 74): "Pridie Kalendas (Nov.) Caesari Arcturus occidit et Suculae *exoriuntur cum sole;*" "XVI. Kal. Octob. Ægypto Spica, quam tenet Virgo, exoritur matutino, Etesiaeque desinunt. Hoc idem Caesari XIV. Kalendas XIII. Assyriae significant;" and even in Virgil, as when he defines the *morning setting* of the Pleiads: "Ante tibi *Eoae* Atlantides abscondantur;" but for the most part both in prose writers and in poets, everything is vague and unsatisfactory; risings and settings of all descriptions, calculated for different epochs and for different latitudes, are thrown together at random. In order to substantiate these charges, we may examine the statements contained in Columella, Ovid, and Pliny with regard to *Lyra*, a constellation to which considerable importance was attached by the Romans, since the beginning of Autumn in the calendar of Caesar was marked by its (true) morning setting. It will suit our purpose particularly well, because from its limited extent every portion of the constellation became visible, within two or three days after the appearance of the first star; and hence no ambiguity could arise from the heliacal risings of the extreme portions being separated by an interval of some weeks, as was the case with Orion and others stretching over a large space in the heavens, in treating of which it became necessary to specify particular portions of the figure, as when we read "Orionis humerus oritur;" "Gladius Orionis occidere incipit;" Orion totus oritur," and so forth. In the following quotations, the words *Fidis* and *Fidicula* seem to be absolutely synonymous, there being no reason to believe that the latter was applied exclusively to the peculiarly bright star which in the catalogues of modern astronomers is *α Lyrae*, the *ὁ λαμπρὸς τῆς λύρας* of Ptolemy, although to this in all probability most of the observations were directed. We shall set down in regular order first the settings and then the risings.

Settings of Lyra.

(1.) Pridie Id. Aug. (12 August) Fidis occidit mane et Auctumnus incipit. *Col.* xi. 2. § 57.

According to Pliny (xviii. 59), the setting of Fidicula (*Fidiculae occasus*) marked the commencement of autumn, and took place on the forty-sixth day after the solstice, that is, on the 8th of August, if we include, according to the Roman method of computation, the 24th of June, the day from which he reckoned. In a subsequent chapter (68. § 2) he states that the phenomenon in question took place, according to the Calendar of Caesar, on the 11th of August, but that more accurate observations had fixed it to the 8th, and this he soon after repeats (69. § 4).

(2.) XIII. Kal. Sept. (*i. e.* 20 August) Sol in Virginem transitum facit... hoc eodem die Fidis occidit. — X. Kal. Sept. (23 August) ex eodem sidere tempestas plerumque oritur et pluvia. *Columell.* xi. 2. § 58.

(3.) XI. Kal. Feb. (22d January) Fidicula Vespere occidit, dies pluvius. *Columell.* x. 2. § 5.

Ovid places the setting on 23rd of January.

Fulgebit toto jam Lyra nulla polo. *Fast.* i. 653.

(4.) III. Kal. Feb. (30 January) Fidicula occidit. *Columell.* xi. 2. § 6.

(5.) Kal. Feb. (1 February) Fidis incipit occidere. Ventus Eurinus et interdum Auster cum grandine est. *Columell.* xi. 2. § 14.

III. Non. Febr. (3rd February) Fidis tota occidit. *Columell.* Ibid.

Ovid, without alluding to what he had said before, remarks on the 2nd of February (*Fast.* ii. 73):

Illa nocte aliquis tollens ad sidera vultum,
Dicet, ubi est hodie, quae Lyra fulsit heri?

Pliny has (xviii. 64) "Et pridie Nonas Februarias (4th February) Fidicula vesperi (sc. occidit).

Risings of Lyra.

(6.) IX. Kal. Mai. (23rd April) prima nocte Fidicula apparet, tempestatem significat. *Columell.* xi. 2. § 37.

VI. Kal. Mai. (26th April) Bæotiae et Atticae Canis Vesperi occultatur, Fidicula mane oritur. *Plin.* xviii. 66. § 1.

(7.) Ovid (*Fast.* v. 415) names the 5th of May as the day on which Lyra rises.

(8.) III. Id. Mai. (13th May) Fidis mane exoritur, significat tempestatem. *Columell.* xi. 2. § 40.

III. Id. Mai. Fidiculae exortus. *Plin.* xviii. 67. § 3.

Id. Mai. (15th May) Fidis mane exoritur. *Columell.* xi. 2. § 43.

(9.) III. Non. Novemb. (3rd November) Fidicula mane exoritur, hiemat et pluit. *Columell.* xi. 2. § 84.

(10.) VIII. Id. Novemb. (6th November) idem sidus totum exoritur, Auster vel Favonius, hiemat. *Columell.* Ibid.

(11.) XVI. Kal. Dec. (16th November) Fidis exoritur mane, Auster, interdum Aquilo magnus. *Columell.* xi. 2. § 88.

(12.) Non. Januar. (5th January) Fidis exoritur mane: tempestas varia. *Columell.* xi. 2. § 97.

> Institerint Nonae, missis tibi nubibus atris,
> Signa dabunt imbres exoriente Lyra.
> Ovid. *Fast.* i. 315.

Pridie Nonas Januarias (4th January) Caesari Delphinus matutino exoritur et postero die Fidicula. *Plin.* xviii. 64.

The total disregard of precision in the phraseology employed in describing the above appearances is evident in almost every assertion, but the confusion may be considered to have reached a climax when we read the words "Fidis (or Fidicula) exoritur mane," used without variation or explanation to denote a phenomenon assigned to the 26th of April, the 3d and 15th of May, the 3d and 16th of November. By examining each paragraph separately, we shall be still more fully convinced of the carelessness and ignorance displayed.

(1.) The *true morning setting* of *Lucida Lyrae* took place at Rome in the age of Caesar, on the 12th or 13th of August, and therefore the Calendar of Caesar here followed by Columella was more accurate than the authorities quoted by Pliny, unless these referred to a different latitude. Remark, however, that no hint is dropped by either to indicate that the *true*, and not the *apparent morning setting* is meant; and it ought to be borne in mind that the latter happened, at the epoch in question, on that very day at Alexandria. In the Parapegma of Geminus also, we find, under 11th of August (17 Leo), Εὐκτήμονι λύρα δυέται.

(2.) This must be the *apparent morning setting* which took place at Rome on 24th of August for the Julian epoch.

(3.) The *true evening setting*, calculated for Alexandria at the same epoch, took place on 23d of January, the very day named by Ovid.

(4.) This is the *heliacal setting*, which, for Lucida Lyrae, took place at Rome on 28th of January.

(5.) These notices seem to be borrowed from old Greek calendars. Eudoxus, as quoted by Geminus, assigns the *evening* (ἀκρόνυχος) *setting* of Lyra to the 11th degree of Aquarius, that is, the 4th of February according to the Julian calendar.

It will be seen that the three last paragraphs (3.), (4.), (5.), without any change of expression, spread the setting of Lyra over a space extending from 23d of January to 4th February, the apparent and true settings for Rome being on the 28th January and 9th February respectively.

(6.) The *apparent evening rising*, which seems clearly pointed out by the words of Columella, took place at Rome for the Julian era on 14th of April, at Alexandria on 26th of April: the *true evening rising* at Rome on 22d April, and to this, therefore, the statement of Columella, from whatever source derived, must, if accurate, apply. Pliny has here fallen into a palpable blunder, and has written *mane* for *vesperi*. In fact he has copied, perhaps at second hand, the observation of Eudoxus with regard to the Lyre and Dog (see Parapeg. of Gem.), except that he has inserted the word *mane* where the Greek astronomer simply says λύρα ἐπιτέλλει.

(7.) This will agree tolerably well with the *true evening rising* at Alexandria for the Julian era, but is twenty-one days too late for the *apparent evening setting* at Rome, and thirteen days too late for the *true evening setting*.

(8.) Here all is error. We must manifestly substitute *vespere* for *mane* in both passages of Columella; but even thus the observation will not give anything like a close approximation to any rising of Lyra either at Rome or Alexandria in the Julian age.

(9.) Copied verbatim along with the accompanying prognostic of the weather, from the Parapegma of Geminus, where it is ascribed to Euctemon. The day, however, corresponds closely with the *heliacal rising*, which took place at Rome on 5th of November.

(10.) Copied along with the prognostic "hiemat" (καὶ ὁ ἀὴρ χειμέριος γίνεται ὡς ἐπὶ τὰ πολλά) from the same compilation where it is ascribed to Democritus, who fixed upon this day for the *true morning rising* (λύρα ἐπιβάλλει ἅμα ἡλίῳ ἀνίσχοντι). At Rome this *rising* fell upon 23d of October.

(11.) Copied again from the same source, where it is ascribed to Eudoxus. Here the observation can in no way be stretched so as to apply to Rome.

(12.) This, like the last, can in no way be made applicable to Rome; but the *heliacal setting* at Alexandria took place, for that epoch, about four days later, on the 9th or 10th of January.

Having now pointed out the difficulties which the student must expect to encounter in prosecuting his inquiries in this department, we proceed briefly to examine the most remarkable passages in the classical writers, where particular periods of the year are defined by referring to the risings and settings of the stars. We begin with the most important, — the Pleiades, Arcturus, and Sirius, which we shall discuss fully, and then add a few words upon others of less note.

The Pleiades.

Hesiod. — Hesiod indicates the period of harvest by the rising of the Atlas-born Pleiads (*Erg.* 384) after they had remained concealed for forty days and forty nights. Now in the age of Hesiod (b. c. 800), the heliacal rising of the Pleiads took place at Athens, according to the computation of Ideler, on the 19th of May of the Julian Calendar, which is just the season when the wheat crop comes to maturity in that climate. Again (*l. c.*), he indicates the commencement of the ploughing-season, and the close of the season for navigating, by the morning setting of the Pleiads, which in that age and latitude fell about the third of the Julian November. In these and all other passages where Hesiod speaks of the risings and settings of the stars, we must unquestionably assume that he refers to the apparent phenomena. Indeed it is by no means improbable that the precepts which he inculcates may be the result of the personal observations of himself and his contemporaries.

VARRO, COLUMELLA, PLINY. — *Morning Rising.*—(1.) Varro, where he describes the distribution of the year into eight divisions, according to the calendar of Caesar, states that there was a space of forty-six days from the vernal equinox (25th March) to the rising of the Pleiades (*Vergiliarum exortum*), which is thus fixed to the 8th or 9th of May. (*R. R.* i. 28.)

(2.) Pliny (xviii. 66. § 1) names the 10th of May.

Columella has three distinct notices (*R. R.* xi. 2. §§ 36, 39).

(3.) *X. Kal. Mai.* (22d April) *Vergiliae cum sole oriuntur.*

(4.) *Nonis Maiis* (7th May) *Vergiliae exoriuntur mane.*

(5.) *VI. Idus sc. Mai* (10th May) *Vergiliae totae apparent;* and this last corresponds with his assertion elsewhere, that the phenomenon takes place forty-eight days after the vernal equinox (ix. 14. § 4).

Now the true morning rising of the Pleiads took place at Rome in the age of the above writers, who are all embraced within the limits of a century, about the 16th of April, the apparent or heliacal rising about the 28th of May. Hence, not one of the above statements is accurate. But (1) (2) (4) (5) approach closely to the observation of Euctemon (B. C. 430), according to whom the Pleiad rises on the 13th of Taurus (8th of May), and (3), which expressly refers to the true rising, although inapplicable to Rome, will suit the latitude of Athens for the epoch in question.

Morning Setting.—(1.) Varro places the setting of the Pleiades (*Vergiliarum occasum*) forty-five days after the autumnal equinox (24th Sept.), that is, on the 6th or 7th of November (*R. R.* i. 28).

(2.) Pliny names the 11th of November (xviii. 60, 74; the text in c. 59 is corrupt).

Columella, as before, has a succession of notices.

(3.) *XIII. et XII. Kal. Nov.* (20th and 21st Oct.) *Solis exortu Vergiliae incipiunt occidere.*

(4.) *V. Kal. Nov.* (28th Oct.) *Vergiliae occidunt.*

(5.) *VI. Id. Nov.* (8th Nov.) *Virgiliae mane occidunt.*

(6.) *IV. Id. Nov.* (10th Nov.) *hiemis initium.*

These are all taken from his calendar in xi. 2; but in ix. 14. § 11, "*Ab aequinoctio .... ad Vergiliarum occasum diebus XL.*" *i. e.* 2d or 3d of November. Compare ii. 8. § 1.

Now the true morning setting of the Pleiads took place for Rome at that epoch on the 29th of October, the apparent morning setting on the 9th of November. Hence, it appears that (5) may be regarded as an accurate determination of the apparent morning setting, and that (1) and (2) approach nearly to the truth, especially when we bear in mind that variations to the extent of two or even three days must be allowed in regard to a phenomenon which depends in some degree on the state of the atmosphere. We perceive also that (4) is correct for the true morning setting, while (3), which is inapplicable to Rome, corresponds to the horizon of Athens in the time of Meton. In the passage from Colum. ix. 14, we ought probably to adopt the conjecture of Pontedera, and read xliv. for xl.

Evening Setting and Evening Rising.—The evening setting of the Pleiades took place, according to Columella, on the 6th of April (*VIII. Idus Aprilis Vergiliae Vespere celantur*); according to the calendar of Caesar on the 5th. (Colum. xi. 2. § 34; Plin. *H. N.* xviii. 66.) These statements are not far from the truth, since the apparent evening setting took place at Rome for the Julian epoch on the 8th of April. The apparent evening rising belonged to the 25th of September.

VIRGIL. — Virgil (*Georg.* i. 221) enjoins the husbandman not to sow his wheat until after the morning setting of the Pleiades: —

> Ante tibi Eoae Atlantides abscondantur
> Gnosiaque ardentis decedat stella Coronae
> Debita quam sulcis committas semina.

Hesiod, as we have seen above, fixes the commencement of the ploughing season, without making any distinction as to the particular crop desired, by the (apparent) morning setting of the Pleiades, that is, for his age, the beginning of November. But it is impossible to tell whether Virgil intended merely to repeat this precept or had in his eye the calendar of Caesar or some similar compilation. Columella (ii. 8. § 1), in commenting upon these lines, understands him to mean the true morning setting, which, he says, takes place thirty-two days after the equinox, that is, on the 25th or 26th of October, a calculation not far from the truth, since we have pointed out above that the 28th was the real day.

There is another passage where both the rising and the setting of the Pleiades are mentioned in connection with the two periods of the honey harvest. (*Georg.* iv. 231)

> Bis gravidos cogunt foetus, duo tempora messis,
> Taygete simul os terris ostendit honestum
> Pleias et oceani spretos pede repulit amnes.
> Aut eadem sidus fugiens ubi Piscis aquosi
> Tristior hybernas coelo descendit in undas.

Here, again, there is nothing in the context by which we can ascertain the precise periods which the poet desired to define, we can only make a guess by comparing his injunction with those of others. Columella (xi. 2) recommends that the combs should be cut, *if full*, about the 22nd of April; but, since he adds that if they are not full the operation ought to be deferred, the matter is left quite indefinite. Now, the words of Virgil seem clearly to point to the heliacal rising which took place in his time at Rome about the 28th of May, more than five weeks after the day given by Columella. In like manner the last-named writer advises (xi. 2. § 57) that the autumnal collection of honey should be put off until the month of October, although others were in the habit of beginning earlier. The true morning setting was, as already stated, on the 28th of October, the apparent on the 9th of November.

As to the expression "sidus fugiens ubi Piscis aquosi," it will be sufficient to observe that although the "Piscis" in question has been variously supposed to be — one of the fishes in the zodiac — the Southern Fish — the Hydra — the Dolphin — or even the Scorpion, no one has yet succeeded in proposing a reasonable or intelligible interpretation, which can be reconciled with any delineation of the heavens with which we are acquainted.

OVID. — We are told in the *Fasti* (iv. 165) that at daybreak on the morning which follows the 1st of April: —

Pleiades incipiunt humeros relevare paternos
Quae septem dici, sex tamen esse solent.

According to the legend, the Pleiades were the daughters of Atlas, who supported the heavens on his shoulders, and hence, when they disappeared from the sky, they might be said to remove a portion of their father's burden "humeros relevare paternos." The apparent morning setting is therefore clearly denoted. But this took place at Rome on the 9th of November, while, on the other hand, the apparent evening (or heliacal) setting fell upon the 8th of April, only six days after the date mentioned. Hence, the poet blundered between the morning setting and the evening setting, which are many months apart.

Again (v. 599), the Pleiades are said to rise visibly in the morning on May 14th, marking the end of spring and the beginning of summer. Now the heliacal rising of the Pleiades did not take place at Rome when Ovid wrote until May 28th; but the phenomenon in question took place at Athens on May 16th in the age of Meton. Hence this observation was evidently copied from a Greek calendar computed for the fifth century B. C.

ARCTURUS.

Considerable difficulty arises in the discussion of the passages which refer to Arcturus, from the circumstance that this name is sometimes applied generally to the whole of the wide-spreading constellation of Boötes, and sometimes confined to the bright star in the knee of the figure.

HOMER. — Homer (*Od.* v. 29) speaks of Arcturus as *ὀψὲ δύοντα*, because the apparent evening or heliacal setting took place late in the year when winter was nigh at hand, and hence the phrase *νύκτες ἐπ' Ἀρκτούρῳ* for *long nights.* (See Arat. 585.) Another explanation of the phrase has been given above when discussing the constellation Boötes.

HESIOD. — Hesiod (*Erg.* 564) dates the commencement of Spring from the evening rising of Arcturus (*ἐπιτέλλεται ἀκροκνέφαιος*) sixty days after the solstice. Now the apparent evening rising for the age and country of Hesiod fell upon the 24th of February, therefore his statement is correct in round numbers.

Again, in the same poem (659) he marks the period of the vintage by the morning (heliacal) rising of Arcturus, which, according to Ideler, fell in that age on the 18th of September.

COLUMELLA, PLINY.—*Morning Rising.* Columella (ix. 14. § 10) places the rising of Arcturus about fifty days after the rising of Canicula; and since the heliacal rising of the latter fell on the 2d of August at Rome in the Julian era, and of the former on the 21st of September, the computation is exact.

Pliny (xviii. 74), *Arcturus vero medius pridie Idus* (sc. Septembr. oritur), *i. e.* 12th of September, where the middle portion of the whole constellation is indicated, and the observation is very accurate.

Morning Setting. — (1.) *XI. et X. Kal. Jun.* (22d and 23d May) *Arcturus mane occidit.* Col. xi. 2. § 43.

(2.) *VII. Id. Jun.* (9th June) *Arcturus occidit.* Id. § 45.

(3.) Pliny (xviii. 67. § 3) ascribes the *Arcturi occasus matutinus* to *V. Id. Mai, i. e.* 11th May.

(4.) Again, in the same section we find that *Arcturus matutino occidit* on the 8th of June.

Now the true morning setting of Arcturus for Rome at this epoch belongs to 28th of May, the apparent morning setting to 10th of June.

But (1) seems to be copied from the observation of Euctemon in the Parapegma of Geminus; (2) is a close approximation to the apparent morning setting for Rome; (3) is altogether erroneous, and must be a true morning setting extracted from some old Greek calendar; (4) corresponds with (2), and is nearly correct.

Evening Rising. — (1.) *IX. Kal. Mart.* (21st Feb.) *Arcturus prima nocte oritur.* Col. xi. 2. § 21.

(2.) *Ortus Arcturi qui est ab Idibus Februariis* (13th Feb.). Col. ix. 14.

(3.) *VIII. Kal. Mart.* (22d Feb.) *hirundinis visu et postero die* (23d Feb.) *Arcturi exortu vespertino.* Plin. *H. N.* xviii. 65.

Now the apparent evening rising of Arcturus took place for Rome at the Julian epoch on the 27th of February, the true evening rising on the 6th of March. But since it is evident from (2) that Columella here employed *Arcturus* to denote not merely the star properly so called, but the whole figure of Boötes, a latitude of several days must be allowed in the case of this as of all the larger constellations. See below the remarks on Ov. *Fast.* ii. 153. We may remark, however, that 21st—23d of February will answer for the apparent evening rising of the star Arcturus at Athens in the age of Meton.

Evening Setting. — *IV. Kal Nov.* (29th Oct.) *Arcturus vespere occidit, ventosus dies.* Col. xi. 2. § 78.

This is taken verbatim from an observation of Euctemon quoted in the Parapegma of Geminus. The heliacal setting for Rome was a few days later, about the 4th of November. But the observation of Euctemon is not accurate for the latitude of Athens in his own age, for the phenomenon ought to have been placed about five days earlier, which proves, as Pfaff remarks, that the Greek astronomers are not always to be depended upon in these matters.

We find in Pliny (xviii. 68. § 2), *VIII. Id. Aug.* (6th August) *Arcturus medius occidit.* This is so far removed from any setting of the star in question that Harduin pronounces the text corrupt, and substitutes *VII. Id. Aug. Aquarius occidit medius*, while Pfaff endeavours to refer the expression to the culmination, an explanation which is both in itself forced and completely at variance with the ordinary usage of Pliny.

Again, Pliny (xviii. § 74), *Pridie Kalendas* (Nov.) *Caesari Arcturus occidit, i. e.* 31st of October, and a few lines farther on *IV. Nonas Arcturus occidit vesperi.* The latter is not far from the truth; the former, unless it refers to the constellation in general, must have been borrowed from a foreign source.

VIRGIL. — Virgil (*Georg.* i. 229) instructs the husbandman to sow vetches, kidney beans and lentiles, when Boötes sets, by which he probably intends to indicate the heliacal setting of Arcturus on the 4th of November. In like manner Pliny (xviii. 15. § 24) orders the vetch to be sown about the setting of Arcturus, the kidney bean at the setting of Boötes (xviii. 24), the lentile in the month of November (xviii. 12). Columella assigns the sowing of vetches and kidney beans, and Palladius of kidney beans to the month of October; if the end of the month is meant, then the precept may be considered as identical with those of Virgil and Pliny; if the middle of the month is intended, this will correspond with the heliacal setting of Arcturus for the latitude of Alexandria.

Again, in *Georg.* i. 67. when treating of ploughing, the words

> At si non fuerit tellus fecunda, sub ipsum
> Arcturum tenui sat erit suspendere sulco,

refer to the morning rising. The true morning rising was on the 8th of September, the apparent on the 21st. The former agrees best with the directions given by Columella (ii. 4. § 11) for the ploughing of very light land, "graciles clivi non sunt aestate arandi, sed circa Septembres Kalendas," and a little lower down, when treating of the same kind of soil, "itaque optime inter Kalendas et Idus Septembres aratur et subinde iteratur."

Ovid. — In the second book of the Fasti (153) we read,

> Tertia nox veniat: custodem protinus Ursae
> Adspicies geminos exseruisse pedes,

that is, the *constellation* Arcturus displays both his feet on the 11th of February, where it ought to be observed that from the posture in which Boötes rises his two legs appear above the horizon nearly at the same time. The apparent evening rising of the star Arcturus took place at Rome, on 27th February, the true evening rising on the 6th of March; but the calendar to which Ovid was indebted probably recorded the appearance of the first star in the figure which became visible.

In three passages, the morning setting is clearly described (*Fast.* iii. 403, v. 733, vi. 235). In the first, it is placed on 4th or 5th of March, according as we adopt the reading *quartas* or *quintae;* in the second, on the 26th of May; in the third, on the 7th of June. Now there is no doubt that the setting of Boötes is spread over a considerable period; and hence, the epithet *piger*, applied to him here and elsewhere, but in no way could it be made to occupy three months. The star Arcturus is one of the first which sets in this constellation: its true morning setting took place on 28th May, its apparent morning setting on 10th June; thus the second and third of the above passages will apply to these two. In the first passage he has erroneously substituted the *apparent morning setting* for the *true evening rising*, which really took place, as we have seen, on the 6th of March.

SIRIUS. CANIS. CANICULA.

Homer, Hesiod. — Homer (*Il.* v. 5, xxii. 25) alludes to Sirius as the star of *ὀπώρα*, that is, of the hottest portion of summer, as will be explained more fully below in treating of the ancient division of the year into seasons. The heliacal rising of Sirius in Southern Greece would take place in the age of Homer about the middle of July.

The culmination of Sirius spoken of by Hesiod (*Erg.* 609), as marking along with the morning rising of Arcturus the period of the vintage, would take place in that age about the 20th of September. The passage (*Erg.* 417), where *Σείριος ἀστήρ* is supposed to denote the sun, has been already noticed. See above p. 152, b.

Varro, Columella, Pliny.—*Morning Rising.* — (1.) Varro, following the calendar of Caesar, reckons an interval of twenty-four days from the summer solstice to the rising of Sirius (*ad Caniculae signum*) which, according to this calculation, would fall on the 17th or 18th of July (*R. R.* i. 28.)

(2.) Columella (xi. 2. § 53) fixes upon the 26th of July (*VII. Kal. Aug. Canicula apparet*), and in another passage (ix. 15. § 5) makes the interval between the solstice and the rising of Sirius about thirty days (*peracto solstitio usque ad ortum Caniculae, qui fere dies triginta sunt*), that is, on the 24th of July.

(3.) Pliny (xviii. 38. § 2), says, that the epoch "*quod canis ortum vocamus*" corresponded with the entrance of the sun into Leo, that is, according to the Julian calendar, which he professes to follow, the 24th of July.

(4.) In the very next clause he says, that it fell twenty-three days after the solstice, that is, on the 17th of July.

(5.) And a little farther on (§ 4), he refers the same event specifically to the 17th of July (*XVI. Kal. Aug.*).

(6.) Finally, in a different part of his work (xi. 14), he places the rising of Sirius thirty days after the solstice: *ipso Sirio explendescente post solstitium diebus tricenis fere*, a passage in which it will be seen upon referring to the original, that he must have been consulting Greek authorities, and in which the words necessarily imply a *visible* rising of the star.

The whole of the above statements may be reduced to two. In (1), (4), (5), the rising of Sirius is placed on the 17th or 18th of July, twenty-three days after the solstice, in (2), (3), (6), *about* thirty days after the solstice; that is, 24th—26th of July.

Now the true morning rising of Sirius for Rome at the Julian era fell upon the 19th of July, the apparent morning or heliacal rising on the 2d of August, thirty-eight or thirty-nine days after the solstice.

Hence (1), (4), (5), are close approximations to the truth, while (2), (3), (6) are inapplicable to Rome, and borrowed from computations adapted to the horizon of Southern Greece.

Some words in Pliny deserve particular notice: "XVI. Kal. Aug. Assyriae Procyon exoritur; dein postridie fere ubique, confessum inter omnes sidus indicans, quod canis ortum vocamus, sole partem primam Leonis ingresso. Hoc fit post solstitium XXIII. die. Sentiunt id maria, et terrae, multae vero et ferae, ut suis locis diximus. Neque est minor ei veneratio quam descriptis in deos stellis." Although the expressions employed here are far from being distinct, they lead us to infer that certain remarkable periods in the year were from habit and superstition so indissolubly connected in the public mind with certain astronomical phenomena, that even after the periods in question had ceased to correspond with the phenomena, no change was introduced into the established phraseology. Thus the period of most intense heat, which at one time coincided with the heliacal rising of Sirius, would continue to be distinguished in the language of the people, and in almanacs intended for general use, as the *Canis Exortus*, long after the two epochs were removed to a distance from each other, just as among ourselves the term dog-days having once obtained a firm footing, is used and probably will continue to be used for centuries without the slightest regard to the actual position of the constellation at the time in question. An example still more striking, because it involves an anomaly universally recognised by scientific men, is the practice of denominating the position of the sun at the vernal equinox, as the *first point of Aries*, although two thousand years have elapsed since the intersection of the ecliptic with the equator corresponded with the commencement of the constellation Aries. A necessity has thus arisen of drawing a distinction, which proves most embarrassing to the unlearned, between the signs of the zodiac and the constellations of the zodiac, and thus the sun is said to be in the sign Aries while he is actually traversing the constellation of Pisces, and enters the sign Taurus long before he quits the constellation Aries. Now something of this sort may to a certain extent explain some of the anomalies which recur so perpetually in the calendar of Columella or Pliny. Certain remarkable appearances fixed upon at a very early period to mark the approach of summer and winter, such as the rising and setting of the Pleiades, may have by custom or tradition become so completely identified in the minds of the people with particular days, that the compilers of calendars intended for general use, while they desired to register accurate observations, were compelled at the same time to include those which, belonging to remote ages and foreign lands, had nevertheless acquired a prescriptive claim to attention. We may thus account for inconsistencies so numerous and glaring, that they could scarcely have been altogether overlooked by the writers in whose works they occur, although it is impossible to forgive their carelessness in withholding the necessary explanations, or the gross ignorance which they so often manifest.

Evening Setting. Columella places the evening setting of the Dog on the 30th of April (*Prid. Kal. Mai. Canis se Vespere celat*), xi. 2. § 37. Pliny on the 28th (*IV. Kal. Mai. Canis occidit, sidus et per se vehemens et cui praeoccidere Caniculam necesse sit*), xviii. 69.

The heliacal setting at Rome for the Julian era was on the 1st of May, which proves the above statements to be nearly correct. The expression *cui praeoccidere Caniculam necesse sit* has been already commented on. See above, p. 153, a.

Morning Setting. Evening Rising.—(1). *VII. Kal. Dec.* (25 Nov.) *Canicula occidit solis ortu.* Col. xi. 2. § 89.

(2.) *III. Kal. Jan.* (30 Dec.) *Canicula vespere occidit.* Ibid. § 94.

(3.) *III. Kal. Jan.* (30 Dec.) *Matutino canis occidens.* Plin. xviii. 64.

(1) is accurate for the apparent morning setting at Rome, B. C. 44.

(2) and (3) are directly at variance with each other, and are both blunders. The apparent evening rising took place at Rome on the 30th of December, not the evening setting as Columella would have it, nor the morning setting as Pliny has recorded.

Virgil. — Virgil instructs the farmer to sow beans, lucerne, and millet: —

> Candidus auratis aperit cum cornibus annum
> Taurus et adverso cedens Canis occidit astro.
> *Georg.* i. 217.

The sun entered Taurus, according to the Julian calendar, on the 24th of April: the heliacal setting of Sirius was on the 1st of May, six days afterwards. Many interpretations have been proposed for the words "adverso cedens Canis occidit astro;" of these the most plausible is that which explains them with reference to the form and attitude under which the constellation of the Dog was depicted, which made him set backwards facing the signs which follow.

Again, in *Georg.* iv. 425, we find

> Jam rapidus torrens sitientes Sirius Indos
> Ardebat coelo et medium sol igneus orbem
> Hauserat,

words which are intended to indicate the hottest portion of the day in the hottest season of the year. Here the separate mention of "Sol" is quite sufficient to confute those who would consider Sirius as equivalent in this passage to the sun. See above, p. 152, b. Comp. Lucan. *Phar.* x. 209.

Ovid. — In the fourth book of the *Fasti* (x. 901) the rising of Sirius is assigned to the 25th of April, is made coincident with the disappearance of Aries, and marks the epoch of mid-spring: —

> Sex ubi quae restant luces Aprilis habebit
> In medio cursu tempora Veris erunt;
> Et frustra pecudem quaeres Athamantidos Helles
> Signaque dant imbres exoriturque Canis.

A notorious blunder has been here committed by the poet. No rising of Sirius, either real or apparent, in the morning or in the evening, corresponds to this season. But this is the very day fixed by Euctemon (ap. Gemin. Parapeg.) for the heliacal setting (κύων κρύπτεται) of the Dog, which fell at Rome for the Julian era on the 1st of May.

Again, in *Fast.* v. 723, we read —

> Nocte sequente diem Canis Erigoneius exit,

that is, on the 22d of May. Now, it is clear from a former passage (iv. 939) that by *Canis Erigoneius* he means the Great Dog; but the true rising of Sirius took place for Rome at this period on the 19th of July, the apparent on the 2d of August.

Not much will be gained by supposing that Procyon is here alluded to; for the risings of that star precede those of Sirius by about eight days only. Here, again, therefore, we have a gross mistake.

Palladius. — Palladius (vii. 9): "In ortu Caniculae, qui apud Romanos XIV. Kal. Aug. (19th July) die tenetur, explorant (sc. Aegypti) quae semina exortum sidus exurat, quae illaesa custodiat." Now this is the exact period of the heliacal rising in Egypt for the Julian epoch; hence the words "apud Romanos" must refer to a notice in some Roman Calendar, and not to the real period of the phenomenon.

Orion.

It must be borne in mind that, from the great size of this constellation, its risings and settings are spread over a considerable space; while the brilliant stars which it contains are so numerous that no one can be fixed upon as a representative of the whole, as in the case of Boötes, where the different appearances are usually referred to Arcturus alone. Hence those writers who aim at precision use such phrases as "Orion incipit oriri," "Orion totus oritur," "Orion incipit occidere;" and wherever such qualifications are omitted the statements are necessarily vague.

Hesiod. — Hesiod (*Erg.* 598) orders the corn to be thrashed *εὖτ' ἂν πρῶτα φανῇ σθένος 'Ωρίωνος*. For that age and country the apparent morning or heliacal rising of Orion would be completed about the 9th of July.

The setting of Orion was one of the tokens which gave notice to the farmer that the season for ploughing had arrived, and to the mariner that he must no longer brave the perils of the deep. (*Erg.* 615.) The apparent morning setting extended over the whole month of November.

The culmination of Orion, which coincided with the vintage (*Erg.* 609) took place about the 14th of September.

Aristotle. — Aristotle (*Meteorolog.* ii. 5, *Problem.* xiv. 26) places the rising of Orion at the commencement of Opora, and the setting at the beginning of winter, or rather in the transition from summer to winter (*ἐν μεταβολῇ τοῦ θέρους καὶ χειμῶνος*).

Now the two limits which included the beginning and end of the apparent morning or heliacal rising, which alone can be here indicated, were, for the age and country of the writer, 17th of June—14th July; those which embraced the apparent morning setting were, 8th of November—8th of December; while the true morning setting continued from 27th of October—20th of November.

Upon examining the passages in question a very curious contradiction will be perceived, which has long exercised the ingenuity of the commentators. Aristotle distinctly asserts in one place that the rising of Orion is characterised by unsteady stormy weather, and offers an explanation of the fact: in another place he as distinctly avers that the rising of Orion is characterised by the absence of wind (*περὶ 'Ωρίωνος ἀνατολὴν μάλιστα γίνεται νηνεμία*).

Pliny. — (1) *VIII. Idus* (Mart.) *Aquilonii piscis exortu, et postero die Orionis.* xviii. 65. § 1.

(2) *Nonis* (Apr.) *Aegypto Orion et gladius ejus incipiunt abscondi.* xviii. 66. § 1.

(1) The first date, 8th of March, is so far removed from the rising of Orion, whether in the morning or the evening, that Ideler is probably correct when he supposes that either the text is corrupt or that Pliny himself inserted Orion by mistake instead of the name of some other constellation.

(2) Here also the date, 5th of April, is wide of the truth. The apparent evening setting of the middle star in the belt fell at Alexandria on the 26th of April, seven days later than at Rome, the true evening setting about the 9th or 10th of May.

Virgil, Horace. — Both Virgil and Horace frequently allude to the tempests which accompanied the winter setting of Orion (*Saevus ubi Orion hibernis conditur undis*, Virg. *Aen.* vii. 719; see also iv. 52; Hor. *Carm.* i. 28. 21, iii. 27. 17, *Epod.* x. 9, xv. 7), just as Hesiod (*Erg.* 617) eight hundred years before had warned the mariner that when the Pleiades, fleeing from the might of Orion, plunge into the dark main:

> *Δὴ τότε παντοίων ἀνέμων θύουσιν ἀῆται.*

The apparent morning setting of Orion, which in the time of Hesiod commenced early in November, soon after the morning setting of the Pleiades, thus became connected in traditional lore with the first gales of the rainy season, and the association continued for centuries, although the phenomenon itself became gradually further and further removed from the beginning of the stormy period. In the Parapegma of Geminus we find notices by three different astronomers, in which the setting of the Pleiades and of Orion are mentioned as attended by tempests, although each of the three fixes upon a different day. For Rome, at the Julian era, the apparent morning setting commenced about the 12th or 13th of November. In Pliny (xviii. 74) we find, "V. Idus Novembr. (8 Novemb.) gladius Orionis occidere incipit," which is the true morning setting for Alexandria at that epoch.

Ovid. — Ovid refers twice in his Fasti to the setting of Orion. In one passage (iv. 387) he places it on the day before the termination of the Megalesia, that is, on the 10th of April; in another (v. 493), where the complete disappearance of the figure is expressly noted, on the 11th of May.

Now the apparent evening setting of Rigel, the bright star which marks the left foot, took place for Rome in the age of the poet on 11th April, while the smaller star, now known as κ, set on the previous day, the true evening setting of Betelgeux, which marks the right shoulder, fell on the 11th of May. Hence it is clear that Ovid derived his information from two very accurate calendars, one of which gave the date of the commencement of the apparent evening setting; the other, the date of the termination of the true evening setting.

He refers twice to the rising of Orion also — in the sixth book of the Fasti (717), on the 16th of June:

> At pater Heliadum radios ubi tinxerit undis,
> Et cinget geminos stella serena polos,
> Tollet humo validos proles Hyrica lacertos,

and on the festival of Fortuna Fortis, on the 24th of June:

> Zona latet tua nunc, et cras fortasse latebit,
> Dehinc erit, Orion, adspicienda mihi,

that is, on the 26th of June.

With regard to the first, the date is nearly correct for the true MORNING (*not* EVENING, as the words denote) rising of the two stars (o o) at the extremity of the left hand; with regard to the second, the true morning rising of the middle star in the belt fell on the 21st of June, the apparent on the 13th of July. There is a mistake, therefore, here of five days, as far as Rome is concerned.

Hyades.

In Hesiod (*Erg.* 615), the setting of the Pleiades, of the Hyades, and of mighty Orion, warn the husbandman that the season has arrived for ploughing the earth, and the mariner, that navigation must cease. The apparent morning setting of the Hyades took place, according to the calculation of Ideler, for the age and country of Hesiod, on the 7th of the Julian November, four days after that of the Pleiades, and eight before that of Orion.

Virgil (*Aen.* i. 744, iii. 516) terms this cluster "pluvias Hyadas," and Horace (*Carm.* i. 3. 14) "tristes Hyadas," in reference to their morning setting at the most rainy and stormy season of the year. The true morning setting for Rome at the Julian era happened on the 3d of November, the apparent on the 14th of November. The apparent evening rising, which fell upon the 25th of October, would likewise suit these epithets.

Ovid, in his Fasti (iv. 677), places the evening setting of the Hyades on the 17th of April, the day fixed in the Calendar of Caesar (Plin. xviii. 66. § 1), while Columella names the 18th (*R. R.* xi. 2. § 36). These statements are nearly accurate, since the apparent evening, or heliacal setting, took place for Rome at that epoch on the 20th of April.

In the same poem, the morning rising is alluded to five times.

(1.) It is said (v. 163) to take place on the 2nd of May, which was the day fixed in the Calendar of Caesar (Plin. xviii. 66. § 1), and adopted by Columella (xi. 2. § 39), whose words, *Sucula cum sole oritur*, indicate the true morning rising.

(2.) On the 14th of May (v. 603), while Columella (Ibid. § 43) has, *XII. Kal. Jun.* (21st May) *Suculae exoriuntur.*

(3.) On the 27th of May (v. &c.).

(4.) On the second of June (vi. 197).

(5.) On the 15th of June (vi. 711).

Now the true morning rising of the Hyades for Rome at that epoch was on the 16th of May, the apparent or heliacal rising on the 9th of June, the true evening setting on the 3d of May.

Hence it is clear that Ovid, Columella, and Pliny, copying in (1) a blunder which had found its way into the Calendar of Caesar, assigned the morning rising to the 2nd of May instead of the true evening setting. The true evening rising lay between the days named in (2). The heliacal rising was thirteen days after (3), seven days after (4), six days before (5).

THE CRETAN CROWN.

We have seen above that Virgil (*Georg.* i. 222), instructs the farmer not to commence sowing wheat until after the Pleiades have set in the morning:

> Gnosiaque ardentis decedat stella Coronae,

words which must signify the *setting of the Cretan Crown.* The apparent evening (or heliacal) setting of this constellation fell at Rome for this epoch upon the 9th of November, the very day after the apparent morning setting of the Pleiades.

Ovid (*Fast.* iii. 459), after having spoken of the rising of Pegasus on the night of March 7th, adds,

> Protenus adspicies venienti nocte Coronam =
> Gnosida,

words which denote the evening rising; and, in reality, the apparent evening rising took place on the tenth of March, only two days later than the date here fixed.

THE KIDS.

Virgil (*Georg.* i. 205) when inculcating the utility of observing the stars, declares that it is no less necessary for the husbandman than for the mariner to watch Arcturus and the glistening Snake, and *the days of the Kids* (*haedorumque dies servandi*). Elsewhere (*Aen.* ix. 658) he compares a dense flight of arrows and javelins rattling against shields and helmets to the torrents of rain proceeding from the west under the influence of *the watery kids* (*pluvialibus haedis*). Horace (*Carm.* iii. 1. 27) dwells on the terrors of setting Arcturus and the *rising Kid*, while Ovid (*Trist.* i. 1. 13) and Theocritus (ζ'. 53. See Schol.) speak in the same strain. In Columella's Calendar (xi. 2. § 66) we find *V. Kal. Octob.* (27th Sept.) *Haedi exoriuntur*, and a little farther on (§ 73) *Pridie Non. Octob.* (4th Nov.) *Haedi oriuntur vespere.* The former date marks the precise day of the *true evening rising* of the foremost kid at Rome for the Julian era; and hence the *apparent evening rising*, which would fall some days earlier, would indicate the approach of those storms which commonly attend upon the autumnal equinox.

III. DIVISION OF THE YEAR INTO SEASONS.

As early as the age of Hesiod the commencement of different seasons was marked by the risings and settings of certain stars; but before proceeding to determine these limits it will be necessary to ascertain into how many compartments the year was portioned out by the earlier Greeks.

Homer clearly defines three: — 1. Spring (ἔαρ), at whose return the nightingale trills her notes among the greenwood brakes (*Od.* xix. 519). 2. Winter (χειμὼν, χεῖμα), at whose approach, accompanied by deluges of rain (ἀθέσφατον ὄμβρον), the cranes fly screaming away to the streams of ocean (*Il.* iii. 4, comp. Hesiod. *Erg.* 448). 3. Summer (ϑέρος), to which χεῖμα is directly opposed (*Od.* vii. 118). 4. Three lines occur in the Odyssey (xi. 191. αὐτὰρ ἐπὴν ἔλθῃσι ϑέρος τεθαλυῖα τ' ὀπώρη, and also xii. 76, xiv. 384) where the word ὀπώρα seems to be distinguished from ϑέρος, and is in consequence generally translated *autumn.* Ideler, however, has proved in a satisfactory manner (*Handbuch der Chron.* i. p. 243) that the term originally indicated not a season separate from and following after summer, but the hottest part of summer itself; and hence Sirius, whose heliacal rising took place in the age of Homer about the middle of July, is designated as ἀστὴρ ὀπωρινὸς (*Il.* v. 5; see Schol. and Eustath. ad loc.; compare also *Il.* xxii. 26), while Aristotle in one passage (*Meteorolog.* ii. 5) makes the heliacal rising of Sirius, which he notes as coinciding with the entrance of the sun into Leo, *i. e.* 24th July of the Julian calendar, the sign of the commencement of ὀπώρα; and in another passage (*Problem.* xxv. 26, xxvi. 14) places the rising of Orion at the beginning of ὀπώρα, and the setting of the same constellation at the beginning of winter — ἐν μεταβολῇ τοῦ ϑέρους καὶ χειμῶνος — an expression which clearly indicates that ὀπώρα was included within the more general ϑέρος.

Hesiod notices ἔαρ (*Erg.* 462), ϑέρος (*l. c.*), χεῖμα (450), and in his poem we find the trace of a fourfold division, for he employs the adjective μετοπωρινός (*Erg.* 415) in reference to the period of the first rains, when the excessive heat had in some degree abated. These rains he elsewhere calls the ὀπωρινὸς ὄμβρος, and notices them in connection with the vintage, when he enjoins the mariner to hasten home to port before the serene weather has passed away — μηδὲ μένειν οἶνον τε νέον καὶ ὀπωρινον ὄμβρον. Moreover, by making ϑερὸς proper end fifty days after the solstice (*Erg.* 663) he leaves a vacant space from the middle of August to the end of October, which he must have intended to fill by a fourth season, which he nowhere specifically names. As late, however, as

Aeschylus (*Prom.* 453) and Aristophanes (*Av.* 710) the seasons are spoken of as three, χειμών, ἔαρ, ϑέρος by the former; χειμών, ἔαρ, ὀπώρα by the latter. Nor can we avoid attaching some weight to the fact that the most ancient poets and artists recognised the Ὧραι as three only, bearing, according to the Theogony (901) the symbolical appellation of Order (Εὐνομία), Justice (Δίκη), and blooming Peace (Εἰρήνη). Indeed Pausanias has preserved a record of a time when the Ὧραι were known as two goddesses only — Καρπὼ, the patroness of fruits, and Θαλλὼ, the guardian of blossoms (ix. 35. § 2). We may hence safely conclude that the Greeks for many ages discriminated three seasons only, Winter, Spring, and Summer, that the general name for the whole of summer being ϑέρος, the hottest portion was distinguished as ὀπώρα, and that the latter term was gradually separated from the former, so that ϑέρος was commonly employed for early summer, and ὀπώρα for late summer.

The first direct mention of autumn is contained in the treatise *De Diaeta* (lib. iii. &c.), commonly ascribed to Hippocrates (B. C. 420), where we are told that the year is usually divided into four parts, Winter (χειμὼν), Spring (ἔαρ), Summer (ϑέρος), Autumn (φθινόπωρον); and this word with its synonym μετόπωρον occurs regularly from this time forward, proving that those by whom they were framed considered ὀπώρα, not as autumn, but as the period which immediately preceded autumn and merged in it.

We discover also in the Greek medical writers traces of a sevenfold division, although there is no evidence to prove that it was ever generally adopted. According to this distribution, summer is divided into two parts, and winter into three, and we have, 1. Spring (ἔαρ). 2. Early summer (ϑέρος). 3. Late summer (ὀπώρα). 4. Autumn (φθινόπωρον s. μετόπωρον). 5. The ploughing or sowing season (ἄροτος s. σπορητός). 6. Winter proper (χειμών). 7. The planting season (φυταλία).

From Varro (*R. R.* i. 28), Columella (ix. 14, xi. 2), and Pliny (xviii. 25) we infer that Julius Caesar, in his Calendar, selected an eight-fold division, each of the four seasons being subdivided into two, after this manner: 1. *Veris Initium.* 2. *Aequinoctium Vernum.* 3. *Aestatis Initium.* 4. *Solstitium.* 5. *Autumni Initium.* 6. *Aequinoctium Autumni.* 7. *Hiemis Initium.* 8. *Bruma.*

We find no trace in Homer of any connection having been established between the recurrence of particular astronomical phenomena, and the return of the seasons. But in Hesiod, as remarked above, and in subsequent writers, the limits of the divisions which they adopt are carefully defined by the risings and settings of particular stars or constellations. The following tabular arrangement will afford a view of the most important systems:

Division of the Seasons according to Hesiod.

Commencement of spring -	The evening (ἀκροκνέφαιος) rising of Arcturus 60 days after the winter solstice (*Erg.* 564).
Commencement of summer (ἄμητος) or reaping time	(Heliacal) rising of the Pleiads after they have remained concealed for 40 days and 40 nights (*Erg.* 383).
Thrashing time - -	(Heliacal) rising of the first star in Orion (*Erg.* 595).
Period of most oppressive heat	(Heliacal) rising of Sirius (*Erg.* 582, &c.).
End of summer (ϑέρος) -	Fifty days after the solstice (*Erg.* 663).
Period of the vintage -	(Heliacal) rising of Arcturus. Culmination of Sirius and Orion (*Erg.* 609).
Commencement of winter, which coincides with ploughing time (ἄροτος), and the close of navigation	The (morning) setting of the Pleiades (*Erg.* 383), of the Hyades, and of Orion (*Erg.* 615).

According to the Author of the Treatise "De Diaeta."

Commencement of spring -	The vernal equinox.
“ summer -	Heliacal rising of the Pleiades.
“ autumn -	Heliacal rising of Arcturus.
“ winter -	Morning setting of Pleiades.

Sevenfold Division, according to Hippocrates and other Medical Writers.

Commencement of spring - - -	The vernal equinox.
“ early summer (ϑέρος) -	Heliacal rising of the Pleiades.
“ late summer (ὀπώρα) -	Heliacal rising of Sirius.
“ autumn - - -	Heliacal rising of Arcturus.
“ ploughing and sowing season (ἄροτος σπορητὸς).	Morning setting of Pleiades.
Commencement of winter proper (χειμὼν) -	Winter solstice.
“ planting season (φυταλία)	Evening rising of Arcturus.

Seasons according to Euctemon, Eudoxus, and other Authors quoted in the Parapegma of Geminus.

First breezes of Zephyrus - - -	16° or 17° of Aquarius.
Appearance of the swallow - - -	2° of Pisces.
Appearance of kite (ἰκτινὸς φαινέται) -	17° of Pisces (Eud.) — 22° of Pisces (Euctem.).
Commencement of summer - - -	13° of Taurus.
Midwinter - - - - - -	14° of Capricornus.

According to the Calendar of Julius Caesar.

Commencement of spring -	The breezes of Favonius begin to blow	VII. Id. Feb. (7 February).
Vernal equinox - -	- - - - -	VIII. Kal. Apr. (25 March).
Commencement of summer	Heliacal rising of the Pleiades (Vergiliae)	VII. Kal. Mai. (9 May).
Summer solstice (*solstitium*)	- - - - -	VIII. Kal. Jun. (24 June).
Commencement of autumn	Morning setting of Fidicula - -	III. Id. Aug. (11 August).
Autumnal equinox - -	- - - - -	VIII. Kal. Oct. (24 September).
Commencement of winter	Morning setting of the Pleiades -	III. Id. Nov. (11 November).
Winter solstice (*bruma*) -	- - - - -	VIII. Kal. Jan. (25 December).

Thus assigning to spring, ninety-one days ; to summer, ninety-four days ; to autumn, ninety-one days ; to winter, eighty-four days. [W. R.]

ASTY'NOMI (ἀστυνόμοι), public officers in most of the Greek states, who had to preserve order in the streets, to keep them clean, and to see that all buildings, both public and private, were in a safe state, and not likely to cause injury by falling down. (Aristot. *Polit.* vi. 5, ed. Schneider ; Plat. *Leg.* vi. pp. 759, 763 ; Dig. 43. tit. 10. s. 1.) At Athens there were ten astynomi, five for the city and five for the Peiraeeus, and not twenty, fifteen for the city and five for the Peiraeeus, as is stated in some editions of Harpocration. (Harpocrat. Suid. *s. v.* ; Bekker, *Anecd.* p. 455 ; Böckh, *Corp. Inscrip.* vol. i. p. 337.) A person was obliged to discharge this burdensome office only once in his life. (Dem. *Pröem.* p. 1461.) The extent of the duties of the Athenian astynomi is uncertain. Aristotle states (*ap. Harpocr. l. c.*) that they had the superintendence of the scavengers (κοπρολόγοι), which would naturally belong to them on account of their attending to the cleansing of the streets, and he likewise informs us that they had the superintendence of the female musicians. It is probable, however, that they had only to do with the latter in virtue of their duty of preserving order in the streets, since the regulation of all the public prostitutes belonged to the agoranomi. [AGORANOMI.] It would likewise appear from a circumstance related by Diogenes Laërtius (vi. 90) that they could prevent a person from appearing in the streets in luxurious or indecent apparel. It is mentioned on one occasion that a will was deposited with the astynomi (Isaeus, *de Cleonym. Hered.* p. 36, ed. Steph.), a circumstance which does not seem in accordance with the duties of their office. (Meier, *Att. Process*, p. 93, &c.)

ASY'LUM (ἄσυλον). In the Greek states the temples, altars, sacred groves, and statues of the gods generally possessed the privileges of protecting slaves, debtors, and criminals, who fled to them for refuge. The laws, however, do not appear to have recognised the right of all such sacred places to afford the protection which was claimed ; but to have confined it to a certain number of temples, or altars, which were considered in a more especial manner to have the ἀσυλία, or *jus asyli*. (Servius *ad Virg. Aen.* ii. 761.) There were several places in Athens which possessed this privilege ; of which the best known was the Theseium, or temple of Theseus, in the city, which was chiefly intended for the protection of the ill-treated slaves, who could take refuge in this place, and compel their masters to sell them to some other person. (Plut. *Theseus*, 36 ; Schol. *ad Aristoph. Equit.* 1309 ; Hesych. and Suidas, *s. v.* Θησεῖον.) The other places in Athens which possessed the jus asyli were : the altar of pity, in the agora, the altar of Zeus Ἀγοραῖος, the altars of the twelve gods, the altar of the Eumenides on the Areiopagus, the Theseum in the Peiraeeus, and the altar of Artemis, at Munychia (Meier, *Att. Proc.* p. 404). Among the most celebrated places of asylum in other parts of Greece, we may mention the temple of Poseidon, in Laconia, on Mount Taenarus (Thuc. i. 128, 133 ; Corn. Nep. *Paus.* c. 4) ; the temple of Poseidon, in Calauria (Plut. *Demosth.* 29) ; and the temple of Athena Alea, in Tegea (Paus. iii. 5. § 6). It would appear, however, that all sacred places were supposed to protect an individual to a certain extent, even if their right to do so was not recognised by the laws of the state, in which they were situated. In such cases, however, as the law gave no protection, it seems to have been considered lawful to use any means in order to compel the individuals who had taken refuge to leave the sanctuary, except dragging them out by personal violence. Thus it was not uncommon to force a person from an altar or a statue of a god, by the application of fire. (Eurip. *Androm.* 256, with Schol. ; Plaut. *Mostell.* v. 1. 65.)

In the time of Tiberius, the number of places possessing the jus asyli in the Greek cities in Greece and Asia Minor became so numerous, as seriously to impede the administration of justice. In consequence of this, the senate, by the command of the emperor, limited the jus asyli to a few cities, but did not entirely abolish it, as Suetonius (*Tib.* 37) has erroneously stated. (See Tacit. *Ann.* iii. 60—63, iv. 14 ; and Ernesti's *Excursus to Suet. Tib.* 37.)

The asylum which Romulus is said to have opened at Rome on the Capitoline hill, between its two summits, in order to increase the population of the city (Liv. i. 8 ; Vell. Pat. i. 8 ; Dionys. ii. 15), was, according to the legend, a place of refuge for the inhabitants of other states, rather than a sanctuary for those who had violated the laws of the city. In the republican and early imperial times, a right of asylum, such as existed in the Greek states, does not appear to have been recognised by the Roman law. Livy seems to speak of the right (xxxv. 51) as peculiar to the Greeks : — *Templum est Apollinis Delium — eo jure sancto quo sunt templa quae asyla Graeci appellant.* By a constitutio of Antoninus Pius, it was decreed that, if a slave in a province fled to the temples of the gods or the statues of the emperors, to avoid the ill-usage of his master, the praeses could compel the master to sell the slave (Gaius, i. 53) ; and the slave was not regarded by the law as a runaway — *fugitivus* (Dig. 21. tit. 1. s. 17.

§ 12). This constitutio of Antoninus is quoted in Justinian's Institutes (1. tit. 8. s. 2), with a slight alteration; the words *ad aedem sacram* are substituted for *ad fana deorum*, since the jus asyli was in his time extended to churches. Those slaves who took refuge at the statue of an emperor were considered to inflict disgrace on their master, as it was reasonably supposed that no slave would take such a step, unless he had received very bad usage from his master. If it could be proved that any individual had instigated the slave of another to flee to the statue of an emperor, he was liable to an action *corrupti servi.* (Dig. 47. tit. 11. s. 5.) The right of asylum seems to have been generally, but not entirely, confined to slaves. (Dig. 48. tit. 19. s. 28. § 7. Comp. Osiander, *De Asylis Gentilium*, in Gronov. *Thesaur.* vol. vi.; Simon, *Sur les Asyles*, in *Mém. de l'Acad. des Inscript.* vol. iii.; Bringer, *De Asylorum Origine, Usu, et Abusu*, Lugd. Bat. 1828; C. Neu, *De Asylis*, Gott. 1837; respecting the right of asylum in the churches under the Christian emperors, see Rein, *Das Criminalrecht der Römer*, p. 896.)

The term ἀσυλία was also applied to the security from plunder (ἀσυλία καὶ κατὰ γῆν καὶ κατὰ ϑάλασσαν), which was sometimes granted by one state to another, or even to single individuals. (See Böckh, *Corp. Inscrip.* i. p. 725.)

ATELEIA (ἀτελεία), is generally immunity or exemption from some or all the duties which a person has to perform towards the state. Immunities may be granted either as a privilege to the citizens of a state, exempting them from certain duties which would otherwise be incumbent on them, or they are given as honorary distinctions to foreign kings, states, communities or even private individuals. With regard to the latter the ateleia was usually an exemption from custom duties on the importation or exportation of goods, and was given as a reward for certain good services. Thus Croesus received the ateleia at Delphi (Herod. i. 54), the Deceleans at Sparta (Herod. ix. 73), and Leucon, the ruler of Bosporus, at Athens. (Dem. *c. Lept.* p. 466, &c.) It appears that if a person thus distinguished, or a citizen of a foreign community possessing the ateleia, took up his residence in the state which had granted it, he also enjoyed other privileges, such as the exemption from the protection money, or tax which resident aliens had to pay at Athens. (Harpocrat. *s. v.* ἰσοτελῆς) Nay this ateleia might even become equivalent to the full franchise, as, *e. g.* the Byzantines gave the exemption from liturgies, and the franchise to all Athenians that might go to Byzantium. (Dem. *De Coron.* p. 256.) In many instances a partial ateleia, or an exemption from custom duties, was granted for the purpose of encouraging commerce. (Theophr. *Char.* 23; Schol. *ad Aristoph. Plut.* 905, with Böckh's remarks, *Publ. Econ.* p. 87.) With regard to the inhabitants of a state, we must, as in the case of Athens, again distinguish between two classes, viz. the resident aliens and real citizens. At Athens all resident aliens had to pay a tax (μετοίκιον) which we may term protection-tax, because it was the price for the protection they enjoyed at Athens; but as it was the interest of the state to increase commerce, and for that purpose to attract strangers to settle at Athens, many of them were exempted from this tax, *i. e.* enjoyed the ἀτέλεια μετοικίου (Dem. *c. Aristocr.* p. 691), and some were even exempted from custom duties, and the property tax or εἰσφορά, from which an Athenian citizen could never be exempted. The ateleia enjoyed by Athenian citizens was either a general immunity (ἀτέλεια ἀπάντων), such as was granted to persons who had done some great service to their country, and even to their descendants, as in the case of Harmodius and Aristogeiton; or it was a partial one exempting a person from all or certain liturgies, from certain custom duties, or from service in the army. The last of these immunities was legally enjoyed by all members of the council of the Five Hundred (Lycurg. *c. Leocr.* 11), and the archons for the time being, by the farmers of the custom duties (Dem. *c. Neaer.* 1353), and by those who traded by sea, although with them the exemption must have been limited. (Schol. *ad Arist. Plut.* 905, *Acharn.* 399; Suid. *s. v.* ἐμπορός εἰμι.) Most information respecting the ateleia is derived from Demosthenes' speech against Leptines. But compare also Wolf's *Prolegom. ad Lept.* p. lxxi. &c.; Böckh, *Publ. Econ.* p. 85, &c.; Westermann, *De publicis Atheniensium Honoribus et Pruemiis*, p. 6, &c. [L. S.]

ATELLA'NAE FA'BULAE. [COMOEDIA.]

ATHENAEUM (ἀθήναιον), a school (*ludus*) founded by the Emperor Hadrian at Rome, for the promotion of literary and scientific studies (*ingenuarum artium*), and called Athenaeum from the town of Athens, which was still regarded as the seat of intellectual refinement. The Athenaeum was situated on the Capitoline hill. It was a kind of university; and a staff of professors, for the various branches of study, was regularly engaged. Under Theodosius II., for example, there were three orators, ten grammarians, five sophists, one philosopher, two lawyers, or jurisconsults. Besides the instruction given by these magistri, poets, orators, and critics were accustomed to recite their compositions there, and these prelections were sometimes honoured with the presence of the emperors themselves. There were other places where such recitations were made, as the Library of Trajan [BIBLIOTHECA]; sometimes also a room was hired, and made into an auditorium, seats erected, &c. The Athenaeum seems to have continued in high repute till the fifth century. Little is known of the details of study or discipline in the Athenaeum, but in the constitution of the year 370, there are some regulations respecting students in Rome, from which it would appear that it must have been a very extensive and important institution. And this is confirmed by other statements contained in some of the Fathers and other ancient authors, from which we learn that young men from all parts, after finishing their usual school and college studies in their own town or province, used to resort to Rome as a sort of higher university, for the purpose of completing their education. (Aur. Vict. *Caes.* 14; Dion Cass. lxxiii. 17; Capitolin. *Pertin.* 11, *Gordian. Sen.* 3; Lamprid. *Alex. Sever.* 35; Cod. Theod. 14. tit. 9. s. 1.) [A. A.]

ATHLE'TAE (ἀθληταί, ἀθλητῆρες), were persons who contended in the public games of the Greeks and Romans for the prizes (ἆθλα, whence the name of ἀθληταί), which were given to those who conquered in contests of agility and strength. This name was, in the later period of Grecian history and among the Romans, properly confined to those persons who entirely devoted themselves to a course of training which might fit them to excel in such contests, and who, in fact, made athletic exercises their profession. The athletae differed, therefore, from the *agonistae* (ἀγωνισταί), who only pursued gymnastic exercises for the sake of improving their health and bodily strength, and who, though they sometimes contended for the prizes in the public games, did not devote their whole lives, like the athletae, to preparing for these contests. In early times there does not appear to have been any distinction between the athletae and agonistae; since we find that many individuals, who obtained prizes at the great national games of the Greeks, were persons of considerable political importance, who were never considered to pursue athletic exercises as a profession. Thus we read that Phayllus, of Crotona, who had thrice conquered in the Pythian games, commanded a vessel at the battle of Salamis (Herod. viii. 47; Paus. x. 9. § 1); and that Dorieus, of Rhodes, who had obtained the prize in all of the four great festivals, was celebrated in Greece for his opposition to the Athenians. (Paus. vi. 7. § 1, 2.) But as the individuals, who obtained the prizes in these games, received great honours and rewards, not only from their fellow-citizens, but also from foreign states, those persons who intended to contend for the prizes made extraordinary efforts to prepare themselves for the contest; and it was soon found that, unless they subjected themselves to a severer course of training than was afforded by the ordinary exercises of the gymnasia, they would not have any chance of gaining the victory. Thus arose a class of individuals, to whom the term athletae was appropriated, and who became, in course of time, the only persons who contended in the public games.

Athletae were first introduced at Rome, B. C. 186, in the games exhibited by M. Fulvius, on the conclusion of the Aetolian war. (Liv. xxxix. 22.) Aemilius Paulus, after the conquest of Perseus, B. C. 167, is said to have exhibited games at Amphipolis, at which athletae contended. (Liv. xlv. 32.) A *certamen athletarum* (Val. Max. ii. 4. § 7) was also exhibited by Scaurus, in B. C. 59; and among the various games with which Julius Caesar gratified the people, we read of a contest of athletae, which lasted for three days, and which was exhibited in a temporary stadium in the Campus Martius. (Suet. *Jul.* 39.) Under the Roman emperors, and especially under Nero, who was passionately fond of the Grecian games, the number of athletae increased greatly in Italy, Greece, and Asia Minor; and many inscriptions respecting them have come down to us, which shew that professional athletae were very numerous, and that they enjoyed several privileges. They formed at Rome a kind of corporation, and possessed a *tabularium*, and a common hall — *curia athletarum* (Orelli, *Inscrip.* 2588), in which they were accustomed to deliberate on all matters which had a reference to the interests of the body. We find that they were called *Herculanei*, and also *xystici*, because they were accustomed to exercise, in winter, in a covered place called xystus (Vitruv. vi. 10); and that they had a president, who was called *xystarchus*, and also ἀρχιερεύς.

Those athletae who conquered in any of the great national festivals of the Greeks were called *hieronicae* (*ἱερονῖκαι*), and received, as has been already remarked, the greatest honours and rewards. Such a conqueror was considered to confer honour upon the state to which he belonged; he entered his native city in triumph, through a breach made in the walls for his reception, to intimate, says Plutarch, that the state which possessed such a citizen had no occasion for walls. He usually passed through the walls in a chariot drawn by four white horses, and went along the principal street of the city to the temple of the guardian deity of the state, where hymns of victory were sung. Those games, which gave the conquerors the right of such an entrance into the city, were called *iselastici* (from εἰσελαύνειν). This term was originally confined to the four great Grecian festivals, the Olympian, Isthmian, Nemean, and Pythian; but was afterwards applied to other public games, as, for instance, to those instituted in Asia Minor. (Suet. *Ner.* 25; Dion Cass. lxiii. 20; Plut. *Symp.* ii. 5. § 2; Plin. *Ep.* x. 119, 120.) In the Greek states the victors in these games not only obtained the greatest glory and respect, but also substantial rewards. They were generally relieved from the payment of taxes, and also enjoyed the first seat (προεδρία) in all public games and spectacles. Their statues were frequently erected at the cost of the state, in the most frequented part of the city, as the market-place, the gymnasia, and the neighbourhood of the temples. (Paus. vi. 13. § 1, vii. 17. § 3.) At Athens, according to a law of Solon, the conquerors in the Olympic games were rewarded with a prize of 500 drachmae, and the conquerors in the Isthmian, with one of 100 drachmae (Diog. Laërt. i. 55; Plut. *Sol.* 23); and at Sparta they had the privilege of fighting near the person of the king. (Plut. *Lyc.* 22.) The privileges of the athletae were preserved and increased by Augustus (Suet. *Aug.* 45); and the following emperors appear to have always treated them with considerable favour. Those who conquered in the games called iselastici received, in the time of Trajan, a sum from the state, termed *opsonia*. (Plin. *Ep.* x. 119, 120; compare Vitruv. ix. *Praef.*) By a rescript of Diocletian and Maximian, those athletae who had obtained in the sacred games (*sacri certaminis*, by which is probably meant the *iselastici ludi*) not less than three crowns, and had not bribed their antagonists to give them the victory, enjoyed immunity from all taxes. (Cod. 10. tit. 53.)

The term athletae, though sometimes applied metaphorically to other combatants, was properly limited to those who contended for the prize in the five following contests: — 1. *Running* (δρόμος, *cursus*). 2. *Wrestling* (πάλη, *lucta*). 3. *Boxing* (πυγμή, *pugilatus*). 4. The *pentathlon* (πένταθλον), or, as the Romans called it, *quinquertium*. 5. The *pancratium* (παγκράτιον). Of all these an account is given in separate articles. [Stadium; Lucta; Pugilatus; Pentathlon; Pancratium.] These contests were divided into two kinds — the *severe* (βαρέα, βαρύτερα), and the *light* (κοῦφα, κουφότερα). Under the former were included wrestling, boxing, and the exercises of the pancratium, which consisted of wrestling and boxing combined, and was also called pammachion; and under the latter, running, and the separate parts of the pentathlon, such as leaping, throwing the discus, &c. (Plat. *Leg.* viii. p. 833, *Euthyd.* p. 271.)

Great attention was paid to the training of the athletae. They were generally trained in the palaestrae, which, in the Grecian states, were distinct places from the gymnasia, though they have been frequently confounded by modern writers. [Palaestra.] Their exercises were superintended by the gymnasiarch (γυμνασιάρχης), and their diet was regulated by the aliptes (ἀλείπτης). [Aliptae.] According to Pausanias (vi. 7. § 3), the athletae did not anciently eat meat, but principally lived upon fresh cheese (τυρὸν ἐκ τῶν ταλάρων); and Diogenes Laërtius (viii. 12, 13) informs us that their original diet consisted of dried figs (ἰσχάσι ξηραῖς), moist or new cheese (τυροῖς ὑγροῖς), and wheat (πυροῖς). The eating of meat by the athletae is said, according to some writers (Paus. *l. c.*), to have been first introduced by Dromeus of Stymphalus, in Arcadia; and, according to others, by the philosopher Pythagoras, or by an aliptes of that name. (Diog. Laërt. *l. c.*) According to Galen (*De Val. Tuend.* iii. 1), the athletae, who practised the severe exercises (βαρεῖς ἀθληταί), ate pork and a particular kind of bread; and from a remark of Diogenes the Cynic (Diog. Laërt. vi. 49), it would appear that in his time beef and pork formed the ordinary diet of the athletae. Beef is also mentioned by Plato (*De Rep.* i. p. 338) as the food of the athletae; and a writer quoted by Athenaeus (ix. p. 402, c. d.) relates that a Theban who lived upon goats' flesh became so strong, that he was enabled to overcome all the athletae of his time. At the end of the exercises of each day, the athletae were obliged to take a certain quantity of food, which was usually called ἀναγκοφαγία and ἀναγκοτροφία, or βίαιος τροφή (Arist. *Pol.* viii. 4); after which, they were accustomed to sleep for a long while. The quantity of animal food which some celebrated athletae, such as Milo, Theagenes, and Astydamas, are said to have eaten, appears to us quite incredible. (Athen. x. pp. 412, 413.) The food which they ate was usually dry, and is called by Juvenal *coliphia* (ii. 53).

The athletae were anointed with oil by the aliptae, previously to entering the palaestra and contending in the public games, and were accustomed to contend naked. In the description of the games given in the twenty-third book of the Iliad (*l.* 685, 710), the combatants are said to have worn a girdle about their loins; and the same practice, as we learn from Thucydides (i. 6), anciently prevailed at the Olympic games, but was discontinued afterwards.

This subject is one of such extent that nothing but an outline can here be given; further particulars are contained in the articles Isthmia, Nemea, Olympia, and Pythia; and the whole subject is treated most elaborately by Krause, *Die Gymnastik und Agonistik der Hellenen*, Leipzig, 1841.

ATHLO'THETAE. [Agonothetae.]

ATI'MIA (ἀτιμία). A citizen of Athens had the power to exercise all the rights and privileges of a citizen as long as he was not suffering under any kind of atimia, a word which in meaning nearly answers to our outlawry, in as much as a person forfeited by it the protection of the laws of his country, and mostly all the rights of a citizen also. The atimia occurs in Attica as early as the legislation of Solon, without the term itself being in any way defined in the laws (Dem. *c. Aristocrat.* p. 640), which shows that the idea connected with it must, even at that time, have been familiar to the Athenians, and this idea was probably that of a complete civil death; that is, an individual labouring under atimia, together with all that belonged to him (his children as well as his property), had, in the eyes of the state and the laws, no existence at all. This atimia, undoubtedly the only one in early times, may be termed a total one, and in cases where it was inflicted as a punishment for any particular crime, was generally also perpetual and hereditary; hence Demosthenes, in speaking of a person suffering under it, often uses the expression καθάπαξ ἄτιμος, or ἁπλῶς ἀτιμᾶται (*c. Mid.* p. 542, *c. Aristog.* p. 779, *c. Mid.* p. 546). A detailed enumeration of the rights of which an atimos was deprived, is given by Aeschines (*c. Timarch.* pp. 44, 46). He was not allowed to hold any civil or priestly office whatever, either in the city of Athens itself, or in any town within the dominion of Athens; he could not be employed as herald or as ambassador; he could not give his opinion or speak either in the public assembly or in the senate, he was not even allowed to appear within the extent of the agora; he was excluded from visiting the public sanctuaries as well as from taking part in any public sacrifice; he could neither bring an action against a person from whom he had sustained an injury, nor appear as a witness in any of the courts of justice; nor could, on the other hand, any one bring an action against him. (Compare Dem. *c. Neaer.* p. 1353, *c. Timocrat.* p. 739, *De Lib. Rhod.* p. 200, *Philip.* iii. p. 122, *c. Mid.* p. 542, Lys. *c. Andoc.* p. 222.) The right which, in point of fact, included most of those which we have here enumerated, was that of taking part in the popular assembly (λέγειν and γράφειν). Hence, this one right is most frequently the only one which is mentioned as being forfeited by atimia. (Dem. *c. Timocrat.* pp. 715, 717; Aeschin. *c. Timarch.* p. 54, &c.; Andocid. *De Myst.* p. 36; Dem. *c. Androt.* pp. 602, 604.) The service in the Athenian armies was not only regarded in the light of a duty which a citizen had to perform towards the state, but as a right and a privilege; of which therefore the atimos was likewise deprived. (Dem. *c. Timocrat.* p. 715.) When we hear that an atimos had no right to claim the protection of the laws, when suffering injuries from others, we must not imagine that it was the intention of the law to expose the atimos to the insults or ill-treatment of his former fellow-citizens, or to encourage the people to maltreat him with impunity, as might be inferred from the expression οἱ ἄτιμοι τοῦ ἐθέλοντος (Plat. *Gorg.* p. 508); but all that the law meant to do was, that if any such thing happened, the atimos had no right to claim the protection of the laws. We have above referred to two laws mentioned by Demosthenes, in which the children and the property of an atimos were included in the atimia. As regards the children or heirs, the infamy came to them as an inheritance which they could not avoid. [Heres.] But when we read of the property of a man being included in the atimia, it can only mean that it shared the lawless character of its owner, that is, it did not enjoy the protection of the law, and could not be mortgaged. The property of an atimos for a positive crime, such as those mentioned below, was probably never confiscated, but only in the case of a public debtor, as we shall see hereafter; and when Andocides (*de Myst.* p. 36) uses the expression ἄτιμοι ἦσαν τὰ σώματα, τὰ δὲ χρήματα εἶχον, the contrary which he had in view can only have been the case of a public debtor. On the whole, it appears to have been foreign to Athenian notions of justice to confiscate the property of a person who had incurred personal atimia by some illegal act. (Dem. *c. Lept.* p. 504.)

The crimes for which total and perpetual atimia was inflicted on a person were as follow: — The giving and accepting of bribes, the embezzlement of public money, manifest proofs of cowardice in the defence of his country, false witness, false accusation, and bad conduct towards parents (Andocid. *l. c.*): moreover, if a person either by deed or by word injured or insulted a magistrate while he was performing the duties of his office (Dem. *c. Mid.* p. 524, *Pro Megalop.* p. 200); if as a judge he had been guilty of partiality (*c. Mid.* p. 543); if he squandered away his paternal inheritance, or was guilty of prostitution (Diog. Laërt. i. 2. 7), &c. We have above called this atimia perpetual; for if a person had once incurred it, he could scarcely ever hope to be lawfully released from it. A law, mentioned by Demosthenes (*c. Timocrat.* p. 715), ordained that the releasing of any kind of atimoi should never be proposed in the public assembly, unless an assembly consisting of at least 6000 citizens had previously, in secret deliberation, agreed that such might be done. And even then the matter could only be discussed in so far as the senate and people thought proper. It was only in times when the republic was threatened by great danger that an atimos might hope to recover his lost rights, and in such circumstances the atimoi were sometimes restored *en masse* to their former rights. (Xen. *Hellen.* ii. 2. § 11; Andocid. *l. c.*)

A second kind of atimia, which though in its extent a total one, lasted only until the person subject to it fulfilled those duties for the neglect of which it had been inflicted, was not so much a punishment for any particular crime as a means of compelling a man to submit to the laws. This was the atimia of public debtors. Any citizen of Athens who owed money to the public treasury, whether his debt arose from a fine to which he had been condemned, or from a part he had taken in any branch of the administration, or from his having pledged himself to the republic for another person, was in a state of total atimia if he refused to pay or could not pay the sum which was due. His children during his lifetime were not included in his atimia; they remained ἐπίτιμοι. (Dem. *c. Theocrin.* p. 1322.) If he persevered in his refusal to pay beyond the time of the ninth prytany, his debt was doubled, and his property was taken and sold. (Andocid. *l. c.;* Dem. *c. Nicostrat.* p. 1255, *c. Neaer.* p. 1347.) If the sum obtained by the sale was sufficient to pay the debt, the atimia appears to have ceased; but if not, the atimia not only continued to the death of the public debtor, but was inherited by his heirs, and lasted until the debt was paid off. (Dem. *c. Androt.* p. 603, compare Böckh, *Publ. Econ. of Athens*, p. 391, 2d edit.; and HERES.) This atimia for public debt was sometimes accompanied by imprisonment, as in the case of Alcibiades and Cimon; but whether in such a case, on the death of the prisoner, his children were likewise imprisoned, is uncertain. If a person living in atimia for public debt petitioned to be released from his debt or his atimia, he became subject to ἔνδειξις: and if another person made the attempt for him, he thereby forfeited his own property; if the proedros even ventured to put the question to the vote, he himself became atimos. The only but almost impracticable mode of obtaining release was that mentioned above in connection with the total and perpetual atimia.

A third and only partial kind of atimia deprived the person on whom it was inflicted only of a portion of his rights as a citizen. (Andocid. *de Myst.* p. 17 and 36.) It was called the *ἀτιμία κατὰ πρόσταξιν*, because it was specified in every single case what particular right was forfeited by the atimos. The following cases are expressly mentioned: — If a man came forward as a public accuser, and afterwards either dropped the charge or did not obtain a fifth of the votes in favour of his accusation, he was not only liable to a fine of 1000 drachmae, but was subjected to an atimia which deprived him of the right, in future, to appear as accuser in a case of the same nature as that in which he had been defeated or which he had given up. (Dem. *c. Aristog.* p. 803; Harpocrat. *s. v.* *Δώρων γραφή*.) If his accusation had been a *γραφὴ ἀσεβείας*, he also lost the right of visiting particular temples. (Andocid. *de Myst.* p. 17.) Some cases are also mentioned in which an accuser, though he did not obtain a fifth of the votes, was not subjected to any punishment whatever. Such was the case in a charge brought before the first archon respecting the ill-treatment of parents, orphans, or heiresses. (Meier, *de Bon. Damnat.* p. 133.) In other cases the accuser was merely subject to the fine of 1000 drachmae, without incurring any degree of atimia. (Pollux, viii. 53.) But the law does not appear to have always been strictly observed. (Böckh, *Publ. Econ. of Athens*, p. 381, 2d ed.) Andocides mentions some other kinds of partial atimia, but they seem to have had only a temporary application at the end of the Peloponnesian war; and the passage (*De Myst.* p. 36) is so obscure or corrupt, that nothing can be inferred from it with any certainty. (Wachsmuth, *Hellen. Alterth.* vol. ii. p. 198, 2d ed.) Partial atimia, when once inflicted, lasted during the whole of a man's life.

The children of a man who had been put to death by the law were also atimoi (Dem. *c. Aristog.* p. 779; compare HERES); but the nature or duration of this atimia is unknown.

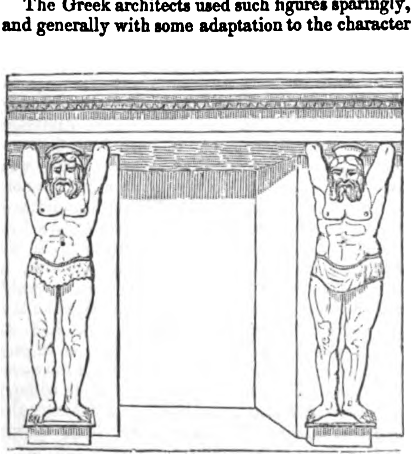
If a person, under whatever kind of atimia he was labouring, continued to exercise any of the rights which he had forfeited, he might immediately be subjected to ἀπαγωγή or ἔνδειξις: and if his transgression was proved, he might, without any further proceedings, be punished immediately.

The offences which were punished at Sparta with atimia are not as well known; and in many cases it does not seem to have been expressly mentioned by the law, but to have depended entirely upon public opinion, whether a person was to be considered and treated as an atimos or not. In general, it appears that every one who refused to live according to the national institutions lost the rights of a full citizen (ὅμοιοι, Xenoph. *de Rep. Laced.* x. 7; iii. 3). It was, however, a positive law, that whoever did not give or could not give his contribution towards the syssitia, lost his rights as a citizen. (Aristot. *Polit.* ii. 6. p. 59, ed. Göttling.) The highest degree of infamy fell upon the coward (*τρέσας*) who either ran away from the field of battle, or returned home without the rest of the army, as Aristodemus did after the battle of Thermopylae (Herod. vii. 231), though in this case the infamy itself, as well as its humiliating consequences, were manifestly the mere effect of public opinion, and lasted until the person labouring under it distinguished himself by some signal exploit, and thus wiped off the stain from his name. The Spartans, who in Sphacteria had surrendered to the Athenians, were punished with a kind of atimia which deprived them of their claims to public offices (a punishment common to all kinds of atimia), and rendered them incapable of making any lawful purchase or sale. Afterwards, however, they recovered their rights. (Thuc. v. 34.) Unmarried men were also subject to a certain degree of infamy, in so far as they were deprived of the customary honours of old age, were excluded from taking part in the celebration of certain festivals, and occasionally compelled to sing defamatory songs against themselves. No atimos was allowed to marry the daughter of a Spartan citizen, and was thus compelled to endure the ignominies of an old bachelor. (Plut. *Agesil.* 30; Müller, *Dor.* iv. 4. § 3.) Although an atimos at Sparta was subject to a great many painful restrictions, yet his condition cannot be called outlawry; it was rather a state of infamy properly so called. Even the atimia of a coward cannot be considered equivalent to the civil death of an Athenian atimos, for we find him still acting to some extent as a citizen, though always in a manner which made his infamy manifest to every one who saw him.

(Lelyveld, *De Infamia ex Jure Attico*, Amstelod. 1835; Wachsmuth, *Hellen. Alterth.* &c. vol. ii. p. 195, &c., 2d edit.; Meier, *De Bonis Damnat.* p. 101, &c.; Schömann, *De Comit. Ath.* p. 67, &c. transl.; Hermann, *Polit. Ant. of Greece*, § 124; Meier und Schömann, *Att. Proc.* p. 563. On the Spartan atimia in particular, see Wachsmuth, &c., vol. ii. p. 155, &c., 2d ed.; Müller, *Dor.* iii. 10. § 3.) [L. S.]

ATLANTES (ἄτλαντες) and **TELAMO'NES** (τελαμῶνες), are terms used in architecture, the former by the Greeks, the latter by the Romans, to designate those male figures which are sometimes fancifully used, like the female *Caryatides*, in place of columns (Vitruv. vi. 7. § 6, Schneid.). Both words are derived from τλῆναι, and the former evidently refers to the fable of Atlas, who supported the vault of heaven, the latter *perhaps* to the strength of the Telamonian Ajax.

The Greek architects used such figures sparingly, and generally with some adaptation to the character of the building. They were much more freely used in tripods, thrones, and so forth.



They were also applied as ornaments to the sides of a vessel, having the appearance of supporting the upper works; as in the ship of Hiero, described by Athenaeus (v. p. 208. b).

A representation of such figures is given in the preceding woodcut, copied from the *tepidarium* in the baths at Pompeii: another example of them is in the temple of Jupiter Olympius at Agrigentum.

(Müller, *Archäol. d. Kunst*, § 279; Mauch, *die Griech. u. Röm. Bau-Ordnungen*, p. 88.) [P. S.]

ATRAMENTUM, a term applicable to any black colouring substance, for whatever purpose it may be used (Plaut. *Mostell.* i. 3. 102; Cic. *de Nat. Deor.* ii. 50), like the μέλαν of the Greeks. (Dem. *de Cor.* p. 313.) There were, however, three principal kinds of atramentum, one called *librarium*, or *scriptorium* (in Greek, γραφικὸν μέλαν), another called *sutorium*, the third *tectorium*. *Atramentum librarium* was what we call writing-ink. (Hor. *Ep.* ii. 1. 236; Petron. 102; Cic. *ad Qu. Fr.* ii. 15.) *Atramentum sutorium* was used by shoemakers for dyeing leather. (Plin. *H. N.* xxxiv. 12. s. 32.) This *atramentum sutorium* contained some poisonous ingredient, such as oil of vitriol; whence a person is said to die of atramentum sutorium, that is, of poison, as in Cicero (*ad Fam.* ix. 21.) *Atramentum tectorium*, or *pictorium*, was used by painters for some purposes, apparently as a sort of varnish. (Plin. *H. N.* xxxvi. 5. s. 25, &c.) The Scholiast on Aristophanes (*Plut.* 277) says that the courts of justice, or δικαστήρια, in Athens were called each after some letter of the alphabet: one alpha, another beta, a third gamma, and, so on, and that against the doors of each δικαστήριον, the letter which belonged to it was written πυῤῥῷ βάμματι, in "red ink." This "red ink," or "red dye," could not of course be called atramentum. Of the ink of the Greeks, however, nothing certain is known, except what may be gathered from the passage of Demosthenes above referred to, which will be noticed again below. The ink of the Egyptians was evidently of a very superior kind, since its colour and brightness remain to this day in some specimens of papyri. The initial characters of the pages are often written in *red* ink. Ink among the Romans is first found mentioned in the passages of Cicero and Plautus above referred to. Pliny informs us how it was made. He says, "It was made of soot in various ways, with burnt resin or pitch: and for this purpose," he adds, "they have built furnaces, which do not allow the smoke to escape. The kind most commended is made in this way from pine-wood: —It is mixed with soot from the furnaces or baths (that is, the hypocausts of the baths); and this they use *ad volumina scribenda.* Some also make a kind of ink by boiling and straining the lees of wine," &c. (Plin. *H. N.* xxxvi. 5. s. 25.) With this account the statements of Vitruvius (vii. 10. p. 197, ed. Schneider) in the main agree. The black matter emitted by the cuttle-fish (*sepia*), and hence itself called *sepia*, was also used for atramentum. (Cic. *de Nat. Deor.* ii. 50; Persius, *Sat.* iii. 12, 13; Ausonius, iv. 76.) Aristotle, however, in treating of the cuttle-fish, does not refer to the use of the matter (θολὸς) which it emits, as ink. (Aelian, *H. A.* i. 34.) Pliny observes (xxvii. 7. s. 28) that an infusion of wormwood with ink preserves a manuscript from mice. On the whole, perhaps, it may be said that the inks of the ancients were more durable than our own; that they were thicker and more unctuous, in substance and durability more resembling the ink now used by printers. An inkstand was discovered at Herculaneum, containing ink as thick as oil, and still usable for writing.

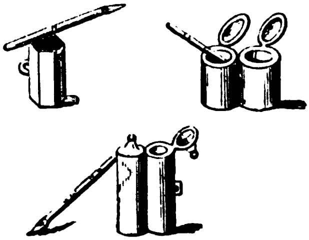
It would appear also that this gummy character of the ink, preventing it from running to the point of the pen, was as much complained of by the ancient Romans as it is by ourselves. Persius (*Sat.* iii. 12) represents a foppish writer sitting down to compose, but, as the ideas do not run freely,—

"Tunc queritur, crassus calamo quod pendeat humor;
Nigra quod infusa vanescat sepia lympha."

They also added water, as we do sometimes, to thin it.

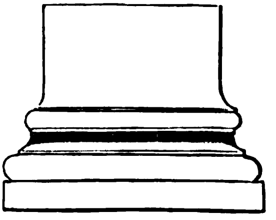
From a phrase used by Demosthenes, it would appear as if the colouring ingredient was obtained by rubbing from some solid substance (*τὸ μέλαν τρίβειν*, Dem. *de Cor.* p. 313), perhaps much as we rub Indian ink. It is probable that there were many ways of colouring ink, especially of different colours. Red ink (made of *minium*, vermilion) was used for writing the titles and beginnings of books (Ovid, *Trist.* i. 1. 7), so also was ink made of *rubrica*, "red ochre" (Sidon. vii. 12); and because the headings of *laws* were written with *rubrica*, the word rubric came to be used for the civil law. (Quintil. xii. 3.) So *album*, a white or whited table, on which the praetors' edicts were written, was used in a similar way. A person devoting himself to *album* and *rubrica*, was a person devoting himself to the law. [Album.] There was also a very expensive red-coloured ink with which the emperor used to write his signature, but which any one else was by an edict (Cod. 1. tit. 23. s. 6) forbidden to use, excepting the sons or near relations of the emperor, to whom the privilege was expressly granted. But if the emperor was under age, his guardian used a green ink for writing his signature. (Montfaucon, *Palaeog.* p. 3.) On the banners of Crassus there were *purple* letters — *φοινικὰ γράμματα.* (Dion Cass. xl. 18.) On pillars and monuments letters of gold and silver, or letters covered with gilt and silver, were sometimes used. (Cic. *Verr.* iv. 27; Suet. *Aug.* 7.) In writing also this was done at a later period. Suetonius (*Ner.* 10) says, that of the poems which Nero recited at Rome one part was written in gold (or gilt) letters (*aureis litteris*), and consecrated to Jupiter Capitolinus. This kind of illuminated writing was more practised afterwards in religious compositions, which were considered as worthy to be written in letters of gold (as we say even now), and therefore were actually written so. Something like what we call sympathetic ink, which is invisible till heat, or some preparation be applied, appears to have been not uncommon. So Ovid (*Art. Am.* iii. 627, &c.) advises writing love-letters with fresh milk, which would be unreadable, until the letters were sprinkled with coal-dust. Ausonius (*Epist.* xxiii. 21) gives the same direction. Pliny (xxvi. 8) suggests that the milky sap contained in some plants might be used in the same way.

An inkstand (*πυξίον, μελανδόχον*, Pollux, iv. 18, x. 59) was either single or double. The double inkstands were probably intended to contain both black and red ink, much in the modern fashion. They were also of various shapes, as for example, round or hexagonal. They had covers to keep the dust from the ink. The annexed cuts represent inkstands found at Pompeii. [Calamus.] (Cancparius, *De Atramentis cujusque Generis*, Lond. 1660; Beckmann, *History of Inventions*, vol. i. p. 106, vol. ii. p. 266, London, 1846; Becker, *Charikles*, vol. ii. p. 222, &c., *Gallus*, vol. i. p. 166, &c.)
[A. A.]



ATRIUM is used in a distinctive as well as collective sense, to designate a particular part in the private houses of the Romans [Domus], and also a class of public buildings, so called from their general resemblance in construction to the atrium of a private house. There is likewise a distinction between atrium and area; the former being an open area surrounded by a colonnade, whilst the latter had no such ornament attached to it. The atrium, moreover, was sometimes a building by itself, resembling in some respects the open basilica [Basilica], but consisting of three sides. Such was the Atrium Publicum in the capitol, which, Livy informs us, was struck with lightning, B. C. 214. (Liv. xxiv. 10.) It was at other times attached to some temple or other edifice, and in such case consisted of an open area and surrounding portico in front of the structure, like that before the church of St. Peter, in the Vatican. Several of these buildings are mentioned by the ancient historians, two of which were dedicated to the same goddess, Libertas; but an account of these buildings belongs to Roman topography, which is treated of in the *Dictionary of Geography*. [A. R.]

ATTICURGES (Ἀττικουργής, *in the Attic style*), is an architectural term, which only occurs in Vitruvius (iii. 5. § 2, iv. 6. §§ 1. 6, Schn.: as a common adjective, the word only occurs in a fragment of Menander, No. 628, Meineke). The word is evidently used not to describe a distinct order of architecture, but any of those variations which the genius of the Athenian architects made upon the established forms. In the former passage, Vitruvius applies it to a sort of base of a column, which he describes as consisting of two *tori* divided by a *scotia* or *trochilus*, with a fillet



above and below, and beneath all a *plinth:* but in several of the best examples the plinth is wanting. (For the exact proportions, see Vitruvius.) This form of base seems to have been originally an Athenian simplification of the Ionic base; but it was afterwards used in the other orders, especially the Corinthian and the Roman Doric; and it is usually regarded as being, from its simple elegance, the most generally applicable of all the bases [SPIRA].

In the second of the passages above referred to, Vitruvius applies the term *Atticurges* to a particular form of door-way, but it differed very little from that which he designates as the Doric: in fact, though Vitruvius enumerates three kinds of doorways to temples, the Doric, Ionic, and Attic, we only find in the existing building two really distinct forms. (Mauch, *die Griech. u. Röm. Bau-Ordnungen.* p. 97.) According to Pliny (*H. N.* xxxvi. 23. s. 56) square pillars were called *Atticae columnae.*) [P. S.]

AU'CTIO signifies generally "an increasing, an enhancement," and hence the name is applied to a public sale of goods, at which persons bid against one another. The term *auctio* is general, and comprehends the species *auctio*, *bonorum emtio* and *sectio.* As a species, *auctio* signifies a public sale of goods by the owner or his agent, or a sale of goods of a deceased person for the purpose of dividing the money among those entitled to it, which was called *auctio hereditaria.* (Cic. *Pro Caecin.* 5.) The sale was sometimes conducted by an argentarius, or by a magister auctionis; and the time, place, and conditions of sale, were announced either by a public notice (*tabula*, *album*, &c.), or by a crier (*praeco*).

The usual phrases to express the giving notice of a sale are *auctionem proscribere*, *praedicare;* and to determine on a sale, *auctionem constituere.* The purchasers (*emtores*), when assembled, were sometimes said *ad tabulam adesse.* The phrases signifying to bid are, *liceri*, *licitari*, which was done either by word of mouth, or by such significant hints as are known to all people who have attended an auction. The property was said to be knocked down (*addici*) to the purchaser who either entered into an engagement to pay the money to the argentarius or magister, or it was sometimes a condition of sale that there should be no delivery of the thing before payment. (Gaius iv. 126; ACTIO, pp. 9, 10.) An entry was made in the books of the argentarius of the sale and the money due, and credit was given in the same books to the purchaser when he paid the money (*expensa pecunia lata*, *accepta relata*). Thus the book of the argentarius might be used as evidence for the purchaser, both of his having made a purchase, and having paid for the thing purchased. If the money was not paid according to the conditions of sale, the argentarius could sue for it.

The praeco, or crier, seems to have acted the part of the modern auctioneer, so far as calling out the biddings (Cic. *De Offic.* ii. 23), and amusing the company. Slaves, when sold by auction, were placed on a stone, or other elevated thing, as is sometimes the case when slaves are sold in the United States of North America; and hence the phrase *homo de lapide emtus.* It was usual to put up a spear, *hasta*, in auctions, a symbol derived, it is said, from the ancient practice of selling under a spear the booty acquired in war. Hence the phrase "sub hasta vendere" (Cic. *De Off.* ii. 8) signified an auction. The expression "asta pubblica" is now used in Italy to signify an auction: the expression is "vendere all' asta pubblica," or "vendere per subasta." By the auctio, the Quiritarian ownership in the thing sold was transferred to the purchaser. [BONORUM EMTIO; SECTIO.] [G. L.]

AUCTOR, a word which contains the same element as *aug-eo*, and signifies generally one who enlarges, confirms, or gives to a thing its completeness and efficient form. The numerous technical significations of the word are derivable from this general notion. As he who gives to a thing that which is necessary for its completeness, may in this sense be viewed as the chief actor or doer, the word auctor is also used in the sense of one who originates or proposes a thing; but this cannot be viewed as its primary meaning. Accordingly, the word auctor, when used in connection with lex or senatus consultum, often means him who originates and proposes, as appears from numerous passages. (Liv. vi. 36; Cic. *Pro Dom.* c. 30.) When a measure was approved by the senate before it was confirmed by the votes of the people, the senate were said *auctores fieri*, and this preliminary approval was called *senatus auctoritas.* (Cic. *Brutus*, c. 14.)

The expressions "patres auctores fiunt," "patres auctores facti," have given rise to much discussion. In the earlier periods of the Roman state, the word "patres" was equivalent to "patricii;" in the later period, when the patricians had lost all importance as a political body, the term patres signified the senate. But the writers of the age of Cicero, when speaking of the early periods, often used the word patres, when they might have used patricii, and thus a confusion arose between the early and the later signification of the word patres.

The expression "patres auctores fiunt" means that the determinations of the populus in the comitia centuriata were confirmed by the patricians in the comitia curiata. To explain this fully, as to the earliest periods, it is necessary to show what the *lex curiata de imperio* was.

After the comitia curiata had elected a king (*creavit*), the king proposed to the same body a *lex curiata de imperio.* (Cic. *De Rep.* ii. 13, 17, 18, 20.) At first it might appear as if there were two elections, for the patricians, that is the populus, first elected the king, and then they had to vote again upon the imperium. Cicero (*De Leg. Agr.* ii. 11) explains it thus—that the populus had thus an opportunity to reconsider their vote (*reprehendendi potestas*). But the chief reason was that the imperium was not conferred by the bare election, and it was necessary that the king should have the imperium: consequently there must be a distinct vote upon it. Now Livy says nothing of the lex curiata in his first book, but he uses the expression "patres auctores fierent," "patres auctores facti." (Liv. i. 17, 22, 32.) In this sense the patres were the "auctores comitiorum," an expression analogous to that in which a tutor is said to be an auctor to his pupillus. In some passages the expression "patricii auctores" is used, which is an additional proof that in the expression "patres auctores," the patrician body is meant, and not the senate, as some have supposed.

Cicero, in the passages quoted, does not use the expression "patres auctores fiunt," nor does Livy, in the passages quoted, speak of the lex curiata de imperio. But they speak of the same thing, though they use different expressions. This explains why Dionysius sometimes uses an expression equivalent to "patricii auctores fiunt," for patricii of course means the curiae, and not the senate. (*Antiq. Rom.* ii. 60, vi. 90.)

Till the time of Servius Tullius there were only the comitia curiata, which, as already explained, first elected a king, and then by another vote conferred the imperium. The imperium could only be conferred on a determinate person. It was, therefore, necessary to determine first who was to be the person who was capable of receiving the imperium; and thus there were two separate votes of the patres. Servius Tullius established the comitia centuriata, in which the plebs also voted. When his constitution was in full force after the exile of the last Tarquin, the patres had still the privilege of confirming at the comitia curiata the vote of the comitia centuriata, that is, they gave to it the "patrum auctoritas" (Cic. *De Repub.* ii. 30); or, in other words, the "patres" were "auctores facti." (Cic. *Pro Plancio*, c. 3.) That this was the practice under the early Republic, we see from Livy (ix. 38, 39).

In the fifth century of the city a change was made. By one of the laws of the plebeian dictator Q. Publilius Philo, it was enacted (Liv. viii. 12) that in the case of leges to be enacted at the comitia centuriata, the patres should be auctores, that is, the curiae should give their assent before the vote of the comitia centuriata. If we take this literally, the comitia curiata might still reject a proposed law by refusing their previous sanction; and this might be so: but it is probable that the previous sanction became a matter of form. By a lex Maenia of uncertain date (Cic. *Brutus*, c. 14), the same change was made as to elections, which the Publilia lex had made as to the enacting of leges. This explains the passage of Livy (i. 17). Accordingly, after the passing of the lex Maenia, the "patrum auctoritas" was distinct from the lex curiata de imperio, while, before the passing of the lex Maenia, they were the same thing. Thus the lex Maenia made the lex curiata de imperio a mere form, for the imperium could not be refused, and so in the later Republic, in order to keep up a shadow of a substance, thirty lictors exhibited the ceremony of holding the curiata comitia; and the auctoritas patrum, which was the assent of the senate, appears as the mode in which the confirmation of the people's choice, and the conferring of the imperium, were both included.

This explanation which is founded on that of Becker (*Handbuch der Röm. Alterthümer*), and appears to be what he understands by the phrase "patres auctores," is at least more consistent with all the authorities than any other that has been proposed.

In the imperial time, auctor is often said of the emperor (*princeps*) who recommended any thing to the senate, and on which recommendation that body passed a senatus-consultum. (Gaius, i. 30, 80; Sueton. *Vesp.* 11.)

When the word auctor is applied to him who recommends, but does not originate a legislative measure, it is equivalent to *suasor*. (Cic. *Ad. Att.* i. 19; *Brutus*, c. 25, 27.) Sometimes both auctor and suasor are used in the same sentence, and the meaning of each is kept distinct. (Cic. *Off.* iii. 30.)

With reference to dealings between individuals, auctor has the sense of owner (Cic. *Pro Caecin.* 10), and is defined thus (Dig. 50. tit. 17. s. 175): *Auctor meus a quo jus in me transit.* In this sense auctor is the seller (*venditor*), as opposed to the buyer (*emtor*): the person who joined the seller in a warranty, or as security, was called *auctor secundus*, as opposed to the seller or *auctor primus.* (Dig. 19. tit. 1. s. 4, 21; tit. 2. s. 4, 51.) The phrase *a malo auctore emere* (Cic. *Verr.* 5. c. 22); *auctorem laudare* (Gell. ii. 10) will thus be intelligible. The testator, with respect to his heir, might be called auctor. (Ex Corp. Hermogen. Cod. tit. 11.)

Consistently with the meanings of auctor as already explained, the notion of consenting, approving, and giving validity to a measure affecting a person's status clearly appears in the following passage. (Cic. *Pro Dom.* c. 29.)

Auctor is also used generally to express any person under whose authority any legal act is done. In this sense, it means a tutor who is appointed to aid or advise a woman on account of the infirmity of her sex (Liv. xxxiv. 2; Cic. *Pro Caecin.* c. 25; Gaius, i. 190, 195): it is also applied to a tutor whose business it is to approve of certain acts on behalf of a ward (*pupillus*). (Paulus, *Dig.* 26. tit. 8. s. 3.)

The term auctores juris is equivalent to jurisperiti (Dig. 1. tit. 2. s. 2. § 13; Gellius, ii. c. 10): and the law writers or leaders of particular schools of law were called *scholae auctores.* It is unnecessary to trace the other significations of this word. [G. L.]

AUCTORAMENTUM. [GLADIATORES.]

AUCTO'RITAS. The technical meanings of this word correlate with those of auctor.

The auctoritas senatus was not a senatus-consultum; it was a measure, incomplete in itself, which received its completion by some other authority.

Auctoritas, as applied to property, is equivalent to legal ownership, being a correlation of auctor. (Cic. *Top.* c. 4; *Pro Caecin.* c. 26.) It was a provision of the laws of the Twelve Tables that there could be no usucapion of a stolen thing (Gaius, ii. 45), which is thus expressed by Gellius in speaking of the Atinian law (xvii. c. 7): *Quod subreptum erit ejus rei aeterna auctoritas esto;* the ownership of the thing stolen was still in the original owner. (Cic. *De Off.* i. c. 12; Dirksen, *Uebersicht, &c. der Zwölf-Tafel-Fragmente*, p. 417.) (As to the expression Usus Auctoritas, see USUCAPIO.)

Auctoritas sometimes signifies a warranty or collateral security; and thus correlated to auctor secundus. Auctoritatis actio means the action of eviction. (Paulus, *Sentent. Recept.* lib. 2. tit. 17.) The instrumenta auctoritatis are the proofs or evidences of title.

The auctoritas of the praetor is sometimes used to signify the judicial sanction of the praetor, or his order, by which a person, a tutor for instance, might be compelled to do some legal act (Gaius, i. 190; Dig. 27. tit. 9. s. 5), or, in other words, "auctor fieri." The tutor, with respect to his wards both male and female (*pupilli, pupillae*), was said *negotium gerere*, and *auctoritatem interponere:* the former phrase is applicable where the tutor does the act himself; the latter, where he gives his approbation and confirmation to the act of his ward. Though a pupillus had not a capacity to do any act which was prejudicial to him, he had a capacity to receive or assent to any thing which was for his benefit, and in such case the *auctoritas* of the tutor was not necessary.

The authority of decided cases was called *similiter judicatorum auctoritas.* The other meanings of auctoritas may be easily derived from the primary meaning of the word, and from the explanations here given. [G. L.]

AUDITO′RIUM, as the name implies, is any place for hearing. It was the practice among the Romans for poets and others to read their compositions to their friends, who were sometimes called the auditorium (Plin. *Ep.* iv. 7); but the word was also used to express any place in which any thing was heard, and under the empire it was applied to a court of justice. Under the republic the place for all judicial proceedings was the comitium and the forum. (Ni pagunt in comitio aut in foro ante meridiem causam coniicito quum perorant ambo praesentes. Dirksen, *Uebersicht*, &c. p. 725.) But for the sake of shelter and convenience, it became the practice to hold courts in the Basilicae, which contained halls, which were also called auditoria. In the dialogue de Oratoribus (c. 39), the writer observes that oratory had lost much by cases being generally heard in "auditoria et tabularia." It is first under M. Aurelius that the auditorium principis is mentioned, by which we must understand a hall or room in the imperial residence; and in such a hall Septimius Severus and the later emperors held their regular sittings when they presided as judges. (Dig. 36. tit. 1. s. 22, 49. tit. 9. s. 1; Dion Cass. lxxvi. 11; Dig. 4. tit. 4. s. 18.) The provincial governors also under the empire sometimes sat on their tribunal as in the republic, and sometimes in the praetorium or in an auditorium. Accordingly, the latest jurists use the word generally for any place in which justice was administered. (Dig. 1. tit. 22. s. 5.) In the time of Diocletian, the auditorium had got the name of *secretarium;* and in a constitution of Constantine (Cod. Th. i. tit. 16. s. 6), the two words seem to be used as equivalent, when he enacts that both criminal and civil cases should be heard openly (before the tribunal), and not in auditoria or secretaria. Valentinianus and Valens allowed causes to be heard either before the tribunal or in the secretarium, but yet with open doors. From the fifth century, the secretarium or secretum was the regular place for hearing causes, and the people were excluded by lattice-work (*cancellae*) and curtains (*vela*); but this may have been as much for convenience as for any other purpose, though it appears that at this late period of the empire there were only present the magistrate and his officers, and the parties to the cause. Only those whom the magistrate invited, or who had business, or persons of certain rank (honorati) had admission to the courts, under the despotic system of the late empire. (Cod. 1. tit. 48. s. 3; Hollweg, *Handbuch des Civilprozesses*, p. 215.) [G. L.]

AUGUR, AUGU′RIUM; AUSPEX, AUSPI′CIUM. *Augur* or *auspex* meant a diviner by birds, but came in course of time, like the Greek *οἰωνός*, to be applied in a more extended sense: his art was called *augurium* or *auspicium.* Plutarch relates that the *augures* were originally termed *auspices* (*Quaest. Rom.* c. 72), and there seems no reason to doubt this statement as Hartung does (*Die Religion der Römer*, vol. i. p. 99), on the authority of Servius (*ad Virg. Aen.* i. 402, iii. 20). The authority of Plutarch is further supported by the fact, that in Roman marriages the person who represented the diviner of ancient times, was called *auspex* and not *augur.* (Cic. *de Div.* i. 16). Rubino (*Römisch. Verfassung*, p. 45) draws a distinction between the meaning of the words *auspex* and *augur*, though he believes that they were used to indicate the same person, the former referring simply to the observation of the signs, and the latter to the interpretation of them. This view is certainly supported by the meaning of the verbs *auspicari* and *augurari*, and the same distinction seems to prevail between the words *auspicium* and *augurium*, when they are used together (Cic. *de Div.* ii. 48, *de Nat. Deor.* ii. 3), though they are often applied to the same signs. The word *auspex* was supplanted by *augur*, but the scientific term for the observation continued on the contrary to be *auspicium* and not *augurium.* The etymology of *auspex* is clear enough (from *avis*, and the root *speo* or *spic*), but that of *augur* is not so certain. The ancient grammarians derived it from *avis* and *gero* (Festus, *s. v. augur;* Serv. *ad Virg. Aen.* v. 523), while some modern writers suppose the root to be *aug*, signifying "to see," and the same as the Sanscrit *akshi*, the Latin *oculus*, and the German *auge*, and *ur* to be a termination; the word would thus correspond to the English *seer.* Others again believe the word to be of Etruscan origin, which is not incompatible with the supposition, as we shall show below, that the auspices were of Latin or Sabine origin, since the word *augur* may thus have been introduced along with Etruscan rites, and thus have superseded the original term *auspex.* There is, however, no certainty on the point; and, although the first mentioned etymology seems improbable, yet from the analogy of *au-spex* and *au-ceps*, we are inclined to believe that the former part of the word is of the same root as *avis*, and the latter *may* be connected with *gero*, more especially as Priscian (i. 6. § 36) gives *auger* and *augeratus*, as the more ancient forms of *augur* and *auguratus.* By Greek writers on Roman affairs, the augurs are called *οἰωνοπόλοι, οἰωνοσκόποι, οἰωνισταί, οἱ ἐπ' οἰωνοῖς ἱερεῖς.* The augurs formed a collegium at Rome, but their history, functions, and duties will be better explained after we have obtained a clear idea of what the auspices were, and who had the power of taking them.

An acquaintance with this subject is one of primary importance to every student of Roman history and antiquities. In the most ancient times, no transaction took place, either of a private or a public nature, without consulting the auspices, and hence we find the question asked in a well-known passage of Livy (vi. 14), "Auspiciis hanc urbem conditam esse, auspiciis bello ac pace, domo militiaeque omnia geri, quis est, qui ignoret?" An outline of the most important facts connected with the auspices, which is all that our limits will allow, therefore, claims our attentive consideration.

All the nations of antiquity were impressed with the firm belief, that the will of the gods and future events were revealed to men by certain signs, which were sent by the gods as marks of their favour to their sincere worshippers. Hence, the arguments of the Stoics that if there are gods, they care for men, and that if they care for men they must send them signs of their will (Cic. *de Leg.* ii. 13), expressed so completely the popular belief, that whoever questioned it, would have been looked upon in no other light than an atheist. But while all nations sought to become acquainted with the will of the gods by various modes, which gave rise to innumerable kinds of divination, there arose in each separate nation a sort of national belief that the particular gods, who watched over them, revealed the future to them in a distinct and peculiar manner. Hence, each people possessed a national *μαντική* or *divinatio*, which was supported by the laws and institutions of the state, and was guarded from mixture with foreign elements by stringent enactments. Thus, the Romans looked upon astrology and the whole prophetic art of the Chaldaeans as a dangerous innovation; they paid little attention to dreams, and hardly any to inspired prophets and seers. They had on the contrary learnt from the Etruscans to attach much importance to extraordinary appearances in nature — *Prodigia;* in common with other neighbouring nations they endeavoured to learn the future, especially in war, by consulting the entrails of victims; they laid great stress upon favourable or unfavourable *omina*, and in times of danger and difficulty were accustomed to consult the Sibylline books, which they had received from the Greeks; but the mode of divination, which was peculiar to them, and essentially national, consisted in those signs included under the name of *auspicia*. The observation of the auspices was, according to the unanimous testimony of the ancient writers, more ancient even than Rome itself, which is constantly represented as founded under the sanction of the auspices, and the use of them is therefore associated with the Latins, or the earliest inhabitants of the city. There seems therefore no reason to assign to them an Etruscan origin, as many modern writers are inclined to do, while there are several facts pointing to an opposite conclusion. Cicero, who was himself an augur, in his work *De Divinatione*, constantly appeals to the striking difference between the auspicia and the Etruscan system of divination; and, while he frequently mentions other nations which paid attention to the flight of birds as intimations of the divine will, he never once mentions this practice as in existence among the Etruscans. (Cic. *de Div.* i. 41, ii. 35, 38; *de Nat. Deor.* ii. 4.) The belief that the flight of birds gave some intimation of the will of the gods seems to have been prevalent among many nations of antiquity, and was common to the Greeks, as well as the Romans; but it was only among the latter people that it was reduced to a complete system, governed by fixed rules, and handed down from generation to generation. In Greece, the oracles supplanted the birds, and the future was learnt from Apollo and other gods, rarely from Zeus, who possessed very few oracles in Greece. The contrary was the case at Rome: it was from Jupiter that the future was learnt, and the birds were regarded as his messengers. (*Aves internuntiae Jovis*, Cic. *de Divin.* ii. 34; *Interpretes Jovis optimi maximi publici augures*, Cic. *de Leg.* ii. 8). It must be remarked in general, that the Roman auspices were essentially of a practical nature; they gave no information respecting the course of future events, they did not inform men *what was to happen*, but simply taught them *what they were to do, or not to do;* they assigned no reason for the decision of Jupiter, — they simply announced, yes or no.

The words *augurium* and *auspicium* came to be used in course of time to signify the observation of various kinds of signs. They were divided into five sorts: *ex caelo*, *ex avibus*, *ex tripudiis*, *ex quadrupedibus*, *ex diris*. Of these, the last three formed no part of the ancient auspices. The observation of signs in the heavens, such as lightning, was naturally connected with observing the heavens in order to watch the birds; and therefore, must in early times have formed part of the auspices; for in an early stage of society, lightning and similar phenomena have been always looked upon as sent by the gods. A few words must be said on each of these five kinds of augury.

1. *Ex caelo.* This included the observation of the various kinds of thunder and lightning, and was regarded as the most important, *maximum auspicium.* (Serv. *ad Virg. Aen.* ii. 693; Cic. *de Div.* ii. 18, &c.; Festus, *s. v. Coelestia.*) The interpretation of these phenomena was rather Etruscan than Roman; and the only point connected with them which deserves mention here, is, that whenever it was reported by a person authorised to take the auspices, that Jupiter thundered or lightened, the comitia could not be held. (Cic. *de Div.* ii. 14, *Philipp.* v. 3.)

2. *Ex avibus.* It was only a few birds which could give auguries among the Romans. (Cic. *de Div.* ii. 34.) They were divided into two classes: *Oscines*, those which gave auguries by singing, or their voice, and *Alites*, those which gave auguries by their flight. (Festus, *s. v. Oscines*). To the former class, belonged the raven (*corvus*) and the crow (*cornix*), the first of these giving a favourable omen (*auspicium ratum*) when it appeared on the right, the latter, on the contrary, when it was seen on the left (Plaut. *Asin.* ii. 1. 12; Cic. *de Div.* i. 39); likewise the owl (*noctua*, Festus, *s. v. Oscines*), and the hen (*gallina*, Cic. *de Div.* ii. 26). To the *aves alites* belonged first of all the eagle (*aquila*), who is called pre-eminently the bird of Jupiter (*Jovis ales*), and next the vulture (*vultur*), and with these two the *avis sanqualis*, also called *ossifraga*, and the *immussulus* or *immusculus* are probably also to be classed. (Comp. Virg. *Aen.* i. 394; Liv. i. 7, 34; Festus, *s. v. sanqualis;* Plin. *H. N.* x. 7.) Some birds were included both among the *oscines* and the *alites:* such were the *Picus Martius*, and *Feronius*, and the *Parrha* (Plin. *H. N.* x. 18. s. 20; Hor. *Carm.* iii. 27. 15; Festus, *s. v. Oscinum tripudium*). These were the principal birds consulted in the auspices. Every sound and motion of each bird had a different meaning, according to the different circumstances, or times of the year when it was observed, but the particulars do not deserve further notice here. When the birds favoured an undertaking, they were said *addicere*, *admittere* or *secundare*, and were then called *addictivae*, *admissivae*, *secundae*, or *praepetes:* when unfavourable they were said *abdicere*, *arcere*, *refragari*, &c., and were then called *adversae* or *alterae*. The birds which gave unfavourable omens were termed *funebres*, *inhibilae*, *lugubres*, *malae*, &c., and such auspices were called *clivia* and *clamatoria*.

3. *Ex Tripudiis.* These auspices were taken from the feeding of chickens, and were especially employed on military expeditions. It was the doctrine of the augurs that any bird could give a tripudium (Cic. *de Div.* ii. 34); but it be-

came the practice in later times to employ only chickens (*pulli*) for the purpose. They were kept in a cage, under care of a person called *pullarius;* and when the auspices were to be taken, the pullarius opened the cage and threw to the chickens pulse or a kind of soft cake. If they refused to come out or to eat, or uttered a cry (*occinerent*), or beat their wings, or flew away, the signs were considered unfavourable. (Liv. x. 40; Val. Max. i. 4. § 3.) On the contrary, if they ate greedily, so that something fell from their mouth and struck the earth, it was called *tripudium solistimum* (*tripudium* quasi *terripavium*, *solistimum*, from *solum*, according to the ancient writers, Cic. *de Div.* ii. 34), and was held a favourable sign. Two other kinds of *tripudia* are mentioned by Festus, the *tripudium oscinum*, from the cry of birds, and *sonivium*, from the sound of the pulse falling to the ground: in what respects the latter differed from the *tripudium solistimum*, we are not informed. (Cic. *ad Fam.* vi. 6; see also Festus, *s. vv. puls*, *tripudium*, *oscinum tripudium.*)

4. *Ex quadrupedibus.* Auguries could also be taken from four-footed animals; but these formed no part of the original science of the augurs, and were never employed by them in taking auspices on behalf of the state, or in the exercise of their art properly so called. They must be looked upon simply as a mode of private divination, which was naturally brought under the notice of the augurs, and seems by them to have been reduced to a kind of system. Thus, we are told that when a fox, a wolf, a horse, a dog, or any other kind of quadruped ran across a person's path or appeared in an unusual place, it formed an augury. (See *e.g.* Hor. *Carm.* iii. 27.) The *juge auspicium* belonged to this class of auguries. (Cic. *de Div.* ii. 36; Fest *s.v. juges auspicium;* Serv. *ad Virg. Aen.* iii. 537.)

5. *Ex diris*, sc. *signis.* Under this head was included every kind of augury, which does not fall under any of the four classes mentioned above, such as sneezing, stumbling, and other accidental things. (Comp. Serv. *ad Virg. Aen.* iv. 453.) There was an important augury of this kind connected with the army, which was called *ex acuminibus*, that is, the flames appearing at the points of spears or other weapons. (Cic. *de Div.* ii. 36, *de Nat. Deor.* ii. 3; Dionys. v. 46.)

The ordinary manner of taking the auspices, properly so called (i.e. *ex caelo* and *ex avibus*), was as follows: The person who was to take them first marked out with a wand (*lituus*) a division in the heavens called *templum* or *tescum*, within which he intended to make his observations. The station where he was to take the auspices was also separated by a solemn formula from the rest of the land, and was likewise called *templum* or *tescum.* He then proceeded to pitch a tent in it (*tabernaculum capere*), and this tent again was also called *templum*, or, more accurately, *templum minus.* [Templum.] Within the walls of Rome, or, more properly speaking, within the pomoerium, there was no occasion to select a spot and pitch a tent on it, as there was a place on the Arx on the summit of the Capitoline hill, called *Auguraculum*, which had been consecrated once for all for this purpose. (Festus, *s. v. Auguraculum;* comp. Liv. i. 18, iv. 18; Cic. *de Off.* iii. 16.) In like manner there was in every Roman camp a place called *augurale* (Tac. *Ann.* ii. 13, xv. 30), which answered the same purpose; but on all other occasions a place had to be consecrated, and a tent to be pitched, as, for instance, in the Campus Martius, when the comitia centuriata were to be held. The person who was then taking the auspices waited for the favourable signs to appear; but it was necessary during this time that there should be no interruption of any kind whatsoever (*silentium*), and hence the word *silentium* was used in a more extended sense to signify the absence of every thing that was faulty. Every thing, on the contrary, that rendered the auspices invalid was called *vitium* (Cic. *de Div.* ii. 34; Festus, *s. v. silentio surgere*); and hence we constantly read in Livy and other writers of *vitio magistratus creati*, *vitio lex lata*, &c. The watching for the auspices was called *spectio* or *servare de coelo*, the declaration of what was observed *nuntiatio*, or, if they were unfavourable, *obnuntiatio.* In the latter case, the person who took the auspices seems usually to have said *alio die*, by which the business in hand, whether the holding of the *comitia* or any thing else, was entirely stopped. (Cic. *de Leg.* ii. 12.)

Having explained what the auspices were and how they were taken, we have now to determine who had the power of taking them. In the first place it is certain that in ancient times no one but a patrician could take the auspices, and that a plebeian had no power of doing so. The gods of the Roman state were the gods of the patricians alone, and it was consequently regarded as an act of profanation for any plebeian to attempt to interpret the will of these gods. Hence the possession of the auspices (*habere auspicia*) is one of the most distinguished prerogatives of the patricians; they are said to be *penes patrum*, and are called *auspicia patrum.* (Liv. vi. 41, x. 8 *, comp. iv. 6.) It would further appear that every patrician might take the auspices; but here a distinction is to be observed. It has already been remarked that in the most ancient times no transaction, whether private or public, was performed without consulting the auspices (*nisi auspicato*, Cic. *de Div.* i. 16; Val. Max. ii. 1. § 1); and hence arose the distinction of *auspicia privata* and *auspicia publica.* One of the most frequent occasions on which the *auspicia privata* were taken, was in case of a marriage (Cic., Val. Max. *ll. cc.*); and hence after private auspices had become entirely disused, the Romans, in accordance with their usual love of preserving ancient forms, were accustomed in later times to employ *auspices* in marriages, who, however, acted only as friends of the bridegroom, to witness the payment of the dowry and to superintend the various rites of the marriage. (Plaut. *Cas.* prol. 85; Suet. *Claud.* 26; Tac. *Ann.* xi. 27.) The employment of the auspices at marriages was one great argument used by the patricians against *connubium* between themselves and the plebeians, as it would occasion, they urged, *perturbationem auspiciorum publicorum privatorumque.* (Liv. iv. 2.) The possession of these private auspicia is expressed in another passage of Livy by *privatim auspicia habere.* (Liv. vi. 41.) In taking these private auspices, it would appear that any patrician was employed, who knew how to form *templa* and was acquainted with the art of augury, and was therefore called *auspex* or *augur:* it does not appear to have been necessary nor usual in such cases to have recourse to the public augurs, the members of the collegium, who are therefore frequently called *augures publici*, to distinguish them from the private augurs. (Cic. *de Leg.* ii. 8, *ad Fam.* vi. 6; Festus, *s. v. quinque genera.*) The case, however, was very different with respect to the *auspicia publica*, generally called *auspicia* simply, or those which concerned the state. The latter could only be taken by the persons who represented the state, and who acted as mediators between the gods and the state; for though all the patricians were eligible for taking the auspices, yet it was only the magistrates who were in actual possession of them. As long as there were any patrician magistrates, the auspices were exclusively in their hands; on their entrance upon office, they received the auspices (*accipiebant auspicia*, Cic. *de Div.* ii. 36); while their office lasted, they were in possession of them (*habebant* or *erant eorum auspicia*, Gell. xiii. 15); and at the expiration of their office, they laid them down (*ponebant* or *deponebant auspicia*, Cic. *de Nat. Deor.* ii. 3). In case, however, there was no patrician magistrate, the auspices became vested in the whole body of the patricians, which was expressed by the words *auspicia ad patres redeunt* (Cic. *Brut.* 5.) This happened in the kingly period on the demise of a king, and the patricians then chose an interrex, who was therefore invested by them with the right of taking the auspices, and was thus enabled to mediate between the gods and the state in the election of a new king. In like manner in the republican period, when it was believed that there had been something faulty (*vitium*) in the auspices in the election of the consuls, and they were obliged in consequence to resign their office, the auspices returned to the whole body of the patricians, who had recourse to an *interregnum* for the renewal of the auspices, and for handing them over in a perfect state to the new magistrates: hence we find the expressions *repetere de integro auspicia* and *renovare per interregnum auspicia.* (Liv. v. 17, 31, vi. 1.)

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* There can be no reasonable doubt that by *patres* in these passages the whole body of the patricians is meant, and not the senators, as Rubino asserts. (Comp. Becker, *Röm Alterth.* vol. ii. part i. p. 304, &c.)

It will be seen from what has been said that the Roman state was a species of theocracy, that the gods were its rulers, and that it was by means of the auspices that they intimated their will to the representatives of the people, that is, the magistrates. It follows from this, as has been already remarked, that no public act could be performed without consulting the auspices, no election could be held, no law passed, no war waged; for a neglect of the auspices would have been equivalent to a declaration that the gods had ceased to rule the Roman state.

There still remain three points in connection with the auspices which require notice:—1. The relation of the magistrates to the augurs in taking the auspices. 2. The manner in which the magistrates received the auspices. 3. The relation of the different magistrates to one another with respect to the auspices. We can only make a few brief remarks upon each of these important matters, and must refer our readers for fuller information to the masterly discussion of Rubino (*Röm. Verfassung*, p. 48, &c.), to whom we are indebted for a great part of the present article.

1. The distinction between the duties of the magistrates and the augurs in taking the auspices is one of the most difficult points connected with this subject, but perhaps a satisfactory solution of these difficulties may be found by taking an historical view of the question. We are told not only that the kings were in possession of the auspices, but that they themselves were acquainted with the art and practised it. Romulus is represented to have been the best of augurs, and from him all succeeding augurs received the chief mark of their office, the *lituus*, with which that king exercised his calling. (Cic. *de Div.* i. 2, ii. 17; Liv. i. 10.) He is further stated to have appointed three augurs, but only as his assistants in taking the auspices, a fact which is important to bear in mind. (Cic. *de Rep.* ii. 9.) Their dignity gradually increased in consequence of their being employed at the inauguration of the kings, and also in consequence of their becoming the preservers and depositaries of the science of augury. Formed into a collegium, they handed down to their successors the various rules of the science, while the kings, and subsequently the magistrates of the republic, were liable to change. Their duties thus became twofold, to assist the magistrates in taking the auspices, and to preserve a scientific knowledge of the art. They were not in possession of the auspices themselves, though they understood them better than the magistrates; the lightning and the birds were not sent to them but to the magistrates; they discharged no independent functions either political or ecclesiastical, and are therefore described by Cicero as *privati.* (*De Divin.* i. 40.) As the augurs were therefore merely the assistants of the magistrates, they could not take the auspices without the latter, though the magistrates on the contrary could dispense with their assistance, as must frequently have happened in the appointment of a dictator by the consul on military expeditions at a distance from the city. At the same time it must be borne in mind, that as the augurs were the interpreters of the science, they possessed the right of declaring whether the auspices were valid or invalid, and that too whether they were present or not at the time of taking them; and whoever questioned their decision was liable to severe punishment. (Cic. *de Leg.* ii. 8.) They thus possessed in reality a veto upon every important public transaction. It was this power which made the office an object of ambition to the most distinguished men at Rome, and which led Cicero, himself an augur, to describe it as the highest dignity in the state (*de Leg.* ii. 12). The augurs frequently employed this power as a political engine to vitiate the election of such parties as were unfavourable to the exclusive privileges of the patricians. (Liv. vi. 27, viii. 23.)

But although the augurs could declare that there was some fault in the auspices, yet, on the other hand, they could not, in favour of their office, declare that any unfavourable sign had appeared to them, since it was not to them that the auspices were sent. Thus we are told that the augurs did not possess the *spectio*, that is, the right of taking the state-auspices. This *spectio*, of which we have already briefly spoken, was of two kinds, one more extensive and the other more limited. In the one case the person, who exercised it, could put a stop to the proceedings of any other magistrate by his obnuntiatio: this was called *spectio et* *nuntiatio* (perhaps also *spectio cum nuntiatione*), and belonged only to the highest magistrates, the consuls, dictators, interreges, and, with some modifications, to the praetors. In the other case, the person who took the causes only exercised the *spectio* in reference to the duties of his own office, and could not interfere with any other magistrate: this was called *spectio sine nuntiatione*, and belonged to the other magistrates, the censors, aediles, and quaestors. Now as the augurs did not possess the auspices, they consequently could not possess the spectio (*habere spectionem*); but as the augurs were constantly employed by the magistrates to take the auspices, they *exercised* the spectio, though they did not *possess* it in virtue of their office. When they were employed by the magistrates in taking the auspices, they possessed the right of the *nuntiatio*, and thus had the power, by the declaration of unfavourable signs (*obnuntiatio*), to put a stop to all important public transactions (Cic. *de Leg.* ii. 12). In this way we are able to understand the assertion of Cicero (*Philipp.* ii. 32), that the augurs possessed the *nuntiatio*, the consuls and the other (higher) magistrates both the *spectio* and *nuntiatio;* though it must, at the same time, be borne in mind that this right of *nuntiatio* only belonged to them in consequence of their being employed by the magistrates. (Respecting the passage of Festus, *s. v. spectio*, which seems to teach a different doctrine, see Rubino, p. 58.)

2. As to the manner in which the magistrates received the auspices, there is no reason to suppose, as many modern writers have done, that they were conferred upon them in any special manner. It was the act of their election which made them the recipients of the auspices, since the comitia, in which they were appointed to their office, were held *auspicato*, and consequently their appointment was regarded as ratified by the gods. The auspices, therefore, passed immediately into their hands upon the abdication of their predecessors in office. There are two circumstances which have given rise to the opinion that the magistrates received the auspices by some special act. The first is, that the new magistrate, immediately after the midnight on which his office began, was accustomed to observe the heavens in order to obtain a happy sign for the commencement of his duties (Dionys. ii. 6). But he did not do this in order to obtain the auspices; he already possessed them, and it was in virtue of his possession of them, that he was able to observe the heavens. The second circumstance to which we have been alluding, was the *inauguratio* of the kings on the Arx after their election in the comitia (Liv. i. 18). But this inauguration had reference simply to the priestly office of the king, and, therefore, did not take place in the case of the republican magistrates, though it continued in use in the appointment of the rex sacrorum and the other priests.

3. The auspices belonging to the different magistrates were divided into two classes, called *auspicia maxima* or *majora* and *minora*. The former, which belonged originally to the kings, passed over to the consuls on the institution of the republic, and likewise to the extraordinary magistrates, the dictators, interreges, and consular tribunes. When the consuls were deprived in course of time of part of their duties, and separate magistrates were created to discharge them, they naturally received the *auspicia majora* also: this was the case with the censors and praetors. The quaestors and the curule aediles, on the contrary, had only the *auspicia minora*, because they received them from the consuls and praetors of the year, and their auspices were derived from the *majora* of the higher magistrates. (Messalla, *ap. Gell.* xiii. 15.)

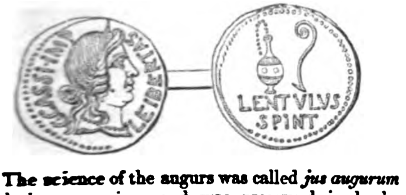
It remains to trace the history of the college of augurs. We have already seen that it was a common opinion in antiquity that the augurship owed its origin to the first king of Rome, and it is accordingly stated, that a college of three augurs was appointed by Romulus, answering to the number of the early tribes, the Ramnes, Tities, and Lucerenses. This is the account of Cicero (*de Rep.* ii. 9), who supposed Numa to have added two more (ii. 14), without, however, stating in what way these latter corresponded to the tribes. On the other side stand different statements of Livy, first, one (iv. 4) which is probably an error, in which the first institution of augurs is attributed to Numa, seemingly on the theory that all the Roman religion was derived from the second king: secondly, a statement of far more importance (x. 6), that at the passing of the Ogulnian law the augurs were but four in number, which Livy himself, who recognised the principle of the number of augurs corresponding to that of the tribes, supposes to have been accidental. This is improbable, as Niebuhr has shown (*Hist. of Rome*, vol. iii. p. 352), who thinks the third tribe was excluded from the college of augurs, and that the four, therefore, represented the Ramnes and Tities only. It is hard to suppose, however, that this superiority of the Ramnes and Tities over the third tribe could have continued down to the time of the Ogulnian law (B. C. 300): moreover, as two augurs apiece were appointed from each of the two first tribes, and the remaining five from the plebs, it does not appear how the Luceres could ever have obtained the privilege. A different mode of reconciling the contradictory numbers four and three is sought for in another statement of Cicero (*de Div.* i. 40), that the kings were augurs, so that after their expulsion another augur may have been added instead of them to the original number which represented the tribes. Probably this is one of the many cases in early Roman history in which the only conclusion we can come to is, that the theory of what *ought* to have been according to antiquarians of a later age differed from what actually *was* according to the earliest accounts to which Livy had recourse.

The Ogulnian law (B.C. 300), which increased the number of pontiffs to eight, by the addition of four plebeians, and that of the augurs to nine by the addition of five plebeians, may be considered a sort of aera in Roman history. The religious distinction between the two orders which had been so often insisted upon was now at an end, and it was no longer possible to use the auspices as a political instrument against the plebeians. The number of nine augurs which this law fixed, lasted down to the dictatorship of Sylla, who increased them to fifteen, a multiple of the original three, probably with a reference to the early tribes. (Liv. *Epit.* 89.) A sixteenth number was added by Julius Caesar after his return from Egypt. (Dion Cass. xlii. 51.)

The members of the college of augurs possessed self-election (*cooptati*). At first they were appointed by the king, but as the king himself was an augur, their appointment by him was not considered contrary to this principle. (*Romulus cooptavit augures, de Rep.* ii. 9.) They retained the right of co-optation until B. C. 103, the year of the Domitian law. By this law it was enacted that vacancies in the priestly colleges should be filled up by the votes of a minority of the tribes, *i. e.* seventeen out of thirty-five chosen by lot. (Cic. *de Leg. Agr.* ii. 7; Vell. Pat. ii. 12; Suet. *Ner.* 2.) The Domitian law was repealed by Sulla B. C. 81 (Pseudo-Ascon. *in Cic. Div.* p. 102, ed. Orelli), but again restored B. C. 63, during the consulship of Cicero, by the tribune T. Annius Labienus, with the support of Caesar (Dion Cass. xxxvii. 37). It was a second time abrogated by Antony B. C. 44 (Dion Cass. xliv. 53); whether again restored by Hirtius and Pansa in their general annulment of the acts of Antony, seems uncertain. The emperors possessed the right of electing augurs at pleasure.

The augurs were elected for life, and even if capitally convicted, never lost their sacred character. (Plin. *Ep.* iv. 8.) When a vacancy occurred, the candidate was nominated by two of the elder members of the college (Cic. *Phil.* ii. 2), the electors were sworn, and the new member was then solemnly inaugurated. (Cic. *Brut.* 1.) On such occasion there was always a splendid banquet given, at which all the augurs were expected to be present. (Cic. *ad Fam.* vii. 26, *ad Att.* xii. 13, 14, 15.) The only distinction in the college was one of age; an elder augur always voted before a younger, even if the latter filled one of the higher offices in the state. (Cic. *de Sen.* 18.) The head of the college was called *magister collegii.* It was expected that all the augurs should live on friendly terms with one another, and it was a rule that no one was to be elected to the office, who was known to be an enemy to any of the college. (Cic. *ad Fam.* iii. 10.) The augur, who had inaugurated a younger member, was always to be regarded by the latter in the light of a parent (*in parentis eum loco colere*, Cic. *Brut.* 1).

As insignia of their office the augurs wore the *trabea*, or public dress (Serv. *ad Aen.* vii. 612), and carried in their hand the *lituus* or curved wand. [LITUUS.] On the coins of the Romans, who filled the office of augur, we constantly find the *lituus*, and along with it, not unfrequently, the *capis*, an earthen vessel which was used by them in sacrifices. (Liv. x. 7; Varr. *L. L.* v. 121, ed. Müller.) Both of these instruments are seen in the annexed coin of Lentulus.



The science of the augurs was called *jus augurum* and *jus augurium*, and was preserved in books (*libri augurales*), which are frequently mentioned in the ancient writers. The expression for consulting the augurs was *referre ad augures*, and their answers were called *decreta* or *responsa augurum.* The science of augury had greatly declined in the time of Cicero; and although he frequently deplores its neglect in his *De Divinatione*, yet neither he nor any of the educated classes appears to have had any faith in it. What a farce it had become a few years later is evident from the statement of Dionysius (ii. 6), who informs us that a new magistrate, who took the auspices upon the first day of his office, was accustomed to have an augur on his side, who told him that lightning had appeared on his left, which was regarded as a good omen, and although nothing of the kind had happened, this declaration was considered sufficient. (Mascov, *De Jure Auspicii apud Romanos*, Lips. 1721; Werther, *De Auguriis Romanis*, Lemgo, 1835; Creuzer, *Symbolik*, vol. ii. p. 935, &c.; Müller, *Etrusker*, vol. ii. p. 110, &c.; Hartung, *Die Religion der Römer*, vol. i. p. 98, &c.; Göttling, *Geschichte der Röm. Staatsverf.* p. 198, &c.; Becker, *Röm. Alterth.* vol. ii. part i. p. 304; but above all Rubino, *Röm. Verfassung*, p. 34, &c.)

AUGURA'CULUM. [AUGUR, p. 176, a.]

AUGURA'LE. [AUGUR, p. 176, a.]

AUGUSTA'LES (sc. *ludi*, also called *Augustalia*, sc. *certamina, ludicra*, and by the Greek writers and in Greek inscriptions, *Σέϐαστα, Σεϐάσιμα, Αὐγουστάλια*), were games celebrated in honour of Augustus, at Rome and in other parts of the Roman empire. After the battle of Actium, a quinquennial festival (*πανήγυρις πεντετηρίς*) was instituted; and the birthday (*γενέθλια*) of Augustus, as well as that on which the victory was announced at Rome, were regarded as festival days. (Dion Cass. li. 19.) In the provinces, also, in addition to temples and altars, quinquennial games were instituted in almost every town. (Suet. *Aug.* 59.) The Roman equites were accustomed of their own accord to celebrate the birthday of Augustus in every alternate year (Suet. *Aug.* 57); and the praetors, before any decree had been passed for the purpose, were also in the habit of exhibiting games every year in honour of Augustus. (Dion Cass. liv. 26, 30). It was not, however, till B. C. 11, that the festival on the birth-day of Augustus was formally established by a decree of the senate (Dion Cass. liv. 34), and it is this festival which is usually meant when the Augustales or Augustalia are mentioned. It was celebrated iv. Id. Octobr. At the death of Augustus, this festival assumed a more solemn character, was added to the Fasti, and celebrated to his honour as a god. (Tac. *Ann.* i. 13; Dion Cass. lvi. 46.) Hence, Tacitus speaks of it as first established in the reign of Tiberius (*Ann.* i. 54.) It was henceforth exhibited annually in the circus, at first by the tribunes of the plebs, at the commencement of the reign of Tiberius, but afterwards by the praetor peregrinus. (Tacit. *Ann.* i. 15; Dion Cass. lvi. 46.) These games continued to be exhibited in the time of Dion Cassius, that is, about A. D. 230 (liv. 34).

The augustales, or augustalia, at Neapolis (Naples), were celebrated with great splendour. They were instituted in the lifetime of Augustus (Suet. *Aug.* 98), and were celebrated every five years. According to Strabo (v. p. 246), who speaks of these games without mentioning their name, they rivalled the most magnificent of the Grecian festivals. They consisted of gymnastic and musical contests, and lasted for several days. At these games the Emperor Claudius brought forward a Greek comedy, and received the prize. (Suet. *Claud.* 11; compare Dion Cass. lx. 6.)

Augustalia (*Σέϐαστα*) were also celebrated at Alexandria, as appears from an inscription in

Gruter (316. 2); and in this city there was a magnificent temple to Augustus (Σεβαστεῖον, *Augustale*). We find mention of augustalia in numerous other places, as Pergamus, Nicomedia, &c.

AUGUSTA'LES, the name of two classes of priests, one at Rome and the other in the municipia, frequently mentioned in inscriptions.

I. The *Augustales* at Rome, properly called *sodales Augustales*, which is the name they always bear in inscriptions, were an order of priests (*Augustalium sacerdotium*) instituted by Tiberius to attend to the worship of Augustus and the Julia gens. They were chosen by lot from among the principal persons of Rome, and were twenty one in number, to which were added Tiberius, Drusus, Claudius, and Germanicus, as members of the imperial family. (Tacit. i. 54.) They were also called *sacerdotes Augustales* (Tacit. *Ann.* ii. 83); and sometimes simply *Augustales*. (Tacit. *Hist.* ii. 95.) Similar priests were appointed to attend to the worship of other emperors after their decease; and we accordingly find in inscriptions mention made of the *sodales Flavii*, *Hadrianales*, *Aeliani*, *Antonini*, &c. It appears that the *flamines Augustales* ought to be distinguished from the *sodales Augustales*. We find that flamines and sacerdotes were appointed, in the lifetime of Augustus, to attend to his worship; but we have the express statements of Suetonius and Dion Cassius that this worship was confined to the provinces, and was not practised in Rome, or in any part of Italy, during the lifetime of Augustus. (Tacit. *Ann.* i. 10; Suet. *Aug.* 52; Dion Cass. li. 20.) Women even were appointed priestesses of Augustus, as appears from an inscription in Gruter (320. 10): this practice probably took its origin from the appointment of Livia, by a decree of the senate, to be priestess to her deceased husband. (Dion Cass. lvi. 46.) It seems probable that the sodales Augustales were entrusted with the management of the worship; but that the flamines Augustales were the persons who actually offered the sacrifices and performed the other sacred rites. A member of the sodales Augustales was sometimes a flamen also (Orelli, *Inscrip.* 2366, 2368); and it is not improbable that the flamines were appointed by the sodales.

II. The *Augustales* in the municipia are supposed by most modern writers, in consequence of the statement of the scholiast on Horace (*Sat.* ii. 3. 281), to have been a class of priests selected by Augustus from the libertini to attend to the religious rites connected with the worship of the Lares, which that emperor was said to have put up in places where two or more ways met. (Orelli, *Inscrip.* vol. ii. p. 197.) But A. W. Zumpt, in an excellent essay on this subject, brings forward good reasons for rejecting this opinion. [Compar. Compitalia.] He thinks it much more probable that this order of priests was instituted in the municipia in imitation of the Augustales at Rome, and for the same object, namely, to attend to the worship of Augustus. From the numerous inscriptions in which they are mentioned, we learn the following facts respecting them. They formed a collegium and were appointed by the *decuriones*, or senate of the municipia. They were generally libertini, which is easily accounted for by the fact, that none but the freeborn (*ingenui*), could obtain admission into the curia of the municipia; and as there seem to have been many expences connected with the discharge of the duties of the Augustales, the decuriones would not be anxious to obtain this distinction, while the libertini on the contrary, who were generally a wealthy class and were not invested with any honour, would naturally covet it. The Augustales ranked next in dignity to the decuriones; and as they were mostly men of property, they came in course of time to form a middle class between the decuriones and plebs, like the equestrian order at Rome. Thus, in the inscriptions of many municipia, we find the decuriones, Augustales, and plebs, mentioned together as the three classes into which the community was divided. The six principal members of the college were called *Seviri*, a title which seems to have been imitated from the *Seviri* in the equestrian order at Rome. (Egger, *Examen Critique des Historiens anciens de la Vie et du Règne d'Auguste*, Paris, 1844, Appendix II., treats of the Augustales; but see especially A. W. Zumpt, *De Augustalibus et Seviris Augustalibus Commentatio Epigraphica*, Berol. 1846.)

AUGUSTUS, a name bestowed upon Octavianus in B. C. 27, by the senate and the Roman people. It was a word used in connection with religion, and designated a person as sacred and worthy of worship; hence the Greek writers translate it by Σεβαστός. (Dion Cass. liii. 16, 18; Suet. *Aug.* 7; Vell. Pat. ii. 91; Flor. iv. 12; Oros. vi. 20; Censorin. 22; Ov. *Fast.* i. 607.) It was not a title indicative of power, but simply a surname; and is hence called by Suetonius (*Tib.* 26) *nomen hereditarium*. It was, however, borne not only by Tiberius and the other emperors connected with the family of Augustus, but was likewise adopted by all succeeding emperors, as if descended, either by birth or adoption, from the first emperor of the Roman world (*in ejus nomen velut quadam adoptione aut jure hereditario succedere*, Lamprid. *Alex. Sever.* 10). The name of *Augusta* was frequently bestowed upon females of the imperial family, the first instance of which occurs in the case of Livia, who received this title upon her adoption into the Julia gens on the death of her husband Octavianus (Tac. *Ann.* i. 8); but *Augustus* belonged exclusively to the reigning emperor till towards the end of the second century of the Christian aera, when M. Aurelius and L. Verus both received this surname (Spartian. *Ael. Verus*, 5, *M. Ant. Phil.* 7). From this time we frequently find two or even a greater number of *Augusti*; and though in that and in all similar cases the persons honoured with the title were regarded as participators of the imperial power, still the one who received the title first was looked upon as the head of the empire. When there were two Augusti we find on coins and inscriptions A V G G, and when three A V G G G. From the time of Probus the title became *perpetuus Augustus*, and from Philippus or Claudius Gothicus *semper Augustus*, the latter of which titles was borne by the so-called Roman emperors in Germany. (Eckhel, vol. viii. p. 354, &c.) [Caesar.]

AVIA'RIUM. [Agricultura, p. 68, b.]

AULA. [Domus.]

AULAEUM. [Siparium.]

AU'REUS. [Aurum.]

AURI'GA. [Circus.]

AURUM (χρυσός), gold. The remarks made under Argentum apply to a great extent to gold as well as silver, and the sources of information respecting both the precious metals are specified in that article. It would appear from a passage in the *Antigone* (v. 1038), that in the time of Sophocles gold was rare at Athens. Indeed throughout the whole of Greece, though gold was by no means unknown, it appears to have been obtained chiefly through the Greek cities of Asia Minor, and the adjacent islands, which possessed it in abundance. The Homeric poems speak constantly of gold as being laid up in treasuries, and used in large quantities for the purposes of ornament; but this is sufficiently accounted for by the fact that Homer was an Asiatic Greek. The chief places from which the Greeks procured their gold were India, Arabia, Armenia, Colchis, and Troas. It was found mixed with the sands of the Pactolus and other rivers.

Almost the only method of purifying gold, known to the ancients, seems to have been that of grinding and then roasting it, and by this process they succeeded in getting it very pure. This is what we are to understand by the phrase *χρυσίου ἀπέφθου* in Thucydides (ii. 13), and by the word *obrussam* in Pliny (*H. N.* xxxiii. 3. s. 19), and elsewhere (Forcellini *s. v.* obrussa). Respecting the use of gold in the fine arts, especially in the chryselephantine statues, see TOREUTICE. The art of gilding was known to the Greeks from the earliest times of which we have any information. (Hom. *Od.* iii. 425, vi. 232; Plin. *H. N.* xxxiii. 3. s. 19, 6. s. 32.)

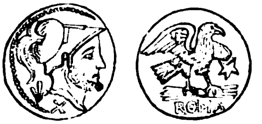
GREEK GOLD MONEY. — The time when gold was first coined at Athens is very uncertain. Aristophanes speaks in the *Frogs* (406 B. C.) of *τὸ καινὸν χρυσίον*, "the new gold money" (v. 719), which he immediately afterwards calls *πονηρὰ χαλκία* (v. 724). The Scholiast on this passage states that in the preceding year the golden statues of Victory had been coined into money, and he quotes Hellanicus and Philochorus as authorities for this statement. It would appear from the language both of Aristophanes and the Scholiast, and it is probable from the circumstances of Athens at the time (it was the year before the battle of Aegospotami), that this was a greatly debased gold coinage, or perhaps only gilt money, struck to meet a particular exigency. This matter is distinct from the general question respecting the Athenian gold coinage, for the Attic money was proverbial for its purity, and the grammarians, who state that Athens had a gold coinage at an early period, speak of it as very pure. There are other passages in Aristophanes in which gold money is spoken of; but in them he is referring to Persian money, which is known to have been imported into Athens before the Athenians had any gold coinage of their own, and even this seems to have been a rarity. (See Aristoph. *Acharn.* v. 102, 108, *Equit.* v. 470, *Av.* v. 574.) Demosthenes always uses *ἀργυρίον* for money, except when he is speaking of foreign gold. In the speech against Phormio, where he repeatedly uses the word *χρυσίον*, we are expressly told what was the money he referred to, namely, 120 staters of Cyzicus (p. 914; compare his speech *πρὸς Λακρίτ.* p. 935). Isocrates, who uses the word in the same way, speaks in one passage of *buying* gold money (*χρυσωνεῖν*) in exchange for silver (*Trapezit.* p. 367). In many passages of the orators, gold money is expressly said to have been imported from Persia and Macedonia. If we look at the Athenian history, we find that the silver mines at Laurion were regarded as one of the greatest treasures possessed by the state; but no such mention is made of gold. Thucydides (ii. 13) in enumerating the money in the Athenian treasury at the beginning of the Peloponnesian war, does not mention gold; and Xenophon speaks of the money of Athens in a manner which would lead us to suppose that it had no gold coinage in his time (*Vectigal*, iv. 10). The mines of Scaptehyle, in Thrace, were indeed worked some years before this period (Thucyd. iv. 105); but the gold procured from them does not appear to have been coined, but to have been laid up in the treasury in the form of counters (*φθοΐδες*, Böckh, *Inscrip.* vol. i. pp. 145, 146). Foreign gold coin was often brought into the treasury, as some of the allies paid their tribute in money of Cyzicus. The gold money thus introduced may have been allowed to circulate, while silver remained the current money of the state.

The character of the Attic gold coins now in existence, and their small number (about a dozen), is a strong proof against the existence of a gold currency at Athens at an early period. There are three Attic staters in the British Museum, and one in the Hunterian Museum at Glasgow, which there is good reason to believe are genuine; their weights agree exactly with the Attic standard. In the character of the impression they bear a striking resemblance to the old Attic silver; but they differ from it by the absence of the thick bulky form, and the high relief of the impression which is seen in the old silver of Athens, and in the old gold coins of other states. In thickness, volume, and the depth of the die from which they were struck, they closely resemble the Macedonian coinage. Now, as upon the rise of the Macedonian empire, gold became plentiful in Greece, and was coined in large quantities by the Macedonian kings, it is not improbable that Athens, like other Grecian states, may have followed their example, and issued a gold coinage in imitation of her ancient silver. On the whole, it appears most probable that gold money was not coined at Athens in the period between Pericles and Alexander the Great, if we except the solitary issue of debased gold in the year 407.

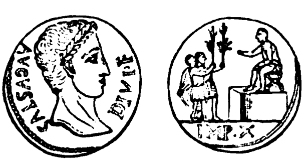
A question similar to that just discussed arises with respect to other Greek states, which we know to have had a silver currency, but of which a few gold coins are also found. This is the case with Aegina, Thebes, Argos, Carystus in Euboea, Acarnania, and Aetolia. But of these coins all, except two, bear evident marks, in their weight or workmanship, of belonging to a period not earlier than Alexander the Great. There is great reason, therefore, to believe that no gold coinage existed in Greece Proper before the time of that monarch.

But from a very early period the Asiatic nations, and the Greek cities of Asia Minor and the adjacent islands, as well as Sicily and Cyrene, possessed a gold coinage, which was more or less current in Greece. Herodotus (i. 94) says that the Lydians were the first who coined gold, and the stater of Croesus appears to have been the earliest gold coin known to the Greeks. The Daric was a Persian coin. Staters of Cyzicus and Phocaea had a considerable currency in Greece. There was a gold coinage in Samos as early as the time of Polycrates. (Herod. iii. 56.) The islands of Siphnos and Thasos, which possessed gold mines, appear to have had a gold coinage at an early period. In most of the coins of the Greek cities of Asia Minor the metal is very base. The Macedonian gold coinage came into circulation in Greece in the time of Philip, and continued in use till the subjection of Greece to the Romans. [Daricus; Stater.]

Roman Gold Money. — The standard gold coin of Rome was the *aureus nummus*, or *denarius aureus*, which, according to Pliny (*H.N.* xxxiii. 3. s. 13) was first coined 62 years after the first silver coinage [Argentum], that is in the year 207 B.C. The lowest denomination was the *scrupulum*, which was made equal to 20 sestertii. The weight of the scrupulum, as determined by Mr. Hussey (*Ancient Weights and Money*) was 18·06 grs. In the British Museum there are gold coins of one, two, three, and four scrupula, the weights of which are 17·2, 34·5, 51·8, and 68·9 grains respectively. They bear a head of Mars on one side, and on the other an eagle standing on a thunderbolt, and beneath the inscription "Roma." The first has the mark xx (20 sestertii); the second, xxxx (40 sestertii); the third, ψ x (60 sestertii). Of the last we subjoin an engraving: —



Pliny adds that afterwards aurei were coined of 40 to the pound, which weight was diminished, till under Nero (the reading of this word is doubtful) they were 45 to the pound. This change is supposed, from an examination of extant specimens, to have been made in the time of Julius Caesar. The estimated full weight of the aurei of 40 to the pound is 130·1 grains, of those of 45 to the pound 115·64 grains. No specimens exist which come up to the 130·1 grains; the heaviest known is one of Pompey, which weighs 128·2 grains. The average of the gold coins of Julius Caesar is fixed by Letronne at 125·66 grains, those of Nero 115·39 grains. Though the weight of the aureus was diminished, its proportion to the weight of the denarius remained about the same, namely, as 2 : 1 (or rather, perhaps, as 2·1 : 1). Therefore since the standard weight of the denarius, under the early emperors, was 60 grains, that of the aureus should be 120. The average weight of the aurei of Augustus, in the British Museum, is 121·26 grains: and as the weight was afterwards diminished, we may take the average at 120 grains. There seems to have been no intentional alloy in the Roman gold coins, but they generally contained a small portion of native silver. The average alloy is $\frac{1}{300}$. The aureus of the Roman emperors, therefore, contained $\frac{120}{300}$ = ·4 of a grain of alloy, and therefore 119·6 grains of pure gold. Now a sovereign contains 113·12 grains of pure gold. Therefore the value of the aureus in terms of the sovereign is $\frac{119\cdot6}{113\cdot12}$ = 1·0564 = 1*l.* 1*s.* 1*d.* and a little more than a halfpenny. This is its value according to the present worth of gold; but its current value in Rome was different from this, on account of the difference in the worth of the metal. The aureus passed for 25 denarii; therefore, the denarius being 8½*d.*, it was worth 17*s.* 8½*d.* The ratio of the value of gold to that of silver is given in the article Argentum. The following cut represents an aureus of Augustus in the British Museum, which weighs 121 grains.



Alexander Severus coined pieces of one-half and one third of the aureus, called *Semissis* and *tremissis* (Lamprid. *Alex. Sev.* c. 39), after which time the aureus was called *solidus*.

Constantine the Great coined aurei of 72 to the pound; at which standard the coin remained to the end of the empire. (Cod. x. tit. 70. s. 5; Hussey, *On Ancient Weights and Money*; Wurm. *De Pond.* &c.) [P. S.]

AURUM CORONA'RIUM. When a general in a Roman province had obtained a victory, it was the custom for the cities in his own provinces, and for those from the neighbouring states, to send golden crowns to him, which were carried before him in his triumph at Rome. (Liv. xxxviii. 37, xxxix. 7; Festus, *s. v. Triumphales Coronae.*) This practice appears to have been borrowed from the Greeks; for Chares related, in his history of Alexander (ap. Athen. xii. p. 539. a.), that after the conquest of Persia, crowns were sent to Alexander, which amounted to the weight of 10,500 talents. The number of crowns which were sent to a Roman general was sometimes very great. Cn. Manlius had 200 crowns carried before him in the triumph which he obtained on account of his conquest of the Gauls in Asia. (Liv. xxxix. 7.) In the time of Cicero, it appears to have been usual for the cities of the provinces, instead of sending crowns on occasion of a victory, to pay money, which was called *aurum coronarium.* (Cic. *Leg. Agr.* ii. 22; Gell. v. 6; Monum. Ancyr.) This offering, which was at first voluntary, came to be regarded as a regular tribute, and seems to have been sometimes exacted by the governors of the provinces, even when no victory had been gained. By a law of Julius Caesar (Cic. *in Pis.* 37), it was provided that the aurum coronarium should not be given unless a triumph was decreed; but under the emperors it was presented on many other occasions, as, for instance, on the adoption of Antoninus Pius. (Capitolin. *Anton. Pius*, c. 4.) It continued to be collected, apparently as a part of the revenue, in the time of Valentinian and Theodosius. (Cod. 10. tit. 74.)

Servius says (*ad Virg. Aen.* viii. 721), that aurum coronarium was a sum of money exacted from conquered nations, in consideration of the lives of the citizens being spared; but this statement does not appear to be correct.

AURUM LUSTRA'LE was a tax imposed by Constantine, according to Zosimus (ii. 38), upon all merchants and traders, which was payable at every lustrum, or every four years, and not at every five, as might have been expected from the original length of the lustrum. This tax was also called *auri et argenti collatio* or *praestatio*, and thus in Greek *ἡ συντέλεια ἡ τοῦ χρυσαργύρου.* (Cod. 11. tit. 1; Cod. Theod. 13. tit. 1.)

AURUM VICESIMA'RIUM. [Aerarium, p. 23, b.]

AUSPEX. [Augur.]

AUSPI'CIUM. [Augur.]

AUTHE'NTICA. [Novellae.]

AUTHEPSA (*αὐθέψης*), which literally means "self-boiling" or "self-cooking," was the name of a vessel, which is supposed by Böttiger to have been used for heating water, or for keeping it hot. Its form is not known for certain; but Böttiger (*Sabina*, vol. ii. p. 30) conjectures that a vessel, which is engraved in Caylus (*Recueil d'Antiquités*, vol. ii. tab. 27), is a specimen of an authepsa. Cicero (*pro Rosc. Amerin.* 46) speaks of authepsae among other costly Corinthian and Delian vessels. In later times they were made of silver. (Lamprid. *Heliogab.* 19; but the reading is doubtful.) The *cucuba* seems to have been a vessel of a similar kind.

AUTOMOLIAS GRAPHE' (*αὐτομολίας γραφή*), the accusation of persons charged with having deserted and gone over to the enemy during war (Pollux, vi. 151). There are no speeches extant upon this subject. Petitus, however, collects (*Leg. Att.* p. 674) from the words of a commentator upon Demosthenes (Ulpian), that the punishment of this crime was death. Meier (*Att. Proc.* p. 365) awards the presidency of the court in which it was tried to the generals; but the circumstance of persons who left the city in times of danger without any intention of going over to the enemy, being tried by the Areiopagus as traitors (Lycurg. *c. Leocrat.* p. 177), will make us pause before we conclude that persons not enlisted as soldiers could be indicted of this offence before a military tribunal. [J. S. M.]

AUTO'NOMI (*αὐτόνομοι*), the name given by the Greeks to those states which were governed by their own laws, and were not subject to any foreign power. (Thuc. v. 18, 27; Xen. *Hell.* v. 1. § 31.) This name was also given to those cities subject to the Romans, which were permitted to enjoy their own laws, and elect their own magistrates (*Omnes, suis legibus et judiciis usae, αὐτονομίαν adeptae, revixerunt*, Cic. *Ad Att.* vi. 2). This permission was regarded as a great privilege, and mark of honour; and we accordingly find it recorded on coins and medals, as, for instance, on those of Antioch ΑΝΤΙΟΧΕΩΝ ΜΗΤΡΟΠΟΛ. ΑΥΤΟΝΟΜΟΥ, on those of Halicarnassus ΑΛΙΚΑΡΝΑCCΕΩΝ ΑΥΤΟΝΟΜΩΝ, and on those of many other cities. (Spanheim, *De Praest. et Usu Numism.* p. 789. Amst. 1671.)

AVU'LSIO. [Confusio.]

AUXILIA'RES. [Socii.]

AXAMENTA. [Salii.]

AXINE (*ἀξίνη*). [Securis.]

AXIS. [Currus.]

A'XONES (*ἄξονες*), also called *kurbeis* (*κυρβεις*), wooden tablets of a square or pyramidical form made to turn on an axis, on which were written the laws of Solon. According to some writers the *Axones* contained the civil, and the *Kurbeis* the religious laws; according to others the *Kurbeis* had four sides and the *Axones* three sides. But at Athens, at all events, they must have been identical, since such is the statement of Aristotle (*ap. Plut. Sol.* 25). They were at first preserved in the acropolis, but were afterwards placed, through the advice of Ephialtes, in the agora, in order that all persons might be able to read them. A small portion of them was preserved in the time of Plutarch in the prytaneium. (Plut. *Sol.* 25; Schol. *ad Aristoph. Av.* 1360; Schol. *ad Apoll. Rhod.* iv. 280; Harpocrat. *ὁ κατώθεν νόμος;* Hermann, *Griech. Staatsalterth.* § 107, n. 1; Wachsmuth *Hell. Alterthumsk.* vol. i. p. 491, 2nd ed.)

B.

BACCHANA'LIA. [Dionysia.]

BAKTE'RIA (*βακτηρία*), a staff borne by the dicasts at Athens. [Dicastes.]

BA'LATRO, a professional jester, buffoon, or parasite. (Hor. *Sat.* i. 2. 2.) In Horace (*Sat* ii. 8. 21) Balatro is used as a proper name — Servilius Balatro. An old Scholiast, in commenting on this word, derives the common word from the proper names; buffoons being called balatrones, because Servilius Balatro was a buffoon: but this is opposed to the natural inference from the former passage, and was said to get rid of a difficulty. Festus derives the word from blatea, and supposes buffoons to have been called balatrones, because they were dirty follows, and were covered with spots of mud (*blateae*), with which they got spattered in walking; but this is opposed to sound etymology and common sense. Another writer has derived it from barathrum, and supposes buffoons to have been called balatrones, because they, so to speak, carried their jesting to market, even into the very depth (*barathrum*) of the shambles (*barathrum macelli*, Hor. *Ep.* i. 15. 31). Perhaps balatro may be connected with *bala-re* (to bleat like a sheep, and hence) to speak sillily. It is probably connected with *blatero*, a busy-body. (Gell. i. 15.) Balatrones were paid for their jests, and the tables of the wealthy were generally open to them for the sake of the amusement they afforded. [A. A.]

BALISTA. [Tormentum.]

BA'LNEAE, *Balineae*, *Balneum*, *Balineum*, *Thermae* (*ἀσάμινθος, βαλανεῖον, λοετρόν, λουτρόν*). These words are all commonly translated by our general term bath or baths; but in the writings of the earlier and better authors they are used with discrimination. *Balneum* or *balineum*, which is derived from the Greek *βαλανεῖον* (Varro, *De Ling. Lat.* ix. 68, ed. Müller), signifies, in its primary sense, a bath or bathing-vessel, such as most persons of any consequence amongst the Romans possessed in their own houses (Cic. *Ad Att.* ii. 3), and hence the chamber which contained the bath (Cic. *Ad Fam.* xiv. 20), which is also the proper translation of the word *balnearium*. The diminutive *balneolum* is adopted by Seneca (*Ep.* 86) to designate the bath-room of Scipio, in the villa at Liternum, and is expressly used to characterise the modesty of republican manners as compared with the luxury of his own times. But when the baths of private individuals became more sumptuous, and comprised many rooms, instead of the one small chamber described by Seneca, the plural *balnea* or *balinea* was adopted, which still, in correct language, had reference only to the baths of private persons. Thus Cicero terms the baths at the villa of his brother Quintus (*Ad Q. Frat.* iii. 1. § 1) *balnearia.* *Balneae* and *balineae*, which according to Varro (*De Ling. Lat.* viii. 25, ix. 41, ed. Müller) have no singular number *, were the public baths. Thus Cicero (*Pro Cael.* 25) speaks of *balneas Senias*, *balneas publicas*, and *in vestibulo*

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* *Balnea* is, however, used in the singular to designate a private bath in an inscription quoted by Reinesius. (*Inscr.* xi. 115.)

balnearum (*Ib.* 26), and Aulus Gellius (iii. 1, x. 3) of *balneas Sitias*. But this accuracy of diction is neglected by many of the subsequent writers, and particularly by the poets, amongst whom *balnea* is not uncommonly used in the plural number to signify the public baths, since the word *balneas* could not be introduced in an hexameter verse. Pliny also, in the same sentence, makes use of the neuter plural *balnea* for public, and of *balneum* for a private bath. (*Ep.* ii. 17.) *Thermae* (θέρμαι, hot springs) meant properly warm springs, or baths of warm water; but came to be applied to those magnificent edifices which grew up under the empire, in place of the simple *balneae* of the republic, and which comprised within their range of buildings all the appurtenances belonging to the Greek gymnasia, as well as a regular establishment appropriated for bathing. (Juv. *Sat.* vii. 233). Writers, however, use these terms without distinction. Thus the baths erected by Claudius Etruscus, the freedman of the Emperor Claudian, are styled by Statius (*Sylv.* i. 5. 13) *balnea*, and by Martial (vi. 42) *Etrusci thermulae*. In an epigram by Martial (ix. 76) — *subice balneum thermis* — the terms are not applied to the whole building, but to two different chambers in the same edifice.

Greek Baths. — Bathing was a practice familiar to the Greeks of both sexes from the earliest times, both in fresh water and salt, and in the natural warm springs, as well as vessels artificially heated. Thus Nausicaa, daughter of Alcinous, king of Phaeacia, goes out with her attendants to wash her clothes; and after the task is done, she bathes herself in the river. (*Od.* vi. 58, 65.) Ulysses, who is conducted to the same spot, strips and takes a bath, whilst Nausicaa and her servants stand aside. (*Od.* vi. 210—224.) Europa also bathes in the river Anaurus (Mosch. *Id.* ii. 31), and Helen and her companions in the Eurotas. (Theocr. *Id.* vii. 22.) Warm springs were also resorted to for the purpose of bathing. The Ἡράκλεια λουτρὰ shown by Hephaestus or Athena to Hercules are celebrated by the poets. Pindar speaks of the hot baths of the nymphs — θερμὰ Νυμφᾶν λουτρὰ (*Olymp.* xii. 27), and Homer (*Il.* xxii. 149) celebrates one of the streams of the Scamander for its warm temperature. The artificial warm bath was taken in a vessel called ἀσάμινθος by Homer, and ἔμβασις by Athenaeus (i. p. 25). It would appear from the description of the bath administered to Ulysses in the palace of Circe, that this vessel did not contain water itself, but was only used for the bather to sit in while the warm water was poured over him, which was heated in a large caldron or tripod, under which the fire was placed, and when sufficiently warmed, was taken out in other vessels and poured over the head and shoulders of the person who sat in the ἀσάμινθος. (*Od.* x. 359—365.) Where cleanliness merely was the object sought, cold bathing was adopted, which was considered as most bracing to the nerves (Athen. *l. c.*); but after violent bodily exertion or fatigue warm water was made use of, in order to refresh the body, and relax the over tension of the muscles. (*Id. ib.*; comp. Hom. *Il.* x. 576, *Od.* iv. 48, et alibi.)

The ἀσάμινθος was of polished marble, like the basins (*labra*) which have been discovered in the Roman baths, and sometimes of silver. Indulgence in the warm bath was considered, in Homer's time, a mark of effeminacy (*Od.* viii. 248).

The use of the warm bath was preceded by bathing in cold water (*Il.* x. 576). The later custom of plunging into cold water after the warm bath mentioned by Aristeides (vol. i. *Orat.* 2. *Sacr. Serm.* p. 515), who wrote in the second century of our era, was no doubt borrowed from the Romans.

After bathing, both sexes anointed themselves with oil, in order that the skin might not be left harsh and rough, especially after warm water. (*Od.* vi. 96; Athen. *l. c.*; Plin. *H. N.* xiii. 1.; see also *Il.* xiv. 172, xxiii. 186.) The use of precious unguents (μύρα) was unknown at that early period. In the heroic ages, as well as later times, refreshments were usually taken after the bath. (*Od.* vi. 97.)

The Lacedaemonians, who considered warm water as enervating and effeminate, used two kinds of baths; namely, the cold daily bath in the Eurotas (Xen. *Hell.* v. 4. § 28; Plut. *Alc.* 23), and a dry sudorific bath in a chamber heated with warm air by means of a stove (Dion Cass. liii. p. 515, ed. Hannov. 1606); and from them the chamber used by the Romans for a similar purpose was termed *Laconicum* (compare Strabo, iii. p. 413, ed. Siebenkees, and Casaub. *ad loc.*).

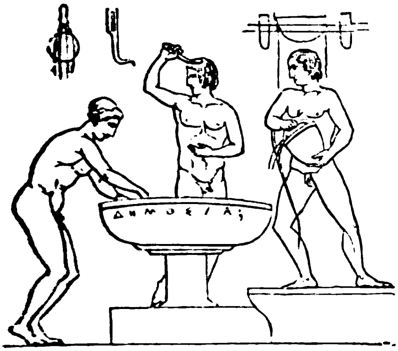
At Athens the frequent use of the public baths was regarded in the time of Socrates and Demosthenes as a mark of luxury and effeminacy. (Demosth. *c. Polycl.* p. 1217.) Accordingly Phocion was said to have never bathed in a public bath (ἐν βαλανείῳ δημοσιεύοντι, Plut. *Phoc.* 4), and Socrates to have made use of it very seldom. (Plato, *Symp.* p. 174.) It was, however, only the warm baths (βαλανεῖα, called by Homer θερμὰ λουτρά) to which objection was made, and which in ancient times were not allowed to be built within the city. (Athen. i. p. 18, b.) The estimation in which such baths were held, is expressed in the following lines of Hermippus (ap. Athen. *l. c.*)

> Μὰ τὸν Δί', οὐ μέντοι μεθύειν τὸν ἄνδρα χρὴ
> τὸν ἀγαθὸν, οὐδὲ θερμολουτεῖν, ἃ σὺ ποιεῖς.

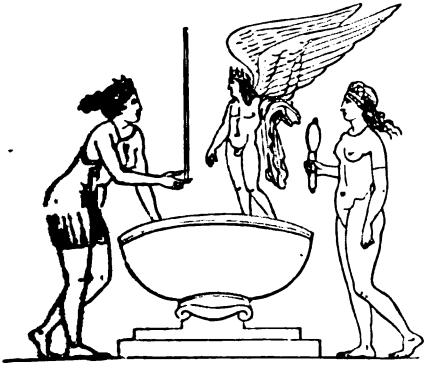
In the Clouds of Aristophanes the δίκαιος λόγος warns the young man to abstain from the baths (βαλανείων ἀπέχεσθαι, l. 978), which passage, compared with l. 1028—1037, shows that warm baths are intended by the word βαλανεῖα.

The baths (βαλανεῖα) were either public (δημόσια, δημοσιεύοντα) or private (ἴδια, ἰδιωτικά). The former were the property of the state, but the latter were built by private individuals, and were opened to the public on the payment of a fee (ἐπίλουτρον). Such private baths are mentioned by Plutarch (*Demetr.* 24) and Isaeus (*De Dicaeog. her.* p. 101), who speaks of one which was sold for 3000 drachmae. (*De Philoct. her.* p. 140.) Baths of this kind may also have been intended sometimes for the exclusive use of the persons to whom they belonged. (Xen. *Rep. Ath.* ii. 10.) A small fee appears to have been also paid by each person to the keeper of the public baths (βαλανεύς), which in the time of Lucian was two oboli. (Lucian, *Lexiph.* 2. vol. ii. p. 320.)

We know very little of the baths of the Athenians during the republican period; for the account of Lucian in his Hippias relates to baths constructed after the Roman model. On ancient vases, on which persons are represented bathing, we never find any thing corresponding to a modern bath in which persons can stand or sit; but there is always a round or oval basin (λουτήρ or λουτήριον), resting on a stand (ὑπόστατον), by the side of which those who are bathing are represented standing undressed and washing themselves, as is seen in the following woodcut taken from Sir W. Hamilton's vases. (Tischbein, i. pl. 58.) The word ΔΗΜΟΣΙΑ upon it shows that it belonged to a public bath.



The next woodcut is also taken from the same work (i. pl. 59), and represents two women bathing. The one on the right hand is entirely naked, and holds a looking-glass in her right hand; the one on the left wears only a short kind of χιτώνιον. Eros is represented hovering over the bathing vessel.



Besides the λουτῆρες and λουτήρια there were also the vessels for bathing, large enough for persons to sit in, which, as stated above, are called ἀσάμινθοι by Homer and πύελοι by the later Greeks (Schol. *ad Aristoph. Equit.* 1055; Hesych. s. v. Πύελος; Pollux, vii. 166, 168). In the baths there was also a kind of sudorific or vapour bath called πυρία or πυριατήριον, which is mentioned as early as the time of Herodotus (iv. 75). (Compare Pollux, vii. 168; Athen. v. p. 207, f., xii. p. 519, e.; Plut. *Cim.* 1.)

The persons who bathed probably brought with them strigils, oil, and towels. The strigil, which was called by the Greeks στλεγγίς or ξύστρα, was usually made of iron, but sometimes also of other materials. (Plut. *Inst. Lac.* 32; Aelian, xii. 29.) One of the figures in the preceding woodcut is represented with a strigil in his hand; several strigils are figured below. The Greeks also used different materials for cleansing or washing themselves in the bath, to which the general name of ῥύμμα was given, and which were supplied by the βαλανεύς. (Aristoph. *Lysistr.* 377.) This ῥύμμα usually consisted of a lye made of lime or wood-ashes (κονία), of nitrum, and of fuller's earth (γῆ κιμωλία, Aristoph. *Ran.* 710 and Schol.; Plat. *Rep.* iv. p. 430).

The bath was generally taken shortly before the δεῖπνον or principal meal of the day. It was the practice to take first a warm or vapour, and afterwards a cold bath (Plut. *de primo frig.* 10; Paus. ii. 34. § 2), though in the time of Homer the cold bath appears to have been taken first and the warm afterwards. The cold water was usually poured on the back or shoulders of the bathers by the βαλανεύς or his assistants, who are called παραχύται. (Plat. *Rep.* i. p. 344; Lucian, *Demosth. Encom.* 16. vol. iii. p. 503; Plut. *de Invid.* 6, *Apophth. Lac.* 49.) The vessel, from which the water was poured, was called ἀρύταινα. (Aristoph. *Equit.* 1087; Theophr. *Char.* 9.) In the first of the preceding woodcuts a παραχύτης is represented with an ἀρύταινα in his hands.

Among the Greeks a person was always bathed at birth, marriage, and after death [FUNUS]; whence it is said of the Dardanians, an Illyrian people, that they bathe only thrice in their lives, at birth, marriage, and after death. (Nicol. Damasc. *ap. Stob.* v. 51. p. 152, Gaisf.) The water in which the bride was bathed (λουτρὸν νυμφικόν, Aristoph. *Lysistr.* 378) at Athens, was taken from the fountain of Kallirrhoë, which was called from the time of Peisistratus Ἐννεάκρουνος. (Thucyd. ii. 15.) Compare Pollux, iii. 43; Harpocrat. *s. v.* Λουτροφόρος, who says that the water was fetched by a boy, who was the nearest relation, and that this boy was called λουτροφόρος. He also states that water was fetched in the same way to bathe the bodies of those who had died unmarried, and that on the monuments of such, a boy was represented holding a water-vessel (ὑδρία). Pollux (*l. c.*), however, states that it was a female who fetched the water on such occasions, and Demosthenes (*c. Leochar.* p. 1089. 23; compare p. 1086. 14. &c.) speaks of ἡ λουτροφόρος on the monument of a person who had died unmarried. In remains of ancient art we find girls represented as λουτροφόροι, but never boys. (Brönsted, *Brief Description of thirty-two ancient Greek Vases*, pl. 27. The best account of the Greek baths is given by Becker, *Charikles*, vol. ii. pp. 135—146, pp. 459—462.)

Roman Baths. — The Romans, in the earlier periods of their history, used the bath but seldom, and only for health and cleanliness, not as a luxury. Thus we learn from Seneca (*Ep.* 86) that the ancient Romans washed their legs and arms daily, and bathed their whole body once a week. (Comp. Cat. *de Lib. Educ. ap.* Non. iii. *s. v. Ephippium;* Colum. *R. R.* i. 6. § 20.)

It is not recorded at what precise period the use of the warm bath was first introduced amongst the Romans; but we learn from Seneca (*l. c.*) that Scipio had a warm bath in his villa at Liternum; which, however, was of the simplest kind, consisting of a single chamber, just sufficient for the necessary purposes, and without any pretensions to luxury. It was "small and dark," he says, "after the manner of the ancients." Seneca also describes the public baths as *obscura et gregali tectorio inducta*, and as so simple in their arrangements that the aedile judged of the proper temperature by his hands. These were baths of warm *water;* but the practice of heating an apartment with warm air by flues placed immediately under it, so as to produce a vapour bath, is stated by Valerius Maximus (ix. 1. § 1) and by Pliny (*H. N.* ix. 54. s. 79) to have been invented by Sergius Orata, who lived in the age of L. Crassus, the orator, before the Marsic war. The expression used by Valerius Maximus is *balnea pensilia*, and by Pliny *balineas pensiles*, which is differently explained by different commentators; but a single glance at the plans inserted below will be sufficient in order to comprehend the manner in which the flooring of the chambers was *suspended* over the hollow cells of the hypocaust, called by Vitruvius *suspensura caldariorum* (v. 11), so as to leave no doubt as to the precise meaning of the invention, which is more fully exemplified in the following passage of Ausonius (*Mosell.* 337):—

"Quid (memorem) quae sulphurea substructa crepidine fumant
Balnea, ferventi cum Mulciber haustus operto,
Volvit anhelatas tectoria per cava flammas,
Inclusum glomerans aestu exspirante vaporem?"

By the time of Cicero, the use of baths, both public and private, of warm water and hot air, had become general (*Epist. ad Q. Frat.* iii. 1); and we learn from one of his orations that there were already baths (*balneas Senias*) at Rome, which were open to the public upon payment of a small sum (*Pro Cael.* 25, 26).

In the earlier ages of Roman history a much greater delicacy was observed with respect to bathing, even amongst the men, than was usual among the Greeks; for according to Valerius Maximus (ii. 1. § 7) it was deemed indecent for a father to bathe in company with his own son after he had attained the age of puberty, or a son-in-law with his father-in-law. (Comp. Cic. *De Off.* i. 35, *De Orat.* ii. 55.) But virtue passed away as wealth increased; and when the thermae came into use, not only did the men bathe together in numbers, but even men and women stripped and bathed promiscuously in the same bath. It is true, however, that the public establishments often contained separate baths for both sexes adjoining to each other (Vitruv. v. 10; Varro, *De Ling. Lat.* ix. 68), as will be seen to have been the case at the baths of Pompeii. Aulus Gellius (x. 3) relates a story of a consul's wife who took a whim to bathe at Teanum (Teano), a small provincial town of Campania in the men's baths (*balneis virilibus*); probably, because in a small town, the female department, like that at Pompeii, was more confined and less convenient than that assigned to the men; and an order was consequently given to the Quaestor, M. Marius, to turn the men out. But whether the men and women were allowed to use each other's chambers indiscriminately, or that some of the public establishments had only one common set of baths for both, the custom prevailed under the Empire of men and women bathing indiscriminately together. (Plin. *H. N.* xxxiii. 12. s. 54.) This custom was forbidden by Hadrian (Spart. *Hadr.* c. 1), and by M. Aurelius Antoninus (Capitolin. *Anton.* c. 23); and Alexander Severus prohibited any baths, common to both sexes (*balnea mixta*), from being opened in Rome. (Lamprid. *Alex. Sev.* c. 42.)

When the public baths (*balneae*) were first instituted, they were only for the lower orders, who alone bathed in public; the people of wealth, as well as those who formed the equestrian and senatorian orders, used private baths in their own houses. But as early even as the time of Julius Caesar we find no less a personage than the mother of Augustus making use of the public establishments (Suet. *Aug.* 94); and in process of time even the emperors themselves bathed in public with the meanest of the people. (Spart. *Hadr.* c. 17; Trebell. Pollio, *De Gallien. duob.* c. 17.)

The baths were opened at sunrise, and closed at sunset; but in the time of Alexander Severus, it would appear that they were kept open nearly all night. (Lamp. *Alex. Sev. l. c.*) The allusion in Juvenal (*balnea nocte subit*, *Sat.* vi. 419) probably refers to private baths.

The price of a bath was a quadrans, the smallest piece of coined money, from the age of Cicero downwards (Cic. *Pro Cael.* 26; Hor. *Sat.* i. 3. 137; Juv. *Sat.* vi. 447), which was paid to the keeper of the bath (*balneator*); and hence it is termed by Cicero, in the oration just cited, *quadrantaria permutatio*, and by Seneca (*Ep.* 86) *res quadrantaria*. Children below a certain age were admitted free. (Juv. *Sat.* ii. 152.)

Strangers, also, and foreigners were admitted to some of the baths, if not to all, without payment, as we learn from an inscription found at Rome, and quoted by Pitiscus. (*Lex Antiq.*)

L. OCTAVIO. L. F. CAM.
RUFO. TRIB. MIL. . . . .
QUI LAVATIONEM GRATUITAM MUNICIPIBUS, INCOLIS
HOSPITIBUS ET ADVENTORIBUS.

The baths were closed when any misfortune happened to the republic (Fabr. *Descr. Urb. Rom.* c. 18); and Suetonius says that the Emperor Caligula made it a capital offence to indulge in the luxury of bathing upon any religious holiday. (*Ib.*) They were originally placed under the superintendence of the aediles, whose business it was to keep them in repair, and to see that they were kept clean and of a proper temperature. (*Ib.;* Sen. *Ep.* 86.) In the provinces the same duty seems to have devolved upon the quaestor, as may be inferred from the passage already quoted from Aulus Gellius (x. 3).

The time usually assigned by the Romans for taking the bath was the eighth hour, or shortly afterwards. (Mart. *Ep.* x. 48, xi. 52.) Before that time none but invalids were allowed to bathe in public. (Lamprid. *Alex. Sev.* 24.) Vitruvius reckons the hours best adapted for bathing to be from mid-day until about sunset (v. 10). Pliny took his bath at the ninth hour in summer, and at the eighth in winter (*Ep.* iii. 1, 8); and Martial speaks of taking a bath when fatigued and weary, at the tenth hour, and even later. (*Epig.* iii. 36, x. 70.)

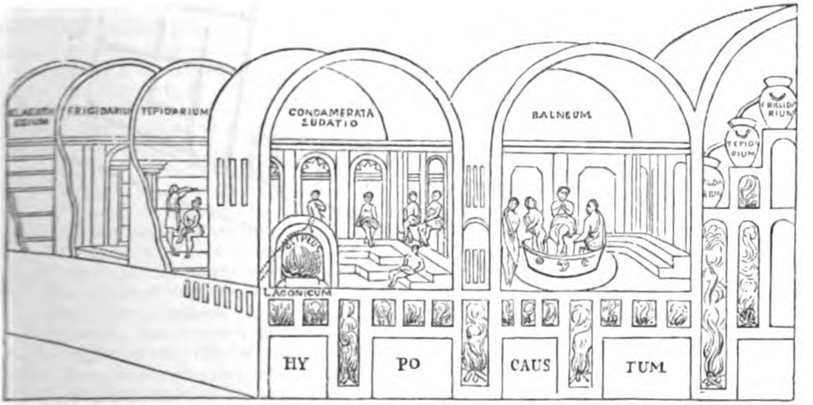
When the water was ready, and the baths prepared, notice was given by the sound of a bell — *aes thermarum*. (Mart. *Ep.* xiv. 163.) One of these bells, with the inscription FIRMI BALNEATORIS, was found in the thermae Diocletianae, in the year 1548, and came into the possession of the learned Fulvius Ursinus. (*Append. ad* Ciaccon. *de Triclin.*)

Whilst the bath was used for health merely or cleanliness, a single one was considered sufficient at a time, and that only when requisite. But the luxuries of the empire knew no such bounds, and the daily bath was sometimes repeated as many as seven and eight times in succession — the number which the Emperor Commodus indulged himself with. (Lamprid. *Com.* c. 2.) Gordian bathed seven times a day in summer, and twice in winter. The Emperor Gallienus six or seven times in summer, and twice or thrice in winter. (Capitolin. *Gall.* c. 17.) Commodus also took his meals in the bath (Lamprid. *l. c.*); a custom which was not confined to a dissolute Emperor alone. (Comp. Martial, *Epig.* xii. 19.)

It was the usual and constant habit of the Romans to take the bath after exercise, and previously to their principal meal (*coena*); but the debauchees of the empire bathed after eating as well as before, in order to promote digestion, so as to acquire a new appetite for fresh delicacies. Nero is related to have indulged in this practice. (Suet. *Nero*, 27; comp. Juv. *Sat.* i. 142.)

Upon quitting the bath it was usual for the Romans as well as the Greeks to be anointed with oil; but a particular habit of body, or tendency to certain complaints, sometimes required this order to be reversed; for which reason Augustus, who suffered from nervous disorders, was accustomed to anoint himself before bathing (Suet. *Aug.* 82); and a similar practice was adopted by Alexander Severus. (Lamprid. *Alex. Sev. l. c.*) The most usual practice, however, seems to have been to take some gentle exercise (*exercitatio*), in the first instance, and then, after bathing, to be anointed either in the sun, or in the tepid or thermal chamber, and finally to take their food.

The Romans did not content themselves with a single bath of hot or cold water; but they went through a course of baths in succession, in which the agency of air as well as water was applied. It is difficult to ascertain the precise order in which the course was usually taken, if indeed there was any general practice beyond the whim of the individual. Under medical treatment, the succession would, of course, be regulated by the nature of the disease for which a cure was sought, and would vary also according to the different practice of different physicians. It is certain, however, that it was a general practice to close the pores, and brace the body after the excessive perspiration of the vapour bath, either by pouring cold water over the head, or by plunging at once into the *piscina*, or into a river. (Auson. *Mosell.* 341.) Musa, the physician of Augustus, is said to have introduced this practice (Plin. *H. N.* xxv. 7. s. 38), which became quite the fashion, in consequence of the benefit which the emperor derived from it, though Dion (liii. p. 517) accuses Musa of having artfully caused the death of Marcellus by an improper application of the same treatment. In other cases it was considered conducive to health to pour warm water over the head before the vapour bath, and cold water immediately after it (Plin. *H. N.* xxviii. 4. s. 14; Cels. *De Med.* i. 3); and at other times, a succession of warm, tepid, and cold water was resorted to.



The two physicians Galen and Celsus differ in some respects as to the order in which the baths should be taken; the former recommending first the hot air of the Laconicum (ἀέρι θερμῷ), next the bath of warm water (ὕδωρ θερμὸν and λοῦτρον *), afterwards the cold, and finally to be well rubbed (Galen, *De Methodo Medendi*, x. 10. p. 708, 709, ed. Kühn); whilst the latter recommends his patients first to sweat for a short time in the tepid chamber (*tepidarium*), without undressing; then to proceed into the thermal chamber (*calidarium*), and after having gone through a regular course of perspiration there, not to descend into the warm bath (*solium*), but to pour a quantity of warm water over the head, then tepid, and finally cold; afterwards to be scraped with the strigil (*perfricari*), and finally rubbed dry and anointed. (Cels. *De Med.* i. 4.) Such, in all probability, was the usual habit of the Romans when the bath was resorted to as a daily source of pleasure, and not for any particular medical treatment; the more so, as it resembles in many respects the system of bathing still in practice amongst the Orientals, who, as Sir W. Gell remarks, "succeeded by conquest to the luxuries of the enervated Greeks and Romans." (Gell's *Pompeii*, vol. i. p. 86, ed. 1832.)

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* *Λοῦτρον.* In this passage it is plain that the word *λοῦτρον* is used for a warm bath, in which sense it also occurs in the same author. Vitruvius (v. 11), on the contrary, says that the Greeks used the same word to signify a cold bath (*frigida lavatio, quam Graeci λοῦτρον vocitant*). The contradiction between the two authors is here pointed out, for the purpose of showing the impossibility, as well as impropriety, of attempting to affix *one* precise meaning to each of the different terms made use of by the ancient writers in reference to their bathing establishments.

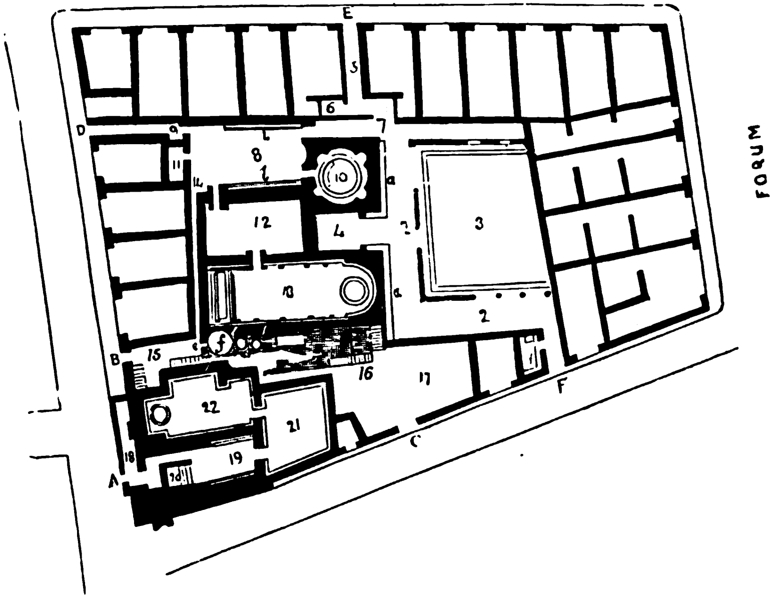
Having thus detailed from classical authorities the general habits of the Romans in connection with their system of bathing, it now remains to examine and explain the internal arrangements of the structures which contained their baths; which will serve as a practical commentary upon all that has been said. Indeed there are more ample and better materials for acquiring a thorough insight into Roman manners in this one particular, than for any other of the usages connected with their domestic habits. The principal ancient authorities are Vitruvius (v. 10), Lucian (*Ἱππίας ἢ βαλάνειον*, a detailed description of a set of baths erected by an architect named Hippias), Pliny the Younger, in the two letters describing his villas (ii. 17, v. 6), Statius (*Balneum Etrusci*, *Silv.* i. 5), Martial (vi., 42, and other epigrams), Sidonius Apollinaris (*Epist.* ii. 2), and Seneca (*Epist.* 51, 56, 86).

But it would be almost hopeless to attempt to arrange the information obtained from these writers, were it not for the help afforded us by the extensive ruins of ancient baths, such as the *Thermae* of Titus, Caracalla, and Diocletian, but above all the public baths (*balneae*) at Pompeii, which were excavated in 1824—25, and were found to be a complete set, constructed in all their important parts upon rules very similar to those laid down by Vitruvius, and in such good preservation that many of the chambers were complete, even to the ceilings.

In order to render the subjoined remarks more easily intelligible, the woodcut on the preceding page is inserted, which is taken from a fresco painting upon the walls of the thermae of Titus at Rome.

The annexed woodcut represents the ground plan of the baths of Pompeii, which are nearly surrounded on three sides by houses and shops, thus forming what the Romans termed an *insula*.

The whole building, which comprises a double set of baths, has six different entrances from the street, one of which A, gives admission to the smaller set only, which are supposed to have been appropriated to the women, and five others to the male department; of which two, B and C, communicate directly with the furnaces, and the other three D, E, F, with the bathing apartments, of which F, the nearest to the forum, was the principal one; the other two, D and E, being on different sides of the building, served for the convenience of those who lived on the north and east sides of the city. To have a variety of entrances (*ἐξόδοις πολλαῖς τεθυρωμένον*) is one of the qualities enumerated by Lucian as necessary to a well-constructed set of baths. (*Hippias*, 8.) Passing through the principal entrance F, which is removed from the street by a narrow footway surrounding the *insula* (the outer curb of which is marked upon the plan by the thin line drawn round it), and after descending three steps, the bather finds upon his left hand a small chamber (1), which contained a convenience (*latrina* *), and proceeds into a covered portico (2), which ran round three sides of an open court—*atrium* (3), and these together formed the vestibule of the baths—*vestibulum balnearum* (Cic. *Pro Cael.* 26), in which the servants belonging to the establishment, as well as the attendants of the bathers, waited. There are seats for their accommodation



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* *Latrina* was also used previously to the time of Varro for the bathing-vessel, *quasi lavatrina*. (Varro, *De Ling Lat.* ix. 68. ed. Muller; compare Lucill. *ap. Non.* c. 3. n. 131.)

placed underneath the portico (*a*, *a*). This compartment answers exactly to the first, which is described by Lucian (*l. c.* 5). Within this court the keeper of the baths (*balneator*) who exacted the *quadrans* paid by each visitor, was also stationed; and the box for holding the money was found in it. The room (4), which runs back from the portico, might have been appropriated to him; or, if not, it might have been an *oecus* or *exedra*, for the convenience of the better classes whilst awaiting the return of their acquaintances from the interior, in which case it will correspond with the chambers mentioned by Lucian (*l. c.* 5), adjoining to the servants' waiting-place (*ἐν ἀριστερᾷ δὲ τῶν ἐς τρυφὴν παρεσκευασμένων οἰκημάτων*). In this court likewise, as being the most public place, advertisements for the theatre, or other announcements of general interest, were posted up, one of which, announcing a gladiatorial show, still remains. (5) Is the corridor which conducts from the entrance E, into the same vestibule. (6) A small cell of similar use as the corresponding one in the opposite corridor (1). (7) A passage of communication which leads into the chamber (8), the *frigidarium*, which also served as an *apodyterium*, or *spoliatorium*, a room for undressing; and which is also accessible from the street by the door D, through the corridor (9), in which a small niche is observable, which probably served for the station of another *balneator*, who collected the money from those entering from the north street. In this room all the visitors must have met before entering into the interior of the baths; and its locality, as well as other characteristic features in its fittings up, leave no room to doubt that it served as an undressing room. It does not appear that any general rule of construction was followed by the architects of antiquity, with regard to the locality and temperature best adapted for an apodyterium. The word is not mentioned by Vitruvius, nor expressly by Lucian; but he says enough for us to infer that it belonged to the *frigidarium* in the baths of Hippias (*l. c.* 5). "After quitting the last apartment there are a sufficient number of chambers for the bathers to undress, in the centre of which is an *oecus* containing three baths of cold water." Pliny the younger says that the *apodyterium* at one of his own villas adjoined the *frigidarium* (*Ep.* v. 6), and it is plain from a passage already quoted, that the *apodyterium* was a warm apartment in the baths belonging to the villa of Cicero's brother, Quintus (*assa in alterum apodyterii angulum promovi*), to which temperature Celsus also assigns it. In the thermae at Rome the hot and cold departments had probably each a separate *apodyterium* attached to it; or if not, the ground plan was so arranged that one *apodyterium* would be contiguous to, and serve for both, or either; but where space and means were circumscribed, as in the little city of Pompeii, it is more reasonable to conclude that the *frigidarium* served as an *apodyterium* for those who confined themselves to cold bathing, and the *tepidarium* for those who commenced their ablutions in the warm apartments. The bathers were expected to take off their garments in the *apodyterium*, it not being permitted to enter into the interior unless naked. (Cic. *Pro Cael.* 26.) They were then delivered to a class of slaves, called *capsarii* (from *capsa*, the small case in which children carried their books to school), whose duty it was to take charge of them. These men were notorious for dishonesty, and leagued with all the thieves of the city, so that they connived at the robberies they were placed there to prevent. Hence the expression of Catullus — *O furum optume balneariorum!* (*Carm.* xxxiii. 1) and Trachilo in the Rudens of Plautus (ii. 33. 51), complains bitterly of their roguery, which, in the capital, was carried to such an excess that very severe laws were enacted against them, the crime of stealing in the baths being made a capital offence.

To return into the chamber itself — it is vaulted and spacious, with stone seats along two sides of the wall (*b*, *b*), and a step for the feet below, slightly raised from the floor (*pulvinus et gradus*, Vitruv. v. 10). Holes can still be seen in the walls, which might have served for pegs on which the garments were hung when taken off. It was lighted by a window closed with glass, and ornamented with stucco mouldings and painted yellow. A sectional drawing of this interior is given in Sir W. Gell's *Pompeii*. There are no less than six doors to this chamber; one led to the entrance E, another to the entrance D, a third to the small room (11), a fourth to the furnaces, a fifth to the tepid apartment, and the sixth opened upon the cold bath (10), named indifferently by the ancient authors, *natatio*, *natatorium*, *piscina*, *baptisterium* *, *puteus*, λοῦτρον. The bath, which is coated with white marble, is 12 feet 10 inches in diameter, and about 3 feet deep, and has two marble steps to facilitate the descent into it, and a seat surrounding it at the depth of 10 inches from the bottom, for the purpose of enabling the bathers to sit down and wash themselves. The ample size of this basin explains to us what Cicero meant when he wrote — *Latiorem piscinam voluissem, ubi jactata brachia non offenderentur.* It is probable that many persons contented themselves with the cold bath only, instead of going through the severe course of perspiration in the warm apartments; and as the *frigidarium* alone could have had no effect in baths like these, where it merely served as an *apodyterium*, the *natatio* must be referred to when it is said that at one period cold baths were in such request that scarcely any others were used. (Gell's *Pompeii*, *l. c.*) There is a platform, or ambulatory (*schola*, Vitruv. v. 10) round the bath, also of marble, and four niches of the same material disposed at regular intervals round the walls, with pedestals, for statues probably, placed in them.† The ceiling is vaulted, and the chamber lighted by a window in the centre. The annexed woodcut represents a *frigidarium* with its cold bath (*puteus*, Plin. *Ep.* v. 6) at one extremity, supposed to have formed a part of the Formian villa of Cicero, to whose age the style of construction, and the use of the simple Doric order, undoubtedly belong. The bath itself, into which the water still continues to flow from a neighbouring spring, is placed under the alcove, and the two doors on each side opened into small chambers, which probably served as *apodyteria*. It is still to be seen in the gardens of the Villa Caposeli, at Mola di Gaeta, the site of the ancient Formiae.

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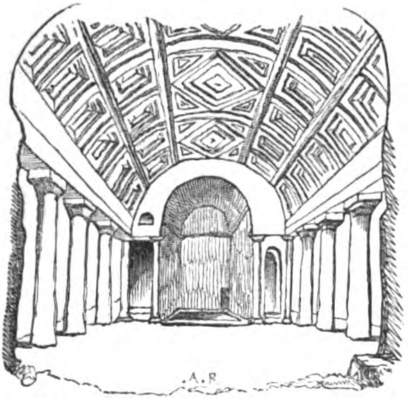
* The word *baptisterium* (Plin. *Ep.* v. 6) is not a bath sufficiently large to immerse the whole body, but a vessel, or *labrum*, containing cold water for pouring over the head. Compare also Plin. *Ep.* xvii. 2.

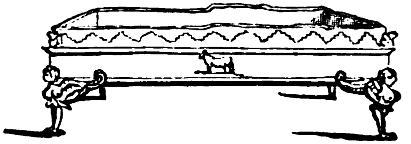
† According to Sir W. Gell (*l. c.*) with seats, which he interprets *scholae*, for the accommodation of persons waiting an opportunity to bathe — but a passage of Vitruvius (v. 10), hereafter quoted, seems to contradict this use of the term — and seats were placed in the *frigidarium* adjoining, for the express purpose of accommodating those who were obliged to wait for their turn.



In the cold bath of Pompeii the water ran into the basin through a spout of bronze, and was carried off again through a conduit on the opposite side. It was also furnished with a waste-pipe under the margin to prevent it from running over. No. 11 is a small chamber on the opposite side of the *frigidarium*, which might have served for shaving (*tonstrina*), or for keeping unguents or *strigiles;* and from the side of the *frigidarium*, the bather, who intended to go through the process of warm bathing and sudation, entered into (12) the *tepidarium*.

This chamber did not contain water either at Pompeii or at the baths of Hippias, but was merely heated with warm air of an agreeable temperature in order to prepare the body for the great heat of the vapour and warm baths, and, upon returning, to obviate the danger of a too sudden transition to the open air. In the baths at Pompeii this chamber served likewise as an *apodyterium* for those who took the warm bath; for which purpose the fittings up are evidently adapted, the walls being divided into a number of separate compartments or recesses for receiving the garments when taken off, by a series of figures of the kind called *Atlantes* or *Telamones*, which project from the walls, and support a rich cornice above them. One of these divisions, with the *Telamones*, is represented in the article ATLANTES. Two bronze benches were also found in the room, which was heated as well by its contiguity to the hypocaust of the adjoining chamber, as by a brazier of bronze (*foculus*), in which the charcoal ashes were still remaining when the excavation was made. A representation of it is given in the annexed woodcut. Its whole length was seven feet, and its breadth two feet six inches.

In addition to this service there can be little doubt that this apartment was used as a depository for unguents and a room for anointing (ἀλειπτήριον, *unctuarium*, *elaeothesium*), the proper place for which is represented by Lucian (*l. c.*) as adjoining to the *tepidarium*, and by Pliny (*Ep.* ii. 17) as adjoining to the hypocaust; and for which purpose some of the niches between the *Telamones* seem to be peculiarly adapted. In the larger establishments a separate chamber was allotted to these purposes, as may be seen by referring to the drawing taken from the Thermae of Titus; but as there is no other spot within the circuit of the Pompeian baths which could be applied in the same manner, we may safely conclude that the inhabitants of this city were anointed in the *tepidarium*; which service was performed by slaves called *unctores* and *aliptae*. [ALIPTAE.] For this purpose the common people used oil, sometimes scented; but the more wealthy classes indulged in the greatest extravagance with regard to their perfumes and unguents. These they either procured from the *elaeothesium* of the baths, or brought with them in small glass bottles *ampullae oleariae*; hundreds of which have been discovered in different excavations made in various parts of Italy. [AMPULLA.] The fifth book of Athenaeus contains an ample treatise upon the numerous kinds of ointments used by the Romans; which subject is also fully treated by Pliny (*H. N.* xiii.).

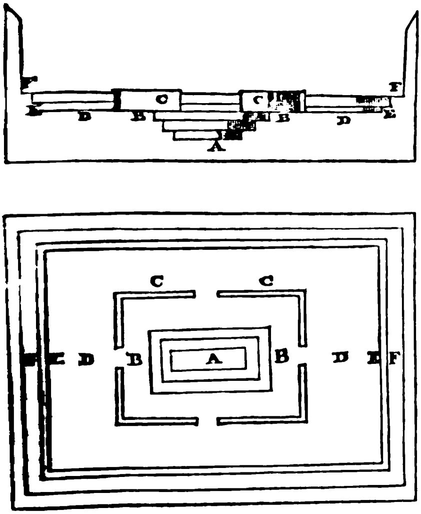


Caligula is mentioned by Suetonius (*Cal.* 37) as having invented a new luxury in the use of the bath, by perfuming the water, whether hot or cold, by an infusion of precious odours, or as Pliny states (*l. c.*), by anointing the walls with valuable unguents; a practice, he adds, which was adopted by one of the slaves of Nero, that the luxury might not be confined to royalty (*ne principale videatur hoc bonum*).

From this apartment, a door, which closed by its own weight, to prevent the admission of the cooler air, opened into No. 13, the thermal chamber or *concamerata sudatio* of Vitruvius (v. 11); and which, in exact conformity with his directions, contains the warm bath—*balneum*, or *calda lavatio* (Vitruv. *l. c.*), at one of its extremities; and the semicircular vapour-bath, or *Laconicum* at the other; whilst the centre space between the two ends, termed *sudatio* by Vitruvius (*l. c.*), and *sudatorium* by Seneca, is exactly twice the length of its width, according to the directions of Vitruvius. The object in leaving so much space between the warm bath and the *Laconicum* was to give room for the gymnastic exercises of the persons within the chamber, who were accustomed to promote a full flow of perspiration by rapid movements of the arms and legs, or by lifting weights. (Juv. *Sat.* vi. 420.) In larger establishments the conveniences contained in this apartment occupied two separate cells, one of which was appropriated to the warm bath, which apartment was then termed *caldarium*, *cella caldaria*, or *balneum*, and the other comprised the Laconicum and sudatory—*Laconicum sudationesque* (Vitruv. *l. c.*), which part *alone* was then designated under the name of *concamerata sudatio*.

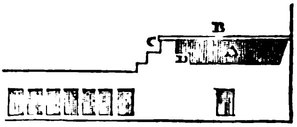
This distribution is represented in the painting on the walls of the Thermae of Titus; in which there is also another peculiarity to be observed, viz., the passage of communication (*intercapedo*) between the two chambers, the flooring of which is suspended over the hypocaust. Lucian informs us of the use for which this compartment was intended, where he mentions as one of the characteristic conveniences in the baths of Hippias, that the bathers need not retrace their steps through the whole suite of apartments by which they had entered, but might return from the thermal chamber by a shorter circuit through a room of gentle temperature (δι' ἠρέμα ϑερμοῦ οἰκήματος, *l. c.* 7), which communicated immediately with the *frigidarium.*

The warm-water bath, which is termed *calda lavatio* by Vitruvius (*l. c*), *balineum* by Cicero (*Ad Att.* ii. 3), *piscina* or *calida piscina* by Pliny (*Ep.* ii. 17) and Suetonius (*Nero*, 27), as well as *labrum* (Cic. *Ad Fam.* xiv. 16), and *solium* by Cicero (*in Pison.* 27), appears to have been a capacious marble vase, sometimes standing upon the floor, like that in the picture from the Thermae of Titus; and sometimes either partly elevated above the floor, as it was at Pompeii, or entirely sunk into it, as directed by Vitruvius (v. 10). His words are these: — "The bath (*labrum*) should be placed underneath the window, in such a position that the persons who stand around may not cast their shadows upon it. The platform which surrounds the bath (*scholae labrorum*) must be sufficiently spacious to admit of the surrounding observers, who are waiting for their turn, to stand there without crowding each other. The width of the passage or channel (*alveus*), which lies between the parapet (*pluteus*), and the wall, should not be less than six feet, so that the space occupied by the seat and its step below (*pulvinus et gradus inferior*) may take off just two feet from the whole width." The subjoined plans given by Marini, will explain his meaning.



A, *labrum*, or bath; B, *schola*, or platform; C, *pluteus*, or parapet; D, *alveus*, passage between the *pluteus* and wall; F, *pulvinus*, or seat; and E, the lower step (*gradus inferior*), which together take up two feet.

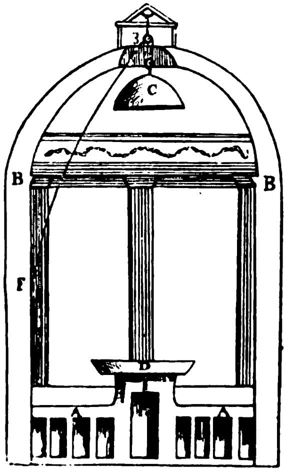
The warm bath at Pompeii is a square basin of marble, and is ascended from the outside by two steps raised from the floor, which answered to the parapet or *pluteus* of Vitruvius. Around ran a narrow platform (*schola*); but which, in consequence of the limited extent of the building, would not admit of a seat (*pulvinus*) all around it. On the interior another step allowed the bathers to sit down and wash themselves. The annexed section will render this easily intelligible.



A, *labrum*; B, *schola*; C, *pluteus*; D, the step on the inside, probably called *solium*. (Fulv. Ursinus, *Append. in* Ciaccon. *de Triclin.*) In the women's baths of the opulent and luxurious capital, the *solia* were sometimes made of silver. (Plin. *H. N.* xxxiii. 12. s. 54.)

We now turn to the opposite extremity of the chamber which contains the *Laconicum* or vapour bath, so called because it was the custom of the Lacedaemonians to strip and anoint themselves without using warm water after the perspiration produced by their athletic exercises. (Dion Cass. liii. p. 516; comp. Martial. *Epig.* vi. 42. 16.) It is termed *assa* by Cicero (*Ad Quint. Frat.* iii. 1. § 1), from ἄζω, to dry; because it produced perspiration by means of a dry, hot atmosphere; which Celsus (iii. cap. ult.) consequently terms *sudationes assas*, "dry sweating," which he afterwards adds (xi. 17) was produced by dry warmth (*calore sicco*). It was called by the Greeks πυριατήριον (Voss. *Lex. Etym. s. v.*) from the fire of the hypocaust, which was extended under it; and hence by Alexander Aphrodis. ξηρὸν ϑολόν, "a dry vaulted chamber."

Vitruvius says that its width should be equal to its height, reckoning from the flooring (*suspensura*) to the bottom of the thole (*imam curvaturam*

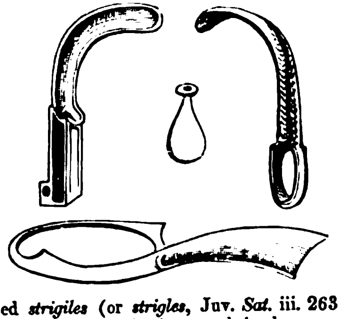


hemisphaerii), over the centre of which an orifice is left, from which a bronze shield (*clipeus*) was suspended. This regulated the temperature of the apartment, being raised or lowered by means of chains to which it was attached. The form of the cell was required to be circular, in order that the warm air from the hypocaust might encircle it with greater facility. (Vitruv. v. 10.) In accordance with these rules is the Laconicum at Pompeii, a section of which is given in the previous page, the clipeus only being added in order make the meaning more clear.

A, The suspended pavement, *suspensura ;* B. the junction of the hemisphaerium with the side walls, *ima curvatura hemisphaerii ;* C, the shield, *clipeus ;* E and F, the chains by which it is raised and lowered ; D, a *labrum*, or flat marble vase, into which a supply of water was introduced by a single pipe running through the stem. Its use is not exactly ascertained in this place, nor whether the water it contained was hot or cold.

It would not be proper to dismiss this account of the *Laconicum* without alluding to an opinion adopted by some writers, amongst whom are Galiano and Cameron, that the *Laconicum* was merely a small cupola, with a metal shield *over* it, rising above the flooring (*suspensura*) of the chamber, in the manner represented by the drawing from the Thermae of Titus, which drawing has, doubtless, given rise to the opinion. But it will be observed that the design in question is little more than a section, and that the artist may have resorted to the expedient in order to show the apparatus belonging to one end of the chamber, as is frequently done in similar plans, where any part which required to be represented upon a larger scale is inserted in full development within the general section ; for in none of the numerous baths which have been discovered in Italy or elsewhere, even where the pavements were in a perfect state, has any such contrivance been observed. Besides which it is manifest that the *clipeus* could not be raised or lowered in the design alluded to, seeing that the chains for that purpose could not be reached in the situation represented, or, if attained, could not be handled, as they must be red-hot from the heat of the hypocaust into which they were inserted. In addition to which, the remains discovered tally exactly with the directions of Vitruvius, which this does not.

After having gone through the regular course of perspiration, the Romans made use of instruments called *strigiles* (or *strigles*, Juv. *Sat.* iii. 263), to scrape off the perspiration, much in the same way as we are accustomed to scrape the sweat off a horse with a piece of iron hoop, after he has run a heat, or comes in from violent exercise. These instruments, some specimens of which are represented in the previous woodcut, and many of which have been discovered amongst the ruins of the various baths of antiquity, were made of bone, bronze, iron, and silver ; all corresponding in form with the epithet of Martial, "*curvo* distringere ferro" (*Epig.* xiv. 51). The poorer classes were obliged to scrape themselves, but the more wealthy took their slaves to the baths for the purpose ; a fact which is elucidated by a curious story related by Spartianus (*Hadrian.* c. 17).



The strigil was by no means a blunt instrument, consequently its edge was softened by the application of oil, which was dropped upon it from a small vessel called *guttus* *, which had a narrow neck, so as to discharge its contents drop by drop, from whence the name is taken. A representation of a guttus is given in the preceding woodcut. Augustus is related to have suffered from an over-violent use of the strigil. (Suet. *Aug.* 30.) Invalids and persons of a delicate habit made use of sponges, which Pliny says answered for towels as well as strigils. They were finally dried with towels (*lintea*), and anointed. (Juv. *Sat.* iii. 262 ; Apuleius, *Met.* ii. ; Plin. *H. N.* xxxi. 11. s. 47.)

The common people were supplied with these necessaries in the baths, but the more wealthy carried their own with them (Pers. *Sat.* v. 126). Lucian (*Lexiph.* vol. ii. p. 320. ed. Reiz.) adds also soap and towels to the list.

After the operation of scraping and rubbing dry, they retired into, or remained in, the *tepidarium* until they thought it prudent to encounter the open air. But it does not appear to have been customary to bathe in the water, when there was any, which was not the case at Pompeii, nor in the baths of Hippias (Lucian, *l. c.*), either of the *tepidarium* or *frigidarium ;* the temperature only of the atmosphere in these two chambers being of consequence to break the sudden change from the extreme of hot to cold.

Returning now back into the frigidarium (8), which, according to the directions of Vitruvius (v. 11), has a passage (14) communicating with the mouth of the furnace (*e*), which is also seen in the next woodcut under the boilers, called *praefurnium*, *propnigeum* (Plin. *Ep.* ii. 17), *προπνιγεῖον* (from *πρό*, before, and *πνιγεύς*, a furnace), and passing down that passage, we reach the chamber (15) into which the praefurnium projects, and which has also an entrance from the street at B. It was appropriated to the use of those who had charge of the fires (*fornacatores*). There are two staircases in it ; one of which leads to the roof of the baths, and the other to the coppers which contained the water. Of these there were three : one of which contained the hot water — *caldarium* (sc. vas, or ahenum) ; the second the tepid — *tepidarium ;* and the last the cold — *frigidarium.* The warm water was introduced into the warm bath by means of a conduit pipe, marked on the plan, and conducted through the wall. Underneath the *caldarium* was placed the furnace (*furnus*, Hor. *Ep.* i. 11. 12), which served to heat the water, and give out streams of warm air into the hollow cells of the *hypocaustum* (from *ὑπὸ* and *καίω*). It passed from the furnace under the first and last of the caldrons by two flues, which are marked upon the plan. These coppers were constructed in the same manner as is represented in the engraving from the Thermae of Titus; the one containing hot water being placed immediately over the furnace; and, as the water was drawn out from thence, it was supplied from the next, the *tepidarium*, which was already considerably heated from its contiguity to the furnace and the hypocaust below it, so that it supplied the deficiency of the former without materially diminishing its temperature; and the vacuum in this last was again filled up from the farthest removed, which contained the cold water received directly from the square reservoir seen behind them; a principle which has at length been introduced into the modern bathing establishments, where its efficacy, both in saving time and expense, is fully acknowledged. The boilers themselves no longer remain, but the impressions which they have left in the mortar in which they were embedded are clearly visible, and enable us to ascertain their respective positions and dimensions, the first of which, the *caldarium*, is represented in the annexed cut.

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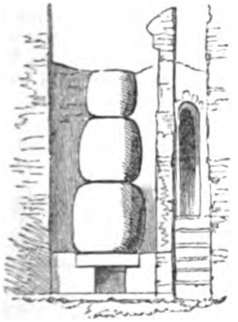
* It was also called *ampulla*, *λήκυθος*, *μυροθήκιον*, *ἐλαιοφόρον*. (Ruperti, *Ad Juv. Sat.* iii. 262.) [AMPULLA.]



Behind the coppers there is another corridor (16), leading into the court or atrium (17) appropriated to the servants of the bath, and which has also the convenience of an immediate communication with the street by the door at C.

We now proceed to the adjoining set of baths, which were assigned to the women. The entrance is by the door A, which conducts into a small vestibule (18), and thence into the *apodyterium* (19), which, like the one in the men's bath, has a seat (*pulvinus* et *gradus*) on either side built up against the wall. This opens upon a cold bath (20), answering to the *natatio* of the other set, but of much smaller dimensions, and probably similar to the one denominated by Pliny (*l. c.*) *puteus*. There are four steps on the inside to descend into it. Opposite to the door of entrance into the *apodyterium* is another doorway which leads to the *tepidarium* (21), which also communicates with the thermal chamber (22), on one side of which is a warm bath in a square recess, and at the further extremity the *Laconicum* with its *labrum*. The floor of this chamber is suspended, and its walls perforated for flues, like the corresponding one in the men's baths.

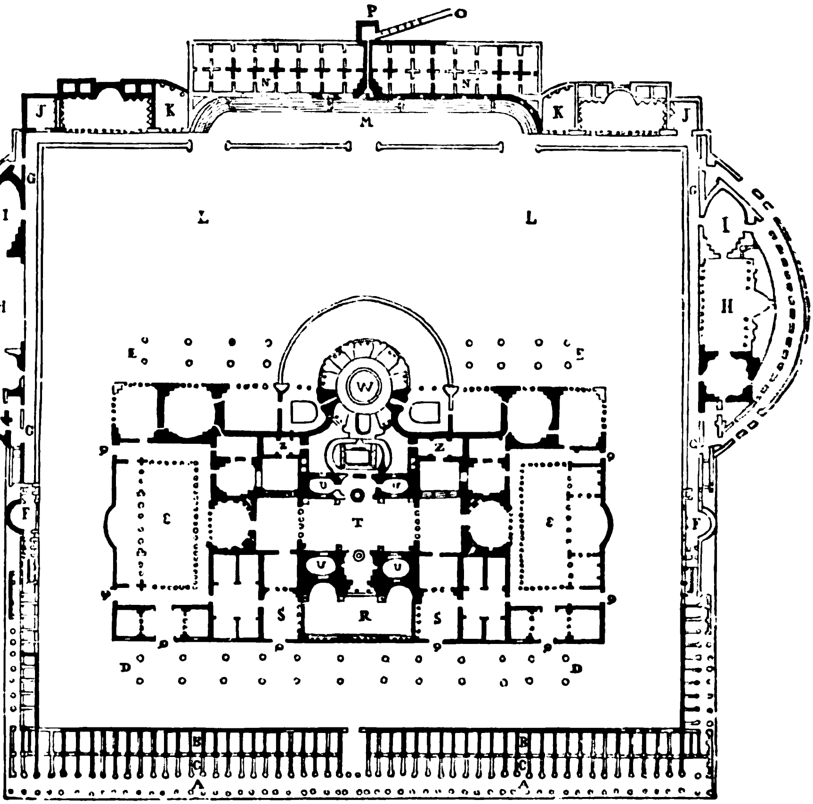
The comparative smallness and inferiority of the fittings-up in this suite of baths has induced some Italian antiquaries to throw a doubt upon the fact of their being assigned to the women; and amongst these the Abbate Iorio (*Plan de Pompeii*) ingeniously suggests that they were an old set of baths, to which the larger ones were subsequently added when they became too small for the increasing wealth and population of the city. But the story, already quoted, of the consul's wife who turned the men out of their baths at Teanum for her convenience, seems sufficiently to negative such a supposition; and to prove that the inhabitants of ancient Italy, if not more selfish, were certainly less gallant than their successors. In addition to this, Vitruvius expressly enjoins that the baths of the men and women, though separate, should be contiguous to each other, in order that they might be supplied from the same boilers and hypocaust (v. 10); directions which are here fulfilled to the letter, as a glance at the plan will demonstrate.

It does not come within the scope of this article to investigate the source from whence, or the manner in which, the water was supplied to the baths of Pompeii. But it may be remarked that the suggestion of Mazois, who wrote just after the excavation was commenced, and which has been copied from him by the editor of the volumes on Pompeii published by the Society for the Diffusion of Useful Knowledge, was not confirmed by the excavation; and those who are interested in the matter may consult the fourth appendix to the *Plan de Pompeii*, by the Abbate Iorio.

Notwithstanding the ample account which has been given of the plans and usages respecting baths in general, something yet remains to be said about that particular class denominated Thermae; of which establishments the baths in fact constituted the smallest part. The thermae, properly speaking, were a Roman adaptation of the Greek gymnasium, [GYMNASIUM], or palaestra, as described by Vitruvius (v. 11); both of which contained a system of baths in conjunction with conveniences for athletic games and youthful sports, exedrae in which the rhetoricians declaimed, poets recited, and philosophers lectured — as well as porticoes and vestibules for the idle, and libraries for the learned. They were decorated with the finest objects of art, both in painting and sculpture, covered with precious marbles, and adorned with fountains and shaded walks and plantations, like the groves of the Academy. It may be said that they began and ended with the Empire, for it was not until the time of Augustus that these magnificent structures were commenced. M. Agrippa is the first who afforded these luxuries to his countrymen, by bequeathing to them the thermae and gardens which he had erected in the Campus Martius. (Dion Cass. liv. vol. i. p. 759; Plin. *H. N.* xxxvi. 25. s. 64.) The Pantheon, now existing at Rome, served originally as a vestibule to these baths; and, as it was considered too magnificent for the purpose, it is supposed that Agrippa added the portico and consecrated it as a temple. It appears from a passage in Sidonius Apollinaris (*Carm.* xxiii. 495), that the whole of these buildings, together with the adjacent Thermae Neronianae, remained entire in the year A. D. 466. Little is now left beyond a few fragments of ruins, and the Pantheon. The example set by Agrippa was followed by Nero, and afterwards by Titus; the ruins of whose thermae are still visible, covering a vast extent, partly under ground and partly above the Esquiline Hill. Thermae were also erected by Trajan, Caracalla, and Diocletian, of the two last of which ample remains still exist; and even as late as Constantine, besides several which were constructed by private individuals, P. Victor enumerates sixteen, and Panvinus (*Urb. Rom. Descript.* p. 106) has added four more.

Previously to the erection of these establishments for the use of the population, it was customary for those who sought the favour of the people to give them a day's bathing free of expense. Thus, according to Dion Cassius (xxxvii. p. 143), Faustus, the son of Sulla, furnished warm baths and oil gratis to the people for one day; and Augustus on one occasion furnished warm baths and barbers to the people for the same period free of expense (*Id.* liv. p. 755), and at another time for a whole year to the women as well as the men. (*Id.* xlix. p. 600.) Hence it is fair to infer that the quadrans paid for admission into the *balneae* was not exacted at the *thermae*, which, as being the works of the emperors, would naturally be opened with imperial generosity to all, and without any charge, otherwise the whole city would have thronged to the establishment bequeathed to them by Agrippa; and in confirmation of this opinion it may be remarked that the old establishments, which were probably erected by private enterprise (comp. Plin. *H. N.* ix. 54. s. 79), were termed *meritoriae*. (Plin. *Ep.* ii. 17.) Most, if not all, of the other regulations previously detailed as relating to the economy of the baths, apply equally to the thermae; but it is to these establishments especially that the dissolute conduct of the emperors, and other luxurious indulgences of the people in general, detailed in the compositions of the satirists and later writers, must be considered to refer.

Although considerable remains of the Roman thermae are still visible, yet, from the very ruinous state in which they are found, we are far from being able to arrive at the same accurate knowledge of their component parts, and the usages to which they were applied, as has been done with respect to the *balneae;* or indeed to discover a satisfactory mode of reconciling their constructive details with the description which Vitruvius has left of the baths appertaining to a Greek palaestra, or to the description given by Lucian of the baths of Hippias. All, indeed, is doubt and guess-work; the learned men who have pretended to give an account of their contents differing in almost all the essential particulars from one another. And yet the great similarity in the ground-plan of the three which still remain cannot fail to convince even a superficial observer that they were all constructed upon a similar plan. Not, however, to dismiss the subject without enabling our readers to form something like a general idea of these enormous edifices, which, for their extent and magnificence, have been likened to provinces—(*in modum provinciarum exstructae*, Amm. Marc. xvi. 6)—a ground-plan is annexed of the Thermae of Caracalla, which



are the best preserved amongst those remaining, and which were perhaps more splendid than all the rest. Those apartments, of which the use is ascertained with the appearance of probability, are alone marked and explained. The dark parts represent the remains still visible, the open lines are restorations.

A, Portico fronting the street made by Caracalla when he constructed his thermae. — B, Separate bathing-rooms, either for the use of the common people, or perhaps for any persons who did not wish to bathe in public. — C, Apodyteria attached to them.—D, D, and E, E, the porticoes. (Vitruv. v. 11.)—F, F, Exedrae, in which there were seats for the philosophers to hold their conversations. (Vitruv. *l. c.*; Cic. *De Orat.* ii. 5.)—G, Hypaethrae, passages open to the air — *Hypaethrae ambulationes* quas Graeci περιδρόμιδας, nostri xystos appellant. (Vitruv. *l. c.*) — H, H, Stadia in the palaestra — *quadrata sive oblonga.* (Vitruv. *l. c.*) — I, I, Possibly schools or academies where public lectures were delivered. — J, J, and K, K, Rooms appropriated to the servants of the baths (*balneatores*). In the latter are staircases for ascending to the principal reservoir. — L, Space occupied by walks and shrubberies — *ambulationes inter platanones.* (Vitruv. *l. c.*) — M, The arena or stadium in which the youth performed their exercises, with seats for the spectators (Vitruv. *l. c.*), called the *theatridium.* — N, N, Reservoirs, with upper stories, sectional elevations of which are given in the two subsequent woodcuts. — O, Aqueduct which supplied the baths. — P, The cistern or piscina. This external range of buildings occupies one mile in circuit.

We now come to the arrangement of the interior, for which it is very difficult to assign satisfactory destinations. — Q, represents the principal entrances, of which there were eight. — R, the *natatio*, *piscina*, or cold-water bath, to which the direct entrance from the portico is by a vestibule on either side marked S, and which is surrounded by a set of chambers which served most probably as rooms for undressing (*apodyteria*), anointing (*unctuaria*), and stations for the *capsarii.* Those nearest to the peristyle were perhaps the *conisteria*, where the powder was kept which the wrestlers used in order to obtain a firmer grasp upon their adversaries: —

> "Ille cavis hausto spargit me pulvere palmis,
> Inque vicem fulvae tactu flavescit arenae."
> (Ovid, *Met.* ix. 35.)

(See also Salmas. *Ad Tertull. Pall.* p. 217, and Mercurialis, *De Art. Gymn.* i. 8.) The inferior quality of the ornaments which these apartments have had, and the staircases in two of them, afford evidence that they were occupied by menials. T, is considered to be the *tepidarium*, with four warm baths (ᴜ, ᴜ, ᴜ, ᴜ) taken out of its four angles, and two *labra* on its two flanks. There are steps for descending into the baths, in one of which traces of the conduit are still manifest. Thus it would appear that the centre part of this apartment served as a *tepidarium*, having a *balneum* or *calda lavatio* in four of its corners. The centre part, like that also of the preceding apartment, is supported by eight immense columns.

The apartments beyond this, which are too much dilapidated to be restored with any degree of certainty, contained of course the laconicum and sudatories, for which the round chamber W, and its appurtenances seem to be adapted, and which are also contiguous to the reservoirs, Z, Z. (Vitruv. v. 11.)

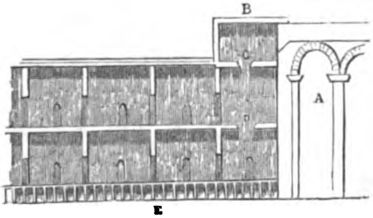
ε, ε, probably comprised the *ephebia*, or places where the youth were taught their exercises, with the appurtenances belonging to them, such as the *sphaeristerium* and *corycaeum.* The first of these takes its name from the game at ball, so much in favour with the Romans, at which Martial's friend was playing when the bell sounded to announce that the water was ready. (Mart. xiv. 163.) The latter is derived from κώρυκος, a sack (Hesych. *s. v.*), which was filled with bran and olive husks for the young, and sand for the more robust, and then suspended at a certain height, and swung backwards and forwards by the players. (Aulis, *De Gymn. Const.* p. 9; Antill. *ap. Oribas. Coll. Med.* 6.)

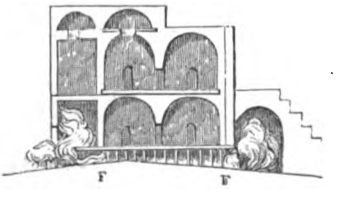
The chambers also on the other side, which are not marked, probably served for the exercises of the palaestra in bad weather. (Vitruv. v. 11.)

These baths contained an upper story, of which nothing remains beyond what is just sufficient to indicate the fact. They have been mentioned and eulogized by several of the Latin authors. (Spartian. *Caracall.* c. 9; Lamprid. *Heliogab.* c. 17, *Alex. Sever.* c. 25; Eutropius, viii. 11; Olymp. *apud Phot.* p. 114, ed. Aug. Vindel. 1601.)

It will be observed that there is no part of the bathing department separated from the rest, which could be assigned for the use of the women exclusively. From this it must be inferred either that both sexes always bathed together promiscuously in the thermae, or that the women were excluded altogether from these establishments, and only admitted to the *balneae.*

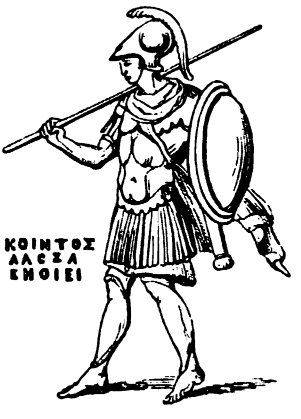
It remains to explain the manner in which the immense body of water required for the supply of a set of baths in the thermae was heated, which has been performed very satisfactorily by Piranesi and Cameron, as may be seen by a reference to the two subjoined sections of the *castellum aquaeductus* and *piscina* belonging to the Thermae of Caracalla.





A, Arches of the aquaeduct which conveyed the water into the *piscina* B, from whence it flowed into the upper range of cells through the aperture at C, and thence again descended into the lower ones by the aperture at D, which were placed immediately over the hypocaust E; the praefurnion of which is seen in the transverse section, at F in the lower cut. There were thirty-two of these cells arranged in two rows over the hypocaust, sixteen on each side, and all communicating with each other; and over these a similar number similarly arranged, which communicated with those below by the aperture at D. The parting walls between these cells were likewise perforated with flues, which served to disseminate the heat all around the whole body of water. When the water was sufficiently warm, it was turned on to the baths through pipes conducted likewise through flues in order to prevent the loss of temperature during the passage, and the vacuum was supplied by tepid water from the range above, which was replenished from the piscina; exactly upon the principle represented in the drawing from the Thermae of Titus, ingeniously applied upon a much larger scale. (The most important modern works on the Roman baths are the following: Winckelmann, numerous passages in his works; the descriptions of the Roman baths by Cameron, Lond. 1772, and Palladio and Scamozzi, Vicenza, 1785; Stieglitz, *Archäologie der Baukunst*, vol. ii. p. 267, &c.; Hirt, *Lehre der Gebäude*, p. 233, &c.; Weinbrenner, *Entwürfe und Ergänzungen antiker Gebäude*, Carlsruhe, 1822, part 1; the editors of Vitruvius, especially Schneider, vol. ii. pp. 375—391; for the baths of Pompeii, Bechi, *Mus. Borbon.* vol. ii. pp. 49—52; Gell, *Pompeiana; Pompeii* in the *Lib. Ent. Know.*; and for the best summary of the whole subject, Becker, *Gallus*, vol. ii. p. 11, &c.) [A. R.]

BA'LTEUS, or BA'LTEA in the plural (*τελαμών*), a belt, a shoulder-belt, a baldric, was used to suspend the sword; and, as the sword commonly hung beside the left hip, its belt was supported by the right shoulder, and passed obliquely over the breast, as is seen in the beautiful cameo here introduced from the Florentine Museum. In the Homeric times the Greeks also used a belt to support the shield; and this second belt lay over the other, and was larger and broader than it (*Il.* xiv. 404—406); but as this shield-belt was found inconvenient, it was superseded by the invention of the Carian *ὄχανον* [Clipeus.] The very early disuse of the shield-belt accounts for the fact, that this part of the ancient armour is never exhibited in paintings or sculptures. A third use of the balteus was to suspend the quiver, and sometimes together with it the bow. (Nemes. *Cyneg.* 91.) The belt was usually made of leather, but was ornamented with gold, silver, and precious stones, and on it subjects of ancient art were frequently embroidered or embossed. (Herod. i. 171; *χρύσεος τελαμών*, *Od.* xi. 610; *φαεινός*, *Il.* xii. 401; Virg. *Aen.* v. 312.) The belts of the Roman emperors were also magnificently adorned, and we learn from inscriptions that there was a distinct officer — the *baltearius* — who had the charge of them in the imperial palace. (Trebell. Poll. *Gallien.* 16.)



BA'LTEUS, in architecture. Vitruvius applies the term "baltei" to the bands surrounding the volute on each side of an Ionic capital. (*De Arch.* iii. 5. ed. Schneider; Genelli, *Briefe über Vitruv.* ii. p. 35.) [Columna.] Other writers apply it to the *praecinctiones* of an amphitheatre. (Calpurn. *Ecl.* vii. 47; Tertullian, *De Spectac.* 3; Amphitheatrum). In the amphitheatre at Verona the baltei are found by measurement to be 2½ feet high, the steps which they enclose being one foot two inches high. [J. Y.]

BAPTISTE'RIUM. [Balneum.]

BARATHRON (*βάραθρον*), also called ORUGMA (*ὄρυγμα*), was a deep pit at Athens, with hooks on the sides, into which criminals were cast. It was situate in the demus *Κειριάδαι*. It is mentioned as early as the Persian wars, and continued to be employed as a mode of punishment in the time of the orators. The executioner was called *ὁ ἐπὶ τῷ ὀρύγματι*. (Schol. *ad Aristoph. Plut.* 431; Harpocrat. *s. vv.*; Herod. vii. 133; Xen. *Hell.* i. 7. § 21; Lycurg. *c. Leocrat.* p. 221; Deinarch. *c. Dem.* p. 49; Wachsmuth, *Hellen. Alterthumsk.* vol. ii. p. 204, 2nd edit.) It corresponded to the Spartan Ceadas. [Ceadas.]

BARBA (*πώγων*, *γένειον*, *ὑπήνη*, Aristoph. *Lysist.* 1072), the beard. The fashions which have prevailed at different times, and in different countries, with respect to the beard, have been very various. The most refined modern nations regard the beard as an encumbrance, without beauty or meaning; but the ancients generally cultivated its growth and form with special attention; and that the Greeks were not behind-hand in this, any more than in other arts, is sufficiently shown by the statues of their philosophers. The phrase *πωγωνοτροφεῖν*, which is applied to letting the beard grow, implies a positive culture. Generally speaking, a thick beard, *πώγων βαθύς*, or *δασύς*, was considered as a mark of manliness. The Greek philosophers were distinguished by their long beards as a sort of badge, and hence the term which Persius (*Sat.* iv. 1) applies to Socrates *magister barbatus*. The Homeric heroes were bearded men. So Agamemnon, Ajax, Menelaus, Ulysses (*Il.* xxii. 74, xxiv. 516, *Od.* xvi. 176). According to Chrysippus, cited by Athenaeus (xiii. p. 565), the Greeks wore the beard till the time of Alexander the Great, and he adds that the first man who was shaven was called ever after *κόρσην*, "shaven" (from *κείρω*). Plutarch (*Thes.* c. 5) says that the reason for the shaving was that they might not be pulled by the beard in battle. The custom of shaving the beard continued among the Greeks till the time of Justinian, and during that period even the statues of the philosophers were without the beard. The philosophers, however, generally continued the old badge of their profession, and their ostentation in so doing gave rise to the saying that a long beard does not make a philosopher (*πωγωνοτροφία φιλόσοφον οὐ ποιεῖ*), and a man, whose wisdom stopped with his beard, was called *ἐκ πώγωνος σοφός*. (Compare Gell. ix. 2; Quint. xi. 1). The Romans in early times wore the beard uncut, as we learn from the insult offered by the Gaul to M. Papirius (Liv. v. 41), and from Cicero (*Pro Cael.* 14); and according to Varro (*De Re Rust.* ii. 11) and Pliny (vii. 59), the Roman beards were not shaven till B. C. 300, when P. Ticinius Maenas brought over a barber from Sicily; and Pliny adds, that the first Roman who was shaved (*rasus*) every day was Scipio Africanus. His custom, however, was soon followed, and shaving became a regular thing. The lower orders, then as now, were not always able to do the same, and hence the jeers of Martial (vii. 95, xii. 59). In the later times of the republic there were many who shaved the beard only partially, and trimmed it, so as to give it an ornamental form; to them the terms *bene barbati* (Cic. *Catil.* ii. 10) and *barbatuli* (Cic. *ad Att.* i. 14, 16, *Pro Cael.* 14) are applied. When in mourning all the higher as well as the lower orders let their beards grow.

In the general way in Rome at this time, a long beard (*barba promissa*, Liv. xxvii. 34) was considered a mark of slovenliness and *squalor*. The censors, L. Veturius and P. Licinius, compelled M. Livius, who had been banished, on his restoration to the city, to be shaved, and to lay aside his dirty appearance (*tonderi et squalorem deponere*), and then, but not till then, to come into the senate, &c. (Liv. xxvii. 34.) The first time of shaving was regarded as the beginning of manhood, and the day on which this took place was celebrated as a festival. (Juv. *Sat.* iii. 186.) There was no particular time fixed for this to be done. Usually, however, it was done when the young Roman assumed the toga virilis (Suet. *Calig.* 10). Augustus did it in his 24th year; Caligula in his 20th. The hair cut off on such occasions was consecrated to some god. Thus Nero put his up in a gold box, set with pearls, and dedicated it to Jupiter Capitolinus. (Suet. *Ner.* 12.)

With the emperor Hadrian the beard began to revive (Dion Cass. lxviii. 15). Plutarch says that the emperor wore it to hide some scars on his face. The practice afterwards became common, and till the time of Constantine the Great, the emperors appear in busts and coins with beards. The Romans let their beards grow in time of mourning; so Augustus did (Suet. *Aug.* 23) for the death of Julius Caesar, and the time when he had it shaved off he made a season of festivity. (Dion Cass. xlviii. 34; comp. Cic. *in Verr.* ii. 12.) The Greeks, on the other hand, on such occasions shaved the beard close. Tacitus (*Germ.* c. 3) says that the Catti let their hair and beard grow, and would not have them cut till they had slain an enemy. (Compare Becker, *Charikles*, vol. ii. p. 387, &c.)

Barbers. The Greek name for a barber was *κουρεύς*, and the Latin *tonsor*. The term employed in modern European languages is derived from the low Latin *barbatorius*, which is found in Petronius. The barber of the ancients was a far more important personage than his modern representative. Men had not often the necessary implements for the various operations of the toilet; combs, mirrors, perfumes, and tools for clipping, cutting, shaving, &c. Accordingly the whole process had to be performed at the barber's, and hence the great concourse of people who daily gossipped at the *tonstrina*, or barber's shop. Besides the duties of a barber and hairdresser, strictly so called, the ancient *tonsor* discharged other offices. He was also a nail-parer. He was, in fact, much what the English barber was when he extracted teeth, as well as cut and dressed hair. People who kept the necessary instruments for all the different operations, generally had also slaves expressly for the purpose of performing them. The business of the barber was threefold. First there was the cutting of hair: hence the barber's question, *πῶς σε κείρω* (Plut. *De Garrul.* 13). For this purpose he used various knives of different sizes and shapes, and degrees of sharpness: hence Lucian (*Adv. Indoct.* c. 29), in enumerating the apparatus of a barber's shop, mentions *πλῆθος μαχαιριδίων* (*μάχαιρα*, *μαχαιρίς*, *κουρίς* are used also, in Latin *culter*); but scissors, *ψαλίς*, *διπλῆ μάχαιρα* (Pollux, ii. 32; in Latin *forfex*, *axicia*) were used too. (Compare Aristoph. *Acharn.* 848; Lucian, *Pis.* c. 46.) *Μάχαιρα* was the usual word. Irregularity and unevenness of the hair was considered a great blemish, as appears generally, and from Horace (*Sat.* i. 3. 31, and *Epist.* i. 1. 94), and accordingly after the hair-cutting the uneven hairs were pulled out by tweezers, an operation to which Pollux (ii. 34) applies the term *παραλέγεσθαι*. So the hangers-on on great men, who wished to look young, were accustomed to pull out the grey hairs for them. (Arist. *Eq.* 908.) This was considered, however, a mark of effeminacy. (Gell. vii. 12; Cic. *Pro Rosc. Com.* 7.) The person who was to be operated on by the barber had a rough cloth (*ὠμόλινον*, *involucre* in Plautus, *Capt.* ii. 2. 17) laid on his shoulders, as now, to keep the hairs off his dress, &c. The second part of the business was shaving (*radere*, *rasitare*, *ξυρεῖν*). This was done with a *ξυρόν*, a *novacula* (Lamprid. *Heliog.* c. 31), a razor (as we, retaining the Latin *root*, call it), which he kept in a case, *θήκη*, *ξυροθήκη*, *ξυροδόκης*, "a razor-case" (Aristoph. *Thesm.* 220; Pollux, ii. 32; Petron. 94). Some who would not submit to the operation of the razor used instead some powerful depilatory ointments, or plasters, as *psilothron*. (Plin. xxxii. 10. 47; *acida Creta*, Martial, vi. 93. 9; *Venetum lutum*, iii. 74; *dropax*, iii. 74; x. 65.) Stray hairs which escaped the razor were pulled out with small pincers or tweezers (*volsellae*, *τριχολάβιον*). The third part of the barber's work was to pare the nails of the hands, an operation which the Greeks expressed by the words *ὀνυχίζειν* and *ἀπονυχίζειν* (Aristoph. *Eq.* 706; and *Schol.*; Theophrast. *Charact.* c. 26; Pollux, ii. 146). The instruments used for this purpose were called *ὀνυχιστήρια*, *sc.* *μαχαίρια*. (Pollux, x. 140.) This practice of employing a man expressly to pare the nails explains Plautus's humorous description of the miserly Euclio (*Aulul.* ii. 4. 34): —

> "Quin ipsi quidem tonsor ungues dempserat,
> Collegit, omnia abstulit praesegmina."

Even to the miser it did not occur to pare his nails himself, and save the money he would have to pay; but only to collect the parings in hope of making something by them. So Martial, in rallying a fop, who had tried to dispense with the barber's services, by using different kinds of plasters, &c., asks him (*Epig.* iii. 74), *Quid facient ungues?* What will your nails do? How will you get your nails pared? So Tibullus says (i. 8. 11), *quid* (prodest) *ungues artificis docta subsecuisse manu;* from which it appears that the person addressed was in the habit of employing one of the more fashionable tonsors. The instruments used are referred to by Martial. (*Epig.* xiv. 36, *Instrumenta tonsoria.*) [A. A.]

BA'RBITOS, or BA'RBITON. [Lyra.]

BASANOS (*βάσανος*). [Tormentum.]

BASCA'NIA (*βασκανία*). [Fascinum.]

BASCAUDA, a British basket. This term, which remains with very little variation in the Welsh "basgawd," and the English "basket," was conveyed to Rome together with the articles denoted by it. We find it used by Juvenal (xii. 46) and by Martial (xiv. 99) in connections which imply that these articles were held in much esteem by the luxurious Romans. [J. Y.]

BASILEIA (*βασίλεια*), a festival celebrated at Lebadeia, in Boeotia, in honour of Trophonius, who had the surname of *Βασιλεύς*. This festival was also called Trophonia — *Τροφώνια* (Pollux, i. 37); and was first observed under the latter name as a general festival of the Boeotians after the battle of Leuctra. (Diod. xv. 53.)

BA'SILEUS (*βασιλεύς*). [Rex.]

BASI'LICA (sc. *aedes*, *aula*, *porticus* — *βασιλική*, also *regia*, Stat. *Silv.* i. 1. 30; Suet. *Aug.* 31), a building which served as a court of law and an exchange, or place of meeting for merchants and men of business. The two uses are so mixed up together that it is not always easy to say which was the principal. Thus the basilica at Fanum, of which Vitruvius himself was the architect, was entirely devoted to business, and the courts were held in a small building attached to it, — the temple of Augustus. The term is derived, according to Philander (*Comment. in Vitruv.*), from *βασιλεύς*, a king, in reference to early times, when the chief magistrate administered the laws he made; but it is more immediately adopted from the Greeks of Athens, whose second archon was styled *ἄρχων βασιλεύς*, and the tribunal where he adjudicated *στοὰ βασίλειος* (Paus. i. 3. § 1; Demosth. *c. Aristogeit.* p. 776), the substantive *aula* or *porticus* in Latin being omitted for convenience. The Greek writers who speak of the Roman basilicae, call them sometimes *στοαὶ βασιλικαί*, and sometimes merely *στοαί*.

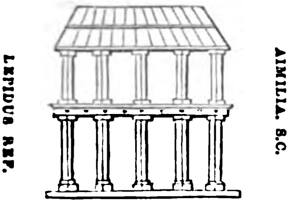
The name alone would make it highly probable that the Romans were indebted to the Greeks for the idea of the building, which was probably borrowed from the *στοὰ βασίλειος* at Athens. In its original form it may be described as an *insulated portico*, detached from the *agora* or *forum*, for the more convenient transaction of business, which formerly took place in the porticoes of the *agora* itself; in fact, a sort of *agora* in miniature. The court of the Hellanodicae, in the old *agora* of Elis, was exactly of the form of a basilica. [Agora].

The first edifice of this description was not erected until B. C. 184 (Liv. xxxix. 44); for it is expressly stated by the historian, that there were no basilicae at the time of the fire, which destroyed so many buildings in the forum, under the consulate of Marcellus and Laevinus, B. C. 210. (Liv. xxvi. 27.) It was situated in the forum adjoining the curia, and was denominated basilica Porcia, in commemoration of its founder, M. Porcius Cato. Besides this, there were twenty others, erected at different periods, within the city of Rome (Pitisc. *Lex. Ant. s. v. Basilica*), of which the following are the most frequently alluded to by the ancient authors: — 1. *Basilica Sempronia*, constructed by Titus Sempronius, B. C. 171 (Liv. xliv. 16); and supposed, by Donati and Nardini, to have been between the vicus Tuscus and the Velabrum. 2. *Basilica Opimia*, which was above the comitium. 3. *Basilica Pauli Aemilii*, or *Basilica Aemilia*, called also *Regia Pauli* by Statius (*l. c.*). Cicero (*Ad Att.* iv. 16) mentions two basilicae of this name, of which one was built, and the other only restored, by Paulus Aemilius. Both these edifices were in the forum, and one was celebrated for its open peristyle of Phrygian columns. A representation of this one is given below from a coin of the Aemilia gens. (Plin. *H. N.* xxxvi. 24; Appian, *B. C.* ii. 26; Plut. *Caes.* 29.) The position of these two basilicae has given rise to much controversy, a brief account of which is given in the *Dict. of Biog.* Vol. II. p. 766. 4. *Basilica Pompeii*, called also *regia* (Suet. *Aug.* 31), near the theatre of Pompey. 5. *Basilica Julia*, erected by Julius Caesar, in the forum, and opposite to the basilica Aemilia. (Suet. *Calig.* 37.) 6. *Basilica Caii et Lucii*, the grandsons of Augustus, by whom it was founded. (Suet. *Aug.* 29.) 7. *Basilica Ulpia*, or *Trajani*, in the forum of Trajan. 8. *Basilica Constantini*, erected by the emperor Constantine, supposed to be the ruin now remaining on the via sacra, near the temple of Rome and Venus, and commonly called the temple of Peace. Of all these magnificent edifices nothing now remains beyond the ground-plan, and the bases and some portion of the columns and superstructure of the two last. The basilica at Pompeii is in better preservation; the external walls, ranges of columns, and tribunal of the judges, being still tolerably perfect on the ground-floor.

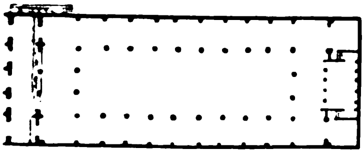
The forum, or, where there was more than one, the one which was in the most frequented and central part of the city, was always selected for the site of a basilica; and hence it is that the classic writers not unfrequently use the terms *forum* and *basilica* synonymously, as in the passage of Claudian (*De Honor. Cons.* vi. 645): — *Desuetaque cingit Regius auratis fora fascibus Ulpia lictor*, where the forum is not meant, but the basilica which was in it, and which was surrounded by the lictors who stood *in* the forum. (Pitisc. *Lex. Ant. l. c.*; Nard. *Rom. Ant.* v. 9.)

Vitruvius (v. 1) directs that the most sheltered part of the forum should be selected for the site of a basilica, in order that the public might suffer as little as possible from exposure to bad weather, whilst going to, or returning from, their place of business; he might also have added, for their greater convenience whilst engaged within, since many of these edifices, and all of the more ancient ones, were entirely open to the external air, being surrounded and protected solely by an open peristyle of columns, as the annexed representation of the basilica Aemilia from a medal of Lepidus, with the inscription, clearly shows.

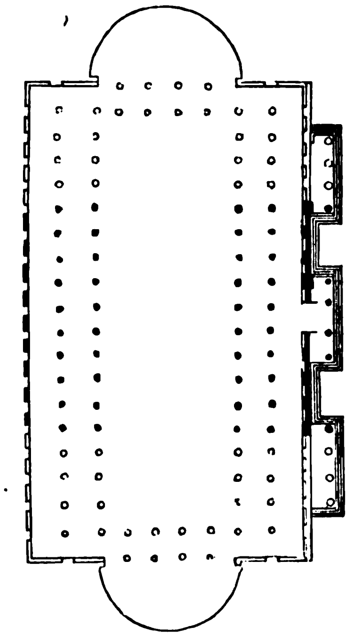
When, however, the Romans became wealthy and refined, and consequently more effeminate, a wall was substituted for the external peristyle, and


LEPIDUS REF.
AIMILIA. S.C.

the columns were confined to the interior; or, if used externally, it was only in decorating the *πρόναος*, or vestibule of entrance. This was the only change which took place in the form of these buildings, from the time of their first institution, until they were converted into Christian churches. The ground plan of all of them is rectangular, and their width not more than half, nor less than one-third of the length (Vitruv. *l. c.*); but if the area on which the edifice was to be raised was not proportionally long, small chambers (*chalcidica*) were cut off from one of the ends (Vitruv. *l. c.*), which served as offices for the judges or merchants. This area was divided into three parts, consisting of a central nave (*media porticus*), and two side aisles, each separated from the centre by a single row of columns — a mode of construction particularly adapted to buildings intended for the reception of a large concourse of people. At one end of the centre aisle was the tribunal of the judge, in form either rectangular or circular, and sometimes cut off from the length of the grand nave (as is seen in the annexed plan of the basilica at Pompeii, which also affords an example of the chambers of the judices, or chalcidica, above mentioned), or otherwise thrown out from the hinder wall of the building, like the tribune of some of the most ancient churches in Rome, and then called the hemicycle — an instance of which is afforded in the basilica Trajani, of which the plan is given below. It will be observed that this was a most sumptuous edifice, possessing a double tribune, and double row of columns on each side of the centre aisle, dividing the whole into five aisles.



The internal tribune was probably the original construction, when the basilica was simply used as a court of justice; but when those spacious halls were erected for the convenience of traders as well as loungers, then the semicircular and external tribune was adopted, in order that the noise and confusion in the basilica might not interrupt the proceedings of the magistrates. (Vitruv. *l. c.*) In the centre of this tribune was placed the curule chair of the praetor, and seats for the judices, who sometimes amounted to the number of 180 (Plin. *Ep.* vi. 33), and the advocates; and round the sides of the hemicycle, called the wings (*cornua*), were seats for persons of distinction, and for the parties engaged in the proceedings. It was in the wing of the tribune that Tiberius sat to overawe the judgment at the trial of Granius Marcellus. (Tacit. *Ann.* i. 75.) The two side aisles, as has been said, were separated from the centre one by a row of columns, behind each of which was placed a square pier or pilaster (*parastata*, Vitruv. *l. c.*), which supported the flooring of an upper portico, similar to the gallery of a modern church. The upper gallery was in like manner decorated with columns of smaller dimensions than those below; and these served to support the roof, and were connected with one another by a parapet-wall or balustrade (*pluteus*, Vitruv. *l. c.*), which served as a defence against the danger of falling over, and screened the crowd of loiterers above (*subbasilicani*, Plaut. *Capt.* iv. 2. 35) from the people of business in the area below. (Vitruv. *l. c.*) This gallery reached entirely round the inside of the building, and was frequented by women as well as men, the women on one side and the men on the other, who went to hear and see what was going on. (Plin. *l. c.*) The staircase which led to the upper portico was on the outside, as is seen in the plan of the basilica of Pompeii. It is similarly situated in the basilica of Constantine. The whole area of these magnificent structures was covered in with three separate ceilings, of the kind called *testudinatum*, like a tortoise-shell; in technical language now denominated *coved*, an expression used to distinguish a ceiling which has the general appearance of a vault, the central part of which is, however, flat, while the margins incline by a cylindrical shell from each of the four sides of the central square to the side walls; in which form the ancients imagined a resemblance to the shell of a tortoise.



From the description which has been given, it will be evident how much these edifices were adapted in their general form and construction to the uses of a Christian church; to which purpose many of them were, in fact, converted in the time of Constantine. Hence the later writers of the empire apply the term basilicae to all churches built after the model just described; and such were the earliest edifices dedicated to Christian worship, which, with their original designation, continue to this day, being still called at Rome *basiliche*. A Christian basilica consisted of four principal parts: — 1. Πρόναος, the vestibule of entrance. 2. Ναῦς, *navis*, and sometimes *gremium*, the nave or centre aisle, which was divided from the two side ones by a row of columns on each of its sides. Here the people assembled for the purposes of worship. 3. Ἄμβων (from ἀναβαίνειν, to ascend), *chorus* (the choir), and *suggestum*, a part of the lower extremity of the nave raised above the general level of the floor by a flight of steps. 4. Ἱερατεῖον, ἱερὸν βῆμα, *sanctuarium*, which answered to the tribune of the ancient basilica. In the centre of this sanctuary was placed the high altar, under a tabernacle or canopy, such as still remains in the basilica of St. John of Lateran, at Rome, at which the priest officiated with his face turned towards the people. Around this altar, and in the wings of the sanctuarium, were seats for the assistant clergy, with an elevated chair for the bishop at the bottom of the circle in the centre. (*Theatr. Basil. Pisan.* cura Josep. Marl. Canon. iii. p. 8; Ciamp. *Vet. Men.* i. ii. *et De Sacr. Ed.*; Stieglitz, *Archäol. d. Baukunst*, vol. iii. pp. 19, &c; Hirt. *Lehre d. Gebäude*, pp. 180, &c; Bunsen, *Die Basiliken des Christlichen Roms*, Munich, 1844.) [A. R.]

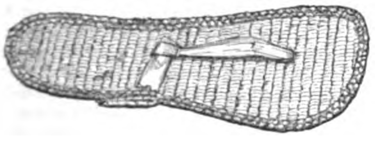
BASI'LICA. About A. D. 876, the Greek emperor Basilius, the Macedonian, commenced this work, which was completed by his son Leo, the philosopher, who reigned from A. D. 886 to 911. Before the reign of Basilius, there had been several Greek translations of the Pandect, the Code, and the Institutes; but there was no authorised Greek version of them. The numerous Constitutions of Justinian's successors, and the contradictory interpretations of the jurists, were a further reason for publishing a revised Greek text under the imperial authority. This great work was called Ἀνακάθαρσις τῶν παλαιῶν νόμων, τὸ ἐξηκοντάβιβλιον, ὁ βασιλικὸς (νόμος) and τὰ βασιλικά. It was revised by the order of Constantinus Porphyrogenneta, about A. D. 945. The Basilica comprised the Institutes, Pandect, Code, the Novellae, and the imperial Constitutions subsequent to the time of Justinian, in sixty books, which are subdivided into titles. For the Institutes the paraphrase of Theophilus was used, for the Digest the πλάτος of Stephanus, and the commentary of Cyrillus and of an anonymous author, for the Code the κατὰ πόδας of Thalelaeus and the work of Theodorus, and for the Novellae, except the 168, the Summae of Theodorus, Athanasius, and Philoxenus. The publication of this authorised body of law in the Greek language led to the gradual disuse of the original compilations of Justinian in the East. But the Roman law was thus more firmly established in Eastern Europe and Western Asia, where it has maintained itself among the Greek population to the present day.

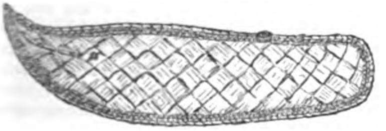
The arrangement of the matter in the Basilica is as follows: — All the matter relating to a given subject is selected from the Corpus Juris; the extracts from the Pandect are placed first under each title, then the constitutions of the Code, and next in order the provisions contained in the Institutes and the Novellae, which confirm or complete the provisions of the Pandect. The Basilica does not contain all that the Corpus Juris contains; but it contains numerous fragments of the opinions of ancient jurists, and of imperial Constitutions, which are not in the Corpus Juris.

The Basilica were published, with a Latin version, by Fabrot, Paris, 1647, seven vols. folio. Fabrot published only thirty-six books complete, and six others incomplete: the other books were made up from an extract from the Basilica and the Scholiasts. Four of the deficient books were afterwards found in MS., and published by Gerhard Meerman, with a translation by M. Otto Reitz, in the fifth volume of his Thesaurus Juris Civilis et Canonici; and they were also published separately in London, in 1765, folio, as a supplement to Fabrot's edition. A new critical edition, by C. Guil. E. Heimbach, Leipzig, 1833, &c., 4to., has been commenced. (Böcking, *Institutionen*, vol. i. p. 105.)

BASTERNA, a kind of litter (*lectica*) in which women were carried in the time of the Roman emperors. It appears to have resembled the lectica [LECTICA] very closely; and the only difference apparently was, that the lectica was carried by slaves, and the basterna by two mules. Several etymologies of the word have been proposed. Salmasius supposes it to be derived from the Greek βαστάζω (Salm. *ad Lamprid. Heliog.* 21). A description of a basterna is given by a poet in the *Anth. Lat.* iii. 183.

BAXA, or BAXEA, a sandal made of vegetable leaves, twigs, or fibres. According to Isidore (*Orig.* xix. 33), this kind of sandal was worn on the stage by comic, whilst the cothurnus was appropriate to tragic actors. When, therefore, one of the characters in Plautus (*Men.* ii. 3. 40) says, *Quî extergentur baxae?* we may suppose him to point to the sandals on his feet. Philosophers also wore sandals of this description, at least in the time of Tertullian (*De Pallio*, 4) and Appuleius (*Met.* ii. and xi.), and probably for the sake of simplicity and cheapness. Isidore adds, that baxeae were made of willow (*ex salice*), and that they were also called *calones;* and he thinks that the latter term was derived from the Greek κᾶλον, wood. From numerous specimens of them discovered in the catacombs, we perceive that the Egyptians made them of palm-leaves and papyrus. (Wilkinson, *Manners and Customs*, vol. iii. p. 336.) They are sometimes observable on the feet of Egyptian statues. According to Herodotus, sandals of papyrus (ὑποδήματα βύβλινα, ii. 37) were a part of the required and characteristic dress of the Egyptian priests. We may presume that he intended his words to include not only sandals made, strictly speaking, of papyrus, but those also in which the leaves of the date-palm were an ingredient, and of which Appuleius makes distinct mention, when he describes a young priest covered with a linen sheet and wearing sandals of palm (*linteis amiculis intectum, pedesque palmeis baxeis indutum, Met.* ii). The accompanying woodcut shows two sandals exactly answering to this description, from the collection in the British Museum. The upper one was worn on the right foot. It has a loop on the right side for fastening the band which went across the instep. This band, together with the ligature connected with it, which was inserted between the great and the second toe, is made of the stem of the papyrus, undivided and unwrought. The lower figure shows a sandal in which the portions of the palm-leaf are interlaced with great neatness and regularity, the sewing and binding being effected by fibres of papyrus. The three holes may be observed for the passage of the band and ligature already mentioned. [J. Y.]





BEBAIO'SEOS DIKE' (*βεβαιώσεως δίκη*), an action to compel the vendor to make a good title, was had recourse to when the right or possession of the purchaser was impugned or disturbed by a third person. A claimant under these circumstances, unless the present owner were inclined to fight the battle himself (*αὐτομαχεῖν*), was referred to the vendor as the proper defendant in the cause (*εἰς πρατῆρα ἀνάγειν*). If the vendor were then unwilling to appear, the action in question was the legal remedy against him, and might be resorted to by the purchaser even when the earnest only had been paid. (Harpocrat. *s. v.* *Αὐτομαχεῖν*, *Βεβαίωσις*.) From the passages in the oration of Demosthenes against Pantaenetus that bear upon the subject, it is concluded by Heraldus (*Animad. in Salm.* iv. 3. 6) that the liability to be so called upon was inherent in the character of a vendor, and therefore not the subject of specific warranty or covenants for title. The same critic also concludes, from the glosses of Hesychius and Suidas, that this action might in like manner be brought against a fraudulent mortgager. (*Animad. in Salm.* iv. 3. in fin.) If the claimant had established his right, and been by the decision of the dicasts put in legal possession of the property, whether movable or otherwise, as appears from the case in the speech against Pantaenetus, the ejected purchaser was entitled to sue for reimbursement from the vendor by the action in question. (Pollux, viii. 6.) The cause is classed by Meier (*Att. Process.* p. 526) among the *δίκαι πρός τινα*, or civil actions that fell within the cognizance of the thesmothetae. [J. S. M.]

BEMA (*βῆμα*), the platform from which the orators spoke in the Athenian *ἐκκλησία*, is described under ECCLESIA. It is used by the Greek writers on Roman affairs to indicate the Roman tribunal. (See *e. g.* Plut. *Pomp.* 41.)

BENDIDEIA (*Βενδίδεια*), a festival celebrated in the port town of Peiraeeus in honour of Bendis, a Thracian divinity, whose worship seems to have been introduced into Attica about the time of Socrates, for Plato (*De Re Publ.* init.) introduces Socrates giving an opinion on the Bendideia, and saying that it was then celebrated for the first time. It was celebrated on the 20th, or according to others, on the 19th of Thargelion. (Schol. *ad Plat. Repub.* i. p. 354; Proclus, *ad Plat. Tim.* pp. 9—27.) The festival resembled, in its character, those celebrated in honour of Dionysus (Strab. x. p. 470), though Plato (*l. c.* p. 354) mentions only feasting; but the principal solemnities seem to have consisted in a procession held by the Thracians settled in Peiraeeus, and another held by the Peiraeans themselves, which, according to Plato (*De Re Publ.* init.), were held with great decorum and propriety, and a torch race on horseback in the evening. The Athenians identified Bendis with their own Artemis (Hesych. *s. v.* *Βένδις*), but the temple of Bendis (*Βενδίδειον*) at Peiraeeus was near that of Artemis, whence it is clear that the two divinities must have been distinct. (Xenoph. *Hellen.* ii. 4. § 11; comp. Liv. xxxviii. 41; Ruhnken, *ad Tim. Gloss.* p. 62; Clinton, *F. H.* vol. ii. p. 402, 3d edit.) [L. S.]

BENEFI'CIUM ABSTINENDI. [HERES.]

BENEFI'CIUM, BENEFICIA'RIUS. The word beneficium is equivalent to feodum or fief, in the writers on the feudal law, and is an interest in land, or things inseparable from the land, or things immovable. (*Feud.* lib. 2. tit. 1.) The beneficiarius is he who has a beneficium. The word beneficium often occurs in French historical documents from the fifth to the ninth century, and denotes the same condition of landed property, which at the end of the ninth century is denoted by feodum. From the end of the ninth century the two words are often used indifferently. (Guizot, *Histoire de la Civilisation en France*, vol. iii. p. 247.) The term benefice is also applied to an ecclesiastical preferment. (Ducange, *Gloss.*)

The term beneficium is of frequent occurrence in the Roman law, in the sense of some special privilege or favour granted to a person in respect of age, sex, or condition. But the word was also used in other senses, and the meaning of the term, as it appears in the feudal law, is clearly derivable from the signification of the term among the Romans of the later republican and earlier imperial times. In the time of Cicero it was usual for a general, or a governor of a province, to report to the treasury the names of those under his command who had done good service to the state: those who were included in such report were said *in beneficiis ad aerarium deferri*. (Cic. *Pro Arch.* c. 5, *Ad Fam.* v. 20, and the note of Manutius.) It was required by a Lex Julia that the names should be given in within thirty days after the accounts of the general or governor. *In beneficiis* in these passages may mean that the persons so reported were considered as persons who had deserved well of the state, and so the word *beneficium* may have reference to the services of the individuals; but as the object for which their services were reported, was the benefit of the individuals, it seems that the term had reference also to the reward, immediate or remote, obtained for their services. The honours and offices of the Roman state, in the republican period, were called the beneficia of the Populus Romanus.

Beneficium also signified any promotion conferred on or grant made to soldiers, who were thence called beneficiarii; this practice was common, as we see from inscriptions in Gruter (li. 4, cxxx. 5), in some of which the word beneficiarius is represented by the two letters B. F. In this sense we must understand the passage of Caesar (*De Bell. Civ.* ii. 18) when he speaks of the *magna beneficia* and the *magnae clientelae* of Pompeius in Citerior Spain. Beneficiarius is also used by Caesar (*De Bell. Civ.* i. 75), to express the person who had received a beneficium. It does not, however, appear from these passages, what the beneficium actually was. It might be any kind of honour, or special exemption from service. (*De Bell. Civ.* iii. 88; Sueton. *Tib.* 12; Vegetius, *De Re Militari*, ii. 7.)

Beneficiarius is opposed by Festus (*s. v.*) to munifex, in the sense of one who is released from military service, as opposed to one who is bound to do military service.

Grants of land, and other things, made by the Roman emperors, were called beneficia, and were entered in a book called *Liber Beneficiorum* (Hyginus, *De Limitibus Constit.* p. 193, Goes.). The secretary or clerk who kept this book was called *a commentariis beneficiorum*, as appears from an inscription in Gruter (dlxxviii. 1.) [G. L.]

BESTIA'RII (*ϑηριομάχοι*), persons who fought with wild beasts in the games of the circus. They were either persons who fought for the sake of pay (*auctoramentum*), and who were allowed arms, or they were criminals, who were usually permitted to have no means of defence against the wild beasts. (Cic. *pro Sext.* 64; Sen. *De Benef.* ii. 19, *Ep.* 70; Tertull. *Apol.* 9.) The bestiarii, who fought with the beasts for the sake of pay, and of whom there were great numbers in the latter days of the republic and under the empire, are always spoken of as distinct from the gladiators, who fought with one another. (Cic. *in Vatin.* 17; *ad Qu. Fr.* ii. 6. § 5.) It appears that there were schools in Rome, in which persons were trained to fight with wild beasts (*scholae bestiarum* or *bestiariorum*, Tertull. *Apol.* 35.)

BIAION DIKE' (*βιαίων δίκη*). This action might be brought whenever rapes of free persons, or the illegal and forcible seizure of property of any kind were the subject of accusation (Harpocrat.); and we learn from Demosthenes (*c. Pantaen.* p. 976. 11) that it came under the jurisdiction of the Forty. According to Plutarch (*Solon*, 23) the law prescribed that ravishers should pay a fine of 100 drachmae; but other accounts merely state generally that the convict was mulcted in a sum equal to twice that at which the damages were laid (*διπλῆν τὴν βλάϐην ὀφείλειν*, Lys. *De Caede Eratosth.* p. 33; Dem. *c. Mid.* p. 528. 20; Harpocrat.); and the plaintiff in such case received one half of the fine; and the state, as a party mediately injured, the other. To reconcile these accounts Meier (*Att. Proc.* p. 545) supposes the rape to have been estimated by law at 100 drachmae, and that the plaintiff fixed the damages in reference to other injuries simultaneous with, or consequent upon, the perpetration of the main offence. With respect to aggressions upon property, the action *βιαίων* is to be distinguished from *ἐξούλης*, in that the former implies the employment of actual violence, the latter merely such detention of property as amounted to violence in the contemplation of law (Meier, *Att. Proc.* p. 546), as for instance the nonpayment of damages, and the like, to the successful litigant after an award in his favour by a court of justice. (Dem. *c. Mid.* 540. 24.) [J. S. M.]

BI'BASIS (*βίϐασις*). [SALTATIO.]

BIBLIOPO'LA. [LIBER.]

BIBLIOTHE'CA (*βιϐλιοθήκη*, or *ἀποθήκη βιϐλίων*), primarily, the place where a collection of books was kept; secondarily, the collection itself. (Festus, *s. v.*) Little as the states of antiquity dealt with the instruction of the people, public collections of books appear to have been very ancient. That of Peisistratus was intended for public use (Gell. vi. 17; Athen. i. p. 3); it was subsequently removed to Persia by Xerxes. About the same time, Polycrates, tyrant of Samos, is said to have founded a library. In the best days of Athens, even private persons had large collections of books; the most important of which we know any thing, belonged to Euclid, Euripides, and Aristotle. Strabo says (xiii. 1) that Aristotle was the first who, to his knowledge, made a collection of books, and taught the Egyptian kings the arrangement of a library. The most important and splendid public library of antiquity was that founded by the Ptolemies at Alexandria, begun under Ptolemy Soter, but increased and re-arranged in an orderly and systematic manner by Ptolemy Philadelphus, who also appointed a fixed librarian and otherwise provided for the usefulness of the institution. The library of the Ptolemies contained, according to A. Gellius (vi. 17), 700,000 volumes; according to Josephus, 500,000; and according to Seneca (*De Tranq. An.* 9), 400,000. The different reckoning of different authors may be in some measure, perhaps, reconciled by supposing that they give the number of books only in a part of the library; for it consisted of two parts, one in the quarter of the city called Brucheion, the other in the part called Serapeion. Ptolemy Philadelphus bought Aristotle's collection to add to the library, and Ptolemy Euergetes continued to add to the stock. A great part of this splendid library was consumed by fire in the siege of Alexandria by Julius Caesar: some writers say that the whole was burnt; but the discrepancy in the numbers stated above seems to confirm the opinion that the fire did not extend so far. At any rate, the library was soon restored, and continued in a flourishing condition till it was destroyed by the Arabs A. D. 640. (See Gibbon, c. 51.) Connected with the greater division of the library, in the quarter of Alexandria called Brucheion, was a sort of college to which the name of Mouseion (or Museum) was given. Here many favoured literati pursued their studies, transcribed books, and so forth; lectures also were delivered. The Ptolemies were not long without a rival in zeal. Eumenes, king of Pergamus, became a patron of literature and the sciences, and established a library, which, in spite of the prohibition against exporting papyrus issued by Ptolemy, jealous of his success, became very extensive, and perhaps next in importance to the library of Alexandria. It remained, and probably continued to increase, till Antonius made it a present to Cleopatra. (Plut. *Anton.* 58.)

The first public library in Rome was that founded by Asinius Pollio (Plin. *H. N.* vii. 30; Isid. *Orig.* vi. 5), and was in the atrium Libertatis on Mount Aventine. Julius Caesar had projected a grand Greek and Latin library, and had commissioned Varro to take measures for the establishment of it; but the scheme was prevented by his death. (Suet. *Jul.* 44.) The library of Pollio was followed by that of Augustus, in the temple of Apollo on the Mount Palatine (Suet. *Aug.* 29; Dion Cass. liii. 1), and another, bibliothecae Octavianae (so called from Augustus's sister Octavia), forming part of the Porticus Octavia. (Dion Cass. xlix. 43; Plut. *Marcell.* 30.) There were also libraries on the capitol (Suet. *Dom.* 20), in the temple of Peace (Gell. xvi. 8), in the palace of Tiberius (Gell. xiii. 18), besides the Ulpian library, which was the most famous, founded by Trajan (Gell. xi. 17; Dion Cass. lxviii. 16), called Ulpian from his own name, Ulpius. This library was attached by Diocletian, as an ornament, to his thermae. (Vopisc. *Prob.* 2.)

Private collections of books were made at Rome soon after the second Punic war. The zeal of Cicero, Atticus, and others in increasing their libraries is well known. (Cic. *Ad Att.* i. 7, 10, iv. 5; *Ad Quint. Fr.* iii. 4.) The library of Lucullus was very extensive, and he allowed the public free access to it. (Plut. *Lucull.* 42.) Towards the end of the republic it became, in fact, the fashion to have a room elegantly furnished as a library, and reserved for that purpose. However ignorant or unstudious a person might be, it was fashionable to appear learned by having a library, though he might never even read the titles of the books. Seneca (*De Tranq. An.* 9) condemns the rage for mere book-collecting, and rallies those who were more pleased with the outside than the inside. Lucian wrote a separate piece to expose this common folly (*πρὸς ἀπαίδευτον καὶ πολλὰ βιβλία ὠνούμενον*).

A library generally had an eastern aspect. (Vitruv. vi. 7.) In Herculaneum a library fully furnished was discovered. Round the walls it had cases containing the books in rolls [Liber]; these cases were numbered. It was a very small room; so small that a person by stretching out his arms could touch both sides of it. The cases were called either *armaria* (Plin. *Ep.* ii. 17; Vopisc. *Tacit.* 8), or *loculamenta* (Seneca, *De Tranq. An.* 9), or *foruli* (Juv. *Sat.* iii. 219), or *nidi* (Mart. i. 118. 15, vii. 17. 5). Asinius Pollio had set the fashion in his public library of adorning the room with the portraits and busts of celebrated men, as well as statues of Minerva and the Muses. This example was soon followed in the private labraries of the rich. (Juv. iii. 219; Plin. *Ep.* iii. 7, iv. 28; Cic. *ad Fam.* vii. 23; Plin. *H. N.* xxxv. 2; Suet. *Tib.* 70; Mart. ix. *Ep. ad Turan.*; Lipsius, *De Bibliothecis Syntagma*, in Opera, vol. iii.; Becker, *Gallus*, vol. i. p. 160, &c.) [A. A.]

BICOS (*βῖκος*), the name of an earthen vessel in common use among the Greeks. (Pollux, vi. 14, vii. 162, x. 73.) Hesychius (*s. v.*) defines it as a *στάμνος* with handles. It was used for holding wine (Xen. *Anab.* i. 9. § 25), and salted meat and fish. (Athen. iii. p. 116, f.) Herodotus (i. 194) speaks of *βίκους φοινικηΐους κατάγουσι οἴνου πλέους*, which some commentators interpret by "vessels made of the wood of the palm tree full of wine." But as Eustathius (*in Od.* p. 1445) speaks of *οἴνου φοινικίνου βῖκος*, we ought probably to read in Herodotus *βίκους φοινικηΐου, κ. τ. λ.* "vessels full of palm wine."

BIDENS. [Rastrum.]

BIDENTAL, the name given to a place where any one had been struck by lightning (Festus, *s. v. fulguritum*), or where any one had been killed by lightning and buried. Such a place was considered sacred. Priests, who were called bidentales (i. e. *sacerdotes*), collected the earth which had been torn up by the lightning, and everything that had been scorched, and burnt it in the ground with a sorrowful murmur. (Lucan, i. 606.) The officiating priest was said *condere fulgur* (Juv. *Sat.* vi. 587; compare Orelli, *Inscr.* vol. i. p. 431. No. 2482); he further consecrated the spot by sacrificing a two-year-old sheep (*bidens*), whence the name of the place and of the priest, and also erected an altar, and surrounded it with a wall or fence. It was not allowable to tread on the place (Persius, ii. 27), or to touch it, or even to look at it. (Amm. Marc. xxiii. 5.) Sometimes a bidental which had nearly fallen to decay from length of time was restored and renovated (Orelli, *Inscr.* No. 2483); but to remove the bounds of one (*movere bidental*), or in any way to violate its sacred precincts, was considered as sacrilege. (Hor. *Art. Poet.* 471.) From the passage in Horace, it appears to have been believed that a person who was guilty of profaning a bidental, would be punished by the gods with frenzy; and Seneca (*Nat. Quaest.* ii. 53) mentions another belief of a similar kind, that wine which had been struck by lightning would produce in any one who drank it death or madness. Persons who had been struck by lightning (*fulguriti*) were not removed, but were buried on the spot. (Pers. *Sat.* ii. 27; Plin. *H. N.* ii. 54; Hartung, *Religion der Römer*, vol. ii. p. 13.) [A. A.]

BIDIAEI (*βιδιαῖοι*), called in inscriptions *βίδεοι* or *βίδυοι*, were magistrates in Sparta, whose business was to inspect the gymnastic exercises. Their house of meeting (*ἀρχεῖον*) was in the market-place. (Paus. iii. 11. § 2.) They were either five (Paus. *l. c.*) or six in number (Böckh, *Corp. Inscrip.* nr. 1271. 1364), and had a president who is called in inscriptions *πρέσβυς βιδέων*. (Böckh, *Corp. Inscrip.* vol. i. p. 611.) Böckh conjectures that *βίδεοι* or *βίδυοι* is the Laconian form for *ἴδυοι* or *Fίδυοι*, and signifies witnesses and judges among the youth. (Comp. Müller, *Dorians*, iii. 7. § 8.) Valckenaer (*ad Herod.* vi. 57) supposes that the bidiaei were the same as the *νομοφύλακες*; but the inscriptions given by Böckh show that the bidiaei and *νομοφύλακες* were two separate classes of officers.

BIGA or BIGAE. [Currus.]

BIGA'TUS. [Denarius.]

BIPA'LIUM. [Pala.]

BIPENNIS. [Securis.]

BIREMIS. [Navis.]

BIRRUS (*βίῤῥος*), a cape or hood, which was worn out of doors over the shoulders, and was sometimes elevated so as to cover the head. On the former account it is classed by an ancient grammarian with the *lacerna*, and on the latter with the cowl, or *cucullus*. It had a long nap, which was commonly of sheep's wool, more rarely of beaver's wool. It probably derived its name from the red colour (*πύῤῥος*) of the wool of which it was made. It is only mentioned by the later writers. (Vopisc. *Carin.* 20; Claudian, *Epigr.* 37.)

BISE'LLIUM. [Sella.]

BISSEXTUM. [Calendarium.]

BLABES DIKE' (*βλάβης δίκη*). This action was available in all cases in which one person had sustained a loss by the conduct of another; and from the instances that are extant, it seems that whether the injury originated in a fault of omission or commission, or impaired the actual fortune of the plaintiff, or his prospective advantage, the action would lie, and might be maintained, against the defendant. It is of course impossible to enumerate all the particular cases upon which it would arise, but the two great classes into which *βλάβαι* may be divided are the *ἔνθεσμοι* and the *ἄθεσμοι*. The first of these will include all causes arising from the nonfulfilment of a contract to which a penal bond was annexed, and those in which the law specified the penalty to be paid by the defendant upon conviction; the second, all injuries of property which the law did not specify nominatim, but generally directed to be punished by a fine equal to twice the estimated damage if the offence was intentional, if otherwise by a bare compensation. (Meier, *Att. Proc.* p. 188, &c., p. 475, &c.; Dem. *c. Mid.* p. 528.) Besides the general word *βλάβης*, others more specific, as to the nature of the case, are frequently added to the names of actions of this kind, as *ἀνδραπόδων*, *τετραπόδων*, *μεταλλική*, and the like. The declaration of the plaintiff seems always to have begun with the words *Ἔβλαψέ με*, then came the name of the defendant, and next a description of the injury, as *οὐκ ἀποδιδοὺς ἐμοὶ τὸ ἀργύριον* in Demosthenes (*Pro Phorm.* p. 950. 21). The proper court was determined by the subject of litigation; and when we consider that the damage done by Philocleon to the cake-woman's basket (Aristoph. *Vesp.*), and supposititious testimony given in the name of another, thereby rendering such person liable to an action, *ψευδομαρτυριῶν* (Dem. *c. Aphob.* iii. p. 849. 20), were equally *βλάβαι* at Attic law, the variety of the actions, and consequently of the jurisdictions under which they fell, will be a sufficient excuse for the absence of further specification upon this point. [J. S. M.]

BOEDRO'MIA (*Βοηδρόμια*), a festival celebrated at Athens on the seventh day of the month of Boëdromion, in honour of Apollo Boëdromius. (Müller, *Dor.* ii. 8. § 5.) The name Boëdromius, by which Apollo was called in Boeotia and other parts of Greece (Paus. ix. 17. § 1; Callimach. *Hymn. Apoll.* 69), seems to indicate that by this festival he was honoured as a martial god, who either by his actual presence or by his oracles afforded assistance in the dangers of war. The origin of the festival is, however, traced by different authors to different events in Grecian story. Plutarch (*Thes.* 27) says that Theseus, in his war against the Amazons, did not give battle till after he had offered a sacrifice to Phobos; and, that in commemoration of the successful battle which took place in the month of Boëdromion, the Athenians, down to his own time, continued to celebrate the festival of the Boëdromia. According to Suidas, the Etymol. Magn. and Euripides (*Ion.* 59), the festival derived its name and origin from the circumstance that when, in the reign of Erechtheus, the Athenians were attacked by Eumolpus, Xuthus or (according to Philochorus in Harpocration, *s. v.*) his son Ion came to their assistance, and procured them the victory. Respecting the particulars of this festival nothing is known except that sacrifices were offered to Artemis. (Comp. Spanheim, *ad Callim. Hymn. in Apoll.* 69.) [L. S.]

BOEOTARCHES (*Βοιωτάρχης*, or *Βοιωτάρχος*). It is proposed under this head to give a brief account of the Boeotian constitution as well as of the Boeotarchs.

The Boeotians in ancient times occupied Arne in Thessaly. (Thuc. i. 12.) Sixty years after the taking of Troy they were expelled by the Thessalians, and settled in the country then called Cadmeis, but afterwards Boeotia. This country, during their occupation of it, was divided into several states, containing each a principal city, with its *ξυντελεῖς* or *ξύμμοροι* (inhabitants of the same *μοῖρα*, or district) living around it. Of these greater states, with dependent territories, there seem to have been in former times fourteen, — a number which frequently occurs in Boeotian legends. (Paus. ix. 3. § 4.) The names are differently given by different writers on the subject; we know, however, for certain that they formed a confederacy called the Boeotian league, with Thebes at its head, the dependencies of which city formed about a third part of the whole of Boeotia. These dependent towns, or districts, were not immediately connected with the national confederacy, but with the neighbouring chief city, as Cynoscephalae was with Thebes. In fact, they were obliged to furnish troops and money, to make up the contingent furnished by the state to which they belonged, to the general confederacy. (Arnold, *ad Thuc.* iv. 76.) Of the independent states Thucydides (iv. 93) mentions seven by name; and gives us reasons for concluding that, in the time of the Peloponnesian war they were ten or twelve in number, Thebes being the chief. Plataea had withdrawn from them, and placed itself under the protection of Athens as early as B. C. 519; and in B. C. 374, Thespiae, another member of the league, was destroyed by the Thebans. (Clinton, *F. H.* vol. ii. p. 396; Thuc. iii. 55.)

Each of the principal towns of Boeotia seems to have had its *βουλή* and *δῆμος*. (Xen. *Hell.* v. 2. § 29.) The *βουλή* was presided over by an archon, who probably had succeeded to the priestly functions of the old kings; but possessed little, if any, executive authority. The polemarchs, who, in treaties and agreements are mentioned next to the archon, had some executive authority, but did not command forces; *e. g.* they could imprison (Xen. *Hell. l. c.*), and they directed the levies of troops But besides the archon of each separate state, there was an archon of the confederacy — *ἄρχων ἐν κοινῷ Βοιωτῶν*, most probably always a Theban. (Böckh, *Inscr.* 1593.) His name was affixed to all alliances and compacts which concerned the whole confederacy, and he was president of what Thucydides (v. 38) calls the four councils, who directed the affairs of the league (*ἅπαν τὸ κῦρος ἔχουσι*). On important questions they seem to have been united; for the same author speaks of them as *ἡ βουλή*, and informs us that the determinations of the Boeotarchs required the ratification of this body before they were valid. The Boeotarchs themselves were properly the military heads of the confederacy, chosen by the different states; but we also find them discharging the functions of an executive in various matters. In fact, they are represented by Thucydides (v. 38) as forming an alliance with foreign states; as receiving ambassadors on their return home; as negotiating with envoys from other countries; and acting as the representatives of the whole league, though the *βουλή* refused to sanction the measures they had resolved on in the particular case to which we are now alluding. Another instance in which the Boeotarchs appear as executive is their interference with Agesilaus, on his embarking from Aulis for Asia (B. C. 396), when they prevented him offering sacrifice as he wished. (Plut. *Ages.* 6; Xen. *Hell.* iii. 4. § 4.) Still the principal duty of the Boeotarchs was of a military nature: thus they led into the field the troops of their respective states;

and when at home, they took whatever measures were requisite to forward the military operations of the league, or of their own state: for example, we read of one of the Theban Boeotarchs ordering the Thebans to come in arms to the ecclesia for the purpose of being ready to attack Plataea. (Paus. ix. 1. § 3.) Each state of the confederacy elected one Boeotarch, the Thebans two (Thuc. ii. 2, iv. 91, vii. 30; Diod. xv. 51); although on one occasion, *i. e.* after the return of the exiles with Pelopidas (B. C. 379), we read of there being three at Thebes. (Plut. *Pelop.* 13). The total number from the whole confederacy varied with the number of the independent states. Mention is made of the Boeotarchs by Thucydides (iv. 91), in connection with the battle of Delium (B. C. 424). There is, however, a difference of opinion with respect to his meaning: some understand him to speak of eleven, some of twelve, and others of thirteen Boeotarchs. Dr. Arnold is disposed to adopt the last number; and we think the context is in favour of the opinion that there were then thirteen Boeotarchs, so that the number of free states was twelve. At the time of the battle of Leuctra (B. C. 371), we find seven Boeotarchs mentioned (Diod. xv. 52, 53; Paus. ix. 13. § 3); on another occasion, when Greece was invaded by the Gauls (B. C. 279), we read of four. Livy (xlii. 43) states that there were twelve, but before the time (B. C. 171) to which his statement refers, Plataea had been reunited to the league. Still the number mentioned in any case is no test of the actual number, inasmuch as we are not sure that all the Boeotarchs were sent out by their respective states on every expedition or to every battle.

The Boeotarchs, when engaged in military service, formed a council of war, the decisions of which were determined by a majority of votes, the president being one of the two Theban Boeotarchs who commanded alternately. (Thuc. iv. 91; Diod. xv. 51.) Their period of service was a year, beginning about the winter solstice; and whoever continued in office longer than his time, was punishable with death both at Thebes and in other cities (Plut. *Pelop.* 24; Paus. ix. 14. § 3.) Epameinondas and Pelopidas did so on their invasion of Laconia (B. C. 369), but their eminent services saved them; in fact the judges did not even come to a vote respecting the former. At the expiration of the year a Boeotarch was eligible to office a second time, and Pelopidas was repeatedly chosen. From the case of Epameinondas and Pelopidas, who were brought before Theban judges (*δικασταί*), for transgression of the law which limited the time of office, we may conclude that each Boeotarch was responsible to his own state alone, and not to the general body of the four councils.

Mention is made of an election of Boeotarchs by Livy (xxxiii. 27, xlii. 44). He further informs us that the league (*concilium*) was broken up by the Romans B. C. 171. (Compare Polyb. xxviii. 2. § 10 — *τὸ Βοιωτῶν ἔθνος κατελύθη*.) Still it must have been partially revived, as we are told of a second breaking up by the Romans after the destruction of Corinth B. C. 146. (Paus. vii. 16. § 6.) [R. W.]

BOMBYCINUM. [SERICUM.]

BONA. The word bona is sometimes used to express the whole of a man's property (Paulus, *Recept. Sentent.* v. 6, 16; Dig. 37. tit. 1. s. 3; 50. tit. 16. s. 49); and in the phrases bonorum emtio, cessio, possessio, ususfructus, the word "bona" is equivalent to property. It expresses all that a man has, whether as owner or merely as possessor; and every thing to which he has any right. But it is said (Dig. 50. tit. 16. s. 83): "Proprie bona dici non possunt quae plus incommodi quam commodi habent." However, the use of the word in the case of universal succession comprehended both the commodum and incommodum of that which passed to the universal successor. But the word bona is simply the property as an object; it does not express the nature of the relation between it and the person who has the ownership or the enjoyment of it, any more than the words "all that I have," "all that I am worth," "all my property," in English show the legal relation of a man to that which he thus describes. The legal expression *in bonis*, as opposed to dominium, or *Quiritarian ownership*, and the nature of the distinction will be easily apprehended by any person who is slightly conversant with English law.

"There is," says Gaius (ii. 40), "among foreigners (*peregrini*) only one kind of ownership (*dominium*), so that a man is either the owner of a thing or he is not. And this was formerly the case among the Roman people; for a man was either owner ex jure Quiritium, or he was not. But afterwards the ownership was split, so that now one man may be the owner (*dominus*) of a thing ex jure Quiritium, and yet another may have it in bonis. For instance, if, in the case of a res mancipi, I do not transfer it to you by mancipatio, nor by the form in jure cessio, but merely deliver it to you, the thing indeed becomes your thing (*in bonis*), but it will remain mine ex jure Quiritium, until by possession you have it by usucapion. For when the usucapion is once complete, from that time it begins to be yours absolutely (*pleno jure*), that is, it is yours both in bonis and also yours ex jure Quiritium, just as if it had been mancipated to you, or transferred to you by the in jure cessio." In this passage Gaius refers to the three modes of acquiring property which were the peculiar rights of Roman citizens, mancipatio, in jure cessio, and usucapion, which are also particularly enumerated by him in another passage (ii. 65).

From this passage it appears that the ownership of certain kinds of things among the Romans, called res mancipi [MANCIPIUM], could only be transferred from one person to another with certain formalities, or acquired by usucapion. But if it was clearly the intention of the owner to transfer the ownership, and the necessary forms only were wanting, the purchaser had the thing in bonis, and he had the enjoyment of it, though the original owner was *legally* the owner until the usucapion was completed, notwithstanding he had parted with the thing.

It thus appears that Quiritarian ownership of res mancipi originally and properly signified that ownership of a thing which the Roman law recognised as such; it did not express a compound but a simple notion, which was that of absolute ownership. But when it was once established that one man might have the Quiritarian ownership, and another the enjoyment, and the sole right to the enjoyment of the same thing, the complete notion of Quiritarian ownership became a notion compounded of the strict legal notion of ownership, and that of the right to enjoy, as united in the same person. And as a man might have both the Quiritarian ownership and the right to the enjoyment of a thing, so one might have the Quiritarian ownership only, and another might have the enjoyment of it only. This bare ownership was sometimes expressed by the same terms (*ex jure Quiritium*) as that ownership which was complete, but sometimes it was appropriately called *nudum jus Quiritium* (Gaius, iii. 100), and yet the person who had such bare right was still called *dominus*, and by this term he is contrasted with the *usufructuarius* and the *bonae fidei possessor*.

The historical origin of this notion, of the separation of the ownership from the right to enjoy a thing, is not known; but it may be easily conjectured. When nothing was wanting to the transfer of ownership but a compliance with the strict legal form, we can easily conceive that the Roman jurists would soon get over this difficulty. The strictness of the old legal institutions of Rome was gradually relaxed to meet the wants of the people, and in the instance already mentioned, the jurisdiction of the praetor supplied the defects of the law. Thus, that interest which a man had acquired in a thing, and which only wanted certain forms to make it Quiritarian ownership, was protected by the praetor. The praetor could not give Quiritarian ownership, but he could protect a man in the enjoyment of a thing — he could maintain his possession: and this is precisely what the praetor did with respect to those who were possessors of public land; they had no ownership, but only a possession, in which they were protected by the praetor's interdict. [AGRARIAE LEGES, p. 38.]

That which was in bonis, then, was that kind of interest or ownership which was protected by the praetor, which interest may be called bonitarian or beneficial ownership, as opposed to Quiritarian or bare legal ownership. It does not appear that the word dominium is ever applied to such bonitarian ownership except it may be in one passage of Gaius (i. 54), the explanation of which is not free from difficulty.

That interest called in bonis, which arose from a bare tradition of a res mancipi, was protected by the exceptio, and the actio utilis in rem. (Dig. 41. tit. 1. s. 52.) Possessio is the general name of the interest which was thus protected. The person who had a thing in bonis and ex justa causa was also entitled to the actio Publiciana, in case he lost the possession of the thing before he had gained the ownership by usucapion. (Gaius, iv. 36.)

The phrases bonorum possessio, bonorum possessor, might then apply to him who has had a res mancipi transferred to him by tradition only; but the phrase applies also to other cases in which the praetor by the help of fictions gave to persons the beneficial interest to whom he could not give the ownership. When the praetor gave the goods of the debtor to the creditor, the creditor was said *in possessionem rerum*, or *bonorum debitoris mitti*. (Dig. 42. tit. 5. s. 14, &c.) [BONORUM EMTIO; BONORUM POSSESSIO.]

As to things nec mancipi, the ownership might be transferred by bare tradition or delivery, and such ownership was Quiritarian, inasmuch as the Roman law required no special form to be observed in the transfer of the ownership of res nec mancipi. Such transfer was made according to the jus gentium (in the Roman sense of that term). (Gaius, ii. 26, 41, 20; Ulp. *Frag.* i. 16.)

(Zimmern, *Ueber das Wesen des sogenannten bonitarischen Eigenthums, Rheinisch. Mus. für Jurispr.* iii. 3.) [G. L.]

BONA CADU'CA. *Caducum* literally signifies that which falls: thus, *glans caduca*, according to Gaius (Dig. 50. tit. 16. s. 30), is the mast which falls from a tree. Caducum, in its general sense, might be any thing without an owner, or what the person entitled to neglected to take (Cic. *De Or.* iii. 31, *Phil.* x. 5); but the strict legal sense of caducum and bona caduca, is that stated by Ulpian (*Frag.* xvii. *De Caducis*), which is as follows: —

If a thing is left by testament to a person, so that he can take it by the jus civile, but from some cause has not taken it, that thing is called *caducum*, as if it had *fallen* from him; for instance, if a legacy was left to an unmarried person, or a Latinus Junianus; and the unmarried person did not within a hundred days obey the law, or if within the same time the Latinus did not obtain the Jus Quiritium, or had become a peregrinus (see Cujacius, *ad Ulpiani Titulos XXIX.* vol. i. ed. Neapol. 1758), the legacy was caducum. Or if a *heres ex parte*, or a legatee, died before the opening of the will, the thing was *caducum*. The thing which failed to come to a person in consequence of something happening in the life of the testator was said to be *in causa caduci;* that which failed of taking effect between the death of the testator and the opening of the will, was simply called *caducum*. (Comp. Dig. 28. tit. 5. s. 62, and Dig. 31. s. 51; *Code Civil*, Art. 1039, &c.)

The law above alluded to is the Lex Julia et Papia Poppaea, which is sometimes simply called Julia, or Papia Poppaea. This law, which was passed in the time of Augustus (A. D. 9), had the double object of encouraging marriages and enriching the treasury — *aerarium* (Tacit. *Ann.* iii. 25), and contained, with reference to these two objects, a great number of provisions. Martial (v. *Ep.* 75) alludes to a person who married in order to comply with the law.

That which was caducum came, in the first place, to those among the heredes who had children; and if the heredes had no children, it came among those of the legatees who had children. The law gave the jus accrescendi, that is, the right to the caducum as far as the third degree of consanguinity, both ascending and descending (Ulp. *Frag.* 18), to those who were made heredes by the will. Under the provisions of the law, the caducum, in case there was no prior claimant, belonged to the aerarium; or, as Ulpian (xxviii. 7) expresses it, if no one was entitled to the bonorum possessio, or if a person was entitled, but did not assert his right, the bona became public property (*populo deferuntur*), according to the Lex Julia caducaria; but by a constitution of the Emperor Antoninus Caracalla it was appropriated to the fiscus: the jus accrescendi above mentioned was, however, still retained. The lawyers, however (*viri prudentissimi*), by various devices, such as substitutions, often succeeded in making the law of no effect. A case is mentioned in the Digest (28. tit. 4. s. 3), in which bona caduca were claimed by the fiscus in the time of Marcus Antoninus, and another in which the fiscus is mentioned even under Hadrian, where one would expect to find the term aerarium used. (Savigny, *System*, &c. ii. 273, note qq.)

He who took the portion of a heres, which became caducum, took it by universal succession: in the case of a legacy, the caducum was a singular succession. But he who took an hereditas caduca, took it with the bequests of freedom, of legacies, and fidei commissa with which it was burthened: if the legata and fidei commissa became caduca, all charges with which they were burthened became caduca also. In the time of Constantine, both the caelebs, and the orbus, or childless person (who was under a limited incapacity), obtained the full legal capacity of taking the inheritance. (*Cod.* viii. 58.) Justinian (*Cod.* vi. 51) put an end to the caducum, with all its legal consequences. In this last-mentioned title (*De Caducis tollendis*) it is stated both that the name and the thing (*nomen et materia caducorum*) had their origin in the civil wars, that many provisions of the law were evaded, and many had become obsolete. (Juv. *Sat.* ix. 88; Gaius, i. 150, ii. 207, iii. 144, 286; Lipsius, Excurs. ad Tacit. *Ann.* iii. 25; Marezoll, *Lehrbuch der Institut. des Röm. Rechts.*) As to the Dos Caduca, see Dos. [G. L.]

BONA FIDES. This term frequently occurs in the Latin writers, and particularly in the Roman jurists. It can only be defined with reference to things opposed to it, namely, mala fides, and dolus malus, both of which terms, and especially the latter, are frequently used in a technical sense. [DOLUS MALUS.]

Generally speaking, bona fides implies the absence of all fraud and unfair dealing or acting. In this sense, bona fides, that is, the absence of all fraud, whether the fraud consists in simulation or dissimulation, is a necessary ingredient in all contracts.

Bona fide possidere applies to him who has acquired the possession of a thing under a good title, as he supposes. He who possessed a thing bona fide, had a capacity of acquiring the ownership by usucapion, and had the protection of the actio Publiciana. Thus a person who received a thing either mancipi, or nec mancipi, not from the owner, but from a person whom he believed to be the owner, could acquire the ownership by usucapion. (Gaius, ii. 43; Ulp. *Frag.* xix. 8.) A thing which was *furtiva* or *vi possessa*, or the res mancipi of a female who was in the tutela of her agnati, unless it was delivered by her under the auctoritas of her tutor, was not subject to usucapion, and therefore in these cases the presence or absence of bona fides was immaterial. (Gaius, i. 192, ii. 45, &c.; Cic. *Ad Att.* i. 5, *Pro Flacco*, c. 34.) A person who bought from a pupillus without the auctoritas of his tutor, or with the auctoritas of a person whom he knew not to be the tutor, did not purchase bona fide; that is, he was guilty of a legal fraud. A sole tutor could not purchase a thing bona fide from his pupillus; and if he purchased it from another to whom a non bona fide sale had been made, the transaction was null. (Dig. 26. tit. 8. s. 5.)

In various actions arising out of mutual dealings, such as buying and selling, lending and hiring, partnership, and others, bona fides is equivalent to aequum and justum; and such actions were sometimes called bonae fidei actiones. The formula of the praetor, which was the authority of the judex, empowered him in such cases to inquire and determine *ex bona fide*, that is according to the real merits of the case: sometimes aequius melius was used instead of ex bona fide. (Gaius, iv. 62; Cic. *Off.* iii. 17, *Topic.* c. 17; Brissonius, *De Formulis*, &c. lib. v.)

BONA RAPTA. [FURTUM.]

BONA VACA'NTIA were originally the property which a person left at his death without having disposed of it by will, and without leaving any *heres*. Such property was open to occupancy, and so long as the strict laws of inheritance existed, such an event must not have been uncommon. A remedy was, however, found for this by the bonorum possessio of the praetor.

It does not appear that the state originally claimed the property of a person who died intestate and without *heredes legitimi*. The claim of the state to such property seems to have been first established by the Lex Julia et Papia Poppaea. [BONA CADUCA.] The state, that is, in the earlier periods the aerarium, and afterwards the fiscus, did not take such property as heres, but it took it *per universitatem*. In the later periods of the empire, in the case of a soldier dying without heredes, the legion to which he belonged had a claim before the fiscus; and various corporate bodies had a like preference in the case of a member of the corporation dying without heredes. (Marezoll, *Lehrbuch der Instit. des Röm. Rechts;* Savigny, *System*, *&c.* vol. ii. p. 300.) [G. L.]

BONO'RUM CE'SSIO. There were two kinds of bonorum cessio, *in jure* and *extra jus*. The In jure cessio is treated under its proper head.

The *bonorum cessio extra jus* was introduced by a Julian law, passed either in the time of Julius Caesar or Augustus, which allowed an insolvent debtor to give up his property to his creditors. The debtor might declare his willingness to give up his property by letter or by a verbal message. The debtor thus avoided the infamia consequent on the bonorum emtio, which was involuntary, and he was free from all personal execution. He was also allowed to retain a small portion of his property for his support. An old gloss describes the bonorum cessio thus: *Cedere bonis est ab universitate rerum suarum recedere.*

The property thus given up was sold, and the proceeds distributed among the creditors. The purchaser did not obtain the Quiritarian ownership of the property by the act of purchase. If the debtor subsequently acquired property, this also was liable to the payment of his old debts, with some limitations, if they were not already fully satisfied. A constitution of Alexander Severus (Cod. 7. tit. 71. s. 1) declares that those who made a bonorum cessio were not released, unless the creditors were fully paid; but they had the privilege of not being imprisoned, if judgment was given against them in an action by one of their old creditors.

The benefit of the lex Julia was extended by imperial constitutions to the provinces.

The history of the bonorum cessio does not seem quite clear. The Julian law, however, was not the oldest enactment which relieved the person of the debtor from being taken in execution. The lex Poetelia Papiria (B. C. 327) exempted the person of the debtor (*nisi qui noxam meruisset*), and only made his property (*bona*) liable for his debts. It does not appear from the passage in Livy (viii. 28) whether this was a bonorum cessio in the sense of the bonorum cessio of the Julian law, or only a bonorum emtio with the privilege of freedom from arrest. The Tablet of Heraclea (Mazocchi, p. 423) speaks of these *qui in jure bonam copiam jurabant;* a phrase which appears to be equivalent to the bonorum cessio, and was a declaration on oath *in jure*, that is, before the praetor, by the debtor that his property was sufficient to pay his debts. But this was still accompanied with infamia. So far as we can learn from Livy, no such declaration of solvency was required from the debtor by the Poetelia lex. The Julian law rendered the process of the cessio bonorum more simple, by making it a procedure extra jus, and giving further privileges to the insolvent. Like several other Julian laws, it appears to have consolidated and extended the provisions of previous enactments. The term bonorum cessio is used in the Scotch law, and the early practice was derived from the Roman system. (Gaius, iii. 28; Dig. 42. tit. 3; Cod. vii. tit. 71.) [G. L.]

BONO'RUM COLLA'TIO. By the strict rules of the civil law an emancipated son had no right to the inheritance of his father, whether he died testate or intestate. But, in course of time, the praetor granted to emancipated children the privilege of equal succession with those who remained in the power of the father at the time of his death; and this grant might be either *contra tabulas* or *ab intestato*. But this favour was granted to emancipated children only on condition that they should bring into one common stock with their father's property, and for the purpose of an equal division among all the father's children, whatever property they had at the time of the father's death, and which would have been acquired for the father in case they had still remained in his power. This was called bonorum collatio. It resembles the old English hotchpot, upon the principle of which is framed the provision in the statute 22 and 23 Charles II. c. 10. s. 5, as to the distribution of an intestate's estate. (Dig. 37. tit. 6; Cod. vi. tit. 20; Thibaut, *System des Pandekten Rechts*, § 901, &c., 9th ed., where the rules applicable to the bonorum collatio are more particularly stated.) [G. L.]

BONO'RUM E'MTIO ET EMTOR. The expression bonorum emtio applies to a sale of the property either of a living or of a dead person. It was in effect, as to a living debtor, an execution. In the case of a living person, his goods were liable to be sold if he concealed himself for the purpose of defrauding his creditors, and was not defended in his absence; or if he made a bonorum cessio according to the Julian law; or if he did not pay any sum of money which he was by judicial sentence ordered to pay, within the time fixed by the laws of the Twelve Tables (Aul. Gell. xv. 13, xx. 1) or by the praetor's edict. In the case of a dead person, his property was sold when it was ascertained that there was neither heres nor bonorum possessor, nor any other person entitled to succeed to it. In this case the property belonged to the state after the passing of the Lex Julia et Papia Poppaea. If a person died in debt, the praetor ordered a sale of his property on the application of the creditors. (Gaius, ii. 154, 167.) In the case of the property of a living person being sold, the praetor, on the application of the creditors, ordered it to be possessed (*possideri*) by the creditors for thirty successive days, and notice to be given of the sale. This explains the expression in Livy (ii. 24): "ne quis militis, donec in castris esset, bona *possideret* aut venderet." The creditors were said *in possessionem rerum debitoris mitti:* sometimes a single creditor obtained the possessio. When several creditors obtained the possessio, it was usual to entrust the management of the business to one of them, who was chosen by a majority of the creditors. The creditors then met and chose a magister, that is, a person to sell the property (Cic. *Ad Att.* i. 9, vi. 1; *Pro P. Quintio*, c. 15), or a curator bonorum if no immediate sale was intended. The purchaser, *emtor*, obtained by the sale only the bonorum possessio: the property was his In bonis, until he acquired the Quiritarian ownership by usucapion. The foundation of this rule seems to be, that the consent of the owner was considered necessary in order to transfer the ownership. Both the bonorum possessores and the emtores had no legal rights (*directae actiones*) against the debtors of the person whose property was possessed or purchased, nor could they be legally sued by them; but the praetor allowed *utiles actiones* both in their favour and against them. (Gaius, iii. 77; iv. 35, 65 and 111; Dig. 42. tit. 4, 5; Savigny, *Das Recht des Besitzes*, p. 410, 5th ed.) [G. L.]

BONO'RUM POSSE'SSIO is defined by Ulpian (Dig. 37. tit. 1. s. 3) to be "the right of suing for or retaining a patrimony or thing which belonged to another at the time of his death." The strict laws of the Twelve Tables as to inheritance were gradually relaxed by the praetor's edict, and a new kind of succession was introduced, by which a person might have a bonorum possessio who could have no hereditas or legal inheritance.

The bonorum possessio was given by the edict both *contra tabulas*, *secundum tabulas*, and *intestati*.

An emancipated son had no legal claim on the inheritance of his father; but if he was omitted in his father's will, or not expressly exheredated, the praetor's edict gave him the bonorum possessio contra tabulas, on condition that he would bring into hotchpot (*bonorum collatio*) with his brethren who continued in the parent's power, whatever property he had at the time of the parent's death. The bonorum possessio was given both to children of the blood (*naturales*) and to adopted children, provided the former were not adopted into any other family, and the latter were in the adoptive parent's power at the time of his death. If a freedman made a will without leaving his patron as much as one half of his property, the patron obtained the bonorum possessio of one half, unless the freedman appointed a son of his own blood as his successor.

The bonorum possessio secundum tabulas was that possession which the praetor gave, conformably to the words of the will, to those named in it as heredes, when there was no person intitled to make a claim against the will, or none who chose to make such a claim. It was also given secundum tabulas in cases where all the requisite legal formalities had not been observed, provided there were seven proper witnesses to the will. (Gaius, ii. 147, "si modo defunctus," &c.)

In the case of intestacy (*intestati*) there were seven degrees of persons who might claim the bonorum possessio, each in his order, upon there being no claim of a prior degree. The three first class were children, *legitimi heredes* and *proximi cognati*. Emancipated children could claim as well as those who were not emancipated, and adoptive as well as children of the blood; but not children who had been adopted into another family. If a freedman died intestate, leaving only a wife (in manu) or an adoptive son, the patron was entitled to the bonorum possessio of one half of his property.

The bonorum possessio was given either *cum re* or *sine re*. It was given *cum re*, when the person to whom it was given thereby obtained the property or inheritance. It was given *sine re*, when another person could assert his claim to the inheritance by the jus civile: as if a man died intestate leaving a *suus heres*, the grant of the bonorum possessio would have no effect; for the heres could maintain his legal right to the inheritance. Or if a person who was named heres in a valid will was satisfied with his title according to the jus civile, and did not choose to ask for the bonorum possessio (which he was entitled to if he chose to have it), those who would have been heredes in case of an intestacy might claim the bonorum possessio, which, however, would be unavailing against the legal title of the testamentary heres, and therefore *sine re*.

Parents and children might claim the bonorum possessio within a year from the time of their being able to make the claim; others were required to make the claim within a hundred days. On the failure of such party to make his claim within the proper time, the right to claim the bonorum possessio devolved on those next in order, through the seven degrees of succession.

He who received the bonorum possessio was not thereby made *heres*, but he was placed *heredis loco;* for the praetor could not make a heres. The property of which the possession was thus given was only In bonis, until by usucapion the possession was converted into Quiritarian ownership (*dominium*). All the claims and obligations of the deceased person were transferred with the bonorum possessio to the possessor or praetorian heres; and he was protected in his possession by the interdictum Quorum bonorum. The benefit of this interdict was limited to cases of bonorum possessio, and this was the reason why a person who could claim the inheritance in case of intestacy by the civil law sometimes chose to ask for the bonorum possessio also. The praetorian heres could only sue and be sued in respect of the property by a legal fiction. He was not able to sustain a *directa actio;* but in order to give him this capacity, he was by a fiction of law supposed to be what he was not, *heres;* and he was said *ficto se herede agere*, or *intendere*. The actions which he could sustain or defend were *actiones utiles*. (Cic. *Ad Fam.* vii. 21; Gaius, iii. 25—38, iv. 34; Ulp. *Frag.* tit. 28, 29; Dig. 37. tit. 4. s. 19; tit. 11; Dig. 38. tit. 6; a good general view of the bonorum possessio is given by Marezoll, *Lehrbuch der Institutionen des Röm. Rechts*, § 174; Thibaut, *System des Pandekten Rechts*, § 843, 9th ed.) [G. L.]

BONO′RUM POSSESSIO. [Interdictum.]

BONO′RUM RAPTO′RUM ACTIO. [Furtum.]

BOO′NAE (*βοῶναι*), persons in Athens who purchased oxen for the public sacrifices and feasts. They are spoken of by Demosthenes (*c. Mid.* p. 570) in conjunction with the *ἱεροποιοί* and those who presided over the mysteries, and are ranked by Libanius (*Declam.* viii.) with the sitonae, generals, and ambassadors. Their office is spoken of as honourable by Harpocration (*s. v.*); but Pollux (viii. 114) includes them among the inferior offices or offices of service (*ὑπηρεσίαι*, Böckh, *Publ. Econ. of Athens*, p. 216, 2d ed.)

BOREASMI or BOREASMUS (*βορεασμοί* or *βορεασμός*), a festival celebrated by the Athenians in honour of Boreas (Hesych. *s. v.*), which, as Herodotus (vii. 189) seems to think, was instituted during the Persian war, when the Athenians, being commanded by an oracle to invoke their *γαμβρὸς ἐπίκουρος*, prayed to Boreas. The fleet of Xerxes was soon afterwards destroyed by a north wind, near Cape Sepias, and the grateful Athenians erected to his honour a temple on the banks of the Ilissus. But considering that Boreas was intimately connected with the early history of Attica, since he is said to have carried off and married Oreithya, daughter of Erechtheus (Herod. *l. c.*; Paus. i. 19. § 6), and that he was familiar to them under the name of *brother-in-law*, we have reason to suppose that even previous to the Persian wars certain honours were paid to him, which were perhaps only revived and increased after the event recorded by Herodotus. The festival, however, does not seem ever to have had any great celebrity; for Plato (*Phaedr.* p. 229) represents Phaedrus as unacquainted even with the site of the temple of Boreas. Particulars of this festival are not known, except that it was celebrated with banquets.

Pausanias (viii. 36. § 4) mentions a festival celebrated with annual sacrifices at Megalopolis in honour of Boreas, who was thought to have been their deliverer from the Lacedaemonians. (Comp. Aelian, *V. H.* xii. 61.)

Aelian (*l. c.*) says that the Thurians also offered an annual sacrifice to Boreas, because he had destroyed the fleet with which Dionysius of Syracuse attacked them; and adds the curious remark, that a decree was made which bestowed upon him the right of citizenship, and assigned to him a house and a piece of land. This, however, is perhaps merely another way of expressing the fact, that the Thurians adopted the worship of Boreas, and dedicated to him a temple, with a piece of land. [L. S.]

BOULE′ (*βουλή*), a deliberate assembly or council. In the heroic ages, represented to us by Homer, the *βουλή* is simply an aristocratical council of the nobles, sitting under their king as president, who, however, did not possess any greater authority than the other members, except what that position gave him. The nobles, thus assembled, decided on public business and judicial matters, frequently in connection with, but apparently not subject to, nor of necessity controlled by, an *ἀγορά*, or meeting of the freemen of the state. (*Il.* ii. 53, 143, xviii. 503, *Od.* ii. 239.) This form of government, though it existed for some time in the Ionian, Aeolian, and Achaean states, was at last wholly abolished. Amongst the Dorians, however, especially with the Spartans, this was not the case; for it is well known that they retained the kingly power of the Heracleidae, in conjunction with the *γερουσία* [Gerousia], or assembly of elders, of which the kings were members. At Athens, there were two councils, one usually called the *Areiopagus* from its meeting on the hill of Ares (*ἡ ἐν Ἀρείῳ πάγῳ βουλή*), which was more of an aristocratical character, and is spoken of under Areiopagus, and the other called *The Council or Senate of the Five Hundred* (*ἡ τῶν πεντακοσίων βουλή*), or simply *The Council or Senate* (*ἡ βουλή*), which was a representative, and in most respects a popular body (δημοτικόν). It is of the latter council that the following article treats.

Its first institution is generally attributed to Solon. There are, however, strong reasons for supposing that, as in the case of the areiopagus, he merely modified the constitution of a body which he found already existing. In the first place it is improbable, and in fact almost inconsistent with the existence of any government, except an absolute monarchy, to suppose that there was no such council. Besides this, Herodotus (v. 71) tells us that in the time of Cylon (B. C. 620), Athens was under the direction of the presidents of the Naucraries (ναυκραρίαι), the number of which was forty-eight, twelve out of each of the four tribes. Moreover, we read of the case of the Alcmaeonidae being referred to an aristocratical tribunal of 300 persons, and that Isagoras, the leader of the aristocratic party at Athens, endeavoured to suppress the council, or βουλή, which Cleisthenes had raised to 600 in number, and to vest the government in the hands of 300 of his own party. (Herod. v. 72; Plut. *Sol.* 12.) This, as Thirlwall (*Hist. of Greece*, vol. ii. p. 41) remarks, can hardly have been a chance coincidence: and he also suggests that there may have been two councils, one a smaller body, like the Spartan γερουσία, and the other a general assembly of the Eupatrids; thus corresponding, one to the senatus, the other to the comitia curiata, or assembly of the burghers at Rome. But be this as it may, it is admitted that Solon made the number of his βουλή 400, taking the members from the three first classes, 100 from each of the four tribes. On the tribes being remodelled by Cleisthenes (B. C. 510), and raised to ten in number, the council also was increased to 500, fifty being taken from each of the ten tribes. It is doubtful whether the βουλευταί, or councillors, were at first appointed by lot, as they were afterwards; but as it is stated to have been Solon's wish to make the βουλή a restraint upon the people, and as he is, moreover, said to have chosen (ἐπιλεξάμενος, Plut. *Sol.* 19) 100 members from each of the tribes, it seems reasonable to suppose that they were *elected*, more especially when there is no evidence to the contrary. (Thirlwall, vol. ii. p. 42.) It is at any rate certain that an election, where the eupatrids might have used influence, would have been more favourable to Solon's views, than an appointment by lot. But whatever was the practice originally, it is well known that the appointment was in after times made by lot, as is indicated by the title (οἱ ἀπὸ τοῦ κυάμου βουλευταί), suggested by the use of beans in drawing the lots. (Thuc. viii. 69.) The individuals thus appointed were required to submit to a scrutiny, or δοκιμασία, in which they gave evidence of being genuine citizens (γνήσιοι ἐξ ἀμφοῖν), of never having lost their civic rights by ἀτιμία, and also of being above 30 years of age. They remained in office for a year, receiving a drachma (μισθὸς βουλευτικός) for each day on which they sat: and independent of the general account, or εὐθύναι, which the whole body had to give at the end of the year, any single member was liable to expulsion for misconduct, by his colleagues. (Harpocr. *s. v.* Ἐκφυλλοφορία; Aesch. *c. Timarch.* p. 15, 43, ed. Steph.)

This senate of 500 was divided into ten sections of fifty each, the members of which were called *Prytanes* (πρυτάνεις), and were all of the same tribe; they acted as presidents both of the council and the assemblies during 35 or 36 days, as the case might be, so as to complete the lunar year of 354 days (12 × 29½). Each tribe exercised these functions in turn, and the period of office was called a *Prytany* (πρυτανεία). The turn of each tribe was determined by lot, and the four supernumerary days were given to the tribes which came last in order. (Clinton, *F. H.* vol. ii. p. 346.) Moreover, to obviate the difficulty of having too many in office at once, every fifty was subdivided into five bodies of ten each; its prytany also being portioned out into five periods of seven days each: so that only ten senators presided for a week over the rest, and were thence called *Proedri* (πρόεδροι). Again, out of these proedri an *Epistates* (ἐπιστάτης) was chosen for every day in the week to preside as a chairman in the senate, and the assembly of the people; during his day of office he kept the public records and seal.

The prytanes had the right of convening the council and the assembly (ἐκκλησία). The duty of the proedri and their president was to propose subjects for discussion, and to take the votes both of the councillors and the people; for neglect of their duty they were liable to a fine. (Dem. *c. Timocr.* p. 703—707.) Moreover, whenever a meeting, either of the council or the assembly, was convened, the chairman of the proedri selected by lot nine others, one from each of the non-presiding tribes: these also were called proedri and possessed a chairman of their own, likewise appointed by lot from among themselves. On their functions, and the probable object of their appointment, some remarks are made in the latter part of this article.

We now proceed to speak of the duties of the senate as a body. It is observed under the AREIOPAGUS that the chief object of Solon in forming the senate and the areiopagus was to control the democratical powers of the state; for this purpose Solon ordained that the senate should discuss and vote upon all matters before they were submitted to the assembly, so that nothing could be laid before the people on which the senate had not come to a previous decision. This decision, or bill, was called *Probouleuma* (προβούλευμα), and if the assembly had been obliged either to acquiesce in any such proposition, or to gain the consent of the senate to their modification of it, the assembly and the senate would then have been almost equal powers in the state, and nearly related to each other, as our two houses of parliament. But besides the option of adopting or rejecting a προβούλευμα, or ψήφισμα as it was sometimes called, the people possessed and exercised the power of coming to a decision completely different from the will of the senate, as expressed in the προβούλευμα. Thus in matters relating to peace and war, and confederacies, it was the duty of the senators to watch over the interests of the state, and they could initiate whatever measures, and come to whatever resolutions they might think necessary; but on a discussion before the people it was competent for any individual to move a different or even contrary proposition. To take an example: — In the Euboean war (B. C. 350), in which the Thebans were opposed to the Athenians, the senate voted that all the cavalry in the city should be sent out to assist the forces then besieged at Tamynae; a προβούλευμα to this effect was proposed to the people, but they decided that the cavalry were not wanted, and the expedition was not undertaken. Other instances of this kind occur in Xenophon. (*Hell.* i. 7. § 9, vii. 1 § 2.)

In addition to the bills which it was the duty of the senate to propose of their own accord, there were others of a different character, viz., such as any private individual might wish to have submitted to the people. To accomplish this it was first necessary for the party to obtain, by petition, the privilege of access to the senate (*πρόσοδον γράψασθαι*), and leave to propose his motion; and if the measure met with their approbation, he could then submit it to the assembly. (Dem. *c. Timocr.* p. 715.) Proposals of this kind, which had the sanction of the senate, were also called *προβουλεύματα*, and frequently related to the conferring of some particular honour or privilege upon an individual. Thus the proposal of Ctesiphon for crowning Demosthenes is so styled, as also that of Aristocrates for conferring extraordinary privileges on Charidemus, an Athenian commander in Thrace. Any measure of this sort, which was thus approved of by the senate, was then submitted to the people, and by them simply adopted or rejected; and "it is in these and similar cases, that the statement of the grammarians is true, that no law or measure could be presented for ratification by the people without the previous approbation of the senate, by which it assumed the form of a decree passed by that body." (Schömann, *De Comitiis*, p. 103, transl.)

In the assembly the bill of the senate was first read, perhaps by the crier, after the introductory ceremonies were over; and then the proedri put the question to the people, whether they approved of it, or wished to give the subject further deliberation. (Aristoph. *Thes.* 290.) The people declared their will by a show of hands (*προχειροτονία*). Sometimes, however, the bill was not proposed and explained by one of the proedri, but by a private individual — either the original applicant for leave to bring forward the measure, or a senator distinguished for oratorical power. Examples of this are given by Schömann (*De Com.* p. 106, transl.). If the *προβούλευμα* of the senate were rejected by the people, it was of course null and void. If it happened that it was neither confirmed nor rejected, it was *ἐπέτειον*, that is, only remained in force during the year the senate was in office. (Dem. c. *Aris.* p. 651.) If it was confirmed it became a *ψήφισμα*, or decree of the people, binding upon all classes. The form for drawing up such decrees varied in different ages. Before the archonship of Eucleides (B. C. 403), they were generally headed by the formula — *Ἔδοξε τῇ βουλῇ καὶ τῷ δήμῳ*: then the tribe was mentioned in whose prytany the decree was passed; then the names of the *γραμματεὺς* or scribe, and chairman; and lastly that of the author of the resolution. Examples of this form occur in Andocides (*De Myst.* p. 13): thus — *Ἔδοξε τῇ βουλῇ καὶ τῷ δήμῳ, Αἰαντὶς ἐπρυτάνευε, Κλεογένης ἐγραμμάτευε, Βοηθὸς ἐπεστάτει, τάδε Δημόφαντος συνέγραψεν.* (Comp. Thuc. iv. 118.) From the archonship of Eucleides till about B. C. 325, the decrees commence with the name of the archon; then come the day of the month, the tribe in office, and lastly the name of the proposer. The motive for passing the decree is next stated; and then follows the decree itself, prefaced with the formula *δεδόχθαι τῇ βουλῇ καὶ τῷ δήμῳ*. The reader is referred to Demosthenes, *De Corona*, for examples. After B. C. 325, another form was used, which continued unaltered till the latest times. (Schömann, p. 136, transl.)

Mention has just been made of the *γραμματεύς*, whose name was affixed to the *ψηφίσματα*, as in the example given above. He was a clerk chosen by lot by the senate, in every prytany, for the purpose of keeping the records, and resolutions passed during that period; he was called the clerk according to the prytany (*ὁ κατὰ πρυτανείαν*), and the name of the clerk of the first prytany was sometimes used to designate the year. (Pollux, viii. 98; Böckh, *Publ. Econ. of Athens*, p. 186, 2nd ed.)

With respect to the power of the senate, it must be clearly understood that, except in cases of small importance, they had only the right of originating, not of finally deciding on public questions. Since, however, the senators were convened by the prytanes every day, except on festivals or *ἀφετοὶ ἡμέραι* (Pollux, viii. 95), it is obvious that they would be fit recipients of any intelligence affecting the interests of the state, and it is admitted that they had the right of proposing any measure to meet the emergency; for example, we find that Demosthenes gives them an account of the conduct of Aeschines and himself, when sent out as ambassadors to Philip, in consequence of which they propose a bill to the people. Again, when Philip seized on Elateia (B. C. 338), the senate was immediately called together by the prytanes to determine what was best to be done. (Dem. *De Fal. Leg.* p. 346, *De Cor.* p. 284.) But, besides possessing the initiatory power of which we have spoken, the senate was sometimes delegated by the people to determine absolutely about particular matters, without reference to the assembly. Thus we are told (Dem. *De Fal. Leg.* p. 389) that the people gave the senate power to decide about sending ambassadors to Philip; and Andocides (*Περὶ Μυστηρίων*) informs us that the senate was invested with absolute authority (*ἦν γὰρ αὐτοκράτωρ*), to investigate the outrages committed upon the statues of Hermes, previously to the sailing of the Sicilian expedition.

Sometimes also the senate was empowered to act in conjunction with the nomothetae (*συννομοθετεῖν*), as on the revision of the laws after the expulsion of the Thirty by Thrasybulus and his party, B. C. 403. (Andoc. *De Myst.* p. 12; Dem. *c. Timocr.* p. 708.) Moreover, it was the province of the senate to receive *εἰσαγγελίαι*, or informations of extraordinary crimes committed against the state, and for which there was no special law provided. The senate in such cases either decided themselves, or referred the case to one of the courts of the heliaea, especially if they thought it required a higher penalty than it was competent for them to impose, viz., 500 drachmae. It was also their duty to decide on the qualification of magistrates, and the character of members of their own body. But besides the duties we have enumerated, the senate discharged important functions in cases of finance. All legislative authority, indeed, in such matters rested with the people, the amount of expenditure and the sources of revenue being determined by the decrees which they passed; but the administration was entrusted to the senate, as the executive power of the state, and responsible (*ὑπεύθυνος*) to the people. Thus Xenophon (*De Rep. Ath.* iii. 2) tells us that the senate was occupied with providing money, with receiving the tribute, and with the management of naval affairs and the temples; and Lysias (*c. Nicom.* p. 185) makes the following remark:—"When the senate has sufficient money for the administration of affairs, it does nothing wrong; but when it is in want of funds, it receives informations, and confiscates the property of the citizens." The letting of the duties (*τελῶναι*) was also under its superintendence, and those who were in possession of any sacred or public moneys (*ἵερα καὶ ὅσια*) were bound to pay them into the senate-house; and in default of payment, the senate had the power of enforcing it, in conformity with the laws for the farming of the duties (*οἱ τελωνικοὶ νόμοι*). The accounts of the moneys that had been received, and of those still remaining due, were delivered to the senate by the apodectae, or public treasurers. [APODECTAE.] "The senate arranged also the application of the public money, even in trifling matters, such as the salary of the poets; the superintendence of the cavalry maintained by the state, and the examination of the infirm (*ἀδύνατοι*) supported by the state, are particularly mentioned among its duties; the public debts were also paid under its direction. From this enumeration we are justified in inferring that all questions of finance were confided to its supreme regulation." (Böckh, *Publ. Econ. of Athens*, p. 154, 2nd ed.) Another very important duty of the senators was to take care that a certain number of triremes was built every year, for which purpose they were supplied with money by the state; in default of so doing, they were not allowed to claim the honour of wearing a crown, or chaplet (*στέφανος*), at the expiration of their year of office. (*Arg. Orat. c. Androt.*)

It has been already stated that there were two classes or sets of proedri in the senate, one of which, amounting to ten in number, belonged to the presiding tribe; the other consisted of nine, chosen by lot by the chairman of the presiding proedri from the nine non-presiding tribes, one from each, as often as either the senate or the people were convened. It must be remembered that they were not elected as the other proedri, for seven days, but only for as many hours as the session of the senate, or meeting of the people, lasted. Now it has been a question what were the respective duties of these two classes: but it appears clear to us that it was the proedri of the *presiding* tribe who proposed to the people in assembly, the subjects for discussion; recited, or caused to be recited, the previous bill (*προβούλευμα*) of the senate; officiated as presidents in conjunction with their *ἐπιστάτης*, or chairman, and discharged, in fact, all the functions implied by the words *χρηματίζειν πρὸς τὸν δῆμον*. For ample arguments in support of this opinion the reader is referred to Schömann. (*De Com.* p. 83. transl.) It does indeed appear from decrees furnished by inscriptions, and other authorities, that in later time the proedri of the *nine* tribes exercised some of those functions which the orations of Demosthenes, and his contemporaries, justify us in assigning to the proedri of the presiding tribe. It must, however, be remarked that all such decrees were passed after B. C. 308, when there were twelve tribes; and that we cannot, from the practice of those days, arrive at any conclusions relative to the customs of former ages.

If it is asked what, then, were the duties of these proedri in earlier times, the answer must be in a great measure conjectural; but the opinion of Schömann on this point seems very plausible. He observes that the prytanes had extensive and important duties entrusted to them; that they were all of one tribe, and therefore closely connected; that they officiated for 35 days as presidents of the representatives of the other tribes; and that they had ample opportunities of combining for the benefit of their own tribe at the expense of the community. To prevent this, and watch their conduct whenever any business was brought before the senate and assembly, may have been the reason for appointing, by lot, nine other quasi-presidents, representatives of the non-presiding tribes, who would protest and interfere, or approve and sanction as they might think fit. Supposing this to have been the object of their appointment in the first instance, it is easy to see how they might at last have been united with the proper proedri, in the performance of duties originally appropriated to the latter.

In connection with the proedri we meet with the expression *ἡ προεδρεύουσα φυλή*. Our information on this subject is derived from the speech of Aeschines against Timarchus, who informs us, that in consequence of the unseemly conduct of Timarchus, on one occasion, before the assembly, a new law was passed, in virtue of which, a tribe was chosen by lot to keep order, and sit as presidents under the *βῆμα*, or platform on which the orators stood. No remark is made on the subject to warrant us in supposing that senators only were elected to this office; it seems more probable that a certain number of persons was chosen from the tribe on which the lot had fallen, and commissioned to sit along with the prytanes and the proedri, and that they assisted in keeping order. We may here remark that if any of the speakers (*ῥήτορες*) misconducted themselves either in the senate or the assembly, or were guilty of any act of violence to the *ἐπιστάτης*, after the breaking up of either, the proedri had the power to inflict a summary fine, or bring the matter before the senate and assembly at the next meeting, if they thought the case required it.

The meetings of the senate were, as we learn from various passages of the Attic orators, open to strangers; thus Demosthenes (*De Fal. Leg.* p. 346) says that the senate-house was, on a particular occasion, full of strangers (*μεστὸν ἦν ἰδιωτῶν*): in Aeschines (*c. Ctes.* p. 71. 20) we read of a motion "that strangers do withdraw" (*μεταστησάμενος τοὺς ἰδιώτας*, Dobree, *Advers.* vol. i. p. 542). Nay, private individuals were sometimes, by a special decree, authorised to come forward and give advice to the senate. The senate-house was called *τὸ βουλευτήριον*, and contained two chapels, one of *Ζεὺς βουλαῖος*, another of *Ἀθηνᾶ βουλαία*, in which it was customary for the senators to offer up certain prayers before proceeding to business. (Antiph. *De Chor.* p. 787.)

The prytanes also had a building to hold their meetings in, where they were entertained at the public expense during their prytany. This was called the *πρυτανεῖον*, and was used for a variety of purposes. [PRYTANEION.] Thucydides (ii. 15), indeed, tells us that before the time of Theseus every city of Attica had its *βουλευτήριον* and πρυτανεῖον: a statement which gives additional support to the opinion that Solon did not originate the senate at Athens.

The number of tribes at Athens was not always ten; an alteration took place in B. C. 306, when Demetrius Poliorcetes had liberated the city from the usurpation of Cassander. Two were then added, and called Demetrias, and Antigonis, in honour of Demetrius and his father. It is evident that this change, and the consequent addition of 100 members to the senate, must have varied the order and length of the prytanes. The tribes just mentioned were afterwards called Ptolemais and Attalis; and in the time of Hadrian, who beautified and improved Athens (Paus. i. 18. § 6), a thirteenth was added, called from him Hadrianis. An edict of this emperor has been preserved, which proves that even in his time the Athenians kept up the show of their former institutions. (Hermann, *Griech. Staatsalterth.* § 125, &c.; Schömann, *De Comitiis Atheniensium.*) [R. W.]

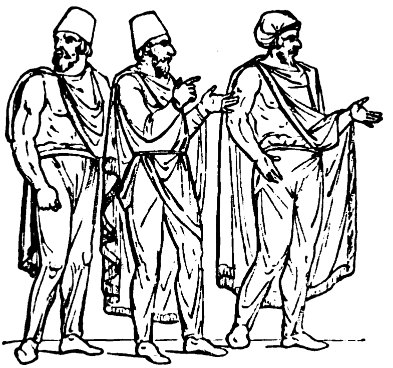
BOULEU'SEOS GRAPHE' (*βουλεύσεως γραφή*), an impeachment for conspiracy. Βουλεύσεως, being in this case the abbreviated form of ἐπιβουλεύσεως, is the name of two widely different actions at Attic law. The first was the accusation of conspiracy against life, and might be instituted by the person thereby attacked, if competent to bring an action; if otherwise, by his or her legal patron (*κύριος*). In case of the plot having succeeded, the deceased might be represented in the prosecution by near kinsmen (*οἱ ἐντὸς ἀνεψιότητος*), or, if they were incompetent, by the *κύριος*, as above mentioned. (Meier, *Att. Proc.* p. 164.) The criminality of the accused was independent of the result of the conspiracy (Harpocrat.), and the penalty, upon conviction, was the same as that incurred by the actual murderers. (Andoc. *De Myst.* p. 46. 5.) The presidency of the court upon a trial of this kind, as in most δίκαι φονικαί, belonged to the king archon (Meier, *Att. Proc.* p. 312), and the court itself was composed of the ephetae, sitting at the Palladium, according to Isaeus and Aristotle, as cited by Harpocration, who, however, also mentions that the areiopagus is stated by Deinarchus to have been the proper tribunal.

The other action, *βουλεύσεως*, was available upon a person finding himself wrongfully inscribed as a state debtor in the registers, or rolls, which were kept by the different financial officers. Meier (*Att. Proc.* p. 339), however, suggests that a magistrate that had so offended, would probably be proceeded against at the *εὐθύναι*, or *ἐπιχειροτονίαι*, the two occasions upon which the public conduct of magistrates was examined; so that generally the defendant in this action would be a private citizen that had directed such an insertion at his own peril. From the passage in Demosthenes, it seems doubtful whether the disenfranchisement (*ἀτιμία*) of the plaintiff as a state-debtor was in abeyance while this action was pending. Demosthenes at first asserts (*c. Aristog.* i. p. 778. 19), but afterwards (p. 792. 1) *argues* that it was not. (See, however, Meier, *Att. Proc.* p. 340, and Böckh's note.) The distinction between this action and the similar one ψευδεγγραφῆς, is explained under the latter title. [J. S. M.]

BOULEUTE'RION. [BOULE, p. 212, *b*.]

BRACAE or **BRACCAE** (*ἀναξυρίδες*), trowsers, pantaloons. These, as well as various other articles of armour and of dress [ACINACES, ARCUS, ARMILLA], were common to all the nations which encircled the Greek and Roman population, extending from the Indian to the Atlantic ocean. Hence Aristagoras, king of Miletus, in his interview with Cleomenes, king of Sparta, described the attire of a large portion of them in these terms:—"They carry bows and a short spear, and go to battle in trowsers and with hats upon their heads." (Herod. v. 49.) Hence also the phrase *Braccati militis arcus*, signifying that those who wore trowsers were in general armed with the bow. (Propert. iii. 3. 17.) In particular, we are informed of the use of trowsers or pantaloons among the following nations:—the Medes and Persians; the Parthians; the Phrygians; the Sacae; the Sarmatae; the Dacians and Getae; the Teutones; the Belgae; the Britons; and the Gauls.

The Latin word *braccae* is the same as the Scottish "breeks" and the English "breeches." Corresponding terms are used in all the northern languages. Also the Cossack and Persian trowsers of the present day differ in no material respect from those which were anciently worn in the same countries. In ancient monuments we find the above-mentioned people constantly exhibited in trowsers, thus clearly distinguishing them from Greeks and Romans. An example is seen in the annexed group of Sarmatians, taken from the column of Trajan.



Trowsers were principally woollen; but Agathias states (*Hist.* ii. 5) that in Europe they were also made of linen and of leather; probably the Asiatics made them of cotton and of silk. Sometimes they were striped (*virgatae*, Propert. iv. 11. 43), and ornamented with a woof of various colours (*ποικίλαι*, Xen. *Anab.* i. 5. § 8). The Greeks seem never to have worn them. They were also unknown at Rome during the republican period; and in A. D. 69 Caecina gave great offence on his march into Italy, because he wore *braccae*, which were regarded as *tegmen barbarum*. (Tac. *Hist.* ii. 20.) In the next century, however, they gradually came into use at Rome; but they would appear never to have been generally worn. It is recorded of Alexander Severus that he wore white braccae, and not crimson ones (*coccineae*), as had been the custom with preceding emperors. The use of them in the city was forbidden by Honorius. (Lamprid. *Alex. Sever.* 40.) [J. Y.]

BRASIDEIA (*βρασίδεια*), a festival celebrated at Sparta in honour of their great general Brasidas, who, after his death, in B. C. 422, received the honours of a hero. (Paus. iii. 14. § 1; Aristot. *Eth. Nic.* v. 7.) It was held every year with orations and contests, in which none but Spartans were allowed to partake.

Brasideia were also celebrated at Amphipolis, which, though a colony of Athens, transferred the honour of κτίστης from Hagnon to Brasidas, who was buried there, and paid him heroic honours by an annual festival with sacrifices and contests. (Thucyd. v. 11.) [L. S.]

BRAURO'NIA (βραυρώνια), a festival celebrated in honour of Artemis Brauronia, in the Attic town of Brauron (Herod. vi. 138), where, according to Pausanias (i. 23. § 9, 33. § 1, iii. 16. § 6, viii. 46. § 2), Orestes and Iphigenia, on their return from Tauris, were supposed by the Athenians to have landed, and left the statue of the Taurian goddess. (See Müller, *Dor.* i. 9. § 5 and 6.) It was held every fifth year, under the superintendence of ten ἱεροποιοί (Pollux, viii. 9, 31); and the chief solemnity consisted in the circumstance that the Attic girls between the ages of five and ten years, dressed in crocus-coloured garments, went in solemn procession to the sanctuary (Suidas, *s. v.* Ἄρκτος; Schol. on *Aristoph. Lysistr.* 646), where they were consecrated to the goddess. During this act the ἱεροποιοί sacrificed a goat and the girls performed a propitiatory rite in which they imitated bears. This rite may have arisen simply from the circumstance that the bear was sacred to Artemis, especially in Arcadia (Müller, *Dor.* ii. 9. § 3); but a tradition preserved in Suidas (*s. v.* Ἄρκτος) relates its origin as follows: — In the Attic town of Phanidae a bear was kept, which was so tame that it was allowed to go about quite freely, and received its food from and among men. One day a girl ventured to play with it, and, on treating the animal rather harshly, it turned round and tore her to pieces. Her brothers, enraged at this, went out and killed the bear. The Athenians now were visited by a plague; and, when they consulted the oracle, the answer was given that they would get rid of the evil which had befallen them if they would compel some of their citizens to make their daughters propitiate Artemis by a rite called ἀρκτεύειν, for the crime committed against the animal sacred to the goddess. The command was more than obeyed; for the Athenians decreed that from thenceforth all women, before they could marry, should have taken part once in this festival, and have been consecrated to the goddess. Hence the girls themselves were called ἄρκτοι, the consecration ἀρκτεία, the act of consecrating ἀρκτεύειν, and to celebrate the festival ἀρκτεύεσθαι. (Hesych. and Harpocrat. *s. v.*; Schol. on *Aristoph. l. c.*) But as the girls when they celebrated this festival were nearly ten years old, the verb δεκατεύειν was sometimes used instead of ἀρκτεύειν. (Comp. C. F. Hermann, *Handb. der gottesdienstl. Alterth.* § 62. note 9.)

There was also a quinquennial festival called Brauronia, which was celebrated by men and dissolute women, at Brauron, in honour of Dionysus. (Aristoph. *Pax*, 870, with the note of the Scholiast; and Suidas *s. v.* Βραυρών.) Whether its celebration took place at the same time as that of Artemis Brauronia (as has been supposed by Müller, *Dor.* ii. 9. § 5, in a note, which has, however, been omitted in the English translation), must remain uncertain, although the very different characters of the two festivals incline us rather to believe that they were not celebrated at the same time. According to Hesychius, whose statement, however, is not supported by any ancient authority, the Iliad was recited at the Brauronian festival of Dionysus by rhapsodists. (Comp. Hemsterh. *ad Pollucem*, ix. 74; Welcker, *Der Epische Cyclus*, p. 391.) [L. S.]

BREVIA'RIUM, or BREVIA'RIUM ALARICIA'NUM. Alaric the Second, king of the Visigoths, who reigned from A. D. 484 to A. D. 507, in the twenty-second year of his reign (A. D. 506) commissioned a body of jurists, probably Romans, to make a selection from the Roman laws and the Roman law writers, which should form a code for the use of his Roman subjects. The code, when made, was confirmed by the bishops and nobility at Aduris (Aire in Gascony); and a copy, signed by Anianus, the referendarius of Alaric, was sent to each comes, with an order to use no other law or legal form in his court (*ut in foro tuo nulla alia lex neque juris formula proferri vel recipi praesumatur*). The signature of Anianus was for the purpose of giving authenticity to the official copies of the code; a circumstance which has been so far misunderstood that he has sometimes been considered as the compiler of the code, and it has been called Breviarium Aniani. This code has no peculiar name, so far as we know: it was called Lex Romana Visigothorum, and at a later period, frequently Lex Theodosii, from the title of the first and most important part of its contents. The name Breviarium, or Breviarium Alaricianum, does not appear before the sixteenth century.

The following are the contents of the Breviarium, with their order in the code: — 1. Codex Theodosianus, xvi books. 2. Novellae of Theodosius ii, Valentinian iii, Marcian, Majorian, Severus. 3. The Institutions of Gaius, ii books. 4. Pauli Receptae Sententiae, v books. 5. Codex Gregorianus, v books. 6. Codex Hermogenianus, i book. 7. Papinianus, lib. i. Responsorum.

The code was thus composed of two kinds of materials, imperial constitutions, which, both in the code itself and the commonitorium or notice prefixed to it, are called *Leges;* and the writings of Roman jurists, which are called *Jus.* Both the Codex Gregorianus and Hermogenianus, being compilations made without any legal authority, are included under the head of Jus. The selections are extracts, which are accompanied with an interpretation, except in the case of the Institutions of Gaius; as a general rule, the text, so far as it was adopted, was not altered. The Institutions of Gaius, however, are abridged or epitomised, and such alterations as were considered necessary for the time are introduced into the text: this part of the work required no interpretation, and accordingly it has none. There are passages in the epitome which are not taken from Gaius. (Gaius, iii. 127, ed. Goeschen.)

This code is of considerable value for the history of Roman law, as it contains several sources of the Roman law which are otherwise unknown, especially Paulus and the five first books of the Theodosian code. Since the discovery of the Institutions of Gaius, that part of this code is of less value.

The author of the Epitome of Gaius in the Breviarium paid little attention to retaining the words of the original, and a comparison of the Epitome and the MS. of Gaius is therefore of little advantage in this point of view. The Epitome is, however, still useful in showing what subjects were discussed in Gaius, and thus filling up (so far as the material contents are concerned) some of the lacunae of the Verona MS.

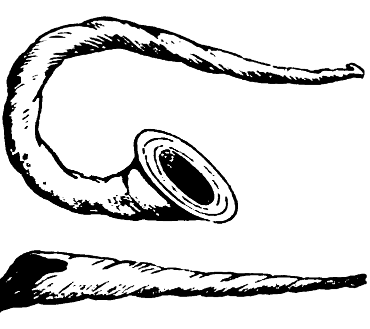
A complete edition of this code was published by Sichard, in his Codex Theodosianus, Basileae, 1528, small folio. (Schulting, *Jurisprudentia Vetus Ante-Justinianea*, Lugd. Bat. 1717; *Jus Civile Antejustinianeum*, Berlin, 1815; Julii Paulli *Recept. Sentent.* Lib. v. ed. Arndts, Bonn, 1833; Savigny, *Geschichte des Röm. Rechts im Mittelalter.* ii. c. 8; Böcking, *Institutionen*, i. 90, &c.; Gaius, *Praefatio Primae Editioni Praemissa.*) [G. L.]

BRUTTIA'NI, slaves whose duty it was to wait upon the Roman magistrates. They are said to have been originally taken from among the Bruttians, because this people continued from first to last faithful to Hannibal (Festus, *s. v. Bruttiani;* Gell. x. 3); but Niebuhr (*Hist. of Rome*, vol. iii. note 944) is disposed to think that these servants bore this name long before, since both Strabo (vi. p. 255) and Diodorus (xvi. 15) state that this word signified revolted slaves.

BU'CCINA (βυκάνη), a kind of horn-trumpet, anciently made out of a shell. It is thus happily described by Ovid (*Met.* i. 335):—

> "Cava buccina sumitur illi
> Tortilis, in latum quae turbine crescit ab imo:
> Buccina, quae in medio concepit ut aëra ponto,
> Littora voce replet sub utroque jacentia Phoebo."

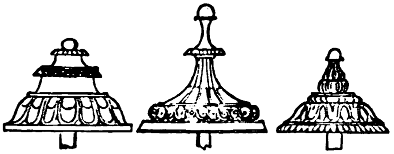
The musical instrument *buccina* nearly resembled in shape the shell *buccinum*, and, like it, might almost be described from the above lines (in the language of conchologists), as spiral and gibbous. The two drawings in the annexed woodcut agree with this account. In the first, taken from a frieze (Burney's *History of Music*, vol. i. pl. 6), the *buccina* is curved for the convenience of the performer, with a very wide mouth, to diffuse and increase the sound. In the next, a copy of an ancient sculpture taken from Blanchini's work (*De Musicis Instrum. Veterum*, p. 15. pl. 2, 18), it still retains the original form of the shell.



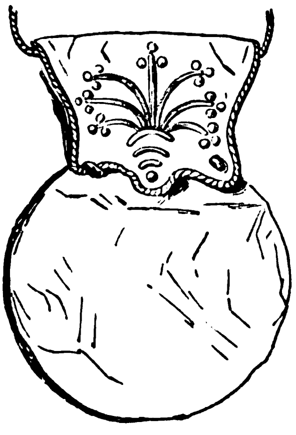
The inscriptions quoted by Bartholini (*De Tibiis*, p. 226) seem to prove that the *buccina* was distinct from the *cornu;* but it is often (as in *Aen.* vii. 519) confounded with it. The buccina seems to have been chiefly distinguished by the twisted form of the shell, from which it was originally made. In later times it was carved from horn, and perhaps from wood or metal, so as to imitate the shell. The *buccina* was chiefly used to proclaim the watches of the day (Senec. *Thyest.* 798) and of the night, hence called *buccina prima, secunda*, &c. (Polyb. xiv. 3; Liv. xxvi. 15; Sil. Ital. vii. 154; Propert. iv. 4. 63; Cic. *Pro Mur.* 9.) It was also blown at funerals, and at festive entertainments both before sitting down to table and after. (Tacit. *Ann.* xv. 30.) Macrobius (i. 8) tells us that tritons holding *buccinae* were fixed on the roof of the temple of Saturn.

The musician who played the *buccina* was called *buccinator*. [B. J.]

BULLA, a circular plate or boss of metal, so called from its resemblance in form to a bubble floating upon water. Bright studs of this description were used to adorn the sword-belt (*aurea bullis cingula*, Virg. *Aen.* ix. 359; *bullis asper balteus*, Sid. Apoll. *Carm.* 2). Another use of them was in doors, the parts of which were fastened together by brass-headed, or even by gold-headed nails. (Plaut. *Asin.* ii. 4, 20; Cic. *Verr.* iv. 56.) The magnificent bronze doors of the Pantheon at Rome are enriched with highly ornamented bosses, some of which are here shown.



We most frequently read, however, of bullae as ornaments worn by children suspended from the neck, and especially by the sons of the noble and wealthy. Such a one is called *heres bullatus* by Juvenal (*Sat.* xiv. 4). His bulla was made of thin plates of gold. Its usual form is shown in the annexed woodcut, which represents a fine bulla preserved in the British Museum, and is of the size of the original.



The use of the *bulla*, like that of the praetexta, was derived from the Etruscans, whence it is called by Juvenal (v. 164) *aurum Etruscum*. It was originally worn only by the children of the patricians, but subsequently by all of free birth (Cic.

Verr. i. 58); while children of the libertini were only permitted to wear an ornament of the same kind made of leather (*nodus tantum et signum de paupere loro*, Juv. v. 165; *libertinis scortea*, Ascon. *ad Cic. l. c.*). The bulla was laid aside, together with the praetexta, and was consecrated on this occasion to the Lares. (Pers. v. 31.) Examples of boys represented with the bulla are not unfrequent in statues, on tombs, and in other works of art. (Spon, *Misc.* p. 299; Middleton, *Ant. Mon.* tab. 3.) [J. Y.]

BURIS. [Aratrum.]

BUSTUA'RII. [Funus.]

BUSTUM. [Funus.]

BUXUM (πύξος), properly means the wood of the box tree, but was given as a name to many things made of this wood. The tablets used for writing on, and covered with wax (*tabulae ceratae*), were usually made of this wood. Hence we read in Propertius (iii. 22. 8), "Vulgari buxo sordida cera fuit." These *tabellae* were sometimes called *cerata buxa*. In the same way the Greek πυξίον, formed from πύξος, "box-wood," came to be applied to any tablets, whether they were made of this wood or any other substance; in which sense the word occurs in the Septuagint (τὰ πυξία τὰ λίθινα, *Exod.* xxiv. 12; compare *Is.* xxx. 8; *Hab.* ii. 2).

Tops were made of box-wood (*volubile buxum*, Virg. *Aen.* vii. 382; Pers. iii. 51); and also all wind instruments, especially the flute, as is the case in the present day (Ov. *Ex Pont.* i. 1. 45, *Met.* xii. 158, *Fast.* vi. 697; Virg. *Aen.* ix. 619). Combs also were made of the same wood; whence Juvenal (xiv. 194) speaks of *caput intactum buxo*.

BYSSUS (βύσσος). It has been a subject of some dispute whether the byssus of the ancients was cotton or linen. Herodotus (ii. 86) says that the mummies were wrapped up in *byssine sindon* (σινδόνος βυσσίνης τελαμῶσι), which Rosellini and many modern writers maintain to be cotton. The only decisive test, however, as to the material of mummy cloth is the microscope; and from the numerous examinations which have been made, it is quite certain that the mummy cloth was made of flax and not of cotton, and therefore whenever the ancient writers apply the term byssus to the mummy cloth, we must understand it to mean linen.

The word byssus appears to come from the Hebrew *butz*, and the Greeks probably got it through the Phoenicians. (See Gesenius's *Thesaurus*.) Pausanias (vi. 26. § 4) says that the district of Elis was well adapted for growing byssus, and remarks that all the people, whose land is adapted for it, sow hemp, flax, and byssus. In another passage (v. 5. § 2) he says that Elis is the only place in Greece in which byssus grows, and remarks that the byssus of Elis is not inferior to that of the Hebrews in fineness, but not so yellow (ξανθή). The women in Patrae gained their living by making head-dresses (κεκρύφαλοι), and weaving cloth from the byssus grown in Elis. (Paus. vii. 21. § 7.)

Among later writers, the word byssus may perhaps be used to indicate either cotton or linen cloth. Böttiger (*Sabina*, vol. ii. p 105) supposes that the byssus was a kind of muslin, which was employed in making the celebrated Coan garments. It is mentioned in the Gospel of St. Luke (xvi. 9) as part of the dress of a rich man. (Compare *Rev.* xviii. 12.) It was sometimes dyed of a purple or crimson colour (βύσσινον· πορφυροῦν, Hesych.). Pliny (xix. 4) speaks of it as a species of flax (*linum*), and says that it served *mulierum maxime deliciis*. (Yates, *Textrinum Antiquorum*, p. 267, &c.)

C. K.

CABEI'RIA (καβείρια), mysteries, festivals, and orgies solemnised in all places in which the Pelasgian Cabeiri, the most mysterious and perplexing deities of Grecian mythology, were worshipped, but especially in Samothrace, Imbros, Lemnos, Thebes, Anthedon, Pergamus, and Berytos. (Paus. ix. 25. § 5, iv. 1. § 5, ix. 22. § 5, i. 4. § 6; Euseb. *Praep. Evang.* p. 31.) Little is known respecting the rites observed in these mysteries, as no one was allowed to divulge them. (Strabo, x. p. 470, &c; Apollon. Rhod. i. 917; Orph. *Argon.* 469; Valer. Flacc. ii. 435.) Diagoras is said to have provoked the highest indignation of the Athenians by his having made these and other mysteries public. (Athenag. *Leg.* ii. 5.) The most celebrated were those of the island of Samothrace, which, if we may judge from those of Lemnos, were solemnised every year, and lasted for nine days. The admission was not confined to men, for we find instances of women and boys being initiated. (Schol. *ad Eurip. Phoen.* 7; Plut. *Alex.* 2; Donatus *ad Terent. Phorm.* i. 15.) Persons on their admission seem to have undergone a sort of examination respecting the life they had led hitherto (Plut. *Laced. Apophth. Antalcid.* p. 141. ed. Tauchnitz), and were then purified of all their crimes, even if they had committed murder. (Livy. xlv. 5; Schol. *ad Theocrit.* ii. 12; Hesych. *s. v.* Κοίης.) The priest who undertook the purification of murderers bore the name of κοίης. The persons who were initiated received a purple ribbon, which was worn around their bodies as an amulet to preserve them against all dangers and storms of the sea. (Schol. *ad Apollon. l. c.*; Diodor. v. 49.)

Respecting the Lemnian Cabeiria we know that their annual celebration took place at night (Cic. *De Nat. Deor.* i. 42), and lasted for nine days, during which all fires of the island, which were thought to be impure, were extinguished, sacrifices were offered to the dead, and a sacred vessel was sent out to fetch new fire from Delos. During these sacrifices the Cabeiri were thought to be absent with the sacred vessel; after the return of which, the pure fire was distributed, and a new life began, probably with banquets. (Schol. *ad Apollon. Rhod.* i. 608.)

The great celebrity of the Samothracian mysteries seem to have obscured and thrown into oblivion those of Lemnos, from which Pythagoras is said to have derived a part of his wisdom. (Iamblich. *Vit. Pyth.* c. 151; compare Müller's *Prolegomena*, p. 150.) Concerning the celebration of the Cabeiria in other places nothing is known, and they seem to have fallen into decay at a very early period. (Comp. Guthberlet, *De Mysteriis Deorum Cabirorum*, Franequerae, 1704, 4to.; Welcker, *Die Aeschyl. Tril.* p. 160, &c.; E. G. Haupt, *De Religione Cabiriaca*, 1834, 4to.; Lobeck, *Aglaophamus*, p. 1281, &c.; Kenrick, *The Egypt of Herod*, p. 264, &c.) [L. S.]

CACABUS. [Authepsa.]

KAKEGO'RIAS DIKE' (*κακηρογίας δίκη*), was an action for abusive language in the Attic courts. This action is likewise called *κακηγορίου δίκη* (Dem. c. *Mid.* p. 544), *λοιδορίας δίκη* (*διώκων λοιδορίας*, Aristoph. *Vesp.* 1207), and *κακολογίας δίκη*. This action could be brought against an individual who applied to another certain abusive epithets, such as *ἀνδρόφονος*, *πατραλοίας*, &c., which were included under the general name of *ἀπόῤῥητα*. [APORRHETA.] It was no justification that these words were spoken in anger. (Lys. c. *Theomn.* pp. 372, 373.) By a law of Solon it was also forbidden to speak evil of the dead; and if a person did so, he was liable to this action, which could be brought against him by the nearest relation of the deceased. (Dem. c. *Leptin.* p. 488, c. *Boeot.* p. 1022; Plut. *Sol.* c. 21.) If an individual abused any one who was engaged in any public office, the offender not only suffered the ordinary punishment, but incurred the loss of his rights as a citizen (*ἀτιμία*), since the state was considered to have been insulted. (Dem. c. *Mid.* p. 524.)

If the defendant was convicted, he had to pay a fine of 500 drachmae to the plaintiff. (Isoc. c. *Loch.* p. 396; Lys. c. *Theomn.* p. 354.) Plutarch, however, mentions that, according to one of Solon's laws, whoever spoke evil of a person in the temples, courts of justice, public offices, or in public festivals, had to pay five drachmae; but as Platner (*Process bei den Attikern*, vol. ii. p. 192) has observed, the law of Solon was probably changed, and the heavier fine of 500 drachmae substituted in the place of the smaller sum. Demosthenes, in his oration against Meidias (p. 543) speaks of a fine of 1000 drachmae; but this is probably to be explained by supposing that Demosthenes brought two actions *κακηγορίας*; one on his own account, and the other on account of the insults which Meidias had committed against his mother and sister. This action was probably brought before the thesmothetae (Dem. c. *Mid.* p. 544), to whom the related *ὕβρεως γραφή* belonged. The two speeches of Lysias against Theomnestus were spoken in an action of this kind.

KAKOLO'GIAS DIKE'. [KAKEGORIAS DIKE.]

KAKO'SIS (*κάκωσις*), in the language of the Attic law, does not signify every kind of ill-treatment, but

1. The ill-treatment of parents by their children (*κάκωσις γονέων*). 2. Of women by their husbands (*κάκωσις γυναικῶν*). 3. Of heiresses (*κάκωσις τῶν ἐπικλήρων*). 4. Of orphans and widows by their guardians or any other persons (*κάκωσις τῶν ὀρφανῶν καὶ χηρευσουσῶν γυναικῶν*).

1. *Κάκωσις γονέων* was committed by those who struck their parents, or applied abusive epithets to them, or refused them the means of support when they were able to afford it, or did not bury them after their death and pay them proper honours. (Aristoph. *Av.* 757, 1356; Suidas, *s. v.* Πελαργικὸς νόμος.) It was no justification for children that their parents had treated them badly. If, however, they were illegitimate, or had not received a proper education from their parents, they could not be prosecuted for *κάκωσις*. (Meier, *Att. Process*, p. 288.)

2. *Κάκωσις γυναικῶν* was committed by husbands who ill-treated their wives in any manner or had intercourse with other women (Diog. Laërt. iv. 17; compare Plut. *Alcib.* 8), or denied their wives the marriage duties; for by a law of Solon, the husband was bound to visit his wife three times every month, at least if she was an heiress. (Plut. *Sol.* 20, *Erotic.* 23.) In the comedy of Cratinus, called the "Wine Flask" (Πυτίνη), Comedy was represented as the wife of Cratinus, who brought an action against him because he neglected her and devoted all his attention to the wine flask. (Schol. *ad Aristoph. Equit.* 399.)

3. *Κάκωσις τῶν ἐπικληρῶν* was committed by the nearest relatives of poor heiresses, who neither married them themselves, nor gave them a dowry in order to marry them to persons of their own rank in life (Dem. c. *Macart.* p. 1076; Harpocr. *s. s.* Ἐπίδικος, Θῆτες; Suid. Phot. *s. v.* Θητεύς); or, if they married them themselves, did not perform the marriage duties. (Plut. *Sol.* 20.)

4. *Κάκωσις τῶν ὀρφανῶν καὶ χηρευσουσῶν γυναικῶν* was committed by those who injured in any way either orphans or widows, both of whom were considered to be in an especial manner under the protection of the chief archon. (Dem. c. *Macart.* p. 1076; *ὁ ἄρχων, ὅστις ἐπεμελεῖτο τῶν χηρῶν καὶ τῶν ὀρφανῶν*, Ulpian. *ad Demosth.* c. *Timocr.*) The speech of Isaeus on the Inheritance of Hagnias, is a defence against an *εἰσαγγελία κακώσεως* of this kind.

All these cases of *κάκωσις* belonged to the jurisdiction of the chief archon (*ἄρχων ἐπώνυμος*). If a person wronged in any way orphans, heiresses, or widows, the archon could inflict a fine upon them himself; or if he considered the person deserving of greater punishment, could bring him before the heliaea. (Dem. c. *Macart.* p. 1076. *Lex.*) Any private individual could also accuse parties guilty of *κάκωσις* by means of laying an information (*εἰσαγγελία*) before the chief archon, though sometimes the accuser proceeded by means of a regular indictment (*γραφή*), with an *ἀνάκρισις* before the archon. (Dem. c. *Pantaenet.* p. 980.) Those who accused persons guilty of *κάκωσις* incurred no danger, as was usually the case, if the defendant was acquitted, and they did not obtain the fifth part of the votes of the dicasts. (Harpocr. *s. v.* Εἰσαγγελία.)

The punishment does not appear to have been fixed for the different cases of *κάκωσις*, but it was generally severe. Those found guilty of *κάκωσις γονέων* lost their civil rights (*ἀτιμία*), but were allowed to retain their property (*οὗτοι ἄτιμοι ἦσαν τὰ σώματα, τὰ δὲ χρήματα εἶχον*, Andoc. *De Myst.* 36; Xen. *Mem.* ii. 2. § 13): but if the *κάκωσις* consisted in beating their parents, the hands of the offenders might even be cut off. (Meursius, *Them. Attic.* i. 2.)

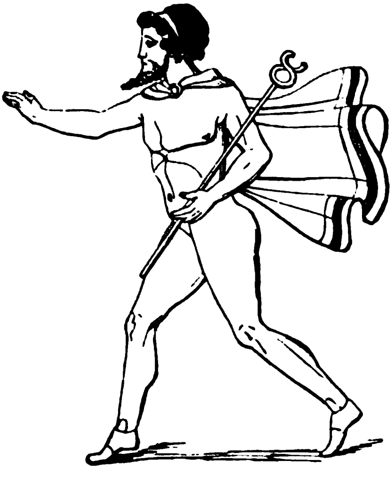
KAKOTECHNION DIKE (*κακοτεχνιῶν δίκη*), corresponds in some degree with an action for subornation of perjury. It might be instituted against a party to a previous suit, whose witnesses had already been convicted of falsehood in an action *ψευδομαρτυριῶν*. (Harpocr. *s. v.*; Dem. c. *Ev. and Mnes.* p. 1139. 11.) It has been also surmised that this proceeding was available against the same party, when persons had subscribed themselves falsely as summoners in the declaration or indictment in a previous suit (Meier, *Att. Proc.* p. 385); and if Plato's authority with respect to the terms of Attic law can be considered conclusive, other cases of conspiracy and contrivance may have borne this title. (Plat. *Leg.* xi. p. 936, e.) With respect to the court into which these causes were brought, and the advantages obtained by the successful party, we have no information. (Meier, *Att. Proc.* pp. 45, 386.) [J. S. M.

CADA'VER. [Funus.]

CADISCI (*καδίσκοι*). [Psephus.]

CADU'CEUS (*κηρύκειον*, *κηρύκιον*, Thucyd. 53; *κηρυκήϊον*, Herod. ix. 100) was the staff or mace carried by heralds and ambassadors in time of war. (Pollux, viii. 138.) This name is also given to the staff with which Hermes or Mercury is usually represented, as is shown in the following figure of Hermes, taken from an ancient vase, which is given in Millin's *Peintures de Vases Antiques*, vol. i. pl. 70.

The caduceus was originally only an olive branch with the *στέμματα* which were afterward formed into snakes. (Müller, *Archäologie der Kunst*, p. 504.) Later mythologists invented tales about these snakes. Hyginus tells us that Mercury once found two snakes fighting, and divided them with his wand; from which circumstance they were used as an emblem of peace. (Compare Plin. *H. N.* xxix. 3.)



From caduceus was formed the word *Caduceator*, which signified a person sent to treat of peace. (Liv. xxxii. 32; Nep. *Hannib.* 11; Amm. Marc. xx. 7; Gell. x. 27.) The persons of the *Caduceatores* were considered sacred. (Cato, *ap. Fest. s. v.*; Cic. *De Orat.* ii. 46.) The *Caduceus* was not used by the Romans. They used instead *verbena* and *sagmina*, which were carried by the Fetiales. (Dig. i. tit. 8. s. 8.) [Fetiales.]

CADU'CUM. [Bona Caduca.]

CADUS (*κάδος*, *κάδδος*), a large vessel usually made of earthen-ware, which was used for several purposes among the ancients. Wine was frequently kept in it; and we learn from an author quoted by Pollux that the amphora was also called cadus (Pollux, x. 70, 71; Suidas, *s. v.* *Κάδος*). The vessel used in drawing water from wells was called cadus (Aristoph. *Eccles.* 1003; Pollux. x. 31), or *γαυλός*. (Suidas, *s. v.* *Γαυλός*.) The name of cadus was sometimes given to the vessel or urn in which the counters or pebbles of the dicasts were put, when they gave their vote on a trial, but the diminutive *καδίσκος* was more commonly used in this signification. [Psephus.]

CAELATU'RA (*τορευτική*), a branch of the fine arts, under which all sorts of ornamental work in metal, except actual statues, appear to be included. The principal processes, which these words were used to designate, seem to have been of three kinds: hammering metal plates into moulds or dies, so as to bring out a raised pattern; engraving the surface of metals with a sharp tool; and working a pattern of one metal upon or into a surface of another: in short, the various processes which we describe by the words *chasing*, *damascening*, &c. Millingen, who is one of the best authorities on such subjects, says "The art of working the precious metals either separately, or uniting them with other substances, was called *toreuticè*. It was known at a very early epoch, as may be inferred from the shield of Achilles, the ark of Cypselus, and other productions of the kind." There is, however, some doubt whether, in their original meaning, the words *τορευτική* and *caelatura* described the first or the second of the above processes: but both etymology and usage are in favour of the latter view. The word *τορεύω* means originally *to bore*, *to pierce by cutting*, and the cognate substantives *τορεύς* and *τορός* are applied to any pointed instrument, such as the tool of the engraver (*τορευτής*: see Seiler u. Jacobitz, *Handwörterbuch d. Griech. Sprache*, *s. vv.*). So in Latin, *caelo* (to chase), and *caelum* (the chasing tool), are undoubtedly connected with *caedo* (to cut). It may also be observed that for working metals by hammering other words are used, *ἐλαύνειν*, *σφυρηλατεῖν*, *ἐκκρούειν*, *χαλκεύειν*, *excudere*, and that works in metal made by hammering plates into a raised pattern are called *ἀνάγλυφα*, and *ἔκτυπα* [Anaglypha]. With regard to the usage of the terms, it is enough to remark, that a very large proportion of the ornamental works in metal, alluded to by the ancient writers, from Homer downwards, must have been executed by the process of engraving, and not of hammering. But, whichever process the terms may have been originally intended to designate, in practice both processes were frequently united. For all vessels made out of thin plates of metal, the process seems to have been first to beat out the plate into the raised pattern, and then to chase it with the graving tool. There is an example of this kind of work in the British Museum, noticed by Millingen.

Another question has been raised, whether *τορευτική* and *caelatura* are precisely equivalent: but it is the opinion of the best writers on art that they are so, though Quatremère de Quincy and others suppose *τορευτική* to refer to any work in relief, and even to chryselephantine statues. (See Garatoni, *in Cic. Verr.* iv. 23; Salmas. *Exerc. ad Solin.* p. 736, foll.; Heyne, *Antiquar. Aufsätze*, ii. p. 127.) Quintilian (ii. 21) expressly distinguishes *caelatura* and *sculptura* by saying that the former includes works in *gold*, *silver*, *bronze*, and *iron*, while the latter embraces, besides these materials, also *wood*, *ivory*, *marble*, *glass*, and *gems*. It must therefore be understood as an accommodated use of the term when Pliny says of glass,—"argenti modo caelatur." (*H. N.* xxxvi. 26. s. 66.)

The fact which is implied in the words just quoted, that silver was the chief material on which the *caelator* worked, is expressly stated by

Pliny, at the commencement of the passage which forms one of our chief authorities on the subject (*H. N.* xxxiii. 12. s. 55); where he mentions it as a remarkable fact that many had gained renown for chasing in silver, but none for chasing in gold: it is not however to be inferred that gold was not chased, for works in gold are frequently mentioned by other authors. From the same section, and from other authorities, we learn that works of this kind were also executed in bronze and iron (Quint. *l. c.*; Forcellini, *s. v.*). Two examples of chasing in iron deserve especial notice, the one for its antiquity, the other for its beauty: the former is the iron base of the vase dedicated by Alyattes, king of Lydia, at Delphi, which was the work of Glaucus of Chios, and was chased with small figures of animals, insects, and plants (Herod. i. 25; Paus. x. 16. § 1; Ath. v. p. 210, b. c.; *Dict. of Biog. s. v. Glaucus*): the latter is the iron helmet of Alexander, the work of Theophilus, which glittered like silver (Plut. *Alex.* 32): Strabo, moreover, mentions the people of Cibyra, in Asia Minor, as noted for their skill in chasing iron (Strab. xiii. p. 631).

The objects on which the *caelator* exercised his art were chiefly weapons and armour — especially shields, chariots, tripods, and other votive offerings, quoits, candelabra, thrones, curule chairs, mirrors, goblets, dishes, and all kinds of gold and silver plate. Arms were often ornamented with patterns in gold (*γραπτὰ ἐν ὅπλῳ ἐγχρύσῳ εἰκών* (*Corp. Inscr.* vol. i. No. 124; *scutum chrysographatum*, Trebell. *Claud.* 14). Chased bronze helmets and greaves have been found at Pompeii and elsewhere. (*Mus. Borb.* iii. 60, iv. 13, v. 29; Brönsted, *die Bronzen von Siris.*) Chariots, especially those used in the chariot-races and triumphal process, were often made of bronze richly chased [CURRUS]: under the Roman emperors private carriages (*carrucae*) were often covered with plates of chased bronze, silver, and even gold (Plin. *H. N.* xxxiii. 11. s. 49; Suet. *Claud.* 16; Martial. iii. 72; Lamprid. *Alex. Sev.* 43; Vopisc. *Aurel.* 46; CARRUCA). In candelabra, mirrors, and so forth, the remains of Etruscan art are very rich. An elaborate account of ancient tripods is given in Müller's essay, *Ueber die Tripoden*, in the *Amalthea*, vols. i. and iii. Respecting vessels of gold and silver plate, and other ornaments, among the numerous references of the ancient authors, those of Cicero (*in Verr.* iv.), and Pliny (*H. N.* xxxiii. 11, 12. s. 50—54) are among the most important and interesting.

The ornamental work with which the chaser decorated such objects consisted either of simple running patterns, chiefly in imitation of plants and flowers, or of animals, or of mythological subjects, and, for armour, of battles. To the first class belong the *lances filicatae*, *pampinatae*, *patinas hederatae*, and *disci corymbiati* (Cic. *l. c.*; Trebell. *Claud.* 17): ornaments of the second class were common on the bronze and gold vases of Corinth (Ath. v. p. 199, e.) and on tripods (*Amalth.* vol. iii. p. 29); and the mythological subjects, which were generally taken from Homer, were reserved for the works of the greatest masters of the art: they were generally executed in very high relief (*anaglypha*). In the finest works, the ornamental pattern was frequently distinct from the vessel, to which it was either fastened permanently, or so that it could be removed at pleasure, the vessel being of silver, and the ornaments of gold, *crustae aut emblemata.* (Cic. *in Verr.* iv. 23; Juv. i. 76; Martial. viii. 51; Ovid. *Met.* v. 81; Ath. v. p. 199; Paull. *Sent.* iii. 6, 8; Senec. *Ep.* 5; comp. CHRYSENDETA).

The art of ornamental metal-work was in an advanced stage of progress among the Greeks of the heroic period, as we see from numerous passages of Homer. In Italy, also, the Etruscans, as above stated, had early attained to great proficiency in it. In the time of the last dynasty of Lydian kings, a great impulse was given to the art, especially by their magnificent presents to the Delphian temple; and belonging to this period, we have the names of Glaucus, as already mentioned, and of Theodorus of Samos, who made a great silver vessel for Croesus, the ring of Polycrates, and a golden vessel which afterwards adorned the palace of the Persian kings. But its perfection would of course depend on that of the arts of design in general, especially of sculpture; and thus we can readily accept the statement of Pliny that its origin, in the high artistic sense, is to be ascribed to Pheidias, and its complete development to Polycleitus. (Plin. *H. N.* xxxiv. 8. s. 19. § 1, *primusque* [*Phidias*] *artem toreuticen aperuisse atque demonstrasse merito judicatur:* ibid. § 2, *Hic* (*Polycletus*)...*judicatur toreuticen sic erudisse, ut Phidias aperuisse*). There can, indeed, be no doubt that the toreutic art was an important accessory to the arts of statuary and sculpture, especially in works executed in bronze and in ivory and gold. In fact, in the latter class of works, the parts executed in gold belonged properly to the department of the *caelator:* and hence has arisen the error of several modern writers who have made the chryselephantine statues a branch of the toreutic art. The intimate connection of this art with statuary and sculpture is further shown by the fact that several of the great artists in these departments were also renowned as silver-chasers, such as Myron and Pasiteles. In the age of Pheidias, the most distinguished name is that of Mys, who engraved the battle of the Lapithae with the Centaurs on the shield bf Pheidias's colossal bronze statue of Athena Promachus in the Acropolis, and who is said to have worked from designs drawn by the hand of Parrhasius; but the latter point involves a chronological difficulty. (See *Dict. of Biog. s. vv. Mys, Praxiteles.*) In the period from the time of Pheidias to that of the Roman conquest of Greece, the following names are preserved: Acragas, Boethus, and Mentor, the most distinguished of all the artists in this department; the sculptor Myron and his son Lycius; after them, Calamis, Antipater; and the maker of a work mentioned with especial admiration by Pliny, Stratonicus; a little later, Tauriscus of Cyzicus, Ariston and Eunicus of Mytilene, and Hecataeus. The Greek kings of Syria, especially Antiochus Epiphanes, were great patrons of the art. (Ath. v. p. 293, d.) In the last age of the Roman Republic, the prevailing wealth and luxury, and the presence of Greek artists at Rome, combined to bring the art more than ever into requisition. Silver-chasers seem to have been regularly employed in the establishments of the great men of Rome; and Pliny mentions, as belonging to the age of Pompey the Great, Pasiteles, Posidonius of Ephesus, Leostratides, Zopyrus, Pytheas, and lastly Teucer. After this period, the art suddenly fell into disuse, so that, in the time of Pliny, chased vessels were valued only for their age, though the chasing was so worn down by use that even the figures could not be distinguished. (*H. N.* xxxiii.

12. s. 55, xxxiv. 8. s. 19; see the articles on the artists above mentioned in the *Dictionary of Biography.*)

The principal ancient writers on this art, whose works Pliny used, were Antigonus, Menaechmus, Xenocrates, Duris, Menander, and especially Pasiteles, who wrote *mirabilia opera.* (Plin. *H. N.* Elench. lib. xxxiii.) The most important modern works on the subject are the following: Winckelmann, *Werke*, passim; Millingen, *Unedited Monuments*, ii. 12; Veltheim, *Etwas über Memnon's Bildsäule, Nero's Smaragd, Toreutik*, &c.; Quatremère de Quincy, *Le Jupiter Olympien;* Welcker, *Zeitsch. f. Gesch. u. Ausleg. d. alt. Kunst*, vol. i. part 2. p. 280; Hirt, *Ueber das Material, die Technik*, &c., in the *Amalthea*, vol. i. p. 239. foll.; Müller, *Handb. d. Archäologie der Kunst*, § 311) [P. S.]

CAELIBA'TUS. [Aes Uxorium; Lex Julia et Papia Poppaea.]

CAERITUM TA'BULAE. [Aerarii.]

CAESAR, a title of the Roman emperors, was originally a family name of the Julia gens; it was assumed by Octavianus as the adopted son of the great dictator, C. Julius Caesar, and was by him handed down to his adopted son Tiberius. It continued to be used by Caligula, Claudius, and Nero, as members either by adoption or female descent of Caesar's family; but though the family became extinct with Nero, succeeding emperors still retained the name as part of their titles, and it was the practice to prefix it to their own names, as for instance, *Imperator Caesar Domitianus Augustus.* When Hadrian adopted Aelius Varus, he allowed the latter to take the title of Caesar; and from this time, though the title of *Augustus* continued to be confined to the reigning emperor, that of *Caesar* was also granted the second person in the state and the heir presumptive to the throne. (Eckhel, vol. viii. p. 367, &c.) [Augustus.]

CALAMISTRUM, an instrument made of iron, and hollow like a reed (*calamus*), used for curling the hair. For this purpose it was heated, the person who performed the office of heating it in wood-ashes (*cinis*) being called *cinifio*, or *cinerarius.* (Hor. *Sat.* i. 2. 98; Heindorf, *ad loc.*) This use of heated irons was adopted very early among the Romans (Plaut. *Asin.* iii. 3. 37), and became as common among them as it has been in modern times. (Virg. *Aen.* xii. 100.) In the age of Cicero, who frequently alludes to it, the Roman youths, as well as the matrons, often appeared with their hair curled in this manner (*calamistrati*). We see the result in many antique statues and busts. [J. Y.]

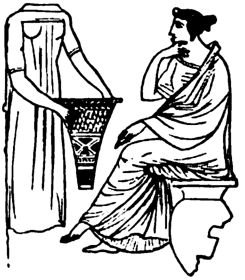
CA'LAMUS (*κάλαμος*, Pollux, x. 15), a sort of reed which the ancients used as a pen for writing. (Cic. *ad Att.* vi. 8; Hor. *De Art. Poët.* 447.) The best sorts were got from Aegypt and Cnidus. (Plin. *H. N.* xvi. 36, 64.) So Martial (xiv. 38), "Dat chartis habiles calamos Memphitica tellus." When the reed became blunt, it was sharpened with a knife, *scalprum librarium* (Tac. *Ann.* v. 8; Suet. *Vitell.* 2); and to a reed so sharpened the epithet temperatus, used by Cicero, probably refers (Cic. *Ad Qu. F.* ii. 15, "calamo et atramento temperato res agetur"). One of the inkstands given under the article Atramentum has a calamus upon it. The calamus was split like our pens, and hence Ausonius (vii. 49) calls it *fissipes* or clovenfooted. [A. A.]

CALA'NTICA. [Coma.]

CA'LATHUS, dim. **CALATHISCUS** (*κάλαθος, καλαθίσκος*), also called *τάλαρος* usually signified the basket in which women placed their work, and especially the materials for spinning. Thus, Pollux (x. 125) speaks of both *τάλαρος* and *κάλαθος* as *τῆς γυναικωνίτιδος σκεύη*: and in another passage (vii. 29), he names them in connection with spinning, and says that the *τάλαρος* and *καλαθίσκος* were the same. These baskets were made of osiers or reeds; whence we read in Pollux (vii. 173) *πλέκειν ταλάρους καὶ καλαθίσκους*, and in Catullus (lxiv. 319) —

> "Ante pedes autem candentis mollia lanae
> Vellera *virgati* custodiebant *calathisci.*"

They appear, however, to have been made in earlier times of more valuable materials, since we read in Homer (*Od.* iv. 125) of a silver *τάλαρος.* They frequently occur in paintings on vases, and often indicate, as Böttiger (*Vasengem.* iii. 44) has remarked, that the scene represented takes place in the gynaeconitis, or women's apartments. In the following woodcut, taken from a painting on a vase (Millin, *Peintures de Vases Antiques*, vol. i. pl. 4), a slave, belonging to the class called *quasillariae*, is presenting her mistress with the calathus, in which the wool was kept for embroidery, &c.



Baskets of this kind were also used for other purposes (Böttiger, *Sabina*, vol. ii. pp. 252, 258), such as for carrying fruits, flowers, &c. (Ovid. *Art. Am.* ii. 264.) The name of calathi was also given to cups for holding wine (Virg. *Ecl.* v. 71).

Calathus was properly a Greek word, though used by the Latin writers. The Latin word corresponding to it was *qualus* (Hor. *Carm.* iii. 12. 4), or *quasillus* (Festus s. *Calathus*; Cic. *Philipp.* iii. 4; Prop. iv. 7. 37). From *quasillus* came *quasillaria*, the name of the slave who spun, and who was considered the meanest of the female slaves. (Petron. 132; Tibull. iv. 10. 3.) [Fusus; Tela.]

CALCAR (*μύωψ, ἐγκεντρίς*, Pollux, x. 12), a spur. The Greek name for spurs was taken from the flies, which infest horses with their stings: hence the verb *μυωπίζειν*, to spur. (Xen. *de Re Eq.* viii. 5, x. 1, 2; Heliodor. ix. p. 432, ed. Commelin.) The Athenian gentry sometimes showed their conceit by walking about the Agora in spurs after riding (Theophrast. *Char.* xxi.) Spurs were early used by the Romans, as appears from the mention of them in Plautus (*Asin.* iii. 3. 118) and Lucretius (v. 1074). They are likewise often alluded to by Cicero (*De Orat.* iii. 9, *ad Att.* vi. 1), Ovid (*De Ponto*, ii. 9. 38; iv. 2. 35), Virgil (*ferrata calce*, *Aen.* xi. 714), and subsequent Roman authors. [J. Y.]

CA'LCEUS, CALCEAMEN, CALCEAMENTUM (*ὑποδήμα, πέδιλον*), a shoe or boot, any thing adapted to cover and preserve the feet in walking. The use of shoes was by no means universal among the Greeks and Romans. The Homeric heroes are represented without shoes when armed for battle. According to the institutions of Lycurgus, the young Spartans were brought up without wearing shoes (ἀνυποδησία, Xen. *Rep. Lac.* 2), in order that they might have the full use of their feet in running, leaping, and climbing. Socrates, Phocion, and Cato frequently went barefoot (ἀνυπόδητος, Aristoph. *Nub.* 103, 362; Xen. *Mem.* i. 6. § 2, *pede nudo*, Hor. *Ep.* i. 19. 12). The Roman slaves had no shoes (*nudo talo*, Juv. vii. 16), their naked feet being marked with chalk or gypsum. The covering of the feet was removed before reclining at meals. [Coena.] To go barefoot also indicated haste, grief, distraction of mind, or any violent emotion, as when Venus goes in quest of Adonis (ἀσάνδαλος, Bion. i. 21), and when the Vestals flee from Rome with the apparatus of sacred utensils. (Flor. i. 13.) For similar reasons sorceresses go with naked feet, when intent upon the exercise of magical arts (Sen. *Medea*, iv. 2. 14; *nuda pedem*, Ovid. *Met.* vii. 183; *pedibus nudis*, Hor. *Sat.* i. 8. 24), although sometimes one foot only was unshod (*unam exuta pedem vinclis*, Virg. *Aen.* iv. 518), and is so painted on fictile vases. That it was a very rare thing at Rome to see a respectable female out of doors without shoes, is clear from the astonishment experienced by Ovid (*Fast.* vi. 397), until he was informed of the reason of it, in a particular instance.

> "Huc pede matronam vidi descendere nudo:
> Obstupui tacitus, sustinuique gradum."

The feet were sometimes bare in attendance on funerals. Thus the remains of Augustus were collected from the pyra by noblemen of the first rank with naked feet. (Suet. *Aug.* 100.) A picture found at Herculaneum exhibits persons with naked feet engaged in the worship of Isis (*Ant. d'Ercol.* ii. 320); and this practice was observed at Rome in honour of Cybele (Prudent. *Peris.* 154). In case of drought, a procession and ceremonies, called *Nudipedalia*, were performed with a view to propitiate the gods by the same token of grief and humiliation. (Tertull. *Apol.* 40.)

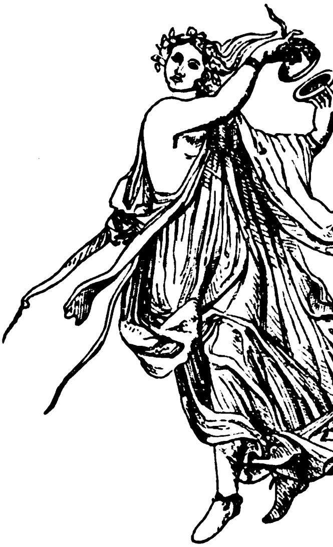
The idea of the defilement arising from contact with any thing that had died, led to the entire disuse of skin or leather by the priests of Egypt. Their shoes were made of vegetable materials (*calceos ex papyro*, Mart. Cap. 2.) [Baxa.]

Those of the Greeks and Romans who wore shoes, including generally all persons except youths, slaves, and ascetics, consulted their convenience, and indulged their fancy, by inventing the greatest possible variety in the forms, colours, and materials of their shoes. Hence we find a multitude of names, the exact meaning of which it is impossible to ascertain; but which were often derived either from the persons who were supposed to have brought certain kinds of shoes into fashion, or from the places where they were procured. We read, for example, of "shoes of Alcibiades;" of "Sicyonian," and "Persian," which were ladies' shoes (Cic. *De Orat.* i. 54; Hesych.); of "Laconian," which were mens' shoes (Aristoph. *Thes.* 149); and of "Cretan," "Milesian," and "Athenian" shoes.

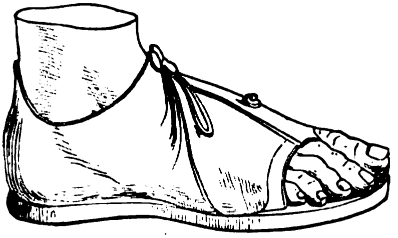
The distinctions depending upon form may be generally divided into those in which the mere sole of a shoe was attached to the sole of the foot by ties or bands, or by a covering for the toes or the instep [Solea; Crepida; Sandalium; Soccus]; and those which ascended higher and higher, according as they covered the ankles, the calf, or the whole of the leg. To calceamenta of the latter kind, *i. e.* to shoes and boots as distinguished from sandals and slippers, the term "calceus" was applied in its proper and restricted sense.

Besides the difference in the intervals to which the calceus extended from the sole upwards to the knee, other varieties arose from its adaptation to particular professions or modes of life. Thus the CALIGA was principally worn by soldiers; the PERO, by labourers and rustics; and the COTHURNUS, by tragedians, hunters, and horsemen.

Understanding "calceus" in its more confined application, it included all those more complete coverings for the feet which were used in walking out of doors or in travelling. As most commonly worn, these probably did not much differ from our shoes, and are exemplified in a painting at Herculaneum (*Ant. d'Ercolano*, i. *Tav.* 21), which represents a female wearing bracelets, a wreath of ivy, and a panther's skin, while she is in the attitude of dancing and playing on the cymbals.



On the other hand, a marble foot in the British Museum exhibits the form of a man's shoe. Both the sole and the upper leather are thick and strong. The toes are uncovered, and a thong passes between the great and the second toe as in a sandal.



The form and colour of the calceus were also among the insignia of rank and office. Those who were elevated to the senate wore high shoes like buskins, fastened in front with four black thongs (*nigris pellibus*, Hor. *Sat.* i. 6, 27) and adorned with a small crescent. (Mart. ii. 29; Juv. vii. 192.) Hence Cicero (*Phil.* xiii. 13), speaking of the assumption of the senatorial dignity by Asinius, says *mutavit calceos*. Among the calcei worn by senators, those called *mullei*, from their resemblance to the scales of the red mullet (Isid. *Or.* xix. 14), were particularly admired; as well as others called *alutae*, because the leather was softened by the use of alum. (Mart. Juv. *ll. cc.*; Lydus, *de Mag.* i. 32; Ovid, *De Art. Am.* iii. 271.) [J. Y.]

CALCULA'TOR (λογιστής) signifies a keeper of accounts in general, but was also used in the signification of a teacher of arithmetic; whence Martial (x. 62) classes him with the *notarius* or writing-master. The name was derived from *calculi*, which were commonly used in teaching arithmetic, and also in reckoning in general. [Abacus.] Among the Greeks the λογιστής and γραμματιστής appear to have been usually the same person.

In Roman families of importance there was a *calculator* or account-keeper (Dig. 38. tit. 1. s. 7), who is, however, more frequently called by the name of *dispensator* or *procurator*, who was a kind of steward (Cic. *ad Att.* xi. 1; Plin. *Ep.* iii. 19; Suet. *Galb.* 12, *Vesp.* 22; Becker, *Gallus*, vol. i. p. 109.)

CA'LCULI were little stones or pebbles, used for various purposes; such, for example, as the Athenians used in voting, or such as Demosthenes put in his mouth when declaiming, in order to mend his pronunciation. (Cic. *De Orat.* i. 61.) Calculi were used in playing a sort of draughts. [Latrunculi.] Subsequently, instead of pebbles, ivory, or silver, or gold, or other men (as we call them) were used; but still called *calculi*. The calculi were *bicolores*. (Sidon. *Epist.* viii. 12; Ovid. *Trist.* ii. 477; Mart. *Epig.* xiv. 17. 2, xiv. 20.) Calculi were also used in reckoning, and hence the phrases *calculum ponere* (Colum. iii. 3), *calculum subducere*. (Cic. *De Fin.* ii. 19, &c.) [Abacus.] [A. A.]

CALDA. [Calida.]

CALDA'RIUM. [Balneae.]

CALENDA'RIUM, or rather KALENDA'RIUM, is the account-book, in which creditors entered the names of their debtors and the sums which they owed. As the interest on borrowed money was due on the *Calendae* of each month, the name of *Calendarium* was given to such a book. (Senec. *De Benef.* i. 2, vii. 10.) The word was subsequently used to indicate a register of the days, weeks, and months, thus corresponding to a modern almanac or calendar.

1. Greek Calendar.—In the earliest times the division of the year into its various seasons appears to have been very simple and rude, and it would seem that there was no other division except that of summer (ϑέρος) and winter (χειμών). To these strongly marked periods there were afterwards added the periods of transition, viz. spring (ἔαρ) and autumn (ὀπώρα), with certain subdivisions according to the different agricultural pursuits peculiar to each of them. As, however, the seasons of the year were of great importance in regard to agriculture, it became necessary to fix their beginning and end by connecting them with the rising or setting of certain stars. Thus Hesiod (*Op. et Dies*, 381) describes the time of the rising of the Pleiades as the time for harvesting (ἄμητος), and that of their setting as the time for ploughing (ἄροτος); the time at which Arcturus rose in the morning twilight as the proper season for the vintage (*l. c.* 607), and other phenomena in nature, such as the arrival of birds of passage, the blossoming of certain plants, and the like, indicated the proper seasons for other agricultural occupations; but although they may have continued to be observed for centuries by simple rustics, they never acquired any importance in the scientific division of the year. [Astronomia.]

The moon being that heavenly body whose phases are most easily observed, formed the basis of the Greek calendar, and *all* the religious festivals were dependent on it. The Greek year was a lunar year of twelve months, but at the same time the course of the sun also was taken into consideration, and the combination of the two (Gemin. *Isag.* 6; comp. Censorin. *De Die Nat.* 18; Cic. *in Verr.* ii. 52) involved the Greeks in great difficulties which rendered it almost impossible for them to place their chronology on a sure foundation. It seems that in the early times it was believed that 12 revolutions of the moon took place within one of the sun; a calculation which was tolerably correct, and with which people were satisfied. The time during which the moon revolved around her axis, was calculated at an average or round number of 30 days, which period was called a month (Gemin. *l. c.*); but even as early as the time of Solon, it was well known that a lunar month did not contain 30 days, but only 29½. The error contained in this calculation could not long remain unobserved, and attempts were made to correct it. The principal one was that of creating a cycle of two years, called τριετηρίς, or *annus magnus*, and containing 25 months, one of the two years, consisting of 12 and the other of 13 months. The months themselves, which in the time of Hesiod (*Op. et Dies*, 770) had been reckoned at 30 days, afterwards alternately contained 30 days (full months, πλήρεις) and 29 days (hollow months, κοῖλοι.) According to this arrangement, one year of the cycle contained 354, and the other 384 days, and the two together were about 7½ days more than two tropical or solar years. (Gemin. 6; Censorin. 18). When this mode of reckoning was introduced, is unknown; but as Herodotus (i. 32) mentions it, it is clear that it must have been before his time. The 7½ days, in the course of 4 years, made up a month of 30 days, and such a month was accordingly inserted in every fourth year, and the cycle of four years was called a πενταετηρίς. (Censorin. *l. c.*) But a far more important cycle was the ἐννεαετηρίς, or the cycle of 8 years, for it was practically applied by the Greeks to the affairs of ordinary life. The calculation was this: as the solar year is reckoned at 365¼ days, 8 such years contain 2922 days, and eight lunar years 2832 days; that is, 90 days less than 8 solar years. Now these 90 days were constituted as three months, and inserted as three intercalary months into three different years of the ἐννεαετηρίς, that is, into the third, fifth, and eighth. (Censorin.; Gemin. *ll. cc.*) It should, however, be observed that Macrobius (*Sat.* i. 13) and Solinus (*Polyhist.* iii.) state that the three intercalary months were all added to the last year of the enneaeteris, which would accordingly have contained 444 days. But this is not very probable. The period of 8 solar years, farther, contains 99 revolutions of the moon, which, with the addition of the three intercalary months, make 2923½ days; so that in every 8 years there is 1½ day too many, which in the course of 100 years, again amounts to one month. The enneaeteris, accordingly, again was incorrect. The time at which the cycle of the enneaeteris was introduced is uncertain, but its inaccuracy called forth a number of other improvements or attempts at establishing chronology on a sound basis, the most celebrated among which is that of Meton. The number of these attempts is a sufficient proof that none of them was ever sanctioned or adopted by law in any of the Greek republics. These circumstances render it almost impossible to reduce any given date in Greek history to the exact date of our calendar.

The Greeks, as early as the time of Homer, appear to have been perfectly familiar with the division of the year into the twelve lunar months mentioned above; but no intercalary month (*μὴν ἐμβόλιμος*) or day is mentioned. Independent of the division of a month into days, it was divided into periods according to the increase, and decrease of the moon. Thus, the first day or new moon was called *νουμηνία*. (Hom. *Od.* x. 14, xii. 325, xx. 156, xxi. 258; Hes. *Op. et Dies*, 770.) The period from the *νουμηνία* until the moon was full, was expressed by *μηνὸς ἱσταμένου*, and the latter part during which the moon decreased by *μηνὸς φθίνοντος*. (Hom. *Od.* xiv. 162.) The 30th day of a month, *i. e.* the day of the conjunction, was called *τριακάς*, or, according to a regulation of Solon (Plut. *Sol.* 25), *ἔνη καὶ νέα*, because one part of that day belonged to the expiring, and the other to the beginning month. The day of the full moon, or the middle of the month, is sometimes designated by *διχόμηνις*. (Pind. *Ol.* iv. 34.)

The month in which the year began, as well as the names of the months, differed in the different countries of Greece, and in some parts even no names existed for the months, they being distinguished only numerically, as the first, second, third, fourth month, &c. In order, therefore, to acquire any satisfactory knowledge of the Greek calendar, the different states must be considered separately.

The Attic year began with the summer solstice, and each month was divided into three decads, from the 1st to the 10th, from the 10th to the 20th, and from the 20th to the 29th or 30th. The first day of a month, or the day after the conjunction, was *νουμηνία*; and as the first decad was designated as *ἱσταμένου μηνός*, the days were regularly counted as *δευτέρα, τρίτη, τετάρτη*, &c., *μηνὸς ἱσταμένου*. The days of the second decad were distinguished as *ἐπὶ δέκα*, or *μεσοῦντος*, and were counted to 20 regularly, as *πρώτη, δευτέρα, τρίτη, τεττάρτη*, &c., *ἐπὶ δέκα*. The 20th itself was called *εἰκάς*, and the days from the 20th to the 30th were counted in two different ways, viz. either onwards, as *πρώτη, δευτέρα, τρίτη*, &c., *ἐπὶ εἰκάδι*, or backwards from the last day of the month with the addition of *φθίνοντος, παυομένου, λήγοντος*, or *ἀπίοντος*, as *ἐννάτη, δεκάτη*, &c., *φθίνοντος*, which, of course, are different dates in hollow and in full months. But this mode of counting backwards seems to have been more commonly used than the other. With regard to the hollow months, it must be observed, that the Athenians, generally speaking, counted 29 days, but in the month of Boedromion they counted 30, leaving out the second, because on that day Athena and Poseidon were believed to have disputed about the possession of Attica. (Plut. *De Frat. Am.* p. 489, *Sympos.* ix. 7.) The following table shows the succession of the Attic months, the number of days they contained, and the corresponding months of our year.

1.	Hecatombaeon (Ἑκατομβαιών)	contained	30	days, and corresponds	nearly to our	July.
2.	Metageitnion (Μεταγειτνιών)	—	29	—	—	August.
3.	Boedromion (Βοηδρομιών)	—	30	—	—	September
4.	Pyanepsion (Πυανεψιών)	—	29	—	—	October
5.	Maimacterion (Μαιμακτεριών)	—	30	—	—	November
6.	Poseideon (Ποσειδεών)	—	29	—	—	December.
7.	Gamelion (Γαμηλιών)	—	30	—	—	January
8.	Anthesterion (Ἀνθεστεριών)	—	29	—	—	February.
9.	Elaphebolion (Ἐλαφηβολιών)	—	30	—	—	March.
10.	Munychion (Μουνυχιών)	—	29	—	—	April.
11.	Thargelion (Θαργηλιών)	—	30	—	—	May.
12.	Scirophorion (Σκιροφοριών)	—	29	—	—	June.

At the time when the Julian Calendar was adopted by the Athenians, probably about the time of the Emperor Hadrian, the lunar year appears to have been changed into the solar year; and it has further been conjectured, that the beginning of the year was transferred from the summer solstice to the autumnal equinox.

The year of the Lacedaemonians, which is believed to have begun at the time of the autumnal equinox, contained the following months:—

1.	Herasius (Ἡράσιος),	nearly corresponding	to our	October.
2.	Apellaeus (Ἀπελλαῖος)	—	—	November.
3.	Diosthyus (Διόσθυος)	—	—	December.
4.	Unknown.			
5.	Eleusinius (Ἐλευσίνιος)	—	—	February.
6.	Gerastius (Γεράστιος)	—	—	March.
7.	Artemisius (Ἀρτεμίσιος)	—	—	April.
8.	Delphinius (Δελφίνιος)	—	—	May.
9.	Phliasius (Φλιάσιος)	—	—	June.
10.	Hecatombeus (Ἑκατομβεύς)	—	—	July.
11.	Carneius (Καρνεῖος)	—	—	August.
12.	Panamus (Πάναμος)	—	—	September.

It should be observed that the order of most of these months is merely conjectural, and of some it is not even certain as to whether they really were Lacedaemonian months. But here, as in the other lists, we follow Hermann's view, which he has fully explained in the work referred to at the end of this article.

Of the year of the Boeotians, which began at the winter solstice, the following months are known: —

1. Bucatius (Βουκάτιος),	nearly corresponds to our	January.
2. Hermaeus (Ἑρμαῖος)	— —	February.
3. Prostaterius (Προστατήριος)	— —	March.
4. Unknown.		
5. Theiluthius (Θειλούθιος)	— —	May.
6. Unknown.		
7. Unknown.		
8. Hippodromius (Ἱπποδρόμιος)	— —	August.
9. Panamus (Πάναμος)	— —	September.
10. Unknown.		
11. Damatrius (Δαμάτριος)	— —	November.
12. Alalcomenius (Ἀλαλκομένιος)	— —	December.

The months of the year at Delphi were —

1. Bucatius (Βουκάτιος),	nearly answers to our	September.
2. Heraeus (Ἡραῖος)	— —	October.
3. Apellaeus (Ἀπελλαῖος)	— —	November.
4. Unknown.		
5. Dadaphorius (Δᾳδαφόριος)	— —	January.
6. Poetropius (Ποιτρόπιος)	— —	February.
7. Bysius (Βύσιος)	— —	March.
8. Artemisius (Ἀρτεμίσιος)	— —	April.
9. Heracleius (Ἡράκλειος)	— —	May.
10. Boathous (Βοαθόος)	— —	June.
11. Ilaeus (Ἰλαῖος)	— —	July.
12. Theoxenius (Θεοξένιος)	— —	August.

The names of the months at Cyzicus are given in the following order, though the first of them is founded only on a conjecture, and the last may be either the 10th, 11th, or 12th: —

1. Boedromion (Βοηδρομιών),	nearly answers to our	October.
2. Cyanepsion (Κυανεψιών)	— —	November.
3. Apaturion (Ἀπατουριών)	— —	December.
4. Poseideon (Ποσειδεών)	— —	January.
5. Lenaeon (Ληναιών)	— —	February.
6. Anthesterion (Ἀνθεστηριών)	— —	March.
7. Artemision (Ἀρτεμισιών)	— —	April.
8. Calamaeon (Καλαμαιών)	— —	May.
9. Panemus (Πάνημος)	— —	June.
10. Taureon (Ταυρεών)	— —	July.
11 and 12. are unknown.		

Among the Sicilian months the following are known: —

1. Thesmophorius (Θεσμοφόριος),	probably answers to our	October.
2. Dalius (Δάλιος)	— —	November.
3. Unknown.		
4. Agrianius (Ἀγριάνιος)	— —	January.
5. Unknown.		
6. Theudasius (Θευδάσιος)	— —	March.
7. Artamitius (Ἀρταμίτιος)	— —	April.
8. Unknown.		
9. Badromius (Βαδρόμιος)	— —	June.
10. Hyacinthius (Ὑακίνθιος)	— —	July.
11. Carneius (Καρνεῖος)	— —	August.
12. Panamus (Πάναμος)	— —	September.

We further know the names of several isolated months of other Greek states; but as it is as yet impossible to determine what place they occupied in the calendar, and with which of our months they correspond, their enumeration here would be of little or no use. We shall therefore confine ourselves to giving some account of the Macedonian months, and of some of the Asiatic cities and islands, which are better known.

On the whole it appears that the Macedonian year agreed with that of the Greeks, and that accordingly it was a lunar year of twelve months, since we find that Macedonian months are described as coincident with those of the Athenians. (See a letter of King Philip in Demosth. *De Coron.* p. 280; Plut. *Camil.* 19, *Alex.* 3, 16.) All chronologers agree as to the order and succession of the Macedonian months; but we are altogether ignorant as to the name and place of the intercalary month, which must have existed in the Macedonian year as well as in that of the Greek states. The order is as follows: — 1. Dius (Δῖος), 2. Apellaeus

(Ἀπελλαῖος), 3. Audynaeus (Αὐδυναῖος), 4. Peritius (Περίτιος), 5. Dystrus (Δύστρος), 6. Xanthicus (Ξανθικός), 7. Artemisius (Ἀρτεμίσιος), 8. Daesius (Δαίσιος), 9. Panemus (Πάνημος), 10. Lous (Λῷος), 11. Gorpiaeus (Γορπιαῖος), 12. Hyperberetaeus (Ὑπερβερεταῖος). The difficulty is to identify the Macedonian months with those of the Athenians. From Plutarch (*Camil.* 19, comp. with *Alex.* 16) we learn that the Macedonian Daesius was identical with the Athenian Thargelion; but while, according to Philip, the Macedonian Lous was the same as the Athenian Boedromion, Plutarch (*Alex.* 3) identifies the Lous with the Attic Hecatombaeon. This discrepancy has given rise to various conjectures, some supposing that between the time of Philip and Plutarch a transposition of the names of the months had taken place, and others that Plutarch made a mistake in identifying the Lous with the Hecatombaeon. But no satisfactory solution of the difficulty has yet been offered. We know that the Macedonian year began with the month of Dius, commencing with the autumnal equinox. When Alexander conquered Asia, the Macedonian calendar was spread over many parts of Asia, though it underwent various modifications in the different countries in which it was adopted. When subsequently the Asiatics adopted the Julian Calendar, those modifications also exercised their influence and produced differences in the names of the months, although, generally speaking, the solar year of the Asiatics began with the autumnal equinox. During the time of the Roman emperors, the following calendars occur in the province of Asia: —

1.	Caesarius (Καισάριος)	had 30	days, and	began on the	24th of September.
2.	Tiberius (Τιβέριος)	31	—	—	24th of October.
3.	Apaturius (Ἀπατούριος)	31	—	—	24th of November.
4.	Posidaon (Ποσιδαών)	30	—	—	25th of December.
5.	Lenaeus (Λήναιος)	29	—	—	24th of January.
6.	Hierosebastus (Ἱεροσέβαστος)	30	—	—	22d of February.
7.	Artemisius (Ἀρτεμίσιος)	31	—	—	24th of March.
8.	Evangelius (Εὐαγγέλιος)	30	—	—	24th of April.
9.	Stratonicus (Στρατόνικος)	31	—	—	24th of May.
10.	Hecatombaeus (Ἑκατόμβαιος)	31	—	—	24th of June.
11.	Anteus (Ἄντεος)	31	—	—	25th of July.
12.	Laodicius (Λαοδίκιος)	30	—	—	25th of August.

Among the Ephesians we find the following months: —

1—4.	Unknown.			
5.	Apatureon (Ἀπατουρεών),	nearly answers	to our	November.
6.	Poseideon (Ποσειδεών)	—	—	December.
7.	Lenaeon (Ληναιών)	—	—	January.
8.	Unknown.			
9.	Artemision (Ἀρτεμισιών)	—	—	March.
10.	Calamaeon (Καλαμαιών)	—	—	April.
11—12.	Unknown.			

At a later time the Ephesians adopted the same names as the Macedonians, and began their year with the month of Dius on the 24th of September.

The following is a list of the Bithynian months: —

1.	Heraeus (Ἡραῖος),	contained	31	days, and began on the	23rd of September.
2.	Hermaeus (Ἕρμαιος)	—	30	—	24th of October.
3.	Metrous (Μητρῷος)	—	31	—	23rd of November.
4.	Dionysius (Διονύσιος)	—	31	—	24th of December.
5.	Heracleius (Ἡράκλειος)	—	28	—	24th of January.
6.	Dius (Δῖος)	—	31	—	21st of February.
7.	Bendidaeus (Βενδιδαῖος)	—	30	—	24th of March.
8.	Strateius (Στράτειος)	—	31	—	23rd of April.
9.	Periepius (Περιέπιος)	—	30	—	24th of May.
10.	Areius (Ἄρειος)	—	31	—	23rd of June.
11.	Aphrodisius (Ἀφροδίσιος)	—	30	—	24th of July.
12.	Demetrius (Δημήτριος)	—	31	—	23rd of August.

The following system was adopted by the Cyprians: —

1.	Aphrodisius (Ἀφροδίσιος),	contained	31	days, and began on the	23rd of September.
2.	Apogonicus (Ἀπογονικός)	—	30	—	24th of October.
3.	Aenicus (Αἰνικός)	—	31	—	23rd of November.
4.	Julius (Ἰούλιος)	—	31	—	24th of December.
5.	Caesarius (Καισάριος)	—	28	—	24th of January.
6.	Sebastus (Σεβαστός)	—	30	—	21st of February.
7.	Autocratoricus (Αὐτοκρατορικός)	—	31	—	23rd of March.
8.	Demarchexusius (Δημαρχεξούσιος)	—	31	—	23rd of April.
9.	Plethypatus (Πληθύπατος)	—	30	—	24th of May.
10.	Archiereus (Ἀρχιερεύς)	—	31	—	23rd of June.
11.	Esthius (Ἔσθιος)	—	30	—	24th of July.
12.	Romaeus (Ῥωμαῖος)	—	31	—	23rd of August.

The system of the Cretans was the same as that used by most of the inhabitants of Asia Minor, viz. —

1. Thesmophorion (Θεσμοφοριών),	contained	31	days, and began on the	23rd of September.
2. Hermaeus (Ἑρμαῖος)	—	30	—	24th of October.
3. Eiman (Εἴμαν)	—	31	—	23rd of November.
4. Metarchius (Μετάρχιος)	—	31	—	24th of December.
5. Agyius (Ἄγυιος)	—	28	—	24th of January.
6. Dioscurus (Διόσκουρος)	—	31	—	21st of February.
7. Theodosius (Θεοδόσιος)	—	30	—	23rd of March.
8. Pontus (Πόντος)	—	31	—	23rd of April.
9. Rhabinthius (Ῥαβίνθιος)	—	30	—	24th of May.
10. Hyperberetus (Ὑπερβέρετος)	—	31	—	23rd of June.
11. Necysius (Νεκύσιος)	—	30	—	24th of July.
12. Basilius (Βασίλιος)	—	31	—	23rd of August.

It should be observed that several of the Eastern nations, for the purpose of preventing confusion in their calculations with other nations, dropped the names of their months, and merely counted the months, as the first, second, third, &c. month. For further information see Corsini, *Fast. Att.*, which however is very imperfect; Ideler, *Handbuch der Mathem. u. technischen Chronol.* vol. i. p. 227, &c.; Clinton, *Fast. Hellen.* vol. ii. Append. xix; and more especially K. F. Hermann, *Ueber Griechische Monatskunde*, Göttingen, 1844, 4to., and Th. Bergk, *Beiträge zur Griechischen Monatskunde*, Giessen, 1845, 8vo. [L. S.]

2. Roman Calendar. — *The Year of Romulus.* — The name of Romulus is commonly attached to the year which is said to have prevailed in the earliest times of Rome; but tradition is not consistent with regard to the form of it. The historians Licinius Macer and Fenestella maintained that the oldest year consisted of twelve months, and that it was already in those days an *annus vertens*, that is, a year which coincided with the period of the sun's course. Censorinus, however, in whose work this statement occurs (*De Die Natali*, c. 20; compare also the beginning of c. 19), goes on to say that more credit is due to Graccanus, Fulvius (Nobilior), Varro, and others, according to whom the Romans in the earliest times, like the people of Alba from whom they sprang, allotted to the year but ten months. This opinion is supported by Ovid in several passages of his *Fasti* (i. 27, 43, iii. 99, 119, 151); by Gellius (*Noct. Att.* iii. 16), Macrobius (*Saturn.* i. 12), Solinus (*Polyh.* i.), and Servius (*ad Georg.* i. 43). Lastly, an old Latin year of ten months is implied in the fact, that at Laurentum (Macrob. i. 15) a sacrifice was offered to Juno Kalendaris on the first of every month except February and January. These ten months were called Martius, Aprilis, Maius, Junius, Quinctilis, Sextilis, September, October, November, December. That March was the first month in the year is implied in the last six names; and even Plutarch, who ascribes twelve months to the Romulian year (*Numa*, c. 18), places Januarius and Februarius at the end. The fact is also confirmed by the ceremony of rekindling the sacred fire in the temple of Vesta on the first day of March, by the practice of placing fresh laurels in the public buildings on that day, and by many other customs recorded by Macrobius (i. 12). With regard to the length of the months, Censorinus, Macrobius, and Solinus agree in ascribing thirty-one days to four of them, called *pleni menses;* thirty to the rest called *cavi menses.* The four longer months were Martius, Maius, Quinctilis, and October; and these, as Macrobius observes, were distinguished in the latest form of the Roman calendar by having their nones two days later than any of the other months. The symmetry of this arrangement will appear by placing the numbers in succession: — 31, 30; 31, 30; 31, 30, 30; 31; 30, 30. Ovid, indeed, appears to speak of the months as coinciding with the lunar period: —

> "Annus erat decimum cum luna repleverat annum:"

but the language of a poet must not be pressed too closely. On the other hand, Plutarch, in the passage already referred to, while he assigns to the old year twelve months and 365 days, speaks of the months as varying without system between the limits of twenty and thirty-five days. Such an irregularity is not incredible, as we find that even when Censorinus wrote (A. D. 238), the Alban calendar gave 36 days to March, 22 to May, 18 to Sextilis, and 16 to September; while at Tusculum Quinctilis had 36 days, October 32; and again at Aricia the same month, October, had no less than 39. (Censorinus, c. 22.) The Romulian year, if we follow the majority of authors, contained but 304 days; a period differing so widely from the real length of the sun's course, that the months would rapidly revolve through all the seasons of the year. This inconvenience was remedied, says Macrobius (i. 13), by the addition of the proper number of days required to complete the year; but these days, he goes on to say, did not receive any name as a month. Servius speaks of the intercalated period as consisting of two months, which at first had no name, but were eventually called after Janus and Februus. That some system of intercalation was employed in the Romulian year, was also the opinion of Licinius Macer. (Macrob. i. 13.) This appears to be all that is handed down with regard to the earliest year of the Romans.

As a year of ten months and 304 days, at once falls greatly short of the solar year, and contains no exact number of lunations, some have gone so far as to dispute the truth of the tradition in whole or part, while others have taxed their ingenuity to account for the adoption of so anomalous a year. Puteanus (*De Nundinis*, in Graevius' Thesaurus, vol. viii.), calling to mind that the old Roman or Etruscan week contained eight days *, every eighth day being specially devoted to religious and other public purposes, under the name of *nonae* or *nundinae*, was the first to point out that the number 304 is a precise multiple of eight. To this observation, in itself of little moment, Niebuhr has given some weight, by further noticing that the 38 nundines in a year of 304 days tally exactly with the number of *dies fasti* afterwards retained in the Julian calendar. Another writer, Pontedera, observed that 304 bore to 365 days nearly the ratio of 5 to 6, six of the Romulian years containing 1824, five of the longer periods 1825 days; and Niebuhr (*Rom. Hist.* vol. i. p. 271), who is a warm advocate of the ten-month year, has made much use of this consideration. He thus explains the origin of the well-known quinquennial period called the lustrum, which Censorinus (c. 18) expressly calls an *annus magnus*, that is, in the modern language of chronology, a cycle. Moreover, the year of ten months, says the same writer (p. 279), was the term for mourning, for paying portions left by will, for credit on the sale of yearly profits; most probably for all loans; and it was the measure for the most ancient rate of interest. [Fenus.] Lastly, he finds in the existence of this short year the solution of certain historical difficulties. A peace, or rather truce, with Veii was concluded in the year 280 of Rome, for 40 years. In 316 Fidenae revolted and joined Veii, which implies that Veii was already at war with Rome; yet the Veientines are not accused of having broken their oaths. (Liv. iv. 17.) Again, a twenty-years' truce, made in 329, is said, by Livy, to have expired in 347 (iv. 58.) These facts are explained by supposing the years in question to have been those of ten months, for 40 of these are equal to 33⅓ ordinary years, 20 to 16⅔; so that the former truce terminated in 314, the latter in 346. Similarly, the truce of eight years concluded with the Volscians in 323, extended in fact to no more than 6⅔ full years; and hence the Volscians resumed the war in 331, without exposing themselves to the charge of perjury.

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* Hence there are found attached to the successive days in the old calendars the recurring series of letters A, B, C, D, E, F, G, H, no doubt for the purpose of fixing the nundines in the week of eight days; precisely in the same way in which the first seven letters are still employed in ecclesiastical calendars, to mark the days of the Christian week.

These ingenious and perhaps satisfactory speculations of the German critic, of course imply that the decimestrial year still survived long after the regal government had ceased; and in fact he believes that this year, and the lunar year, as determined by Scaliger's proposed cycle of 22 years, co-existed from the earliest times down to a late period. The views of Niebuhr do not require that the months should have consisted of 31 or 30 days; indeed it would be more natural to suppose that each month, as well as the year, contained a precise number of eight-day weeks; eight of the months, for instance, having four such weeks, the two others but three. Even in the so-called calendar of Numa we find the Etruscan week affecting the division of the month, there being eight days between the nones and ides, from which circumstances the nones received their name; and again two such weeks from the ides to the end of the month; and this, whether the whole month contained 31 or 29 days.

The Year of Numa. — Having described the Romulian year, Censorinus (c. 20) proceeds thus: — "Afterwards, either by Numa, as Fulvius has it, or according to Junius by Tarquin, there was instituted a year of twelve months and 355 days, although the moon in twelve lunations appears to complete but 354 days. The excess of a day was owing, either to error, or what I consider more probable, to that superstitious feeling, according to which an odd number was accounted full (*plenus*) and more fortunate. Be this as it may, to the year which had previously been in use (that of Romulus) one-and-fifty days were now added; but as these were not sufficient to constitute two months, a day was taken from each of the before-mentioned hollow months, which added thereto, made up 57 days, out of which two months were formed, Januarius with 29, and Februarius with 28 days. Thus all the months henceforth were full, and contained an odd number of days, save Februarius, which alone was hollow, and hence deemed more unlucky than the rest." In this passage it is fitting to observe that the terms *pleni* and *cavi menses* are applied in a sense precisely opposite to the practice of the Greek language in the phrases *μῆνες πληρεῖς* and *κοῖλοι*. The mysterious power ascribed to an odd number is familiar from the *Numero deus impare gaudet* of Virgil. Pliny also (*H. N.* xxviii. 5) observes, — *Impares numeros ad omnia vehementiores credimus*. It was of course impossible to give an odd number of days at the same time to the year on the one hand, and to each of the twelve months on the other; and yet the object was in some measure effected by a division of February itself into 23 days, and a supernumerary period of five days. (See the mode of intercalation below.) The year of Numa then, according to Censorinus, contained 355 days. Plutarch tells us that Numa estimated the anomaly of the sun and moon, by which he means the difference between twelve lunations and the sun's annual course at eleven days, *i. e.* the difference between 365 and 354 days. Macrobius, too, says that the year of Numa had at first 354, afterwards 355 days. Compare herewith Liv. i. 19; Ovid. *Fasti*, i. 43, iii. 151; Aurel. Vict. c. 3; Florus, i. 2; Solinus, c. 1.

Twelve lunations amount to 354 days, 8h. 48′ 36″, so that the so-called year of Numa was a tolerably correct lunar year; though the months would have coincided more accurately with the single lunations, if they had been limited to 30 and 29 days, instead of 31, 29, and 28 days. That it was in fact adapted to the moon's course is the concurrent assertion of ancient writers, more particularly of Livy, who says: (*Numa*) *omnium primum ad cursum lunae in duodecim mensis discribit annum.* Unfortunately however, many of the same writers ascribe to the same period the introduction of such a system of intercalation as must at once have dislocated the coincidence between the civil month and the lunar period. At the end of two years the year of Numa would have been about 22 days in arrear of the solar period, and accordingly it is said an intercalary month of that duration, or else of 23 days, was inserted at or near the end of February, to bring the civil year into agreement with the regular return of the seasons. Of this system of intercalation a more accurate account shall presently be given. But there is strong reason for believing that this particular mode of intercalation was not contemporary in origin with the year of Numa.

In antiquarian subjects it will generally be found that the assistance of etymology is essential; because the original names that belong to an institution often continue to exist, even after such changes have been introduced, that they are no longer adapted to the new order of things; thus they survive as useful memorials of the past. In this way we are enabled by the original meaning of words, aided by a few fragments of a traditional character, to state that the Romans in early times possessed a year which altogether depended upon the phases of the moon. The Latin word *mensis* (Varro, *De Ling. Lat.* vi., or in the old editions, v. 54), like the Greek *μὴν* or *μεὶς*, and the English *month*, or German *monath*, is evidently connected with the word *moon*. Again, while in the Greek language the name *νουμηνία* (new-moon), or *ἔνη καὶ νέα*, given to the first day of a month, betrays its lunar origin, the same result is deduced from the explanation of the word *kalendae*, as found in Macrobius (i. 15). "In ancient times," says that writer, "before Cn. Flavius the scribe, against the pleasure of the patricians, made the fasti known to the whole people (the end of the 4th century B. C.), it was the duty of one of the pontifices minores to look out for the first appearance of the new moon; and as soon as he descried it, to carry word to the rex sacrificulus. Then a sacrifice was offered by these priests, after which the same pontifex having summoned the plebs (*calata plebe*) to a place in the capitol, near the Curia Calabra, which adjoins the Casa Romuli, there announced the number of days which still remained to the nones, whether five or seven, by so often repeating the word *καλῶ*." There was no necessity to write this last word in Greek characters, as it belonged to the old Latin. In fact, in this very passage, it occurs in both *calata* and *calabra;* and again, it remained to the latest times in the word *nomenclator*. In regard to the passage here quoted from Macrobius, it must be recollected that while the moon is in the immediate vicinity of the sun, it is impossible to see it with the naked eye, so that the day on which it is first seen is not of necessity the day of the actual conjunction. We learn elsewhere that as soon as the pontifex discovered the thin disc, a hymn was sung, beginning *Jana novella*, the word Jana (Macrob. *Sat.* i. 9; Varro, *De Re Rust.* i. 37) being only a dialectic variety of Diana, just as Diespiter or Diupiter corresponds to Jupiter; and other examples might readily be given, for the change occurs in almost every word which has the syllables *de* or or *di* before a vowel. Again, the consecration of the kalends to Juno (Ovid. *Fasti*, i. 55, vi. 39; Macrob. *Sat.* i. 9. 15) is referred by the latter writer to the fact that the months originally began with the moon, and that Juno and Luna are the same goddess; and the poet likewise points at the same connection in his explanation of Juno's epithet Lucina. Moreover, at Laurentum Juno was worshipped as Juno Kalendaris. Even so late as 448 B. C. strictly lunar months were still in use; for Dionysius (*Antiq.* x. 59) says that Appius, in that year, received the consular authority on the ides of May, being the day of full moon, for at that time, he adds, the Romans regulated their months by the moon. In fact, so completely was the day of the month, which they called the ides, associated with the idea of the full moon, that some derived the word *ἀπὸ τοῦ εἴδους*, *quod eo die plenam speciem luna demonstret*. (Macrob. *ibid.*) Quietly to insert the idea of *plenam*, when the Greek word signified merely *speciem*, is in accordance with those loose notions which prevailed in all ancient attempts at etymology. But though the derivation is of course groundless, it is of historical value, as showing the notion connected with the term ides.

For the same reason probably the ides of March were selected for the sacrifice to the goddess Anna Perenna, in whose name we have nothing more than the feminine form of the word *annus*, which, whether written with one *n* or two, whether in its simple form *annus*, or diminutive *annulus*, still always signifies *a circle*. Hence, as the masculine form was easily adopted to denote the *period* of the sun's course, so the feminine in like manner might well be employed to signify, first the moon's revolution, and then the moon herself. The tendency among the Romans to have the same word repeated, first as a male and then as a female deity, has been noticed by Niebuhr; and there occurs a complete parallel in the name Dianus, afterwards Janus, for the god of *dies*, or light, the sun; Diana, afterwards Jana, for the goddess of light, the moon; to say nothing of the words Jupiter and Juno. That the month of March should have been selected arose from its being the first of the year, and a sacrifice to the moon might well take place on the day when her power is fully displayed to man. The epithet Perenna itself means no more than *ever-circling*. Nay, Macrobius himself (c. 12) connects the two words with *annus*, when he states the object of the sacrifice to be — *ut annare perennareque commode liceat.*

Another argument in favour of the lunar origin of the Roman month, is deducible from the practice of counting the days backward from the Kalends, Nones, and Ides; for the phrases will then amount to saying — "It wants so many days to the new moon, to the first quarter, to full moon." It would be difficult, on any other hypothesis, to account for the adoption of a mode of calculation, which, to our notions at least, is so inconvenient; and indeed it is expressly recorded that this practice was derived from Greece, under which term the Athenians probably are meant; and by these we know that a strictly lunar year was employed down to a late period. (Macrob. i. 16.)

But perhaps the most decisive proof of all lies in the simple statement of Livy (i. 19), that Numa so regulated his lunar year of twelve months by the insertion of intercalary months, that at the end of every *nineteenth* year it again coincided with the same point in the sun's course from which it started. His words are — *Quem* (*annum*) *intercalaribus mensibus interponendis ita dispensavit ut vicensimo anno ad metam eandem solis unde orsi sunt, plenis annorum omnium spatiis, dies congruerent.* We quote the text; because editors, in support of a theory, have taken the liberty of altering it by the insertion of the word *quarto*, forgetting too that the words *quarto et vicensimo anno* signify, not *every twenty-fourth year*, which their theory requires, but every *twenty-third*, according to that peculiar view of the Romans which led them to count both the extremes in defining the interval from one point to another; and which still survives in the medical phrases *tertian* and *quartan ague*, as well as in the French expressions *huit jours* for *a week*, and *quinze jours* for *a fortnight*. Accordingly, it is not doing violence to words, but giving the strict and necessary meaning to them, when, in our own translation of the passage in Livy, we express *vicensimo anno* by *every nineteenth year*.

Now 19 years, it is well known, constitute a most convenient cycle for the conjunction of a lunar and solar year. A mean lunation, or synodic month, according to modern astronomy, is 29d. 12h. 44′ 3″, and a mean tropical year 365d. 5h. 48′ 48″. Hence it will be found, that 235 lunations amount to 6939d. 16h. 31′ 45″, while 19 tropical years give 6939d. 14h. 27′ 12″, so that the difference is only 2h. 4′ 33″. Although it was only in the second century B.C. that Hipparchus gave to astronomical observations a nicety which could pretend to deal with seconds *; yet even in the regal period of Rome, the Greek towns in the south of Italy must already have possessed astronomers, from whom the inhabitants of Latium could have borrowed such a rough practical knowledge of both the moon and sun's period, as was sufficient to show that at the end of 19 solar years the moon's age would be nearly what it was at the commencement; and it should be recollected that the name of Numa is often connected by tradition with the learning of Magna Graecia. At any rate a cycle of 19 years was introduced by Meton at Athens, in the year 432 B.C.; and the knowledge of it among the learned may probably have preceded by a long period its introduction into popular use, the more so as religious festivals are generally connected with the various divisions of time, and superstition therefore would be most certainly opposed to innovations of the almanack. How the Romans may have intercalated in their 19 lunar years the seven additional months which are requisite to make up the whole number of 235 (= 12 × 19 + 7) lunations, is a subject upon which it would be useless to speculate. From a union of these various considerations, it must be deemed highly probable that the Romans at one period possessed a division of time dependent upon the moon's course.

Year of the Decemviri (so called by Ideler). — The motives which induced the Romans to abandon the lunar year are no where recorded; nor indeed the date of the change. We have seen, however, that even in the year 448 B.C., the year was still regulated by the moon's course. To this must be added that, according to Tuditanus and Cassius Hemina, a bill on the subject of intercalation was brought before the people by those decemviri, who added the two new tables to the preceding Ten (Macrob. i. 13), that is in the year 450 B.C. That the attention of these decemviri was called to the calendar is also proved by the contents of the Eleventh Table, wherein it is decreed that "the festivals shall be set down in the calendars." We have the authority of Varro indeed, that a system of intercalation already existed at an earlier date; for he says that there was a very ancient law engraved on a bronze pillar by L. Pinarius and Furius in their consulate *cui mentio intercalaris ascribitur.* We add the last words in Latin from the text of Macrobius (c. 13), because their import is doubtful. If we are right in interpreting them thus — "the date upon which is expressed by a month called intercalary," all that is meant may be one of the intercalary lunations, which must have existed even in the old lunar year. At the period of the decemviral legislation there was probably instituted that form of the year of 354 days, which was corrected by the short intercalary month, called Mercedonius, or Mercidinus; but so corrected as to deprive the year and months of all connection with the moon's course. The length of the several ordinary months was probably that which Censorinus has erroneously allotted to the months of Numa's lunar year, viz.: —

Martius	31 days.	September	29 days.
Aprilis	29 „	October	31 „
Maius	31 „	November	29 „
Junius	29 „	December	29 „
Quinctilis	31 „	Januarius	29 „
Sextilis	29 „	Februarius	28 „

Such, at any rate, was the number of days in each month immediately prior to the Julian correction; for both Censorinus and Macrobius say that Caesar added two days to Januarius, Sextilis, and December, and one to Aprilis, Junius, September, and November. Hence Niebuhr appears to have made an error when he asserts (vol. ii. note 1179) that July acquired two more days at the reformation of the calendar, and founds thereon a charge of carelessness against Livy. Moreover that November had but 29 days prior to the correction, in other words, that the XVII. Kal. Dec. immediately followed the Idus Nov., appears from a comparison of Cicero's letters to Tiro (*Ad Fam.* xvi. 7. 9); for he reaches Corcyra a. d. V. Id. Nov., and on the XV. Kal. Dec. complains—*Septumum jam diem tenebamur.* The seven days in question would be IV. Id., III. Id., Prid. Id., Id. Nov., XVII. Kal. Dec., XVI. Kal. Dec., XV. Kal. Dec. That the place of the nones and ides was in each month the same before the Julian correction as afterwards, is asserted by Macrobius.

The main difficulty is with regard to the mode of intercalation. Plutarch, we have already observed, speaks of an intercalation, by him referred to Numa, of 22 days in alternate years in the month of February. Censorinus, with more precision, says that the number of days in each intercalation was either 22 or 23, and Macrobius agrees with him in substance. Of the point at which the supernumerary month was inserted, the accounts are these: — Varro (*De Ling. Lat.* vi. 55) says, the twelfth month was February; and when intercalations take place, the five last days of this month are removed. Censorinus agrees herewith, when he places the intercalation generally (*potissimum*) in the month of February, between the Terminalia and the Regifugium, that is immediately after the day called by the Romans a. d. VI. Kal. Mart. or by us the 24th of February. This, again, is confirmed by Macrobius. The setting aside of the last five days agrees with the practice which Herodotus ascribes to the Egyptians of considering the five days over the 360 as scarcely belonging to the year, and not placing them in any month. So completely were these five days considered by the Romans to be something extraneous, that the soldier appears to have received pay only for 360 days. For in the time of Augustus the soldier received *deni asses* per day, *i. e.* $\frac{10}{16}$ of a denarius; but Domitian (Suet. *Dom.* 7) *addidit quartum stipendium aureos ternos.* Thus, as 25 denarii made an aureus, the annual pay prior to Domitian was $(360 \times 10) \div 16$ denarii $= (360 \times 10) \div (16 \times 25)$ aurei $= 9$ aurei; and thus the addition of three aurei was precisely a fourth more. Lastly, the festival Terminalia, as its name implies, marked the end of the year, and this by the way again proves that March was originally the first month.

The intercalary month was called **Μερκίδινος**, or **Μερκηδόνιος**. (Plutarch, *Numa*, 19; *Caes.* 59.)

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* His valuation of the synodic month was 29d. 12h. 44′ $3\frac{1}{3}''$. (Ptolem. *Almag.* iv. 2.)

We give it in Greek characters, because it happens somewhat strangely that no Latin author has mentioned the name, the term mensis interkalaris or interkalarius supplying its place. Thus, in the year of intercalation, the day after the ides of February was called, not as usual a. d. XVI. Kalendas Martias, but a. d. XI. Kalendas interkalares. So also there were the Nonae interkalares, and Idus interkalares, and after this last came either a. d. XV. or XVI. Kal. Mart., according as the month had 22 or 23 days, or rather, if we add the five remaining days struck off from February, 27 or 28 days. In either case the Regifugium retained its ordinary designation a. d. VI. Kal. Mart. (See Asconius, *Ad Orat. pro Milone*, and the *Fasti Triumphales*, 493, A. U. C.) When Cicero writes to Atticus (vi. 1), *Accepi tuas litteras a. d. V. Terminalia* (*i. e.* Feb. 19); he uses this strange mode of defining a date, because, being then in Cilicia, he was not aware whether any intercalation had been inserted that year. Indeed, he says, in another part of the same letter, *Ea sic observabo, quasi interkalatum non sit.*

Besides the intercalary month, mention is occasionally made of an intercalary day. The object of this was solely to prevent the first day of the year, and perhaps also the nones, from coinciding with the nundinae, of which mention has been already made. (Macrob. i. 13.) Hence in Livy (xlv. 44), *Intercalatum eo anno; postridie Terminalia intercalares fuerunt.* This would not have been said had the day of intercalation been invariably the same; and again Livy (xliii. 11), *Hoc anno intercalatum est. Tertio die post Terminalia Calendae intercalares fuere*, *i. e.* two days after the Terminalia, so that the dies intercalaris was on this occasion inserted, as well as the month so called. Nay, even after the reformation of the calendar, the same superstitious practice remained. Thus, in the year 40 B. C., a day was inserted for this purpose, and afterwards an omission of a day took place, that the calendar might not be disturbed. (Dion Cass. xlviii. 33.)

The system of intercalating in alternate years 22 or 23 days, that is ninety days in eight years, was borrowed, we are told by Macrobius, from the Greeks; and the assertion is probable enough, first, because from the Greeks the Romans generally derived all scientific assistance; and secondly, because the decemviral legislation was avowedly drawn from that quarter. Moreover, at the very period in question, a cycle of eight years appears to have been in use at Athens, for the Metonic period of 19 years was not adopted before 432 B. C. The Romans, however, seem to have been guilty of some clumsiness in applying the science they derived from Greece. The addition of ninety days in a cycle of eight years to a lunar year of 354 days, would, in substance, have amounted to the addition of $11\frac{1}{4}$ ($=90\div8$) days to each year, so that the Romans would virtually have possessed the Julian calendar. As it was, they added the intercalation to a year of 355 days; and consequently, on an average, every year exceeded its proper length by a day, if we neglect the inaccuracies of the Julian calendar. Accordingly we find that the civil and solar years were greatly at variance in the year 564 A. U. C. On the 11th of Quinctilis, in that year, a remarkable eclipse of the sun occurred. (Liv. xxxvii. 4.) This eclipse, says Ideler, can have been no other than the one which occurred on the 14th of March, 190 B. C. of the Julian calendar, and which at Rome was nearly total. Again, the same historian (xliv. 37) mentions an eclipse of the moon which occurred in the night between the 3rd and 4th of September, in the year of the city 586. This must have been the total eclipse in the night between the 21st and 22nd of June, 168 B. C.

That attempts at legislation for the purpose of correcting so serious an error were actually made, appears from Macrobius, who, aware himself of the cause of the error, says that, by way of correction, in every third octoennial period, instead of 90 intercalary days, only 66 were inserted. Again it appears that M'. Acilius Glabrio, in his consulship 169 B. C., that is, the very year before that in which the above-mentioned lunar eclipse occurred, introduced some legislative measure upon the subject of intercalation. (Macrob. i. 13.) According to the above statement of Macrobius, a cycle of 24 years was adopted, and it is this very passage which has induced the editors of Livy to insert the word *quarto* in the text already quoted.

As the festivals of the Romans were for the most part dependent upon the calendar, the regulation of the latter was intrusted to the college of pontifices, who in early times were chosen exclusively from the body of patricians. It was therefore in the power of the college to add to their other means of oppressing the plebeians, by keeping to themselves the knowledge of the days on which justice could be administered, and assemblies of the people could be held. In the year 304 B. C., one Cn. Flavius, a secretary (*scriba*) of Appius Claudius, is said fraudulently to have made the *Fasti* public. (Liv. xi. 46; Cic. *Pro Murena*, c. 11; Plin. *H. N.* xxxiii. 1; Val. Max. ii. 5; A. Gellius, vi. 9; Macrob. i. 15; Pomponius, *De Origine Juris* in the Digest 1. tit. 2; and Cicero, *Ad Att.* vi. 1.) It appears however from the last passage that Atticus doubted the truth of the story. In either case, the other privilege of regulating the year by the insertion of the intercalary month gave them great political power, which they were not backward to employ. Every thing connected with the matter of intercalation was left, says Censorinus (c. 20), to the unrestrained pleasure of the pontifices; and the majority of these, on personal grounds, added to or took from the year by capricious intercalations, so as to lengthen or shorten the period during which a magistrate remained in office, and seriously to benefit or injure the farmer of the public revenue. Similar to this is the language employed by Macrobius (i. 4), Ammianus (xxvi. 1), Solinus (c. i.), Plutarch (*Caes.* c. 59), and their assertions are confirmed by the letters of Cicero, written during his proconsulate in Cilicia, the constant burthen of which is a request that the pontifices will not add to his year of government by intercalation.

In consequence of this licence, says Suetonius (*Caes.* 40), neither the festivals of the harvest coincided with the summer, nor those of the vintage with the autumn. But we cannot desire a better proof of the confusion than a comparison of three short passages in the third book of Caesar's *Bell. Civ.* (c. 6), *Pridie nonas Januarias navis solvit* —(c. 9) *jamque hiems adpropinquabat*—(c. 25) *multi jam menses transierant et hiems jam praecipitaverat.*

Year of Julius Caesar. — In the year 46 B. C. Caesar, now master of the Roman world, crowned his other great services to his country by employing his authority, as pontifex maximus, in the correction of this serious evil. For this purpose he availed himself of the services of Sosigenes, the peripatetic, and a *scriba* named M. Flavius, though he himself too, we are told, was well acquainted with astronomy, and indeed was the author of a work of some merit upon the subject, which was still extant in the time of Pliny. The chief authorities upon the subject of the Julian reformation are Plutarch (*Caes.* c 59), Dion Cassius (xliii. 26), Appian (*De Bell. Civ.* ii. ad extr.), Ovid (*Fasti*, iii. 155), Suetonius (*Caes.* c. 40), Pliny (*H. N.* xviii. 57), Censorinus (c. 20), Macrobius (*Sat.* i. 14), Ammianus Marcellinus (xxvi. 1), Solinus (i. 45). Of these Censorinus is the most precise: — "The confusion was at last," says he, "carried so far that C. Caesar, the pontifex maximus, in his third consulate, with Lepidus for his colleague, inserted between November and December two intercalary months of 67 days, the month of February having already received an intercalation of 23 days, and thus made the whole year to consist of 445 days. At the same time he provided against a repetition of similar errors by casting aside the intercalary month, and adapting the year to the sun's course. Accordingly, to the 355 days of the previously existing year, he added ten days, which he so distributed between the seven months having 29 days, that January, Sextilis, and December received two each, the others but one; and these additional days he placed at the end of the several months, no doubt with the wish not to remove the various festivals from those positions in the several months which they had so long occupied. Hence in the present calendar, although there are seven months of 31 days, yet the four months, which from the first possessed that number, are still distinguishable by having their nones on the seventh, the rest having them on the fifth of the month. Lastly, in consideration of the quarter of a day, which he considered as completing the true year, he established the rule that, at the end of every four years, a single day should be intercalated, where the month had been hitherto inserted, that is, immediately after the Terminalia; which day is now called the *Bissextum.*"

This year of 445 days is commonly called by chronologists the year of confusion; but by Macrobius, more fitly, the last year of confusion. The kalends of January, of the year 708 A. U. C., fell on the 13th of October, 47 B. C. of the Julian calendar; the kalends of March, 708 A. U. C., on the 1st of January, 46 B. C.; and lastly, the kalends of January, 709 A. U. C., on the 1st of January, 45 B. C. Of the second of the two intercalary months inserted in this year after November, mention is made in Cicero's letters (*Ad Fam.* vi. 14).

It was probably the original intention of Caesar to commence the year with the shortest day. The winter solstice at Rome, in the year 46 B. C., occurred on the 24th of December of the Julian calendar. His motive for delaying the commencement for seven days longer, instead of taking the following day, was probably the desire to gratify the superstition of the Romans, by causing the first year of the reformed calendar to fall on the day of the new moon. Accordingly, it is found that the mean new moon occurred at Rome on the 1st of January, 45 B. C., at 6h. 16′ P.M. In this way alone can be explained the phrase used by Macrobius: *Annum civilem Caesar, habitis ad lunam dimensionibus constitutum, edicto palam proposito publicavit.* This edict is also mentioned by Plutarch where he gives the anecdote of Cicero, who, on being told by some one that the constellation Lyra would rise the next morning, observed, "Yes, no doubt, in obedience to the edict."

The mode of denoting the days of the month will cause no difficulty, if it be recollected, that the kalends always denote the first of the month, that the nones occur on the seventh of the four months March, May, Quinctilis or July, and October, and on the fifth of the other months; that the ides always fall eight days later than the nones; and lastly, that the intermediate days are in all cases reckoned backwards upon the Roman principle already explained of counting both extremes.

For the month of January the notation will be as follows: —

1 Kal. Jan.
2 a. d. IV. Non. Jan.
3 a. d. III. Non. Jan.
4 Prid. Non. Jan.
5 Non. Jan.
6 a. d. VIII. Id. Jan.
7 a. d. VII. Id. Jan.
8 a. d. VI. Id. Jan.
9 a. d. V. Id. Jan.
10 a. d. IV. Id. Jan.
11 a. d. III. Id. Jan.
12 Prid. Id. Jan.
13 Id. Jan.
14 a. d. XIX. Kal. Feb.
15 a. d. XVIII. Kal. Feb.
16 a. d. XVII. Kal. Feb.
17 a. d. XVI. Kal. Feb.
18 a. d. XV. Kal. Feb.
19 a. d. XIV. Kal. Feb.
20 a. d. XIII. Kal. Feb.
21 a. d. XII. Kal. Feb.
22 a. d. XI. Kal. Feb.
23 a. d. X. Kal. Feb.
24 a. d. IX. Kal. Feb.
25 a. d. VIII. Kal. Feb.
26 a. d. VII. Kal. Feb.
27 a. d. VI. Kal. Feb.
28 a. d. V. Kal. Feb.
29 a. d. IV. Kal. Feb.
30 a. d. III. Kal. Feb.
31 Prid. Kal. Feb.

The letters *a d* are often, through error, written together, and so confounded with the preposition *ad*, which would have a different meaning, for *ad kalendas* would signify *by*, i. e. *on or before the kalends.* The letters are in fact an abridgement of *ante diem*, and the full phrase for "on the second of January" would be *ante diem quartum nonas Januarias.* The word *ante* in this expression seems really to belong in sense to *nonas*, and to be the cause why *nonas* is an accusative. Hence occur such phrases as (Cic. *Phil.* iii. 8), *in ante diem quartum Kal. Decembris distulit*, "he put it off to the fourth day before the kalends of December," (Caes. *Bell. Gall.* i. 6) *Is dies erat ante diem V. Kal. Apr.*, and (Caes. *Bell. Civ.* i. 11) *ante quem diem iturus sit*, for *quo die.* The same confusion exists in the phrase *post paucos dies*, which means "a few days after," and is equivalent to *paucis post diebus.* Whether the phrase *Kalendas Januarii* was ever used by the best writers is doubtful. The words are commonly abbreviated; and those passages where Aprilis, Decembris, &c. occur, are of no avail, as they are probably accusatives. The *ante* may be omitted, in which case the phrase will be *die quarto nonarum.* In the leap year (to use a modern phrase), the last days of February were called —

Feb. 23. = a. d. VII. Kal. Mart.
Feb. 24. = a. d. VI. Kal. Mart. posteriorem.
Feb. 25. = a. d. VI. Kal. Mart. priorem.
Feb. 26. = a. d. V. Kal. Mart.
Feb. 27. = a. d. IV. Kal. Mart.
Feb. 28. = a. d. III. Kal. Mart.
Feb. 29. = Prid Kal. Mart.

In which the words *prior* and *posterior* are used in reference to the retrograde direction of the reckoning. Such at least is the opinion of Ideler, who refers to Celsus in the Digest (50. tit. 16. s. 98).

From the fact that the intercalated year has two days called *ante diem sextum*, the name of bissextile has been applied to it. The term *annus bissextilis*, however, does not occur in any writer prior to Beda, but in place of it the phrase *annus bissextus*.

It was the intention of Caesar that the bissextum should be inserted *peracto quadriennii circuitu*, as Censorinus says, or *quinto quoque incipiente anno*, to use the words of Macrobius. The phrase, however, which Caesar used seems to have been *quarto quoque anno*, which was interpreted by the priests to mean every third year. The consequence was, that in the year 8 B. C. the Emperor Augustus, finding that three more intercalations had been made than was the intention of the law, gave directions that for the next twelve years there should be no bissextile.

The services which Caesar and Augustus had conferred upon their country by the reformation of the year, seem to have been the immediate causes of the compliments paid to them by the insertion of their names in the calendar. Julius was substituted for Quinctilis, the month in which Caesar was born, in the second Julian year, that is, the year of the dictator's death (Censorinus, c. 22); for the first Julian year was the first year of the *corrected* Julian calendar, that is, 45 B. C. The name Augustus, in place of Sextilis, was introduced by the emperor himself, at the time when he rectified the error in the mode of intercalating (Suet. *Aug.* c. 31), *anno Augustano xx.* The first year of the Augustan era was 27 B. C., viz., that in which he first took the name of Augustus, *se vii. et M. Vipsanio Agrippa coss.* He was born in September; but gave the preference to the preceding month, for reasons stated in the senatus-consultum, preserved by Macrobius (i. 12). "Whereas the Emperor Augustus Caesar, in the month of Sextilis, was first admitted to the consulate, and thrice entered the city in triumph, and in the same month the legions, from the Janiculum, placed themselves under his auspices, and in the same month Egypt was brought under the authority of the Roman people, and in the same month an end was put to the civil wars; and whereas for these reasons the said month is, and has been, most fortunate to this empire, it is hereby decreed by the senate that the said month shall be called Augustus." "A plebiscitum, to the same effect, was passed on the motion of Sextus Pacuvius, tribune of the plebs."

The month of September in like manner received the name of Germanicus from the general so called, and the appellation appears to have existed even in the time of Macrobius. Domitian, too, conferred his name upon October; but the old word was restored upon the death of the tyrant.

Our days of the Month.	March, May, July, October, have 31 days.	January, August, December, have 31 days.	April, June, September, November, have 30 days.	February has 28 days, and in Leap Year 29.
1.	Kalendis.	Kalendis.	Kalendis.	Kalendis.
2.	VI. ante Nonas.	IV. ante Nonas.	IV. ante Nonas.	IV. Ante Nonas.
3.	V.	III.	III.	III.
4.	IV.	Pridie Nonas.	Pridie Nonas.	Pridie Nonas.
5.	III.	Nonis.	Nonis.	Nonis.
6.	Pridie Nonas.	VIII. ante Idus.	VIII. ante Idus.	VIII.
7.	Nonis.	VII.	VII.	VII.
8.	VIII. ante Idus.	VI.	VI.	VI.
9.	VII.	V.	V.	V.
10.	VI.	IV.	IV.	IV.
11.	V.	III.	III.	III.
12.	IV.	Pridie Idus.	Pridie Idus.	Pridie Idus.
13.	III.	Idibus.	Idibus.	Idibus.
14.	Pridie Idus.	XIX. Ante Kalendas (of the month following).	XVIII. Ante Kalendas (of the month following).	XVI. Ante Kalendas Martias.
15.	Idibus.	XVIII.	XVII.	XV.
16.	XVII. Ante Kalendas (of the month following).	XVII.	XVI.	XIV.
17.	XVI.	XVI.	XV.	XIII.
18.	XV.	XV.	XIV.	XII.
19.	XIV.	XIV.	XIII.	XI.
20.	XIII.	XIII.	XII.	X.
21.	XII.	XII.	XI.	IX.
22.	XI.	XI.	X.	VIII.
23.	X.	X.	IX.	VII.
24.	IX.	IX.	VIII.	VI.
25.	VIII.	VIII.	VII.	V.
26.	VII.	VII.	VI.	IV.
27.	VI.	VI.	V.	III.
28.	V.	V.	IV.	Pridie Kalendas Martias.
29.	IV.	IV.	III.	
30.	III.	III.	Pridie Kalendas (of the month following).	
31.	Pridie Kalendas (of the month following).	Pridie Kalendas (of the month following).		

The Fasti of Caesar have not come down to us in their entire form. Such fragments as exist may be seen in Gruter's *Inscriptiones*, or more completely in Foggini's work, *Fastorum Anni Romani . . Reliquiae.* See also some papers by Ideler in the *Berlin Transactions* for 1822 and 1823.

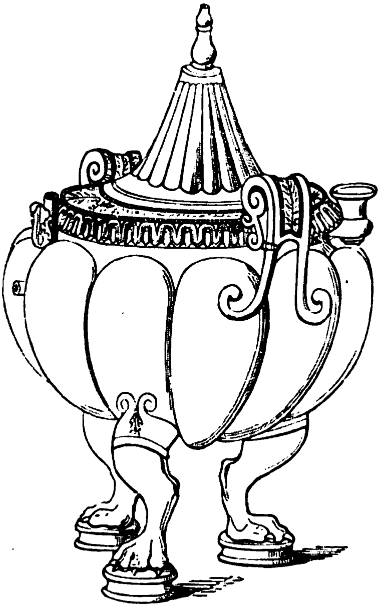
The Gregorian Year.—The Julian calendar supposes the mean tropical year to be 365d. 6h.; but this, as we have already seen, exceeds the real amount by 11′ 12″, the accumulation of which, year after year, caused at last considerable inconvenience. Accordingly, in the year, 1582, Pope Gregory the XIII., assisted by Aloysius, Lilius, Christoph. Clavius, Petrus Ciaconius, and others, again reformed the calendar. The ten days by which the year had been unduly retarded were struck out by a regulation that the day after the fourth of October in that year should be called the fifteenth; and it was ordered that, whereas hitherto an intercalary day had been inserted every four years, for the future three such intercalations in the course of four hundred years should be omitted, viz., in those years which are divisible without remainder by 100, but not by 400. Thus, according to the Julian calendar, the years, 1600, 1700, 1800, 1900, and 2000 were to have been bissextile; but, by the regulation of Gregory, the years 1700, 1800, and 1900, were to receive no intercalation, while the years 1600 and 2000 were to be bissextile, as before. The bull which effected this change, was issued Feb. 24, 1582. The fullest account of this correction is to be found in the work of Clavius, entitled *Romani Calendarii a Gregorio XIII. P. M. restituti Explicatio.* As the Gregorian calendar has only 97 leap-years in a period of 400 years, the mean Gregorian year is $(303 \times 365 + 97 \times 366) \div 400$, that is 365d. 5h. 49′ 12″, or only 24″ more than the mean tropical year. This difference in 60 years would amount to 24′, and in 60 times 60, or 3600 years, to 24 hours, or a day. Hence the French astronomer, Delambre, has proposed that the years 3600, 7200, 10,800, and all multiples of 3600 should not be leap years. The Gregorian calendar was introduced in the greater part of Italy, as well as in Spain and Portugal, on the day named in the bull. In France, two months after, by an edict of Henry III., the 9th of December was followed by the 20th. The Catholic parts of Switzerland, Germany, and the Low Countries, adopted the correction in 1583, Poland in 1586, Hungary in 1587. The Protestant parts of Europe resisted what they called a Papistical invention for more than a century. At last, in 1700, Protestant Germany, as well as Denmark and Holland, allowed reason to prevail over prejudice; and the Protestant cantons of Switzerland copied their example the following year.

In England the Gregorian calendar was first adopted in 1752, and in Sweden in 1753. In Russia, and those countries which belong to the Greek church, the Julian year, or *old style* as it is called, still prevails.

In this article free use has been made of Ideler's work *Lehrbuch der Chronologie.* For other information connected with the Roman measurement of time, see Astronomia; Dies; Horologium; Lustrum; Nundinae; Saeculum. [T. H. K.]

CA′LIDA, or **CALDA**, the warm drink of the Greeks and Romans, which consisted of warm water mixed with wine, with the addition probably of spices. This was a very favourite kind of drink with the ancients, and could always be procured at certain shops or taverns, called *thermopolia* (Plaut. *Cur.* ii. 3. 13, *Trin.* iv. 3. 6, *Rud.* ii. 6. 45), which Claudius commanded to be closed at one period of his reign (Dion Cass. lx. 6). The vessels, in which the wine and water were kept hot, appear to have been of a very elegant form, and not unlike our tea-urns both in appearance and construction. A representation of one of these vessels is given in the *Museo Borbonico* (vol. iii. pl. 63), from which the following woodcut is taken. In the middle of the vessel there is a small cylindrical furnace, in which the wood or charcoal was kept for heating the water; and at the bottom of this furnace, there are four small holes for the ashes to fall through. On the right hand side of the vessel there is a kind of cup, communicating with the part surrounding the furnace, by which the vessel might be filled without taking off the lid; and on the left hand side there is in about the middle a tube with a cock for drawing off the liquid. Beneath the conical cover, and on a level with the rim of the vessel, there is a moveable flat cover, with a hole in the middle, which closes the whole urn except the mouth of the small furnace.

Though there can be no doubt that this vessel was used for the purpose which has been mentioned, it is difficult to determine its Latin name; but it was probably called *authepsa* [Authepsa.] Pollux (x. 66) mentions several names which were applied to the vessels used for heating water, of which the ἰπνολέβης, which also occurs in Lucian (*Lexiph.* 8), appears to answer best to the vessel which has been described above. (Böttiger, *Sabina*, vol. ii. p. 34; Becker, *Gallus*, vol. ii. p. 175.)



CALIENDRUM, a peruque or wig, mentioned by Horace. (*Serm.* i. 8. 48.)

CA′LIGA, a strong and heavy shoe worn by the Roman soldiers. Although the use of this species of calceamentum extended to the centurions, it was not worn by the superior officers. Hence the common soldiers, including centurions, were distinguished by the name of *caligati* (Suet. *Aug.* 25, *Vitell.* 7); when Cicero therefore says of Pompey "mihi caligae ejus non placebant" (*Ad Att.* ii. 3), he merely uses the words to indicate his military power. Service in the ranks was also designated after this article of attire. Thus Marius was said to have risen to the consulship *a caliga*, *i. e.* from the ranks (Sen. *De Benef.* v. 16), and Ventidius *juventam inopem in caliga militari tolerasse* (Plin *H. N.* vii. 44). The Emperor Caligula received that cognomen when a boy, in consequence of wearing the caliga, which his father Germanicus put on his son in order to please the soldiers. (Tacit. *Ann.* i. 41; Suet. *Calig.* 9.) The triumphal monuments of Rome show most distinctly the difference between the caliga of the common soldier [Arma] and the calceus worn by men of higher rank. [Abolla; Ara.] The sole of the caliga was thickly studded with hobnails (*clavi caligarii*, Plin. *H. N.* xxxiv. 41, ix. 18; Juv. *Sat.* iii. 232, xvi. 25).

The *caliga speculatoria* (Suet. *Calig.* 52), made for the use of spies (*speculatores*), was probably much lighter than the ordinary shoe worn by the soldiers. [J. Y.]

CALIX (κύλιξ, comp. Macrob. *Sat.* v. 21). 1. A small drinking-cup, constantly used at symposia and on similar occasions. It is frequently seen in paintings on ancient vases which represent drinking-scenes, and when empty is usually held upright by one of its handles, as shown in the cut under Symposium. (Xen. *Symp.* ii. 26; Cic. *Tusc.* iii. 19; Hor. *Serm.* ii. 8. 35, &c.) 2. A vessel used in cooking (Varr. *L. L.* v. 127, ed. Müller; Ov. *Fast.* v. 509.) 3. A tube in the aquaeducts attached to the extremity of each pipe, where it entered the castellum. [Aquaeductus, p. 115, a.]

CALLIS, a beaten path or track made by the feet of cattle. (Serv. *ad Virg. Aen.* iv. 405; Isidor. *Orig.* xv. 16. § 20.) The sheep-walks in the mountainous parts of Campania and Apulia were the property of the Roman state; and as they were of considerable value, one of the quaestors usually had these *calles* assigned to him as his province, whence we read of the *Callium provincia.* His principal duties were to receive the *scriptura*, or tax paid for the pasturage of the cattle, and to protect life and property in these wild and mountainous districts. When the senate wished to put a slight upon the consuls on one occasion they endeavoured to assign to them as their provinces, the care of the woods (*silvae*) and sheep-walks (*calles*). (Tac. *Ann.* iv. 27; Suet. *Caes.* 19, *Claud.* 29; in the last passage the reading is doubtful.)

CALLISTEIA (καλλιστεῖα), a festival, or perhaps merely a part of one, held by the women of Lesbos; at which they assembled in the sanctuary of Hera, and the fairest received the prize of beauty. (Schol. *ad Il.* ix. 128; Suidas, *s. v.*; Antholog. Pal. ix. 189; Athen. xiii. p. 610.)

A similar contest of beauty, instituted by Cypselus, formed a part of a festival celebrated by the Parrhasians in Arcadia, in honour of the Eleusinian Demeter. The women taking part in it were called Χρυσοφόροι. (Athen. xiii. p. 609.)

A third contest of the same kind, in which, however, men only partook, is mentioned by Athenaeus (*l. c.*; compare *Etymol. Magn. s. v.*) as occurring among the Eleans in honour of Athena. The fairest man received as prize a suit of armour which he dedicated to Athena, and was adorned by his friends with ribbons and a myrtle wreath, and accompanied to the temple. From the words of Athenaeus (xiii. p. 610), who, in speaking of these contests of beauty, mentions Tenedos along with Lesbos, we must infer that in the former island also Callisteia were celebrated. [L. S.]

CALO'NES, the servants of the Roman soldiers, said to have been so called from carrying wood (κᾶλα) for their use. (Festus, *s. v.*; Serv. *ad Virg. Aen.* vi. 1.) They are generally supposed to have been slaves, and they almost formed a part of the army, as we may learn from many passages in Caesar: in fact, we are told by Josephus that, from always living with the soldiers and being present at their exercises, they were inferior to them alone in skill and valour. The word calo, however, was not confined to this signification, but was also applied to farm-servants, instances of which usage are found in Horace (*Epist.* i. 14. 42; *Sat.* i. 6. 103).

In Caesar this term is generally found by itself; in Tacitus it is coupled and made almost identical with *lixa.* Still the *calones* and *lixae* were not the same: the latter, in fact, were freemen, who merely followed the camp for the purposes of gain and merchandise, and were so far from being indispensable to an army, that they were sometimes forbidden to follow it (*ne lixae sequerentur exercitum*, Sall. *Bell. Jug.* 45). Thus again we read of the *lixae mercatoresque, qui plaustris merces portabant* (Hirtius, *De Bell. Afr.* 75), words which plainly show that the lixae were traders and dealers. Livy also (v. 8) speaks of them as carrying on business. The term itself is supposed to be connected with lixa, an old word signifying water, inasmuch as the lixae supplied this article to the soldiers: since, however, they probably furnished ready-cooked provisions (*elixos cibos*), it seems not unlikely that *their* appellation may have some allusion to this circumstance. (See Sall. *l. c.*) [R. W.]

CALU'MNIA. Calumniari is defined by Marcian (Dig. 48. tit. 16. s. 1), *Falsa crimina intendere;* a definition which, as there given, was only intended to apply to criminal matters. The definition of Paulus (*Sentent. Recept.* i. tit. 5) applies to matters both criminal and civil: *Calumniosus est qui sciens prudensque per fraudem negotium alicui comparat.* Cicero (*de Off.* i. 10) speaks of "calumnia," and of the *nimis callida et malitiosa juris interpretatio*, as things related. Gaius says, *Calumnia in adfectu est, sicut furti crimen;* the criminality was to be determined by the intention.

When an accuser failed in his proof, and the reus was acquitted, there might be an inquiry into the conduct and motives of the accuser. If the person who made this judicial inquiry (*qui cognovit*), found that the accuser had merely acted from error of judgment, he acquitted him in the form *non probasti;* if he convicted him of evil intention, he declared his sentence in the words *calumniatus es*, which sentence was followed by the legal punishment.

According to Marcian, the punishment for calumnia was fixed by the lex Remmia, or, as it is sometimes, perhaps incorrectly, named, the lex Memmia. (Val. Max. iii. 7. § 9.) But it is not known when this lex was passed, nor what were its penalties. It appears from Cicero (*Pro Sext. Rosc. Amerino*, c. 20), that the false accuser might be branded on the forehead with the letter K, the initial of Kalumnia; and it has been conjectured, though it is a mere conjecture, that this punishment was inflicted by the lex Remmia.

The punishment for calumnia was also exsilium, relegatio in insulam, or loss of rank (*ordinis amissio*); but probably only in criminal cases, or in matters relating to a man's civil condition. (Paulus, *Sentent. Recept.* v. 1. 5, v. 4. 11.)

In the case of actiones, the calumnia of the actor was checked by the calumniae judicium, the judicium contrarium, the jusjurandum calumniae, and the restipulatio; which are particularly described by Gaius (iv. 174—181). The defendant might in all cases avail himself of the calumniae judicium, by which the plaintiff, if he was found to be guilty of calumnia, was mulcted to the defendant in the tenth part of the value of the object-matter of the suit. But the actor was not mulcted in this action, unless it was shown that he brought his suit without foundation, knowingly and designedly. In the contrarium judicium, of which the defendant could only avail himself in certain cases, the rectitude of the plaintiff's purpose did not save him from the penalty. Instead of adopting either of these modes of proceeding, the defendant might require the plaintiff to take the oath of calumnia, which was to the effect, *Se non calumniae causa agere*. In some cases the defendant also was required by the praetor to swear that he did not dispute the plaintiff's claim, *calumniae causa*. Generally speaking, if the plaintiff put the defendant to his oath (*jusjurandum ei deferebat*), the defendant might put the plaintiff to his oath of calumny. (Dig. 12. tit. 2. s. 37.) In some actions, the oath of calumny on the part of the plaintiff was a necessary preliminary to the action. In all judicia publica, it seems that the oath of calumnia was required from the accuser.

If the restipulationis poena was required from the actor, the defendant could not have the benefit of the calumniae judicium, or of the oath of calumny; and the judicium contrarium was not applicable to such cases.

The edict De Calumniatoribus (Dig. 3. tit. 6.) applied generally to those who received money, calumniae causa, for doing an act or abstaining from doing an act. The edict applied as well to publica crimina as to pecuniariae causae; for instance in the matter of repetundae the edict applied to him who for calumnia received money on the terms of prosecuting or not prosecuting a person. This edict provided for some cases, as threats of procedure against a man to extort money, which were not within the cases provided for by the edict, Quod metus causa (Dig. 4. tit. 2.) [G. L.]

CA'MARA (καμάρα), or **CAMERA**, properly signifies any arched or vaulted covering, and any thing with such a covering: Herodotus, for instance, calls a covered carriage κάμαρα (i. 199). It is chiefly used in the two following senses: —

1. An arched or vaulted ceiling formed by semicircular bands or beams of wood, over the intervals of which a coating of lath and plaster was spread, resembling in construction the hooped awnings in use amongst us. (Vitruv. vii. 3; Sall. *Cat.* 58; Cic. *ad Q. Fr.* iii. 1. § 1; comp. Plin. *H. N.* xvi. 36. s. 64.) Under the emperors *camarae* were formed with plates of glass (Plin. *H. N.* xxxvi. 25. s. 64); sometimes also the beams were gilt, and the ceiling between them was made of ivory. (Propert. iii. 2. 10.)

2. Small boats used in early times by the people who inhabited the shores of the Euxine and the Bosporus, and called καμάραι, from their having a broad arched deck. They were made with both ends alike so as to work in either direction without turning; and were put together without iron. They continued in use until the age of Tacitus, by whom their construction and uses are described. (Strab. xi. p. 495; Eustath. *ad Dionys. Perieg.* 700; Aul. Gell. x. 25; Tac. *Hist.* iii. 47. Respecting the other uses of the word see Seiler and Jacobitz, *Handwörterbuch d. Griech. Sprache.*) [P. S.]

CAMILLI, CAMILLAE, boys and girls, employed in the religious rites and ceremonies of the Romans. They were required to be perfect in form, and sound in health, free born, and with both their parents alive; or, in other words, according to the expression of the Romans, *pueri seu puellae ingenui, felicissimi, patrimi matrimique.* The origin of these words gave rise to various opinions among the ancients. Dionysius supposed them to correspond to the κάδμιλοι among the Curetes and Corybantes; others connected them with Cadmilus or Casmilus, one of the Samothracian Cabeiri; but we know nothing certain on the matter. Respecting the employment of the Camillus at Roman marriages, see MATRIMONIUM. (Dionys. ii. 21, 22; Varr. *L. L.* vii. 34, ed. Müller; Macrob. *Sat.* iii. 8; Serv. *ad Virg. Aen.* xi. 543; Festus, *s. vv. Camillus, Cumera, Flaminius Camillus;* Hartung, *Die Religion der Römer,* vol. i. p. 157, vol. ii. p. 71.)

CA'MPAGUS, a kind of shoe worn by the later Roman emperors. (Trebell. Poll. *Gallien.* 16, with the note of Salmasius.)

CAMI'NUS. [DOMUS]

CAMPESTRE (sc. *subligar*) was a kind of girdle or apron, which the Roman youths wore around their loins, when they exercised naked in the Campus Martius (Augustin. *De Civ. Dei*, xiv. 17). The campestre was sometimes worn in warm weather in place of the tunic under the toga (*campestri sub toga cinctus*, Ascon. *ad Cic. pro Scauro*, p. 30. ed. Orell.; Hor. *Ep.* i. 11. 18.)

CAMPIDOCTO'RES were persons who taught soldiers their exercises. (Veget. i. 13.) In the times of the republic this duty was discharged by a centurion, or veteran soldier of merit and distinction. (Comp. Plin. *Pan.* 13.)

CA'NABUS (κάναβος), was a figure of wood in the form of a skeleton, round which the clay or plaster was laid in forming models. Figures of a similar kind, formed to display the muscles and veins, were studied by painters in order to acquire some knowledge of anatomy. (Arist. *Hist. Anim.* iii. 5, *De Gen. Anim.* ii. 6; Pollux, vii. 164, x. 189; Suid. and Hesych. *s. v.*; Müller, *Archäol. der Kunst*, § 305. n. 7.)

CANA'LIS, and the diminutive *Canaliculus*, which signify a water-pipe or gutter, are used also in architecture for any channel, such as the flutings of a column, and the channel between the volutes of an Ionic capital (Vitruv. x. 14, iii. 3). [P. S.]

CANATHRON (κάναθρον), a carriage, the upper part of which was made of basket-work, or more properly the basket itself, which was fixed in the carriage. (Xen. *Ages.* viii. 7; Plut. *Ages.* c. 19.) Homer calls this kind of basket πείρινς. (*Il.* xxiv. 190, 267; and Eustath. *ad loc.* Compare Sturtz, *Lex. Xenoph. s. v.* Κάναθρον; Scheffer, *De Re Vehic.* p. 68.)

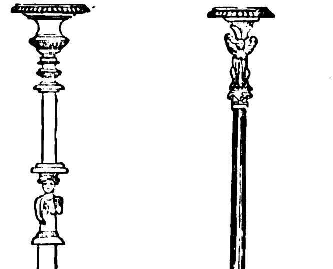
CANCELLA'RIUS. [CANCELLI.]

CANCELLI, lattice-work, placed before a window, a door-way, the tribunal of a judge, or any other place. (See *e. g.* Cic. *pro Sest.* 58; Varr. *R. R.* iii. 5; Ov. *Am.* iii. 2. 64; Dig. 30. tit. 41. s. 10; 33. tit. 7. s. 10.) Hence was derived the word *Cancellarius*, which originally signified a porter, who stood at the latticed or grated door of the emperor's palace. The emperor Carinus gave great dissatisfaction by promoting one of his Cancellarii to be Praefectus urbi. (Vopisc. *Carin.* 16.) The cancellarius also signified a legal scribe or secretary, who sat within the cancelli or lattice-work, by which the crowd was kept off from the tribunals of the judges. (Cassiod. *Var.* xi. 6.) The chief scribe or secretary was called Cancellarius κατ' ἐξοχήν, and was eventually invested with judicial power at Constantinople; but an account of his duties and the history of this office do not fall within the scope of the present work. From this word has come the modern Chancellor.

CANDE'LA, a candle, made either of wax (*cerea*) or tallow (*sebacea*), was used universally by the Romans before the invention of oil lamps (*lucernae*). (Varr. *De Ling. Lat.* v. 119, ed. Müller; Martial, xiv. 43; Athen. xv. p. 700.) They used for a wick the pith of a kind of rush called *scirpus* (Plin. *H. N.* xvi. 70). In later times candelae were only used by the poorer classes; the houses of the more wealthy were always lighted by lucernae (Juv. *Sat.* iii. 287; Becker, *Gallus*, vol. ii. p. 201).

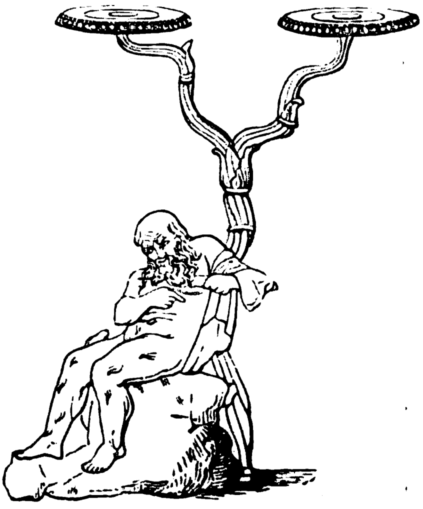
CANDELA'BRUM, was originally a candlestick, but was afterwards used to support lamps (λυχνοῦχος), in which signification it most commonly occurs. The candelabra of this kind were usually made to stand upon the ground, and were of a considerable height. The most common kind were made of wood (Cic. *ad Qu. Fr.* iii. 7; Martial, xiv. 44; Petron. 95; Athen. xv. p. 700); but those which have been found in Herculaneum and Pompeii are mostly of bronze. Sometimes they were made of the more precious metals and even of jewels, as was the one which Antiochus intended to dedicate to Jupiter Capitolinus. (Cic. *Verr.* iv. 28.) In the temples of the gods and palaces there were frequently large candelabra made of marble, and fastened to the ground. (*Museo Pio-Clem.* iv. 1. 5, v. 1. 3.)

There is a great resemblance in the general plan and appearance of most of the candelabra which have been found. They usually consist of three parts: — 1. the foot (βάσις); 2. the shaft or stem (καυλός); 3. the plinth or tray (δισκός), large enough for a lamp to stand on, or with a socket to receive a wax candle. The foot usually consists of three lions' or griffins' feet, ornamented with leaves; and the shaft, which is either plain or fluted, generally ends in a kind of capital, on which the tray rests for supporting the lamp. Sometimes we find a figure between the capital and the tray, as is seen in the candelabrum on the right hand in the annexed woodcut, which is taken from the *Museo Borbonico* (iv. pl. 57), and represents a candelabrum found in Pompeii. The one on the left hand is also a representation of a candelabrum found in the same city (*Mus. Borb.* vi. pl. 61), and is made with a sliding shaft, by which the light might be raised or lowered at pleasure.



The best candelabra were made at Aegina and Tarentum. (Plin. *H. N.* xxxiv. 6.)

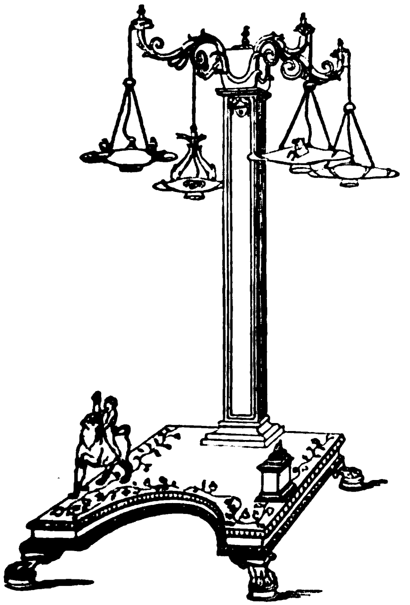
There are also candelabra of various other forms, though those which have been given above are by far the most common. They sometimes consist of



a figure supporting a lamp (*Mus. Borb.* vii. pl. 15), or of a figure, by the side of which the shaft is placed with two branches, each of which terminates in a flat disc, upon which a lamp was placed. A candelabrum of the latter kind is given in the preceding woodcut (*Mus. Borb.* iv. pl. 59). The stem is formed of a liliaceous plant; and at the base is a mass of bronze, on which a Silenus is seated engaged in trying to pour wine from a skin which he holds in his left hand, into a cup in his right.

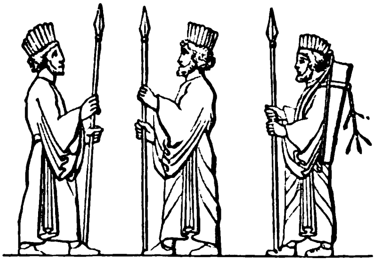
There was another kind of candelabrum, entirely different from those which have been described, which did not stand upon the ground, but was placed upon the table. These candelabra usually consist of pillars, from the capitals of which several lamps hang down, or of trees, from whose branches lamps also are suspended. The following woodcut represents a very elegant candelabrum of this kind, found in Pompeii. (*Mus. Borb.* ii. pl. 13.)

The original, including the stand, is three feet high. The pillar is not placed in the centre, but at one end of the plinth, which is the case in almost every candelabrum of this description yet found. The plinth is inlaid in imitation of a vine, the leaves of which are of silver, the stem and fruit of bright bronze. On one side is an altar with wood and fire upon it; and on the other a Bacchus riding on a tiger. (Becker, *Gallus*, vol. ii. p. 206, &c.)



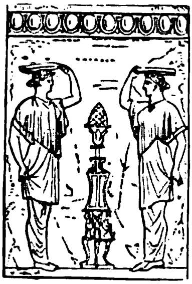
CANDIDATUS. [Ambitus.]

CANDYS (*κάνδυς*), a gown worn by the Medes and Persians over their trowsers and other garments. (Xen. *Cyr.* i. 3. § 2, *Anab.* i. 5. § 8; Diod. Sic. xvii. 77.) It had wide sleeves, and was made of woollen cloth, which was either purple or of some other splendid colour. In the Persepolitan sculptures, nearly all the principal personages are clothed in it. The three here shown are taken from Sir R. K. Porter's Travels (vol. i. pl. 94). [J. Y.]



CANE'PHOROS (*κανηφόρος*). When a sacrifice was to be offered, the round cake (*τροχία φθοΐς, πόπανον, ὀλή, mola salsa*), the chaplet of flowers, the knife used to slay the victim, and sometimes the frankincense, were deposited in a flat circular basket (*κάνεον, canistrum*), and this was frequently carried by a virgin on her head to the altar. The practice was observed more especially at Athens. When a private man sacrificed, either his daughter, or some unmarried female of his family, officiated as his canephoros (Aristoph. *Acharn.* 241—252); but in the Panathenaea, the Dionysia, and other public festivals, two virgins of the first Athenian families were appointed for the purpose. Their function is described by Ovid (*Met.* ii. 713—715).

That the office was accounted highly honourable appears from the fact, that the resentment of Harmodius, which instigated him to kill Hipparchus, arose from the insult offered by the latter in forbidding the sister of Harmodius to walk as canephoros in the Panathenaic procession. (Thucyd. vi. 56; Aelian, *V. H.* xi. 8.) An antefixa in the British Museum (see woodcut) represents the two canephoroe approaching a candelabrum. Each of them elevates one arm to support the basket, while she slightly raises her tunic with the other. This attitude was much admired by ancient artists. Pliny (*H. N.* xxxvi. 4. s. 7) mentions a marble canephoros by Scopas, and Cicero (*Verr.* iv. 3) describes a pair in bronze, which were the exquisite work of Polycletus. [Caryatis.] [J. Y.]

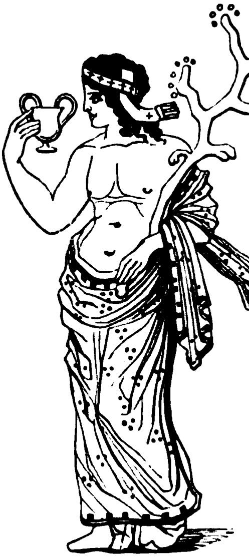


CANISTRUM. [Canephoros.]

CANTABRUM, a standard used at the time of the Roman empire, and carried in festive processions. (Tertull. *Apol.* 16; Minuc. Felix, 29.)

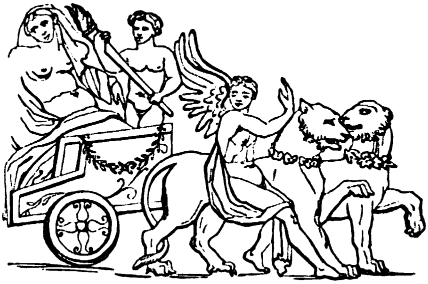
CANTE'RII is used by Vitruvius (iv. 2) for the rafters of the roof, extending from the ridge to the eaves. [P. S.]

CA'NTHARUS (*κάνθαρος*) was a kind of drinking-cup, furnished with handles (*cantharus ansa*, Virg. *Ecl.* vi. 17; Hor. *Carm.* i. 20). It is said by some writers to have derived its name from one Cantharus, who first made cups of this form. (Athen. xi. p. 474, e; Pollux, vi. 96; Plin. *H. N.* xxxiv. 19. § 25.) The cantharus was the cup sacred to Bacchus (Macrob. *Sat.* v. 21; Plin. *H. N.* xxxiii. 53), who is frequently represented on ancient vases holding it in his hand, as in the following woodcut, which is taken from a painting on an ancient vase. (Millingen, *Peintures Antiques*, pl. 53.)



CA'NTICUM. In the Roman theatre, between the first and second acts, flute music appears to have been introduced (Plaut. *Pseudol.* i. 5. 160), which was accompanied by a kind of recitative, performed by a single actor, or if there were two, the second was not allowed to speak with the first. Thus Diomedes (iii. p. 489. ed. Putsch.) says:— "In canticis una tantum debet esse persona, aut si duae fuerint, ita debent esse, ut ex occulto una audiat nec colloquatur, sed secum, si opus fuerit, verba faciat." In the canticum, as violent gesticulation was required, it appears to have been the custom, from the time of Livius Andronicus, for the actor to confine himself to the gesticulation, while another person sang the recitative. (Liv. viii. 2; Lucian, *De Saltat.* 30; Isidor. *Orig.* xviii. 44.) The canticum always formed a part of a Roman comedy. Diomedes observes that a Roman comedy consists of two parts, dialogue and canticum (*Latinae comoediae duobus tantum membris constant, diverbio et cantico*). Wolf (*De Canticis*, p. 11) endeavours to show that cantica also occurred in tragedies and the Atellanae fabulae. There can be no doubt that they did in the latter; they were usually composed in the Latin, and sometimes in the Greek language, whereas the other parts of the Atellane plays were written in Oscan.

CAPISTRUM (*φορβειά*), a halter, a tie for horses, asses, or other animals, placed round the head or neck, and made of osiers or other fibrous materials. In representations of Bacchanalian processions the tigers or panthers are attached to the yoke by capistra made of vine-branches. Thus we read of the *vite capistratae tigres* of Ariadne (Ovid, *Epist.* ii. 80; Sidon. Apoll. *Carm.* xxii. 23), and they are seen on the bas-relief of a sarcophagus in the Vatican representing her nuptial procession. See the annexed woodcut.



The term *φορβειά* was also applied to a contrivance used by pipers (*αὐλητοὶ*) and trumpeters to compress their mouths and cheeks, and thus to aid them in blowing. It is often seen in works of ancient art [CHIRIDOTA], and was said to be the invention of Marsyas. (Simonides, *Brunck. An.* i. 122; Sophocles, *ap. Cic. ad Att.* ii. 16; Aristoph. *Av.* 862, *Vesp.* 580, *Eq.* 1147; Schol. *ad ll.*) [J. Y.]

CAPITA'LIS. [CAPUT.]

CA'PITE CENSI. [CAPUT.]

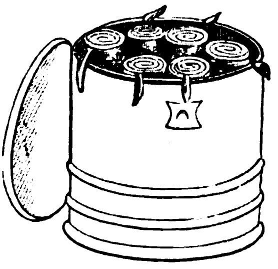
CA'PITIS DEMINU'TIO. [CAPUT.]

CAPI'TIUM, a portion of a woman's dress, said by Varro to be so called, because it covers (*capit*) the breast. (Varr. *L. L.* v. 131, ed. Müller, and *De Vita P. R.* iv. ap. Nonium, *s. v. capitia*; comp. Gell. xvi. 7; Dig. 34. tit. 2. s. 24.) But the word itself would rather lead us to suppose that it was originally a covering for the head (*caput*).

CAPITOLI'NI LUDI. [LUDI.]

CAPI'TULUM. [COLUMNA.]

CAPSA (*dim.* **CA'PSULA**), or **SCRI'NIUM**, the box for holding books among the Romans. These boxes were usually made of beech-wood (Plin. *H. N.* xvi. 43. s. 84), and were of a cylindrical form. There is no doubt respecting their form, since they are often placed by the side of statues dressed in the toga. The following woodcut, which represents an open capsa with six rolls of books in it, is from a painting at Pompeii.



There does not appear to have been any difference between the *capsa* and the *scrinium*, except that the latter word was usually applied to those boxes which held a considerable number of rolls (*scrinia da magnis*, Mart. i. 3). Boxes used for preserving other things besides books, were also called capsae (Plin. *H. N.* xv. 17. s. 18; Mart. xi. 8), while in the scrinia nothing appears to have been kept but books, letters, and other writings.

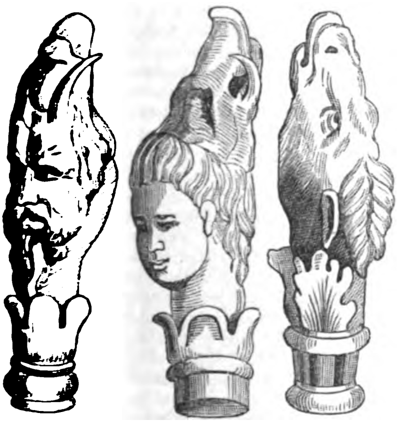
The slaves who had the charge of these book-chests were called *capsarii*, and also *custodes scriniorum;* and the slaves who carried in a capsa behind their young masters the books, &c. of the sons of respectable Romans, when they went to school, were also called capsarii. (Juv. x. 117.) We accordingly find them mentioned together with the paedagogi. (Suet. *Ner.* 36.)

When the capsa contained books of importance, it was sealed or kept under lock and key (Mart. i. 67); whence Horace (*Ep.* i. 20. 3) says to his work, *Odisti claves, et grata sigilla pudico.* (Becker, *Gallus*, vol. i. p. 191; Böttiger, *Sabina*, vol. i. p. 102, &c.)

CAPSA'RII, the name of three different classes of slaves: — 1. Of those who took care of the clothes of persons while bathing in the public baths. [Balneae, p. 189.] In later times they were subject to the jurisdiction of the praefectus vigilum. (Dig. l. tit. 15. s. 3.) 2. Of those who had the care of the capsae, in which books and letters were kept. [Capsa.] 3. Of those who carried the books, &c. of boys to school. [Capsa.]

CA'PSULA. [Capsa.]

CA'PULUS (κώπη, λαβή). 1. The hilt of a sword, which was frequently much ornamented. [Gladius.] The handles of knives were also much ornamented; and of the beautiful workmanship sometimes bestowed on them, a judgment may be formed from the three specimens here introduced. (Montfaucon, *Ant. Expliquée*, iii. 122. pl. 61.)



2. A bier or coffin. [Funus.]

CAPUT, the head. The term "head" is often used by the Roman writers as equivalent to "person," or "human being." (Caes. *Bell. Gall.* iv. 15.) By an easy transition, it was used to signify "life:" thus, *capite damnari*, *plecti*, &c. are equivalent to capital punishment.

Caput is also used to express a man's civil condition; and the persons who were registered in the tables of the censor are spoken of as *capita*, sometimes with the addition of the word *civium*, and sometimes not. (Liv. iii. 24, x. 47.) Thus to be registered in the census was the same thing as *caput habere:* and a slave and a filius familias, in this sense of the word, were said to have no *caput*. The lowest century of Servius Tullius comprised the proletarii and the capite censi, of whom the latter, having little or no property, were barely rated as so many *head* of citizens. (Gell. xvi. 10; Cic. *De Rep.* ii. 22.)

He who changed his condition for an inferior one was said to be *capite minutus*, *deminutus*, or *capitis minor.* (Hor. *Carm.* iii. 5. 42.) The phrase *se capite deminuere* was also applicable in case of a voluntary change of condition. (Cic. *Top.* c. 4.) The definition of Festus (*s. v. deminutus*) is, "Deminutus capite appellatur qui civitate mutatus est; et ex alia familia in aliam adoptatus, et qui liber alteri mancipio datus est: et qui in hostium potestatem venit: et cui aqua et igni interdictum est." There has been some discussion whether we should use capitis deminutio or diminutio, but it is indifferent which we write.

There were three divisions of Capitis deminutio — Maxima, Media, sometimes called Minor, and Minima. The maxima capitis deminutio consisted in the loss of libertas (freedom), in the change of the condition of a free man (whether ingenuus or libertinus) into that of a slave. The media consisted in the change of the condition of a civis into that of a peregrinus, as, for instance, in the case of deportatio under the empire; or the change of the condition of a civis into that of a Latinus. The minima consisted in the change of the condition of a pater familias into that of a filius familias, as by adrogation, and, in the later law, by legitimation; and in a wife in manu, or a filius familias coming into mancipii causa; consequently, when a filius familias was emancipated or adopted, there was a capitis deminutio, for both these ceremonies were inseparably connected with the mancipii causa (cum emancipari nemo possit nisi in imaginariam servilem causam deductus. Gaius, i. 134, 162). This explains how a filius familias, who by emancipation becomes sui juris, and thus improves his social condition, is still said to have undergone a capitis deminutio; which expression, as observed, applies to the form by which the emancipation is effected.

Capitis minutio, which is the same as deminutio, is defined by Gaius (Dig. 4. tit. 5. s. 1) to be status permutatio; but this definition is not sufficiently exact. That capitis deminutio which had the most consequence was the maxima, of which the media or minor was a milder form. The minima, as already explained, was of a technical character. The maxima capitis deminutio was sustained by those who refused to be registered at the census, or neglected the registration, and were thence called *incensi.* The *incensus* was liable to be sold, and so to lose his liberty; but this being a matter which concerned citizenship and freedom, such penalty could not be inflicted directly, and the object was only effected by the fiction of the citizen having himself abjured his freedom. Those who refused to perform military service might also be sold. (Cic. *Pro Caecina*, 34; Ulp. *Frag.* xi. 11.) A Roman citizen who was taken prisoner by the enemy, lost his civil rights, together with his liberty, but he might recover them on returning to his country. [Postliminium.] Persons condemned to ignominious punishments, as to the mines, sustained the maxima capitis deminutio. A free woman who cohabited with a slave, after notice given to her by the owner of the slave, became an ancilla, by a senatus-consultum, passed in the time of Claudius. (Ulp. *Frag.* xi. 11; compare Tacit. *Ann.* xii. 53, and Suet. *Vesp.* 11.)

A judicium capitale, or poena capitalis, was one which affected a citizen's caput. The subject of the Capitis deminutio is fully discussed by Becker, *Handbuch der Römischen Alterthumer*, vol. ii. p. 100; and by Savigny, *System*, &c. vol. ii. p. 68, &c. [G. L.]

CAPUT. [Fenus.]

CAPUT EXTORUM. The Roman soothsayers (*haruspices*) pretended to a knowledge of coming events from the inspection of the entrails of victims slain for that purpose. The part to which they especially directed their attention was the liver, the convex upper portion of which seems to have been called the *caput extorum*. (Plin. *H. N.* xi. 37. s. 73.) Any disease or deficiency in this organ was considered an unfavourable omen; whereas, if healthy and perfect, it was believed to indicate good fortune. The haruspices divided it into two parts, one called *familiaris*, the other *hostilis*: from the former, they foretold the fate of friends; from the latter, that of enemies. Thus we read (Liv. viii. 9), that the head of the liver was mutilated by the knife of the operator on the "familiar" part (*caput jecinoris a familiari parte caesum*), which was always a bad sign. But the word "caput" here seems of doubtful application; for it may designate either the convex upper part of the liver, or one of the prominences of the various lobes which form its lower and irregularly concave part. It is, however, more obvious and natural to understand by it the upper part, which is formed of two prominences, called the great and small, or right and left lobes. If no caput was found, it was a bad sign (*nihil tristius accidere potuit*); if well defined or double, it was a lucky omen. (Cic. *De Div.* ii. 12, 13; Liv. xxvii. 26.) [R. W.]

CARACALLA was an outer garment used in Gaul, and not unlike the Roman lacerna. [Lacerna.] It was first introduced at Rome by the emperor Aurelius Antoninus Bassianus, who compelled all the people who came to court to wear it, whence he obtained the surname of Caracalla. (Aurel. Vict. *Epit.* 21.) This garment, as worn in Gaul, does not appear to have reached lower than the knee, but Caracalla lengthened it so as to reach the ankle. It afterwards became common among the Romans, and garments of this kind were called caracallae Antonianae, to distinguish them from the Gallic caracallae. (Aurel. Vict. *De Caes.* 21; Spartian. *Sev.* 21, *Anton. Car.* 9.) It usually had a hood to it, and came to be worn by the clergy. Jerome (*Ep.* 128) speaks of *palliolum mirae pulchritudinis in modum caracallarum sed absque cucullis.*

CARBA'TINA. [Pero.]

CARCER (*kerker*, German; *γοργύρα*, Greek), a prison. This word is connected with *ἕρκος* and *εἵργω*, the guttural being interchanged with the aspirate.

1. Greek. — Imprisonment was seldom used among the Greeks as a legal punishment for offences; they preferred banishment to the expense of keeping prisoners in confinement. We do, indeed, find some cases in which it was sanctioned by law; but these are not altogether instances of its being used as a punishment. Thus the farmers of the duties, and their bondsmen, were liable to imprisonment if the duties were not paid by a specified time; but the object of this was to prevent the escape of defaulters, and to insure regularity of payment. (Böckh, *Publ. Econ. of Athens*, p. 339, &c.) Again, persons who had been mulcted in penalties might be confined till they had paid them. (Dem. *c. Mid.* p. 529. 26.) The *ἄτιμοι* also, if they exercised the rights of citizenship, were subject to the same consequences. (Dem. *c. Timocr.* p. 732. 17.) Moreover, we read of a *δεσμός* for theft; but this was a *προστίμημα*, or additional penalty, the infliction of which was at the option of the court which tried the case; and the *δεσμός* itself was not an imprisonment, but a public exposure in the *ποδοκάκκη*, or stocks, for five days and nights — the *τὸ ἐν ξύλῳ δεδέσθαι*. Still the idea of imprisonment *per se*, as a punishment, was not strange to the Athenians. Thus we find that Plato (*Leg.* x. p. 908) proposes to have three prisons: one of these was to be a *σωφρονιστήριον*, or penitentiary, and another a place of punishment — a sort of penal settlement away from the city.

The prisons in different countries were called by different names: thus there was the *'Αναγκαῖον*, in Boeotia; the *Κέραμος*, at Cyprus; the *Κῶς*, at Corinth; and, amongst the Ionians, the *γοργύρα*, as at Samos. (Herod. iii. 145; Pollux, ix. 45.) The prison at Athens was in former times called *δεσμωτήριον*, and afterwards, by a sort of euphemism, *οἴκημα*. It was chiefly used as a guard-house, or place of execution, and was under the charge of the public officers called the eleven, *οἱ ἕνδεκα*. One gate in the prison, through which the condemned were led to execution, was called *τὸ Χαρωνεῖον*. (Pollux, viii. 103; Wachsmuth, *Hell. Alterthumsk.* vol. ii. pp. 141, 201, 2d ed.)

The Attic expression for imprisonment was *δεῖν*. Thus in the oath of the *βουλευταί*, or senators, occurs the phrase *οὐδὲ δήσω 'Αθηναίων οὐδένα*. Hence we have the phrase *ἄδεσμος φυλακή* (Thuc. iii. 34), the "libera custodia" of the Romans, signifying that a party was under strict surveillance and guard, though not confined within a prison.

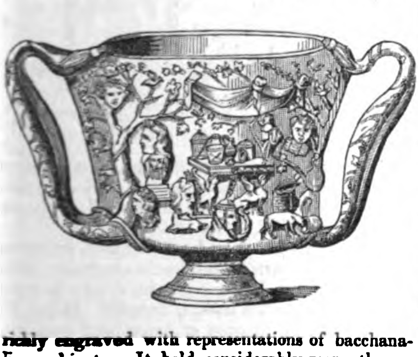
2. Roman. — A carcer, or prison, was first built at Rome by Ancus Martius, overhanging the forum. (Liv. i. 33.) This was enlarged by Servius Tullius, who added to it a souterrain, or dungeon, called from him the *Tullianum*. Sallust (*Cat.* 55) describes this as being twelve feet under ground, walled on each side, and arched over with stone work. For a long time this was the only prison at Rome (Juv. *Sat.* iii. 312), being, in fact, the "Tower," or state prison of the city, which was sometimes doubly guarded in times of alarm, and was the chief object of attack in many conspiracies. (Liv. xxvi. 27, xxxii. 26.) Varro (*L. L.* v. 151, ed. Müller) tells us that the Tullianum was also named "Lautumiae," from some quarries in the neighbourhood; or, as others think in allusion to the "Lautumiae" of Syracuse, a prison cut out of the solid rock. In later times the whole building was called the "Mamertine." Close to it were the Scalae Gemoniae, or steps, down which the bodies of those who had been executed were thrown into the Forum, to be exposed to the gaze of the Roman populace. (Cramer, *Ancient Italy*, vol. i. p. 430.) There were, however, other prisons besides this, though, as we might expect, the words of Roman historians generally refer to this alone. One of these was built by Appius Claudius, the decemvir, and in it he was himself put to death. (Liv. iii. 57; Plin. *H. N.* vii. 36.)

The carcer of which we are treating, was chiefly used as a place of confinement for persons under accusation, till the time of trial; and also as a place of execution, to which purpose the Tullianum was specially devoted. Thus, Sallust (*l. c.*) tells us that Lentulus, an accomplice of Catiline, was hanged there. Livy also (xxix. 22) speaks of a conspirator being *delegatus in Tullianum*, which in another passage (xxxiv. 44), is otherwise expressed by the words *in inferiorem demissus carcerem, necatusque.*

The same part of the prison was also called "robur," if we may judge from the words of Festus: — *Robur in carcere dicitur is locus, quo praecipitatur maleficorum genus.* This identity is further shown by the use made of it; for it is spoken of as a place of execution in the following passages: — *In robore et tenebris exspirare* (Liv. xxxviii. 59; Sallust, *l. c.*). *Robur et saxum* (sc. Tarpeium) *minitari* (Tacit. *Ann.* iv. 29). So also we read of the *catenas — et Italum robur.* (Hor. *Carm.* ii. 13. 18.) [R. W.]

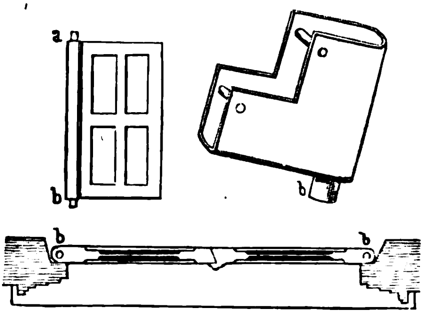
CA'RCERES. [CIRCUS.]

CARCHE'SIUM (καρχήσιον). 1. A beaker or drinking-cup, which was used by the Greeks in very early times, so that one is said to have been given by Jupiter to Alcmena on the night of his visit to her. (Pherecydes, p. 97—100, ed. Sturtz.) It was slightly contracted in the middle, and its two handles extended from the top to the bottom. (Athen. xi. p. 474; Macrob. *Sat.* v. 21.) It was much employed in libations of blood, wine, milk, and honey. (Sappho, *Frag.* 70, ed. Neue; Virg. *Georg.* iv. 380, *Aen.* v. 77; Ovid, *Met.* vii. 246; Stat. *Achill.* ii. 6.) The annexed woodcut represents a magnificent carchesium, which was presented by Charles the Simple to the Abbey of St. Denys. It was cut out of a single agate, and richly engraved with representations of bacchanalian subjects. It held considerably more than a pint, and its handles were so large as easily to admit a man's hand.

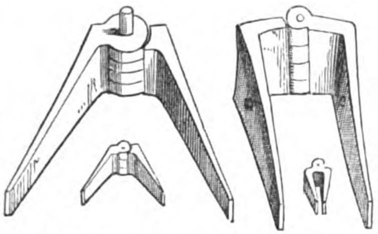


2. The upper part of the mast of a ship. [NAVIS.]

CARDO (θαιρός, στροφεύς, στρόφιγξ, γίγγλυμος), a hinge, a pivot. The first figure in the annexed woodcut is designed to show the general form of a door, as we find it with a pivot at the top and bottom (*a*, *b*) in ancient remains of stone, marble, wood, and bronze. The second figure represents a bronze hinge in the Egyptian collection of the British Museum: its pivot (*b*) is exactly cylindrical. Under these is drawn the threshold of a temple, or other large edifice, with the plan of the folding doors. The pivots move in holes fitted to receive them (*b*, *b*), each of which is in an angle behind the antepagmentum (*marmoreo aeratus stridens in limine cardo*, Virg. *Ciris*, 222; Eurip. *Phoen.* 114—116, Schol. *ad loc.*).



The Greeks and Romans also used hinges exactly like those now in common use. Four Roman hinges of bronze, preserved in the British Museum, are here shown.



The form of the door above delineated makes it manifest why the principal line laid down in surveying land was called "cardo" (Festus, *s. v. Decumanus*; Isid. *Orig.* xv. 14); and it further explains the application of the same term to the North Pole, the supposed pivot on which the heavens revolved. (Varr. *De Re Rust.* i. 2; Ovid, *Ex Ponto*, ii. 10. 45.) The lower extremity of the universe was conceived to turn upon another pivot, corresponding to that at the bottom of the door (Cic. *De Nat. Deor.* ii. 41; Vitruv. vi. 1, ix. 1); and the conception of these two principal points in geography and astronomy led to the application of the same term to the East and West also. (Lucan. v. 71.) Hence our "four points of the compass" are called by ancient writers *quatuor cardines orbis terrarum*, and the four principal winds, N. S. E. and W., are the *cardinales venti.* (Serv. *ad Aen.* i. 85.) [J. Y.]

CARI'NA. [NAVIS.]

CARMENTA'LIA, an old Roman festival celebrated in honour of the nymph Carmenta or Carmentis, for an account of whom see *Dict. of Biog. s. v. Camenae.* This festival was celebrated annually on the 11th and the 15th of January, and no other particulars of it are recorded except that Carmenta was invoked in it as *Postvorta* and *Antevorta*, epithets which had reference to her power of looking back into the past and forward into the future. The festival was chiefly observed by women. (Ov. *Fast.* i. 634; Macrob. *Sat.* i. 7; Gell. xvi. 16; Serv. *ad Virg. Aen.* viii. 339; Hartung, *Die Religion der Römer*, vol. ii. p. 199.)

CARNEIA (καρνεῖα), a great national festival, celebrated by the Spartans in honour of Apollo

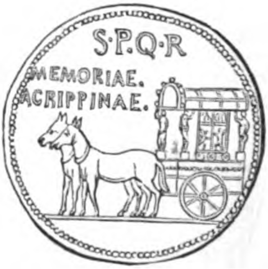
Carneios, which, according to Sosibius (*ap. Athen.* xiv. p. 635), was instituted Olymp. xxvi.; although Apollo, under the name of Carneios, was worshipped in various places of Peloponnesus, particularly at Amyclae, at a very early period, and even before the Dorian migration. (Müller, *Dor.* i. 3. § 8. and ii. 8. § 15.) Wachsmuth (*Hellen. Alterthumsk.* ii. p. 582, 2d ed.), referring to the passage of Athenaeus, above quoted, thinks that the Carneia had long before been celebrated; and that when, in Olymp. xxvi., Therpander gained the victory, musical contests were only added to the martial solemnities of the festival. But the words of Athenaeus, who is the *only* authority to which Wachsmuth refers, do not allow of such an interpretation, for no distinction is there made between earlier and later solemnities of the festival, and Athenaeus simply says, the institution of the Carneia took place Olymp. xxvi. (*Ἐγένετο δὲ ἡ θέσις τῶν Καρνείων κατὰ τὴν ἕκτην καὶ εἰκοστὴν Ὀλυμπιάδα, ὡς Σωσίβιός φησιν, ἐν τῷ περὶ χρόνων.*) The festival began on the seventh day of the month of Carneios = Metageitnion of the Athenians, and lasted for nine days. (Athen. iv. p. 141; Eustath. *ad Il.* xxiv. *sub fin.*; Plut. *Symp.* viii. 1.) It was, as far as we know, a warlike festival, similar to the Attic Boëdromia. During the time of its celebration nine tents were pitched near the city, in each of which nine men lived in the manner of a military camp, obeying in everything the commands of a herald. Müller also supposes that a boat was carried round, and upon it a statue of the Carneian Apollo (*Ἀπόλλων στεμματίας*), both adorned with lustratory garlands, called *δίκηλον στεμματιαῖον*, in allusion to the passage of the Dorians from Naupactus into Peloponnesus. (*Dorians*, i. 3. § 8. note *s.*) The priest conducting the sacrifices at the Carneia, was called *Ἀγητής*, whence the festival was sometimes designated by the name *Ἀγητόρια* or *Ἀγητόρειον* (Hesych. *s. v.* *Ἀγητόρειον*); and from each of the Spartan tribes five unmarried men (*Καρνεάται*) were chosen as his ministers, whose office lasted four years, during which period they were not allowed to marry. (Hesych. *s. v.* *Καρνεάται*.) Some of them bore the name of *Σταφυλοδρόμοι*. (Hesych. *s. v.*; compare Bekker, *Anecd.* p. 205.) Therpander was the first who gained the prize in the musical contests of the Carneia, and the musicians of his school were long distinguished competitors for the prize at this festival (Müller, *Dor.* iv. 6. § 3), and the last of this school who engaged in the contest was Pericleidas. (Plut. *De Mus.* 6.) When we read in Herodotus (vi. 106, vii. 206) and Thucydides (v. 54, and in other places) that the Spartans during the celebration of this festival were not allowed to take the field against an enemy, we must remember that this restriction was not peculiar to the Carneia, but common to all the great festivals of the Greeks: traces of it are found even in Homer. (*Od.* xxi. 258, &c.)

Carneia were also celebrated at Cyrene (Callimach. *Hymn. in Apoll.* 72. seq.), in Thera (Callimach. *l. c.*; Pindar, *Pyth.* v. 99. seq.), in Gythion, Messene, Sicyon, and Sybaris (Paus. iii. 21. § 7, and 24. § 5, iv. 33. § 5, ii. 10. § 2; Theocrit. v. 83; compare Müller's *Orchom.* p. 327). [L. S.]

CA'RNIFEX, the public executioner at Rome, who put slaves and foreigners to death (Plaut. *Bacch.* iv. 4. 37; *Capt.* v. 4. 22), but no citizens, who were punished in a manner different from slaves. It was also his business to administer the torture. This office was considered so disgraceful, that he was not allowed to reside within the city (Cic. *Pro Rabir.* 5), but he lived without the Porta Metia or Esquilina (Plaut. *Pseud.* i. 3. 98), near the place destined for the punishment of slaves (Plaut. *Cas.* ii. 6. 2; Tacit. *Ann.* xv. 60; Hor. *Epod.* v. 99), called Sestertium under the emperors. (Plut. *Galb.* 20.)

It is thought by some writers, from a passage in Plautus (*Rud.* iii. 6. 19), that the carnifex was anciently keeper of the prison under the triumviri capitales; but there does not appear sufficient authority for this opinion. (Lipsius, *Excurs. ad Tacit. Ann.* ii. 32.)

CARPENTUM, is one of the earliest kind of Roman carriages, of which we find mention. (Liv. i. 34.) It was the carriage in which Roman matrons were allowed to be conveyed in the public festal processions (Liv. v. 25; Isid. *Orig.* xx. 12); and that this was a considerable privilege is evident from the fact, that the use of carriages in the city was entirely forbidden during the whole of the republic. The privilege of riding in a carpentum in the public festivals, was sometimes granted as a special privilege to females of the imperial family. (Dion Cass. lx. 22, 33; Tac. *Ann.* xii. 42.) The form of this carriage is seen in the following medal struck in honour of the elder Agrippina after her death.

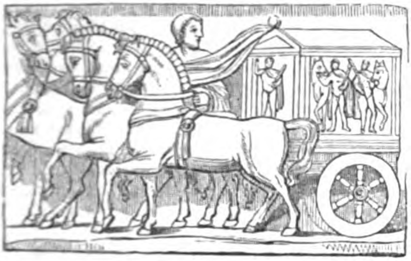


The carpentum was also used by private persons for journeys; and it was likewise a kind of state carriage, richly adorned and ornamented. (Prop. iv. 8. 23; Juv. viii. 147, ix. 132.)

This carriage contained seats for two, and sometimes for three persons, besides the coachman. (Liv. i. 34; Medals.) It was commonly drawn by a pair of mules (*carpentum mulare*, Lamprid. *Heliog.* 4); but more rarely by oxen or horses, and sometimes by four horses like a quadriga. For grand occasions it was very richly adorned. Agrippina's carriage, as above represented, shows painting or carving on the panels, and the head is supported by Caryatides at the four corners.

When Caligula instituted games and other solemnities in honour of his deceased mother Agrippina, her carpentum went in the procession. (Suet. *Calig.* 15.) This practice, so similar to ours of sending carriages to a funeral, is evidently alluded to in the alto-rilievo here represented, which is preserved in the British Museum. It has been taken from a sarcophagus, and exhibits a close carpentum drawn by four horses. Mercury, the conductor of ghosts to Hades, appears on the front, and Castor and Pollux with their horses on the side panel.

Carpenta, or covered carts, were much used by the Britons, the Gauls, the Cimbri, the Allobroges, and other northern nations. (Florus, i. 18, iii. 2,



3, and 10.) These, together with the carts of the more common form, including baggage-waggons, appear to have been comprehended under the term *carri*, or *carra*, which is the Celtic name with a Latin termination. The Gauls and Helvetii took a great multitude of them on their military expeditions; and, when they were encamped, arranged them in close order, so as to form extensive lines of circumvallation. (Caes. *Bell. Gall.* i. 24, 26.) [J. Y.]

CARPOU DIKE′ (*καρποῦ δίκη*), a civil action under the jurisdiction of the thesmothetae, might be instituted against a farmer for default in payment of rent. (Meier, *Att. Proc.* p. 531.) It was also adopted to enforce a judicial award when the unsuccessful litigant refused to surrender the land to his opponent (Hudtwalcker, p. 144; Meier, *Att. Proc.* p. 750), and might be used to determine the right to land (Harpocrat. *s. v.*, and Οὐσίας Δίκη), as the judgment would determine whether the plaintiff could claim rent of the defendant. [J. S. M.]

CARRA′GO, a kind of fortification, consisting of a great number of waggons placed round an army. It was employed by barbarous nations, as, for instance, the Scythians (Trebell. Poll. *Gallien.* 13), Gauls [Carpentum], and Goths (Amm. Marc. xxxi. 20). Compare Veget. iii. 10.

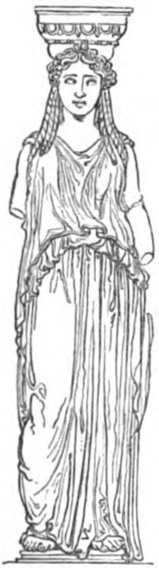
Carrago also signifies sometimes the baggage of an army. (Trebell. Poll. *Claud.* 8; Vopisc. *Aurelian.* 11.)

CARRU′CA, a carriage, the name of which only occurs under the emperors. It appears to have been a species of rheda [Rheda], whence Martial in one epigram (iii. 47) uses the words as synonymous. It had four wheels, and was used in travelling. Nero is said never to have travelled with less than 1000 carrucae. (Suet. *Ner.* 30.) These carriages were sometimes used in Rome by persons of distinction, like the carpenta [Carpentum], in which case they appear to have been covered with plates of bronze, silver, and even gold, which were sometimes ornamented with embossed work. Alexander Severus allowed senators at Rome to use carrucae and rhedae plated with silver (Lamprid. *Alex. Sev.* 43); and Martial (iii. 72) speaks of an *aurea carruca* which cost the value of a farm. We have no representations of carriages in ancient works of art which can be safely said to be carrucae; but we have several representations of carriages ornamented with plates of metal. (See Inghirami, *Monum. Etrusch.* iii. 18. 23; Millingen, *Uned. Mon.* ii. 14.) Carrucae were also used for carrying women, and were then, as well, perhaps, as in other cases, drawn by mules (Dig. 34. tit. 2. s. 13); whence Ulpian (Dig. 21. tit. 1. s. 38. § 8) speaks of *mulas carrucariae*.

CARRUS. [Carpentum.]

CA′RYA or CARYA′TIS (*καρύα, καρυατίς*), a festival celebrated at Caryae, in Laconia, in honour of Artemis Caryatis. (Hesych. *s. v.* Καρύαι.) It was celebrated every year by Lacedaemonian maidens (Καρυατίδες) with national dances of a very lively kind (Paus. iii. 10. § 8; iv. 16. § 5; Pollux, iv. 104), and with solemn hymns. [L. S.]

CARYA′TIS (*καρυᾶτις*), pl. CARYA′TIDES. From the notices and testimonies of ancient authors, we may gather the following account:—That Caryae was a city in Arcadia, near the Laconian border; that its inhabitants joined the Persians after the battle of Thermopylae (Herod. viii. 26; Vitruv. i. 1. § 5); that on the defeat of the Persians the allied Greeks destroyed the town, slew the men, and led the women into captivity; and that, as male figures representing Persians were afterwards employed with an historical reference instead of columns in architecture [Atlantes; Persae], so Praxiteles and other Athenian artists employed female figures for the same purpose, intending them to express the garb, and to commemorate the disgrace of the Caryatides, or women of Caryae. (Vitruv. *l. c.*; Plin. *H. N.* xxxvi. 45 and 11.) Figures of Caryatides are exceedingly common in the remains of ancient architecture. The following specimen is taken from Müller's *Denkmäler der alten Kunst*.



After the subjugation of the Caryatae, their territory became part of Laconia. The fortress (*χωρίον*, Steph. Byz.) had been consecrated to Artemis (*Diana Caryatis*, Serv. *in Virg. Ecl.* viii. 30), whose image was in the open air, and at whose annual festival (*Καρυᾶτις ἑορτή*, Hesych.) the Laconian virgins continued, as before, to perform a dance of a peculiar kind, the execution of which was called *καρυατίζειν*. (Paus. iii. 10. § 8; iv. 16. § 5; Lucian, *De Salt.*) [J. Y.]

CASSIS. [GALEA; RETE.]

CASTELLUM AQUAE. [AQUAEDUCTUS.]

CASTRA. It is well known that Roman armies never halted for a single night without forming a regular entrenchment, termed *castra*, capable of receiving within its limits the whole body of fighting men, their beasts of burden, and the baggage. So essential was this operation considered, that even when preparing for an immediate engagement, or when actually assailed by a hostile force, it was never omitted, but a portion of the soldiers were employed in constructing the necessary works, while the remainder were standing to their arms or resisting the enemy: and so completely was it recognised as a part of the ordinary duties of each march, that *pervenire ad locum tertiis . . . quartis . . . septuagesimis castris* are the established phrases for expressing the number of days occupied in passing from one point to another. Whenever circumstances rendered it expedient for a force to occupy the same ground for any length of time, then the encampment was distinguished as *castra stativa.* (Liv. xxvii. 12; Caes. *B. G.* viii. 15, *B. C.* i. 42; Hirt. *B. Af.* 51, *B. Al.* 74.)

When the protracted and distant wars in which the republic became engaged, as its sway was gradually extended first over the whole of Italy, and subsequently over Greece, Asia, and Africa, rendered it impossible for the legions to return home in winter, they usually retired during the months when active military operations were suspended, into some city where they could be protected from the inclemency of the season, and where the comforts of the men could be readily secured; or they were dispersed up and down in detachments among friendly villages (*in hiberna concedere; exercitum in hiberna dimittere; exercitum per civitates in hiberna dividere*). It is true that extraordinary emergencies, such as a protracted blockade, or the necessity of maintaining a constant watch upon the movements of a neighbouring and vigorous foe, might compel a commander to keep the field for a whole year or even longer, but to order an army, except in case of necessity, to winter under canvass (*hiemare sub pellibus; hiemem sub tentoriis exigere*) was long regarded as a severe punishment, inflicted only in consequence of grievous misconduct. (Frontin. *Strat.* iv. 1. § 24.) As the boundaries of the empire were gradually pushed forward into wild and barbarian lands, where there were no large towns and no tribes on whose faith reliance could be placed, such arrangements became impracticable, and armies, whether of invasion or occupation, were forced to remain constantly in camps. They usually, however, occupied different ground in summer and in winter, whence arose the distinction between *castra aestiva* and *castra hiberna*, both alike being *stativa.* Such posts were frequently, if situated advantageously, garrisoned permanently; and the peaceful natives who sought to enrich themselves by trading with their conquerors, settled for security in the immediate vicinity. (Caes. *B. G.* vi. 37.) Thus in the distant provinces, these forts formed a centre round which a numerous population gradually clustered; and many important towns, still existing in our own country, indicate their origin by the termination *chester.*

But whether a camp was temporary or permanent, whether tenanted in summer or in winter, the main features of the work were always the same for the same epoch. In hiberna, huts of turf or stone would be substituted for the open tents of the aestiva (hence *aedificare hiberna*), and in stativa held for long periods the defences would present a more substantial and finished aspect, but the general outline and disposition of the parts were invariable: a camp was laid down, arranged and fortified according to a fixed and well-known plan, modified only by the numbers for whom it was required to provide accommodation, but altogether independent of the nature of the ground or of the fancy of the general, so that each battalion, each company, and each individual, had a place assigned to which they could at once repair without order, question, delay, or confusion.

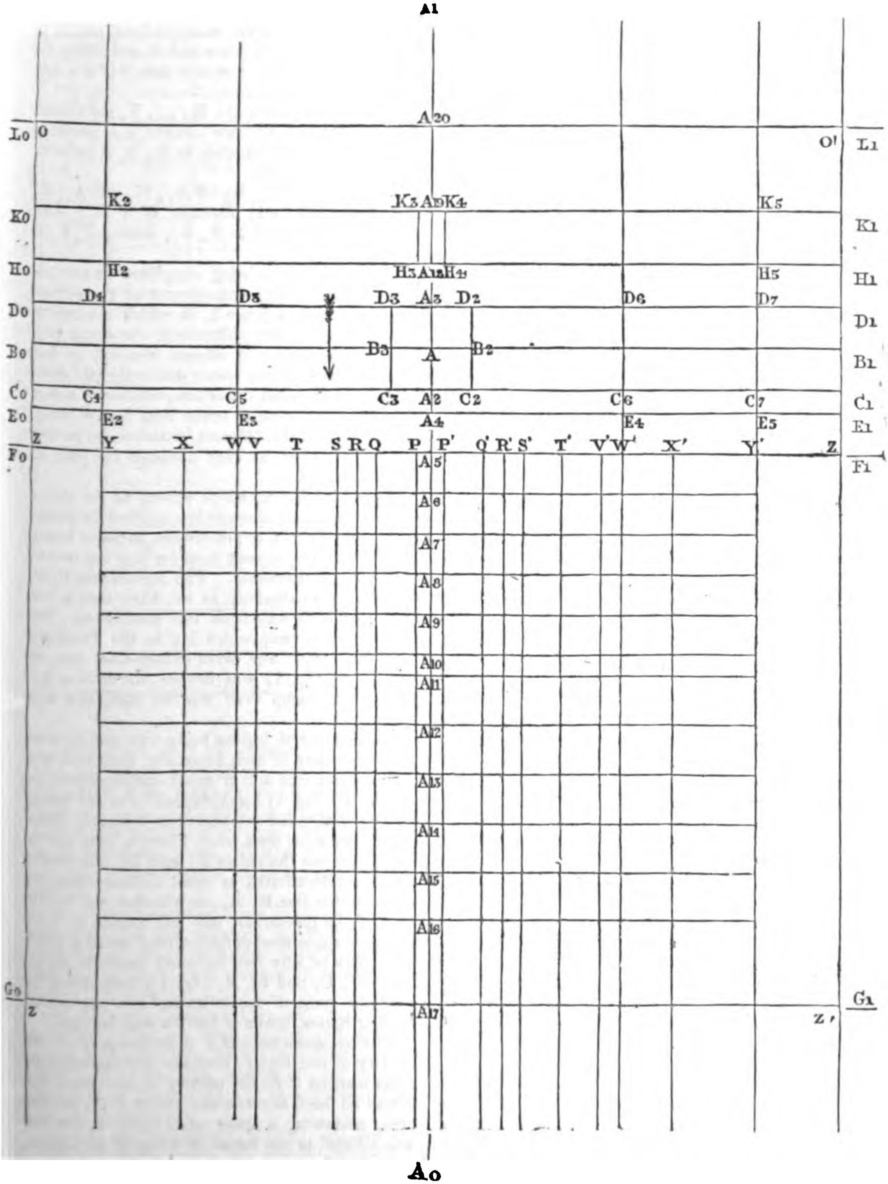
At what period the practice of throwing up elaborate field-works for the protection of an army engaged in active service was first commenced by the Romans, it is impossible to determine; but we may safely conclude that, like all other parts of their military tactics, it was matured by a slow and gradual process. Livy and Dionysius, indeed, would lead us to suppose that regular camps existed from the most remote epoch to which their annals extend; but the language of these historians is in general so loose upon all matters of antiquarian research, and they are so much in the habit of transferring to the earliest ages the usages of their own contemporaries, that no safe inference regarding points of this nature can be drawn from their words. Frontinus, on the other hand, declares that the idea of a fortified enclosure, calculated to contain a whole army, was first suggested to the Romans by the camp of Pyrrhus, which they captured near Beneventum; but the statements of this author have never been deemed to possess much weight, and in this particular instance many considerations preclude us from admitting his testimony as credible. It is evident, however, from the facts detailed in the article EXERCITUS that a camp, such as the earliest of those of which we possess any detailed account, could not have assumed that shape until the tactics of the phalanx were superseded by the manipular divisions; and it may be held as certain that each of the great wars in which the Commonwealth was successively engaged for more than a century—with the Samnites, with Pyrrhus, with the Cisalpine Gauls, and with the Carthaginians, must have led to a series of improvements. The system was probably brought to perfection in the campaigns against Hannibal, and underwent no material alteration until the organic changes in the constitution of the army, which took place not long before the downfal of the constitution, during the civil broils, and under the earlier emperors, rendered a corresponding change in the internal economy of the camp unavoidable. Hence, although it would be at once vain and unprofitable to attempt an investigation of the various changes through which a Roman camp passed before it assumed what may be called its normal shape, it is evidently absolutely necessary for all who desire to obtain even a slight knowledge of the Roman art of war, to make themselves acquainted with this important feature in their system during the best days of the republic and the empire. And fortunately the records of antiquity enable us to supply such information with considerable minuteness. Polybius, the friend and companion of the younger Scipio, has transmitted to us a description of a Roman camp, such as he must have often seen with his own eyes, and a certain Hyginus, a *gromaticus* or land surveyor, who flourished under Trajan and Hadrian, has left us a technical memoir on the art of castrametation as practised in his own day. To these some might feel inclined to add the remarks of Vegetius, who lived during the reign of Valentinian, but for reasons which are stated elsewhere [EXERCITUS] it will be more safe to neglect him altogether.

We shall proceed to describe these two camps in succession, it being understood that the leading statements with regard to the first are taken directly from Polybius, and those with regard to the second, from Hyginus, unless when the contrary is distinctly indicated. But while we endeavour to explain clearly all the parts of the camps themselves, we must refer to the article EXERCITUS for everything that concerns the different kinds of troops, their divisions, their discipline, and their officers.

I. CAMP OF POLYBIUS.

The camp described by Polybius is such as would be formed at the close of an ordinary day's

(Fig. 1.)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march by a regular consular army consisting of two Roman legions with the full contingent of Socii. Each legion is calculated at 4200 infantry and 300 cavalry, the Socii furnished an equal number of infantry and twice as many cavalry, so that the whole force would amount to 16,800 foot and 1800 horse.

Choice of the Ground.—Although, as stated above, the general outline, the defences, and the internal economy of a camp were altogether independent of the nature of the ground, yet great importance was attached to the choice of a fitting situation which should admit of being readily laid out in the required form, which should afford no facilities for attack or annoyance, which should be convenient for procuring wood, water, and forage, and which the army might enter and quit without danger of surprise. Skill in the selection of such a spot (*capere locum castris*) was ever considered as a high quality in a general, and we find it recorded among the praises of the most renowned commanders that they were wont in person to perform this duty (*e.g.* Liv. ix. 17, xxxv. 14, 28; Tacit. *Hist.* ii. 5, *Agric.* 20; comp. Quintil. *I. O.* xii. 3. § 5). Under ordinary circumstances, however, the task was devolved upon one of the military tribunes, and a certain number of centurions appointed from time to time for the purpose. These having gone forward in advance of the army until they reached the place near which it was intended to halt, and having taken a general survey of the ground, selected a spot from whence a good view of the whole proposed area might be obtained, that spot being considerably within the limits of the contemplated enclosure.

Construction.—The spot answering these conditions and which we shall call A (fig. 1.) was marked by a small white flag. The next object was to ascertain in what direction water and fodder might be most easily and securely provided—this direction we indicate by the arrow in the subjoined figure. Upon the position of A and the direction of the arrow depended the disposition of all the other parts of the work; for these two preliminary points being decided, the business of measuring out the ground (*metari castra*) commenced, and was executed, as we learn from various sources, with graduated rods (*decempedae*) by persons denominated *metatores*. The different steps of the process may be most briefly and distinctly set down in the ordinary language of a geometrical construction.

Through A draw a straight line A_0 A_1, parallel to the direction of the arrow, a straight line B_0 B_1 at right angles to A_0 A_1. These two straight lines A_0 A_1, and B_0 B_1, served as the bases by which the position of all the different divisions of the camp were determined.

Along A A_0 set off A A_2 = 100 feet; A_2 A_4 = 50 feet; A_4 A_5; A_5 A_6; A_6 A_7; A_7 A_8; A_8 A_9; A_9 A_{10} each = 100 feet; A_{10} A_{11} = 50 feet; A_{11} A_{12}; A_{12} A_{13}; A_{13} A_{14}; A_{14} A_{15}; A_{15} A_{16} each = 100 feet; A_{16} A_{17} = 200 feet.

Along A A_1 set off A A_3; A_3 A_{18}, each = 100 feet; A_{18} A_{19} = 167 feet; A_{19} A_{20} = 200 feet.

Through A_2; A_3; A_4; A_5; A_{17}; A_{18}; A_{19}; A_{20} draw C_0 C_1; D_0 D_1; E_0 E_1; F_0 F_1; G_0 G_1; H_0 H_1; K_0 K_1; L_0 L_1 straight lines parallel to B_0 B_1, and in like manner draw through A_6; A_7; .... A_{16} straight lines parallel to B_0 B_1, as marked in the figure.

On B_0 B_1 make A B_2; A B_3 each = 100 feet.

Through B_2 and B_3 draw straight lines parallel to A_0 A_1 cutting C_0 C_1 in C_2 and C_3, and cutting D_0 D_1 in D_2 and D_3; in this manner a square area C_2 C_3 D_3 D_2 is determined, each side of which = 200 feet.

Along A_5 F_0 set off A_5 P = 25 feet; P Q = 100 feet; Q R = 50 feet; R S = 50 feet; S T = 100 feet; T V = 100 feet; V W = 50 feet; W X = 133½ feet; X Y = 200 feet; Y Z = 200 feet.

Along A_5 F_1 set off A_5 P′; P′ Q′; Q′ R′ .... Y′ Z′, equal respectively to A_5 P; P Q; Q R; .... Y Z.

Through Z Z′ draw straight lines parallel to A_0 A_1, cutting G_0 G_1 in z and z′, and cutting L_0 L_1 in O and O′. The square area O O′ z′ z thus determined was the camp.

Again, through P; Q; R.... Y, and through P′; Q′; R′.... Y′ draw straight lines parallel to A_0 A_1, cutting the parallels to B_0 B_1 in the points marked in the figure.

Finally, on H_0 H_1 lay off A_{18} H_3 and A_{18} H_4 each = 25 feet, and through H_3; H_4; draw straight lines parallel to A_0 A_1, cutting K_0 K_1 in K_3 and K_4.

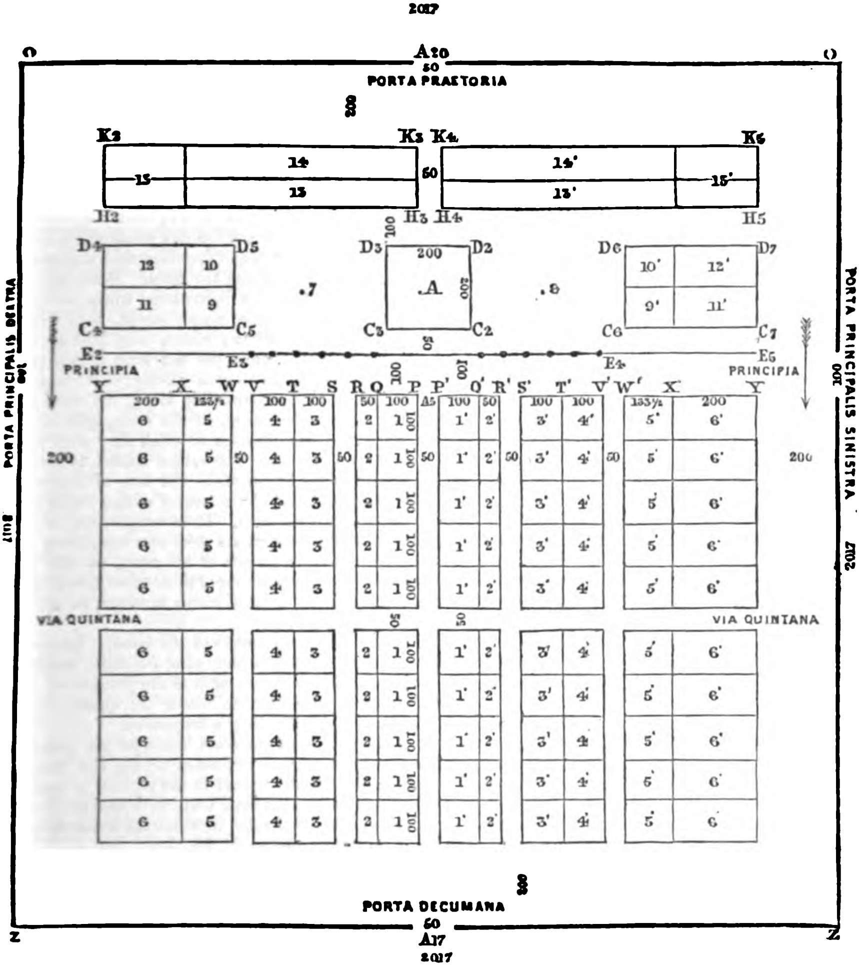
This construction being completed we now proceed to explain the arrangement of the different parts referring to figure 2, in which the lines no longer necessary are obliterated, the spaces occupied by the troops or officers enclosed by dark lines, and the streets (*viae*) distinctly laid down. In practice the most important points were marked by white poles, some of which bore flags of various colours, so that the different battalions on reaching the ground could at once discover the place assigned to them.

The white flag A, which served as the starting point of the whole construction, marked the position of the consul's tent, or *praetorium*, so called because *praetor* was the ancient term for any one invested with supreme command. The square area C_2 D_3 was left open extending, as we have seen, a hundred feet each way from the praetorium. That portion of the camp which lay in the direction of the arrow (πρὸς τὴν ἐκτὸς ἐπιφάνειαν) from the line E_0 E_1 (fig. 1) was termed the front or forepart of the camp (τοῦ παντὸς σχήματος κατὰ πρόσωπον).

The number of legions being two and the number of tribunes in each being six, their tents were arranged six and six at equal distances along the line E_0 E_1 (fig. 1) exactly opposite to and looking towards the legions to which they belonged. Hence, as will be seen from what follows, they did not extend beyond the points E_3 and E_4, but whether they were distributed at equal distances along the whole of the line E_3 E_4, or whether the space in front of the praetorium was left vacant, as in our figure, as seems most probable, may admit of doubt. The space of fifty feet included between the parallels C_0 C_1 and E_0 E_1 (fig. 1), immediately behind the tents of the tribunes, was appropriated to their horses, beasts of burden and baggage.

The ten areas marked 1 were set apart for the cavalry of one legion, and the corresponding ten areas marked 1′ for the cavalry of the other legion. These all faced towards the street P P′, and each area, containing a space of 10,000 square feet, was allotted to one turma or troop of 30 dragoons, with their horses and baggage.

(Fig. 2.)


2017
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50
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K3
K4
K6
14
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H3
H4
H5
D4
D5
D3
D2
D6
D7
C4
C5
C3
C2
C6
C7
A
7
8
E2
E3
E4
E5
PRINCIPIA
PRINCIPIA
Y X W V T S R Q P P′ Q′ R′ S′ T′ V′ W′ X′ Y
VIA QUINTANA
VIA QUINTANA
PORTA PRINCIPALIS DEXTRA
PORTA PRINCIPALIS SINISTRA
PORTA DECUMANA
A17
O
O
Z
Z

Back to back with the cavalry, and looking out upon the streets R S, R′ S′, the Triarii of the two legions were quartered in the areas 2 and 2′. Each area contained 5000 square feet, and was allotted to a maniple of 60 men; hence, according to the calculation here followed, a dragoon and his horse were allowed as much space as 4 foot soldiers.

In the areas marked 3 and 3′ facing the Triarii were quartered the principes of the two legions; each of these areas contained 10,000 square feet, and was allotted to a maniple of two centuries, that is, 120 men.

In the areas marked 4 and 4′, back to back with the principes, and looking out upon the streets V W, V′ W′, were quartered the Hastati of the two legions, the number of men being the same as in the Principes, and an equal space being assigned to them.

Facing the legionary Hastati, in the areas marked 5 and 5′, were the cavalry of the allies. The total number was 600 to each legion, but of these ⅓ or 200 were separated under the name of *extraordinarii*, and quartered in a different part of the camp. Consequently, each of the spaces 5 and 5′ was calculated to accommodate 40 dragoons with their horses; and allowing them the same space as the legionary cavalry, each of these areas must have contained somewhat more than 13,333 square feet.

Back to back with the cavalry of the allies, and looking towards the rampart which enclosed the camp, the infantry of the allies were quartered in the areas marked 6 and 6′. The total number was 3000 for each legion, but of these ⅕ or 600 were separated as *extraordinarii* and quartered in a different part of the camp. Hence there would remain 2400, or 240 for each of the spaces 6 and 6′, and these accordingly contained 20,000 square feet.

The open space immediately behind the tents and baggage of the tribunes, extending to the right and left of the space allotted to the general, was assigned on one side to a forum, and on the other, to the quaestor and his department (τῷ τε ταμίᾳ, καὶ ταῖς ἅμα τούτῳ χορηγίαις). These are marked 7 and 8, but we are not told on which side they respectively stood.

Still further to the right and left of the praetorium in 9, 10, and 9′, 10′, looking respectively towards the forum and the quaestorium, were a body of cavalry, selected from the extraordinarii equites (οἱ τῶν ἐπιλέκτων ἱππέων ἀπόλεκτοι), and a body of cavalry serving as volunteers out of compliment to the general (καί τινες τῶν ἐθελοντηδὸν στρατευομένων τῇ τῶν ὑπάτων χάριτι), analogous, probably, to the *Evocati* of later times. Back to back with these, looking towards the rampart, in 11, 12 and 11′ 12′, were quartered the foot-soldiers belonging to the same classes as the cavalry just named. On the march, these troops were always near the person of the consul and of the quaestor, and served as a sort of body-guard to them. Their number is nowhere specified, and hence the exact space required for their accommodation cannot be determined.

In 13 and 13′, looking towards the quaestorium, praetorium, and forum, were quartered the remainder of the extraordinarii equites. Back to back with these, facing the ramparts in 14 and 14′, were the remainder of the extraordinarii pedites. The spaces marked 15, 15′ on the flanks of 13, 14, 13′, 14′, were assigned to foreign troops or to allies not included in the regular contingent, who might chance to be present (τοῖς ἀλλοφύλοις καὶ τοῖς ἐκ τοῦ καιροῦ προσγιγνομένοις συμμάχοις).

The form of the camp was an exact square (τετράγωνον ἰσόπλευρον), the length of each side being 2017 Roman feet.

The clear space between the ramparts and the tents (*intervallum*) was 200 feet, and this was of the greatest service in facilitating the marching in and out of the soldiers without crowding or confusion. Here, also, cattle and other booty were kept and guarded; and the breadth was sufficient to prevent any ordinary missile or fire-brand hurled into the camp from doing serious injury.

The principal street, stretching right across in front of the tents of the tribunes, was 100 feet wide and was named *Principia*. It will be observed that the lengthened lines of the ten turmae and manipuli in each division is intersected at the termination of the first five by a road fifty feet wide, called the *Via Quintana*. The position of the remaining five viae in the fore-part of the camp, all of which intersect the Via Quintana at right angles, will be understood at once by inspecting the plan, the width of each being 50 feet.

When two consular armies encamped together within the same rampart, two ordinary camps were, it may be said, applied to each other at the ends nearest to their respective praetoria. The two praetoria faced in opposite directions, and the legions of the two consuls stretched their lines in front of each praetorium, so that the figure of the camp was now no longer a square, but a rectangle, whose length was twice that of an ordinary camp, the breadth being the same.

Although the words of Polybius are, as a whole, so full and clear that we can have little difficulty in forming a distinct conception of the camp which he describes and in delineating the different parts, it must not be concealed that he has altogether passed over many important points on which we should desire information, and that occasionally his language is not entirely free from ambiguity.

Under the head of omissions, we must note —

1. The absence of all information with regard to the manner in which the *Velites* were disposed of. These, at the time when Polybius wrote, amounted to 1200, or, at the lowest computation, to 1000 for each legion; and taking the same number for the contingent of the Socii, we shall thus have a body of at least 4000 men unprovided for. It is true that he subsequently states, in a passage which we quote below, that the velites kept guard by night and by day along the whole extent of the rampart, and that they were stationed in bodies of ten to watch the gates. Hence some have supposed that the light-armed troops always bivouacked outside the camp; others, that they occupied the intervallum; others, that, just as in the line of battle, they did not form a distinct corps, but were distributed among the hastati, principes, and triarii, according to a given ratio, so in like manner they were, in the camp, quartered along with those divisions to which they were attached in the field. The velites ceased to form a portion of the legion about the time of Marius, and consequently the later Roman writers throw no light upon the question. It is remarkable, also, that while Polybius passes them over completely in the internal arrangements of his camp, so also he takes no notice whatsoever of them when describing the *agmen* or the order of march in which an army usually advanced.

2. No mention is made of the *legati*. Lipsius, in his plan of a Roman camp after Polybius, assigns to them a compartment next to the praetorium on the side opposite to that where the quaestorium stood; but this is merely a conjecture.

3. The *praefecti sociorum* likewise are passed over. Since they corresponded among the troops of the allies to the tribuni in the legions, it seems highly probable that their tents were ranged along a prolongation of the line on which the latter stood, and thus they also would be placed immediately opposite to and looking towards the soldiers under their immediate command.

4. The number of tents allowed to each maniple or century is nowhere stated, and consequently the number of men in each tent is unknown, nor are we very distinctly told how the centurions and other officers of the infantry and cavalry inferior to the tribunes were provided for; it is merely said that the ταξίαρχοι in each maniple took the first tents on each side, that is, probably, at each end of the row which held one maniple.

5. With regard to the fortifications of the camp it is stated that the digging of the ditch (ταφρεία) and the formation of the rampart (χαρακοποιΐα) upon two sides of the camp was assigned to the socii, each division taking that side along which it was quartered; while the two remaining sides were in like manner completed by the legionaries, one by each legion. The work upon each side was portioned out among the maniples, the centurions acted as inspectors of the tasks performed by their respective companies, and the general superintendence was undertaken by two of the tribunes. The nature and the dimensions of the defences are not, however, specified. These consisted of a ditch (*fossa*), the earth from which was thrown inwards, and formed, along with turf and

stones, into a mound (*agger*), on the summit of which a strong palisade of wooden stakes (*sudes*, *valli*) was fixed forming the rampart (*Vallum* s. *Vallus* — χάραξ). We can scarcely doubt that the depth of the ditch, together with the height and breadth of the agger, were, under ordinary circumstances, fixed; but the measurements incidentally mentioned in isolated passages do not perfectly accord with each other. Among the works at Dyrrhachium (Caes. *B. C.* iii. 63) we read of a ditch 15 feet deep, and a vallum 10 feet high and 10 feet broad; in the war against the Bellovaci and other Gaulish tribes we find Caesar (*B. G.* viii. 9) fortifying his camp with a double ditch, 15 feet deep, with perpendicular sides (*directis lateribus*), and a vallum 12 feet high, on the top of which was a breast-work (*loricula*) and numerous towers three stories high connected with each other by bridges, the sides of these bridges next to the enemy being protected by a breast-work of fascines (*viminea loricula*). Both of these, however, as well as several others which we might quote, must be regarded as special cases. The practice of a later period is, as we shall see below, more clearly defined by Hyginus and others.

6. Neither the number nor the names of the openings in the vallum are given. We have abundant evidence to prove that there were four: —(1) *Porta Principalis dextra* and (2) *Porta Principalis sinistra* at the two extremities of the wide street called *Principia;* (3) *Porta Praetoria* s. *Extraordinaria*, so called from being situated on that side of the camp nearest to the *praetorium* and in the immediate vicinity of the quarters of the *extraordinarii;* (4) *Porta Decumana*, so called from being situated on that end where the tenth turmae and tenth maniples in each division were quartered. This gate was also called *Porta Quaestoria*, in consequence, it would seem, of the *Quaestorium* and the *Forum* having been at one time placed in its vicinity, and here unquestionably stood the *Quaestorium* in the camp of Hyginus, as we shall see below. Festus likewise has the gloss "*Quintana* appellatur porta in castris post praetorium, ubi rerum utensilium forum sit," and from *Quintana* in the sense of *Forum* comes the modern *Canteen*. The perplexity caused by these statements has induced some critics to reverse the positions of the *Porta Praetoria* and the *Porta Decumana* as marked in our plan; but this alteration will give rise to difficulties still more serious, as may be seen from consulting Polybius and the authorities referred to at the end of this paragraph; for we find it expressly stated that the *Porta Decumana* was on that side of the camp most remote from the enemy (*abs tergo castrorum; aversa castrorum; decumana maxime petebatur aversa hosti et fugientibus tutior*), leading out, as will be seen from the construction, in the direction from which wood, water, and other necessary supplies would be most easily and securely provided. (Liv. xl. 27, iii. 5, x. 32, xxxiv. 47; Tacit. *Ann.* i. 66, iv. 30; Festus, s. vv. *Praetoria porta*, *Principalis*, *Quintana;* Sueton. *Ner.* 26.)

We can scarcely doubt that the Portae must have been always defended by barriers of some kind; but when special precautions were required they were closed by regular gates defended by towers (*portis fores altioresque turres imposuit*, Caes. *B. G.* viii. 9).

7. In which direction did the Praetorium face? towards the Porta Praetoria or towards the legions and the Porta Decumana? On the reply to this question, which can be answered from conjecture only, depends the solution of the problem as to which was the Porta Principalis *dextra* and the P. P. *sinistra*. In like manner we cannot ascertain on which side of the Praetorium the Quaestorium was placed. But these are matters of small moment.

The above are the most important omissions in the description of Polybius. Our limits will not permit us to do more than simply to indicate one important point where a certain degree of ambiguity in his phraseology has given rise to doubt, discussion, and an irreconcilable difference of opinion. After detailing the arrangements adopted when two consular armies encamp together, he adds these remarkable words—ὅταν δὲ χωρὶς τ᾽ ἄλλα μεν ὡσαύτως, τὴν δ᾽ ἀγορὰν, καὶ τὸ ταμιεῖον, καὶ τὸ στρατήγιον, μέσον τιθέασι τῶν δυοῖν στρατοπέδων. Taking this sentence by itself, if the text be pure, and if the word στρατοπέδων be rendered, as apparently it must be rendered, *legions*, then we should be led to the conclusion that in a single camp, the Praetorium, the Quaestorium and the Forum were all situated somewhere about the middle of the *Via Quintana;* and this conclusion Schelius, one of the most acute and learned writers on the military affairs of the Romans, has actually adopted. This, however, is so completely at variance with the whole previous narrative of the historian who occupies himself from the commencement with a single consular camp, and lays down the site of the praetorium, as we have done above, in a manner so clear as to admit of no cavil, the whole construction, in fact, depending upon the spot thus assigned to the praetorium, that we are driven to make choice of one of these alternatives, either that there is a corruption lurking in the text, or that Polybius is here alluding to some peculiar expedient which was resorted to when two consular armies encamped beside each other, but were not actually included within the lines of a single camp. For a full and fair examination of this and of other difficulties which suggest themselves upon a close examination of Polybius and an impartial review of the chief arguments adduced by contending critics, the student may consult a tract entitled "Polybii Castrorum Romanorum formae interpretatio, scripsit G. F. Rettig," 4to. Hannov. 1828.

We now proceed to notice various particulars connected with the internal discipline of the camp.

The Camp Oath.—When an army encamped for the first time, the tribunes administered an oath to each individual quartered or employed within its limits, including slaves as well as freemen, to the effect that he would steal nothing out of the camp, but if he chanced to find any property that he would bring it to the tribunes. We must suppose that the solemn promise being once made, was considered as binding during the whole campaign, for it would have been impossible to have repeated a ceremony so tedious at the close of each march.

Distribution of Duty among the Officers.—In each legion the tribunes divided themselves into three sections of two each, and each section in turn undertook for two months the superintendence of all matters connected with the camp. It is not improbable that one tribune in each section assumed the chief command upon alternate days, or perhaps during alternate months, and hence Polybius generally speaks of one tribune only as acting, or of two when reference is made to both legions.

Officers parade. — Every morning at day-break the centurions and the equites presented themselves before the tents of the tribunes, and the tribunes in like manner, attended perhaps by the centurions and equites, presented themselves at the praetorium. The orders for the day were then issued by the consul to the tribunes, communicated by the tribunes to the centurions and equites, and through the centurions and equites reached the soldiers at the proper time.

Guards, Sentinels, &c. — Out of the twenty maniples of Principes and Triarii in each legion, two were appointed to take charge of the broad passage or street called *Principia*, extending right across the camp in front of the tents of the tribunes. This being the place of general resort during the day, and, as we know from various sources, the part of the camp in which the altars and the eagles stood, great pains were taken that it should be kept perfectly clean and regularly watered, a labour which would fall very light when portioned out among four maniples.

Of the remaining eighteen maniples of Principes and Hastati in each legion, three were assigned by lot to each of the six tribunes, and of these three maniples one in turn rendered each day certain services to the tribune to whom it was specially attached. It took charge of his tent and baggage, saw that the former was properly pitched upon ground duly levelled all round, and protected the latter from damage or plunder. It also furnished two guards (φυλάκεια) of four men each, who kept watch, some in front of the tent and some behind, among the horses. We may remark in passing, that four was the regular number for a Roman guard (φυλάκειον); of these one always acted as sentinel, while the others enjoyed a certain degree of repose, ready, however, to start up at the first alarm. Compare the Acts of the Apostles, cap. xii. παραδοὺς τέσσαρσι τετραδίοις στρατιωτῶν φυλάσσειν αὐτόν.

The Triarii were exempted from those duties imposed upon the Principes and Hastati, but each maniple of the Triarii furnished daily a guard of four men to that turma of the Equites which was quartered immediately behind them, in order to watch the horses, and to take care that they did not sustain any injury from getting entangled with their halters and heel ropes, or break loose and cause confusion and mischief.

One maniple was selected each day from the whole legionary force, to keep guard beside the tent of the general, that he might be secured alike from open danger and hidden treachery; this honourable task being devolved upon every maniple in rotation. Three sentinels were usually posted at the tents of the quaestor and of the legati; and by night sentinels kept watch at every maniple, being chosen out of the maniple which they guarded.

The Velites mounted guard by day and by night along the whole extent of the vallum: to them also in bodies of ten was committed the charge of the gates, while strong bodies of infantry and cavalry were thrown forward in advance of each gate, to resist any sudden onset, and give timely notice of the approach of the enemy.

Excubiae; excubias agere; excubare; are the general terms used with reference to mounting guard whether by night or by day. *Vigiliae; vigilias agere; vigilare;* are restricted to night duty: *Excubiae* and *Vigiliae* frequently denote not only the service itself, but also the individuals who performed it. *Stationes* is used specially to denote the advanced posts thrown forward in front of the gates, *Custodes* or *Custodiae* the parties who watched the gates themselves, *Praesidia* the sentinels on the ramparts, but all these words are employed in many other significations also.

Going the Rounds. — In order to ascertain the vigilance of the night sentinels (νυκτεριναὶ φυλακαί) an ingenious scheme was devised. Each guard (φυλάκειον) consisted, as we have seen, of four men, and each of these in turn stood sentinel for one of the four watches into which the night was divided. The sentinels to whom it fell to go upon duty in the first watch, were conducted in the afternoon to the tent of the tribune by lieutenants of the maniples to which they belonged. Each of these men received from the tribune four small tokens (ξυλήφια), numbered from one to four for the four watches, and bearing also marks indicating the legion, and maniple or century from which the guard was taken. The individual who received these tokens retained the one which answered to his own watch, and distributed the rest among his three comrades. The duty of going the rounds (*Vigilias circuire s. circumire*, comp. Fest. *s. v. fraxare*) was committed to the Equites, and for this purpose each legion supplied daily four, picked out from each turma in rotation by the commander of the troop. The eight persons thus selected decided by lot in which watch they should make their rounds, two being assigned to each watch. They then repaired to the tribune, and each individual received a written order specifying the posts which he was to visit, every post being visited in each watch by one or other of the two to whom the watch belonged. They then repaired in a body to the first maniple of the Triarii, and there took up their quarters, because it was the duty of one of the centurions of that maniple to give notice of the commencement of each watch by a trumpet blast. At the appointed time each eques, accompanied by some friends, who acted as witnesses, visited all the posts named in his written order, from each sentinel whom he found on the alert he received one of the tokens described above, but if the sentinel was asleep or absent, then the eques of the rounds called upon his companions to witness the fact, and departed. The same process was followed by all the others, and on the following morning the officers of the rounds repaired to the tent of the tribune and delivered up the tokens. If the number of these was found to be complete, then all was well, but if any one was wanting, then it could be at once ascertained to what guard and to what watch the missing token belonged. The centurion of the company was ordered to bring forward the men implicated, and they were confronted with the officer of the rounds. If the latter could prove by means of his witnesses, that he had actually visited the post in question, and found the sentinel asleep or absent, then the guilt of the sentinel could not be a matter of doubt; but if the officer failed to establish this, then the blame fell upon himself, and in either case the culprit was forthwith made over to a court martial. Sometimes we find centurions, tribunes, and even the general in chief represented as going the rounds, but under ordinary circumstances, the duty was performed as we have described. (Liv. xxii. 1, xxviii. 24 ; Sall. *Jug* 45. ; Tacit. *Hist.* ii. 29.)

Watchword.—The watchword for the night was not communicated verbally, but by means of a small rectangular tablet of wood (*πλατεῖον ἐπιγεγραμμένον*—*tessera*—to be carefully distinguished from the *ξυλήφιον* of the last paragraph), upon which it was written. One man was chosen out of each of those maniples and turmae which were quartered at that extremity of the lines most remote from the Principia. Each of these individuals (*tesserarius*) repaired towards sunset to the tent of the tribune, and received from him a *tessera*, on which the password and also a certain number or mark were inscribed. With this he returned to the maniple or turma to which he belonged, and taking witnesses, delivered it to the officer of the next adjoining maniple or turma, and he to the next until it had passed along the whole line, when it was returned by the person who received it last to the tribune. The regulation was that the whole of the tesserae should be restored before it was dark, and if any one was found wanting at the appointed time, the row to which it belonged could be at once discovered by means of the number or mark noticed above, an investigation took place at once into the cause of the delay, and punishment was inflicted upon the parties found to be in fault.

Not only mere passwords were circulated in this manner, but also, occasionally, general orders, as when we read in Livy, xxvii. 46, " Tessera per castra ab Livio consule data erat, ut tribunum tribunus, centurio centurionem, eques equitem, pedes peditem acciperet."

Although the tesserarius received the tessera from the tribune, it proceeded in the first instance from the commander-in-chief, as we may perceive from the passage just quoted, and many others. Under the empire it was considered the peculiar function of the prince to give the watchword to his guards. (Tacit. *Ann.* i. 7 ; comp. Suet. *Claud.* 42, *Ner.* 9.)

Breaking up a Camp.—On the first signal being given by the trumpet, the tents were all struck and the baggage packed, the tents of the general and the tribunes being disposed of before the others were touched. At the second signal the baggage was placed upon the beasts of burden ; at the third, the whole army began to move.

II. Camp of Hyginus.

Passing over a space of about 250 years, we find ourselves amidst an order of things altogether new. The name *Legiones* still remains, but all the ancient divisions, with the exception of the *Centuriae*, have disappeared. The distribution of the soldiers into *Velites*, *Hastati*, *Principes*, and *Triarii* did not endure more than half a century after the era of Polybius ; the organization by maniples was about the same period in a great measure superseded by the cohorts, and the cavalry were detached from the infantry and formed independent corps. In like manner the *Socii*, after the admission of the Italian states to the Roman franchise, ceased to form a separate class, and their place is now occupied by a motley crew of foreigners and barbarians serving in bands, designated by strange titles. We are reminded also that the republican form of government had given way to the dominion of a single individual by the appearance of a multitude of household troops and imperial bodyguards, distinguished by various appellations, and invested with peculiar privileges. A complete Roman army did not now consist of *Romanae Legiones cum Sociis*, or of *Legiones cum Sociis et Auxiliis*, but of *Legiones cum Supplementis*, the term *Supplementa* including the whole of the various denominations alluded to above. In what follows, we shall attempt to delineate a summer camp (*castra aestivalia*), intended to contain three legions, with their supplements, a force, which in the time of Hyginus corresponded to the regular consular army of the sixth and seventh centuries of the city. It is but right, however, to call attention to the fact, that we do not here tread upon ground so firm as when Polybius was our guide. The text of Hyginus presents many difficulties and many corruptions ; and there are not a few passages in which we are thrown too much upon conjecture. This, however, be it understood, applies almost exclusively to the minute details, for the general outline of the whole is clear and well ascertained. The plan sketched below, is taken almost entirely from Schelius, and the proportions of the different parts are carefully preserved. Omitting in this case the geometrical construction, we proceed at once to explain the figure.

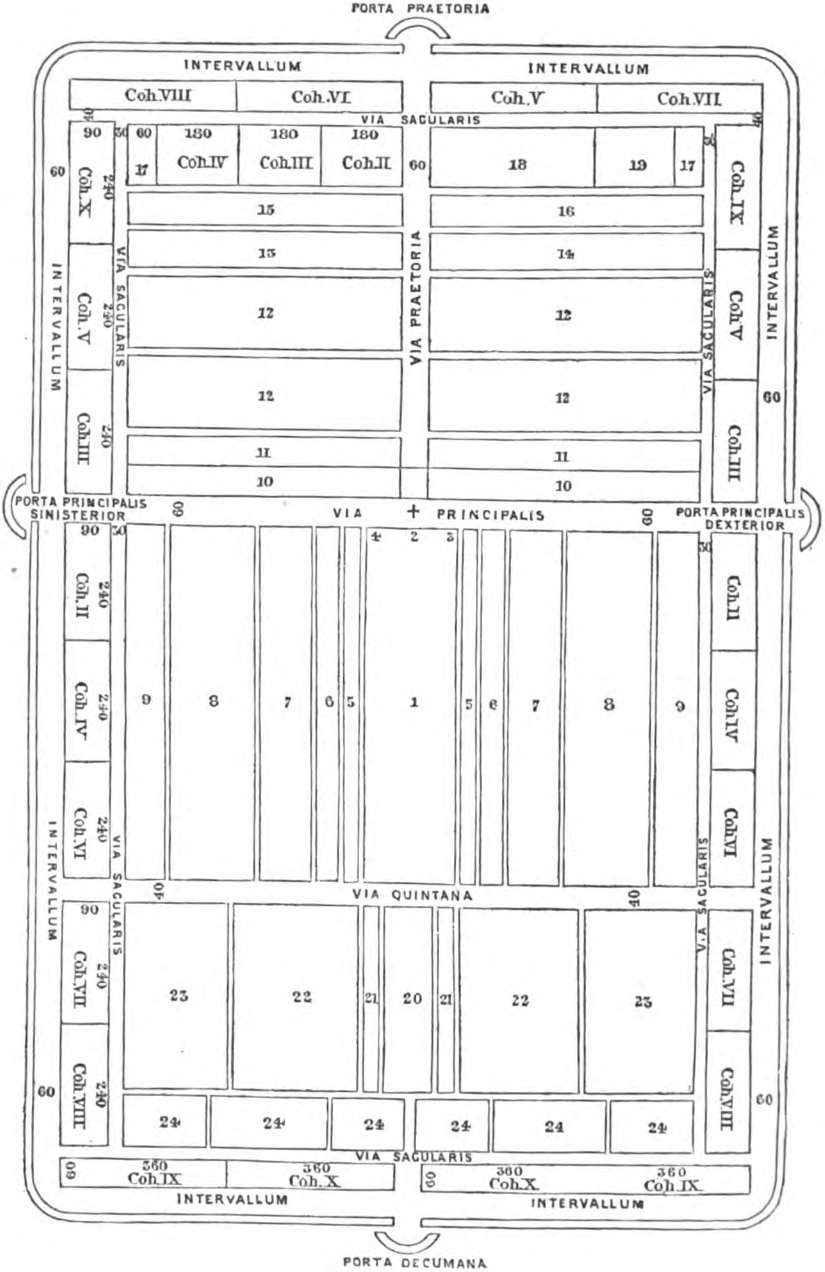
The point from which the whole of the measurements proceeded is marked with a small cross, and was called *Groma*, that being the name of an instrument employed by surveyors, analogous, in its uses at least, to the modern cross staff, plane table and level.

The general form of the inclosure was an oblong, the two longer sides being at equal distances from the Groma, rounded off at the angles (*angulos castrorum circinare oportet*), 2320 feet in length by 1620 feet in breadth, the general rule being that the length should exceed the breadth by one third (*castra in quantum fieri potuerit tertiata esse debebunt*) ; when larger it was called *Castra Classica*, because, says Hyginus, the ordinary *Buccinum* or bugle could not be heard distinctly from one extremity to the other.

The Groma stood in the middle of the principal street (*Via Principalis*), which was sixty feet wide, extending right across the camp, with the two *Portae Principales* at its extremities. The two remaining gates, which, like the former, retained their ancient names, were the *Porta Praetoria*, which was nearest to the enemy (*porta praetoria semper hostem spectare debet*), and the *Porta Decumana*, and these were placed in the centre of the two shorter sides of the oblong. Immediately behind the Groma, a rectangular space, 720 feet long by 180 broad, was set apart for the emperor or commander-in-chief, and, as in the consular camp, termed the *Praetorium*. Immediately behind the Praetorium, that is to say, at the extremity most distant from the Groma, a street called the *Via Quintana*, 40 feet wide, extended across the camp parallel to the Via Principalis. When the camp exceeded the ordinary dimensions, then two additional gates were formed at the extremities of the Via Quintana, the breadth of which was in that case increased to 50 feet.

It will be seen at a glance that the camp was divided into three segments by the Via Principalis and the Via Quintana. Each of these segments had a name. The whole of the middle segment, lying to the right and the left of the Praetorium,

(Fig. 3.)


PORTA PRAETORIA
INTERVALLUM
INTERVALLUM
Coh.VIII
Coh.VI
Coh.V
Coh.VII
VIA SAGULARIS
90
30
60
180
180
180
Coh.IV
Coh.III
Coh.II
60
17
18
19
17
60
Coh.X
240
Coh.IX
15
16
13
14
VIA SAGULARIS
VIA PRAETORIA
VIA SAGULARIS
INTERVALLUM
INTERVALLUM
Coh.V
240
12
12
Coh.V
12
12
60
Coh.III
240
11
11
10
10
Coh.III
PORTA PRINCIPALIS SINISTERIOR
60
VIA PRINCIPALIS
60
PORTA PRINCIPALIS DEXTERIOR
90
30
4
2
3
30
Coh.II
240
Coh.II
Coh.IV
240
9
8
7
6
5
1
5
6
7
8
9
Coh.IV
Coh.VI
240
Coh.VI
VIA SAGULARIS
40
VIA QUINTANA
40
VIA SAGULARIS
INTERVALLUM
INTERVALLUM
90
Coh.VII
240
23
22
21
20
21
22
23
Coh.VII
60
Coh.VIII
240
Coh.VIII
60
24
24
24
24
24
24
VIA SAGULARIS
60
360
Coh.IX
360
Coh.X
60
360
Coh.X
360
Coh.IX
INTERVALLUM
INTERVALLUM
PORTA DECUMANA

formed the *Latera Praetorii*. The segment included between the Via Principalis and that side of the camp in which the Porta Praetoria stood formed the *Praetentura*. The segment included between the Via Quintana and that side of the camp in which the *Porta Decumana* stood formed the *Retentura*.

The legiones being the most trustworthy of the troops in the provinces, were quartered by cohorts next to the rampart all round the camp, encircling completely with their lines the masses of foreigners, who, together with the imperial guards, formed the supplements.

A clear space of 60 feet (*intervallum*) was left between the tents of the legionaries and the ramparts, and they were separated from the quarters of the other troops, whom they surrounded, by a street called the *Via Sagularis*, which ran completely round the camp, so that the whole of the legionaries, with the exception of the first cohort in each legion, and three ordinary cohorts for whom there is not room in the outer ring, were bounded on one side by the intervallum and on the other by the *Via Sagularis*. The remaining streets not particularly specified were comprehended under the general name *Viae Vicinariae* s. *Vicinales*, and their breadth was 20 feet.

The defences of a camp might be fourfold:—1. *Fossa*. 2. *Vallum*. 3. *Cervoli*. 4. *Arma*.

1. The *Fossa* might be of two kinds, *a*. The *Fossa fastigata*, with both sides sloping, so as to form a wedge; or, *b*. the *Fossa Punica*, of which the outer side was perpendicular, the inner side sloping, as in the fossa fastigata. The breadth in either case was to be at least 5 feet, the depth 3 feet. Outside of each gate a ditch was dug extending on both sides somewhat beyond the gate: this, on account of its shortness, was called *Titulus*, and in front of the titulus was a small semicircular redoubt (*clavicula*).

2. The *Vallum* was formed of earth and turf, or of stone, 6 feet in height, 8 feet broad.

3. When the nature of the ground did not admit of the construction of a sufficient vallum, then a chevaux de frise (*cervoli*) was substituted.

4. When neither a Vallum nor Cervoli could be employed, then the camp was surrounded by a ring of armed men four deep, numerous sentries were posted in each line, and the cavalry patrolled in turn in every direction.

The words of Hyginus would lead us to suppose that when no danger was apprehended, a ditch alone was considered sufficient; and even this was excavated merely for the sake of exercising the men (*causa disciplinae*).

We can now proceed to point out in what manner the three segments were occupied, referring to the numbers on the figure, it being understood that, as before, we shall not enter here into any discussions regarding the origin and character of the different battalions named, all information upon such matters being given in the article EXERCITUS.

A. *Praetorium et Latera Praetorii.*

1. *Praetorium*. 2. *Arae*, on which public sacrifice was offered. The position assigned to them is conjectural; but they were, at all events, in the immediate vicinity of this spot. 3. *Auguratorium*, in which the Imperator took the auspices — the altars were perhaps erected in front of this place, at least such was the case sometimes. (See Tacit. *Ann.* xv. 30, where the form *Augurale* is employed.) 4. *Tribunal*, the elevated platform from which addresses were delivered to the troops. Close to the praetorium was a guardhouse (*stationi dari oportet secundum praetorium pedes viginti*). 5. *Comites Imperatoris*, the personal staff of the Imperator, among whom the chief place, next to the Via Principalis, was assigned to the Praefectus Praetorio. 6. *Equites singulares Imperatoris et Equites Praetoriani*: the number of these was variable; but Hyginus gives as an average 450 of the former and 400 of the latter. 7. *Cohortes praetoriae quatuor*. *Primipilares*. *Evocati*. *Officiales*. The praetorians were allowed twice as much space as the troops of the line. 8. *Alae quingenariae quatuor*. 9. In each of the spaces marked 9, on the extreme right and left of the Praetorium, bordering on the Via Sagularis (*per rigorem viae sagularis*) was placed the first cohort and the *vexillarii* of one legion. The first cohort and the vexillarii of the remaining legion will be found in the Praetentura. The first cohort of a legion contained 960 men, being twice as numerous as the others; the *vexillarii* of a legion amounted to about 500.

B. *Praetentura.*

10. *Scamnum Legatorum*. The quarters of the legati. 11. *Scamnum Tribunorum*. Immediately behind the legati, were the legionary tribunes and the tribunes of the praetorian cohorts.

In the language of surveyors, *scamnum* was a rectangular figure, whose breadth exceeded its length, *striga* a rectangular figure, whose length exceeded its breadth. So, *Signa* and *Tabulinum* are the terms used with reference to the direction of the length and breadth respectively: thus, "Cohors prima causa signorum et aquilae intra viam sagulariam, et quoniam duplum numerum habet, duplam pedaturam accipiet, ut, puta, *signis pedes centum viginti, tabulino pedes trecentos sexaginta, vel signis centum octoginta tabulino pedes ducentos quadraginta*." It is the more necessary to call attention to this, because these significations have been passed over by the best lexicographers, and we find that some modern expounders of Hyginus imagine *Tabulinum* to have been an office where the books and accounts of the legion were kept. Another example of the use of these words will be given below. 12. *Alae milliariae quatuor*, one in each of these four compartments. 13. *Valetudinarium*, the hospital for the sick soldiers. 14. *Veterinarium*, the hospital for the sick horses. 15, 16. *Classici*, marines employed as pioneers. *Mauri equites sexcenti*. *Pannonii Veredarii octingenti*. These two bodies of light cavalry were quartered near the classici, because, when the latter were sent in advance to clear the way, they were guarded by the former. 17. *Exploratores*. General Roy in his plan places them in these two small compartments, but it appears more probable from the words of Hyginus, that they were quartered all together on the side next to 19. 18 and 19. The first cohort of the remaining legion and its *Vexillarii*.

On the opposite side of the Via Praetoria, three legionary cohorts, for whom there was not sufficient space outside of the Via Sagularis.

In the Praetentura stood also the *Fabrica* or workshop of the carpenters and armourers, erected at a distance from the Valetudinarium, so that the noise might not disturb the patients.

Within the scamnum of the legati were the *Scholae* of the first cohorts, the places apparently where the superior officers of the legions assembled in order to receive the general orders of the day.

C. *Retentura.*

20. *Quaestorium*. This space corresponded in name only with the Quaestorium of the Polybian camp, for it was no longer assigned to a quaestor (*Quaestorium dicitur quod aliquando ibi quaestores pedaturam acceperint*). It was occupied partly by prisoners of rank, hostages, and plunder, and here

perhaps the Praefectus Castrorum may have been quartered, unless we are to look for him among the *Comites Imperatoris.*

21. *Statorum centuriae duae*, who guarded the rear of the praetorium, and always kept close to the person of the Imperator. These, like the praetorians, had double space assigned to them.

22. *Cohortes equitatae milliariae duae. Cohortes equitatae quingenariae quatuor.*

23. *Cohortes peditatae milliariae tres. Cohortes peditatae quingenariae tres.*

24. *Nationes.* Barbarian troops. *Palmyreni quingenti. Gaetus nongenti. Daci septingenti. Britones quingenti. Cantabri septingenti.* Among these we find enumerated *Sumactares*, a word which no one has succeeded in explaining, but it is in all probability a corrupt form.

Camels with their riders (*cameli cum suis epibatis*) were frequently included among the constituents of an army, being used both in offensive operations, and also in carrying plunder.

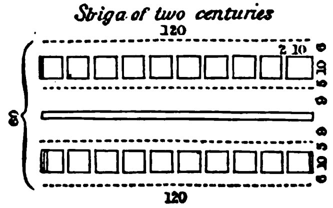
Two points strike us forcibly when we compare the camp of Hyginus with that of Polybius; first, the flimsy character of the fortifications, which must be attributed to the disinclination felt by the soldiers to perform regularly and steadily the same amount of labour which was cheerfully executed by soldiers of the republic; and, secondly, the desire every where visible to economise space, and compress every thing within the narrowest possible limits. Although the numbers of an army, such as we have been considering above, cannot be determined with absolute precision, they must, on the lowest computation, have exceeded 40,000 men, and these were crowded together into less than one half the space which they would have occupied according to the ancient system, the proportion of cavalry, moreover, being much larger in the imperial force. The camp of Polybius, calculated for less than 20,000, contains upwards of four millions of square feet, while the camp of Hyginus embraces little more than three millions and seven hundred thousand.

We may conclude with a few words upon a topic entirely passed over by Polybius, but on which Hyginus affords ample information in so far as the usages of his own day are concerned — the number and arrangement of the tents.

A double row of tents (*papiliones*) facing each other, with a space between for piling the arms of the soldiers, and for receiving the beasts of burden and the baggage, was termed *Striga;* a single row, with a corresponding space in front, *Hemistrigium.* The normal breadth of a *Striga* was 60 feet, of a *Hemistrigium* 30 feet, made up as follows: — 10 feet were allowed for the depth of each tent, 6 feet for a passage behind the tent, 5 feet for the arms piled in front of the tent, 9 feet for the *jumenta* and baggage; total 30 feet for the hemistrigium, which doubled for the striga gives 60, the space between the rows being 28 feet. The length of the striga or hemistrigium varied according to circumstances.

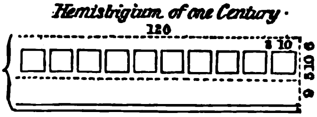
A full legionary century (*plena centuria*), when Hyginus wrote, consisted of 80 men, who occupied 10 papiliones. The length allowed for each papilio was 12 feet, 10 feet for the papilio itself, and 2 feet for lateral passages (*incrementum tensurae*), and thus the length of the line along which the papiliones of a century stretched was 10 × 12 = 120 feet. Out of this the centurion had a space allotted to him equal to that required for 2 tents, so that the privates of the century occupied 8 tents only, that is, they were quartered at the rate of 10 men to each tent. But since 16 men or 4 guards (τετραδια) in each century were always out upon duty, there were never more than 8 men actually in a tent at the same time.

(Fig. 4.)



Since a striga 120 feet in length and 60 feet in breadth, containing 7200 square feet, was allotted to 2 centuries, and since an ordinary legionary cohort contained 6 centuries, it follows that the space required for each cohort (*pedatura cohortis*) of 480 men was 21,600 square feet.

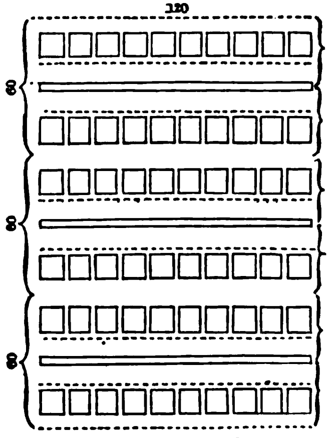
(Fig. 5.)



The troops were usually quartered in cohorts, and these might be variously disposed, it being always desirable that a whole century should always be ranged in an unbroken line.

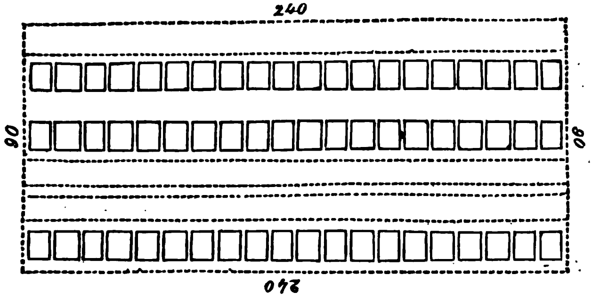
If the striga was equal to one century in length, then the cohort would occupy three strigae in breadth, that is, a space 120 feet long, by 180 broad = 21,600 square feet. See fig. (6.)

(Fig. 6.)



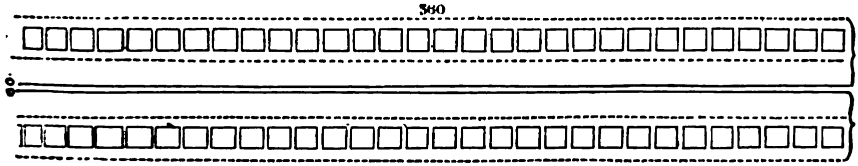
If the striga was equal in length to two centuries, then the cohort would occupy one whole striga and a hemistrigium, that is, a space 240 feet long by 90 feet broad = 21,600 square feet. See fig. (7.)

(Fig. 7.)



If the striga was equal in length to three centuries, then the cohort would occupy one striga only, or a space 360 feet long by 60 feet broad =21,600 square feet. See fig. (8.)

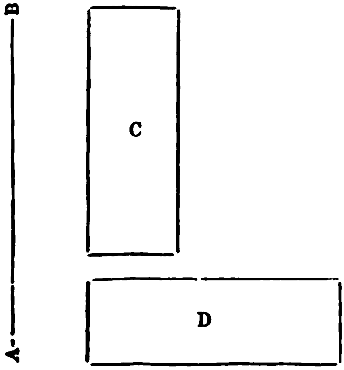
(Fig. 8.)



It is to be observed that in the plan of the camp given above, the legionary cohorts on the longer sides are in strigae of 240 feet in length, those on the shorter sides in strigae of 360 feet in length.

When the number of legions in an army was greater in proportion to the supplementa than in the army which we have reviewed, then in order that they might still be ranged outside of the Via Sagularis, the strigae presented their breadth to the vallum instead of their length, or to use the technical phrase, the length which in the former case had been assigned to the *Signa*, was now given to the *Tabulinum* (*Quodsi legiones plures acceperimus et supplementa pauciora ut necessarium sit cohortes circa vallum crebrius ponere convertemus pedaturam*, QUOD FUERAT SIGNIS TABULINO DABIMUS).

If A B be the line of the vallum, C will represent the position of the cohort in the one case, D in the other.



Josephus, in his account of the Jewish war, takes special notice of the Roman encampments, and, although he does not enter into minute details, his observations, with which we shall conclude this article, form a useful supplement to Hyginus. It is evident from the numerous artizans for whom workshops are provided, from the towers with which the vallum was strengthened, and from the precaution of setting fire to every thing left behind, that the words of the historian refer chiefly to Castra Stativa. He begins by remarking (*B. J.* iii. 5) that the Romans when invading an enemy's country never hazard an engagement until they have fortified a camp (οὐ πρὶν ἅπτονται μάχης ἢ τειχίσαι στρατόπεδον), which, in form, is a square (διαμετρεῖται δὲ παρεμβολὴ τετράγωνος), with four gates, one on each side. The rampart by which it is surrounded exhibits the appearance of a wall furnished with towers at equal distances, and in the spaces between the towers is placed the artillery ready for immediate service (τούς τε ὀξυβελεῖς, καὶ καταπέλτας, καὶ λιθοβόλα, καὶ πᾶν ἀφετήριον ὄργανον τιθέασιν, ἅπαντα πρὸς τὰς βολὰς ἕτοιμα). The camp is divided conveniently by streets, in the middle are the tents of the officers, and in the very centre of all the praetorium (τὸ στρατήγιον); there is also a forum (ἀγορά τις ἀποδείκνυται), and a place for artificers (χειροτέχναις χωρίον), of whom a great number follow the army with building tools, and seats for the tribunes and centurions (θῶκοι τε λοχαγοῖς καὶ ταξιάρχοις), where they decide any disputes which may arise. When necessary (εἰ δὲ ἐπείγοι) a ditch is dug all round, four cubits deep and four cubits broad.

At day dawn (ὑπὸ δὲ τὴν ἕω) all the soldiers repair to the tents of their respective centurions (ἐπὶ τοὺς ἑκατοντάρχας) and salute them: the centurions repair to the tribunes (πρὸς τοὺς χιλιάρχους), along with whom all the centurions (*ταξίαρχαι*) repair to the commander-in-chief, from whom they receive the watchword (*σημεῖον*) and the general orders of the day, to be conveyed by them to their respective divisions.

When a camp is broken up, at the first blast of the trumpet the soldiers strike the tents, and pack up the utensils; at the second they load the mules and other beasts of burden, set fire to every thing which could prove serviceable to an enemy, and stand like coursers ready to start forward on a race; the third gives the last warning that all things being now prepared every man must be in his place. Then the herald, standing at the right hand of the general, demands thrice if they are ready for war, to which they all respond with loud and repeated cheers that they are ready, and for the most part, being filled with martial ardour, anticipate the question, and raise their right hands on high with a shout. (*B. J.* iii. 5. § 4.) [W. R.]

CATAGO′GIA (*καταγώγια*). [Anagogia.]

CATAGRAPHA. [Pictura.]

CATA′LOGUS (*κατάλογος*), the catalogue of those persons in Athens who were liable to regular military service. At Athens, those persons alone who possessed a certain amount of property, were allowed to serve in the regular infantry, whilst the lower class, the thetes, had not this privilege. Thus the former are called *οἱ ἐκ καταλόγου στρατεύοντες*, and the latter *οἱ ἔξω τοῦ καταλόγου*. (Xen. *Hell.* ii. 3. § 20.) Those who were exempted by their age from military service, are called by Demosthenes (*De Synt.* p. 167.) *οἱ ὑπὲρ τὸν κατάλογον*. It appears to have been the duty of the generals (*στρατηγοί*) to make out the list of persons liable to service [Astrateias Graphe], in which duty they were probably assisted by the demarchi, and sometimes by the *βουλευταί*. (Dem. *c. Polycl.* p. 1208.)

CATALU′SEOS TOU DEMOU GRAPHE′ (*καταλύσεως τοῦ δήμου γραφή*), was an action brought against those persons who had altered, or attempted to alter, the democratical form of government at Athens. A person was also liable to this action who held any public office in the state after the democracy had been subverted. (Andoc. *de Myst.* p. 48.) This action is closely connected with the *προδοσίας γραφή* (*ἐπὶ προδοσίᾳ τῆς πολέως, ἢ ἐπὶ καταλύσει τοῦ δήμου*, Demosth. *c. Timocr.* p. 748), with which it appears in some cases to have been almost identical. The form of proceeding was the same in both cases, namely, by *εἰσαγγελία*. In the case of *καταλύσεως τοῦ δήμου*, the punishment was death; the property of the offender was confiscated to the state, and a tenth part dedicated to Athena. (Andoc. *De Myst.* p. 48.)

CATAPHRA′CTI (*κατάφρακτοι*). 1. Heavy-armed cavalry, the horses of which were also covered with defensive armour (Serv. *ad Virg. Aen.* xi. 771), whence they are called by Pollux (i. 140) *περιπεφραγμένοι*. The armour of the horses consisted either of scale armour, or of plates of metal, which had different names according to the parts of the body which they protected. Pollux (i. 140) speaks of the *προμετωπίδιον*, *παρώπιον*, *παρήϊον*, *προστερνίδιον*, *παραπλευρίδιον*, *παραμηρίδιον*, *παρακνημίδιον*. Among many of the Eastern nations, who placed their chief dependence upon their cavalry, we find horses protected in this manner; but among the Romans we do not read of any troops of this description till the later times of the empire, when the discipline of the legions was destroyed, and the chief dependence began to be placed on the cavalry.

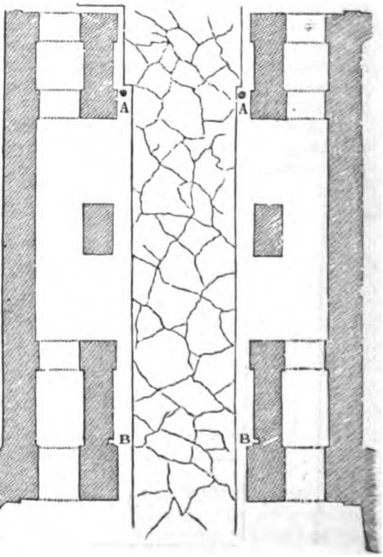
This species of troops was common among the Persians from the earliest times, from whom it was adopted by their Macedonian conquerors. (Liv. xxxv. 48; xxxvii. 40.) In the army of the elder Cyrus, Xenophon (*Cyr.* vi. 4. § 1) says that the horses were protected by coverings for the forehead and chest (*προμετωπιδίοις καὶ προστερνιδίοις*); and the same was the case with the army of Artaxerxes, when he fought with his younger brother. (Xen. *Anab.* i. 8. § 7.) Troops of this description were called *clibanarii* by the Persians (*cataphracti equites, quos clibanarios dictitant Persae*, Amm. Marc. xvi. 10; compare Lamprid. *Alex. Sev.* 56). We first read of cataphracti in the Roman army in the time of Constantine. (Amm. Marc. *l. c.*)

2. The word was also applied to ships which had decks, in opposition to *Aphracti*. [Navis.]

CATAPIRA′TER (*καταπειρατηρία, βολίς*), the lead used in sounding (*ἐν τῷ βολίζειν*), or fathoming the depth of water in navigation. The mode of employing this instrument appears to have undergone no change for more than two thousand years, and is described with exactness in the account of St. Paul's voyage and shipwreck at Melite. (*Acts*, xxvii. 28.) A cylindrical piece of lead was attached to a long line, so as to admit of being thrown into the water in advance of the vessel, and to sink rapidly to the bottom, the line being marked with a knot at each fathom, to measure the depth. (Isid. *Orig.* xix. 4; Eustath. *in Il.* v. 396.) By smearing the bottom of the lead with tallow (*unctum*, Lucilius, *ap. Isid. l. c.*), specimens of the ground were brought up, showing whether it was clay (Herod. ii. 5), gravel, or hard rock. [J. Y.]

CATAPULTA. [Tormentum.]

CATARACTA (*καταῤῥάκτης*), a portcullis, so called because it fell with great force and a loud noise. According to Vegetius (*De Re Mil.* iv. 4), it was an additional defence, suspended by iron



rings and ropes, before the gates of a city, in such a manner that, when the enemy had come up to the gates, the portcullis might be let down so as to shut them in, and to enable the besieged to assail them from above. In the accompanying plan of the principal entrance to Pompeii, there are two sideways for foot passengers, and a road between them, fourteen feet wide, for carriages. The gates were placed at A, A, turning on pivots [Cardo], as is proved by the holes in the pavement, which still remain. This end of the road was nearest to the town; in the opposite direction, the road led into the country. The portcullis was at B, B, and was made to slide in grooves cut in the walls. The sideways, secured with smaller gates, were roofed in, whereas the portion of the main road between the gates (A, A) and the portcullis (B, B) was open to the sky. When, therefore, an attack was made, the assailants were either excluded by the portcullis; or, if they forced their way into the barbican and attempted to break down the gates, the citizens, surrounding and attacking them from above, had the greatest possible facilities for impeding and destroying them. Vegetius speaks of the "cataracta" as an *ancient* contrivance; and it appears to have been employed by the Jews at Jerusalem as early as the time of David. (*Psal.* xxiv. 7, 9; comp. *Jer.* xx. 2. Sept.) [J. Y.]

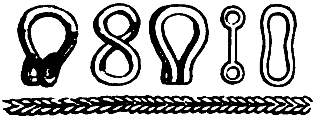
KATASKOPES GRAPHE′ (*κατασκοπῆς γραφή*), an action brought against spies at Athens. If a spy was discovered, he was placed on the rack, in order to obtain information from him, and afterwards put to death. (Antiphanes, *ap. Athen.* ii. p. 66, d.; Dem. *De Cor.* p. 272; Aeschin. c. *Ctesiph.* p. 616; Plut. *Vit. dec. Orat.* p. 848, a.) It appears that foreigners only were liable to this action; since citizens, who were guilty of this crime, were accused of *προδοσία*.

CATASTA. [Servus.]

CATEIA, a missile used in war by the Germans, Gauls, and some of the Italian nations (Virg. *Aen.* vii. 741; Val. Flac. vi. 83; Aul. Gell. x. 25), supposed to resemble the aclis. (Serv. *in Aen. l. c.*; Isid. *Orig.* xviii. 7.) It probably had its name from *cutting;* and, if so, the Welsh terms *catai*, a weapon, *cateia*, to cut or mangle, and *catau*, to fight, are nearly allied to it. [J. Y.]

CATELLA. [Catena.]

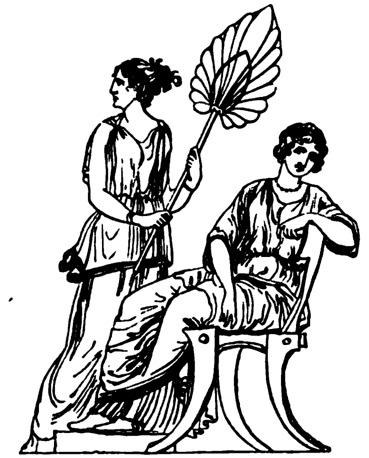
CATE′NA, dim. **CATELLA** (*ἅλυσις*, dim. *ἁλύσιον*, *ἁλυσίδιον*), a chain. The chains which were of superior value, either on account of the material or the workmanship, are commonly called *catellae* (*ἁλύσια*), the diminutive expressing their fineness and delicacy as well as their minuteness. The specimens of ancient chains which we have in bronze lamps, in scales [Libra], and in ornaments for the person, especially necklaces [Monile], show a great variety of elegant and ingenious patterns. Besides a plain circle or oval, the separate link is often shaped like the figure 8, or is a bar with a circle at each end, or assumes other forms, some of which are here shown. The links are also found so closely entwined, that the chain resembles platted wire or thread, like the gold chains now manufactured at Venice. This is represented in the lowest figure of the woodcut.



These valuable chains were sometimes given as rewards to the soldiers (Liv. xxxiv. 31); but they were commonly worn by women (Hor. *Ep.* i. 17. 55), either on the neck (*περὶ τὸν τράχηλον ἁλύσιον*, Menander, p. 92, ed. Mein.), or round the waist (Plin. *H. N.* xxxiii. 12); and were used to suspend pearls, or jewels set in gold, keys, lockets, and other trinkets. [J. Y.]

CATERVA′RII. [Gladiatores.]

CA′THEDRA, a seat; but the term was more particularly applied to the soft seats used by women, whereas *sella* signified a seat common to both sexes (*inter femineas cathedras*, Mart. iii. 63, iv. 79; Hor. *Sat.* i. 10. 91; Prop. iv. 5. 37). The cathedrae were, no doubt, of various forms and sizes; but they usually appear to have had backs to them, as is the case in the one represented in the annexed woodcut, which is taken from Sir William Hamilton's work on Greek vases. On the cathedra is seated a bride, who is being fanned by a female slave with a fan made of peacock's feathers.



Women were also accustomed to be carried abroad in these cathedrae instead of in lecticae, which practice was sometimes adopted by effeminate persons of the other sex (*sexta cervice feratur cathedra*, Juv. *Sat.* i. 65; compare ix. 51). The word cathedra was also applied to the chair or pulpit from which lectures were read. (Juv. *Sat.* vii. 203; Mart. i. 77.) Compare Böttiger, *Sabina*, vol. i. p. 35; Scheffer, *De Re Vehicul.* ii. 4.

CATILLUS. [Catinus.]

CATINUS, or **CATINUM**, a large dish, on which fish and meat were served up at table. Hence Horace speaks of an *angustus patinus* as an indication of niggardliness on the part of the host. (Hor. *Ep.* ii 4. 77; Pers. iii. 11.) From this word came the diminutive *catillus* or *catillum*, a small dish.

CAVAE′DIUM. [Domus.]

CAVEA. [Theatrum.]

CAUPO. The nature of the business of a caupo is explained by Gaius (*Ad Edict. Provinc.* Dig. 4. tit. 9. s. 5): "caupo . . . mercedem accipit non pro custodia, sed ... ut viatores manere in caupona patiatur ... et tamen custodiae nomine tenetur." The caupo lodged travellers in his house, and, though his house was not opened for the safe keeping of travellers' goods, yet he was answerable for their goods if stolen out of his house, and also for damage done to them there. The praetor's edict was in this form: "Nautae (carriers by sea), caupones, stabularii (persons who kept stables for beasts), quod cujusque salvum fore receperint, nisi restituent, in eos judicium dabo." By this edict such persons were made generally liable for the things which came into their care; for the words "quod cujusque salvum fore receperint," are explained thus, "quamcunque rem sive mercem receperint." But if the goods of the traveller were lost or damaged owing to any unavoidable calamity, as robbery, fire, or the like, the caupo was not answerable. The action which the edict gave was "in factum," or an action on the case; and it was Honoraria, that is, given by the praetor. The reason why an Honoraria actio was allowed, though there might be actiones civiles, is explained by Pomponius (quoted by Ulpian, Ad Edictum, Dig. 4. tit. 9. s. 3. § 1): in certain cases there might be an actio locati et conducti, or an actio depositi, against the caupo; but in the actio locati et conducti, the caupo would be answerable only for culpa, and in the actio depositi he would be answerable only for dolus, whereas in this honoraria actio he was liable even if there was no culpa, except in the excepted cases. The English law as to liability of an innkeeper is the same. (Kent *v.* Shuckard, 2 B. & Ad. 803.) [G. L.]

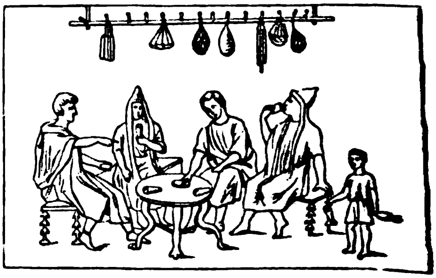
CAUPO'NA, signified, 1. An inn, where travellers obtained food and lodging; in which sense it answered to the Greek words *πανδοκεῖον*, *καταγώγιον*, and *κατάλυσις*. 2. A shop, where wine and ready-dressed meat were sold, and thus corresponded to the Greek *καπηλεῖον*. The person who kept a caupona was called *caupo*.

It has been maintained by many writers that the Greeks and Romans had no inns for the accommodation of persons of any respectability, and that their *cauponae* and *πανδοκεῖα* were mere houses of shelter for the lowest classes. That such, however, was not the case, an attentive perusal of the classical authors will sufficiently show; though it is, at the same time, very evident that their houses of public entertainment did not correspond, either in size or convenience, to similar places in modern times.

Greek Inns. — The hospitality of the earliest times of Greece rendered inns unnecessary; but in later times they appear to have been very numerous. The public ambassadors of Athens were sometimes obliged to avail themselves of the accommodation of such houses (Aeschin. *De Fals. Leg.* p. 273), as well as private persons. (Cic. *De Div.* i. 27, *Inv.* ii. 4.) In addition to which, it may be remarked, that the great number of festivals which were celebrated in the different towns of Greece, besides the four great national festivals, to which persons flocked from all parts of the Hellenic world, must have required a considerable number of inns to accommodate strangers, not only in the places where the festivals were celebrated, but also on the roads leading to those places. (Becker, *Charikles*, vol. i. p. 134.)

The word *καπηλεῖον* signified, as has been already remarked, a place where wine and ready-dressed provisions were sold. *Κάπηλος* signifies in general a retail trader, who sold goods in small quantities, whence he is sometimes called *παλιγκάπηλος*, and his business *παλιγκαπηλεύειν* (Dem. c. *Dionysodor*. p. 1285; Aristoph. *Plut.* 1156; Pollux, vii. 12); but the term is more particularly applied to a person who sold ready-dressed provisions, and especially wine in small quantities. (Plat. *Gorg.* p. 518.) When a retail dealer in other commodities is spoken of, the name of his trade is usually prefixed; thus we read of *προβατοκάπηλος* (Plut. *Pericl.* 24), *ὅπλων κάπηλος* (Aristoph. *Pax*, 1175), *ἀσπίδων κάπηλος* (*Id.* 439), *βιβλιοκάπηλος*, &c. In these *καπηλεῖα* only persons of the very lowest class were accustomed to eat and drink. (Isocr. *Areiop.* c. 18; Becker, *Charikles*, vol. i. p. 259, &c.)

2. *Roman Inns.* — A Roman inn was called not only *caupona*, but also *taberna* and *taberna diversoria*, or simply *diversorium* or *deversorium*. Along all the great roads of Italy there were inns, as we see from the description which Horace gives of his journey from Rome to Brundisium (*Sat.* i. 5), though the accommodation which they offered was generally of a poor kind. We also find mention of public inns in Italy in other passages. (Cic. *pro Cluent.* 59, *Phil.* ii. 31; Hor. *Ep.* i. 11. 11; Propert. iv. 8. 19; *Acts of the Apostles*, xxviii. 15.) At Rome, there must have been many inns to accommodate strangers, but they are hardly ever spoken of. We, however, find frequent mention of houses where wine and ready-dressed provisions were sold, and which appear to have been numerous in all parts of the city. The houses where persons were allowed to eat and drink were usually called *Popinae* and not cauponae; and the keepers of them, *Popae.* They were principally frequented by slaves and the lower classes (Cic. *Pro Mil.* 24), and were consequently only furnished with stools to sit upon instead of couches, whence Martial (v. 70) calls these places *sellariolas popinas.* This circumstance is illustrated by a painting found at Pompeii in a wine-shop, representing a drinking-scene. There are four persons sitting on stools round a tripod table. The dress of two of the figures is remarkable for the hoods, which resemble those of the capotes, worn by the Italian sailors and fishermen of the present day. They use cups made of horn instead of glasses, and from their whole appearance evidently belong to the lower orders. Above them are different sorts of eatables hung upon a row of pegs.



The *Thermopolia*, which are spoken of in the article CALIDA, appear to have been the same as the popinae. Many of these popinae were little better than the *Lupanaria* or brothels; whence

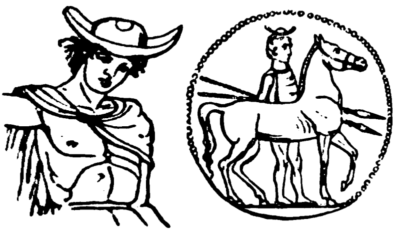
Horace (*Sat.* ii. 4. 62) calls them *immundas popinas.* The wine-shop at Pompeii, where the painting described above was found, seems to have been a house of this description; for behind the shop there is an inner chamber containing paintings of every species of indecency. (Gell's *Pompeiana*, vol. ii. p. 10.) The *Ganeae*, which are sometimes mentioned in connection with the popinae (Suet. *Tib.* 34), were brothels, whence they are often classed with the *lustra.* (Liv. xxvi. 2; Cic. *Phil.* xiii. 11, *Pro Sext.* 9.) Under the emperors many attempts were made to regulate the popinae, but apparently with little success. Tiberius forbad all cooked provisions to be sold in these shops (Suet. *Tib.* 34); and Claudius commanded them to be shut up altogether. (Dion Cass. lx. 6.) They appear, however, to have been soon opened again, if they were ever closed; for Nero commanded that nothing should be sold in them but different kinds of cooked pulse or vegetables (Suet. *Ner.* 16; Dion Cass. lxii. 14); and an edict to the same effect was also published by Vespasian. (Dion Cass. lxvi. 10.)

Persons who kept inns or houses of public entertainment of any kind, were held in low estimation both among the Greeks and Romans (Theophr. *Char.* 6; Plat. *Leg.* xi. pp. 918, 919); and though the epithets of *perfidi* and *maligni*, which Horace gives to them (*Sat.* i. 1. 29, i. 5. 4), may refer only to particular innkeepers, yet they seem to express the common opinion entertained respecting the whole class. (Zell, *Die Wirthshäuser d. Alten;* Stockmann, *De Popinis;* Becker, *Gallus*, vol. i. pp. 227—236.)

CAUSA LIBERA'LIS. [Assertor.]

CAUSAE PROBA'TIO. [Civitas.]

CAUSIA (*καυσία*), a hat with a broad brim, which was made of felt and worn by the Macedonian kings. (Valer. Max. v. 1. § 4.) Its form is seen in the annexed figures, which are taken from a fictile vase, and from a medal of Alexander I. of Macedon. The Romans adopted it from the Macedonians (Plaut. *Mil. Glor.* iv. 4. 42, *Pers.* i. 3. 75; Antip. Thess. *in Brunckii Anal.* ii. 111), and more especially the Emperor Caracalla, who used to imitate Alexander the Great in his costume. (Herodian. iv. 8. § 5.) [J. Y.]



CAU'TIO, CAVE'RE. These words are of frequent occurrence in the Roman classical writers and jurists, and have a great variety of significations according to the matter to which they refer. Their general signification is that of security given by one person to another; also security or legal safety which one person obtains by the advice or assistance of another. The general term (cautio) is distributed into its species according to the particular kind of the security, which may be by satisdatio, by a fidejussio, and in various other ways. The general sense of the word cautio is accordingly modified by its adjuncts, as cautio fidejussoria, pigneraticia, or hypothecaria, and so on. Cautio is used to express both the security which a magistratus or a judex may require one party to give to another, which applies to cases where there is a matter in dispute of which a court has already cognizance; and also the security which is given and received by and between parties not in litigation. The words cautio and cavere are more particularly used in the latter sense.

If a thing is made a security from one person to another, the cautio becomes a matter of pignus or of hypotheca; if the cautio is the engagement of a surety on behalf of a principal, it is a cautio fidejussoria.

The cautio was most frequently a writing, which expressed the object of the parties to it; accordingly the word cautio came to signify both the instrument (*chirographum* or *instrumentum*) and the object which it was the purpose of the instrument to secure. (Dig. 47. tit. 2. s. 27.) Cicero (*Ad Div.* vii. 18) uses the expression *cautio chirographi mei.* The phrase *cavere aliquid alicui* expressed the fact of one person giving security to another as to some particular thing or act. (Dig. 29. tit. 2. s. 9; 35. tit. 1. s. 18.)

Ulpian (Dig. 46. tit. 5) divides the praetoriae stipulationes into three species, judiciales, cautionales, communes; and he defines the cautionales to be those which are equivalent to an action (*instar actionis habent*) and are a good ground for a new action, as the stipulationes de legatis, tutela, ratam rem habere, and damnum infectum. Cautiones then, which were a branch of stipulationes, were such contracts as would be ground of actions. The following examples will explain the passage of Ulpian.

In many cases a heres could not safely pay legacies, unless the legatee gave security (*cautio*) to refund in case the will under which he claimed should turn out to be bad. (Dig. 5. tit. 3. s. 17.) The Muciana cautio applied to the case of testamentary conditions, which consisted in not doing some act, which, if done, would deprive the heres or legatarius of the hereditas or the legacy. In order that the person who could take the hereditas or the legacy in the event of the condition being broken, might have the property secured, he was entitled to have the Muciana cautio. (Dig. 35. tit. 1. s. 7, 18, 73.) The heres was also in some cases bound to give security for the payment of legacies, or the legatee was entitled to the Bonorum Possessio. Tutores and curatores were required to give security (*satisdare*) for the due administration of the property intrusted to them, unless the tutor was appointed by testament, or unless the curator was a curator legitimus. (Gaius, i. 199.) A procurator who sued in the name of an absent party, might be required to give security that the absent party would consent to be concluded by the act of his procurator (*Id.* iv. 99); this security was a species satisdationis, included under the genus cautio. (Dig. 46. tit. 8. s. 3, 13, 18, &c.) In the case of damnum infectum, the owner of the land or property threatened with the mischief, might claim security from the person who was threatening the mischief. (Cic. *Top.* 4; Gaius, iv. 31; Dig. 43. tit. 8. s. 5.)

If a vendor sold a thing, it was usual for him to declare that he had a good title to it, and that if any person recovered it from the purchaser by a better title, he would make it good to the purchaser; and, in some cases, the cautio was for double the value of the thing. (Dig. 21. tit. 2. s. 60.) This was, in fact, a warranty.

The word cautio was also applied to the release which a debtor obtained from his creditor on satisfying his demand: in this sense cautio is equivalent to a modern receipt; it is the debtor's security against the same demand being made a second time. (Cic. *Brut.* 5; Dig. 46. tit. 3. s. 89, 94.) Thus cavere ab aliquo signifies to obtain this kind of security. A person to whom the usus fructus of a thing was given, might be required to give security that he would enjoy and use it properly, and not waste it. (Dig. 7. tit. 9.)

Cavere is also applied to express the professional advice and assistance of a lawyer to his client for his conduct in any legal matter. (Cic. *Ad Fam.* iii. 1, vii. 6, *Pro Murena*, c. 10.)

The word cavere and its derivatives are also used to express the provisions of a law, by which any thing is forbidden or ordered, as in the phrase, — *Cautum est lege, principalibus constitutionibus*, &c. It is also used to express the words in a will, by which a testator declares his wish that certain things should be done after his death. The preparation of the instruments of cautio was, of course, the business of a lawyer. [G. L.]

CEADAS (Κεάδας) or CAEADAS (Καιάδας), was a deep cavern or chasm, like the *Barathron* at Athens, into which the Spartans were accustomed to thrust persons condemned to death. (Thuc. i. 134; Strab. viii. p. 367; Paus. iv. 18. § 4; Suidas, *s. v.* Βάραθρον, Καιάδας, Κεάδας.)

CEDIT DIES. [Legatum.]

CE'LERES, are said to have been three hundred horsemen, who formed the body-guard of Romulus both in peace and war (Liv. i. 15; Dionys. ii. 13; Plut. *Rom.* 26). There can, however, be little doubt that these Celeres were not simply the body-guard of the king, but were the same as the equites, or horsemen, a fact which is expressly stated by some writers (Plin. *H. N.* xxxiii. 2. s. 9), and implied by others (Dionys. *l. c.*). [Equites.] The etymology of Celeres is variously given. Some writers derived it from their leader Celer, who was said to have slain Remus, but most writers connected it with the Greek κέλης, in reference to the quickness of their service. (Serv. *ad Virg. Aen.* xi. 603.) Niebuhr supposes *celeres* to be identical with *patricii*, and maintains that the former word was the name of the whole class as distinguished from the rest of the nation (*Hist. of Rome*, vol. i. p. 331); but although the equites were at first unoubtedly chosen from the patricians, there seems no reason for believing that the word *celeres* was synonymous with *patricii*.

The Celeres were under the command of a *Tribunus Celerum*, who stood in the same relation to the king, as the magister equitum did in a subsequent period to the dictator. He occupied the second place in the state, and in the absence of the king had the right of convoking the comitia. Whether he was appointed by the king, or elected by the comitia, has been questioned, but the former is the more probable. (Lyd. *De Mag.* i. 14; Pompon. *de Orig. Jur.* in Dig. 1. tit. 2. s. 2. §§ 15, 19; Dionys. iv. 71; comp. Becker, *Handbuch der Römisch. Alterth.* vol. ii. part i. pp. 239, 338.)

CELLA, in its primary sense, means a storeroom of any kind. (Varr. *De Ling. Lat.* v. 162. ed. Müller.) Of these there were various descriptions, which took their distinguishing denominations from the articles they contained, as, for instance, the *cella penuaria* or *penaria*, the *cella olearia* and *cella vinaria*. The slave to whom the charge of these stores was intrusted, was called *cellarius* (Plaut. *Capt.* iv. 2. 115; Senec. *Ep.* 122), or *promus* (Colum. xii. 3), or *condus*, "quia *promit* quod *conditum est*" (compare Hor. *Carm.* i. 9. 7, iii. 21. 8), and sometimes *promus condus* and *procurator peni*. (Plaut. *Pseud.* ii. 2. 14.) This answers to our butler and housekeeper.

Any number of small rooms clustered together like the cells of a honeycomb (Virg. *Georg.* iv. 164) were also termed *cellae;* hence the dormitories of slaves and menials are called *cellae* (Cic. *Phil.* ii. 27; Columella, i. 6), and *cellae familiaricae* (Vitruv. vi. 10. p. 182) in distinction to a bedchamber, which was *cubiculum*. Thus a sleeping-room at a publichouse is also termed *cella*. (Petron. 55.) For the same reason the dens in a brothel are *cellae*. (Petron. 8; Juv. *Sat.* vi. 128.) Each female occupied one to herself (Ibid. 122), over which her name and the price of her favours were inscribed (Senec. *Controv.* i. 2); hence *cella inscripta* means a brothel. (Mart. xi. 45. 1.) *Cella ostiarii* (Vitruv. vi. 10; Petron. 29), or *janitoris* (Suet. *Vitell.* 16), is the porter's lodge.

In the baths the *cella caldaria*, *tepidaria*, and *frigidaria*, were those which contained respectively the warm, tepid, and cold bath. [Balneae.]

The interior of a temple, that is the part included within the outside shell, σηκός (see the lower woodcut in Antae), was also called *cella*. There was sometimes more than one *cella* within the same peristyle or under the same roof; in which case they were either turned back to back, as in the temple of Rome and Venus, built by Hadrian on the Via Sacra, the remains of which are still visible; or parallel to each other, as in the temple of Jupiter Optimus Maximus in the Capitol. In such instances each cell took the name of the deity whose statue it contained, as *cella* Jovis, *cella* Junonis, *cella* Minervae. [A. R.]

CELLA'RIUS. [Cella.]

CENOTA'PHIUM, a cenotaph (κενὸς and τάφος) was an empty or honorary tomb, erected as a memorial of a person whose body was buried elsewhere, or not found for burial at all. (Comp. Thuc. ii. 34; Virg. *Aen.* iii. 303.)

Cenotaphia were considered as *religiosa*, and therefore *divini juris*, till a rescript of the emperors Antoninus and Verus pronounced them not to be so. (Heinec. *Ant. Rom.* ii. 1.) [R. W.]

CENSI'TOR. [Censor.]

CENSUA'LES. [Censor.]

CENSOR (τιμητής), the name of two magistrates of high rank in the Roman republic. Their office was called *Censura* (τιμητεία or τιμητία). The *Census*, which was a register of Roman citizens and of their property, was first established by Servius Tullius, the fifth king of Rome. After the expulsion of the kings it was taken by the consuls; and special magistrates were not appointed for the purpose of taking it till the year B. C. 443. The reason of this alteration was owing to the appointment in the preceding year of tribuni militum with consular power in place of the consuls; and as these tribunes might be plebeians, the patricians deprived the consuls, and consequently their representatives, the tribunes, of the right of taking the census, and entrusted it to two magistrates, called *Censores*, who were to be chosen exclusively from the patricians. The magistracy continued to be a patrician one till B. C. 351, when C. Marcius Rutilus was the first plebeian censor (Liv. vii. 22). Twelve years afterwards, B. C. 339, it was provided by one of the Publilian laws, that one of the censors must necessarily be a plebeian (Liv. viii. 12), but it was not till B. C. 280 that a plebeian censor performed the solemn purification of the people (*lustrum condidit*, Liv. *Epit.* 13). In B. C. 131 the two censors were for the first time plebeians.

There were always two censors, because the two consuls had previously taken the census together. If one of the censors died during the time of his office, another had at first to be chosen in his stead, as in the case of the consuls. This, however, happened only once, namely, in B. C. 393; because the capture of Rome by the Gauls in this lustrum excited religious fears against the practice (Liv. v. 31). From this time, if one of the censors died, his colleague resigned, and two new censors were chosen. (Liv. vi. 27, ix. 34, xxiv. 43, xxvii. 6.)

The censors were elected in the comitia centuriata held under the presidency of a consul. (Gell. xiii. 15; Liv. xl. 45.) Niebuhr supposes that they were at first elected by the comitia curiata, and that their election was confirmed by the centuries; but there is no authority for this supposition, and the truth of it depends entirely upon the correctness of his views respecting the election of the consuls. [CONSUL.] It was necessary that both censors should be elected on the same day; and accordingly if the voting for the second was not finished, the election of the first went for nothing, and new comitia had to be held. (Liv. ix. 34.) The comitia for the election of the censors were held under different auspices from those at the election of the consuls and praetors; and the censors were accordingly not regarded as their colleagues, although they likewise possessed the *maxima auspicia* (Gell. xiii. 15). The comitia were held by the consuls of the year very soon after they had entered upon their office (Liv. xxiv. 10, xxxix. 41); and the censors, as soon as they were elected and the censorial power had been granted to them by a *lex centuriata*, were fully installed in their office. (Cic. *de Leg. Agr.* ii. 11; Liv. xl. 45.) As a general principle the only persons eligible to the office were those who had previously been consuls; but a few exceptions occur. At first there was no law to prevent a person being censor a second time; but the only person, who was twice elected to the office, was C. Marcius Rutilus in B. C. 265; and he brought forward a law in this year, enacting that no one should be chosen censor a second time, and received in consequence the surname of Censorinus. (Plut. *Coriol.* 1; Val. Max. iv. 1. § 3.)

The censorship is distinguished from all other Roman magistracies by the length of time during which it was held. The censors were originally chosen for a whole lustrum, that is, a period of five years; but their office was limited to eighteen months, as early as ten years after its institution (B. C. 433), by a law of the dictator Mam. Aemilius Mamercinus (Liv. iv. 24, ix. 33). The censors also held a very peculiar position with respect to rank and dignity. No imperium was bestowed upon them, and accordingly they had no lictors. (Zonar. vii. 19.) The *jus censurae* was granted to them by a *lex centuriata*, and not by the curiae, and in that respect they were inferior in power to the consuls and praetors. (Cic. *de Leg. Agr.* ii. 11.) But notwithstanding this, the censorship was regarded as the highest dignity in the state, with the exception of the dictatorship; it was an ἱερὰ ἀρχή, a *sanctus magistratus*, to which the deepest reverence was due. (Plut. *Cat. Maj.* 16, *Flamin.* 18, *Camill.* 2, 14, *Aemil. Paul.* 38; Cic. *ad Fam.* iii. 10.) The high rank and dignity which the censorship obtained, was owing to the various important duties gradually entrusted to it, and especially to its possessing the *regimen morum*, or general control over the conduct and morals of the citizens; in the exercise of which power they were regulated solely by their own views of duty, and were not responsible to any other power in the state. (Dionys. in Mai, *Nova Coll.* vol. ii. p. 516; Liv. iv. 24, xxix. 37; Val. Max. vii. 2. § 6.) The censors possessed of course the sella curulis (Liv. xl. 45), but with respect to their official dress there is some doubt. From a well-known passage of Polybius (vi. 53), describing the use of the imagines at funerals, we may conclude that a consul or praetor wore the praetexta, one who triumphed the toga picta, and the censor a purple toga peculiar to him; but other writers speak of their official dress as the same as that of the other higher magistrates. (Zonar. vii. 19; Athen. xiv. p. 660, c.) The funeral of a censor was always conducted with great pomp and splendour, and hence a *funus censorium* was voted even to the emperors. (Tac. *Ann.* iv. 15, xiii. 2.)

The censorship continued in existence for 421 years, namely, from B. C. 443 to B. C. 22; but during this period many lustra passed by without any censor being chosen at all. According to one statement the office was abolished by Sulla (Schol. Gronov. *ad Cic. Div. in Caecil.* 3, p. 384, ed. Orelli), and although the authority, on which this statement rests, is not of much weight, the fact itself is probable; for there was no census during the two lustra which elapsed from Sulla's dictatorship to the first consulship of Pompey (B. C. 82—70), and any strict regimen morum would have been found very inconvenient to the aristocracy in whose favour Sulla legislated. If the censorship was done away with by Sulla, it was at any rate restored in the consulship of Pompey and Crassus. Its power was limited by one of the laws of the tribune Clodius (B. C. 58), which prescribed certain regular forms of proceeding before the censors in expelling a person from the senate, and the concurrence of both censors in inflicting this degradation. (Dion Cass. xxxviii. 13; Cic. *pro Sext.* 25, *de Prov. Cons.* 15.) This law, however, was repealed in the third consulship of Pompey (B. C. 52), on the proposition of his colleague Caecilius Metellus Scipio (Dion Cass. xl. 57), but the censorship never recovered its former power and influence. During the civil wars which followed soon afterwards no censors were elected; and it was only after a long interval that they were again appointed, namely in B. C. 22, when Augustus caused L. Munatius Plancus and Paulus Aemilius Lepidus to fill the office. (Suet. *Aug.* 37, *Claud.* 16; Dion Cass. liv. 2.) This was the last time that such magistrates were appointed;

the emperors in future discharged the duties of their office under the name of *Praefectura Morum*. Some of the emperors sometimes took the name of censor when they actually held a census of the Roman people, as was the case with Claudius, who appointed the elder Vitellius as his colleague (Suet. *Claud.* 16; Tac. *Ann.* xii. 4, *Hist.* i. 9), and with Vespasian, who likewise had a colleague in his son Titus. (Suet. *Vesp.* 8, *Tit.* 6.) Domitian assumed the title of *censor perpetuus* (Dion Cass. liii. 18), but this example was not imitated by succeeding emperors. In the reign of Decius we find the elder Valerian nominated to the censorship without a colleague (Trebell. Pollio, *Valer.* 1, 2); and towards the end of the fourth century it was proposed to revive the censorship (Symmach. *Ep.* iv. 29, v. 9), but this design was never carried into effect.

The duties of the censors may be divided into three classes, all of which were however closely connected with one another: I. *The Census*, or register of the citizens and of their property, in which were included the *lectio senatus*, and the *recognitio equitum*; II. *The Regimen Morum*; and III. *The administration of the finances of the state*, under which were classed the superintendence of the public buildings and the erection of all new public works. The original business of the censorship was at first of a much more limited kind; and was restricted almost entirely to taking the census (Liv. iv. 8); but the possession of this power gradually brought with it fresh power and new duties, as is shown below. A general view of these duties is briefly expressed in the following passage of Cicero (*de Leg.* iii. 3):—"Censores populi aevitates, soboles, familias pecuniasque censento: urbis templa, vias, aquas, aerarium, vectigalia tuento: populique partes in tribus distribuunto: exin pecunias, aevitates, ordines partiunto: equitum, peditumque prolem describunto: caelibes esse prohibento: mores populi regunto: probrum in senatu ne relinquunto."

I. THE CENSUS, the first and principal duty of the censors, for which the proper expression is *censum agere* (Liv. iii. 3, 22, iv. 8), was always held in the Campus Martius, and from the year B. C. 435 in a special building called *Villa Publica*, which was erected for that purpose by the second pair of censors, C. Furius Pacilus and M. Geganius Macerinus. (Liv. iv. 22; Varr. *R. R.* iii. 2.) An account of the formalities with which the census was opened is given in a fragment of the *Tabulae Censoriae*, preserved by Varro (*L. L.* vi. 86, 87, ed. Müller). After the auspicia had been taken, the citizens were summoned by a public cryer (*praeco*) to appear before the censors. Each tribe was called up separately (Dionys. v. 75); and the names in each tribe were probably taken according to the lists previously made out by the tribunes of the tribes. Every paterfamilias had to appear in person before the censors, who were seated in their curule chairs; and those names were taken first which were considered to be of good omen, such as Valerius, Salvius, Statorius, &c. (Festus, *s. v. Lacus Lucrinus*; Schol. Bob. *ad Cic. pro Scaur.* p. 374, ed. Orelli.) The census was conducted *ad arbitrium censoris*; but the censors laid down certain rules (Liv. iv. 8, xxix. 15), sometimes called *leges censui censendo* (Liv. xliii. 14), in which mention was made of the different kinds of property subject to the census, and in what way their value was to be estimated. According to these laws each citizen had to give an account of himself, of his family, and of his property upon oath, *ex animi sententia*. (Dionys. iv. 15; Liv. xliii. 14.) First he had to give his full name (*praenomen*, *nomen*, and *cognomen*) and that of his father, or if he were a freedman that of his patron, and he was likewise obliged to state his age. He was then asked, *Tu, ex animi tui sententia, uxorem habes?* and if married he had to give the name of his wife, and likewise the number, names, and ages of his children, if any. (Gell. iv. 20; Cic. *de Orat.* ii. 64; Tab. Heracl. 142 (68); Dig. 50. tit. 15. s. 3.) Single women (*viduae*) and orphans (*orbi orbaeque*), were represented by their tutores; their names were entered in separate lists, and they were not included in the sum total of capita. (Comp. Liv. iii. 3, *Epit.* 59.) After a citizen had stated his name, age, family, &c., he then had to give an account of all his property, so far as it was subject to the census. In making this statement he was said *censere* or *censeri*, as a deponent, "to value or estimate himself," or as a passive "to be valued or estimated:" the censor, who received the statement, was also said *censere*, as well as *accipere censum*. (Comp. Cic. *pro Flacc.* 32; Liv. xxxix. 15.) Only such things were liable to the census (*censui censendo*) as were property *ex jure Quiritium*. At first each citizen appears to have merely given the value of his whole property in general without entering into details (Dionys. iv. 15; Cic. *de Leg.* iii. 3; Festus, *s. v. Censores*); but it soon became the practice to give a minute specification of each article, as well as the general value of the whole. (Comp. Cic. *pro Flacc.* 32; Gell. vii. 11; Plut. *Cat. Maj.* 18.) Land formed the most important article in the census; but public land, the *possessio* of which only belonged to a citizen, was excluded as not being Quiritarian property. If we may judge from the practice of the imperial period, it was the custom to give a most minute specification of all such land as a citizen held *ex jure Quiritium*. He had to state the name and situation of the land, and to specify what portion of it was arable, what meadow, what vineyard, and what olive-ground: and to the land thus minutely described he had to affix his own valuation. (Dig. 50. tit. 15. s. 4.) Slaves and cattle formed the next most important item. The censors also possessed the right of calling for a return of such objects as had not usually been given in, such as clothing, jewels, and carriages. (Liv. xxxix. 44; Plut. *Cat. Maj.* 18.) It has been doubted by some modern writers whether the censors possessed the power of setting a higher valuation on the property than the citizens themselves had put; but when we recollect the discretionary nature of the censors' powers, and the necessity almost that existed, in order to prevent fraud, that the right of making a surcharge should be vested in somebody's hands, we can hardly doubt that the censors had this power. It is moreover expressly stated that on one occasion they made an extravagant surcharge on articles of luxury (Liv. xxxix. 44; Plut. *Cat. Maj.* 18); and even if they did not enter in their books the property of a person at a higher value than he returned it, they accomplished the same end by compelling him to pay down the tax upon the property at a higher rate than others. The tax (*tributum*) was usually one per thousand upon the property entered in the books of the censors; but on one occasion the censors, as a punishment, compelled a person to pay eight per thousand (*octuplicato censu*, Liv. iv. 24).

A person, who voluntarily absented himself from the census, and thus became *incensus*, was subject to the severest punishment. Servius Tullius is said to have threatened the incensus with imprisonment and death (Liv. i. 44); and in the republican period he might be sold by the state as a slave. (Cic. *pro Caecin.* 34.) In the later times of the republic a person who was absent from the census, might be represented by another, and thus be registered by the censors. (Varr. *L. L.* vi. 86.) Whether the soldiers who were absent on service had to appoint a representative, may be questioned. In ancient times the sudden breaking out of a war prevented the census from being taken (Liv. vi. 31), because a large number of the citizens would necessarily be absent. It is supposed from a passage in Livy (xxix. 37), that in later times the censors sent commissioners into the provinces with full powers to take the census of the Roman soldiers there; but this seems to have been only a special case. It is, on the contrary, probable from the way in which Cicero pleads the absence of Archias from Rome with the army under Lucullus, as a sufficient reason for his not having been enrolled in the census (*pro Arch.* 5), that service in the army was a valid excuse for absence.

After the censors had received the names of all the citizens with the amount of their property, they then had to make out the lists of the tribes, and also of the classes and centuries; for by the legislation of Servius Tullius the position of each citizen in the state was determined by the amount of his property. [COMITIA CENTURIATA.] These lists formed a most important part of the *Tabulae Censoriae*, under which name were included all the documents connected in any way with the discharge of the censors' duties. (Cic. *de Leg.* iii. 3; Liv. xxiv. 18; Plut. *Cat. Maj.* 16; Cic. *de Leg. Agr.* i. 2.) These lists, as far at least as they were connected with the finances of the state, were deposited in the aerarium, which was the temple of Saturn (Liv. xxix. 37); but the regular depositary for all the archives of the censors was in earlier times the Atrium Libertatis, near the Villa publica (Liv. xliii. 16, xlv. 15), and in later times the temple of the Nymphs. (Cic. *pro Mil.* 27.)

Besides the arrangement of the citizens into tribes, centuries, and classes, the censors had also to make out the lists of the senators for the ensuing lustrum, or till new censors were appointed; striking out the names of such as they considered unworthy, and making additions to the body from those who were qualified. This important part of their duties is explained under SENATUS. In the same manner they held a review of the equites equo publico, and added and removed names as they judged proper. [EQUITES.]

After the lists had been completed, the number of citizens was counted up, and the sum total announced; and accordingly we find that, in the account of a census, the number of citizens is likewise usually given. They are in such cases spoken of as *capita*, sometimes with the addition of the word *civium*, and sometimes not; and hence to be registered in the census was the same thing as *caput habere*. [CAPUT.]

II. REGIMEN MORUM. This was the most important branch of the censors' duties, and the one which caused their office to be the most revered and the most dreaded in the Roman state. It naturally grew out of the right which they possessed of excluding unworthy persons from the lists of citizens; for, as has been well remarked, "they would, in the first place, be the sole judges of many questions of fact, such as whether a citizen had the qualifications required by law or custom for the rank which he claimed, or whether he had ever incurred any judicial sentence, which rendered him infamous: but from thence the transition was easy, according to Roman notions, to the decision of questions of right; such as whether a citizen was really worthy of retaining his rank, whether he had not committed some act as justly degrading as those which incurred the sentence of the law." In this manner the censors gradually became possessed of a complete superintendence over the whole public and private life of every citizen. They were constituted the conservators of public and private virtue and morality; they were not simply to prevent crime or particular acts of immorality, but their great object was to maintain the old Roman character and habits, the *mos majorum*. The proper expression for this branch of their power was *regimen morum* (Cic. *de Leg.* iii. 3; Liv. iv. 8, xxiv. 18, xl. 46, xli. 27, xlii. 3; Suet. *Aug.* 27), which was called in the times of the empire *cura* or *praefectura morum*. The punishment inflicted by the censors in the exercise of this branch of their duties was called *Nota* or *Notatio*, or *Animadversio Censoria*. In inflicting it they were guided only by their conscientious convictions of duty; they had to take an oath that they would act neither through partiality nor favour; and, in addition to this, they were bound in every case to state in their lists, opposite the name of the guilty citizen, the cause of the punishment inflicted on him,—*Subscriptio censoria*. (Liv. xxxix. 42; Cic. *pro Cluent.* 42—48; Gell. iv. 20.)

This part of the censors' office invested them with a peculiar kind of jurisdiction, which in many respects resembled the exercise of public opinion in modern times; for there are innumerable actions which, though acknowledged by every one to be prejudicial and immoral, still do not come within the reach of the positive laws of a country. Even in cases of real crimes, the positive laws frequently punish only the particular offence, while in public opinion the offender, even after he has undergone punishment, is still incapacitated for certain honours and distinctions which are granted only to persons of unblemished character. Hence the Roman censors might brand a man with their nota censoria in case he had been convicted of a crime in an ordinary court of justice, and had already suffered punishment for it. The consequence of such a nota was only *ignominia* and not infamia (Cic. *de Rep.* iv. 6) [INFAMIA], and the censorial verdict was not a *judicium* or res *judicata* (Cic. *pro Cluent.* 42), for its effects were not lasting, but might be removed by the following censors, or by a lex. A nota censoria was moreover not valid, unless both censors agreed. The ignominia was thus only a transitory capitis diminutio, which does not even appear to have deprived a magistrate of his office (Liv. xxiv. 18), and certainly did not disqualify persons labouring under it for obtaining a magistracy, for being appointed as judices by the praetor, or for serving in the Roman armies. Mam. Aemilius was thus, notwithstanding the animadversio censoria, made dictator. (Liv. iv. 31.)

A person might be branded with a censorial nota in a variety of cases, which it would be impossible to specify, as in a great many instances it depended upon the discretion of the censors and the view they took of a case; and sometimes even one set of censors would overlook an offence which was severely chastised by their successors. (Cic. *de Senect.* 12.) But the offences which are recorded to have been punished by the censors are of a threefold nature.

1. Such as occurred in the private life of individuals, *e. g.* (*a*) Living in celibacy at a time when a person ought to be married to provide the state with citizens. (Val. Max. ii. 9. § 1.) The obligation of marrying was frequently impressed upon the citizens by the censors, and the refusal to fulfil it was punished with a fine [Aes Uxorium]. (*b*) The dissolution of matrimony or betrothment in an improper way, or for insufficient reasons. (Val. Max. ii. 9. § 2.) (*c*) Improper conduct towards one's wife or children, as well as harshness or too great indulgence towards children, and disobedience of the latter towards their parents. (Plut. *Cat. Maj.* 17; compare Cic. *de Rep.* iv. 6; Dionys. xx. 3.) (*d*) Inordinate and luxurious mode of living, or an extravagant expenditure of money. A great many instances of this kind are recorded. (Liv. *Epit.* 14, xxxix. 44; Plut. *Cat. Maj.* 18; Gellius, iv. 8; Val. Max. ii. 9. § 4.) At a later time the leges sumtuariae were made to check the growing love of luxuries. (*e*) Neglect and carelessness in cultivating one's fields. (Gell. iv. 12; Plin. *H. N.* xviii. 3.) (*f*) Cruelty towards slaves or clients. (Dionys. xx. 3.) (*g*) The carrying on of a disreputable trade or occupation (Dionys. *l. c.*), such as acting in theatres. (Liv. vii. 2.) (*h*) Legacy-hunting, defrauding orphans, &c.

2. Offences committed in public life, either in the capacity of a public officer or against magistrates. (*a*) If a magistrate acted in a manner not befitting his dignity as an officer, if he was accessible to bribes, or forged auspices. (Cic. *de Senect.* 12; Liv. xxxix. 42; Val. Max. ii. 9. § 3; Plut. *Cat. Maj.* 17; Cic. *de Divin.* i. 16.) (*b*) Improper conduct towards a magistrate, or the attempt to limit his power or to abrogate a law which the censors thought necessary. (Liv. iv. 24; Cic. *de Orat.* ii. 64; Val. Max. ii. 9. § 5; Gellius, iv. 20.) (*c*) Perjury. (Cic. *de Off.* i. 13; Liv. xxiv. 18; Gell. vii. 18.) (*d*) Neglect, disobedience, and cowardice of soldiers in the army. (Val. Max. ii. 9. § 7; Liv. xxiv. 18, xxvii. 11.) (*e*) The keeping of the equus publicus in bad condition. [Equites.]

3. A variety of actions or pursuits which were thought to be injurious to public morality, might be forbidden by the censors by an edict (Gellius, xv. 11), and those who acted contrary to such edicts were branded with the nota and degraded. For an enumeration of the offences that might be punished by the censors with ignominia, see Niebuhr, *Hist. of Rome*, vol. ii. p. 399, &c.

The punishments inflicted by the censors generally differed according to the station which a man occupied, though sometimes a person of the highest rank might suffer all the punishments at once, by being degraded to the lowest class of citizens. But they are generally divided into four classes: —

1. *Motio* or *ejectio e senatu*, or the exclusion of a man from the number of senators. This punishment might either be a simple exclusion from the list of senators, or the person might at the same time be excluded from the tribes and degraded to the rank of an aerarian. (Liv. xxiv. 18.) The latter course seems to have been seldom adopted; the ordinary mode of inflicting the punishment was simply this: the censors in their new lists omitted the names of such senators as they wished to exclude, and in reading these new lists in public, passed over the names of those who were no longer to be senators. Hence the expression *praeteriti senatores* is equivalent to *e senatu ejecti*. (Liv. xxxviii. 28, xxvii. 11, xxxiv. 44; Fest. *s. v. Praeteriti.*) In some cases, however, the censors did not acquiesce in this simple mode of proceeding, but addressed the senator whom they had noted, and publicly reprimanded him for his conduct. (Liv. xxiv. 18.) As, however, in ordinary cases an ex-senator was not disqualified by his ignominia for holding any of the magistracies which opened the way to the senate, he might at the next census again become a senator. (Cic. *pro Cluent.* 42, Plut. *Cic.* 17.)

2. The *ademptio equi*, or the taking away the equus publicus from an eques. This punishment might likewise be simple, or combined with the exclusion from the tribes and the degradation to the rank of an aerarian. (Liv. xxiv. 18, 43, xxvii. 11, xxix. 37, xliii. 16.) [Equites.]

3. The *motio e tribu*, or the exclusion of a person from his tribe. This punishment and the degradation to the rank of an aerarian were originally the same; but when in the course of time a distinction was made between the tribus rusticae and the tribus urbanae, the motio e tribu transferred a person from the rustic tribes to the less respectable city tribes, and if the further degradation to the rank of an aerarian was combined with the motio e tribu, it was always expressly stated. (Liv. xlv. 15; Plin. *H. N.* xviii. 3.)

4. The fourth punishment was called *referre in aerarios* (Liv. xxiv. 18; Cic. *pro Cluent.* 43) or *facere aliquem aerarium* (Liv. xxiv. 43), and might be inflicted on any person who was thought by the censors to deserve it. [Aerarii.] This degradation, properly speaking, included all the other punishments, for an eques could not be made an aerarius unless he was previously deprived of his horse, nor could a member of a rustic tribe be made an aerarius unless he was previously excluded from it. (Liv. iv. 24, xxiv. 18, &c.)

A person who had been branded with a nota censoria, might, if he considered himself wronged, endeavour to prove his innocence to the censors (*causam agere apud censores*, Varr. *de Re Rust.* i. 7), and if he did not succeed, he might try to gain the protection of one of the censors, that he might intercede on his behalf.

III. The Administration of the Finances of the State, was another part of the censors' office. In the first place the *tributum*, or property-tax, had to be paid by each citizen according to the amount of his property registered in the census, and, accordingly, the regulation of this tax naturally fell under the jurisdiction of the censors. (Comp. Liv. xxxix. 44) [Tributum.] They also had the superintendence of all the other revenues of the state, the *vectigalia*, such as the tithes paid for the public lands, the salt works, the mines, the customs, &c. [Vectigalia.] All these branches of the revenue the censors were accustomed to let out to the highest bidder for the space of a lustrum or five years. The act of letting was called *venditio* or *locatio*, and seems to have taken place in the month of March (Macrob. *Sat.* i. 12), in a public place in Rome (Cic. *de Leg. Agr.* i. 3, ii. 21). The terms on which they were let, together with the rights and duties of the purchasers, were all specified in the *leges censoriae*, which the censors published in every case before the bidding commenced. (Cic. *ad Qu. Fr.* i. 1. § 12, *Verr.* iii. 7, *de Nat. Deor.* iii. 19, Varr. *de Re Rust.* ii. 1.) For further particulars see PUBLICANI. The censors also possessed the right, though probably not without the concurrence of the senate, of imposing new vectigalia (Liv. xxix. 37, xl. 51), and even of selling the land belonging to the state (Liv. xxxii. 7). It would thus appear that it was the duty of the censors to bring forward a budget for a lustrum, and to take care that the income of the state was sufficient for its expenditure during that time. So far their duties resembled those of a modern minister of finance. The censors, however, did not receive the revenues of the state. All the public money was paid into the aerarium, which was entirely under the jurisdiction of the senate; and all disbursements were made by order of this body, which employed the quaestors as its officers. [AERARIUM; SENATUS.]

In one important department the censors were entrusted with the expenditure of the public money; though the actual payments were no doubt made by the quaestors. The censors had the general superintendence of all the public buildings and works (*opera publica*); and to meet the expenses connected with this part of their duties, the senate voted them a certain sum of money or certain revenues, to which they were restricted, but which they might at the same time employ according to their discretion. (Polyb. vi. 13; Liv. xl. 46, xliv. 16.) They had to see that the temples and all other public buildings were in a good state of repair (*aedes sacras tueri* and *sarta tecta exigere*, Liv. xxiv. 18, xxix. 37, xlii. 3, xlv. 15), that no public places were encroached upon by the occupation of private persons (*loca tueri*, Liv. xlii. 3, xliii. 16), and that the aquaeducts, roads, drains, &c. were properly attended to. [AQUAEDUCTUS; VIAE; CLOACAE.] The repairs of the public works and the keeping of them in proper condition were let out by the censors by public auction to the lowest bidder, just as the *vectigalia* were let out to the highest bidder. These expenses were called *ultrotributa*; and hence we frequently find *vectigalia* and *ultrotributa* contrasted with one another. (Liv. xxxix. 44, xliii. 16.) The persons who undertook the contract were called *conductores*, *mancipes*, *redemptores*, *susceptores*, &c.; and the duties they had to discharge were specified in the *Leges Censoriae*. The censors had also to superintend the expenses connected with the worship of the gods, even for instance the feeding of the sacred geese in the Capitol, which were also let out on contract. (Plut. *Quaest. Rom.* 98; Plin. *H. N.* x. 22; Cic. *pro Rosc. Am.* 20.) Besides keeping existing public works in a proper state of repair, the censors also constructed new ones, either for ornament or utility, both in Rome and in other parts of Italy, such as temples, basilicae, theatres, porticoes, fora, walls of towns, aquaeducts, harbours, bridges, cloacae, roads, &c. These works were either performed by them jointly, or they divided between them the money, which had been granted to them by the senate. (Liv. xl. 51, xliv. 16.) They were let out to contractors, like the other works mentioned above, and when they were completed, the censors had to see that the work was performed in accordance with the contract: this was called *opus probare* or *in acceptum referre*. (Cic. *Verr.* i. 57; Liv. iv. 22, xlv. 15; Lex Puteol. p. 73, Spang.)

The aediles had likewise a superintendence over the public buildings; and it is not easy to define with accuracy the respective duties of the censors and aediles: but it may be remarked in general that the superintendence of the aediles had more of a police character, while that of the censors had reference to all financial matters.

After the censors had performed their various duties and taken the census, the *lustrum* or solemn purification of the people followed. When the censors entered upon their office, they drew lots to see which of them should perform this purification (*lustrum facere* or *condere*, Varr. *L. L.* vi. 86; Liv. xxix. 37, xxxv. 9, xxxviii. 36, xlii. 10); but both censors were obliged of course to be present at the ceremony. [LUSTRUM.]

In the Roman and Latin colonies and in the municipia there were censors, who likewise bore the name of *quinquennales*. They are spoken of under COLONIA.

A census was sometimes taken in the provinces, even under the republic (Cic. *Verr.* ii. 53, 56); but there seems to have been no general census taken in the provinces till the time of Augustus. This emperor caused an accurate account to be taken of all persons in the Roman dominion, together with the amount of their property (*Ev. Lucae*, ii. 1, 2; Joseph. *Ant. Jud.* xvii. 13. § 5, xviii. 1. § 1. 2. § 1.); and a similar census was taken from time to time by succeeding emperors, at first every ten, and subsequently every fifteen years. (Savigny, *Römische Steuerverfassung*, in *Zeitschrift*, vol. vi. pp. 375—383.) The emperor sent into the provinces especial officers to take the census, who were called *Censitores* (Dig. 50. tit. 15. s. 4. § 1; Cassiod. *Var.* ix. 11; Orelli, *Inscr.* No. 3652); but the duty was sometimes discharged by the imperial legati. (Tac. *Ann.* i. 31, ii. 6.) The *Censitores* were assisted by subordinate officers, called *Censuales*, who made out the lists, &c. (Capitol. *Gordian.* 12; Symmach. *Ep.* x. 43; Cod. Theod. 8. tit. 2.) At Rome the census still continued to be taken under the empire, but the old ceremonies connected with it were no longer continued, and the ceremony of the lustration was not performed after the time of Vespasian. The two great jurists, Paulus and Ulpian, each wrote works on the census in the imperial period; and several extracts from these works are given in a chapter in the Digest (50. tit. 15), to which we must refer our readers for further details respecting the imperial census.

The word *census*, besides the meaning of "valuation" of a person's estate, has other significations, which must be briefly mentioned: 1. It signified the amount of a person's property, and hence we read of *census senatorius*, the estate of a senator; *census equestris*, the estate of an eques. 2. The lists of the censors. 3. The tax which depended upon the valuation in the census. The Lexicons will supply examples of these meanings.

(A considerable portion of the preceding article has been taken from Becker's excellent account of the censorship in his *Handbuch der Römischen Alterthümer*, vol. ii. part ii. p. 191., &c. Compare Niebuhr, *History of Rome*, vol. ii. p. 397; Arnold, *History of Rome*, vol. i. p. 346, &c.; Göttling, *Römische Staatsverfassung*, p. 328, &c.; Gerlach, *Die Römische Censur in ihrem Verhältnisse zur Verfassung*, Basel, 1842; Dureau de la Malle, *Economie Politique des Romains*, vol. i. p. 159, &c.)

CENSUS.—1. Greek.—The Greek term for a man's property as ascertained by the census, as well as for the act of ascertaining it, is *τίμημα*. The only Greek state concerning whose arrangement of the census we have any satisfactory information, is Athens; for what we know of the other states is only of a fragmentary nature, and does not enable us to form an accurate notion of their census. Previous to the time of Solon no census had been instituted at Athens, as a citizen's rights were always determined by birth; but, as Solon substituted property for birth, and made a citizen's rights and duties dependent upon his property, it became a matter of necessity to ascertain by a general census the amount of the property of the Athenian citizens. According to his census, all citizens were divided into four classes: 1. *Πεντακοσιομέδιμνοι*, or persons possessing landed property which yielded an annual income of at least 500 medimni of dry or liquid produce. 2. *Ἱππεῖς*, i. e. knights or persons able to keep a war-horse, were those whose lands yielded an annual produce of at least 300 medimni, whence they are also called *τριακοσιομέδιμνοι*. 3. *Ζευγῖται*, i. e. persons able to keep a yoke of oxen (*ζεῦγος*), were those whose annual income consisted of at least 150 medimni. 4. The *Θῆτες* contained all the rest of the free population, whose income was below that of the Zeugitae. (Plut. *Sol.* 18, and the Lexicographers, *s. vv.*) These classes themselves were called *τιμήματα*; and the constitution of Athens, so long as it was based upon these classes, was a timocracy (*τιμοκρατία* or *ἀπὸ τιμημάτων πολιτεία*). The highest magistracy at Athens, or the archonship, was at first accessible only to persons of the first class, until Aristides threw all the state offices open to all classes indiscriminately. (Plut. *Arist.* 1, 22.) The maintenance of the republic mainly devolved upon the first three classes, the last being exempted from all taxes. Sometimes we indeed find mention of a *θητικὸν τέλος*, and the expression *θητικὸν τελεῖν*, to pay the tax of *θῆτες* (Dem. *c. Macart.* p. 1067; Bekker, *Anecd. Graec.* p. 261; Etym. M. *s. v.*); but this cannot be understood of a special tax which the fourth class had to pay, but must be explained in a more general sense, for *τέλος τελεῖν* means generally, to perform the duties arising out of persons being connected with one or other of the classes.

In regard to the duties which the above-mentioned census imposed upon the first three of the classes, we must distinguish certain personal obligations or liturgies (*λειτουργίαι*) which had to be performed by individuals according to the class to which they belonged [Leiturgiae], and certain taxes and burdens which were regulated according to the classes; so that all citizens belonging to the same class had the same burdens imposed upon them. As the land in the legislation of Solon was regarded as the capital which yielded an annual income, he regulated his system of taxation by the value of the land which was treated as the taxable capital. There is a passage in Pollux (viii. 130, 132) in which he says that a pentacosiomedimnus expended one talent on the public account, a *ἱππεὺς* thirty minae, and a *ζευγίτης* ten minae. Now this seems to be impossible; for, as Solon (Plut. *Sol.* 23) reckoned the medimnus of dry produce at one drachma, we must suppose that a member of the first class was reckoned to have an annual income of 500 drachmae, or the twelfth part of a talent. But the difficulty may be solved in this manner. The valuation which Solon put upon the land of an Athenian citizen was in reality neither the real value of the property, nor the amount of the property tax, but only a certain portion of the real property which was treated as the taxable capital. Solon in his census ascertained a person's landed property from its net annual produce; and the number of medimni which it was supposed to produce were reckoned as so many drachmae. But the produce was probably not calculated higher than was done when the estate was let out to farm. The rent paid by a farmer was probably not much more than eight per cent, as it was in the time of Isaeus. (*De Magn. Hered.* § 42.) Now, if we suppose that in the time of Solon it was $8\frac{1}{3}$ per cent, the net produce of an estate was exactly $\frac{1}{12}$ of the value of the property, and accordingly the value of the property of a person belonging to the first class was one talent; in the second, 3600 drachmae; and in the third, 1800 drachmae. Solon, in taxing the citizens, was wise enough to see that the same standard could not be applied to all the three classes, for the smaller a person's income is, the smaller ought to be the standard of taxation. Accordingly, a person belonging to the first class, being the wealthiest, had to pay a tax of his entire property, while only a portion of the property of the persons belonging to the two other classes was regarded as taxable capital; viz. persons of the second paid the tax only of $\frac{5}{6}$, and persons of the third class only of $\frac{5}{9}$ of their property. Lists of this taxable property (*ἀπογραφαί*) were kept at first by the naucrari, who also had to conduct the census (Hesych. *s. v.* *ναύκλαρος*), and afterwards by the demarchi (Harpocrat. *s. v.* *δήμαρχοι*). As property is a fluctuating thing, the census was repeated from time to time, but the periods differed in the various parts of Greece, for in some a census was held every year, and in others every two or four years. (Aristot. *Polit.* v. 8.) Every person had conscientiously to state the amount of his property, and if there was any doubt about his honesty, it seems that a counter-valuation (*ἀντιτίμησις*) might be made. Now, supposing that all the taxable capital of the Athenian citizens was found to be 3000 talents, and that the state wanted 60 talents, or $\frac{1}{50}$ part of it, each citizen had to pay away $\frac{1}{50}$ part of his taxable property; that is, a person of the first class paid 120 drachmae (the 50th part of 6000), a person of the second, 60 drachmae (the 50th part of 3000), and a person of the third class, 20 drachmae (the 50th part of 1000). It is, however, not improbable that persons belonging to the same class had to pay a different amount of taxes according as their property was equal to the minimum or above it; and Böckh, in his *Public Economy of Athens*, has made out a table, in which each class is subdivided into three sections.

This system of taxation according to classes, and based upon the possession of productive estates, underwent a considerable change in the time of the

Peloponnesian war, though the divisions into classes themselves continued to be observed for a considerable time after. As the wants of the republic increased, and as many citizens were possessed of large property without being landed proprietors, the original land-tax was changed into a property-tax. In this manner we must explain the proposal of Euripides, shortly before B. C. 393, to raise 500 talents by imposing a tax of one fortieth part. (Aristoph. *Eccles.* 823, &c.) For the taxable capital, viz. 20,000 talents, far exceeds the amount of all the landed property in Attica. This property tax, which was substituted for the land tax, was called *εἰσφορά*, concerning which see Eisphora. Compare Leiturgiae; and for the taxes paid by resident aliens, Metoici. (Böckh, *Publ. Econ. of Athens*, p. 495, &c., 2d edit.)

2. Roman. [Censor.] [L. S.]

CENTE'SIMA, namely *pars*, or the hundredth part, also called *vectigal rerum venalium*, or *centesima rerum venalium*, was a tax of one per cent. levied at Rome and in Italy upon all goods that were exposed for public sale at auctions. It was collected by persons called *coactores*. (Cic. *ad Brut.* 18, *pro Rabir. Post.* 11; Dig. l. tit. 16. s. 17. § 2.) This tax, as Tacitus (*Ann.* i. 78) says, was introduced after the civil wars, though its being mentioned by Cicero shows, that these civil wars cannot have been those between Octavian and Antony, but must be an earlier civil war, perhaps that between Marius and Sulla. Its produce was assigned by Augustus to the *aerarium militare*. Tiberius reduced the tax to one half per cent. (*ducentesima*), after he had changed Cappadocia into a province, and had thereby increased the revenue of the empire. (Tac. *Ann.* ii. 42.) Caligula in the beginning of his reign abolished the tax altogether for Italy, as is attested by Suetonius (*Calig.* 16) and also by an ancient medal of Caligula on which we find C. C. R. (i. e. *ducentesima remissa.*) But Dion Cassius (lviii. 16), whose authority on this point cannot outweigh that of Suetonius and Tacitus, states that Tiberius increased the *ducentesima* to a *centesima*, and in another passage he agrees with Suetonius in stating that Caligula abolished it altogether (lix. 9; comp. Burmann, *De Vectig. Pop. Rom.* p. 70). [L. S.]

CENTE'SIMAE USU'RAE. [Fenus.]

CENTU'MVIRI. The origin, constitution, and powers of the court of centumviri are exceedingly obscure, and it seems almost impossible to combine and reconcile the various passages of Roman writers, so as to present a satisfactory view of this subject. The essay of Hollweg, *Uber die Competenz des Centumviralgerichts* (*Zeitschrift*, &c., v. 358), and the essay of Tigerström, *De Judicibus apud Romanos*, contain all the authorities on this matter; but these two essays do not agree in all their conclusions.

The centumviri were judices, who resembled other judices in this respect, that they decided cases under the authority of a magistratus; but they differed from other judices in being a definite body or collegium. This collegium seems to have been divided into four parts, each of which sometimes sat by itself. The origin of the court is unknown; but it is certainly prior to the Lex Aebutia, which put an end to the legis actiones, except in the matter of Damnum Infectum, and in the causae centumvirales. (Gaius, iv. 31; Gell. xvi. 10.) According to Festus (*s. Centumviralia Judicia*), three were chosen out of each tribe, and consequently the whole number out of the 35 tribes would be 105, who, in round numbers, were called the hundred men; and as there were not 35 tribes till B. C. 241, it has been sometimes inferred that to this time we must assign the origin of the centumviri. But, as it has been remarked by Hollweg, we cannot altogether rely on the authority of Festus, and the conclusion so drawn from his statement is by no means necessary. If the centumviri were chosen from the tribes, this seems a strong presumption in favour of the high antiquity of the court.

The proceedings of this court, in civil matters, were per legis actionem, and by the sacramentum. The process here, as in the other judicia privata, consisted of two parts, *in jure*, or before the praetor, and *in judicio*, or before the centumviri. The praetor, however, did not instruct the centumviri by the formula, as in other cases, which is further explained by the fact that the praetor presided in the judicia centumviralia. (Plin. *Ep.* v. 21.)

It seems pretty clear that the powers of the centumviri were limited to Rome, or at any rate to Italy. Hollweg maintains that their powers were also confined to civil matters; but it is impossible to reconcile this opinion with some passages (Ovid, *Trist.* ii. 91; Phaedr. iii. 10, 35, &c.), from which it appears that crimina came under their cognizance. The substitution of *aut* for *ut* in the passage of Quintilian (*Inst. Orat.* iv. 1. § 57), even if supported by good MSS. as Hollweg affirms, can hardly be defended.

The civil matters which came under the cognizance of this court are not completely ascertained. Many of them (though we have no reason for saying all of them) are enumerated by Cicero in a well-known passage (*De Orat.* i. 38). Hollweg mentions that certain matters only came under their cognizance, and that other matters were not within their cognizance; and further, that such matters as were within their cognizance, were also within the cognizance of a single judex. Hollweg maintains that actiones in rem or vindicationes of the old civil law (with the exception, however, of actiones praejudiciales or status quaestiones) could alone be brought before the centumviri; and that neither a personal action, one arising from contract or delict, nor a status quaestio, is ever mentioned as a causa centumviralis. It was the practice to set up a spear in the place where the centumviri were sitting, and accordingly the word hasta, or hasta centumviralis, is sometimes used as equivalent to the words judicium centumvirale. (Suet. *Octavian.* 36; Quintil. *Inst. Orat.* v. 2. § 1.) The spear was a symbol of quiritarian ownership: for "a man was considered to have the best title to that which he took in war, and accordingly a spear is set up in the centumviralia judicia." (Gaius, iv. 16.) Such was the explanation of the Roman jurists of the origin of an ancient custom, from which it is argued, that it may at least be inferred, the centumviri had properly to decide matters relating to quiritarian ownership, and questions connected therewith.

It has been already said that the matters which belonged to the cognizance of the centumviri might also be brought before a judex; but it is conjectured by Hollweg that this was not the case till after the passing of the Aebutia Lex. He considers that the court of the centumviri was established in early times, for the special purpose of deciding questions of quiritarian ownership; and the importance of such questions is apparent, when we consider that the Roman citizens were rated according to their quiritarian property, that on their rating depended their class and century, and consequently their share of power in the public assemblies. No private judex could decide on a right which might thus indirectly affect the caput of a Roman citizen, but only a tribunal selected out of all the tribes. Consistently with this hypothesis we find not only the rei vindicatio within the jurisdiction of the centumviri, but also the hereditatis petitio and actio confessoria. Hollweg is of opinion that, with the Aebutia Lex a new epoch in the history of the centumviri commences; the legis actiones were abolished, and the formula [Actio] was introduced, excepting, however, as to the *causae centumvirales*. (Gaius, iv. 30, 31; Gell. xvi. 10.) The formula is in its nature adapted only to personal actions; but it appears that it was also adapted by a legal device to vindicationes; and Hollweg attributes this to the Aebutia Lex, by which he considers that the twofold process was introduced: — 1. per legis actionem apud centumviros; 2. per formulam or per sponsionem before a judex. Thus two modes of procedure in the case of actiones in rem were established, and such actions were no longer exclusively within the jurisdiction of the centumviri.

Under Augustus, according to Hollweg, the functions of the centumviri were so far modified that the more important vindicationes were put under the cognizance of the centumviri, and the less important were determined per sponsionem and before a judex. Under this emperor the court also resumed its former dignity and importance. (*Dial. de Caus. Corrupt. Eloq.* c. 38.)

The younger Pliny, who practised in this court (*Ep.* ii. 14), makes frequent allusions to it in his letters. (*Ep.* i. 5, v. 1, ix. 23.) The centumviri are mentioned in two excerpts in the Digest (5. tit. 2. s. 13, 17) and perhaps elsewhere; one excerpt is from C. Scaevola and the other from Paulus.

The foregoing notice is founded on Hollweg's ingenious essay; his opinions on some points, however, are hardly established by authorities. Those who desire to investigate this exceedingly obscure matter may compare the two essays cited at the head of this article. [G. L.]

CENTU'RIA. [Comitia; Exercitus.]

CENTURIA'TA COMI'TIA. [Comitia.]

CENTU'RIO. [Exercitus.]

CENTUSSIS. [As.]

CERA (κηρός), wax. For its employment in painting, see Pictura, No. 7; and for its application as a writing material, see Tabulae and Testamentum.

CEREA'LIA, a festival celebrated at Rome in honour of Ceres, whose wanderings in search of her lost daughter Proserpine were represented by women clothed in white, running about with lighted torches. (Ov. *Fast.* iv. 494.) During its continuance, games were celebrated in the Circus Maximus (Tacit. *Ann.* xv. 53), the spectators of which appeared in white (Ov. *Fast.* iv. 620); but on any occasion of public mourning the games and festivals were not celebrated at all, as the matrons could not appear at them except in white. (Liv. xxii. 56, xxxiv. 6.) The day of the Cerealia is doubtful; some think it was the ides or 13th of April, others the 7th of the same month. (Ov. *Fast.* iv. 389.) [R. W.]

CEREVI'SIA, CERVI'SIA (ζύθος), ale or beer, was almost or altogether unknown to the ancient, as it is to the modern inhabitants of Greece and Italy. But it was used very generally by the surrounding nations, whose soil and climate were less favourable to the growth of vines (*in Gallia, aliisque provinciis*, Plin. *H. N.* xxii. 82; Theophrast. *De Causis Plant.* vi. 11; Diod. Sic. iv. 2, v. 26; Strab. xvii. 2. 5; Tacit. *Germ.* 23). According to Herodotus (ii. 77), the Egyptians commonly drank "barley-wine," to which custom Aeschylus alludes (*ἐκ κριθῶν μέθυ*, *Suppl.* 954; *Pelusiaci pocula zythi*, Colum. x. 116). Diodorus Siculus (i. 20, 34) says, that the Egyptian beer was nearly equal to wine in strength and flavour. The Iberians, the Thracians, and the people in the north of Asia Minor, instead of drinking their ale or beer out of cups, placed it before them in a large bowl or vase (κρατὴρ), which was sometimes of gold or silver. This being full to the brim with the grains, as well as the fermented liquor, the guests, when they pledged one another, drank together out of the same bowl by stooping down to it, although, when this token of friendship was not intended, they adopted the more refined method of sucking up the fluid through tubes of cane. (Archil. *Frag.* p. 67, ed. Liebel; Xen. *Anab.* iv. § 5, 26; Athen. i. 28; Virg. *Georg.* iii. 380; Serv. *ad loc.*) The Suevi, and other northern nations, offered to their gods libations of beer, and expected that to drink it in the presence of Odin would be among the delights of Valhalla. (Keysler, *Antiq. Septent.* p. 150—156.) Βρῦτον, one of the names for beer (Archil. *l. c.*; Hellanicus, p. 91, ed. Sturtz; Athen. x. 67), seems to be an ancient passive participle, from the verb to *brew*. [J. Y.]

CE'RNERE HEREDITA'TEM. [Heres.]

CERO'MA (κήρωμα) was the oil mixed with wax (κηρός) with which wrestlers were anointed. After they had been anointed with this oil, they were covered with dust or a soft sand; whence Seneca (*Ep.* 57) says — *A ceromate nos haphe* (ἁφὴ) *excepit in crypta Neapolitana.*

Ceroma also signified the place where wrestlers were anointed (the *elaeothesium*, Vitruv. v. 11), and also, in later times, the place where they wrestled. This word is often used in connection with *palaestra* (Plin. *H. N.* xxxv. 2), but we do not know in what respect these places differed. Seneca (*De Brev. Vit.* 12) speaks of the ceroma as a place which the idle were accustomed to frequent, in order to see the gymnastic sports of boys. Arnobius (*Adv. Gent.* iii. 23) informs us that the ceroma was under the protection of Mercury. (Krause, *Gymnastik und Agonistik der Hellenen*, vol. i. p. 106, &c.)

CERTA'MINA. [Athletae.]

CERTI, INCERTI ACTIO, is a name which has been given by some modern writers to those actions in which a determinate or indeterminate sum, as the case may be, is mentioned in the formula (*condemnatio certae pecuniae vel incertae*, Gaius, iv. 49, &c.).

The expression incerta formula, which occurs in Gaius (iv. 54), implies a certa formula. With respect to the intentio, it may be called certa when the demand of the actor is determinate, whether it be a certain thing that he demands, or a certain sum of money (Gaius, iv. 45, 47). The intentio is incerta when the claim is not of a definite thing or something, but is expressed by the words *quidquid*, &c. (Gaius, iv. 47, 136, 137.) If the intentio is incerta, the condemnatio must be incerta. If the intentio was certa, the condemnatio might be either certa or incerta (Gaius, iv. 50, 51). In the compilations of Justinian, where the expressions incerti actio, incerta actio, incertum judicium occur, they specially apply to the actio praescriptis verbis, which contained an incerta intentio and condemnatio. (Actio; Savigny, *System*, &c. vol. v. p. 74.) [G. L.]

CERU'CHI. [Navis.]

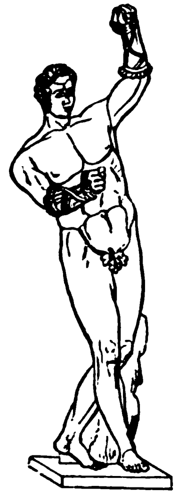
KERUX (*κῆρυξ*). [Caduceus; Fetialis.]

CE'SSIO BONO'RUM. [Bonorum Cessio.]

CE'SSIO IN JURE. [In Jure Cessio.]

CESTRUM. [Pictura, No. 6.]

CESTUS. I. The thongs or bands of leather, which were tied round the hands of boxers, in order to render their blows more powerful. These bands of leather, which were called *ἱμάντες*, or *ἱμάντες πυκτικοί*, in Greek, were also frequently tied round the arm as high as the elbow, as is shown in the following statue of a boxer, the original of which is in the Louvre at Paris. (See Clarac, *Musée d. Sculpt. Ant. et Mod.* vol. iii. pl. 327. n. 2042.)

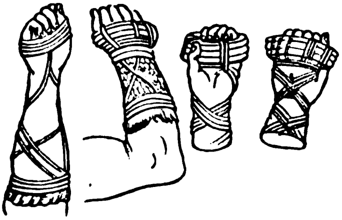


The cestus was used by boxers from the earliest times. When Epeius and Euryalus, in the *Iliad* (xxiii. 684), prepare themselves for boxing, they put on their hands thongs made of ox-hide (*ἱμάντας ἐϋτμήτους βοὸς ἀγραύλοιο*); but it should be recollected, that the cestus in heroic times appears to have consisted merely of thongs of leather, and differed materially from the frightful weapons, loaded with lead and iron, which were used in later times. The different kinds of cestus were called by the Greeks in later times *μειλίχαι*, *σπεῖραι βόειαι*, *σφαῖραι*, and *μύρμηκες*: of which the *μειλίχαι* gave the softest blows, and the *μύρμηκες* the most severe. The *μειλίχαι*, which were the most ancient, are described by Pausanias (viii. 40. § 3) as made of raw ox-hide cut into thin pieces, and joined in an ancient manner; they were tied under the hollow or palm of the hand, leaving the fingers uncovered. The athletae in the palaestrae at Olympia used the *μειλίχαι* in practising for the public games (*ἱμάντων τῶν μαλακωτέρων*, Paus. vi. 23. § 3); but in the games themselves, they used those which gave the severest blows.

The cestus, used in later times in the public games, was, as has been already remarked, a most formidable weapon. It was frequently covered with knots and nails, and loaded with lead and iron; whence Virgil (*Aen.* v. 405), in speaking of it, says,

> "Ingentia septem
> Terga boum plumbo insuto ferroque rigebant."

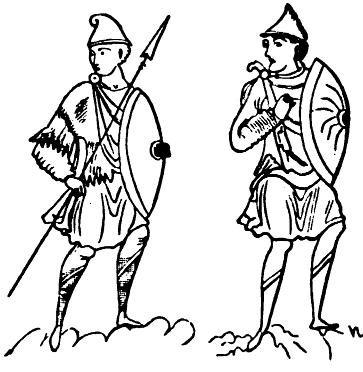
Statius (*Theb.* vi. 732) also speaks of *nigrantia plumbo tegmina*. Such weapons in the hands of a trained boxer, must have frequently occasioned death. The *μύρμηκες* were, in fact, sometimes called *γυιοτόροι*, or "limb-breakers." Figures with the cestus frequently occur in ancient monuments. They were of various forms, as appears by the following specimens, taken from ancient monuments, of which drawings are given by Fabretti (*De Columm. Traj.* p. 261).



2. Cestus also signified a band or tie of any kind (Varr. *De Re Rust.* i. 8); but the term was more particularly applied to the zone or girdle of Venus, on which was represented every thing that could awaken love. (*Il.* xiv. 214; Val. Flacc. vi. 470.) When Juno wished to win the affections of Jupiter, she borrowed this cestus from Venus (*Il. l. c.*); and Venus herself employed it to captivate Mars. (Mart. vi. 13, xiv. 206, 207.)

CETRA, or CAETRA (*καίτρεα*, Hesych.), a target, *i. e.* a small round shield, made of the hide of a quadruped. (Isid. *Orig.* xviii. 12; Q. Curt. iii. 4.) It was also worn by the people of Spain (*cetratae Hispaniae cohortes*, Caes. *B. C.* i. 39, 48) and Mauritania. By the latter people it was sometimes made from the skin of the elephant. (Strab. xvii. p. 828.) From these accounts, and from the distinct assertion of Tacitus (*Agric.* 36) that it was used by the Britons, we may with confidence identify the cetra with the target of the Scottish Highlanders, of which many specimens of considerable antiquity are still in existence. It is seen "covering the left arms" (comp. Virg. *Aen.* vii. 732) of the two accompanying figures, which are copied from a MS. of Prudentius, probably written in this country, and as early as the ninth century. (*Cod. Cotton. Cleop.* c. 8.)

It does not appear that the Romans ever wore the cetra. But Livy compares it to the *pelta* of the Greeks and Macedonians, which was also a



small light shield (*cetratos, quos peltastas vocant*, xxxi. 36). [PELTA.] [J. Y.]

CHALCEIA (χαλκεῖα), a very ancient festival celebrated at Athens, which at different times seems to have had a different character, for at first it was solemnised in honour of Athena, surnamed Ergane, and by the whole people of Athens, whence it was called 'Αθήναια or Πάνδημος. (Suidas, *s. v.*; *Etymol. Magn.*; Eustath. *ad Il.* ii. p. 284, 36.) At a later period, however, it was celebrated only by artisans, especially smiths, and in honour of Hephaestus, whence its name was changed into Χαλκεῖα. (Pollux, vii. 105.) It was kept on the 30th day of the month of Pyanepsion. (Suidas, Harpocrat. Eustath. *l. c.*) Menander had written a comedy called Χαλκεῖα, a fragment of which is preserved in Athen. xi. p. 502. (Comp. Welcker, *Die Aeschyl. Trilog.* p. 290.) [L. S.]

CHALCI'DICUM is merely defined by Festus (*s. v.*) as a sort of building (*genus aedificii*), so called from the city of Chalcis, but what sort is not explained; neither do the inscriptions or the passages of ancient writers, in which the word occurs, give any description from which a conclusion can be drawn with certainty respecting the form, use, and locality of such buildings.

Chalcidica were certainly appurtenances to some *basilicae* (Vitruv. v. 1), in reference to which the following attempts at identification have been suggested: — 1. A mint attached to the basilica, from χαλκὸς and δίκη, which, though an ingenious conjecture, is not supported by sufficient classical authority. 2. That part of a basilica which lies directly in front of the tribune, corresponding to the nave in a modern church, of which it was the original, where the lawyers stood, and thence termed *navis causidica*. 3. An apartment thrown out at the back of a basilica, either on the ground floor or at the extremity of the upper gallery, in the form of a balcony. 4. Internal chambers on each side of the tribune for the convenience of the *judices*, as in the basilica of Pompeii. 5. The vestibule of a basilica, either in front or rear; which interpretation is founded upon an inscription discovered at Pompeii, in the building appropriated to the fullers of cloth (*fullonica*): —

EUMACHIA. L. F. SACERD. PUB. * * * *
* * * * * * CHALCIDICUM. CRYPTAM PORTICUS
* * * SUA. PEQUNIA. FECIT. EADEMQUE. DEDICAVIT.

By comparing the plan of the building with this inscription, it is clear that the chalcidicum mentioned can only be referred to the vestibule. Its decorations likewise correspond in richness and character with the vestibule of a basilica described by Procopius (*De Aedific. Justin.* i. 10), which is twice designated by the term χαλκῆ. The vestibule of the basilica at Pompeii is shown upon the plan on page 199, a.

In another sense the word is used as a synonyme with *coenaculum*. "Scribuntur Dii vestri in tricliniis coelestibus atque in *chalcidicis* aureis coenitare" (Arnobius, p. 149). These words, compared with Hom. *Od.* xxiii. 1,

Γρηῢς δ' εἰς ὑπερῷ' ἀνεβήσατο καγχαλόωσα,

and the translation of ὑπερῷον by Ausonius (*Perioch.* xiii. *Odyss.*),

"*Chalcidicum* gressu nutrix superabat anili,"

together with the known locality of the ancient *coenacula*, seem fully to authorise the interpretation given. (Turneb. *Advers.* xviii. 34; Salmas. *in Spart. Pescen. Nigr.* c. 12. p. 677.)

Finally, the word seems also to have been used in the same sense as *maenianum*, a balcony. (Isid. *De Orig.*; Reinesius, *Var. Lect.* iii. 5.) [A. R.]

CHALCIOI'CIA (χαλκιοίκια), an annual festival, with sacrifices, celebrated at Sparta in honour of Athena, surnamed Χαλκίοικος, i. e. the goddess of the brazen-house. (Paus. iii. 17. § 3, x. 5. § 5; and Goeller *ad Thucyd.* i. 128, &c.) Young men marched on the occasion in full armour to the temple of the goddess; and the ephors, although not entering the temple, but remaining within its sacred precincts, were obliged to take part in the sacrifice. (Polyb. iv. 35. § 2.) [L. S.]

CHALCUS (χαλκοῦς), a denomination of Greek copper-money.

Bronze or copper (χαλκός) was very little used by the Greeks for money in early times. Silver was originally the universal currency, and copper appears to have been seldom coined till after the time of Alexander the Great. The χαλκία πονηρὰ at Athens issued in B. C. 406 (*Schol. ad Aristoph. Ran.* 737) were a peculiar exception; and they were soon afterwards called in, and the silver currency restored. (Aristoph. *Ecclesiaz.* 815—822; AURUM.) It is not improbable, however, that the copper coin called χαλκοῦς was in circulation in Athens still earlier. The smallest silver coin at Athens was the quarter obol, and the χαλκοῦς was the half of that, or the eighth of an obol. Its value was somewhat more than 3-4ths of a farthing. It seems to have been used on account of the difficulty of coining silver in such minute pieces. The χαλκοῦς in later times was divided into *lepta*, of which, according to Suidas (*s. vv.* Τάλαντον, 'Οβολός), it contained seven. There was another copper coin current in Greece, called σύμβολον, of which the value is not known. Pollux (iii. 9) also mentions κόλλυβος as a copper coin of an earlier age; but, as Mr. Hussey has remarked, this may have been a common name for small money; since κόλλυβος signified generally "changing money," and κολλυβιστής, "a money-changer." In later times, the obol was coined of copper as well as silver. The Greek states of Sicily and Italy had a copper coinage at a very early period [LITRA]. (Hussey, *Ancient Weights and Money*, c. 8; Böckh, *Publ. Econ. of Athens*, p. 592, 2nd ed.; *Ueber Gewichte, Münzfüsse*, &c., pp. 142, 342. &c.) [P. S.]

CHARI'STIA (from χαρίζομαι, to grant a favour or pardon), a Roman feast, to which none but relations and members of the same family were invited, in order that any quarrel or disagreement which had arisen amongst them might be made up, and a reconciliation effected. It was celebrated every year on the 19th of February. (Ov. *Fast.* ii. 617; Val. Max. ii. 1. § 8; Mart. ix. 55.) [R.W.]

CHARTA. [LIBER.]

CHEIRONO'MIA (χειρονομία), a mimetic movement of the hands, which formed a part of the art of dancing among the Greeks and Romans. The word is also used in a wider sense, both for the art of dancing in general, and for any signs made with the hands in order to convey ideas. In gymnastics it was applied to the movements of the hands in pugilistic combat; and it is used in connection with the term σκιαμαχεῖν. (Athen. xiv. p. 629. b.; Hesych. vol. ii. p. 1547. Alb.; Herod. vi. 129; Aelian. *V. H.* xiv. 22; Dion Cass. xxxvi. 13; Paus. vi. 10. § 1; Heliod. *Aethiop.* iv. p. 73; Krause, *Gymnastik und Agonistik*, vol. i. c. 6. § 33, vol. ii. c. 3. § 1.) [P. S.]

CHEIROTO'NIA (χειροτονία). In the Athenian assemblies two modes of voting were practised, the one by pebbles [PSEPHUS], the other by a show of hands (χειροτονεῖν). The latter was employed in the election of those magistrates who were chosen in the public assemblies (ἀρχαιρεσίαι), and who were hence called χειροτονητοί, in voting upon laws, and in some kinds of trials on matters which concerned the people, as upon προβολαί and εἰσαγγελίαι. We frequently find, however, the word ψηφίζεσθαι used where the votes were really given by show of hands. (Lys. c. *Eratosth.* p. 124. 16. and p. 127. 8. ed. Steph.; Dem. *Olynth.* i. p. 9.)

The manner of voting by a show of hands is said by Suidas (*s. v.* Κατεχειροτόνησεν) to have been as follows:—The herald said: "Whoever thinks that Meidias is guilty, let him lift up his hand." Then those who thought so stretched forth their hands. Then the herald said again: "Whoever thinks that Meidias is not guilty, let him lift up his hand;" and those who were of this opinion stretched forth their hands. The number of hands was counted each time by the herald; and the president, upon the herald's report, declared on which side the majority voted (ἀναγορεύειν τὰς χειροτονίας, Aesch. c. *Ctesiph.* § 2).

It is important to understand clearly the compounds of this word. A vote condemning an accused person is καταχειροτονία: one acquitting him, ἀποχειροτονία (Dem. c. *Meid.* pp. 516, 553, 583); ἐπιχειροτονεῖν is to confirm by a majority of votes (Dem. *De Coron.* pp. 235, 261); ἐπιχειροτονία τῶν νομῶν was a revision of the laws, which took place at the beginning of every year; ἐπιχειροτονία τῶν ἀρχῶν was a vote taken in the first assembly of each Prytany on the conduct of the magistrates: in these cases, those who voted for the confirmation of the law, or for the continuance in office of the magistrate, were said ἐπιχειροτονεῖν, those on the other side ἀποχειροτονεῖν (Dem. c. *Timocr.* p. 706; Harpocrat. and Suidas *s. v.* Κυρία ἐκκλησία; Dem. c. *Theocrin.* p. 1330): διαχειροτονία is a vote for one of two alternatives (Dem. c. *Androtion.* p. 596; c. *Timocr.* p. 707; c. *Neaer.* p. 1346): ἀντιχειροτονεῖν, to vote against a proposition. The compounds of ψηφίζεσθαι have similar meanings. (Schömann, *De Comitiis Atheniensium*, pp. 120, 125, 231, 251, 330.) [P. S.]

CHELIDO'NIA (χελιδόνια), a custom observed in the island of Rhodes, in the month of Boëdromion, the time when the swallows returned. During that seasan boys, called χελιδονισταί, went from house to house collecting little gifts, ostensibly for the returning swallows (χελιδονίζειν), and singing a song which is still extant. (Athen. viii. p. 360; compare Ilgen, *Opusc. Phil.* i. p. 164, and Eustath. *ad Odyss.* xxi. *sub fin.*) It is said to have been introduced by Cleobulus of Lindus, at the same period when the town was in great distress. The chelidonia, which have sometimes been called a festival, seem to have been nothing but a peculiar mode of begging, which on the occasion of the return of the swallows was carried on by boys in the manner stated above. Many analogies may still be observed in various countries at the various seasons of the year. [L. S.]

CHELYS (χέλυς). [LYRA.]

CHEME (χημή), a Greek liquid measure, the capacity of which (as is the case with most of the smaller measures) is differently stated by different authorities. There was a small cheme, which contained two cochlearia, or two drachmae, and was the seventy-second part of the cotyle, = ·0068 of a pint English. (Rhem. Fann. v. 77.) The large cheme was to the small in the proportion of 3 to 2. Other sizes of the cheme are mentioned, but they differ so much that we cannot tell with certainty what they really were. (Hussey, *Ancient Weights*, &c.; Wurm, *De Pond.* &c.) [P. S.]

CHENISCUS. [NAVIS.]

CHERNIPS (χέρνιψ). [LUSTRATIO.]

CHEROSTAE (χηρωσταί). [HERES.]

CHILIARCHUS. [EXERCITUS.]

CHIRAMA'XIUM (from χείρ and ἄμαξα), a sort of easy chair or "go-cart," used for invalids and children. (Petron. 28.)

CHIRIDO'TA. [TUNICA.]

CHIRO'GRAPHUM (χειρόγραφον), meant first, as its derivation implies, a hand-writing or autograph. (Cic. *Phil.* ii. 4.) In this its simple sense, χείρ in Greek and *manus* in Latin are often substituted for it.

Like similar words in all languages, it acquired several technical senses. From its first meaning was easily derived that of a signature to a will or other instrument, especially a note of hand given by a debtor to his creditor. In this latter case, it did not constitute the legal obligation (for the debt might be proved in some other way); it was only a proof of the obligation.

According to Asconius (*in Verr.* iii. 36) *chirographum*, in the sense of a note-of-hand, was distinguished from *syngrapha;* the former was always given for money actually lent, the latter might be a mere sham agreement (something like a bill of accommodation, though with a different object), to pay a debt which had never been actually incurred. The *chirographum* was kept by the creditor, and had only the debtor's signature; the *syngrapha*, on the contrary, was signed and kept by both parties.

In the Latin of the middle ages (see Du Fresne, *s. v.*) *chirographum* was used to signify tribute collected under the sign-manual of a person in authority, similar to the briefs and benevolences of former times in our own country. It was also used (see Blackstone, b. ii. c. 20), till very lately, in the English law for an indenture. Duplicates of deeds were written on one piece of parchment, with the word *chirographum* between them, which was cut in two in a straight or wavy line, and the parts given to the care of the persons concerned. By the Canonists, Blackstone remarks, the word *syngrapha* or *syngraphus* was employed in the same way, and hence gave its name to these kind of writings. [B. J.]

CHIRU'RGIA (χειρουργία), surgery. The practice of surgery was, for a long time, considered by the ancients to be merely a part of a physician's duty; but as it is now almost universally allowed to be a separate branch of the profession, it will perhaps be more convenient to treat of it under a separate head. It will not be necessary to touch upon the disputed questions, which is the *more ancient*, or which is the *more honourable* branch of the profession; nor even to try to give such a definition of the word *chirurgia* as would be likely to satisfy both the physicians and surgeons of the present day; it will be sufficient to determine the sense in which the word was used by the *ancients;* and then, adhering closely to that meaning, to give an account of this division of the science and art of medicine, as practised among the Greeks and Romans, referring to the article MEDICINA for further particulars.

The word chirurgia is derived from χείρ the hand, and ἔργον a work, and is explained by Celsus (*De Med.* lib. vii. Praefat.) to mean that part of medicine *quae manu curat*, "which cures diseases by means of the hand;" in Diogenes Laërtius (iii. 85) it is said to cure διὰ τοῦ τέμνειν καὶ καίειν, "by cutting and burning;" nor (as far as the writer is aware) is it ever used by ancient authors in any other sense. Omitting the fabulous and mythological personages, Apollo, Aesculapius, Chiron, &c., the only certain traditions respecting the state of surgery before the establishment of the republics of Greece, and even until the time of the Peloponnesian war, are to be found in the Iliad and Odyssey. There it appears that surgery was almost entirely confined to the treatment of wounds; and the imaginary power of enchantment was joined with the use of topical applications. (*Il.* iii. 218, xi. 515, 828, 843, &c. &c.) The Greeks received surgery, together with the other branches of medicine, from the Egyptians; and from some observations made by the men of science who accompanied the French expedition to Egypt in 1798, it appears, that there are documents fully proving that in very remote times this extraordinary people had made a degree of progress of which few of the moderns have any conception: upon the ceilings and walls of the temples at Tentyra, Karnack, Luxor, &c., basso-relievos are seen, representing limbs that have been cut off with instruments very analogous to those which are employed at the present day for amputations. The same instruments are again observed in the hieroglyphics, and vestiges of other surgical operations may be traced, which afford convincing proofs of the skill of the ancient Egyptians in this branch of medical science. (Larry, quoted in Cooper's *Surg. Dict.*)

The earliest remaining surgical writings are those of Hippocrates, who was born B. C. 460, and died B. C. 357. Among his reputed works there are ten treatises on this subject, only one of which however is considered undoubtedly genuine. Hippocrates far surpassed all his predecessors (and indeed most of his successors) in the boldness and success of his operations; and though the scanty knowledge of anatomy possessed in those times prevented his attaining any very great perfection, still, we should rather admire his genius, which enabled him to do so much, than blame him because, with his deficient information, he was able to do no more. The scientific skill in reducing fractures and luxations displayed in his works, *De Fracturis*, *De Articulis*, excites the admiration of Haller (*Biblioth. Chirurg.*), and he was most probably the inventor of the *ambe*, an old chirurgical machine for dislocations of the shoulder, which, though now fallen into disuse, for a long time enjoyed a great reputation. In his work *De Capitis Vulneribus* he gives minute directions about the time and mode of using the trephine, and warns the operator against the probability of his being deceived by the sutures of the cranium, as he confesses happened to himself. (*De Morb. Vulgar.* lib. v. p. 561, ed. Kühn.) The author of the Oath, commonly attributed to Hippocrates, binds his pupils not to perform the operation of lithotomy, but to leave it to persons accustomed to it (ἐργάτῃσι ἀνδράσι πρήξιος τῆσδε); from which it would appear as if certain persons confined themselves to particular operations.

The names of several persons are preserved who practised surgery as well as medicine, in the times immediately succeeding those of Hippocrates; but, with the exception of some fragments, inserted in the writings of Galen, Oribasius, Aëtius, &c., all their writings have perished. Archagathus deserves to be mentioned, as he is said to have been the first foreign surgeon that settled at Rome B. C. 219. (Cassius Hemina, *apud Plin. H. N.* xxix. 6.) He was at first very well received, the *jus Quiritium* was conferred upon him, a shop was bought for him at the public expense, and he received the honourable title of *Vulnerarius*. This, however, on account of his frequent use of the knife and cautery, was soon changed by the Romans (who were unused to such a mode of practice) into that of *Carnifex*. Asclepiades, who lived at the beginning of the first century B. C., is said to have been the first person who proposed the operation of bronchotomy, though he himself never performed it (Cael. Aurel. *De Morb. Acut.* i. 14, iii. 4); and Ammonius of Alexandria, surnamed Λιθοτόμος, who is supposed to have lived rather later, is celebrated in the annals of surgery for having been the first to propose and to perform the operation of *Lithotrity*, or breaking a calculus in the bladder, when found to be too large for safe extraction. Celsus has minutely described his mode of operating (*De Med.* vii. 26. § 3. p. 436), which very much resembles that lately introduced by Civiale and Heurteloup, and which proves, that however much credit they may deserve for bringing it again out of oblivion into public notice, the praise of having originally thought of it belongs to the ancients. "A hook," says Celsus, "is to be so insinuated behind the stone as to resist and prevent its recoiling into the bladder, even when struck; then an iron instrument is used, of moderate thickness, flattened towards the end, thin, but blunt; which being placed against the stone, and struck on the further end, cleaves it; great care being taken, at the same time, that neither the bladder itself be injured by the instrument, nor the fragments of the stone fall back into it." The next surgical writer after Hippocrates, whose works are still extant, is Celsus, who lived at the beginning of the first century A. D., and who has devoted the four last books of his work, *De Medicina*, and especially the seventh and eighth, entirely to surgical matters. It appears plainly from reading Celsus, that since the time of Hippocrates surgery had made very great progress, and had, indeed, reached a high degree of perfection. He is the first author who gives directions for the operation of lithotomy (*De Med.* vii. 26. § 2. p. 432), and the method described by him (called *the apparatus minor*, or *Celsus's method*,) continued to be practised till the commencement of the sixteenth century. It was performed at Paris, Bordeaux, and other places in France, upon patients of all ages, even as late as a hundred and fifty years ago; and a modern author (Allan *On Lithotomy*, p. 12) recommends it always to be preferred on boys under fourteen. (Cooper's *Dict. of Prac. Surg.*, art. Lithotomy.) He describes (vii. 25. § 3. p. 428) the operation of *Infibulatio*, which was so commonly performed by the ancients upon singers, &c., and is often alluded to in classical authors. (See Juv. vi. 73, 379; Senec. *apud Lactant. Divin. Instit.* i. 16; Mart. *Epigr.* vii. 82. 1, ix. 28. 12, xiv. 215. 1; Tertull. *De Corona Mil.* 11.) He also describes (vii. 25. § 1. p. 427) the operation alluded to by St. Paul (1 Cor. vii. 18) *περετετμημένος τὶς ἐκλήθη: μὴ ἐπισπάσθω.* Compare Paulus Aegineta (*De Re Med.* vi. 53), who transcribes from Antyllus a second method of performing the operation.

The following description, given by Celsus, of the necessary qualifications of a surgeon, deserves to be quoted: — "A surgeon," says he (lib. vii. *Praefat.*) "ought to be young, or, at any rate, not very old; his hand should be firm and steady, and never shake; he should be able to use his left hand with as much dexterity as his right; his eye-sight should be acute and clear; his mind intrepid, and so far subject to pity as to make him desirous of the recovery of his patient, but not so far as to suffer himself to be moved by his cries; he should neither hurry the operation more than the case requires, nor cut less than is necessary, but do every thing just as if the other's screams made no impression upon him."

Perhaps the only surgical remark worth quoting from Aretaeus, who lived in the first century A. D., is that he condemns the operation of bronchotomy, and thinks "that the wound would endanger an inflammation, cough, and strangling; and that if the danger of being choked could be avoided by this method, yet the parts would not heal, as being cartilaginous." (*De Morb. Acut. Cur.* i. 7. p. 227, ed. Kühn.)

Omitting Scribonius Largus, Moschion, and Soranus, the next author of importance is Caelius Aurelianus, who is supposed to have lived about the beginning of the second century A. D., and in whose works there is a good deal relating to surgery, though nothing that can be called original. He rejected as absurd the operation of bronchotomy (*De Morb. Chron.* iii. 4). He mentions a case of ascites that was cured by paracentesis (Ibid. iii. 8), and also a person who recovered after being shot through the lungs by an arrow. (Ibid. iii. 12.)

Galen, the most voluminous and at the same time the most valuable medical writer of antiquity, is less celebrated as a surgeon than as an anatomist and physician. He appears to have practised surgery at Pergamus; but, upon his removal to Rome (A. D. 165), he entirely confined himself to medicine, following, as he says himself (*De Meth. Med.* vi. 20), the custom of the place. His writings prove, however, that he did not entirely abandon surgery. His Commentaries on the Treatise of Hippocrates, *De Officina Medici*, and his treatise *De Fasciis*, shows that he was well versed even in the minor details of the art. He appears also to have been a skilful operator, though no great surgical inventions are attributed to him.

Antyllus, who lived some time between Galen and Oribasius, is the earliest writer whose directions for performing bronchotomy are still extant, though the operation (as was stated above) was proposed by Asclepiades about three hundred years before. Only a few fragments of the writings of Antyllus remain, and among them the following passage is preserved by Paulus Aegineta (*De Re Med.* vi. 33):—"Our best surgeons have described this operation, Antyllus particularly, thus: 'We think this practice useless, and not to be attempted where all the arteries and the lungs are affected; but when the inflammation lies chiefly about the throat, the chin, and the tonsils which cover the top of the windpipe, and the artery is unaffected, this experiment is very rational, to prevent the danger of suffocation. When we proceed to perform it, we must cut through some part of the windpipe, below the larynx, about the third or fourth ring; for to cut quite through would be dangerous. This place is the most commodious, because it is not covered with any flesh, and because it has no vessels near it. Therefore, bending the head of the patient backward, so that the windpipe may come more forward to the view, we make a transverse section between two of the rings, so that in this case not the cartilage, but the membrane which incloses and unites the cartilages together, is divided. If the operator be a little fearful, he may first divide the skin, extended by a hook; then, proceeding to the windpipe, and separating the vessels, if any are in the way, he must make the incision.' Thus far Antyllus, who thought of this way of cutting, by observing (when it was, I suppose, cut by chance) that the air rushed through it with great violence, and that the voice was interrupted. When the danger of suffocation is over, the lips of the wound must be united by suture, that is, by sewing the skin, and not the cartilage; then proper vulnerary medicines are to be applied. If these do not agglutinate, an incarnant must be used. The same method must be pursued with those who cut their throat with a design of committing suicide." *

Oribasius, physician to the Emperor Julian (A.D. 361), professes to be merely a compiler; and though there is in his great work, entitled *Συναγωγαὶ Ἰατρικαί*, *Collecta Medicinalia*, much surgical matter, there is nothing original. The same may be said of Aëtius and Alexander Trallianus, both of whom lived towards the end of the sixth century A. D., and are not famous for any surgical inventions. Paulus Aegineta has given up the fifth and sixth books of his work, *De Re Medica*, entirely to surgery, and has inserted in them much useful matter, the fruits chiefly of his own observation and experience. He was particularly celebrated for his skill in midwifery, and female diseases, and was called on that account, by the Arabians, *Al-Kawabeli*, "the Accoucheur," (Abulpharaj, *Hist. Dynast.*, p. 181, ed. Pococke). Two pamphlets were published in 1768 at Göttingen, 4to. by Rud. Aug. Vogel, entitled *De Pauli Aeginetae Meritis in Medicinam, imprimisque Chirurgiam.* Paulus Aegineta lived probably towards the end of the seventh century, A. D., and is the last of the ancient Greek and Latin medical writers whose surgical works remain. The names of several others are recorded, but they are not of sufficient eminence to require any notice here. For further information on the subject both of medicine and surgery, see MEDICINA; and for the legal qualifications, social rank, &c., both of physicians and surgeons, among the ancient Greeks and Romans, see MEDICUS.

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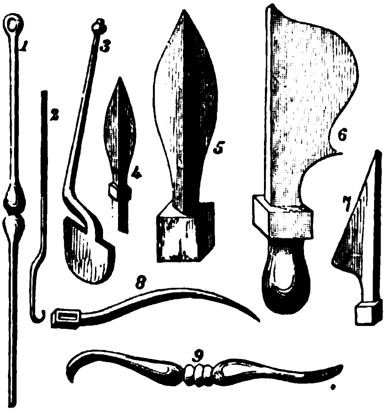
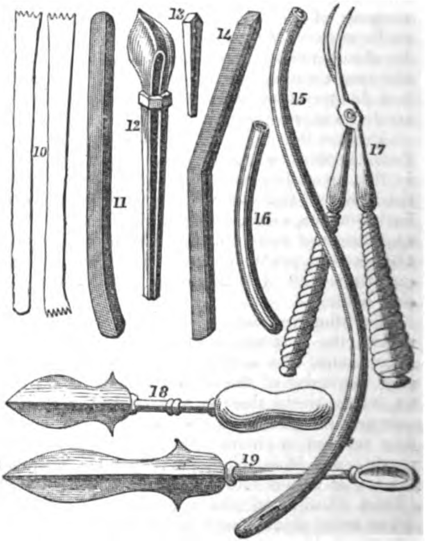
* This operation appears to have been very seldom, if ever, performed by the ancients upon a human being. Avenzoar (p. 15) tried it upon a goat, and found it might be done without much danger or difficulty; but he says he should not like to be the first person to try it upon a man.

The surgical instruments, from which the accompanying engravings are made, were found by a physician of Petersburg, Dr. Savenko, in 1819, at Pompeii, in Via Consularis (*Strada Consulare*), in a house which is supposed to have belonged to a surgeon. They are now preserved in the museum at Portici. The engravings, with an account of them by Dr. Savenko, were originally published in the *Revue Médicale* for 1821, vol. iii. p. 427, &c. They were afterwards inserted in Froriep's *Notizen aus dem Gebiete der Natur-und-Heilkunde*, for 1822, vol. ii. n. 26. p. 57, &c. The plate containing these instruments is wanting in the copy of the *Revue Médicale* in the library of the College of Surgeons, so that the accompanying figures are copied from the German work, in which some of them appear to be drawn very badly. Their authenticity was at first doubted by Kühn (*De Instrum. Chirurg., Veteribus cognitis, et nuper effossis*, Lips. 1823, 4to.), who thought they were the same that had been described by Bayardi in his *Catal. Antiq. Monument. Herculani effos.*, Nap. 1754. fol. n. 236—294; when, however, his dissertation was afterwards republished (*Opusc. Academ. Med. et Philol.*, Lips. 1827, 1828, 8vo. vol. ii. p. 309) he acknowledged himself to be completely satisfied on this point, and has given in the tract referred to, a learned and ingenious description of the instruments, and their supposed uses, from which the following account is chiefly abridged. It will, however, be seen at once, that the form of most of them is so simple, and their uses so obvious, that very little explanation is necessary.



1, 2. Two probes (*specillum*, μήλη) made of iron; the larger six inches long, the smaller four and a half. 3. A cautery (καυτήριον) made of iron, rather more than four inches long. 4, 5. Two lancets (*scalpellum*, σμίλη), made of copper, the former two inches and a half long, the other three inches. It seems doubtful whether they were used for blood-letting, or for opening abscesses, &c. 6. A knife, apparently made of copper, the blade of which is two inches and a half long, and in the broadest part one inch in breadth; the back is straight and thick, and the edge much curved; the handle is so short that Savenko thinks it must have been broken. It is uncertain for what particular purpose it was used: Kühn conjectures that (if it be a surgical instrument at all) it may have been made with such a curved edge, and such a straight thick back, that it might be struck with a hammer, and so amputate fingers, toes, &c. 7. Another knife, apparently made of copper, the blade of which is of a triangular shape, two inches long, and in the broadest part eight lines in breadth; the back is straight and one line broad, and this breadth continues all the way to the point, which, therefore, is not sharp, but guarded by a sort of button. Kühn thinks it may have been used for enlarging wounds, &c., for which it would be particularly fitted by its blunt point and broad back. 8. A needle, about three inches long, made of iron. 9. An elevator (or instrument for raising depressed portions of the skull), made of iron, five inches long, and very much resembling those made use of in the present day. 10—14. Different kinds of forceps (*vulsella*). No. 10 has the two sides separated from each other, and is five inches long. No. 11 is also five inches long. No. 12 is three inches and a half long. The sides are narrow at



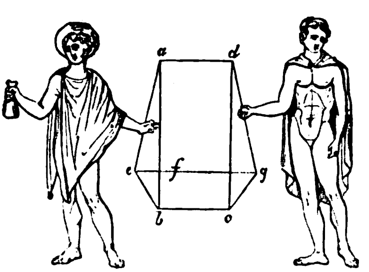
the point of union, and become broader by degrees towards the other end, where, when closed, they form a kind of arch. It should be noticed that it is furnished with a moveable ring, exactly like the tenaculum forceps employed at the present day. No. 13 was used for pulling out hairs by the roots (τριχολαβίς). No. 14 is six inches long, and is bent in the middle. It was probably used for extracting foreign bodies that had stuck in the oesophagus (or gullet), or in the bottom of a wound. 15. A male catheter (*aenea fistula*), nine inches in length. The shape is remarkable from its having the double curve like the letter S, which is the form that was re-invented in the last century by the celebrated French surgeon, J. L. Petit. 16. Probably a female catheter, four inches in length. Celsus thus describes both male and female catheters (*De Med.* vii. 26. § 1. p. 429):—"The surgeon should have three male catheters (*aeneas fistulas*), of which the longest should be fifteen, the next twelve, and the shortest nine inches in length; and he should have two female catheters, the one nine inches long, the other six. Both sorts should be a little curved, but especially the male; they should be perfectly smooth, and neither too thick nor too thin." 17. Supposed by Froriep to be an instrument for extracting teeth (*ὀδοντάγρα*, Pollux, iv. § 181); but Kühn, with much more probability, conjectures it to be an instrument used in amputating part of an enlarged uvula, and quotes Celsus (*De Med.* vii. 12. § 3. p. 404), who says, that "no method of operating is more convenient than to take hold of the uvula with the forceps, and then to cut off below it as much as is necessary." 18, 19. Probably two spatulae. [W. A. G.]

CHITON (χιτών). [Tunica.]

CHITO'NIA (χιτώνια), a festival celebrated in the Attic town of Chitone in honour of Artemis, surnamed Chitona or Chitonia. (Schol. *ad Callimach. Hymn. in Artem.* 78.) The Syracusans also celebrated a festival of the same name, and in honour of the same deity, which was distinguished by a peculiar kind of dance, and a playing on the flute. (Athen. xiv. p. 629; Steph. Byz. *s. v.* Χιτώνη.) [L. S.]

CHLAINA (χλαῖνα). [Laena; Pallium.]

CHLAMYS (χλαμύς, *dim.* χλαμύδιον), a scarf. This term, being Greek, denoted an article of the Amictus, or outer raiment, which was in general characteristic of the Greeks, and of the Oriental races with which they were connected, although both in its form and in its application it approached very much to the Lacerna and Paludamentum of the Romans, and was itself to some extent adopted by the Romans under the emperors. It was for the most part woollen; and it differed from the *ἱμάτιον*, the usual amictus of the male sex, in these respects, that it was much smaller; also finer, thinner, more variegated in colour, and more susceptible of ornament. It moreover differed in being oblong instead of square, its length being generally about twice its breadth. To the regular oblong *a, b, c, d* (see woodcut), goars were added, either in the form of a right-angled triangle *a, e, f*, producing the modification *a, e, g, d*, which is exemplified in the annexed figure of Mercury; or of an obtuse-angled triangle *a, e, b*, producing the modification *a, e, b, c, g, d*, which is exemplified in the figure of a youth from the Panathenaic frieze in the British Museum. These goars were called

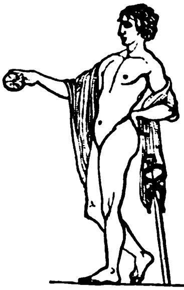


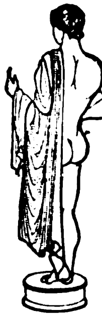
πτερύγες, *wings*, and the scarf with these additions was distinguished by the epithet of Thessalian or Macedonian (*Etym. Mag.*), and also by the name of Ἄλλιξ or *Alicula*. [Alicula.] Hence the ancient geographers compared the form of the inhabited earth (*ἡ οἰκουμένη*) to that of a chlamys. (Strabo, ii. 5; Macrobius, *De Somn. Scip.* ii.)

The scarf does not appear to have been much worn by children, although one was given with its brooch to Tiberius Caesar in his infancy. (Suet. *Tib.* 6.) It was generally assumed on reaching adolescence, and was worn by the ephebi from about seventeen to twenty years of age. (Philemon, p. 367, ed. Meineke; *ephebica chlamyde*, Apuleius, *Met.* x; Pollux, x. 164.) It was also worn by the military, especially of high rank, over their body-armour (Aelian, *V. H.* xiv. 10; Plaut. *Pseud.* ii. 4. 45, *Epid.* iii. 3. 55), and by hunters and travellers, more particularly on horseback. (Plaut. *Poen.* iii. 3. 6, 31.)

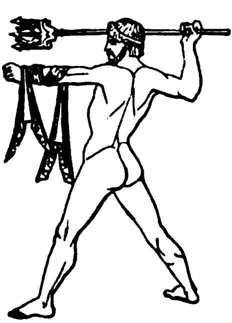
The scarfs worn by youths, by soldiers, and by hunters, differed in colour and fineness, according to their destination, and the age and rank of the wearer. The χλαμὺς ἐφηβική was probably yellow or saffron-coloured; and the χλαμὺς στρατιωτική, scarlet. On the other hand, the hunter commonly went out in a scarf of a dull unconspicuous colour, as best adapted to escape the notice of wild animals. (Pollux, v. 18.) The more ornamental scarfs, being designed for females, were tastefully decorated with a border (*limbus*, Virg. *Aen.* iv. 137; *maeander*, v. 251); and those worn by Phoenicians, Trojans, Phrygians, and other Asiatics, were also embroidered, or interwoven with gold. (Virg. *ll. cc.*; iii. 483, 484, xi. 775; Ovid, *Met.* v. 51; Val. Flaccus, vi. 228.) Actors had their chlamys ornamented with gold. (Pollux. iv. 116.)

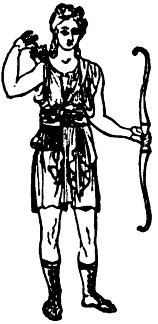
The usual mode of wearing the scarf was to pass one of its shorter sides (*a, d*) round the neck, and to fasten it by means of a brooch (*fibula*), either over the breast, in which case it hung down the back, reaching to the calves of the legs; or over the right shoulder, so as to cover the left arm, as is seen in the cut on p. 259, and in the well-known example of the Belvidere Apollo. In other instances it was made to depend gracefully from the left shoulder, of which the bronze Apollo in the British Museum (see the annexed woodcut) presents an example; or it was thrown lightly behind the back, and passed over either one arm or shoulder, or over both (see the second figure in the last woodcut, taken from Hamilton's Vases, i. 2); or, lastly, it was laid upon the throat, carried behind the neck, and crossed so as to hang down the back, as in the figure of Achilles (p. 196), and sometimes its extremities were again brought forward over the arms or shoulders. In short, the





remains of ancient art of every description, show in how high a degree the scarf contributed, by its endless diversity of arrangement, to the display of the human form in its greatest beauty; and Ovid has told us how sensible the ephebi were of its advantages in the account of the care bestowed upon this part of his attire by Mercury. (*Met.* ii. 735.) The aptitude of the scarf to be turned in every possible form around the body, made it useful even for defence. The hunter used to wrap his chlamys about his left arm when pursuing wild animals, and preparing to fight with them. (Pollux v. 18; Xen. *Cyneg.* vi. 17.) Alcibiades died fighting with his scarf rolled round his left hand instead of a shield. The annexed woodcut exhibits a figure of Neptune armed with the trident in his right hand, and having a chlamys to protect the left. It is taken from a medal which was struck in commemoration of a naval victory obtained by Demetrius Poliorcetes, and was evidently designed to express his sense of Neptune's succour in the conflict. When Diana goes to the chase, as she does not require her scarf for purposes of defence, she draws it from behind over her shoulders, and twists it round her waist, so that the belt of her quiver passes across it, as shown in the statues of this goddess in the Vatican (see woodcut).





It appears from the bas-reliefs on marble vases that dancers took hold of one another by the chlamys, as the modern Greeks still do by their scarfs or handkerchiefs, instead of taking one another's hands.

Among the Romans the scarf came more into use under the emperors. Caligula wore one enriched with gold. (Suet. *Calig.* 19.) Alexander Severus, when he was in the country or on an expedition, wore a scarf dyed with the coccus (*chlamyde coccinea*, Lamprid. *Al. Sev.* 40; compare *Matt.* xxvii. 28, 31). [J. Y.]

CHLOEIA or CHLOIA (χλόεια or χλοιά), a festival celebrated at Athens in honour of Demeter Chloë, or simply Chloë, whose temple stood near the Acropolis. (Hesych. *s. v.* χλοιά; Athen. xiv. p. 618; Sophocl. *Oed. Col.* 1600, with the Scholiast; Paus. i. 22. § 3.) It was solemnized in spring, on the sixth of Thargelion, when the blossoms began to appear (hence the names χλόη and χλόεια), with the sacrifice of a goat and much mirth and rejoicing. (Eupolis, *apud Schol. ad Soph. Oed. Col. l. c.*) [L. S.]

CHOENIX (χοῖνιξ), a Greek measure of capacity, the size of which is differently given; it was probably of different sizes in the several states. Pollux (iv. 23), Suidas, Cleopatra, and the fragments of Galen (c. 7, 9) make it equal to three cotylae, or nearly 1½ pints English; another fragment of Galen (c. 5), and other authorities (Paucton, *Metrolog.* p. 233) make it equal to four cotylae, or nearly 2 pints English; Rhemnius Fannius (v. 69), and another fragment of Galen (c. 8) make it eight cotylae, or nearly 4 pints English. (Wurm, *De Pond. et Mens.* &c., pp. 132, 142, 199; Hussey, *Ancient Weights, &c.* pp. 209, 214. [P. S.]

CHOES (χόες). [Dionysia.]

CHORE'GIA. [Choregus.]

CHORE'GUS (χορηγός), one who had to discharge the duties of the *Choregia* (χορηγία). The Choregia was one of the most expensive of the ordinary or encyclic liturgies at Athens. [Leiturgia.] The choregus was appointed by his tribe, though we are not informed according to what order. The same person might serve as choregus for two tribes at once (Antiph. *de Choreuta*, p. 768; Dem. c. *Lept.* p. 467); and after B. C. 412 a decree was passed allowing two persons to unite and undertake a choregia together. (Schol. *ad Arist. Ran.* 406.) The duties of the choregia consisted in providing the choruses for tragedies and comedies, the lyric choruses of men and boys, the pyrrhicists, the cyclic choruses, and the choruses of flute-players for the different religious festivals at Athens. When a poet intended to bring out a play, he had to get a chorus assigned him by the archon [Chorus], who nominated a choregus to fulfil the requisite duties. The choregus had in the first place to get the choreutae. In the case of a chorus of boys this was sometimes a difficult matter, since, in consequence of the prevalent paederastia of the Greeks, parents were frequently unwilling to suffer their boys to be choreutae, lest they should be exposed to corrupting influences during their training. Solon, with the view of lessening the dangers to which they might be exposed, had enacted that choregi should be more than forty years of age. But the law was by no means rigidly observed. (Aesch. c. *Timarch.* p. 391.) If the boys could be obtained in no other way, compulsion was allowable. (Antiph. *l. c.*) Having procured the choreutae, the choregus had next to provide a trainer for them (χοροδιδάσκαλος). It was of course a matter of great importance to get a good trainer. The apportionment of the trainers was decided by lot, that is, as Böckh imagines, the choregi decided by lot in what order they were to select the trainers, which was in fact the mode of proceeding with respect to the flute-player. (Dem. c. *Meid.* p. 519.) The choregus had to pay, not only the trainer, but the choreutae themselves, and maintain them while they were in training, providing them with such food as was adapted to strengthen the voice[*]; and to provide a suitable training place (χορηγεῖον) if he had no place in his own house adapted for the purpose. (Antiph. *l. c.*; Athen. xiv. p. 617, b.; Schol. *ad Arist. Nub.* 338, *Acharn.* 1154; Plut. *de Glor. Ath.* p. 349, a; Xen. *de Republ. Ath.* i. 13; Poll. iv. 106, ix. 41.) He had also to provide the chorus with the requisite dresses, crowns, and masks. (Dem. *c. Meid.* p. 519; Athen. iii. p. 103, f.) It is not to be supposed, however, that the choregus defrayed the whole expense of the play to be represented. The choregus who was judged to have performed his duties in the best manner received a tripod as a prize, the expense of which, however, he had to defray himself; and this expense frequently included the building of a cell or chapel in which to dedicate it. A street at Athens was called the Street of the Tripods, from being lined with these. The tribe to which the choregus belonged shared the honours of the victory with him, and the names of both were inscribed upon the tripod or monument. (Paus. i. 20. § 1; Plat. *Gorg.* p. 472; Plut. *Nic.* 3.) The sums expended by choregi were doubtless in most cases larger than was absolutely necessary. Aristophanes (Lys. *pro Arist. bon.* pp. 633, 642) spent 5000 drachmae upon two tragic choruses. From the same orator we learn that another person spent 3000 drachmae upon a single tragic chorus; 2000 for a chorus of men; 5000 for a chorus of men on another occasion, when, having gained the prize, he had to defray the expense of the tripod; 800 drachmae for a chorus of pyrrhicists; 300 drachmae for a cyclic chorus. (Lys. ἀπολ. δωροδ. pp. 698, ed. Reiske.)

A chorus of flute-players cost more than a tragic chorus. (Dem. *c. Meid.* p. 565.) In times of public distress, the requisite number of choregi could not always be procured. Thus the tribe Pandionis had furnished no choregus for three years, till Demosthenes voluntarily undertook the office. (Dem. *c. Meid.* pp. 578, 579; comp. Böckh. *Publ. Econ. of Athens*, book iii. c. 22.) [C. P. M.]

CHOROBATES, an instrument for determining the slope of an aqueduct and the levels of the country through which it was to pass. From the description given of it by Vitruvius, it appears to have differed but very slightly from a common carpenter's level, which consists of a straight rule supporting a perpendicular piece, against which hangs a plumb-line. The chorobates had two perpendiculars and plumb lines, one at each end, instead of a single one in the middle. The derivation of the word is from χώρα and βαίνω, from its use in surveying land minutely. [P. S.]

CHORUS (χορός), a word, the original meaning and derivation of which are somewhat uncertain. According to Hesychius the word is equivalent to κύκλος or στέφανος. If so, the word probably signified originally a company of dancers dancing in a ring. Those who adopt that view of the origin of the word connect it with χόρτος, χορωνός, and κορωνός. Others suppose that the earliest signification of the word is that of a level, open space, such as would be suited for dancing, and connect it with χώρα and χῶρος, so that the later and ordinary signification of the word would be derived from such places being employed for dancing. This seems a less likely account of the word than the other. If the name χοροί was given to such places *with reference to their use for dancing*, we should still have to look to this latter idea for the origin of the name of the place; if the name was a general one, like χῶρος, it seems very unlikely that a body of dancers should derive their name from what is so very little distinctive of them, namely their meeting in an open space. On the other hypothesis it is easy to understand how a word signifying a body of dancers should come to signify the place where they danced, and then, more generally, any place suited for the purpose. As regards the usage of the word, in Homer it commonly means a troop of dancers; in the Odyssey (viii. 260, 264, xii. 4) passages are found where it means a place for dancing; εὐρύχορος is found both in Homer and in later writers as an epithet of cities having large open squares or places suited for choral performances. A comparison with the corresponding word καλλίχορος shows that the notion of *dancing* must not be lost sight of. At Sparta the agora was called χορός (Paus. iii. 11. § 9).

In later times, a choric performance always implies the singing or musical recitation of a poetical composition, accompanied by appropriate dancing and gesticulation, or at least by a measured march. The choruses that we read of in Homer are merely companies of dancers, who move to the music of a song sung by the minstrel, who accompanies himself on the cithara or phorminx. In the palace of Alcinous the dancers perform their evolutions, while Demodocus, to the music of the phorminx, sings the loves of Ares and Aphrodite (*Od.* viii. 256, &c.). In the chorus represented on the shield of Achilles (*Il.* xviii. 590, &c.) a band of youths and maidens dance, holding each other by the hand, sometimes in a ring, sometimes in parallel lines opposite to each other. In the midst of the dancers are two κυβιστητῆρες, or tumblers, who, apparently, by their gesticulations direct and *lead off* (ἐξάρχοντες) the measured movements (μολπή) of the dancers. So in the Homeric hymn to the Pythian Apollo (10, &c.) a company of goddesses dance, while the Muses sing, and Apollo plays the cithara. The part of the κυβιστητῆρες is performed by Ares and Hermes, who gesticulate (παίζουσι) in the midst of the dancers. In the description of the nuptial procession in Hesiod (*Shield of Herc.* 272, &c.) it is not quite clear whether the chorus of youths are singing and dancing to the sound of the pipe, or playing the pipe themselves. The band of revellers (κῶμος) who follow both dance and sing. That the chorus, in the earliest times, consisted of the whole population of a city assembled for dances and hymns in honour of their guardian-god, might be true if the whole population joined in the dance, but not otherwise, for the term chorus never included the spectators.

Whether the Dorians were the first who had choruses at festive or religious celebrations, or whether Apollo was the deity in connection with whose worship choruses first made their appearance, are points which, in the absence of all evidence, are best left undecided. The war-dances of the Curetes in Crete in honour of Zeus, seem to be quite as ancient as any that we know of in honour of Apollo. However dances may have originated, it was natural that, like music and poetry, they should at a very early period be connected with the worship of the gods; and in that connection it is certainly true that it was among the Dorians, and connected with the worship of Apollo, that the chorus received its earliest development, though there does not appear sufficient evidence to support the conclusion that the worship of Apollo existed nowhere without having been introduced by the Dorians.

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[*] The speech of Antiphon, περὶ τοῦ χορευτοῦ, was composed for a trial which arose out of an action brought by the father of a choreutes against the choregus under whose charge he was, because the boy had died from drinking some mixture given him to improve his voice.

The imperfect type of the later chorus appears in the earliest period in the paean, as sung by a company either sitting still (*Il.* i. 473), or moving along with a measured step (*Il.* xxii. 391). In the Homeric hymn to the Pythian Apollo we have the god himself as leader of the chorus, playing the phorminx, while the chorus of Cretans follow him at a measured pace, and sing the Paean. [PAEAN]. This exhibits the Paean in a somewhat later stage of development. In Homer it appears as a less formal and systematic performance. Dancing was very early connected with the worship of Apollo in Delos (Hymn. Apoll. Del. l. 149, &c.), and in Crete. (Hesiod. *Fr.* 94. Göttl.) It was in Crete that the mimetic dance, called Hyporchema, took its origin [HYPORCHEMA; SALTATIO], and it was thence also that the subsequent innovations upon the staid gravity of the Paean were derived, traces of the origin of which were preserved in the name of the rhythms and dances. (Müller, *Dorians*, ii. 8. § 14.) To Thaletas are attributed the most important improvements. He cultivated the art of dancing no less than that of music, and adapted the evolutions of the chorus to the more spirited movements of the Phrygian style of music. He is said to have composed both paeans and hyporchemes, the latter of which he adapted for the Pyrrhic or war-dance; and from having given them a more artistic form, he came to be regarded by some as the inventor of them. (Müller, *History of the Literature of Ancient Greece*, p. 160, &c.) Paeans began to be sung with an orchestic accompaniment on the part of the chorus, especially at the festival of the Gymnopaedia [GYMNOPAEDIA], and by degrees became scarcely distinguishable from the hyporcheme. (Müller, *l. c.* p. 160; Bode, *Gesch. der Hellen. Dichtk.* vol. ii. part i. p. 46.) That combination of singing and dancing which we find in the choruses of later times, to which the remark of Lucian applies (*de Salt.* 30), *πάλαι μὲν γὰρ οἱ αὐτοὶ καὶ ᾖδον καὶ ὠρχοῦντο*, was probably introduced by degrees. It had taken place before the time of Alcman, who introduced into his choral compositions an antistrophic character. A large number of these he composed for choruses of virgins: in some there was a dialogue between the chorus and the poet. (Müller, *l. c.* p. 194, &c.) In his compositions strophes and antistrophes of the same measure usually succeeded each other in indefinite number. Stesichorus introduced the improvement of adding an epode, during which the chorus were to stand still, to the strophe and antistrophe. (Suidas, *s. v.* *τρία Στησιχόρου*; Müller, *l. c.* p. 199.) In the arrangement of his choruses he seems to have had a great partiality for the octagonal form, or for certain combinations of eight, whence arose the proverb *πάντα ὀκτώ*. At Catana there was erected to him an octagonal monument with 8 columns and 8 steps. (Suidas, *s. v.* *πάντα ὀκτώ* and *Στησίχορος*.)

In all the Dorian states, especially among the Spartans, these choral performances were cultivated with great assiduity. Various causes contributed to this, as for example, their universal employment in the worship of Apollo, the fact that they were not confined to the men, but that women also took part in them, and that many of the dances had a gymnastic character given them, and were employed as a mode of training to martial exercises. [SALTATIO.] Hence it arose that the Dorian lyric poets directed their labours almost entirely to supply the demand for songs and hymns to be sung as accompaniments to the dances, and that Doric lyric poetry became almost exclusively choral, which was not the case with the other great school of Greek lyric poetry, the Aeolian; so that the Doric dialect came to be looked upon as the appropriate dialect for choral compositions, and Doric forms were retained by the Athenians even in the choral compositions which were interwoven with their dramas. (Müller, *Dorians*, iv. 7. § 9.) Still it is not to be supposed that there was no choral poetry which was not Doric. Several Lesbian lyric poems appear to have had a choral character. (Müller, *Hist. of Lit. of Greece*, p. 165.)

The Spartans had various kinds of dances (Müller, *Dor.* iv. 6. § 8, &c.); but the three principal styles were the Pyrrhic, the Gymnopaedic, and the Hyporchematic (Athenaeus, xiv. p. 631, xv. p. 678), in all of which something of a mimetic character was to be found, but more especially in the last. Müller (*Lit. of Gr.* p. 161) expresses an opinion that the gymnopaedic style, to which the *ἐμμέλεια* of tragedy corresponded, is not to be confounded with the dances of the gymnopaedic festival. The Pyrrhic or war dance (*πρύλις*. Homer calls hoplites *πρυλέες*) was made subservient to gymnastic and martial training. Hence the analogy that may be traced between the construction and evolution of the chorus and of the lochus. (Müller, *Dor.* iii. 12. § 10; Lucian, *de Saltat.* 7.) At the Gymnopaedia large choruses of men and boys appeared, in which great numbers of the citizens would have to take part. (Müller, *Dor.* iv. 6. § 4.) At several of the festivals there were distinct choruses of boys, men, and old men. (Plut. *Lycurg.* 21; Pollux, iv. 107; Müller, *Dor.* iv. 6. § 5, *Hist. of the Lit of Gr.* p. 194.) Dances in which youths and maidens were intermingled were called *ὅρμοι*. (Lucian, *de Salt.* 12.) It was in the hyporchematic dance especially that the chorus both sang and danced. (Athen. xiv. p. 631.)

The instrument commonly used in connection with the Doric choral poetry was the cithara. In the Pyrrhic dance, however, the flute was employed. (Müller, *Dor.* iv. 6. § 7, *Hist. Gr. Lit.* p. 161.) In the hyporchematic performances at Delos, described by Lucian (*de Salt.* 6), both the cithara and the flute were used. Archilochus speaks of the flute as an accompaniment to the Lesbian paean (ap. Athen. v. p. 180). It is not, therefore, quite correct to say that wherever we find the flute employed, we have not a proper chorus but a comus. (Comp. Bode, vol. ii. part i. pp. 47, 208.) Thaletas, who introduced the Phrygian style, probably made use of the flute as well as the cithara. It was in connection with the hyporcheme that flute music was first introduced into the worship of Apollo. (Bode, vol. ii. part ii. pp. 13, 16, 17, 33, 34, 244.) For the κῶμος, however, which was a mirthful and irregular procession, in which those who took part in it both sang and danced (as in the κῶμος part of the marriage procession described by Hesiod, *Shield of Herc.* 281, &c.), the flute was the regular instrument.

A great impetus was given to choral poetry by its application to the dithyramb. This ancient Bacchanalian performance, the origin of which is at any rate earlier than Archilochus, who in one of the fragments of his poetry, says that "he knows how to lead off the dithyramb, the beautiful song of Dionysus, when his mind is inflamed with wine" (Athen. xiv. p. 628), seems to have been a hymn sung by one or more of a κῶμος, or irregular band of revellers, to the music of the flute. Arion was the first who gave a regular choral, or antistrophic form to the dithyramb. This improvement was introduced at Corinth. (Herod. i. 24; Pindar, *Ol.* xiii. 18 or 25, with the notes of the commentators.) The choruses, which ordinarily consisted of fifty men or youths (Simonides, *Epigr.* 58, Br.; Tzetzes, *proleg. ad Lycophr.* vol. i. p. 251, ed. Müller), danced in a ring round the altar of Dionysus. Hence they were termed *cyclic* choruses (κύκλιοι χοροί), and dithyrambic poets were understood by the term κυκλιοδιδάσκαλοι. This also explains the name Cycleus, given to the father of Arion (Müller, *Hist. Gr. Lit.* p. 204). With the introduction of a regular choral character, Arion also substituted the cithara for the flute. The statement that he was the inventor of the *trugic style* (τραγικὸς τρόπος), means probably that he introduced dithyrambs of a gloomy character, having for their subject the sorrows of Dionysus, as well as the more gay and joyous song (Müller, *l. c.* pp. 204, 290). Arion is also said to have been the first to introduce into these choruses satyrs speaking in verse. Lasus, of Hermione, gave a freer form to the dithyramb, by divesting it of its antistrophic character, and set the example of introducing the dithyrambic style into compositions not immediately connected with the worship of Dionysus. He also united with the representation of the dithyramb taunting jests. It was through him that dithyrambic contests were introduced at Athens, at which the prize for the successful poet was a tripos, and for the chorus a bull. (See the epitaph on Simonides, *Anthol. Pal.* vi. 213, Fr. p. 190, ed. Jacobs; Schol. ad Aristoph. *Ran.* 360, *Vesp.* 1403.) The dance of the cyclic chorus was the Dionysiac variety of the Pyrrhic (Aristoph. *Av.* 153; Athen. xiv. p. 631, a.). In the time of Simonides, through the innovations of Lasus, Crexus, Phrynis, and others, the citharoedic character which Arion had given to the dithyramb had passed into the auloedic. As the dithyramb lost its antistrophic character, it became more and more thoroughly mimetic or dramatic, and as its performance required more than ordinary skill, dithyrambs came to be performed by amateurs (Aristot. *Probl.* xv. 9, *Rhet.* iii. 9; Plut. *de Mus.* 29. p. 1141, b.; Proclus, ap. *Phot.* cod. 239. p. 320, ed. Bekker; Bode, ii. part ii. p. 312, &c.) For ordinary choruses the universal culture of music and dancing would make it no difficult matter to find a chorus. Wealthy men or tyrants no doubt maintained choreutae, as they maintained poets and musicians. Poets of distinction would have choreutae attached to them. There were also professed chorus-trainers, whose services were in requisition when the poet was unable to drill the chorus himself, and these often had a body of choreutae attached to them. The recitation of Pindar's second Isthmian ode was undertaken in this way by Nicesippus, with an Agrigentine chorus. The sixth Olympian ode was undertaken by Aeneas, a Boeotian, with a trained chorus which he brought with him (Schol. ad Pind. *Isthm.* ii. 6, *Olymp.* vi. 148). Most of Pindar's epinicia were comus-songs, though not all (Bode, ii. 2. p. 255—257), and the comuses which sang them must frequently have been of a somewhat artificial construction.

Respecting the mode in which tragedy was developed from the dithyramb, and the functions of the chorus in tragedy, the reader is referred to the article TRAGOEDIA.

From the time of Sophocles onwards the regular number of the chorus in a tragedy was 15. (Schol. ad Aristoph. *Equit.* 586, *Av.* 298; Pollux, iv. 108.) The account given by Suidas (*s. v.* Σοφοκλῆς), that Sophocles raised the number from 12 to 15 is deserving of attention, though there are great difficulties connected with it. Pollux (iv. 110) has an absurd story that the number of the chorus was 50 before the representation of the Eumenides of Aeschylus, and that the number was then reduced by a law on account of the terror produced by the appearance of the 50 Eumenides. It seems scarcely possible to arrive at any definite conclusion with regard to the number of the chorus in the early dramas of Aeschylus. The fact that the number of the dithyrambic chorus was 50, and that the mythological number of the Oceanides and Danaides was the same, tempts one to suppose that the chorus in the Prometheus and the Supplices consisted of 50. Most writers, however, agree in thinking that such a number was too large to have been employed (Welcker, *Aeschyl. Trilogie*, p. 27, &c.; Hermann, *Dissert. de Choro Eumen.* i. and ii. Opusc. vol. ii.) Müller (*Dissertations on the Eumenides of Aeschylus*, I. A.; *Hist. of Gr. Lit.* p. 300) propounds the theory that the dithyrambic chorus of 50, when transferred to tragedy, was reduced to 48, and that a chorus of that number was assigned to the poet for four plays, the trilogy and the satyric drama, and was subdivided into sections of 12, each of which was the chorus for one play. In support of this he endeavours to point out instances of choruses of this number being found in Aeschylus, as that in the Agamemnon, which re-appears as the Areopagites in the Eumenides, and that in the Persae. But the insufficiency of the evidence brought forward to establish this has been satisfactorily pointed out by Hermann in his review of Müller's edition of the Eumenides (*Opusc.* vol. vi.). The idea that the chorus of the Eumenides consisted of three (Blomfield, *Praef. ad Aesch. Pers.*), has met with very little favour among German scholars, though the arguments brought against it are not all of the most convincing kind, and it is to be borne in mind that the introduction of the Areopagites, &c. into the play, would render the fewness of such a chorus less striking than would otherwise have been the case. The later chorus of 15 was the only one that the grammarians knew any thing about. It was arranged in a quadrangular form (τετράγωνος, Etym. Magn. *s. v.*

Τραγῳδία; Villoison's *Anecdota*, ii. p. 178), in rank (ζυγά) and file (στίχοι, στοῖχοι). It entered the theatre by the passage to the right of the spectators [THEATRUM]. When it entered three abreast it was said to come in κατὰ ζυγά, when five abreast, κατὰ στοίχους (Pollux, iv. 108). Its entrance was termed πάροδος; its leaving the stage in the course of the play μετάστασις; its re-entrance ἐπιπάροδος; its exit ἄφοδος. (In the Eumenides the chorus entered in an irregular manner σποράδην.) As it entered in three lines, with the spectators on its left, the stage on its right, the middle choreutes of the left row (τρίτος ἀριστέρου) was the Coryphaeus or Hegemon, who in early times at least was not unfrequently the choragus himself. (Athen. xiv. p. 633; Suid. *s. v.* χοραγός.) When they had taken their stations in this order, the row nearest to the spectators bore the name ἀριστεροστάται, that towards the stage δεξιοστάται, and the middle row λαυροστάται. The choreutae at the ends, farthest from the Coryphaeus, were called κρασπεδῖται. These places were also called ὑποκόλπιον τοῦ χοροῦ. (Pollux, ii. 161, iv. 107; Photius, p. 210, ed. Bekker; Plut. *Symp.* v. 5. p. 678, d.; Hesych. *s. vv.*) Müller arranges them so that the Coryphaeus stands upon the Thymele, or at least upon the steps of it (Eumen. *Dissert.*), and so conversed with the actors over the heads of the chorus. Hermann (*Rev. of Muller's Eumen.* Opusc. vol. vi. p. 143, &c.) denies this, and infers from the accounts of Vitruvius and other ancient authorities that the chorus took its station and performed its evolutions upon a platform one or two feet lower than the stage, and reaching from the stage to the Thymele which stood in the middle of the entire space called κονίστρα. On the steps of the Thymele, and therefore below the ὀρχήστρα, properly so called, were stationed the musicians and certain police-officers to keep order. Of course the positions first taken up by the choreutae were only retained till they commenced their evolutions. To guide them in these, lines were marked upon the boards with which the orchestra was floored. The flute as well as the cithara was used as an accompaniment to the choric songs. The dance of the tragic chorus was called ἐμμέλεια, answering to the gymnopaedic dance of the Dorian choruses (Athen. *l. c.*).

The ordinary number of the chorus in a comedy was 24 (Schol. ad Arist. *Av.* 298, *Acharn.* 210, *Equit.* 586; Pollux, iv. 109; Tzetzes, *proleg. ad Lycophr.* p. 1). Like the tragic chorus it was arranged in a quadrangular form, and entered the orchestra from opposite sides, according as it was supposed to come from the city or from the country. It consisted sometimes half of male and half of female choreutae. It seems to be a mistake of the scholiast on Aristophanes (*Equit.* l. 586) that in such cases the former were 13, the latter 11 in number. At least in the *Birds* of Aristophanes the chorus consists of 12 male and 12 female birds. (297—304.) The dance of the comic chorus was the κόρδαξ, which answered to the Hyporchematic style of the Doric chorus. In the Satyric drama the chorus consisted of Satyrs. Of how many it consisted cannot be determined with any certainty. Its dance was called σίκιννις. It answered to the Pyrrhic. (Athen. i. p. 20, xiv. p. 630.)

When a poet intended to bring forward a play, he had to apply for a chorus (χορὸν αἰτεῖν) to the archons, to the king archon if the play was to be brought forward at the Lenaea, to the archon eponymus if at the great Dionysia. If the play were thought to deserve it, he received a chorus (χορὸν λαμβάνειν), the expenses of which were borne by a choregus [CHOREGUS]. The poet then either trained (διδάσκειν) the chorus himself, which Aeschylus often did (Athen. i. p. 21), or entrusted that business to a professed chorus trainer (χοροδιδάσκαλος), who usually had an assistant (ὑποδιδάσκαλος, Pollux, iv. 106). For training the chorus in its evolutions there was also an ὀρχηστοδιδάσκαλος. The chorus in comedies at first consisted of amateurs (ἐθελονταί, Arist. *Poët.* 5). [C. P. M.]

CHOUS (χοεύς, χοῦς), a Greek liquid measure which is stated by all the authorities to be equal to the Roman congius, and to contain six ξέσται or sextarii, nearly 6 pints English. Suidas alone makes a distinction between the χοῦς and the χοεύς, making the former equal to two sextarii, and the latter equal to six. Now when we remember that the χοῦς was commonly used as a drinking vessel at Athenian entertainments (Aristoph. *Acharn.* v. 1086), that on the day of the χόες [DIONYSIA], a prize was given to the person who first drank off his χοῦς, and that Milo of Croton is said to have drunk three χόες of wine at a draught, it is incredible that in these cases the large χοῦς mentioned above could be meant. It seems, therefore, probable that there was also a smaller measure of the same name, containing, as Suidas states, two sextarii, or nearly 2 pints English. At first it was most likely the common name for a drinking vessel. According to Crates (*Ap. Athen.* xi. p. 496), the χοῦς had originally a similar form to the Panathenaic amphorae, and was also called πελίκη. (Pollux. x. 73; Wurm, *De Pond. Mens.* &c., pp. 127, 136, 141, 198; Hussey, *Ancient Weights*, &c. p. 211—213.) [P. S.]

CHREOUS DIKE (χρέους δίκη), a simple action for debt, was, like most of the other cases arising upon an alleged breach of contract, referred to the jurisdiction of the thesmothetae, when the sum in question amounted to more than ten drachmae. If otherwise, it fell under the cognizance of those itinerant magistrates, who were originally thirty in number, and styled accordingly *οἱ τριάκοντα*: but afterwards, in consequence of the odium attaching to this name, which had also served to designate the oligarchic tyrants, received an accession of ten colleagues and a corresponding change of title. (Pollux, viii. 100.) If the cause could be classed among the ἔμμηνοι δίκαι, as, for instance, when the debt arose upon a mercantile transaction, the thesmothetae would still have jurisdiction in it, though one of the parties to the suit were an alien, otherwise it seems that when such a person was the defendant, it was brought into the court of the polemarch. (Meier, *Att. Proc.* p. 55.) If the cause were treated as a δίκη Ἐμπορική, as above mentioned, the plaintiff would forfeit a sixth part of the sum contested, upon failing to obtain the votes of one-fifth of the dicasts (Suid. *s. v.* Ἐπωβελία); but we are not informed whether this regulation was applicable, under similar circumstances, in all prosecutions for debt. The speech of Demosthenes against Timotheus was made in a cause of this kind. [J. S. M.]

CHRONOLO'GIA (χρονολογία), is the science by which time is measured according to the courses of the stars, and more especially of the sun and moon; but in the more limited sense in which we have to treat of chronology here, it is a part of history, and teaches us to assign each historical event to the date to which it belongs. The reduction of any given date in antiquity to the corresponding year, month, or day, in our modern computation of time, is sometimes a matter of great difficulty, and often of absolute impossibility; for nearly all the nations of antiquity began their year at a different time, some used solar and other lunar years, and others again a combination of the two; nearly all, moreover, had different eras, that is, points of time from which subsequent and preceding years are counted; and in addition to this there occur a great many changes and fluctuations in one and the same nation; and the historians whose works have come down to us, are not always very precise in marking the time to which the events belong, so that we must have recourse to all manner of combinations, or are left to conjectures.

For the manner in which the Greeks and Romans calculated their years and months we refer to the article CALENDARIUM, and we shall here confine ourselves to an account of the manner in which those nations calculated and stated the events of their history. The Greeks reckoned their years generally according to their magistrates, in the early times according to the years of the reign of their kings, and afterwards according to their annual magistrates. At Athens the year was called by the name of one of the nine archons, who from this circumstance was called *ἄρχων ἐπώνυμος* or the archon par excellence; and at Sparta the years were called after one of the five ephors, who for this reason was likewise termed *ἐπώνυμος*. (Thucyd. ii. 2; Xenoph. *Anab.* ii. 3. § 10; Polyb. xii. 12; Paus. iii. 11. § 2.) But the years of the Athenian archons and the Spartan ephors, coinciding with the civil year in those states, did not coincide with each other, for the ephors entered upon their office in the Attic month of Boëdromion, while the archons originally entered upon theirs in the beginning of Gamelion, and ever since the year B. C. 490, at the beginning of Hecatombaeon. In Argos time was counted according to the years of the high priestess of Hera, who held her office for life (*ἡρεσίς*; Thucyd. ii. 2; Suid. *s. v.* *'Ηρεσίδες*); and the inhabitants of Elis probably reckoned according to the Olympic games, which were celebrated every fifth year during the first full moon which followed after the summer solstice. In this manner every Greek state or city calculated time according to its own peculiar or local era, and there was no era which was used by *all* the Greeks in common for the ordinary purposes of life. Historians, therefore, down to the middle of the third century B. C., frequently made use of the average age attained by men, in order to fix the time in a manner intelligible to all Greeks. The average age attained by man (*γενεά*, *aetas*), is calculated by Herodotus (vi. 98) at 33⅓ years. Timaeus, who flourished about B. C. 260, was the first historian who counted the years by Olympiads, each of which contained four years. The beginning of the Olympiads is commonly fixed in the year 3938 of the Julian period, or in B. C. 776. If we want to reduce any given Olympiad to years before Christ, e. g. Ol. 87, we take the number of the Olympiads actually elapsed, that is, 86, multiply it by 4, and deduct the number obtained from 776, so that the first year of the 87th Ol. will be the same as the year 432 B. C. If the number of Olympiads amounts to more than 776 years, that is, if the Olympiad falls after the birth of Christ, the process is the same as before, but from the sum obtained by multiplying the Olympiads by 4, we must deduct the number 776, and what remains is the number of the years after Christ. This calculation according to Olympiads, however, does not seem to have been ever applied to the ordinary business of life, but to have been confined to literature, and more especially to history. Some writers also adopted the Trojan era, the fall of Troy being placed by Eratosthenes and those who adopted this era, in the year B. C. 1184. After the time of Alexander the Great, several other eras were introduced in the kingdoms that arose out of his empire. The first was the Philippic era, sometimes also called the era of Alexander or the era of Edessa; it began on the 12th of November B. C. 324, the date of the accession of Philip Arrhidaeus. The second was the era of the Seleucidae, beginning on the 1st of October B. C. 312, the date of the victory of Seleucus Nicator at Gaza, and of his re-conquest of Babylonia. This era was used very extensively in the East. The Chaldaean era differed from it only by six months, beginning in the spring of B. C. 311. Lastly, the eras of Antioch, of which there were three, but the one most commonly used began in November B. C. 49. In Europe none was so generally adopted, at least in literature, as the era of the Olympiads; and as the Olympic games were celebrated 293 times, we have 293 Olympic cycles, that is, 1172 years, 776 of which fall before, and 396 after Christ. But when the Greeks adopted Christianity, they probably ceased to reckon by Olympiads, and adopted the Julian year. (Corsini, *Fasti Attici*, Florence, 1744—56, 4 vols. 4to.; Ideler, *Handbuch der mathem. und technisch. Chronol.* Berlin, 1825, 2 vols. 8vo.; Clinton, *Fasti Hellenici*, Oxford, 1830—1834, 3 vols. 8vo.)

The Romans in the earliest times counted their years by their highest magistrates, and from the time of the republic according to their consuls, whose names were registered in the Fasti. This era, which may be termed the *aera consularis*, however did not begin at all times at the same point, for in the earliest times of the republic, the consuls entered upon their office on the calendae of Sextilis, at the time of the decemvirate on the ides of May, afterwards on the ides of December, and at a still later time on the ides of March, until in B. C. 153 the consuls began regularly to enter upon their office on the 1st of January. This constant shifting was undoubtedly one of the causes that produced the confusion in the consular era, of which Livy (ii. 18, 21, &c.) complains. The consular era was the one commonly used by the Romans for all practical purposes, the date of an event being marked by the names of the consuls, in whose year of office it had happened. But along with this era there existed another, which as it was never introduced into the affairs of common life, and was used only by the historians, may be termed the historical era. It reckoned the years from the foundation of the city (*ab urbe condita*); but the year of the foundation of the city was a question of uncertainty among the Romans themselves. M. Terentius Varro placed it on the 21st of April in the third year of the 6th Olympiad, that is, B.C. 753. (Plut. *Rom.* 12; Dionys. i. 88; Cic. *De Div.* ii. 47; Vell. Pat. i. 8; Censorin. *De Die Nat.* 17.) This era was adopted by Velleius Paterculus, Pliny, Tacitus, A. Gellius, Dion Cassius, Eutropius, and others. Next to the Varronian era, the most celebrated was that of M. Porcius Cato, who placed the foundation of Rome in the first year of the 7th Olympiad, or in the spring of B.C. 752. (Dionys. i. 74; Syncell. *Chronog.* p. 194, a.) The date fixed upon in the *aera Capitolina* (so called from the Fasti Capitolini), by Polybius (Dionys. *l. c.*; Cic. *De Rep.* ii. 10) and Cornelius Nepos, was one year later; Q. Fabius Pictor placed the foundation in the first year of the 8th Olympiad, i. e. 747 B.C. (Dionys. *l. c.*), and Cincius Alimentus even placed it in the fourth year of the 12th Olympiad, i. e. B.C. 729. Ennius, on the other hand, placed the building of Rome about 100 or 110 years earlier than most other writers (Varro, *De Re Rust.* iii. 1); and Timaeus went so far as to regard the foundation of Rome contemporaneous with that of Carthage, placing it 38 years before the first Olympiad. But no reliance can be placed on any of these statements; as however it is necessary to have one point to start from, the Varronian era has been most commonly adopted by modern writers. (Comp. Fischer, *Römische Zeittafeln*, p. 4, &c.) [L. S.]

CHRYSE'NDETA, costly chased dishes used by the Romans at their entertainments. They are mentioned several times by Martial (ii. 43, 11, vi. 94, xiv. 97), and from the epithet *flava* which he applies to them, as well as from the etymology of the name, they appear to have been of silver, with golden ornaments. Cicero (*Verr.* iv. 21—23) mentions vessels of this kind. He calls their golden ornaments in general *sigilla*, but again distinguishes them as *crustae* and *emblemata* (c. 23); the former were probably embossed figures or chasings fixed on to the silver, so that they could be removed and transferred to other vessels, and the latter inlaid or wrought into it (comp. c. 24: *Illa, ex patellis et turibulis quae vellerat, ita scite in aureis poculis* illigabat, *ita apte in scyphis aureis* includebat, &c.). The embossed work appears to be referred to by Paullus (*cymbia argenteis crustis illigata*, Dig. 34. tit. 2. s. 33), and the inlaid ornaments by Seneca (*argentum, in quod solidi auri caelatura descenderit, Ep.* v.). [Comp. Caelatura.] [P. S.]

CRYSOA'SPIDES. [Argyraspides.]

CHRYSOUS (χρυσοῦς). [Aurum.]

CHTHO'NIA (χθόνια), a festival celebrated at Hermione in honour of Demeter, surnamed Chthonia. The following is the description of it given by Pausanias (ii. 35. § 4, &c.): — "The inhabitants of Hermione celebrate the Chthonia every year, in summer, in this manner: — They form a procession, headed by the priests and magistrates of the year, who are followed by men and women. Even for children it is customary to pay homage to the goddess by joining the procession. They wear white garments, and on their heads they have chaplets of flowers, which they call κοσμοσάνδαλοι, which, however, from their size and colour, as well as from the letters inscribed on them recording the premature death of Hyacinthus, seem to me to be hyacinths. Behind the procession there follow persons leading by strings an untamed heifer just taken from the herd, and drag it into the temple, where four old women perform the sacrifice, one of them cutting the animal's throat with a scythe. The doors of the temple, which during this sacrifice had been shut, are thrown open, and persons especially appointed for the purpose, lead in a second heifer, then a third and a fourth, all of which are sacrificed by the matrons in the manner described. A curious circumstance in this solemnity is, that all the heifers must fall on the same side on which the first fell." The splendour and rich offerings of this festival are also mentioned by Aelian (*Hist. Animal.* xi. 4), who, however, makes no mention of the matrons of whom Pausanias speaks, but says that the sacrifice of the heifers was performed by the priestess of Demeter.

The Lacedaemonians adopted the worship of Demeter Chthonia from the Hermioneans, some of whose kinsmen had settled in Messenia (Paus. iii. 14. § 5); hence we may infer that they celebrated either the same festival as that of the Hermioneans, or one similar to it. [L. S.]

CHYTRA (χύτρα). [Olla.]

CI'DARIS. [Tiara.]

CILI'CIUM (δέῤῥις), a hair-cloth. The material of which the Greeks and Romans almost universally made this kind of cloth, was the hair of goats. The Asiatics made it of camel's-hair. Goats were bred for this purpose in the greatest abundance, and with the longest hair, in Cilicia; and from this country the Latin name of such cloth was derived. Lycia, Phrygia, Spain, and Libya also produced the same article. The cloth obtained by spinning and weaving goat's-hair was nearly black, and was used for the coarse habits which sailors and fishermen wore, as it was the least subject to be destroyed by being wet; also for horse-cloths, tents, sacks, and bags to hold workmen's tools (*fabrilia vasa*), and for the purpose of covering military engines and the walls and towns of besieged cities, so as to deaden the force of the ram, and to preserve the woodwork from being set on fire. (Aristot. *Hist. Anim.* viii. 28; Aelian, xvi. 30; Varr. *De Re Rust.* ii. 11; Virg. *Georg.* iii. 312; Avien. *Ora Mar.* 218—221; Veget. *Ars Vet.* i. 42.) [J. Y.]

CINCTUS GABI'NUS. [Toga.]

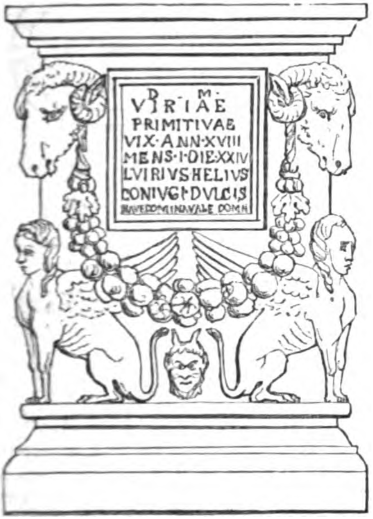
CI'NGULUM. [Zona.]

CINERA'RIUS. [Calamistrum.]

CI'NERES. [Funus.]

CI'NIFLO. [Calamistrum.]

CIPPUS. 1. A low column, sometimes round, but more frequently rectangular, used as a sepulchral monument. (Pers. *Sat.* i. 36.) Several of such cippi are in the Townly collection in the British Museum, one of which is given in the woodcut annexed. The inscription is to the memory of Viria Primitiva, the wife of Lucius Virius Helius, who died at the age of eighteen years, one month, and twenty-four days. Below the tablet, a festoon of fruits and flowers is suspended from two rams' heads at the corners; and at the lower corners are two sphinxes, with a head of Pan in the area between them. On several cippi we find the letters S. T. T. L., that is, *Sit tibi terra levis*, whence Persius, in the passage already referred to, says, *Non levior cippus nunc imprimit ossa.* It was also usual to place on the cippus the extent of the burying-ground both along the road (*in fronte*), and backwards to the field (*in agrum*), and likewise the inscription *hoc monumentum heredes non sequitur*; in order that it might not pass over to the heredes and be sold by them at any time. (Hor. *Sat.* i. 8. 12, 13; Orelli, *Inscrip.* No. 4379, 4557, &c.)

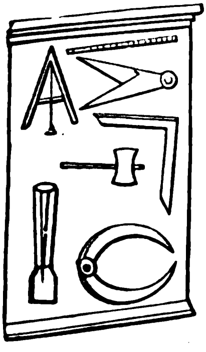


2. A boundary-stone set up by the Agrimensores to mark the divisions of lands. (*Scriptores Rei Agr.* p. 88, ed. Goesius.)

3. A military entrenchment made of the trunks of trees and palisades. (Caes. *B. G.* vii. 73.)

CIRCENSES LUDI. [Circus.]

CI'RCINUS (διαβήτης), a compass. The compass used by statuaries, architects, masons, and carpenters, is often represented on the tombs of such artificers, together with the other instruments of their profession or trade. The annexed woodcut is copied from a tomb found at Rome. (Gruter, *Corp. Inscrip.* t. i. part ii. p. 644.) It exhibits two kinds of compasses: viz. the common kind used for drawing circles and measuring distances, and one with curved legs, probably intended to measure the thickness of columns, cylindrical pieces of wood, or similar objects. The common kind is described by the scholiast on Aristophanes (*Nub.* 178), who compares its form to that of the letter Λ. [See cut under Norma.] The mythologists supposed this instrument to have been invented by Perdix, who was the nephew of Daedalus, and through envy thrown by him over the precipice of the Athenian acropolis. (Ovid, *Met.* viii. 241—251.) Compasses of various forms were discovered in a statuary's house at Pompeii. [J. Y.]



CIRCITO'RES. [Castra.]

CIRCUMLI'TIO. [Pictura.]

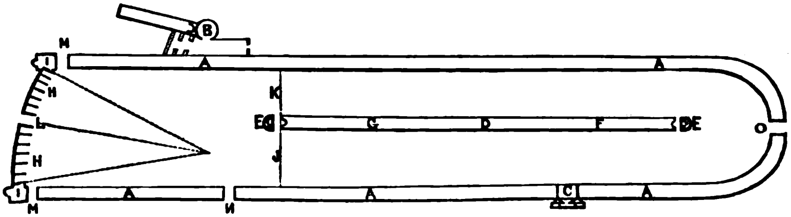
CIRCUMLU'VIO. [Alluvio.]

CIRCUITO'RES. [Castra.]

CIRCUS (ἱππόδρομος), a place for chariot-races and horse-races, and in which the Roman races (*Circenses Ludi*) took place. When Tarquinius Priscus had taken the town of Apiolae from the Latins, as related in the early Roman legends, he commemorated his success by an exhibition of races and pugilistic contests in the Murcian valley, between the Palatine and Aventine hills; around which a number of temporary platforms were erected by the patres and equites, called *spectacula*, *fori*, or *foruli*, from their resemblance to the deck of a ship; each one raising a stage for himself, upon which he stood to view the games. (Liv. i. 35; Festus. *s. v. Forum*; Dionys. iii. p. 192, &c.) This course, with its surrounding scaffoldings, was termed circus; either because the spectators stood round to see the shows, or because the procession and races went round in a circuit. (Varr. *De Ling. Lat.* v. 153, 154, ed. Müller.) Previously, however, to the death of Tarquin, a permanent building was constructed for the purpose, with regular tiers of seats in the form of a theatre. (Compare Liv. and Dionys. *ll. cc.*) To this the name of Circus Maximus was subsequently given, as a distinction from the Flaminian and other similar buildings, which it surpassed in extent and splendour; and hence, like the Campus Martius, it is often spoken of as *the* Circus, without any distinguishing epithet.

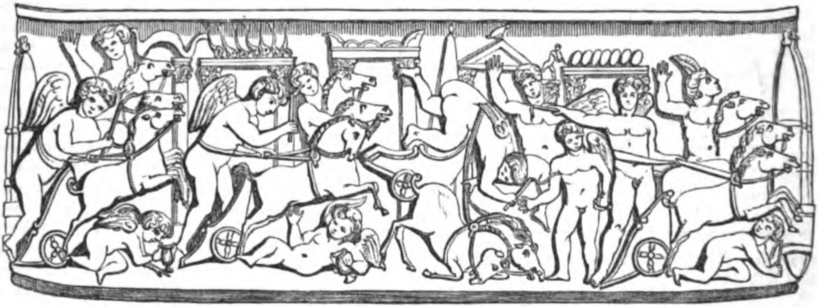
Of the Circus Maximus scarcely a vestige now remains, beyond the palpable evidence of the site it occupied, and a few masses of rubble-work in a circular form, which may be seen under the walls of some houses in the *Via de' Cerchi*, and which retain traces of having supported the stone seats (Dionys. *l. c.*) for the spectators. This loss is fortunately supplied by the remains of a small circus on the Via Appia, commonly called the Circus of Caracalla, the ground-plan of which, together with much of the superstructure, remains in a state of considerable preservation. The ground-plan of the circus in question is represented in the annexed woodcut; and may be safely taken as a model of all others, since it agrees in every main feature, both of general outline and individual parts, with the description of the Circus Maximus given by Dionysius (iii. p. 192).

Around the double lines (A, A) were arranged the seats (*gradus*, *sedilia*, *subsellia*), as in a theatre, termed collectively the *cavea*; the lowest of which were separated from the ground by a *podium*, and the whole divided longitudinally by *praecinctiones*, and diagonally into *cunei*, with their *vomitoria* attached to each. Towards the extremity of the upper branch of the *cavea*, the general outline is broken by an outwork (B), which was probably the *pulvinar*, or station for the emperor, as it is placed in the best situation for seeing both the commencement and end of the course, and in the most prominent part of the circus. (Suet. *Claud.* 4.) In the opposite branch, is observed another in-

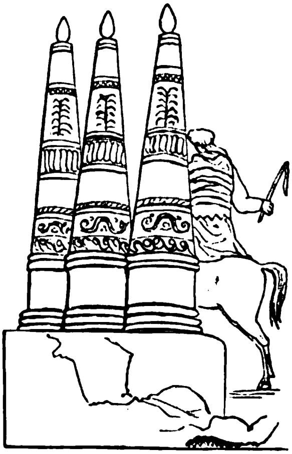


terruption to the uniform line of seats (C), betokening also, from its construction, a place of distinction; which might have been assigned to the person at whose expense the games were given (*editor spectaculorum*).

In the centre of the area was a low wall (D) running lengthways down the course, which, from its resemblance to the position of the dorsal bone in the human frame, was termed *spina*. (Cassiodor. *Var. Ep.* iii. 51.) It is represented in the wood-cut subjoined. taken from an ancient bas-relief.



At each extremity of the spina were placed, upon a base (E, E), three wooden cylinders, of a conical shape, like cypress trees (*metasque imitata cupressus*, Ovid, *Met.* x. 106; compare Plin. *H. N.* xvi. 60), which were called *metae* — the goals. Their situation is distinctly seen in the preceding woodcut, but their form is more fully developed in the one annexed, copied from a marble in the British Museum.



The most remarkable object upon the *spina* were two columns (F) supporting seven conical balls, which, from their resemblance to eggs, were called *ova*. (Varr. *De Re Rust.* i. 2. § 11; Liv. xli. 27.) These are seen in the woodcut representing the spina. Their use was to enable the spectators to count the number of rounds which had been run; for which purpose they are said to have been first introduced by Agrippa (Dion Cass. xlix. p. 600), though Livy (xli. 27) speaks of them long before. They are, therefore, seven in number, such being the number of the circuits made in each race; and as each round was run, one of the *ova* was put up (Cassiodor. *Var. Ep.* iii. 51) or taken down, according to Varro (*De Re Rust.* i. 2. § 11). An egg was adopted for this purpose, in honour of Castor and Pollux. (Tertull. *De Spectac.* c. 8.) At the other extremity of the spina were two similar columns (G), represented also in the woodcut, over the second chariot, sustaining seven dolphins, termed *delphinae*, or *delphinarum columnae* (Juv. *Sat.* vi. 590), which do not appear to have been intended to be removed, but only placed there as corresponding ornaments to the *ova* *; and the figure of the dolphin was selected in honour of Neptune. (Tertull. *l. c.*) Some writers suppose the columns which supported the *ova* and *delphinae* to be the *phalae* or *fulae*, which Juvenal mentions (*l. c.*). But the *phalae* were not columns, but towers, erected as circumstances required, between the *metae* and *euripus*, or extreme circuit of the area, when sham-fights were represented in the circus. (Compare Festus, *s. v. Phalae;* Serv. *ad Virg. Aen.* ix. 705.) Besides these, the *spina* was decorated with many other objects, such as obelisks, statues, altars, and temples, which do not appear to have had any fixed locality.

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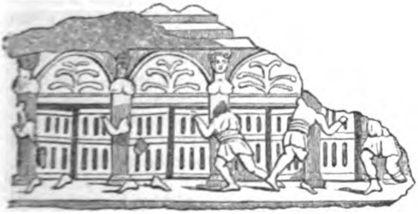
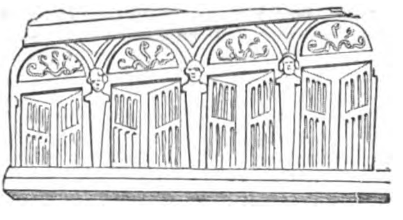
* In the Lyons mosaic, subsequently noticed in the text, the *delphinae* are represented as fountains spouting water; but in a bas-relief of the Palazzo Barberini (Fabretti, *Syntagm. de Column. Trajani*, p. 144), a ladder is placed against the columns which support the dolphins, apparently for the purpose of ascending to take them up and down.

It will be observed in the ground-plan that there is a passage between the *metas* and *spina*, the extreme ends of the latter of which are hollowed out into a circular recess: and several of the ancient sculptures afford similar examples. This might have been for performing the sacrifice, or other offices of religious worship, with which the games commenced; particularly as small chapels can still be seen under the *metae*, in which the statues of some divinities must have been placed. It was probably under the first of these spaces that the altar of the god *Consus* was concealed (Tertull. *De Spectac.* c. 5), which was excavated upon each occasion of these games. (Dionys. ii. p. 97.)

At the extremity of the circus in which the two horns of the *cavea* terminate, were placed the stalls for the horses and chariots (H, H), commonly called *carceres* at, and subsequently to, the age of Varro: but more anciently the whole line of buildings which confined this end of the circus was termed *oppidum;* because, with its gates and towers, it resembled the walls of a town (Festus, s. v.; Varro, *De Ling. Lat.* v. 153); which is forcibly illustrated by the circus under consideration, where the two towers (I, I) at each end of the *carceres* are still standing. The number of *carceres* is supposed to have been usually twelve (Cassiodor. *Var. Ep.* iii. 51), as they are in this plan; but in the mosaic discovered at Lyons, and published by Artaud (*Description d'un Mosaique*, &c. Lyon, 1806), there are only eight.* They were vaults, closed in front by gates of open wood-work (*cancelli*), which were opened simultaneously upon the signal being given (Dionys. iii. p. 192; Cassiodor. *l. c.*; compare Sil. Ital. xvi. 316), by removing a rope (*ὕσπληγξ*, Dionys. *l. c.*; compare Schol. *ad Theocr. Idyl.* viii. 57) attached to pilasters of the kind called *Hermae*, placed for that purpose between each stall; upon which the gates were immediately thrown open by a number of men, probably the *armentarii*, as represented in the annexed woodcut, taken from a very curious marble in the Museo Borgiano, at Velletri; which also represents most of the other peculiarities above-mentioned as appertaining to the carceres.



In the mosaic of Lyons the man is represented apparently in the act of letting go the rope (ὕσπληγξ) in the manner described by Dionysius (*l. c.*). The cut below, which is from a marble in the British Museum, represents a set of four *carceres*, with their *Hermae*, and *cancelli* open, as left after the chariots had started; in which the gates are made to open inwards.



The preceding account and woodcuts will be sufficient to explain the meaning of the various words by which the *carceres* were designated in poetical language, namely, *claustra* (Stat. *Theb.* vi. 399; Hor. *Epist.* i. 14. 9), *crypta* (Sidon *Carm.* xxiii. 319), *fauces* (Cassiodor. *Var. Epist.* iii. 51), *ostia* (Auson. *Epist.* xviii. 11), *fores carceris* (Ovid, *Trist.* v. 9. 29), *repagula* (Ovid, *Met.* ii. 155; Sil. Ital. xvi. 318), *limina equorum* (*Id.* xvi. 317).

It will not fail to be observed that the line of the *carceres* is not at a right angle with the *spina*, but forms the segment of a circle, the centre of which is a point on the right hand of the arena; the reason for which is obviously that all the chariots might have, as nearly as possible, an equal distance to pass over between the *carceres* and mouth of the course. Moreover, the two sides of the circus are not parallel to each other, nor the *spina* to either of them; but they are so planned that the course diminishes gradually from the mouth at (J), until it reaches the corresponding line at the opposite side of the *spina* (K), where it is narrower by thirty-two feet. This might have proceeded from economy, or be necessary in the present instance on account of the limited extent of the circus; for as all the four, or six, chariots would enter the mouth of the course nearly abreast, the greatest width would be required at that spot; but as they got down the course, and one or more took the lead, the same width would be no longer necessary.

The *carceres* were divided into two sets of six each, accurately described by Cassiodorus (*l. c.*) as *bissena ostia*, by an entrance in the centre (L), called *porta pompae;* because it was the one through which the Circensian procession entered, and which, it is inferred from a passage in Ausonius (*Epist.* xviii. 12), was always open, forming a thoroughfare through the circus. Besides this entrance, there were four others, two at the termination of the seats between the *cavea* and the *oppidum* (M, M), another at (N), and the fourth at (O), under the vault of which the fresco decorations are still visible. This is supposed to be the *Porta Triumphalis*, to which its situation seems adapted. One of the others was the *Porta Libitinensis* (Lamprid. *Commod.* 16), so called because it was the one through which the dead bodies of those killed in the games were carried out. (Dion Cass. lxxii. p. 1222.)

Such were the general features of a circus, as far as regards the interior of the fabric. The area had also its divisions appropriated to particular purposes, with a nomenclature of its own attached to each. The space immediately before the *oppidum* was termed *circus primus;* that near the *meta prima*, *circus interior* or *intimus* (Varr. *De Ling. Lat.* v. 154), which latter spot, in the Circus Maximus, was also termed *ad Murcim*, or *ad*

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* This mosaic has several peculiarities. Most of the objects are double. There is a double set of *ova* and *delphinae*, one of each sort at each end of the *spina* — and eight chariots, that is a double set, for each colour, are inserted.

Murciam, from the altar of Venus Murtia, or Murcia, placed there. (Compare Apuleius, *Met.* vi. p. 395, ed. Oudendorp; Tertull. *de Spectac.* 8; Müller, *ad Varron. l. c.*) The term *arena* belongs to an amphitheatre; and it is therefore probable that it was applied in the circus to the large open space between the *carceres* and *prima meta*, when the circus was used for the exhibition of athletic games, for which the locality seems best adapted; but in Silius Italicus (xvi. 415) it is put for the part down the *spina*. When the circus was used for racing, the course was termed *spatium* (Juv. *Sat.* vi. 582) or *spatia*, because the match included more than one circuit. (Virg. *Aen.* v. 316, 325, 327, *Georg.* i. 513; Stat. *Theb.* vi. 594; Hor. *Epist.* i. 14. 9; compare Sil. Ital. xvi. 336.) It is also called *campus* (Sil. xvi. 391), and poetically *aequor* (*Id.* 414).

At the entrance of the course, exactly in the direction of the line (J, K), were two small pedestals (*hermuli*) on each side of the *podium*, to which was attached a chalked rope (*alba linea*, Cassiodor. *l. c.*), for the purpose of making the start fair, precisely as is practised at Rome for the horse-races during Carneval. Thus, when the doors of the *carceres* were thrown open, if any of the horses rushed out before the others, they were brought up by this rope until the whole were fairly abreast, when it was loosened from one side, and all poured into the course at once. In the Lyons mosaic the *alba linea* is distinctly traced at the spot just mentioned, and one of the chariots is observed to be upset at the very place, whilst the others pursue their course. The writer has often seen the same accident happen at Rome, when an over-eager horse rushes against the rope and gets thrown down. This line, for an obvious reason (Plin. *H. N.* xxxv. 58), was also called *calx*, and *creta* (Cic. *de Am.* 27; Senec. *Epist.* 108), from whence comes the allusion of Persius (*Sat.* v. 177), *cretata ambitio*. The *metae* served only to regulate the turnings of the course, the *alba linea* answered to the starting and winning post of modern days — "peracto legitimo cursu *ad cretam* stetere." (Plin. *H. N.* viii. 65; and compare xxxv. 58.) Hence the metaphor of Cicero (*Senect.* 23), "quasi decurso spatio ad carceres a *calce* revocari;" and of Horace (*Epist.* i. 16. 79), "mors *ultima linea* rerum." (Comp. Lucret. vi. 92.)

From this description the Circus Maximus differed little, except in size and magnificence of embellishment. But as it was used for hunting wild beasts, Julius Caesar drew a canal called Euripus, ten feet wide, around the bottom of the *podium*, to protect the spectators who sat there (Dionys. iii. p. 192; Suet. *Jul.* 39), which was removed by Nero (Plin. *H. N.* viii. 7), but subsequently restored by other princes. (Lamprid. *Heliogab.* 23.) It possessed also another variety in three open galleries, or balconies, at the circular end, called *meniana* or *maeniana*. (Suet. *Cal.* 18.) The numbers which the Circus Maximus was capable of containing, are computed at 150,000 by Dionysius (iii. p. 192), 260,000 by Pliny (*H. N.* xxxvi. 24. § 1), and 385,000 by P. Victor (*Regio* xi.), all of which are probably correct, but have reference to different periods of its history. Its very great extent is indicated by Juvenal (*Sat.* xi. 195). Its length, in the time of Julius Caesar, was three stadia, the width one, and the depth of the buildings occupied half a stadium (Plin. *l. c.*), which is included in the measurements given by Dionysius (iii. p. 192), and thus exactly accounts for the variation in his computation.

When the Circus Maximus was permanently formed by Tarquinius Priscus, each of the thirty curiae had a particular place assigned to it (Dionys. iii. p. 192); but as the plebeians had no right to a seat in this circus, the Circus Flaminius was afterwards built for their games. (Comp. Niebuhr, *Hist. of Rome*, vol. i. p. 362, vol. ii. p. 360.) Of course, in the latter days of the republic, when the distinction between patricians and plebeians had practically ceased to exist, the plebeians sat in the Circus Maximus. (Suet. *Aug.* 44.) The seats were then marked off at intervals by a line or groove drawn across them (*linea*), so that the space included between two lines afforded sitting room for a certain number of spectators. Hence the allusion of Ovid (*Amor.* iii. 2. 19): —

> Quid frustra refugis? cogit nos *linea* jungi.

(Compare Ovid. *Art. Amat.* i. 141.) As the seats were hard and high, the women made use of a cushion (*pulvinus*), and a footstool (*scamnum*, *scabellum*, Ovid. *Art. Amat.* i. 160, 162), for which purpose the railing which ran along the upper edge of each *praecinctio* was used by those who sat immediately above it. (Ovid. *Amor.* iii. 2. 64.) But under the emperors, when it became necessary to give an adventitious rank to the upper classes by privileges and distinctions, Augustus first, then Claudius, and finally Nero and Domitian, separated the senators and equites from the common people. (Suet. *Aug.* 44, *Claud.* 21, *Nero*, 11, *Domit.* 8.) The seat of the emperor—*pulvinar* (Suet. *Aug.* 44, *Claud.* 4), *cubiculum* (Id. *Nero*, 12), was most likely in the same situation in the Circus Maximus, as in the one above described. It was generally upon the *podium*, unless when he *presided* himself, which was not always the case (Suet. *Nero*, *l. c.*); but then he occupied the elevated tribunal of the president (*suggestus*), over the *porta pompae*. The consuls and other dignitaries sat above the carceres (Sidon. *Carm.* xxiii. 317), indications of which seats are seen in the woodcut on page 285, a. The rest of the *oppidum* was probably occupied by the musicians and persons who formed part of the *pompa*.

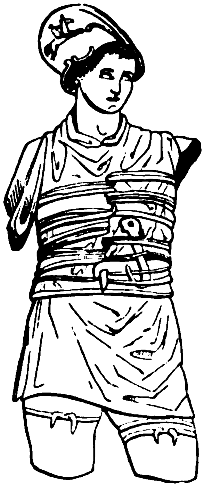
The exterior of the Circus Maximus was surrounded by a portico one story high, above which were shops for those who sold refreshments. (Dionys. iii. p. 192.) Within the portico were ranges of dark vaults, which supported the seats of the *cavea*. These were let out to women of the town. (Juv. *Sat.* iii. 65; Lamprid. *Heliogab.* 26.)

The Circensian games (*Ludi Circenses*) were first instituted by Romulus, according to the legends, when he wished to attract the Sabine population to Rome, for the purpose of furnishing his own people with wives (Val. Max. ii. 4. § 3), and were celebrated in honour of the god Consus, or Neptunus Equestris, from whom they were styled *Consuales*. (Liv. i. 9.) But after the construction of the Circus Maximus, they were called indiscriminately *Circenses* (Servius, *ad Virg. Georg.* iii. 18), *Romani*, or *Magni*. (Liv. i. 35.) They embraced six kinds of games: — I. CURSUS; II. LUDUS TROJAE; III. PUGNA EQUESTRIS; IV. CERTAMEN GYMNICUM; V. VENATIO; VI. NAUMACHIA. The two last were not peculiar to the circus, but were exhibited also in the amphitheatre, or in buildings appropriated for them.

The games commenced with a grand procession (*Pompa Circensis*), in which all those who were about to exhibit in the circus, as well as persons of distinction, bore a part. The statues of the gods formed the most conspicuous feature in the show, which were paraded upon wooden platforms, called *fercula* and *thensae*. (Suet. *Jul.* 76.) The former were borne upon the shoulders, as the statues of saints are carried in modern processions (Cic. *de Off.* i. 36); the latter drawn along upon wheels, and hence the *thensa* which bore the statue of Jupiter is termed *Jovis plaustrum* by Tertullian (*De Spectac.* 7), and Διὸς ὄχος, by Dion Cassius (p. 608). The former were for painted images, or those of light material; the latter for the heavy statues. The whole procession is minutely described by Dionysius (vii. pp. 457, 458; comp. Ovid, *Amor.* iii. 2. 43, &c.).

I. Cursus, the races. The carriage usually employed in the circus was drawn by two or four horses (*biga*, *quadriga*). [Currus.]

The usual number of chariots which started for each race was four. The drivers (*aurigae*, *agitatores*) were also divided into four companies, each distinguished by a different colour, to represent the four seasons of the year, and called a *factio* (Festus, *s. v.*): thus *factio prasina*, the green, represented the spring, whence (Juv. *Sat.* xi. 196) "Eventum *viridis* quo colligo *panni*;" *factio russata*, red, the summer; *factio veneta*, azure, the autumn; and *factio alba* or *albata*, white, the winter. (Tertull. *de Spectac.* 9; compare the authorities quoted by Ruperti, *ad Juv.* vii. 112.) Originally there were but two factions, *albata* and *russata* (Tertull. *l. c.*), and consequently only two chariots started at each race. Domitian subsequently increased the whole number to six, by the addition of two new factions, *aurata* and *purpurea* (Suet. *Dom.* 7); but this appears to have been an exception to the usual practice, and not in general use. The driver stood in his car within the reins, which went round his back. This enabled him to throw all his weight against the horses, by leaning backwards; but it greatly enhanced his danger in case of an upset, and caused the death of Hippolytus. (Eur. *Hipp.* 1230, ed. Monk; compare Ovid, *Met.* xv. 524.) To avoid this peril a sort of knife or bill-hook was carried at the waist, for the purpose of cutting the reins in a case of emergency, as is seen in some of the ancient reliefs, and is more clearly illustrated in the annexed woodcut, copied from a fragment formerly belonging to the Villa Negroni, which also affords a specimen of the dress of an *auriga*. The torso only remains of this statue; but the head is supplied from another antique, representing an auriga, in the Villa Albani.



When all was ready, the doors of the carceres were flung open, and the chariots were formed abreast of the *alba linea* by men called *moratores* from their duty; the signal for the start was then given by the person who presided at the games, sometimes by sound of trumpet (Ovid. *Met.* x. 652; Sidon. *Carm.* xxiii. 341), or more usually by letting fall a napkin (*mappa*, Suet. *Nero*, 22; Mart. *Ep.* xii. 29. 9), whence the Circensian games are called *spectacula mappae*. (Juv. *Sat.* xi. 191.) The origin of this custom is founded on a story that Nero, while at dinner, hearing the shouts of the people who were clamorous for the course to begin, threw down his napkin as the signal. (Cassiodor. *Var. Ep.* iii. 51.) The *alba linea* was then cast off, and the race commenced, the extent of which was seven times round the *spina* (Varro, *ap. Gell.* iii. 10), keeping it always on the left. (Ovid. *Amor.* iii. 2. 72; Sil. Ital. xvi. 362.) A course of seven circuits was termed *unus missus*, and twenty-five was the number of races ran in each day, the last of which was called *missus aerarius*, because in early times the expense of it was defrayed by a collection of money (*aes*) made amongst the people. (Serv. *ad Virg. Georg.* iii. 18; compare Dion Cass. lix. p. 908.) Upon one occasion Domitian reduced the number of circuits from seven to five, in order to exhibit 100 *missus* in one day. (Suet. *Dom.* 4.) The victor descended from his car at the conclusion of the race, and ascended the *spina*, where he received his reward (*bravium*, from the Greek βραβεῖον, Paul. 1 *Corinth.* ix. 24), which consisted in a considerable sum of money (Juv. *Sat.* vii. 113, 114, 243; Suet. *Claud.* 21), which accounts for the great wealth of the charioteers to which Juvenal alludes, and the truth of which is testified by many sepulchral inscriptions.

A single horseman, answering to the κέλης of the Greeks, attended each chariot, the object of which seems to have been twofold; to assist his companion by urging on the horses, when his hands were occupied in managing the reins, and, if necessary, to ride forward and clear the course, as seen in the cut from the British Museum representing the *metae*, which duty Cassiodorus (*Var. Ep.* iii. 51) assigns to him, with the title of *equus desultorius*. Other writers apply that term to those who practised feats of horsemanship in the circus, leaping from one to another when at their speed. (Compare Suet. *Jul.* 39; Cic. *Pro Muren.* 27; Dionys. p. 462; Panvin. *De Lud. Circens.* i. 9.) In other respects, the horse-racing followed the same rules as the chariots.

The enthusiasm of the Romans for these races exceeded all bounds. Lists of the horses (*libelli*), with their names and colours, and those of the drivers, were handed about, and heavy bets made upon each faction (Ovid, *Art. Amat.* i. 167, 168; Juv. *Sat.* xi. 200; Mart. *Ep.* xi. 1. 15); and sometimes the contests between two parties broke out into open violence and bloody quarrels, until at last the disputes which originated in the circus, had nearly lost the Emperor Justinian his crown. (Gibbon, c. 40.)

II. Ludus Trojae, a sort of sham-fight, said to have been invented by Aeneas, performed by young men of rank on horseback (Tacit. *Ann.* xi. 11), often exhibited by Augustus and succeeding emperors (Suet. *Aug.* 43, *Nero*, 7), which is described by Virgil (*Aen.* v. 553, &c.).

III. Pugna Equestris et Pedestris, a representation of a battle, upon which occasions a camp was formed in the circus. (Suet. *Jul.* 39, *Dom.* 4.)

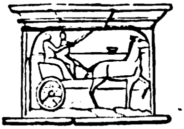
IV. Certamen gymnicum. See Athletae, and the references to the articles there given.

V. [Venatio.] VI. [Naumachia.]

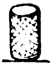
The pompa circensis was abolished by Constantine, upon his conversion to Christianity; and the other games of the circus by the Goths (A. D. 410); but the chariot races continued at Constantinople until that city was besieged by the Venetians (A. D. 1204). [A. R.]

CIRRUS. [Coma.]

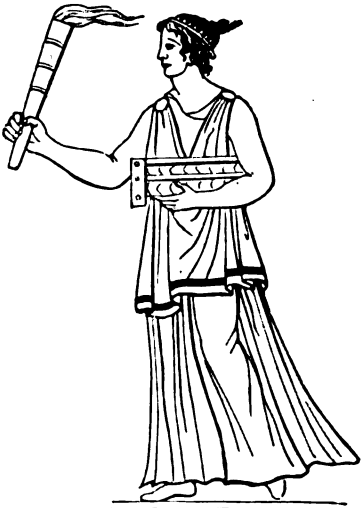
CI'SIUM, a gig, *i.e.* a light open carriage with two wheels, adapted to carry two persons rapidly from place to place. Its form is sculptured on the monumental column at Igel, near Treves (see woodcut). It had a box or case, probably under the seat. (Festus, *s.v. Ploxinum.*) The cisia were quickly drawn by mules (*cisi volantis*, Virg. *Catal.* viii. 3; Cic. *Phil.* ii. 31). Cicero mentions the case of a messenger who travelled 56 miles in 10 hours in such vehicles, which were kept for hire at the stations along the great roads; a proof that the ancients considered six Roman miles per hour as an extraordinary speed. (*Pro Roscio Amer.* 7.) The conductors of these hired gigs were called *cisiarii*, and were subject to penalties for careless or dangerous driving. (Dig. 19. tit. 2. s. 13.) [J. Y.]



CISTA (κίστη), a small box or basket, commonly made of wicker-work, in which any thing might be placed. (Cic. *Verr.* iii. 85; Hor. *Ep.* i. 17. 54.) In the Roman comitia the cista was the ballot-box into which the voters cast their tabellae (Plin. *H. N.* xxxiii. 2. s. 7; Auctor, *ad Herenn.* i. 12; Pseudo-Ascon. *ad Cic. Divin.* 7. p. 108, ed. Orelli). The form of the cista is preserved on a coin of the Cassia gens, which is represented in the annexed cut, and which is evidently made of wicker or similar work. The material of which it was made is alluded to by Tibullus in the line (i. 7. 48) "et *levis* occultis conscia *cista* sacris." The cista has been frequently confounded with the *sitella*, but the latter was the urn from which the names of the tribes or centuries were drawn out by lot. [Sitella.]



The name of cistae was also given to the small boxes which were carried in procession in the Greek festivals of Demeter and Dionysus. These boxes, which were always kept closed in the public processions, contained sacred things connected with the worship of these deities. (Ovid, *De Art. Amat.* ii. 609; Catull. lxiv. 260; Tibull. i. 7. 48.) In the representations of the Dionysian processions, which frequently form the subject of paintings on ancient vases, women carrying cistae are constantly introduced; they are usually of an oblong form, and thus differ completely from the cistae used in the Roman comitia. From one of these paintings, given by Millin in his *Peintures de Vases Antiques*, the following woodcut is taken.



CISTO'PHORUS (κιστοφόρος), a silver coin, which belonged to the kingdom of Pergamus, and which was in general circulation in Asia Minor at the time of the conquest of that country by the Romans. (Liv. xxxvii. 46, 58, xxxix. 7; Cic. *ad Att.* ii. 6, xi. 1.) Its value is extremely uncertain, as the only information we possess on the subject is in two passages of Festus, which are at variance with each other, and of which certainly one, and probably the other, is corrupt. (Festus, *s. vv. Euboicum Talentum*, and *Talentorum non*, &c.; see Müller's notes): and, with respect to the existing specimens, it is doubtful whether they are double or single *cistophori*. Böckh supposes them to have been originally didrachms of the Aeginetan standard: others take them for tetradrachms. Mr. Hussey (pp. 74, 75), from existing coins, which he takes for *cistophori*, determines it to be about ⅘ of the later Attic drachma, or Roman denarius of the republic, and worth in our money about 7½*d.* The existing specimens are extremely scarce. The general device is, on the one side, the sacred chest (*cista*, whence the name) of Dionysus, half open, with a serpent creeping out of it, surrounded by an ivy wreath, and on the reverse, the car of Demeter, drawn by serpents. The period during which cistophori were struck, is supposed to have been from about B. C. 200, down to the battle of Actium. (Panel, *de Cistophoris*, Lugd. 1734; Eckhel, vol. iv. pp. 352—368; Böckh, *Metrol. Untersuch.* pp. 101, 107.) [P. S.]

CI'THARA. [Lyra.]

CIVI'LE JUS. [Jus Civile.]

CIVI'LIS ACTIO. [Actio.]

CIVIS. [Civitas.]

CI'VITAS (πολιτεία), citizenship. I. Greek.

In the third book of the Politics, Aristotle commences his inquiry into the nature of states with the question, "What constitutes a citizen?" (*πολίτης*). He defines a citizen to be one who is a partner in the legislative and judicial power (*μέτοχος κρίσεως καὶ ἀρχῆς*). No definition will equally apply to all the different states of Greece, or to any single state at different times; the above seems to comprehend more or less properly all those whom the common use of language entitled to the name.

A state in the heroic ages was the government of a prince; the citizens were his subjects, and derived all their privileges, civil as well as religious, from their nobles and princes. Nothing could have been further from the notions of those times, than the ideas respecting the natural equality of freemen which were considered self-evident axioms in the democracies of an after-period. In the early governments there were no formal stipulations; the kings were amenable to the gods alone. The shadows of a council and assembly were already in existence, but their business was to obey. Community of language, of religion, and of legal rights, as far as they then existed, was the bond of union; and their privileges, such as they were, were readily granted to naturalised strangers. Upon the whole, as Wachsmuth has well observed, the notion of citizenship in the heroic age only existed so far as the condition of aliens or of domestic slaves was its negative.

The rise of a dominant class gradually overthrew the monarchies of ancient Greece. Of such a class, the chief characteristics were good birth and the hereditary transmission of privileges, the possession of land, and the performance of military service. To these characters the names *γάμοροι*, *ἱππεῖς*, *εὐπατρίδαι*, &c., severally correspond. Strictly speaking, these were the only citizens; yet the lower class was quite distinct from bondmen or slaves. It commonly happened that the nobility occupied the fortified towns, while the *δῆμος* lived in the country and followed agricultural pursuits: whenever the latter were gathered within the walls and became seamen or handicraftsmen, the difference of rank was soon lost, and wealth made the only standard. The quarrels of the nobility among themselves, and the admixture of population arising from immigrations, all tended to raise the lower orders from their political subjection. It must be remembered, too, that the possession of domestic slaves, if it placed them in no new relation to the governing body, at any rate gave them leisure to attend to the higher duties of a citizen, and thus served to increase their political efficiency.

During the convulsions which followed the heroic ages, naturalisation was readily granted to all who desired it; as the value of citizenship increased, it was, of course, more sparingly bestowed. The ties of hospitality descended from the prince to the state, and the friendly relations of the Homeric heroes were exchanged for the *προξενίαι* of a later period. In political intercourse, the importance of these last soon began to be felt, and the *πρόξενοι* at Athens, in after times, obtained rights only inferior to actual citizenship. [HOSPITIUM.] The isopolite relation existed, however, on a much more extended scale. Sometimes particular privileges were granted: as *ἐπιγαμία*, the right of intermarriage; *ἔγκτησις*, the right of acquiring landed property; *ἀτέλεια*, immunity from taxation, especially *ἀτέλεια μετοικίου*, from the tax imposed on resident aliens. All these privileges were included under the general term *ἰσοτέλεια*, or *ἰσοπολίτεια*, and the class who obtained them were called *ἰσοτελεῖς*. They bore the same burthens with the citizens, and could plead in the courts or transact business with the people, without the intervention of a *προστάτης*. (Böckh, *Public Econ. of Athens*, p. 540, 2nd ed.; Niebuhr, *Hist. Rom.* ii. p. 53; Herman, *Lehrbuch d. Griech. Staatsalth.* § 116.) If the right of citizenship was conferred for services done to the state, the rank termed *προεδρία* or *εὐεργεσία* might be added. Naturalised citizens even of the highest grade were not precisely in the same condition with the citizen by birth, although it is not agreed in what the difference consisted. Some think that they were excluded from the assembly (Niebuhr, *l. c.*), others that they were only ineligible to offices, or at any rate to the archonship.

The candidate on whom the citizenship was to be conferred was proposed in two successive assemblies, at the second of which at least six thousand citizens voted for him by ballot: even if he succeeded, his admission, like every other decree, was liable during a whole year to a *γραφὴ παρανόμων*. He was registered in a phyle and deme, but not enrolled in the phratria and genos; and hence it has been argued that he was ineligible to the office of archon or priest, because unable to participate in the sacred rites of *Ἀπόλλων Πατρῷος* or *Ζεὺς Ἑρκεῖος*.

The object of the phratriae (which were retained in the constitution of Cleisthenes, when their number no longer corresponded to that of the tribes) was to preserve purity and legitimacy of descent among the citizens. Aristotle says (*Pol.* iii. 2) that for practical purposes it was sufficient to define a citizen as the son or grandson of a citizen, and the register of the phratriae was kept chiefly as a record of the citizenship of the parents. If any one's claim was disputed, this register was at hand, and gave an answer to all doubts about the rights of his parents or his own identity. Every newly married woman, herself a citizen, was enrolled in the phratriae of her husband, and every infant registered in the phratriae and genos of its father. All who were thus registered must have been born in lawful wedlock, of parents who were themselves citizens; indeed, so far was this carried, that the omission of any of the requisite formalities in the marriage of the parents, if it did not wholly take away the rights of citizenship, might place the offspring under serious disabilities. This, however, was only carried out in its utmost rigour at the time when Athenian citizenship was most valuable. In Solon's time, it is not certain that the offspring of a citizen and of a foreign woman incurred any civil disadvantage; and even the law of Pericles (Plut. *Peric.* 37), which exacted citizenship on the mother's side, appears to have become obsolete very soon afterwards, as we find it re-enacted by Aristophon in the archonship of Eucleides, B. C. 403. (Athen. xiii. p. 577.)

It is evident then, from the very object of the phratriae, why the newly-admitted citizen was not enrolled in them. As the same reason did not apply to the children, these, if born of women who were citizens, were enrolled in the phratria of their maternal grandfather. (Isaeus, *De Apol. Hered.* c. 15.) Still an additional safeguard was provided by the registry of the deme. At the age of sixteen, the son of a citizen was required to devote two years to the exercises of the gymnasia, at the expiration of which term he was enrolled in his deme; and, after taking the oath of a citizen, was armed in the presence of the assembly. He was then of age, and might marry; but was required to spend two years more as a περίπολος in frontier service, before he was admitted to take part in the assembly of the people. The admission into the phratria and deme were alike attended with oaths and other solemn formalities: when a δοκιμασία or general scrutiny of the claims of citizens took place, it was entrusted to both of them; indeed the registry of the deme was the only check upon the naturalised citizen.

These privileges, however, were only enjoyed while the citizen was ἐπίτιμος: in other words, did not incur any sort of ἀτιμία, which was of two sorts, either partial or total, and is spoken of at length elsewhere. [ATIMIA.]

Recurring then to Aristotle's definition, we find the essential properties of Athenian citizenship to have consisted in the share possessed by every citizen in the legislature, in the election of magistrates, in the δοκιμασία, and in the courts of justice.

The lowest unity under which the citizen was contained, was the γένος or clan; its members were termed γεννῆται or ὁμογάλακτες. Thirty γένη formed a φρατρία, which latter division, as was observed above, continued to subsist long after the four tribes, to which the twelve phratries anciently corresponded, had been done away by the constitution of Cleisthenes. There is no reason to suppose that these divisions originated in the common descent of the persons who were included in them, as they certainly did not imply any such idea in later times. Rather they are to be considered as mere political unions, yet formed in imitation of the natural ties of the patriarchal system.

If we would picture to ourselves the true notion which the Greeks embodied in the word πόλις, we must lay aside all modern ideas respecting the nature and object of a state. With us practically, if not in theory, the object of a state hardly embraces more than the protection of life and property. The Greeks, on the other hand, had the most vivid conception of the state as a whole, every part of which was to co-operate to some great end to which all other duties were considered as subordinate. Thus the aim of democracy was said to be liberty; wealth, of oligarchy; and education, of aristocracy. In all governments the endeavour was to draw the social union as close as possible, and it seems to have been with this view that Aristotle laid down a principle which answered well enough to the accidental circumstances of the Grecian states, that a πόλις must be of a certain size. (*Pol.* vii. 4; *Nic. Eth.* ix. 10. Οὐ γὰρ ἐκ δέκα μυριάδων πόλις ἔτι ἐστίν.)

This unity of purpose was nowhere so fully carried out as in the government of Sparta; and, if Sparta is to be looked upon as the model of a Dorian state, we may add, in the other Dorian governments. Whether Spartan institutions in their essential parts were the creation of a single master-mind, or the result of circumstances modified only by the genius of Lycurgus, their design was evidently to unite the governing body among themselves against the superior numbers of the subject population. The division of lands, the syssitia, the education of their youth, all tended to this great object. The most important thing next to union among themselves, was to divide the subject class, and accordingly we find the government conferring some of the rights of citizenship on the helots. Properly speaking, the helots cannot be said to have had any political rights; yet being serfs of the soil, they were not absolutely under the control of their masters, and were never sold out of the country even by the state itself. Their condition was not one of hopeless servitude; a legal way was open to them, by which, through many intermediate stages, they might attain to liberty and citizenship. (Müller, *Dorians*, iii. 3. § 5.) Those who followed their masters to war were deemed worthy of especial confidence; indeed, when they served among the heavy-armed, it seems to have been usual to give them their liberty. The δεσποσιοναῦται, by whom the Spartan fleet was almost entirely manned, were freedmen, who were allowed to dwell where they pleased, and probably had a portion of land allotted them by the state. After they had been in possession of their liberty for some time, they appear to have been called νεοδαμώδεις (Thuc. vii. 58), the number of whom soon came near to that of the citizens. The μόθωνες or μόθακες (as their name implies) were also emancipated helots; their descendants, too, must have received the rights of citizenship as Callicratidas, Lysander, and Gylippus were of Mothacic origin. (Müller, *Dorians*, ii. 3. § 6.) We cannot suppose that they passed necessarily and of course into the full Spartan franchise; it is much more probable that at Sparta, as at Athens, intermarriage with citizens might at last entirely obliterate the badge of former servitude.

The perioeci are not to be considered as a subject class, but rather as a distinct people, separated by their customs as well as by their origin from the genuine Spartans. It seems unlikely that they were admitted to vote in the Spartan assembly; yet they undoubtedly possessed civil rights in the communities to which they belonged (Müller, *Dorians*, iii. 2. § 4), and which would hardly have been called πόλεις unless they had been in some sense independent bodies. In the army they commonly served as hoplites, and we find the command at sea intrusted to one of this class. (Thuc. viii. 22.) In respect of political rights, the perioeci were in the same condition with the plebeians in the early history of Rome, although in every other respect far better off, as they participated in the division of lands, and enjoyed the exclusive privilege of engaging in trade and commerce. What confirms the view here taken, is the fact, that, as far as we know, no individual of this class was ever raised to participate in Spartan privileges. Nothing, however, can be more erroneous than to look upon them as an oppressed race. Even their exclusion from the assembly cannot be viewed in this light; for, had they possessed the privilege, their residence in the country would have debarred them from its exercise. It only remains to consider in what the superiority of the genuine Spartan may have consisted. In the first place, besides the right of voting in the assembly and becoming a candidate for the magistracies, he was possessed of lands and slaves, and was thus exempt from all care about the necessaries of life; secondly, on the field of battle he always served amongst the hoplites; thirdly, he participated in the Spartan education, and in all other Dorian institutions, both civil and religious. The reluctance which Sparta showed to admit foreigners was proportioned to the value of these privileges: indeed Herodotus (ix. 35) says that Sparta had only conferred the full franchise in two instances. In legal rights all Spartans were equal; but there were yet several gradations, which, when once formed, retained their hold on the aristocratic feelings of the people. (Müller, *Dorians*, iii. 5. § 7.) First, as we should naturally expect, there was the dignity of the Heraclide families; and, connected with this, a certain pre-eminence of the Hyllean tribe. Another distinction was that between the ὅμοιοι and ὑπομείονες, which, in later times, appears to have been considerable. The latter term probably comprehended those citizens who, from degeneracy of manners or other causes, had undergone some kind of civil degradation. To these the ὅμοιοι were opposed, although it is not certain in what the precise difference consisted. It need hardly be added, that at Sparta, as elsewhere, the union of wealth with birth always gave a sort of adventitious rank to its possessor.

All the Spartan citizens were included in the three tribes, Hylleans, Dymanes or Dymanatae, and Pamphilians, each of which were divided into ten obes or phratries. Under these obes there must undoubtedly have been contained some lesser subdivision, which Müller, with great probability, supposes to have been termed τριακάς. The citizens of Sparta, as of most oligarchical states, were landowners, although this does not seem to have been looked upon as an essential of citizenship.

It would exceed the limits of this work to give an account of the Grecian constitutions, except so far as may illustrate the rights of citizenship. What perversions in the form of government, according to Greek ideas, were sufficient to destroy the essential notion of a citizen, is a question which, following Aristotle's example (*Pol.* iii. 5), we may be content to leave undecided. He who, being personally free, enjoyed the fullest political privileges, participated in the assembly and courts of judicature, was eligible to the highest offices, and received all this by inheritance from his ancestors, most entirely satisfied the idea which the Greeks expressed in the word πολίτης. [B. J.]

2. Roman. Civitas means the whole body of cives, or members, of any given state. Civitates are defined by Cicero (*Somn. Scip.* c. 3) to be "concilium coetusque hominum *jure* sociati." A civitas is, therefore, properly a political community, sovereign and independent. The word civitas is frequently used by the Roman writers to express the condition of a Roman citizen, as distinguished from that of other persons not Roman citizens, as in the phrases *dare civitatem*, *donare civitate*, *usurpare civitatem*.

If we attempt to distinguish the members of any given civitas from all other people in the world, we can only do it by enumerating all the rights and duties of a member of this civitas, which are not rights and duties of a person who is not a member of this civitas. If any rights and duties which belong to a member of this civitas, and do not belong to any person not a member of this civitas, are omitted in the enumeration, it is an incomplete enumeration; for the rights and duties not expressly included must be assumed as common to the members of this civitas and to all the world, or, to use a Roman expression, they exist jure gentium. Having enumerated all the characteristics of the members of any given civitas, we have then to show how a man acquires them, and how he loses them, and the notion of a member of such civitas is then complete.

Some members of a political community (*cives*) may have more political rights than others; a principle by the aid of which Savigny (*Geschichte des Röm. Rechts im Mittelalter*, c. ii. p. 22) has expressed briefly and clearly the distinction between the two great classes of Roman citizens under the republic: — "In the free republic there were two classes of Roman citizens, one that had, and another that had not, a share in the sovereign power (*optimo jure*, *non optimo jure cives*). That which peculiarly distinguished the higher class was the right to vote in a tribe, and the capacity of enjoying magistracies (*suffragium et honores*)." According to this view, the jus civitatis comprehended part of that which the Romans called jus publicum, and also, and most particularly, that which they called jus privatum. The jus privatum comprehended the jus connubii and jus commercii, and those who had not these had no citizenship. Those who had the jus suffragiorum and jus honorum had the complete citizenship, or, in other words, they were optimo jure cives. Those who had the privatum, but not the publicum jus, were citizens, though citizens of an inferior class. The jus privatum seems to be equivalent to the jus Quiritium, and the civitas Romana to the jus publicum. Accordingly, we sometimes find the jus Quiritium contrasted with the Romana civitas. (Plin. *Ep.* x. 4. 22; Ulp. *Frag.* tit. 3. § 2.) Livy (xxxviii. 36) says that until B. C. 188, the Formiani, Fundani, and Arpinates, had the civitas without the suffragium; and, at an earlier time, the people of Anagnia received the "Civitas sine suffragii latione." (Liv. ix. 43.)

Ulpian (*Frag.* tit. 5. § 4; 19. § 4; 20. § 8; 11. § 6) has stated a distinction, as existing in his time among the free persons who were within the political limits of the Roman state, which it is of great importance to apprehend clearly. There were three classes of free persons, Cives, Latini, and Peregrini. Gaius (i. 12) points to the same division, where he says that a slave, when made free, might become a Civis Romanus, or a Latinus, or might be in the number of the peregrini dediticii, according to circumstances. *Civis*, according to Ulpian, is he who possesses the complete rights of a Roman citizen. The *Peregrinus* had not commercium and connubium, which were the characteristic rights of a Roman citizen, not viewed in his political capacity; but the Peregrinus had a capacity for making all kinds of contracts which were allowable by the jus gentium. The *Latinus* was in an intermediate state; he had not the connubium, and consequently he had not the patria potestas nor rights of agnatio; but he had the commercium or the right of acquiring quiritarian ownership, and he had also a capacity for all acts incident to quiritarian ownership, as vindicatio, in jure cessio, mancipatio, and testamenti factio, which last comprises the power of making a will in Roman form, of becoming heres or legatee under a will, and of being a witness to a will; also he could contract many obligationes which a Peregrinus could not. These were the general capacities of a Latinus and peregrinus; but a Latinus or a peregrinus might obtain by special favour certain rights which he had not by virtue of his condition only. The legitima hereditas was not included in the testamenti factio; for the legitima hereditas presupposed agnatio, and agnatio presupposed connubium, or the capacity to contract a Roman marriage.

According to Savigny, the notion of civis and civitas had its origin in the union of the patricii and the plebes as one estate. The peregrinitas, in the sense above stated, originated in the conquest of a state by the Romans, when the conquered state did not obtain the civitas; and he conjectures that the notion of peregrinitas was applied originally to all citizens of foreign states who had a foedus with Rome.

The civitas then, historically viewed, was in brief as follows:—Originally, the Romans divided all persons into Cives and Peregrini: the cives, considered as non-political persons and simply as individuals, had connubium and commercium; the peregrini had neither. But this merely negative description of a peregrinus would apply also to slaves, and to the members of states with which Rome never had any connection, and consequently it is requisite to give to the notion of peregrinus something of a positive character in order to determine what it is. A peregrinus then was one who had no legal capacity according to the jus civile Romanorum, but had a capacity of acquiring rights according to the jus gentium, which rights the Roman courts of justice acknowledged. The following persons then would be included under Peregrini: 1. Before the time of Antoninus Caracalla, the inhabitants of almost all the Roman provinces. 2. The citizens of foreign states which were in friendly relation with Rome. 3. Romans who had lost the civitas in consequence of some legal penalty, as deportatio. (Dig. 48. tit. 19. s. 17. § 1.) 4. Libertini, who were dediticiorum numero. (Ulpian, *Frag.* tit. 20. § 14.)

The later division of persons was this — Cives, Latini, and Peregrini. The condition of cives and peregrini was unchanged; but a third class, that of Latini, was formed, who had a limited civitas, which consisted in having commercium without connubium. By possessing commercium they approached to the class of cives; by not having connubium they approached the class of peregrini. Yet persons who belonged to the class of Latini or Peregrini might, by grant, receive a higher legal capacity than that which belonged to persons of this class. (Ulpian, *Frag.* tit. 5. § 4, 19. § 4.)

Thus then there were at one time in the Roman state only two classes of persons with different legal capacities — Cives and Peregrini. At another and a later time there were three classes — Cives, Latini, and Peregrini. It remains to explain when the third class, Latini, was established, and what persons were included in the term Peregrini at the two several times.

Before the Social war B. C. 90, the Romans had acquired the dominion of all Italy, and the state then comprehended the following persons: — 1. Cives Romani, that is, the inhabitants of Rome, the citizens of the coloniae civium, and the citizens of the municipia without respect to their origin. 2. Latini, that is, the citizens of the old Latin towns, except those which were raised to the rank of municipia; the term Latini also included the numerous Coloniae Latinae. 3. Socii, that is, the free inhabitants of Italy, who were not included in 1 or 2. 4. Provinciales, or the free subjects of Rome beyond the limits of Italy. But these four descriptions of persons were all comprehended under Cives and Peregrini; for the term peregrini comprehended numbers 2, 3, and 4.

After the Social war, and in B. C. 90, by a lex Julia the Roman citizenship was extended to all Italy, properly so called, and even to Gallia Cispadana. The consequence of this change was that the Socii and Latini were merged in the class of cives Romani, and there remained only cives and provinciales, but the provinciales were still peregrini. It was at this time apparently that the class of Latini was established, which did not, as formerly, denote a people, but an artificial class of persons with a particular legal capacity. This legal capacity or half citizenship, as already explained, consisted in the possession of the Commercium without the Connubium. One object of forming this new class was apparently to prepare a gradual transition to the full civitas for such peregrini as the state might wish to favour. The condition of the class of Latini was expressed by the term Latinitas or Jus Latii. [LATINITAS.]

From this time there existed the three classes, described by Gaius and Ulpian—Cives, Latini, and Peregrini: cives with commercium and connubium, Latini with commercium only, and peregrini without either. Only the cives had the political rights, the suffragium and honores. The names of the three classes existed to the time of Justinian's legislation.

The rights of a Roman citizen were acquired in several ways, but most commonly by a person being born of parents who were Roman citizens. A Roman pater familias, filius familias, mater familias, and filia familias were all cives, though the first only was sui juris and the rest were not. If a Roman citizen married a Latina or a peregrina, believing her to be a Roman citizen, and begot a child, this child was not in the power of his father, because he was not a Roman citizen, but the child was either a Latinus or a peregrinus according to the condition of his mother; and no child followed the condition of his father without there was connubium between his father and mother. By a senatus-consultum, the parents were allowed to prove their mistake (*causam erroris probare*); and, on this being done, both the mother and the child became Roman citizens, and, as a consequence, the son was in the power of the father. (Gaius, i. 67.) Other cases relating to the matter called causae probatio are stated by Gaius (i. 29, &c.; i. 66, &c.), from which it appears that the facilities for obtaining the Roman civitas were gradually extended. (See also Ulp. *Frag.* tit. 3. *De Latinis.*)

A slave might obtain the civitas by manumission (*vindicta*), by the census, and by a testamentum, if there was no legal impediment; but it depended on circumstances, as already stated, whether he became a Civis Romanus, a Latinus, or in the number of the peregrini dediticii. [MANUMISSIO.]

Under the republic and before the Social war, the civitas could, of course, be conferred by a lex, and upon such terms as the lex declared. (Liv. vi. 4; and in the case of the Ferentinates, Liv. xxxiv. 42; Cicero, *pro Balbo*, 13.) The Julia lex, B. C. 90, was a comprehensive measure. Cicero, however (*pro Balbo*, c. 8), remarks that many of the people of Heracleia and Neapolis made some opposition to accepting the terms offered by the lex, and would have preferred their former relation to Rome as civitates foederatae (*foederis sui libertatem*) to the Roman civitas. The lex gave the Roman civitas not only to the natives of the Italian towns, but also to natives of towns out of Italy, who had become citizens of Italian towns before the lex was enacted. Thus L. Manlius (Cic. *ad Fam.* xiii. 30), a native of Catina, in Sicily, obtained the Roman civitas by virtue of having been enrolled as a citizen of Neapolis (*erat enim in id municipium adscriptus*) before the passing of the lex. The lex Plautia Papiria, which was proposed by the tribunes M. Plautius Silvanus and C. Papirius Carbo, B. C. 89, contained a provision that persons, who had been enrolled as citizens of the foederatae civitates, and who had a domicile in Italy at the time when the law was passed, should have the Roman civitas, if they gave in their names to the praetor within sixty days (*apud praetorem essent professi*, Cic. *pro Archia*, c. 4). Archias claimed the benefit of this lex as having been enrolled a citizen of Heraclea, and having in the other respects complied with the lex. The case of L. Manlius appears to show that the lex Julia applied to persons not natives of an Italian town if they had become citizens of such town before the passing of the lex; and it is not clear what was the precise object of the lex Plautia Papiria, whether merely to explain or to limit the operation of the Julia lex. If the Julia lex merely declared that those who were *adscripti* in the Italian towns before the passing of the lex should acquire the Roman civitas, it would be necessary to provide some security against fraudulent registrations which might be made after the passing of the lex, and this would be effected by requiring adscripti to give in their names at Rome within the sixty days.

With the establishment of the imperial power, the political rights of Roman citizens became insignificant, and the commercium and the connubium were the only parts of the civitas that were valuable. The constitution of Antoninus Caracalla, which gave the civitas to all the Roman world, applied only to communities and not to individuals; its effect was to make all the cities in the empire municipia, and all Latini into cives. The distinction of cives and Latini, from this time forward, only applied to individuals, namely, to freedmen and their children. The peregrinitas in like manner ceased to be applicable to communities, and only existed in the dediticii as a class of individuals. The legislation of Justinian finally put an end to what remained of this ancient division into classes, and the only division of persons was into subjects of the Caesar and slaves.

The word civitas is often used by the Roman writers to express any political community, as Civitas Antiochiensium, &c.

(Savigny, *Zeitschrift*, &c. vol. v., *Ueber die Entstehung, &c., der Latinität*; vol. ix., *Der Römische Volksschluss der Tafel von Herakloa*; vol. xi., *Nachträge zu früheren Arbeiten*; and Savigny, *System des heutigen Römischen Rechts*, vol. ii. p. 23, &c. [G. L.]

CLANDESTI'NA POSSE'SSIO. [INTERDICTUM.]

CLARIGA'TIO. [FETIALES.]

CLASSES. [COMITIA.]

CLASSIA'RII. [EXERCITUS.]

CLA'SSICUM. [CORNU.]

CLATHRI. [DOMUS.]

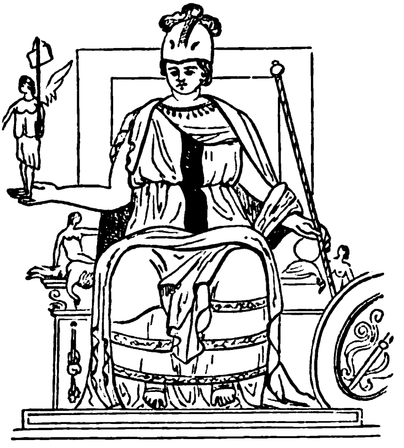
CLAVIS. [JANUA.]

CLAUSTRUM. [JANUA.]

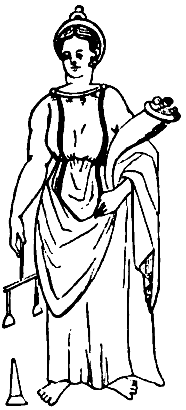
CLAVUS ANNA'LIS. In the early ages of Rome, when letters were yet scarcely in use, the Romans kept a reckoning of their years by driving a nail (*clavus*), on the ides of each September, into the side wall of the temple of Jupiter Optimus Maximus, which ceremony was performed by the consul or a dictator. (Festus, *s. v. Clav. Annal.*; Liv. vii. 3, viii. 18, ix. 28; Cic. *ad Att.* v. 15.)

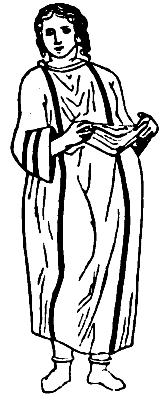
CLAVUS GUBERNA'CULI. [NAVIS.]

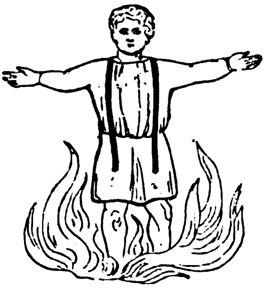
CLAVUS LATUS, CLAVUS ANGUSTUS. The meaning of these words has given rise to much dispute; but it is now established beyond doubt that the *clavus latus* was a broad purple band, extending perpendicularly from the neck down the centre of the tunica, and that the *clavus angustus* consisted of two narrow purple slips, running parallel to each other from the top to the bottom of the tunic, one from each shoulder. Hence we find the tunic called the *tunica laticlavia* and *angusticlavia*. These purple stripes were woven into the tunic (Plin. *H. N.* viii. 48); and this circumstance accounts for the fact that the clavus is never represented in works of sculpture. It only occurs in paintings, and those too of a very late period. The *clavus latus* is represented in the annexed cut, which is copied from a painting of Rome personified, formerly belonging to the Barberini family. The *clavus angustus* is seen in the three figures introduced below, all of which are taken from sepulchral paintings executed subsequently to the introduction of Christianity at Rome. The female figure on the left hand, which is copied from Buonarotti (*Osservazioni sopra alcuni Frammenti di Vasi antichi di Vetro*, tav. xxix. fig. 1), represents the goddess Moneta. The one on the right hand is from a cemetery on the Via Salara Nova, and represents Priscilla, an early martyr. The next figure is selected from three of a similar kind, representing Shadrach, Meshach,



and Abednego, from the tomb of Pope Callisto on the Via Appia.







The *latus clavus* was a distinctive badge of the senatorian order (*latum demisit pectore clavum*, Hor. *Sat.* i. 6. 28; Ovid, *Trist.* iv. 10. 35): and hence it is used to signify the senatorial dignity (Suet. *Tib.* 35, *Vesp.* 2, 4); and *laticlavius*, for the person who enjoys it. (Suet. *Aug.* 38.) In distinction to the angustus clavus, it is termed *purpura major* (Juv. *Sat.* i. 106), *purpura latior* (Plin. *H. N.* xxxiii. 7); and the garment it decorated, *tunica potens* (Stat. *Sylv.* v. 2. 29). The *tunica laticlavia* was not fastened round the waist like the common tunic, but left loose, in order that the clavus might lie flat and conspicuously over the chest. (Quinctil. xi. 3. § 138.)

The *angustus clavus* was the decoration of the equestrian order; but the right of wearing the latus clavus was also given to the children of equestrians (Ovid. *Trist.* iv. 10. 29), at least in the time of Augustus, as a prelude to entering the senate-house. This, however, was a matter of personal indulgence, and not of individual right; for it was granted only to persons of very ancient family, and corresponding wealth (Stat. *Sylv.* iv. 8. 59; Dig. 24. tit. 1. s. 42), and then by special favour of the emperor. (Suet. *Vesp.* 2; Tacit. *Ann.* xvi. 17; Plin. *Epist.* ii. 9.) In such cases the latus clavus was assumed with the toga virilis, and worn until the age arrived at which the young equestrian was admissible into the senate, when it was relinquished and the angustus clavus resumed, if a disinclination on his part, or any other circumstances, prevented him from entering the senate, as was the case with Ovid (compare *Trist.* iv. 10. 27, with 35). But it seems that the latus clavus could be again resumed if the same individual subsequently wished to become a senator (Hor. *Sat.* i. 6. 25), and hence a fickle character is designated as one who is always changing his clavus (Hor. *Sat.* ii. 7. 10).

The latus clavus is said to have been introduced at Rome by Tullus Hostilius, and to have been adopted by him after his conquest of the Etruscans (Plin. *H. N.* ix. 63); nor does it appear to have been confined to any particular class during the earlier periods, but to have been worn by all ranks promiscuously. (Plin. *H. N.* xxxiii. 7.) It was laid aside in public mourning. (Liv. ix. 7.) [A. R.]

CLEPSYDRA. [Horologium.]

CLERU'CHI (κληροῦχοι). [Colonia.]

CLERUS (κλῆρος). [Heres.]

CLETE'RES or **CLE'TORES** (κλητῆρες or κλήτορες), summoners. The Athenian summoners were not official persons, but merely witnesses to the prosecutor that he had served the defendant with a notice of the action brought against him, and the day upon which it would be requisite for him to appear before the proper magistrate, in order that the first examination of the case might commence. (Harpocrat.) In Aristophanes (*Nub.* 1246, *Vesp.* 1408) we read of one summoner only being employed, but two are generally mentioned by the orators as the usual number. (Dem. *c. Nicost.* p. 1251. 5, *pro Coron.* 244. 4, *c. Boeot.* p. 1017. 6.) The names of the summoners were subscribed to the declaration or bill of the prosecutor, and were, of course, essential to the validity of all proceedings founded upon it. What has been hitherto stated applies in general to all causes, whether δίκαι or γραφαί: but in some which commenced with an information laid before magistrates, and an arrest of the accused in consequence (as in the case of an ἔνδειξις or εἰσαγγελία), there would be no occasion for a summons, nor, of course, witnesses to its service. In the εὔθυναι and δοκιμασίαι also, when held at the regular times, no summons was issued, as the persons whose character might be affected by an accusation were necessarily present, or presumed to be so; but if the prosecutor had let the proper day pass, and proposed to hold a special εὐθύνη at any other time during the year in which the defendant was liable to be called to account for his conduct in office (ὑπεύθυνος), the agency of summoners was as requisite as in any other case. Of the δοκιμασίαι that of the orators alone had no fixed time; but the first step in the cause was not the usual legal summons (πρόσκλησις), but an announcement from the prosecutor to the accused in the assembly of the people. (Meier, *Att. Process.* pp. 212, 575.) In the event of persons subscribing themselves falsely as summoners, they exposed themselves to an action (ψευδοκλητείας) at the suit of the party aggrieved. [J. S. M.]

CLIBANA'RII. [Cataphracti.]

CLIENS is supposed to contain the same element as the verb *cluere*, to "hear" or "obey," and is accordingly compared by Niebuhr with the German word *hoeriger*, "a dependant."

In the time of Cicero, we find patronus in the sense of adviser, advocate, or defender, opposed to cliens in the sense of the person defended, or the consultor; and this use of the word must be referred, as we shall see, to the original character of the patronus. (Ovid. *Art. Am.* i. 88; Hor. *Sat.* i. 1. 10, *Ep.* i. 5. 31, ii. 1. 104.) The relation of a master to his liberated slave (*libertus*) was also expressed by the word patronus, and the libertus was the cliens of his patronus. Any Roman citizen who wanted a protector, might attach himself to a patronus, and would thenceforward be a cliens. Strangers who came into exilium at Rome might do the same (*jus applicationis*, Cic. *de Or.* i. 39). Distinguished Romans were also sometimes the patroni of states and cities, which were in a certain relation of subjection or friendship to Rome (Sueton. *Octavian. Caesar*, 17); and in this respect they may be compared to colonial agents, or persons among us, who are employed to look after the interests of the colony in the mother country; except that among the Romans such services were never remunerated directly, though there might be an indirect remuneration. (Cic. *Div.* 20, *Pro Sulla*, c. 21; Tacit. *Or.* 36.) This relationship between patronus and cliens was expressed by the word *Clientela* (Cic. *ad Att.* xiv. 12), which also expressed the whole body of a man's clients. (Tacit. *Ann.* xiv. 61.) In the Greek writers on Roman history, patronus is represented by *προστάτης*: and client, by *πελάτης*. (Plut. *Tib. Gracch.* 13, *Marius*, 5.)

The clientela, but in a different form, existed as far back as the records or traditions of Roman history extend; and the following is a brief notice of its origin and character, as stated by Dionysius (*Antiq. Rom.* ii. 9), in which the writer's terms are kept: —

Romulus gave to the *εὐπατρίδαι* the care of religion, the honores (*ἄρχειν*), the administration of justice, and the administration of the state. The *δημοτικοί* (whom in the preceding chapter he has explained to be the *πληβείοι*) had none of these privileges, and they were also poor; husbandry and the necessary arts of life were their occupation. Romulus thus entrusted the *δημοτικοί* to the safe keeping of the *πατρίκιοι* (who are the *εὐπατρίδαι*), and permitted each of them to choose his patron. This relationship between the patron and the client was called, says Dionysius, patronia. (Compare Cic. *Rep.* ii. 9.)

The relative rights and duties of the patrons and the clients were, according to Dionysius, as follow (Dionys. ii. 10, and other passages): —

The patron was the legal adviser of the cliens; he was the client's guardian and protector, as he was the guardian and protector of his own children; he maintained the client's suit when he was wronged, and defended him when another complained of being wronged by him: in a word, the patron was the guardian of the client's interest, both private and public. The client contributed to the marriage portion of the patron's daughter, if the patron was poor; and to his ransom, or that of his children, if they were taken prisoners; he paid the costs and damages of a suit which the patron lost, and of any penalty in which he was condemned; he bore a part of the patron's expenses incurred by his discharging public duties, or filling the honourable places in the state. Neither party could accuse the other, or bear testimony against the other, or give his vote against the other. The clients accompanied their patroni to war as vassals. (Dionys. x. 43.) This relationship between patron and client subsisted for many generations, and resembled in all respects the relationship by blood. It was a connection that was hereditary; the cliens bore the gentile name of the patronus, and he and his descendants were thus connected with the gens of the patronus. It was the glory of illustrious families to have many clients, and to add to the number transmitted to them by their ancestors. But the clients were not limited to the *δημοτικοί*: the colonies, and the states connected with Rome by alliance and friendship, and the conquered states, had their patrons at Rome; and the senate frequently referred the disputes between such states to their patrons, and abided by their decision.

Dionysius gives a tolerably intelligible statement, whether true or false, of the relation of a patron and client. What persons actually composed the body of clients, or what was the real historical origin of the clientela, is immaterial for the purpose of understanding what it was. It is clear that Dionysius understood the Roman state as originally consisting of patricii and plebeii, and he has said that the clients were the plebs. Now it appears, from his own work and from Livy, that there were clientes who were not the plebs, or, in other words, clientes and plebs were not convertible terms. This passage, then, has little historical value as explaining the origin of the clients. Still something may be extracted from the passage, though it is impossible to reconcile it altogether with all other evidence. The clients were not servi: they had property of their own, and freedom (*libertas*). Consistently with what Dionysius says, they might be Roman citizens in the wider sense of the term civis, enjoying only the commercium and connubium, but not the suffragium and honores, which belonged to their patroni. [CIVITAS.] It would also be consistent with the statement of Dionysius, that there were free men in the state who were not patricii, and not clientes; but if such persons existed in the earliest period of the Roman state, they must have laboured under great civil disabilities, and this also is not inconsistent with the testimony of history. Such a body, if it existed, must have been powerless; but such a body might in various ways increase in numbers and wealth, and grow up into an estate, such as the plebs afterwards was. The body of clientes might include freedmen, as it certainly did: but it seems an assumption of what requires proof, to infer (as Niebuhr does) that, because a patronus could put his freedman to death, he could do the same to a client; for this involves a tacit assumption that the clients were originally slaves; and this may be true, but it is not known. Besides, it cannot be true that a patron had the power of life and death over his freedman, who had obtained the civitas, any more than he had over an emancipated son. There is also no proof that the clientela in which liberti stood was hereditary like that of the proper clients. The body of clientes might, consistently with all that we know, contain peregrini, who had no privileges at all; and it might contain that class of persons who had the commercium only, if the commercium existed in the early ages of the state. [CIVITAS.] The latter class of persons would require a patronus to whom they might attach themselves for the protection of their property, and who might sue and defend them in all suits, on account of the (here assumed) inability of such persons to sue in their own name in the early ages of Rome.

The relation of the patronus to the cliens, as represented by Dionysius, has an analogy to the patria potestas, and the form of the word patronus is consistent with this.

It is stated by Niebuhr, that "if a client died without heirs, his patron inherited; and this law extended to the case of freedmen; the power of the patron over whom must certainly have been founded originally on the general patronal right." This statement, if it be correct, would be consistent with the quasi patria potestas of the patronus.

But if a cliens died *with* heirs, could he make a will? and if he died *without* heirs, could he not dispose of his property by will? and if he could not make, or did not make a will, and had heirs, who must they be? must they be *sui heredes?* had he a familia, and consequently agnati? had he, in fact, that connubium, by virtue of which he could acquire the patria potestas? He might have all this consistently with the statement of Dionysius, and yet be a citizen *non optimo jure;* for he had not the honores and the other distinguishing privileges of the patricii; and consistently with the statement of Dionysius he could not vote in the comitia curiata. It is not possible to prove that a cliens had all this, and it seems equally impossible, from existing evidence, to show what his rights really were. So far as our extant ancient authorities show, the origin of the clientela, and its true character, were unknown to them. There was a body in the Roman state, at an early period of its existence, which was neither patrician nor client, and a body which once did not, but ultimately did, participate in the sovereign power: this was the plebs. The clientes also existed in the earliest period of the Roman state, but our knowledge of the true condition of this body must remain inexact, for the want of sufficient evidence in amount, and sufficiently trustworthy.

It is stated by Livy (ii. 56) that the clientes had votes in the comitia of the centuries: they were therefore registered in the censors' books, and could have quiritarian ownership. [CENTUMVIRI.] They had therefore the commercium, possibly the connubium, and certainly the suffragium. It may be doubted whether Dionysius understood them to have the suffragium at the comitia centuriata; but if such was the legal condition of the clientes, it is impossible that the exposition of their relation to the patricians, as given by some modern writers, can be altogether correct.

It would appear, from what has been stated, that patronus and patricius were originally convertible terms, at least until the plebs obtained the honores. From that time, many of the reasons for a person being a cliens of a patricius would cease; for the plebeians had acquired political importance, had become acquainted with the law and the legal forms, and were fully competent to advise their clients. This change must have contributed to the destruction of the strict old clientela, and was the transition to the clientela of the later ages of the republic. (Hugo, *Lehrbuch*, &c. vol. i. p. 458.)

It has been conjectured (Becker, *Handbuch der Römischen Alterthümer*, vol. ii. p. 125) that the clientela was an old Italian institution, which existed among some of those people, out of which the Romanus Populus arose. When Tatius and his Sabines settled in Rome, their clients settled there with them (Dionys. ii. 46); and Attius Clausus brought to Rome a large body of clients. (Liv. ii. 16; Dionys. v. 40). It is further conjectured, and it is not improbable, that the clientes were Italians, who had been conquered and reduced to a state of subjection.

Admitting a distinction between the plebs and the old clientes to be fully established, there is still room for careful investigation as to the real condition of the clientes, and of the composition of the Roman state before the estate of the plebs was made equal to that of the patricians. [G. L.]

CLIENTE'LA. [CLIENS.]

CLIMA (κλίμα), literally a *slope* or *inclination*, was used in the mathematical geography of the Greeks* with reference to the inclination of various parts of the earth's surface to the plane of the equator. Before the globular figure of the earth was known, it was supposed that there was a general slope of its surface from south to north, and this was called κλίμα. But as the science of mathematical geography advanced, the word was applied to different belts of the earth's surface, which were determined by the different lengths of the longest day at their lines of demarcation. This division into climates was applied only to the northern hemisphere, as the geographers had no practical knowledge of the earth south of the equator.

Hipparchus (about B. C. 160) seems to have been the first who made use of this division; his system is explained at length by Strabo (ii. p. 132). Assuming the circumference of a great circle of the earth to be 252,000 stadia, Hipparchus divided this into 360 degrees, of 700 stadia to each; and then, beginning at the parallel of Meroë, and proceeding northwards, he undertook to describe the astronomical phenomena observed at each degree of latitude, or every 700 stadia: among these phenomena, he observed that the length of the longest day at Meroë was 13 hours, and at Syene 13½. The observations of later astronomers and geographers, such as Geminus, Strabo, Pliny, and Ptolemy, are described in the works cited below. The following table, from Ukert, shows the climates, as given by Ptolemy (*Geogr.* i. 23). It will be observed that there are nineteen climates, the beginning and middle of which are marked by lines called parallels, of which the first marks the equator, and the thirty-third the arctic circle. Up to this point, there are sixteen climates, of which twelve are determined by the increase of half-an-hour in the length of the longest day, the 13th and 14th 1 hour, and the 15th and 16th 2 hours. In the remaining climates, within the arctic circle, the days no longer increase by hours but by months. Elsewhere (*Almag.* ii. 6) he makes ten climates north of the equator, beginning at the parallel of Taprobane in lat. 4° 15′, and ending at that of Thule, in lat. 63°; and one to the south, beginning at the equator, or the parallel of Cape Raptum, and ending at the parallel of Antimeroë in lat. 16° 25′.

The term κλίμα was afterwards applied to the average temperature of each of these regions, and hence our modern use of the word. (Strab. *l. c.*; Dion. Hal. i. 9; Plut. *Mar.* 11, *Aem. Paul.* 5, *Moral.* p. 891; Polyb. vii. 6. § 1, x. 1, § 3; Ath. xii. p. 523, e.; Gemin. *Elem. Astron.* 5; Plin. *H. N.* ii. 70—75, s. 73—77; Agathem. i. 3; Cellar. *Geog.* i. 6; Ukert, *Geog.* vol. i. pt. 2, pp. 182, &c.) [P. S.]

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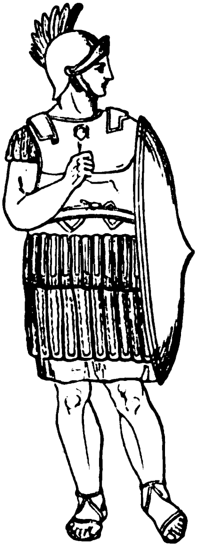
* The corresponding Latin word is *inclinatio* (Vitruv. i. 1), also *declinatio, devergentia* (comp. Aul. Gell. xiv. 1; Colum. iii. 19). *Clima* was only used at a late period.

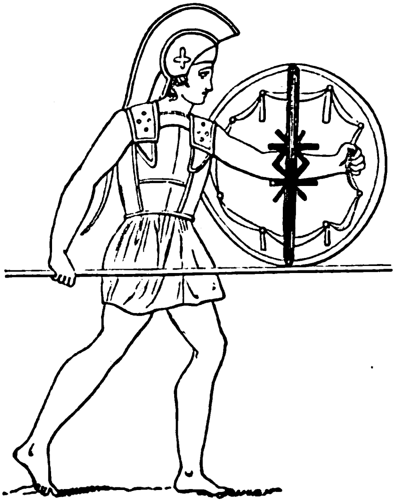
Climata.	Parallel.	Longest Day.	Latitude.	Passing through
I.	1	12h. 0m.	0° 0′	
	2	12 15	4 15	Taprobane.
II.	3	12 30	8 25	Sinus Avalites.
	4	12 45	12 30	Adule Sinus.
III.	5	13 0	16 27	Meroë.
	6	13 15	20 14	Napata.
IV.	7	13 30	23 51	Syene.
	8	13 45	27 12	Ptolemais in Egypt.
V.	9	14 0	30 2	Lower Egypt.
	10	14 15	33 18	Middle of Phoenicia.
VI.	11	14 30	36 0	Rhodus.
	12	14 45	38 35	Smyrna.
VII.	13	15 0	40 56	Hellespont.
	14	15 15	43 41	Massilia.
VIII.	15	15 30	45 1	Middle of the Euxine.
	16	15 45	46 51	Sources of the Danube.
IX.	17	16 0	48 32	Mouth of the Borysthenes.
	18	16 15	50 4	Middle of the Palus Maeotis.
X.	19	16 30	51 40	Southern Britain.
	20	16 45	52 50	Mouths of the Rhine.
XI.	21	17 0	54 30	Mouths of the Tanaïs.
	22	17 15	55 0	The Brigantes in Britain.
XII.	23	17 30	56 0	Britannia Magna.
	24	17 45	57 0	Caturactonium in Britain.
XIII.	25	18 0	58 0	South of Britannia Parva.
	26	18 30	59 30	Middle of ditto
XIV.	27	19 0	61 0	North of ditto
	28	19 30	62 0	Ebudes Insulae.
XV.	29	20 0	63 0	Thule.
	30	21 0	64 30	Unknown Scythian Tribes.
XVI.	31	22 0	65 30	Unknown Scythian Tribes.
	32	23 0	66 0	
XVII.	33	24 0	66° 8′ 40″	
	34	1 month about	67° 15′	
XVIII.	35	2 ——	69 30	
	36	3 ——	73 20	
XIX.	37	4 ——	78 20	
	38	5 ——	84 0	
	39	6 ——	90 0	

CLIPEUS (ἀσπίς), the large shield worn by the Greeks and Romans, which was originally of a circular form, and is said to have been first used by Proetus and Acrisius of Argos (Paus. ii. 25. § 6), and therefore is called *clipeus Argolicus* (Virg. *Aen.* iii. 637), and likened to the sun. (Compare also ἀσπίδα πάντοσ' ἐΐσην, Hom. *Il.* iii. 347, v. 453, ἀσπίδας εὐκύκλους, xiv. 428; Varr. *De Ling. Lat.* v. 19, ed. Müller; Festus, *s. v.*) According to other accounts, however, the Greeks obtained the shield, as well as the helmet, from the Egyptians (Herod. iv. 180; Plat. *Tim.* p. 24, b.)

The shield used by the Homeric heroes was large enough to cover the whole man. It was sometimes made of osiers twisted together, called ἰτέα, or of wood: the wood or wicker was then covered over with ox hides of several folds deep, and finally bound round the edge with metal. (Hom. *Il.* xii. 295.) The outer rim is termed ἄντυξ (*Il.* xviii. 479), ἴτυς (Eur. *Troad.* 1205), *περιφέρεια* or *κύκλος* (*Il.* xi. 33). [Antyx.] In the centre was a projection called *ὀμφάλος* or *μεσομφάλιον*, *umbo*, which served as a sort of weapon by itself, or caused the missiles of the enemy to glance off from the shield. It is seen in the next woodcut, from the column of Trajan. A spike, or some other prominent excrescence, was sometimes placed upon the *ὀμφάλος*, which was called *ἐπομφάλιον*.



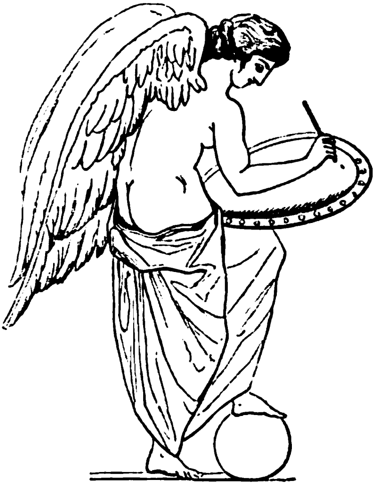
In the Homeric times, the Greeks used a belt to support the shield; but this custom was subsequently discontinued in consequence of its great inconvenience [Balteus], and the following method was adopted in its stead: — A band of metal, wood, or leather, termed *κανών*, was placed across the inside from rim to rim, like the diameter of a circle, to which were affixed a number of small iron bars, crossing each other somewhat in the form of the letter X, which met the arm below the inner bend of the elbow joint, and served to steady the orb. This apparatus, which is said to have been invented by the Carians (Herod. i. 171), was termed *ὄχανον* or *ὄχανη*. Around the inner edge ran a leather thong (*πόρπαξ*), fixed by nails at certain distances, so that it formed a succession of loops all round, which the soldier grasped with his hand (*ἐμβαλὼν πόρπακι γενναίαν χέρα*, Eur. *Hel.* 1396). The preceding woodcut, which shows the whole apparatus, will render this account intelligible. It is taken from one of the terra cotta vases published by Tischbein (vol. iv. tab. 20).



At the close of a war it was customary for the Greeks to suspend their shields in the temples when the *πόρπακες* were taken off, in order to render them unserviceable in case of any sudden or popular outbreak; which custom accounts for the alarm of Demosthenes in the Knights of Aristophanes (859), when he saw them hanging up with their handles on.

The *ἀσπὶς* was carried by the heavy-armed men (*ὁπλῖται*) during the historical times of Greece, and is opposed to the lighter *πέλτη* and *γέῤῥον*: hence we find the word *ἀσπὶς* used to signify a body of *ὁπλῖται* (Xen. *Anab.* i. 7. § 10).

According to Livy (i. 43), when the census was instituted by Servius Tullius, the first class only used the *clipeus*, and the second were armed with the *scutum* [Scutum]; but after the Roman soldier received pay, the *clipeus* was discontinued altogether for the Sabine *scutum*. (Liv. viii. 8; compare ix. 19; Plut. *Rom.* 21; Diod. *Eclog.* xxiii. 3, who asserts that the original form of the Roman shield was square, and that it was subsequently changed for that of the Tyrrhenians, which was round.)

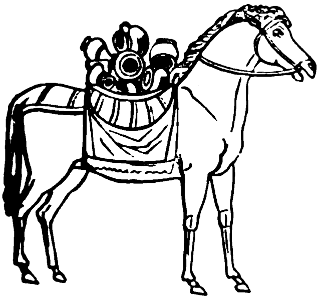


The practice of emblazoning shields with various devices, the origin of armorial bearings, is of considerable antiquity. It is mentioned as early as the time of Aeschylus, who represents the seven chiefs who marched against Thebes with such shields (Aeschyl. *Sept. c. Theb.* 387, &c.; comp. Virg. *Aen.* viii. 658; Sil. Ital. viii. 386). This custom is illustrated by the preceding beautiful gem from the antique, in which the figure of Victory is represented inscribing upon a *clipeus* the name or merits of some deceased hero.

Each Roman soldier had also his own name inscribed upon his shield, in order that he might readily find his own when the order was given to unpile arms (Veget. ii. 17); and sometimes the name of the commander under whom he fought. (Hirt. *Bell. Alex.* 58.)

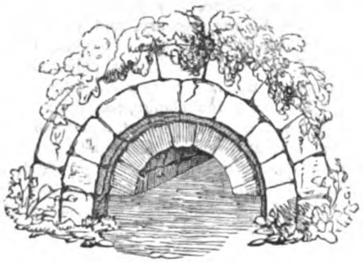
The *clipeus* was also used to regulate the temperature of the vapour bath. [Balneae, p. 192, a.] [A. R.]

CLITELLAE, a pair of panniers, and therefore only used in the plural number. (Hor. *Sat.* i. 5. 47; Plaut. *Most.* iii. 2. 91.) In Italy they were commonly used with mules or asses, but in other countries they were also applied to horses, of which an instance is given in the annexed woodcut from the column of Trajan; and Plautus (*Ib.* 94) figuratively describes a man upon whose shoulders a load of any kind, either moral or physical, is charged, as *homo clitellarius.* [A. R.]

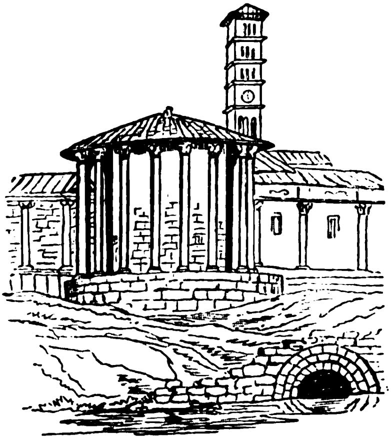


CLOA'CA, a common sewer. The term cloaca is generally used in reference only to those spacious subterraneous vaults, either of stone or brick, through which the foul waters of the city, as well as all the streams brought to Rome by the aqueducts, finally discharged themselves into the Tiber; but it also includes within its meaning any smaller drain, either wooden pipes or clay tubes (Ulpian, Dig. 43. tit. 23. s. 1), with which almost every house in the city was furnished to carry off its impurities into the main conduit. The whole city was thus intersected by subterraneous passages, and is therefore called *urbs pensilis*, in Pliny's enthusiastic description of the *cloacae.* (*H. N.* xxxvi. 15. s. 24.)

The most celebrated of these drains was the *cloaca maxima*, the construction of which is ascribed to Tarquinius Priscus (Liv. i. 38; Plin. *l. c.*), and which was formed to carry off the waters brought down from the adjacent hills into the Velabrum and valley of the Forum. The stone of which it is built is a mark of the great antiquity of the work; it is not the peperino of Gabii and the Alban hills, which was the common building-stone in the time of the commonwealth; but it is the "tufa litoide" of Brocchi, one of the volcanic formations which is found in many places in Rome, and which was afterwards supplanted in public buildings by the finer quality of the peperino. (Arnold, *Hist. Rom.* vol. i. p. 52.) This cloaca was formed by three arches, one within the other, the innermost of which is a semicircular vault of 18 Roman palms, about 14 feet in diameter, each of the hewn blocks being 7½ palms long and 4⅛ high, and joined together without cement. The manner of construction is shown in the annexed woodcut, taken on the spot, where a part of it is uncovered near the arch of Janus Quadrifrons.



The mouth where it reaches the Tiber, nearly opposite to one extremity of the *insula Tiberina*, still remains in the state referred to by Pliny (*l. c.*). It is represented in the annexed woodcut, with the adjacent buildings as they still exist, the modern fabrics only which encumber the site, being left out.



The passages in Strabo and Pliny which state that a cart (*ἅμαξα, vehes*) loaded with hay, could pass down the cloaca maxima, will no longer appear incredible from the dimensions given of this stupendous work; but it must still be borne in mind that the vehicles of the Romans were much smaller than our own. Dion Cassius also states (xlix. 43) that Agrippa, when he cleansed the sewers, passed through them in a boat, to which Pliny probably alludes in the expression *urbs subter navigata;* and their extraordinary dimensions, as well as that of the embouchures through which the waters poured into them, is still further testified by the exploits of Nero, who threw down the sewers the unfortunate victims of his nightly riots. (Suet. *Nero*, 26; compare Dionys. x. 53; Cic. *Pro Sext.* 35.)

The *cloaca maxima*, formed by Tarquin, extended only from the forum to the river, but was subsequently continued as far up as the Subura, of which branch some vestiges were discovered in the year 1742. (Venuti, *Antichità di Roma*, vol. i. p. 98; Ficoroni, *Vestigie di Roma*, pp. 74, 75.) This was the *crypta Suburae* to which Juvenal refers (*Sat.* v. 106. Comp. *Dict. of Gr. and Rom. Geog.* art. *Roma.*)

The expense of cleansing and repairing these *cloacae* was, of course, very great, and was defrayed partly by the treasury, and partly by an assessment called *cloacarium.* (Ulpian, Dig. 7. tit. 1. s. 27. § 3.) Under the republic, the administration of the sewers was entrusted to the censors; but under the empire, particular officers were appointed for that purpose, *cloacarum curatores*, mention of whom is found in inscriptions (*ap. Grut.* p. cxcvii. 5, p. cxcviii. 2, 3, 4, 5; p. cclii. 1; Ulpian, Dig. 43. tit. 23. s. 2). The emperors employed condemned criminals in the task. (Plin. *Epist.* x. 41.)

Rome was not the only city celebrated for works of this kind. Diodorus (xi. 25) makes special mention of the sewers (ὑπόνομοι) of Agrigentum, which were constructed about B. C. 480, by an architect named Phaeax, after whom they were called φαίακες. [A. R.]

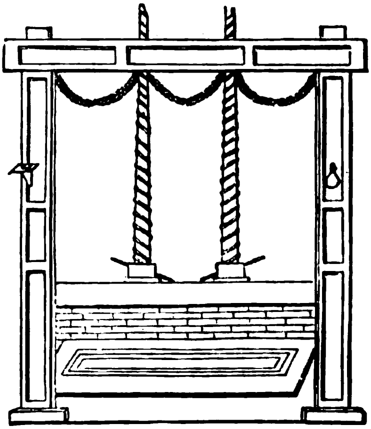
KLOPES DIKE' (κλοπῆς δίκη), the action for theft was brought in the usual manner before a diaetetes or a court, the latter of which Meier (*Att. Process*, p. 67) infers to have been under the presidency of the thesmothetae, whether the prosecutor preferred his accusation by way of γραφή or δίκη. We learn from the law quoted by Demosthenes (*c. Timocr.* p. 733), that the criminal upon conviction was obliged to pay twice the value of the theft to the plaintiff if the latter recovered the specific thing stolen; that failing of this, he was bound to reimburse him tenfold, that the court might inflict an additional penalty, and that the criminal might be confined in the stocks (ποδοκάκκη) five days and as many nights. In some cases, a person that had been robbed was permitted by the Attic law to enter the house in which he suspected his property was concealed, and institute a search for it (φωρᾶν, Aristoph. *Nubes*, 497; Plat. *De Leg.* xii. p. 954); but we are not informed what powers he was supplied with to enforce this right. Besides the above mentioned action, a prosecutor might proceed by way of γραφή, and when the delinquent was detected in the act, by ἀπαγωγή or ἐφήγησις. To these, however, a penalty of 1000 drachmae was attached in case the prosecutor failed in establishing his case; so that a diffident plaintiff would often consider them as less eligible means of obtaining redress. (Demosth. *c. Androt.* p. 601.) In the aggravated cases of stealing in the day time property of greater amount than 50 drachmae, or by night any thing whatsoever (and upon this occasion the owner was permitted to wound and even kill the depredator in his flight), the most trifling article from a gymnasium, or any thing worth 10 drachmae from the ports or public baths, the law expressly directed an ἀπαγωγή to the Eleven, and, upon conviction, the death of the offender. (Demosth. *c. Timocr.* p. 736. 1.) If the γραφή were adopted, it is probable that the punishment was fixed by the court; but both in this case, and in that of conviction in a δίκη, besides restitution of the stolen property, the disfranchisement (ἀτιμία) of the criminal would be a necessary incident of conviction. (Meier, *Att. Process*, p. 358.) [J. S. M.]

COA VESTIS, the Coan cloth, is mentioned by various Latin authors, but most frequently and distinctly by the poets of the Augustan age. (Tibull. ii. 4, ii. 6; Propert. i. 2, ii. 1, iv. 2, iv. 5; Hor. *Carm.* iv. 13. 13, *Sat.* i. 2. 101; Ovid, *Ars Am.* ii. 298.) From their expressions we learn that it had a great degree of transparency, that it was remarkably fine, that it was chiefly worn by women of loose reputation, and that it was sometimes dyed purple and enriched with stripes of gold. It has been supposed to have been made of silk, because in Cos silk was spun and woven at a very early period, so as to obtain a high celebrity for the manufactures of that island. (Aristot. *Hist. Anim.* v. 19.) In the woodcut under COMA, a female is represented wearing a robe of this kind. [J. Y.]

COACTOR. This name was applied to collectors of various sorts, *e. g.* to the servants of the publicani, or farmers of the public taxes, who collected the revenues for them (Cic. *Pro Rab. Post.* 11); also to those who collected the money from the purchasers of things sold at a public auction. The father of Horace was a collector of the taxes farmed by the publicani. (Hor. *Sat.* i. 6. 86; Suet. *Vit. Hor.* init.) Moreover, the servants of the money-changers were so called, from collecting their debts for them. (Cic. *Pro Cluent.* 64.) [R. W.]

CO'CHLEA (κοχλίας), which properly means a snail, was also used to signify other things of a spiral form.

1. A screw. The woodcut annexed represents a clothes-press, from a painting on the wall of the Chalcidicum of Eumachia, at Pompeii, which is worked by two upright screws (*cochleae*) precisely in the same manner as our own linen presses. (*Mus. Borbonico*, iv. 50.)



A screw of the same description was also used in oil and wine presses. (Vitruv. vi. 9. p. 180, ed. Bipont.; Palladius, iv. 10. § 10, ii. 19. § 1.) The thread of the screw, for which the Latin language has no appropriate term, is called περικόχλιον in Greek.

2. A spiral pump for raising water, invented by Archimedes (Diod. Sic. i. 34, v. 37; compare Strab. xvii. 30), from whom it has ever since been called the Archimedean screw. It is described at length by Vitruvius (x. 11).

3. A peculiar kind of door, through which the wild beasts passed from their dens into the arena of the amphitheatre. (Varr. *De Re Rust.* iii. 5. § 3.) It consisted of a circular cage, open on one side like a lantern, which worked upon a pivot and within a shell, like the machines used in the convents and foundling hospitals of Italy, termed *rote*, so that any particular beast could be removed from its den into the arena merely by turning it round, and without the possibility of more than one escaping at the same time; and therefore it is recommended by Varro (*l. c.*) as peculiarly adapted for an aviary, so that the person could go in and out without affording the birds an opportunity of flying away. Schneider (*in Ind. Script. R. R. s. v. Cavea*), however, maintains that the *cochlea* in question was nothing more than a portcullis (*cataphracta*) raised by a screw, which interpretation does not appear so probable as the one given above. [A. R.]

CO'CHLEAR (κοχλιάριον) was a kind of spoon, which appears to have terminated with a point at one end, and at the other was broad and hollow like our own spoons. The pointed end was used for drawing snails (*cochleae*) out of their shells, and eating them, whence it derived its name; and the broader part for eating eggs, &c. Martial (xiv. 121) mentions both these uses of the cochlear,— "Sum cochleis habilis nec sum minus utilis ovis." (Compare Plin. *H. N.* xxviii. 4; Petron. 33.)

Cochlear was also the name given to a small measure like our spoonful. According to Rhemnius Fannius, it was $\frac{1}{24}$ of the cyathus.

COCHLIS, which is properly a diminutive of *cochlea*, is used as an adjective with *columna*, to describe such columns as the Trajan and Antonine; but whether the term was used with reference to the spiral staircase within the column, or to the spiral bas-relief on the outside, or to both, cannot be said with certainty. (P. Vict. *de Region. Urb. Rom.* 8, 9.)

Pliny applies the word also to a species of gem found in Arabia. (*H. N.* xxxvii. 12. s. 74.) [P. S.]

CODEX, dim. CODICILLUS, is identical with *caudex*, as *Claudius* and *Clodius*, *claustrum* and *clostrum*, *cauda* and *coda*. Cato (*ap. Front. Epist. ad M. Anton.* i. 2) still used the form *caudex* in the same sense in which afterwards *codex* was used exclusively. (Compare Ovid. *Metam.* xii. 432.) The word originally signified the trunk or stem of a tree (Virg. *Georg.* ii. 30; Columella, xii. 19; Plin. *H. N.* xvi. 30), and was also applied to designate anything composed of large pieces of wood, whence the small fishing or ferry boats on the Tiber, which may originally have been like the Indian canoes, or were constructed of several roughly hewn planks nailed together in a rude and simple manner, were called *naves caudicariae*, or *codicariae*, or *caudiceae*. (Fest. and Varro, *ap. Nonium*, xiii. 12; Gellius, x. 25.) The surname of Caudex given to Appius Claudius must be traced to this signification. But the name codex was especially applied to wooden tablets bound together and lined with a coat of wax, for the purpose of writing upon them, and when, at a later age, parchment or paper, or other materials were substituted for wood, and put together in the shape of a book, the name of codex was still applied to them. (Cic. *Verr.* ii. 1, 36; Dig. 32. tit. 1. s. 52; Sueton. *Aug.* 101.) In the time of Cicero we find it also applied to the tablet on which a bill was written; and the tribune, Cornelius, when one of his colleagues forbade his bill to be read by the herald or scribe, read it himself (*legit codicem suum*; see Cic. *in Vat.* 2, and Ascon. Ped. *in Argum. ad Cornel.* p. 58. ed. Orelli). At a still later period, during the time of the emperors, the word was used to express any collection of laws or constitutions of the emperors, whether made by private individuals or by public authority. See the following articles.

The diminutive *codicillus*, or rather *codicilli*, was used much in the same way as codex. It originally signified tablets of the kind described above, and was subsequently employed to indicate any small book or document, made either of parchment or paper. (Cic. *Phil.* viii. 10, *ad Fam.* vi. 18; Suet. *Claud.* 29.) Respecting its meaning in connection with a person's testament, see TESTAMENTUM. [L. S.]

CODEX GREGORIA'NUS and HERMOGENIA'NUS. It does not appear quite certain if this title denotes one collection or two collections. The general opinion, however, is, that there were two codices compiled respectively by Gregorianus and Hermogenianus, who are sometimes, though incorrectly, called Gregorius and Hermogenes. The codex of Gregorianus was divided into books (the number of which is not known), and the books were divided into titles. The fragments of this codex begin with constitutions of Septimius Severus, A. D. 196, and end with those of Diocletian and Maximian, A. D. 285—305. The codex of Hermogenianus, so far as we know it, is only quoted by titles, and it only contains constitutions of Diocletian and Maximian, with the exception of one by Antoninus Caracalla; it may perhaps have consisted of one book only, and it may have been a kind of supplement to the other. The name Hermogenianus is always placed after that of Gregorianus when this code is quoted. According to the Consultationes, the codex of Hermogenianus also contained constitutions of Valens and Valentinian II., which, if true, would bring down the compiler to a time some years later than the reign of Constantine the Great, under whom it is generally assumed that he lived. These codices were not made by imperial authority; they were the work of private individuals, but apparently soon came to be considered as authority in courts of justice, as is shown indirectly by the fact of the Theodosian and Justinian codes being formed on the model of the Codex Gregorianus and Hermogenianus. (Zimmern, *Geschichte des Römischen Privatrechts*, Heidel. 1826; Hugo, *Lehrbuch der Geschichte des Röm. Rechts*, Berlin, 1832; *Frag. Cod. Greg. et Herm.* in Schulting's *Jurisprudentia Vet.* &c., and in the *Jus Civile Antejustin.* Berol. 1815; Böcking, *Institutionen.*) [G. L.]

CODEX JUSTINIANE'US. In February of the year A. D. 528, Justinian appointed a commission, consisting of ten persons, to make a new collection of imperial constitutions. Among these ten were Tribonianus, who was afterwards employed on the Digesta and the Institutiones, and Theophilus, a teacher of law at Constantinople. The commission was directed to compile one code from those of Gregorianus, Hermogenianus, and Theodosius, and also from the constitutions of Theodosius made subsequently to his code, from those of his successors, and from the constitutions of

Justinian himself. The instructions given to the commissioners empowered them to omit unnecessary preambles, repetitions, contradictions, and obsolete matter; to express the laws to be derived from the sources above mentioned in brief language, and to place them under appropriate titles; to add to, take from, or vary, the words of the old constitutions, when it might be necessary; but to retain the order of time in the several constitutions, by preserving the dates and the consuls' names, and also by arranging them under their several titles in the order of time. The colleotion was to include rescripts and edicts, as well as constitutiones properly so called. Fourteen months after the date of the commission, the code was completed and declared to be law (16th April, 529) under the title of the Justinianeus Codex; and it was declared that the sources from which this code was derived were no longer to have any binding force, and that the new code alone should be referred to as of legal authority. (*Constit. de Justin. Cod. Confirmando.*)

The Digesta or Pandectae, and the Institutiones, were compiled after the publication of this code, subsequently to which fifty decisiones and some new constitutiones also were promulgated by the emperor. This rendered a revision of the code necessary; and accordingly a commission for that purpose was given to Tribonianus, to Dorotheus, a distinguished teacher of law at Berytus in Phoenicia, and three others. The new code was promulgated at Constantinople, on the 16th November 534, and the use of the decisiones, the new constitutiones, and of the first edition of the Justinianeus Codex, was forbidden. The second edition (*secunda editio, repetita praelectio, Codex repetitae praelectionis*) is the code that we now possess, in twelve books, each of which is divided into titles: it is not known how many books the first edition contained. The constitutiones are arranged under their several titles, in the order of time and with the names of the emperors by whom they were respectively made, and their dates.

The constitutions in this code do not go further back than those of Hadrian, and those of the immediate successors of Hadrian are few in number; a circumstance owing in part to the use made of the earlier codes in the compilation of the Justinian code, and also to the fact of many of the earlier constitutions being incorporated in the writings of the jurists, from which alone any knowledge of many of them could be derived. (*Constit. De Emendatione Cod. Dom. Justin.*)

The constitutions, as they appear in this code, have been in many cases altered by the compilers, and consequently, in an historical point of view, the code is not always trustworthy. This fact appears from a comparison of this code with the Theodosian code and the Novellae. The order of the subject-matter in this code corresponds, in a certain way, with that in the Digest. Thus the seven parts into which the fifty books of the Digest are distributed, correspond to the first nine books of the Code. The matter of the three last books of the Code is hardly treated of in the Digest. The matter of the first book of the Digest is placed in the first book of the Code, after the law relating to ecclesiastical matters, which, of course, is not contained in the Digest; and the three following books of the first part of the Digest correspond to the second book of the Code. The following books of the Code, the ninth included, correspond respectively, in a general way, to the following parts of the Digest. Some of the constitutions which were in the first edition of the Code, and are referred to in the Institutiones, have been omitted in the second edition. (Instit. 2. tit. 20. s. 27; 4. tit. 6. s. 24.) Several constitutions, which have also been lost in the course of time, have been restored by Charondas, Cujacius, and Contius, from the Greek version of them. (Zimmern, &c.; Hugo, *Lehrbuch der Geschichte des Röm. Rechts*, &c.; Böcking, *Institutionen.*) [G. L.]

CODEX THEODOSIA'NUS. In the year 429, Theodosius II., commonly called Theodosius the younger, appointed a commission, consisting of eight persons, to form into a code all the edicta and generales constitutiones from the time of Constantine, and according to the model of the Codex Gregorianus and Hermogenianus (*ad similitudinem Gregoriani et Hermogeniani Codicis*). In 435, the instructions were renewed or repeated; but the commissioners were now sixteen in number. Antiochus was at the head of both commissions. It seems, however, to have been originally the design of the emperor not only to make a code which should be supplementary to, and a continuation of, the Codex Gregorianus and Hermogenianus; but also to compile a work on Roman law from the classical jurists, and the constitutions prior to those of Constantine. However this may be, the first commission did not accomplish this, and what we now have is the code which was compiled by the second commission. This code was completed, and promulgated as law in the Eastern empire in 438, and declared to be the substitute for all the constitutions made since the time of Constantine. In the same year (438) the code was forwarded to Valentinian III., the son-in-law of Theodosius, by whom it was laid before the Roman Senate, and confirmed as law in the Western empire. Nine years later Theodosius forwarded to Valentinian his new constitutions (*novellae constitutiones*), which had been made since the publication of the code; and these also were in the next year (448) promulgated as law in the Western empire. So long as a connection existed between the Eastern and Western empires, that is, till the overthrow of the latter, the name Novellae was given to the constitutions subsequent to the code of Theodosius. The latest of these Novellae that have come down to us are three of the time of Leo and Anthemius, A. D. 468.

The Codex Theodosianus consists of sixteen books, the greater part of which, as well as his Novellae, exist in their genuine state. The books are divided into titles, and the titles are subdivided into constitutiones or laws. The valuable edition of J. Gothofredus (6 vols. fol. Lugd. 1665, re-edited by Ritter, Lips. 1736—1745, 6 vols. fol.) contains the code in its complete form, except the first five books, for which it was necessary to use the epitome contained in the Breviarium [BREVIARIUM]. This is also the case with the edition of this code contained in the *Jus Civile Antejustinianeum* of Berlin, 1815. But the recent discovery of a MS. of the Breviarium, at Milan, by Clossius, and of a Palimpsest of the Theodosian code at Turin by Peyron, has contributed largely both to the critical knowledge of the other parts of this code, and has added numerous genuine constitutions to the first five books, particularly to the first. Hänel's discoveries also have added to our knowledge of the later books, and his edition of the Theodosian Code, Bonn, 1837, 4to, is the latest and the best.

The extract or epitome of the first five books in the Breviarium is very scanty; 262 laws, or fragments of laws, were omitted, which the discoveries of Clossius and Peyron reduced to 200. More recent discoveries by Carlo Baudi a Vesme at Turin will add to the 6th, 8th, 9th, 10th, and 16th books.

The Novellae Constitutiones anterior to the time of Justinian are collected in six books in the *Jus Civile Antejustinianeum*, Berlin, 1815, and in Hänel's more recent edition.

The commission of Theodosius was empowered to arrange the constitutiones according to their subject, and under each subject according to the order of time; to separate those which contained different matter, and to omit what was not essential or superfluous. The arrangement of the Theodosian code differs in the main from that of the code of Justinian, which treats of jus ecclesiasticum in the beginning, while that of Theodosius in the first book treats chiefly of offices; and the second, third, fourth, and beginning of the fifth book treat of jus privatum. The order here observed, as well as in the code which it professed to follow as a model, was the order of the writers on the praetorian edict. The eighth book contains the laws as to gifts, the penalties of celibacy, and that relating to the jus liberorum. The ninth book begins with crimes. The laws relating to the Christian church are contained in the sixteenth and last book. It is obvious from the circumstances under which the Theodosian and Justinian codes were compiled, and from a comparison of them, that the Justinian code was greatly indebted to the Theodosian. The Theodosian code was also the basis of the edict of Theodoric king of the Ostrogoths; it was epitomised, with an interpretation, in the Visigoth Lex Romana [Breviarium]; and the Burgundian Lex Romana, commonly called Papiani Liber Responsorum, was founded upon it. [G. L.]

CODICILLUS. [Codex.]

CODON (κώδων), a bell. [Tintinnabulum.]

COE'MPTIO. [Matrimonium.]

COENA (δεῖπνον), the principal meal of the Greeks and Romans, corresponding to our dinner, rather than supper. As the meals are not always clearly distinguished, it will be convenient to give a brief account of all of them under the present head.

1. Greek.—The materials for an account of the Greek meals, during the classical period of Athens and Sparta, are almost confined to incidental allusions of Plato and the comic writers. Several ancient authors, termed δειπνόλογοι, are mentioned by Athenaeus; but, unfortunately, their writings only survive in the fragments quoted by him. His great work, the Deipnosophists, is an inexhaustible treasury of this kind of knowledge, but ill arranged, and with little attempt to distinguish the customs of different periods.

The poems of Homer contain a real picture of early manners, in every way worthy of the antiquarian's attention. As they stand apart from all other writings, it will be convenient to exhibit in one view the state of things which they describe. It is not to be expected that the Homeric meals at all agree with the customs of a later period; indeed it would be a mere waste of time to attempt adapting the one to the other. Athenaeus (i. p. 8) who has entered fully into the subject, remarks on the singular simplicity of the Homeric banquets, in which kings and private men all partake of the same food. It was common even for royal personages to prepare their own meals (*Il.* ix. 206—218; compare Gen. xxvii. 31), and Ulysses (*Od.* xv. 322) declares himself no mean proficient in the culinary art —

Πῦρ τ' εὖ νηῆσαι, διὰ δὲ ξύλα δανὰ κεάσσαι
Δαιτρεῦσαί τε καὶ ὀπτῆσαι καὶ οἰνοχοῆσαι.

Three names of meals occur in the Iliad and Odyssey —ἄριστον, δεῖπνον, δόρπον. This division of the meals is ascribed, in a fragment of Aeschylus quoted by Athenaeus (i. p. 11), to Palamedes. The word ἄριστον uniformly means the early (ἅμ' ἠοῖ, *Od.* xvi. 2) as δόρπον does the late meal; but δεῖπνον, on the other hand, is used for either (*Il.* ii. 381, *Od.* xvii. 170), apparently without any reference to time. We should be careful, however, how we argue from the unsettled habits of a camp to the regular customs of ordinary life.

From numerous passages in the Iliad and Odyssey it appears to have been usual to sit during meal-times. In the palace of Telemachus, before eating, a servant brings Minerva, who is habited as a stranger, the χέρνιψ or lustral water "in a golden pitcher, pouring it over a silver vessel." (*Od.* i. 136.) Beef, mutton, and goat's flesh were the ordinary meats, usually eaten roasted; yet from the lines (*Il.* xxi. 363)

Ὡς δὲ λέβης ζεῖ ἔνδον, ἐπειγόμενος πυρὶ πολλῷ,
Κνίσση μελδόμενος ἁπαλοτρεφέος σιάλοιο,

we learn that boiled meats were held to be far from unsavoury. Cheese, flour, and occasionally fruits, also formed part of the Homeric meals. Bread, brought on in baskets (*Il.* ix. 217), and salt (ἅλς, to which Homer gives the epithet θεῖος), are mentioned: from *Od.* xvii. 455, the latter appears, even at this early period, to have been a sign of hospitality; in *Od.* xi. 122, it is the mark of a strange people not to know its use.

Each guest appears to have had his own table, and he who was first in rank presided over the rest. Menelaus, at the marriage feast of Hermione, begins the banquet by taking in his hands the side of a roasted ox and placing it before his friends. (*Od.* iv. 65.) At the same entertainment music and dancing are introduced: — "The divine minstrel hymned to the sound of the lyre, and two tumblers (κυβιστητῆρε) began the festive strain, wheeling round in the midst." It was not beneath the notions of those early days to stimulate the heroes to battle (*Il.* xii. 311),

Ἕδρῃ τε, κρέασίν τε, ἰδὲ πλείοις δεπαεσσιν,

and Ajax on his return from the contest with Hector is presented by Agamemnon with the νῶτα διηνεκέα.

The names of several articles of the festive board occur in the Iliad and Odyssey. Knives, spits, cups of various shapes and sizes, bottles made of goat-skin, casks, &c., are all mentioned. Many sorts of wine were in use among the heroes; some of Nestor's is remarked on as being eleven years old. The Maronean wine, so called from Maron, a hero, was especially celebrated, and would bear mingling with twenty times its own quantity of water. It may be observed that wine was seldom, if ever, drunk pure. When Nestor and Machaon sit down together, "a woman," like unto a goddess, sets before them a polished table, with a brazen tray, *ἐπὶ δὲ κρόμυον ποτῷ ὄψον*. Then she mingles a cup of Pramnian wine in Nestor's own goblet, and cuts the cheese of goat's milk with a steel knife, scattering white flour over it. The guests drank to one another: thus the gods (*Il.* iv. 4) *δειδέχατ' ἀλλήλους*, and Ulysses pledged Achilles, saying, *χαῖρ', Ἀχιλεῦ* (*Il.* ix. 225). Wine was drawn from a larger vessel [CRATER] into the cups from which it was drunk, and before drinking, libations were made to the gods by pouring some of the contents on the ground. (*Il.* vii. 480.)

The interesting scene between Ulysses and the swineherd (*Od.* xiv. 420) gives a parallel view of early manners in a lower grade of life. After a welcome has been given to the stranger, "The swineherd cleaves the wood, and they place the swine of five years old on the hearth. In the goodness of his heart, Eumaeus forgets not the immortal gods, and dedicates the firstling lock with a prayer for Ulysses's return. He next smites the animal with a piece of cleft oak, and the attendants singe off the hair. He then cuts the raw meat all round from the limbs, and laying it in the rich fat, and sprinkling flour upon it, throws it on the fire as an offering (*ἀπαρχή*) to the gods, the rest the attendants cut up and pierce with spits, and having cooked it with cunning skill, draw off all, and lay the mess on the tables. Then the swineherd stands up to divide the portions, seven portions in all, five for himself and the guests, and one apiece to Mercury and the nymphs."

There is nothing more worthy of remark in the Homeric manners than the hospitality shown to strangers. Before it is known who they are, or whence they come, it is the custom of the times to give them a welcome reception. (*Od.* i. 125, &c.) When Nestor and his sons saw the strangers, "They all came in a crowd and saluted them with the hand, and made them sit down at the feast on the soft fleeces by the sea shore."

The Greeks of a later age usually partook of three meals, called *ἀκράτισμα*, *ἄριστον*, and *δεῖπνον*. The last, which corresponds to the *δόρπον* of the Homeric poems, was the evening meal or dinner; the *ἄριστον* was the luncheon; and the *ἀκράτισμα*, which answers to the *ἄριστον* of Homer, was the early meal or breakfast.

The *ἀκράτισμα* was taken immediately after rising in the morning (*ἐξ εὐνῆς*, *ἕωθεν*, Aristoph. *Aves*, 1286). It usually consisted of bread, dipped in unmixed wine (*ἄκρατος*), whence it derived its name. (Plut. *Symp.* viii. 6. § 4; Schol. *ad Theocr.* i. 51; Athenaeus, i. p. 11.)

Next followed the *ἄριστον* or luncheon; but the time at which it was taken is uncertain. It is frequently mentioned in Xenophon's Anabasis, and appears to have been taken at different times, as would naturally be the case with soldiers in active service. Suidas (*s. v. Δεῖπνον*) says that it was taken about the third hour, that is about nine o'clock in the morning; but this account does not agree with the statements of other ancient writers. We may conclude from many circumstances that this meal was taken about the middle of the day, and that it answered to the Roman *prandium*, as Plutarch (*Symp.* viii. 6. § 5) asserts. Besides which the time of the *πλήθουσα ἀγορά*, at which provisions seem to have been bought for the *ἄριστον*, was from nine o'clock till noon. This agrees with the account of Aristophanes (*Vesp.* 605—612), who introduces Philocleon describing the pleasure of returning home after attending the courts, and partaking of a good *ἄριστον*. The courts of justice could scarcely have finished their sittings by nine o'clock. Timaeus also defines *δείλη πρωΐα*, which we know to have been the early part of the afternoon [DIES], as the time before the *ἄριστον*. The *ἄριστον* was usually a simple meal, but of course varied according to the habits of individuals. Thus Ischomachus, in describing his mode of life to Socrates, who greatly approves of it, says, *Ἀριστῶ ὅσα μήτε κενὸς μήτε ἄγαν πλήρης διημερεύειν* (Xen. *Oecon.* xi. 18).

The principal meal, however, was the *δεῖπνον*. It was usually taken rather late in the day, frequently not before sunset. (Lysias, *c. Eratosth.* p. 26.) Aristophanes (*Eccl.* 652) says,

> *Σοὶ δὲ μελήσει,*
> *ὅταν ᾖ δεκάπουν τὸ στοιχεῖον λιπαρὸν χωρεῖν*
> *ἐπὶ δεῖπνον.*

But in order to ascertain the time meant by *δεκάπουν τὸ στοιχεῖον*, the reader is referred to the article HOROLOGIUM.

The Athenians were a social people, and were very fond of dining in company. Entertainments were usually given, both in the heroic ages and latter times, when sacrifices were offered to the gods, either on public or private occasions; and also on the anniversary of the birthdays of members of the family, or of illustrious persons, whether living or dead. Plutarch (*Symp.* viii. 1. § 1) speaks of an entertainment being given on the anniversary of the birthdays both of Socrates and Plato.

When young men wished to dine together they frequently contributed each a certain sum of money, called *συμβολή*, or brought their own provisions with them. When the first plan was adopted, they were said *ἀπὸ συμβολῶν δειπνεῖν*, and one individual was usually entrusted with the money to procure the provisions, and make all the necessary preparations. Thus we read in Terence (*Eunuch*, iii. 4) —

> "Heri aliquot adolescentuli coimus in Piraeo,
> In hunc diem ut de symbolis essemus. Chaeream ei rei
> Praefecimus: dati annuli: locus, tempus constitutum est."

This kind of entertainment in which each guest contributed to the expense, is mentioned in Homer (*Od.* i. 226) under the name of *ἔρανος*.

An entertainment in which each person brought his own provisions with him, or at least contributed something to the general stock, was called *δεῖπνον ἀπὸ σπυρίδος*, because the provisions were brought in baskets. (Athen. viii. p. 365.) This kind of entertainment is also spoken of by Xenophon (*Mem.* iii. 14. § 1).

The most usual kind of entertainments, however, were those in which a person invited his friends to his own house. It was expected that they should come dressed with more than ordinary care, and also have bathed shortly before; hence, when Socrates was going to an entertainment at Agathon's, we are told that he both washed and put on his shoes, — things which he seldom did. (Plato, *Symp.* c. 2. p. 174.) As soon as the guests arrived at the house of their host, their shoes or sandals were taken off by the slaves, and their feet washed (ὑπολύειν and ἀπονίζειν.) In ancient works of art we frequently see a slave or other person represented in the act of taking off the shoes of the guests, of which an example is given, from a terra cotta in the British Museum, in p. 308. After their feet had been washed, the guests reclined on the κλίναι or couches (Καὶ ἓ μὲν ἔφη ἀπονίζειν τὸν παῖδα, ἵνα κατακέοιτο, Plato, *Symp.* c. 3. p. 175).

It has already been remarked that Homer never describes persons as reclining, but always as sitting at their meals; but at what time the change was introduced is uncertain. Müller (*Dorians*, iv. 3. § 1) concludes from a fragment of Alcman, quoted by Athenaeus (iii. p. 111), that the Spartans were accustomed to recline at their meals as early as the time of Alcman. The Dorians of Crete always sat; but the Athenians, like the Spartans, were accustomed to recline. The Greek women and children, however, like the Roman, continued to sit at their meals, as we find them represented in ancient works of art.

It was usual for only two persons to recline on each couch. Thus Agathon says to Aristodemus, Σὺ δ᾽, Ἀριστόδημε, παρ᾽ Ἐρυξίμαχον κατακλίνου: and to Socrates, Δεῦρο, Σώκρατες, παρ᾽ ἐμὲ κατάκεισο (Plato, *Symp.* c. 3, 4. p. 175). Also at a banquet given by Attaginus of Thebes to fifty Persians and fifty Greeks, we are told that one Persian and one Greek reclined on each couch. In ancient works of art we usually see the guests represented in this way; but sometimes there is a larger number on one long κλίνη: see the cut under the article SYMPOSIUM. The manner in which they reclined, the σχῆμα τῆς κατακλίσεως, as Plutarch (*Symp.* v. 6) calls it, will be understood by referring to the woodcut already mentioned, where the guests are represented reclining with their left arms on striped pillows (ὑπαγκώνια), and having their right free; whence Lucian (*Lexiph.* c. 6) speaks of ἐπ᾽ ἀγκῶνος δειπνεῖν.

After the guests had placed themselves on the κλίναι, the slaves brought in water to wash their hands (ὕδωρ κατὰ χειρὸς ἐδόθη). The subsequent proceedings of the dinner are briefly described in two lines of Aristophanes (*Vesp.* 1216),

> Ὕδωρ κατὰ χειρός· τὰς τραπέζας εἰσφέρειν·
> Δειπνοῦμεν· ἀπονενίμμεθ᾽· ἤδη σπένδομεν.

The dinner was then served up; whence we read in Aristophanes, and elsewhere, of τὰς τραπέζας εἰσφέρειν, by which expression we are to understand not merely the dishes, but the tables themselves. (Philoxen. *ap. Athen.* iv. p. 146, f.) It appears that a table, with provisions upon it, was placed before each κλίνη: and thus we find in all ancient works of art, which represent banquets or symposia, a small table or tripod placed before the κλίνη, and when there are more than two persons on the κλίνη, several of such tables. These tables are evidently small enough to be moved with ease.

In eating, the Greeks had no knives or forks, but made use of their fingers only, except in eating soups or other liquids, which they partook of by means of a spoon, called μυστίλη, μύστρον, or μύστρος. Sometimes they used instead of a spoon, a hollowed piece of bread, also called μυστίλη. (Pollux, vi. 87, x. 89; Aristoph. *Equit.* 1164; Suidas, *s. v.* μυστίλη.) After eating they wiped their fingers on pieces of bread, called ἀπομαγδαλίαι. (Pollux, vi. 93.) They did not use any cloths or napkins; the χειρόμακτρα and ἐκμαγεῖα, which are sometimes mentioned (Pollux, *l. c.*), were towels, which were only used when they washed their hands.

It appears that the arrangement of the dinner was entrusted to certain slaves. (Plato, *Symp.* c. 3. p. 175.) The one who had the chief management of it was called τραπεζοποιός or τραπεζοκόμος (Athen. iv. p. 170, e.; Pollux, iii. 41, vi. 13).

It would exceed the limits of this work to give an account of the different dishes which were introduced at a Greek dinner, though their number is far below those which were usually partaken of at a Roman entertainment. The most common food among the Greeks was the μάζα (Dor. μάδδα), a kind of frumenty or soft cake, which was prepared in different ways, as appears by the various names which were given to it. (Pollux, vi. 76.) The μάζα is frequently mentioned by Aristophanes. The φυστὴ μάζα, of which Philocleon partakes on returning home from the courts (Aristoph. *Vesp.* 610), is said by the Scholiast to have been made of barley and wine. The μάζα continued to the latest times to be the common food of the lower classes. Wheaten or barley bread was the second most usual species of food; it was sometimes made at home, but more usually bought at the market of the ἀρτοπῶλαι or ἀρτοπώλιδες. The vegetables ordinarily eaten were mallows (μαλάχη), lettuces (θρίδαξ), cabbages (ῥάφανοι), beans (κύαμοι), lentils (φακαῖ), &c. Pork was the most favourite animal food, as was the case among the Romans; Plutarch (*Symp.* iv. 5. § 1) calls it τὸ δικαιότατον κρέας. Sausages also were very commonly eaten. It is a curious fact, which Plato (*De Rep.* iii. c. 13. p. 404) has remarked, that we never read in Homer of the heroes partaking of fish. In later times, however, fish was one of the most favourite foods of the Greeks, insomuch so that the name of ὄψον was applied to it κατ᾽ ἐξοχήν. (Athen. vii. p. 276, e.) A minute account of the fishes which the Greeks were accustomed to eat, is given at the end of the seventh book of Athenaeus, arranged in alphabetical order.

The ordinary meal for the family was cooked by the mistress of the house, or by the female slaves under her direction; but for special occasions professional cooks (μάγειροι) were hired, of whom there appear to have been a great number. (Diog. Laërt. ii. 72.) They are frequently mentioned in the fragments of the comic poets; and those who were acquainted with all the refinements of their art were in great demand in other parts of Greece besides their own country. The Sicilian cooks, however, had the greatest reputation (Plato, *De Rep.* iii. c. 13. p. 404), and a Sicilian book on cookery by one Mithaecus is mentioned in the Gorgias of Plato (c. 156. p. 518. Compare Maxim. Tyr. *Diss.* iv. 5); but the most celebrated work on the subject was the Γαστρολογία of Archestratus. (Athen. iii. p. 104. b.)

A dinner given by an opulent Athenian usually consisted of two courses, called respectively πρῶται τράπεζαι and δεύτεραι τράπεζαι. Pollux (vi. 83), indeed, speaks of three courses, which was the number at a Roman dinner; and in the same way we find other writers under the Roman empire speaking of three courses at Greek dinners; but before the Roman conquest of Greece and the introduction of Roman customs, we only read of two courses. The first course embraced the whole of what we consider the dinner, namely, fish, poultry, meat, &c.; the second, which corresponds to our dessert and the Roman *bellaria*, consisted of different kinds of fruit, sweetmeats, confections, &c.

When the first course was finished the tables were taken away (*αἴρειν*, *ἀπαίρειν*, *ἐπαίρειν*, *ἀφαιρεῖν*, *ἐκφέρειν*, *βαστάζειν τὰς τραπέζας*), and water was given to the guests for the purpose of washing their hands. Crowns made of garlands of flowers were also then given to them, as well as various kinds of perfumes. (Philyll. *ap. Athen.* ix. p. 408, e.) Wine was not drunk till the first course was finished; but as soon as the guests had washed their hands, unmixed wine was introduced in a large goblet, called *μετάνιπτρον* or *μετανιπτρίς*, of which each drank a little, after pouring out a small quantity as a libation. This libation was said to be made to the "good spirit" (*ἀγαθοῦ δαίμονος*), and was usually accompanied with the singing of the paean and the playing of flutes. After this libation mixed wine was brought in, and with their first cup the guests drank to Διὸς Σωτῆρος. (Xen. *Symp.* ii. 1; Plato, *Symp.* c. 4. p. 176; Diod. Sic. iv. 3; Suidas, *s. v.* Ἀγαθοῦ Δαίμονος.) With the *σπονδαί*, the *δεῖπνον* closed; and at the introduction of the dessert (*δεύτεραι τραπέζαι*) the *πότος*, *συμπόσιον*, or *κῶμος* commenced, of which an account is given in the article SYMPOSIUM. (Becker, *Charikles*, vol. i. pp. 411—450.)

2. ROMAN. In the following account of Roman meals, we take the ordinary life of the middle ranks of society in the Augustan age, noticing incidentally the most remarkable deviations, either on the side of primitive simplicity or of late refinement.

The meal with which the Roman sometimes began the day was the *jentaculum*, a word derived, as Isidore would have us believe, *a jejunio solvendo*, and answering to the Greek ἀκράτισμα. Festus tells us that it was also called *prandicula* or *silatum*. Though by no means uncommon, it does not appear to have been usual, except in the case of children, or sick persons, or the luxurious, or, as Nonius adds (*De Re Cib.* i. 4), of labouring men. An irregular meal (if we may so express it) was not likely to have any very regular time: two epigrams of Martial, however, seem to fix the hour at about three or four o'clock in the morning. (Mart. *Ep.* xiv. 233, viii. 67. 9.) Bread, as we learn from the epigram just quoted, formed the substantial part of this early breakfast, to which cheese (Apul. *Met.* i. p. 110, ed. Francof. 1621), or dried fruit, as dates and raisins (Suet. *Aug.* 76) were sometimes added. The *jentaculum* of Vitellius (Suet. *Vit.* c. 7. c. 13) was doubtless of a more solid character; but this was a case of monstrous luxury.

Next followed the *prandium* or luncheon, with persons of simple habits a frugal meal —

"Quantum interpellet inani
Ventre diem durare."
Hor. *Sat.* i. 6. 127, 128.

As Horace himself describes it in another place (*Sat.* ii. 2. 17),

"Cum sale panis
Latrantem stomachum bene leniet,"

agreeably with Seneca's account (*Ep.* 84), *Panis deinde siccus et sine mensa prandium, post quod non sunt lavandae manus.* From the latter passage we learn incidentally that it was a hasty meal, such as sailors (Juv. *Sat.* vi. 101) and soldiers (Liv. xxviii. 14) partook of when on duty, without sitting down. The *prandium* seems to have originated in these military meals, and a doubt has been entertained whether in their ordinary life the Romans took food more than once in the day. Pliny (*Ep.* iii. 5) speaks of Aufidius Bassus as following the *ancient* custom in taking luncheon; but again (*Ep.* iii. 1), in describing the manners of an old-fashioned person, he mentions no other meal but the *coena*. The following references (Sen. *Ep.* 87; Cic. *ad Att.* v. 1; Mart. vi. 64) seem to prove that luncheon was a usual meal, although it cannot be supposed that there were many who, like Vitellius, could avail themselves of all the various times which the different fashions of the day allowed (Suet. *Vit.* 13). It would evidently be absurd, however, to lay down uniform rules for matters of individual caprice, or of fashion at best.

The *prandium*, called by Suetonius (*Aug.* 78) *cibus meridianus*, was usually taken about twelve or one o'clock. (Suet. *Cal.* 58, *Claud.* 34.) For the luxurious palate, as we gather incidentally from Horace's satires, very different provision was made from what was described above as his own simple repast. Fish was a requisite of the table (*Sat.* ii. 2. 16) —

"Foris est promus, et atrum
Defendens pisces hyemat mare,"

to which the choicest wines, sweetened with the finest honey, were to be added —

"Nisi Hymettia mella Falerno
Ne biberis diluta,"

which latter practice is condemned by the learned gastronomer (*Sat.* ii. 4. 26), who recommends a weaker mixture —

"Leni praecordia mulso
Prolueris melius,"

and gravely advises to finish with mulberries fresh gathered in the morning (*Ibid.* 21—23; see Tate's *Horace*, 2nd ed. pp. 97—106).

The words of Festus, *coena apud antiquos dicebatur quod nunc prandium*, have given much trouble to the critics, perhaps needlessly, when we remember the change of hours in our own country. If we translate *coena*, as according to our notions we ought to do, by "dinner," they describe exactly the alteration of our own manners during the last century. The analogy of the Greek word *δεῖπνον*, which, according to Athenaeus, was used in a similar way for *ἄριστον*, also affords assistance. Another meal, termed *merenda*, is mentioned by Isidore and Festus, for which several refined distinctions are proposed; but it is not certain that it really differed from the *prandium*.

The table, which was made of citron, maple-wood, or even of ivory (Juv. *Sat.* xi.), was covered with a *mantele*, and each of the different courses, sometimes amounting to seven (Juv. *Sat.* i. 95), served upon a *ferculum* or waiter. In the "munda supellex" of Horace, great care was taken

"Ne turpe toral, ne sordida mappa
Corruget nares; ne non et cantharus et lanx
Ostendat tibi te." *Ep.* i. 5. 22—24.

And on the same occasion, the whole dinner, which consisted of vegetables, was served up on a single platter (v. 2).

To return to our description, the dinner usually consisted of three courses: first, the *promulsis* or *antecoena* (Cic. *ad Fam.* ix. 20), called also *gustatio* (Petron. *Sat.* 31), made up of all sorts of stimulants to the appetite, such as those described by Horace (*Sat.* ii. 8. 9),

> " Rapula, lactucae, radices, qualia lassum
> Pervellunt stomachum, siser, alec, faecula Coa."

Eggs also (Cic. *ad Fam.* ix. 20; Hor. *Sat.* i. 3. 6) were so indispensable to the first course that they almost gave a name to it (*ab ovo Usque ad mala*). In the *promulsis* of Trimalchio's supper (Petron. 31) — probably designed as a satire on the emperor Nero — an ass of Corinthian brass is introduced, bearing two panniers, one of white, the other of black olives, covered with two large dishes inscribed with Trimalchio's name. Next came dormice (*glires*) on small bridges sprinkled with poppy-seed and honey, and hot sausages (*tomacula*) on a silver gridiron (*craticula*), with Syrian prunes and pomegranate berries underneath. These, however, were imperial luxuries; the frugality of Martial only allowed of lettuce and Sicenian olives; indeed he himself tells us that the *promulsis* was a refinement of modern luxury (*Ep.* xiii. 14. 1). Macrobius (*Sat.* ii. 9) has left an authentic record of a *coena pontificum* (see Hor. *Carm.* ii. 14. 28), given by Lentulus on his election to the office of flamen, in which the first course alone was made up of the following dishes: — Several kinds of shell-fish (*echini, ostreae crudae, pelorides, spondyli, glycomarides, murices purpurae, balani albi et nigri*), thrushes, asparagus, a fatted hen (*gallina altilis*), beccaficoes (*ficedulae*), nettles (*urticae*), the haunches of a goat and wild boar (*lumbi capragini, aprugni*), rich meats made into pasties (*altilia ex farina involuta*), many of which are twice repeated in the inventory.

It would far exceed the limits of this work even to mention all the dishes which formed the second course of a Roman dinner, which, whoever likes, may find minutely described in Bulengerus. (*De Conviviis*, ii. and iii.) Of birds, the Guinea hen (*Afra avis*), the pheasant (*phasiana*, so called from Phasis, a river of Colchis), and the thrush, were most in repute; the liver of a capon steeped in milk (Pliny), and beccaficoes (*ficedulae*) dressed with pepper, were held a delicacy. (Mart. iii. 5.) The peacock, according to Macrobius (*Sat.* ii. 9), was first introduced by Hortensius the orator, at an inaugural supper, and acquired such repute among the Roman gourmands as to be commonly sold for fifty denarii. Other birds are mentioned, as the duck (*anas*, Mart. xiii. 52), especially its head and breast; the woodcock (*attagen*), the turtle, and flamingo (*phoenicopterus*, Mart. xiii. 71), the tongue of which, Martial tells us, especially commended itself to the delicate palate. Of fish, the variety was perhaps still greater: the charr (*scarus*), the turbot (*rhombus*), the sturgeon (*acipenser*), the mullet (*mullus*), were highly prized, and dressed in the most various fashions. In the banquet of Nasidienus, an eel is brought, garnished with prawns swimming in the sauce. (Mart. *Xenia*, xiii.) Of solid meat, pork seems to have been the favourite dish, especially sucking-pig (Mart. xiii. 41); the paps of a sow served up in milk (*sumen*, Ibid. *Ep.* 44), the flitch of bacon (*petaso*, *Ep.* 55), the womb of a sow (*vulva*, *Ep.* 56), are all mentioned by Martial. Boar's flesh and venison were also in high repute, especially the former, described by Juvenal (*Sat.* i. 141) as *animal propter convivia natum*. Condiments were added to most of these dishes: such were the *muria*, a kind of pickle made from the tunny fish (Mart. xiii. 103); the *garum sociorum*, made from the intestines of the mackerel (*scomber*), so called because brought from abroad; *alec*, a sort of brine; *faex*, the sediment of wine, &c., for the receipts of which we must again refer the reader to Catius's learned instructor. (Hor. *Sat.* ii. 4.) Several kinds of *fungi* (*Ibid.* v. 20) are mentioned, trufles (*boleti*), mushrooms (*tuberes*), which either made dishes by themselves, or formed the garniture for larger dishes.

It must not be supposed that the *artistes* of imperial Rome were at all behind ourselves in the preparation and arrangements of the table. In a large household, the functionaries to whom this important part of domestic economy was entrusted were four, the butler (*promus*), the cook (*archimagirus*), the arranger of the dishes (*structor*), and the carver (*carptor* or *scissor*). Carving was taught as an art, and, according to Petronius (35, 36), performed to the sound of music, with appropriate gesticulations (Juv. *Sat.* v. 121),

> " Nec minimo sane discrimine refert
> Quo vultu lepores et quo gallina secetur."

In the supper of Petronius, a large round tray (*ferculum, repositorium*) is brought in, with the signs of the zodiac figured all round it, upon each of which the *artiste* (*structor*) had placed some appropriate viand, a goose on Aquarius, a pair of scales with tarts (*scriblitae*) and cheesecakes (*placentae*) in each scale on Libra, &c. In the middle was placed a hive supported by delicate herbage. Presently four slaves come forward dancing to the sound of music, and take away the upper part of the dish; beneath appear all kinds of dressed meats; a hare with wings, to imitate Pegasus, in the middle; and four figures of Marsyas at the corners, pouring hot sauce (*garum piperatum*) over the fish, that were swimming in the Euripus below. So entirely had the Romans lost all shame of luxury, since the days when Cincius, in supporting the Fannian law, charged his own age with the enormity of introducing the *porcus Trojanus* (a sort of pudding stuffed with the flesh of other animals, Macrob. *Sat.* ii. 2).

The bellaria or dessert, to which Horace alludes when he says of Tigellius *ab ovo Usque ad mala citaret*, consisted of fruits (which the Romans usually ate uncooked), such as almonds (*amygdalae*), dried grapes (*uvae passae*), dates (*palmulae, caryotae, dactyli*); of sweetmeats and confections, called *edulia mellita, dulciaria*, such as cheesecakes (*cupediae, crustula, liba, placentae, artologani*), almond cakes (*coptae*), tarts (*scriblitae*), whence the maker of them was called *pistor dulciarius, placentarius, libarius*, &c.

We will now suppose the table spread and the guests assembled, each with his *mappa* or napkin (Mart. xii. 29), and in his dinner dress, called *coenatoria* or *cubitoria*, usually of a bright colour (Petron. c. 21), and variegated with flowers. First they took off their shoes for fear of soiling the couch (Mart. iii. 30), which was often inlaid with ivory or tortoiseshell, and covered with cloth of gold. Next they laid down to eat (Hor. *Sat.* i. 4. 39), the head resting on the left elbow and supported by cushions. (Mart. iii. 8.) There were usually, but not always, three on the same couch (Hor. *Sat.* i. 4. 86), the middle place being esteemed the most honourable. Around the tables stood the servants (*ministri*) clothed in a tunic (Hor. *Sat.* ii. 6. 107), and girt with napkins (Suet. *Cal.* 26): some removed the dishes and wiped the tables with a rough cloth (*gausape*, Hor. *Sat.* ii. 8. 11), others gave the guests water for their hands, or cooled the room with fans. (Mart. iii. 82.) Here stood an Eastern youth (Juv. *Sat.* v. 55) behind his master's couch, ready to answer the noise of the fingers (*digiti crepitus*, Mart. vi. 89), while others bore a large platter (*mazonomum*) of different kinds of meat to the guests. (Hor. *Sat.* ii. 8. 86.)

Whatever changes of fashion had taken place since primitive times, the coena in Cicero's day (*ad Att.* ix. 7) was at all events an evening meal. It was usual to bathe about two o'clock and dine at three, hours which seem to have been observed, at least by the higher classes, long after the Augustan age. (Mart. iv. 8. 6, xi. 53. 3; Cic. *ad Fam.* ix. 26; Plin. *Ep.* iii. 1.) When Juvenal mentions two o'clock as a dinner hour, he evidently means a censure on the luxury of the person named (*Sat.* i. 49, 50),

> "Exul *ab octava* Marius bibit."

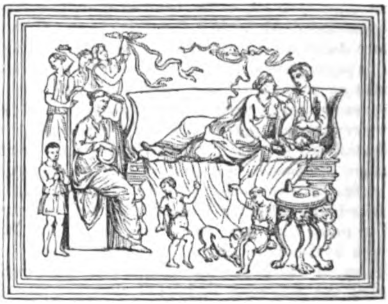
In the banquet of Nasidienus, about the same hour is intended when Horace says to Fundanius,

> "Nam mihi quaerenti convivam dictus here illic
> De *medio* potare die."

Horace and Maecenas used to dine at a late hour about sunset. (Hor. *Sat.* ii. 7. 33, *Ep.* i. 5. 3.) Perhaps the various statements of classical authors upon this subject can only be reconciled by supposing that with the Romans, as with ourselves, there was a great variety of hours in the different ranks of society.

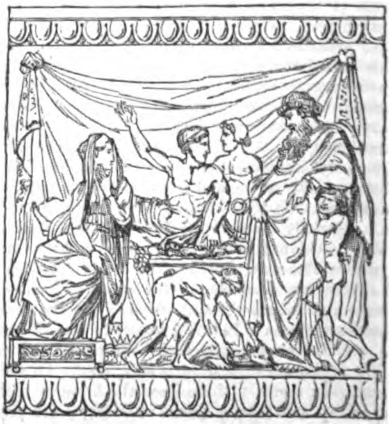
Dinner was set out in a room called *coenatio* or *diaeta* (which two words perhaps conveyed to a Roman ear nearly the same distinction as our dining-room and parlour). The *coenatio*, in rich men's houses, was fitted up with great magnificence. (Sen. *Ep.* 90.) Suetonius (*Nero*, 31) mentions a supper-room in the golden palace of Nero, constructed like a theatre, with shifting scenes to change with every course. In the midst of the coenatio were set three couches (*triclinia*), answering in shape to the square, as the long semicircular couches (*sigmata*) did to the oval tables. An account of the disposition of the couches, and of the place which each guest occupied, is given in the article Triclinium.

The Greeks and Romans were accustomed, in later times, to recline at their meals; though this practice could not have been of great antiquity in Greece, since Homer never describes persons as reclining, but always as sitting, at their meals. Isidore of Seville (*Orig.* xx. 11) also attributes the same practice to the ancient Romans. Even in the time of the early Roman emperors, children in families of the highest rank used to *sit* together at an inferior table, while their fathers and elders reclined on couches at the upper part of the room. (Tacit. *Ann.* xiii. 16; Suet. *Aug.* 65, *Claud.* 32.) Roman ladies continued the practice of sitting at table, even after the recumbent position had become common with the other sex. (Varro, *ap. Isid. Orig.* xx. 11; Val. Max. ii. 1. § 3.) It appears to have been considered more decent, and more agreeable to the severity and purity of ancient manners, for women to sit, more especially if many persons were present. But, on the other hand, we find cases of women reclining, where there was conceived to be nothing bold or indelicate in their posture. In some of the bas-reliefs, representing the visit of Bacchus to Icarus, Erigone, instead of sitting on the couch, reclines upon it in the bosom of her father. In Juvenal (*Sat.* ii. 120) a bride reclines at the marriage supper on the bosom of her husband; which is illustrated by the following woodcut, taken from Montfaucon (*Ant. Exp. Suppl.* iii. 66).



It seems intended to represent a scene of perfect matrimonial felicity. The husband and wife recline on a sofa of rich materials. A three-legged table is spread with viands before them. Their two sons are in front of the sofa, one of them sitting, in the manner above described, on a low stool, and playing with the dog. Several females and a boy are performing a piece of music for the entertainment of the married pair.

It has been already remarked that, before lying down, the shoes or sandals were taken off. In all the ancient paintings and bas-reliefs illustrative of this subject, we see the guests reclining with naked feet; and in those of them which contain the



favourite subject of the visit of Bacchus to Icarus, we observe a faun performing for Bacchus this office. The preceding woodcut, taken from a terra cotta in the British Museum, representing this subject, both shows the naked feet of Icarus, who has partly raised himself from his couch to welcome his guest, and also that Bacchus has one of his feet already naked, whilst the faun is in the act of removing the shoe from the other. [B. J.]

COENA'CULUM. [DOMUS.]

COENA'TIO. [COENA, p. 308, a.]

COENATO'RIA. [COENA, p. 307, b.; SYNTHESIS.]

COGNA'TI. The following passage of Ulpian (*Frag.* tit. 26. § 1) will explain the meaning of this term: —

"The hereditates of intestate ingenui belong in the first place to their sui heredes, that is, children who are in the power of the parent, and those who are in the place of children (as grandchildren for instance); if there are no sui heredes, it belongs to the consanguinei, that is, brothers and sisters by the same father (it was not necessary that they should be by the same mother); if there are no consanguinei, it belongs to the remaining nearest agnati, that is, to the cognati of the male sex, who trace their descent through males, and are of the same familia. And this is provided by a law of the Twelve Tables: — *Si intestato moritur cui suus heres nec escit, agnatus proximus familiam habeto.*"

Cognati are all those who, according to the Jus Gentium or Jus Naturale, are sprung from one person, whether male or female (cognati . . quasi ex uno nati, Dig. 38. tit. 8. s. 1. § 1.). Pure Naturalis Cognatio exists between a woman, who is not in manu, and her children, whether born in marriage or not; and among all persons who are akin merely through the mother, without any respect to marriage. Consequently, children of one mother begotten in marriage and not begotten in marriage, and children of one mother begotten in marriage by different fathers, are cognati. The natural relationship by procreation was called naturalis, as opposed to cognatio civilis or legitima, which, though founded on the naturalis cognatio, received from positive law a distinct character. This naturalis cognatio was often simply called cognatio, and the civilis or legitima was called agnatio. Naturalis cognatio then, simply in itself, was no civilis cognatio; but agnatio was both cognatio naturalis and civilis.

A correct notion of the term agnatus cannot be had without referring to the notion of the patria potestas, and to one of the senses of the word familia. In one sense, then, familia signifies all those free persons who are in the power (in patria potestate manuve) of the same Roman citizen, who was paterfamilias, or head of a familia; and in this sense familia signifies all those who are united in one body by this common bond. It is a general term which comprehends all the agnati. The legitimate children of sons who were not emancipated were in the patria potestas, consequently formed part of the familia, and were agnati. Adopted children were also in the adoptive father's power; and consequently were agnati, though they were not naturales cognati. Accordingly, if the legal agnatio, which arose from adoption, was dissolved by emancipation, there remained no cognatio: but if the agnatio, which arose from cognatio, was dissolved by emancipation, there still remained the naturalis cognatio. The paterfamilias maintained his power over his familia so long as he lived, except over those who were emancipated, or passed into another familia, or in any way sustained a deminutio capitis. On his death, the common bond of the patria potestas was dissolved, and his sons became respectively heads of families; that is, of persons who were in their power, or, with respect to one another, were agnati. But all these persons continued to be members of the same familia; that is, they were still agnati, and consequently the agnatio subsisted among persons so long as they could trace back their descent through males to one common paterfamilias.

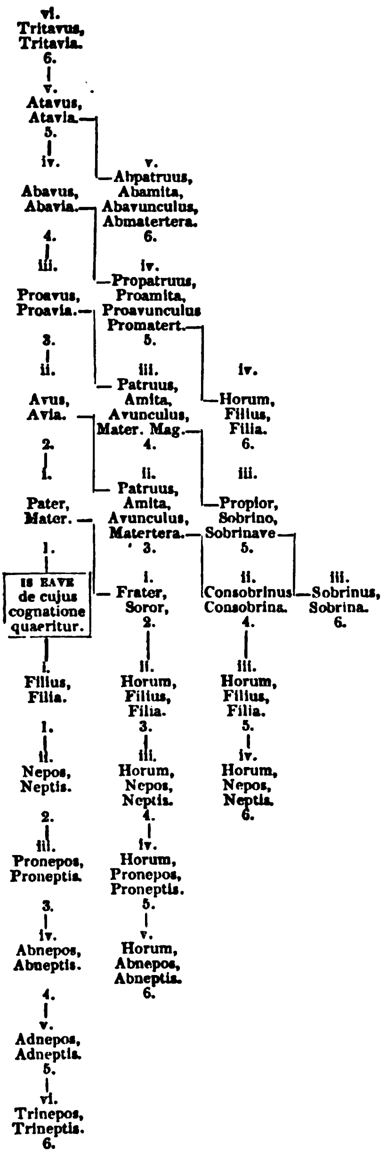
Agnati, then, may be briefly explained to be those "who would be in the patria potestas, or *in jus*, as a wife in *manus viri*, or in the manus of a son who is in the father's power, if the paterfamilias were alive; and this is true whether such persons ever were actually so or not." (Hugo, *Lehrbuch*, &c.)

The imperfection of an individual, as a living being, is completed, First, by marriage, which unites two persons of different sexes in a society for life. Second, the imperfection of an individual which arises from his limited existence, is completed in the institution of Roman law in the patria potestas, to which is attached, partly as a further development, partly as a more natural or less legal analogy, kinship: "as a further development in agnatio, which is only the residuum of a previous existing patria potestas with constant continuation; as a natural analogy in cognatio, in which the jus gentium recognises the community of individuals which rests on descent, as the jus civile in agnatio." (Savigny, *System*, &c. vol. i. p. 341, &c.)

We must suppose then, in order to obtain a clear notion of agnatio, that if the male from whom the agnati claim a common descent were alive, and they were all in his power, or in his manus, or in the manus of those who are in his power, they would all be agnati. In order, then, that agnatio may subsist among persons, the male from whom the descent is claimed must have lost his patria potestas by death only, and not by any capitis deminutio, and consequently not by any of his children passing into any other patria potestas, or into the manus viri, which would in effect be passing into another agnatio; for a person could not at the same time be an agnatus of two altogether different families. Accordingly, adoption destroyed the former agnatio, and the emancipation of a son took away all his rights of agnatio, and his former agnati lost all their rights against him.

The legal definition (Gaius, iii. 10) that agnati are those who are connected by legitima cognatio, and that legitima cognatio is the cognatio through persons of the male sex, must be viewed solely with reference to the natural relation; for agnatio, as a civil institution, comprehended those who were adopted into the familia; and further, those who were adopted out of the familia lost their former agnatio.

The meaning of consanguinei has already been given by Ulpian. Those who were of the same blood by both parents, were sometimes called germani; and consanguinei were those who had a common father only; and uterini those who had a common mother only.


vi. Tritavus, Tritavia. 6.
v. Atavus, Atavia. 5.
iv. Abavus, Abavia. 4.
v. Abpatruus, Abamita, Abavunculus, Abmatertera. 6.
iii. Proavus, Proavia. 3.
iv. Propatruus, Proamita, Proavunculus Promatert. 5.
ii. Avus, Avia. 2.
iii. Patruus, Amita, Avunculus, Mater. Mag. 4.
iv. Horum, Filius, Filia. 6.
i. Pater, Mater. 1.
ii. Patruus, Amita, Avunculus, Matertera. 3.
iii. Proplor, Sobrino, Sobrinave 5.
IS EAVE de cujus cognatione quaeritur.
i. Frater, Soror, 2.
ii. Consobrinus Consobrina. 4.
iii. Sobrinus, Sobrina. 6.
i. Filius, Filia. 1.
ii. Horum, Filius, Filia. 3.
iii. Horum, Filius, Filia. 5.
ii. Nepos, Neptis. 2.
iii. Horum, Nepos, Neptis. 4.
iv. Horum, Nepos, Neptis. 6.
iii. Pronepos, Proneptis. 3.
iv. Horum, Pronepos, Proneptis. 5.
iv. Abnepos, Abneptis. 4.
v. Horum, Abnepos, Abneptis. 6.
v. Adnepos, Adneptis. 5.
vi. Trinepos, Trineptis. 6.

This table shows all the degrees of cognatio. The degree of relationship of any given person in this stemma, to the person with respect to whom the relationship is inquired after (*is eave*, &c.), is indicated by the figures attached to the several words. The Roman numerals denote the degree of cognatio in the canon law; and the Arabic numerals, the degrees in the Roman or Civil law. The latter mode of reckoning is adopted in England, in ascertaining the persons who are entitled as next of kin to the personal estate of an intestate. In the canon law, the number which expresses the collateral degree is always the greater of the two numbers (when they are different) which express the distance of the two parties from the common ancestor; but in the civil law, the degree of relationship is ascertained by counting from either of the two persons to the other through the common ancestor. All those words on which the same Roman, or the same Arabic, numerals occur, represent persons who are in the same degree of cognatio, according to these respective laws, to the person *is eave*, &c. (Hugo, *Lehrbuch*, &c.; Marezoll, *Lehrbuch*, &c.; Dig. 38. tit. 10, *De Gradibus*, &c.; Ulpianus, *Frag.* ed. Böcking; Böcking, *Institutionen*.) [G. L.]

COGNITOR. [ACTIO.]

COGNO'MEN. [NOMEN.]

COHERES. [HERES.]

COHORS. [EXERCITUS.]

COLA'CRETAE (κωλακρέται, also called κωλαγρέται), the name of very ancient magistrates at Athens, who had the management of all financial matters in the time of the kings. They are said to have derived their name from collecting certain parts of the victims at sacrifices (ἐκ τοῦ ἀγείρειν τὰς κωλᾶς). The legislature of Solon left the Colacretae untouched; but Cleisthenes deprived them of the charge of the finances, which he transferred to the Apodectae, who were established in their stead. [APODECTAE.] From this time the Colacretae had only to provide for the meals in the Prytaneium, and subsequently had likewise to pay the fees to the dicasts, when the practice of paying the dicasts was introduced by Pericles. (Aristoph. *Vesp.* 693, 724, with Schol.; Etym. M. Phot. Hesych. Suid. Tim.; Ruhnk. *ad Tim. Plat. Lex.* p. 171; Böckh, *Publ. Econ. of Athens*, p. 173. &c., 2nd ed.)

COLLA'TIO BONO'RUM. [BONORUM COLLATIO.]

COLLEGATA'RIUS. [LEGATUM.]

COLLE'GIUM. The persons who formed a collegium, were called *collegae* or *sodales*. The word collegium properly expressed the notion of several persons being united in any office or for any common purpose (Liv. x. 13, 22; Tacit. *Ann.* iii. 31); it afterwards came to signify a body of persons, and the union which bound them together. The collegium was the ἑταιρία of the Greeks.

The notion of a collegium was as follows: — A collegium or corpus, as it was also called, must consist of three persons at least. (Dig. 50. tit. 16. s. 85.) Persons who legally formed such an association were said *corpus habere*, which is equivalent to our phrase of being incorporated; and in later times they were said to be *corporati*, and the body was called a *corporatio*. Those who farmed the public revenues, mines, or salt works (*salinae*) might have a corpus. The power of forming such a collegium or societas (for this term also was used), was limited by various leges, senatusconsulta, and imperial constitutions. (Dig. 3. tit. 4.) Associations of individuals, who were entitled to have a corpus, could hold property in common; they could hold it, as the Roman jurists remark, just as the state held property (*res communes*). These collegia had a common chest, and could sue and be sued by their syndicus or actor. That which was due to the collegium or universitas (for this was a still more general term), was not due to the individuals of it; and that which the collegium owed, was not the debt of the individuals. The property of the collegium was liable to be seized and sold for its debts. The collegium or universitas was governed by its own regulations, which might be any regulations that the members agreed upon, provided they were not contrary to law: this provision, as Gaius conjectures (Dig. 47. tit. 22), was derived from a law of Solon, which he quotes. The collegium still subsisted, though all the original members were changed. Collegia of all kinds may be viewed under two aspects, — as having some object of administration either public or not public, which object is often the main purpose for which they exist, or as being capable of holding property and contracting and owing obligations. As having some object of administration, they are viewed as units (magistratus municipales cum unum magistratum administrent, etiam unius hominis vicem sustinent (Dig. 50. tit. 1. s. 25). As having a capacity to hold property, they are purely fictitious or artificial personages, and, consequently, thus conceived, it is not all the members who are supposed to compose this artificial person, but the members are the living persons by whose agency this artificial person does the acts which are necessary for the acquisition and administration of its property. It is only with reference to the purposes of ownership and contracts, that an artificial person has an existence as a person. There are some further remarks under UNIVERSITAS.

A lawfully constituted collegium was legitimum. Associations of individuals, which affected to act as collegia, but were forbidden by law, were called illicita.

It does not appear how collegia were formed, except that some were specially established by legal authority. (Liv. v. 50, 52; Suet. *Caes.* 42, *Aug.* 32; Dig. 3. tit. 4. s. 1.) Other collegia were probably formed by voluntary associations of individuals under the provisions of some general legal authority. This supposition would account for the fact of a great number of collegia being formed in the course of time, and many of them being occasionally suppressed as not legitima.

Some of these corporate bodies resembled our companies or guilds; such were the fabrorum, pistorum, &c. collegia. (Lampridius, *Alex. Severus*, 33.) Others were of a religious character; such as the pontificum, augurum, fratrum arvalium collegia. Others were bodies concerned about government and administration; as tribunorum plebis (Liv. xlii. 32), quaestorum, decurionum collegia. The titles of numerous other collegia may be collected from the Roman writers, and from inscriptions.

According to the definition of a collegium, the consuls being only two in number were not a collegium, though each was called collega with respect to the other, and their union in office was called collegium. The Romans never called the individual who, for the time, filled an office of perpetual continuance, a universitas or collegium, for that would have been a contradiction in terms, which it has been reserved for modern times to introduce, under the name of a corporation sole. But the notion of one person succeeding to all the rights of a predecessor was familiar to the Romans in the case of a single heres, and the same notion must have existed with respect to individuals who held any office in perpetual succession.

According to Ulpian, a universitas, though reduced to a single member, was still considered a universitas; for the individual possessed all the rights of the universitas, and used the name by which it was distinguished. (Dig. 3. tit. 4. s. 7.)

When a new member was taken into a collegium, he was said *co-optari*, and the old members were said with respect to him, *recipere in collegium.* The mode of filling up vacancies would vary in different collegia.

Civitates and res publicae (civil communities) and municipia (in the later sense of the term) were viewed as fictitious persons.

According to Pliny (*Ep.* v. 7; Ulp. *Fr.* tit. 22. s. 5) res publicae and municipia could not take as heres; and the reason given is, that they were a corpus incertum, and so could not *cernere hereditatem;* that is, do those acts which a heres himself must do in order to show that he consents to be a heres, for the heres could not in this matter act by a representative. A res publica, therefore, as being a fictitious person, could not do the necessary act. Municipia, like other fictitious persons, could, however, acquire property in other ways, and by means of other persons, whether bond or free (Dig. 41. tit. 2. s. 1. § 22): and they could take fideicommissa under the senatusconsultum Apronianum which was passed in the time of Hadrian, and extended to licita collegia in the time of M. Aurelius. (Dig. 34. tit. 5. s. 21.) By another senatusconsultum, the liberti of municipia might make the municipes their heredes. The gods could not be made heredes, except such deities as possessed this capacity by special senatusconsulta or imperial constitutions, such as Jupiter Tarpeius, &c. (Ulp. *Fr.* tit. 22. s. 6.) By a constitution of Leo (Cod. vi. tit. 24. s. 12) civitates obtained the capacity to take property as heredes. As early as the time of Nerva and Hadrian, civitates could take legacies.

Though civitates within the Roman empire could not originally receive gifts by will, yet independent states could receive gifts in that way (Tacit. *Ann.* iv. 43), a case which furnishes no objections to the statement above made by Pliny and Ulpian. In the same way the Roman state accepted the inheritance of Attalus, king of Pergamus, a gift which came to them from a foreigner. The Roman lawyers considered such a gift to be accepted by the jus gentium. (Dig. 3. tit. 4; 47. tit. 22; Savigny, *System*, &c. vol. ii. p. 235. &c.) [UNIVERSITAS.] [G. L.]

COLONA'TUS, COLO'NI. The Coloni of the later Imperial period formed a class of agriculturists, whose condition has been the subject of elaborate investigation.

These Coloni were designated by the various names of Coloni, Rustici, Originarii, Adscriptitii, Inquilini, Tributarii, Censiti. A person might become a Colonus by birth, with reference to which the term Originarius was used. When both the parents were Coloni and belonged to the same master, the children were Coloni. If the father was a Colonus and the mother a slave, or conversely, the children followed the condition of the mother. If the father was free and the mother a Colona, the children were Coloni and belonged to the master of the mother. If the father was a Colonus and the mother free, the children before the time of Justinian followed the condition of the father: afterwards Justinian declared such children to be free, but finally he reduced them to the condition of Coloni. If both parents were Coloni and belonged to different masters, it was finally settled that the masters should divide the children between them, and if there was an odd one, it should go to the owner of the mother. If a man lived for thirty years as a Colonus, he became the Colonus of the owner of the land on which he lived; and though he was still free, he could not leave the land: and a man who had possessed for thirty years a colonus belonging to another, could defend himself against the claims of the former owner by the Praescriptio triginta annorum. A constitution of Valentinian III. declared how free persons might become Coloni by agreement; and though there is neither this nor any similar regulation in the Code of Justinian, there is a passage which apparently recognizes that persons might become Coloni by such agreement. (Cod. xi. tit. 47. s. 22.)

The Coloni were not slaves, though their condition in certain respects was assimilated to that of slaves; a circumstance which will explain their being called servi terrae, and sometimes being contrasted with liberi. They had, however, connubium, which alone is a characteristic that distinguishes them clearly from slaves. (Cod. xi. tit. 47. s. 24.) But, like slaves, they were liable to corporal punishment, and they had no right of action against their master, whose relation to them was expressed by the term Patronus. (Cod. Theod. v. tit. 11.) The colonus was attached to the soil, and he could not be permanently separated from it by his own act, or by that of his patronus, or by the consent of the two. The patronus could sell the estate with the coloni, but neither of them without the other. (Cod. xi. tit. 47. s. 2. 7.) He could, however, transfer superabundant coloni from one to another of his own estates. When an estate held in common was divided, married persons and relations were not to be separated. The ground of there being no legal power of separating the coloni and the estate was the opinion that such an arrangement was favourable to agriculture, and there were also financial reasons for this rule of law, as will presently appear. The only case in which the colonus could be separated from the land was that of his becoming a soldier, which must be considered to be done with the patron's consent, as the burden of recruiting the army was imposed on him, and in this instance the state dispensed with a general rule for reasons of public convenience.

The colonus paid a certain yearly rent for the land on which he lived: the amount was fixed by custom and could not be raised; but as the landowner might attempt to raise it, the colonus had in such case for his protection a right of action against him, which was an exception to the general rule above stated. (Cod. xi. tit. 47. s. 5.) There were, however, cases in which the rent was fixed by agreement.

A further analogy between the condition of Servi and Coloni appears from the fact of the property of Coloni being called their Peculium. It is however, distinctly stated that they could hold property (Cod. Theod. v. tit. 11); and the expressions which declare that they could have nothing "propria" (Cod. xi. tit. 49. s. 2) seem merely to declare that it was not propria in the sense of their having power to alienate it, at least without the consent of their patroni. It appears that a colonus could make a will, and that if he made none, his property went to his next of kin; for if a bishop, presbyter, deacon, &c., died intestate and without kin, his property went to the church or convent to which he belonged, except such as he had as a colonus, which went to his patronus, who with respect to his ownership of the land is called Dominus possessionis. (Cod. Theod. v. tit. 3.) Some classes of Coloni had a power of alienating their property. (Cod. xi. tit. 47. s. 23.)

The land-tax due in respect of the land occupied by the colonus was paid by the dominus; but the coloni were liable to the payment of the poll-tax, though it was paid in the first instance by the dominus who recovered it from the colonus. The liability of the colonus to a poll-tax explains why this class of persons was so important to the state, and why their condition could not be changed without the consent of the state. It was only when the colonus had lived as a free man for thirty years that he could maintain his freedom by a praescriptio, but Justinian abolished this praescriptio, and thus empowered the dominus to assert his right after any lapse of time. (Cod. xi. tit. 47. s. 23.) With respect to their liability to the poll-tax, the coloni were called *tributarii*, *censiti* or *censibus obnoxii*, *adscriptitii*, *adscriptitiae conditionis*, and *censibus adscripti*. This term adscriptio appears to have no reference to their being attached to the land, but it refers to their liability to the poll-tax as being rated in the tax-books, and accordingly we find that the Greek term for Adscriptitius is Ἐναπόγραφος.

As the Coloni were not servi, and as the class of Latini and peregrini hardly existed in the later ages of the Empire, we must consider the Coloni to have had the Civitas, such as it then was; and it is a consequence of this that they had connubium generally. A Constitution of Justinian, however (*Nov.* 22. c. 17), declared the marriage of a colonus, who belonged to another person, and a free woman to be void. The Constitution does not seem to mean any thing else than that in this case the Emperor took away the Connubium, whether for the reasons stated by Savigny, or for other reasons, is immaterial. This special exception, however, proves the general rule as to Connubium.

The origin of these Coloni is uncertain. They appear to be referred to in one passage of the Digest (Dig. 30. s. 112), under the name of Inquilinus, a term which certainly was sometimes applied to the whole class of Coloni. The passage states, that if a man bequeaths, as a legacy, the inquilini without the praedia to which they adhere (*sine praediis quibus adhaerent*), it is a void legacy. Savigny conceives that this passage may be explained without considering it to refer to the Coloni of whom we are speaking; but the explanation that he suggests, seems a very forced one, and the same remark applies to his explanation of another passage in the Digest (50. tit. 15. s. 4). The condition of the old Clients seems to bear some relation to that of the Coloni, but all historical traces of one class growing out of the other are entirely wanting.

Savigny observes that he does not perceive any historical connection between the villeins (*villani*) of modern Europe and the Coloni, though there is a strong resemblance between their respective conditions. There were, however, many important distinctions; for instance, the villein services due to the lord had nothing corresponding to them in the case of the Coloni, so far as we know. Some modern writers would hastily infer an historical connection of institutions which happen to have resemblances. Littleton's Tenures, section 172, &c., and Bracton (fol. 6. 24), may be consulted as to the incidents of Villeinage.

This view of the condition of the Coloni is from Savigny's Essay on the subject, which is translated in the Philological Museum, vol. ii.

The question of the origin of these Coloni is examined at great length by A. W. Zumpt, *Ueber die Entstehung und historische Entwickelung des Colonats* (*Rheinisches Museum für Philologie*, Neue Folge, 1845). The author is of opinion that the origin of the institution is to be traced to the settlement of Germanic people by the Roman emperors within the limits of the empire. The earliest mention of Coloni, in the sense in which his essay treats of them, is, as he states, a constitution of Constantine A. D. 321 (Cod. Theod. 9. tit. 21. s. 1, 2) which, however, gives no information about their condition. But a later constitution of Constantine, A. D. 332 (Cod. Theod. 5. tit. 9, de fugitivis colonis) does give some information. The condition of these foreign settlers being once established, the author supposes that poor Roman citizens might enter into this condition, partly induced by the advantage of getting land, and partly, as he states, though it is not clearly explained, by legal compulsion. A constitution of Theodosius the Younger (Cod. Theod. 5. tit. 4, de bonis militum, s. 3, ed. Wenck), contains some valuable information on the colonization or settlement of the barbarians, and declares them to belong to the condition expressed by the term Colonatus. The term colonus often occurs in the writers who are excerpted in the Digest (41. tit. 2. s. 30. § 5 ; 19. tit. 2. s. 3, 9. § 3 ; 19. tit. 1. s. 13. § 30, and elsewhere) ; but these Coloni are supposed to be merely a kind of tenants. The passage in the Digest (30. s. 112) which cites a constitution of Marcus Aurelius and Commodus, is supposed, by Zumpt, to mean ordinary tenants (miether, pächter) ; but it must be admitted, that it is rather difficult to accept this explanation, as already observed. The word Colonatus, it is stated, does not occur in the Digest ; but that negative fact proves little. The most probable solution of the question is, that the condition of the Coloni mentioned in the Digest was the model of the condition of the barbarians who were settled in the Roman empire ; and it is no objection to this, that the condition of the barbarians might be made more burdensome and less free than that of the Coloni, who already existed. Nor is it against this supposition, if the condition of the barbarian Coloni gradually became the condition of all the Coloni. The reasons for fixing the barbarian settlers to the soil are obvious enough. The policy of the emperors was to people the country, and to disperse many of the tribes whose union would have been dangerous. If the results of Zumpt's inquiry cannot be admitted to their full extent, it must be allowed, that he has thrown great light on the subject, and probably approached as near as possible to the solution of the difficulty, with the exception of his hypothesis, that the colonatus originated entirely in the settlement of these barbarians. It seems much more probable that the Romans modelled the barbarian settlements upon some institution that already existed, though this existing institution might not be precisely the same as that subsequent institution to which the term Colonatus was peculiarly applied. [G. L.]

COLO'NIA, a colony. 1. GREEK. The common Greek word for a colony is *ἀποικία* and for a colonist *ἄποικος*. We also find, but not commonly, *ἐποικία* and *ἔποικος*. (Thuc. ii. 27 ; Aristoph. *Av.* 1307.) The former words have reference to their being wanderers from their own home ; the latter words to their settling in a new home. The term *κληρουχία* indicates a division of conquered lands among Athenian citizens, and those who occupied such lands were called *κληροῦχοι* : but as they were thus colonists, we sometimes find the general term of *ἄποικοι* applied to them. (Thuc. v. 116.) (Vömel, *De Discrimine Vocabulorum κληροῦχος, ἄποικος, ἔποικος*, Frankfort, 1839.)

The earlier Greek colonies were usually composed of mere bands of adventurers, who left their native country, with their families and property, to seek a new home for themselves. Some of the colonies, which arose in consequence of foreign invasion or civil wars, were undertaken without any formal consent from the rest of the community ; but usually a colony was sent out with the approbation of the mother country, and under the management of a leader (*οἰκιστής*) appointed by it. But whatever may have been the origin of the colony, it was always considered in a political point of view independent of the mother country (called by the Greeks *μητρόπολις*), and entirely emancipated from its control. At the same time, though a colony was in no political subjection to its parent state, it was united to it by the ties of filial affection ; and, according to the generally received opinions of the Greeks, its duties to the parent state corresponded to those of a daughter to her mother. (Dionys. iii. 7 ; Polyb. xii. 10. § 3.) Hence, in all matters of common interest, the colony gave precedence to the mother state ; and the founder of the colony (*οἰκιστής*), who might be considered as the representative of the parent state, was usually worshipped, after his death, as a hero. (Herod. vi. 38 ; Thuc. v. 11 ; Diod. xi. 66, xx. 102.) Also, when the colony became in its turn a parent, it usually sought a leader for the colony which it intended to found from the original mother country (Thuc. i. 24) ; and the same feeling of respect was manifested by embassies which were sent to honour the principal festivals of the parent state (Diod. xii. 30 ; Wesseling, *ad loc.*), and also by bestowing places of honour and other marks of respect upon the ambassadors and other members of the parent state, when they visited the colony at festivals and similar occasions. (Thuc. i. 25.) The colonists also worshipped in their new settlement the same deities as they had been accustomed to honour in their native country ; the sacred fire, which was constantly kept burning on their public hearth, was taken from the Prytaneium of the parent city ; and, according to one account, the priests who ministered to the gods in the colony, were brought from the parent state. (Schol. *ad Thuc.* i. 25 ; compare Tacit. *Ann.* ii. 54.) In the same spirit, it was considered a violation of sacred ties for a mother country and a colony to make war upon one another. (Herod. viii. 22 ; Thuc. i. 38.)

The preceding account of the relations between the Greek colonies and the mother country is elucidated by the history which Thucydides gives us of the quarrel between Corcyra and Corinth. Corcyra was a colony of Corinth, and Epidamnus a colony of Corcyra; but the leader (*οἰκιστής*) of the colony of Epidamnus was a Corinthian who was invited from the metropolis Corinth. In course of time, in consequence of civil dissensions and attacks from the neighbouring barbarians, the Epidamnians applied for aid to Corcyra, but their request was rejected. They next applied to the Corinthians, who took Epidamnus under their protection, thinking, says Thucydides, that the colony was no less theirs than the Corinthians': and also induced to do so through hatred of the Corcyraeans, because they neglected them though they were colonists; for they did not give to the Corinthians the customary honours and deference in the public solemnities and sacrifices as the other colonies were wont to pay to the mother country. The Corcyraeans who had become very powerful by sea, took offence at the Corinthians receiving Epidamnus under their protection, and the result was a war between Corcyra and Corinth. The Corcyraeans sent ambassadors to Athens to ask assistance; and in reply to the objection that they were a colony of Corinth, they said "that every colony, as long as it is treated kindly, respects the mother country: but when it is injured, is alienated from it; for colonists are not sent out as subjects, but that they may have equal rights with those that remain at home." (Thuc. i. 34.)

It is true that ambitious states, such as Athens, sometimes claimed dominion over other states on the ground of relationship; but, as a general rule, colonies may be regarded as independent states, attached to their metropolis by ties of sympathy and common descent, but no further. The case of Potidaea, to which the Corinthians sent annually the chief magistrates (*δημιουργοί*), appears to have been an exception to the general rule. (Thuc. i. 56.)

The *κληρουχίαι*, of which mention was made above, were colonies of an entirely different kind from the *ἀποικίαι*, of which we have hitherto been speaking. They belonged exclusively to the Athenians; and the earliest example to which the term, in its strict sense, is applicable, is the occupation of the domains of the Chalcidian knights (*ἱπποβόται*) by four thousand Athenian citizens, B. C. 506. (Herod. v. 77; comp. vi. 100.)

In assigning a date to the commencement of this system of colonisation, we must remember that the principle of a division of conquered lands had existed from time immemorial in the Grecian states. Nature herself seemed to intend that the Greek should rule and the barbarian obey; and hence, in the case of the barbarian, it wore no appearance of harshness. Such a system, however, was more rare between Greek and Greek. Yet the Dorians in their conquest of the Peloponnese. and still more remarkably in the subjugation of Messenia, had set an example. In what then did the Athenian *κληρουχίαι* differ from this division of territory, or from the ancient colonies? In the first place the name, in its technical sense, was of later date, and the Greek would not have spoken of the *κληρουχίαι* of Lycurgus, any more than the Roman of the "Agrarian laws" of Romulus or Ancus. Secondly, we should remember that the term was always used with a reference to the original allotment: as the lands were devised or transferred, and the idea of the first division lost sight of, it would gradually cease to be applied. The distinction, however, between *κληροῦχοι* and *ἄποικοι* was not merely one of words but of things. The earlier colonies usually originated in private enterprise, and became independent of, and lost their interest in, the parent state. On the other hand, it was essential to the very notion of a *κληρουχία* that it should be a public enterprize, and should always retain a connection more or less intimate with Athens herself. The word *κληρουχία* conveys the notion of property to be expected and formally appropriated: whereas the *ἄποικοι* of ancient times went out to conquer lands for themselves, not to divide those which were already conquered.

The connection with the parent state subsisted, as has been just hinted, in all degrees. Sometimes, as in the case of Lesbos, the holders of land did not reside upon their estates, but let them to the original inhabitants, while themselves remained at Athens. (Böckh, *Public Econ. of Athens*, p. 431, 2nd ed.) The condition of these *κληροῦχοι* did not differ from that of Athenian citizens who had estates in Attica. All their political rights they not only retained, but exercised as Athenians; in the capacity of landholders of Lesbos they could scarcely have been recognised by the state, or have borne any corporate relation to it. Another case was where the *κληροῦχοι* resided on their estates, and either with or without the old inhabitants, formed a new community. These still retained the rights of Athenian citizens, which distance only precluded them from exercising: they used the Athenian courts; and if they or their children wished to return to Athens, naturally and of course they regained the exercise of their former privileges. Of this we have the most positive proof (Böckh, *Ibid.* p. 429): as the object of these *κληρουχίαι* was to form outposts for the defence of Athenian commerce, it was the interest of the parent state to unite them by a tie as kindly as possible: and it cannot be supposed that individuals would have been found to risk, in a doubtful enterprise, the rights of Athenian citizens.

Sometimes, however, the connection might gradually dissolve, and the *κληροῦχοι* sink into the condition of mere allies, or separate wholly from the mother country. In Aegina, Scione, Potidaea, and other places, where the original community was done away, the colonists were most completely under the control of Athens. Where the old inhabitants were left unmolested, we may conceive their admixture to have had a twofold effect: either the new comers would make common cause with them, and thus would arise the alienation alluded to above; or jealousy and dread of the ancient inhabitants might make the colonists more entirely dependent on the mother state. It seems impossible to define accurately when the isopolite relation with Athens may have ceased, although such cases undoubtedly occurred.

A question has been raised as to whether the *κληροῦχοι* were among the Athenian tributaries. Probably this depended a good deal upon the prosperity of the colony. We cannot conceive that colonies which were established as military outposts, in otherwise unfavourable situations, would bear such a burthen: at the same time it seems improbable that the state would unnecessarily forego the tribute which it had previously received, where the lands had formerly belonged to tributary allies.

It was to Pericles Athens was chiefly indebted for the extension and permanence of her colonial settlements. His principal object was to provide for the redundancies of population, and raise the poorer citizens to a fortune becoming the dignity of Athenian citizens. It was of this class of persons the settlers were chiefly composed; the state provided them with arms, and defrayed the expenses of their journey. The principle of division, doubtless, was, that all who wished to partake in the adventure, applied voluntarily; it was then determined by lot who should or should not receive a share. Sometimes they had a leader appointed, who, after death, received all the honours of the founder of a colony (*οἰκιστής*).

The Cleruchiae were lost by the battle of Aegospotami, but partially restored on the revival of Athenian power.

(Spanheim, *De Usu et Praest. Numism.* vol. i. p. 559, &c.; Bougainville, *Quels étoient les droits des métropoles Grecques sur les colonies, &c.*, Paris, 1745; Heyne, *De Veterum Coloniarum Jure ejusque Causis*, Gott. 1766, also in *Opuscula*, vol. i. p. 290; Sainte Croix, *De l'Etat et du Sort des Colonies des anciens Peuples*, Philadelphie, 1779; Hegewisch, *Geogr. und Hist. Nachrichten, die Colonien der Griechen betreffend*, Altona, 1808; Raoul-Rochette, *Histoire critique de l'Etablissement des Colonies Grecques*, Paris, 1815, 4 vols.; Wichers, *De Coloniis Veterum*, Groningae, 1825; Pfefferkorn, *Die Colonien der Alt-Griechen*, Königsberg, 1838; Hermann, *Lehrbuch der Griech. Staatsalth.* § 73. &c.; Wachsmuth, *Hellen. Alterthumsk.* vol. i. p. 95, 2nd ed.; Schömann, *Antiq. Juris Publici Graec.* p. 414, &c.; Böckh, *Public Econ. of Athens*, p. 424, &c.) [B. J.]

2. Roman. The word colonia contains the same element as the verb *colere*, "to cultivate," and as the word *colonus*, which probably originally signified a "tiller of the earth." The English word colony, which is derived from the Latin, perhaps expresses the notion contained in this word more nearly than is generally the case in such adopted terms.

A kind of colonisation seems to have existed among the oldest Italian nations, who, on certain occasions, sent out their superfluous male population, with arms in their hands (*ἱερὰ νεότης*), to seek for a new home. (Dionys. *Antiq. Rom.* i. 16.) But these were apparently mere bands of adventurers, and such colonies rather resembled the old Greek colonies, than those by which Rome extended her dominion and her name.

Colonies were established by the Romans as far back as the annals or traditions of the city extend, and the practice was continued during the republic and under the empire. Sigonius (*De Antiquo Jure Italiae*, p. 215, &c.) enumerates six main causes or reasons which, from time to time, induced the Romans to send out colonies; and these causes are connected with many memorable events in Roman history. Colonies were intended to keep in check a conquered people, and also to repress hostile incursions, as in the case of the colony of Narnia (Liv. x. 10), which was founded to check the Umbri; and Minturnae and Sinuessa (x. 21), Cremona and Placentia (xxvii. 46), which were founded for similar purposes. Cicero (*De Leg. Agr.* ii. 27) calls the old Italian colonies the "propugnacula imperii;" and in another passage (*Pro Font.* c. 1) he calls Narbo Martius (Narbonne), which was in the provincia Gallia, "Colonia nostrorum civium, specula populi Romani et propugnaculum." Another object was to increase the power of Rome by increasing the population. (Liv. xxvii. 9.) Sometimes the immediate object of a colony was to carry off a number of turbulent and discontented persons. Colonies were also established for the purpose of providing for veteran soldiers, a practice which was begun under the republic (Liv. xxxi. 4), and continued under the emperors: these coloniae were called militares.

It is remarked by Strabo (p. 216. ed. Casaub.), when speaking of the Roman colonies in the north of Italy, that the ancient names of the places were retained, and that though the people in his time were all Roman, they were called by the names of the previous occupiers of the soil. This fact is in accordance with the character of the old Roman colonies, which were in the nature of garrisons planted in conquered towns, and the colonists had a portion of the conquered territory (usually a third part) assigned to them. The inhabitants retained the rest of their lands, and lived together with the new settlers, who alone composed the proper colony. (Dionys. *Antiq. Rom.* ii. 53.) The conquered people must at first have been quite a distinct class from, and inferior to, the colonists. The definition of a colonia by Gellius (xvi. 13) will appear, from what has been said, to be sufficiently exact: — "Ex civitate quasi propagatae — populi Romani quasi effigies parvae simulacraque."

No colonia was established without a lex, plebiscitum, or senatusconsultum; a fact which shows that a Roman colony was never a mere body of adventurers, but had a regular organisation by the parent state. According to an ancient definition quoted by Niebuhr (Serv. *ad Virg. Aen.* i. 12), a colony is a body of citizens, or socii, sent out to possess a commonwealth, with the approbation of their own state, or by a public act of that people to whom they belong; and it is added, those are colonies which are founded by public act, not by any secession. Many of the laws which relate to the establishment of coloniae were leges agrariae, or laws for the division and assignment of public lands, of which Sigonius has given a list in his work already referred to.

When a law was passed for founding a colony, persons were appointed to superintend its formation (*coloniam deducere*). These persons varied in number, but three was a common number (*triumviri ad colonos deducendos*, Liv. xxxvii. 46, vi. 21). We also read of duumviri, quinqueviri, vigintiviri for the same purpose. The law fixed the quantity of land that was to be distributed, and how much was to be assigned to each person. No Roman could be sent out as a colonist without his free consent, and when the colony was not an inviting one, it was difficult to fill up the number of volunteers. (Liv. vi. 21, x. 21.)

Roman citizens who were willing to go out as members of a colony gave in their names at Rome (*nomina dederunt*, Liv. i. 11, the first time that he has occasion to use the expression). Cicero (*Pro Dom.* c. 30) says that Roman citizens who chose to become members of a Latin colony must go voluntarily (*auctores facti*), for this was a capitis deminutio; and in another passage (*Pro Caecin.* 33) he alleges the fact of Roman citizens going out in Latin colonies as a proof that loss of civitas must be a voluntary act. It is true that a member of a Roman colony would sustain no capitis deminutio, but in this case also there seems no reason for supposing that he ever joined such a colony, without his consent.

The colonia proceeded to its place of destination in the form of an army (*sub vexillo*), which is indicated on the coins of some coloniae. An urbs, if one did not already exist, was a necessary part of a new colony, and its limits were marked out by a plough, which is also indicated on ancient coins. The colonia had also a territory, which, whether marked out by the plough or not (Cic. *Phil.* ii. 40), was at least marked out by metes and bounds. Thus the urbs and territory of the colonia respectively corresponded to the urbs Roma and its territory. Religious ceremonies always accompanied the foundation of the colony, and the anniversary was afterwards observed. (Plutarch, *C. Gracchus*, 11; Servius, *ad Aen.* v. 755; Cic. *ad Attic.* iv. 1). It is stated that a colony could not be sent out to the same place to which a colony had already been sent in due form (*auspicato deducta*). This merely means that so long as the colony maintained its existence, there could be no new colony in the same place; a doctrine that would hardly need proof, for a new colony implied a new assignment of lands; but new settlers (*novi adscripti*) might be sent to occupy colonial lands not already assigned. (Liv. vi. 30; Cic. *Phil.* ii. 40.) Indeed it was not unusual for a colony to receive a *supplementum*, as in the case of Venusia (Liv. xxxi. 49), and in other cases (Tacit. *Ann.* xiv. 27); and a colony might be re-established, if it seemed necessary, from any cause; and under the emperors such re-establishment might be entirely arbitrary, and done to gratify personal vanity, or from any other motive. (Tacit. *Ann.* xiv. 27. Puteoli; and the note in Oberlin's Tacitus.)

The commissioners appointed to conduct the colony had apparently a profitable office, and the establishment of a new settlement gave employment to numerous functionaries, among whom Cicero enumerates — apparitores, scribae, librarii, praecones, architecti. The foundation of a colony might then, in many cases, not only be a mere party measure, carried for the purpose of gaining popularity, but it would give those in power an opportunity of providing places for many of their friends.

A colonia was a part of the Roman state, and it had a res publica; but its relation to the parent state might vary. In Livy (xxxix. 55) the question was whether Aquileia should be a colonia civium Romanorum, or a Latina colonia; a question that had no reference to the persons who should form the colony, but to their political rights with respect to Rome as members of the colony. The members of a Roman colony (*colonia civium Romanorum*) must, as the term itself implies, have always had the same rights, which, as citizens, they would have at Rome. [CIVITAS.] They were, as Niebuhr remarks, in the old Roman colonies, "the populus; the old inhabitants, the commonalty." These two bodies may, in course of time, have frequently formed one; but there could be no political union between them till the old inhabitants obtained the commercium and connubium, in other words, the civitas; and it is probable that among the various causes which weakened the old colonies, and rendered new supplies of colonists necessary, we should enumerate the want of Roman women; for the children of a Roman were not Roman citizens unless his wife was a Roman, or unless she belonged to a people with which there was connubium.

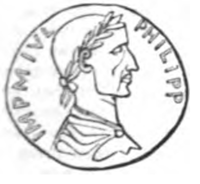
It is important to form a precise notion of the relation of an ancient Roman colonia to Rome. That the colonists, as already observed, had all the rights of Roman citizens, is a fact capable of perfect demonstration; though most writers, following Sigonius, have supposed that Roman citizens, by becoming members of a Roman colony, lost the suffragium and honores, and did not obtain them till after the passing of the Julia lex. Such an opinion is inconsistent with the notion of Roman citizenship [CIVITAS], which was a personal, not a local right; and it is also inconsistent with the very principle of Roman polity apparent in the establishment of Roman colonies. Further, the loss of the suffragium and honores would have been a species of capitis deminutio, and it is clear, from what Cicero says of the consequences of a Roman voluntarily joining a Latin colony, that no such consequences resulted from becoming a member of a Roman colony. If a Roman ever became a member of a Roman colony without his consent, it must have been in the early ages of the state, when the colonies still retained their garrison character, and to join a colony was a kind of military service; but such a duty to protect the state, instead of implying any loss of privilege, justifies quite a different conclusion.

Puteoli, Salernum, Buxentum were coloniae civium Romanorum (Liv. xxxiv. 45); the Ferentinates made a claim, that Latini who should give in their names as willing to join a colonia civium Romanorum, should thereby become cives Romani. Some Latini who had given in their names for the coloniae of Puteoli, Salernum, and Buxentum, thereupon assumed to act as cives Romani, but the senate would not allow their claim. This shows, if it requires showing, that the cives of Romanae coloniae continued to be cives Romani. (Liv. xxxiv. 42.)

It is somewhat more difficult to state what was the condition of those conquered people among whom the Romans sent their colonists. They were not Roman citizens, nor yet were they socii; still they were in a sense a part of the Roman state, and in a sense they were cives, though certainly they had not the suffragium, and perhaps originally not the connubium. It is probable that they had the commercium, but even this is not certain. They might be a part of the Roman civitas without being cives, and the difficulty of ascertaining their precise condition is increased by the circumstance of the word civitas being used loosely by the Roman writers. If they were cives in a sense, this word imported no privilege; for it is certain that, by being incorporated in the Roman state as a conquered people, they lost all power of administering their own affairs, and obtained no share in the administration of the Roman state; they had not the honourable rank of socii, and they were subject to military service and taxation. They lost all jurisdictio, and it is probable that they were brought entirely within the rules and procedure of the Roman law, so far as that was practicable. Even the commercium and connubium with the people of their own stock, were sometimes taken from them (Liv. ix. 43, viii. 14), and thus they were disunited from their own nation and made a part of the Roman state, without having the full civitas. So far, then, was the civitas (without the suffragium) from being always a desirable condition, as some writers have supposed, that it was in fact the badge of servitude; and some states even preferred their former relation to Rome, to being incorporated with it as complete citizens. It appears that, in some cases at least, a praefectus juri dicundo was sent from Rome to administer justice among the conquered people, and between them and the coloni. It appears also to be clearly proved by numerous instances, that the condition of the conquered people among whom a colony was sent, was not originally always the same; something depended on the resistance of the people, and the temper of the Romans, at the time of the conquest or surrender. Thus the conquered Italian towns might originally have the civitas in different degrees, until they all finally obtained the complete civitas by receiving the suffragium; some of them obtained it before the social war, and others by the Julia lex.

The nature of a Latin colony will appear sufficiently from what is said here, and in the articles CIVITAS and LATINITAS.

Besides these coloniae, there were coloniae Italici juris, as some writers term them; but which in fact were not colonies. Sigonius, and most subsequent writers, have considered the Jus Italicum as a personal right, like the Civitas and Latinitas; but Savigny has shown it to be quite a different thing. The jus Italicum was granted to favoured provincial cities; it was a grant to the community, not to the individuals composing it. This right consisted in quiritarian ownership of the soil (commercium), and its appurtenant capacity of mancipatio, usucapion, and vindicatio, together with freedom from taxes; and also in a municipal constitution, after the fashion of the Italian towns, with duumviri, quinquennales, aediles, and a jurisdictio. Many provincial towns which possessed the jus Italicum, have on their coins the figure of a standing Silenus, with the hand raised, which was the peculiar symbol of municipal liberty. (*Obeundus Marsya*, Horat. *Sat.* i. 6. 120.) Pliny (iii. 3 and 21) has mentioned several towns that had the jus Italicum; and Lugdunum, Vienna (in Dauphiné), and colonia Agrippinensis had this privilege. It follows from the nature of this privilege, that towns which had the Latinitas or the Civitas, which was a personal privilege, might not have the jus Italicum; but the towns which had the jus Italicum could hardly be any other than those which had the civitas or Latinitas, and we cannot conceive that it was ever given to a town of Peregrini.



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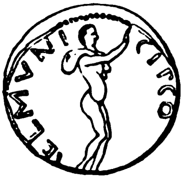
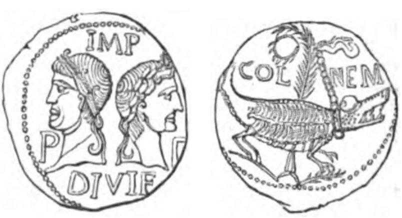
Philip, A. D. 243—249.



AEL. MVNICIP. CO.
Coela or Coelos (Plin. iv. 11, 12) in the Thracian Chersonesus.

The colonial system of Rome, which originated in the earliest ages, was well adapted to strengthen and extend her power — "By the colonies the empire was consolidated, the decay of population checked, the unity of the nation and of the language diffused." (Machiavelli, quoted by Niebuhr.) The countries which the Romans conquered within the limits of Italy, were inhabited by nations that cultivated the soil and had cities. To destroy such a population was not possible nor politic; but it was a wise policy to take part of their lands, and to plant bodies of Roman citizens, and also Latinae coloniae, among the conquered people. The power of Rome over her colonies was derived, as Niebuhr has well remarked, "From the supremacy of the parent state, to which the colonies of Rome, like sons in a Roman family, even after they had grown to maturity, continued unalterably subject." In fact, the notion of the patria potestas will be found to lie at the foundation of the institutions of Rome.

The principles of the system of colonisation were fully established in the early ages of Rome; but the colonies had a more purely military character, that is, were composed of soldiers, in the latter part of the republic, and under the earlier emperors. The first colony established beyond the limits of Italy was Carthago (Vell. ii. 15); Narbo Martius was the next. Nemausus (Nîmes) was made a colony by Augustus, an event which is commemorated by medals (Rasche, *Lexicon Rei Numariae*), and an extant inscription at Nimes.



In addition to the evidence from written books of the numerous colonies established by the Romans in Italy, and subsequently in all parts of the empire, we have the testimony of medals and inscriptions, in which COL., the abbreviation of colonia, indicates this fact, or, as in the case of Sinope, the Greek inscription ΚΟΛΩΝΕΙΑ. Septimius Severus made Tyre a colonia Veteranorum (Rasche, *Lexicon Rei Numariae, Tyrus*). The prodigious activity of Rome in settling colonies in Italy is apparent from the list given by Frontinus or the Pseudo-Frontinus (*De Coloniis*), most of which appear to have been old towns, which were either walled when the colony was founded, or strengthened by new defences.

Colonies were sometimes established under the late republic and the empire with circumstances of great oppression, and lands were assigned to the veterans without regard to existing rights.

Under the emperors, all legislative authority being then virtually in them, the foundation of a colony was an act of imperial grace, and often merely a title of honour conferred on some favoured spot. Thus M. Aurelius raised to the rank of colonia the small town (vicus) of Halale, at the foot of Taurus, where his wife Faustina died. (Jul. Capitol. *M. Ant. Philos.* c. 26.) The old military colonies were composed of whole legions, with their tribunes and centurions, who being united by mutual affection, composed a political body (*respublica*); but it was a complaint in the time of Nero, that soldiers, who were strangers to one another, without any head, without any bond of union, were suddenly brought together on one spot, "numerus magis quam colonia" (Tacit. *Ann.* xiv. 27). And on the occasion of the mutiny of the legions in Pannonia, upon the accession of Tiberius, it was one ground of complaint, that the soldiers, after serving thirty or forty years, were separated, and dispersed in remote parts; where they received, under the name of a grant of lands (*per nomen agrorum*), swampy tracts and barren mountains. (Tacit. *Ann.* i. 17.)

It remains briefly to state what was the internal constitution of a colonia.

In the later times of the republic, the Roman state consisted of two distinct organised parts, Italy and the Provinces. "Italy consisted of a great number of republics (in the Roman sense of the term), whose citizens, after the Italian war, became members of the sovereign people. The communities of these citizens were subjects of the Roman people, yet the internal administration of the communities belonged to themselves. This free municipal constitution was the fundamental characteristic of Italy; and the same remark will apply to both principal classes of such constitutions, municipia, and coloniae. That distinction which made a place into a praefectura, is mentioned afterwards; and fora, conciliabula, castella, are merely smaller communities, with an incomplete organisation." (Savigny.) As in Rome, so in the colonies, the popular assembly had originally the sovereign power; they chose the magistrates, and could even make laws. (Cic. *De Leg.* iii. 16.) When the popular assemblies became a mere form in Rome, and the elections were transferred by Tiberius to the senate, the same thing happened in the colonies, whose senates then acquired whatever power had once belonged to the community.

The common name of this senate was ordo decurionum; in later times, simply ordo and curia; the members of it were decuriones or curiales. (Dig. 50. tit. 2. *De Decurionibus*, &c.) Thus, in the later ages, curia is opposed to senatus, the former being the senate of a colony, and the latter the senate of Rome. But the terms senatus and senator were also applied to the senate and members of the senate of a colony, both by historians, in inscriptions, and in public records; as, for instance, in the Heracleotic Tablet, which contained a Roman lex. After the decline of the popular assemblies, the senate had the whole internal administration of a city, conjointly with the magistratus; but only a decurio could be a magistratus, and the choice was made by the decuriones. Augustus seems to have laid the foundation for this practical change in the constitution of the colonies in Italy. All the citizens had the right of voting at Rome; but such a privilege would be useless to most of the citizens on account of their distance from Rome. Augustus (Sueton. c. 46) devised a new method of voting: the decuriones sent the votes in writing, and under seal, to Rome; but the decuriones only voted. Though this was a matter of no importance after Tiberius had transferred the elections at Rome from the popular assemblies to the senate, this measure of Augustus would clearly prepare the way for the pre-eminence of the decuriones, and the decline of the popular power.

The highest magistratus of a colonia were the duumviri (Cic. *Agr. Leg.* ii. 34, *ad Attic.* ii. 6), or quattuorviri, so called, as the numbers might vary, whose functions may be compared with those of the consulate at Rome before the establishment of the praetorship. The name duumviri seems to have been the most common. Their principal duties were the administration of justice, and accordingly we find on inscriptions "Duumviri J. D." (*juri dicundo*), "Quattuorviri J. D." They were styled magistratus pre-eminently, though the name magistratus was properly and originally the most general name for all persons who filled similar situations. The name consul also occurs in inscriptions to denote this chief magistracy; and even dictator and praetor occur under the empire and under the republic. The office of the duumviri lasted a year. Savigny shows that under the republic the jurisdictio of the duumviri in civil matters was unlimited, and that it was only under the empire that it was restricted in the manner which appears from the extant Roman law.

In some Italian towns there was a praefectus juri dicundo; he was in the place of, and not coexistent with, duumviri. The duumviri were, as we have seen, originally chosen by the people; but the praefectus was appointed annually in Rome (Livy, xxvi. 16), and sent to the town called a praefectura, which might be either a municipium or a colonia, for it was only in the matter of the praefectus that a town called a praefectura differed from other Italian towns. Capua, which was taken by the Romans in the second Punic war, was made a praefectura. (Vell. ii. 44, and the note of Reimarus on Dion Cassius, xxxviii. 7.) Arpinum is called both a municipium and a praefectura (Cic. *ad Fam.* xiii. 11; Festus, *s. v. Praefectura*); and Cicero, a native of this place, obtained the highest honours that Rome could confer.

The censor, curator, or quinquennalis, all which names denote the same functionary, was also a municipal magistrate, and corresponded to the censor at Rome, and in some cases, perhaps, to the quaestor also. Censors are mentioned in Livy (xxix. 15) as magistrates of the twelve Latin colonies. The quinquennales were sometimes duumviri, sometimes quattuorviri; but they are always carefully distinguished from the duumviri and quattuorviri J. D.; and their functions are clearly shown by Savigny to have been those of censors. They held their office for one year, and during the four intermediate years the functions were not exercised. The office of censor or quinquennalis was higher in rank than that of the duumviri J. D., and it could only be filled by those who had discharged the other offices of the municipality.

For a more complete account of the organisation of these municipalities, and of their fate under the empire, the reader is referred to an admirable chapter in Savigny (*Geschichte des Röm. Rechts*, &c. vol. i. p. 16, &c.).

The terms municipium and municipes require explanation in connection with the present subject, and the explanation of them will render the nature of a praefectura still clearer. One kind of municipium was a body of persons who *were not* (Festus, *s. v. Municipium*) Roman citizens, but possessed all the rights of Roman citizens except the suffragium and the honores. But the communities enumerated as examples of this kind of municipium are the Fundani, Formiani, Cumani, Acerrani, Lanuvini, and Tusculani, which were conquered states (Liv. viii. 14), and received the civitas without the suffragium; and all these places received the complete civitas before the social war, or, as Festus expresses it, "Post aliquot annos cives Romani effecti sunt." It is singular that another ancient definition of this class of municipia says, that the persons who had the rights of Roman citizens, except the honores, *were* cives; and among such communities are enumerated the Cumani, Acerrani, and Atellani. This discrepancy merely shows that the later Roman writers used the word civis in a very loose sense, which we cannot be surprised at, as they wrote at a time when these distinctions had ceased. Another kind of municipium was, when a civitas was completely incorporated with the Roman state; as in the case of the Anagnini (Liv. ix. 23), Caerites, and Aricini, who completely lost all internal administration of their cities; while the Tusculani and Lanuvini retained their internal constitution, and their magistrate called a dictator. A third class of municipia was those whose inhabitants possessed the full privileges of Roman citizens, and also the internal administration of their own cities, as the Tiburtes, Praenestini, Pisani, Urbinates, Nolani, Bononienses, Placentini, Nepesini, Sutrini, and Lucrenses, (Lucenses?). The first five of these were civitates sociorum; and the second five, coloniae Latinae: they all became municipia, but only by the effect of the Julia Lex, B.C. 90.

It has also been already said that a praefectura was so called from the circumstance of a praefectus J. D. being sent there from Rome. Those towns in Italy were called praefecturae, says Festus, "In quibus et jus dicebatur et nundinae agebantur, et erat quaedam earum respublica, neque tamen magistratus suos habebant; in quas legibus praefecti mittebantur quotannis, qui jus dicerent." Thus a praefectura had a respublica, but no magistratus. Festus then makes two divisions of praefecturae. To the first division were sent four praefecti chosen at Rome (*populi suffragio*); and he enumerates ten places in Campania to which these quattuorviri were sent, and among them Cumae and Acerra, which were municipia; and Volturnum, Liternum, and Puteoli, which were Roman colonies established after the second Punic war. The second division of praefecturae comprised those places to which the praetor urbanus sent a praefectus every year, namely, Fundi, Formiae, Caere, Venafrum, Allifae, Privernum, Anagnia, Frusino, Reate, Saturnia, Nursia, Arpinum, aliaque complura. Only one of them, Saturnia, was a colony of Roman citizens (Liv. xxxix. 55); the rest are municipia. It is the conclusion of Zumpt that all the municipia of the older period, that is, up to the time when the complete civitas was given to the Latini and the socii, were praefecturae, and that some of the colonies of Roman citizens were also praefecturae. Now as the praefectus was appointed for the purpose of administering justice (*juri dicundo*), and was annually sent from Rome, it appears that this was one among the many admirable parts of the Roman polity for maintaining harmony in the whole political system by a uniformity of law and procedure. The name praefectura continued after the year B.C. 90; but it seems that, in some places at least, this functionary ceased to be sent from Rome, and various praefecturae acquired the privilege of having magistratus of their own choosing, as in the case of Puteoli, B.C. 63. (Cic. *De Leg. Agr.* ii. 31.) The first class or kind of praefecti, the quattuorviri, who were sent into Campania, was abolished by Augustus, in conformity with the general tenor of his policy, B.C. 13. After the passing of the Julia Lex de Civitate, the cities of the socii which received the Roman civitas, still retained their internal constitution; but, with respect to Rome, were all included under the name of municipia: thus Tibur and Praeneste, which were Latinae civitates, then became Roman municipia. On the other hand, Bononia and Luca which were originally Latinae coloniae, also became Roman municipia in consequence of receiving the Roman civitas, though they retained their old colonial constitution and the name of colonia. Thus Cicero (*in Pis.* c. 23) could with propriety call Placentia a municipium, though in its origin it was a Latin colonia; and in the oration *Pro Sext.* (c. 14) he enumerates municipia, coloniae, and praefecturae, as the three kinds of towns or communities under which were comprehended all the towns of Italy. The testimony of the Heracleotic tablet is to the like effect; for it speaks of municipia, coloniae, and praefecturae as the three kinds of places which had a magistratus of some kind, to which enumeration it adds fora and conciliabula, as comprehending all the kinds of places in which bodies of Roman citizens dwelt.

It thus appears that the name municipium, which originally had the meanings already given, acquired a narrower import after B.C. 90, and in this narrower import signified the civitates sociorum and coloniae Latinae, which then became complete members of the Roman state. Thus there was then really no difference between these municipia and the coloniae, except in their historical origin, and in their original internal constitution. The Roman law prevailed in both.

The following recapitulation may be useful: — The old Roman colonies (*civium Romanorum*) were placed in conquered towns; and the colonists continued to be Roman citizens. These colonies were near Rome (Liv. i. 11, 27, 56, ii. 21, 39), and few in number. Probably some of the old Latinae coloniae were established by the Romans in conjunction with other Latin states (*Antium*). After the conquest of Latium, Latinae coloniae were established by the Romans in various parts of Italy. These colonies should be distinguished from the colonies civium Romanorum, inasmuch as they are sometimes called coloniae populi Romani, though they were not coloniae civium Romanorum. (Liv. xxvii. 9, xxix. 15.) Roman citizens who chose to join such colonies, gave up their civic rights for the more solid advantage of a grant of land.

When Latin colonies began to be established, few Roman colonies were founded until after the close of the second Punic war (B.C. 201), and these few were chiefly maritime colonies (*Anxur*, &c.). These Latin colonies were subject to and part of the Roman state; but they had not the civitas: they had no political bond among themselves; but they had the administration of their internal affairs. The colonies of the Gracchi were Roman colonies; but their object, like that of subsequent Agrarian laws, was merely to provide for the poorer citizens: the old Roman and the Latin colonies had for their object the extension and conservation of the Roman empire in Italy. After the passing of the Lex Julia, which gave the civitas to the socii and the Latin colonies, the object of establishing Roman and Latin colonies ceased; and military colonies were thenceforward settled in Italy, and, under the emperors, in the provinces. (Plin. *Nat. Hist.* iii. 4.) These military colonies had the civitas, such as it then was; but their internal organisation might be various.

The following references, in addition to those already given, will direct the reader to abundant sources of information: — (Sigonius, *De Jure Antiquo*, &c.; Niebuhr, *Roman History;* Savigny, *Ueber das Jus Italicum*, *Zeitschr.* vol. v.; *Tabulae Heracleenses. Mazochi*, Neap. 1754; Savigny, *Der Römische Volksschluss der Tafel von Heraclea;* and Rudorff, *Ueber die Lex Mamilia de Coloniis*, *Zeitschr.* vol. ix.; Rudorff, *Das Ackergesetz von Sp. Thorius*, and Puchta, *Ueber den Inhalt der Lex Rubria de Gallia Cisalpina*, *Zeitschr.* vol. x.; Beaufort, *Rep. Rom.* v. p. 278—308; Madvig, *Opuscula*, *De Jure et Conditione Coloniarum Populi Romani*, Hauniae, 1834; Zumpt, *Ueber den Unterschied der Benennungen*, *Municipium*, *Colonia*, *Praefectura*, Berlin, 1840.) [G. L.]

COLO'RES. The Greeks and Romans had a very extensive acquaintance with colours as pigments. Book vii. of Vitruvius and several chapters of books xxxiii. xxxiv. and xxxv. of Pliny's Natural History, contain much interesting matter upon their nature and composition; and these works, together with what is contained in book v. of Dioscorides, and some remarks in Theophrastus (*De Lapidibus*), constitute the whole of our information of any importance upon the subject of ancient pigments. From these sources, through the experiments and observations of Sir Humphry Davy (*Phil. Trans. of the Royal Society*, 1815) on some remains of ancient colours and paintings in the baths of Titus and of Livia, and in other ruins of antiquity, we are enabled to collect a tolerably satisfactory account of the colouring materials employed by the Greek and Roman painters.

The painting of the Greeks is very generally considered to have been inferior to their sculpture; this partially arises from very imperfect information, and a very erroneous notion respecting the resources of the Greek painters in colouring. The error originated apparently with Pliny himself, who says (xxxv. 32), "Quatuor coloribus solis immortalia illa opera fecere, ex albis Melino, ex silaceis Attico, ex rubris Sinopide Pontica, ex nigris atramento, Apelles, Echion, Melanthius, Necomachus, clarissimi pictores;" and (xxxv. 36), "Legentes meminerint omnia ea quatuor coloribus facta." This mistake, as Sir H. Davy has supposed, may have arisen from an imperfect recollection of a passage in Cicero (*Brutus*, c. 18), which, however, directly contradicts the statement of Pliny: — "In pictura Zeuxim et Polygnotum, et Timanthem, et eorum, qui non sunt usi plusquam quattuor coloribus, formas et lineamenta laudamus: at in Echione, Nicomacho, Protogene, Apelle jam perfecta sunt omnia." Here Cicero extols the design and drawing of Polygnotus, Zeuxis, and Timanthes, and those who used but four colours; and observes in contradistinction, that in Echion, Nicomachus, Protogenes, and Apelles, all things were perfect. But the remark of Pliny, that Apelles, Echion, Melanthius, and Nicomachus used but four colours, including both black and white to the exclusion of all blue (unless we understand by "ex nigris atramento" black and indigo), is evidently an error, independent of its contradiction to Cicero; and the conclusion drawn by some from it and the remark of Cicero, that the early Greek painters were acquainted with but four pigments, is equally without foundation. Pliny himself speaks of two other colours, besides the four in question, which were used by the earliest painters; the *testa-trita* (xxxv. 5) and *cinnabaris* or vermilion, which he calls also minium (xxxiii. 36). He mentions also (xxxv. 21) the Eretrian earth used by Nicomachus, and the *elephantinum*, or ivory-black, used by Apelles (xxxv. 25), thus contradicting himself when he asserted that Apelles and Nicomachus used but four colours. The above tradition, and the *simplex color* of Quintilian (*Orat. Instit.* xii. 10), are our only authorities for defining any limits to the *use* of colours by the early Greeks, as applied to painting, but we have no authority whatever for supposing that they were limited in any remarkable way in their *acquaintance* with them. That the painters of the earliest period had not such abundant resources in this department of art as those of the later, is quite consistent with experience, and does not require demonstration; but to suppose that they were confined to four pigments is quite a gratuitous supposition, and is opposed to both reason and evidence. [Pictura.]

Sir H. Davy also analysed the colours of the so-called "Aldobrandini marriage," all the reds and yellows of which he discovered to be ochres; the blues and greens, to be oxides of copper; the blacks all carbonaceous; the browns, mixtures of ochres and black, and some containing oxide of manganese; the whites were all carbonates of lime.

The reds discovered in an earthen vase containing a variety of colours, were, red oxide of lead (*minium*), and two iron ochres of different tints, a dull red, and a purplish red nearly of the same tint as prussiate of copper; they were all mixed with chalk or carbonate of lime. The yellows were pure ochres with carbonate of lime, and ochre mixed with minium and carbonate of lime. The blues were oxides of copper with carbonate of lime. Sir H. Davy discovered a frit made by means of soda and coloured with oxide of copper, approaching ultramarine in tint, which he supposed to be the frit of Alexandria; its composition, he says, was perfect — "that of embodying the colour in a composition resembling stone, so as to prevent the escape of elastic matter from it, or the decomposing action of the elements; this is a species of artificial lapis lazuli, the colouring matter of which is naturally inherent in a hard siliceous stone."

Of greens there were many shades, all, however, either carbonate or oxide of copper, mixed with carbonate of lime. The browns consisted of ochres calcined, and oxides of iron and of manganese, and compounds of ochres and blacks. Sir H. Davy could not ascertain whether the lake which he discovered was of animal or of vegetable origin; if of animal, he supposed that it was very probably the Tyrian or marine purple. He discovered also a colour which he supposed to be black wad, or hydrated binoxide of manganese; also a black colour composed of chalk, mixed with the ink of the sepia officinalis or cuttle-fish. The transparent blue glass of the ancients he found to be stained with oxide of cobalt, and the purple with oxide of manganese.

The following list, compiled from the different sources of our information concerning the pigments known to the ancients, will serve to convey an idea of the great resources of the Greek and Roman painters in this department of their art; and which, in the opinion of Sir H. Davy, were fully equal to the resources of the great Italian painters in the sixteenth century:—

RED. The ancient reds were very numerous. *Κιννάβαρι*, *μίλτος*, *cinnabaris*, cinnabar, vermilion, bisulphuret of mercury, called also by Pliny and Vitruvius *minium*.

The *κιννάβαρι Ἰνδικόν*, *cinnabaris Indica*, mentioned by Pliny and Dioscorides, was what is vulgarly called dragon's-blood, the resin obtained from various species of the calamus palm.

Μίλτος seems to have had various significations; it was used for *cinnabaris*, *minium*, red lead, and *rubrica*, red ochre. There were various kinds of *rubricae*, the Cappadocian, the Egyptian, the Spanish, and the Lemnian; all were, however, red iron oxides, of which the best were the Lemnian, from the isle of Lemnos, and the Cappadocian, called by the Romans rubrica Sinopica, by the Greeks *Σινωπίς*, from Sinope in Paphlagonia, whence it was first brought. There was also an African rubrica called *cicerculum*.

Minium, red oxide of lead, red lead, was called by the Romans *cerussa usta*, and, according to Vitruvius, *sandaracha;* by the Greeks, *μίλτος*, and, according to Dioscorides (v. 122), *σανδαράκη*. Pliny tells us that it was discovered through the accidental calcination of some *cerussa* (white lead) by a fire in the Peiraeeus, and was first used as a pigment by Nicias of Athens, about 330 B. C.

The Roman sandaracha seems to have had various significations, and it is evidently used differently by the Greek and Roman writers. Pliny speaks of different shades of sandaracha, the pale or massicot (yellow oxide of lead), and a mixture of the pale with minium; it apparently also signified realgar or the red sulphuret of arsenic: there was also a compound colour of equal parts of sandaracha and rubrica calcined, called sandyx, *σάνδυξ*. Sir H. Davy supposed this colour to approach our crimson in tint; in painting it was frequently glazed with purple to give it additional lustre.

Pliny speaks of a dark ochre from the isle of Syros, which he calls Syricum; but he says also that it was made by mixing sandyx with rubrica Sinopica.

YELLOW. Yellow ochre, hydrated peroxide of iron, the *sil* of the Romans, the *ὤχρα* of the Greeks, formed the base of many other yellows mixed with various colours and carbonate of lime. Ochre was procured from different parts; the Attic was considered the best; it was first used in painting, according to Pliny, by Polygnotus and Micon, at Athens, about 460 B. C.

Ἀρσενικόν, *auripigmentum*, orpiment (yellow sulphuret of arsenic), was also an important yellow; but it has not been discovered in any of the ancient paintings. The sandaracha has been already mentioned.

GREEN. *Chrysocolla*, *χρυσόκολλα*, which appears to have been green carbonate of copper or malachite (green verditer), was the green most approved of by the ancients; its tint depended upon the quantity of carbonate of lime mixed with it.

Pliny mentions various kinds of verdigris (diacetate of copper), *aerugo*, *ἰός*, *ἰὸς χαλκοῦ*, *cypria aerugo*, and *aeruca*, and a particular preparation of verdigris called *scolecia*. Sir H. Davy supposes the ancients to have used also acetate of copper (distilled verdigris) as a pigment. Besides the above were several green earths, all cupreous oxides: *Theodotion* (*Θεοδότιον*), so called from being found upon the estate of Theodotius, near Smyrna; *Appianum;* and the *creta viridis*, common green earth of Verona.

BLUE. The ancient blues were also very numerous; the principal of these was *caeruleum*, *κύανος*, azure, a species of verditer or blue carbonate of copper, of which there were many varieties. It was generally mixed with carbonate of lime. Vitruvius and Pliny speak of the Alexandrian, the Cyprian, and the Scythian; the Alexandrian was the most valued, as approaching nearest to ultramarine. It was made also at Pozzuoli by a certain Vestorius, who had learnt the method of its preparation in Egypt; this was distinguished by the name of *coelon*. There was also a washed caeruleum called *lomentum*, and an inferior description of this called *tritum*.

It appears that ultramarine (lapis lazuli) was known to the ancients under the name of *Armenium*, *Ἀρμένιον*, from Armenia, whence it was procured. Sulphuret of sodium is the colouring principle of lapis lazuli, according to M. Gmelin of Tübingen.

Indigo, *Indicum*, *Ἰνδικόν*, was well known to the ancients.

COBALT. The ancient name for this mineral is not known; but it has been supposed to be the *χαλκός* of Theophrastus, which he mentions was used for staining glass. No cobalt, however, has been discovered in any of the remains of ancient painting.

PURPLE. The ancients had also several kinds of purple, *purpurissum*, *ostrum*, *hysginum*, and various compound colours. The most valuable of these was the *purpurissum*, prepared by mixing the *creta argentaria* with the purple secretion of the murex (*πορφύρα*).

Hysginum, *ὕσγινον* (*ὕσγη*, woad?), according to Vitruvius, is a colour between scarlet and purple.

The Roman *ostrum* was a compound of red ochre and blue oxide of copper.

Vitruvius mentions a purple which was obtained by cooling the *ochra usta* with wine vinegar.

Rubiae radix, madder-root.

BROWN. *Ochra usta*, burnt ochre. The browns were ochres calcined, oxides of iron and of manganese, and compounds of ochres and blacks.

BLACK, *atramentum*, *μέλαν*. The ancient blacks were mostly carbonaceous. The best for the purposes of painting were *elephantinum*, *ἐλεφάντινον*, ivory-black; and *tryginum*, *τρύγινον*, vine-black, made of burnt vine twigs. The former was used by Apelles, the latter by Polygnotus and Micon.

The *atramentum Indicum*, mentioned by Pliny and Vitruvius, was probably the Chinese Indian ink. The blacks from sepia, and the black wood, have been already mentioned.

WHITE. The ordinary Greek white was *melinum*, *μηλιάς*, an earth from the isle of Melos; for fresco painting the best was the African *paraetonium*, *παραιτόνιον*, so called from the place of its origin on the coast of Africa, not far from Egypt. There was also a white earth of Eretria, and the annularian white, *creta anularia* or *anulare*, made from the glass composition worn in the rings of the poor.

Carbonate of lead or white lead, *cerussa*, *ψιμύθιον*, was apparently not much used by the ancient painters; it was nowhere found amongst the Roman ruins.

Sir H. Davy is of opinion that the azure, the red and yellow ochres, and the blacks, have not undergone any change of colour whatever in the ancient fresco paintings; but that many of the greens, which are now carbonate of copper, were originally laid on in a state of acetate.

Pliny divides the colours into *colores floridi* and *colores austeri* (xxxv. 12); the colores floridi were those which, in his time, were supplied by the employer to the painter, on account of their expense, and to secure their being genuine; they were minium, Armenium, cinnabaris, chrysocolla, Indicum, and purpurissum; the rest were the austeri.

Both Pliny (xxxv. 12) and Vitruvius (vii. 7) class the colours into natural and artificial; the natural are those obtained immediately from the earth, which, according to Pliny, are Sinopis, rubrica, paraetonium, melinum, Eretria, and auripigmentum; to these Vitruvius adds ochra, sandaracha, minium (*vermilion*), and chrysocolla, being of metallic origin. The others are called artificial, on account of requiring some particular preparation to render them fit for use.

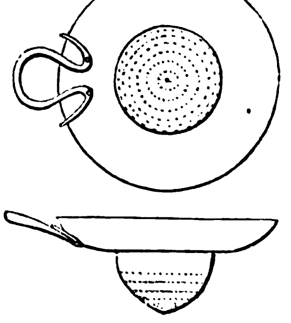
To the above list of colours, more names might still be added; but being for the most part merely compounds or modifications of those already mentioned, they would only take up space without giving us any additional insight into the resources of the ancient painters; those which we have already enumerated are sufficient to form an infinite variety of colour, and conclusively prove that the ancient painters, if they had not more, had at least equal resources in this most essential branch of painting with the artists of our own times. [R. N. W.]

COLOSSUS (*κολοσσός*). The origin of this word is not known, the suggestions of the grammarians being either ridiculous, or imperfect in point of etymology. (*Etym. Mag.* p. 526. 16; Festus, *s. v.*) It is, however, very ancient, probably of Ionic extraction, and rarely occurs in the Attic writers. (Blomf. *Gloss. ad Aesch. Agam.* 406.) It is used both by the Greeks and Romans to signify a statue larger than life (Hesych. *s. v.*; Aesch. *Agam.* 406; Schol. *ad Juv. Sat.* viii. 230), and thence a person of extraordinary stature is termed *colosseros* (Suet. *Calig.* 35); and the architectural ornaments in the upper members of lofty buildings, which require to be of large dimensions in consequence of their remoteness, are termed *colossicotera* (*κολοσσικώτερα*, Vitruv. iii. 3, compare *Id.* x. 4). Statues of this kind, simply colossal, but not enormously large, were too common amongst the Greeks to excite observation merely from their size, and are, therefore, rarely referred to as such; the word being more frequently applied to designate those figures of gigantic dimensions (*moles statuarum, turribus pares*, Plin. *H. N.* xxxiv. 7. s. 18) which were first executed in Egypt, and afterwards in Greece and Italy.

Among the colossal statues of Greece, the most celebrated, according to Pliny, was the bronze *colossus* at Rhodes by Chares of Lindus, a pupil of Lysippus. (See *Dict. of G. and R. Biog.* art. *Chares.*) Pliny mentions another Greek colossus of Apollo, the work of Calamis, which cost 500 talents, and was twenty cubits high, in the city of Apollonia, whence it was transferred to the capitol by M. Lucullus; and also those of Jupiter and Hercules, at Tarentum, by Lysippus. (*Dict. of G. and R. Biog.* art. *Lysippus.*) To the list of Pliny must be added the more important colossal statues of Pheidias, the most beautiful of which were his chryselephantine statues of Zeus, at Olympia, and of Athena, in the Parthenon at Athens; the largest was his bronze statue of Athena Promachus, on the Acropolis.

Amongst the works of this description made expressly by or for the Romans, those most frequently alluded to are the following:— 1. A statue of Jupiter upon the capitol, made by order of Sp. Carvilius, from the armour of the Samnites, which was so large that it could be seen from the Alban mount. (Plin. *l. c.*) 2. A bronze statue of Apollo at the Palatine library (Plin. *l. c.*), to which the bronze head now preserved in the capitol probably belonged. 3. A bronze statue of Augustus, in the forum, which bore his name. (Mart. *Ep.* viii. 44. 7.) 4. The colossus of Nero, which was executed by Zenodorus in marble, and therefore quoted by Pliny in proof that the art of casting metal was then lost. Its height was 110 or 120 feet. (Plin. *l. c.*; Suet. *Nero*, 31.) It was originally placed in the vestibule of the domus aurea (Mart. *Spect.* ii. 1, *Ep.* i. 71. 7; Dion Cass. lxvi. 15) at the bottom of the Via Sacra, where the basement upon which it stood is still to be seen, and from it the contiguous amphitheatre is supposed to have gained the name of "Colosseum." Having suffered in the fire which destroyed the golden house, it was repaired by Vespasian, and by him converted into a statue of the sun. (Hieronym. *in Hab.* c. 3; Suet. *Vesp.* 18; Plin. *l. c.*; compare Lamprid. *Commod.* 17; Dion Cass. lxxii. 15.) Twenty-four elephants were employed by Hadrian to remove it, when he was about to build the temple of Rome. (Spart. *Hadr.* 19.) 5. An equestrian statue of Domitian, of bronze gilt, which was placed in the centre of the forum. (Stat. *Sylv.* i. 1. 1; Mart. *Ep.* i. 71. 6.) [A. R.]

COLUM (*ἠθμός*), a strainer or colander, was used for straining wine, milk olive-oil, and other



liquida. Thus we find it employed in the making of olive-oil to receive the juice of the berry when pressed out by the prelum. Such cola were made of hair, broom or rushes (Virg. *Georg.* ii. 242; Colum. *R. R.* xii. 19). Those that were used as articles of luxury for straining wine were frequently made of some metal, such as bronze or silver (Athen. p. 470, d.) Various specimens of cola have been found at Pompeii. The preceding woodcut shows the plan and profile of one which is of silver (*Mus. Borb.* vol. viii. 14. fig. 4, 5).

The Romans filled the strainer with ice or snow (*cola nivaria*) in order to cool and dilute the wine at the same time that it was cleared. [Nix.] [J. Y.]

COLUMBA'RIUM, literally a dove-cote or pigeon-house, is used to express a variety of objects, all of which however derive their name from their resemblance to a dove-cote.

1. A sepulchral chamber. [Funus.]

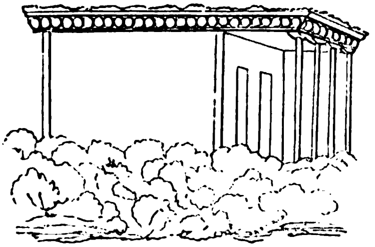
2. In a machine used to raise water for the purpose of irrigation, as described by Vitruvius (x. 9), the vents through which the water was conveyed into the receiving trough, were termed *Columbaria.* This will be understood by referring to the woodcut at p. 100. [Antlia.] The difference between that representation and the machine now under consideration, consisted in the following points:— The wheel of the latter is a solid one (*tympanum*), instead of radiated (*rota*); and was worked as a treadmill, by men who stood upon platforms projecting from the flat sides, instead of being turned by a stream. Between the intervals of each platform a series of grooves or channels (*columbaria*) were formed in the sides of the tympanum, through which the water taken up by a number of scoops placed on the outer margin of the wheel, like the jars in the cut referred to, was conducted into a wooden trough below (*labrum ligneum suppositum*, Vitruv. *l. c.*).

3. The cavities which receive the extreme ends of the beams upon which a roof is supported (*tignorum cubilia*), and which are represented by triglyphs in the Doric order, were termed *Columbaria* by the Roman architects; that is, whilst they remained empty, and until filled up by the head of the beam. The corresponding Greek term was *ὀπαί* (from *ὀπή*, *a hole*), and hence the space between two such cavities, that is, in the complete building, between two triglyphs, was called *μετόπη*, a metope. (Vitruv. iv. 2; Marquez, *Dell' Ordine Dorico*, vii. 37.) [A. R.]

COLUMEN, which is the same word as *culmen*, is used in architecture, either generally for the roof of a building, or particularly for a beam in the highest part of the slope of a roof. By this description Vitruvius seems to mean either the *collar-beam*, or the *king-post*, but more probably the latter, as he derives *columna* from *columen* (Vitruv. iv. 2. § 1. Schn.; Festus). [P. S.]

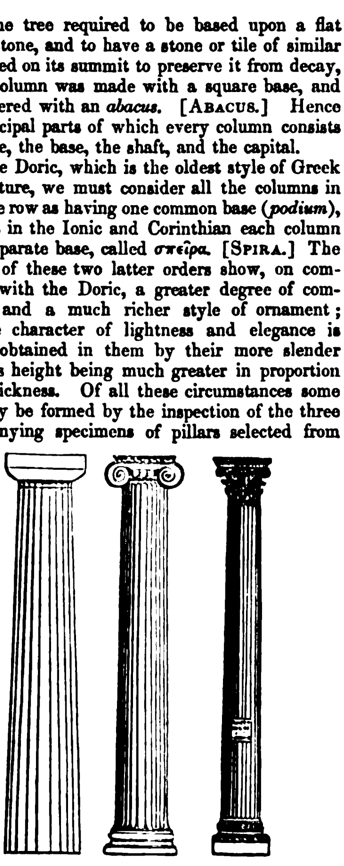
COLUMNA (*κιών*, *dim.* *κιονίς*, *κιόνιον*, *κιονίσκος· στύλος*, *dim.* *στυλίς*, *στυλίσκος*), a pillar or column.

The use of the trunks of trees placed upright for supporting buildings unquestionably led to the adoption of similar supports wrought in stone. Among the agricultural Greeks of Asia Minor, whose modes of life appear to have suffered little change for more than two thousand years, Sir C. Fellowes observed an exact conformity of style and arrangement between the wooden huts now occupied by the peasantry, of one of which he has given a sketch (*Journal*, p. 234; see woodcut), and the splendid tombs and temples, which were hewn out of the rock, and constructed at the expense of the most wealthy of the ancient inhabitants. We have also direct testimonies to prove that the ancients made use of wooden columns in their edifices. Pausanias (vi. 24. § 7) describes a very ancient monument in the market-place at Elis, consisting of a roof supported by pillars of oak. A temple of Juno at Metapontum was supported by pillars made from the trunks of vines. (Plin. *H. N.* xxiv. 1.) In the Egyptian architecture, many of the greatest stone columns are manifest imitations of the trunk of the palm. (Herod. ii. 169.)



As the tree required to be based upon a flat square stone, and to have a stone or tile of similar form fixed on its summit to preserve it from decay, so the column was made with a square base, and was covered with an *abacus.* [Abacus.] Hence the principal parts of which every column consists are three, the base, the shaft, and the capital.

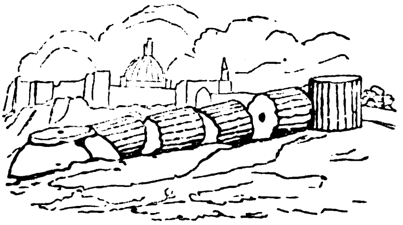
In the Doric, which is the oldest style of Greek architecture, we must consider all the columns in the same row as having one common base (*podium*), whereas in the Ionic and Corinthian each column has a separate base, called *σπεῖρα.* [Spira.] The capitals of these two latter orders show, on comparison with the Doric, a greater degree of complexity and a much richer style of ornament; and the character of lightness and elegance is further obtained in them by their more slender shaft, its height being much greater in proportion to its thickness. Of all these circumstances some idea may be formed by the inspection of the three accompanying specimens of pillars selected from



each of the principal orders of ancient architecture. The first is from a column of the Parthenon at Athens, the capital of which is shown on a larger scale at p. 1. The second is from the temple of Bacchus at Teos, the capital of which is introduced at p. 144. The third is from the remains of the temple of Jupiter at Labranda.

In all the orders the shaft (*scapus*) tapers from the bottom towards the top, thus imitating the natural form of the trunk of a tree, and at the same time conforming to a general law in regard to the attainment of strength and solidity in all upright bodies. The shaft was, however, made with a slight swelling in the middle, which was called the *entasis*. It was, moreover, almost universally, and from the earliest times, channelled or fluted, *i. e.* the outside was striped with incisions parallel to the axis. (Vitruv. iv. 4.) These incisions, called *striae*, were always worked with extreme regularity. The section of them by a plane parallel to the base was, in the Ionic and Corinthian orders, a semicircle; in the Doric, it was an arc much less than a semicircle. Their number was 20 in the columns of the Parthenon, above represented; in other instances, 24, 28, or 32.

The capital was commonly wrought out of one block of stone, the shaft consisting of several cylindrical pieces fitted to one another. When the column was erected, its component parts were firmly joined together, not by mortar or cement, but by iron cramps fixed in the direction of the axis. The annexed woodcut is copied from an engraving in Swinburne's Tour in the Two Sicilies (vol. ii. p. 301), and represents a Doric column, which has been thrown prostrate in such a manner as to show the capital lying separate, and the five drums of the shaft, each four feet long, with the holes for the iron cramps by which they were united together.



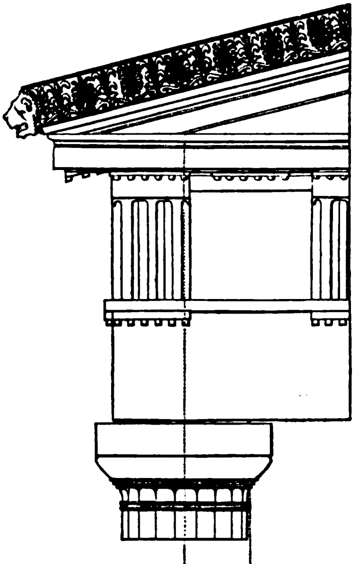
Columns of an astonishing size were nevertheless erected, in which the shaft was one piece of stone. For this purpose it was hewn in the quarry into the requisite form (Virg. *Aen.* i. 428), and was then rolled over the ground, or moved by the aid of various mechanical contrivances, and by immense labour, to the spot where it was to be set up. The mausoleum of the Emperor Hadrian, a circular building of such dimensions that it serves as the fortress of modern Rome, was surrounded by forty-eight lofty and most beautiful Corinthian pillars, the shaft of each pillar being a single piece of marble. About the time of Constantine, some of these were taken to support the interior of a church dedicated to St. Paul, which a few years ago was destroyed by fire. The interest attached to the working and erection of these noble columns, the undivided shafts of which consisted of the most valuable and splendid materials, led munificent individuals to employ their wealth in presenting them to public structures. Thus Croesus contributed the greater part of the pillars to the temple at Ephesus. (Herod. i. 92.) In the ruins at Labranda, now called Jackly, in Caria, tablets in front of the columns record the names of the donors, as is shown in the specimen of them above exhibited.

Columns were used in the interior of buildings, to sustain the beams which supported the ceiling. As both the beams and the entire ceiling were often of stone or marble, which could not be obtained in pieces of so great a length as wood, the columns were in such circumstances frequent in proportion, not being more than about ten or twelve feet apart. The opisthodomos of the Parthenon of Athens, as appears from traces in the remaining ruins, had four columns to support the ceiling. A common arrangement, especially in buildings of an oblong form, was to have two rows of columns parallel to the two sides, the distance from each side to the next row of columns being less than the distance between the rows themselves. This construction was adopted not only in temples, but in palaces (οἶκοι). The great hall of the palace of Ulysses in Ithaca, that of the king of the Phaeacians, and that of the palace of Hercules at Thebes (Eurip. *Herc. Fur.* 975—1013), are supposed to have been thus constructed, the seats of honour both for the master and mistress, and for the more distinguished of their guests, being at the foot of certain pillars. (*Od.* vi. 307, viii. 66. 473, xxiii. 90.) In these regal halls of the Homeric era, we are also led to imagine the pillars decorated with arms. When Telemachus enters his father's hall, he places his spear against a column, and "within the polished spear-holder," by which we must understand one of the striae or channels of the shaft. (*Od.* i. 127—129, xvii. 29; Virg. *Aen.* xii. 92.) Around the base of the columns, near the entrance, all the warriors of the family were accustomed to incline their spears; and from the upper part of the same they suspended their bows and quivers on nails or hooks. (Hom. *Hymn. in Ap.* 8.) The minstrel's lyre hung upon its peg from another column nearer the top of the room. (*Od.* viii. 67; Pind. *Ol.* i. 17.) The columns of the hall were also made subservient to less agreeable uses. Criminals were tied to them in order to be scourged, or otherwise tormented. (Soph. *Ajax*, 108; Lobeck *ad loc.*; Diog. Laërt. viii. 21; Hesiod, *Theog.* 521.) According to the description in the Odyssey, the beams of the hall of Ulysses were of silver-fir; in such a case, the apartment might be very spacious without being overcrowded with columns. (*Od.* xix. 38, xxii. 176, 193.)

Rows of columns were often employed within a building, to enclose a space open to the sky. Beams supporting ceilings passed from above the columns to the adjoining walls, so as to form covered passages or ambulatories (στοαί). Such a circuit of columns was called a *peristyle* (περίστυλον), and the Roman *atrium* was built upon this plan. The largest and most splendid temples enclosed an open space like an atrium, which was accomplished by placing one peristyle upon another. In such cases, the lower rows of columns being Doric, the upper were sometimes Ionic or Corinthian, the lighter being properly based upon the heavier. (Paus. viii. 45. § 4.) A temple so constructed was called *hypaethral* (ὕπαιθρος). [Templum.]

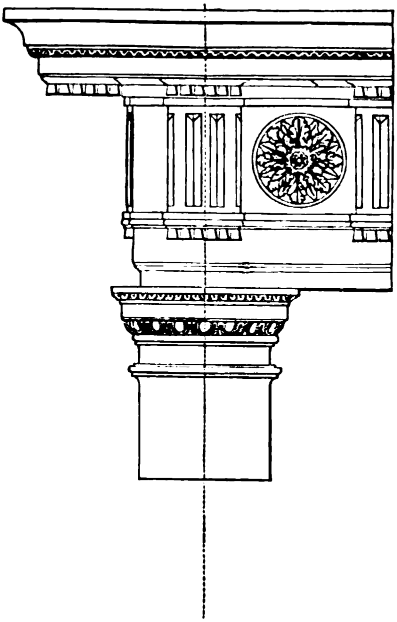
But it was on the exterior of public buildings, and especially of temples, that columns were displayed in the most beautiful combinations, either surrounding the building entirely, or arranged in porticoes on one or more of its fronts. (For the various arrangements of columns see Templum.) Their original and proper use was, of course, to support the roof of the building; and, amidst all the elaborations of architectural design, this object was still kept in view. The natural arrangement in such a case is obvious. A continuous beam (or series of beams) would be laid on the tops of a row of columns. On this beam would rest the ends of the cross-beams; which would be tied together by another continuous piece, parallel to the first; and above this, if the columns were at one end of the building, would rise the pitch of the roof. Now in the actual parts of an architectural order, we see the exact counterpart of these arrangements. On the summit of the row of columns rests the *architrave*, i. e. *chief beam* (ἐπιστύλιον, *epistylium*: above this is the *frieze* (ζωοφόρος, ζωφόρος, *zophorus*), in which the most ancient order, namely the Doric, shows, in its triglyphs, what were originally the ends of the cross-beams: in the other orders these ends are generally concealed, and the frieze forms a flat surface, which is frequently ornamented by figures in relief, whence its Greek name. Above the frieze projects the cornice (κορωνίς, *coronis*, or *corona*), forming a handsome finish to the entablature (for so these three members taken together are called), and also, on the sides of the building, serving to unite the ends of the rafters of the roof. The triangular gable-end of the roof, above the entablature, is called the *pediment*. [Fastigium.] The detailed description of the various portions of the column and entablature, in each of the orders, will be best understood by reference to the following wood-cuts, which are taken from Mauch's *Griechischen und Römischen Bau-Ordnungen.*

I. The *Doric Order* is characterized by the absence of a base, the thickness and rapid diminution of the shaft, and the simplicity of the capital, which consists of a deep *abacus*, supported by a very flat oval moulding, called *echinus*, beneath which are from three to five steps or channels (*ἱμάντες*, *annuli*). Instead of the *hypotrachelium* (a sort of neck which unites the shaft to the capital in the other orders) there is merely a small portion of the shaft cut off by one or more narrow channels. In the entablature, the architrave is in one surface, and quite plain: the frieze is ornamented by *triglyphs* (so called from the three flat bands into which they are divided by the intervening channels), one of which is found over each column, and one over each intercolumniation, except that the triglyph over a corner column is placed, not over the centre of the column, but at the extremity of the architrave, — a decisive proof, as Vitruvius remarks, that the triglyphs do not represent windows. The metopes between the triglyphs were ornamented with sculptures in high relief. The cornice is flat, and projects far, and on its under side are cut several sets of drops, called mutules (*mutuli*), one over each triglyph and each metope, the surfaces of which follow the slope of the roof, and which are said by Vitruvius to represent the ends of the rafters of the roof. In the most ancient examples of the order the columns are very short in proportion to their greatest thickness. In the temple at Corinth, which is supposed to be the oldest of all, the height of the columns is only 7⅔ modules (*i. e.* semi-diameters), and in the great temple at Paestum only 8 modules; but greater lightness was afterwards given to the order, so that, in the Parthenon, which is the best example, the height of the columns is 12 modules. The following profile is from the temple of Apollo Epicurius at Phigaleia, built by the same architect as the Parthenon. For a comparison of the other chief examples, see the work of Mauch.

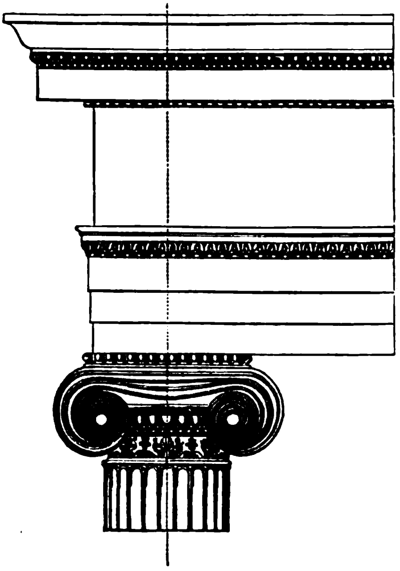


The Roman architects made considerable variations in the order, the details of which are shown in the engraving on the following page, from an example at Albano near Rome. In the later examples of the Roman Doric, a base is given to the column.

II. The *Ionic Order* is as much distinguished by simple gracefulness as the Doric by majestic strength. The column is much more slender than the Doric, having, in the earliest known example, namely, the temple of Artemis at Ephesus, a height of 16 modules, which was afterwards increased to 18. The shaft rests upon a base, which was either the elaborate Ionic or the Attic [Spira; Atticurges]. The capital either springs directly from the shaft, or there is a *hypotrachelium*, separated from the shaft by an astragal moulding,

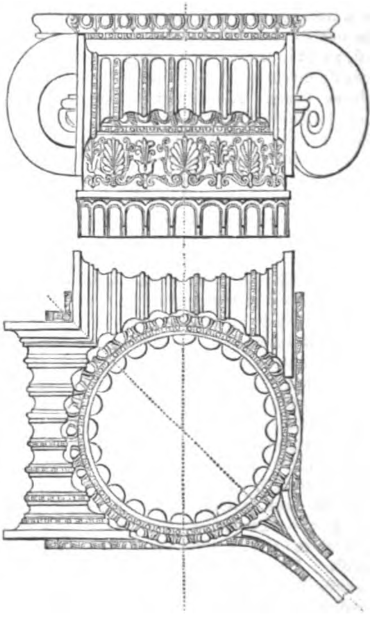


and sometimes, as in the Erechtheium, adorned with leaf-work (ἀνθέμιον). The capital itself consists of, first, an astragal moulding, above which is an echinus, sculptured into eggs and serpents' tongues, and above this (sometimes with a *torus* intervening) the *canalis*, from which spring the spiral volutes, which are the chief characteristics of the order. There is generally an ornamented abacus between the capital and the entablature. The architrave is in three faces, the one slightly projecting beyond the other; there is a small



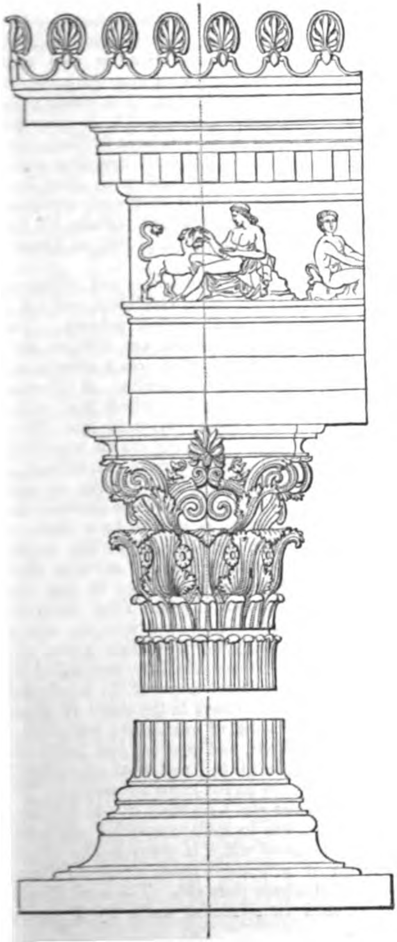
cornice between the architrave and the frieze, and all three members of the entablature are more or less ornamented with mouldings. The finest specimens of the order in its most simple form are those in the temple of the Ilissus, and the temple of Athena Polias at Priene; the latter is usually considered the best example of all. The portico of the temple of Athena Polias, adjoining to the Erechtheium, at Athens, displays a greater profusion of ornament, but is equally pure in its outlines. It is shown in the preceding engraving.

The use of the Ionic Order presented one important difficulty. In the side view of the capital, the volutes did not show their beautiful spiral curl, but only a roll, bound together by astragals; so that, where the order had to be carried round a corner, it was necessary that the capital of the corner column should present two faces. This was accomplished by giving the outer volute an inclination of 45° to the surfaces, and sculpturing the spiral on each of its sides, as shown in the following engraving; in which the upper figure shows an elevation, viewed from the inner side, and the lower figure a plan, of a corner capital of the Ionic Order.

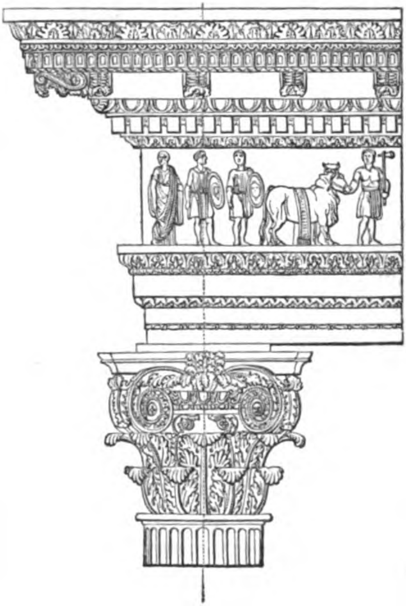


The Romans, with the usual infelicity of imitators, frequently made all the capitals with corner volutes. Their volutes also are usually stiff and meagre, and the order, as a whole, remarkably inferior to the Grecian examples. For a collection of specimens of the order, see the plates of Mauch.

III. The *Corinthian Order* is still more slender than the Ionic, and is especially characterised by its beautiful capital, which is said to have been suggested to the mind of the celebrated sculptor Callimachus by the sight of a basket, covered by a tile, and overgrown by the leaves of an *acanthus*, on which it had accidentally been placed. The lowest member of the capital, answering to the *hypotrachelium*, is a sort of calyx (*calathus*), from which spring generally two rows of acanthus leaves, surmounted at each corner by a small volute, the spaces between the volutes being occupied by flowers, masks, or arabesques, or by another pair of volutes intertwining with each other. In the earlier examples, however, there is frequently only one row of acanthus leaves; and in the so-called Tower of the Winds the volutes are wanting, and the capital consists only of an astragal, a single row of acanthus leaves, and a row of tongue-shaped leaves. In all the examples, except the last-mentioned, the abacus, instead of being square, as in the other orders, is hollowed at the edges, and the middle of each edge is ornamented with a flower. The ornaments of the capital were sometimes cast in bronze. The order seems to have been invented about the time of the Peloponnesian War; but it did not come into general use till some time afterwards. The earliest known example of its use throughout a building is in the choragic monument of Lysicrates, which was built in B.C. 335 (see *Dict. of Biog.* art. *Lysicrates*), and from which the following engraving is taken.



To these three orders the Roman architects added two others, which have, however, no claim to be considered as distinct orders. The *Tuscan* is only known to us by the description of Vitruvius, as no ancient example of it has been preserved. It was evidently nothing more than a modification of the Roman Doric, stripped of its ornaments. The *Roman* or *Composite Order* is only a sort of mongrel of the Corinthian and Ionic; the general character being Corinthian, except that the upper part of the capital is formed of an Ionic capital with angular volutes: and both capital and entablature are overloaded with ornaments. The engraving is from the triumphal arch of Titus, which is considered the best example.

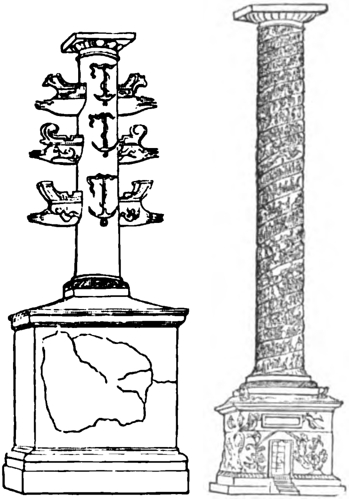


For further details respecting the orders and their supposed history, see the 3d and 4th books of Vitruvius, the work of Mauch, and Stieglitz's *Archäologie der Baukunst.*

It only remains to mention some other uses of columns, besides their ordinary employment for supporting buildings either within or without.

Columns in long rows were used to convey water in aqueducts (Crates, *ap. Athen.* vi. 94); and single pillars were fixed in harbours for mooring ships. (*Od.* xxii. 466.) Some of these are found yet standing.

Single columns were also erected to commemorate persons or events. Among these, some of the most remarkable were the *columnae rostratae*, called by that name because three ship-beaks proceeded from each side of them, and designed to record successful engagements at sea (Virg. *Georg.* iii. 29; Servius, *ad loc.*). The most important and celebrated of those which yet remain, is one erected in honour of the consul C. Duillius, on occasion of his victory over the Carthaginian fleet, B.C. 261 (see the annexed woodcut). It was originally placed in the forum (Plin. *H. N.* xxxiv. 11), and is now preserved in the museum of the



capitol. The inscription upon it, in great part effaced, is written in obsolete Latin, similar to that of the Twelve Tables. (Quinctil. i. 7.) When statues were raised to ennoble victors at the Olympic and other games, or to commemorate persons who had obtained any high distinction, the tribute of public homage was rendered still more notorious and decisive by fixing their statues upon pillars. They thus appeared, as Pliny observes (*H. N.* xxxiv. 12), to be raised above other mortals.

But columns were much more commonly used to commemorate the dead. For this purpose they varied in size, from the plain marble pillar bearing a simple Greek inscription (Leon. Tarent. *in Br. Anal.* i. 239) to those lofty and elaborate columns which are now among the most wonderful and instructive monuments of ancient Rome. The column on the right hand in the last woodcut exhibits that which the senate erected to the honour of the Emperor Trajan, and crowned with his colossal statue in bronze. In the pedestal is a door which leads to a spiral staircase for ascending to the summit. Light is admitted to this staircase through numerous apertures. A spiral bas-relief is folded round the pillar, which represents the emperor's victories over the Dacians, and is one of the most valuable authorities for archaeological inquiries. Including the statue, the height of this monument, in which the ashes of the emperor were deposited, was not less than 130 feet. A similar column, erected to the memory of the Emperor Marcus Aurelius, remains at Rome, and is commonly known by the appellation of the Antonine column. This sort of column was called *cochlis* or *columna cochlis*. [Cochlis.] After the death of Julius Caesar, the people erected to his memory a column of solid marble, 20 feet high, in the forum, with the inscription PARENTI PATRIAE. (Suet. *Jul.* 85.) Columns still exist at Rome, at Constantinople, and in Egypt, which were erected to other emperors. [P. S.]

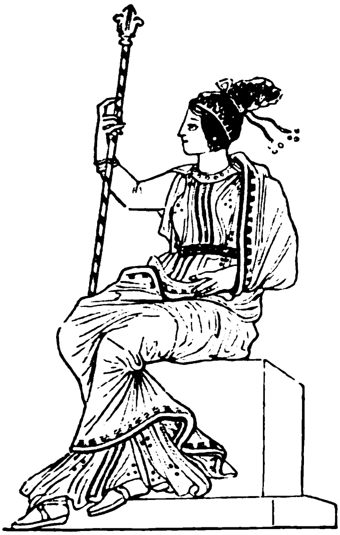
COLUMNA'RIUM, a tax imposed in the time of Julius Caesar upon the pillars that supported a house. (Cic. *ad Att.* xiii. 6.) It was probably imposed by the lex sumtuaria of Julius Caesar, and was intended to check the passion for the building of palaces, which then prevailed at Rome. The *Ostiarium* was a similar tax. [Ostiarium.]

The *columnarium* levied by Metellus Scipio in Syria in B. C. 49—48, was a tax of a similar kind, but had nothing to do with the tax to which Cicero alludes in the passage quoted above. This columnarium was simply an illegal means of extorting money from the provincials. (Caes. *B. C.* iii. 32.)

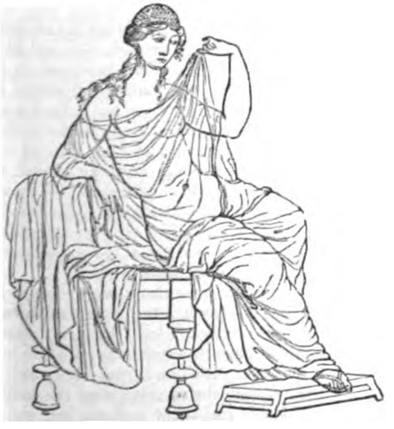
COLUS, a distaff. [Fusus.]

COMA (*κόμη, κουρά*), the hair. 1. Greek. In the earliest times the Greeks wore their hair long, and thus they are constantly called in Homer *καρηκομόωντες* 'Αχαιοί. This ancient practice was preserved by the Spartans for many centuries. The Spartan boys always had their hair cut quite short (*ἐν χρῷ κείροντες*, Plut. *Lyc.* 16); but as soon as they reached the age of puberty (*ἔφηβοι*), they let it grow long. They prided themselves upon their hair, calling it the cheapest of ornaments (*τῶν κόσμων ἀδαπανώτατος*), and before going to battle they combed and dressed it with especial care, in which act Leonidas and his followers were discovered by the Persian spy before the battle of Thermopylae (Herod. vii. 208, 209). It seems that both Spartan men and women tied their hair in a knot over the crown of the head (comp. Aristoph. *Lys.* 1316, *κομᾶν παραμπύκιδδε*, with Hor. *Carm.* ii. 11, *in comptum Lacenae more comas religata nodum*: Müller, *Dor.* iv. 3. § 1). At a later time the Spartans abandoned this ancient custom, and wore their hair short, and hence some writers erroneously attribute this practice to an earlier period. (Paus. vii. 14. § 2; Philostr. *Vit. Apoll.* iii. 15. p. 106, ed. Olear.; Plut. *Alc.* 23.)

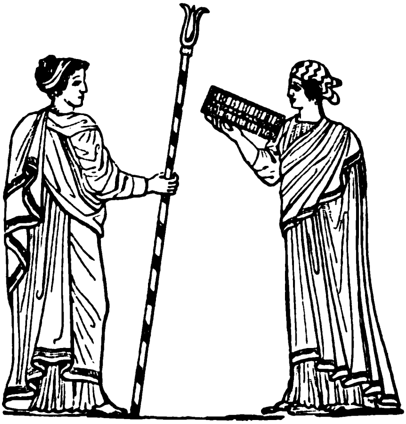
The custom of the Athenians was different. They wore their hair long in childhood, and cut it off when they reached the age of puberty. The cutting off of the hair, which was always done when a boy became an *ἔφηβος*, was a solemn act, attended with religious ceremonies. A libation was first offered to Hercules, which was called *οἰνιστήρια* or *οἰνιαστήρια* (Hesych. and Phot. *s. v.*); and the hair after being cut off was dedicated to some deity, usually a river-god. (Aeschyl. *Choëph.* 6; Paus. i. 37. § 2.) It was a very ancient practice to repair to Delphi to perform this ceremony, and Theseus is said to have done so. (Plut. *Thes.* 5; Theophr. *Char.* 21.) The ephebi are always represented on works of art with their hair quite short, in which manner it was also worn by the Athletae (Lucian, *Dial. Mer.* 5). But when the Athenians passed into the age of manhood, they again let their hair grow. In ancient times at Athens the hair was rolled up into a kind of knot on the crown of the head; and fastened with golden clasps in the shape of grasshoppers. This fashion of wearing the hair, which was called *κρωβύλος*, had gone out just before the time of Thucydides (i. 6); and what succeeded it in the male sex we do not know for certain. The Athenian females also wore their hair in the same fashion, which was in their case called *κόρυμβος*, and an example of which is given in the following figure of a female taken from Millingen (*Peintures Antiques*, plate 40). The word *Corymbium* is used in a similar sense by Petronius (c. 110).



On vases, however, we most frequently find the heads of females covered with a kind of band or a coif of net-work. Of these coiffures one was called σφενδόνη, which was a broad band across the forehead, sometimes made of metal, and sometimes of leather, adorned with gold: to this the name of στλεγγίς was also given, and it appears to have been much the same as the ἄμπυξ (Pollux, vii. 179; Böttiger, *Vasengemälde*, iii. p. 225; AMPYX). But the most common kind of head-dress for females was called by the general name of κεκρύφαλος, and this was divided into the three species of κεκρύφαλος, σάκκος, and μίτρα. The κεκρύφαλος, in its narrower sense, was a caul or coif of net-work, corresponding to the Latin *reticulum*. It was worn during the day as well as the night, and has continued in use from the most ancient times to the present day. It is mentioned by Homer (*Il.* xxii. 469), and is still worn in Italy and Spain. These hair-nets were frequently made of gold-threads (Juv. ii. 96; Petron. 67), sometimes of silk (Salmas. *Exerc. ad Solin.* p. 392), or the Elean byssus (Paus. vii. 21. § 7), and probably of other materials, which are not mentioned by ancient writers. The persons who made these nets were called κεκρυφαλοπλόκοι (Pollux, vii. 179). Females with this kind of head-dress frequently occur in paintings found at Pompeii, from one of which the preceding cut is taken, representing a woman wearing a Coa Vestis. [COA VESTIS.] (*Museo Borbon.* vol. viii. p. 5.)



The σάκκος and the μίτρα were, on the contrary, made of close materials. The σάκκος covered the head entirely like a sack or bag; it was made of various materials, such as silk, byssus, and wool. (Comp. Aristoph. *Thesm.* 257.) Sometimes, at least among the Romans, a bladder was used to answer the same purpose. (Mart. viii. 33. 19.) The μίτρα was a broad band of cloth of different colours, which was wound round the hair, and was worn in various ways. It was originally an Eastern head-dress, and may, therefore, be compared to the modern turban. It is sometimes spoken of as characteristic of the Phrygians. (Herod. i. 195, vii. 62; Virg. *Aen.* ix. 616, 617; Juv. iii. 66.) It was, however, also worn by the Greeks, and Polygnotus is said to have been the first who painted Greek women with mitrae (Plin. *H. N.* xxxv. 9. s. 35). The Roman *calantica* or *calvatica* is said by Servius (*ad Virg. Aen.* ix. 616) to have been the same as the *mitra*, but in a passage in the Digest (34. tit. 2. s. 25. § 10) they are mentioned as if they were distinct. In the annexed cut, taken from Millin (*Peintures de Vases Antiques*, vol. ii. pl. 43), the female on the right hand wears a σάκκος and that on the left a μίτρα.



With respect to the colour of the hair, black was the most frequent, but *blonde* (ξανθὴ κόμη) was the most prized. In Homer, Achilles, Ulysses, and other heroes are represented with blonde hair (*Il.* i. 197, *Od.* xiii. 399, &c.) At a later time it seems to have been not unfrequent to dye hair, so as to make it either black or blonde, and this was done by men as well as by women, especially when the hair was growing gray. (Pollux, ii. 35; Aelian, *V. H.* vii. 20; Athen. xii. p. 542, d.; Lucian, *Amor.* 40.)

ROMAN. Besides the generic *coma* we also find the following words signifying the hair: *ca-*

pillus, *caesaries*, *crines*, *cincinnus*, and *cirrus*, the two last words being used to signify curled hair. In early times the Romans wore their hair long, as was represented in the oldest statues in the age of Varro (*De Re Rust.* ii. 11. § 10), and hence the Romans of the Augustan age designated their ancestors *intonsi* (Ov. *Fast.* ii. 30) and *capillati* (Juv. vi. 30). But after the introduction of barbers into Italy about B.C. 300, it became the practice to wear their hair short. The women too originally dressed their hair with great simplicity, but in the Augustan period a variety of different head-dresses came into fashion, many of which are described by Ovid (*de Art. Am.* iii. 136, &c.). Sometimes these head-dresses were raised to a great height by rows of false curls (Juv. *Sat.* vi. 502). The dressing of the hair of a Roman lady at this period was a most important affair. So much attention did the Roman ladies devote to it, that they kept slaves especially for this purpose, called *ornatrices*, and had them instructed by a master in the art (Ov. *de Art. Am.* iii. 239; Suet. *Claud.* 40; Dig. 32. tit. 1. s. 65). Most of the Greek head-dresses mentioned above were also worn by the Roman ladies; but the *mitrae* appear to have been confined to prostitutes (Juv. iii. 66). One of the simplest modes of wearing the hair was allowing it to fall down in tresses behind, and only confining it by a band encircling the head [Vitta]. Another favourite plan was platting the hair, and then fastening it behind with a large pin, as is shown in the figure on p. 14.

Blonde hair was as much prized by the Romans as by the Greeks, and hence the Roman ladies used a kind of composition or wash to make it appear this colour (*spuma caustica*, Mart. xiv. 26; Plin. *H. N.* xxviii. 12. s. 51).

False hair or wigs (*φενάκη*, *πηνίκη*, *galerus*) were worn both by Greeks and Romans. (See *e. g.* Juv. vi. 120.) Among both people likewise in ancient times the hair was cut close in mourning [Funus]; and among both the slaves had their hair cut close as a mark of servitude. (Aristoph. *Aves*, 911; Plaut. *Amph.* i. 1. 306; Becker, *Charicles*, vol. ii. p. 380, &c.; Böttiger, *Sabina*, vol. i. p. 138, &c.)

COMES, first signified a mere attendant or companion, distinguished from *socius*, which always implied some bond of union between the persons mentioned. Hence arose several technical senses of the word, the connection of which may be easily traced.

It was applied to the attendants on magistrates, in which sense it is used by Suetonius (*Jul. Caes.* 42). In Horace's time (*Epist.* i. 8. 2) it was customary for young men of family to go out as *contubernales* to governors of provinces and commanders-in-chief, under whose eye they learnt the arts of war and peace. This seems to have led the way for the introduction of the *comites* at home, the maintenance of whom was, in Horace's opinion (*Sat.* i. 6. 101), one of the miseries of wealth. Hence a person in the suite of the emperor was termed *comes*. As all power was supposed to flow from the imperial will, the term was easily transferred to the various offices in the palace and in the provinces (*comites palatini*, *provinciales*). About the time of Constantine it became a regular honorary title, including various grades, answering to the *comites ordinis primi*, *secundi*, *tertii*. The power of these officers, especially the provincial, varied with time and place; some presided over a particular department, with a limited authority, as we should term them, *commissioners*; others were invested with all the powers of the ancient proconsuls and praetors.

The names of the following officers explain themselves:—Comes Orientis (of whom there seem to have been two, one the superior of the other), comes Aegypti, comes Britanniae, comes Africae, comes rei militaris, comes portuum, comes stabuli, comes domesticorum equitum, comes clibanarius, comes linteae vestis or vestiarii (master of the robes). In fact the emperor had as many *comites* as he had duties: thus, comes consistorii, the emperor's privy-councillor; comes largitionum privatarum, an officer who managed the emperor's private revenue, as the comes largitionum sacrarum did the public exchequer. The latter office united in a great measure the functions of the aedile and quaestor. The four comites commerciorum, to whom the government granted the exclusive privilege of trading in silk with barbarians, were under his control. An account, however, of the duties and functions of the comites of the later empire does not fall within the scope of the present work. [B. J.]

COMISSA'TIO (from *κῶμος*, Varr. *De Ling. Lat.* vii. 89, ed. Müller), the name of a drinking entertainment, which took place after the coena, from which, however, it must be distinguished. Thus Demetrius says to his guests, after they had taken their coena in his own house, "Quin comissatum ad fratrem imus?" (Liv. xl. 7); and when Habinnas comes to Trimalchio's house after taking his coena elsewhere, it is said that "Comissator intravit" (Petron. 65). It appears to have been the custom to partake of some food at the comissatio (Suet. *Vitell.* 13), but usually only as a kind of relish to the wine.

The comissatio was frequently prolonged to a late hour at night (Suet. *Tit.* 7); whence the verb *comissari* means "to revel" (Hor. *Carm.* iv. 1. 11), and the substantive *comissator* a "reveller" or "debauchee." Hence Cicero (*Ad Att.* i. 16) calls the supporters of Catiline's conspiracy *comissatores conjurationis*. (Becker, *Gallus*, vol. ii. p. 235.)

COMI'TIA. This word is formed from *co*, *cum*, or *con*, and *ire*, and therefore *comitium* is a place of meeting, and *comitia* the meeting itself, or the assembled people. In the Roman constitution the comitia were the ordinary and legal meetings or assemblies of the people, and distinct from the *conciones* and *concilia*; or, according to the still more strict definition of Messala (*ap. Gell.* xiii. 15), comitia were those assemblies convened by a magistrate for the purpose of putting any subject to their vote. This definition does not indeed comprehend all kinds of comitia, since in the *comitia calata* no subjects were put to the vote of the people, certain things being only announced to them, or they being only witnesses to certain solemn acts, but with this single exception the definition is satisfactory. The Greek writers on Roman affairs call the comitia *αἱ ἀρχαιρεσίαι*, *τὰ ἀρχαιρέσια*, *ἐκκλησία* and *ψηφοφορία*.

All the powers of government were divided at Rome between the senate, the magistrates, and the people in their assemblies. Properly speaking, the people alone (the *populus*) was the real sovereign by whom the power was delegated to the magistrates and the senate; and the magistrates in particular could not perform any public act, unless they were authorised by the senate and people. The sovereign people or populus, however, was not the same at all times. In the earliest times of Rome the populus consisted of the patricians (or patres) only, the plebs and the clients forming no part of the populus, but being without the pale of the state. The original populus was divided into thirty *curiae*, and the assembly of these curiae, or the *comitia curiata*, therefore, were the only assembly in which the populus was represented. A kind of amalgamation of the patricians and the plebs afterwards appeared in the comitia of the centuries, instituted by king Servius Tullius, and henceforth the term populus was applied to the united patricians and plebeians assembled in the *comitia centuriata*. But Servius had also made a local division of the whole Roman territory into thirty tribes, which held their meetings in assemblies called *comitia tributa*, which, in the course of time, acquired the character of national assemblies, so that the people thus assembled were likewise designated by the term populus. We shall examine in order the nature, power, and business of each of these different comitia.

I. Comitia calata. These and the comitia curiata were the only assemblies that met and were recognized at Rome previous to the time of Servius Tullius, and inasmuch as the populus of which they consisted was the same as the populus in the comitia curiata, they might also be called comitia curiata, but they differed in their objects, in the persons presiding at them, and in the place of meeting. The comitia calata were held under the presidency of the college of pontiffs (Gellius, xv. 27), who also convened them. They derived their name calata (from *calare*, i. e. *vocare*) from the circumstance that the attendants or servants of the pontiffs, who were probably employed in calling them together, were termed *calatores*. (Serv. *ad Virg. Georg.* i. 268.) Their place of meeting was probably always on the Capitol in front of the curia Calabra, which seems to have been an official building of the pontiffs, and to have been destined for this purpose. (Paul. Diac. p. 49, ed. Müller; Varro, *De Ling. Lat.* v. 1. p. 24.) With regard to the functions of the comitia calata, all writers are agreed that the people assembled acted merely a passive part, that they met only for the purpose of hearing what was announced, and of being witnesses to the actions there performed. One of the things which were made known to the people in these comitia, was that on the calends of every month it was proclaimed on what day of the new month the nones fell, and perhaps also the ides as well as the nature of the other days, namely, whether they were fasti or nefasti, comitiales, feriae, &c., because all these things were known in the early times to the pontiffs exclusively. (Liv. ix. 46; Macrob. *Sat.* i. 15; Serv. *ad Aen.* viii. 654; Varro, *De Ling. Lat.* vi. 4.) Another function of the comitia calata was the inauguration of the flamines, and after the banishment of the kings, also that of the rex sacrorum. (Gellius, *l. c.*) A third business which was transacted in them was the *testamenti factio*, or the making of a will. The object of this was probably to prevent, after the death of the testator, any dispute concerning his will, to which the whole assembly of the populus had been a witness; and it is not improbable that, as the art of writing was not sufficiently known in those times, it was thought a matter of importance to have the whole populus as a witness to such an act, which perhaps consisted in an oral declaration. The populus thus did not vote upon the validity or invalidity of a will, but solely acted the part of a witness. (Gellius, xv. 27; Theophil. ii. 10.) Assemblies for the express purpose of making the populus witness to a will were in the earliest times held twice in every year (Gaius, ii. § 101); but this custom afterwards fell into desuetude. (Gaius, ii. § 103.) A fourth business transacted in the comitia calata was the *detestatio sacrorum*, which was in all probability an act connected with the testamenti factio, that is, a solemn declaration, by which the heir was enjoined to undertake the sacra privata of the testator along with the reception of his property. (Gellius, xv. 27, comp. vi. 12.) It has already been observed that originally only the members of the curiae formed the comitia calata, so that they were the same as the comitia curiata, in this respect; but from the words of Gellius (*eorum autem alia esse curiata, alia centuriata*), it is clear that after the time of Servius Tullius, there must have been two kinds of comitia calata, the one convened according to curiae by a lictor, and the other according to centuries by a cornicen. As regards the business of the latter, we have no information whatever, though it is not impossible, that in them all announcements respecting the calendar were made by the pontiffs, as this was a matter of interest to the whole people, and not to the populus alone (Macrob. and Serv. *ll. cc.*); and it may further be, that in the calata centuriata the testamenta of plebeians were laid before the assembled people; as in the calata curiata, they were laid before the assembled curies.

II. Comitia curiata (*ἐκκλησία φρατρικὴ* or *φατριακὴ*) were of far greater importance than the comitia calata, inasmuch as the populus here was not present in a mere passive capacity, but had to decide by its votes as to whether a measure brought before it was to be adopted or rejected. As the populus was at first only the body of real citizens, that is, the patricians, or those contained in the curiae, none but members of the curiae, that is, patricians, had a right to take part in these assemblies. It is a disputed point, as to whether the clients of the patricians had a right to vote in the comitia curiata; but it is highly probable that, when they appeared in them, they could not act any other part than that of listeners and spectators. They were convened, in the kingly period, by the king himself, or by his tribunus celerum, and in the king's absence by the praefectus urbi. (Liv. i. 59.) After the death of a king the comitia were held by the interrex. In the republican period, the president was always one of the high patrician magistrates, viz. a consul, praetor or dictator. (Cic. *De Leg. Agr.* ii. 11, 12; Liv. ix. 38.) They were called together by lictors or heralds. (Gellius, xv. 27; Dionys. ii. 7.) The votes were given by curiae, each curia having one collective vote; but within a curia each citizen belonging to it had an independent vote, and the majority of the members of a curia determined the vote of the whole curia. (Gell. *l. c.*; Liv. i. 43; Dionys. ii. 14, iv. 20, 84, v. 6.) Now as the curiae were thirty in number, it was impossible to obtain a simple majority, which must always have consisted of 16 curiae. How matters were decided in case of 15 curiae voting for and 15 against a measure, is quite uncertain; and the fact that the awkward number 30 was chosen or retained for the assembly can be accounted for only by the fact that the number three and its multiples had a certain sacred import in all matters connected with the constitution. The order in which the curiae voted, was not fixed by any regulation, but it appears that the one which gave its vote first, and was called *principium*, was determined by lot. (Liv. ix. 38.) Further particulars regarding the method of voting, however, are not known. The president in the comitia curiata was always the person that had convoked them, that is, in the kingly period, either the king himself, or the person that acted as his vicegerent, and the meeting was always held in the comitium.

As regards the powers and functions of the comitia curiata, it must first of all be borne in mind, that in the early times no comitia, of whatever kind they were, had the right to originate any measure, to introduce amendments, or to discuss the merits and demerits of any subject that was brought before them. All they could do was to accept or reject any measure which was brought before them, so that all proposals were in fact nothing but rogationes (*populus rogatur*), which the people passed by the formula *uti rogas*, or rejected by the formula *antiquo*. Whatever was thus decreed became law for the king and senate no less than for the people. The main points upon which the populus had to decide, were the election of the magistrates, including the king himself, the passing of laws, peace and war, the capital punishment of Roman citizens (Dionys. ii. 14, iv. 20, ix. 41), and, lastly, upon certain affairs of the curiae and gentes. In the kingly period, the only magistrate in whose person all the powers of the republican officers were concentrated, was the king himself. All the other officers were appointed by him, with the exception of the quaestores, who were elected by the people (Ulpian, *Dig.* ii. 13; but comp. Tac. *Ann.* xi. 22; QUAESTOR). With regard to the election of the king, the assembly, as in all other matters, was limited to the persons proposed by the senate through the president in the assembly, that is, when the senate had passed a decree respecting the election, the interreges determined upon the candidates, from among whom he was to be chosen, and then proposed them to the curiae. (Dionys. iv. 34, 40, 80, ii. 58, 60, iii. 36; Liv. i. 17; Cic. *De Re Publ.* ii. 13; comp. INTERREX and REX.) The priestly officers, such as the Curiones, Flamines Curiales, were likewise either elected by the curiae, or at least inaugurated by them (Dionys. ii. 22; Gell. *l. c.*), until in later times, B. C. 104, the Domitian law transferred the whole appointment of the priestly colleges to the comitia of the tribes. Legislative proposals were laid before the curiae by the king or the senate, and they might either pass them as laws or reject them. Such laws belonging to the kingly period were the so-called *leges regiae;* their number cannot have been great, as custom and religion had hallowed and firmly established the principal rules of conduct without there being any necessity for formal legal enactments. The right of finally deciding upon the life of Roman citizens (*judicia de capite civis Romani*) is said to have been given to the populus by king Tullus Hostilius (Liv. i. 26, viii. 33; Dionys. iii. 22); and previous to the constitution of Servius Tullius this privilege was of course confined to the patricians, for whom it was nothing else but the right of appealing from the sentence of the king or judge to the assembly of their peers. When Valerius Publicola renewed this law, it must have been extended to the plebeians also. The fourth right of the assembly of the populus was that of deciding upon war and peace, but this decision again could only be made when it was proposed by the king. With regard to the declaration of war there is no doubt (Liv. i. 32; Gellius, xvi. 4; Dionys. viii. 91, ix. 69); but there is no instance on record of the populus ever having had any thing to do with the conclusion of treaties of peace; no trace of it occurs till long after the establishment of the republic, so that we may fairly presume that in early times the conclusion of peace was left to the king (or the consuls) and the senate, and that Dionysius, as in many other instances, transferred a later custom to the early times. Besides these great functions the curiae had unquestionably many others relating to their own internal administration; and among them we may mention, that no new members could be admitted into a curia, either by the cooptatio of strangers or by the adlectio of plebeians, without the consent of the assembly of the curies; and that no arrogatio could take place without the concurrence of the assembled curiae under the presidency of the pontiffs. The consent of the curiae in such cases is expressed by the term *lex curiata.* (Gellius, v. 19; Tac. *Hist.* i. 15.) It must further be remarked, that when a magistrate (such as the king) proposed to the assembly had been elected, the populus held a second meeting, in which he was formally inducted in his new office. This formality was called *lex curiata de imperio*, whereby the magistrate received his *imperium*, together with the right of holding the comitia. (Liv. v. 52; Dion Cass. xxxix. 19, xli. 43; Cic. *De Leg. Agr.* ii. 12.) It was not till a magistrate had thus been solemnly installed, that he was a *magistratus optima lege* or *optimo jure*, that is, in the full possession of all the rights and privileges of his office.

Down to the time of Servius Tullius, the comitia curiata were the only popular assemblies of Rome, and remained of course in the undiminished possession of the rights above described; but the constitution of that king brought about a great change, by his transferring the principal rights which had hitherto been enjoyed by the curiae to this new national assembly or the comitia centuriata. The power of electing the magistrates, the decision upon war, the passing of laws and jurisdiction in cases of appeal to the body of the Roman people, were thus transferred to the comitia of the centuries. But while the patricians were obliged to share their rights with the plebeians, they reserved for themselves the very important right of sanctioning or rejecting any measure which had been passed by the centuries. Even independent of their right finally to decide upon these questions, they seem, for a time at least, to have exercised a considerable power in several departments of the government: thus, the abolition of royalty and the establishment of the republic are said to have been decreed by the curiae (Dionys. iv. 75, 84); in like manner they decided upon the property of the last king (Dionys. v. 6), and upon the rewards to be given to those who had given information respecting the conspiracy (v. 57). The sanction of decrees passed by the centuries is often expressed by *patres auctores fiunt*, and down to the time of the

Publilian law no decree of the centuries or tribes could become law without this sanction. It need hardly be remarked that the curiae, as long as they existed, retained the exercise of such rights as affected the welfare of their own corporations and the religious rites connected with them. We subjoin a list of the powers and functions which the curiae continued to exercise down to the end of the republic.

1. They conferred the imperium and the right of taking the auspices upon magistrates after their election; this was done by the *lex curiata de imperio*. This right however must, in the course of time, have become a mere matter of form, and in the time of Cicero (*ad Att.* iv. 18, *ad Fam.* xiii. 1), persons even might form the plan of gaining over three augurs to declare that they had been present in the comitia of the curiae, at which the imperium had been conferred, although in reality no such comitia had taken place at all. This fact warrants the conclusion that at that time few persons, if any, noticed such comitia or the granting of the imperium in them. (Comp. Cic. *ad Fam.* i. 9, *ad Q. Fratr.* iii. 2.) 2. The inauguration of certain priests, such as the Flamines and the Rex Sacrorum, though this took place in those comitia of the curiae, which were called calata. The curio maximus was in all probability consecrated, if not elected, in the comitia curiata. (Liv. xxvii. 8.) 3. The internal affairs of the curiae themselves and of the families connected with them; but most of them came only before the comitia calata. (See above.) The real comitia curiata began to be a mere formality as early as the time of the Punic wars, and the ancient division into curiae, as it gradually lost its importance, fell into oblivion: the place of the patricians was filled by the nobiles or optimates, and the comitia of the former became a mere empty show (Cic. *De Leg. Agr.* ii. 12), and, instead of the thirty curiae themselves giving their votes, the ceremony was performed by thirty lictors. The patrician comitia calata were continued much longer, especially for the purpose of *arrogationes*, which under the empire again became a matter of some consequence. [Adoptio.]

III. Comitia centuriata (ἡ λοχῖτις ἐκκλησία). The object of the legislation of Servius Tullius was to unite the different elements of which the Roman people consisted, into one great political body, in which power and influence were to be determined by property and age. For this purpose, he divided, in his census, the whole body of Roman citizens into six property classes, and 193 centuriae (λόχοι) or votes, from which the assemblies in which the people gave their votes were called comitia centuriata. [Census.] By this means, Servius brought about an amalgamation of timocracy and aristocracy; and the poor citizens, though they met their wealthier brethren on a footing of equality, yet were unable to exercise any great influence upon public affairs, for the wealthier classes voted first, and if they agreed among themselves, they formed a majority before the poorer classes would be called upon to vote at all. In order to render these general observations more intelligible, it is necessary to give some account of the census which Servius instituted, and of the manner in which the votes were distributed among the several divisions of the people. The whole people was conceived as an army (*exercitus*, or, according to the more ancient term, *classis*), and was therefore divided into two parts: the cavalry (*equites*), and infantry (*pedites*), though it is not by any means necessary to suppose that the people assembled in arms. The infantry was divided into five classes, or, as Dionysius has it, into six classes, for he regards the whole body of people, whose property did not come up to the census of the fifth class, as a sixth. The class to which a citizen belonged, determined the *tributum*, or war tax, he had to pay, as well as the kind of service he had to perform in the army and the armour in which he had to serve. But for the purpose of voting in the comitia, each class was subdivided into a number of centuries (*centuriae*, probably because each was conceived to contain 100 men, though the centuries may have greatly differed in the number of men they contained), one half of which consisted of the *seniores*, and the other of the *juniores*. Each century, further, was counted as one vote, so that a class had as many votes as it contained centuries. In like manner, the equites were divided into a number of centuries or votes. The two principal authorities on these subdivisions are, Livy (i. 43), and Dionysius (iv. 16, &c., vii. 59), and the annexed table will show the census as well as the number of centuries or votes assigned to each class, and the order in which they voted.

According to Livy.	*According to Dionysius.*
I. Classis. Census: 100,000 asses.	I. Classis. Census: 100 minae.
40 centuriae seniorum.	40 centuriae seniorum.
40 centuriae juniorum.	40 centuriae juniorum.
2 centuriae fabrum.	
II. Classis. Census: 75,000 asses.	II. Classis. Census: 75 minae.
10 centuriae seniorum.	10 centuriae seniorum.
10 centuriae juniorum.	10 centuriae juniorum.
	2 centuriae fabrum (one voting with the seniores and the other with the juniores).
III. Classis. Census: 50,000 asses.	III. Classis. Census: 50 minae.
10 centuriae seniorum.	10 centuriae seniorum.
10 centuriae juniorum.	10 centuriae juniorum.
IV. Classis. Census: 25,000 asses.	IV. Classis. Census: 25 minae.
10 centuriae seniorum.	10 centuriae seniorum.
10 centuriae juniorum.	10 centuriae juniorum.
	2 centuriae cornicinum and tubicinum (one voting with the seniores, and the other with the juniores).

According to Livy.	*According to Dionysius.*
V. Classis. Census: 11,000 asses.	V. Classis. Census: 12½ minae.
15 centuriae seniorum.	15 centuriae seniorum.
15 centuriae juniorum.	15 centuriae juniorum.
3 centuriae accensorum, cornicinum, tubicinum.	VI. Classis. Census: below 12½ minae.
1 centuria capite censorum.	1 centuria capite censorum

According to both Dionysius and Livy, the equites voted in eighteen centuries before the seniores of the first class; and hence, there were according to Livy, altogether 194, and, according to Dionysius, 193 centuries or votes. Livy's even number of 194 centuries would have rendered it impossible to obtain an absolute majority in the comitia; and it has been assumed, that he made a mistake in the three centuriae accensorum, cornicinum, tubicinum, which he adds to the fifth class. Dionysius seems to have represented the matter in its right light, and is also born out by Cicero (*De Re Publ.* ii. 22), who describes ninety-six as the minority; but in other respects, Cicero is irreconcileable, both with Livy and Dionysius: a difficulty which will probably never be solved satisfactorily, as the text is corrupt. The other discrepancies between Livy and Dionysius are not of great importance. They consist in the places assigned to the two centuriae fabrum, the two of the cornicines and tubicines, and in the census of the fifth class. With regard to the last point, Dionysius is at any rate more consistent in his gradation, and in so far deserves to be preferred to Livy. As for the places assigned to the four centuries, it is impossible to determine whether Livy or Dionysius is right; and we can only say, that Cicero agrees with neither of them, assigning, as he does, only one century of the fabri tignarii to the first class.

In this manner all Roman citizens, whether patricians or plebeians, who had property to a certain amount, were privileged to take part and vote in the centuriata comitia, and none were excluded except slaves, peregrini, women and the aerarii. The juniores were all men from the age of seventeen to that of forty-six, and the seniores, all men from the age of forty-six upwards. The order of voting was arranged in such a manner, that if the eighteen centuries of the equites and the eighty centuries of the first class were agreed upon a measure, the question was decided at once, there being no need for calling upon the other classes to vote. Hence, although all Roman citizens appeared in these comitia on a footing of equality, yet by far the greater power was thrown into the hands of the wealthy.

As regards the functions of the comitia centuriata, it must be observed in general, that all the business which had before belonged to the comitia curiata, was transferred by Servius to the comitia centuriata, that is, they received the right of electing the higher magistrates, of making laws and of deciding upon war, and afterwards also of concluding peace with foreign nations.

(a.) *The election of magistrates.* After the presiding magistrate had consulted with the senate about the candidates who had offered themselves, he put them to the vote. The magistrates that were elected by the centuries are the consuls (whence the assembly is called *comitia consularia*, Liv. i. 60, x. 11), the praetors (hence, *comitia praetoria*, Liv. vii. 1, x. 22), the military tribunes with consular power (Liv. v. 52), the censors (Liv. vii. 22, xl. 45), and the decemvirs. (Liv. iii. 33, 35.) There are also instances of proconsuls being elected by the centuries, but this happened only in extraordinary cases. (Liv. xxxiii. 30, xxxiv. 18.)

(b.) *Legislation.* The legislative power of the centuries at first consisted in their passing or rejecting a measure which was brought before them by the presiding magistrate in the form of a senatus consultum, so that the assembly had no right of originating any legislative measure, but voted only upon such as were brought before them as resolutions of the senate. When a proposal was passed by the centuries it became law (*lex*). The first law passed by the centuries of which we have any record, was the lex Valeria de provocatione (Cic. *De Re Publ.* ii. 31), and the laws of the twelve tables were sanctioned by the centuries.

(c.) *The decision upon war*, on the ground of a senatus consultum, likewise belonged to the centuries and is often mentioned. It is generally believed that they had also to decide upon the conclusion of peace and treaties, but it has been satisfactorily proved by Rubino (*Ueber Röm. Staatsverf.* p. 259, &c.) that in the early part of the republic, and perhaps down to the peace of Caudium, this was not the case, but that peace was concluded by a mere senatus consultum, and without any cooperation of the people.

(d.) *The highest judicial power.* The comitia centuriata were in the first place the highest court of appeal (Dion Cass. xxxix. 27, &c.; comp. Appellatio), and in the second, they had to try all offences committed against the state; hence, all cases of *perduellio* and *majestas*, and no case involving the life of a Roman citizen could be decided by any other court. (Cic. *p. Sext.* 30, 34, *De Re Publ.* ii, 36, *De Leg.* iii. 4; Polyb. vi. 4, 14.) This last right was revived or introduced by the Valerian law (Plut. *Publ.* 11), and Spurius Cassius was condemned by the comitia of the centuries. There is no reason for believing that the laws of the twelve tables increased the power of the centuries in this respect; and Servius Tullius seems, in consistency with his principles, to have been obliged to constitute his national assembly at the same time as the high court of justice.

All the powers which we have here mentioned as possessed by the centuries, had to be sanctioned, when exercised, by the curies, and through this sanction alone they became valid and binding. The election of a magistrate, or the passing of a law, though it was made on the ground of a senatus consultum, yet required the sanction of the curies. But, in the course of time, the assembly shook off this power of the curiae, which became merely a formality, and, in the end, the curiae were obliged to give their sanction beforehand to whatever the centuries might determine. This was effected by the Publilian law, in B.C. 337. (Liv. viii. 12.) As thus the centuries gradually became powerful enough to dispense with the sanction of the curiae, so they also acquired the right of discussing and deciding upon matters which were not brought before them in the form of a senatus consultum; that is, they acquired the power of originating measures. In reference to the election of magistrates, the comitia originally were not allowed to elect any other except those who were proposed by the president, who himself was entirely guided by the resolution of the senate; but in the course of time, the people asserted their right so far as to oblige the president to propose any candidate that might offer himself, without the previous sanction of the senate. This change took place about B. C. 482. In legislative measures a senatus consultum was indispensable, and this senatus consultum was brought before the people by the consul or the senator who had originated the measure, after it had previously been exhibited in public for seventeen days, to give the people an opportunity of becoming acquainted with the nature of the proposed law. (Appian, *de Bell. Civ.* i. 59; Cic. *p. Sext.* 51, *in Pison.* 15.) Whether the comitia required a senatus consultum in cases where they acted as the supreme court of justice, is uncertain, at least we have no example of a senatus consultum in such a case on record.

The comitia centuriata could be held only on *dies comitiales* or *fasti*, on which it was lawful to transact business with people, and the number of such days in every year was about 190 (Varro, *De L. L.* vi. 29; Fest. *s. v. Comitiales dies;* Macrob. *Sat.* i. 16); but on *dies nefasti* (that is, *dies festi, feriati;* comp. DIES), and, at first, also on the nundinae, no comitia could be held, until in B. C. 287 the Hortensian law ordained that the nundinae should be regarded as dies fasti (Macrob. *Sat.* i. 16), so that henceforth comitia might be held on the nundines, though it was done rarely. (Cic. *ad Att.* i. 14.) Comitia for the purpose of passing laws could not even be held on all dies fasti. (Cic. *De prov. Cons.* 19.) The comitia for elections took place every year at a certain period, though it depended upon the senate and the consuls, as to whether they wished the elections to take place earlier or later than usual. (Cic. *p. Mil.* 9, *ad Fam.* viii. 4, *p. Muren.* 25.)

The place where the centuries met, was the Campus Martius (Cic. *ad Q. Frat.* ii. 2; Dionys. iv. 84, vii. 59), which contained the septa for the voters, a tabernaculum for the president, and the villa publica for the augurs. (Cic. *p. Rab. Perd.* 4; Gellius, xiv. 7; Varro, *De Ling. Lat.* vi. 87.) The president at the comitia was the same magistrate who convoked them, and this right was a privilege of the consuls, and, in their absence, of the praetors. (Cic. *ad Fam.* x. 12.) An interrex and dictator also, or his representative, the magister equitum, might likewise convene and preside at the comitia. (Liv. viii. 23, xxv. 2; Cic. *De Leg.* ii. 4.) At the beginning of the republic, the praefectus urbi held the comitia for the election of the first consuls (Liv. i. 60); and the censors assembled the people only on account of the census and the lustrum. (Varro, *De L. L.* vi. 86.) In cases when the assembly was constituted as a court of justice, inferior magistrates, after having obtained the permission of the consuls, might likewise preside. (Liv. xxvi. 3.) One of the main duties devolving upon the president, and which he had to perform before holding the comitia, was to consult the auspices. (*Auspicari.*) For this purpose, the magistrate accompanied by an augur went out of the city early in the morning, and chose a tabernaculum or templum. There the augur began his observations, and gave his opinion either that the comitia might be held, or that they must be deferred till another day. This declaration was given to the magistrate; and when the auspices were favourable, the people were called together, which was done by three successive and distinct acts: the first was quite a general invitation to come to the assembly (*inlicium*, Varro, *De L. L.* vi. 94, comp. 86, 88). At the same time when this invitation was proclaimed *circum moeros* or *de moeris*, a horn was blown, which being the more audible signal, is mentioned by some writers alone, and without the inlicium. (Gellius, xv. 27; Varro, *De L. L.* v. 91.) When upon this signal, the people assembled in irregular masses, there followed the second call by the accensus, or the call *ad concionem* or *conventionem;* that is, to a regular assembly, and the crowd then separated, grouping themselves according to their classes and ages. (Varro, *De L. L.* vi. 88.) Hereupon the consul appeared, ordering the people to come *ad comitia centuriata;* and led the whole *exercitus* — for, in these comitia, the Roman people are always conceived as an exercitus — out of the city, to the Campus Martius. (Varro, *l. c.*; Liv. xxxix. 15.) It was customary from the earliest times for an armed force to occupy the Janiculum, when the people were assembled in the Campus Martius, for the purpose of protecting the city against any sudden attack of the neighbouring people; and on the Janiculum, a vexillum was hoisted during the whole time that the assembly lasted. This custom continued to be observed even at the time when Rome had no longer any thing to fear from the neighbouring tribes. (Liv. *l. c.*; Gell. xv. 27; Macrob. *Sat.* i. 16; Dion Cass. xxxvii. 27, &c.; Serv. *ad Aen.* viii. 1.) When the people were thus regularly assembled, the business was commenced with a solemn sacrifice, and a prayer of the president, who then took his seat on his tribunal. (Dionys. vii. 59, x. 32; Liv. xxxi. 7, xxxix. 15; Cic. *p. Muren.* 1; Liv. xxvi. 2.) The president then opened the business by laying before the people the subject for the decision, upon which they had been convened, and concluded his exposition with the words: *velitis, jubeatis Quirites*, e. g. *bellum indici*, or *ut M. Tullio aqua igni interdictum sit*, or whatever the subject might be. This formula was the standing one in all comitia, and the whole exposition of the president was called *rogatio* (Liv. iv. 5, vi. 40, xxi. 17, xxii. 10, xxx. 43; Cic. *De Fin.* ii. 16, *in Pison.* 29, *p. Dom.* 17, 30; Gell. v. 19.) When the comitia were assembled for the purpose of an election, the presiding magistrate had to read out the names of the candidates, and might exercise his influence by recommending the one whom he thought most fit for the office in question. (Liv. x. 22, xxii. 35.) He was, however, not obliged to announce the names of all the candidates that offered themselves; as, for example, if a candidate had not attained the legitimate age, or when he sued for one office without having been invested with those through which he had to pass previously, or if there was any other legal obstacle; nay, the president might declare, that if a person, to whom he had any such objection, should yet be elected, he would not recognise his election as valid. (Liv. iii. 21, xxiv. 7; Val. Max. iii. 8. § 3.) If the assembly had been convened for the purpose of passing a legislative measure, the president usually recommended the proposal, or he might grant to others, if they desired it, permission to speak about the measure, either in its favour or against it. (*Concionem dare*, Liv. iii. 71, xxxi. 6, &c., xlii. 34; Appian, *De B. C.* i. 11; Dion Cass. xxxviii. 4; Quintil, ii. 4. § 3.) In this case, however, it was customary for private persons to speak before any magistrate, and the orators, until the time of Gracchus, while speaking turned their face towards the comitium and the senate house. (Dion Cass. xxxix. 35; Cic. *Lael.* 25; Plut. *C. Gracch.* 5, *Tib. Gracch.* 14.) When the comitia acted as a court of justice, the president stated the crime, proposed the punishment to be inflicted upon the offender, and then allowed others to speak either in defence of the accused or against him.

When the subject brought before the assembly was sufficiently discussed, the president called upon the people to prepare for voting by the words: *ite in suffragium, bene juvantibus diis.* (Liv. xxxi. 7.) He then passed the stream Petronia, and went to the *septa*. If the number of citizens present at the assembly was thought too small, the decision might be deferred till another day, but this was rarely done, and a question was usually put to the vote, if each century was but represented by a few citizens. (Liv. vii. 18; Cic. *p. Sext.* 51, *de Leg. Agr.* ii. 9; Plut. *Tib. Gracch.* 16; Dion Cass. xxxix. 30.) Respecting the manner in which the votes were given in the earliest times, opinions are divided: some think that they were given viva voce, and others by means of *calculi*, or in both ways, though it seems to be more probable that calculi were used. The leges tabellariae introduced a change in this respect, ordaining that the votes should be given in writing. [LEGES TABELLARIAE.] But previous to the leges tabellariae, the rogatores, who subsequently collected the written votes, stood at the entrance of the septa, and asked every citizen for his vote, which was taken down, and used to determine the vote of each century. (Dionys. vii. 64.) In legislative assemblies, the voter, probably from the earliest times, signified his disapproval by the word *antiquo*, and his approval by *uti rogas*. (Liv. vi. 38, x. 8, xxx. 43, xxxi. 8, xxxiii. 25; Cic. *de Leg.* ii. 10.) At elections, the name of the successful candidate was mentioned to the rogator, who had to mark the favourable votes by dots which he made by the side of the name: hence *puncta ferre*, to be successful. (Liv. x. 13, 22, xxix. 22.) The custom of voting at elections by tablets with the name of the candidates written on them, was introduced in B. C. 139, by the lex Gabinia tabellaria (Cic. *De Leg.* iii. 16); two years later L. Cassius introduced the same custom, in cases of the comitia acting as a court of justice (Cic. *Brut.* 27), and, afterwards, it was established also in legislative assemblies, and in cases where the comitia tried persons for perduellio. [LEGES TABELLARIAE.] The two tablets which were given to each person for the purpose of voting on legislative measures, were marked the one with U and the other with A (*uti rogas* and *antiquo*. Cic. *ad Att.* i. 14). At elections, the citizens obtained blank tablets, that they might write upon them the name of the candidate for whom they voted. (Cic. *Phil.* xi. 8; Plut. *C. Gracch.* 5, *Cat. Min.* 46; Plin. *Epist.* iv. 25.) In judicial assemblies, every citizen received two tablets marked A (*absolvo*) and C (*condemno*), and there was, perhaps, a third tablet containing the letters N. L. (*non liquet*), but this is an uncertain point. There were in the Campus Martius septa or inclosures (whether they existed from the earliest times is unknown), into which one class of citizens was admitted after another for the purpose of voting. The first that entered, were the eighteen centuries of the equites, then followed the first class and so on. It very rarely happened that the lowest class was called upon to vote, as there was no necessity for it, unless the first class did not agree with the equites. (Dionys. iv. 20, vii. 59, viii. 82, x. 17; Liv. i. 43.) After the time when the comitia of the centuries became amalgamated with those of the tribes, previous to each assembly, a large space near the villa publica was surrounded with an enclosure, and divided into compartments for the several tribes. The whole of this enclosure was called *ovile*, *septa*, *carceres*, or *cancelli;* and in later times a stone building, containing the whole people, was erected; it was divided into compartments for the classes as well as the tribes and centuries; the access to these compartments was formed by narrow passages called *pontes* or *ponticuli*. On entering, the citizens received their tablets (Cic. *ad Att.* i. 14, *de Leg.* iii. 17, *in Pis.* 15, *p. Planc.* 6); and when they had consulted within the enclosures, they passed out of them again by a *pons* or *ponticulus*, at which they threw their vote into a chest (*cista*) which was watched by *rogatores*. Hereupon the *rogatores* collected the tablets, and gave them to the *diribitores*, who classified and counted the votes, and then handed them over to the *custodes*, who again checked them off by points marked on a tablet. (Comp. Cic. *in Pis.* 15 — "vos rogatores, vos diribitores, vos custodes tabellarum.") The order in which the centuries voted, was determined in the Servian constitution, in the manner described above; but after the union of the centuries and tribes, the order was determined by lot; and this was a matter of no slight importance, since it frequently happened that the vote of the first determined the manner in which subsequent ones voted. The voting, of course, was continued, until the majority was ascertained. In the case of elections, the successful candidate was proclaimed twice, — first, by the praeco, and then by the president, and without this renuntiatio the election was not valid. After all the business was done, the president pronounced a prayer (Cic. *p. Planc.* 6, *p. Muren.* 1), and dismissed the assembly with the word *discedite.*

Cases are frequently mentioned in which the proceedings of the assembly were disturbed, so that it was necessary to defer the business till another day. This occurred—1. when it was discovered that the auspices had been unfavourable, or when the gods manifested their displeasure by rain, thunder, or lightning; 2. when a tribune interceded (Liv. xlv. 21; Dionys. vi. 89; Cic. *in Vat.* 2); 3. when the sun set before the business was over, for it was a principle that the auspices were valid only for one day from sunrise to sunset (Varro, *De L. L.* vii. 51; Dion Cass. xxxix. 65; Liv. x. 22, xli. 17; Dionys. ix. 41); 4. when a *morbus comitialis* occurred, i. e. when one of the assembled citizens was seized with an epileptic fit (Dion Cass. xlvi. 33; Gellius, xix. 2; Macrob. *Sat.* ii. 8); 5. when the vexillum was taken away from the Janiculum, this being a signal which all citizens had to obey (Liv. xxxix. 15; Dion Cass. xxxvii. 27; Macrob. *Sat.* i. 16); 6. when any tumult or insurrection broke out in the city, as happened now and then during the latter period of the republic. (Cic. *p. Sext.* 36.) In all these cases, the assembly had to continue its business on some other day, sometimes on the next. The only exception seems to have been in the case of the election of the censors, for if both could not be elected on the same day, it was necessary to begin the election afresh, and if one had been elected, his election was not valid. (Liv. ix. 34.)

IV. COMITIA TRIBUTA (ἐκκλησία φυλετική). These assemblies likewise were called into existence by the constitution of Servius Tullius, who divided the Roman territory into thirty local tribes. As these divisions were originally a purely topographical arrangement, they were of little or no importance to the state; but in the course of time, these local divisions were formed into a political union, and the assemblies of the tribes became most formidable rivals of those of the centuries. The decision upon the question as to what portion of the Roman population had the right to take part in the comitia tributa, depends upon the question, as to whether the tribes were instituted as a local organisation of the whole people (patricians and plebeians), or whether they were intended for the plebeians only. Most modern writers have adopted the opinion of Niebuhr, that the patricians were not considered as members of the tribes, and that accordingly, they had no right to take part in their assemblies, until the time of the decemviral legislation. The question is not one that can be proved with satisfactory evidence; but at any rate no sufficient argument has yet been brought forward to upset Niebuhr's view, for the fact of patricians and their clients being present at the place of meeting (Liv. ii. 56), for the purpose of disturbing the comitia tributa and preventing their coming to a decision, does not prove that they possessed the right of voting. After the time of the decemvirate, the patricians had the right of voting in the assemblies of the tribes, which were then also convened by the higher magistrates. (Liv. iii. 71; comp. TRIBUS.)

The assemblies of the tribes had originally only a local power; they were intended to collect the tributum, and to furnish the contingents for the army (Dionys. iv. 14, &c.); they may further have discussed the internal affairs of each tribe, such as the making or keeping up of roads, wells, and the like. But their influence gradually increased, for the commonalty being more numerous than the patricians, and being in a state of growth and development, and guided by active and energetic tribunes, the internal administration of the tribes gradually assumed the character of an administration of the internal affairs of the republic, while the comitia of the centuries were more calculated to represent the state in its relations to foreign countries. As the commonalty grew in strength, it made greater claims; each victory gave it fresh courage, and thus the comitia tributa gradually acquired the following powers:—

1. *The election of the inferior magistrates*, whose office it was to protect the commonalty or to superintend the affairs of the tribes. The Publilian law in B. C. 471, secured to the comitia tributa the right of electing the tribunes of the plebs. (Liv. ii. 56; Dionys. ix. 49.) In like manner, the aediles were elected by them, though the curule aediles were elected at a different time from the plebeian aediles and under the presidency of a consul. (Gell. xiii. 15, vi. 9; Cic. *p. Planc.* 4, 20, 22, *ad Att.* iv. 3, *ad Fam.* viii. 4; Liv. ix, 46, xxv. 2.) At a still later time, the quaestors and tribunes of the soldiers, who had before been appointed by the consuls, were appointed in the assemblies of the tribes. (Cic. *ad Fam.* vii. 30, *in Vat.* 5; Liv. iv. 54, vii. 5, ix. 30; Sall. *Jug.* 63.) The proconsuls to be sent into the provinces, and the prolongation of the imperium for a magistrate who was already in a province, were likewise points which were determined by the tribes in later times. (Liv. viii, 23, 26, ix. 42, x. 22, xxvii. 22, xxix. 13, xxx. 27, xxxi. 50.) The inferior magistrates elected by the tribes are:—the triumviri capitales, triumviri monetales, the curatores viarum, decemviri litibus judicandis, tribuni aerarii, magistri vicorum et pagorum, praefecti annonae, duumviri navales, quinqueviri muris turribusque reficiendis, triumviri coloniae deducendae, triumviri, quatuorviri, &c., mensarii, and lastly, after the Domitian law, B. C. 104, also the members of colleges of priests. The pontifex maximus had been elected by the people from an earlier time. (Liv. xxv. 5; Cic. *de Leg. Agr.* ii. 7.)

2. *The legislative power* of the comitia tributa was at first very insignificant, for all they could do was to pass resolutions and make regulations concerning the local affairs of the tribes, but they did not in any way affect the state as a whole. But after a time when the tribes began to be the real representatives of the people, matters affecting the whole people also were brought before them by the tribunes, which, framed as resolutions, were laid before the senate, where they might either be sanctioned or rejected. This practice of the tributa comitia gradually acquired for them the right of taking the initiative in any measure, or the right of originating measures, until in B. C. 449 this right was recognised and sanctioned by a law of L. Valerius Publicola and M. Horatius Barbatus. (Liv. iii. 55, 67; Dionys. xi. 45.) This law gave to the decrees passed by the tribes the power of a real *lex*, binding upon the whole people, provided they obtained the sanction of the senate and the populus, that is, the people assembled in the comitia curiata or in the comitia centuriata. (Dionys. x. 4, 32.) At first the tribes acted with considerable moderation and modesty, discussing only those subjects which affected their own order or individual plebeians, such as the amnesty after the secession, plebeian magistrates, usury and the like. In B. C. 339, the Publilian law enacted *ut plebiscita omnes Quirites tenerent.* (Liv. viii. 12.) This law was either a re-enactment of the one passed in B. C. 449, or contained a more detailed specification of the cases in which plebiscita should be binding upon the whole nation, or, lastly, it made their validity independent of the sanction of other comitia, so that nothing would be required except the assent of the senate. In B. C. 287, the Hortensian law was passed, which seems to have been only a revival and a confirmation of the two preceding laws, for it was framed in almost the same terms (Plin. *H. N.* xvi. 10; Gell. xv. 27; Gaius, i. 3); but it may also be, that the Hortensian law made the plebiscita independent of the sanction of the senate, so that henceforth the comitia tributa were quite independent in their

legislative character. Senatus consulta preceding a plebiscitum, it is true, occur after this time in many instances, but it does not follow that for this reason a senatus consultum was necessary for every plebiscitum (Dionys. ix. 41), for we must distinguish between those plebiscita which affected the rights of the people, and those which touched upon the administration of the republic; the former of these are constantly mentioned without a senatus consultum, but the latter never. [PLEBISCITUM.]

3. *The judicial power* of the comitia tributa was much more limited than that of the comitia centuriata, inasmuch as they could take cognizance only of offences against the majesty of the people, while all crimes committed against the state were brought before the centuries. Even patricians, when they had offended against the commonalty or its members, were tried and fined by the tribes. This again constitutes a difference between the judicial power of the centuries and that of the tribes, for the former could inflict capital punishment, but the latter only fines. There are, indeed, cases in which the tribes might appear to have sentenced persons to exile; but such exile is not the result of a real verdict, but only a measure taken against those who during the trial went into voluntary exile, which might then be made a necessary exile, by the *interdictio aquae et ignis* being added. (Liv. xxv. 3, xxvi. 3; Cic. *Orat. p. Dom.* 16, &c.) When the tribes acquired this right is uncertain, for that it was not originally possessed by them, is clear from the expressions used by our authorities. The offences for which persons were summoned before the tribes, were bad conduct of a magistrate in the performance of his duties, neglect of duty, ill management of a war, embezzlement of the public money, and a variety of offences of private individuals, such as disturbance of the public peace, usury, adultery, and the like. The comitia tributa also acted as courts of appeal, *e. g.* when a person protested against a fine imposed by a magistrate. (Dionys. vii. 17; Cic. *De Leg.* iii. 3; Liv. xl. 42; Zonar. vii. 17.) The persons who acted as accusers in the comitia tributa were the tribunes and aediles.

With regard to the time at which these comitia were or could be convened, the same regulations were observed as at the comitia centuriata. They might assemble either within or without the city, but not further from it than 1000 paces, because the power of the tribunes did not extend further. For elections the Campus Martius was usually chosen (Cic. *ad Att.* iv. 3, *ad Fam.* vii. 30; Plut. *C. Gracch.* 3), but sometimes also the forum, the Capitol, or the Circus Flaminius. (Cic. *ad Att.* i. 16; Liv. xxxiii. 10, xxvii. 21.) The presidents were commonly the tribunes who were supported by the aediles, and no matter could be brought before the tribes without the knowledge and consent of the tribunes (Liv. xxvii. 22, xxx. 41; Cic. *de Leg. Agr.* ii. 8); even the aediles could not bring a proposal before them without the permission of the tribunes. (Gell. iv. 4; Dionys. vi. 90.) One of them was chosen either by lot or by common agreement to act as president (Liv. ii. 56, iii. 64, iv. 57, v. 17); but his colleagues usually had to sign the proposal which he brought before the commonalty. (Cic. *p. Sext.* 33, *de Leg. Agr.* ii. 9.) As the comitia tributa, however, more and more assumed the character of national assemblies, the higher magistrates also sometimes acted as presidents, though perhaps not without previously obtaining the permission of the tribunes. There are only a few instances of higher magistrates presiding in the comitia tributa when assembled for purposes of legislation (Plin. *H. N.* xvi. 15; Cic. *p. Balb.* 24; Dion Cass. xxxviii. 6, xxxix. 65; Appian, *De Bell. Civ.* iii. 7, 27); but the consuls and praetors often appear as presidents at the elections of tribunes, aediles, and quaestors (Liv. iii. 55, 64; Dionys. ix. 41, 43, 49; Appian, *De Bell. Civ.* i. 14; Cic. *p. Planc.* 20, *ad Att.* iv. 3, *in Vat.* 5, *ad Fam.* vii. 30); as well as when the comitia tributa were assembled as a court of justice. (Liv. xxv. 4; Appian, *De Bell. Civ.* i. 31; Dion Cass. xxviii. 17.)

The preparations for the comitia tributa were less formal and solemn than for those of the centuries. In the case of elections, the candidates had to give in their names, and the president communicated them to the people. (Liv. iii. 64; Appian, *De Bell. Civ.* i. 14.) When a legislative measure was to be brought before the assembly, a tribune (the proposer of the bill was called *rogator*, and the others *adscriptores*) made the people acquainted with it in *conciones*, and that on the three preceding nundines. The same was the case when the people were to meet as a court of justice. The auspicia were not consulted for the comitia of the tribes, but the *spectio* alone was sufficient, and the tribunes had the right of *obnuntiatio*. The convening of these assemblies was likewise less solemn than that of the centuries, for the tribune who had been chosen to preside either at an election or brought forward a rogation, simply invited the citizens by his viatores, who were also sent into different parts of the country to invite the people living at a distance. (Appian, *De Bell. Civ.* i. 29.) At the meeting itself, he sat on the tribunal supported by his colleagues (Liv. xxv. 3; Dion Cass. xxxix. 65), and laid before the people his bill, the name of the candidate, or made them acquainted with the nature of the offence on which they had to pass sentence, concluding with the words *velitis, jubeatis Quirites.* The bill was never read by the tribune himself, but by a praeco, and then began the debates, in which persons might either oppose or recommend the measure, though private persons had to ask the tribunes for permission to speak. When the discussion was over the president called upon the people *ite in suffragium*, as at the comitia centuriata. They then formed themselves into their tribes, which, like the centuries, ascertained their own votes in enclosures (septa). Which of the 35 tribes was to give its vote first, was determined by lot, and that tribe was called *praerogativa* or *principium* (the others were termed *jure vocatae*). The vote of the first tribe was given by some person of distinction whose name was mentioned in the plebiscitum, if it was of a legislative nature. The manner of collecting the votes was, on the whole, the same as in the comitia centuriata. The announcing of the result of the votes was the *renuntiatio.* If it so happened that two candidates had the same number of votes, the question was decided by drawing lots. The circumstances which might cause the meeting to break up and defer its business till another day, are the same as those which put an end to the comitia centuriata. If, however, the people were assembled as a court, the breaking up of the assembly was to the accused equivalent to an acquittal (Cic. *p. Dom.* 17). It after the comitia the augurs declared that some formality had been neglected, the decree of the assembly thereby became void, and persons who had been elected to an office were obliged to withdraw.

V. *The comitia centuriata mixed with the comitia tributa.* — The Servian constitution was retained unaltered so long as no great change took place in the republic, but when the coinage and the standard of property had become altered, when the constitution of the army had been placed on a different footing, and above all, when the plebeians began to be recognized as a great and essential element in the Roman state, it must have been found inconvenient to leave to the equites and the first class so great a preponderance in the comitia of the centuries, and it became necessary to secure more power and influence to the democratic element which had grown in strength and was still growing. It may have been the intention to combine the comitia centuriata and tributa in such a manner as to make only one assembly of them, but this was not done. A change however took place, though no writer mentions either the time when it was made nor in what it consisted, so that we are left to form our opinion from incidental allusions. First, as to the time of the change. From Livy (i. 43) and Dionysius (iv. 21) it would appear that the change did not take place till after the completion of the 35 tribes, *i. e.* after B. C. 241. Some modern writers, therefore, refer the change to the censorship of C. Flaminius, B. C. 220, who is said to have made the constitution more democratic; while Niebuhr and others date the change from the censorship of Q. Fabius and P. Decius, B. C. 304. But there is evidence that it must be assigned to even an earlier date than this, for the (tribus) praerogativa is mentioned as early as B. C. 396 in the election of the consular tribunes (Liv. v. 18), where the pure comitia tributa cannot be meant, and a centuria praerogativa is a thing unknown.

The question about the manner in which the combination of the two kinds of comitia was effected, has been the subject of even much more discussion and doubt than that about the time when it was brought about. The most probable of the numerous opinions which have been advanced on this subject is that of O. Pantagathus (Fulv. Ursinus, *ad Liv.* i. 43), which has been very elaborately worked out by Göttling. (*Gesch. d. Röm. Staatsverf.* pp. 380, &c., 506, &c.) Pantagathus believes that the citizens of each tribe were divided into five property classes, each consisting of seniores and juniores, so that each of the 35 tribes contained ten centuries, and all the tribes together 350 centuries, a number which corresponds with that of the days of a Roman lunar year. According to this new arrangement, the five ancient classes, divided into seniores and juniores, continued to exist as before (Liv. xliii. 16; Cic. *Phil.* ii. 33, *p. Flacc.* 7, *de Re Publ.* iv. 2, *Academ.* ii. 33; Sall. *Jug.* 86), but henceforth they were most closely united with the tribes, whereas before the tribes had been mere local divisions and entirely independent of property. The union now effected was that the classes became subdivisions of the tribes, and that accordingly centuries occur both in the classes and in the tribes. (Cic. *p. Planc.* 20, *de Leg. Agr.* ii. 2.) Each tribe contained ten centuries, two of the first class (one of the seniores and one of the juniores), two of the second (likewise seniores and juniores), two of the third, two of the fourth, and two of the fifth class. The equites were likewise divided according to tribes and centuries (Dionys. vi. 13, vii. 72), and they seem to have voted with the first class, and to have been in fact included in it, so as to be called centuries of the first class. (Cic. *Phil.* ii. 33, Liv. xliii. 16; Aurel. Vict. *de Vir. Illustr.* 57; Val. Max. vi. 5. § 3.) The centuries of the cornicines, tubicines and fabri, which are no longer mentioned, probably ceased to exist as distinct centuries. (Comp. Cic. *de Re Publ.* ii. 22.) Respecting the manner in which the votes were given, there are two opinions: according to the first, a whole tribe was chosen by lot to give its vote (10 centuries) first, and according to the second, one century of the first class, having been determined by lot. If we adopt the former opinion, the votes of the ten centuries contained in a tribe would have been given one after another, and the majority, six, would have constituted the result or vote of the tribe. Now as 18 out of the 35 tribes constituted a majority, it is evident that 108 centuries might have constituted a majority against the remaining 242. This is an absurdity of which we cannot conceive the Romans to have been guilty. The voting by tribes, therefore, cannot be conceived as rational, except in those cases in which the ten centuries of every tribe were unanimous; this may have been the case very often, and when it was so, the tribus praerogativa was certainly the tribe chosen by lot to give its unanimous vote first. But if there was any difference of opinion among the centuries making up a tribe, the true majority could only be ascertained by choosing by lot one of the 70 centuriae of the first class to give its vote first, or rather it was decided by lot from which tribe the two centuries of the first class were to be taken to give their vote first. (Hence the plural *praerogativae*, Pseud. Ascon. *ad Cic. in Verr.* p. 139; Liv. x. 20.) The tribe, moreover, to which those centuries belonged which voted first, was itself likewise called tribus praerogativa. Of the two centuries, again, that of seniores gave its vote before the juniores, and in the documents both were called by the name of their tribe, as *Galeria juniorum* (Liv. xxvii. 6, *i. e.* the juniores of the first class in the tribus Galeria), *Aniensis juniorum* (Liv. xxiv. 7), *Veturia juniorum* (Liv. xxvi. 22; comp. Cic. *p. Planc.* 20, *Phil.* ii. 33, *De Div.* ii. 35). As soon as the praerogativa had voted, the renuntiatio took place, and the remaining centuries then deliberated whether they should vote the same way or not. When this was done all the centuries of the first tribe proceeded to vote at once (Dionys. iv. 21), for there would not have been time for the 350 centuries to vote one after another, as was done by the 193 centuries in the comitia centuriata. (Cic. *p. Planc.* 20, *in Verr.* v. 15, *p. Red. in Senat.* 11, *ad Quir.* 7; Liv. x. 9, 22, xxiv. 7, xxvi. 22, xxvii. 24; Suet. *Caes.* 19.)

These comitia of the centuries combined with the tribes, were far more democratical than the comitia of the centuries; they continued to be held, and preserved their power along with the comitia tributa, even after the latter had acquired their supreme importance in the republic. During the time of the moral and political corruption of the Romans, the latter appear to have been chiefly attended by the populace, which was guided by the tribunes, and the wealthier and more respectable citizens had little influence in them. When the libertini and all the Italians were incorporated in the old thirty-five tribes, and when the political corruption had reached its height, no trace of the sedate and moderate character was left by which the comitia tributa had been distinguished in former times. (Sall. *Cat.* 37; Suet. *Caes.* 41; Cic. *ad Att.* i. 16.) Violence and bribery became the order of the day, and the needy multitude lent willing ears to any instigations coming from wealthy bribers and tribunes who were mere demagogues. Sulla for a time did away with these odious proceedings; since, according to some, he abolished the comitia tributa altogether, or, according to others, deprived them of the right of electing the sacerdotes, and of all their legislative and judicial powers. (Cic. *in Verr.* i. 13, 15, *de Legg.* iii. 9; Liv. *Epit.* 89; Appian, *de Bell. Civ.* i. 59, 98; comp. Tribunus.) But the constitution, such as it had existed before Sulla, was restored soon after his death by Pompey and others, with the exception of the jurisdiction, which was for ever taken from the people by the legislation of Sulla. The people suffered another loss in the dictatorship of J. Caesar, who decided upon peace and war himself in connection with the senate. (Dion Cass. xlii. 20.) He had also the whole of the legislation in his hands, through his influence with the magistrates and the tribunes. The people thus retained nothing but the election of magistrates; but even this power was much limited, as Caesar had the right to appoint half of the magistrates himself, with the exception of the consuls (Suet. *Caes.* 41; Cic. *Philip.* vii. 6; Dion Cass. xliii. 51), and, as in addition to this, he recommended to the people those candidates whom he wished to be elected: and who would have opposed his wish? (Dion Cass. xliii. 47; Appian, *de Bell. Civ.* ii. 18.) After the death of Caesar the comitia continued to be held, but were always more or less the obedient instruments in the hands of the rulers, whose unlimited powers were even recognised and sanctioned by them. (Appian, *de Bell. Civ.* iv. 7; Dion Cass. xlvi. 55, xlvii. 2.) Under Augustus the comitia still sanctioned new laws and elected magistrates, but their whole proceedings were a mere farce, for they could not venture to elect any other persons than those recommended by the emperor. (Suet. *Aug.* 40, &c.; Dion Cass. liii. 2, 21, lv. 34, lvi. 40.) Tiberius deprived the people even of this shadow of their former power, and conferred the power of election upon the senate. (Tacit. *Annal.* i. 15, 81, ii. 36, 51; Vell. Pat. ii. 126.) When the elections were made by the senate the result was announced to the people assembled as comitia centuriata or tributa. (Dion Cass. lviii. 20.) Legislation was taken away from the comitia entirely, and was completely in the hands of the senate and the emperor. Caligula placed the comitia again upon the same footing on which they had been in the time of Augustus (Dion Cass. lix. 9; Suet. *Cal.* 16); but this regulation was soon abandoned, and every thing was left as it had been arranged by Tiberius. (Dion Cass. lix. 20.) From this time the comitia may be said to have ceased to exist, as all the sovereign power formerly possessed by the people was conferred upon the emperor by the lex regia. [Lex Regia.] The people only assembled in the Campus Martius for the purpose of receiving information as to who had been elected or appointed as its magistrates, until at last even this announcement (*renuntiatio*) appears to have ceased.

In addition to the works on Roman history in general, the reader may consult Unterholzner, *De Mutata Centuriatorum Comit. a Servio Tullio Rege Institutorum Ratione*, Breslau, 1835; G. C. Th. Francke, *De Tribuum, de Curiarum atque Centuriarum Ratione*, Schleswig, 1824; Huschke, *Die Verfassung des Servius Tullius*, 1838; Hüllmann, *Römische Grundverfassung;* Rubino, *Untersuchungen über die Röm. Verfassung*, 1839; Zumpt, *Ueber die Abstimmung des Röm. Volkes in Centuriatcomitien.* [L. S.]

COMITIA'LIS DIES. [Dies.]

COMI'TIUM. [Forum.]

COMMEA'TUS, a furlough, or leave of absence from the army for a certain time. (Tacit. *Ann.* xv. 10; Liv. iii. 46.)

COMMENTARIENSIS. [Commentarius.]

COMMENTA'RIUS, or COMMENTA'RIUM, meant a book of memoirs or memorandum-book, whence the expression *Caesaris Commentarii* ("Hinc Caesar libros de bellis a se gestis commentarios inscripsit, quod nudi essent omni ornatu orationis, tanquam veste detracto," Cic. *Brutus*, c. 75). Hence it is used for a lawyer's brief, the notes of a speech, &c. (Sen. *Controv.* lib. iii. Proëm.)

In the imperial period the word *commentariensis* occurs in the sense of a notary or clerk of the Fiscus (40. tit. 14. s. 45), and also of a keeper of a prison (Walter, *Geschichte des Römischen Rechts*, §§ 818, 819, 2d ed.) A military officer so called is mentioned by Asconius (*in Ver.* iii. 28), who probably had similar duties. The word is also employed in the sense of a notary or secretary of any sort. Most of the religious colleges had books called *commentarii*, as *commentarii augurum*, *pontificum.* [B. J.]

COMME'RCIUM. [Civitas.]

COMMISSO'RIA LEX is the term applied to a clause often inserted in conditions of sale, by which a vendor reserved to himself the privilege of rescinding the sale, if the purchaser did not pay his purchase-money at the time agreed on. The lex commissoria did not make the transaction a conditional purchase; for in that case, if the property were damaged or destroyed, the loss would be the loss of the vendor, inasmuch as the purchaser, by non-payment of the money at the time agreed on, would fail to perform the condition; but it was an absolute sale, subject to be rescinded at the sole pleasure of the vendor, if the money was not paid at the time agreed on; and consequently if after this agreement the property was lost or destroyed before the day agreed on for payment, the loss fell on the purchaser. If the vendor intended to take advantage of the lex commissoria, it was necessary that he should declare his intention as soon as the condition was broken. If he received or claimed any part of the purchase-money after the day agreed upon, he thereby waived the advantage of the lex commissoria. It was usual to insert in the commissoria lex an agreement that if the vendor had to sell the property again, the first purchaser should make up any deficiency in the price, that is, the difference between the amount for which it was first sold, and the less amount which it produced at the second sale. [Pignus.] (Dig. 18, tit. 3; Thibaut, *System*, &c. § 548, 9th ed.) G. L.]

COMMI'SSUM. One sense of this word is that of "forfeited," which apparently is derived from that sense of the verb *committere*, which is "to commit a crime," or "to do something wrong." Asconius says, that those things are commissa which are either done or omitted to be done by a heres against the will of a testator, and make him subject to a penalty or forfeiture; thus, commissa hereditas would be an inheritance forfeited for some act of commission or omission. Cicero (*Ad Fam.* xiii. 56) speaks of an hypothecated thing becoming commissa; that is, becoming the absolute property of the creditor for default of payment. A thing so forfeited was said *in commissum incidere* or *cadere*. Commissum was also applied to a thing in respect of which the vectigal was not paid, or a proper return made to the publicani. A thing thus forfeited (*vectigalium nomine*) ceased to be the property of the owner, and was forfeited, under the empire, to the fiscus. (Dig. 39. tit. 4; Suet. *Calig.* c. 41.) [G. L.]

COMMI'XTIO. [Confusio.]

COMMODA'TUM is one of those obligationes which are contracted *re*. He who lends to another a thing, for a definite time, to be used for a definite purpose, without any pay or reward, is called by modern writers *commodans;* the person who receives the thing is called *commodatarius;* and the contract is called *commodatum*. The genuine Roman name for the lender is *commodator* (Dig. 13. tit. 6. s. 7), and the borrower (commodatarius) is "is qui rem commodatam accepit." It is distinguished from mutuum in this, that the thing lent is not one of those things *quae pondere, numero, mensurave constant*, as wine, corn, &c.; and the thing commodata does not become the property of the receiver, who is therefore bound to restore the same thing. The lender retains both the ownership of the thing and the possession. It differs from locatio et conductio in this, that the use of the thing is gratuitous. The commodatarius is liable to the actio commodati, if he does not restore the thing; and he is bound to make good all injury which befalls the thing while it is in his possession, provided it be such injury as a careful person could have prevented, or provided it be an injury which the thing has sustained in being used contrary to the conditions or purpose of the lending. If a thing was lent to two persons, each was severally liable for the whole (in solidum). In some cases the commodatarius had an actio contraria against the commodans, who was liable for any injury sustained by the commodatarius through his dolus, or culpa; as, for instance, if he knowingly lent him bad vessels, and the wine or oil of the commodatarius was thereby lost or injured. The actio commodati was one of those in which there were two formulae, in jus and in factum. (Gaius, iv. 47; Dig. 13. tit. 6; Instit. iii. 14. § 2; Thibaut, *System*, &c. § 477, &c. 9th ed. [G. L.]

COMMU'NI DIVIDU'NDO, A'CTIO, is one of those actiones which have been called mixtae, from the circumstance of their being partly *in rem* and partly *in personam;* and duplicia judicia, from the circumstance of both plaintiff and defendant being equally interested in the matter of the suit (Gaius, iv. 160), though the person who instituted the legal proceedings was properly the actor. It is said in the institutions of Justinian, of the three actions for a division, "mixtam causam obtinere videntur, tam in rem quam in personam" (Inst. 4. tit. 6. § 20). They were, however, properly personal actions (Dig. 10. tit. 1. s. 1), but distinguished from other personal actions by this, that in these actions disputed ownership could also be determined. (Savigny, *System*, &c. vol. v. p. 36.) This action was maintainable between those who were owners in common of a corporeal thing, which accordingly was called res communis; and it was maintainable whether they were owners (*domini*), or had merely a right to the publiciana actio in rem; and whether they were socii, as in some cases of a joint purchase, or not socii, as in the case of a thing bequeathed to them (*legata*) by a testament; but the action could not be maintained for the division of an hereditas. In this action an account might be taken of any injury done to the common property, or anything expended on it, or any profit received from it, by any of the joint owners. Any corporeal thing, as a piece of land, or a slave, might be the subject of this action.

It seems that division was not generally effected by a sale; but if there were several things, the judex would adjudicate (*adjudicare*) them severally (Gaius, iv. 42) to the several persons, and order (*condemnare*) the party who had the more valuable thing or things to pay a sum of money to the other by way of equality of partition. It follows from this that the things must have been valued; and it appears that a sale might be made, for the judex was bound to make partition in the way that was most to the advantage of the joint owners, and in the way in which they agreed that partition should be made; and it appears that the joint owners might bid for the thing, which was common property, before the judex. If the thing was one and indivisible, it was adjudicated to one of the parties, and he was ordered to pay a fixed sum of money to the other or others of the parties. This action, so far as it applies to land, and that of familiae erciscundae, bear some resemblance to the now abolished English writ of partition, and to the bill in equity for partition. (Dig. 10. tit. 3; Cod. 3. tit. 37; Cic. *Ad Fam.* vii. 12; Bracton, fol. 443.) [G. L.]

COMOE'DIA (*κωμῳδία*), comedy. 1. Greek. The early stages of the history of comedy are involved in great indistinctness, as they never formed the subject of much inquiry even when information was extant. This was the case even among the Athenians, and to a still larger extent among the Dorians. The ancient Greeks seldom showed much aptitude for antiquarian research, and for a long time comedy was scarcely thought deserving of attention (Aristot. *Pöet.* 5), for, though springing out of the Dionysiac festivals, it had not that predominantly religious character which tragedy had.

That comedy took its rise at the vintage festivals of Dionysus is certain. It originated, as Aristotle says (*Pöet.* 4), with those who led off the phallic songs (*ἀπὸ τῶν ἐξαρχόντων τὰ φαλλικά*) of the band of revellers (*κῶμος*), who at the vintage festivals of Dionysus gave expression to the feelings of exuberant joy and merriment which were regarded as appropriate to the occasion, by parading about, partly on foot, partly in wagons, with the symbol of the productive powers of nature, singing a wild, jovial song in honour of Dionysus and his companions. These songs were commonly interspersed with, or followed by petulant, extemporal (*αὐτοσχεδιαστική*, Arist. *Poet.* 4

witticisms with which the revellers assailed the bystanders (see the description of the phallophori at Sicyon in Athen. xiv. p. 622), just as the chorus in the *Frogs* of Aristophanes, after their song to Iacchus, begin ridiculing Archedemus (417, &c.). This origin of comedy is indicated by the name *κωμῳδία*, which undoubtedly means "the song of the *κῶμος*." This appears both from the testimony of Aristotle that it arose out of the phallic songs and from Demosthenes (*c. Meid.* p. 517), where we find mentioned together *ὁ κῶμος καὶ οἱ κωμῳδοί*. (Comp. Müller, *Hist. of Gr. Lit.* vol. ii. p. 4, *Dor.* iv. 7. § 1; Bode, *Gesch. der Hellen. Dichtk.* vol. ii. part 2. p. 4, &c.; Kanngiesser, *die alte Komische Bühne zu Athen*, p. 32.) Other derivations of the name were however given even in antiquity. The Megarians, conceiving it to be connected with the word *κώμη*, and to mean "village-song," appealed to the name as an evidence of the superiority of their claim to be considered as the originators of comedy over that of the Athenians (Arist. *Pöet.* 3). This derivation was also adopted by several of the old grammarians (see Tzetzes, in Cramer's *Anecd. Gr.* vol. iii. pp. 335, 337; Anonym. *περὶ κωμῳδίας* in Meineke, *Hist. Crit. Comic. Graec.* pp. 535, 538, 558, and in Bekker's *Anecd. Gr.* p. 747, where a very absurd account of the origin of comedy is given), and has the sanction of Bentley, W. Schneider, and even Bernhardy (*Grundriss d. Griech. Lit.* vol. ii. p. 892).

It was among the Dorians that comedy first assumed any thing of a regular shape. The Megarians, both in the mother country and in Sicily, claimed to be considered as its originators (Arist. *Pöet.* 3), and so far as the comedy of Athens is concerned, the claim of the former appears well founded. They were always noted for their coarse humour (Aristoph. *Vesp.* 57, with the schol.; Anthol. Pal. xi. 440; Suidas, *s. v.* *γέλως*; Bode, vol. ii. pt. 2. p. 27), and their democratical constitution, which was established at an early period, favoured the development of comedy in the proper sense of the word. In the aristocratical states the mimetic impulse, as connected with the laughable or absurd, was obliged to content itself with a less unrestrained mode of manifestation. The Lacedaemonians, who had a great fondness for mimetic and orchestic amusements, had their *δεικηλικταί*, whose exhibitions appear to have been burlesques of characters of common life. The favourite personages were the fruit-stealer and the foreign quack, for the representation of which they had a peculiar mimetic dance. (Pollux, iv. § 105; Athen. xiv. p. 621; Plut. *Ages.* 21. p. 607, d, *Apophth. Lac.* p. 212, &c.; Schol. *ad Apollon.* i. 746; Müller, *Dor.* iv. 6. § 9; Bernhardy, *l. c.* p. 894.) Analogous to the *δεικηλικταί* were the *βρυαλλικταί* (Hesych. *s. v.*). Among the forerunners of comedy must be mentioned the Phallophori and Ithyphalli at Sicyon. It was here, where at an early period the dithyramb also was dramatised, that the *κῶμος* first assumed a more dramatic form, and Dionysus was even said to have invented comedy at Sicyon (Anthol. Pal. xi. 32). The Phallophori had no masks, but covered their faces with chaplets of wild thyme, acanthus, ivy, and violets, and threw skins round them. After singing a hymn to Dionysus, they flouted and jeered at any one of the bystanders whom they selected. The Ithyphalli wore masks representing drunken persons, and were equipped in other respects in a manner which, if not very decent, was appropriate to the part they had to sustain. (Athen. *l. c.*) It was the iambic improvisations of the exarchi of such choruses which gave rise to the later comedy. Antheas of Lindus is spoken of as a poet who composed pieces for such comuses of phallus-bearers, which were called comedies (Athen. x. p. 445). Such pieces have been styled lyrical comedies by many scholars (as Böckh, *Corp. Inscript.* No. 1584, note; and Müller, *Hist. of the Lit. of Greece*, vol. ii. p. 5), to distinguish them from the comedy proper. Lobeck and Hermann however stoutly deny that there was any such thing as lyrical tragedy or comedy distinct from dramatical tragedy and comedy, and yet not the same with dithyrambs or phallic songs, and affirm that the tragedies and comedies which we hear of before the rise of the regular drama were only a species of dithyramb and phallic song. (Hermann, *de Tragoedia Comoediaque Lyrica*, in *Opusc.* vol. vii. p. 211, &c.) The dispute is more about names than about things; and there seems no great objection to applying the term *lyrical tragedy* or *comedy* to pieces intended to be performed by choruses, without any actors distinct from the chorus, and having a more dramatic cast than other purely lyrical songs. This, apparently, was the point to which comedy attained among the Megarians before Susarion introduced it into Attica. It arose out of the union of the iambic lampoon with the phallic songs of the comus, just as tragedy arose out of the union of rhapsodical recitations with the dithyramb.

Among the Athenians the first attempts at comedy, according to the almost unanimous accounts of antiquity, were made at Icaria by Susarion, a native of Tripodiscus in Megara. (Schol. *ad Dionys. Thrac.* in Bekker's *Anecd. Gr.* p. 748; Aspasius, *Ad Aristot. Eth. Nic.* iv. 2. 20. fol. 53, B.) Icaria was the oldest seat of the worship of Dionysus in Attica (Athen. ii. p. 40), and comus processions must undoubtedly have been known there long before the time of Susarion. Iambistic raillery was also an amusement already known in the festivals of Bacchus and Demeter (Müller, *Hist. of Lit. of Gr.* vol. i. p. 132; Hesychius, *s. v.* *Γεφυρισταί*; Suidas, *s. v.* *γεφυρίζων*; Schol. Arist. *Acharn.* 708). From the jests and banterings directed by the Bacchic comus, as it paraded about, against the bystanders, or any others whom they selected, arose the proverb *τὰ ἐξ ἁμάξης* (Schol. Arist. *Equit.* 544, *Nub.* 296; Suidas, *s. v.*; Ulpianus ad Demosth. *de Cor.* p. 268, ed. Reiske; Bode, *l. c.* p. 22; Photius, *Lex.* *s. v.* *τὰ ἐκ τῶν ἁμαξῶν*). This amusement continued customary not only at the rural Dionysia, but at the Anthesteria, on the second day of the festival [Dionysia]. It was in the third year of the 50th Olympiad (B.C. 578), that Susarion introduced at Icaria comedy in that stage of development to which it had attained among the Megarians (Mar. Par. ep. 40. in Böckh's *Corpus Inscript.* vol. ii. p. 301). It is not however easy to decide in what his improvements consisted. Of course there were no actors beside the chorus or comus; whatever there was of drama must have been performed by the latter. The introduction of an actor separate from the chorus, was an improvement not yet made in the drama. According to one grammarian, Susarion was the first to give to the iambistic performances of the comus a regular metrical form (Schol. *ad Dionys. Thrac.* ap. Bekker, *Anecd. Gr.* p. 748; Meineke, *l. c.* p. 549). He no doubt substituted for the more ancient improvisations of the chorus and its leader premeditated compositions, though still of the same general kind; for, as Aristotle says (*Poet.* c. 5), Crates was the first who ἦρξεν, ἀφέμενος τῆς ἰαμβικῆς ἰδέας καθόλου ποιεῖν λόγους ἢ μύθους. There would seem also to have been some kind of poetical contest, for we learn that the prize for the successful poet was a basket of figs and a jar of wine (Marm. Par. *l. c.*; Bentley, *Dissert. on the Ep. of Phal.* vol. i. p. 259, ed. Dyce). It was also the practice of those who took part in the comus to smear their faces with wine-lees, either to prevent their features from being recognised, or to give themselves a more grotesque appearance. Hence comedy came to be called τρυγῳδία, or lee-song. Others connected the name with the circumstance of a jar of new wine (τρύξ) being the prize for the successful poet. (Athen. ii. p. 40; Anon. ap. Meineke, *l. c.* p. 535; Aristoph. *Acharn.* l. 473, &c.; Fragm. ap. Athen. xii. p. 551; *Acharn.* 851, 603, *Vesp.* 650, 1534; Schol. ad Arist. *Acharn.* 397, 498; Schol. ad Plat. *de Rep.* iii. p. 928, ed. Bait. et Orell.; Bentley, *Dissert. on the Ep. of Phal.* vol. i. p. 341, &c. ed. Dyce; Bode, *l. c.* p. 22.) There can be but little question that Susarion's pieces were merely intended for the amusement of the hour, and were not committed to writing (Bentley, *l. c.* p. 250, &c.; Anonym. *de Com.* ap. Meineke, *l. c.* p. 540; Bode, *l. c.*). The comedy of Susarion doubtless partook of that petulant, coarse, and unrestrained personality for which the Megarian comedy was noted. For entertainments of such a character the Athenians were not yet prepared. They required the freedom of a democracy. Accordingly, comedy was discouraged, and for eighty years after the time of Susarion we hear nothing of it in Attica.

It was, however, in Sicily, that comedy was earliest brought to something like perfection. The Greeks in Sicily always exhibited a lively temperament, and the gift of working up any occurrence into a spirited, fluent dialogue. (Cic. *Verr.* iv. 43, *Divin. in Caecil.* 9, *Orat.* ii. 54; Quintil. vi. 3. § 41.) This faculty finding its stimulus in the excitement produced by the political contests, which were so frequent in the different cities, and the opportunity for its exercise in the numerous agrarian festivals connected with the worship of Demeter and Bacchus, it was natural that comedy should early take its rise among them. Yet before the time of the Persian wars, we only hear of iambic compositions, and of a single poet, Aristoxenus. The performers were called αὐτοκάβδαλοι, i. e. improvisatores (Athen. xiv. p. 622.; Etym. Magn. *s. v.* αὐτοκαβδ.; Eustath. *ad Il.* xi. p. 884. 45; Hesych. *s. v.*; Aristot. *Rhet.* iii. 7. § 1; Bode, *l. c.* p. 8, &c.), and, subsequently, ἴαμβοι. Their entertainments being of a choral character were, doubtless, accompanied by music and dancing. Athenaeus (xiv. p. 629) mentions a dance called the ἰαμβική, which he ranks with the κόρδαξ and σίκιννις. Afterwards, the comic element was developed partly into travesties of religious legends, partly into delineations of character and manners; the former in the comedy of Epicharmus, Phormis, and Deinolochus; the latter in the mimes of Sophron and Xenarchus. Epicharmus is very commonly called the inventor of comedy by the grammarians and others (Theocr. *Epig.* 17; Suidas *s. v.* Ἐπίχαρμος; Solinus, 5, 13); this, however, is true only of that more artistical shape which he gave to it. (Bernhardy, *l. c.* p. 900.) In his efforts he appears to have been associated with Phormis, a somewhat older contemporary. The Megarians in Sicily claimed the honour of the invention of comedy, on account of his having lived in Megara before he went to Syracuse. (*Dictionary of Biog. and Myth.* art. *Epicharmus.*) According to Aristotle (*Poet.* 5) Epicharmus and Phormis were the first who began μύθους ποιεῖν; which Bernhardy (*l. c.* p. 898) understands to mean that they were the first to introduce regular plots. The subjects of his plays were mostly mythological, i. e. were parodies or travesties of mythological stories. (Müller, *Dorians*, book iv. c. 7.) Whether in the representation there was a chorus as well as actors is not clear, though it has been assumed (Grysar, *de Dor. Com.* p. 200, &c.) that he and Phormis were the earliest comic poets whose works reached posterity in a written form. (Bentley, *l. c.* p. 451.) But the comedy of Epicharmus was of brief duration. We hear of no successors to him except his son or disciple Deinolochus.

In Attica, the first comic poet of any importance whom we hear of after Susarion is Chionides, who is said to have brought out plays in B. C. 488 (Suidas *s. v.* Χιωνίδης). Euetes, Euxenides, and Myllus were probably contemporaries of Chionides; he was followed by Magnes and Ecphantides. Their compositions, however, seem to have been little but the reproduction of the old Megaric farce of Susarion, differing, no doubt, in form, by the introduction of an actor or actors, separate from the chorus, in imitation of the improvements that had been made in tragedy. (Bode, *l. c.* p. 29—36.) That branch of the Attic drama which was called the old comedy, begins properly with Cratinus, who was to comedy very much what Aeschylus was to tragedy. Under the vigorous and liberal administration of Pericles comedy found free scope, and rapidly reached its perfection. Cratinus is said to have been the first who introduced three actors in a comedy. (Anonym. *de Com.* ap. Meineke, p. 540.) But Crates is spoken of as the first who began καθόλου ποιεῖν λόγους ἢ μύθους (Arist. *Poet.* 5), i. e. raised comedy from being a mere lampooning of individuals, and gave it a character of universality, in which subjects drawn from reality, or stories of his own invention received a free, poetic treatment, the characters introduced being rather generalisations than particular individuals. (See Aristotle's distinction between τὰ καθ' ἕκαστον and τὰ καθόλου, *Poet.* 9.) In what is known of his pieces no traces appear of anything of a personal or political kind. He was the first who introduced into his pieces the character of a drunken man. (Anonym. *de Com.* ap. Meincke, p. 536.) Though Crates was a younger contemporary of Cratinus, and at first an actor in his pieces, yet, except perhaps his earlier plays, the comedies of Cratinus were an improvement upon those of Crates, as they united with the universality of the latter the pungent personal satire and earnest political purpose which characterised the old comedy (Bernhardy, *l. c.* pp. 942, 946.) Crates and his imitator Pherecrates seem in the character of their pieces to have had more affinity with the middle than with the old comedy. The latter has been described as the comedy of caricature, and such indeed it was, but it was also a great deal more. As it appeared in the hands of its great masters Cratinus, Hermippus, Eupolis, and especially Aristophanes, its main characteristic was that it was throughout *political*. Everything that bore upon the political or social interests of the Athenians furnished materials for it. It assailed everything that threatened liberty, religion, and the old established principles of social morality and taste, and tended to detract from the true nobleness of the Greek character. It performed the functions of a public censorship. (Hor. *Serm.* i. 4. 1, &c.; Isocrat. *de Pace*, p. 161; Dion Chrysost. vol. ii. p. 4, ed. Rsk.; Cic. *de Rep.* iv. 10.) Though merely personal satire, having no higher object than the sport of the moment, was by no means excluded, yet commonly it is on political or general grounds that individuals are brought forward and satirised. A groundwork of reality usually lay at the basis of the most imaginative forms which its wild licence adopted. All kinds of phantastic impersonations and mythological beings were mixed up with those of real life. With such unbounded stores of materials for the subject and form of comedies, complicated plots were of course unnecessary, and were not adopted. Though the old comedy could only subsist under a democracy, it deserves to be remarked that its poets were usually opposed to that democracy and its leaders. Some of the bitterest assailants even of Pericles were to be found among the comic poets.

In the year B. C. 440, a law was passed τοῦ μὴ κωμῳδεῖν (Schol. Arist. *Acharn.* 67), which remained in force for three years, when it was repealed. Some (*e. g.* Clinton, *F. H. s. a.*) understand the law to have been a prohibition of comedy altogether, others (Meineke, *l. c.* p. 40; Bernhardy, p. 943) a prohibition against bringing forward individuals in their proper historical personality and under their own name, in order to ridicule them (μὴ κωμῳδεῖν ὀνομαστί). To the same period probably belongs the law that no Areopagite should write comedies. (Plut. *de Glor. Ath.* p. 348, c.) About B. C. 415, apparently at the instigation of Alcibiades, the law of 440, or at all events a law μὴ κωμῳδεῖν ὀνομαστί, was again passed on the motion of one Syracosius (Schol. Arist. *Aves*, 1297). But the law only remained in force for a short time (Meineke, p. 41). The nature of the political events in the ensuing period would of itself act as a check upon the licence of the comic poets. A man named Antimachus got a law like that of Syracosius passed, but the date of it is not known. (Schol. Arist. *Acharn.* 1149.) With the overthrow of the democracy in 411, comedy would of course be silenced, but on the restoration of the democracy, comedy again revived. It was doubtless again restrained by the thirty tyrants. During the latter part of the Peloponnesian war also it became a matter of difficulty to get choregi; and hindrances were sometimes thrown in the way of the comic poets by those who had been attacked by them. (Schol. Arist. *Ran.* 153.) Agyrrhius, though when is not known, got the pay of the poets lessened. (Schol. Arist. *Eccl.* 102.) The old Attic comedy lasted from Ol. 80 to Ol. 94 (B. C. 458—404). From Cratinus to Theopompus there were forty-one poets, fourteen of whom preceded Aristophanes. The number of pieces attributed to them amounted altogether to 365. (Anon. *de Com.* ap. Meineke, p. 535; Bode, *l. c.* p. 108.) An excellent and compendious account of these poets is given by Bernhardy. (*Grundriss der Griech. Lit.* vol. ii. p. 945—954.) A more extended account will be found in Meineke (*Hist. Crit. Comic. Graec.* forming vol. i. of his *Fragm. Com. Graec.*), and in Bode (*Gesch. der Hellen. Dichtk.* vol. iii. pt. ii. p. 108, &c. &c.). The reader is also referred to the articles Crates, Cratinus, Pherecrates, Hermippus, Eupolis and Aristophanes in the *Dictionary of Greek and Roman Biography and Mythology*. (Comp. Rötscher, *Aristophanes und sein Zeitalter*; and Schlegel's *Lectures on Dramatic Art and Literature*.) The later pieces of Aristophanes belong to the Middle rather than to the Old Comedy. The old Megaric comedy, which was improved by Maeson, by the introduction of standing characters (Athen. xiv. p. 659, a.) continued for some time to subsist by the side of the more artistically developed Attic comedy, as did the ancient Iambistic entertainments both in Syracuse and in the Dorian states of Greece. (Arist. *Poet.* 4; Bode, *l. c.* p. 28.)

It was not usual for comic poets to bring forward more than one or two comedies at a time; and there was a regulation according to which a poet could not bring forward comedies before he was of a certain age, which is variously stated at thirty or forty years. (Aristoph. *Nub.* 530, with the scholiast.) To decide on the merits of the comedies exhibited, five judges were appointed, which was half the number of those who adjudged the prize for tragedy. (Schol. ad Arist. *Av.* 445; Hesych. *s. v.* πέντε κριταί.)

The chorus in a comedy consisted of twenty-four. [Chorus.]

The dance of the chorus was the κόρδαξ, the movements of which were capricious and licentious, consisting partly in a reeling to and fro, in imitation of a drunken man, and in various unseemly and immodest gestures. For a citizen to dance the κόρδαξ sober and without a mask, was looked upon as the height of shamelessness. (Theophrast. *Charact.* 6.) The choreutae were attired in the most indecent manner. (Schol. ad Arist. *Nub.* 537.) Aristophanes, however, and probably other comic poets also, frequently dispensed with the κόρδαξ. (Arist. *Nub.* 537, &c. 553, &c.; Schneider, *das Attische Theaterwesen*, p. 229, &c.) Comedies have choric songs, but no στάσιμα, or songs between acts. The most important of the choral parts was the Parabasis, when the actors having left the stage, the chorus, which was ordinarily divided into four rows, containing six each (Pollux, iv. 108; Schol. ad Arist. *Pac.* 733), and was turned towards the stage, turned round, and advancing towards the spectators delivered an address to them in the name of the poet, either on public topics of general interest, or on matters which concerned the poet personally, criticising his rivals and calling attention to his merits; the address having nothing whatever to do with the action of the play. (Schol. ad Arist. *Nub.* 518, *Pac.* 733, *Equit.* 505.) The grammarians speak of it as being divided into the following portions: — 1. A short introduction (the κομμάτιον); 2. The παράβασις in the narrower sense of the word, or ἀνάπαιστος, which was the principal part; and usually consisted of a system of anapaestic or trochaic tetrameters, in which case it was the practice for it to close with what was called the μακρόν or πνῖγος, a number of short verses, which the speaker had to utter in a breath, and by which he was to appear to be choked; 3. The *στροφή*; 4. The *ἐπίῤῥημα*; 5. The *ἀντιστροφή*, answering to the *στροφή*; 6. The *ἀντεπίῤῥημα*, answering to the *ἐπίῤῥημα*. The strophe and antistrophe were sung by half choruses, and were probably accompanied by dancing, being the only parts of the parabasis that were so accompanied. (Bode *l. c.* p. 273.) The rhema and epirrhema were uttered by single choreutae. The parabasis, however, did not always contain all these parts complete. The origin of the parabasis is not quite clear. Possibly in the earlier stages of comedy, the poet went with the comus procession, and in the course of its performance addressed a speech in his own person to the spectators. (Etym. Magn. p. 528; Pollux, iv. 111; Schol. ad Arist. *Nub.* 518, 1113, *Pac.* 733; Hypothes. ad Arist. *Nub.*; Hermann, *Elem. Doct. Metr.* iii. 21, p. 720, &c.; Kanngiesser, *Alte Kom. Bühne*, p. 356, &c.; Kolster, *de Parabasi.*) The parabasis was not universally introduced: three plays of Aristophanes, the Ecclesiazusae, Lysistrata, and Plutus have none.

As the old Attic comedy was the offspring of the political and social vigour and freedom of the age during which it flourished, it naturally declined and ceased with the decline and overthrow of the freedom and vigour which were necessary for its development. It was replaced by a comedy of a somewhat different style, which was known as the Middle comedy, the age of which lasted from the end of the Peloponnesian war to the overthrow of liberty by Philip of Macedon. (Ol. 94—110.) During this period, the Athenian state had the form, but none of the spirit of its earlier democratical constitution, and the energy and public spirit of earlier years had departed. The comedy of this period accordingly found its materials in satirizing classes of people instead of individuals, in criticising the systems and merits of philosophers and literary men, and in parodies of the compositions of living and earlier poets, and travesties of mythological subjects. It formed a transition from the old to the new comedy, and approximated to the latter in the greater attention to the construction of plots which seem frequently to have been founded on amorous intrigues (Bode, p. 396), and in the absence of that wild grotesqueness which marked the old comedy. As regards its external form, the plays of the middle comedy, generally speaking, had neither parabasis nor chorus. (Platonius, *de Differ. Com.* ap. Meineke, p. 532.) The absence of the chorus was occasioned, partly by the change in the spirit of comedy itself, partly by the increasing difficulty of finding persons capable of undertaking the duties of choregus. As the change in comedy itself was gradual, so it is most likely that the alterations in form were brought about by degrees. At first showing the want of proper musical and orchestic training, the chorus was at last dropped altogether. Some of the fragments of pieces of the middle comedy which have reached us are of a lyrical kind, indicating the presence of a chorus. The poets of this school of comedy seem to have been extraordinarily prolific. Athenaeus (viii. p. 336, d.) says, that he had read above 800 dramas of the middle comedy. Only a few fragments are now extant. Meineke (*Hist. Crit. Com. Gr.* p. 303) gives a list of thirty-nine poets of the middle comedy. The most celebrated were Antiphanes and Alexis. (Bode, *l. c.* p. 393, &c.; Bernhardy, p. 1000, &c.)

The new comedy was a further development of the last mentioned kind. It answered as nearly as may be to the modern comedy of manners or character. Dropping for the most part personal allusions, caricature, ridicule, and parody, which, in a more general form than in the old comedy, had maintained their ground in the middle comedy, the poets of the new comedy made it their business to reproduce in a generalized form a picture of the every-day life of those by whom they were surrounded. Hence the grammarian Aristophanes asked: *ὦ Μένανδρε καὶ βίε, πότερος ἄρ' ὑμῶν πότερον ἀπεμιμήσατο* (Meineke, *praef. Men.* p. 33). The new comedy might be described in the words of Cicero (*de Rep.* iv. 11), as "imitationem vitae, speculum consuetudinis, imaginem veritatis." The frequent introduction of sententious maxims was a point of resemblance with the later tragic poets. There were various standing characters which found a place in most plays, such as we find in the plays of Plautus and Terence, the *leno perjurus*, *amator fervidus*, *servulus callidus*, *amica illudens*, *sodalis opitulator*, *miles proeliator*, *parasitus edax*, *parentes tenaces*, *meretrices procaces.* (Appul. *Flor.* 16; Ovid, *Amor.* i. 15, 17.) In the new comedy there was no chorus, and the dramas were commonly introduced by prologues, spoken by allegorical personages, such as Ἔλεγχος, Φόβος, Ἀήρ. The new comedy flourished from about B. C. 340 to B. C. 260. The poets of the new comedy amounted to 64 in number. The most distinguished was Menander. Next to him in merit came Philemon, Diphilus, Philippides, Posidippus, and Apollodorus of Carystus. (Bernhardy, p. 1008, &c.; Meineke, *l. c.* p. 435, &c.)

Respecting the masks used in comedy the reader is referred to the article PERSONA. The ordinary costume was the *ἐξωμίς*, which for old men was unfulled. Peasants carried a knapsack, a cudgel, and a skin of some kind (*διφθέρα*). Young men had a purple tunic; parasites a black or grey one, with a comb and a box of ointment. Courtezans had a coloured tunic, and a variegated cloak over it, with a wand in their hand. Slaves wore a small variegated cloak over their tunic; cooks an unfulled double mantle; old women a yellow or blue dress; priestesses and maidens a white one; heiresses a white dress with a fringe; bawds and the mothers of hetaerae had a purple band round the head; panderers a dyed tunic, with a variegated cloak and a straight staff, called *ἄρεσκος.* (Pollux, iv. 118, &c., vii. 47; Etymol. Magn. p. 349. 43; A. Gell. vii. 12.) The authorities, however, on these points are not very full, and not quite accordant.

2. ROMAN.—The accounts of the early stages of comic poetry among the Romans are scanty, and leave many points unexplained, but they are probably trustworthy as far as they go. Little is known on the subject but what Livy tells us (vii. 4). According to his account in the year B. C. 363, on the occasion of a severe pestilence, among other ceremonies for averting the anger of the deities scenic entertainments were introduced from Etruria, where it would seem they were a familiar amusement. Tuscan players (*ludiones*), who were fetched from Etruria, exhibited a sort of pantomimic dance to the music of a flute, without any song accompanying their dance, and without regular dramatic

gesticulation. The amusement became popular, and was imitated by the young Romans, who (though how soon is not stated) improved upon the original entertainment by uniting with it extemporaneous mutual raillery, composed in a rude irregular measure, a species of diversion which had been long known among the Romans at their agrarian festivals under the name of *Fescennina* [FESCENNINA]. They regulated their dances so as to express the sense of the words. Those who had an aptitude for this sort of representation set themselves to improve its form, supplanting the old Fescennine verses by more regular compositions, which however had not as yet any thing like dramatic unity or a regular plot, but from the miscellaneous nature of the subjects introduced were called *saturae* [SATURA]. Those who took part in these exhibitions were called *histriones*, *hister* being the Etruscan word which answered to the Latin *ludio* [HISTRIO]. It was 123 years after the first introduction of these scenic performances before the improvement was introduced of having a regular plot. This advance was made by Livius Andronicus, a native of Magna Graecia, in B. C. 240. His pieces, which were both tragedies and comedies, were merely adaptations of Greek dramas. His popularity increasing, a building on the Aventine hill was assigned to him for his use, which served partly as a theatre, partly as a residence for a troop of players, for whom Livius wrote his pieces. The representation of regular plays of this sort was now left to those who were histriones by profession, and who were very commonly either foreigners or slaves; the free-born youth of Rome confined their own scenic performances to the older, irregular farces, which long maintained their ground, and were subsequently called *exodia*, being, as Livy says, *conserta fabellis potissimum Atellanis.* [EXODIA; SATURA.] Livius, as was common at that time, was himself an actor in his own pieces. His Latin adaptations of Greek plays, though they had no chorus, were interspersed with monodies, which were more lyrical in their metrical form, and more impassioned in their tone than the ordinary dialogue parts. In the musical recitation of these Livius seems to have been very successful, and was frequently encored. The exertion being too much for his voice, he introduced the practice in these monodies, or *cantica*, of placing a slave beside the flute player to recite or chaunt the words, while he himself went through the appropriate gesticulation. This became the usual practice from that time, so that in the cantica the histriones did nothing but gesticulate, the only parts where they used their voice being the dialogues (*diverbia*). Livy's account has been absurdly misunderstood as implying that the introduction of this slave to chaunt the cantica led to the use of dialogue in the Roman dramas, as though there had been no dialogue before; in which case, as there was certainly no chorus, Livius must have adapted Greek dramas so as to admit of being represented in a series of monologues, a supposition which is confuted by its own absurdity. It is perfectly clear that the plays of Livius were an improvement on the old scenic saturae, which consisted of dialogue, and that the improvement was simply that of adapting the dialogue to a regular plot. Hermann (*Dissert. de Cant. in Fab. scenic.* Opusc. vol. i. p. 290, &c.) has sufficiently shown that the cantica were not mere musical interludes accompanied by dancing or gesticulation, introduced between the acts, but the monodial parts of the plays themselves; though (as is clear from Plautus, *Pseud.* i. 5. 160) there were cases in which the flute-player filled up the intervals between acts with music, as in the διαύλιον in the Greek theatre. But there is nothing to show that such musical interludes were accompanied with gesticulation by any actor; and it is not merely without but against all authority to call such interludes cantica. Hermann has also shown that it is quite a mistake to suppose that the leading actors only gesticulated in the cantica, and took no part in the ordinary dialogue. The cantica were only monodies put into the mouth of one or other of the dramatis personae. There is a useful treatise on this subject by G. A. B. Wolff (*de Canticis in Romanorum Fabulis scenicis*), in which the author has endeavoured to point out which are the cantica in the remaining plays of Plautus and Terence.

The first imitator of the dramatic works of Livius Andronicus was Cn. Naevius, a native of Campania. He composed both tragedies and comedies, which were either translations or imitations of those of Greek writers. In comedy his models seem to have been the writers of the old comedy. (*Dict. of Gr. and Rom. Biog. and Myth.* art. *Naevius.*) The most distinguished successors of Naevius were Plautus (Ibid. art. PLAUTUS), who chiefly imitated Epicharmus, and Terence (Ibid. art. TERENTIUS), whose materials were drawn chiefly from Menander, Diphilus, Philemon, and Apollodorus. The comedy of the Romans was throughout but an imitation of that of the Greeks, and chiefly of the new comedy. Where the characters were ostensibly Greek, and the scene laid in Athens or some other Greek town, the comedies were termed *palliatae*. All the comedies of Terence and Plautus belong to this class. When the story and characters were Roman, the plays were called *togatae*. But the fabulae togatae were in fact little else than Greek comedies clothed in a Latin dress. (As Horace says: "dicitur Afrani toga convenisse Menandro." *Epist.* ii. 1. 57.) They took their name because the costume was the toga. The togatae were divided into two classes, the *trabeatae* and *tabernariae*, according as the subject was taken from high or from low life (Euanthius, *de Fabula*). In the comoediae palliatae, the costume of the ordinary actors was the Greek pallium. The plays which bore the name of *praetextatae*, were not so much tragedies as historical plays. It is a mistake to represent them as comedies. There was a species of tragi-comedy, named from the poet who introduced that style *Rhinthonica*. A tragedy the argument of which was Greek was termed *crepidata*. The mimes are sometimes classed with the Latin comedies. (Hermann, *de Fabula togata.* Opusc. vol. v. p. 254, &c.) Respecting them, the reader is referred to the article MIMUS. The mimes differed from the comedies in little more than the predominance of the mimic representation over the dialogue, which was only interspersed in various parts of the representation.

Latin comedies had no chorus, any more than the dramas of the new comedy, of which they were for the most part imitations. Like them, too, they were introduced by a prologue, which answered some of the purposes of the parabasis of the old comedy, so far as bespeaking the good will of the spectators, and defending the poet against his rivals and enemies. It also communicated so much information as was necessary to understand the story of the play. The prologue was commonly spoken by one of the players, or, perhaps, by the manager of the troop. Occasionally the speaker of it assumed a separate mask and costume, for the occasion (Plaut. *Poen.* prol. 126; Terent. *Prol.* ii. 1). Sometimes the prologue is spoken by one of the dramatis personae (Plaut. *Amph.*; *Mil. Glor.*; *Merc.*), or by some supernatural or personified being, as the Lar familiaris in the *Aulularia* of Plautus, Arcturus in the *Rudens*, Auxilium in the *Cistellaria*, Luxuria and Inopia in the Trinummus. (Baden, *von dem Prologe im Röm. Lustsp.* in Jahn's *Archiv.* i. 3. p. 441, &c.; Bekker, *de com. Roman. Fabulis*, p. 89, &c.; Wolff, *de Prologis Plautinis.*) The rest of the piece consisted (as Diomedes says, iii. p. 489) of *diverbium* and *canticum.* This division, however, must not be taken too stringently, as it was not every monologue which was a *canticum.* The composition of the music, which is spoken of in the didascaliae, appears to have had reference to these cantica. Respecting the use of masks, see the article Persona. When they were first introduced, is a disputed point (Wolff. *de Canticis*, p. 22, &c.; Hölscher, *de Personarum Usu in Ludis scen. ap. Rom.*; Stieve, *de Rei scenicae ap. Rom. Origine.*) The characters introduced were much the same as in the new comedy, and their costume was not very different. Donatus gives the following account of it: "comicis senibus candidus vestis inducitur, quod is antiquissimus fuisse memoratur, adolescentibus discolor attribuitur. Servi comici amictu exiguo conteguntur paupertatis antiquae gratia, vel quo expeditiores agant. Parasiti cum intortis palliis veniunt. Laeto vestitus candidus, aerumnoso obsoletus, purpureus diviti, pauperi phoeniceus datur. Militi chlamys purpurea, puellae habitus peregrinus inducitur, leno pallio varii coloris utitur, meretrici ob avaritiam luteum datur."

A word remains to be said on the *Atellanae fabulae.* These were not of Roman, but of Italian origin, and were not introduced among the Romans till the latter came into contact with the Campanians. These pieces took their name from the town of Atella in Campania. From being always composed in the Oscan dialect, they were also called *ludi Osci*, or *ludicrum Oscum.* At first, and amongst the Oscans, they appear to have been rude, improvisatory farces, without dramatic connection, but full of raillery and satire. So far they resembled the earlier scenic entertainments of the Romans. But the Oscan farces had not the dancing or gesticulation which formed a chief part of the latter, and those who took part in them personated characters representing various classes of the country people, like the Maschere of the modern Italians. These had regular names; there was *Maccus*, a sort of clown or fool; *Buccones*, i. e. babblers; *Pappus*; *Simus* or *Simius*, the baboon. The Greek origin of some of these names would seem to indicate that the Greek settlers in Italy had some influence in the development of this species of amusement. The Atellanae fabulae were distinguished from the mimes by the absence of low buffoonery. They were marked by a refined humour. (Cic. *ad Fam.* ix. 16; Val. Max. ii. 1.) They were commonly divided into five acts. (Macrob. *Saturn.* iii.) Respecting the *exodia*, see the article Exodium. The Oscan dialect was preserved, even when they were introduced at Rome. (Strabo, v. p. 356, a.) Though at first improvisatory, after the regular drama acquired a more artistic character, the Atellanae came to be written. Lucius Pomponius of Bononia and Q. Novius are mentioned as writers of them. Regular histriones were not allowed to perform in them. They were acted by free-born Romans, who were not subjected to any civil degradation for appearing in them. In later times, they degenerated, and became more like the mimes, and were acted by histriones; but by that time they had fallen into considerable neglect. (C. E. Schober, *über die Atellanen*, Lips. 1825; Weyer, *über d. Atell.* Mannheim 1826; Neukirch, *de Fabula togata*, pp. 20, 51, &c.; Bähr, *Gesch. der Röm. Litteratur.*) [C. P. M.]

COMPENSA'TIO is defined by Modestinus to be *debiti et crediti inter se contributio.* Compensatio, as the etymology of the word shows (*pend-o*), is the act of making things equivalent. A person who was sued, might answer his creditor's demand, who was also his debtor, by an offer of compensatio (*si paratus est compensare*); which in effect was an offer to pay the difference, if any, which should appear on taking the account. The object of the compensatio was to prevent unnecessary suits and payments, by ascertaining to which party a balance was due. Originally compensatio only took place in bonae fidei judiciis, and ex eadem causa; but by a rescript of M. Aurelius there could be compensatio in stricti juris judiciis, and ex dispari causa. When a person made a demand in right of another, as a tutor in right of his pupillus, the debtor could not have compensatio in respect of a debt due to him from the tutor on his own account. A fidejussor (surety) who was called upon to pay his principal's debt, might have compensatio, either in respect of a debt due by the claimant to himself or to his principal. It was a rule of Roman law that there could be no compensatio where the demand could be answered by an exceptio peremptoria; for the compensatio admitted the demand, subject to the proper deduction, whereas the object of the exceptio was to state something in bar of the demand. Set-off in English law, and compensation in Scotch law, correspond to compensatio. (Dig. 16. tit. 2; Thibaut, *System*, &c. § 606, 9th ed. contains the chief rules as to compensatio.) [G. L.]

COMPERENDINA'TIO. [Judex.]

COMPETI'TOR. [Ambitus.]

CO'MPITA. [Compitalia.]

COMPITA'LIA, also called **LUDI COMPITALI'CII**, a festival celebrated once a year in honour of the lares compitales, to whom sacrifices were offered at the places where two or more ways met (*compita*, Varro, *De Ling. Lat.* vi. 25, ed. Müller; Festus, *s. v.*). This festival is said by some writers to have been instituted by Tarquinius Priscus in consequence of the miracle attending the birth of Servius Tullius, who was supposed to be the son of a lar familiaris. (Plin. *H. N.* xxxvi. 70.) Dionysius (iv. 14) ascribes its origin to Servius Tullius, and describes the festival as it was celebrated in his time. He relates that the sacrifices consisted of honey-cakes (πέλανοι), which were presented by the inhabitants of each house, and that the persons, who assisted as ministering servants at the festival, were not free-men, but slaves, because the lares took pleasure in the service of slaves: he further adds that the compitalia were celebrated a few days after the Saturnalia with great splendour, and that the slaves on this occasion had full liberty given them to do what they pleased. We further learn from Macrobius (*Saturn.* i. 7) that the celebration of the compitalia was restored by Tarquinius Superbus, who sacrificed boys to Mania, the mother of the lares; but this practice was changed after the expulsion of the Tarquins, and garlic and poppies offered in their stead.

The persons, who presided over the festival were the *Magistri vici*, who were on that occasion allowed to wear the praetexta (Ascon. *ad Cic. in Pis.* p. 7, ed. Orelli). Public games were added at some time during the republican period to this festival, but they were suppressed by command of the senate in B. C. 68; and it was one of the charges brought forward by Cicero against L. Piso that he allowed them to be celebrated in his consulship, B. C. 58 (Cic. *in Pis.* 4; Ascon. *l. c.*) But that the festival itself still continued to be observed, though the games were abolished, is evident from Cicero (*ad Att.* iii. 3). During the civil wars the festival fell into disuse, and was accordingly restored by the emperor Augustus. (Suet. *Aug.* 31; comp. Ov. *Fast.* v. 128—148.) As Augustus was now the *pater patriae*, the worship of the old lares was discontinued, and the lares of the emperor consequently became the lares of the state. Hence, the Scholiast on Horace (*ad Sat.* ii. 3. 281), tells us that Augustus set up lares or penates at places where two or more ways met, and instituted for the purpose of attending to their worship an order of priests, who were taken from the Libertini, and were called *Augustales.* These Augustales are entirely different from the Augustales, who were appointed to attend to the worship of Augustus after his decease, as has been well shown by A. W. Zumpt in his essay on the subject. (*De Augustalibus*, &c., Berol. 1846.) [AUGUSTALES.]

The compitalia belonged to the *feriae conceptivae*, that is, festivals which were celebrated on days appointed annually by the magistrates or priests. The exact day on which this festival was celebrated, appears to have varied, though it was always in the winter. Dionysius relates (iv. 14), as we have already said, that it was celebrated a few days after the Saturnalia, and Cicero (*in Pison.* 4) that it fell on the Kalends of January; but in one of his letters to Atticus (vii. 7) he speaks of it as falling on the fourth before the nones of January. The exact words, with which the festival was announced, are preserved by Macrobius (*Saturn.* i. 4) and Aulus Gellius (x. 24).

COMPLU'VIUM. [DOMUS.]

COMPROMISSUM. [JUDEX; RECEPTA ACTIO.]

COMUS (*κῶμος*). [CHORUS; COMOEDIA.]

CONCHA (*κόγχη*), a Greek and Roman liquid measure, of which there were two sizes. The smaller was half the *cyathus* (=·0412 of a pint English); the larger, which was the same as the *oxybaphum*, was three times the former (=·1238 of a pint). (Hussey, pp. 207, 209; Wurm, p. 129.) [P. S.]

CONCILIA'BULUM. [COLONIA, p. 318, a.]

CONCILIA'RII. [ASSESSOR.]

CONCI'LIUM generally has the same meaning as *conventus* or *conventio*, but the technical import of concilium in the Roman constitution was an assembly of a *portion* of the people (Gell. xv. 27), as distinct from the general assemblies or comitia. (Fest. p. 50; Cic. *De Leg.* ii. 1, *p. Red. in Sen.* 5.) Accordingly, as the comitia tributa embraced only a portion of the Roman people, viz. the plebeians, these comitia are often designated by the term *concilia plebis.* (Liv. vii. 5, xxviii. 53, xxxix. 15.) Upon the same principle, it might be supposed that the comitia curiata might be called concilia, and Niebuhr (*Hist. of Rome*, i. p. 425) believes that the concilia populi which are mentioned now and then, actually were the comitia curiata; but there is no evidence of those patrician assemblies, which in the early times certainly never looked upon themselves as a mere part of the nation, having ever been called by that name. In fact, all the passages in which concilia populi occur, clearly show that none other but the comitia tributa are meant. (Liv. i. 36, ii. 7, 60, iii. 13, 16, 64, 71, xxx. 24, xxxviii. 53, xxxix. 15, xliii. 16, Cic. *in Vat.* 7.) As concilium, however, has the meaning of an assembly in general, we cannot wonder that sometimes it is used in a loose way to designate the comitia of the centuries (Liv. ii. 28) or any concio. (Liv. ii. 7, 28, v. 43; Gell. xviii. 7; comp. Becker, *Handb. der Röm. Alterth.* vol. ii. part i. p. 359, note 693.)

We must here notice a peculiar sense in which concilium is used by Latin writers to denote the assemblies or meetings of confederate towns or nations, at which either their deputies alone or any of the citizens met who had time and inclination, and thus formed a representative assembly. (Liv. i. 50.) Such an assembly or diet is commonly designated as *commune concilium* or *τὸ κοινόν*, e. g. *Achaeorum*, *Aetolorum*, *Boeotorum*, *Macedoniae*, and the like. (Liv. xxxvi. 31, xxxviii. 34, xlii. 43, xlv. 18; Gell. ii. 6.) Of the same kind were the diets of the Latins in the grove of Ferentina (Liv. i. 51, vi. 33, vii. 25, viii. 3), the meetings of the Etruscans near the temple of Voltumna (Liv. iv. 23, 25, 61, v. 17, vi. 2), of the Hernicans in the circus of Anagnia (ix. 42), of the Aequians and Samnites (iii. 2, iv. 25, x. 12). [L. S.]

CO'NCIO or CO'NTIO, a contraction for *conventio*, that is, a meeting, or a *conventus.* (Festus, p. 66, ed. Müller.) In the technical sense, however, a concio was an assembly of the people at Rome convened by a magistrate for the purpose of making the people acquainted with measures which were to be brought before the next comitia, and of working upon them either to support or oppose the measure. But no question of any kind could be decided by a concio, and this constitutes the difference between conciones and comitia. (Gell. xiii. 14; Cic. *p. Sext.* 50, 53; Liv. xxxix. 15.) Still conciones were also convened for other purposes, *e. g.* of persuading the people to take part in a war (Dionys. vi. 28), or of bringing complaints against a party in the republic. (Dionys. ix. 25; Plut. *C. Gracch.* 3.) Meetings of this kind naturally were of very frequent occurrence at Rome. The earliest that is mentioned, is one held immediately after the death of Romulus by Julius Proculus in the Campus Martius (Liv. i. 16; Plut. *Rom.* 27); the first, after the expulsion of the kings, was held by Brutus. (Liv. ii. 2; Dionys. v. 10, &c.) Every magistrate had the right to convene conciones, but it was most frequently exercised by the consuls and tribunes, and the latter more especially exercised a great influence over the people in and through these conciones. A magistrate who was higher in rank than the one who had convened a concio, had the right to order the people to disperse, if he disapproved of the object (*avocare*, Gell. xiii. 14); and such a command and the vehemence of the haranguing tribunes rendered conciones often very tumultuous and riotous, especially during the latter period of the republic. The convening magistrate either addressed the people himself, or he introduced other persons to whom he gave permission to speak, for no private person was allowed to speak without this permission, and the people had nothing to do but to listen. (Dionys. v. 11; Liv. iii. 71, xlii. 34; Cic. *ad Att.* iv. 2.) The place where such meetings were held, does not seem to have been fixed, for we find them in the forum, the Capitol, the Campus Martius, and the Circus Flaminius. (Cic. *p. Sext.* 14, *ad Att.* i. 1.) It should be remarked, that the term concio is also used to designate the speeches and harangues addressed to the people in an assembly (Liv. xxiv. 22, xxvii. 13; Cic. *in Vat.* 1), and that in a loose mode of speaking, concio denotes any assembly of the people. (Cic. *p. Flacc.* 7; comp. the Lexica.) [L. S.]

CONCUBI'NA (*παλλακή, παλλακίς*). 1. Greek.—The *παλλακή*, or *παλλακίς*, occupied at Athens a kind of middle rank between the wife and the harlot (*ἑταίρα*). The distinction between the *ἑταίρα, παλλακή*, and legal wife, is accurately described by Demosthenes (*c. Neaer.* p. 1386), *τὰς μὲν γὰρ ἑταίρας ἡδονῆς ἕνεκ' ἔχομεν· τὰς δὲ παλλακὰς, τῆς καθ' ἡμέραν θεραπείας τοῦ σώματος: τὰς δὲ γυναῖκας, τοῦ παιδοποιεῖσθαι γνησίως καὶ τῶν ἔνδον φύλακα πιστὴν ἔχειν.* Thus Antiphon speaks of the *παλλακή* of Philoneos as following him to the sacrifice, and also waiting upon him and his guest at table. (Antiph. *Acc. de Venef.* pp. 613, 614; comp. Becker, *Charikles*, vol. ii. p. 438.) If her person were violated by force, the same penalty was exigible from the ravisher as if the offence had been committed upon an Attic matron; and a man surprised by the quasi-husband in the act of criminal intercourse with his *παλλακή*, might be slain by him on the spot, as in the parallel case (Lys. *De Caede Eratosth.* p. 95). [Adulterium.] It does not, however, appear very clearly from what political classes concubines were chiefly selected, as cohabitation with a foreign (*ξένη*) woman was strictly forbidden by law (Demosth. *c. Neaer.* p. 1350), and the provisions made by the state for virgins of Attic families must in most cases have prevented their sinking to this condition. Sometimes certainly, where there were several destitute female orphans, this might take place, as the next of kin was not obliged to provide for more than one; and we may also conceive the same to have taken place with respect to the daughters of families so poor as to be unable to supply a dowry. (Demosth. *c. Neaer.* p. 1384; Plaut. *Trinummus*, iii. 2. 63.) The dowry, in fact, seems to have been a decisive criterion as to whether the connection between a male and female Athenian, in a state of cohabitation, amounted to a marriage: if no dowry had been given, the child of such union would be illegitimate; if, on the contrary, a dowry had been given, or a proper instrument executed in acknowledgment of its receipt, the female was fully entitled to all conjugal rights. (Petit. *Leg. Att.* p. 548, and authors there quoted.) It does not appear that the slave that was taken to her master's bed acquired any political rights in consequence; the concubine mentioned by Antiphon is treated as a slave by her master, and after his death undergoes a servile punishment (*Id.* p. 615). [Hetaira.] [J. S. M.]

2. Roman. According to an old definition, an unmarried woman who cohabited with a man was originally called pellex, but afterwards by the more decent appellation of concubina. (Massurius, *ap. Paul.* Dig. 50. tit. 16. s. 144.) This remark has apparently reference to the Lex Julia et Papia Poppaea, by which the concubinatus received a legal character. This legal concubinatus consisted in the permanent cohabitation of an unmarried man with an unmarried woman. It therefore differed from adulterium, stuprum, and incestus, which were legal offences; and from contubernium, which was the cohabitation of a free man with a slave, or the cohabitation of a male and female slave, between whom there could be no Roman marriage. Before the passing of the Lex. Jul. et P. P., the name of concubina would have applied to a woman who cohabited with a married man, who had not divorced his first wife (Cic. *De Orat.* i. 40); but this was not the state of legal concubinage which was afterwards established. The offence of stuprum was avoided in the case of the cohabitation of a free man and an ingenua by this permissive concubinage; but it would seem to be a necessary inference that there should be some formal declaration of the intention of the parties, in order that there might be no stuprum. (Dig. 48. tit. 5. s. 34.) Heineccius (*Syntag. Ap.* lib. i. 39) denies that an ingenua could be a concubina, and asserts that those only could be concubinae who could not be uxores; but this appears to be a mistake (Dig. 25. tit. 7. s. 3), or perhaps it may be said that there was a legal doubt on this subject (*Id.* s. 1); Aurelian prohibited the taking of ingenuae as concubinae. (Vopiscus, *Aurelian.* 49.) A constitution of Constantine (Cod. v. tit. 27. s. 5) treats of ingenuae concubinae.

This concubinage was not a marriage, nor were the children of such marriage, who were sometimes called liberi naturales, in the power of their father, and consequently they followed the condition of the mother. There is an inscription in Fabretti (p. 337) to the memory of Paullianus by Aemilia Prima "concubina ejus et heres," which seems to show that the term concubina was not a name that a woman was ashamed of. Under the Christian emperors concubinage was not favoured, but it still existed, as we see from the legislation of Justinian.

This legal concubinage resembled the morganatic marriage (*ad morganaticam*), in which neither the wife enjoys the rank of the husband, nor the children the rights of children by a legal marriage. (*Lib. Feud.* ii. 29.) Among the Romans, widowers who had already children, and did not wish to contract another legal marriage, took a concubina, as we see in the case of Vespasian (Suet. *Vesp.* 3), Antoninus Pius, and M. Aurelius (Jul. Cap. *Vit. Ant.* c. 8; *Aurel.* c. 29; Dig. 25. tit. 7; Cod. v. tit. 26; Paulus, *Recept. Sentent.* ii. tit. 19; 20; Nov. 18, c. 5; 89. c. 12.) [G. L.]

CONDEMNA'TIO. [Actio; Judex.]

CONDI'CTIO. [Actio.]

CONDITO'RIUM. [Funus.]

CONDU'CTIO. [Locatio.]

CONFARREA'TIO. [Matrimonium.]

CONFESSO'RIA ACTIO. If a man has a servitus [SERVITUS], and the exercise of his right is impeded by any person, he can maintain it by an actio in rem, which is a servitutis vindicatio. Accordingly, when a man claims a jus utendi, fruendi, eundi, agendi, &c., the actio is called confessoria de usufructu, &c. If the owner of a thing was interrupted in his exclusive enjoyment of it by a person claiming or attempting to exercise a servitus in it, his claim or ground of action was negative, "jus illi non esse ire, agere," &c., whence the action was called negativa or negatoria in rem actio.

The confessoria actio and the negativa, which was founded on a negative servitus, are discussed under SERVITUS.

In the negatoria in rem, which must be distinguished from the negative actio founded on a negative servitus, the plaintiff claimed restitution of the thing, as, for instance, when the defendant had usurped the usus fructus; or removal of the cause of complaint; also damages for injury done, and security (cautio) against future acts of the like kind. (Gaius, iv. 3; Dig. 8. tit. 5; Brissonius, *De Formulis;* Puchta, *Cursus*, &c. vol. ii. pp. 563, 771.) [G. L.]

CONFU'SIO properly signifies the mixing of liquids, or the fusing of metals into one mass. If things of the same or of different kind were confused, either by the consent of both owners or by accident, the compound was the property of both. If the confusio was caused by one, without the consent of the other, the compound was only joint property in case the things were of the same kind: but if the things were different, so that the compound was a new thing, this was a case of what, by modern writers, is called specification, which the Roman writers expressed by the term novam speciem facere, as if a man made mulsum out of his own wine and his neighbour's honey. In such a case the person who caused the confusio became the owner of the compound, but he was bound to make good to the other the value of his property.

Commixtio is used by modern writers to signify the mixture of solid things which belonged to different owners; but Commixtio and Confusio are used by the Roman writers to express the union of things either solid or fluid (Dig. 41. tit. 1. s. 7. § 8; 6. tit. 1. s. 3. § 2. s. 5.). Still, Commixtio is most generally applied to mixture of solids. If the mixture takes place with mutual consent, the compound is common property; if by chance, or by the act of one, each retains his former property, and may separate it from the mass. If separation is impossible, as if two heaps of corn are mixed, each owner is entitled to a part, according to the proportion of his separate property to the whole mass. It is a case of commixtio when a man's money is paid, without his knowledge and consent, and the money, when paid, is so mixed with other money of the receiver that it cannot be recognised; otherwise, it remains the property of the person to whom it belonged. (Dig. 46. tit. 3. s. 78.)

Specification (which is not a Roman word) took place when a man made a new thing (nova species) either out of his own and his neighbour's material, or out of his neighbour's only. In the former case such man acquired the ownership of the thing. In the latter case, if the thing could be brought back to the rough material (which is obviously possible in very few cases), it still belonged to the original owner, but the specificator had a right to retain the thing till he was paid the value of his labour, if he had acted bona fide. If the new species could not be brought back to its original form, the specificator in all cases became the owner, if he designed to make the new thing for himself; if he had acted bona fide he was liable to the owner of the stuff for its value only; if mala fide, he was liable as a thief. The cases put by Gaius (ii. 29), are those of a man making wine of another man's grapes, oil of his olives, a ship or bench of his timber, and so on. Some jurists (Sabinus and Cassius) were of opinion that the ownership of the thing was not changed by such labour being bestowed on it; the opposite school were of opinion that the new thing belonged to him who had bestowed his labour on it, but they admitted that the original owner had a legal remedy for the value of his property.

Two things, the property of two persons, might become so united as not to be separable without injury to one or both; in this case the owner of the principal thing became the owner of the accessory. Thus, in the case of a man building on another man's ground, the building belonged to the owner of the ground (superficies solo cedit); or in the case of a tree planted, or seed sown on another man's ground, the rule was the same, when the tree or seed had taken root. If a man wrote, even in letters of gold, on another man's parchment or paper, the whole belonged to the owner of the parchment or paper; in the case of a picture painted on another man's canvass, the canvass became the property of the owner of the picture. (Gaius, ii. 73, &c.) If a piece of land was torn away by a stream (avulsio) from one man's land and attached to another's land, it became the property of the latter when it was firmly attached to it. This is a different case from that of ALLUVIO. But in all these cases the losing party was entitled to compensation, with some exceptions as to cases of mala fides.

Confusio occurs in the case of rights also. If the right and the duty of an obligatio become united in one person, there is a confusio by which the obligatio is extinguished (Dig. 46. tit. 3. s. 75). If he who has pledged a thing becomes the heres of the pledgee, the rights and duties of two persons are united (confunduntur) in one. If a man who has a praedial servitus in another man's land, becomes the owner of the servient land, the servitus ceases: servitutes praediorum confunduntur, si idem utriusque praedii dominus esse coeperit. (Dig. 8. tit. 6. s. 1.)

The rules of Roman law on this subject are stated by Brinkman, *Instit. Jur. Rom.* § 398, &c.; Mackeldey, *Lehrbuch*, &c. §§ 246, 251, &c. 12th ed.; Inst. 2. tit. 1; Gaius, ii. 70, Rosshirt, *Grundlinien*, &c. § 62. [G. L.]

CONGIA'RIUM (*scil. vas*, from *congius*), a vessel containing a *congius*. [CONGIUS.]

In the early times of the Roman republic, the *congius* was the usual measure of oil or wine which was, on certain occasions, distribnted among the people (Liv. xxv. 2); and thus *congiarium*, as Quintilian (vi. 3. § 52) says, became a name for liberal donations to the people, in general, whether consisting of oil, wine, corn, or money, or other things (Plin. *H. N.* xiv. 14, 17, xxxi. 7, 41; Suet. *Aug.* 41, *Tib.* 20, *Ner.* 7; Plin. *Paneg.* 25; Tacit. *Ann.* xii. 41, xiii. 31; Liv. xxxvii. 57), while donations made to the soldiers were called *donativa*, though they were sometimes also termed *congiaria*

(Cic. *ad Att.* xvi. 8; Curt. vi. 2). *Congiarium* was, moreover, occasionally used simply to designate a present or a pension given by a person of high rank, or a prince, to his friends; and Fabius Maximus called the presents which Augustus made to his friends, on account of their smallness, *heminaria*, instead of *congiaria*, because *hemina* was only the twelfth part of a *congius*. (Quintil. *l. c.*; compare Cic. *ad Fam.* viii. 1; Seneca, *De Brevit. Vit.*, *De Ben.* ii. 16; Suet. *Vesp.* 18, *Caes.* 27.) [L. S.]

CO'NGIUS, a Roman liquid measure, which contained six sextarii (Rhem. Fann. v. 72), or the eighth part of the amphora, that is, not quite six pints. It was equal to the larger chous of the Greeks. [Chous.]

There is a congius in existence, called the congius of Vespasian, or the Farnese congius, bearing an inscription, which states that it was made in the year 75 A. D., according to the standard measure in the capitol, and that it contained, by weight, ten pounds. (*Imp. Caes.* vi. *T. Caes. Aug. F.* iiii. *Cos. Mensurae exactae in Capitolio, P.* x.; see also Festus, *s. v. Publica Pondera.*) This congius is one of the means by which the attempt has been made to fix the weight of the Roman pound. [Libra.]

Cato tells us that he was wont to give each of his slaves a congius of wine at the Saturnalia and Compitalia. (*De R. R.* c. 57.) Pliny relates, among other examples of hard drinking (*H. N.* xiv. 22. s. 28), that Novellius Torquatus Mediolanensis obtained a cognomen (*tricongius*, a nine-bottle-man) by drinking three *congii* of wine at once.

A congius is represented in Fabretti (*Inscript.* p. 536). [P. S.]

CONNU'BIUM. [Matrimonium.]

CONOPE'UM (κωνωπεῖον), a gnat or musquito-curtain, *i. e.* a covering made to be expanded over beds and couches to keep away gnats and other flying insects, so called from κώνωψ, a gnat.

The gnat-curtains mentioned by Horace (*Epod.* ix. 16) were probably of linen, but of the texture of gauze. The use of them is still common in Italy, Greece, and other countries surrounding the Mediterranean. *Conopeum* is the origin of the English word *canopy*. (See *Judith*, x. 21, xiii. 9, xvi. 19; Juv. vi. 80; Varr. *De Re Rust.* ii. 10. § 8.) [J. Y.]

CONQUISITO'RES, persons employed to go about the country and impress soldiers, when there was a difficulty in completing a levy. (Liv. xxi. 11; Cic. *pro Mil.* 25; Hirt. *B. Alex.* 2.) Sometimes commissioners were appointed by a decree of the senate for the purpose of making a conquisitio. (Liv. xxv. 5.) [R. W.]

CONSANGUI'NEI. [Cognati.]

CONSCRIPTI. [Senatus.]

CONSECRA'TIO. [Apotheosis; Inauguratio.]

CONSENSUS. [Obligationes.]

CONSILIA'RII. [Conventus.]

CONSI'LIUM. [Conventus.]

CONSTITU'TA PECU'NIA. [Pecunia.]

CONSTITUTIO'NES. "Constitutio principis," says Gaius (i. 5), "is that which the imperator has constituted by decretum, edictum, or epistola; nor has it ever been doubted that such constitutio has the force of law, inasmuch as by law the imperator receives the imperium." Hence such laws were often called principales constitutiones. The word constitutio is used in the Digest (4. tit. 2. s. 9. § 3) to signify an interlocutory of the praetor.

An imperial constitutio in its widest sense might mean everything by which the head of the state declared his pleasure, either in a matter of legislation, administration, or jurisdiction. A decretum was a judgment in a matter in dispute between two parties which came before him, either in the way of appeal or in the first instance. Edicta, so called from their analogy to the old edict (Gaius, i. 93), edictales leges, generales leges, leges perpetuae, &c. were laws binding on all the emperor's subjects. Under the general head of rescripta (Gaius, i. 72, 73, &c.) were contained epistolae, subscriptiones, and annotationes (Gaius, i. 94, 96, 104), which were the answers of the emperor to those who consulted him either as public functionaries or individuals. (Plin. *Ep.* x. 2.) The epistola, as the name implies, was in the form of a letter: subscriptiones and annotationes were short answers to questions propounded to the emperor, and written at the foot or margin of the paper which contained the questions. In the time of Tiberius, the word rescriptum had hardly obtained the legal signification of the time of Gaius. (Tacit. *Ann.* vi. 9.) It is evident that decreta and rescripta could not from their nature have the force of leges generales, but inasmuch as these determinations in particular cases might be of general application, they might gradually obtain the force of law.

Under the early emperors, at least in the time of Augustus, many leges were enacted, and in his time, and that of his successors, to about the time of Hadrian, we find mention of numerous senatusconsulta. In fact the emperor, in whom the supreme power was vested from the time of Augustus, exercised his power through the medium of a senatus-consultum, which he introduced by an oratio or libellus, and the senatus-consultum was said to be made "imperatore auctore." Probably, about the time of Hadrian, senatus-consulta became less common, and finally imperial constitutiones became the common form in which a law was made.

At a later period, in the Institutes, it is declared that whatever the imperator determined (*constituit*) by epistola, or decided judicially (*cognoscens decrevit*), or declared by edict, was law; with this limitation, that those constitutions were not laws which in their nature were limited to special cases.

Under the general head of constitutiones we also read of mandata, or instructions by the Caesar to his officers.

Many of these constitutions are preserved in their original form in the extant codes. [Codex Theodosianus, &c.] [G. L.]

CONSUA'LIA, a festival, with games, celebrated by the Romans, according to Festus, Ovid (*Fast.* iii. 199), and others, in honour of Consus, the god of secret deliberations, or, according to Livy (i. 9), of Neptunus Equestris. Plutarch (*Quaest. Rom.* 45), Dionysius of Halicarnassus (ii. 31), and the Pseudo Asconius, however (*ad Cic. in Verr.* p. 142. ed. Orelli), say that Neptunus Equestris and Consus were only different names for one and the same deity. It was solemnised every year in the circus, by the symbolical ceremony of uncovering an altar dedicated to the god, which was buried in the earth. For Romulus, who was considered as the founder of the festival, was said to have discovered an altar in the earth on that spot. (Compare Niebuhr, *Hist. Rom.* vol. i. notes 629 and 630.) The solemnity took place on the 21st of August with horse and chariot races, and libations were poured into the flames which consumed the sacrifices. During these festive games, horses and mules were not allowed to do any work, and were adorned with garlands of flowers. It was at their first celebration that, according to the ancient legend, the Sabine maidens were carried off. (Varro, *De Ling. Lat.* vi. 20 ; Dionys. i. 2 ; Cic. *De Rep.* ii. 7.) Virgil (*Aen.* viii. 636), in speaking of the rape of the Sabines, describes it as having occurred during the celebration of the *Circensian games*, which can only be accounted for by supposing that the great Circensian games, in subsequent times, superseded the ancient Consualia ; and that thus the poet substituted games of his own time for ancient ones — a favourite practice with Virgil ; or that he only meant to say the rape took place at the well-known festival in the circus (the Consualia), without thinking of the ludi Circenses, properly so called. [L. S.]

CONSUL (*ὕπατος*), the highest republican magistrate at Rome. The name is probably composed of *con* and *sul* which contains the same root as *salio ;* so that *consules* are those who "go together," just as *exul* is "one who goes out," and *praesul*, is "one who goes before."

There was a tradition that King Servius, after regulating the constitution of the state, intended to abolish the kingly power, and substitute for it the annual magistracy of the consulship ; and whatever we may think of the tradition, the person who devised it must have had a deep insight into the nature of the Roman state and its institutions ; and the fact that on the abolition of royalty, it was instituted forthwith, seems, at any rate, to show that it had been thought of before. Thus much is also certain, that the consulship was not a Latin institution, for in Latium the kingly power was succeeded by the dictatorship, a magistracy invested with the same power as that of a king, except that it lasted only for a time.

The consulship which was established as a republican magistracy at Rome immediately after the abolition of royalty, showed its republican character in the circumstance that its power was divided between two individuals (*imperium duplex*), and that it was only of one year's duration (*annuum*). This principle was, on the whole, observed throughout the republican period ; and the only exceptions are, that sometimes a dictator was appointed instead of two consuls, and that, in a few instances, when one of the consuls had died, the other remained in office alone, either because the remaining portion of the year was too short, or from religious scruples (Dionys. v. 57 ; Dion Cass. xxxv. 4), for otherwise the rule was, that if either of the consuls died in the year of his office, or abdicated before its expiration, the other was obliged to convene the comitia for the purpose of electing a successor (*subrogare* or *sufficere collegam.*) It is only during the disturbances in the last century of the republic, that a Cinna maintained himself as sole consul for nearly a whole year (Appian, *De Bell. Civ.* i. 78 ; Vell. Pat. ii. 24 ; Liv. *Epit.* 83) ; and that Pompey was appointed sole consul, in order to prevent his becoming dictator. (Ascon. *ad Cic. p Mil.* p. 37 ; Liv. *Epit.* 107 ; Appian, *De Bell. Civ.* ii. 23, 25.) Nay, in those troubled times, it even came to pass that Cinna and Marius, without any election at all, usurped the power of the consulship.

In the earliest times, the title of the chief magistrates was not *consules* but *praetores ;* characterising them as the commanders of the armies of the republic, or as the officers who stand at the head of the state. Traces of this title occur in ancient legal and ecclesiastical documents (Liv. vii. 3 ; Plin. *H. N.* viii. 3 ; Fest. p. 161), and also in the names *praetorium* (the consul's tent), and *porta praetoria* in the Roman camp. (Paul. Diac. p. 123 ; Pseudo-Ascon. *ad Cic. in Verr.* i. 14.) Sometimes also they are designated by the title *judices*, though it perhaps never was their official title, but was given them only in their capacity of judges. (Varro, *De L. L.* vi. 9 ; Liv. iii. 55.) The name consules was introduced for the highest magistrates in B. C. 305 (Zonar. vii. 19), and henceforth remained the established title until the final overthrow of the Roman empire. Upon the establishment of the republic, after the banishment of Tarquin, all the powers which had belonged to the king, were transferred to the consuls, except that which had constituted the king high priest of the state ; for this was kept distinct and transferred to a priestly dignitary, called the *rex sacrorum*, or *rex sacrificulus.*

As regards the election of the consuls, it invariably took place in the comitia centuriata, under the presidency of a consul or a dictator ; and in their absence, by an interrex. The consuls thus elected at the beginning of a year, were styled *consules ordinarii*, to distinguish them from the *suffecti*, or such as were elected in the place of those who had died or abdicated, though the privileges and powers of the latter were in no way inferior to those of the former. (Liv. xxiv. 7, &c. ; comp. xli. 18.) At the time when the consulship was superseded by the institution of the *tribuni militares consulari potestate*, the latter, of course, presided at elections, as the consuls did before and after, and must in general be regarded as the representatives of the consuls in every respect. It was, however, a rule that the magistrate presiding at an election should not be elected himself, though a few exceptions to this rule are recorded. (Liv. iii. 35, vii. 24, xxiv. 9, xxvii. 6.) The day of the election which was made known by an edict, three nundines beforehand (Liv. iii. 35, iv. 6, xlii. 28), naturally depended upon the day on which the magistrates entered upon their office. The latter, however, was not the same at all times, but was often changed. In general it was observed as a rule, that the magistrates should enter upon their office on the kalendae or idus, unless particular circumstances rendered it impossible ; but the months themselves varied at different times, and there are no less than eight or nine months in which the consuls are known to have entered upon their functions, and in many of these cases we know the reasons for which the change was made. The real cause appears to have been that the consuls, like other magistrates, were elected for a whole year ; and if before the close of that year the magistracy became vacant either by death or abdication, their successors, of course, undertook their office on an irregular day, which then remained the *dies solennis*, until another event of a similar kind rendered another change necessary. The first consuls, as far as we know, entered upon their office on the ides of September. (Dionys. v. 1; Liv. vii. 3.) The first change seems to have been brought about by the secession of the plebs, B. C. 493, when the consuls entered on the kalends of September. (Dionys. vi. 49.) In B. C. 479, the day was thrown a whole month backward; for of the consuls of the preceding year one had fallen in battle, and the other abdicated two months before the end of his year; hence the new consuls entered on the kalends of Sextilis. (Dionys. ix. 13; Liv. iii. 6.) This day remained until B. C. 451, when the consuls abdicated to make room for the decemvirs, who entered upon their office on the ides of May. The same day remained for the two following years (Dionys. x. 56; Zonar. vii. 18; *Fast. Cap.*); but when the decemvirate was abolished, another day must have become the dies solennis, but which it was is unknown, until in B. C. 443, we find that it was the ides of December. (Dionys. xi. 63.) This change had been occasioned by the tribuni militares who had been elected the year before, and had been compelled to abdicate. (Liv. iv. 7; Dionys. xi. 62.) Henceforth the ides of December remained for a long time the dies solennis. (Liv. iv. 37, v. 9, 11.) In B. C. 401, the military tribunes, in consequence of the defeat at Veii, abdicated, and their successors entered upon their office on the kalends of October. In B. C. 391, the consuls entered upon their office on the kalends of Quintilis. (Liv. v. 32; comp. 31, vii. 25, viii. 20.) From this time no further change is mentioned, though several events are recorded which must have been accompanied by an alteration of the dies solennis, until in B. C. 217, we learn that the consuls entered upon their office on the ides of March, which custom remained unaltered for many years (Liv. xxii. 1, xxiii. 30, xxvi. 1, 26, xliv. 19), until in B. C. 154 it was decreed that in future the magistrates should enter upon their office on the 1st of January, a regulation which began to be observed the year after, and remained in force down to the end of the republic. (Liv. *Epit.* 47; *Fast. Praenest.*) The changes in the time at which the consuls entered upon their office at different times, may therefore be given in the following tabular view:—

From B. C. 509 to 493 on the Ides of September.
— — 493 — 479 — Kalends of September.
— — 479 — 451 — Kalends of Sextilis.
— — 451 — 449 — Ides of May.
— — 449 — 443 or 400 Ides of December.
— — 400 — probably till 397, Kalends of October.
— — 397 — 329 (perhaps 327), Kalends of Quintilis.
— — 327 — 223 unknown.
— — 223 — 153 Ides of March.
— — 153 — till the end, the Kalends of January.

The day on which the consuls entered on their office determined the day of the election, though there was no fixed rule, and in the earliest times the elections probably took place very shortly before the close of the official year, and the same was occasionally the case during the latter period of the republic. (Liv. xxxviii. 42, xlii. 28, xliii. 11.) But when the first of January was fixed upon as the day for entering upon the office, the consular comitia were usually held in July or even earlier, at least before the Kalends of Sextilis. (Cic. *ad Att.* i. 16; *ad Fam.* viii. 4.) But even during that period the day of election depended in a great measure upon the discretion of the senate and consuls, who often delayed it. (Cic. *ad Att.* ii. 20, iv. 16, *p. Leg. Man.* 1.)

Down to the year B. C. 366, the consulship was accessible to none but patricians, but in that year L. Sextius was the first plebeian consul in consequence of the law of C. Licinius. (Liv. vi. 42, vii. 1.) The patricians however, notwithstanding the law, repeatedly contrived to keep the plebeians out (Liv. vii. 17, 18, 19, 22, 24, 28), until in B. C. 342 the insurrection of the army of Capua was followed, among other important consequences, by the firm establishment of the plebeian consulship; and it is even said that at that time a plebiscitum was passed, enacting that both consuls might be plebeians. (Liv. vii. 42.) Attempts on the part of the patricians to exclude the plebeians, occur as late as the year B. C. 297 (Liv. x. 15; Cic. *Brut.* 14) but they did not succeed, and it remained a principle of the Roman constitution that both consuls should not be patricians. (Liv. xxvii. 34, xxxiv. 42.) The candidates usually were divided into two sets, the one desirous to obtain the patrician, and the other to obtain the plebeian place in the consulship (*in unum locum petebant*, Liv. xxxv. 10). But as in the course of time the patricians were thrown into the shade by the rising power of the *nobiles*, it came to pass that both consuls were plebeians. In B. C. 215, the augurs indeed opposed the election of two plebeians (Liv. xxiii. 31); but not long after, in B. C. 172, the fact of both consuls being plebeians actually occurred, and after this it was often repeated, the ancient distinction between patricians and plebeians falling completely into oblivion.

The consulship was throughout the republic regarded as the highest office and the greatest honour that could be conferred upon a man (Cic. *p. Planc.* 25; Paul. Diac. p. 136; Dionys. iv. 76), for the dictatorship, though it had a *majus imperium*, was not a regular magistracy; and the censorship, though conferred only upon consulars, was yet far inferior to the consulship in power and influence. It was not till the end of the republic, and especially in the time of J. Caesar, that the consulship lost its former dignity; for in order to honour his friends, he caused them to be elected, sometimes for a few months, and sometimes even for a few hours. (Sueton. *Caes.* 76, 80, *Nero*, 15; Dion Cass. xliii. 46; Macrob. *Sat.* ii. 3.)

The power of the consuls was at first equal to that of the kings into whose place they stepped, with the exception of the priestly power of the rex sacrorum, which was detached from it. Even after the Valerian laws and the institution of the tribuneship, the consuls who alone were invested with the executive, retained the most extensive powers in all departments of the government. But in the gradual development of the constitution, some important functions were detached from the consulship and assigned to new officers. This was the case first with the census, in B.C. 443, an office which at first was confined to holding the census and registering the citizens according to their different classes, but afterwards acquired very extensive powers. [CENSOR.] The second function that was in this manner taken from the consuls, was their judicial power, which was transferred in B.C. 366, to a distinct magistracy under the title of the praetorship [PRAETOR]; and henceforth the consuls appeared as judges only in extraordinary cases of a criminal nature, when they were called upon by a senatus consultum. (Cic. *Brut.* 32; Liv. xxxix. 17, &c., xli. 9.) But, notwithstanding these curtailings, the consulship still continued to be regarded as the representative of regal power. (Polyb. vi. 11; Cic. *De Leg.* iii. 3.)

In regard to the nature of the power of the consuls, we must in the outset divide it into two parts, inasmuch as they were the highest civil authority, and at the same time the supreme commanders of the armies. So long as they were in the city of Rome, they were at the head of the government and the administration, and all the other magistrates, with the exception of the tribunes of the people, were subordinate to them. They convened the senate, and as presidents conducted the business; they had to carry into effect the decrees of the senate, and sometimes on urgent emergencies they might even act on their own authority and responsibility. They were the medium through which foreign affairs were brought before the senate; all despatches and reports were placed in their hands, before they were laid before the senate; by them foreign ambassadors were introduced into the senate, and they alone carried on the negotiations between the senate and foreign states. They also convened the assembly of the people and presided in it; and thus conducted the elections, put legislative measures to the vote, and had to carry the decrees of the people into effect. (Polyb. vi. 12; COMITIA; SENATUS.) The whole of the internal machinery of the republic was, in fact, under their superintendence, and in order to give weight to their executive power, they had the right of summoning and arresting the obstreperous (*vocatio* and *prensio*, Cic. *in Vat.* 9, *p. Dom.* 41), which was limited only by the right of appeal from their judgment (*provocatio*); and their right of inflicting punishment might be exercised even against inferior magistrates.

The outward signs of their power, and at the same time the means by which they exercised it, were twelve lictors with the fasces, without whom the consul never appeared in public (Liv. xxv. 17, xxvii. 27; Val. Max. i. 1. § 9; comp. Liv. vi. 34, xxxix. 12), and who preceded him in a line one behind another. (Liv. xxiv. 44; Val. Max. ii. 2. § 4.) In the city, however, the axes did not appear in the fasces; a regulation said to have been introduced by Valerius Publicola (Dionys. v. 2, 19, 75, x. 59), and which is intimately connected with the right of appeal from a consul's sentence, whence it did not apply to the dictator nor to the decemvirs. Now as the provocatio could take place only within the city and a thousand paces in circumference, it must be supposed that the axes did not appear in the fasces within the same limits, an opinion which is not contradicted by the fact that the consuls on returning from war appeared with the axes in their fasces in the Campus Martius, at the very gates of Rome; for they had the imperium militare, which ceased as soon as they had entered the city.

But the powers of the consuls were far more extensive in their capacity of supreme commanders of the armies, when they were without the precincts of the city, and were invested with the full imperium. When the levying of an army was decreed by the senate, the consuls conducted the levy, and, at first, had the appointment of all the subordinate officers — a right which subsequently they shared with the people; and the soldiers had to take their oath of allegiance to the consuls. They also determined the contingent to be furnished by the allies; and in the province assigned to them they had the unlimited administration, not only of all military affairs, but of every thing else, even over life and death, excepting only the conclusion of peace and treaties. (Polyb. vi. 12; compare EXERCITUS.) The treasury was, indeed, under the control of the senate; but in regard to the expenses for war, the consuls do not appear to have been bound down to the sums granted by that body, but to have availed themselves of the public money as circumstances required; the quaestors, however, kept a strict account of the expenditure (Polyb. vi. 12, 13, 15; Liv. xliv. 16). But when in times of need money was to be taken from the *aerarium sanctius*, of which the keys seem to have been in the exclusive possession of the consuls, they had to be authorised by a senatus consultum. (Liv. xxvii. 10.) In the early times, the consuls had the power to dispose of the booty in any way they pleased; sometimes they distributed the whole or a part of it among the soldiers, and sometimes they sold it, and deposited the produce in the public treasury, which in later times became the usual practice.

Abuse of the consular power was prevented, first of all, by each of the consuls being dependent on his colleague who was invested with equal rights; for, if we except the provinces abroad where each was permitted to act with unlimited power, the two consuls could do nothing unless both were unanimous (Dionys. x. 17; Appian, *De Bell. Civ.* ii. 11), and against the sentence of one consul an appeal might be brought before his colleague; nay, one consul might of his own accord put his veto on the proceedings of the other. (Liv. ii. 18, 27, iii. 34; Dionys. v. 9; Cic. *De Leg.* iii. 4.) But in order to avoid every unnecessary dispute or rivalry, arrangements had been made from the first, that the real functions of the office should be performed only by one of them every alternate month (Dionys. ix. 43); and the one who was in the actual exercise of the consular power for the month, was preceded by the twelve lictors, whence he is commonly described by the words *penes quem fasces erant.* (Liv. viii. 12, ix. 8.) In the early times, his colleague was then not accompanied by the lictors at all, or he was preceded by an accensus, and the lictors followed after him. (Cic. *De Re Publ.* ii. 31; Liv. ii. 1, iii. 33; comp. Dionys. v. 2, x. 24.) As regards the later times, it is certain that the consul, when he did not perform the functions of the office, was followed by the twelve lictors (Suet. *Caes.* 20); when this custom arose is uncertain, and we only know that, in the time of Polybius, the dictator had twenty-four lictors. It is commonly believed, that the consul who for the month being performed the functions of the office, was designated as the *consul major*; but the ancients themselves were doubtful as to whether the term applied to the one who had the fasces, or to the one who had been elected first (Fest. p. 161); and there seems to be good reason for believing that the word major had reference only to the age of the consul, so that the elder of the two was called consul major. (Liv. xxxvii. 47; Cic. *De Re Publ.* ii. 31; Val. Max. iv. 1. § 1; Plut. *Publ.* 12; Dionys. vi. 57.) Owing to the respect paid to the elder, he presided at the meeting of the senate which was held immediately after the election. (Liv. ix. 8; Gellius, ii. 15.) Another point which acted as a check upon the exercise of the consular power, was the certainty that after the expiration of their office they might be called to account for the manner in which they had conducted themselves in their official capacity. Many cases are on record, in which after their abdication they were accused and condemned not only for illegal or unconstitutional acts, but also for misfortunes in war, which were ascribed either to their carelessness or want of ability. (Liv. ii. 41, 52, 54, 61, iii. 31, xxii. 40. 49, xxvi. 2, 3, xxvii. 34; Cic. *De Nat. Deor.* ii. 3; Val. Max. viii. 1. § 4.) The ever increasing arrogance and power of the tribunes did not stop here, and we not unfrequently find that consuls, even during the time of their office, were not only threatened with punishment and imprisonment, but were actually subjected to them. (Liv. iv. 26, v. 9, xlii. 21, *Epit.* 48, 55; Cic. *De Leg.* iii. 9, *in Vat.* 9; Val. Max. ix. 5. § 2; Dion Cass. xxxvii. 50, xxxviii. 6, xxxix. 39.) Sometimes the people themselves opposed the consuls in the exercise of their power. (Liv. ii. 55, 59.) Lastly, the consuls were dependent upon the senate. [SENATUS.] There occurred, however, times when the power of the consuls thus limited by republican institutions was thought inadequate to save the republic from perils into which she was thrown by circumstances; and on such occasions a senatus consultum *viderent* or *darent operam consules, ne quid respublica detrimenti caperet*, conferred upon them full dictatorial power not restrained either by the senate, the people, or the tribunes. In the early times, such senatus consulta are rarely mentioned, as it was customary to appoint a dictator on such emergencies; but when the dictatorship had fallen into disuse, the senate by the above mentioned formula invested the consuls, for the time, with dictatorial power. [DICTATOR.]

On entering upon their office, the consuls, and afterwards the praetors also, agreed among one another as to the business which each had to look after, so that every one had his distinct sphere of action, which was termed his *provincia*. The ordinary way in which the provinces were assigned to each, was by lot (*sortiri provincias*), unless the colleagues agreed among themselves, without any such means of decision (*comparare inter se provincias*, Liv. xxiv. 10, xxx. 1, xxxii. 8; Cic. *ad Fam.* i. 9). The decision by lot was resorted to for no other reason than because the two consuls had equal rights, and not, as some believe, because it was thereby intended to leave the decision to the gods. If it was thought that one of the consuls was eminently qualified for a particular province, either on account of his experience or personal character, it frequently happened, that a commission was given to him *extra sortem* or *extra ordinem*, i. e. by the senate and without any drawing of lots. (Liv. iii. 2, viii. 16, xxxvii. 1; Cic. *ad Att.* i. 19; comp. Liv. xxxv. 20, xli. 8.) In the earliest times, it seems to have been the custom for only one of the consuls to march out at the head of the army, and for the other to remain at Rome for the protection of the city, and to carry on the administration of the civic affairs, unless, indeed, wars were carried on in two different quarters which rendered it necessary for both consuls to take the field. (Dionys. vi. 24, 91; comp. Liv. iii. 4, 22, vii. 38.) Nay, we find that even when Rome had to contend with one formidable enemy, the two consuls marched out together (Liv. ii. 44, iii. 8, 66, viii. 6, &c.); but the forces were equally divided between them, in such a manner that each had the command of two legions, and had the supreme command on every alternate day. (Polyb. iii. 107, 110, vi. 26; Liv. iv. 46, xxii. 27, 41, xxviii. 9; comp. iii. 70.)

When the Roman dominion extended beyond the natural boundaries of Italy, the two consuls were not enough to undertake the administration of the provinces, and praetors were appointed to undertake the command in some, while the more important ones were reserved for the consuls. Hence a distinction was made between *provinciae consulares* and *praetoriae*. (Liv. xli. 8.) [PROVINCIA.] It remained with the senate to determine into which provinces consuls were to be sent, and into which praetors, and this was done either before the magistrates actually entered upon their office (Liv. xxi. 17), or after it, and on the proposal of the consuls. (Liv. xxv. 1, xxvi. 28, xxvii. 7, &c.) Upon this, the magistrates either agreed among themselves as to which province each was to undertake, or they drew lots, first, of course, the consuls, and after them the praetors. One of the laws of C. Gracchus, however, introduced the regulation, that every year the senate, previous to the consular elections, should determine upon the two consular provinces, in order to avoid partiality, it being yet unknown who were to be the consuls. It had been customary from the earliest times for the consuls to enter their province in the year of their consulship, either at the very beginning or afterwards; but in the latter period of the republic, the ordinary practice of the consuls was to remain at Rome during the year of their office, and to go into their province in the year following as proconsuls, until at length in B. C. 53, a senatus consultum, and the year after a law of Pompey enacted that a consul or praetor should not go into any province till five years after the expiration of their office. (Dion Cass. xl. 46, 56.) When a consul was once in his province, his imperium was limited to it, and to exercise the same in any other province was, at all times, considered illegal. (Liv. x. 37, xxix. 19, xxxi. 48, xliii. 1.) In some few cases, this rule was overlooked for the good of the republic. (Liv. xxvii. 43, xxix. 7.) On the other hand, a consul was not allowed to quit his province before he had accomplished the purpose for which he had been sent into it, or before the arrival of his successor, unless, indeed, he obtained the special permission of the senate. (Liv. xxxvii. 47.) Other functions also were sometimes divided between the consuls by lot, if they could not agree, for example, which of them was to preside at the consular elections or those of the censors (Liv. xxiv. 10, xxxv. 6, 20, xxxix. 32, xli. 6), which of them was to dedicate a temple (Liv. ii. 8, 27), or nominate a dictator. (Liv. iv. 26.) So long as the consuls had to hold the census, they, undoubtedly, drew lots, which of them *conderet lustrum*, and even when they went out on a common expedition, they seem to have determined by lot in what direction each should exert his activity. (Liv. xli. 18.)

The entering of a consul upon his office was connected with great solemnities: before daybreak each consulted the auspices for himself, which in the early times was, undoubtedly, a matter of great importance, though, at a later period, we know it to have been a mere formality. (Dionys. ii. 4, 6.) It must, however, be observed, that whatever the nature of the auspices were, the entering upon the office was never either rendered impossible or delayed thereby, whence we must suppose that the object merely was to obtain favourable signs from the gods, and as it were to place under the protection of the gods the office on which the magistrate entered. After the auspices were consulted, the consul returned home, put on the *toga praetexta* (Liv. xxi. 63; Ov. *ex Pont.* iv. 4. 25, *Fast.* i. 81), and received the salutatio of his friends and the senators. (Dion Cass. lviii. 5; Ov. *ex Pont.* iv. 4. 27, &c.) Accompanied by these and a host of curious spectators, the consul clad in his official robes, proceeded to the temple of Jupiter in the Capitol, where a solemn sacrifice of white bulls was offered to the god. It seems that in this procession, the sella curulis, as an emblem of his office, was carried before the consul. (Ov. *l. c.* iv. 4. 29, &c., 9, 17, &c.; Liv. xxi. 63; Cic. *De Leg. Agr.* ii. 34.) After this, a meeting of the senate took place, at which the elder of the two consuls made his report concerning the republic, beginning with matters referring to religion, and then passing on to other affairs (*referre ad senatum de rebus divinis et humanis*, Liv. vi. 1, ix. 8, xxxvii. 1; Cic. *ad Quir. post Red.* 5.) One of the first among the religious things which the consuls had to attend to, was the fixing of the feriae Latinae, and it was not till they had performed the solemn sacrifice on the Alban mount, that they could go into their provinces. (Liv. xxi. 63, xxii. 1, xxv. 12, xlii. 10.) The other affairs upon which the consuls had to report to the senate had reference to the distribution of the provinces, and many other matters connected with the administration, which often were of the highest importance. After these reports, the meeting of the senate broke up, and the members accompanied the consuls to their homes (Ov. *ex Pont.* iv. 4. 41), and this being done, the consuls were installed in their office, in which they had to exert themselves for the good of their country.

Respecting the various offices which at different times were temporary substitutes for the consulship, such as the dictatorship, the decemvirate, and the office of the tribuni militares consulari potestate, the reader is referred to the separate articles. Towards the end of the republic, the consulship lost its power and importance. Caesar, in his dictatorship, gave it the first severe blow, for he himself took the office of consul along with that of dictator, or he arbitrarily caused persons to be elected, who in their actions were entirely dependent upon his will. He himself was elected at first for five years, then for ten, and at length for life. (Sueton. *Caes.* 76, 80; Dion Cass. xlii. 20, xliii. 1, 46, 49; Appian, *De Bell. Civ.* ii. 106.) In the reign of Augustus, the consular power was a mere shadow of what it had been before, and the consuls who were elected, did not retain their office for a full year, but had usually to abdicate after a few months. (Dion Cass. xlviii. 35, xliii. 46; Lucan, v. 399.) These irregularities increased to such an extent, that in the reign of Commodus there were no less than twenty-five consuls in one year. (Lamprid. *Commod.* 6; Dion Cass. lxxii. 12.) In the republican time, the year had received its name from the consuls, and in all public documents their names were entered to mark the year; but from the time that there were more than two in one year, only those that entered upon their office at the beginning of the year were regarded as *consules ordinarii*, and gave their names to the year, though the suffecti were likewise entered in the Fasti. (Sueton. *Domit.* 2, *Galb.* 6, *Vitell.* 2; Senec. *De Tra.* iii. 31; Plin. *Panegr.* 38; Lamprid. *Al. Sev.* 28.) The consules ordinarii ranked higher than those who were elected afterwards. The election from the time of Tiberius was in the hands of the senate, who, of course, elected only those that were recommended by the emperor; those who were elected were then announced (*renuntiare*) to the people assembled in what was called comitia. (Dion Cass. lviii. 20; Plin. *Paneg.* 77; Tac. *Ann.* iv. 68.) In the last centuries of the empire, it was customary to create honorary consuls (*consules honorarii*) who were chosen by the senate and sanctioned by the emperor (Cassiod. i. 10; Justin. *Nov.* lxx. 80. c. 1), and consules suffecti were then scarcely heard of at all, for Constantine restored the old custom of appointing only two consuls, one for Constantinople, and the other for Rome, who were to act as supreme judges (under the emperor) for a whole year, and besides these two there were no others except honorary consuls and consulares. Although the dignity of these honorary consuls as well as of the consules ordinarii and suffecti was merely nominal, still it was regarded as the highest in the empire, and was sought after by noble and wealthy persons with the greatest eagerness, notwithstanding the great expenses connected with the office on account of the public entertainments which a newly appointed consul had to give to his friends and the people. (Lydus, *De Magistr.* ii. 8; Liban. *Orat.* 8; Symmach. ii. 64, iv. 8, x. 44; Sidon. Apollin. *Epist.* ii. 3; Cassiod. ii. 2, vi. 1; Procop. *De Bell. Pers.* i. 25.) Sometimes the emperors themselves assumed the consulship or conferred it upon imperial princes. The last consul of Rome was Decimus Theodorus Paulinus, A. D. 536, and at Constantinople Flavius Basilius Junior, in A. D. 541. After that time, the emperors of the East took the title of consul for themselves, until in the end it fell quite into oblivion.

The official functions of the consuls under the empire were as follows: — 1. They presided in the senate, though, of course, never without the sanction of the emperor; 2. They administered justice, partly *extra ordinem* (Tac. *Ann.* iv. 19, xiii. 4; Gell. xiii. 24), and partly in ordinary cases, such as manumissions or the appointment of guardians (Ammian. Marcell. xxii. 7; Cassiod. vi. 1; Sueton. *Claud.* 23; Plin. *H. N.* ix. 13); 3. The letting of the public revenues, a duty which had formerly been performed by the censors (Ov. *ex Pont.* iv. 5. 19); 4. The conducting of the games in the Circus and of public solemnities in honour of the emperors, for which they had to defray the expenses out of their own means. (Sueton. *Nero*, 4 ; Juven. xi. 193, &c. ; Cassiod. *l. c.*, and iii. 39, v. 42, vi. 10.) Some emperors indeed granted the money necessary for such purposes and endeavoured to check the growing extravagance of the consuls, but these regulations were all of a transitory nature. (Lamprid. *Al. Sever.* 43 ; Vopisc. *Aurel.* 12 ; Justin. *Nov.* 105.) Compare besides the various works on Roman history, K. D. Hüllmann, *Röm. Grundverfassung*, p. 125, &c. ; K. W. Göttling, *Gesch. der Röm. Staatsverf.* p. 269, &c., and above all, Becker, *Handbuch der Röm. Alterth.* vol. ii. part ii. pp. 87—126. [L. S.]

CONSULA'RIS, throughout the time of the Roman republic signifies a person who has been invested with the consulship ; but under the empire it became a mere title for the higher class of officers, who thereby obtained permission to have the insignia of a consul, without ever having actually been consuls. Hence the title was almost equivalent to that of an "honorary consul" (*consul honorarius;* Cod. Theod. vi. tit. 19. s. 1, vi. tit. 2. s. 2). The title was given especially to generals, as formerly persons after their consulship had usually undertaken the command of an army in the provinces, and in many instances they were the same as the legati principis or the magistri militum. (Veget. ii. 9 ; Dig. 3. tit. 2. s. 2.) It was further a common custom established even by the first emperors to give to governors of imperial provinces the title of consularis, irrespective of their ever having been consuls. (Suet. *Aug.* 33, *Tib.* 33, *Domit.* 6 ; Tac. *Agric.* 8, 14, 40.) Consularis thus gradually became the established title for those entrusted with the administration of imperial provinces. The emperor Hadrian divided Italy into four regions, and over each he placed an officer who likewise bore the title of consularis, and was entrusted with the administration of justice in his district, whence he is frequently called *Juridicus* (Spartian. *Hadr.* 22, with the note of Salmas.). At Constantinople the title was given to the superintendents of the aqueducts (consulares aquarum), who had to see that all public and private places were properly supplied with water, and who seem to have been analogous to the curatores aquarum of Rome. They are frequently mentioned in inscriptions, and also in the Codex of Justinian and Theodosius. [L. S.]

CONTRACTUS. [Obligationes.]

CONTROVE'RSIA. [Judex.]

CONTUBERNA'LES (*σύσκηνοι*). This word, in its original meaning, signified men who served in the same army and lived in the same tent. It is derived from *taberna* (afterwards *tabernaculum*), which, according to Festus, was the original name for a military tent, as it was made of boards (*tabulae*). Each tent was occupied by ten soldiers (*contubernales*), with a subordinate officer at their head, who was called *decanus*, and in later times *caput contubernii*. (Veget. *De Re Mil.* ii. 8. 13 ; compare Cic. *Pro Ligar.* 7 ; Hirt. *Bell. Alex.* 16 ; Drakenborch, *Ad Liv.* v. 2.)

Young Romans of illustrious families used to accompany a distinguished general on his expeditions, or to his province, for the purpose of gaining under his superintendence a practical training in the art of war, or in the administration of public affairs, and were, like soldiers living in the same tent, called his *contubernales*. (Cic. *Pro Coel.* 30, *Pro Planc.* 11 ; Suet. *Caes.* 42 ; Tacit. *Agr.* 5 ; Frontin. *Strateg.* iv. 1. 11 ; Plutarch. *Pomp.* 3.)

In a still wider sense, the name *contubernales* was applied to persons connected by ties of intimate friendship and living under the same roof (Cic. *Ad Fam.* ix. 2 ; Plin. *Epist.* ii. 13) ; and hence when a free man and a slave, or two slaves, who were not allowed to contract a legal marriage, lived together as husband and wife, they were called *contubernales;* and their connection, as well as their place of residence, *contubernium*. (Colum. xii. 1. 3, i. 8 ; Petron. *Sat.* 96 ; Tacit. *Hist.* i. 43, iii. 74.) Cicero (*Ad Att.* xiii. 28) calls Caesar the *contubernalis* of Quirinus, thereby alluding to the fact that Caesar had allowed his own statue to be erected in the temple of Quirinus (comp. *Ad Att.* xii. 45, and Suet. *Caes.* 76). [L. S.]

CONTUBE'RNIUM. [Contubernales ; Concubina.]

CONTUS (*κοντός*, from *κεντέω*, I prick or pierce), was, as Nonius (xviii. 24) expresses it, a long and strong wooden pole or stake, with a pointed iron at the one end. (Virg. *Aen.* v. 208.) It was used for various purposes, but chiefly as a punt-pole by sailors, who, in shallow water, thrust it into the ground, and thus pushed on the boat. (Hom. *Od.* ix. 287 ; Virg. *l. c.* and vi. 302.) It also served as a means to sound the depth of the water. (Festus, *s. v. Percontatio*, p. 214, ed. Müller ; Donat. *ad Terent. Hec.* i. 2. 2.) At a later period, when the Romans became acquainted with the huge lances or pikes of some of the northern barbarians, the word *contus* was applied to that kind of weapon (Virg. *Aen.* ix. 510 ; Tacit. *Hist.* i. 44, iii. 27 ; Lamprid. *Commod.* 13) ; and the long pikes peculiar to the Sarmatians were always designated by this name. (Tacit. *Hist.* i. 79, *Annal.* vi. 35 ; Stat. *Achil.* ii. 416 ; Valer. Flac. vi. 162, and others.) [L. S.]

CONVENI'RE IN MANUM. [Matrimonium.]

CONVENTIO'NES. [Obligationes.]

CONVENTUS (*σύνοδος*, *συνουσία*, or *συναγωγή*) is properly a name which may be given to any assembly of men who meet for a certain purpose. (Paul. Diac. p. 42, ed. Müller.) But when the Romans had reduced foreign countries into the form of provinces, the word *conventus* assumed a more definite meaning, and was applied to the meetings of the provincials in certain places appointed by the praetor or proconsul for the purpose of administering justice. (Cic. *in Verr.* ii. 20, 24, 30, iv. 29, 48 ; Cic. *ad Fam.* xv. 4 ; Horat. *Sat.* i. 7. 22 ; Caes. *Bell. Civ.* ii. 21 ; Hirt. *Bell. Afr.* 97.) In order to facilitate the administration of justice, a province was divided into a number of districts or circuits, each of which was likewise called *conventus*, *forum*, or *jurisdictio*. (Cic. *in Verr.* ii. 8, 66 ; Plin. *Ep.* x. 5 ; Plin. *H. N.* iii. 1, iv. 22, v. 29.) Roman citizens living in a province were likewise under the jurisdiction of the proconsul, and accordingly all that had to settle any business at a conventus had to make their appearance there. The towns which had the Jus Italicum, had magistrates of their own with a jurisdictio, from whom there was no doubt an appeal to the proconsul. At certain times of the year, fixed by the proconsul, the people assembled in the chief town of the district. To hold a conventus was expressed by *conventus agere*, *peragere*, *forum agere*, *ἀγοραίους* (sc. *ἡμέρας*) *ἄγειν*, &c.

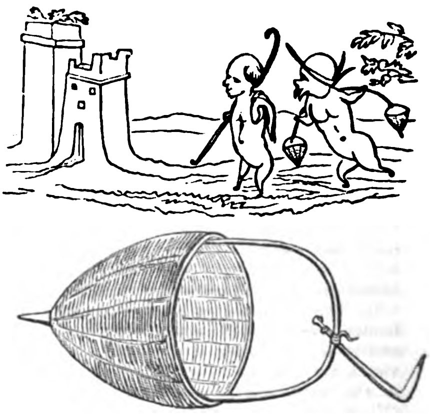
(Caes. *Bell. Gall.* i. 54, v. 1, viii. 46; Act. Apost. xix. 38.) At such a conventus litigant parties applied to the proconsul, who selected a number of judges from the conventus, generally from among the Romans residing in the province, to try their causes. (Cic. *in Verr.* ii. 13, &c.; Niebuhr, *Hist. Rom.* vol. iii. p. 732.) The proconsul himself presided at the trials, and pronounced the sentence according to the views of the judges, who were his assessors (*consilium* or *consiliarii*). As the proconsul had to carry on all official proceedings in the Latin language (Val. Max. ii. 2. 2), he was always attended by an interpreter. (Cic. *in Verr.* iii. 37, *ad Fam.* xiii. 54.) These conventus appear to have been generally held after the proconsul had settled the military affairs of the province; at least when Caesar was proconsul of Gaul he made it a regular practice to hold the conventus after his armies had retired to their winter-quarters. In the time of the emperors certain towns in each province were appointed as the seats of standing courts, so that the *conventus* were superseded. (Cod. Just. i. tit. 40. s. 6.) The term conventus is lastly applied to certain bodies of Roman citizens living in a province, forming a sort of corporation, and representing the Roman people in their district or town; and it was from among these that proconsuls generally took their assistants. Such corporations are repeatedly mentioned, as, for example, at Syracuse (Cic. *in Verr.* ii. 13, 29, iii. 13, iv. 25, 31, v. 36, &c.), Capua (Caes. *De Bell. Civ.* i. 14; Cic. *p. Sext.* 4), Salona (Caes. *De Bell. Civ.* iii. 9), Puteoli (Cic. *in Vat.* 5), and Corduba (Caes. *De Bell. Civ.* ii. 19; comp. Provincia.) [L. S.]

CONVI'VIUM. [Symposium.]

COOPTA'RE. [Collegium.]

CO'PHINUS (*κόφινος*, Engl. *coffin*), a large kind of wicker basket, made of willow branches. (Moer. Att. and Hesych. *s. v.* Ἄῤῥιχος.) From Aristophanes (*Av.* 1223) it would seem that it was used by the Greeks as a basket or cage for birds. The Romans used it for agricultural purposes, and Columella (xi. 3. p. 460, ed. Bip.) in describing a method of procuring early cucumbers, says, that they should be sown in well manured soil, kept in a cophinus, so that in this case we have to consider it as a kind of portable hot-bed. Juvenal (*Sat.* iii. 14, and vi. 542), when speaking of the Jews, uses the expression *cophinus et foenum* (a truss of hay), figuratively to designate their high degree of poverty. [Corbis.] [L. S.]

CORBIS, *dim.* CO'RBULA, CORBICULA, a basket of very peculiar form and common use among the Romans, both for agricultural and other purposes. It was made of osiers twisted together, and was of a conical or pyramidal shape. (Var. *L. L.* v. 139, ed. Müller; Isidor. *Orig.* xx. 9; Cic. pro *Sest.* 38; Ov. *Met.* xiv. 643; Plaut. *Aul.* ii. 7. 4; Suet. *Ner.* 19.) A basket answering precisely to this description, both in form and material, is still to be seen in everyday use among the Campanian peasantry, which is called in the language of the country "la corbella," a representation of which is introduced in the lower portion of the annexed woodcut. The hook attached to it by a string is for the purpose of suspending it to a branch of the tree into which the man climbs to pick his oranges, lemons, olives, or figs. The upper portion of the woodcut (*Antichità di Ercolano*, tom. iii. tav. 29) represents a Roman farm, in which a farming man, in the shape of a dwarfish satyr, is seen with a pole (ἀσίλλα) across his shoulder, to each end of which is suspended a basket resembling in every respect the Campanian *corbella*; all which coincidences of name, form, and description leave no doubt as to the identity of the term with the object represented. [A. R.]



CORBI'TAE, merchantmen of the larger class, so called because they hung out a *corbis* at the mast-head for a sign. (Festus; Nonius, *s. v.*) They were also termed *onerariae*; and hence Plautus, in order to designate the voracious appetites of some women, says, "Corbitam cibi comesse possunt" (*Cas.* iv. 1. 20). They were noted for their heavy build and sluggish sailing (Lucil. *ap. Non. s. v. Corbitae*; Plaut. *Poen.* iii. 1. 4), and carried passengers as well as merchandise, answering to the large "felucca" of the present day. Cicero proposed to take a passage in one of those vessels, which he opposes to the smarter class of packets (*actuariola*, *ad Att.* xvi. 6). [A. R.]

CORDAX (*κόρδαξ*). [Chorus, 280, a.]

CORNI'CINES. [Aeneatores.]

CORNICULA'RII. [Exercitus.]

CORNU. [Exercitus.]

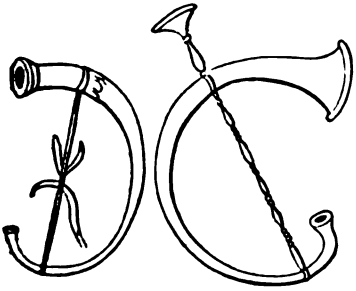
CORNU, a wind instrument, anciently made of horn, but afterwards of brass. (Varr. *L. L.* v. 117, ed. Müller.) According to Athenaeus (iv. p. 184, a.) it was an invention of the Etruscans. Like the *tuba*, it differed from the *tibia* in being a larger and more powerful instrument, and from the *tuba* itself, in being curved nearly in the shape of a C, with a cross-piece to steady the instrument for the convenience of the performer. In Greek it is called *στρογγύλη σάλπιγξ*. It had no stopples or plugs to adjust the scale to any particular mode (Burney's *Hist. of Music*, vol. i. p. 518); the entire series of notes was produced without keys or holes, by the modification of the breath and the lips at the mouthpiece. Probably, from the description given of it in the poets, it was, like our own horn, an octave lower than the trumpet. The *classicum*, which originally meant a signal, rather than the musical instrument which gave the signal, was usually sounded with the *cornu*.

> "Sonuit reflexo classicum cornu,
> Lituusque adunco stridulos cantus
> Elisit aere." (Sen. *Oed.* 734.)

From which lines we learn the distinction between the *cornu* and *lituus*, as from Ovid (*Metam.* i. 98) we learn that between the *tuba* and *cornu* —

> "Non tuba directi, non aeris cornua flexi."

The following woodcut, taken from Bartholini (*De Tibiis*, p. 403), illustrates the above account. [B.J.]



COROLLA. [Corona.]

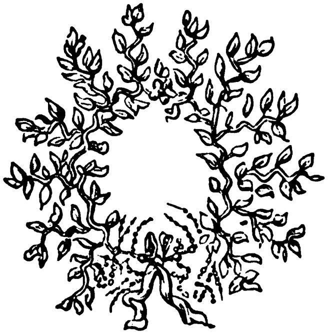
CORO'NA (*στέφανος*), a crown, that is, a circular ornament of metal, leaves, or flowers, worn by the ancients round the head or neck, and used as a festive as well as funeral decoration, and as a reward of talent, military, or naval prowess, and civil worth. It includes the synonymes of the species, for which it is often used absolutely, *στεφάνη*, *στέφος*, *στεφάνωμα*, *corolla*, *sertum*, a garland or wreath.

Judging from Homer's silence, it does not appear to have been adopted amongst the Greeks of the heroic ages as a reward of merit, nor as a festive decoration; for it is not mentioned amongst the luxuries of the delicate Phaeacians, nor of the suitors. But a golden crown decorates the head of Venus in the hymn to that goddess (1 and 7).

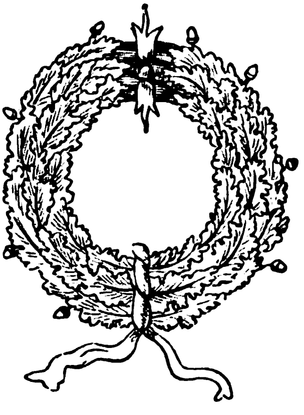
Its first introduction as an honorary reward is attributable to the athletic games, in some of which it was bestowed as a prize upon the victor (Plin. *H. N.* xv. 39; Pindar. *Olymp.* iv. 36), from whence it was adopted in the Roman circus. It was the only one contended for by the Spartans in their gymnastic contests, and was worn by them when going to battle.

The Romans refined upon the practice of the Greeks, and invented a great variety of crowns formed of different materials, each with a separate appellation and appropriated to a particular purpose. We proceed to enumerate these and their properties, including in the same detail an account of the corresponding ones, where any, in Greece.

I. Corona Obsidionalis. Among the honorary crowns bestowed by the Romans for military achievements, the most difficult of attainment, and the one which conferred the highest honour, was the *corona obsidionalis*, presented by a beleaguered army after its liberation to the general who broke up the siege. It was made of grass, or weeds and wild flowers (Plin. *H. N.* xxii. 7), thence called *corona graminea* (Plin. *H. N.* xxii. 4), and *graminea obsidionalis* (Liv. vii. 37), gathered from the spot on which the beleaguered army had been enclosed (Plin. *l. c.*; Aul. Gell. v. 6; Festus, *s. v. Obsidionalis*); in allusion to a custom of the early ages, in which the vanquished party in a contest of strength or agility plucked a handful of grass from the meadow where the struggle took place, and gave it to his opponent as a token of victory. (Aul. Gell. v. 6; Plin. *H. N.* xxii. 4; Festus, *s. v. Obsidionalis*; Serv. *ad Virg. Aen.* viii. 128.) A list of the few Romans who gained this honour is given by Pliny (*H. N.* xxii. 4, 5). A representation of the *corona graminea* is introduced in the annexed woodcut. (Guichard, *De Antiquis Triumphis*, p. 268; compare Hardouin, *ad Plin. H. N.* x. 68).



II. Corona Civica, the second in honour and importance (Plin. *H. N.* xvi. 3), was presented to the soldier who had preserved the life of a Roman citizen in battle (Aul. Gell. v. 6), and therefore accompanied with the inscription *Ob civem servatum* (Senec. *Clem.* i. 26). It was originally made of the *ilex*, afterwards of the *aesculus*, and finally of the *quercus* (Plin. *H. N.* xvi. 5), three different sorts of oak, the reason for which choice is explained by Plutarch (*Quaest. Rom.* p. 151, ed. Reisk.). It is represented in the next woodcut.

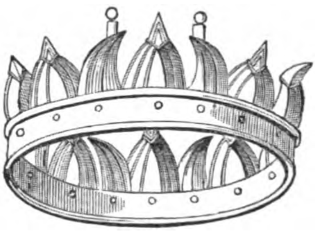


As the possession of this crown was so high an honour, its attainment was restricted by very severe regulations (Plin. *H. N.* xvi. 5), so that the following combinations must have been satisfied before a claim was allowed: — To have preserved the life of a Roman citizen in battle, slain his opponent, and maintained the ground on which the action took place. The testimony of a third party was not admissible; the person rescued must himself proclaim the fact, which increased the difficulty of attainment, as the Roman soldier was commonly unwilling to acknowledge his obligation to the prowess of a comrade, and to show him that deference which he would be compelled to pay to his preserver if the claim were established. (Cic. *Pro Planc.* 30.) Originally, therefore, the *corona civica* was presented by the rescued soldier (Aul. Gell. v. 6; Polyb. vi. 37), after the claim had been thoroughly investigated by the tribune who compelled a reluctant party to come forward and give his evidence (Polyb. *l. c.*); but under the empire, when the prince was the fountain from whence all honours emanated, the civic crown was no longer received from the hands of the person whose preservation it rewarded, but from the prince himself, or his delegate. (Tacit. *Ann.* xv. 12; compare iii. 2.)

The preservation of the life of an ally, even though he were a king, would not confer a sufficient title for the civic crown. When once obtained, it might always be worn. The soldier who had acquired it, had a place reserved next to the senate at all the public spectacles; and they, as well as the rest of the company, rose up upon his entrance. He was freed from all public burthens, as were also his father, and his paternal grandfather; and the person who owed his life to him was bound, ever after, to cherish his preserver as a parent, and afford him all such offices as were due from a son to his father. (Polyb. vi. 37; Cic. *Pro Planc.* 30; Plin. *H. N.* xvi. 5; Aul. Gell. v. 6.)

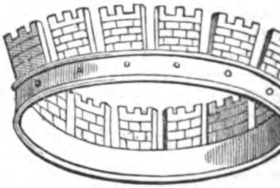
A few of the principal persons who gained this reward, are enumerated in the following passages: — Plin. *H. N.* vii. 29, xvi. 5; Liv. vi. 20; x. 46. L. Gellius Publicola proposed to confer it upon Cicero for having detected and crushed the conspiracy of Catiline (Aul. Gell. v. 6); and among the honours bestowed upon Augustus by the senate, it was decreed that a civic crown should be suspended from the top of his house (Dion Cass. liii. 16; Val. Max. ii. 8. *fin.*; Ovid. *Fast.* i. 614, iv. 953, *Trist.* iii. 1. 6; Senec. *Clem.* i. 26; Suet. *Calig.* 19, compare *Claud.* 17, *Tib.* 26); hence a crown of oak leaves, with the inscription *ob cives servatos*, is frequently seen on the reverse of the Augustan medals, as also on those of Galba, Vitellius, Vespasian, Trajan, &c., showing that they likewise assumed to themselves a similar honour.

III. Corona Navalis or Rostrata, called also Classica. (Vell. Pat. ii. 81.) It is difficult to determine whether these were two distinct crowns, or only two denominations for the same one. Virgil (*Aen.* viii. 684) unites both terms in one sentence, "Tempora *navali* fulgent *rostrata* corona." But it seems probable that the former, besides being a generic term, was inferior in dignity to the latter, and given to the sailor who first boarded an enemy's ship (Plin. *H. N.* xvi. 3); whereas the latter was given to a commander who destroyed the whole fleet, or gained any very signal victory. M. Agrippa is said to have been the first person who received the honour of a naval crown, which was conferred upon him on his conquest of Sex. Pompeius in B. C. 36; though, according to other authorities, M. Varro was the first who obtained it from Pompeius Magnus. (Comp. Vell. Pat. *l. c.*; Liv. *Epit.* 129; Dion Cass. xlix. 14; Aul. Gell. v. 6; Senec. *De Ben.* iii. 32; Festus, *s. v. Navalis Corona;* Plin. *H. N.* viii. 31, xvi. 4; Suet. *Claud.* 17.) At all events, they were both made of gold; and one at least (*rostrata*) decorated with the beaks of ships like the *rostra* in the forum (Plin. xvi. 4), as seen in a medal of Agrippa; the other (*navalis*), with a representation of the entire bow, as shown in the subjoined woodcut. (Guichard. *De Antiq. Triumph.* p. 267.)

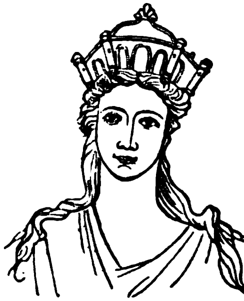


The Athenians likewise bestowed golden crowns for naval services; sometimes upon the person who got his trireme first equipped, and at others upon the captain who had his vessel in the best order. (Dem. *De Coron. Praef. Nav.* pp. 278, 279. ed. Schaeffer.)

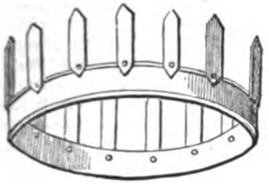
IV. Corona Muralis. The first man who scaled the wall of a besieged city was presented by his commander with a mural crown. (Aul. Gell. v. 6. 4; Liv. xxvi. 48.) It was made of gold, and decorated with turrets (*muri pinnis*, Aul. Gell. *l. c.*), as represented in the next woodcut (Guichard. *De Antiq. Triumph.* p. 265); and being one of the highest orders of military decorations, was not awarded to a claimant until after a strict investigation. (Liv. *l. c.*; compare Suet. *Aug.* 25.)



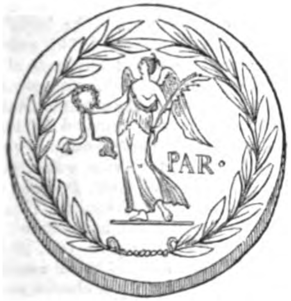
Cybele is always represented with this crown upon her head (Lucret. ii. 607, 610; Ovid. *Fast.* iv. 219; compare Virg. *Aen.* x. 253, vi. 786); but in the woodcut annexed (Caylus, *Recueil d'Antiq.* vol. v. pl. 3) the form of the crown is very remarkable, for it includes the whole tower as well as the turrets, thus affording a curious specimen of the ancient style of fortification.



V. Corona Castrensis or Vallaris. The first soldier who surmounted the *vallum*, and forced an entrance into the enemy's camp, was, in like manner, presented with a golden crown, called *corona castrensis* or *vallaris* (Aul. Gell. v. 6; compare Val. Max. i. 8. § 6), which was ornamented with the palisades (*valli*) used in forming an entrenchment, as represented in the annexed woodcut. (Guichard. *De Antiq. Triumph.* p. 266.)



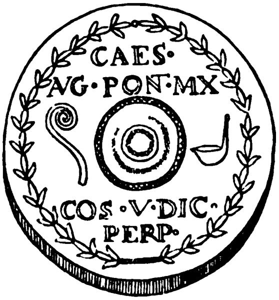
VI. Corona Triumphalis. There were three sorts of triumphal crowns, the first of which was worn round the head of the commander during his triumph. It was made with laurel or bay leaves (Aul. Gell. v. 6; Ovid. *Pont.* ii. 2. 81; Tibull. i. 7. 7), which plant is frequently met with on the ancient coins, both with the berries and without them. It was the latter kind, according to Pliny (*H. N.* xv. 39), which was used in the triumph, as is shown in the annexed woodcut, from a medal which commemorates the Parthian triumph of Ventidius, the lieutenant of Antony. Being the most honourable of the three, it was termed *laurea insignis* (Liv. vii. 13) and *insignis corona triumphalis*.



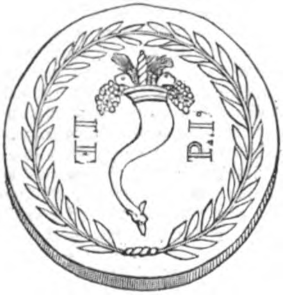
The second one was of gold, often enriched with jewels, which being too large and massive to be worn, was held over the head of the general during his triumph, by a public officer (*servus publicus*, Juv. *Sat.* x. 41). This crown, as well as the former one, was presented to the victorious general by his army.

The third kind, likewise of gold and great value, was sent as presents from the provinces to the commander, as soon as a triumph had been decreed to him (Plut. *Aemil. Paul.* 34), and therefore they were also termed *provinciales*. (Tertull. *De Coron. Mil.* c. 13.) In the early ages of the republic, these were gratuitous presents, but subsequently they were exacted as a tribute under the name of *aurum coronarium*, to which none were entitled but those to whom a triumph had been decreed. The custom of presenting golden crowns from the provinces to victorious generals was likewise in use among the Greeks, for they were profusely lavished upon Alexander after his conquest of Dareius (Athen. xii. p. 539, a); and the Romans probably borrowed the custom from the Greeks. [Aurum Coronarium.]

VII. Corona Ovalis was another crown of less estimation, appropriated solely to commanders. It was given to those who merely deserved an ovation, which happened when the war was not duly declared, or was carried on against a very inferior force, or with persons not considered by the laws of nations as lawful enemies, such as slaves and pirates; or when the victory was obtained without danger, difficulty, or bloodshed (Aul. Gell. v. 6; Festus, *s. v. Ovalis Corona*); on which account it was made of myrtle, the shrub sacred to Venus, "Quod non *Martius*, sed quasi *Veneris* quidam triumphus foret." (Aul. Gell. *l. c.*; Plut. *Marcell.* 22; compare Plin. *H. N.* xv. 39; Dionys. v. 47.) The myrtle crown is shown in the woodcut annexed, from a medal of Augustus Caesar.



VIII. Corona Oleagina. This was likewise an honorary wreath, made of the olive leaf, and conferred upon the soldiers as well as their commanders. According to Gellius (v. 6), it was given to any person or persons through whose instrumentality a triumph had been obtained, but when they were not personally present in the action. It is represented in the next woodcut, from a medal of Lepidus, and was conferred both by Augustus and the senate upon the soldiery on several occasions. (Dion Cass. xlix. 14, xlvi. 40.)

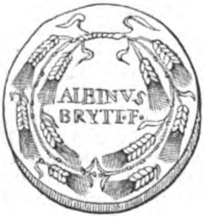


Golden crowns, without any particular designation, were frequently presented out of compliment by one individual to another, and by a general to a soldier who had in any way distinguished himself. (Liv. vii. 10, 37, x. 44, xxx. 15.)

The Greeks in general made but little use of crowns as rewards of valour in the earlier and better periods of their history, except as prizes in the athletic contests; but previous to the time of Alexander, crowns of gold were profusely distributed among the Athenians at least, for every trifling feat, whether civil, naval, or military (Aesch. *c. Ctesiph.*; Dem. *De Coron. passim*), which, though lavished without much discrimination as far as regards the character of the receiving parties, were still subjected to certain legal restrictions in respect of the time, place, and mode in which they were conferred. They could not be presented but in the public assemblies, and with the consent, that is by suffrage, of the people, or by the senators in their council, or by the tribes to their own members, or by the *δημόται* to members of their own *δῆμος*. According to the statement of Aeschines, the people could not lawfully present crowns in any place except in their assembly, nor the senators except in the senate-house; nor, according to the same authority, in the theatre, which is, however, denied by Demosthenes; nor at the public games, and if any crier there proclaimed the crowns he was subject to *ἀτιμία*. Neither could any person holding an office receive a crown whilst he was *ὑπεύθυνος*, that is, before he had passed his accounts. But crowns were sometimes presented by foreign cities to particular citizens, which were termed *στεφάνοι ξενικοί*, *coronae hospitales*. This, however, could not be done until the ambassadors from those cities had obtained permission from the people, and the party for whom the honour was intended had undergone a public investigation, in which the whole course of his life was submitted to a strict inquiry. (Aesch. Dem. *ll. cc.*)

We now proceed to the second class of crowns, which were emblematical and not honorary, at least to the person who wore them, and the adoption of which was not regulated by law, but custom. Of these there were also several kinds.

I. Corona Sacerdotalis, so called by Ammianus Marcellinus (xxix. 5. § 6). It was worn by the priests (*sacerdotes*), with the exception of the pontifex Maximus and his minister (*camillus*), as well as the bystanders, when officiating at the sacrifice. It does not appear to have been confined to any one material, but was sometimes made of olive (see the preceding woodcut; Stat. *Theb.* iii. 466), sometimes of gold (Prudent. Περὶ Στέφ. x. 1011; Tertull. *De Idol.* 18), and sometimes of the ears of corn, then termed *corona spicea*, which kind was the most ancient one amongst the Romans (Plin. *H. N.* xviii. 2), and was consecrated to Ceres (Hor. *Carm. Sec.* 30; Tibull. ii. l. 4, i. l. 15), before whose temples it was customarily suspended. (Tibull. i. 1. 16; compare Apul. *Met.* vi. p. 110. Varior.) It was likewise regarded as an emblem of peace (Tibull. i. 10. 67), in which character it appears in the subjoined medal, which commemorates the conclusion of the civil war between Antony and D. Albinus Brutus.



II. Corona Funebris amd Sepulchralis. The Greeks first set the example of crowning the dead with chaplets of leaves and flowers (Eur. *Phoen.* 1647; Schol. *ad loc.*), which was imitated by the Romans. It was also provided by a law of the Twelve Tables, that any person who had acquired a crown might have it placed upon his head when carried out in the funeral procession. (Cic. *De Leg.* ii. 24; Plin. *H. N.* xxi. 5.) Garlands of flowers were also placed upon the bier, or scattered from the windows under which the procession passed (Plin. *H. N.* xxi. 7; Dionys. xi. 39), or entwined about the cinerary urn (Plut. *Marcell.* 30, *Demetr.* 53), or as a decoration to the tomb (Plin. *H. N.* xxi. 3; Ovid. *Trist.* iii. 2. 82; Tibull. ii. 4. 48). In Greece these crowns were commonly made of parsley (*σέλινον*). (Suidas, *s. v.*; Plut. *Timol.* 26.)

III. Corona Convivialis. The use of chaplets at festive entertainments sprung likewise from Greece, and owe their origin to the practice of tying a woollen fillet tight round the head, for the purpose of mitigating the effects of intoxication. (Comp. Plaut. *Amph.* iii. 4. 16.) But as luxury increased they were made of various flowers or shrubs, such as were supposed to prevent intoxication; of roses (which were the choicest), violets, myrtle, ivy, *philyra*, and even parsley. (Hor. *Carm.* ii. 7. 24, et alibi.) The Romans were not allowed to wear these crowns in public, "in usu promiscuo," which was contrary to the practice of the Greeks, and those who attempted to do so were punished with imprisonment. (Plin. *H. N.* xxi. 6; compare Hor. *Sat.* ii. 3. 256; Val. Max. vi. 9. ext. 1.)

IV. Corona Nuptialis. The bridal wreath (*στέφος γαμήλιον*, Bion. *Idyll.* i. 88) was also of Greek origin, among whom it was made of flowers plucked by the bride herself, and not bought, which was of ill omen. Among the Romans it was made of *verbena*, also gathered by the bride herself, and worn under the *flammeum* (Festus, *s. v. Corolla*) with which the bride was always enveloped. (Catull. lxi. 6. 8; Cic. *De Orat.* iii. 58.) The bridegroom also wore a chaplet. (Plaut. *Cas.* iv. 1. 9.) The doors of his house were likewise decorated with garlands (Catull. lxiv. 294; Juv. *Sat.* vi. 51, 227), and also the bridal couch.

V. Corona Natalitia, the chaplet suspended over the door of the vestibule, both in the houses of Athens and Rome, in which a child was born. (Juv. *Sat.* ix. 85; Meursius, *Attic. Lect.* iv. 10.) At Athens, when the infant was male, the crown was made of olive; when female, of wool (Hesych. *s. v.* Στέφανος); at Rome it was of laurel, ivy, or parsley (Bartholin. *De Puerp.* p. 127).

Besides the crowns enumerated, there were a few others of specific denominations, which received their names either from the materials of which, or the manner in which, they were composed. These were —

I. Corona Longa (Cic. *De Leg.* 24; Ovid, *Fast.* iv. 738), commonly thought to resemble what we call *festoons*, and as such seem to have been chiefly used to decorate tombs, curule chairs, triumphal cars, houses, &c. But the word must have had a more precise meaning, and was probably called *longa* from its greater size, and meant a circular string of anything, like the "rosary" used by the lower orders in Catholic countries to reckon up their prayers, which in Italy is still called *la corona*, doubtless tracing its origin to the *corona longa* of their heathen ancestors, to which description it answers exactly.

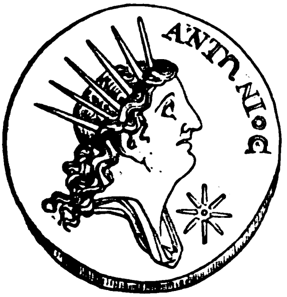
II. Corona Etrusca, a golden crown made to imitate the crown of oak leaves, studded with gems, and decorated with ribbons (*lemnisci*) or ties of gold. (Plin. *H. N.* xxi. 4, xxxiii. 4.) Any crown fastened with these ribbons, whether real or artificially represented, was also termed *corona lemniscata*, a specimen of which is given by Caylus (*Recueil d'Antiq.* vol. v. pl. 57. No. 3).

III. Corona Pactilis (Plin. *H. N.* xxi. 8), probably the same as the *corona plectilis* of Plautus (*Bacch.* i. 1. 37), *corona torta* (Propert. iii. 20. 18, ed. Kuinoel), *plexa* (Aul. Gell. xviii. 2), and as the *στέφανοι πλεκτοί* and *κυλιστὸς στέφανος* of the Greeks. It was made of flowers, shrubs, grass, ivy, wool, or any flexible material twisted together.

IV. Corona Sutilis, the crown used by the Salii at their festival. It was made in the first instance of any kind of flowers sowed together, instead of being wreathed with their leaves and stalks; but subsequently it was confined to the rose only, the choicest leaves of which were selected from the whole flower, and sowed together by a skilful hand, so as to form an elegant chaplet. (Plin. *H. N.* xxi. 8.)

V. Corona Tonsa or Tonsilis (Virg. *Aen.* v. 556) was made of leaves only, of the olive or laurel for instance (Serv. *ad Virg. Georg.* iii. 21), and so called in distinction to *nexilis* and others, in which the whole branch was inserted.

VI. Corona Radiata (Stat. *Theb.* i. 28) was the one given to the gods and deified heroes, and assumed by some of the emperors, as a token of their divinity. It may be seen on the coins of Trajan, Caligula, M. Aurelius, Valerius Probus, Theodosius, &c., and is given in the woodcut annexed, from a medal of M. Antonius.



VII. The crown of vine leaves (*pampinea*) was appropriated to Bacchus (Hor. *Carm.* iii. 25. 20, iv. 8. 33), and considered a symbol of ripeness approaching to decay; whence the Roman knight, when he saw Claudius with such a crown upon his head, augured that he would not survive the autumn. (Tacit. *Ann.* xi. 4; compare Artemidor. i. 79.) [A. R.]

CORO'NIS (*κορωνίς*), the cornice of an entablature, is properly a Greek word signifying anything curved (Schol. *ad Aristoph. Plut.* 253; Hesych. *s. v.*). It is also used by Latin writers, but the genuine Latin word for a *cornice* is *corona* or *coronis*. (Vitruv. v. 2, 3.) [P. S.]

CORPORA'TI. CORPORA'TIO. [Collegium.]

CORPUS. [Collegium.]

CORPUS JURIS CIVI'LIS. The three great compilations of Justinian, the Institutes, the Pandect or Digest, and the Code, together with the Novellae, form one body of law, and were considered as such by the glossatores, who divided it into five volumina. The Digest was distributed into three volumina, under the respective names of Digestum Vetus, Infortiatum, and Digestum Novum. The fourth volume contained the first nine books of the Codex Repetitae Praelectionis. The fifth volume contained the Institutes, the Liber Authenticorum or Novellae, and the three last books of the Codex. The division into five volumina appears in the oldest editions; but the usual arrangement now is, the Institutes, Digest, the Code, and Novellae. The name Corpus Juris Civilis was not given to this collection by Justinian, nor by any of the glossatores. Savigny asserts that the name was used in the twelfth century: at any rate, it became common from the date of the edition of D. Gothofredus, 1604.

Most editions of the Corpus also contain the following matter: — Thirteen edicts of Justinian, five constitutions of Justin the younger, several constitutions of Tiberius the younger, a series of constitutions of Justinian, Justin, and Tiberius; 113 Novellae of Leo, a constitution of Zeno, and a number of constitutions of different emperors, under the name of Βασιλικαὶ Διατάξεις or Imperatoriae Constitutiones; the Canones Sanctorum et venerandorum Apostolorum, Libri Feudorum, a constitution of the emperor Frederick II., two of the emperor Henry VII. called Extravagantes, and a Liber de pace Constantiae. Some editions also contain the fragments of the Twelve Tables, of the praetorian edict, &c.

The Roman law, as received in Europe, consists only of the Corpus Juris, that is, the three compilations of Justinian and the Novellae which were issued after these compilations; and further, this Corpus Juris is only received within the limits and in the form which was given to it in the school of Bologna. Accordingly, all the Ante-Justinian law is now excluded from all practical application; also, the Greek texts in the Digest, in the place of which the translations received at Bologna are substituted; and further, the few unimportant restorations in the Digest, and the more important restorations in the Codex. Of the three collections of Novellae, that only is received which is called Authenticum, and in the abbreviated form which was given to it at Bologna, called the Vulgata.

But, on the other hand, there are received the additions made to the Codex in Bologna by the reception of the Authentica of the Emperors Frederick I. and II., and the still more numerous Authentica of Irnerius. The application of the matter comprised within these limits of the Corpus Juris has not been determined by the school of Bologna, but by the operation of other principles, such as the customary law of different European countries and the development of law. Various titles of the Corpus Juris have little or no application in modern times; for instance, that part of the Roman law which concerns constitutional forms and administration. (Savigny, *System des Heut. Romischen Rechts*, vol. i. p. 66.)

Some editions of the Corpus Juris are published with the glossae, and some without. The latest edition with the glossae is that of J. Fehius, Lugd. 1627, six vols. folio. Of the editions without the glossae, the most important are — that of Russardus, Lugd. 1560—61, folio, which was several times reprinted; Contius, Lugd. 1571 and 1581, 15 vols. 12mo; Lud. Charondae, Antw. ap. Christ. Plantin, 1575, folio; Dionys. Gothofredi, Lugd. 1583, 4to of which there are various editions, one of the best by Sim. Van Leeuwen, Amst. 1663, folio; G. Chr. Gebaueri, cura G. Aug. Spangenberg, Goetting. 1776—1797, 2 vols. 4to; Schrader, 1 vol. 4to, Berlin, 1832, of which only the Institutes are yet published.

For further information on the editions of the Corpus Juris and its several portions, see Böcking, *Institutionen*, p. 78, &c., and Mackeldey, *Lehrbuch*, &c. § 97, a, 12th ed. [G. L.]

CO'RREUS. [Obligationes.]

CORTI'NA. 1. In its primary sense, a large circular vessel for containing liquids, and used in dyeing wool (Plin. *H. N.* ix. 62), and receiving oil when it first flows from the press. (Cat. *De Re Rust.* 66.) 2. A vase in which water was carried round the circus during the games (Plaut. *Poen.* v. 5. 12), for the use of the horses, drivers, or attendants. See the cut on p. 284, in which two of the children thrown down by the horses are furnished with a vessel of this kind. 3. The table or hollow slab, supported by a tripod, upon which the priestess at Delphi sat to deliver her responses; and hence the word is used for the oracle itself. (Virg. *Aen.* vi. 347.) The Romans made tables of marble or bronze after the pattern of the Delphian tripod, which they used as we do our sideboards, for the purpose of displaying their plate at an entertainment, or the valuables contained in their temples, as is still done in Catholic countries upon the altars. These were termed *cortinae Delphicae*, or *Delphicae* simply. (Plin. *H. N.* xxxiv. 8; Schol. *ad Hor. Sat.* i. 6. 116; Mart. xii. 66. 7; Suet. *Aug.* 52.) 4. From the conical form of the vessel which contains the first notion of the word, it came also to signify the vaulted part of a theatre over the stage (*magni* cortina *theatri*, Sever. *in Aetn.* 294), such as is in the Odeium of Pericles, the shape of which we are expressly told was made to imitate the tent of Xerxes (Paus. i. 20. § 3; Plut. *Pericl.* 13); and thence metaphorically for anything which bore the appearance of a dome, as the vault of heaven (Ennius, *ap. Var. De Ling. Lat.* viii. 48, ed. Müller); or of a circle, as a group of listeners surrounding any object of attraction. (Tacit. *De Orat.* 19.) [A. R.]

CORYBANTES (κορύβαντες). The history and explanation of the deities bearing this name, in the early mythology of Greece, cannot be given in this place, as it would lead us to enter into historical and mythological questions beyond the limits of this Dictionary. The Corybantes, of whom we have to speak here, were the ministers or priests of Rhea or Cybele, the great mother of the gods, who was worshipped in Phrygia. In their solemn festivals they displayed the most extravagant fury in their dances in armour, as well as in the accompanying music of flutes, cymbals and drums. (Strab. x. p. 470.) Hence κορυβαντισμός was the name given to an imaginary disease, in which persons felt as if some great noise was rattling in their ears. (Plato, *Crito*, p. 54. d., with Stallbaum's note.) [L. S.]

CORYBA'NTICA (κορυβαντικά), a festival and mysteries celebrated at Cnossus in Crete, in commemoration of one Corybas (Strab. x. p. 470.), who, in common with the Curetes, brought up Zeus and concealed him from his father Cronos in that island. Other accounts say that the Corybantes, nine in number, independent of the Curetes, saved and educated Zeus; a third legend (Cic. *De Nat. Deor.* iii. 23) states that Corybas was the father of the Cretan Apollo who disputed the sovereignty of the island with Zeus. But to which of these traditions the festival of the Corybantica owed its origin is uncertain, although the first, which was current in Crete itself, seems to be best entitled to the honour. All we know of the Corybantica is, that the person to be initiated was seated on a throne, and that those who initiated him formed a circle and danced around him. This part of the solemnity was called θρόνωσις or θρονισμός. (Plato, *Euthydem.* p. 277, d.; Dion Chrysost. *Orat.* xii. p. 387; Proclus, *Theol. Plat.* vi. 13.) [L. S.]

CORYMBUS. CORY'MBIUM. [Coma.]

CORVUS, a sort of crane, used by C. Duilius against the Carthaginian fleet in the battle fought off Mylae, in Sicily (B.C. 260). The Romans, we are told, being unused to the sea, saw that their only chance of victory was by bringing a sea-fight to resemble one on land. For this purpose they invented a machine, of which Polybius (i. 22) has left a minute, although not very perspicuous, description. In the fore part of the ship a round pole was fixed perpendicularly, twenty-four feet in height and about nine inches in diameter; at the top of this was a pivot, upon which a ladder was set, thirty-six feet in length and four in breadth. The ladder was guarded by cross-beams, fastened to the upright pole by a ring of wood, which turned with the pivot above. Along the ladder a rope was passed, one end of which took hold of the *corvus* by means of a ring. The *corvus* itself was a strong piece of iron, with a spike at the end, which was raised or lowered by drawing in or letting out the rope. When an enemy's ship drew near, the machine was turned outwards, by means of the pivot, in the direction of the assailant. Another part of the machine which Polybius has not clearly described is a breastwork, let down (as it would seem) from the ladder, and serving as a bridge, on which to board the enemy's vessel. (Compare Curtius, iv. 2. 4.) By means of these cranes the Carthaginian ships were either broken or closely locked with the Roman, and Duilius gained a complete victory.

The word *corvus* is also applied to various kinds of grappling-hooks, such as the *corvus demolitor*, mentioned by Vitruvius (x. 19) for pulling down walls, or the terrible engine spoken of by Tacitus (*Hist.* iv. 30), which being fixed on the walls of a fortified place, and suddenly let down, carried off one of the besieging party, and then by a turn of the machine put him down within the walls. The word is used by Celsus for a scalpel. It is hardly necessary to remark that all these meanings have their origin in the supposed resemblance of the various instruments to the beak of a raven. [B. J.]

CORY'TOS. [Arcus, p. 126, a.]

COSME'TAE, a class of slaves among the Romans, whose duty it was to dress and adorn ladies. (Juv. *Sat.* vi. 476.) Some writers on antiquities, and among them Böttiger in his Sabina (i. 22) have supposed that the cosmetae were female slaves, but the passage of Juvenal is alone sufficient to refute this opinion; for it was not customary for female slaves to take off their tunics when a punishment was to be inflicted upon them. There was, indeed, a class of female slaves who were employed for the same purposes as the cosmetae; but they were called *cosmetriae*, a name which Naevius chose as the title for one of his comedies. (See Heindorf, *ad Horat. Sat.* i. 2. 98.) [L. S.]

COSME'TES (κοσμητής), an officer in the Athenian Gymnasia in the time of the Romans. [GYMNASIUM.]

COSMI (κόσμοι), the chief magistrates of Crete. It is proposed under this head to give a brief account of the Cretan constitution.

The social and political institutions of Crete were so completely Dorian in character, and so similar to the Spartan, that it was a disputed point amongst the ancients whether the Spartan constitution had its origin there, or the Cretan was transferred from Laconia to Crete. The historian Ephorus (*ap. Strab.* x. p. 482) expressly states that the Spartan institutions had their origin in Crete, but were perfected and completed in Sparta; so that there is good reason for the assertion of Müller (*Dorians*, iii. 1. § 8), "that the constitution founded on the principles of the Doric race, was there first moulded into a consistent shape, but even in a more simple and antiquated form than in Sparta at a subsequent period." Thus much, at any rate, we know for certain, that there were various Dorian cities in the island, the political arrangements of which so closely resembled each other, that one form of government was ascribed to all. (Thirlwall, *Hist. Greece*, vol. i. p. 284.) In the earliest ages of which we have historical information, this was an aristocracy consisting of three component bodies, the *Cosmi*, the *Gerusia* (γερουσία), and the *Ecclesia* (ἐκκλησία). The cosmi were ten in number, and are by Aristotle (*Pol.* ii. 7), Ephorus (*ap. Strab. l. c.*), and Cicero (*de Rep.* ii. 33) compared to the ephors of Sparta. Müller, however (iii. 8. § 1) compares them with the Spartan kings, and supposes them to have succeeded to the functions of the kingly office; which Aristotle (probably alluding to the age of Minos) tells us was at one time established in Crete. These cosmi were ten in number, and chosen not from the body of the people, but from certain γένη or houses, which were probably of more pure Doric or Achaian descent than their neighbours. The first of them in rank was called *Protocosmus*, and gave his name to the year. They commanded in war, and also conducted the business of the state with the representatives and ambassadors of other cities. With respect to the domestic government of the state, they appear to have exercised a joint authority with the members of the gerusia, as they are said to have consulted with them on the most important matters. (Ephor. *l. c.*) In the times subsequent to the age of Alexander, they also performed certain duties which bore a resemblance to the introduction of the lawsuits into court, by the Athenian magistrates. (Müller, *l. c.*) Their period of office was a year; but any of them during that time might resign, and was also liable to deposition by his colleagues. In some cases, too, they might be indicted for neglect of their duties. On the whole, we may conclude that they formed the executive and chief power in most of the cities of Crete.

The *Gerusia*, or council of elders, called by the Cretans *Boule*, consisted, according to Aristotle (*Polit.* ii. 7), of thirty members who had formerly been cosmi, and were in other respects approved of (τὰ ἄλλα δόκιμοι κρινόμενοι, Ephor. *l. c.*). They retained their office for life, and are said to have decided in all matters that came before them, according to their own judgment, and not agreeably to any fixed code of laws. They are also said to have been irresponsible, which, however, hardly implies that they were independent of the "unwritten law" of custom and usage, or uninfluenced by any fixed principles. (Thirlwall, *Hist. Greece*, vol. i. p. 186.) On important occasions, as we have before remarked, they were ξύμβουλοι, or councillors of the cosmi.

The democratic element of the *Ecclesia* was almost powerless in the constitution; its privileges, too, seem to have been merely a matter of form; for, as Aristotle observes, it exercised no function of government, except ratifying the decrees of the γέροντες and the κόσμοι. It is, indeed, not improbable that it was only summoned to give its sanction to these decrees; and though this may appear to imply the power of withholding assent, still the force of habit and custom would prevent such an alternative being attempted, or, perhaps, even thought of. (Thirlwall, vol. i. p. 286; Göttling, *Excursus ad Aristot.* ii. 7.)

From these observations, it is clear that the Cretan constitution was formerly a Dorian aristocracy, which, in the age of Aristotle, had degenerated to what he calls a δυναστεία, *i. e.* a government vested in a few privileged families. These quarrelled one amongst the other, and raised factions or parties, in which the demus joined, so that the constitution was frequently broken up, and a temporary monarchy, or rather anarchy, established on its ruins. The cosmi were, in fact, often deposed by the most powerful citizens, when the latter wished to impede the course of justice against themselves (μὴ δοῦναι δίκας), and an ἀκοσμία then ensued, without any legal magistrates at the head of the state.

In the time of Polybius, the power of the aristocracy had been completely overthrown; for he tells us that the election of the magistrates was annual, and determined by democratical principles. (Polyb. vi. 44.) In other respects also, he points out a difference between the institutions of Crete and those of Lycurgus at Sparta, to which they had been compared by other writers.

Müller observes that the cosmi were, so far as we know, the chief magistrates in all the cities of Crete, and that the constitution of these cities was in all essential points the same—a proof that their political institutions were determined by the principles of the governing, *i. e.* the Doric race.

The social relations of the Cretans seem to have been almost identical with those of the Spartans.

The inhabitants of the Dorian part of the island were divided into three classes, the freemen, the perioeci or ὑπήκοοι, and the slaves. The second class was as old as the time of Minos, and was undoubtedly composed of the descendants of the conquered population; they lived in the rural districts, round the πόλεις of the conquerors; and, though personally free, yet exercised none of the privileges or influence of citizens, either in the administration and enactment of the laws, or the use of heavy arms. They occupied certain lands, for which they paid a yearly tribute or rent, supposed, from a statement in Athenaeus (iv. p. 143), to have been an Aeginetic stater.*

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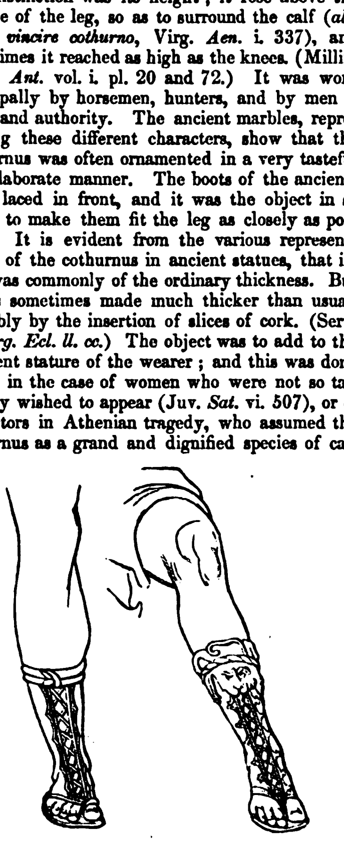
* The expression of Dosiadas, τῶν δούλων ἕκαστος, probably refers to the perioeci, δοῦλοι being used as a generic term for those who were not full and free citizens.

The slaves were divided into two classes, the public bondsmen (ἡ κοινὴ δουλεία), and the slaves of individuals. The former were called the μνῶα, μνοία, μνωία, or Μινωΐα σύνοδος: the latter, ἀφαμιῶται, or κλαρῶται. The ἀφαμιῶται were so named from the cultivation of the lots of land, or ἀφαμίαι, assigned to private citizens, and were therefore agricultural bondsmen (οἱ κατ' ἀγρόν, Athen. vi. p. 263). The μνοία was distinguished, by more precise writers, both from the perioeci and the aphamiotae; so that it has been concluded that every state in Crete possessed a public domain, cultivated by the mnotae, just as the private allotments were by the bondsmen of the individual proprietors. The word μνοία, as Thirlwall has remarked, is more probably connected with δμῶς than Minos.

The origin of the class called μνοία, and the κλαρῶται, was probably twofold; for the analogy of other cases would lead us to suppose that they consisted partly of the slaves of the conquered freemen of the country, and partly of such freemen as rose against the conquerors, and were by them reduced to bondage. But besides these, there was also a class of household servants employed in menial labours, and called χρυσώνητοι: they were, as their name denotes, purchased, and imported from foreign countries. [R. W.]

COTHURNUS (κόθορνος), a boot. Its essential distinction was its height; it rose above the middle of the leg, so as to surround the calf (*alte suras vincire cothurno*, Virg. *Aen.* i. 337), and sometimes it reached as high as the knees. (Millin, *Vases Ant.* vol. i. pl. 20 and 72.) It was worn principally by horsemen, hunters, and by men of rank and authority. The ancient marbles, representing these different characters, show that the cothurnus was often ornamented in a very tasteful and elaborate manner. The boots of the ancients were laced in front, and it was the object in so doing to make them fit the leg as closely as possible. It is evident from the various representations of the cothurnus in ancient statues, that its sole was commonly of the ordinary thickness. But it was sometimes made much thicker than usual, probably by the insertion of slices of cork. (Serv. *in Virg. Ecl. ll. cc.*) The object was to add to the apparent stature of the wearer; and this was done either in the case of women who were not so tall as they wished to appear (Juv. *Sat.* vi. 507), or of the actors in Athenian tragedy, who assumed the cothurnus as a grand and dignified species of calceamentum, and had the soles made unusually thick, as one of the methods adopted in order to magnify their whole appearance. (Virg. *Ecl.* viii. 10; Hor. *Sat.* i. 5. 64; *Ars Poët.* 280.) Hence tragedy in general was called *cothurnus.* (Ov. *Trist.* ii. 1. 393; Juv. vi. 633, xv. 29.)



As the cothurnus was commonly worn in hunting, it is represented both by poets and statuaries as part of the costume of Diana. It was also attributed to Bacchus (Vell. Pat. ii. 82), and to Mercury (Hamilton's *Vases*, vol. iii. pl. 8). The preceding woodcut shows two cothurni from statues in the Museo Pio-Clementino (vol. ii. pl. 15, and vol. iii. pl. 38). [J. Y.]

CO'TTABOS (Ionic, κόσσαβος or ὅτταβος), a social game which was introduced from Sicily into Greece (Athen. xv. p. 666), where it became one of the favourite amusements of young people after their repasts. The simplest way in which it originally was played was this:—One of the company threw out of a goblet a certain quantity of pure wine, at a certain distance, into a metal basin, endeavouring to perform this exploit in such a manner as not to spill any of the wine. While he was doing this, he either thought of or pronounced the name of his mistress (*Etymol. Mag. s. v.* Κοτταβίζω), and from the more or less full and pure sound with which the wine struck against the metal basin, the lover drew his conclusions respecting the attachment of the object of his love. The sound, as well as the wine by which it was produced, were called λάταξ or κότταβος: the metal basin had various names, either κοττάβιον, or κοτταβεῖον, or λαταγεῖον, or χάλκειον, or λεκάνη, or σκάφη. (Pollux, vi. 109; *Etymol. Mag. l. c.*; Athen. xv. p. 667. *sub fin.*) The action of throwing the wine, and sometimes the goblet itself, was called ἀγκύλη, because the persons engaged in the game turned round the right hand with great dexterity, on which they prided themselves. Hence Aeschylus spoke of κότταβοι ἀγκυλητοί. (Athen. xv. p. 667.) Thus the cottabus, in its simplest form, was nothing but one of the many methods by which lovers tried to discover whether their love was returned or not. But this simple amusement gradually assumed a variety of different characters, and became, in some instances, a regular contest, with prizes for the victor. One of the most celebrated modes in which it was carried on is described by Athenaeus (*l. c.*) and in the *Etymol. Mag.*, and was called δι' ὀξυβάφων. A basin was filled with water, with small empty bowls swimming upon it. Into these the young men, one after another, threw the remnant of the wine from their goblets, and he who had the good fortune to drown most of the bowls obtained the prize (κοττάβιον), consisting either of simple cakes, sweet-meats, or sesame-cakes.

A third and more complicated form of the cottabus is thus described by Suidas (*s. v.* Κοτταβίζω). —A long piece of wood being erected on the ground, another was placed upon it in an horizontal direction, with two dishes hanging down from each end; underneath each dish a vessel full of water was placed, in each of which stood a gilt brazen statue, called μάνης. Every one who took part in the game stood at a distance, holding a cup full of wine, which he endeavoured to throw into one of the dishes, in order that, struck down by the weight, it might knock against the head of the statue which was concealed under the water. He who spilled least of the wine gained the victory, and thereby knew that he was loved by his mistress. (See Schol. *ad Lucian. Lexiph.* 3. vol. ii. p. 325.)

A fourth kind of cottabus, which was called *κότταβος κατακτός* (*ἀπὸ τοῦ κατάγειν τὸν κότταβον*), is described by Pollux (vi. 109), the Scholiast on Aristophanes (*Pax*, 1172), and Athenaeus (xv. p. 667). The so-called *μάνης* was placed upon a pillar similar to a candelabrum, and the dish hanging over it must, by means of wine projected from the goblet, be thrown upon it, and thence fall into a basin filled with water, which from this fall gave forth a sound; and he who produced the strongest was the victor, and received prizes, consisting of eggs, cakes, and sweetmeats.

This brief description of four various forms of the cottabus may be sufficient to show the general character of this game; and it is only necessary to add, that the chief object to be accomplished in all the various modifications of the cottabus was to throw the wine out of the goblet in such a manner that it should remain together and nothing be spilled, and that it should produce the purest and strongest possible sound in the place where it was thrown. In Sicily, the popularity of this game was so great, that houses were built for the especial purpose of playing the cottabus in them. Those readers who wish to become fully acquainted with all the various forms of this game, may consult Athenaeus (xv. p. 666, &c.), the Greek Lexicographers, and, above all, Groddeck (*Ueber den Kottabos der Griechen*, in his *Antiquarische Versuche*, i. *Sammlung*, 1800, pp. 163—238), who has collected and described nine different forms in which it was played. Becker (*Charikles*, i. p. 476, &c.) is of opinion that all of them were but modifications of two principal forms. (Compare also Fr. Jacobs, *Ueber den Kottabos* in *Wieland's Attisches Museum*, iii. 1. pp. 475—496.) [L. S.]

CO'TYLA (*κοτύλη*) was a measure of capacity among the Romans and Greeks: by the former it was also called *hemina*; by the latter, *τρυβλίον* and *ἡμίνα* or *ἡμίμνα*. It was the half of the sextarius or *ξέστης*, and contained 6 cyathi, or nearly half a pint English.

This measure was used by physicians with a graduated scale marked on it, like our own chemical measures, for measuring out given weights of fluids, especially oil. A vessel of horn, of a cubic or cylindrical shape, of the capacity of a cotyla, was divided into twelve equal parts by lines cut on its side. The whole vessel was called *litra*, and each of the parts an ounce (*uncia*). This measure held nine ounces (by weight) of oil, so that the ratio of the weight of the oil to the number of ounces it occupied in the measure would be 9 : 12 or 3 : 4. (Galenus, *De Compos. Medicam. per Genera*, iii. 3, i. 16, 17, iv. 14, v. 3, 6, vi. 6, 8; Wurm, *De Pond. Mens.* &c.; Hussey, *On Ancient Weights*, &c.) [P. S.]

COTY'TTIA or COTTYTES (*κοτύττια, κόττυτες*), a festival which was originally celebrated by the Edonians of Thrace, in honour of a goddess called Cotys or Cotytto. (Strab. x. p. 470; Eupolis, *apud Hesych. s. v.*; Suidas.) It was held at night, and, according to Strabo, resembled the festivals of the Cabeiri and the Phrygian Cybele. But the worship of Cotys, together with the festival of the Cotyttia, was adopted by several Greek states, chiefly those which were induced by their commercial interest to maintain friendly relations with Thrace. Among these Corinth is expressly mentioned by Suidas, and Strabo (x. p. 471) seems to suggest that the worship of Cotys was adopted by the Athenians, who, as he observes, were as hospitable to foreign gods as they were to foreigners in general. (Compare Juven. *Sat.* ii. 92.) The priests of the goddess were formerly supposed to have borne the name of baptae; but Buttmann has shown that this opinion is utterly groundless. Her festivals were notorious among the ancients for the dissolute manner and the debaucheries with which they were celebrated. (Suidas, *s. v.* *Κότυς*; Horat. *Epod.* xvii. 56; Theocrit. vi. 40.) Another festival of the same name was celebrated in Sicily (Plut. *Proverb.*), where boughs hung with cakes and fruit were carried about, which any person had a right to pluck off if he chose; but we have no mention that this festival was polluted with any of the licentious practices which disgraced those of Thrace and Greece, unless we refer the allusion made by Theocritus to the Cotyttia, to the Sicilian festival. (Compare Buttmann's essay, *Ueber die Kotyttia und die Baptae*, in his *Mythologus*, vol. ii. p. 159; Lobeck, *Aglaoph.* pp. 627, 1007, &c.) [L. S.]

COVINA'RII. [Covinus.]

COVI'NUS (Celtic, *kowain*), a kind of car, the spokes of which were armed with long sickles, and which was used as a scythe-chariot chiefly by the ancient Belgians and Britons. (Mela, iii. 6; Lucan, i. 426; Silius, xvii. 422.) The Romans designated, by the name of covinus, a kind of travelling carriage, which seems to have been covered on all sides with the exception of the front. It had no seat for a driver, but was conducted by the traveller himself, who sat inside. (Mart. *Epig.* ii. 24.) There must have been a great similarity between the Belgian scythe-chariot and the Roman travelling carriage, as the name of the one was transferred to the other, and we may justly conclude that the Belgian car was likewise covered on all sides, except the front, and that it was occupied by one man, the covinarius only, who was, by the structure of his car, sufficiently protected. The *covinarii* (the word occurs only in Tacitus) seem to have constituted a regular and distinct part of a British army. (Tacit. *Agr.* 35 and 36, with M. J. H. Becker's note; Bötticher's *Lexicon Tacit. s. v.*; Becker, *Gallus*, vol. i. p. 222; compare the article Essedum.) [L. S.]

CRATER (*κρατήρ*: Ionic, *κρητήρ*: Lat. *crater* or *cratera*; from *κεράννυμι*, I mix), a vessel in which the wine, according to the custom of the ancients, who very seldom drank it pure, was mixed with water, and from which the cups were filled. In the Homeric age the mixture was always made in the dining-room by heralds or young men (*κοῦροι*: see *Il.* iii. p. 269, *Od.* vii. 182, xxi. 271). The use of the vessel is sufficiently clear from the expressions so frequent in the poems of Homer: *κρητῆρα κεράσασθαι*, *i. e.* *οἶνον καὶ ὕδωρ ἐν κρητῆρι μίσγειν*: *πίνειν κρητῆρα* (to empty the crater); *κρητῆρα στήσασθαι* (*cratera statuere*, to place the filled crater near the table); *κρητῆρας ἐπιστέφεσθαι ποτοῖο* (to fill the craters to the brim, see Buttmann, *Lexil.* i. 15). The crater in the Homeric age was generally of silver (*Od.* ix. 203, x. 356), sometimes with a gold edge (*Od.* iv. 616), and sometimes all gold or gilt. (*Il.* xxiii. 219.) It stood upon a tripod, and its ordinary place in the *μέγαρον* was in the most honourable part of the room, at the farthest end from the entrance, and near the seat of the most distinguished among the guests. (*Od.* xxi. 145, xxii. 333, compared with 341.) The size of the crater seems to have varied according to the number of guests; for where their number is increased, a larger crater is asked for. (*Il.* ix. 202.) It would seem, at least at a later period (for in the Homeric poems we find no traces of the custom), that three craters were filled at every feast after the tables were removed. They must, of course, have varied in size according to the number of guests. According to Suidas (*s. v.* Κρατήρ) the first was dedicated to Hermes, the second to Charisius, and the third to Zeus Soter; but others called them by different names; thus the first, or, according to others, the last, was also designated the *κρατὴρ ἀγαθοῦ δαίμονος*, the crater of the good genius (Suidas *s. v.* Ἀγαθοῦ Δαίμονος: compare Athen. xv. p. 692, &c.; Aristoph. *Vesp.* 507, *Pax*, 300), *κρατὴρ ὑγιείας* and *μετανιπτρίς* or *μετάνιπτρον*, because it was the crater from which the cups were filled after the washing of the hands. (Athen. xv. p. 629, f. &c.)

Craters were among the first things on the embellishment of which the ancient artists exercised their skill. Homer (*Il.* xxiii. 741, &c.) mentions, among the prizes proposed by Achilles, a beautifully wrought silver crater, the work of the ingenious Sidonians, which, by the elegance of its workmanship, excelled all others on the whole earth. In the reign of Croesus, king of Lydia, the Lacedaemonians sent to that king a brazen crater, the border of which was all over ornamented with figures (*ζώδια*), and which was of such an enormous size that it contained 300 amphorae. (Herod. i. 70.) Croesus himself dedicated to the Delphic god two huge craters, which the Delphians believed to be the work of Theodorus of Samos, and Herodotus (i. 51) was induced by the beauty of their workmanship to think the same. It was about Ol. 35, that the Samians dedicated six talents (the tenth of the profits made by Colaeus on his voyage to Tartessus) to Hera, in the shape of an immense brazen crater, the border of which was adorned with projecting heads of griffins. This crater, which Herodotus (iv. 152) calls Argive (from which we must infer that the Argive artists were celebrated for their craters), was supported by three colossal brazen statues, seven cubits long, with their knees closed together.

The number of craters dedicated in temples seems everywhere to have been very great. Livius Andronicus, in his Equus Trojanus, represented Agamemnon returning from Troy with no less than 3000 craters (Cic. *ad Fam.* vii. 1), and Cicero (*in Verr.* iv. 58) says that Verres carried away from Syracuse the most beautiful brazen craters, which most probably belonged to the various temples of that city. But craters were not only dedicated to the gods as anathemata, but were used on various solemn occasions in their service. Thus we read in Theocritus (v. 53, compare Virgil, *Eclog.* v. 67): — "I shall offer to the Muses a crater full of fresh milk and sweet olive-oil." In sacrifices the libation was always taken from a crater (Demosth. *De Fals. Legat.* p. 431, *c. Lept.* p. 505, *c. Mid.* p. 531, *c. Macart.* p. 1072; compare Bekk. *Anecdot.* p. 274. 4), and sailors before they set out on their journey used to take the libation with cups from a crater, and pour it into the sea. (Thucyd. vi. 32; Diodor. iii. 3; Arrian, *Anab.* vi. 3; Virg. *Aen.* v. 765.) The name crater was also sometimes used as synonymous with *σιτλίον*, *situla*, a pail in which water was fetched. (Naev. *apud Non.* xv. 36; Hesych. *s. v.* Κρατῆρες.)

The Romans used their *crater* or *cratera* for the same purposes for which it was used in Greece; but the most elegant specimens were, like most other works of art, made by Greeks. (Virg. *Aen.* i. 727, iii. 525; Ovid, *Fast.* v. 522; Hor. *Carm.* iii. 18. 7.) [L. S.]

CRATES (*τάρσος*), a hurdle, used by the ancients for several purposes. First, in war, especially in assaulting a city or camp, they were placed before or over the head of the soldier to shield off the enemy's missiles. (Amm. Marc. xxi. 12.) From the *plutei*, which were employed in the same way, they differed only in being without the covering of raw hides. A lighter kind was thrown down to make a bridge over fosses, for examples of which see Caesar, *B. G.* vii. 81, 86. By the besieged (Veget. iv. 6) they were used joined together so as to form what Vegetius calls a *metella*, and filled with stones: these were then poised between two of the battlements; and as the storming party approached upon the ladders, overturned on their heads.

A capital punishment was called by this name, whence the phrase *sub crate necari.* The criminal was thrown into a pit or well, and hurdles laid upon him, over which stones were afterwards heaped. (Liv. i. 51, iv. 50; Tacit. *German.* 12.)

Crates called *ficariae* were used by the country people upon which to dry figs, grapes, &c., in the rays of the sun. (Colum. xii. 15, 16.) These, as Columella informs us, were made of sedge or straw, and also employed as a sort of matting to screen the fruit from the weather. Virgil (*Georg.* i. 94) recommends the use of hurdles in agriculture to level the ground after it has been turned up with the heavy rake (*rastrum*). Any texture of rods or twigs seems to have been called by the general name *crates.* [B. J.]

CRE'PIDA (*κρηπίς*), a slipper. Slippers were worn with the pallium, not with the toga, and were properly characteristic of the Greeks, though adopted from them by the Romans. Hence Suetonius says of the Emperor Tiberius (c. 13), *Deposito patrio habitu redegit se ad pallium et crepidas.* As the cothurnus was assumed by tragedians, because it was adapted to be part of a grand and stately attire, the actors of comedy, on the other hand, wore crepidae and other cheap and common coverings for the feet. [Baxea; Soccus.] Also, whereas the ancients had their more finished boots and shoes made right and left, their slippers, on the other hand, were made to fit both feet indifferently. [Isid. *Orig.* ix. 34.) [J. Y.]

CREPITA'CULUM. [Sistrum.]

CRE'TIO HEREDITA'TIS. [Heres.]

CRIMEN. Though this word occurs so frequently, it is not easy to fix its meaning. Crimen is often equivalent to accusatio (*κατηγορία*); but it frequently means an act which is legally punishable. In this latter sense there seems to be no exact definition of it by the Roman jurists. According to some modern writers, crimina are either public or private; but we have still to determine the notions of public and private. There was a want of precise terminology as to what, in common language, are called criminal offences among the Romans; and this defect appears in other systems of jurisprudence. Crimen has been also defined by modern writers to be that which is capitalis, as murder, &c.; delictum, that which is a private injury (privata noxa); a distinction founded apparently on Dig. 21. tit. 1. s. 17. § 15.

Delicts (delicta) were maleficia, wrongful acts (Dig. 47. tit. 1. s. 3), and the foundation of one class of obligationes: these delicts, as enumerated by Gaius (iii. 182), are furtum, rapina, damnum, injuriae; they gave a right of action to the individual injured, and intitled him to compensation. These delicts were sometimes called crimina (crimen furti, Gaius, iii. 197). Crimen therefore is sometimes applied to that class of delicta called privata (Dig. 47. tit. 1. *De Privatis Delictis*); and accordingly crimen may be viewed as a genus, of which the delicta enumerated by Gaius are a species. But crimen and delictum are sometimes used as synonymous. (Dig. 48. tit. 19. s. 1.) In one passage (Dig. 48. tit. 19. s. 5) we read of majora delicta (a term implying that these are minora delicta), which expression is coupled with the expression omnia crimina in such a way that the inference of crimen containing delictum is, so far as concerns this passage, necessary; for the omnia crimina comprehend (in this passage) more than the delicta majora.

Some judicia publica were capitalia, and some were not. (Dig. 48. tit. 1. s. 2.) Judicia, which concerned crimina, were not, for that reason only, publica. There were, therefore, crimina which were not tried in judicia publica. This is consistent with what is stated above as to those crimina (delicta) which were the subject of actions. Those crimina only were the subject of judicia publica, which were made so by special laws; such as the Julia de adulteriis, Cornelia de sicariis et veneficis, Pompeia de parricidiis, Julia peculatus, Cornelia de testamentis, Julia de vi privata, Julia de vi publica, Julia de ambitu, Julia repetundarum, Julia de annona. (Dig. 48. tit. 1. s. 1.) So far as Cicero (*De Orat.* ii. 25) enumerates causae criminum, they were causae publici judicii; but he adds (ii. 31), "criminum est multitudo infinita." Again, infamia was not the consequence of every crimen, but only of those crimina which were "publici judicii." A condemnation, therefore, for a crimen, not publici judicii, was not followed by infamia, unless the crimen laid the foundation of an actio, in which, even in the case of a privatum judicium, the condemnation was followed by infamia; as furtum, rapina, injuriae. (Dig. 48. tit. 1. s. 7.)

Most modern writers on Roman law have considered delicta as the general term, which they have subdivided into delicta publica and privata. The division of delicta into publica and privata had partly its origin in the opinion generally entertained of the nature of the delict; but the legal distinction must be derived from a consideration of the form of obtaining redress for, or punishing, the wrong. Those delicta which were punishable according to special leges, senatus-consulta, and constitutiones, and were prosecuted in judicia publica by an accusatio publica, were more especially called crimina; and the penalties, in case of conviction, were loss of life, of freedom, of civitas, and the consequent infamia, and sometimes pecuniary penalties also. Those delicta not provided for as above mentioned, were prosecuted by action, and were the subjects of judicia privata, in which pecuniary compensation was awarded to the injured party. At a later period we find a class of crimina extraordinaria (Dig. 47. tit. 11), which are somewhat vaguely defined. They are offences which in the earlier law would have been the foundation of actions, but were assimilated, as to their punishment, to crimina publici judicii. This new class of crimina (new as to the form of judicial proceedings) must have arisen from a growing opinion of the propriety of not limiting punishment, in certain cases, to compensation to the party injured. The person who inquired judicially extra ordinem, might affix what punishment he pleased, within reasonable limits. (Dig. 48. tit. 19. s. 13.) Thus, if a person intended to prosecute his action, which was founded on maleficium (delict), for pecuniary compensation, he followed the jus ordinarium; but if he wished to punish the offender otherwise (extra ordinem ejus rei poenam exerceri (e?) velit), then he took criminal proceedings, "subscripsit in crimen." (Dig. 47. tit. 1. s. 3.)

The forty-seventh book of the Digest treats first of delicta privata properly so called (Tit. 1—10), and then of extraordinaria crimina. The forty-eighth book treats of crimina, and the first title is De Publicis Judiciis. Compensation might be demanded by the heredes of the injured person, and of the heredes of the wrong-doer; but the heredes of the wrong-doer were not liable to a penal action (poenalis actio, Dig. 47. tit. 1. s. 1). Compensation could be sued for by the party injured: a penalty, which was not a direct benefit to the injured party, was sued for by the state, or by those to whom the power of prosecution was given, as in the case of the lex Julia de adulteriis, &c. In the case of delicta publica, the intention of the doer was the main thing to be considered: the act, if done, was not for that reason only punished; nor if it remained incomplete, was it for that reason only unpunished. In the case of delicta privata, the injury, if done, was always compensated, even if it was merely culpa. [G. L.]

CRINIS. [Coma.]

CRISTA. [Galea.]

CRITAE (*κριταί*), judges. This name was applied by the Greeks to any person who did not judge of a thing like a *δικαστής*, according to positive laws, but according to his own sense of justice and equity. (Herod. iii. 160; Demosth. *Olynth.* i. p. 17, *c. Mid.* p. 520.) But at Athens a number of *κριταί* was chosen by ballot from a number of selected candidates at every celebration of the Dionysia, and were called *οἱ κριταί, κατ' ἐξοχήν*. Their office was to judge of the merit of the different choruses and dramatic poems, and to award the prizes to the victors. (Isocr. *Trapez.* p. 365, c. with Coraes' note.) Their number is stated by Suidas (*s. v.* Ἐν πέντε κριτῶν γούνασι) to have been five for comedies, and G. Hermann has supposed, with great probability, that there were on the whole ten *κριταί*, five for comedy, and the same number for tragedy, one being taken from every tribe. The expression in Aristophanes (*Av.* 421), *νικᾶν πᾶσι τοῖς κριταῖς*, signifies to gain the victory by the unanimous consent of the five judges. For the complete literature of this subject, see K. F. Hermann's *Manual of the Pol. Ant. of Greece*, § 149. n. 13. [L. S.]

CRO'BYLUS. [Coma.]

CROCO'TA (sc. *vestis*; *κροκωτὸν* sc. *ἱμάτιον*, or *κροκωτὸς* sc. *χιτών*), was a kind of gala dress, chiefly worn by women on solemn occasions, and in Greece especially, at the festival of the Dionysia. (Aristoph. *Ran.* 46, with the *Schol. Lysistr.* 44 ; Pollux, iv. 18. 117.) It was also worn by the priest of Cybele (Apul. *Met.* 8 and 11 ; Virg. *Aen.* ix. 614), and sometimes by men of effeminate character. (Aristoph. *Thesmoph.* 253 ; Suidas, *s. v. ;* Plaut. and Naevius, *ap. Nonium*, xiv. 8. and xvi. 4 ; Cic. *Harusp. Resp.* 21.) It is evident from the passage of Virgil, that its name was derived from *crocus*, one of the favourite colours of the Greek ladies, as we still see in the pictures discovered at Herculaneum and Pompeii. The circumstance that dresses of this colour were in Latin commonly called vestes crocatae or croceae, has induced some writers on antiquities to suppose that crocota was derived from *κροκή* (woof or weft), or *κροκίς* (a flake of wool or cotton on the surface of the cloth), so that it would be a soft and woolly kind of dress. (Salmas. *ad Capitolin. Pertinac.* 8. t. l. p. 547, and *ad Tertull. De Pall.* p. 329.) But the passages above referred to are sufficient to refute this opinion, and the name crocota was, like many others, adopted by the Romans from the Greeks. (Compare Becker's *Charikles*, vol. ii. p. 351, &c.) [L. S.]

CRO'NIA (*κρόνια*), a festival celebrated at Athens in honour of Cronos, whose worship was said to have been introduced into Attica by Cecrops. He had a temple in common with Rhea. (Paus. i. 18. § 7 ; comp. vi. 20. § 1.) The festival was held on the twelfth of the month of Hecatombaeon (Demosth. *c. Timocr.* p. 708 ; Plut. *Thes.* 12 ; Etym. M. *s. v.*), which, at an early period of the history of Attica, bore the name of *μὴν* Κρονίων. (Athen. xiii. p. 581.)

The Rhodians also celebrated a festival in honour of Cronos — perhaps the Phoenician Moloch — to whom human sacrifices, generally consisting of criminals, were offered. The festival was held on the sixteenth of Metageitnion. (Porphyr. *De Abstinent.* ii. 54.)

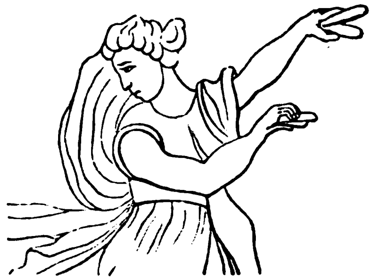
Greek writers, when speaking of the Roman Saturnalia, apply to them the name *Κρόνια*, which in the early times seem to have really resembled them in their excessive merriment. (See Athen. xiv. p. 639 ; Appian, *Samn.* 10. § 5 ; Buttmann, *Mythol.* vol. ii. p. 52, &c.) [L. S.]

CRO'TALUM (*κρόταλον*), a kind of cymbal, erroneously supposed by some writers to be the same with the *sistrum*. [SISTRUM.] The mistakes of learned men on this point are refuted at length by Lampe (*De Cymb. Vet.* i. 4, 5, 6). From Suidas and the Scholiast on Aristophanes (*Nubes*, 260), it appears to have been a split reed or cane, which clattered when shaken with the hand. According to Eustathius (*Il.* xi. 160), it was made of shell and brass, as well as of wood. Clemens Alexandrinus further says that it was an invention of the Sicilians.

Women who played on the crotalum were termed *crotalistriae*. Such was Virgil's Copa (2),

> "Crispum sub crotalo docta movere latus."

The line alludes to the dance with *crotala* (similar to castanets), for which we have the additional testimony of Macrobius (*Sat.* ii. 10). The annexed woodcut, taken from the drawing of an ancient marble in Spon's Miscellanea (sec. i. art. vi. fig. 43), represents one of these *crotalistriae* performing.



The word *κρόταλον* is often applied, by an easy metaphor, to a noisy talkative person. (Aristoph. *Nub.* 448 ; Eurip. *Cycl.* 104.) [B. J.]

CRUSTA. [CAELATURA ; CHRYSENDETA ; EMBLEMATA.]

CRUX (*σταυρός*, *σκόλοψ*), an instrument of capital punishment, used by several ancient nations, especially the Romans and Carthaginians. The words *σταυρόω* and *σκολοπίζω* are also applied to Persian and Egyptian punishments, but Casaubon (*Exer. Antibaron.* xvi. 77) doubts whether they describe the Roman method of crucifixion. From Seneca (*Cons. ad Marc.* xx., *Epist.* xiv. 1) we learn the latter to have been of two kinds, the less usual sort being rather impalement than what we should describe by the word crucifixion, as the criminal was transfixed by a pole, which passed through the back and spine and came out at the mouth.

The cross was of several kinds ; one in the shape of an X, called *crux Andreana*, because tradition reports St. Andrew to have suffered upon it ; another was formed like a T, as we learn from Lucian (*Judic. Vocal.* xii.), who makes it the subject of a charge against the letter.

The third, and most common sort, was made of two pieces of wood crossed, so as to make four right angles. It was on this, according to the unanimous testimony of the fathers who sought to confirm it by Scripture itself (Lips. *De Cruce*, i. 9), that our Saviour suffered. The punishment, as is well known, was chiefly inflicted on slaves, and the worst kind of malefactors. (Juv. vi. 219 ; Hor. *Sat.* i. 3. 82.) The manner of it was as follows : — The criminal, after sentence pronounced, carried his cross to the place of execution ; a custom mentioned by Plutarch (*De Tard. Dei Vind.* *ἕκαστος τῶν κακούργων ἐκφέρει τὸν αὑτοῦ σταυρόν*), and Artemidorus (*Oneir.* ii. 61), as well as in the Gospels. From Livy (xxxiii. 36) and Valerius Maximus (i. 7), scourging appears to have formed a part of this, as of other capital punishments among the Romans. The scourging of our Saviour, however, is not to be regarded in this light, for, as Grotius and Hammond have observed, it was inflicted before sentence was pronounced. (St. Luke, xxiii. 16 ; St. John, xix. l. 6.) The criminal was next stripped of his clothes and nailed or bound to the cross. The latter was the more painful method, as the sufferer was left to die of hunger. Instances are recorded of persons who survived nine days. It was usual to leave the body on the cross after death. The breaking of the legs of the thieves, mentioned in the Gospels, was accidental; because by the Jewish law, it is expressly remarked, the bodies could not remain on the cross during the Sabbath-day. (Lipsius, *De Cruce;* Casaubon, *Exer. Antibaron.* xvi. 77.) [B. J.]

CRYPTA (from *κρύπτειν*, to conceal), a crypt. Amongst the Romans, any long narrow vault, whether wholly or partially below the level of the earth, is expressed by this term; such as a sewer (*crypta Suburae*, Juv. *Sat.* v. 106) [CLOACA]; the *carceres* of the circus [CIRCUS, p. 285]; or a magazine for the reception of agricultural produce. (Vitruv. vi. 8; comp. Varro, *R. R.* i. 57.)

The specific senses of the word are: —

1. A covered portico or arcade; called more definitely *crypto-porticus*, because it was not supported by open columns like the ordinary portico, but closed at the sides, with windows only for the admission of light and air. (Plin. *Epist.* ii. 15, v. 6, vii. 21; Sidon. *Epist.* ii. 2.) These were frequented during summer for their coolness. A portico of this kind, almost entire, is still remaining in the suburban villa of Arrius Diomedes at Pompeii. [PORTICUS.]

Some theatres, if not all, had a similar portico attached to them for the convenience of the performers, who there rehearsed their parts. (Suet. *Cal.* 58; compare Dion Cass. lix. 20; Joseph. *Antiq.* xix. 1. § 14.) One of these is mentioned by P. Victor (*Regio* ix.) as the *crypta Balbi*, attached to the theatre built by Cornelius Balbus at the instigation of Augustus (Suet. *Aug.* 29; Dion Cass. liv. 25), which is supposed to be the ruin now seen in the Via di S. Maria di Cacaberis, between the church of that name and the S. Maria di Pianto.

2. A grotto, particularly one open at both extremities, forming what in modern language is denominated a "tunnel," like the grotto of Pausilippo, well known to every visitant of Naples. This is a tunnel excavated in the *tufo* rock, about 20 feet high, and 1800 long, forming the direct communication between Naples and Pozzuoli (*Puteoli*), called by the Romans *crypta Neapolitana*, and described by Seneca (*Epist.* 57) and Strabo who calls it *διώρυξ κρυπτή* (v. p. 246; compare Petron. *Frag.* xiii.).

A subterranean vault used for any secret worship, but more particularly for the licentious rites consecrated to Priapus, was also called *crypta*. (Petron. *Sat.* xvi. 3; compare xvii. 8.)

3. When the practice of consuming the body by fire was relinquished [FUNUS], and a number of bodies were consigned to one place of burial, as the catacombs for instance, this common tomb was called *crypta*. (Salmas. *Exercit. Plinian.* p. 850; Aring. *Rom. Subterr.* i. 1. § 9; Prudent. Περὶ Στέφ. xi. 153.) One of these, the *crypta Nepotiana*, which was in the *vicus Patricius*, under the Esquiline (Festus, *s. v. Septimontium*), was used by the early Christians, during the times of their persecution, as a place of secret worship, as well as of interment, and contains many interesting inscriptions. (Nardini, *Rom. Antic.* iv. 3; Maitland, *The Church in the Catacombs.*) [A. R.]

CRYPTEIA (*κρυπτεία*, also called *κρυπτία* or *κρυπτή*), was, according to Aristotle (*ap. Plut. Lyc.* 28), an institution introduced at Sparta by the legislation of Lycurgus. Its character was so cruel and atrocious, that Plutarch only with great reluctance submitted to the authority of Aristotle in ascribing its introduction to the Spartan lawgiver. The description which he gives of it is this: — The ephors, at intervals, selected from among the young Spartans, those who appeared to be best qualified for the task, and sent them in various directions all over the country, provided with daggers and their necessary food. During the daytime, these young men concealed themselves; but at night they broke forth into the high-roads, and massacred those of the helots whom they met, or whom they thought proper. Sometimes also they ranged over the fields (in the daytime) and despatched the strongest and best of the helots. This account agrees with that of Heracleides of Pontus (c. 2), who speaks of the practice as one that was still carried on in his own time, though he describes its introduction by Lycurgus only as a report.

The *crypteia* has generally been considered either as a kind of military training of the Spartan youths, in which, as in other cases, the lives of the helots were unscrupulously sacrificed; or as a means of lessening the numbers and weakening the power of the slaves. But Müller (*Dorians*, iii. 3. § 4), who is anxious to soften the notions generally current respecting the relations between the helots and their masters, supposes that Plutarch and Heracleides represent the institution of the *crypteia* "as a war which the ephors themselves, on entering upon their yearly office, proclaimed against the helots." Heracleides, however, does not mention this proclamation at all; and Plutarch, who mentions it on the authority of Aristotle, does not represent it as identical with the crypteia. Müller also supposes that, according to the received opinion, this chase of the slaves took place regularly every year; and showing at once the absurdity of such an annual proclamation of war and massacre among the slaves, he rejects what he calls the common opinion altogether as involved in inextricable difficulties, and has recourse to Plato to solve the problem. But Thirlwall (*Hist. Greece*, vol. i. p. 311) much more judiciously considers that this proclamation of war is not altogether groundless, but only a misrepresentation of something else, and that its real character was most probably connected with the crypteia. Now, if we suppose that the thing here misrepresented and exaggerated into a proclamation of war, was some promise which the ephors on entering upon their office were obliged to make, for instance, to protect the state against any danger that might arise from too great an increase of the numbers and power of the helots — a promise which might very easily be distorted into a proclamation of war — there is nothing contrary to the spirit of the legislation of Lycurgus; and such an institution, by no means surprising in a slave-holding state like Sparta, where the number of free citizens was comparatively very small, would have conferred upon the ephors the legal authority *occasionally* to send out a number of young Spartans in chase of the helots. (Isocr. *Panath.* p. 271, b.) That on certain occasions, when the state had reason to fear the overwhelming number of slaves, thousands were massacred with the sanction of the public authorities, is a well-known fact. (Thucyd. iv. 80.) It is, however, probable enough that such a system may at first have been carried on with some degree of moderation; but after attempts had been made by the slaves to emancipate themselves and put their masters to death, as was the case during and after the earthquake in Laconia, it assumed the barbarous and atrocious character which we have described above. (Compare Plut. *Lyc.* 28, *sub fin.*) If the crypteia had taken place *annually*, and at a *fixed time*, we should, indeed, have reason, with Müller, to wonder why the helots, who in many districts lived entirely alone, and were united by despair for the sake of common protection, did not every year kindle a most bloody and determined war throughout the whole of Laconia; but Plutarch, the only authority on which this supposition can rest, does not say that the crypteia took place *every year*, but διὰ χρόνου, *i. e.* "at intervals," or occasionally. (Hermann, *ad Viger.* p. 856.) The difficulties which Müller finds in what he calls the common account of the crypteia, are thus, in our opinion, removed, and it is no longer necessary to seek their solution in the description given by Plato (*De Leg.* i. p. 633, vi. p. 763), who proposed for his Cretan colony a similar institution under the name of crypteia. From the known partiality of Plato for Spartan institutions, and his inclination to represent them in a favourable light, it will be admitted that, on a subject like this, his evidence will be of little weight. And when he adopted the name crypteia for his institution, it by no means follows that he intended to make it in every respect similar to that of Sparta; a partial resemblance was sufficient to transfer the name of the Spartan institution to that which he proposed to establish; and it is sufficiently clear, from his own words, that his attention was more particularly directed to the advantages which young soldiers might derive from such hardships as the κρυπτοὶ had to undergo. But even Plato's colony would not have been of a very humane character, as his κρυπτοὶ were to go out in arms and make free use of the slaves. [L. S.]

CRYPTOPO'RTICUS. [Crypta.]

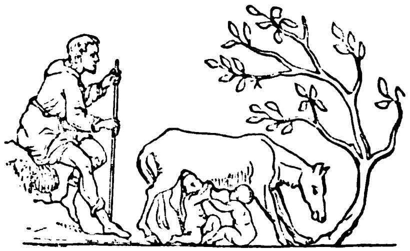
CUBICULA'RII, were slaves who had the care of the sleeping and dwelling rooms. Faithful slaves were always selected for this office, as they had, to a certain extent, the care of their master's person. When Julius Caesar was taken by the pirates, he dismissed all his other slaves and attendants, only retaining with him a physician and two cubicularii. (Suet. *Caes.* 4.) It was the duty of the cubicularii to introduce visiters to their master (Cic. *ad Att.* vi. 2. § 5, *in Verr.* iii. 4); for which purpose they appear to have usually remained in an ante-room (Suet. *Tib.* 21, *Dom.* 16). Under the later emperors, the cubicularii belonging to the palace were called *praepositi sacro cubiculo*, and were persons of high rank. (Cod. 12, tit. 5.)

CUBI'CULUM, usually means a sleeping and dwelling room in a Roman house [Domus], but is also applied to the pavilion or tent in which the Roman emperors were accustomed to witness the public games. (Suet. *Ner.* 12; Plin. *Paneg.* 51.) It appears to have been so called, because the emperors were accustomed to recline in the cubicula, instead of sitting, as was anciently the practice, in a sella curulis. (Ernesti, *ad Suet. l. c.*)

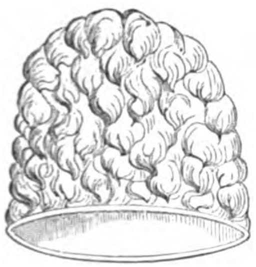
CU'BITUS (πῆχυς), a measure of length used by the Greeks, Romans, and other nations, was originally the length of the human arm from the elbow to the wrist, or to the tip of the forefinger; the latter was its signification among the Greeks and Romans. It was equal to a foot and a half; and therefore the Roman cubit was a little less, and the Greek cubit a little more, than a foot and a half English. The cubit was divided by the Greeks into 2 spans (σπιθαμαί), 6 hand-breadths (παλαισταί), and 24 finger breadths (δάκτυλοι), and by the Romans into 1½ feet, 6 breadths (*palmi*), and 24 thumb-breadths (*pollices*). (Wurm, *De Pond. Mens.* &c.; Hussey, *On Ancient Weights*, &c., see the Tables.) Respecting the Egyptian and other cubits, see Böckh, *Metrol. Untersuch.* p. 211. [P. S.]

CUBUS, a vessel, the sides of which were formed by six equal squares (including the top), each square having each of its sides a foot long. The solid contents of the cube were equal to the amphora. (Rhem. Fann. *De Pond*, &c. v. 59—62; Metretes). In Greek κῦϐος is the equivalent of the Latin Tessera. [P. S.]

CUCULLUS, a cowl. As the cowl was intended to be used in the open air, and to be drawn over the head to protect it from the injuries of the weather, instead of a hat or cap, it was attached only to garments of the coarsest kind. Its form is seen attached to the dress of the shepherd in the annexed woodcut, which is taken from a gem in the Florentine cabinet, and represents a Roman shepherd looking at the she-wolf with Romulus and Remus. The cucullus was also used by persons in the higher circles of society, when they wished to go abroad without being known. (Juv. vi. 330.) The use of the cowl, and also of the cape [Birrus], which served the same purpose, was allowed to slaves by a law in the Codex Theodosianus. (Vossius, *Etym. Ling. Lat. s. v. Birrus.*) Cowls were imported into Italy from Saintes in France (*Santonico cucullo*, Juv. viii. 145; Schol. *in loc.*), and from the country of the Bardaei in Illyria. (Jul. Cap. *Pertinax*, 8.) Those from the latter locality were probably of a peculiar fashion, which gave origin to the term *Bardocucullus.* *Liburnici cuculli* are mentioned by Martial (xiv. 139.) [J. Y.]



CUDO or CUDON, a skull-cap, made of leather or of the rough shaggy fur of any wild animal (Sil. Ital. viii. 495, xvi. 59), such as were worn by the *velites* of the Roman armies (Polyb. vi. 20), and apparently synonymous with *galerus* (Virg. *Aen.* vii. 688) or *galericulus.* (Frontin. *Strategem.* iv. 7. § 29.) In the sculptures on the Column of Trajan, some of the Roman soldiers are represented with the skin of a wild beast drawn over the head, in such a manner that the face appears between the upper and lower jaws of the animal, while the rest of the skin falls down behind over the back and shoulders, as described by Virgil (*Aen.* vii. 666). This, however, was an extra defence (Polyb. *l. c.*), and must not be taken for the *cudo*, which was the cap itself; that is, a particular kind of *galea*. [Galea.] The following representation of a cudo is taken from Choul's *Castramen. des Anciens Romains*, 1581. [A. R.]



CULCITA. [Lectus.]

CU'LEUS, or **CU'LLEUS**, a Roman measure, which was used for estimating the produce of vineyards. It was the largest liquid measure used by the Romans, containing 20 *amphorae*, or 160 *congii*, that is, almost 119 gallons. (Rhem. Fann. *De Pond.* &c. v. 86, 87; Plin. *H. N.* xiv. 4; Varro, *R. R.* i. 2. § 7; Colum. iii. 3.) [P. S.]

CU'LEUS or **CU'LLEUS**, a sack used in the punishment of parricides. [Lex Cornelia de Sicariis.]

CULI'NA. [Domus.]

CULPA. The general notion of dolus malus may be conveniently explained under this head.

Culpa in its most general juristical sense of any illegal act of commission or omission comprehends dolus malus. But the special meaning of culpa is distinct from that of dolus malus. Dolus malus is thus defined by Labeo (Dig. 4. tit. 3. s. 1): — "Dolus malus est omnis calliditas, fallacia, machinatio ad circumveniendum, fallendum, decipiendum alterum adhibita." Dolus malus, therefore, has reference to the evil design with which an act is accomplished to the injury of another; or it may be the evil design with which an act is omitted that ought to be done. The definition of Aquilius, a learned jurist, the friend of Cicero and his colleague in the praetorship (*de Off.* iii. 14), labours under the defect of the definition of Servius, which is criticised by Labeo. (Dig. 4. tit. 8. s. 1.) This seems to be the Aquilius who, by the edict, gave the action of dolus malus in all cases of dolus malus where there was no legislative provision, and there was a justa causa. (Cic. *de Nat. Deor.* iii. 30.)

It is sometimes considered that culpa in the special sense may be either an act of commission or omission; and that an act may fall short of dolus, as not coming within the above definition, but it may approach very near to dolus, and so become culpa dolo proxima. But the characteristic of culpa appears to be omission. It is true that the damnum which is necessary to constitute culpa is often the consequence of some act; but the act derives its culpose character rather from something that is omitted than from what is done.

Culpa then being characterised by an act of omission (*negligentia*), or omissio diligentiae, the question always is, how far is the person charged with culpa bound to look after the interest of another, or to use diligentia. There is no such general obligation, but there is such obligation in particular cases. Culpa is sometimes divided into lata, levis, and levissima. Lata culpa "est nimia negligentia, id est, non intelligere quod omnes intelligunt." (Dig. 50. tit. 16. s. 213.) If then one man injured the property of another by gross carelessness, he was always bound to make good the damage (damnum praestare). Such culpa was not dolus, because there was not intention or design, but it was as bad in its consequences to the person charged with it.

Levis culpa is negligence of a smaller degree. He who is answerable for levis culpa, is answerable for injury caused to the property of another by some omission, which a careful person could have prevented. For instance, in the case of a thing lent [Commodatum], a man must take at least as much care of it as a careful man does of his own property. There is never any culpa, if the person charged with it has done all that the most careful person could do to prevent loss or damage. Levissima culpa came within the meaning of the term culpa in the lex Aquilia; that is, any injury that happened to one man's property through the conduct of another, for want of such care as the most careful person would take, was a culpa, and therefore punishable. But the expression levissima culpa is said to occur only once in the Digest (Dig. 9. tit. 2. s. 44).

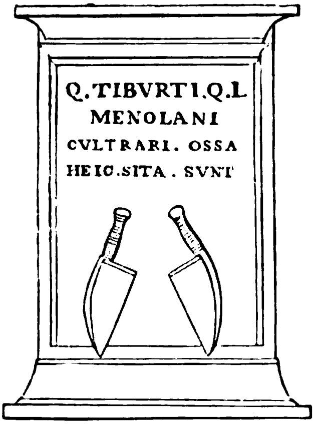
In the passage of Horace (*Sat.* ii. 2. 123.)

> "Post hoc ludus erat culpa potare magistra,"

Bentley has the absurd emendation of "cuppa." The general meaning of culpa in the Roman writers is well explained by Hasse (p. 8). There is great difficulty in stating the Roman doctrine of dolus and culpa, and modern jurists are by no means agreed on this matter. The chief essay on this subject is the classical work of Hasse "Die Culpa des Römischen Rechts, second edition by Bethmann — Hollweg, 1838. Hasse's view is briefly explained in a note by Rosshirt, to his edition of Mackeldey's Lehrbuch, § 342 (12th ed.); but it requires a careful study of his work to comprehend Hasse's doctrine fully, and to appreciate the great merits of this excellent essay. What is stated in this short article is necessarily incomplete, and may be in some respects incorrect. [G. L.]

CULTER (probably from *cello*, *percello*; dim *cultellus*, Engl. *coulter*; in southern Germany, *das kolter*; French, *couteau*; Greek, *μάχαιρα*, *κοπίs*, or *σφαγίs*), a knife with only one edge, which formed a straight line. The blade was pointed and its back curved. It was used for a variety of purposes; but chiefly for killing animals either in the slaughter-house, or in hunting, or at the altars of the gods. (Liv. iii. 48; Scribonius, *Compos. Med.* 13; Suet. *Aug.* 9; Plaut. *Rud.* i. 2. 45; Virg. *Georg.* iii. 492; Ovid. *Fast.* i. 321.) Hence the expressions — *bovem ad cultrum emere*, "to buy an ox for the purpose of slaughtering it" (Varro, *De Re Rust.* ii. 5); *me sub cultro linquit*, "he leaves me in a state like that of a victim dragged to the altar" (Hor. *Sat.* i. 9. 74); *se ad cultrum locare*, "to become a bestiarius" (Seneca, *Ep.* 87). From some of the passages above referred to, it would appear that the culter was carried in a kind of sheath. The priest who conducted a sacrifice never killed the victim himself; but one of his ministri, appointed for that purpose, who was called either by the general name *minister*, or the more specific *popa* or *cultrarius*. (Suet. *Calig.* 32.) A tomb-stone of a cultrarius is still extant, and upon it two cultri are represented (Gruter, *Inscript.* vol.

ii. p. 640. No. 11), which are copied in the annexed woodcut.



The name culter was also applied to razors (Cic. *De Off.* ii. 7; Plin. vii. 59; Petron. *Sat.* 108), and kitchen knives (Varro, *ap. Non.* iii. 32). That in these cases the culter was different from those above represented, and most probably smaller, is certain; since whenever it was used for shaving or domestic purposes, it was always distinguished from the common culter by some epithet, as *culter tonsorius*, *culter coquinaris*. Fruit knives were also called cultri; but they were of a smaller kind (*cultelli*), and made of bone or ivory (Colum. xii. 14, 45; Plin. xii. 25; Scribon. c. 83). Columella, who gives (iv. 25) a very minute description of a *falx vinitoria*, a knife for pruning vines, says that the part of the blade nearest to the handle was called culter on account of its similarity to an ordinary culter, the edge of that part forming a straight line. This culter according to him was used when a branch was to be cut off which required a hard pressure of the hand on the knife. The name culter, which was also applied to the sharp and pointed iron of the plough (Plin. *H. N.* xviii. 18. 48), is still extant in English, in the form *coulter*, to designate the same thing. [Aratrum.]

The expression *in cultrum* or *in cultro collocatus* (Vitruv. x. 10, 14) signifies placed in a perpendicular position. [L. S.]

CULTRA'RIUS. [Culter.]

CU'NEUS. [Exercitus; Theatrum.]

CUNI'CULUS (ὑπόνομος). A mine or passage underground was so called from its resemblance to the burrowing of a rabbit. Thus Martial (xiii. 60) says,

"Gaudet in effossis habitare cuniculus antris,
Monstravit tacitas hostibus ille vias."

Fidenae and Veii are said to have been taken by mines, which opened, one of them into the citadel, the other into the temple of Juno. (Liv. iv. 22, v. 19.) Niebuhr (*Hist. Rom.* vol. ii. p. 483) observes that there is hardly any authentic instance of a town being taken in the manner related of Veii, and supposes that the legend arose out of a tradition that Veii was taken by means of a mine, by which a part of the wall was overthrown. [R. W.]

CUPA, a wine-vat, a vessel very much like the *dolium*, and used for the same purpose, namely, to receive the fresh must, and to contain it during the process of fermentation. The inferior wines were drawn for drinking from the *cupa*, without being bottled in *amphorae*, and hence the term *vinum de cupa* (Varr. *ap. Non.* ii. 113; Dig. 18. tit. 6. s. 1. § 4). The phrase in Horace (*Sat.* ii. 2. 123), *cupa potare magistra*, if correct, would mean, to make the wine vessel the sole *magister bibendi;* Bentley adopts *cupa* in this passage, as another form of *copa*, *a hostess*, a word connected with *caupo:* this word occurs in Suetonius (*Ner.* 27), and one of Virgil's minor poems was entitled *Copa* or Cupa. (Charis. i. p. 47, Putsch.) In the passage of Horace, however, the reading *cupa* is only conjectural: the MSS. give *culpa*, out of which a good sense can be made. (See the notes of Heindorf, Orelli, and Düntzer.)

The *cupa* was either made of earthenware, like the *dolium*, or of wood, and covered with pitch. In the latter case, pine-wood was preferred (Plin. *H. N.* xvi. 10. s. 18). It was used for other purposes, such as preserved fruits and corn, forming rafts, and containing combustibles in war, and even for a sarcophagus. (See the passages cited by Forcellini, *s. v.*) [Comp. Dolium; Vinum.] [P. S.]

CURA. [Curator.]

CURATE'LA. [Curator.]

CURA'TIO. [Curator.]

CURA'TOR. Up to the time of pubertas, every Roman citizen, as a general rule, was incapable of doing any legal act, or entering into any contract which might be injurious to him. The time when pubertas was attained, was a matter of dispute; some fixed it at the commencement of the age of procreation, and some at the age of fourteen. (Gaius, i. 169.) In all transactions by the impubes, it was necessary for the auctoritas of the tutor to be interposed. [Auctoritas; Tutor.] With the age of puberty, the youth attained the capacity of contracting marriage and becoming a paterfamilias: he was liable to military service, and entitled to vote in the comitia; and consistently with this, he was freed from the control of a tutor. Females who had attained the age of puberty became subject to another kind of tutela. [Tutela.]

With the attainment of the age of puberty by a Roman youth, every legal capacity was acquired which depended on age only, with the exception of the capacity for public offices, and there was no rule about age, even as to public offices, before the passing of the lex Villia. [Aediles.] It was, however, a matter of necessity to give some legal protection to young persons who, owing to their tender age, were liable to be overreached; and consistently with the development of Roman jurisprudence, this object was effected without interfering with the old principle of full legal capacity being attained with the age of puberty. This was accomplished by the lex Plaetoria (the true name of the lex, as Savigny has shown), the date of which is not known, though it is certain that the law existed when Plautus wrote (*Pseudolus*, i. 3. 69). This law established a distinction of age, which was of great practical importance, by forming the citizens into two classes, those above and those below twenty-five years of age (*minores viginti quinque annis*), whence a person under the last-mentioned age was sometimes simply called *minor*. The object of the lex was to protect persons under twenty-five years of age against all fraud (*dolus*). The person who was guilty of such a fraud was liable to a judicium publicum (Cic. *De Nat. Deor.* iii. 30), though the offence was such as in the case of a person of full age would only have been matter of action. The punishment fixed by the lex Plaetoria was probably a pecuniary penalty, and the consequential punishment of infamia or loss of political rights. The minor who had been fraudulently led to make a disadvantageous contract, might protect himself against an action by a plea of the lex Plaetoria (*exceptio legis Plaetoriae*). The lex also appears to have further provided that any person who dealt with a minor might avoid all risk of the consequences of the Plaetoria lex, if the minor was aided and assisted in such dealing by a curator named or chosen for the occasion. But the curator did not act like a tutor: it can hardly be supposed that his consent was even necessary to the contract; for the minor had full legal capacity to act, and the business of the curator was merely to prevent his being defrauded or surprised.

The praetorian edict carried still further the principle of the lex Plaetoria, by protecting minors generally against positive acts of their own, in all cases in which the consequences might be injurious to them. This was done by the "in integrum restitutio:" the praetor set aside transactions of this description, not only on the ground of fraud, but on a consideration of all the circumstances of the case. But it was necessary for the minor to make application to the praetor, either during his minority, or within one year after attaining his majority, if he claimed the restitutio; a limitation probably founded on the lex Plaetoria. The provisions of this lex were thus superseded or rendered unnecessary by the jurisdiction of the praetor, and accordingly we find very few traces of the Plaetorian law in the Roman jurists.

Ulpian and his contemporaries speak of adolescentes, under twenty-five years of age, being under the *general* direction and advice of curatores, as a notorious principle of law at that time. (Dig. 4. tit. 4; De Minoribus xxv Annis.) The establishment of this general rule is attributed by Capitolinus (*M. Anton.* c. 10) to the emperor M. Aurelius in a passage which has given rise to much discussion. Savigny's explanation is as follows: — Up to the time of Marcus Aurelius there were only three cases or kinds of curatela: 1. That which was founded on the lex Plaetoria, by which a minor who wished to enter into a contract with another, asked the praetor for a curator, stating the ground or occasion of the petition (*reddita causa*). One object of the application was, to save the other contracting party from all risk of judicial proceedings in consequence of dealing with a minor. Another object was, the benefit of the applicant (the minor); for no prudent person would deal with him, except with the legal security of the curator. (Plaut. *Pseudolus*, i. 3. 69. "Lex me perdit quinavicenaria: metuunt credere omnes.") 2. The curatela, which was given in the case of a man wasting his substance, who was called "prodigus." 3. And that in the case of a man being of unsound mind, "demens," "furiosus." In both the last-mentioned cases provision was made either by the law or by the praetor. Curatores who were determined by the law of the Twelve Tables, were called legitimi; those who were named by the praetor, were called honorarii. A furiosus and prodigus, whatever might be their age, were placed under the cura of their agnati by the law of the Twelve Tables. When there was no legal provision for the appointment of a curator, the praetor named one. Curatores appointed by a consul, praetor, or governor of a province (*praeses*), were not generally required to give security for their proper conduct, having been chosen as fit persons for the office. What the lex Plaetoria required for particular transactions, the emperor Aurelius made a general rule, and all minors, without exception, and without any special grounds or reasons (*non redditis causis*), were required to have curatores.

The following is the result of Savigny's investigations into the curatela of minors after the constitution of M. Aurelius. The subject is one of considerable difficulty, but it is treated with the most consummate skill, the result of complete knowledge, and unrivalled critical sagacity. The minor only received a general curator when he made application to the praetor for that purpose: he had the right of proposing a person as curator, but the praetor might reject the person proposed. The apparent contradiction between the rule which required all minors to have a curator, and the fact that the minor received a general curator only when he applied for one, is explained by Savigny in his essay (p. 272, &c.). The curator, on being appointed, had, without the concurrence of the minor, as complete power over the minor's property as the tutor had up to the age of puberty. He could sue in respect of the minor's property, get in debts, and dispose of property like a tutor. But it was only the property which the praetor intrusted to him that he managed, and not the acquisitions of the minor subsequent to his appointment; and herein he differed from a tutor who had the care of all the property of the pupillus. If it was intended that the curator should have the care of that which the minor acquired, after the curator's appointment, by will or otherwise, a special application for this purpose was necessary. Thus, as to the property which was placed under the care of the curator, both as regards alienation and the getting in of debts, the minor was on the same footing as the prodigus: his acts in relation to such matters, without the curator, were void. But the legal capacity of the minor to contract debts was not affected by the appointment of a curator; and he might be sued on his contract either during his minority or after. Nor was there any inconsistency in this: the minor could not spend his actual property, for the preservation of his property during minority was the object of the curator's appointment. But the minor would have been deprived of all legal capacity for doing any act if he could not have become liable on his contract. The contract was not in its nature immediately injurious, and when the time came for enforcing it against the minor, he had the general protection of the restitutio. If the minor wished to be adrogated [Adoptio], it was necessary to have the consent of the curator. It is not stated in the extant authorities what was the form of proceeding when it was necessary to dispose of any property of the minor by the mancipatio or in jure cessio; but it may be safely assumed that the minor acted (for he alone could act on such an occasion) and the curator gave his consent, which, in the case supposed, would be analogous to the auctoritas of the tutor. But it would differ from the auctoritas, in not being, like the auctoritas, necessary to the completion of the legal act, but merely necessary to remove all legal objections to it when completed.

The cura of spendthrifts and persons of unsound mind, as already observed, owed its origin to the laws of the Twelve Tables. The technical word for a person of unsound mind in the Twelve Tables is *furiosus*, which is equivalent to *demens;* and both words are distinguished from *insanus*. Though *furor* implies *violence* in conduct, and *dementia* only *mental imbecility*, there was no legal difference between the two terms, so far as concerned the cura. *Insania* is merely weakness of understanding (*stultitia constantia, id est, sanitate vacans*, Cic. *Tusc. Quaest.* iii. 5), and it was not provided for by the laws of the Twelve Tables. In later times, the praetor appointed a curator for all persons whose infirmities required it. This law of the Twelve Tables did not apply to a pupillus or pupilla. If, therefore, a pupillus was of unsound mind, the tutor was his curator. If an agnatus was the curator of a furiosus, he had the power of alienating the property of the furiosus. (Gaius, ii. 64.) The prodigus only received a curator upon application being made to a magistratus, and a sentence of interdiction being pronounced against him (*ei bonis interdictum est.* Compare Cic. *De Senec.* c. 7). The form of the interdictio was thus: — "Quando tibi bona paterna avitaque nequitia tua disperdis, liberosque tuos ad egestatem perducis, ob eam rem tibi ea re commercioque interdico." The cura of the prodigus continued till the interdict was dissolved. It might be inferred from the form of the interdict, that it was limited to the case of persons who had children; but perhaps this was not so. (Dig. 27. tit. 10; Cod. 5. tit. 70; Inst. i. tit. 23.)

It will appear from what has been said, that, whatever similarity there may be between a tutor and a curator, an essential distinction lies in this, that the curator was specially the guardian of property, though in the case of a furiosus he must also have been the guardian of the person. A curator must, of course, be legally qualified for his functions, and he was bound, when appointed, to accept the duty, unless he had some legal exemption (*excusatio*). The curator was also bound to account at the end of the curatela, and was liable to an action for misconduct.

The word cura has also other legal applications: — 1. *Cura bonorum*, in the case of the goods of a debtor, which are secured for the benefit of his creditors. 2. *Cura bonorum et ventris*, in the case of a woman being pregnant at the death of her husband. 3. *Cura hereditatis*, in case of a dispute as to who is the heres of a person, when his supposed child is under age. 4. *Cura hereditatis jacentis*, in the case of a property, when the heres had not yet declared whether or not he would accept the inheritance. 5. *Cura bonorum absentis*, in the case of property of an absent person who had appointed no manager of it.

This view of the curatela of minors is from an essay by Savigny, who has handled the whole matter in a way equally admirable, both for the scientific precision of the method and the force and perspicuity of the language. (*Von dem Schutz der Minderjährigen, Zeitschrift.* vol. x.; Savigny, *Vom Beruf*, &c. p. 102; Gaius, i. 197; Ulp. *Frag.* xii.; Dirksen, *Uebersicht*, &c. *Tab.* v. *Frag.* 7; Mackeldey, *Lehrbuch des heutigen Römischen Rechts*, § 588, &c. (12th ed.); Thibaut, *System des Pandekten-Rechts*, § 786, &c. 9th ed. &c.) [G. L.]

CURATO'RES, were public officers of various kinds under the Roman empire, several of whom were first established by Augustus. (Suet. *Aug.* 37.) The most important of them were as follow: —

1. Curatores Alvei et Riparum, who had the charge of the navigation of the Tiber. The duties of their office may be gathered from Ulpian (Dig. 43. tit. 15). It was reckoned very honourable, and the persons who filled it received afterwards the title of comites.

2. Curatores Annonae, who purchased corn and oil for the state, and sold it again at a small price among the poorer citizens. They were also called *curatores emendi frumenti et olei*, and *σιτῶναι* and *ἐλαιῶναι*. (Dig. 50. tit. 5. s. 18. § 5.) Their office belonged to the *personalia munera;* that is, it did not require any expenditure of a person's private property: but the curatores received from the state a sufficient sum of money to purchase the required amount. (Dig. 50. tit. 8. s. 9. § 5.)

3. Curatores Aquarum. [Aquae Ductus.]

4. Curatores Kalendarii, who had the care in municipal towns of the *kalendaria;* that is, the books which contained the names of the persons to whom public money, which was not wanted for the ordinary expenses of the town, was lent on interest. The office belonged to the *personalia munera.* (Dig. 50. tit. 4. s. 18. § 2; tit. 8. s. 9. § 7; Heinecc. *Antiq. Rom.* iii. 15. § 4.) These officers are mentioned in inscriptions found in municipal towns. (Orelli, *Inscrip.* No. 3940, 4491.)

5. Curatores Ludorum, who had the care of the public games. Persons of rank appear to have been usually appointed to this office. (Tacit. *Ann.* xi. 35, xiii. 22; Suet. *Cal.* 27.) In inscriptions, they are usually called *curatores muneris gladiatorii*, &c.

6. Curatores Operum Publicorum, who had the care of all public buildings, such as the theatres, baths, aqueducts, &c., and agreed with the contractors for all necessary repairs to them. Their duties under the republic were discharged by the aediles and censors. [Censores.] They are frequently mentioned in inscriptions. (Orelli, *Inscrip.* No. 24, 1506, 2273.)

7. Curatores Regionum, who had the care of the fourteen districts into which Rome was divided, and whose duty it was to prevent all disorder and extortion in their respective districts. This office was first instituted by Augustus. (Suet. *Aug.* 30.) There were usually two officers of this kind for each district; Alexander Severus, however, appears to have appointed only one for each; but these were persons of consular rank, who were to have jurisdiction in conjunction with the praefectus urbi. (Lamprid. *Alex. Sev.* 33.) We are told that M. Antoninus, among other regulations, gave special directions that the curatores regionum should either punish, or bring before the praefectus urbi for punishment, all persons who exacted from the inhabitants more than the legal taxes. (Jul. Capitol. *M. Anton.* 12.)

8. Curatores Reipublicae, also called Logistae, who administered the landed property of municipia. (Dig. 50. tit. 8. s. 9. § 2; 2. tit. 14

s. 37.) Ulpian wrote a separate work, *De Officio Curatoris Reipublicae*.

9. Curatores Viarum. [Viae.]

CU'RIA, signifies both a division of the Roman people and the place of assembly for such a division. Various etymologies of the word have been proposed, but none seems to be so plausible as that which connects it with the Sabine word *quiris* or *curis* (whence the surname of Juno *Curitis* among the Sabines).

Each of the three ancient Romulian tribes, the Ramnes, Tities, and Luceres, was subdivided into 10 curiae, so that the whole body of the populus or the patricians were divided into 30 curiae. (Liv. i. 13; Dionys. ii. 7, 23; Plut. *Rom.* 19.) The plebeians had no connection whatever with the curiae, and the clients of the patricians were members of the curiae only in a passive sense. (Fest. p. 285, ed. Müller; comp. Patricii, Gens.) All the members of the different gentes belonging to one curia were called, in respect of one another, *curiales*. The division into curiae was of great political importance in the earliest times of Rome, for the curiae alone contained those that were real citizens, and their assembly alone was the legitimate representative of the whole people [Comitia curiata], from whom all other powers emanated. The senators and equites were of course chosen from among them; but their importance was especially manifest in the religious affairs of the state. Each curia as a corporation had its peculiar sacra (Fest. pp. 174, 245; Paul. Diac. p. 49, ed. Müller), and besides the gods of the state, they worshipped other divinities and with peculiar rites and ceremonies. For such religious purposes each curia had its own place of worship, called curia, which at first may have contained nothing but an altar, afterwards a sacellum, and finally a building in which the curiales assembled for the purpose of discussing political, financial, religious and other matters. (Paul. Diac. pp. 62, 64; Dionys. ii. 50.) The religious affairs of each curia were taken care of by a priest, *curio*, who was assisted by another called curialis Flamen. (Paul. Diac. pp. 49, 64; Varro, *De L. L.* v. 83, vi. 46; Dionys. ii. 21; comp. Curio.) The 30 curiae had each its distinct name, which are said to have been derived from the names of the Sabine women who had been carried off by the Romans, though it is evident that some derived their names from certain districts or from ancient eponymous heroes. Few of these names only are known, such as curia Titia, Faucia, Calabra, Foriensis, Rapta, Veliensis, Tifata. (Paul. Diac. pp. 49, 366; Fest. p. 174; Liv. i. 13; Dionys. ii. 47; Cic. *De Re Publ.* ii. 8.) The political importance of the curiae sank in proportion as that of the plebeians and afterwards of the nobilitas rose; but they still continued the religious observances of their corporation, until in the end these also lost their importance and almost fell into oblivion. (Ov. *Fast.* ii. 527, &c.)

Curia is also used to designate the place in which the senate held its meetings, such as curia Hostilia, curia Julia, curia Marcelli, curia Pompeii, curia Octaviae, and from this there gradually arose the custom of calling the senate itself in the Italian towns curia, but never the senate of Rome. The official residence of the Salii, which was dedicated to Mars, was likewise styled curia. (Cic. *de Div.* i. 17; Dionys. xiv. 5; Plut. *Camill.* 32; comp. Becker, *Handb. der Röm. Alterth.* vol. ii. part i. p. 31, &c.) [L. S.]

CU'RIA (*βουλευτήριον*, *γερουσία*), in architecture. The building in which the highest council of the state met, in a Greek or Latin city, is described by Vitruvius as being adjacent to the *agora* or *forum*. Its form was quadrangular; either square or oblong. If square, its height was one and a half times its length: if oblong, the height was half the sum of the length and breadth. Thus, a senate house 40 feet square would be 60 feet high: and one 60 feet by 40 would be 50 feet high: which are somewhat remarkable proportions. Half way up each wall there was a projecting shelf or cornice to prevent the voice being lost in the height of the building. Vitruvius says nothing of columns in the *curia*, but we know that in some Greek senate houses, as in that at Phocis, there were rows of columns down each side, very near the wall (Paus. viii. 32, x. 5), and this also was the case at Pompeii. A sort of religious character was conceived to belong to the senate house; and there were often statues of the gods placed in it. (Paus. *l. c.*) Respecting the three *curiae* at Rome, the Hostilia, the Julia, and the Pompeiana, see *Dict. of Gr. and Rom. Geog.* art. *Roma.* (Vitruv. v. 2; Stieglitz, *Archäol. d. Baukunst*, vol. iii. p. 21; Hirt, *Lehre d. Gebäude*, pp. 186—188). [P. S.]

CURIA'TA COMI'TIA. [Comitia.]

CU'RIO, the person who stood at the head of a curia, and had to manage its affairs, especially those of a religious nature (Dionys. ii. 7, 65; Varro, *De L. L.* v. 15, 32, vi. 6): in their administration he was assisted by another priest, called flamen curialis. (Paul. Diac. p. 64; Dionys. ii. 21, 64.) As there were thirty curiae, the number of curiones was likewise thirty, and they formed a college of priests, which was headed by one of them bearing the title of *curio maximus.* (Paul. Diac. p. 126; Liv. xxvii. 8.) He was elected in the comitia curiata, and had authority over the curiae as well as over the curiones. It need hardly be observed, that the office of curio could not be held by any one except a patrician; at a comparatively late time we indeed find now and then a plebeian invested with the office of curio maximus (Liv. xxvii. 8, xxxiii. 42), but this only shows how much the ancient institution of the curiae had then lost of its original meaning and importance; and at the time when the plebeians had gained access to priestly dignities, the office of curio seems to have been looked upon in the light of any other priestly dignity, and to have been conferred upon plebeians no less than upon patricians. [L. S.]

CU'RIUS (*κύριος*), signifies generally the person that was responsible for the welfare of such members of a family as the law presumed to be incapable of protecting themselves; as, for instance, minors and slaves, and women of all ages. Fathers, therefore, and guardians, husbands, the nearest male relatives of women, and masters of families, would all bear this title in respect of the vicarious functions exercised by them in behalf of the respective objects of their care. The qualifications of all these, in respect of which they can be combined in one class, designated by the term *curius*, were the male sex, years of discretion, freedom, and when citizens a sufficient share of the franchise (*ἐπιτιμία*) to enable them to appear in the law courts as plaintiffs or defendants in behalf of their several charges; in the case of the *curius* being a resident alien, the deficiency of franchise would be supplied by his Athenian patron (προστάτης). The duties to be performed, and in default of their performance, the penalties incurred by guardians, and the proceedings as to their appointment, are mentioned under their more usual title [Epitropus].

The business of those who were more especially designated *curii* in the Attic laws, was to protect the interests of women, whether spinsters or widows, or persons separated from their husbands. If a citizen died intestate, leaving an orphan daughter, the son, or the father, of the deceased was bound to supply her with a sufficient dowry, and give her in marriage; and take care both for his own sake and that of his ward, that the husband made a proper settlement in return for what his bride brought him in the way of dower (ἀποτίμημα, Harpocr.). In the event of the death of the husband or of a divorce, it became the duty of the *curius* that had betrothed her, to receive her back and recover the dowry, or at all events alimony from the husband or his representatives. If the father of the woman had died intestate, without leaving such relations as above-mentioned surviving, these duties devolved upon the next of kin, who had also the option of marrying her himself, and taking her fortune with her, whether it were great or small. (Bunsen, *De J. H. Ath.* p. 46.) If the fortune was small, and he was unwilling to marry her, he was obliged to make up its deficiencies according to a regulation of Solon (Dem. *c. Macart.* p. 1068); if it were large he might, it appears, sometimes even take her away from a husband to whom she had been married, in the lifetime and with the consent of her father.

There were various laws for the protection of female orphans against the neglect or cruelty of their kinsmen; as one of Solon's (Diod. xii. p. 298), whereby they could compel their kinsmen to endow or marry them; and another which after their marriage enabled any Athenian to bring an action κακώσεως, to protect them against the cruelty of their husbands (Petit. *Leg. Att.* p. 543); and the archon was specially entrusted with official power to interfere in their behalf upon all occasions. (Dem. *c. Macart.* p. 1076.) [Kakosis.] [J. S. M.]

CURRUS (ἅρμα), a chariot, a car. These terms appear to have denoted those two-wheeled vehicles for the carriage of persons, which were open overhead, thus differing from the *carpentum*, and closed in front, in which they differed from the *cisium*. The most essential articles in the construction of the currus were:—

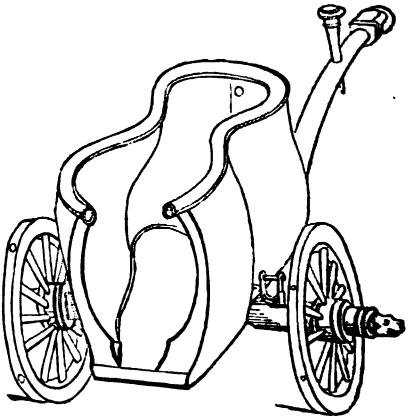
1. The *antyx* (ἄντυξ), or rim; and it is accordingly seen in all the chariots which are represented either in this article or at pp. 101, 238. [Antyx.]

2. The *axle*, made of oak (φήγινος ἄξων, Hom. *Il.* v. 838, imitated by Virgil, *faginus axis*, *Georg.* iii. 172), and sometimes also of ilex, ash, or elm. (Plin. *H. N.* xvi. 84.) The axle was firmly fixed under the body of the chariot, which, in reference to this circumstance, was called ὑπερτερία, and which was often made of wicker-work, inclosed by the ἄντυξ (Hom. *Il.* xxiii. 335, 436; Hes. *Scut.* 306).

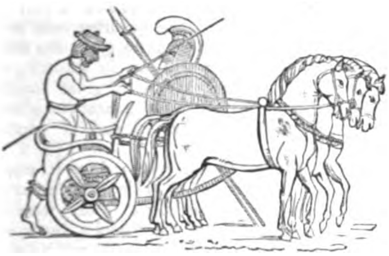
3. The *wheels* (κύκλα, τροχοί, *rotae*) revolved upon the axle as in modern carriages; and they were prevented from coming off by the insertion of pins (περόναι, ἔμβολοι) into the extremities of the axle (ἀκραξονία). The parts of the wheel were as follows:—(*a*) The *nave*, called πλήμνη (Hom. *Il.* v. 726, xxiii. 339; Hes. *Scut.* 309), χοινικίς, *modiolus* (Plin. *H. N.* ix. 3). The two last terms are founded on the resemblance of the nave to a modius or bushel. (*b*) The *spokes*, κνῆμαι (literally, *the legs*), *radii*. The number of spokes of course differed in different wheels. On one occasion we read of eight (ὀκτάκνημα, *Il.* v. 723). (*c*) The *felly*, ἴτυς (Hom. *Il.* v. 724). This was commonly made of some flexible and elastic wood, such as poplar (*Il.* iv. 482—486), or the wild fig, which was also used for the rim of the chariot; heat was applied to assist in producing the requisite curvature. (*Il.* xxi. 37, 38, compared with Theocrit. xxv. 247—251.) The felly was, however, composed of separate pieces, called arcs (ἀψῖδες, Hes. *Op. et Dies*, 426). Hesiod (*l. c.*) evidently intended to recommend that a wheel should consist of four pieces. (*d*) The *tire*, ἐπίσωτρον, *canthus*. Homer (*Il.* v. 725) describes the chariot of Hera as having a tire of bronze upon a golden felly, thus placing the harder metal in a position to resist friction, and to protect the softer.

4. The *pole* (ῥυμός, *temo*). It was firmly fixed at its lower extremity to the axle; and at the other end (ἀκρορρύμιον) the pole was attached to the yoke either by a pin (ἔμβολος), as shown in the chariot engraved below, or by the use of ropes and bands [Jugum].

All the parts now enumerated are seen in an ancient chariot preserved in the Vatican, a representation of which is given in the annexed woodcut.

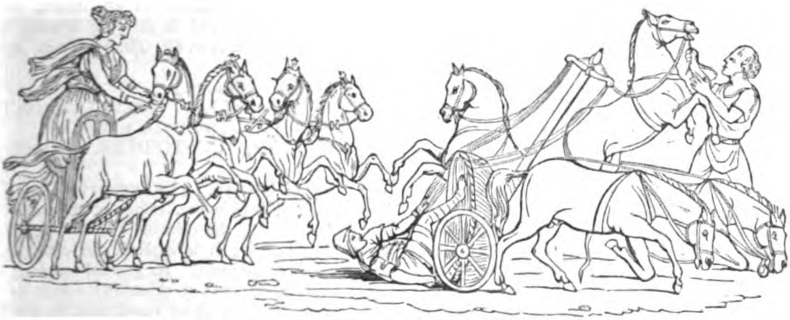


Carriages with two or even three poles were used by the Lydians. (Aeschyl. *Pers.* 47.) The Greeks and Romans, on the other hand, appear never to have used more than one pole and one yoke, and the currus thus constructed was commonly drawn by two horses, which were attached to it by their necks, and therefore called δίζυγες ἵπποι (Hom. *Il.* v. 195, x. 473), συνωρίς (Xen. *Hell.* i. 2. § 1), "gemini jugales" (Virg. *Aen.* vii. 280), "equi bijuges" (*Georg.* iii. 91). If a third horse was added, as was not unfrequently the case, it was fastened by traces. It may have been intended to take the place of either of the yoke horses (ζύγιοι ἵπποι), which might happen to be disabled. The horse so attached was called παρήορος. Ginzrot (*Wägen und Fahrwerke*, vol. i. p. 342) has published two drawings of chariots with three horses, from Etruscan vases in the collection at Vienna. The *ἵππος παρήορος* is placed on the right of the two yoke horses. (See woodcut.) We also observe traces passing between the two *ἄντυγες*, and proceeding from the front of the chariot on each side of the middle horse. These probably assisted in attaching the third, or extra horse.



The Latin name for a chariot and pair was *bigae*. When a third horse was added, it was called *triga*; and by the same analogy a chariot and four was called *quadrigae*; in Greek, *τετραορία* or *τέθριππος*.

The horses were commonly harnessed in a quadriga after the manner already represented, the two strongest horses being placed under the yoke, and the two others fastened on each side by means of ropes. This is implied in the use of the epithets *σειραῖος* or *σειραφόρος*, and *funalis* or *funarius*, for a horse so attached. (Isid. *Orig.* xviii. 35.) The two exterior horses were further distinguished from one another as the right and the left trace-horse. In the splendid triumph of Augustus after the battle of Actium, the trace-horses of his car were ridden by two of his young relations. Tiberius rode, as Suetonius relates (*Tib.* 6.) *sinisteriore funali equo*, and Marcellus *dexteriore funali equo*. As the works of ancient art, especially fictile vases, abound in representations of quadrigae, numerous instances may be observed, in which the two middle horses (*ὁ μέσος δεξιὸς καὶ ὁ μέσος ἀριστερὸς*, Schol. *in Aristoph. Nub.* 122) are yoked together as in the bigae; and, as the two lateral ones have collars (*λέπαδνα*) equally with the yoke-horses, we may presume that from the top of these proceeded the ropes which were tied to the rim of the car, and by which the trace-horses assisted to draw it. The first figure in the annexed woodcut is the chariot of Aurora, as painted on a vase found at Canosa. (Gerhard, *über Lichtgottheiten*, pl. iii. fig. 1.) The reins of the two middle horses pass through rings at the extremities of the yoke. All the particulars which have been mentioned are still more distinctly seen in the second figure, taken from a terra-cotta at Vienna. (Ginzrot, vol. ii. pp. 107, 108.) It represents a chariot overthrown in passing the goal at the circus. The charioteer having fallen backwards, the pole and yoke are thrown upwards into the air; the two trace-horses have fallen on their knees, and the two yoke-horses are prancing on their hind legs.

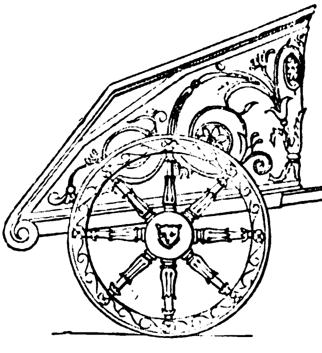


If we may rely on the evidence of numerous works of art, the currus was sometimes drawn by four horses without either yoke or pole; for we see two of them diverging to the right hand and two to the left, as in the cameo in the royal collection of Berlin, which exhibits Apollo surrounded by the signs of the zodiac. If the ancients really drove the quadrigae thus harnessed, we can only suppose the charioteer to have checked its speed by pulling up the horses, and leaning with his whole body backwards, so as to make the bottom of the car at its hindermost border scrape the ground, an act and an attitude which seem not unfrequently to be intended in antique representations.

The currus, like the cisium, was adapted to carry two persons, and on this account was called in Greek *δίφρος*. One of the two was of course the driver. He was called *ἡνίοχος*, because he held the reins, and his companion *παραιβάτης*, from going by his side or near him. Though in all respects superior, the *παραιβάτης* was often obliged to place himself *behind* the *ἡνίοχος*. He is so represented in the bigae at p. 101, and in the Iliad (xix. 397) Achilles himself stands behind his charioteer, Automedon. On the other hand, a personage of the highest rank may drive his own carriage, and then an inferior may be his *παραιβάτης*, as when Nestor conveys Machaon (*πάρ' δὲ Μαχάων βαῖνε*, *Il.* xi. 512, 517), and Hera, holding the reins and whip, conveys Athena, who is in full armour (v. 720—775). In such cases a kindness, or even a compliment, was conferred by the driver upon him whom he conveyed, as when Dionysius, tyrant of Sicily, "himself holding the reins made Plato his *παραιβάτης*." (Aelian, *V. H.* iv. 18.)

Chariots were frequently employed on the field of battle not only by the Asiatic nations, but also by the Greeks in the heroic age. The *ἀριστῆες*, *i. e.* the nobility, or men of rank, who were complete suits of armour, all took their chariots with them, and in an engagement placed themselves in front. In the Homeric battles we find that the horseman, who for the purpose of using his weapons, and in consequence of the weight of his armour, is under the necessity of taking the place of παραιβάτης (see above the woodcut of the triga), often assails or challenges a distant foe from the chariot; but that, when he encounters his adversary in close combat, they both dismount, "springing from their chariots to the ground," and leaving them to the care of the ἡνίοχοι. (*Il.* iii. 29, xvi. 426, 427, xvii. 480—483; Hes. *Scut. Herc.* 370—372.) As soon as the hero had finished the trial of his strength with his opponent, he returned to his chariot, one of the chief uses of which was to rescue him from danger. These chariots, as represented on bas-reliefs and fictile vases, were exceedingly light, the body often consisting of little besides a rim fastened to the bottom and to the axle. Thus we find Diomed, in his nocturnal visit to the enemy's camp, deliberating whether to draw away the splendid chariot of Rhesus by the pole, or to carry it off on his shoulder. (*Il.* x. 503—505).

In later times the chariots were chiefly employed in the public games. Their form was the same, except that they were more elegantly decorated. Chariots were not much used by the Romans. The most splendid kind were the quadrigae, in which the Roman generals and emperors rode when they triumphed. The body of the triumphal car was cylindrical, as we often see it represented on medals. It was enriched with gold (*aureo curru*, Flor. i. 5; Hor. *Epod.* ix. 22) and ivory (Ov. *Trist.* iv. 2. 63, *Pont.* iii. 4. 35). The utmost skill of the painter and the sculptor was employed to enhance its beauty and splendour. More particularly the extremities of the axle, of the pole, and of the yoke, were highly wrought in the form of animals' heads. Wreaths of laurel were sometimes hung round it (*currum laurigerum*, Claudian, *De Laud. Stil.* iii. 20, *Tert. Cons. Honor.* 130), and were also fixed to the heads of the four snow-white horses. (Mart. vii. 7.) The car was elevated so that he who triumphed might be the most conspicuous person in the procession, and for the same reason he was obliged to stand erect (*in curru stantis eburno*, Ovid, *l. c.*). The triumphal car had in general no pole, the horses being led by men who were stationed at their heads.



Chariots executed in terra cotta (*quadrigae fictiles*, Plin. *H. N.* xxviii. 4), in bronze, or in marble, an example of which last is shown in the preceding woodcut from an ancient chariot in the Vatican, were among the most beautiful ornaments of temples and other public edifices. No pains were spared in their decoration; and Pliny informs us (*H. N.* xxxiv. 19) that some of the most eminent artists were employed upon them. In numerous instances they were designed to perpetuate the fame of those who had conquered in the chariot-race. (Paus. vi. 10.) As the emblem of victory, the quadriga was sometimes adopted by the Romans to grace the triumphal arch by being placed on its summit; and even in the private houses of great families, chariots were displayed as the indications of rank, or the memorials of conquest and of triumph. (Juv. viii. 3.) [J. Y.]

CURSO'RES, slaves, whose duty it was to run before the carriage of their masters, for the same purpose as our outriders. They were not used during the times of the republic, but appear to have first come into fashion in the middle of the first century of the Christian aera. The slaves employed for this purpose appear to have frequently been Numidians. (Senec. *Ep.* 87, 126; Marc. iii. 47, xii. 24; Petron. 28.) The word cursores was also applied to all slaves, whom their masters employed in carrying letters, messages, &c. (Suet. *Ner.* 49, *Tit.* 9; Tacit. *Agric.* 43.)

CURSUS. [Circus.]

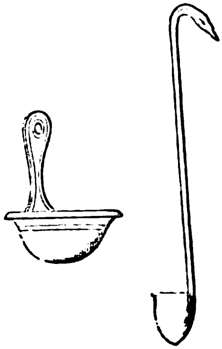
CURU'LIS SELLA. [Sella Curulis.]

CUSTO'DES. [Comitia, p. 336, b.]

CUSTO'DES, CUSTO'DIAE. [Castra, p. 250, b.]

CUSTOS URBIS. [Praefectus Urbi.]

CY'ATHUS (κύαθος), is one of the numerous words, containing the element κυ, and signifying something hollow: it is applied, for example, to the hollow of the hand. Its general meaning is a *cup* of any kind; and it constantly occurs as the name of a sort of drinking vessel used by the Romans, who borrowed it from the Greeks (Varro, *De Ling. Lat.* v. 124, ed. Müller); but whether it designates the cup out of which the wine was drunk, or the small ladle by means of which it was transferred from the mixing-bowl (κρατήρ) into the drinking-cup, is a disputed point. Orelli asserts that it is never used in the latter sense, and that the ladle was called ἐπίχυσις, or *trulla vinaria* (*Ad Horat. Carm.* iii. 8. 13). But the passages in which the word occurs bear out the opinion of Becker, that the ladle was called cy-



athus. (See the *Lexicons* of Scott and Liddell, Seiler and Jacobitz, and Facciolati; Becker, *Charikles*, vol. i. p. 463.) Two of these cyathi are represented in the preceding woodcut, from the *Museo Borbonico*, vol. iv. pl. 12. They were usually of bronze or silver. The *cyathus* is referred to as a measure of the quantity of wine which a person drank. (Hor. *Carm.* iii. 8. 13, 19. 12.) A slave was appointed to supply the drinking-cups of the banqueters by means of the *cyathus*. (Hor. *Carm.* i. 29. 8; Suet. *Caes.* 49; Juv. *Sat.* ix. 46.)

Another sense in which the word occurs is, in surgery, for a cup for cupping (Aristoph. *Lys.* 444, *Pax*, 542; Aristot. *Probl.* ix. 9).

The *cyathus* was a definite measure, with both the Greeks and the Romans, containing one-twelfth of the *sextarius*. It was the *uncia*, considered with reference to the *sextarius* as the unit; hence we have *sextans* used for a vessel containing the sixth of the *sextarius*, or two *cyathi*, *quadrans* for one containing three *cyathi*, *triens* for four *cyathi*, *quincunx* for five *cyathi*, &c. (Wurm. *De Ponderibus, Mensuris*, &c.; Hussey *On Ancient Weights*, &c.) [P. S.]

CYCLAS (*κυκλάς*), a circular robe worn by women, to the bottom of which a border was affixed, inlaid with gold. (Prop. iv. 7. 40.) Alexander Severus, in his other attempts to restrain the luxury of his age, ordained that women should possess only one cyclas each, and that it should not be adorned with more than six unciae of gold. (Lamp. *Alex. Sev.* 41.) The cyclas appears to have been usually made of some thin material (*tenui in cyclade*, Juv. vi. 259). It is related, among other instances of Caligula's effeminacy, that he sometimes went into public in a garment of this description. (Suet. *Cal.* 52.)

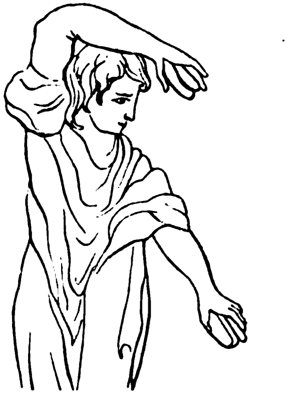
CYCLOPEIA. [ARCHITECTURA].

CYMA (*κῦμα*), in architecture, an *ogee*, a wave-shaped moulding, consisting of two curves, the one concave and the other convex. There were two forms, the *cyma recta*, which was concave above, and convex below, thus, Ʒ, and the *cyma reversa*, which was convex above and concave below, thus, ⁊. The diminutive *cymatium* or *cumatium* (*κυμάτιον*) is also used, and is indeed the more common name. The original form of the *cymatium*, was, however, a simple hollow (the *cavetto*) thus ⅃. This was called the *cymatium Doricum*, and the other the *cymatium Lesbicum*. (Aesch. *Fr.* 70, ed. Dindorf.; Böckh. *Corp. Inscr.* vol. i. p. 284; Vitruv. iii. 3. s. 5. § 7, Schn. iv. 6. § 2—6; Gruter, *Inscr.* p. ccvii; Müller, *Archäol. d. Kunst*, § 274; Mauch, *Gr. und Röm. Baunrd.* pp. 6, 7: for examples, see the profiles on p. 326. [P. S.]

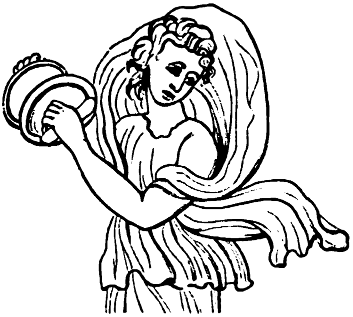
CYMATIUM. [CYMA.]

CYMBA (*κύμβη*) is derived from *κύμβος*, a hollow, and is employed to signify any small kind of boat used on lakes, rivers, &c. (Cic. *De Off.* iii. 14; *Aen.* vi. 303.) It appears to have been much the same as the *ἀκάτιον* and *scapha*.

CY'MBALUM (*κύμβαλον*), a musical instrument, in the shape of two half globes, which were held one in each hand by the performer, and played by being struck against each other. The word is originally Greek, being derived from *κύμβος*, a hollow, with which the Latin *cymba*, *cymbium*, &c. seem to be connected. Several kinds of cymbals are found on ancient monuments, and on the other hand a great many names have been preserved by the grammarians and lexicographers; but the descriptions of the latter are so vague, that it is impossible to identify one with the other. A large class of cymbals was termed *κρούματα*, which, if they were really distinct from the *κρόταλα*, as Spohn and Lampe suppose, cannot now be exactly described. [CROTALUM.] The annexed drawing of a *κροῦμα* is taken from an ancient marble, and inserted on the authority of Spohn (*Miscell.* sec. 1. art. 6. fig. 44).



The *κρέμβαλα* mentioned in the Homeric hymn to Apollo (161—164), were of this kind, played on by a chorus of Delians. The *scabilla* or *κρουπέζια* were also on the same principle, only played with the foot, and inserted in the shoe of the performer; they were used by flute-players, perhaps to beat time to their music. (Pollux, x. 33.) Other kinds of cymbals were, the *πλαταγή*, an invention of Archytas, mentioned by Aristotle (*Pol.* viii. 6), and its diminutive *πλαταγώνιον*, which, from the description of Julius Pollux and Hesychius (*s. v.*), appears to have been a child's rattle: *ὀξύβαφα*, the two parts of which Suidas tells us (*s. v.*) were made of different materials for the sake of variety of sound: *κοτύλαι*, mentioned in the fragments of Aeschylus, with several others, noted by Lampe in his work *De Cymbalis*, but perhaps without sufficient authority. The cymbal was usually made in the form of two half globes, either running off towards a point so as to be grasped by the whole hand, or with a



handle. It was commonly of bronze, but sometimes of baser material, to which Aristophanes alludes (*Ranae*, 1305). The preceding woodcut of a cymbalistria is taken from an ancient marble, and given on the authority of Lampe.

The cymbal was a very ancient instrument, being used in the worship of Cybele, Bacchus, Juno, and all the earlier deities of the Grecian and Roman mythology. It probably came from the East, from whence, through the Phoenicians, it was conveyed to Spain (compare Martial's *Baetica Crumata*). Among the Jews it appears (from 2 Chron. v. 12, 13; Nehem. xii. 27) to have been an instrument in common use. At Rome we first hear of it in Livy's account of the Bacchic orgies, which were introduced from Etruria. (xxxix. 9.)

For *sistrum*, which some have referred to the class of *cymbala*, see SISTRUM. [B. J.]

CYRBEIS (κύρβεις). [AXONES.]

CYZICE'NUS OECUS. [DOMUS].

CYZICE'NUS NUMMUS. [STATER].

D.

DACTYLIOTHE'CA (δακτυλιοθήκη), a case or box where rings were kept. (Mart. xi. 59.) The name was also applied to a cabinet or collection of jewels. We learn from Pliny (*H. N.* xxxvii. 5), that Scaurus, the step-son of Sulla, was the first person at Rome who had a collection of this kind, and that his was the only one till Pompey brought to Rome the collection of Mithridates, which he placed in the capitol.

DA'CTYLUS (δάκτυλος), a Greek measure, answering to the Roman *digitus*, each signifying a *finger-breadth*, and being the sixteenth part of a foot. [PES.] (See the Tables.) [P. S.]

DADU'CHUS. [ELEUSINIA.]

DAE'DALA or DAEDALEIA (δαίδαλα, δαιδάλεια), were names used by the Greeks to signify those early works of art which were ascribed to the age of Daedalus, and especially the ancient wooden statues, ornamented with gilding and bright colours and real drapery, which were the earliest known forms of the images of the gods, after the mere blocks of wood or stone, which were at first used for symbols of them. (See *Dict. of Greek and Roman Biog.*, art. *Daedalus*, vol. i. p. 928.) [P. S.]

DAE'DALA (δαίδαλα), a festival, celebrated in Boeotia in honour of Hera, surnamed Νυμφευομένη or Τελεία (Paus. ix. 2. § 5). Its origin and mode of celebration are thus described by Pausanias (ix. 3. § 1, &c.): — Hera was once angry with Zeus, and withdrew herself to Euboea. Zeus not being able to persuade her to return, went to Cithaeron, who then governed Plataeae, and who was said to be unequalled in wisdom. He advised Zeus to get a wooden statue, to dress and place it upon a chariot, and to say that it was Plataea, the daughter of Asopus, whom he was going to marry. Zeus followed the advice of Cithaeron, and no sooner had Hera heard of her husband's projected marriage than she returned. But when, on approaching the chariot and dragging off the coverings, she saw the wooden statue, she was pleased with the device, and became reconciled to Zeus. In remembrance of this reconciliation the Plataeans solemnised the festival of the daedala, which owes its name to Δαίδαλα, the name by which, in ancient times, statues were designated. (See preceding article.) Pausanias was told that the festival was held every seventh year, but he believes that it took place at shorter intervals, though he was unable to discover the exact time.

This festival was celebrated by the Plataeans alone, and was called the *lesser Daedala* (Δαίδαλα μικρά), and was celebrated in the following manner: — In the neighbourhood of Alalcomene was the greatest oak-forest of Boeotia, and in it a number of oak trunks. Into this forest the Plataeans went, and exposed pieces of cooked meat to the ravens, attentively watching upon which tree any of the birds, after taking a piece of the meat, would settle; and the trees on which any of the ravens settled, were cut down and worked into daedala, *i. e.* roughly hewn statues.

The *great Daedala* (Δαίδαλα μεγάλα), in the celebration of which the Plataeans were joined by the other Boeotians, took place every sixtieth year; because at one time when the Plataeans were absent from their country, the festival had not been celebrated for a period of sixty years. At each of the lesser Daedala fourteen statues were made in the manner described above, and distributed by lot among the towns of Plataeae, Coroneia, Thespiae, Tanagra, Chaeroneia, Orchomenos, Lebadeia, and Thebes; the smaller towns took one statue in common. The Boeotians assembled on the banks of the Asopus; here a statue of Hera was adorned and raised on a chariot, and a young bride led the procession. The Boeotians then decided by lot in what order they were to form the procession, and drove their chariots away from the river and up mount Cithaeron, on the summit of which an altar was erected of square pieces of wood, fitted together like stones. This altar was covered with a quantity of dry wood, and the towns, persons of rank, and other wealthy individuals, offered each a heifer to Hera, and a bull to Zeus, with plenty of wine and incense, and at the same time placed the daedala upon the altar. For those who did not possess sufficient means, it was customary to offer small sheep, but all their offerings were burnt in the same manner as those of the wealthier persons. The fire consumed both offerings and altar, and the immense flame thus kindled was seen far and wide.

The account of the origin of the daedala given by Pausanias agrees in the main points with the story related by Plutarch (*apud Euseb. De Praeparat. Evang.* iii. p. 83, and *Fragm.* p. 759, &c. ed. Wyttenb.), who wrote a work on the Plataean daedala; the only difference is that Plutarch represents Zeus as receiving his advice to deceive Hera from Alalcomenes; and that he calls the wooden statue by which the goddess was to be deceived Daedala, instead of Plataea. Plutarch also adds some remarks respecting the meaning of the festival, and thinks that the dispute between Zeus and Hera had reference to the physical revolutions to which Boeotia, at a very remote period, had been subject, and their reconciliation to the restoration of order in the elements. (See Creuzer, *Symbol. und Mythol.* ii. p. 580, and Müller's *Orchom.* p. 216, &c. 2d edit.) [L. S.]

DAMARE'TION (Δαμαρέτειον χρύσιον), a Sicilian coin, respecting which there is much dispute. Diodorus tells us (xi. 26) that after Gelon's great victory over the Carthaginians at Himera, his wife Damarete prevailed upon him to grant them moderate terms of peace; and that the Carthaginians, as a token of their gratitude, presented Damarete with a golden crown of one hundred talents' weight; upon receiving which, she struck the coin, which was called, after her, *δαμαρέτειον*, and which contained ten Attic drachmae, and was called by the Sicilians *πεντηκοντάλιτρον*, from its weight. (Comp. Schol. *ad Pind. Ol.* ii. 1.) The story is told somewhat differently by other writers, namely, that Damarete and the ladies of the court gave up their ornaments to be coined into money, in order to supply Gelon's necessities during the war. (Pollux, ix. 85; Hesych. *s. v.* *Δημαρέτιον*.) In an epigram ascribed to Simonides, who was probably living at the court of Gelon at this very time (Schol *ad Pind. Pyth.* i. 155; *Anth. Pal.* vi. 214; No. 196, Schneidewin), it is said that Gelon and his brothers dedicated to the Pythian Apollo, after their victory over the barbarians, a tripod *Δαρετίου χρυσοῦ*, where there can be no doubt that Bentley is right in reading *Δαμαρετίου*, but it is not equally certain whether the last two lines of the epigram are not altogether spurious. (Comp. Schneidewin, *ad loc.*, and Böckh, *Metrol. Untersuch.* p. 304.) At all events, the passage is an indication of the uniform tradition respecting this "Damaretian gold;" the exact history of which is of very little consequence compared with the identification of the coinage to which the statements refer. From all the discussion of this point by Eckhel, Müller, Hussey, Böckh, and others, the most probable conclusion seems to be that the coin was of *gold* and not of *silver* (although coins of equal value were at some time or other struck in silver also), and that the statements which give its weight as fifty Sicilian litras, or ten Attic drachmae, are to be understood, not literally of its *weight*, but of its *value*, as estimated by those *weights of silver*: in short, it was a gold coin, equal in value to fifty litrae or ten Attic drachmae of silver; that is, a half stater. (Eckhel, *Doct. Num. Vet.* vol. i. p. 250; Hussey, *On Ancient Weights*, p. 57. &c.; Böckh, *Metrologische Untersuchungen*, p. 304, &c.) [P.S.]

DAMIURGI. [Demiurgi.]

DAMNUM. Damnum signifies generally any loss or damage which a person has sustained in his property (damnum datum, factum), or damage which he has reason to fear (damnum infectum). (Dig. 39. tit. 2. s. 2.) Damnum actually done is generally called damnum simply. The liability to make good a loss is praestare damnum.

The causes of damage are either chance, accident (casus), or the free acts or omissions of reasonable human beings. (Dig. 9. tit. 2. s. 5. § 2.) If the damnum is caused by the just exercise of a right, it is indirect. In any other case it is direct or injuria datum; and when it is injuria datum, there may be neither dolus nor culpa, or there may be either one or the other.

The obligation to make compensation for damage arises either from dolus malus, culpa, and mora, which in fact is included in culpa, and out of contracts. A man is not bound to make compensation for indirect loss or damage (Dig. 39. tit. 2. s. 26; 47. tit. 9. s. 3. § 7); nor for direct damage, if neither dolus nor culpa can be imputed to him, as if he be mad. (Dig. 9. tit. 2. s. 5. § 2, 30. § 3; Thibaut, *System*, &c., 9th ed. § 163.) As to damage done by an animal, see Pauperies. [G.L.]

DAMNUM INFECTUM, is damage (damnum) not done, but apprehended. (Dig. 39. tit. 2. s. 2.) The praetor's edict provided for such cases. If the building of one man threatened damage to another in consequence of its dilapidated state, the owner of the dilapidated property might be required to repair it or to give security against any damage that might be caused by the state of his building. The security (cautio) was demanded by an actio in factum, in all cases where the security could be required. Every person who was in possession of the property that was threatened, whether as owner or in any other right (but not a bonae fidei possessor), could claim this cautio. (Dig. 39. tit. 2. s. 5. § 2; 13. § 5, 18; 13. § 4, 9.) The owner of the ruinous property or any person who had a right therein, and a bonae fidei possessor, might be required to give this cautio, which might be given by a simple promise or by giving sureties. The complainant had to swear that he did not require the cautio calumniae causa (Dig. 39. tit. 2. s. 7; IDQVE . NON . K. K. SE . FACERE . IVRAVERIT. Tab. Vel. c. xx.)

If the defendant wrongfully refused to give the security, the complainant was empowered to enter upon the property which threatened the damage, and apparently for the purpose of protecting himself against it; if this produced no result, the defendant was ejected, and the complainant was allowed to take possession of the property, and the defendant lost all his rights to it.

If a ruinous house (aedes ruinosae) fell and damaged a neighbour before any cautio had been given, all the right that the damaged person had was to retain the materials that had fallen on his land (Dig. 39. tit. 2. ss. 6, 7. §§ 2, 8); but it seems that the owner of the ruinous house could, if he liked, pack up the materials and carry them off. (Cic. *Top.* 4, *In Verr.* i. 56; Inst. 4. tit. 5; Thibaut, *System*, &c. § 274, &c. 9th ed.) [G.L.]

DAMNUM INJURIA DATUM. The most usual form of proceeding in cases of Damnum injuria datum was by the Lex Aquilia (Dig. 9. tit. 2), which repealed all previous legislation on the subject. This Lex Aquilia was a plebiscitum, which was proposed by Aquilius, a tribunus plebis. If the owner of the damaged thing sued, there might be two cases. The damage might be done by corporeal contact of the wrongdoer (corpore), or by something which he directed, and done to another thing (corpus), so as to impair its value or destroy it; and in this case there was the directa actio Legis Aquiliae. The first chapter provided that if a man killed (injuria, that is, dolo aut culpa, Gaius, iii. 211) a slave or quadruped (quae pecudum numero sit) which belonged to another, he was bound to pay the highest value that the slave or animal had within the year preceding the unlawful act. If the wrongdoer wilfully denied the fact of the damage, he was liable to make compensation to double the value. The third chapter provided for the case of a slave or quadruped (quae pecudum, &c.) being damaged, or any thing else being damaged or destroyed. In this case he had to pay the highest value that the thing had within the thirty days preceding the unlawful act. If the damage was done to a thing (corpus), but not by a corpus, there was an actio utilis Legis Aquiliae, which is also an actio in factum or on the case. Such a case would occur when, for instance, a man should purposely drive his neighbour's beast into a river and it should perish there. (Dig. 9. tit. 2. s. 7. § 3, 9.)

If the thing was not damaged, but the owner was damaged, there might be an actio in factum; as, for instance, if a man out of compassion loosed another man's slave who was bound and so gave him the opportunity of escaping. A man who was not owner, might have an actio utilis legis Aquiliae or in factum, if he had an interest in the thing, as a fructuarius, usuarius, a bonae fidei possessor, or a person who had received a thing as a pledge.

If a man's slave was killed, the owner might sue for damages under the Lex Aquilia, and prosecute for a capital offence.

(Cic. *Pro Roscio Comoedo*, c. 11; Gaius, iii. 210, &c.; Inst. 4. tit. 3; Thibaut, *System*, &c., 9th ed. § 551, &c.; Rein, *Das Römische Privatrecht.*) [G. L.]

DAMOSIA (δαμοσία), the escort or suite of the Spartan kings in time of war. It consisted of his tent-comrades (σύσκηνοι), to whom the polemarchs, Pythians, and three of the equals (ὅμοιοι) also belonged (Xen. *Rep. Lac.* xiii. 1); of the prophets, surgeons, flute-players, volunteers in the army (Xen. *Rep. Lac.* xiii. 7), Olympian conquerors (Plut. *Lyc.* 22), public servants, &c. The two ephors, who attended the king on military expeditions, also formed part of the damosia. (Müller, *Dorians*, iii. 12. § 5.)

DANACE (δανάκη), the name of a foreign coin, according to Hesychius (*s. v.*) worth a little more than an obolos. According to some writers, it was a Persian coin. (Pollux, ix. 82, and Hemster. *ad loc.*) This name was also given to the obolos, which was placed in the mouth of the dead to pay the ferryman in Hades (Hesych. *s. v.*; Lucian, *De Luctu*, c. 10, *Mort. Dial.* i. 3, xi. 4, xxii. 1.) At the opening of a grave at Same in Cephallenia, a coin was found between the teeth of the corpse. (Stackelberg, *Die Gräber der Hellenen*, p. 42; Becker, *Charikles*, vol. ii. p. 170.)

DANEISMA (δάνεισμα). [FENUS.]

DAPHNEPHO'RIA (δαφνηφορία), a festival celebrated every ninth year at Thebes in honour of Apollo, surnamed Ismenius or Galaxius. Its name was derived from the laurel branches (δάφναι) which were carried by those who took part in its celebration. A full account of the festival is given by Proclus (*Chrestomath.* p. 11). At one time all the Aeolians of Arne and the adjacent districts, at the command of an oracle, laid siege to Thebes, which was at the same time attacked by the Pelasgians, and ravaged the neighbouring country. But when the day came on which both parties had to celebrate a festival of Apollo, a truce was concluded, and on the day of the festival they went with laurel-boughs to the temple of the god. But Polematas, the general of the Boeotians, had a vision in which he saw a young man who presented to him a complete suit of armour, and who made him vow to institute a festival, to be celebrated every ninth year, in honour of Apollo, at which the Thebans, with laurel-boughs in their hands, were to go to his temple. When, on the third day after this vision, both parties again were engaged in close combat, Polematas gained the victory. He now fulfilled his promise, and walked himself to the temple of Apollo in the manner prescribed by the being he had seen in his vision. And ever since that time, continues Proclus, this custom has been strictly observed. Respecting the mode of celebration, he adds:—At the daphnephoria they adorn a piece of olive wood with garlands of laurel and various flowers; on the top of it a brazen globe is placed, from which smaller ones are suspended; purple garlands, smaller than those at the top, are attached to the middle part of the wood, and the lowest part is covered with a crocus-coloured envelope. By the globe on the top they indicate the sun, which is identical with Apollo; the globe immediately below the first, represents the moon; and the smaller suspending globes are symbols of the stars. The number of garlands being 365, indicates the course of the year. At the head of the procession walked a youth, whose father and mother must be living. This youth was, according to Pausanias (ix. 10. § 4), chosen priest of Apollo every year, and called δαφνηφόρος: he was always of a handsome figure and strong, and taken from the most distinguished families of Thebes. Immediately before this youthful priest walked his nearest kinsman, who bore the adorned piece of olive-wood, which was called κωπώ. The priest followed, bearing in his hand a laurel-branch, with dishevelled and floating hair, wearing a golden crown on his head, a magnificent robe which reached down to his feet (ποδήρης), and a kind of shoes called Ἰφικρατίδες, from the general, Iphicrates, who had first introduced them. Behind the priest there followed a choir of maidens with boughs in their hands and singing hymns. In this manner the procession went to the temple of Apollo Ismenius or Galaxius. It would seem from Pausanias that all the boys of the town wore laurel garlands on this occasion, and that it was customary for the sons of wealthy parents to dedicate to the god brazen tripods, a considerable number of which were seen in the temple by Pausanias himself. Among them was one which was said to have been dedicated by Amphitryon, at the time when Heracles was daphnephorus. This last circumstance shows that the daphnephoria, whatever changes may have been subsequently introduced, was a very ancient festival.

There was a great similarity between this festival and a solemn rite observed by the Delphians, who sent every ninth year a sacred boy to Tempe. This boy went on the sacred road (Plut. *Quaest. Gr.* 12), and returned home as laurel-bearer (δαφνηφόρος) amidst the joyful songs of choruses of maidens. This solemnity was observed in commemoration of the purification of Apollo at the altar in Tempe, whither he had fled after killing the Python, and was held in the month of Thargelion (probably on the seventh day). It is a very probable conjecture of Müller (*Dor.* ii. 8. § 4) that the Boeotian daphnephoria took place in the same month and on the same day on which the Delphian boy broke the purifying laurel-boughs in Tempe.

The Athenians seem likewise to have celebrated a festival of the same nature, but the only mention we have of it is in Proclus (*ap. Photium*, p. 987), who says that the Athenians honoured the seventh day as sacred to Apollo, that they carried laurel-boughs and adorned the basket (κάνεον, see CANEPHOROS) with garlands, and sang hymns to the god. Respecting the astronomical character of the daphnephoria see Müller, *Orchom.* p. 215, 2d edit.; and Creuzer, *Symbol. und Mythol.* ii. p. 160. [L. S.]

DARI'CUS (δαρεικός), or, to give the name in full, στατὴρ δαρεικός, *the stater of Dareius* (Thuc. viii. 28), was a gold coin of Persia, stamped on one side with the figure of an archer crowned and kneeling upon one knee, and on the other with a sort of quadrata incusa or deep cleft. We know from Herodotus (iv. 166) that Dareius, the son of Hystaspes, reformed the Persian currency, and stamped gold of the purest standard; and it is generally believed that the daricus was so called from him. Harpocration, however, says (*s. v.*) that the name was older than this Dareius, and taken from an earlier king. Gesenius (*Hebr. Lexicon*) supposes the name to be derived from an ancient Persian word signifying king, or royal palace, or the bow of the king, in allusion to the figure stamped upon it. The best authors, however, think that there is no sufficient ground for supposing either the name or the coin to be older than Dareius, the son of Hystaspes. (Böckh, *Metrol. Untersuch.* p. 129; Grote, *History of Greece*, vol. iv. p. 320.)

This coin had a very extensive circulation, not only in the Persian empire, but also in Greece. The pay given by Cyrus to the soldiers of Clearchus was a daricus a month (Xen. *Anab.* i. 3. § 21); and the same pay was offered to the same troops by Thimbrion, a Lacedaemonian general (*Ibid.* vii. 6. § 1). In the later books of the Old Testament, the daricus is supposed to be mentioned under the names of adarkon (אֲדַרְכֹן) and darkemon (דַּרְכְּמֹן). (See 1 Chron. xxix. 7; Ezra, viii. 27, ii. 69; Nehem. vii. 70, 72.)

All ancient authorities agree in stating that the daricus was the precise equivalent of the Lydian and Attic *stater;* that is, it was equal in weight to two Attic drachmae. (Harpocr.; Lex. Seg.; Suid.; Schol. *ad Aristoph. Eccl.* 598.) This, according to the ordinary ratio of gold to silver, 10 : 1, would make its value equal to twenty silver drachmae; which agrees with the statement of Xenophon (*Anab.* i. 7. § 18; comp. Arrian. *Anab.* iv. 18).

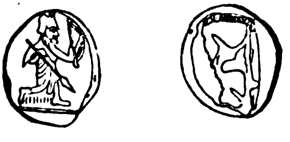
Five darics made a mina of silver, and 300 darics a talent. Xenophon also mentions half darics (ἡμιδαρείκους, *Anab.* i. 3. § 21.)

The value of the daricus in our money, computed from the drachma, is 16*s.* 3*d.*; but if reckoned by comparison with our gold money, it is worth much more. The darics in the British Museum weigh 128·4 grains and 128·6 grains, respectively. Hussey (*Ancient Weights*, &c. vii. 3) calculates the daricus as containing on an average about 123·7 grains of pure gold, and therefore equal in value to $\frac{123\cdot7}{115\cdot12}$ of a sovereign, or about 1*l.* 1*s.* 10*d.* 1·76 farthings.

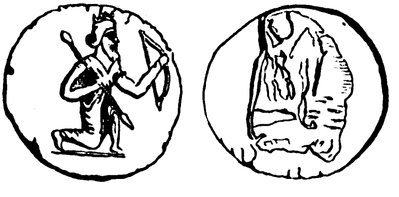
Very few darics have come down to us; their scarcity may be accounted for by the fact, that after the conquest of Persia, they were melted down and recoined under the type of Alexander.

There were also silver darics, bearing the same device as the gold, namely, the figure of an archer. (Plut. *Cim.* 10; Aelian. *V. H.* i. 22.) Their weights vary from 224 to 230 grains: those of the latter weight must have been struck, as was not very unusual in old coinages, somewhat above the true weight; they seem to have been didrachms of the Babylonian or Egyptian standard.

In allusion to the device of an archer, the darics were often called τόξοται, and it is related of Agesilaus, that, when recalled to Greece, he said that the Persian king had driven him out of Asia by means of 30,000 bowmen, referring to the sum which was entrusted to Timocrates the Rhodian to bribe the demagogues of Thebes and Athens to make his presence necessary at home. (Plut. *Ages.* 15, *Artax.* 20, *Lacon. Apophth.* p. 181.) Aryandes, who was appointed governor of Egypt by Cambyses, is supposed to have been the first who struck these silver coins, in imitation of the gold coinage of Dareius Hystaspis. (Herod. iv. 166.)



GOLD DARIC. BRITISH MUSEUM. ACTUAL SIZE.



SILVER DARIC. BRITISH MUSEUM. ACTUAL SIZE.

DE'BITOR. [Obligationes.]

DECADU'CHI (δεκαδοῦχοι), the members of a council of Ten, who succeeded the Thirty in the supreme power at Athens, B. C. 403. (Harpocrat. *s. v.*) They were chosen from the ten tribes, one from each (Xen. *Hell.* ii. 4. §§ 23, 74); but, though opposed to the Thirty, they sent ambassadors to Sparta to ask for assistance against Thrasybulus and the exiles. They remained masters of Athens till the party of Thrasybulus obtained possession of the city and the democracy was restored. (Lys. *c. Eratosth.* p. 420; Wachsmuth, *Hellen. Alterthumsk.* vol. i. p. 646, 2d ed.)

DECA'RCHIA or DECADA'RCHIA (δεκαρχία, δεκαδαρχία), was a supreme council established in many of the Grecian cities by the Lacedaemonians, who intrusted to it the whole government of the state under the direction of a Spartan harmost. It always consisted of the leading members of the aristocratical party. (Harpocrat, *s. v.*; Schneider, *ad Aristot. Pol.* ii. 146, 147.) This form of government appears to have been first established by Lysander at Ephesus. (Plut. *Lys.* 5; Wachsmuth, *Hellen. Alterthumsk.* vol. i. p. 517, 2d ed.)

DECASMUS (δεκασμός), bribery. There were two actions for bribery at Athens: one, called δεκασμοῦ γραφή, lay against the person who gave the bribe; and the other, called δώρων or δωροδοκίας γραφή, against the person who received it. (Pollux, viii. 42.) These actions applied to the bribery of citizens in the public assemblies of the people (συνδεκάζειν τὴν ἐκκλησίαν, Aesch. *c. Timarch.* p. 12), of the Heliaea or any of the courts of justice, of the βουλή, and of the public advocates (συνηγόροι, Dem. *c. Steph.* ii. p. 1137. 1). Demosthenes (*De Falsa Leg.* p. 343), indeed, says that orators were forbidden by the law, not merely to abstain from receiving gifts for the injury of the state, but even to receive any present at all.

According to Aristotle (*apud Harpocrat. s. v.* δεκάζων), Anytus was the first person at Athens who bribed the judges; and we learn from Plutarch (*Coriol.* c. 14) that he did so, when he was charged of having been guilty of treachery at Pylos, at the end of the Peloponnesian war. Other writers say that Melitus was the first person who bribed the judges. (Petit. *Leg. Att.* p. 427, and Duker's note.)

Actions for bribery were under the jurisdiction of the thesmothetae. (Dem. *c. Steph. l. c.*) The punishment on conviction of the defendant was death, or payment of ten times the value of the gift received, to which the court might add an additional punishment (προστίμημα). Thus Demosthenes was sentenced to a fine of 50 talents by an action for bribery, and also thrown into prison. (Böckh, *Publ. Econ. of Athens*, p. 384, 2d ed.; Meier, *Att. Process*, p. 352.)

DECASTY'LOS. [Templum.]

DECATE (δεκάτη). [Decumae.]

DECE'MPEDA, a pole ten feet long, used by the agrimensores in measuring land. (Cic. *Pro Mil.* 27; Hor. *Carm.* ii. 15. 14; Cic. *Philipp.* xiv. 4.) Thus we find that the agrimensores were sometimes called *decempedatores* (Cic. *Philipp.* xiii. 18). The decempeda was in fact the standard land-measure. [Actus; Agrimensores.]

DECEM PRIMI. [Senatus.]

DECE'MVIRI, the Ten Men, the name of various magistrates and functionaries at Rome.

1. Decemviri Legibus Scribendis, were ten persons, who were appointed to draw up a code of laws, and to whom the whole government of the state was entrusted. As early as B. C. 462, a law was proposed by C. Terentilius Arsa, that commissioners should be appointed for drawing up a body of laws; but this was violently opposed by the patricians (Liv. iii. 9); and it was not till after a struggle of nine years that the patricians consented to send three persons to Greece, to collect such information respecting the laws and constitutions of the Greek states as might be useful to the Romans. (Liv. iii. 31.) They were absent a year; and on their return, after considerable dispute between the patricians and plebeians, ten commissioners of the patrician order were appointed with the title of "decemviri legibus scribendis," to whom the revision of the laws was committed. All the other magistrates were obliged to abdicate, and no exception was made even in favour of the tribunes; for there is no reason to suppose, as Niebuhr has done, that the tribuneship was not given up till the second decemvirate (Cic. *de Rep.* ii. 36; Liv. iii. 32; Dionys. x. 56). They were thus entrusted with supreme power in the state.

The decemviri entered upon their office at the beginning of B. C. 451. They consisted of App. Claudius and T. Genucius Augurinus, the new consuls, of the praefectus urbi, and of the two quaestores parricidii as Niebuhr conjectures, and of five others chosen by the centuries. They discharged the duties of their office with diligence, and dispensed justice with impartiality. Each administered the government day by day in succession as during an interregnum; and the fasces were only carried before the one who presided for the day. (Liv. iii. 33.) They drew up a body of laws, distributed into ten sections; which, after being approved of by the senate and the comitia, were engraven on tables of metal, and set up in the comitium.

On the expiration of their year of office, all parties were so well satisfied with the manner in which they had discharged their duties, that it was resolved to continue the same form of government for another year; more especially as some of the decemvirs said that their work was not finished. Ten new decemvirs were accordingly elected, of whom Appius Claudius alone belonged to the former body (Liv. iii. 35; Dionys. x. 53); and of his nine new colleagues, Niebuhr thinks that five were plebeians. These magistrates framed several new laws, which were approved of by the centuries, and engraven on two additional tables. They acted, however, in a most tyrannical manner. Each was attended by twelve lictors, who carried not the rods only, but the axe, the emblem of sovereignty. They made common cause with the patrician party, and committed all kinds of outrages upon the persons and property of the plebeians and their families. When their year of office expired they refused to resign or to appoint successors. Niebuhr, however, considers it certain that they were appointed for a longer period than a year; since otherwise they would not have been required to resign their office, but interreges would at the expiration of the year have stepped into their place. This, however, does not seem conclusive; since the decemvirs were at the time in possession of the whole power of the state, and would have prevented any attempt of the kind. At length, the unjust decision of App. Claudius, in the case of Virginia, which led her father to kill her with his own hands to save her from prostitution, occasioned an insurrection of the people. The decemvirs were in consequence obliged to resign their office, B. C. 449; after which the usual magistracies were re-established. (Niebuhr, *Hist. of Rome*, vol. ii. pp. 309—356; Arnold, *Hist. of Rome*, vol. i. pp. 250—313; Becker, *Römisch. Alterthüm.* vol. ii. part ii. pp. 126—136.)

The ten tables of the former, and the two tables of the latter decemvirs, together form the laws of the Twelve Tables, of which an account is given in a separate article. [Lex Duodecim Tab.]

2. Decemviri Litibus or Stlitibus Judicandis, were magistrates forming a court of justice, which took cognizance of civil cases. From Pomponius (*de Orig. Jur.* Dig. i. tit. 2. s. 2. § 29) it would appear that they were not instituted till the year B. C. 292, the time when the triumviri capitales were first appointed. Livy (iii. 55) however mentions decemvirs as a plebeian magistracy very soon after the legislation of the Twelve Tables; and while Niebuhr (*Hist. of Rome*, vol. ii. p. 324, &c.) refers these decemvirs to the decemviral magistrates, who had shortly before been abolished, and thus abides by the account of Pomponius, Göttling (*Gesch. der Röm. Staatsv.* p. 241, &c.) believes that the decemvirs of Livy are the decemviri litibus judicandis, and refers their institution, together with that of the centumviri, to Servius Tullius. [Centumviri.] But the history as well as the peculiar jurisdiction of this court during the time of the republic are involved in inextricable obscurity. In the time of Cicero it still existed, and the proceedings in it took place in the ancient form of the sacramentum. (Cic. *pro Caecin.* 33, *pro Dom.* 29.) Augustus transferred to these decemvirs the presidency in the courts of

the centumviri. (Suet. *Aug.* 36; Dion Cass. liv. 26.) During the empire, this court had jurisdiction in capital matters, which is expressly stated in regard to the decemvirs.

3. Decemviri Sacris Faciundis, sometimes called simply Decemviri Sacrorum, were the members of an ecclesiastical collegium, and were elected for life. Their chief duty was to take care of the Sibylline books, and to inspect them on all important occasions, by command of the senate. (Liv. vii. 27, xxi. 62, xxxi. 12.) Virgil (*Aen.* vi. 73) alludes to them in his address to the Sibyl — "Lectos sacrabo viros."

Under the kings the care of the Sibylline books was committed to two men (*duumviri*) of high rank (Dionys. iv. 62), one of whom, called Atilius or Tullius, was punished by Tarquinius, for being unfaithful to his trust, by being sewed up in a sack and cast into the sea. (Dionys. *l. c.*; Val. Max. i. 1. § 13.) On the expulsion of the kings, the care of these books was entrusted to the noblest of the patricians, who were exempted from all military and civil duties. Their number was increased about the year 367 B. C. to ten, of whom five were chosen from the patricians and five from the plebeians. (Liv. vi. 37, 42.) Subsequently their number was still further increased to fifteen (*quindecemviri*); but at what time is uncertain. As, however, there were decemviri in B. C. 82, when the capitol was burnt (Dionys. *l. c.*), and we read of quindecemviri in the time of Cicero (*ad Fam.* viii. 4), it appears probable that their number was increased from ten to fifteen by Sulla, especially as we know that he increased the numbers of several of the other ecclesiastical corporations. Julius Caesar added one more to their number (Dion Cass. xlii. 51); but this precedent was not followed, as the collegium appears to have consisted afterwards of only fifteen.

It was also the duty of the decemviri and quinqueviri to celebrate the games of Apollo (Liv. x. 8), and the secular games. (Tac. *Ann.* xi. 11; Hor. *Carm. Saec.* 70.) They were, in fact, considered priests of Apollo, whence each of them had in his house a bronze tripod dedicated to that deity. (Serv. *ad Virg. Aen.* iii. 332.)

4. Decemviri Agris Dividundis, were sometimes appointed for distributing the public land among the citizens. (Liv. xxxi. 4, xlii. 4.)

DECENNA'LIA or **DECE'NNIA**, a festival celebrated with games every ten years by the Roman emperors. This festival owed its origin to the fact that Augustus refused the supreme power when offered to him for his life, and would only consent to accept it for ten years, and when these expired, for another period of ten years, and so on to the end of his life. The memory of this comedy, as Gibbon has happily called it, was preserved to the last ages of the empire by the festival of the *Decennalia*, which was solemnised by subsequent emperors every tenth year of their reign, although they had received the imperium for life, and not for the limited period of ten years. (Dion Cass. liii. 16, liv. 12, lviii. 24, lxxvi. 1; Trebell. Poll. *Salonin.* 3, *Gallien.* 7.)

DECIMA'TIO, was the selection, by lot, of every tenth man for punishment, when any number of soldiers in the Roman army had been guilty of any crime. The remainder usually had barley allowed to them instead of wheat. (Polyb. vi. 38; Cic. *Cluent.* 46.) This punishment does not appear to have been often inflicted in the early times of the republic; but is frequently mentioned in the civil wars, and under the empire. It is said to have been revived by Crassus, after being discontinued for a long time. (Plut. *Crass.* 10.) For instances of this punishment, see Liv. ii. 59; Suet. *Aug.* 24, *Galba*, 12; Tacit. *Hist.* i. 37; Dion Cass. xli. 35, xlix. 27, 38.

Sometimes only the twentieth man was punished (*vicesimatio*), or the hundreth (*centesimatio*, Capitol. *Macrin.* 12).

DECIMATRUS. [Quinquatrus.]

DECRE'TUM, seems to mean that which is determined in a particular case after examination or consideration. It is sometimes applied to a determination of the consuls, and sometimes to a determination of the senate. A decretum of the senate would seem to differ from a senatus-consultum, in the way above indicated: it was limited to the special occasion and circumstances, and this would be true whether the decretum was of a judicial or a legislative character. But this distinction in the use of the two words, as applied to an act of the senate, was perhaps not always observed. Cicero (*ad Fam.* xiii. 56) opposes edictum to decretum; between which there is, in this passage, apparently the same analogy as between a consultum and decretum of the senate. A decretum, as one of the parts or kinds of constitutio, was a judicial decision in a case before the sovereign, when it was carried to the auditorium principis by way of appeal. Paulus wrote a work in six books on these Imperiales Sententiae. Gaius (iv. 140), when he is speaking of interdicta, says that they are properly called decreta, "cum (praetor aut proconsul) fieri aliquid jubet," and interdicta when he forbids. A judex is said "condemnare," not "decernere," a word which, in judicial proceedings, is appropriate to a magistratus who has jurisdictio. [G. L.]

DE'CUMAE (sc. *partes*), the tithes paid to the state by the occupiers of the ager publicus [Ager Publicus]: hence the Publicani are also called Decumani from their farming these tithes. [Publicani.]

A similar system likewise existed in Greece. Peisistratus, for instance, imposed a tax of a tenth on the lands of the Athenians, which the Peisistratidae lowered to a twentieth. (Thuc. vi. 54.) The same principle was also applied to religious purposes: thus Xenophon subjected the occupiers (τοὺς ἔχοντας καὶ καρπουμένους) of the land he purchased near Scillus, to a payment of tithes in support of a temple of Artemis, the goddess to whom the purchase-money was dedicated; the Delian Apollo also received tenths from the Cyclades. (Xen. *Anab.* v. 3. § 11; Callim. *Hymn. Del.* 272, Spanheim.) That many such charges originated in conquest, or something similar, may be inferred from the statement of Herodotus (vii. 132), that at the time of the Persian war the confederate Greeks made a vow, by which all the states who had surrendered themselves to the enemy, were subjected to the payment of tithes for the use of the god at Delphi.

The tenth (τὸ ἐπιδέκατον) of confiscated property was also sometimes applied to similar objects. (Xen. *Hell.* i. 7. § 11.) The tithes of the public lands belonging to Athens were farmed out as at Rome to contractors, called δεκατῶναι: the term δεκατηλόγοι was applied to the collectors; but the callings were, as we might suppose, often united in the same person. The title *δεκατευταί* is applied to both. A *δεκάτη* or tenth of a different kind was the arbitrary exaction imposed by the Athenians (B. C. 410) on the cargoes of all ships sailing into or out of the Pontus. They lost it by the battle of Aegospotami (B. C. 405); but it was re-established by Thrasybulus about B. C. 391. This tithe was also let out to farm. (Demosth. *c. Lep.* p. 475; Xen. *Hell.* iv. 8. § 27, 31.) The tithe-house for the receipt of this duty was called *δεκατευτήριον*: to sail by necessity to it, *παραγωγιάζειν*. (Böckh, *Publ. Econ. of Athens*, p. 325, &c., 2nd ed.) [R. W.]

DECUMA'NI. [Decumae.]

DECUNCIS, another name for the dextans. [As, p. 140, b.]

DECU'RIA. [Exercitus.]

DECU'RIAE JUDICUM. [Judex.]

DECURIO'NES. [Colonia; Exercitus.]

DECU'RRERE. [Funus.]

DECUSSIS. [As, p. 140, b.]

DEDICA'TIO. [Inauguratio.]

DEDITI'CII, are one of the three classes of libertini. The lex Aelia Sentia provided that, if a slave was put in bonds by his master as a punishment, or branded, or put to the torture for an offence and convicted, or delivered up to fight with wild beasts, or sent into a ludus (*gladiatorius*), or put in confinement (*custodia*), and then manumitted either by his then owner, or by another owner, he merely acquired the status of a peregrinus dediticius, and had not even the privileges of a Latinus. The peregrini dediticii were those who, in former times, had taken up arms against the Roman people, and being conquered, had surrendered themselves. They were, in fact, a people who were absolutely subdued, and yielded unconditionally to the conquerors, and, of course, had no other relation to Rome than that of subjects. The form of deditio occurs in Livy (i. 37).

The dediticii existed as a class of persons who were neither slaves, nor cives, nor Latini, at least as late as the time of Ulpian. Their civil condition, as is stated above, was formed by analogy to the condition of a conquered people, who did not individually lose their freedom, but as a community lost all political existence. In the case of the Volsci, Livy inclines to the opinion that the four thousand who were sold, were slaves, and not dediti. (Gaius, i. 13, &c.; Ulpianus, *Frag.* tit. 1. s. 11.) [G. L.]

DEDI'TIO. [Dediticii.]

DEDUCTO'RES. [Ambitus.]

DEFENSO'RES. [Provincia.]

DE'FRUTUM. [Vinum.]

DEICELISTAE (*δεικελισταί*). [Comoedia.]

DEIGMA (*δεῖγμα*), a particular place in the Peiraeeus, as well as in the harbours of other states, where merchants exposed samples of their goods for sale. (Harpocrat. *s. v.*; Pollux, ix. 34; Aristoph. *Equit.* 974; Dem. *c. Lacr.* p. 932. 20; Theophr. *Char.* 23.) The samples themselves were also called *deigmata*. (Plut. *Demosth.* 23; Böckh, *Publ. Econ. of Athens*, p. 58, 2nd. ed.)

DEJECTUM EFFUSUM. [Dejecti Effusive Actio.]

DEJECTI EFFUSIVE ACTIO. If any person threw or poured out anything from a place or upper chamber (*caenaculum*) upon a road which was frequented by passengers, or on a place where people used to stand, and thereby caused any damage, the praetor's edict gave the injured person an actio in duplum. The action was against the occupier. If several persons inhabited a caenaculum, and any injury was done to another by a thing being thrown or poured out of it, he had a right of action against any of them, if the doer was uncertain. The damages recoverable were to double the amount of the damage, except in the case of a *liber*, when they were fifty aurei, if he was killed; and any person might sue for the money within a year, but the right of action was given in preference to a person "cujus interest," or to affines or cognati. If a man was only injured in his person, the damages were "quantum ob eam rem aequum judici videbitur eum cum quo agatur condemnari," which included the expences of a medical attendant, loss of time, and loss of a man's earnings during the time of his cure, or loss of future earnings by reason of his having been rendered incapable of making such earnings. If injury was caused by a thing being thrown from a ship, there was an actio utilis; for the words of the edict are, "Unde in eum locum quo volgo iter fiat vel in quo consistatur, dejectum," &c.

The edict applied to things which were suspended over a public place and which by their fall might injure people. It allowed any person to bring an action for the recovery of ten aurei against any person who disregarded this rule of the edict. If a thing so suspended, fell down and injured any person, there was an actio against him who placed it there.

As many of the houses in Rome were lofty, and inhabited to the top by the poor (Cic. *Agr.* ii. 35; Hor. *Ep.* i. 1. 91; Juv. *Sat.* x. 17), and probably as there were very imperfect means for carrying off rubbish and other accumulations, it was necessary to provide against accidents which might happen by such things being thrown through the window. According to Labeo's opinion, the edict only applied to the daytime, and not to the night, which, however, was the more dangerous time for a passer-by. (Dig. 9. tit. 3; Dig. 44. tit. 7. s. 5. § 5; Inst. 4. tit. 5; Juv. *Sat.* iii. 268, &c.; Thibaut, *System*, &c. § 566, 9th ed.) [G. L.]

DEILIAS GRAPHE' (*δειλίας γραφή*), the name of a suit instituted against soldiers who had been guilty of cowardice. (Aesch. *c. Ctesiph.* p. 566; Lys. *c. Alcib.* pp. 520, 525.) The presidency of the court belonged to the strategi, and the court was composed of soldiers who had served in the campaign. (Lys. *c. Alcib.* p. 521.) The punishment on conviction appears to have been *ἀτιμία*. Compare Astrateias Graphe.

DEIPNON (*δεῖπνον*). [Coena.]

DELA'TOR, an informer. The delatores, under the emperors, were a class of men who gained their livelihood by informing against their fellow-citizens. (Suet. *Tib.* 61, *Dom.* 12; Tacit. *Ann.* iv. 30, vi. 47.) They constantly brought forward false charges to gratify the avarice or jealousy of the different emperors, and were consequently paid according to the importance of the information which they gave. In some cases, however, the law specified the sums which were to be given to informers. Thus, when a murder had been committed in a family, and any of the slaves belonging to it had run away before the quaestio, whoever apprehended such slaves received, for each slave whom he apprehended, a reward of five aurei from the property of the deceased, or else from the state, if the sum could not be raised from the property of the deceased. (Dig. 29. tit. 5. s. 25.) In the senatus consultum quoted by Frontinus (*De Aquaeduct.*), the informer received half of the penalty in which the person was fined who transgressed the decree of the senate. There seems also to have been a fixed sum given to informers by the lex Papia, since we are told that Nero reduced it to a fourth. (Suet. *Ner.* 10.)

The number of informers, however, increased so rapidly under the early emperors, and occasioned so much mischief in society, that many of them were frequently banished, and punished in other ways, by various emperors. (Suet. *Tit.* 8, *Dom.* 9; Mart. i. 4; Plin. *Paneg.* 34; Brissonius, *Ant. Select.* iii. 17.)

DELECTUS. [Exercitus.]

DE'LIA (δήλια), the name of festivals and games celebrated at the great panegyris in the island of Delos, the centre of an amphictyony, to which the Cyclades and the neighbouring Ionians on the coasts belonged. (Hom. *Hymn. in Apoll.* 147, &c.) This amphictyony seems originally to have been instituted simply for the purpose of religious worship in the common sanctuary of Apollo, the θεὸς πατρῷος of the Ionians, who was believed to have been born at Delos. The Delia, as appears from the Hymn on Apollo (compare Thucyd. iii. 104; Pollux, ix. 61), had existed from very early times, and were celebrated every fifth year (Pollux, viii. 104), and as Böckh supposes, with great probability, on the sixth and seventh days of Thargelion, the birthdays of Apollo and Artemis. The members of the amphictyony assembled on these occasions (ἐθεώρουν) in Delos, in long garments, with their wives and children, to worship the god with gymnastic and musical contests, choruses, and dances. That the Athenians took part in these solemnities at a very early period, is evident from the Deliastae (afterwards called θεωροί) mentioned in the laws of Solon (Athen. vi. p. 234); the sacred vessel (θεωρίς), moreover, which they sent to Delos every year, was said to be the same which Theseus had sent after his return from Crete. (See the commentators on Plato, *Crito*, p. 43, c.) The Delians, during the celebration of these solemnities, performed the office of cooks for those who visited their island, whence they were called Ἐλεοδύται (Athen. iv. p. 173).

In the course of time the celebration of this ancient panegyris in Delos had ceased, and it was not revived until Ol. 88. 3, when the Athenians, after having purified the island in the winter of that year, restored the ancient solemnities, and added horse-races which had never before taken place at the Delia. (Thucyd. *l. c.*) After this restoration, Athens being at the head of the Ionian confederacy took the most prominent part in the celebration of the Delia; and though the islanders, in common with Athens, provided the choruses and victims, the leader (ἀρχιθέωρος), who conducted the whole solemnity, was an Athenian (Plut. *Nic.* 3; Wolf. *Introd. ad Demosth. Lept.* p. xc.), and the Athenians had the superintendence of the common sanctuary. [Amphictyons.]

From these solemnities, belonging to the great Delian panegyris, we must distinguish the *lesser Delia*, which were celebrated every year, probably on the 6th of Thargelion. The Athenians on this occasion sent the sacred vessel (θεωρίς), which the priest of Apollo adorned with laurel branches, to Delos. The embassy was called θεωρία: and those who sailed to the island, θεωροί; and before they set sail a solemn sacrifice was offered in the Delion, at Marathon, in order to obtain a happy voyage. (Müller, *Dor.* ii. 2. § 14.) During the absence of the vessel, which on one occasion lasted 30 days (Plat. *Phaedon*, p. 58; Xen. *Memorab.* iv. 8. § 2), the city of Athens was purified, and no criminal was allowed to be executed. The lesser Delia were said to have been instituted by Theseus, though in some legends they are mentioned at a much earlier period, and Plutarch (*Thes.* 23) relates that the ancient vessel used by the founder himself, though often repaired, was preserved and used by the Athenians down to the time of Demetrius Phalereus. (Böckh, *Publ. Econ. of Ath.* p. 214, &c. 2d edit.; Thirlwall, *Hist. of Greece*, vol. iii. p. 217.) [L. S.]

DELICTUM. [Crimen.]

DELPHI'NIA (δελφίνια), a festival of the same expiatory character as the Apollonia, which was celebrated in various towns of Greece, in honour of Apollo, surnamed Dephinius, who was considered by the Ionians as their θεὸς πατρῷος. The name of the god, as well as that of his festival, must be derived from the belief of the ancients that in the beginning of the month of Munychion (probably identical with the Aeginetan Delphinius) Apollo came through the defile of Parnassus to Delphi, and began the battle with Delphyne. As he thus assumed the character of a wrathful god, it was thought necessary to appease him, and the Delphinia, accordingly, were celebrated at Athens, as well as at other places where his worship had been adopted, on the 6th of Munychion. At Athens seven boys and girls carried olive-branches, bound with white wool (called the ἱκετηρία), into the Delphinium. (Plut. *Thes.* 18.)

The Delphinia of Aegina are mentioned by the scholiast on Pindar (*Pyth.* viii. 88), and from his remark on another passage (*Olymp.* vii. 151), it is clear that they were celebrated with contests. (Compare Diog. Laërt. *Vit. Thal.* c. 7; Müller, *Dor.* ii. 8. § 4.) Concerning the celebration of the Delphinia in other places nothing is known; but we have reason to suppose that the rites observed at Athens and in Aegina were common to all festivals of the same name. See Müller, *Aeginet.* p. 152. [L. S.]

DELPHIS (δελφίς), an instrument of naval warfare. It consisted of a large mass of iron or lead suspended on a beam, which projected from the mast of the ship like a yard-arm. It was used to sink, or make a hole in, an enemy's vessel, by being dropped upon it when alongside. (Aristoph. *Equit.* 759; Thuc. vii. 41; Schol. *ad loc.*; Hesych. *s. v.*) There seems no necessity for supposing that it was made in the shape of a dolphin. Bars of iron used for ballast are at the present day called "pigs," though they bear no resemblance to that animal. Probably the δελφῖνες were hoisted aloft only when going into action. We may also conjecture that they were fitted, not so much to the swift (ταχεῖαι) triremes, as to the military transports (στρατιώτιδες, ὁπλιταγωγοί), for the sailing of the former would be much impeded by so large a weight of metal. At any rate, those that Thucydides speaks of were not on the triremes, but on the ὁλκάδες.

DELUBRUM. [Templum.]

DEMARCHI (δήμαρχοι), the chief magistrates of the demi (δῆμοι) in Attica, and said to have been first appointed by Cleisthenes. Their duties were various and important. Thus, they convened meetings of the demus, and took the votes upon all questions under consideration; they had the custody of the *ληξιαρχικὸν γραμματεῖον*, or book in which the members of the demus were enrolled; and they made and kept a register of the landed estates (*χωρία*) in their districts, whether belonging to individuals or the body corporate; so that whenever an *εἰσφορά*, or extraordinary property-tax was imposed, they must have been of great service in assessing and collecting the quota of each estate. Moneys due to the demus for rent, &c. were collected by them (Dem. *c. Eub.* p. 1318), and it may safely be allowed that they were employed to enforce payment of various debts and dues claimed by the state. For this purpose they seem to have had the power of distraining, to which allusion is made by Aristophanes (*Nub.* 37). In the duties which have been enumerated, they supplanted the *naucrari* (*ναύκραροι*) of the old constitution; their functions, however, were not confined to duties of this class, for they also acted as police magistrates: thus, in conjunction with the dicasts of the towns (*δικασταὶ κατὰ δήμους*), they assisted in preserving peace and order, and were required to bury, or cause to be buried, any dead bodies found in their district: for neglect of this duty they were liable to a fine of 1000 drachmae. (Dem. *c. Macar.* 1069. 22.) Lastly, they seem to have furnished to the proper authorities a list of the members of the township who were fit to serve in war (*καταλόγους ἐποιήσαντο*, Demosth. *c. Polyc.* p. 1208; Harpocr. *s. v.*; Poll. viii. 118; K. F. Hermann, *Griech. Staatsalterth.* § 111; Böckh, *Public Econ. of Athens*, pp. 157, 512; Schömann, *De Comitiis*, p. 376, &c.). *Demarchi* was the name given by Greek writers to the Roman tribunes of the plebs. [R. W.]

DEMENS. [Curator.]

DEMENSUM. [Servus.]

DEME'NTIA. [Curator.]

DEME'TRIA (*δημητρία*), an annual festival which the Athenians, in 307 B. C., instituted in honour of Demetrius Poliorcetes, who, together with his father Antigonus, were consecrated under the title of saviour gods. It was celebrated every year in the month of Munychion, the name of which, as well as that of the day on which the festival was held, was changed into Demetrion and Demetrias. A priest ministered at their altars, and conducted the solemn procession, and the sacrifices and games with which the festival was celebrated. (Diodor. Sic. xx. 46; Plut. *Demetr.* 10, 46.) To honour the new god still more, the Athenians at the same time changed the name of the festival of the Dionysia into that of Demetria, as the young prince was fond of hearing himself compared to Dionysus. The demetria mentioned by Athenaeus (xii. p. 536) are probably the Dionysia. Respecting the other extravagant flatteries which the Athenians heaped upon Demetrius and Antigonus, see Athen. vi. p. 252; Herm. *Polit. Ant. of Greece*, § 175. n. 6, 7, and 8; and Thirlwall, *Hist. of Greece*, vol. vii. p. 331. [L. S.]

DEMINU'TIO CAPITIS. [Caput.]

DEMIOPRA'TA (*δημιόπρατα*, sc. *πράγματα* or *κτήματα*), was property confiscated at Athens and sold by public auction. The confiscation of property was one of the most common sources of revenue in many of the Grecian states; and Aristophanes (*Vesp.* 559, with Schol.) mentions the *δημιόπρατα* as a separate branch of the public revenue at Athens. An account of such property was presented to the people in the first assembly of every prytaneia (Pollux, viii. 95); and lists of it were posted upon tablets of stone in different places, as was the case at Eleusis, with the catalogue of the articles which accrued to the temple of Demeter and Persephone, from persons who had committed any offence against these deities. (Pollux, x. 97.) Many monuments of this kind were collected by Greek antiquarians, of which an account is given by Böckh (*Publ. Econ. of Athens*, pp. 197, 392, 2d edit.) and Meier (*De Bonis Damnatorum*, p. 160, &c.).

DEMIURGI (*δημιουργοί*). These magistrates, whose title is expressive of their doing the service of the people, are by some grammarians stated to have been peculiar to Dorian states; but, perhaps, on no authority, except the form *δαμιουργοί*. Müller (*Dorians*, vol. ii. p. 145) observes, on the contrary, that "they were not uncommon in the Peloponnesus, but they do not occur often in the Dorian states." They existed among the Eleians and Mantineians, with whom they seem to have been the chief executive magistracy (*οἱ δημιουργοὶ καὶ ἡ βουλή, κ. τ. λ.*, Thuc. v. 47). We also read of demiurgi in the Achaean league, who probably ranked next to the strategi. [Achaicum Foedus, p. 5, b.] Officers named *Epidemiurgi*, or upper demiurgi, were sent by the Corinthians to manage the government of their colony at Potidaea. (Thuc. i. 56.) [R. W.]

DE'MIUS (*δήμιος*). [Tormentum.]

DEMOCRATIA (*δημοκρατία*), that form of constitution in which the sovereign political power is in the hands of the demus, or commonalty. In the article Aristocratia the reader will find noticed the rise and nature of the distinction between the politically privileged class of nobles and the commonalty, a class personally free, though without any constitutionally recognized political power. It was this commonalty which was properly termed the demus (*δῆμος*). The natural and inevitable effect of the progress of society being to diminish, and finally do away with, those distinctions between the two classes, on which the original difference in point of political power was founded, when the demus, by their increasing numbers, wealth, and intelligence, had raised themselves to a level, or nearly so, in real power and importance with the originally privileged class, now degenerated into an oligarchy, a struggle was sure to ensue, in which the demus, unless overborne by extraneous influences, was certain to gain the mastery. The sovereign power of the demus being thus established, the government was termed a democracy. There might, however, be two modifications of the victory of the commonalty. If the struggle between the classes had been protracted and fierce, the oligarchs were commonly expelled. This was frequently the case in the smaller states. If the victory of the commonalty was achieved more by the force of moral power than by intestine warfare and force of arms, through the gradual concessions of "the few," the result (as at Athens) was simply the entire obliteration of the original distinctions. This form of the constitution was still, in the most literal sense of the term, a democracy; for as wealth and birth no longer formed the title to political power, though the wealthy and noble still remained citizens of the commonwealth, the supreme power was to all intents and purposes in the hands of the class formerly constituting the demus, by virtue of their being the more numerous. (Aristot. *Pol.* iv. 4, p. 122, ed. Göttling.) When the two classes were thus equalised, the term demus itself was frequently used to denote the entire body of free citizens — "the many," in contrast with "the few."

It is obvious that, consistently with the maintenance of the fundamental principle of the supreme power being in the hands of the demus, various modifications of the constitution in detail might exist, and different views might be held as to what was the perfect type of a democracy, and what was an imperfect, or a diseased form of it. Aristotle (*Pol.* iv. 3) points out that a democracy cannot be defined by the mere consideration of numbers. For if the wealthy were the more numerous and possessed the supreme power, this would not be a democracy. A democracy is rather, when every free citizen is a member of the sovereign body (*δῆμος μὲν ἐστιν ὅταν οἱ ἐλεύθεροι κύριοι ὦσιν*). This definition he expresses in a more accurate form thus: *ἔστι δημοκρατία μὲν ὅταν οἱ ἐλεύθεροι καὶ ἄποροι πλείους ὄντες κύριοι τῆς ἀρχῆς ὦσιν.* It would still be a democracy if a certain amount of property were requisite for filling the public offices, provided the amount were not large. (*Pol.* iv. 4. p. 122, ed. Göttl.) A *Politeia* itself is one species of democracy (*Pol.* iv. 3. p. 117), democracy, in the full sense of the word, being a sort of *παρέκβασις* of it. But for a perfect and pure democracy it was necessary that no free citizen should be debarred on account of his inferiority in rank or wealth from aspiring to any office, or exercising any political function, and that each citizen should be allowed to follow that mode of life which he chose. (Arist. *Pol.* iv. 4, vi. 1.) In a passage of Herodotus (iii. 80), where we probably have the ideas of the writer himself, the characteristics of a democracy are specified to be— 1. equality of legal rights (*ἰσονομίη*); 2. the appointment of magistrates by lot; 3. the accountability of all magistrates and officers; 4. the reference of all public matters to the decision of the community at large. Aristotle also (*Rhet.* i. 8. § 4) says: *ἔστι δὲ δημοκρατία μὲν πολιτεία ἐν ᾗ κλήρῳ διανέμονται τὰς ἀρχὰς, ὀλιγαρχία δὲ ἐν ᾗ οἱ ἀπὸ τιμημάτων.* In another passage (*Pol.* vi. 1), after mentioning the essential principles on which a democracy is based, he goes on to say: "The following points are characteristic of a democracy; that all magistrates should be chosen out of the whole body of citizens; that all should rule each, and each in turn rule all; that either all magistracies, or those not requiring experience and professional knowledge, should be assigned by lot; that there should be no property qualification, or but a very small one, for filling any magistracy; that the same man should not fill the same office twice, or should fill offices but few times, and but few offices, except in the case of military commands; that all, or as many as possible of the magistracies, should be of brief duration; that all citizens should be qualified to serve as dicasts; that the supreme power in everything should reside in the public assembly, and that no magistrate should be entrusted with irresponsible power except in very small matters. (Comp. Plat. *Resp.* viii. pp. 558, 562, 563, *Leg.* iii. p. 690. c. vi. p. 757, e.) Aristotle (*Pol.* iv. 3, 4, 5, vi. 1, 2) describes the various modifications which a democracy may assume. It is somewhat curious that neither in practice nor in theory did the representative system attract any attention among the Greeks.

That diseased form of a democracy, in which from the practice of giving pay to the poorer citizens for their attendance in the public assembly, and from other causes, the predominant party in the state came to be in fact the lowest class of the citizens (a state of things in which the democracy in many respects resembled a tyranny: see Arist. *Pol.* iv. 4) was by later writers (Polyb. vi. 4, 57; Plut. *de Monarch.* c. 3) termed an *Ochlocracy* (*ὀχλοκρατία* — the dominion of the mob); but the term is not found in Aristotle. (Wachsmuth, *Hellenische Alterthumsk.* c. 7, 8; K. F. Hermann, *Lehrbuch der Griech. Staatsalterthümer*, §§ 52, 66—72; Thirlwall, *History of Greece*, vol. i. c. 10.) [C. P. M.]

DEMONSTRA'TIO. [ACTIO.]

DEMOPOIE'TOS (*δημοποίητος*), the name given to a foreigner who was admitted to the rights of citizenship at Athens by a decree of the people, on account of services rendered to the state. Such citizens were, however, excluded from the phratriae, and could not hold the offices of either archon or priest (Dem. *c. Neaer.* p. 1376), but were registered in a phyle and deme. [CIVITAS, GREEK, p. 288, b.]

DEMO'SII (*δημόσιοι*), public slaves at Athens, who were purchased by the state. Some of them filled subordinate places in the assembly and courts of justice, and were also employed as heralds, checking clerks, &c. They were usually called *δημόσιοι οἰκέται*, and, as we learn from Ulpian (*ad Dem. Olynth.* ii. p. 15), were taught at the expense of the state to qualify them for the discharge of such duties as have been mentioned. (Hemsterh. *ad Polluc.* ix. 10; Maussac. *ad Harpocrat. s. v.* *δημόσιος*; Petitus, *Leg. Att.* p. 342.) As these public slaves did not belong to any one individual, they appear to have possessed certain legal rights which private slaves had not. (Meier, *Att. Process*, pp. 401, 560; Aeschin. *c. Timarch.* pp. 79, 85.)

Another class of public slaves formed the city guard; it was their duty to preserve order in the public assembly, and to remove any person whom the Prytaneis might order. (Schneider, *Ad Xen. Mem.* iii. 6. § 1; Plato, *Protag.* p. 319, and Heindorf's note; Aristoph. *Acharn.* 54, with the commentators.) They are generally called bowmen (*τοξόται*); or from the native country of the majority, Scythians (*Σκύθαι*); and also Speusinians, from the name of the person who first established the force. (Pollux, viii. 131, 132; Photius, *s. v.* *τοξόται*.) There were also among them many Thracians and other barbarians. They originally lived in tents in the market-place, and afterwards upon the Areiopagus. Their officers had the name of toxarchs (*τόξαρχοι*). Their number was at first 300, purchased soon after the battle of Salamis, but was afterwards increased to 1200. (Aeschin. Περὶ Παραπρεσβ. p. 335; Andoc. *De Pac.* p. 93; Böckh, *Publ. Econ. of Athens*, pp. 207, 208, 2d edit.)

DEMUS. The word *δῆμος* originally indicated a district or tract of land, and is by som derived from *δέω*, as if it signified an "enclosure marked off from the waste," just as our word town comes, according to Horne Tooke, from the Saxon verb "tynan," to enclose. (Arnold, *ad Thuc.* vol. i. Appendix, iii.) It seems, however, more simple to connect it with the Doric δᾶ for γᾶ. In this meaning of a country district, inhabited and under cultivation, δῆμος is contrasted with πόλις: thus we have ἀνδρῶν δῆμόν τε πόλιν τε (Hes. *Op. et Dies*, 527); but the transition from a locality to its occupiers is easy and natural, and hence in the earlier Greek poets we find δῆμος applied to the outlying country population, who tilled the lands of the chieftains or inhabitants of the city; so that δῆμος and πολῖται came to be opposed to each other, the former denoting the subject peasantry, the latter, the nobles in the chief towns.

The *Demi* (οἱ δῆμοι) in Attica were subdivisions of the tribes, corresponding to our *townships* or *hundreds*. Their institution is ascribed to Theseus; but we know nothing about them before the age of Cleisthenes, who broke up the four tribes of the old constitution, and substituted in their place ten local tribes (φυλαί τοπικαί), each named after some Attic hero. (Herod. v. 66, 69.) These were subdivided each into ten demi or country parishes, possessing each its principal town; and in some one of these demi were enrolled all the Athenian citizens resident in Attica, with the exception, perhaps, of those who were natives of Athens itself. (Thirlwall, *Hist. of Greece*, vol. ii. p. 74.) These subdivisions corresponded in some degree to the ναυκραρίαι of the old tribes, and were, according to Herodotus, one hundred in number; but as the Attic demi amounted in the time of Strabo (ix. p. 396, c.) to 174, doubts have been raised about this statement. Niebuhr has inferred from it that the tribes of Cleisthenes did not originally include the whole population of Attica, and "that some of the additional 74 must have been cantons, which had previously been left in a state of dependence; by far the chief part, however, were houses (γένη) of the old aristocracy," which were included in the four Ionian tribes, but, according to Niebuhr, were not incorporated in the ten tribes of the "rural commonalty," till after the time of Cleisthenes. This inference, however, seems very questionable; for the number of the demi might increase from a variety of causes, such as the growth of the population, the creation of new tribes, and the division of the larger into smaller demi; to say nothing of the improbability of the co-existence of two different orders of tribes. "Another fact, more difficult to account for, is the transposition by which demes of the same tribe were found at opposite extremities of the country." (Thirlwall, *l. c.*, and app. i. vol. ii.) The names of the different demes were taken, some from the chief towns in them, as Marathon, Eleusis, and Acharnae; some from the names of houses or clans, such as the Daedalidae, Boutadae, &c. The largest of all was the demus of Acharnae, which in the time of the Peloponnesian war, was so extensive as to supply a force of no less than three thousand heavy-armed men. (Comp. Thuc. ii. 191.)

In explanation of their constitution and relation to the state in general, we may observe, that they formed independent corporations, and had each their several magistrates, landed and other property, with a common treasury. They had likewise their respective convocations convened by the *Demarchi* (δήμαρχοι), in which was transacted the public business of the demus, such as the leasing of its estates, the elections of officers, the revision of the registers or lists of *Demotae* (δημόται), and the admission of new members. [DEMARCHI.] Moreover, each demus appears to have kept what was called a πίναξ ἐκκλησιαστικός, or list of those Demotae who were entitled to vote at the general assemblies of the whole people. In a financial point of view, they supplanted the old "naucraries" of the four tribes, each demus being required to furnish to the state a certain quota of money, and contingent of troops, whenever necessary. Independent of these bonds of union, each demus seems to have had its peculiar temples, and religious worship (δημοτικὰ ἱερά, Paus. i. 31; Pollux, viii. 108), the officiating priests in which were chosen by the Demotae (Dem. c. *Eubul.* p. 1313); so that both in a civil and religious point of view, the demi appear as minor communities, whose magistrates, moreover, were obliged to submit to a δοκιμασία, in the same way as the public officers of the whole state. But besides the magistrates, such as demarchs and treasurers (ταμίαι), elected by each parish, we also read of judges, who were called δικασταὶ κατὰ δήμους: the number of these officers, originally thirty, was afterwards increased to forty, and it appears that they made circuits through the different districts, to administer justice in all cases where the matter in dispute was not more than ten drachmae in value, more important questions being reserved for the διαιτηταί. (Hudtwalcker, p. 37.)

On the first institution of the demi, Cleisthenes increased the strength of the δῆμος, or commonalty, by making many new citizens, amongst whom are said to have been included not only strangers and resident foreigners, but also slaves. (Arist. *Pol.* iii. 1.)* Now admission into a demus was necessary, before any individual could enter upon his full rights and privileges as an Attic citizen; and though in the first instance, every one was enrolled in the register of the demus in which his property and residence lay, this relation did not continue to hold with all the Demotae; for since a son was registered in the demus of his real or adoptive father, and the former might change his residence, it would often happen that the members of a demus did not all reside in it. Still this would not cause any inconvenience, since the meetings of each demus were not held within its limits, but at Athens. (Dem. c. *Eubul.* p. 1302.) No one, however, could purchase property situate within a demus to which he did not himself belong, without paying to the demarchs a fee for the privilege of doing so (ἐγκτητικόν), which would, of course, go to the treasury of the demus. (Böckh, *Publ. Econ. of Athens*, p. 297, 2nd ed.)

Two of the most important functions of the general assemblies of the demi, were, the admission of new members and the revision of the names of members already admitted. The register of enrolment was called ληξιαρχικὸν γραμματεῖον, because any person whose name was inscribed in it could enter upon an inheritance and enjoy a patrimony, the expression for which in Attic Greek was *τῆς λήξεως ἄρχειν*: *λαγχάνειν κλῆρον*, being equivalent to the Roman phrase *adire hereditatem*. These registers were kept by the demarchs, who, with the approbation of the members of the demus assembled in general meeting, inserted or erased names according to circumstances. Thus, when a youth was proposed for enrolment, it was competent for any demote to object to his admission on the ground of illegitimacy, or non-citizenship, by the side of either parent. The Demotae decided on the validity of these objections under the sanction of an oath, and the question was determined by a majority of votes. (Dem. c. *Eub.* p. 1318.) The same process was observed when a citizen changed his demus in consequence of adoption. (Isaeus, *De Apoll. Hered.* p. 66. 17.) Sometimes, however, a demarch was bribed to place, or assist in placing, on the register of a demus, persons who had no claim to citizenship. (Demosth. c. *Leoch.* p. 1091.) To remedy this admission of spurious citizens (*παρεγγραπτοί*) the *διαψήφισις* was instituted. [DIAPSEPHISIS.] Lastly, crowns and other honorary distinctions could be awarded by the demi in the same way as by the tribes. (K. F. Hermann, *Griech. Staatsalterth.* § 111, &c.; Wachsmuth, *Hellen. Alterthumsk.* vol. i. p. 544, &c., 2nd ed.; Leake, *The Demi of Attika*, London, 1841, 2nd ed.; Ross, *Die Demen von Attika.*) [R. W.]

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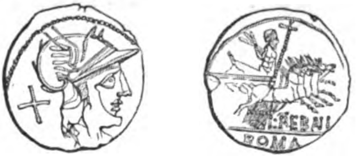
* Πολλοὺς ἐφυλέτευσε ξένους καὶ δούλους μετοίκους. This passage has given rise to much dispute, and has been considered by many critics to afford no sense; but no emendation which has been proposed is better than the received text. See Grote, *History of Greece*, vol. iv. p. 170.

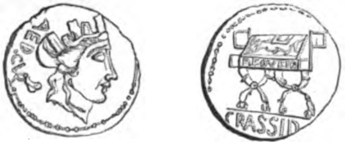
DENA'RIUS, the principal silver coin among the Romans, was so called because it was originally equal to ten asses; but on the reduction of the weight of the as [As], it was made equal to sixteen asses, except in military pay, in which it was still reckoned as equal to ten asses. (Plin. *H. N.* xxxiii. 13.) The denarius was first coined five years before the first Punic war, B. C. 269. [ARGENTUM.] There were originally 84 denarii to a pound (Plin. *H. N.* xxxiii. 46; Celsus, v. 17. § 1), but subsequently 96. At what time this reduction was made in the weight of the denarius is uncertain, as it is not mentioned in history. Some have conjectured that it was completed in Nero's reign; and Mr. Hussey (*Ancient Weights*, &c. p. 137) justly remarks, that Suetonius (*Jul.* 54) proves that 84 denarii went still to the pound, about the year B. C. 50; since if we reckon 96 to the pound, the proportion of the value of gold to silver is 7·8 to 1, which is incredibly low; while the value on the other supposition, 8·9 to 1, is more probable. Compare ARGENTUM.

Mr. Hussey calculates the average weight of the denarii coined at the end of the commonwealth at 60 grains, and those under the empire at 52·5 grains. If we deduct, as the average, $\frac{1}{30}$ of the weight for alloy, from the denarii of the commonwealth, there will remain 58 grains of pure silver; and since the shilling contains 80·7 grains of pure silver, the value of the best denarii will be $\frac{58}{80 \cdot 7}$ of a shilling, or 8·6245 pence; which may be reckoned in round numbers 8½*d.* If the same method of reckoning be applied to the later denarius, its value will be about 7·5 pence, or 7½*d.* (Hussey, pp. 141, 142.)

The Roman coins of silver went at one time as low down as the fortieth part of the denarius, the teruncius. They were, the *quinarius* or half denarius, the *sestertius* or quarter denarius [SESTERTIUS], the *libella* or tenth of the denarius (equal to the as), the *sembella* or half libella, and the *teruncius* or quarter libella.



BRITISH MUSEUM. ACTUAL SIZE. WEIGHT 60·6 GRAINS.



BRITISH MUSEUM. ACTUAL SIZE. WEIGHT 58·5 GRAINS.

The quinarius was also called *victoriatus* (Cic. *Pro Font.* 5), from the impression of a figure of Victory which it bore. Pliny (*H. N.* xxxiii. 13) says that victoriati were first coined at Rome in pursuance of the lex Clodia; and that previous to that time, they were imported as an article of trade from Illyria. The Clodius, who proposed this law, is supposed to have been the person who obtained a triumph for his victories in Istria, whence he brought home a large sum of money (Liv. xli. 13); which would fix the first coinage of the victoriati at Rome, B. C. 177; that is, 92 years after the first silver coinage.

If the denarius weighed 60 grains, the teruncius would only have weighed 1¼ gr.; which would have been so small a coin, that some have doubted whether it was ever coined in silver; for we know that it was coined in copper. [As.] But Varro (*De Ling. Lat.* v. 174, ed. Müller) names it among the silver coins with the libella and sembella. It is, however, improbable that the teruncius continued to be coined in silver after the as had been reduced to $\frac{1}{16}$ of the denarius; for then the teruncius would have been $\frac{1}{64}$th of the denarius, whereas Varro only describes it as a subdivision of libella, when the latter was $\frac{1}{10}$th of the denarius. In the time of Cicero, the libella appears to have been the smallest silver coin in use (Cic. *Pro. Rosc. Com.* c. 4); and it is frequently used, not merely to express a silver coin equal to the as, but any very small sum. (Plaut. *Cas.* ii. 5. 7, *Capt.* v. 1. 27.) Gronovius (*De Sestertiis*, ii. 2), however, maintains that there was no such coin as the libella when Varro wrote; but that the word was used to signify the tenth part of a sestertius. No specimens of the libella are now found.

If the denarius be reckoned in value 8½*d.*, the other coins which have been mentioned, will be of the following value:—

	Pence	Farth.
Teruncius		·53125
Sembella		1·0625
Libella		2·125
Sestertius	2	·5
Quinarius or Victoriatus	4	1
Denarius	8	2

It has been frequently stated that the denarius is equal in value to the drachma; but this is not quite correct. The Attic drachma was almost equal to 9¾*d*., whereas we have seen that the denarius was but little above 8½*d*. The later drachmae, however, appear to have fallen off in weight; and there can be no doubt that they were at one time nearly enough equal to pass for equal. Gronovius has given all the authorities upon the subject in his *De Sestertiis* (iii. 2).

The earliest denarii have usually, on the obverse, the head of Rome with a helmet, the Dioscuri, or the head of Jupiter. Many have, on the reverse, chariots drawn by two or four horses (*bigae*, *quadrigae*), whence they are called respectively *bigati* and *quadrigati*, sc. *nummi*. [Bigatus.] Some denarii were called *serrati* (Tacit. *Germ.* 5), because their edges were notched like a saw, which appears to have been done to prove that they were solid silver, and not plated. Many of the gentile denarii, as those of the Aelian, Calpurnian, Papinian, Tullian, and numerous other gentes, are marked with the numeral X, in order to show their value.

Pliny (*H. N.* xxxiii. 13) speaks of the *denarius aureus*. Gronovius (*De Sester.* iii. 15) says, that this coin was never struck at Rome; but there is one of Augustus in the British Museum, weighing 60 grains, and others of less weight. The average weight of the common aureus was 120 grains. [Aurum.] In later times, a copper coin was called denarius. (Ducange, *s. v. Denarius.*)

DENICA'LES FE'RIAE. [Feriae.]

DENTA'LE. [Aratrum.]

DENTIFRI'CIUM (ὀδοντότριμμα), dentrifice or tooth-powder, appears to have been skilfully prepared and generally used among the Romans. A variety of substances, such as the bones, hoofs, and horns of certain animals, crabs, egg-shells, and the shells of the oyster and the murex, constituted the basis of the preparation. Having been previously burnt, and sometimes mixed with honey, they were reduced to a fine powder. Though fancy and superstition often directed the choice of these ingredients, the addition of astringents, such as myrrh, or of nitre and of hartshorn ground in a raw state, indicates science which was the result of experience, the intention being not only to clean the teeth and to render them white, but also to fix them when loose, to strengthen the gums, and to assuage tooth-ache. (Plin. *H. N.* xxviii. 49, xxxi. 46, xxxii. 21, 26.) Pounded pumice was a more dubious article, though Pliny (xxxvi. 42) says, "Utilissima fiunt ex his dentifricia." [J. Y.]

DEPENSI ACTIO. [Intercessio.]

DEPORTA'TIO. [Exsilium.]

DEPO'SITI ACTIO. [Depositum.]

DEPO'SITUM. The notion of depositum is this: a moveable thing is given by one man to another to keep until it is demanded back, and without any reward for the trouble of keeping it. The party who makes the depositum is called *deponens* or *depositor*, and he who receives the thing is called *depositarius*. The act of deposit may be purely voluntary; or it may be from necessity, as in the case of fire, shipwreck, or other casualty. The depositarius is bound to take care of the thing which he has consented to receive. He cannot use the thing unless he has permission to use it, either by express words or by necessary implication. If the thing is one "quae usu non consumitur," and it is given to a person to be used, the transaction becomes a case of locatio and conductio [Locatio], if money is to be paid for the use of it; or a case of commodatum [Commodatum], if nothing is to be paid for the use. If a bag of money not sealed up is the subject of the depositum, and the depositarius at any time asks for permission to use it, the money becomes a loan [Mutuum] from the time when the permission is granted; if the deponens proffers the use of the money, it becomes a loan from the time when the depositarius begins to use it. (Dig. 12. tit. 1. s. 9. § 9, s. 10.) If money is deposited with the condition that the same amount be returned, the use of it is tacitly given. If the depositum continues purely a depositum, the depositarius is bound to make good any damage to it which happens through dolus or culpa lata; and he is bound to restore the thing on demand to the deponens, or to the person to whom the deponens orders it to be restored. If several persons had received the deposit, they were severally liable for the whole (in solidum). The remedy of the deponens against the depositarius, is by an actio depositi directa. The depositarius is entitled to be secured against all damage which he may have sustained through any culpa on the part of the deponens, and to all costs and expenses incurred by his charge; and his remedy against the deponens is by an actio depositi contraria. The actio was in duplum, if the deposit was made from necessity; if the depositarius was guilty of dolus, infamia was a consequence. (Inst. 3. tit. 14 (15); Cod. 4. tit. 34; Dig. 16. tit. 3; Cic. *de Off.* i. 10; Juv. *Sat.* xiii. 60; Dirksen, *Uebersicht*, &c. p. 597; Thibaut, *System*, &c. § 480, &c. 9th ed.) [G. L.]

DESERTOR, is defined by Modestinus to be one "qui per prolixum tempus vagatus, reducitur," and differs from an *emansor*, "qui diu vagatus ad castra egreditur." (Dig. 49. tit. 16. s. 3.) Those who deserted in time of peace, were punished by loss of rank, corporal chastisement, fines, ignominious dismission from the service, &c. Those who left the standards in time of war were usually punished with death. The *transfugae*, or deserters to the enemy, when taken, were sometimes deprived of their hands or feet (Liv. xxvi. 12), but generally were put to death. (Lipsius, *De Milit. Rom.* iv. 4.)

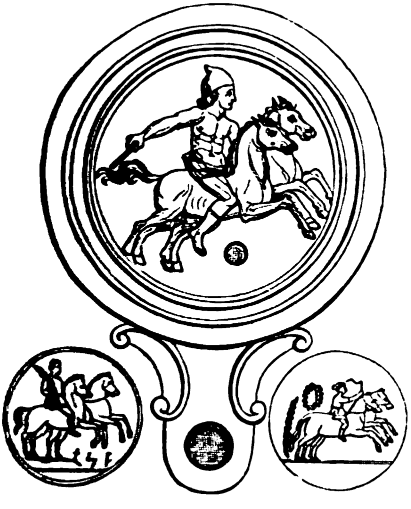
DESIGNA'TOR. [Funus.]

DESMOTE'RION (δεσμωτήριον). [Carcer.]

DESPOSIONAUTAE (δεσποσιοναῦται) [Civitas.]

DESULTOR (ἀποβάτης, μεταβάτης), literally "one who leaps off," was applied to a person who rode several horses or chariots, leaping from one to the other. As early as the Homeric times, we find the description of a man, who keeps four horses abreast at full gallop, and leaps from one to another, amidst a crowd of admiring spectators. (*Il.* xv. 679—684.) In the games of the Roman circus this sport was also very popular. The Roman desultor generally rode only two horses at the same time, sitting on them without a saddle, and vaulting upon either of them at his pleasure. (Isid. *Orig.* xviii. 39.) He wore a hat or cap made of felt. The taste for these exercises was carried to so great an extent, that young men of the highest rank not only drove bigae and quadrigae in the circus, but exhibited these feats of horsemanship. (Suet. *Jul.* 39.) Among other nations this species of equestrian dexterity was applied to the purposes of war. Livy mentions a troop of horse in the Numidian army, in which each soldier was supplied with a couple of horses, and in the heat of battle, and when clad in armour, would leap with the greatest ease and celerity from that which was wearied or disabled upon the back of the horse which was still sound and fresh. (xxiii. 29). The Scythians, Armenians, and some of the Indians, were skilled in the same art.

The annexed woodcut shows three figures of desultores, one from a bronze lamp, published by Bartoli (*Antiche Lucerne Sepolcrali*, i. 24), the others from coins. In all these the rider wears a pileus, or cap of felt, and his horse is without a saddle; but these examples prove that he had the use both of the whip and the rein. On the coins we also observe the wreath and palm-branch as ensigns of victory. [J. Y.]



DETESTA'TIO SACRORUM. [Gens.]

DEVERSO'RIUM. [Caupona.]

DEUNX. [As, p. 140, b; Libra.]

DEXTANS. [As, p. 140, b; Libra.]

DIABATE'RIA (διαβατήρια), a sacrifice offered to Zeus and Athena by the kings of Sparta, upon passing the frontiers of Lacedaemon with the command of an army. If the victims were unfavourable, they disbanded the army and returned home. (Xen. *De Rep. Lac.* xi. 2; Thuc. v. 54, 55, 116.)

DIADE'MA (διάδημα), a white fillet used to encircle the head (*fascia alba*, Val. Max. vi. 2. § 7). The invention of this ornament is by Pliny (vii. 57) attributed to "Liber Pater." Diodorus Siculus adds (iv. p. 250, Wessel.), that he wore it to assuage headache, the consequence of indulgence in wine. Accordingly, in works of ancient art, Dionysus wears a plain bandage on his head, as shown in the cut under Cantharus. The decoration is properly Oriental. It is commonly represented on the heads of Eastern monarchs. Justin (xii. 3) relates that Alexander the Great adopted the large diadem of the kings of Persia, the ends of which fell upon the shoulders, and that this mark of royalty was preserved by his successors. Antony assumed it in his luxurious intercourse with Cleopatra in Egypt. (Florus, iv. 11.) Aelian says (*V. H.* vi. 38) that the kings of that country had the figure of an asp upon their diadems. In process of time the sculptors placed the diadema on the head of Zeus, and various other divinities besides Dionysus; and it was also gradually assumed by the sovereigns of the Western world. It was tied behind in a bow; whence Tacitus (*Ann.* vi. 37) speaks of the Euphrates rising in waves "white with foam, so as to resemble a diadem." By the addition of gold and gems, and by a continual increase in richness, size, and splendour, this bandage was at length converted into the crown which has been for many centuries the badge of sovereignty in modern Europe. [J. Y.]

DIADICA'SIA (διαδικασία), in its most extended sense is a mere synonym of δίκη: technically, it denotes the proceedings in a contest for preference between two or more rival parties; as, for instance, in the case of several claiming to succeed as heirs or legatees to the estate of a deceased person. Upon an occasion of this kind, it will be observed that, as all the claimants are similarly situated with respect to the subject of dispute, the ordinary classification of the litigants as plaintiffs and defendants becomes no longer applicable. This, in fact, is the essential distinction between the proceedings in question and all other suits in which the parties appear as immediately opposed to each other; but as far as forms are concerned, we are not told that they were peculiarly characterised. Besides the case above mentioned, there are several others to be classed with it in respect of the object of proceedings being an absolute acquisition of property. Among these are to be reckoned the claims of private creditors upon a confiscated estate, and the contests between informers claiming rewards proposed by the state for the discovery of crimes, &c., as upon the occasion of the mutilation of the Hermae (Andoc. 14) and the like. The other class of causes included under the general term consists of cases like the antidosis of the trierarchs [Antidosis], contests as to who was to be held responsible to the state for public property alleged to have been transferred on one hand and denied on the other (as in Dem. *c. Everg. et Mnes.*), and questions as to who should undertake a choregia, and many others, in which exemptions from personal or pecuniary liabilities to the state were the subject of claim by rival parties. In a diadicasia, as in an ordinary δίκη, the proper court, the presiding magistrate, and the expenses of the trial, mainly depended upon the peculiar object of the proceedings, and present no leading characteristics for discussion under the general term. (Platner, *Process und Klagen*, ii. p. 17. s. 9.) [Dike.] [J. S. M.]

DIADOSEIS (διαδόσεις.) [Dianomae.]

DIAETA. [Domus.]

DIAETE'TICA, or DIAETE'TICE (διαιτητική), one of the principal branches into which the ancients divided the art and science of medicine. [Medicina.] The word is derived from δίαιτα, which meant much the same as our word *diet*. It is defined by Celsus (*De Medic.* Praefat. in lib. i.) to signify that part of medicine *quae victu medetur*, "which cures diseases by means of regimen and diet;" and a similar explanation is given by Plato (*ap. Diog. Laërt.* iii. 1. § 85.) Taken strictly in this sense, it would correspond very nearly with the modern *dietetics*, and this is the meaning which it always bears in the earlier medical writers, and that which will be adhered to in the present article; in some of the later authors, it seems to comprehend Celsus's second grand division, *Pharmaceutica*, and is used by Scribonius Largus (*De Compos. Medicam.* § 200) simply in opposition to *chirurgia*, so as to answer exactly to the province of our *physician*.

No attention seems to have been paid to this branch of medicine before the date of Hippocrates. Homer represents Machaon, who had been wounded in the shoulder by an arrow (*Il.* xi. 507) and forced to quit the field, as taking a draught composed of wine, goat's-milk cheese, and flour (*ibid.* 638), which certainly no modern surgeon would prescribe in such a case. (See Plat. *De Republ.* iii. pp. 405, 406; Max. Tyr. *Serm.* 29; Athen. i. p. 10.) Hippocrates seems to claim for himself the credit of being the first person who had studied this subject, and says that "the ancients had written nothing on it worth mentioning" (*De Rat. Vict. in Morb. Acut.* vol. ii. p. 26, ed. Kühn). Among the works commonly ascribed to Hippocrates, there are four that bear upon this subject. It would be out of place here to attempt any thing like a complete account of the opinions of the ancients on this point; those who wish for more detailed information must be referred to the different works on medical antiquities, while in this article mention is made of only such particulars as may be supposed to have some interest for the general reader.

In the works of Hippocrates and his successors almost all the articles of food used by the ancients are mentioned, and their real or supposed properties discussed, sometimes quite as fancifully as by Burton in his *Anatomy of Melancholy*. In some respects they appear to have been much less delicate in their tastes than the moderns, as we find the flesh of the fox, the dog, the horse, and the ass spoken of as common articles of food. (Pseudo-Hippocr. *De Vict. Rat.* lib. ii. vol. i. pp. 679, 680.) With regard to the quantity of wine drank by the ancients, we may arrive at something like certainty from the fact that Caelius Aurelianus mentions it as something extraordinary that the famous Asclepiades at Rome in the first century B. C., sometimes ordered his patients to double and treble the quantity of wine, till at last they drank half wine and half water (*De Morb. Chron.* lib. iii. c. 7. p. 386), from which it appears that wine was commonly diluted with five or six times its quantity of water. Hippocrates recommends wine to be mixed with an equal quantity of water, and Galen approves of the proportion; but Le Clerc (*Hist. de la Méd.*) thinks that this was only in particular cases. In one place (Pseudo-Hippocr. *De Vict. Rat.* lib. iii. *in fin.*) the patient, after great fatigue, is recommended μεθυσθῆναι ἅπαξ ἢ δίς, in which passage it has been much doubted whether actual *intoxication* is meant, or only the "drinking freely and to cheerfulness," in which sense the same word is used by St. John (ii. 10) and the *LXX.* (*Gen.* xliii. 34; *Cant.* v. 1; and perhaps *Gen.* ix. 21). According to Hippocrates, the proportions in which wine and water should be mixed together, vary according to the season of the year; for instance, in summer the wine should be most diluted, and in winter the least so. (Compare Celsus, *De Medic.* i. 3. p. 31. ed. Argent.) Exercise of various sorts, and bathing, are also much insisted upon by the writers on diet and regimen; but for further particulars on these subjects the articles BALNEAE and GYMNASIUM must be consulted. It may, however, be added that the bath could not have been very common, at least in private families, in the time of Hippocrates, as he says (*De Rat. Vict. in Morb. Acut.* p. 62) that "there are few houses in which the necessary conveniences are to be found."

Another very favourite practice with the ancients, both as a preventive of sickness and as a remedy, was the taking of an emetic from time to time. The author of the treatise *De Victus Ratione*, falsely attributed to Hippocrates, recommends it two or three times a month (lib. iii. p. 710). Celsus considers it more beneficial in the winter than in the summer (*De Medic.* i. 3. p. 28), and says that those who take an emetic twice a month had better do so on two successive days than once a fortnight (*Ibid.* p. 29). At the time in which Celsus wrote, this practice was so commonly abused, that Asclepiades, in his work *De Sanitate Tuenda*, rejected the use of emetics altogether, "Offensus," says Celsus (*Ibid.* p. 27), "eorum consuetudine, qui quotidie ejiciendo vorandi facultatem moliuntur." (See also Plin. *H. N.* xxvi. 8.) It was the custom among the Romans to take an emetic immediately before their meals, in order to prepare themselves to eat more plentifully; and again soon after, so as to avoid any injury from repletion. Cicero, in his account of the day that Caesar spent with him at his house in the country (*ad Att.* xiii. 52), says, "Accubuit, ἐμετικὴν agebat, itaque et edit et bibit ἀδεῶς et jucunde;" and this seems to have been considered a sort of compliment paid by Caesar to his host, as it intimated a resolution to pass the day cheerfully, and to eat and drink freely with him. He is represented as having done the same thing when he was entertained by King Deiotarus (Cic. *Pro Deiot.* c. 7). The glutton Vitellius is said to have preserved his own life by constant emetics, while he destroyed all his companions who did not use the same precaution (Suet. *Vitell.* c. 13; Dion Cass. lxv. 2), so that one of them, who was prevented by illness from dining with him for a few days, said, "I should certainly have been dead if I had not fallen sick." Even women, after bathing before supper, used to drink wine and throw it up again to sharpen their appetite —

[Falerni] "sextarius alter
Ducitur ante cibum, rabidam facturus orexim."
Juv. *Sat.* vi. 427, 428.

so that it might truly be said, in the strong language of Seneca (*Cons. ad Helv.* 9. § 10), "Vomunt, ut edant; edunt, ut vomant." (Compare Seneca, *De Provid.* c. 4. § 11, *Epist.* 95. § 21.) By some, the practice was thought so effectual for strengthening the constitution, that it was the constant regimen of all the athletae, or professed wrestlers, trained for the public shows, in order to make them more robust. Celsus, however, (*l. c.* p. 28), warns his readers against the too frequent use of emetics without necessity and merely for luxury and gluttony, and says that no one who has any regard for his health, and wishes to live to old age, ought to make it a daily practice. [W. A. G.]

DIAETE'TAE (διαιτηταί), arbitrators, umpires. The diaetetae mentioned by the Athenian orators, were of two kinds; the one public and appointed by lot (*κληρωτοί*), the other private and chosen (*αἱρετοί*) by the parties who referred to them the decision of a disputed point, instead of trying it before a court of justice; the judgments of both, according to Aristotle, being founded on equity rather than law (*ὁ γὰρ διαιτητὴς τὸ ἐπιεικὲς ὁρᾷ, ὁ δὲ δικαστὴς τὸν νόμον*, *Rhetor*. i. 13). We shall, in the first place, treat of the public diaetetae, following as closely as possible the order and statements of Hudtwalcker in his treatise "Ueber die öffentlichen und Privat-Schiedsrichter Diäteten in Athen, und den Process vor denselben."

According to Suidas (*s. v.*), the public Diaetetae were required to be not less than 50 years of age; according to Pollux (viii. 126) and Hesychius, not less than 60. With respect to their number there is some difficulty, in consequence of a statement of Ulpian (Demosth. *c. Meid*. p. 542. 15), according to which it was 440, *i. e.* 44 for each tribe, (*ἦσαν δὲ τέσσαρες καὶ τεσσαράκοντα, καθ' ἑκάστην φυλήν*). This number, however, appears so unnecessarily large, more especially when it is considered that the Attic orators frequently speak of only one arbitrator in each case, that some writers have, with good reason, supposed the reading should be — *ἦσαν δὲ τεσσαράκοντα, τέσσαρες κ. ἑ. φ.* At any rate, litigious as the Athenians were, it seems that 40 must have been enough for all purposes.

The words *καθ' ἑκάστην φυλήν*, imply that each tribe had its own arbitrator; an inference which is supported by Demosthenes (*c. Everg*. p. 1142. 25), where he speaks of the arbitrators of the Oeneid and Erectheid tribes: as well as by Lysias (*c. Pancl.* p. 731), who, in the words *προσκλησάμενος αὐτὸν πρὸς τοὺς τῇ Ἱπποθοωντίδι δικάζοντας*, is thought to allude to the Diaetetae of the Hippothoontid tribe. With regard to the election of these officers, it is doubtful whether they were chosen by the members of the tribe for which they adjudicated, or in a general assembly of the people. Hudtwalcker inclines to the latter supposition, as being more probable: we do not think so; for it seems just as likely, if not more so, that the four arbitrators of each tribe were chosen in an assembly of the tribe itself. Again, whether they were appointed for life, or only for a definite period, is not expressly mentioned by the orators; but as none of the Athenian magistrates, with the exception of the Areiopagites, remained permanently in office, and Demosthenes (*c. Meid*. p. 542. 15) speaks of the last day of the 11th month of the year as being the last day of the Diaetetae (*ἡ τελευταία ἡμέρα τῶν διαιτητῶν*), it seems almost certain that they were elected for a year only. The only objection to this conclusion arises from a statement in a fragment of Isaeus (p. 361, ed. Reiske), where an arbitrator is spoken of as being engaged on a suit for two years (*δύο ἔτη τοῦ διαιτητοῦ τὴν δίκην ἔχοντος*): if, however, we admit the conjectural reading *τῶν διαιτητῶν*, the meaning would be in accordance with what we infer from other authorities, and would only imply that the same cause came before the arbitrators of two different years, a case which might not unfrequently happen; if, on the contrary, the reading of the text is correct, we must suppose that it was sometimes necessary or convenient to re-elect an arbitrator for the decision of a particular case.

It is doubtful whether the public Diaetetae took any general oath before entering upon their duties. Such a guarantee would seem to be unnecessary; for we read of their taking oaths previous to giving judgment in the *particular* cases which came before them. (Isaeus, *De Dicaeog. Hered.* p. 54; Dem. *c. Callip.* p. 1244.) From this circumstance we should infer that no oath was exacted from them before they entered upon office: Hudtwalcker is of a contrary opinion, and suggests that the purport of their oath of office was the same as that of the Heliastic oath given by Demosthenes (*c. Timocr.* p. 747).

The Diaetetae of the different tribes appear to have sat in different places; as temples, halls, and courts of justice, if not wanted for other purposes. Those of the Oeneid and Erectheid tribes met in the heliaea (Dem. *c. Everg.* p. 1142. 25.); we read of others holding a court in the delphinium (*c. Boeot.* ii. p. 1011), and also in the *στοὰ ποικιλή* (*c. Steph.* i. p. 1106). Again, we are told of slaves being examined by the Diaetetae sitting for that purpose, under the appellation of *βασανισταὶ* [Tormentum], in the hephaisteium, or temple of Poseidon. (Isocr. *Τραπεζ.* p. 361. 21, ed. Bekker.) Moreover, we are told of private arbitrators meeting in the temple of Athena on the Acropolis; and, if the amended reading of Pollux (viii. 126) is correct, we are informed by him, in general terms, that the arbitrators formerly held their courts in the temples (*Διῄτων ἐν ἱεροῖς πάλαι*). Harpocration also (*s. v.*) contrasts the dicasts with the arbitrators, observing that the former had regularly appointed courts of justice (*ἀποδεδειγμένα*).

Another point of difference was the mode of payment, inasmuch as the dicasts received an allowance from the state, whereas the only remuneration of the Diaetetae was a drachma deposited as a *παράστασις* by the complainant, on the commencement of the suit, the same sum being also paid for the *ἀντωμοσία*, and every *ὑπωμοσία* sworn during the proceedings. (Pollux, viii. 39, 127; Harpocr. *s. v.*) This *παράστασις* is the same as the *δραχμὴ τοῦ λειπομαρτυρίου* mentioned by Demosthenes (*c. Timoth.* p. 1190). The defendant in this case had failed to give evidence as he ought to have done, and therefore the plaintiff commenced proceedings against him for this neglect, before the arbitrators in the principal suit, the first step of which was the payment of the *παράστασις*.

The public arbitrators were *ὑπεύθυνοι*, *i. e.* every one who had, or fancied he had, a cause of complaint against them for their decisions, might proceed against them by *εἰσαγγελία*, or information laid before the senate. For this purpose, says Ulpian, whose statement is confirmed by Demosthenes (*c. Meid.*) in the case of Straton, the public Diaetetae were towards the close of their year of office, and during the latter days of the month Thargelion, required to present themselves in some fixed place, probably near the senate-house, that they might be ready to answer any charge brought against them, of which they received a previous notice. The punishment, in case of condemnation, was *atimia*, or the loss of civic rights. Harpocration (*s. v.*), however, informs us that the *εἰσαγγελία* against the arbitrators was brought before the dicasts or judges of the regular courts, but this probably happened only on appeal, or in cases of great importance, inasmuch as the βουλή could not inflict a greater penalty than a fine of 500 drachmae with *atimia*.

As to the extent of the jurisdiction of the Diaetetae, Pollux (viii. 126) states, that in former times no suit was brought into a court before it had been investigated by the Diaetetae (πάλαι οὐδεμία δίκη πρὶν ἐπὶ διαιτητὰς ἐλθεῖν εἰσήγετο). There can be but little doubt that the word πάλαι here refers to a time which was ancient with reference to the age of the Athenian orators, and therefore that this previous investigation was no longer requisite in the days of Demosthenes and his contemporaries. Still we find the Diaetetae mentioned by them in very many cases of civil actions, and it is not unlikely that the magistrates, whose duty it was to bring actions into court (εἰσάγειν), encouraged the process before the arbitrators, as a means of saving the state the payment which would otherwise have been due to the dicasts. Hudtwalcker is accordingly of opinion that the Diaetetae were competent to act in all cases of civil actions for restitution or compensation, but not of penal or criminal indictments (γραφαί), and, moreover, that it rested with the complainant whether his cause was brought before them in the first instance, or sent at once to a higher court of judicature. (Dem. *c. Androt.* p. 601. 18.)

But besides hearing cases of this sort the Diaetetae sat as commissioners of inquiry on matters of fact which could not be conveniently examined in a court of justice (Dem. *c. Steph.* p. 1106), just as what is called an "issue" is sometimes directed by our own Court of Chancery to an inferior court, for the purpose of trying a question of fact, to be determined by a jury. Either party in a suit could demand or challenge (προκαλεῖσθαι) an inquiry of this sort before an arbitrator, the challenge being called πρόκλησις: a term which was also applied to the "articles of agreement" by which the extent and object of the inquiry were defined. (Dem. *c. Neaer.* p. 1387.) Many instances of these προκλήσεις are found in the orators; one of the most frequent is the demand or offer to examine by torture a slave supposed to be cognisant of a matter in dispute, the damage which might result to the owner of the slave being guaranteed by the party who demanded the examination. (Harpocr. *s. v.* πρόκλησις.) See also Demosthenes (*Onetor.* i. p. 874), who observes that the testimony of a slave, elicited by torture, was thought of more value by the Athenians than the evidence of freemen. Another instance somewhat similar to the last, was the πρόκλησις εἰς μαρτυρίαν (Pollux, viii. 62), where a party proposed to his opponent that the decision of a disputed point should be determined by the evidence of a third party. (Antiphon, *De Choreut.* p. 144, ed. Bekker.) Sometimes also we read of a πρόκλησις, by which a party was challenged to allow the examination of documents; as wills (Dem. *c. Steph.* p. 1104), deeds, bankers' books, &c. (*c. Timoth.* p. 1197). It is manifest that the forms and objects of a πρόκλησις would vary according to the matter in dispute, and the evidence which was producible; we shall, therefore, content ourselves with adding that the term was also used when a party challenged his adversary to make his allegation under the sanction of an oath, or offered to make his own statements under the same obligation. (Dem. *c. Apat.* p. 896, *c. Con.* p. 1269. 19.) The presumption or prepossession which might arise from a voluntary oath in the last case, might be met by a similar πρόκλησις, tendered by the opposite party, to which the original challenger appears to have had the option of consenting or not as he might think proper. (Dem. *Timoth.* p. 1203; compare Arist. *Rhet.* i. 16.) In all cases where any of these investigations or depositions were made before the Diaetetae, we may conclude with Hudtwalcker (p. 48), that they might be called as witnesses in subsequent stages of the action, either to state the evidence they had taken, or to produce the documents they had examined, and which were deposited by them in an echinus. [Appellatio (Greek).]

The proceedings in the trials before the public arbitrators were of two kinds, 1st, When two parties agreed by a regular contract to refer a matter in dispute to a judge or judges *selected* from them. 2dly, When a cause was brought before a public arbitrator, without any such previous compromise, and in the regular course of law. The chief difference seems to have been that, in case of a reference by contract between two parties, the award was final, and no appeal could be brought before another court, though the unsuccessful party might, in some instances, move for a new trial (τὴν μὴ οὖσαν ἀντιλαχεῖν, Dem. *c. Meid.* p. 541). Except in this point, of non-appeal, an arbitrator who was selected from the public Diaetetae by litigant parties, seems to have been subject to the same liabilities, and to have stood in the same relation to those parties as an arbitrator appointed by lot: the course of proceeding also appears to have been the same before both (Dem. *c. Meid.* p. 541), an account of which is given below. It must, however, be first stated, that there are strong reasons in support of Hudtwalcker's opinion, that whenever a suitor wished to bring an action before one or more of the public Diaetetae, he applied to one of the many officers called εἰσαγωγεῖς (Dem. *c. Lacrit.* p. 940. 5, *c. Pantaen.* p. 976. 10; Pollux, viii. 93), whose duty it was to bring the cause (εἰσάγειν) into a proper court. By some such officer, at any rate, a requisite number of arbitrators was allotted to the complainant, care being taken that they were of the same tribe as the defendant. (Harpocr. *s. v.* διαιτηταί.) Pollux (viii. 126) informs us that if a Diaetetes refused to hear a cause, he might be punished with *atimia*: but it appears that under extraordinary circumstances, and after hearing the case, a Diaetetes sometimes refused to decide himself, and referred the parties to a court of justice. (Dem. *c. Phorm.* p. 913.)

The process before the public Diaetetae was conducted in the following manner. After complaint made, and payment of the παράστασις, the plaintiff supported his averment by an oath, to the effect that his accusation was true, which the defendant met by a like oath as to the matter of his defence. When the oath (ἀντωμοσία) had been thus taken by the parties, the arbitrators entered upon the inquiry, heard witnesses, examined documents, and held as many conferences (σύνοδοι) with the parties, as might be necessary for the settlement of the question. (See authorities, Hudtwalcker, p. 80.) The day of pronouncing judgment (ἡ ἀπόφασις τῆς δίκης, Dem. *c. Everg.* p. 1153) was probably fixed by law, if we may judge from the name (ἡ κυρία scil. ἡμέρα) by which it is called in the orators; it might, however, with consent of both parties, be postponed. The verdict given was countersigned by the proper authorities, perhaps by the εἰσαγωγεῖς, and thereby acquired its validity. The archons, mentioned by Demosthenes (*c. Meid.* p. 542) as having signed a judgment, were probably thesmothetae, as the action was a δίκη κακηγορίας, which is, moreover, called an ἀτίμητος δέκα μνῶν δίκη, *i. e.* an action where the plaintiff was not required to assess the damages (*aestimare litem*), the penalty, in case of a verdict for him, being determined by law: this alone is sufficient to prove that the Diaetetae sometimes decided in cases where the plaintiff sued for damages, as distinguished from those in which he sought restitution of rights or property; nor, indeed, does there seem any reason for supposing that their jurisdiction was not extended to the ἀγῶνες τιμητοί, or actions where the plaintiff was required to assess or lay his damages, provided the assessment did not exceed some fixed amount. In support of this opinion we may adduce the authority of Pollux (viii. 127), who expressly states that the plaintiff might assess his damages before the arbitrators, when the law did not do so for him.

If the defendant were not present on the proper day to make his last defence, judgment went against him by default (ἐρήμην ὦφλε), the arbitrator being obliged to wait till the evening (ὀψὲ ἡμέρας, Dem. *c. Meid.* p. 541, *c. Timoth.* p. 1190). Sometimes, however, the time of pronouncing sentence was deferred in consequence of a deposition (ὑπωμοσία, Pollux, viii. 60; Harpocr. *s. v.*) alleging a satisfactory cause for postponement, such as sickness, absence from town, military service, or other reasons. To substantiate these, the applicant, when possible, appeared personally; but if a party was prevented from appearing on the day of trial, by any unexpected event, the ὑπωμοσία might be made on oath by authorised friends. (Dem. *c. Olymp.* p. 1174. 4; Pollux, viii. 56.) The ὑπωμοσία might be met by a counter-statement (ἀνθυπωμοσία) from the opposite party affirming his belief that the reasons alleged were fictitious or colourable. In connection with this point, we may observe that, according to Pollux (viii. 60), the motion for a new trial could only be sustained in cases where the applicant had made a ὑπωμοσία, and demurred either personally or by proxy against the passing of judgment on the regular day. Moreover, it was incumbent on the party who wished for a new trial to move for it within ten days after judgment had been pronounced, and even then he was obliged to take a kind of ὑπωμοσία, to the effect that his absence on the proper day was involuntary. (Pollux, viii. 60.) In default of compliance with these conditions, the previous sentence was confirmed. (Dem. *c. Meid.* p. 542.) We are told also by Photius (*Lex. s. v.* μὴ οὖσα δίκη), that it was competent for plaintiff as well as defendant to move for a new trial on the grounds we have mentioned. When it was granted, the former verdict was set aside (ἡ ἐρήμη ἐλύετο), and the parties went again before an arbitrator, probably through the instrumentality of the εἰσαγωγεῖς, to whom application had been made in the first instance. The process itself is called ἀντίληξις in Greek, and does not seem to have been confined to trials before the Diaetetae: the corresponding term in Roman law is *restauratio eremodicii.*

This, however, was not the only means of setting aside a judgment, inasmuch as it might also be effected by an ἔφεσις, or appeal to the higher courts [Appellatio (Greek)], and if false evidence had been tendered, by a δίκη κακοτεχνιῶν (Harpocr. *s. v.*; Dem. *c. Timoth.* p. 1201. 5).

It remains to speak of the strictly private arbitrators, chosen by mutual agreement between contending parties, and therefore generally distinguished by the title αἱρετοί, of whom it must be understood that they were not selected from the διαιτηταί of the tribes. The powers with which they were invested, were, as we might suppose, not always the same; sometimes they were merely διαλλακταί, or chosen to effect a compromise or reconciliation: thus Isaeus (*De Dicaeog. Hered.* p. 54, ed. Bekk.) speaks of arbitrators offering either to bring about a reconciliation if they could, without taking an oath, or to make an award (ἀποφαίνεσθαι) upon oath. Sometimes, on the other hand, they were purely referees, and then their powers depended upon the terms of the agreement of reference; if these powers were limited, the arbitration was a δίαιτα ἐπὶ ῥητοῖς (Isocr. *c. Call.* p. 373, ed. Bekk.). The agreement was not merely a verbal contract (*stipulatio*), but drawn up in writing (ἐπιτροπὴ κατὰ συνθήκας, Dem. *c. Phor.* p. 912), and signed by the parties; it fixed the number of referees (generally three), determined how many unanimous votes were necessary for a valid decision, and probably reserved or prohibited, as the case might be, a right of appeal to other authorities. (Isocr. *c. Call.* p. 375, ed. Bekk.; Dem. *c. Apat.* p. 897.)

If there were no limitations, these Diaetetae were then, so to speak, arbitrators proper, according to the definition of Festus (p. 15, ed. Müller): — "Arbiter dicitur judex, quod totius rei habeat arbitrium et potestatem." Moreover, no appeal could be brought against their judgment (Dem. *c. Meid.* p. 545); though we read of an instance of a party having persuaded his opponent to leave a matter to the arbitration of three persons; and afterwards, when he found they were likely to decide against himself, going before one of the public arbitrators. (Dem. *c. Apheb.* p. 862.) We should, however, suppose that in this case there was no written συνθήκη. The award was frequently given under the sanction of an oath, and had the same force as the judgment which proceeded from a court of law, so that it might be followed by a δίκη ἐξούλης. (Dem. *c. Callip.* p. 1240. 22.) We may add, that these private Diaetetae are spoken of as sitting ἐν τῷ ἱερῷ, ἐν τῷ Ἡφαιστείῳ, and that in some cases it was customary to give notice of their appointment to the proper archon or magistrate (ἀποφέρειν πρὸς τὴν ἀρχήν), who, as Hudtwalcker suggests, may have acted as an εἰσαγωγεύς in the case. (Dem. *c. Callip.* p. 1244. 14, *c. Meid.* p. 542. 14.) [R. W.]

DIAGRAPHEIS (διαγραφεῖς). [Eisphora.]

DIA'LIS FLAMEN. [Flamen.]

DIAMARTY'RIA (διαμαρτυρία.) [Anacrisis.]

DIAMASTIGO'SIS (διαμαστίγωσις), was a solemnity performed at Sparta at the festival of Artemis Orthia, whose temple was called Limnaeon, from its situation in a marshy part of the town. (Paus. iii. 16. § 6.) The solemnity was this: — Spartan youths (ἔφηβοι) were scourged on the occasion at the altar of Artemis, by persons appointed for the purpose, until their blood gushed forth and covered the altar. The scourging itself was preceded by a preparation, by which those who intended to undergo the diamastigosis tried to harden themselves against its pains. Pausanias describes the origin of the worship of Artemis Orthia, and of the diamastigosis, in the following manner: — A wooden statue of Artemis, which Orestes had brought from Tauris, was found in a bush by Astrabacus and Alopecus, the sons of Irbus. The two men were immediately struck mad at the sight of it. The Limnaeans and the inhabitants of other neighbouring places then offered sacrifices to the goddess; but a quarrel ensued among them, in which several individuals were killed at the altar of Artemis, who now demanded atonement for the pollution of her sanctuary. From henceforth human victims were selected by lot and offered to Artemis, until Lycurgus introduced the scourging of young men at her altar as a substitute for human sacrifices.

The diamastigosis, according to this account, was a substitute for human sacrifice, and Lycurgus made it also serve his purposes of education, in so far as he made it a part of the system of hardening the Spartan youths against bodily sufferings. (Plut. *Lyc.* 18, *Instit. Laced.* p. 254; Cic. *Tuscul.* v. 27.) According to another far less probable account, the diamastigosis originated in a circumstance, recorded by Plutarch (*Aristid.* 17), which happened before the battle of Plataeae.

The worship of Artemis Orthia was unquestionably very ancient, and the diamastigosis only a step from barbarism towards civilisation. Many anecdotes are related of the courage and intrepidity with which young Spartans bore the lashes of the scourge; some even died without uttering a murmur at their sufferings, for to die under the strokes was considered as honourable a death as that on the field of battle. (Compare Müller's *Dor.* ii. 9. § 6. *note k*, and iv. 5. § 8., *note c.;* Manso, *Sparta*, i. 2. p. 183.) [L. S.]

DIA'NOMAE (*διανομαί*) or DIA'DOSEIS (*διαδόσεις*) were public donations to the Athenian people, which corresponded to the Roman *congiaria.* [CONGIARIUM.] To these belong the free distributions of corn (Aristoph. *Vesp.* 715), the cleruchiae [COLONIA (Greek)], the revenues from the mines, and the money of the theorica. [THEORICON.]

DIAPSE'PHISIS (*διαψήφισις*), a political institution at Athens, the object of which was to prevent aliens, or such as were the offspring of an unlawful marriage, from assuming the rights of citizens. As usurpations of this kind were not uncommon at Athens (Plut. *Pericl.* 37; Harpocr. *s. v. ποταμός*), various measures had been adopted against them (*γραφαὶ ξενίας* and *δωροξενίας*); but as none of them had the desired effect, a new method, the *διαψήφισις* was devised, according to which the trial on spurious citizens was to be held by the demotae, within whose deme intruders were suspected to exist; for if each deme separately was kept clear of intruders, the whole body of citizens would naturally feel the benefit. Every deme therefore obtained the right or duty at certain times to revise its lexiarchic registers, and to ascertain whether any had entered their names who had no claims to the rights of citizens. The assembly of the demotae, in which these investigations took place, was held under the presidency of the demarch, or some senator belonging to the deme (Harpocr. *s. v. δήμαρχος*); for in the case brought forward in the oration of Demosthenes against Eubulides, we do not find that he was demarch, but it is merely stated that he was a member of the *βουλή*. When the demotae were assembled, an oath was administered to them, in which they promised to judge impartially, without favour towards, or enmity against, those persons on whom they might have to pass sentence. The president then read the names of the demotae from the register, asking the opinion of the assembly (*διαψηφίζεσθαι*) respecting each individual, whether they thought him a true and legitimate citizen or not. Any one then had the right to say what he thought or knew of the person in question; and when any one was impeached, a regular trial took place. (Dem. *c. Eubul.* p. 1302; Aeschin. *De Fals. Leg.* p. 345.) Pollux (viii. 18) says that the demotae on this occasion gave their votes with leaves and not with pebbles as was usual, but Demosthenes simply calls them *ψῆφοι.* If a person was found guilty of having usurped the rights of a citizen (*ἀποψηφίζεσθαι*), his name was struck from the lexiarchic register, and he himself was degraded to the rank of an alien. But if he did not acquiesce in the verdict, but appealed to the great courts of justice, at Athens, a heavier punishment awaited him, if he was found guilty there also; for he was then sold as a slave, and his property was confiscated by the state. (Dionys. Hal. *de Isaeo*, c. 16. p. 617, ed. Reiske; *Argument. ad Demosth. c. Eubul.*)

If by any accident the lexiarchic registers had been lost or destroyed, a careful scrutiny of the same nature as that described above, and likewise called *διαψήφισις*, took place, in order to prevent any spurious citizen from having his name entered in the new registers. (Dem. *l. c.* p. 1306.)

It is commonly believed that the *διαψήφισις* was introduced at Athens in B. C. 419, by one Demophilus. (Schömann, *De Comitiis*, p. 358, transl.; Wachsmuth, *Hellen. Alterthumsk.* vol. i. p. 549, 2nd ed.) But it has justly been remarked by Siebelis on Philochorus (*Fragm.* p. 61), that Harpocration (*s. v. διαψήφισις*), the apparent authority for this supposition, cannot be interpreted in this sense. One *διαψήφισις* is mentioned by Plutarch (*Pericl.* 37) as early as B. C. 445. Clinton (*F. H.* ii. p. 141) has, moreover, shown that the *διαψήφισις* mentioned by Harpocration, in the archonship of Archias, does not belong to B. C. 419, but to B. C. 347. Compare Hermann, *Manual of the Pol. Ant. of Greece*, § 123. n. 14, &c.; and Schömann, *l. c.*, whose lengthened account, however, should be read with great care, as he makes some statements which seem to be irreconcilable with each other, and not founded on good authority. The source from which we derive most information on this subject is the oration of Demosthenes against Eubulides. [L. S.]

DIA'RIUM. [SERVUS.]

DIA'SIA (*διάσια*), a great festival celebrated at Athens, without the walls of the city (*ἔξω τῆς πόλεως*), in honour of Zeus, surnamed *Μειλίχιος* (Thuc. i. 126). The whole people took part in it, and the wealthier citizens offered victims (*ἱερεῖα*), while the poorer classes burnt such incense as their country furnished (*ϑύματα ἐπιχώρια*), which the scholiast on Thucydides erroneously explains as cakes in the shape of animals. (Compare Xen. *Anab.* vii. 8. § 4; Lucian *Tim.* 7; Aristoph.

Nub. 402, &c.) The diasia took place in the latter half of the month of Anthesterion (Schol. *ad Aristoph. l. c.*) with feasting and rejoicings, and was, like most other festivals, accompanied by a fair. (Aristoph. *Nub.* 841.) It was this festival at which Cylon was enjoined by an oracle to take possession of the acropolis of Athens; but he mistook the oracle, and made the attempt during the celebration of the Olympian games. (Compare Pollux, i. 26; Suidas *s. v.*) The etymology of διάσια, given by most of the ancient grammarians (from Διὸς and ἄση) is false, the name is a mere derivative from διὸς, as Ἀπολλώνια from Ἀπόλλων. [L. S.]

DIASTYLOS. [Templum.]

DIATRE'TA. [Vitrum.]

DIAULOS (δίαυλος). [Stadium.]

DIAZO'MA (διάζωμα). [Subligaculum.]

DICASTE'RION (δικαστήριον), indicates both the aggregate judges that sat in court, and the place itself in which they held their sittings. For an account of the former, the reader is referred to the article Dicastes: with respect to the latter, our information is very imperfect. In the earlier ages there were five celebrated places at Athens set apart for the sittings of the judges, who had cognizance of the graver causes in which the loss of human life was avenged or expiated, viz. the areiopagites and the ephetae. These places were the Areiopagus [Areiopagus], and the ἐπὶ Παλλαδίῳ, ἐπὶ Δελφινίῳ, ἐπὶ Πρυτανείῳ, and ἐν Φρεαττοῖ. The antiquity of these four last is sufficiently vouched for by the archaic character of the division of the causes that were appropriated to each: in the first we are told that accidental deaths were discussed; in the second homicides confessed, but justified; in the third there were quasi trials of inanimate things, which, by falling and the like, had occasioned a loss of human life; in the fourth homicides who had returned from exile, and committed a fresh manslaughter, were appointed to be tried. With respect to these ancient institutions, of which little more than the name remained when the historical age commenced, it will be sufficient to observe that, in accordance with the ancient Greek feeling respecting murder, viz., that it partook more of the nature of a ceremonial pollution than a political offence, the presiding judge was invariably the king archon, the Athenian rex sacrorum: and that the places in which the trials were held were open to the sky, to avoid the contamination which the judges might incur by being under the same roof with a murderer. (Matthiae, *De Jud. Ath.* p. 157.) The places, however, remained after the office of the judges who originally sat there, was abolished; and they appear from Demosthenes (*c. Neaer.* p. 1348. 21) to have been occasionally used by the ordinary Heliastic judges when trying a cause of the kind to which they were originally appropriated. The most important court in later ages was the Heliaea, in which, we are told by the grammarians, the weightiest cases were decided; and if so, we may conclude the thesmothetae were the presiding magistrates. Besides this, ordinary Heliastic courts sate in the Odeium, in the courts Trigonon, the Greater (Μεῖζον), the Middle (Μέσον), the Green, the Red, that of Metiochus, and the Parabyston: but of these we are unable to fix the localities, or to what magistrates it was usual to apportion them. They were all painted with their distinctive colours; and, it appears, had a letter of the alphabet inscribed over the doorway. With the exception of the Heliaea, and those in which causes of murder were tried, they were probably protected from the weather. The dicasts sat upon wooden benches, which were covered with rugs or matting (ψιαθία,) and there were elevations or tribunes (βήματα), upon which the antagonist advocates stood during their address to the court. The space occupied by the persons engaged in the trial was protected by a railing (δρυφάκτοις) from the intrusion of the bystanders; but in causes which bore upon the violation of the mysteries, a further space of fifty feet all round was enclosed by a rope, and the security of this barrier guaranteed by the presence of the public slaves. (Meier, *Att. Proc.* p. 1141.) [J. S. M.]

DICASTES (δικαστής), in its broadest acceptation a judge, more peculiarly denotes the Attic functionary of the democratic period, who, with his colleagues, was constitutionally empowered to try and pass judgment upon all causes and questions that the laws and customs of his country pronounced susceptible of judicial investigation. In the circumstance of a plurality of persons being selected from the mass of private citizens, and associated temporarily as representatives of the whole body of the people, adjudicating between its individual members, and of such delegates swearing an oath that they would well and truly discharge the duties entrusted to them, there appears some resemblance between the constitution of the Attic dicasterion and an English jury, but in nearly all other respects the distinctions between them are as great as the intervals of space and time which separate their several nations. At Athens the conditions of his eligibility were, that the dicast should be a free citizen, in the enjoyment of his full franchise (ἐπιτιμία), and not less than thirty years of age, and of persons so qualified six thousand were selected by lot for the service of every year. Of the precise method of their appointment our notices are somewhat obscure: but we may gather from them that it took place every year under the conduct of the nine archons and their official scribe; that each of these ten personages drew by lot the names of six hundred persons of the tribe assigned to him; that the whole number so selected was again divided by lot into ten sections of 500 each, together with a supernumerary one, consisting of a thousand persons, from among whom the occasional deficiencies in the sections of 500 might be supplied. To each of the ten sections one of the ten first letters of the alphabet was appropriated as a distinguishing mark, and a small tablet (πινάκιον), inscribed with the letter of the section and the name of the individual, was delivered as a certificate of his appointment to each dicast. Three bronze plates found in the Peiraeeus, and described by Dodwell (*Travels*, vol. i. pp. 433—437), are supposed to have served this purpose; the inscriptions upon them consist of the following letters:—Δ. ΔΙΟΔΩΡΟΣ ΦΡΕΑ, Ε. ΔΕΙΝΙΑΣ ΑΛΑΙΕΥΣ, and Β. ΑΝΤΙΧΑΡΜΟΣ ΛΑΜΠ, and bear besides representations of owls and Gorgon heads, and other devices symbolic of the Attic people. The thousand supernumeraries had in all probability some different token, but of this we have no certain knowledge.

Before proceeding to the exercise of his functions the dicast was obliged to swear the official oath; which was done in the earlier ages at a place called Ardettus, without the city, on the banks of the Ilissus, but in after times at some other spot, of which we are not informed. In the time of Demosthenes the oath (which is given at full length in Dem. *c. Timoc.* p. 746) asserted the qualification of the dicast, and a solemn engagement by him to discharge his office faithfully and incorruptibly in general, as well as in certain specified cases which bore reference to the appointment of magistrates, a matter in no small degree under the control of the dicast, inasmuch as few could enter upon any office without having had their election submitted to a court for its approbation [DOCIMASIA]; and besides these, it contained a general promise to support the existing constitution, which the dicast would of course be peculiarly enabled to do, when persons were accused before him of attempting its subversion. This oath being taken, and the divisions made as above mentioned, it remained to assign the courts to the several sections of dicasts in which they were to sit. This was not, like the first, an appointment intended to last during the year, but took place under the conduct of the thesmothetae, *de novo*, every time that it was necessary to impanel a number of dicasts. In ordinary cases, when one, two, or more sections of 500 made up the complement of judges appropriated to trying the particular kind of cause in hand, the process was extremely simple. Two urns or caskets (*κληρωτήρια*) were produced, one containing tickets inscribed with the distinctive letters of the sections; the other furnished, in like manner, with similar tickets to indicate the courts in which the sittings were to be held. If the cause was to be tried by a single section, a ticket would be drawn simultaneously from each urn, and the result announced, that section B, for instance, was to sit in court Γ; if a thousand dicasts were requisite, two tablets would, in like manner, be drawn from the urn that represented the sections, while one was drawn from the other as above mentioned, and the announcement might run that sections A and B were to sit in court Γ, and the like. A more complicated system must have been adopted when fractional parts of the section sat by themselves, or were added to other whole sections: but what this might have been we can only conjecture, and it is obvious that some other process of selection must have prevailed upon all those occasions when judges of a peculiar qualification were required; as, for instance, in the trial of violators of the mysteries, when the initiated only were allowed to judge; and in that of military offenders who were left to the justice of those only whose comrades they were, or should have been at the time when the offence was alleged to have been committed. It is pretty clear that the allotment of the dicasts to their several courts for the day, took place in the manner above-mentioned, in the market place, and that it was conducted in all cases, except one, by the thesmothetae; in that one, which was when the magistrates and public officers rendered an account of their conduct at the expiration of their term of office, and defended themselves against all charges of malversation in it [EUTHYNE], the logistae were the officiating personages. As soon as the allotment had taken place, each dicast received a staff, on which was painted the letter and colour of the court awarded him, which might serve both as a ticket to procure admittance, and also to distinguish him from any loiterer that might endeavour clandestinely to obtain a sitting after business had begun.

The dicasts received a fee for their attendance (*τὸ δικαστικόν* or *μίσθος δικαστικός*). This payment is said to have been first instituted by Pericles (Aristot. *Polit.* ii. 9. p. 67, ed. Göttling; Plut. *Per.* 9; Plat. *Gorg.* p. 515); and it is generally supposed from Aristophanes (*Nub.* 840), who makes Strepsiades say that for the first obolus he ever received as a dicast, he bought a toy for his son, that it was at first only one obolus. According to the Scholiast on Aristophanes (*Ran.* 140) the pay was subsequently increased to two oboli, but this seems to be merely an erroneous inference from the passage of his author. Three oboli or the *triobolon* (*τριώβολον*) occurs as early as B. C. 425 in the comedies of Aristophanes, and is afterwards mentioned frequently. (Aristoph. *Eq.* 51, 255, *Vesp.* 584, 654, 660, *Ran.* 1540, &c.) Böckh has inferred from these passages that the triobolon was introduced by Cleon about B. C. 421; but G. Hermann (*Praef. ad Aristoph. Nub.* p. 1, &c. 2nd edit.) has disputed this opinion, at least so far as it is founded upon Aristophanes, and thinks that the pay of three oboli for the dicasts existed before that time. However this may be, thus much is certain, that the pay of the dicasts was not the same at all times, although it is improbable that it should ever have been two oboli. (Aristot. *ap. Schol. ad Aristoph. Vesp.* 682; Hesych. *s. v.* *δικαστικόν*; Suid. *s. v.* *ἡλιασταί*.) The payment was made after every assembly of a court of heliastae by the Colacretae (Lucian, *Bis accusat.* 12, 15) in the following manner. After a citizen had been appointed by lot to act as judge in a particular court, he received on entering the court together with the staff (*βακτηρία* or *ῥάβδος*) a tablet or ticket (*σύμβολον*). After the business of the court was over, the dicast, on going out, delivered his ticket to the prytaneis, and received his fee in return. (Schol. *ad Aristoph. Plut.* 277; Suid. *s. v.* *βακτηρία*; Etymol. M. *s. v.* *σύμβολον*; Pollux, viii. 16.) Those who had come too late had no claim to the triobolon. (Aristoph. *Vesp.* 660.) The annual amount of these fees is reckoned by Aristophanes (*Vesp.* 560, &c. with the Schol.) at 150 talents, a sum which is very high and can perhaps only be applied to the most flourishing times of Athens. (Böckh, *Publ. Econ. of Athens*, p. 227, 2nd ed.; Meier, *Att. Proc.* p. 125, &c. [J. S. M.]

DICASTICON (*δικαστικόν*). [DICASTES.]

DIKE′ (*δίκη*), signifies generally any proceedings at law by one party directly or mediately against others. (Harpocrat. *s. v.*; Pollux, viii. 40, 41.) The object of all such actions is to protect the body politic, or one or more of its individual members, from injury and aggression; a distinction which has in most countries suggested the division of all causes into two great classes, the public and the private, and assigned to each its peculiar form and treatment. At Athens the first of these was implied by the terms public *δίκαι*, or *ἀγῶνες*, or still more peculiarly by *γραφαί*: causes of the other class were termed private *δίκαι* or *ἀγῶνες*, or simply *δίκαι* in its limited sense. There is a still further subdivision of *γραφαί* into *δημοσίαι* and *ἴδιαι*, of which the former is somewhat analogous to impeachments for offences directly against the state; the latter, to criminal prosecutions, in which the state appears as a party mediately injured in the violence or other wrong done to individual citizens. It will be observed that cases frequently arise, which, with reference to the wrong complained of, may with equal propriety be brought before a court in the form of the γραφή last mentioned, or in that of an ordinary δίκη, and under these circumstances the laws of Athens gave the prosecutor an ample choice of methods to vindicate his rights by private or public proceedings (Dem. *c. Andoc.* p. 601), much in the same way as a plaintiff in modern times may, for the same offence, prefer an indictment for assault, or bring his civil action for trespass on the person. It will be necessary to mention some of the principal distinctions in the treatment of causes of the two great classes above mentioned, before proceeding to discuss the forms and treatment of the private lawsuit.

In a δίκῃ, only the person whose rights were alleged to be affected, or the legal protector (κύριος) of such person, if a minor or otherwise incapable of appearing *suo jure*, was permitted to institute an action as plaintiff; in public causes, with the exception of some few in which the person injured or his family were peculiarly bound and interested to act, any free citizen, and sometimes, when the state was directly attacked, almost any alien, was empowered to do so. In all private causes, except those of ἐξούλης, βιαίων, and ἐξαιρέσεως, the penalty or other subject of contention was exclusively recovered by the plaintiff, while in most others the state alone, or jointly with the prosecutor, profited by the pecuniary punishment of the offender. The court fees, called prytaneia, were paid in private but not in public causes, and a public prosecutor that compromised the action with the defendant was in most cases punished by a fine of a thousand drachmae and a modified disfranchisement, while there was no legal impediment at any period of a private lawsuit to the reconciliation of the litigant parties. (Meier, *Att. Process*, p. 163.)

The proceedings in the δίκη were commenced by a summons to the defendant (πρόσκλησις) to appear on a certain day before the proper magistrate (εἰσαγωγεύς), and there answer the charges preferred against him. (Arist. *Nub.* 1221, *Av.* 1046.) This summons was often served by the plaintiff in person, accompanied by one or two witnesses [Cleteres], whose names were endorsed upon the declaration (λῆξις or ἔγκλημα). If there were an insufficient service of the summons, the lawsuit was styled ἀπρόσκλητος, and dismissed by the magistrate. (Hesych.) From the circumstance of the same officer that conducted the anacrisis being also necessarily present at the trial, and as there were besides dies nefasti (ἀποφράδες) and festivals, during which none, or only some special causes could be commenced, the power of the plaintiff in selecting his time was, of course, in some degree limited; and of several causes, we know that the time for their institution was particularised by law. (Aristoph. *Nub.* 1190.) There were also occasions upon which a personal arrest of the party proceeded against took the place of, or at all events was simultaneous with, the service of the summons; as for instance, when the plaintiff doubted whether such party would not leave the country to avoid answering the action; and accordingly we find that in such cases (Dem. *c. Zenoth.* p. 890, *c. Aristog.* p. 778) an Athenian plaintiff might compel a foreigner to accompany him to the polemarch's office, and there produce bail for his appearance, or failing to do so, submit to remain in custody till the trial. The word κατεγγυᾶν is peculiarly used of this proceeding. Between the service of the summons and appearance of the parties before the magistrate, it is very probable that the law prescribed the intervention of a period of five days. (Meier, *Att. Process*, p. 580.) If both parties appeared, the proceedings commenced by the plaintiff putting in his declaration, and at the same time depositing his share of the court fees (πρυτανεῖα), the non-payment of which was a fatal objection to the further progress of a cause. (Matth. *De Jud. Ath.* p. 261.) These were very trifling in amount. If the subject of litigation was rated at less than 100 drachmae, nothing was paid; if at more than 100 drachmae and less than 1000 drachmae, 3 drachmae was a sufficient deposit, and so on in proportion. If the defendant neglected or refused to make his payment, it is natural to conclude that he underwent the penalties consequent upon non-appearance; in all cases the successful party was reimbursed his prytaneia by the other. (Meier, *Att. Process*, p. 613.) The παρακαταβολή was another deposit in some cases, but paid by the plaintiff only. This was not in the nature nor of the usual amount of the court fees, but a kind of penalty, as it was forfeited by the suitor in case he failed in establishing his cause. In a suit against the treasury, it was fixed at a fifth; in that of a claim to the property of a deceased person by an alleged heir or devisee, at a tenth of the value sought to be recovered. (Matth. *De Jud. Ath.* p. 260.) If the action was not intended to be brought before an heliastic court, but merely submitted to the arbitration of a diaetetes [Diaetetes], a course which was competent to the plaintiff to adopt in all private actions (Hudtwalcker, *De Diaetet.* p. 35), the drachma paid in the place of the deposit above mentioned bore the name of παράστασις. The deposits being made, it became the duty of the magistrate, if no manifest objection appeared on the face of the declaration, to cause it to be written out on a tablet, and exposed for the inspection of the public on the wall or other place that served as the cause list of his court. (Meier, *Att. Process*, p. 605.)

The magistrate then appointed a day for the further proceedings of the anacrisis [Anacrisis], which was done by drawing lots for the priority in case there was a plurality of causes instituted at the same time; and to this proceeding the phrase λαγχάνειν δίκην, which generally denotes to bring an action, is to be primarily attributed. If the plaintiff failed to appear at the anacrisis, the suit, of course, fell to the ground; if the defendant made default, judgment passed against him. (Meier, *Att. Process*, p. 623.) Both parties, however, received an official summons before their non-appearance was made the ground of either result. An affidavit might at this, as well as at other periods of the action, be made in behalf of a person unable to attend upon the given day, and this would, if allowed, have the effect of postponing further proceedings (ὑπωμοσία); it might, however, be combated by a counter-affidavit to the effect, that the alleged reason was unfounded or otherwise insufficient (ἀνθυπωμοσία); and a question would arise upon this point, the decision of which, when adverse to the defendant, would render him liable to the penalty of contumacy. (Dem. *c. Olymp.* p. 1174.) The plaintiff was in this case said *ἐρήμην ἑλεῖν*: the defendant, *ἐρήμην ὀφλεῖν*, *δίκην* being the word omitted in both phrases. If the cause were primarily brought before an umpire (*διαιτητής*), the anacrisis was conducted by him; in cases of appeal it was dispensed with as unnecessary. The anacrisis began with the affidavit of the plaintiff (*προωμοσία*), then followed the answer of the defendant (*ἀντωμοσία* or *ἀντιγραφή* [ANTIGRAPHE], then the parties produced their respective witnesses, and reduced their evidence to writing, and put in originals, or authenticated copies, of all the records, deeds, and contracts that might be useful in establishing their case, as well as memoranda of offers and requisitions then made by either side (*προκλήσεις*). The whole of the documents were then, if the cause took a straight-forward course (*εὐθυδικία*), enclosed on the last day of the anacrisis in a casket (*ἐχῖνος*), which was sealed and entrusted to the custody of the presiding magistrate, till it was produced and opened at the trial. During the interval no alteration in its contents was permitted, and accordingly evidence that had been discovered after the anacrisis was not producible at the trial. (Dem. *c. Boeot.* i. p. 999.) In some causes, the trial before the dicasts was by law appointed to come on within a given time; in such as were not provided for by such regulations, we may suppose that it would principally depend upon the leisure of the magistrate. The parties, however, might defer the day (*κυρία*) by mutual consent. (Dem. *c. Phaen.* p. 1042.) Upon the court being assembled, the magistrate called on the cause (Platner, *Process und Klagen*, vol. i. p. 182), and the plaintiff opened his case. At the commencement of the speech, the proper officer (*ὁ ἐφ' ὕδωρ*) filled the clepsydra with water. As long as the water flowed from this vessel, the orator was permitted to speak; if, however, evidence was to be read by the officer of the court, or a law recited, the water was stopped till the speaker recommenced. The quantity of water, or, in other words, the length of the speeches, was not by any means the same in all causes: in the speech against Macartatus, and elsewhere, one amphora only was deemed sufficient; eleven are mentioned in the impeachment of Aeschines for misconduct in his embassy. In some few cases, as those of *κάκωσις*, according to Harpocration, no limit was prescribed. The speeches were sometimes interrupted by the cry *κατάβα*—"go down," in effect, "cease speaking"—from the dicasts, which placed the advocate in a serious dilemma; for if after this he still persisted in his address, he could hardly fail to offend those who bid him stop; if he obeyed the order, it might be found, after the votes had been taken, that it had emanated from a minority of the dicasts. (Aristoph. *Vesp.* 973.) After the speeches of the advocates, which were in general two on each side, and the incidental reading of the documentary and other evidence, the dicasts proceeded to give their judgment by ballot. [PSEPHOS.]

When the principal point at issue was decided in favour of the plaintiff, there followed in many cases a further discussion as to the amount of damages, or penalty, which the defendant should pay. [TIMEMA.] The method of voting upon this question seems to have varied, in that the dicasts used a small tablet instead of a ballot-ball, upon which those that approved of the heavier penalty drew a long line, the others a short one. (Aristoph. *Vesp.* 167.) Upon judgment being given in a private suit, the Athenian law left its execution very much in the hands of the successful party, who was empowered to seize the movables of his antagonist as a pledge for the payment of the money, or institute an action of ejectment (*ἐξούλης*) against the refractory debtor. The judgment of a court of dicasts was in general decisive (*δίκη αὐτοτελής*); but upon certain occasions, as, for instance, when a gross case of perjury or conspiracy could be proved by the unsuccessful party to have operated to his disadvantage, the cause, upon the conviction of such conspirators or witnesses, might be commenced *de novo*. [APPELLATIO (GREEK).] In addition to which, the party against whom judgment had passed by default, had the power to revive the cause, upon proving that his non-appearance in court was inevitable (*τὴν ἐρήμην ἀντιλαχεῖν*, Platner, *Process und Klagen*, vol. i. p. 396); this, however, was to be exercised within two months after the original judgment. If the parties were willing to refer the matter to an umpire (*διαιτητής*), it was in the power of the magistrate to transfer the proceedings as they stood to that officer; and in the same way, if the diaetetes considered the matter in hand too high for him, he might refer it to the *εἰσαγωγεύς*, to be brought by him before an heliastic court. The whole of the proceedings before the diaetetes were analogous to those before the dicasts, and bore equally the name of *δίκη*: but it seems that the phrase *ἀντιλαχεῖν τὴν μὴ οὖσαν* is peculiarly applied to the revival of a cause before the umpire in which judgment had passed by default.

The following are the principal actions, both public and private, which we read of in the Greek writers, and which are briefly discussed under their several heads:—

Δίκη or Γραφή—Ἀδικίας πρὸς τὸν δῆμον: Ἀγεωργίου: Ἀγραφίου: Ἀγράφου μετάλλου: Αἰκίας: Ἀλογίου: Ἀμβλώσεως: Ἀμελίου: Ἀναγωγῆς: Ἀναυμαχίου: Ἀνδραποδισμοῦ: Ἀνδραπόδων: Ἀπατήσεως τοῦ δημοῦ: Ἀφορμῆς: Ἀπολείψεως: Ἀποπέμψεως: Ἀποστασίου: Ἀπροστασίου: Ἀργίας: Ἀργυρίου: Ἀσεβείας: Ἀστρατείας: Αὐτομολίας: Αὐτοτελής: Βεβαιώσεως: Βιαίων: Βλάβης: Βουλεύσεως: Κακηγορίας: Κακώσεως: Κακοτεχνιῶν: Κάρπου: Καταλύσεως τοῦ δημοῦ: Κατασκοπῆς: Χρέους: Χωρίου: Κλοπῆς: Δεκασμοῦ: Δειλίας: Δώρων: Δωροξενίας: Ἐγγύης: Ἐνοικίου: Ἐπιτριηραρχήματος: Ἐπιτροπῆς: Ἐξαγωγῆς: Ἐξαιρέσεως: Ἐξούλης: Ἁρπαγῆς: Εἱργμοῦ: Ἑταιρήσεως: Ἱεροσυλίας: Ὑποβολῆς: Ὕβρεως: Λειπομαρτυρίου: Λειποναυτίου: Λειποστρατίου: Λειποταξίου: Μισθοῦ: Μισθώσεως οἴκου: Μοιχείας: Νομίσματος διαφθορᾶς: Οἰκίας: Παρακαταθήκης: Παρανοίας: Παρανόμων: Παραπρεσβείας: Παρεισγραφῆς: Φαρμάκων: Φόνου: Φορᾶς ἀφανοῦς καὶ μεθημερίνης: Φθορᾶς τῶν ἐλευθέρων: Προαγωγίας: Προδοσίας: Προεισφορᾶς: Προικός: Ψευδεγγραφῆς: Ψευδοκλητείας: Ψευδομαρτυριῶν: Ῥητορική: Σκυρία: Σίτου: Συκοφαντίας: Συμβολαίων, or Συνθηκῶν παραβάσεως: Τραύματος ἐκ προνοίας: Τυραννίδος. [J. S. M.]

DI'CROTUM. [NAVIS.]

DICTA'TOR, an extraordinary magistrate at Rome. The name is of Latin origin, and the office probably existed in many Latin towns before it was introduced into Rome (Dionys. v. 74). We find it in Lanuvium even in very late times (Cic. *pro Mil.* 10). At Rome this magistrate was originally called *magister populi* and not *dictator*, and in the sacred books he was always designated by the former name down to the latest times. (Cic. *de Rep.* i. 40, *de Leg.* iii. 3, *de Fin.* iii. 22 ; Var. *L. L.* v. 82, ed. Müller ; Festus, *s. v. optima lex*, p. 198, ed. Müller.)

On the establishment of the Roman republic the government of the state was entrusted to *two* consuls, that the citizens might be the better protected against the tyrannical exercise of the supreme power. But it was soon felt that circumstances might arise in which it was of importance for the safety of the state that the government should be vested in the hands of a single person, who should possess for a season absolute power, and from whose decision there should be no appeal to any other body. Thus it came to pass that in B. C. 501, nine years after the expulsion of the Tarquins, the dictatorship (*dictatura*) was instituted. The name of the first dictator and the immediate reason of his appointment were differently stated in the annalists. The oldest authorities mention T. Larcius, one of the consuls of the year, as the first dictator, but others ascribed this honour to M'. Valerius. (Liv. ii. 18.) Livy states (*l. c.*) that a formidable war with the Latins led to the appointment ; and he also found mentioned in the annals that the consuls of this year were suspected of belonging to the party of the Tarquins ; but in the latter case T. Larcius could not have been one of the consuls. Dionysius relates at length (v. 63—70) that the plebs, who were oppressed by the weight of their debts, took advantage of the danger of the republic to obtain some mitigation of their sufferings, and refused to serve in the army, and that thereupon recourse was had to a dictator to bring them to their duty. But as Livy makes no mention of any internal disturbances in this year, and does not speak of any commotions on account of debts till four years subsequently, we may conclude that Dionysius has in this case, as he has in many others, deserted the annalists in order to give what appeared to him a more satisfactory reason. It is true that the patricians frequently availed themselves of the dictatorship as a means of oppressing the plebs ; but it is certainly unnecessary to seek the first institution of the office in any other cause than the simple one mentioned by Livy, namely, the great danger with which the state was threatened. Modern scholars have stated other reasons for the establishment of the dictatorship, which are so purely conjectural and possess such little inherent probability, that they do not require any refutation. Thus Niebuhr infers (*Hist. of Rome*, vol. i. p. 564) from the Roman dictator being appointed only for six months, that he was at the head both of Rome and of the Latin league, and that a Latin dictator possessed the supreme power for the other six months of the year ; but this supposition, independent of other considerations, is contradicted by the fact, that in the year in which the dictator was first appointed, Rome and the Latins were preparing for war with one another. In like manner Huschke (*Verfassung d. Servius Tullius*, p. 516) starts the strange hypothesis, that the dictatorship was part of the constitution of Servius Tullius, and that a dictator was to be nominated every decennium for the purpose of fixing the *clavus annalis* and of holding the census.

By the original law respecting the appointment of a dictator (*lex de dictatore creando*) no one was eligible for this office, unless he had previously been consul (Liv. ii. 18). We find, however, a few instances in which this law was not observed. (See *e. g.* Liv. iv. 26, 48, vii. 24.) When a dictator was considered necessary, the senate passed a senatus consultum that one of the consuls should nominate (*dicere*) a dictator ; and without a previous decree of the senate the consuls had not the power of naming a dictator, although the contrary used to be asserted in most works on Roman antiquities. In almost all cases we find mention of a previous decree of the senate (see *e. g.* ii. 30, iv. 17, 21, 23, 26, 57, vi. 2, vii. 21, viii. 17, ix. 29, x. 11, xxii. 57); and in the few instances, in which the appointment by the consul is alone spoken of, the senatus consultum is probably not mentioned, simply because it was a matter of course. Niebuhr indeed supposes (*Hist. of Rome*, vol. i. p. 567) that the dictator was originally created by the curiae, like the kings. According to his view the senate proposed a person as dictator, whom the curiae elected and the consul then proclaimed (*dixit*) ; and after this proclamation the newly elected magistrate received the imperium from the curiae. Niebuhr further supposes that the right of conferring the imperium may have led the curiae to dispense with voting on the preliminary nomination of the senate. But this election of the dictator by the curiae is only supported by two passages, one of Dionysius and the other in Festus, neither of which is conclusive in favour of Niebuhr's view. Dionysius simply says (v. 70) that the dictator should be one "whom the senate should nominate and the people approve of" (ἐπιψηφίσηται), but this may merely refer to the granting of the imperium by the curiae. In Festus (p. 198) we read "M. Valerius — qui primus magister *a populo* creatus est ;" but even if there were no corruption in this passage, we need only understand that a dictator was appointed in virtue of a senatus consultum, and certainly need not suppose that by *populus* the curiae are intended: there can however be hardly any doubt that the passage is corrupt, and that the true reading is "qui primus *magister populi* creatus est." We may therefore safely reject the election by the curiae.

The nomination or proclamation of the dictator by the consul was, however, necessary in all cases. It was always made by the consul, probably without any witnesses, between midnight and morning, and with the observance of the auspices (*surgens* or *oriens nocte silentio* [*] *dictatorem dicebat*, Liv. viii. 23, ix. 38, xxiii. 22 ; Dionys. x. 11). The technical word for this nomination or proclamation was *dicere* (seldom *creare* or *facere*). So essential was the nomination of the consuls, that we find the senate on one occasion having recourse to the tribunes of the people to compel the consuls to nominate a dictator, when they had refused to do so (Liv. iv. 26) ; and after the battle at the lake Trasimenus, when all communication with the surviving consul was cut off, the senate provided for the emergency by causing the people to elect a *prodictator*, because, says Livy, the people could not elect (*creare*) a dictator, having never up to that time exercised such a power (Liv. xxii. 8).

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[*] Respecting the meaning of *silentium* in relation to the auspices, see AUGUR, p. 176, b.

In the same spirit it became a question, whether the tribuni militum with consular power could nominate a dictator, and they did not venture to do so till the augurs had been consulted and declared it allowable (Liv. iv. 21). The nomination of Sulla by an interrex and of Caesar by a praetor was contrary to all precedent and altogether illegal. (Comp. Cic. *ad Att.* ix. 15.) The senate seems to have usually mentioned in their decree the name of the person whom the consul was to nominate (Liv. iv. 17, 21, 23, 46, vi. 2, vii. 12, viii. 17, ix. 29, x. 11, xxii. 57); but that the consul was not absolutely bound to nominate the person whom the senate had named, is evident from the cases in which the consuls appointed persons in opposition to the wishes of the senate (Liv. viii. 12, *Epit.* 19; Suet. *Tib.* 2.) It is doubtful what rule was adopted, or whether any existed, for the purpose of determining which of the two consuls should nominate the dictator. In one case we read that the nomination was made by the consul who had the fasces (Liv. viii. 12), in another that it was decided by lot (iv. 26), and in a third that it was matter of agreement among themselves (iv. 21). In later times the senate usually entrusted the office to the consul who was nearest at hand. The nomination took place at Rome, as a general rule; and if the consuls were absent, one of them was recalled to the city, whenever it was practicable (Liv. vii. 19, xxiii. 22); but if this could not be done, a senatus consultum authorising the appointment was sent to the consul, who thereupon made the nomination in the camp. (Liv. vii. 21, viii. 23, ix. 38, xxv. 2, xxvii. 5.) Nevertheless, the rule was maintained that the nomination could not take place outside of the *Ager Romanus*, though the meaning of this expression was extended so as to include the whole of *Italia*. Thus we find the senate in the second Punic war opposing the nomination of a dictator in Sicily, because it was outside of the ager Romanus (*extra agrum Romanum — eum autem Italia terminari*, Liv. xxvii. 5).

Originally the dictator was of course a patrician. The first plebeian dictator was C. Marcius Rutilus, nominated in B. C. 356 by the plebeian consul M. Popillius Laenas. (Liv. vii. 17.)

The reasons, which led to the appointment of a dictator, required that there should be only one at a time. The only exception to this rule occurred in B. C. 216 after the battle of Cannae, when M. Fabius Buteo was nominated dictator for the purpose of filling up the vacancies in the senate, although M. Junius Pera was discharging the regular duties of the dictator; but Fabius resigned on the day of his nomination on the ground that there could not be two dictators at the same time. (Liv. xxiii. 22, 23; Plut. *Fab.* 9.) The dictators that were appointed for carrying on the business of the state were said to be nominated *rei gerundae causa*, or sometimes *seditionis sedandae causa;* and upon them, as well as upon the other magistrates, the imperium was conferred by a *Lex Curiata*. (Liv. ix. 38, 39; Dionys. v. 70.) Dictators were also frequently appointed for some special purpose, and frequently one of small importance, of whom further mention will be made below. At present we confine our remarks to the duties and powers of the dictator rei gerundae causa.

The dictatorship was limited to six months (Cic. *de Leg.* iii. 3; Liv. iii. 29, ix. 34, xxiii. 23; Dionys. v. 70, x. 25; Dion Cass. xxxvi. 17, xlii. 21; Zonar. vii. 13), and no instances occur in which a person held this office for a longer time, for the dictatorships of Sulla and Caesar are of course not to be taken into account. On the contrary, though a dictator was appointed for six months, he often resigned his office long previously, immediately after he had despatched the business for which he had been appointed. (Liv. iii. 29, iv. 46, vi. 29.) As soon as the dictator was nominated, a kind of suspension took place with respect to the consuls and all the other magistrates, with the exception of the tribuni plebis. It is frequently stated that the duties and functions of all the ordinary magistrates entirely ceased, and some writers have even gone so far as to say that the consuls abdicated (Polyb. iii. 87; Cic. *de Leg.* iii. 3; Dionys. v. 70, 72); but this is not a correct way of stating the facts of the case. The regular magistrates continued to discharge the duties of their various offices under the dictator, but they were no longer independent officers, but were subject to the higher imperium of the dictator, and obliged to obey his orders in every thing. We often find the dictator and the consuls at the head of separate armies at the same time, and carrying on war independent of one another (Liv. ii. 30, viii. 29); we see that the soldiers levied by the dictator took the oath of allegiance to the consul (Liv. ii. 32), and that the consuls could hold the consular comitia during a dictatorship. (Liv. xxiii. 23.) All this shows that the consuls did not resign their functions, although they were subject to the imperium of the dictator; and accordingly, as soon as the dictator abdicated, they again entered forthwith into the full possession of the consular power.

The superiority of the dictator's power to that of the consuls consisted chiefly in the three following points — greater independence of the senate, more extensive power of punishment without any appeal (*provocatio*) from their sentence to the people, and irresponsibility. To these three points, must of course be added that he was not fettered by a colleague. We may naturally suppose that the dictator would usually act in unison with the senate; but it is expressly stated that in many cases where the consuls required the co-operation of the senate, the dictator could act on his own responsibility. (Polyb. iii. 87.) For how long a time the dictatorship was a *magistratus sine provocatione*, is uncertain. That there was originally no appeal from the sentence of the dictator is certain, and accordingly the lictors bore the axes in the fasces before them even in the city, as a symbol of their absolute power over the lives of the citizens, although by the Valerian law the axes had disappeared from the fasces of the consuls. (Liv. ii. 18, 29, iii. 20; Zonar. vii. 13; Dionys. v. 70, 75; Pompon. *de Orig. Jur.* § 18.) That an appeal afterwards lay from their sentence to the people, is expressly stated by Festus (*s. v. optima lex*), and it has been supposed that this privilege was granted by the lex Valeria Horatia, passed after the abolition of the decemvirate in B. C. 449, which enacted "ne quis *ullum* magistratum sine provocatione crearet." (Liv. iii. 15). But eleven years afterwards the dictatorship is spoken of as a *magistratus sine provocatione;* and the only instance in Livy (viii. 33—34) in which the dictator is threatened with provocatio, certainly does not prove that this was a legal right; for L. Papirius, who was then dictator, treated the provocatio as an infringement of the rights of his office. We may therefore suppose that the Lex Valeria Horatia only applied to the regular magistracies, and that the dictatorship was regarded as exempt from it. Whether however the right of *provocatio* was afterwards given, or the statement in Festus is an error, cannot be determined. In connection with the *provocatio* there arises another question respecting the relation of the dictatorship to the tribunes of the plebs. We know that the tribunes continued in office during a dictatorship; but we have no reason to believe that they had any control over a dictator, or could hamper his proceedings by their *intercessio* or *auxilium*, as they could in the case of the consuls. The few instances, which appear to prove the contrary, are to be explained in a different manner, as Becker has shown. That the tribunes continued in office as independent magistrates during a dictatorship, while all the other magistrates became simply the officers of the dictator, is to be explained by the fact, that the *lex de dictatore creando* was passed before the institution of the tribuneship of the plebs, and consequently made no mention of it, and that as a dictator was appointed in virtue of a senatus consultum, the senate had no power over the tribunes of the plebs, though they could suspend the other magistrates.

It has been already stated that the dictator was irresponsible, that is, he was not liable after his abdication to be called to account for any of his official acts. This is expressly stated by ancient writers (Zonar. vii. 13, Dionys. v. 70, vii. 56; Plut. *Fab.* 3; Appian, *B. C.* ii. 23), and, even if it had not been stated, it would follow from the very nature of the dictatorship. We find moreover no instance recorded in which a dictator after his resignation was made answerable for the misuse of his power, with the exception of Camillus, whose case however was a very peculiar one. (Compare Becker, *Römisch. Alterth.* vol. ii. part ii. p. 172.)

It was in consequence of the great and irresponsible power possessed by the dictatorship, that we find it frequently compared with the regal dignity, from which it only differed in being held for a limited time. (Cic. *de Rep.* ii. 32; Zonar. vii. 13; Dionys. v. 70, 73; Appian, *B. C.* i. 99; Tac. *Ann.* i. 1.) There were however a few limits to the power of the dictator. 1. The most important was that which we have often mentioned, that the period of his office was only six months. 2. He had not power over the treasury, but could only make use of the money which was granted him by the senate. (Zonar. vii. 13.) 3. He was not allowed to leave Italy, since he might in that case easily become dangerous to the republic (Dion Cass. xxxvi. 17); though the case of Atilius Calatinus in the first Punic war forms an exception to this rule. (Liv. *Epit.* 19.) 4. He was not allowed to ride on horseback at Rome, without previously obtaining the permission of the people (Liv. xxiii. 14; Zonar. vii. 13); a regulation apparently capricious, but perhaps adopted that he might not bear too great a resemblance to the kings, who were accustomed to ride.

The insignia of the consuls were nearly the same as those of the kings in earlier times; and of the consuls subsequently. Instead however of having only twelve lictors, as was the case with the consuls, he was preceded by twenty-four bearing the secures as well as the fasces. The *sella curulis* and *toga praetexta* also belonged to the dictator. (Polyb. iii. 87; Dionys. x. 24; Plut. *Fab.* 4; Appian, *B. C.* i. 100; Dion Cass. liv. 1.).

The preceding account of the dictatorship applies more particularly to the dictator rei gerundae causa; but dictators were also frequently appointed, especially when the consuls were absent from the city, to perform certain acts, which could not be done by any inferior magistrate. These dictators had little more than the name; and as they were only appointed to discharge a particular duty, they had to resign immediately that duty was performed, and they were not entitled to exercise the power of their office in reference to any other matter than the one for which they were nominated. The occasions on which such dictators were appointed, were principally: — 1. For the purpose of holding the comitia for the elections (*comitiorum habendorum causa*). 2. For fixing the *clavus annalis* in the temple of Jupiter (*clavi figendi causa*) in times of pestilence or civil discord, because the law said that this ceremony was to be performed by the *praetor maximus*, and after the institution of the dictatorship the latter was regarded as the highest magistracy in the state (Liv. vii. 3). 3. For appointing holidays (*feriarum constituendarum causa*) on the appearance of prodigies (Liv. vii. 28), and for officiating at the public games (*ludorum faciendorum causa*), the presidency of which belonged to the consuls or praetors (viii. 40, ix. 34). 4. For holding trials (*quaestionibus exercendis*, ix. 36). 5. And on one occasion, for filling up vacancies in the senate (*legendo senatui*, xxiii. 22).

Along with the dictator there was always a *magister equitum*, the nomination of whom was left to the choice of the dictator, unless the senatus consultum specified, as was sometimes the case, the name of the person who was to be appointed (Liv. viii. 17, xxii. 57). The magister equitum had, like the dictator, to receive the imperium by a lex curiata (Liv. ix. 38). The dictator could not be without a magister equitum, and, consequently, if the latter died during the six months of the dictatorship, another had to be nominated in his stead. The magister equitum was subject to the imperium of the dictator, but in the absence of his superior he became his representative, and exercised the same powers as the dictator. On one occasion, shortly before legal dictators ceased to be appointed, we find an instance of a magister equitum being invested with an imperium equal to that of the dictator, so that there were then virtually two dictators, but this is expressly mentioned as an anomaly, which had never occurred before (Polyb. iii. 103, 106). The rank which the magister equitum held among the other Roman magistrates is doubtful. Niebuhr asserts (vol. ii. p. 390) "no one ever supposed that his office was a curule one;" and if he is right in supposing that the consular tribunate was not a curule office, his view is supported by the account in Livy, that the imperium of the magister equitum was not regarded as superior to that of a consular tribune (vi. 39). Cicero on the contrary places the magister equitum on a par with the praetor (*de Leg.* iii. 3); and after the establishment of the praetorship, it seems to have been considered necessary that the person who was to be nominated magister equitum should previously have been praetor, just as the dictator, according to the old law, had to be chosen from the consulars (Dion Cass. xlii. 21). Accordingly, we find at a later time that the magister equitum had the insignia of a praetor (Dion Cass. xlii. 27). The magister equitum was originally, as his name imports, the commander of the cavalry, while the dictator was at the head of the legions, the infantry (Liv. iii. 27), and the relation between them was in this respect similar to that which subsisted between the king and the tribunus celerum.

Dictators were only appointed so long as the Romans had to carry on wars in Italy. A solitary instance occurs in the first Punic war of the nomination of a dictator for the purpose of carrying on war out of Italy (Liv. *Epit.* 19); but this was never repeated, because, as has been already remarked, it was feared that so great a power might become dangerous at a distance from Rome. But after the battle of Trasimene in B. C. 216, when Rome itself was threatened by Hannibal, recourse was again had to a dictator, and Q. Fabius Maximus was appointed to the office. In the next year, B. C. 216, after the battle of Cannae, M. Junius Pera was also nominated dictator, but this was the last time of the appointment of a dictator rei gerundae causa. From that time dictators were frequently appointed for holding the elections down to B. C. 202, but from that year the dictatorship disappears altogether. After a lapse of 120 years, Sulla caused himself to be appointed dictator in B. C. 82, *reipublicae constituendae causa* (Vell. Pat. ii. 28), but as Niebuhr remarks, "the title was a mere name, without any ground for such a use in the ancient constitution." Neither the magistrate (interrex) who nominated him, nor the time for which he was appointed, nor the extent nor exercise of his power, was in accordance with the ancient laws and precedents; and the same was the case with the dictatorship of Caesar. Soon after Caesar's death the dictatorship was abolished for ever by a lex proposed by the consul Antonius (Cic. *Phil.* i. 1; Liv. *Epit.* 116; Dion Cass. xliv. 51). The title indeed was offered to Augustus, but he resolutely refused it in consequence of the odium attached to it from the tyranny of Sulla when dictator (Suet. *Aug.* 52).

During the time, however, that the dictatorship was in abeyance, a substitute was invented for it, whenever the circumstances of the republic required the adoption of extraordinary measures, by the senate investing the consuls with dictatorial power. This was done by the well-known formula, *Videant* or *dent operam consules, ne quid respublica detrimenti capiat.* (Comp. Sall. *Catil.* 29.)

(The preceding account has been mostly taken from Becker, *Handbuch der Römischen Alterthümer*, vol. ii. part ii. p. 150, &c.; comp. Niebuhr, *Hist. of Rome*, vol. i. p. 563, &c.; Göttling, *Geschichte der Römisch. Staatsverfassung*, p. 279, &c.)

DICTY'NNIA (δικτύννια), a festival with sacrifices, celebrated at Cydonia in Crete, in honour of Artemis, surnamed Δίκτυννα or Δικτύνναια, from δίκτυον, a hunter's net. (Diodor. Sic. v. 76; compare Strabo x. p. 479; Pausan. ii. 30. § 3.) Particulars respecting its celebration are not known. Artemis Δίκτυννα was also worshipped at Sparta (Paus. iii. 12. § 7), and at Ambrysus in Phocis. (Paus. x. 36. § 3; compare the Schol. *ad Aristoph. Ran.* 1284, *Vesp.* 357; and Meursius, *Creta*, c. 3.) [L. S.]

DIES (of the same root as διός and *deus*, Buttmann, *Mythol.* ii. p. 74). The name dies was applied, like our word day, to the time during which, according to the notions of the ancients, the sun performed his course round the earth, and this time they called the civil day (*dies civilis*, in Greek νυχθήμερον, because it included both night and day. See Censorin. *De Die Nat.* 23; Plin. *H. N.* ii. 77, 79; Varro, *De Re Rust.* i. 28; Macrob. *Sat.* i. 3). The natural day (*dies naturalis*), or the time from the rising to the setting of the sun, was likewise designated by the name *dies*. The civil day began with the Greeks at the setting of the sun, and with the Romans at midnight; with the Babylonians at the rising of the sun, and with the Umbrians at midday. (Macrob. *l. c.*; Gellius, iii. 2.) We have here only to consider the natural day, and as its subdivisions were different at different times, and not always the same among the Greeks as among the Romans, we shall endeavour to give a brief account of the various parts into which it was divided by the Greeks at the different periods of their history, and then proceed to consider its divisions among the Romans, to which will be subjoined a short list of remarkable days.

At the time of the Homeric poems, the natural day was divided into three parts (*Il.* xxi. 111). The first, called ἠώς, began with sunrise, and comprehended the whole space of time during which light seemed to be increasing, *i. e.* till midday. (*Il.* viii. 66, ix. 84, *Od.* ix. 56.) Some ancient grammarians have supposed that in some instances Homer used the word ἠώς for the whole day, but Nitzsch (*Anmerkungen zur Odyssee*, i. 125) has shown the incorrectness of this opinion. The second part was called μέσον ἦμαρ or midday, during which the sun was thought to stand still. (Hermias, *ad Plat. Phaedr.* p. 342.) The third part bore the name of δείλη or δείελον ἦμαρ (*Od.* xvii. 606; compare Buttmann's *Lexilog.* ii. n. 95), which derived its name from the increased warmth of the atmosphere. The last part of the δείλη was sometimes designated by the words ποτὶ ἕσπεραν or βουλυτός (*Od.* xvii. 191, *Il.* xvi. 779). Besides these three great divisions no others seem to have been known at the time when the Homeric poems were composed. The chief information respecting the divisions of the day in the period after Homer, and more especially the divisions made by the Athenians, is to be derived from Pollux (*Onom.* i. 68). The first and last of the divisions made at the time of Homer were afterwards subdivided into two parts. The earlier part of the morning was termed πρωΐ or πρῷ τῆς ἡμέρας: the later, πληθούσης τῆς ἀγορᾶς, or περὶ πλῆθουσαν ἀγορὰν (Herod. iv. 181; Xen. *Memorab.* i. 1. § 10, *Hellen.* i. 1. § 30; Dion Chrysost. *Orat.* lxvii). The μέσον ἦμαρ of Homer was afterwards expressed by μεσημβρία, μέσον ἡμέρας, or μέση ἡμέρα, and comprehended, as before, the middle of the day, when the sun seemed neither to rise nor to decline. The two parts of the afternoon were called δείλη πρωΐη or πρωΐα, and δείλη ὀψίη or ὀψία (Herod. vii. 167, viii. 6; Thucyd. iii. 74, viii. 26; compare Libanius, *Epist.* 1084). This division continued to be observed down to the latest period of Grecian history, though another more accurate division, and more adapted to the purposes of common life, was introduced at an early period; for Anaximander, or according to others, his disciple Anaximenes, is said to have made the Greeks acquainted with the use of the Babylonian chronometer or sun-dial (called πόλος or ὡρολόγιον, sometimes with the epithet *σκιοθηρικὸν* or *ἡλιαμάνδρον*) by means of which the natural day was divided into twelve equal spaces of time. (Herod. ii. 109; Diog. Laërt. ii. 1. 3; Plin. *H. N.* ii. 6. 78; Suidas, *s. v.* *Ἀναξίμανδρος.*) These spaces were, of course, longer or shorter according to the various seasons of the year. The name hours (*ὧραι*), however, did not come into general use till a very late period, and the difference between natural and equinoctial hours was first observed by the Alexandrine astronomers.

During the early ages of the history of Rome, when artificial means of dividing time were yet unknown, the natural phenomena of increasing light and darkness formed with the Romans, as with the Greeks, the standard of division, as we see from the vague expressions in Censorinus (*De Die Nat.* 24). Pliny states (*H. N.* vii. 60) that in the Twelve Tables only the rising and the setting of the sun were mentioned as the two parts into which the day was then divided, but from Censorinus (*l. c.*) and Gellius (xvii. 2) we learn that midday (*meridies*) was also mentioned. Varro (*De Ling. Lat.* vi. 4, 5, ed. Müller; and Isidor. *Orig.* v. 30 and 31) likewise distinguished three parts of the day, viz., *mane*, *meridies*, and *suprema*, scil. *tempestas*, after which no assembly could be held in the forum. The lex Plaetoria prescribed that a herald should proclaim the suprema in the comitium, that the people might know that their meeting was to be adjourned. But the division of the day most generally observed by the Romans, was that into *tempus antemeridianum* and *pomeridianum*, the *meridies* itself being only considered as a point at which the one ended and the other commenced. But as it was of importance that this moment should be known, an especial officer [ACCENSUS] was appointed, who proclaimed the time of midday, when from the curia he saw the sun standing between the rostra and the graecostasis. The division of the day into twelve equal spaces, which, here as in Greece, were shorter in winter than in summer, was adopted at the time when artificial means of measuring time were introduced among the Romans from Greece. This was about the year B. C. 291, when L. Papirius Cursor, before the war with Pyrrhus, brought to Rome an instrument called solarium horologium, or simply solarium. (Plaut. *ap. Gellium*, iii. 3. § 5; Plin. *H. N.* vii. 60.) But as the solarium had been made for a different latitude, it showed the time at Rome very incorrectly. (Plin. *l. c.*) Scipio Nasica, therefore, erected in B. C. 159 a public clepsydra, which indicated the hours of the night as well as of the day. (Censorin. c. 23.) Before the erection of a clepsydra it was customary for one of the subordinate officers of the praetor to proclaim the third, sixth, and ninth hours; which shows that the day was, like the night, divided into four parts, each consisting of three hours. See Dissen's treatise, *De Partibus Noctis et Diei ex Divisionibus Veterum*, in his *Kleine Lateinische und Deutsche Schriften*, pp. 130, 150. Compare the article HOROLOGIUM.

All the days of the year were, according to different points of view, divided by the Romans into different classes. For the purpose of the administration of justice, and holding assemblies of the people, all the days were divided into *dies fasti* and *dies nefasti*.

DIES FASTI were the days on which the praetor was allowed to administer justice in the public courts; they derived their name from *fari* (*fari tria verba; do, dico, addico*, Ovid, *Fast.* i. 45, &c.; Varro, *De Ling. Lat.* vi. 29, 30. ed. Müller; Macrob. *Sat.* i. 16). On some of the dies fasti comitia could be held, but not on all. (Cicero, *pro Sext.* 15, with the note of Manutius.) Dies might be fasti in three different ways: 1. *dies fasti proprie et toti* or simply *dies fasti*, were days on which the praetor used to hold his courts, and could do so at all hours. They were marked in the Roman calendar by the letter F, and their number in the course of the year was 38 (Niebuhr, *Hist. of Rome*, iii. p. 314); 2. *dies proprie sed non toti fasti*, or *dies intercisi*, days on which the praetor might hold his courts, but not at all hours, so that sometimes one half of such a day was fastus, while the other half was nefastus. Their number was 65 in the year, and they were marked in the calendar by the signs Fp = *fastus primo*, Np = *nefastus primo*, En = *endotercisus* = *intercisus*, Q. Rex C. F = *quando Rex comitio fugit*, or *quando Rex comitiavit fas*, Q. St. Df = *quando stercus defertur*; 3. *dies non proprie sed casu fasti*, or days which were not fasti properly speaking, but became fasti accidentally; a dies comitialis, for instance, might become fastus, if either during its whole course, or during a part of it, no comitia were held, so that it accordingly became either a dies fastus totus, or fastus ex parte. (Macrob. *Sat.* i. 16; Varro, *De Ling. Lat. l. c.*)

DIES NEFASTI were days on which neither courts of justice nor comitia were allowed to be held, and which were dedicated to other purposes. (Varro, *l. c.*) According to the ancient legends they were said to have been fixed by Numa Pompilius. (Liv. i. 19.) From the remarks made above it will be understood that one part of a day might be fastus while another was nefastus. (Ovid. *Fast.* i. 50.) The *nundinae*, which had originally been dies fasti for the plebeians, had been made nefasti at the time when the twelvemonths-year was introduced; but in B. C. 286 they were again made fasti by a law of Q. Hortensius. (Macrob. *Sat.* i. 16.) The term dies nefasti, which originally had nothing to do with religion, but simply indicated days on which no courts were to be held, was in subsequent times applied to religious days in general, as dies nefasti were mostly dedicated to the worship of the gods. (Gellius, iv. 9, v. 17.)

In a religious point of view all days of the year were either *dies festi*, or *dies profesti*, or *dies intercisi*. According to the definition given by Macrobius, dies festi were dedicated to the gods, and spent with sacrifices, repasts, games, and other solemnities; dies profesti belonged to men for the administration of their private and public affairs. They were either *dies fasti*, or *comitiales*, or *comperendini*, or *stati*, or *proeliales*. Dies intercisi were common between gods and men, that is, partly devoted to the worship of the gods, partly to the transaction of ordinary business.

We have lastly to add a few remarks on some of the subdivisions of the dies profesti, which are likewise defined by Macrobius. *Dies comitiales* were days on which comitia were held; their number was 184 in a year. *Dies comperendini* were days to which any action was allowed to be transferred (*quibus vadimonium licet dicere*, Gaius, iv. § 15). *Dies stati* were days set apart for causes between Roman citizens and foreigners (*qui judicii* *causa cum peregrinis instituuntur*). *Dies proeliales* were all days on which religion did not forbid to commence a war; a list of days and festivals on which it was contrary to religion to commence a war is given by Macrobius. See also Festus, *s. v.* Compare Manutius, *De Veterum Dierum Ratione*, and the article Calendarium. [L. S.]

DIFFAREA'TIO. [Divortium.]

DIGESTA. [Pandectae.]

DIGITA'LIA. [Manica.]

DI'GITUS. [Pes.]

DIIPOLEIA (διιπόλεια), also called Διπόλεια or Διπόλια, a very ancient festival celebrated every year on the acropolis of Athens in honour of Zeus, surnamed Πολιεύς. (Paus. i. 14. § 4; comp. Antiphon, 120. 10.) Suidas and the Scholiast on Aristophanes (*Pax*, 410) are mistaken in believing that the Diipolia were the same festival as the Diasia. It was held on the 14th of Scirrophorion. The manner in which the sacrifice of an ox was offered on this occasion, and the origin of the rite, are described by Porphyrius (*De Abstinent.* ii. § 29), with whose account may be compared the fragmentary descriptions of Pausanias (i. 28. § 11) and Aelian (*V. H.* viii. 3). The Athenians placed barley mixed with wheat upon the altar of Zeus and left it unguarded; the ox destined to be sacrificed was then allowed to go and take of the seeds. One of the priests, who bore the name of βουφόνος (whence the festival was sometimes called βουφόνια), at seeing the ox eating, snatched the axe, killed the ox, and ran away. The others, as if not knowing who had killed the animal, made inquiries, and at last also summoned the axe, which was in the end declared guilty of having committed the murder. This custom is said to have arisen from the following circumstance: — In the reign of Erechtheus, at the celebration of the Dionysia, or, according to the Scholiast on Aristophanes (*Nub.* 972), at the diipolia, an ox ate the cakes offered to the god, and one Baulon or Thaulon, or, according to others, the βουφόνος, killed the ox with an axe and fled from his country. The murderer having thus escaped, the axe was declared guilty, and the rite observed at the diipolia was performed in commemoration of that event. (Compare Suidas and Hesych. *s. v.* βουφόνια.) This legend of the origin of the diipolia manifestly leads us back to a time when it had not yet become customary to offer animal sacrifices to the gods, but merely the fruits of the earth. Porphyrius also informs us that three Athenian families had their especial (probably hereditary) functions to perform at this festival. Members of the one drove the ox to the altar, and were thence called κεντριάδαι: another family, descended from Baulon and called the βουτύποι, knocked the victim down; and a third, designated by the name of δαιτροί, killed it. (Compare Creuzer's *Mythol. und Symbol.* i. p. 172, iv. p. 122, &c.) [L. S.]

DIMACHAE (διμάχαι), Macedonian horse-soldiers, who also fought on foot when occasion required. Their armour was heavier than that of the ordinary horse-soldiers, and lighter than that of the regular heavy-armed foot. A servant accompanied each soldier in order to take care of his horse when he alighted to fight on foot. This species of troops is said to have been first introduced by Alexander the Great. (Pollux, i. 132; Curtius, v. 13.)

DIMACHERI. [Gladiatores.]

DIMENSUM. [Servus.]

DIMINU'TIO CA'PITIS. [Caput.]

DIO'BOLOS. [Drachma.]

DIOCLEIA (διόκλεια), a festival celebrated by the Megarians in honour of an ancient Athenian hero, Diocles, around whose grave young men assembled on the occasion, and amused themselves with gymnastic and other contests. We read that he who gave the sweetest kiss obtained the prize, consisting of a garland of flowers. (Theocrit. *Idyll.* xii. 27, &c.) The Scholiast on Theocritus (*l. c.*) relates the origin of this festival as follows: — Diocles, an Athenian exile, fled to Megara, where he found a youth with whom he fell in love. In some battle, while protecting the object of his love with his shield, he was slain. The Megarians honoured the gallant lover with a tomb, raised him to the rank of a hero, and in commemoration of his faithful attachment, instituted the festival of the Diocleia. See Böckh, *ad Pind. Olymp.* vii. 157. p. 176, and the Scholiast, *ad Aristoph. Acharn.* 730, where a Megarian swears by Diocles, from which we may infer that he was held in great honour by the Megarians. (Compare Welcker's *Sappho*, p. 39, and *ad Theogn.* p. 79.) [L. S.]

DIONY'SIA (Διονύσια), festivals celebrated in various parts of Greece in honour of Dionysus. We have to consider under this head several festivals of the same deity, although some of them bore different names; for here, as in other cases, the name of the festival was sometimes derived from that of the god, sometimes from the place where it was celebrated, and sometimes from some particular circumstance connected with its celebration. We shall, however, direct our attention chiefly to the Attic festivals of Dionysus, as, on account of their intimate connection with the origin and the development of dramatic literature, they are of greater importance to us than any other ancient festival.

The general character of the festivals of Dionysus was extravagant merriment and enthusiastic joy, which manifested themselves in various ways. The import of some of the apparently unmeaning and absurd practices in which the Greeks indulged during the celebration of the Dionysia, has been well explained by Müller (*Hist. of the Lit. of Anc. Greece*, i. p. 289): — "The intense desire felt by every worshipper of Dionysus to fight, to conquer, to suffer in common with him, made them regard the subordinate beings (satyrs, panes, and nymphs, by whom the god himself was surrounded, and through whom life seemed to pass from him into vegetation, and branch off into a variety of beautiful or grotesque forms), who were ever present to the fancy of the Greeks, as a convenient step by which they could approach more nearly to the presence of their divinity. The customs so prevalent at the festivals of Dionysus, of taking the disguise of satyrs, doubtless originated in this feeling, and not in the mere desire of concealing excesses under the disguise of a mask, otherwise so serious and pathetic a spectacle as tragedy could never have originated in the choruses of these satyrs. The desire of escaping from self into something new and strange, of living in an imaginary world, breaks forth in a thousand instances in these festivals of Dionysus. It is seen in the colouring the body with plaster, soot, vermilion, and different sorts of green and red juices of plants, wear ing goats and deer skins round the loins, covering the face with large leaves of different plants; and, lastly, in the wearing masks of wood, bark, and other materials, and of a complete costume belonging to the character." Drunkenness, and the boisterous music of flutes, cymbals, and drums, were likewise common to all Dionysiac festivals. In the processions called *ϑίασοι* (from *ϑειάζω*), with which they were celebrated, women also took part in the disguise of Bacchae, Lenae, Thyades, Naiades, Nymphs, &c., adorned with garlands of ivy, and bearing the thyrsus in their hands (hence the god was sometimes called *Θηλύμορφος*), so that the whole train represented a population inspired, and actuated by the powerful presence of the god. The choruses sung on the occasion were called dithyrambs, and were hymns addressed to the god in the freest metres and with the boldest imagery, in which his exploits and achievements were extolled. [CHORUS.] The phallus, the symbol of the fertility of nature, was also carried in these processions (Plut. *De Cupid. Divit.* p. 527, D; Aristoph. *Acharn.* 229, with the Schol.; Herod. ii. 49), and men disguised as women, called *ἰθύφαλλοι* (Hesych. *s. v.*; Athen. xiv. p. 622), followed the phallus. A woman called *λικνοφόρος* carried the *λίκνον*, a long basket containing the image of the god. Maidens of noble birth (*κανηφόροι*) used to carry figs in baskets, which were sometimes of gold, and to wear garlands of figs round their necks. (Aristoph. *Acharn.* *l. c.*; Lysistr. 647; Natal. Com. v. 13.) The indulgence in drinking was considered by the Greeks as a duty of gratitude which they owed to the giver of the vine; hence in some places it was thought a crime to remain sober at the Dionysia. (Lucian, *De Calumn.* 16.)

The Attic festivals of Dionysus were four in number: the *Διονύσια κατ' ἀγρούς*, or the rural Dionysia, the *Λήναια*, the *'Ανθεστήρια*, and the *Διονύσια ἐν ἄστει*. After Ruhnken (*Auctar. ad Hesych.* vol. i. p. 199) and Spalding (*Abhandl. der Berl. Acad. von* 1804—1811, p. 70, &c.) had declared the Anthesteria and the Lenaea to be only two names for one and the same festival, it was generally taken for granted that there could be no doubt as to the real identity of the two, until in 1817, A. Böckh read a paper to the Berlin Academy (*Vom Unterschiede der Attischen Lenaeen, Anthesterien und ländl. Dionysien*, published in 1819, in the *Abhandl. d. Berl. Acad.*), in which he established by the strongest arguments the difference between the Lenaea and Anthesteria. An abridgment of Böckh's essay, containing all that is necessary to form a clear idea of the whole question, is given in the Philological Museum, vol. ii. p. 273, &c. A writer in the *Classical Museum*, Th. Dyer (vol. iv. p. 70, &c.), has since endeavoured to support Ruhnken's view with some new arguments. The season of the year sacred to Dionysus was during the months nearest to the shortest day (Plut. *De Ei ap. Delph.* 9), and the Attic festivals were accordingly celebrated in the Poseideon, Gamelion (the Lenaeon of the Ionians), Anthesterion, and Elaphebolion.

The *Διονύσια κατ' ἀγρούς*, or *μικρά*, the rural or lesser Dionysia, a vintage festival, were celebrated in the various demes of Attica in the month of Poseideon, and were under the superintendence of the several local magistrates, the demarchs. This was doubtless the most ancient of all, and was held with the highest degree of merriment and freedom; even slaves enjoyed full liberty during its celebration, and their boisterous shouts on the occasion were almost intolerable. It is here that we have to seek for the origin of comedy, in the jests and the scurrilous abuse which the peasants vented upon the bystanders from a waggon in which they rode about (*κῶμος ἐφ' ἁμαξῶν*). Aristophanes (*Vesp.* 620 and 1479) calls the comic poets *τρυγῳδοί*, lee-singers; and comedy, *τρυγῳδία*, lee-song (*Acharn.* 464, 834; Athen. ii. p. 40); from the custom of smearing the face with lees of wine, in which the merry country people indulged at the vintage. The Ascolia and other amusements, which were afterwards introduced into the city, seem also originally to have been peculiar to the rural Dionysia. The Dionysia in the Peiraeeus, as well as those of the other demes of Attica, belonged to the lesser Dionysia, as is acknowledged both by Spalding and Böckh. Those in the Peiraeeus were celebrated with as much splendour as those in the city; for we read of a procession, of the performance of comedies and tragedies, which at first may have been new as well as old pieces; but when the drama had attained a regular form, only old pieces were represented at the rural Dionysia. Their liberal and democratical character seems to have been the cause of the opposition which these festivals met with, when, in the time of Peisistratus, Thespis attempted to introduce the rural amusements of the Dionysia into the city of Athens. (Plut. *Sol.* c. 29, 30; Diog. Laërt. *Sol.* c. 11.) That in other places, also, the introduction of the worship of Dionysus met with great opposition, must be inferred from the legends of Orchomenos, Thebes, Argos, Ephesus, and other places. Something similar seems to be implied in the account of the restoration of tragic choruses to Dionysus at Sicyon. (Herod. v. 67.)

The second festival, the *Lenaea* (from *ληνός*, the wine-press, from which also the month of Gamelion was called by the Ionians Lenaeon), was celebrated in the month of Gamelion; the place of its celebration was the ancient temple of Dionysus Limnaeus (from *λίμνη*, as the district was originally a swamp, whence the god was also called *λιμναγενής*). This temple, the Lenaeon, was situate south of the theatre of Dionysus, and close by it. (Schol. *ad Aristoph. Ran.* 480.) The Lenaea were celebrated with a procession and scenic contests in tragedy and comedy. (Demosth. *c. Mid.* p. 517.) The procession probably went to the Lenaeon, where a goat (*τράγος*, hence the chorus and tragedy which arose out of it were called *τραγικὸς χορός*, and *τραγῳδία*) was sacrificed, and a chorus standing around the altar sang the dithyrambic ode to the god. As the dithyramb was the element out of which, by the introduction of an actor, tragedy arose [CHORUS], it is natural that, in the scenic contests of this festival, tragedy should have preceded comedy, as we see from the important documents in Demosthenes. (*l. c.*) The poet who wished his play to be brought out at the Lenaea applied to the second archon, who had the superintendence of this festival as well as the Anthesteria, and who gave him the chorus if the piece was thought to deserve it.

The third Dionysiac festival, the *Anthesteria*, was celebrated on the 12th of the month of Anthesterion (Thucyd. ii. 15); that is to say, the second day fell on the 12th, for it lasted three days, and the first fell on the 11th (Suidas, *s. v.* Χοές), and the third on the 13th (Philoch. *ap. Suidam*, *s. v.* Χύτροι). The second archon superintended the celebration of the Anthesteria, and distributed the prizes among the victors in the various games which were carried on during the season. (Aristoph. *Acharn.* 1143, with the Schol.) The first day was called πιθοιγία: the second, χόες: and the third, χύτροι. (Harpocrat. and Suidas, *s. v.*; Schol. *ad Aristoph. Ran.* 219; Athen. x. p. 437, vii. p. 276, and iv. 129.) The first day derived its name from the opening of the casks to taste the wine of the preceding year; the second from χοῦς, the cup, and seems to have been the day devoted to drinking. The ascolia seem to have been played on this day. [Ascolia.] We read in Suidas (*s. v.* Ἀσκός) of another similar amusement peculiar to this day. The drinker placed himself upon a bag filled with air, trumpets were sounded, and he who emptied his cup quickest, or drank most, received as his prize a leather bag filled with wine, and a garland, or, according to Aelian (*V. H.* ii. 41), a golden crown. (Aristoph. *Acharn.* 943, with the Schol.) The κῶμος ἐφ᾽ ἁμαξῶν also took place on this day, and the jests and abuse which persons poured forth on this occasion were doubtless an imitation of the amusements customary at the rural Dionysia. Athenaeus (x. p. 437) says that it was customary on the day of the Choës to send to the sophists their salaries and presents, that they too might enjoy themselves with their friends. The third day had its name from χύτρος, a pot, as on this day persons offered pots with flowers, seeds, or cooked vegetables, as a sacrifice to Dionysus and Hermes Chthonius. (Schol. *ad Aristoph. Acharn.* 1009; Suidas, *s. v.* Χύτροι.) With this sacrifice were connected the ἀγῶνες χύτρινοι mentioned by the Scholiast on Aristophanes (*Ran.* 220), in which the second archon distributed the prizes. Slaves were permitted to take part in the general rejoicings of the Anthesteria; but at the close of the day, they were sent home with the words Θύραζε, Κᾶρες, οὐκ ἔτ᾽ Ἀνθεστήρια. (Hesych. *s. v.* Θύραζε; Proclus, *ad Hesiod. Op. et Dies.*)

It is uncertain whether dramas were performed at the Anthesteria; but Böckh supposes that comedies were represented, and that tragedies which were to be brought out at the great Dionysia were perhaps rehearsed at the Anthesteria. The mysteries connected with the celebration of the Anthesteria were held at night, in the ancient temple ἐν Λίμναις, which was opened only once a year, on the 12th of Anthesterion. They were likewise under the superintendence of the second archon and a certain number of ἐπιμεληταί. He appointed fourteen priestesses, called γεραιραί or γεραραί, the venerable, who conducted the ceremonies with the assistance of one other priestess. (Pollux, viii. 9.) The wife of the second archon (βασίλισσα) offered a mysterious sacrifice for the welfare of the city; she was betrothed to the god in a secret solemnity, and also tendered the oath to the geraerae, which, according to Demosthenes (*c. Neaer.* p. 1371. 22), ran thus: — "I am pure and unspotted by any thing that pollutes, and have never had intercourse with man. I will solemnize the Theognia and Iobakcheia at their proper time, according to the laws of my ancestors." The admission to the mysteries, from which men were excluded, took place after especial preparations, which seem to have consisted in purifications by air, water, or fire. (Serv. *ad Aen.* vi. 740; Paus. ix. 20. § 4; Liv. xxxix. 13.) The initiated persons wore skins of fawns, and sometimes those of panthers. Instead of ivy, which was worn in the public part of the Dionysia, the mystae wore myrtle. (Schol. *ad Aristoph. Ran.* 330.) The sacrifice offered to the god in these mysteries consisted of a sow, the usual sacrifice of Demeter, and in some places of a cow with calf. It is more than probable that the history of Dionysus was symbolically represented in these mysteries, as the history of Demeter was acted in those of Eleusis, which were in some respects connected with the former. (Schol. *ad Aristoph. Ran.* 343.)

The fourth Attic festival of Dionysus, Διονύσια ἐν ἄστει, ἀστικὰ or μεγάλα, was celebrated about the 12th of the month of Elaphebolion (Aesch. *c. Ctesiph.* p. 63); but we do not know whether they lasted more than one day or not. The order in which the solemnities took place was, according to the document in Demosthenes, as follows: — The great public procession, the chorus of boys, the κῶμος [Chorus], comedy, and, lastly, tragedy. We possess in Athenaeus (v. p. 197, 199) the description of a great Bacchic procession, held at Alexandria in the reign of Ptolemaeus Philadelphus, from which we may form some idea of the great Attic procession. It seems to have been customary to represent the god by a man in this procession. Plutarch (*Nic.* 3), at least, relates that on one occasion a beautiful slave of Nicias represented Dionysus (compare Athen. v. p. 200). A ridiculous imitation of a Bacchic procession is described in Aristophanes (*Eccles.* 759, &c.). Of the dramas which were performed at the great Dionysia, the tragedies at least were generally new pieces; repetitions do not, however, seem to have been excluded from any Dionysiac festival. The first archon had the superintendence, and gave the chorus to the dramatic poet who wished to bring out his piece at this festival. The prize awarded to the dramatist for the best play consisted of a crown, and his name was proclaimed in the theatre of Dionysus. (Demosth. *De Coron.* p. 267.) Strangers were prohibited from taking part in the choruses of boys. During this and some other of the great Attic festivals, prisoners were set free, and nobody was allowed to seize the goods of a debtor; but a war was not interrupted by its celebration. (Demosth. *c. Boeot. de Nom.* p. 999.) As the great Dionysia were celebrated at the beginning of spring, when the navigation was re-opened, Athens was not only visited by numbers of country people, but also by strangers from other parts of Greece, and the various amusements and exhibitions on this occasion were not unlike those of a modern fair. (Isocr. *Areop.* p. 203, ed. Bekker; Xen. *Hiero*, i. 11; compare Becker, *Charikles*, ii. p. 237, &c.) Respecting the scrupulous regularity, and the enormous sums spent by the Athenians on the celebration of these and other festivals, see Demosthenes (*Philip.* i. p. 50). As many circumstances connected with the celebration of the Dionysia cannot be made clear without entering into minute details, we must refer the reader to Böckh's essay.

The worship of Dionysus was almost universal among the Greeks in Asia as well as in Europe, and the character of his festivals was the same everywhere, only modified by the national differences of the various tribes of the Greeks. It is expressly stated that the Spartans did not indulge so much in drinking during the celebration of the Dionysia as other Greeks. (Athen. iv. p. 156; Plato, *De Leg.* i. p. 637.) The worship of Dionysus was in general, with the exception of Corinth, Sicyon, and the Doric colonies in southern Italy, less popular among the Doric states than in other parts of Greece. (Müller, *Dorians*, ii. 10. § 6; Böttiger, *Ideen z. Archaeol. der Malerei*, p. 289, &c.) It was most enthusiastic in Boeotia in the orgies on Mount Cithaeron, as is well known from allusions and descriptions in several Roman poets. That the extravagant merriment, and the unrestrained conduct with which all festivals of this class were celebrated, did in the course of time lead to the grossest excesses, cannot be denied; but we must at the same time acknowledge, that such excesses did not occur until a comparatively late period. At a very early period of Grecian history, Bacchic festivals were solemnized with human sacrifices, and traces of this custom are discernible even until very late. In Chios this custom was superseded by another, according to which the Bacchae were obliged to eat the raw pieces of flesh of the victim which were distributed among them. This act was called ὠμοφαγία, and Dionysus derived from it the name of ὠμάδιος and ὠμηστής. There was a report that even Themistocles, after the battle of Salamis, sacrificed three noble Persians to this divinity. (Plut. *Themist.* 13, *Pelop.* 21; compare Thirlwall, *Hist. of Greece*, ii. p. 310.) But Plutarch's account of this very instance, if true, shows that at this time such savage rites were looked upon with horror.

The worship of Dionysus, whom the Romans called Bacchus, or rather the Bacchic mysteries and orgies (*Bacchanalia*), are said to have been introduced from southern Italy into Etruria, and from thence to Rome (Liv. xxxix. 8), where for a time they were carried on in secret, and, during the latter period of their existence, at night. The initiated, according to Livy, did not only indulge in feasting and drinking at their meetings, but when their minds were heated with wine, they indulged in the coarsest excesses and the most unnatural vices. Young girls and youths were seduced, and all modesty was set aside; every kind of vice found here its full satisfaction. But the crimes did not remain confined to these meetings: their consequences were manifest in all directions; for false witnesses, forgeries, false wills, and denunciations proceeded from this focus of crime. Poison and assassination were carried on under the cover of the society; and the voices of those who had been fraudulently drawn into these orgies, and would cry out against the shameless practices, were drowned by the shouts of the Bacchantes, and the deafening sounds of drums and cymbals.

The time of initiation lasted ten days, during which a person was obliged to abstain from all sexual intercourse; on the tenth he took a solemn meal, underwent a purification by water, and was led into the sanctuary (*Bacchanal*). At first only women were initiated, and the orgies were celebrated every year during three days. Matrons alternately performed the functions of priests. But Pacula Annia, a Campanian matron, pretending to act under the direct influence of Bacchus, changed the whole method of celebration: she admitted men to the initiation, and transferred the solemnisation which had hitherto taken place during the daytime to the night. Instead of three days in the year, she ordered that the Bacchanalia should be held during five days in every month. It was from the time that these orgies were carried on after this new plan that, according to the statement of an eye-witness (Liv. xxxix. 13), licentiousness and crimes of every description were committed. Men as well as women indulged in the most unnatural appetites, and those who attempted to stop or to oppose such odious proceedings fell as victims. It was, as Livy says, a principle of the society to hold every ordinance of god and nature in contempt. Men, as if seized by fits of madness, and under great convulsions, gave oracles; and the matrons, dressed as Bacchae, with dishevelled hair and burning torches in their hands, ran down to the Tiber and plunged their torches into the water; the torches, however, containing sulphur and chalk, were not extinguished. Men who refused to take part in the crimes of these orgies, were frequently thrown into dark caverns and despatched, while the perpetrators declared that they had been carried off by the gods. Among the number of the members of these mysteries, were, at the time when they were suppressed, persons of all classes; and during the last two years, nobody had been initiated who was above the age of twenty years, as this age was thought most fit for seduction and sensual pleasure.

In the year B. C. 186, the consuls Spurius Postumius Albinus and Q. Marcius Philippus were informed of the existence of these meetings; and after having ascertained the facts mentioned above, they made a report to the senate. (Liv. xxxix. 14.) The senate, alarmed by this singular discovery, and although dreading lest members of their own families might be involved, invested the consuls with extraordinary power, to inquire into the nature of these nocturnal meetings, to exert all their energy to secure the priests and priestesses, to issue a proclamation throughout Rome and Italy, forbidding any one to be initiated in the Bacchic mysteries, or to meet for the purpose of celebrating them; but above all things, to submit those individuals who had already been secured to a rigid trial. The consuls, after having given to the subordinate magistrates all the necessary instructions, held an assembly of the people, in which the facts just discovered were explained to the public, in order that the objects of the proceedings which were to take place might be known to every citizen. A reward was at the same time offered to any one who might be able to give further information, or to name any one that belonged to the conspiracy, as it was called. Measures were also taken to prevent any one from leaving Italy. During the night following, a great number of persons were apprehended; many of them put an end to their own lives. The whole number of the initiated was said to be 7000. The trial of all those who were apprehended lasted thirty days. Rome was almost deserted, for the innocent as well as the guilty had reason to fear. The punishment inflicted on those who were convicted, varied according to the degree of their guilt; some were thrown into prison, others were put to death. The women were surrendered to their parents or husbands, that they might receive their punishment in private. The consuls then were ordered by the senate to destroy all Bacchanalia throughout Rome and Italy, with the exception of such altars or statues of the god as had existed there from ancient times. In order to prevent a restoration of the Bacchic orgies, the celebrated decree of the senate (*Senatus auctoritas de Bacchanalibus*) was issued, commanding that no Bacchanalia should be held either in Rome or Italy; that if any one should think such ceremonies necessary, or if he could not neglect them without scruples or making atonements, he should apply to the praetor urbanus, who might then consult the senate. If the permission should be granted to him in an assembly of the senate, consisting of not less than one hundred members, he might solemnise the Bacchic sacra; but no more than five persons were to be present at the celebration; there should be no common fund, and no master of the sacra or priest. (Liv. xxxix. 18.) This decree is also mentioned by Cicero (*De Legg.* ii. 15). A brazen table containing this important document was discovered near Bari, in southern Italy, in the year 1640, and is at present in the imperial Museum of Vienna. A copy of it is given in Drakenborch's edition of Livy (vol. vii. p. 197, &c.).

We have in our account of the Roman Bacchanalia closely followed the description given by Livy, which may, indeed, be somewhat exaggerated; but considering the difference of character between the Greeks and Romans, it cannot be surprising that a festival like the Dionysia, when once introduced among the Romans, should have immediately degenerated into the grossest and coarsest excesses. Similar consequences were seen immediately after the time when the Romans were made acquainted with the elegance and the luxuries of Greek life; for, like barbarians, they knew not where to stop, and became brutal in their enjoyments. But whether the account of Livy be exaggerated or not, this much is certain, that the Romans, ever since the time of the suppression of the Bacchanalia, considered these orgies as in the highest degree immoral and licentious, as we see from the manner in which they applied the words derived from Bacchus, *e. g. bacchor*, *bacchans*, *bacchatio*, *bacchicus*, and others. But the most surprising circumstance in the account of Livy is, that the Bacchanalia should have been celebrated for several years in the boisterous manner described by him, and by thousands of persons, without any of the magistrates appearing to have been aware of it.

While the Bacchanalia were thus suppressed, another more simple and innocent festival of Bacchus, the *Liberalia* (from *Liber*, or *Liber Pater*, a name of Bacchus), continued to be celebrated at Rome every year on the 16th of March. (Ovid. *Fast.* iii. 713.) A description of the ceremonies customary at this festival is given by Ovid (*l. c.*), with which may be compared Varro (*De Ling. Lat.* v. 55, ed. Bipont). Priests and aged priestesses, adorned with garlands of ivy, carried through the city wine, honey, cakes, and sweet-meats, together with an altar with a handle (*ansata ara*), in the middle of which there was a small fire-pan (*foculus*), in which from time to time sacrifices were burnt. On this day Roman youths who had attained their sixteenth year received the toga virilis. (Cic. *ad Att.* vi. 1.) That the Liberalia were celebrated with various amusements and great merriment, might be inferred from the general character of Dionysiac festivals; but we may also see it from the name *Ludi Liberales*, which is sometimes used instead of Liberalia; and Naevius (*ap. Fest.*) expressly says that persons expressed themselves very freely at the Liberalia. St. Augustine (*De Civ. Dei*, vii. 21) even speaks of a high degree of licentiousness carried on at this festival. [L. S.]

DIOSCU'RIA (διοσκούρια), festivals celebrated in various parts of Greece in honour of the dioscuri. The Spartan dioscuria mentioned by Pausanias (iv. 27. § 1; compare with iii. 16. § 3) and Spanheim (*ad Callim. Hymn. in Pall.* 24), were celebrated with sacrifices, rejoicings, and drinking. At Cyrene the dioscuri were likewise honoured with a great festival. (Schol. *ad Pind. Pyth.* v. 629.) The Athenian festival of the dioscuri has been described under ANACEIA. Their worship was very generally adopted in Greece, especially in the Doric and Achaean states, as we conclude from the great number of temples dedicated to them; but scarcely anything is known respecting the manner in which their festivals were celebrated. [L. S.]

DIO'TA. [AMPHORA.]

DIPHTHERA (διφθέρα), a kind of cloak made of the skins of animals and worn by herdsmen and country people in general. It is frequently mentioned by Greek writers. (Aristoph. *Nub.* 72, and Schol. *Vesp.* 444; Plato, *Crit.* p. 53; Lucian, *Tim.* c. 12.) Pollux (vii. 70) says that it had a covering for the head (ἐπικράνον), in which respect it would correspond to the Roman *cucullus*. [CUCULLUS.] (Becker, *Charikles*, vol. ii. p. 359.)

DIPHROS (δίφρος). [CURRUS; THRONUS.]

DIPLAX (δίπλαξ). [PALLIUM.]

DIPLOIS (διπλοΐς). [PALLIUM.]

DIPLO'MA, a writ or public document, which conferred upon a person any right or privilege. During the republic, it was granted by the consuls and senate; and under the empire by the emperor and the magistrates whom he authorised to do so. (Cic. *ad Fam.* vi. 12, *ad Att.* x. 17, *c. Pis.* 37; Sen. *Ben.* vii. 10; Suet. *Cal.* 38, *Ner.* 12, *Oth.* 7; Dig. 48. tit. 10. s. 27.) The diploma was sealed by the emperor (Suet. *Aug.* 50); it consisted of two leaves, whence it derived its name. These writs were especially given to public couriers, or to those who wished to procure the use of the public horses or carriages. (Plin. *Ep.* x. 14, 121; compare x. 54, 55.) The tabellarii of the emperor would naturally always have a diploma; whence we read in an inscription (Orelli, No. 2917) of a *diplomarius tabellarius*.

DI'PTYCHA. [TABULAE.]

DIRECTA ACTIO. [ACTIO.]

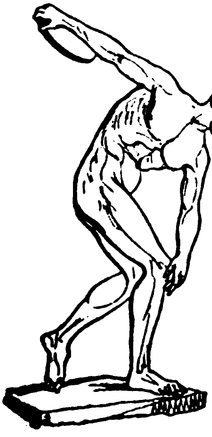
DIRIBITO'RES, are said by most modern writers to have been the persons who gave to the citizens the *tabella* with which they voted in the comitia; but Wunder has most distinctly proved, in the preface to his *Codex Erfutensis* (pp. cxxvi.—clviii.), that it was the office of the diribitores to divide the votes when taken out of the *cistae*, so as to determine which had the majority. He remarks that the etymology of *diribere* would lead us to assign to it the meaning of "separation" or "division," as it is compounded of *dis* and *habere*, in the same manner as *dirimere* is of *dis* and *emere;* the *h* disappears as in *praebere* and *debere*, which come respectively from *prae* and *habere*, and *de* and *habere*. In several passages the word cannot have any other signification than that given by Wunder. (Cic. *Pro Plancio*, 20, *ad Qu. Fratr.* iii. 4. § 1 ; Varro, *De Re Rust.* iii. 2. § 1, iii. 5. § 18.)

When Cicero says (*in Pison.* 15), "vos rogatores, vos diribitores, vos custodes tabellarum," we may presume that he mentions these officers in the order in which they discharged their duties in the comitia. It was the office of the *rogatores* to collect the tabellae which each century gave, as they used, before the ballot was introduced, to ask (*rogare*) each century for its votes, and report them to the magistrate who presided over the comitia. The *diribitores*, as has been already remarked, divided the votes when taken out of the *cistae*, and handed them over to the *custodes*, who checked them off by points marked on a tablet. [Compare Cista ; Situla.]

DISCUS (*δίσκος*), a circular plate of stone (*λίθινοι δίσκοι*, Pind. *Isth.* i. 34), or metal (*splendida pondera disci*, Mart. xiv. 164), made for throwing to a distance as an exercise of strength and dexterity. This was, indeed, one of the principal gymnastic exercises of the ancients, being included in the *Pentathlon*. It was practised in the heroic age. (Hom. *Il.* ii. 774, *Od.* viii. 129, 186—188, xvii. 168.)

The discus was ten or twelve inches in diameter, so as to reach above the middle of the forearm when held in the right hand. The object was to throw it from a fixed spot to the greatest distance ; and in doing this each player had a friend to mark the point at which the discus, when thrown by him, struck the ground. (*Od.* viii. 186—200 ; Stat. *Theb.* vi. 703.) The distance to which it was commonly thrown became a measure of length, called *τὰ δίσκουρα*. (*Il.* xxiii. 431, 523.)

The space on which the discobolus, or thrower of the discus, stood, was called *βαλβίς*, and was indicated by being a little higher than the ground surrounding it. As each man took his station, with his body entirely naked, on the *βαλβίς*, he placed his right foot forward, bending his knee, and resting principally on this foot. The discus being held, ready to be thrown, in his right hand, he stooped, turning his body towards it, and his left hand was naturally turned in the same direction. (Philostr. *Imag.* i. 24 ; Welcker, *ad loc.*) This attitude was represented by the sculptor Myron in one of his works, and is adduced by Quintilian (*Inst. Or.* ii. 13. § 10) to show how much greater skill is displayed by the artist, and how much more powerful an effect is produced on the spectator, when a person is represented in action, than when he is at rest or standing erect. We fortunately possess several copies, more or less entire, of this celebrated statue ; and one of the best of them is in the British Museum (see the preceding woodcut). It represents the player just ready to swing round his outstretched arm, so as to describe with it a semicircle in the air, and thus, with his collected force, to project the discus at an angle of forty-five degrees, at the same time springing forward so as to give to it the impetus of his whole body. Discum "vasto contorquet turbine, et ipse prosequitur." (Statius, *l. c.*)



Sometimes a heavy mass of a spherical form (*σόλος*) was used instead of a discus, as when the Greeks at the funeral games contended for a lump of iron, which was to be given to him who could throw it furthest. (*Il.* xxiii. 826—846.) The *σόλος* was perforated in the centre, so that a rope or thong might be passed through and used in throwing it. (Eratosth. ed. Bernhardy, p. 251.) In this form the discobolia is still practised by the mountaineers of the canton of Appenzell, in Switzerland. They meet twice a year to throw round stones of great weight and size. This they do by a sudden leap and forcible swinging of the whole body. The same stone is taken by all, as in the case of the ancient discus and *σόλος* : he who sends it to the greatest distance receives a public prize. The stone is lifted as high as the right shoulder (see woodcut ; *κατωμαδίοιο*, *Il.* xxiii. 431) before being projected. (Ebel, *Schilderung der Gebirgsvölker der Schweitz*, i. p. 174.) [J. Y.]

DISPENSA'TOR. [Calculator.]

DITHYRAMBUS. [Chorus.]

DIVERSO'RIUM. [Caupona.]

DIVIDI'CULUM. [Aquaeductus, p. 114, a.]

DIVINA'TIO is, according to Cicero (*De Divinat.* i. 1), a presension and a knowledge of future things ; or, according to Chrysippus (Cic. *De Divinat.* ii. 63), a power in man which foresees and explains those signs which the gods throw in his way, and the diviner must therefore know the disposition of the gods towards men, the import of their signs, and by what means these signs are to be obtained. According to this latter definition, the meaning of the Latin word divinatio is narrower than that of the Greek *μαντική*, in as much as the latter signifies any means by which the decrees of the gods can be discovered, the natural as well as the artificial ; that is to say, the seers and the oracles, where the will of the gods is revealed by inspiration, as well as the divinatio in the sense of Chrysippus. In the one, man is the passive medium through which the deity reveals the future ; while in the other, man discovers it by his own skill or experience, without any pretension to inspiration. As, however, the seer or vates was also frequently called divinus, we shall treat, under this head, of seers as well as of other kinds of divinatio. The subject of oracles is discussed in a separate article. [ORACULUM.]

The belief that the decrees of the divine will were occasionally revealed by the deity himself, or could be discovered by certain individuals, is one which the classical nations of antiquity had, in common with many other nations, before the attainment of a certain degree of intellectual cultivation. In early ages such a belief was natural, and perhaps founded on the feeling of a very close connection between man, God, and nature. But in the course of time, when men became more acquainted with the laws of nature, this belief was abandoned, at least by the more enlightened minds, while the multitudes still continued to adhere to it; and the governments, seeing the advantages to be derived from it, not only countenanced, but encouraged and supported it.

The seers or μάντεις, who, under the direct influence of the gods, chiefly that of Apollo, announced the future, seem originally to have been connected with certain places where oracles were given; but in subsequent times they formed a distinct class of persons, independent of any locality; one of them is Calchas in the Homeric poems. Apollo, the god of prophecy, was generally the source from which the seers, as well as other diviners, derived their knowledge. In many families of seers the inspired knowledge of the future was considered to be hereditary, and to be transmitted from father to son. To these families belonged the Iamids (Paus. iii. 11. § 5, &c.; Böckh, *ad Pind. Ol.* vi. p. 152), who from Olympia spread over a considerable part of Greece; the Branchidae, near Miletus (Conon, 33); the Eumolpids, at Athens and Eleusis; the Clytiads (Paus. vi. 17. § 4), the Telliads (Herod. viii. 27; Paus. x. 1. § 4, &c.; Herod. ix. 37), the Acarnanian seers, and others. Some of these families retained their celebrity till a very late period of Grecian history. The manteis made their revelations either when requested to do so on important emergencies, or they made them spontaneously whenever they thought it necessary, either to prevent some calamity or to stimulate their countrymen to something beneficial. The civil government of Athens not only tolerated, but protected and honoured them; and Cicero (*De Divinat.* i. 43) says, that the manteis were present in all the public assemblies of the Athenians. (Compare Aristoph. *Pax*, 1025, with the Schol.; *Nub.* 325, &c. and the Schol.; Lycurg. *c. Leocrat.* p. 196.) Along with the seers we may also mention the Bacides and the Sibyllae. Both existed from a very remote time, and were distinct from the manteis so far as they pretended to derive their knowledge of the future from sacred books (χρησμοί) which they consulted, and which were in some places, as at Athens and Rome, kept by the government or some especial officers, in the acropolis and in the most revered sanctuary. Bacis was, according to Pausanias (x. 12. § 6; compare with iv. 27. § 2), in Boeotia a general name for a man inspired by nymphs. The Scholiast on Aristophanes (*Pax*, 1009) and Aelian (*V. H.* xii. 35) mention three original Bacides, one of Eleon in Boeotia, a second of Athens, and a third of Caphya in Arcadia. (Compare Aristoph. *Equit.* 123, 998, *Aves*, 963; Clem. Alex. *Strom.* i. 398.) From these three Bacides all others were said to be descended, and to have derived their name. Antichares (Herod. v. 43), Musaeus (Herod. vii. 6), Euclous of Cyprus (Paus. x. 12. § 6), and Lycus, son of Pandion (Paus. *l. c.*), probably belonged to the Bacides. The Sibyllae were prophetic women, probably of Asiatic origin, whose peculiar custom seems to have been to wander with their sacred books from place to place. (Liv. i. 7.) Aelian (*V. H.* xii. 35) states that, according to some authors, there were four Sibyllae, — the Erythraean, the Samian, the Egyptian, and the Sardinian; but that others added six more, among whom there was one called the Cumaean, and another called the Jewish Sibylla. Compare Suidas (*s. v.* Σίβυλλαι), and Pausanias (x. 12), who has devoted a whole chapter to the Sibyllae, in which, however, he does not clearly distinguish between the Sibyllae properly so called, and other women who travelled about and made the prophetic art their profession, and who seem to have been very numerous in all parts of the ancient world. (Clem. Alex. *Strom.* i. 319.) The Sibylla whose books gained so great an importance at Rome, was, according to Varro (*ap. Lactant.* i. 6), the Erythraean: the books which she was said to have sold to one of the Tarquins, were carefully concealed from the public, and only accessible to the duumvirs. The early existence of the Sibyllae is not as certain as that of the Bacides; but in some legends of a late date, they occur even in the period previous to the Trojan war, and it is not improbable that at an early period every town in Greece had its prophecies by some Bacis or Sibylla. (Paus. *l. c.*) They seem to have retained their celebrity down to the time of Antiochus and Demetrius. (See Niebuhr, *Hist. of Rome*, i. p. 503, &c.)

Besides these more respectable prophets and prophetesses, there were numbers of diviners of an inferior order (χρησμολόγοι), who made it their business to explain all sorts of signs, and to tell fortunes. They were, however, more particularly popular with the lower orders, who are everywhere most ready to believe what is most marvellous and least entitled to belief. This class of diviners, however, does not seem to have existed until a comparatively late period (Thucyd. ii. 21; Aristoph. *Aves*, 897, *Pax*, 986, 1034, &c.), and to have been looked upon, even by the Greeks themselves, as nuisances to the public.

These soothsayers lead us naturally to the mode of divination, of which such frequent use was made by the ancients in all the affairs of public and private life, and which chiefly consisted in the interpretation of numberless signs and phenomena. No public undertaking of any consequence was ever entered upon by the Greeks and Romans without consulting the will of the gods, by observing the signs which they sent, especially those in the sacrifices offered for the purpose, and by which they were thought to indicate the success or the failure of the undertaking. For this kind of divination no divine inspiration was thought necessary, but merely experience and a certain knowledge acquired by routine; and although in some cases priests were appointed for the purpose of observing and explaining signs [AUGUR; HARUSPEX], yet on any sudden emergency, especially in private affairs, any one who met with something extraordinary, might act as his own interpreter. The principal signs by which the gods were thought to declare their will, were things connected with the offering of sacrifices, the flight and voice of birds, all kinds of natural phenomena, ordinary as well as extraordinary, and dreams.

The interpretation of signs of the first class (*ἱερομαντεία* or *ἱεροσκοπία*, *haruspicium* or ars *haruspicina*), was, according to Aeschylus (*Prometh.* 492, &c.), the invention of Prometheus. It seems to have been most cultivated by the Etruscans, among whom it was raised into a complete science, and from whom it passed to the Romans. Sacrifices were either offered for the special purpose of consulting the gods, or in the ordinary way; but in both cases the signs were observed, and when they were propitious, the sacrifice was said *καλλιερεῖν*. The principal points that were generally observed were, 1. The manner in which the victim approached to the altar, whether uttering a sound or not; the former was considered a favourable omen in the sacrifice at the Panionium. (Strab. viii. p. 384; compare Paus. iv. 32. § 3.) 2. The nature of the intestines with respect to their colour and smoothness (Aeschyl. *Prometh.* 493, &c.; Eurip. *Elect.* 833); the liver and bile were of particular importance. [Caput Extorum.] 3. The nature of the flame which consumed the sacrifice (see Valckenaer, *ad Eurip. Phoen.* 1261); hence the words, *πυρομαντεία*, *ἔμπυρα σήματα*, *φλογωπὰ σήματα*. That the smoke rising from the altar, the libation, and various other things offered to the gods, were likewise considered as a means through which the will of the gods might be learned, is clear from the names, *καπνομαντεία*, *λιβανομαντεία*, *κριθομαντεία*, and others. Especial care was also taken during a sacrifice, that no inauspicious or frivolous words were uttered by any of the bystanders: hence the admonitions of the priests, *εὐφημεῖτε* and *εὐφημία*, or *σιγᾶτε*, *σιωπᾶτε*, *favete linguis*, and others; for improper expressions were not only thought to pollute and profane the sacred act, but to be unlucky omens (*δυσφημία*, *κληδόνες*, *φῆμαι*, *φωναὶ* or *ὀμφαί*, Pind. *Ol.* vi. 112; Hom. *Il.* ii. 41).

The art of interpreting signs of the second class was called *οἰωνιστική*, *augurium* or *auspicium*. It was, like the former, common to Greeks and Romans, but was never developed into so complete a system by the former as by the latter; nor did it ever attain the same degree of importance in Greece as it did at Rome. [Augur.] The Greeks, when observing the flight of birds, turned their face towards the north, and then a bird appearing to the right (east), especially an eagle, a heron, or a falcon, was a favourable sign (Hom. *Il.* xiv. 274, xxiv. 310, *Od.* xv. 524); while birds appearing to the left (west) were considered as unlucky signs. (Hom. *Il.* xii. 201, 230; Festus, s. v. *Sinistrae Aves.*) Sometimes the mere appearance of a bird was thought sufficient: thus the Athenians always considered the appearance of an owl as a lucky sign; hence the proverb, *γλαὺξ ἵπταται*, "the owl is out," *i. e.* we have good luck. Other animals appearing unexpectedly, especially to travellers on their road (*ἐνόδια σύμβολα*), were also thought ominous; and at Athens it was considered a very unlucky omen, when a weasel appeared during the assembly of the people. (Aristoph. *Eccles.* 793.) Superstitions of this kind are still met with in several European countries. Various other means were used to ascertain the will of the gods, such as the *σιδηρομαντεία*, or divination by placing straws on red hot iron; the *μολυβδομαντεία*, by observing the figures which melted lead formed; the *βοτανομαντεία*, or divination by writing one's own name on herbs and leaves, which were then exposed to the wind, &c.

Of greater importance than the appearance of animals, at least to the Greeks, were the phenomena in the heavens, particularly during any public transaction. They were not only observed and interpreted by private individuals in their own affairs, but by the public magistrates. The Spartan ephors, as we learn from Plutarch (*Agesil.* 11), made regular observations in the heavens every ninth year during the night; and the family of the Pythaistae, of Athens, made similar observations every year before the theoris set sail for Delos. (Müller, *Dorians*, ii. 2. § 14.) Among the unlucky phenomena in the heavens (*διοσημεῖα*, *signa*, or *portenta*) were thunder and lightning (Aristoph. *Eccles.* 793; Eustath. *ad Hom. Od.* xx. 104), an eclipse of the sun or moon (Thucyd. vii. 50), earthquakes (Xen. *Hellen.* iv. 7. § 4), rain of blood, stones, milk, &c. (Hom. *Il.* xi. 53, &c.; Cic. *De Divinat.* i. 43). Any one of these signs was sufficient at Athens, as well as at Rome, to break up the assembly of the people. (Schömann, *De Comit. Ath.* p. 146. &c. transl.) In common life, things apparently of no importance, when occurring at a critical moment, were thought by the ancients to be signs sent by the gods, from which conclusions might be drawn respecting the future. Among these common occurrences we may mention sneezing (Hom. *Od.* xvii. 561, with the note of Eustath.; Xen. *Anab.* iii. 2. § 9; Plut. *Themist.* 13; Ovid, *Heroid.* 19, 151; Propert. ii. 2. 33), twinkling of the eyes (Theocrit. iii. 37; Plaut. *Pseud.* i. 2. 105; compare Wüstemann, *ad Theocrit. l. c.*), tinkling of the ears, and numberless other things which we cannot here enumerate. Some of them have retained their significance with the superstitious multitude down to the present day.

The art of interpreting dreams (*ὀνειροπολία*), which had probably been introduced into Europe from Asia, where it is still a universal practice, seems in the Homeric age to have been held in high esteem; for dreams were said to be sent by Zeus. (Hom. *Il.* i. 63, ii. init., *Od.* iv. 841, xix. 457.) In subsequent times, that class of diviners who occupied themselves with the interpretation of dreams, seems to have been very numerous and popular; but they never enjoyed any protection from the state, and were only resorted to by private individuals. Some persons are said to have gained their livelihood by this profession. (Plut. *Aristid.* 27.) Respecting the oracles which were obtained by passing a night and dreaming in a temple, see Oraculum.

For further information concerning the art of divination in general, see Cicero's work, *De Divinatione*. The *μαντική* of the Greeks is treated of at some length by Wachsmuth (*Hellen. Alterth.* ii. 2. p. 259, &c., vol. ii. p. 585, 2d edit.) Compare Thirlwall's *Hist. of Greece*, i. p. 206, &c.

The word divinatio was used in a particular manner by the Romans as a law-term, which requires some explanation. If in any case two or more accusers came forward against one and the same individual, it was, as the phrase ran, *decided by divinatio*, who should be the chief or real accuser, whom the others then joined as subscriptores; *i. e.* by putting their names to the charge brought against the offender. This transaction, by which one of several accusers was selected to conduct the accusation, was called divinatio, as the question here was not about facts, but about something which was to be done, and which could not be found out by witnesses or written documents; so that the judices had, as it were, to divine the course which they had to take. (Ascon. *in Argum. ad Cic. Divinat. in Caec.* p. 99. ed. Orelli.) Hence the oration of Cicero, in which he tries to show that he, and not Q. Caecilius Niger, ought to conduct the accusation against Verres, is called *Divinatio in Caecilium.* Compare c. 15 and 20 of the oration, and Gellius, ii. 4. [L. S.]

DIVI'SOR. [Ambitus.]

DIVORTIUM, divorce. 1. Greek. The term for this act was ἀπόλειψις or ἀπόπεμψις, the former denoting the act of a wife leaving her husband, and the latter that of a husband dismissing his wife. (Dem. *c. Onet.* p. 865, *c. Neaer.* pp. 1362, 1365.) The only Greek states respecting whose laws of divorce we have any knowledge, are Athens and Sparta. In both states the law, it appears, permitted both husband and wife to call for and effect a divorce, though it was much easier for a husband to get rid of his wife than for a wife to get rid of her husband. The law at Athens allowed a man to divorce his wife without ceremony, simply by his act of sending her out of his house (ἐκπέμπειν, ἀποπέμπειν), but he was bound to restore to her the dowry which she had brought to him, or to pay her the interest of nine oboli per drachma every month, and in addition to this, to provide for her maintenance. (Demosth. *c. Neaer.* p. 1362.) It would, however, seem that a husband thus dismissing his wife, usually did so in the presence of witnesses. (Lysias, *c. Alcib.* p. 541.) What became of the children in such a case is not mentioned, but it is probable that they remained with the father. If, on the other hand, a wife wished to leave her husband, she was obliged in person to appear before the archon and to deliver up to him a memorial containing the reasons why she wished to be divorced. (Plut. *Alcib.* 8.) She had to conduct her case quite alone, for as she was in her husband's power so long as the verdict was not given, no one had a right to come forward and plead her case. If both parties agreed upon a divorce, no further proceedings were required, mutual consent being sufficient to dissolve a marriage. But if one party objected, an action (ἀποπέμψεως or ἀπολείψεως δίκη) might be brought against the other: the proceedings in such a case, however, are unknown. (Heffter, *Athen. Gerichtsverf.* pp. 250, 414; Meier, *Att. Proc.* p. 413, &c.)

At Sparta, it seems, a man might dismiss his wife, if she bore him no issue. (Herod. v. 39, vi. 61.)

Charondas, in his legislation at Thurii, had permitted divorce, but his law was subsequently modified by the addition, that if divorced persons should wish to marry again, they should not be allowed to marry a person younger than the one from whom he (or she) had been separated. (Diod. xii. 18.)

A woman, after her divorce, returned to the house of her father, or of that relative who was under obligation to protect her if she had never been married at all. In reference to her he was her κύριος. (Demosth. *c. Neaer.* p. 1362.) [L. S.]

2. Roman. The word *divortium* signified generally a separation, and, in a special sense, a dissolution of marriage. A Roman marriage was dissolved by the death of the wife or husband, and by divortium in the lifetime of the husband and wife.

The statement of Plutarch (*Romul.* 22) that the husband alone had originally the power of effecting a divorce may be true; but we cannot rely altogether on such an authority. In the cases of conventio in manum, one might suppose that a woman could not effect a divorce without the consent of her husband, but a passage of Gaius (i. 137) seems to say, that the conventio in manum did not limit the wife's freedom of divorce at the time when Gaius wrote (Böcking, *Instit.* i. 229. n. 3). The passage of Dionysius (*Antiq. Rom.* ii. 25), in which he treats of marriage by confarreatio, declares that the marriage could not be dissolved.

As the essential part of a marriage was the consent and conjugal affection of the parties, it was considered that this affection was necessary to its continuance, and accordingly either party might declare his or her intention to dissolve the connection. No judicial decree, and no interference of any public authority, was requisite to dissolve a marriage. Filiifamilias, of course, required the consent of those in whose power they were. The first instance of divorce at Rome is said to have occurred about B. C. 234, when Sp. Carvilius Ruga put away his wife (A. Gell. iv. 3, xvii. 21; Val. Max. ii. 1. § 4) on the ground of barrenness: it is added that his conduct was generally condemned. The real meaning of the story is explained by Savigny with his usual acuteness (*Zeitschrift*, &c. vol. v. p. 269).

Towards the latter part of the republic, and under the empire, divorces became very common; and in the case of marriages, where we assume that there was no conventio in manum, there was no particular form required. Cn. Pompeius divorced his wife Mucia for alleged adultery, and his conduct was approved (Cic. *ad Att.* i. 12, 18); and Cicero speaks of Paula Valeria (*ad Fam.* viii. 7) as being ready to serve her husband, on his return from his province, with notice of divorce. (Compare Juv. vi. 224, &c.; Mart. vi. 7.) Cicero himself divorced his wife Terentia, after living with her thirty years, and married a young woman whom he also divorced (Plut. *Cic.* 41). Cato the younger divorced his wife Marcia, that his friend Hortensius might marry her and have children by her; for this is the true meaning of the story. (Plut. *Cat. Min.* 25.) If a husband divorced his wife, the wife's dos, as a general rule, was restored [Dos]; and the same was the case when the divorce took place by mutual consent. As divorce became more common, attempts were made to check it indirectly, by affixing pecuniary penalties or pecuniary loss on the party whose conduct rendered the divorce necessary. This was part of the object of the lex Papia Poppaea, and of the rules as to the retentio dotis, and judicium morum. There was the retentio dotis propter liberos, when the divorce was caused by the fault of the wife, or of her father, in whose power she was: three-sixths of the dos was the limit of what could be so retained. On account of matters morum graviorum, such as adultery, a sixth part might be retained; in the case of matters morum leviorum, one eighth. The husband, when in fault, was punished by being required to return the dos earlier than it was otherwise returnable. After the divorce, either party might marry again. (Sueton. *Aug.* 34.)

By the lex Papia Poppaea, a freedwoman who had married her patronus could not divorce herself; there appears to have been no other class of persons subjected to this incapacity. (Dig. 24. tit. 2. s. 11.)

Corresponding to the forms of marriage by confarreatio and coemtio, there were the forms of divorce by diffarreatio and remancipatio. According to Festus (*s. v. Diffarreatio*), diffarreatio was a kind of religious ceremony so called, "quia fiebat farreo libo adhibito," by which a marriage was dissolved; and Plutarch (*Quaest. Rom.* 50) has been supposed to allude to this ceremony in the case of a divorce between the flamen dialis and his wife. It is said that originally marriages contracted by confarreatio were indissoluble; and in a later age, this was the case with the marriage of the flamen dialis (Gell. x. 15), who was married by confarreatio. In the case referred to by Plutarch, the emperor authorised the divorce. A marriage by coemtio was dissolved by remancipatio (Festus, *s. v. Remancipatam*). In other cases, less ceremony was used; but still some distinct notice or declaration of intention was necessary to constitute a divorce: the simple fact of either party contracting another marriage was not a legal divorce. (Cic. *Orat.* i. 40.) The ceremony of breaking the *nuptiales tabulae* (Tacit. *Ann.* xi. 30), or of taking the keys of the house from the woman and turning her out of doors, were probably considered to be acts of themselves significant enough, though it may be presumed that they were generally accompanied with declarations that could not be misunderstood. The general practice was apparently to deliver a written notice, and perhaps to assign a reason. In the case of Paula Valeria, mentioned by Cicero, no reason was assigned. By the Lex Julia de Adulteriis, it was provided that there should be seven witnesses to a divorce, Roman citizens of full age (*puberes*), and a freedman of the party who made the divorce. (Dig. 24. tit. 2. s. 9.)

Under the early Christian emperors, the power of divorce remained, as before, subject to the observance of certain forms. Justinian restricted the power of divorce, both on the part of the husband and the wife, to certain cases, and he did not allow a divorce even by the consent of both parties, unless the object of the parties was to live a life of chastity; a concession made to the opinions of his Christian subjects.

The term repudium, it is said, properly applies to a marriage only contracted [Matrimonium], and divortium to an actual marriage (Dig. 50. tit. 16. s. 101. 191); but sometimes divortium and repudium appear to be used indifferently. The phrases to express a divorce are, nuncium remittere, divortium facere; and the form of words might be as follow — "Tuas res tibi habeto, tuas res tibi agito." (Cic. *Phil.* ii. 28; Plaut. *Amphit.* iii. 2. 47, *Trinum.* ii. 1. 43.) The phrases used to express the renunciation of a marriage contract were, renuntiare repudium, repudium remittere, dicere, and repudiare; and the form of words might be, "Conditione tua non utor." (Dig. 24. tit. 2; Ulp. *Frag.* vi.; Heinecc. *Syntagma;* Cod. 5. tit. 17, and 24; Rein, *Das Römische Privatrecht;* and as to the later Roman Law, Thibaut, *System,* &c. 9th ed.) [G. L.]

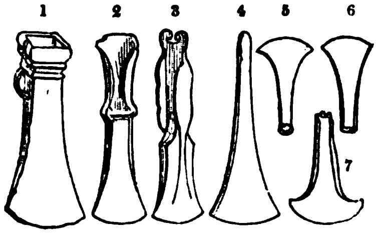
DO'CANA (τὰ δόκανα, from δοκός, a beam) was an ancient symbolical representation of the Dioscuri (Castor and Polydeuces), at Sparta. It consisted of two upright beams with others laid across them transversely. (Plut. *De Amor. Fratr.* 1. p. 36.) This rude symbol of fraternal unity evidently points to a very remote age, in which scarcely any attempts in sculpture can have been made. At a later time, when works of art were introduced into all the spheres of ordinary life, this rude and ancient object of worship, like many others of its kind, was not superseded by a more appropriate symbol. The Dioscuri were worshipped as gods of war, and we know that their images accompanied the Spartan kings whenever they took the field against an enemy. But when in the year 504 B.C. the two kings, during their invasion of Attica, failed in their undertaking on account of their secret enmity towards each other, it was decreed at Sparta, that in future only one king should command the army, and in consequence should only be accompanied by one of the images of the Dioscuri. (Herod. v. 75.) It is not improbable that these images, accompanying the kings into the field, were the ancient δόκανα, which were now disjointed, so that one half of the symbol remained at Sparta, while the other was taken into the field by one of the kings. Suidas and the Etymologicum Magnum (*s. v.*) state that δόκανα was the name of the graves of the Dioscuri at Sparta, and derived from the verb δέχομαι. (Müller, *Dorians*, i. 5. § 12. note *m*, ii. 10. § 8; Zoega, *De Obeliscis*, p. 228.) [L. S.]

DOCIMA'SIA (δοκιμασία). When any citizen of Athens was either appointed by lot, or chosen by suffrage (κληρωτὸς καὶ αἱρετός), to hold a public office, he was obliged, before entering on its duties, to submit to a *docimasia*, or scrutiny into his previous life and conduct, in which any person could object to him as unfit. This was the case with the archons, the senators, the strategi, and other magistrates. The examination, or anacrisis, for the archonship was conducted by the senators, or in the courts of the heliaea. The *docimasia*, however, was not confined to persons appointed to public offices; for we read of the denouncement of a scrutiny (ἐπαγγελία δοκιμασίας) against orators who spoke in the assembly while leading profligate lives, or after having committed flagitious crimes. This denouncement might be made in public by any one πρὸς δοκιμασίαν τοῦ βίου, *i. e.* to compel the party complained of to appear before a court of justice, and give an account of his life and conduct. If found guilty, he was punished with atimia, and prohibited from the assemblies. (Aesch. *Timarch.* p. 5.)

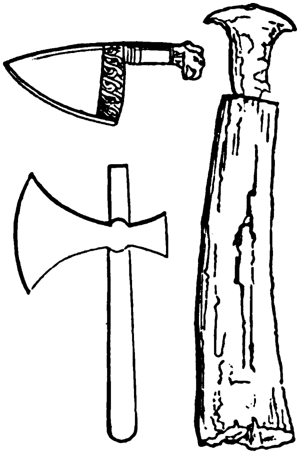
The phrase ἄνδρα εἶναι δοκιμασθῆναι needs a few words of explanation. At the age of eighteen, every Athenian became an ephebus, and after two years was enrolled amongst the men, so that he could be present and vote at the assemblies. (Poll. viii. 105.) In the case of wards who were heirs to property, this enrolment might take place before the expiration of the two years, on it being established by a *docimasia* that the youth was physically qualified to discharge any duties the state might impose upon him. If so, he was released from guardianship, and "became a man" (ἀνὴρ ἐγένετο, or δοκιμάσθη), being thereby empowered to enter upon his inheritance, and enjoy other privileges, just as if he were of the full age of twenty. (Harpocr. *s. v.* Ἐπιδίετες ἡβῆσαι: Dem. *c. Aphob.* p. 857, *c. Onet.* p. 865, *c. Steph.* p. 1135.) We may add that the statements of the grammarians and orators are at variance on this point; but the explanation we have given seems the best way of reconciling them, and it agrees in substance with the supposition of Schömann, "that among the Athenians, no one period was appointed for enrolment, provided that it was not done before the attainment of the 18th, nor after the completion of the 20th year." (Schömann, *De Comitiis*, pp. 75, 241, &c.) [R. W.]

DODRANS. [As.]

DOLABRA, *dim.* DOLABELLA (σμίλη, *dim.* σμιλίον), a chisel, a celt, was used for a variety of purposes in ancient as in modern times. They were frequently employed in making entrenchments and in destroying fortifications (Liv. ix. 37, xxi. 11; Curt. ix. 5; Tacit. *Hist.* iii. 20); and hence they are often found in ancient earth-works and encampments. They abound in our public museums, being known under the equivalent name of "celts" to antiquaries, who, however, generally use the word without understanding its true sense. (See Jamieson's *Etym. Dict. s. v. Celt.*) *Celtes* is an old Latin word for a chisel, probably derived from *coelo*, to engrave. Thus the phrase *celte sculpantur in silice* occurs in the vulgate version of Job (xix. 24), and *malleolo et celte literatus silex* in an inscription found at Pola. (Gruter, p. 329.) These articles are for the most part of bronze, more rarely of hard stone. The sizes and forms which they present, are as various as the uses to which they were applied. The annexed woodcut is designed to show a few of the most remarkable varieties. Fig. 1 is from a celt found, with several others, at Karnbrê in Cornwall. (Borlase, *Ant. of Cornwall*, iii. 13.) Its length was six inches without the haft, which was no doubt of wood, and fixed directly into the socket at the top. It must have been a very effective implement for removing the stones in the wall of a city or fortification, after they had been first shattered and loosened in some degree by the battering-ram. The ear, or loop, which is seen in this and many other celts, would be useful to suspend them from the soldier's girdle, and may also have had a cord or chain attached to it to assist in drawing back the celt whenever it became too firmly wedged between the stones of the wall which it was intended to destroy. Figs 2 and 3 are from Sir W. Hamilton's collection in the British Museum. These chisels seem best adapted for the use of the carpenter. The celt (fig. 4) which was found in Furness, co. Lancaster (*Archaeologia*, v. p. 106), instead of being shaped to receive, or to be inserted into a handle, like the three preceding, is made thick, smooth, and round in the middle, so as to be conveniently manipulated without a handle. It is 9 inches long, and weighs 2 lb. 5 oz. Its sharp edge is like that of a common hatchet, and may have been used for polishing timber. On the other hand, figs. 5, 6, 7, exactly resemble the knife now used by leather-cutters, and therefore illustrate the account given by Julius Pollux, who reckons this same tool, the σμίλη, among the *ἐργαλεῖα τοῦ σκυτοτόμου*. This instrument was also used for cutting paper, and probably in the same manner (*σμίλα χαρτοτόμος*, sicila, Philox. *Gloss.*).



The following woodcut shows a small bronze celt, fixed into a handle of stag's horn, and therefore exemplifies one of the modes of attaching the metal to its haft. It was evidently adapted for very fine work, and is strongly contrasted with the above-figured celt from Cornwall. It was found in an ancient tomb in Wiltshire. (Sir R. C. Hoare's *Anc. Wilts. South*, pp. 182, 203.) The two other figures in this woodcut represent the knife used in sacrifices, as it is often exhibited on cameos and bas-reliefs, being the *scena*, *sacena*, or *dolabra pontificalis*, mentioned by Festus (*s. v. Scena*); and the *securis dolabrata*, or hatchet furnished with a chisel (Pallad. *De Re Rust.* i. 43) as sculptured on a funereal monument. [J. Y.]



DO'LICHOS (δόλιχος). [Stadium.]

DO'LIUM. [Vinum.]

DOLO (δόλων). 1. A secret poniard or dagger contained in a case, used by the Italians. It was inserted in the handles of whips (Dig. 9. tit. 2. s. 52; Serv. *ad Virg. Aen.* vii. 664), and also in walking-sticks, thus corresponding to our sword-stick. It was a weapon of the latter kind that Tib. Gracchus carried (Plut. *Tib. Gracch.* 10; comp. Hesych. *s. v.* Δόλωνες).

2. A small top-sail. [Navis.]

DE DOLO MALO ACTIO. [Culpa.]

DOLUS MALUS. [Culpa.]

DOME'STICI. [Praetoriani.]

DOMICI'LIUM. This word signifies a man's regular place of abode. It was used in the Lex Plautia Papiria in such a manner, that when that lex was enacted, B. C. 89, the word domicilium must have had a fixed meaning: "Si qui foederatis civitatibus adscripti fuissent, si tum cum lex ferebatur in Italia domicilium habuissent, et si sexaginta diebus apud praetorem essent professi." (Cicero, *Pro Archia*, c. 4.) This further appears from another passage in the same chapter: "At domicilium Romae non habuit: is qui tot annis ante civitatem datam sedem omnium rerum ac fortunarum suarum Romae collocavit;" and this indirect definition agrees, in part, with one in the Code, which will presently be cited.

There are various definitions of domicilium in the Corpus Juris. One of these (Dig. 50. tit. 1. s. 27. § 1) determines that a person must be considered to have his domicilium in a municipium, if he buys and sells there, attends the public spectacles, keeps the festival days there, and, in fine, enjoys all the advantages of the municipium, and none of the colonia, or the place where he is merely for the purpose of cultivation (ubi colendi ruris causa versatur). In another passage (Cod. 10. tit. 40 (39.) s. 7), it is stated that a civis is made by origo, manumissio, allectio vel adoptio; but that domicilium, as an edict of Divus Hadrianus declares, makes a person an incola. Domicilium is then defined in the following terms: "In eo loco singulos habere domicilium non ambigitur ubi quis larem rerumque ac fortunarum summam constituit, unde rursus non discessurus si nihil avocet, unde cum profectus est peregrinari videtur, quod (quo?) si rediit, peregrinari jam destitit."

In a passage in the Digest (50. tit. 1. s. 5), "incolam esse" and "domicilium habere" are used as equivalent terms.

It was important, for many purposes, to determine where a man had his permanent abode. An incola was bound to obey the magistrates of the place where he was an incola, and also the magistrates of the place where he was a civis; and he was not only subject to the municipal jurisdiction in both municipia, but he was bound to perform all public functions (publica munera). If a man was bound (obligatus), to pay a sum of money in Italy, and had his domicilium in a provincia, he might be sued either in Italy or in the province (Dig. 5. tit. 1. s. 19, § 4). A son followed the civitas which was the naturalis origo of his father, and did not follow his father's domicilium. If a man had no legal father (justus pater), he followed the origo of his mother. In the Praescriptio longi temporis decem vel viginti annorum, it was enacted by Justinian, that the ten years' prescription should apply, if both parties (tam petens quam possidens) had their domicilium in the same provincia; if the two parties had not their domicilium in the same province, the prescription of twenty years applied. (Cod. 7. tit. 33. s. 12.)

The modern law of Domicile is a branch of what is sometimes called international law; and many of the principles which are admitted in modern times are founded on the Roman rules. (*The Law of Domicile* by Robert Phillimore, 1847; Burge, *Commentaries on Colonial and Foreign Laws*, vol. i.) [G. L.]

DOMI'NIUM. Dominium signifies quiritarian ownership of a thing; and dominus, or dominus legitimus, is the owner. Possessor is often used by Roman writers as equivalent to owner; but this is not a strictly correct use of the word. In like manner, "to have ownership" is sometimes expressed by "possidere;" and the thing in which there is property is sometimes called "possessio." (Savigny, *Das Recht des Besitzes*, p. 85, 5th ed.)

The complete notion of property or ownership comprehends the determination of the things which may be the objects of ownership; the power which a man may have over such objects, both as to duration of time and extent of enjoyment; the modes in which ownership may be acquired and lost; the persons who are capable of acquiring, transferring, or losing ownership.

Res is the general name for anything which is the object of a legal act. The chief division of res is into res divini juris, and res humani juris. Res divini juris are those which are appropriated to religious purposes, namely, res sacrae, sanctae, religiosae; and so long as they have this character, they cannot be objects of property. Res humani juris are all other things that can be the objects of property; and they are either res publicae or res privatae. Res publicae belong to the state, and can only become private property by being deprived of this public character. [AGRARIAE LEGES.] Res universitatis are the property of a universitas, and are not the property of any individual. The phrase res nullius is ambiguous; it sometimes means that the thing cannot be the property of any individual, which is affirmed of things divini juris; when applied to things humani juris, it sometimes means that they are not the property of an individual but of a universitas; yet such things *may* become the property of an individual; res hereditariae are res nullius until there is a heres. Res communes are those which cannot be the objects of property, and therefore are res nullius, as the sea.

Res corporales are defined to be those "quae tangi possunt;" incorporales are those "quæ tangi non possunt, sed in jure consistunt," as HEREDITAS, USUSFRUCTUS, OBLIGATIONES; and they are consequently incapable of tradition, or delivery. The distinction of things into corporeal and incorporeal did not exist in the older Roman law; and it is a useless distinction. An incorporeal thing is merely a right, and so it is explained in the Institutiones (ii. tit. 2, ed. Schrader).

Corporeal things are divided into immobiles, or solum et res soli, and mobiles. The ground (solum), and that which is so attached to the ground as to be inseparable from it without being destroyed, as a building for instance, are res immobiles. Mobiles res are all such as can be removed from one place to another without the destruction of their character. The class of res mobiles "quae pondere, numero, mensura constant," are such things as wine, oil, corn, silver, gold, which are of such a nature that any the same number, weight, or measure, may be considered the same thing. [MUTUUM.] There is another class of res, consisting of those "quae usu consumuntur, minuuntur," and those "quae non, &c." The term singulae res comprehends either one thing or several things, separately considered as ones. Such things are either simple, as an animal, a stone; or compounded of parts, as a carriage, or a ship. Any number of things, not mechanically connected, may in a legal sense be viewed as one, or as a universitas. (Dig. 41. tit. 3. s. 30; 6. tit. 1. s. 23. § 5.)

Some things are appurtenant to others, that is, as subordinate parts they go with that which forms the principal thing. (Dig. 18. tit. 1. s. 49.) If a thing, as a house or a ship, was purchased, the buyer got every thing that was a part of the house or ship. (Dig. 21. tit. 2. s. 44.)

Fructus are what is produced out of a thing by its own productive power; as the grass in a field, the fruit on a tree.

The division of things into res mancipi and res nec mancipi, was one of ancient origin; and it continued to a late period in the empire. Res mancipi

(Ulp. *Frag.* xix.) are praedia in Italico solo, both rustic and urban; also jura rusticorum praediorum or servitutes, as via, iter, aquaeductus; also slaves, and four-footed animals, as oxen, horses, &c., quae collo dorsove domantur. Other things were nec mancipi.

All the things have been enumerated which are the object of dominium, and some which are not. Every dominus has a right to the possession of the thing of which he is dominus; but possession alone, which is a bare fact without any legal character, neither makes a man dominus, nor does the want of possession deprive him of dominium. Possession has the same relation to a legal right to a thing, as the physical power to operate upon it has to the legal power; and accordingly the doctrine of possession precedes that of ownership. Things cannot be the objects of possessio civilis which cannot be the objects of dominium.

Certain things are not properly objects of ownership (*dominium*), though a claim to them is prosecuted by an actio in rem: they are servitutes, emphyteusis, superficies, and pignus and hypotheca.

Dominium properly signifies the right of dealing with a corporeal thing as a person (*dominus*) pleases; this, of course, implies the right to exclude all others from meddling with it. The dominus has the right to possess, and is distinguished in that respect from the bare possessor, who has only the right of possession. He who has the ususfructus of a thing, is never considered as owner; and proprietas is the name for that which remains after the ususfructus is deducted from the ownership. Ownership may be either absolute, that is, as complete as the law allows any ownership to be, or it may be limited. The distinction between bare ownership and ownership united with the beneficial interest, is explained in another place. [BONA.] A person who has no ownership of a thing, may have rights in or to a thing which, as far as they extend, limit the owner's power over his property, as hereafter explained. Ownership, being in its nature single, can only be conceived as belonging to one person; consequently there cannot be several owners of one thing, but several persons may own undivided shares or parts of a thing.

As a man's right to deal with a thing and to exclude others from the use or enjoyment of it, may be limited, this may arise either from his being bound to allow to another person a certain use or enjoyment of the thing of which he is dominus, or from his being bound to abstain from doing certain acts on or to his property, and for the benefit of some other person.

This limitation of a man's enjoyment of his own is explained under SERVITUTES.

In order to acquire ownership, a person must have a legal capacity to acquire; and ownership may be acquired by such a person, or by another for him. There must also be a thing which can be the object of such ownership, and there must be a legal mode of acquisition (*acquisitio civilis*). Ownership may be acquired in single things (*acquisitio rerum singularum*), or it may be acquired in a number of things of different kinds at once (*acquisitio per universitatem*), in which case a person acquires them not as individual things, but he acquires the parts by virtue of acquiring the whole. The latter kind of acquisition is either successio inter vivos, as in the case where a man adrogates another, and so becomes the owner of all the adrogated person's property (Gaius, iii. 21); or it is successio mortis causa, as in the case of a testamentary heres, or a heres ab intestato.

Acquisitiones per universitatem are properly discussed under other heads [ADOPTIO; HERES; SUCCESSIO; UNIVERSITAS]. The following remarks apply to acquisitiones rerum singularum. Acquisitiones were either civiles (*ex jure civili*); or naturales (*ex jure gentium*), that is, there was no formality prescribed for the mode of acquisition: in both cases dominium could be acquired. The civiles acquisitiones of single things were by mancipatio, in jure cessio, and usucapio: those naturali jure were by traditio or delivery. In the case of res mancipi, the only modes of acquiring dominium were mancipatio, in jure cessio, and usucapio; but usucapio applied also to things nec mancipi. The alienation of things nec mancipi was the peculiar effect of traditio or delivery (Ulp. *Frag.* xix. 8), and if there was a justa causa, that is, some legal ground or motive for the delivery, dominium was thus acquired; traditio, in the case of a thing mancipi, merely made it *in bonis*, and the dominium or ownership continued unchanged. The notion that in the case of res nec mancipi, bare tradition with a justa causa did not confer quiritarian ownership or dominium, is erroneous; for when the Roman law did not require peculiar forms, the transfer of ownership was effected in what may be called the natural way, that is, the simplest and most easy way in which the parties to the act could show their meaning and carry it into effect.

A man who was dominus of a thing, whether acquired jure civili or naturali, prosecuted his right to it in the same way, by the rei vindicatio. He could not of course prosecute such a right unless he was out of possession; and, in order to succeed, he must prove his ownership. If he had a thing in bonis, and was in possession, he could acquire the ownership by usucapion: if he was out of possession, it seems not an improbable conjecture of Unterholzner (*Rhein. Mus. für Jurisprud. Erster Jahrgang*, p. 129), that he was aided in his action after the time when the legis actiones fell into disuse and the formula was introduced (for as to a previous time it is difficult to form any conjecture) by the fiction of his having received the property by mancipatio. There are examples of a similar fiction in the case of the bonorum possessor and the bonorum emtor. (Gaius, iv. 34, 35.) A man could only dispose of a legacy by his will per vindicationem (Ulp. *Frag.* xxiv. 7) when he had the dominium of it: if he had not the dominium, he could only give per damnationem or sinendi modo. A slave who was the property of his master (*dominus*) might attain the Roman civitas by the act of manumission: if he was only in bonis of the person who manumitted him, he became a Latinus by the act of manumission. The difference between quiritarian ownership and in bonis was destroyed by the legislation of Justinian, who declared in bonis to be complete ownership.

Some modern writers enumerate in addition to the civiles acquisitiones here enumerated, addictio, emtio sub corona, sectio bonorum, adjudicatio, and lex (Ulp. *Frag.* tit. xix. § 2), by which last they understand those circumstances under which some special enactment gives property to a person; and caducum [CADUCUM] is mentioned as an instance.

A bonae fidei possessio was not ownership (dominium), nor was it the same as in bonis. The two things are distinguished by Ulpian (*Frag.* xix. 20, 21). A bonae fidei possessor had a capacity for acquiring by usucapion the ownership of the thing which he possessed. He had a kind of action, actio publiciana in rem, by which, if he lost the possession before he had acquired the ownership by usucapion, he could recover it against all except the owner, or such person as had a better right than himself, in which latter respect he differed from him who had a thing in bonis, for his claim was good against the person who had the bare ownership. (Dig. 6. tit. 2.)

As to fundi provinciales, it was an old principle of Roman law that there could be no dominium in them, that is, no quiritarian ownership; nor were they said to be in bonis, but the occupier had possessio and ususfructus. In fact the terms dominium and in bonis were not applicable to provincial lands, nor were the fictions that were applicable to things in bonis applicable to provincial lands; but it is an ingenious conjecture of Unterholzner, that the formula actionis was adapted to the case of provincial lands by a fiction of their being Italic lands, combined with a fiction of their being acquired by usucapion. In the case of the ager publicus in Italy, the dominium was in the Roman people, and the terms possessio and possessor were appropriate to the enjoyment and the person by whom the land was enjoyed. Still the property in provincial land was like the property in bonis in Rome and Italy, and it consequently became dominium after the distinction between quiritarian and bonitarian ownership was destroyed.

Ownership was also acquired in the case of occupatio, accessio, &c. [Accessio; Alluvio; Confusio.]

A man, who had a legal capacity, could acquire property either himself or by those who were "in potestate, manu, mancipiove." He could even acquire thus per universitatem, as in the case of an hereditas; and he could also thus acquire a legacy. If a slave was a man's in bonis, every thing that the slave acquired belonged to the owner in bonis, and not to him who had the bare quiritarian ownership. If a man was the "bona fide possessor" of another person, whether that person happened to be a freeman supposed to be and possessed as a slave, or was the property of another, the possessor only acquired the ownership of that which the person so possessed acquired "ex re possidentis" and "ex operis suis." The same rule applied to a slave in which a man had only the ususfructus; and the rule was consistent with the rule just laid down, for ususfructus was not property. Sons who were in the power of a father, and slaves, of course, could not acquire property for themselves. [Peculium.]

Ownership was lost either with the consent of the owner or against it. With the consent, when he transferred it to another, which was the general mode of acquiring and losing property; without the consent, when the thing perished, when it became the property of another by accession or usucapion, when it was judicially declared to be the property of another, or forfeited by being pledged. Ownership was not lost by death, for the heres was considered to be the same person as the defunct.

As certain persons had not a capacity to acquire, so some persons had not the same liability to lose that others had. Thus the property of a pupillus who was in tutela legitima, could not become the property of another by usucapion; a fundamental principle of law which Cicero was surprised that his friend Atticus did not know (*Ad Att.* i. 5).

Ownership might be lost by the Maxima capitis diminutio; when it was the consequence of a conviction for a capital crime, the property was forfeited to the state. [Sectio Bonorum.] The media capitis diminutio only effected an incapacity for quiritarian ownership: the person could still retain or acquire property by the jus gentium; still if the media capitis diminutio was the consequence of conviction for a capital crime, it had the same consequences as the Maxima. (Mackeldey, *Lehrbuch*, &c. 12th ed.; *Ueber die Verschiedenen Arten des Eigenthums*, &c. von Unterholzner, *Rhein. Mus. Erster Jahrg.*; Gaius, ii. 1, &c.; Ulp. *Frag.* tit. xix.; Thibaut, *System*, &c. § 146. &c., § 242, &c., 9th ed.) [G. L.]

DOMINUS means master, owner [Dominium]. Dominus is opposed to Servus, as master to slave. Plinius, in his letters, always addresses Trajanus as Dominus; but this must be viewed rather as a mode of showing his respect than any acknowledgment of a title. (C. Plinii Caecilii Secundi *Ep.* ed. G. H. Schaefer, p. 500, note.) Domitianus claimed the titles of Dominus and Deus. (Dion Cass. lxvii. 13, and the note of Reimarus; also Martialis, *Ep.* v. 8, and x. 72, when Domitianus was dead.) It is said, that Aurelianus first adopted the title Dominus on his medals. (Eckhel, *Doct. Num. Vet.* vol. vii. p. 482.) [G. L.]

DOMUS (*οἶκος*, *οἰκία*, and in old Greek *δόμος*), a house. 1. Greek. — The arrangement of the several parts of the dwellings of the Greeks forms one of the most difficult subjects in their antiquities. The only regular description of the Greek house, that of Vitruvius, is in many respects inconsistent with the allusions found in the Greek writers; while those allusions themselves are far too scanty and obscure, to be woven into a clear description. It is manifest, also, that the arrangement of the parts differed much at different periods. To say nothing of the early period when, according to tradition, rude huts of clay, or wood, or stone, began to be used instead of the hollow trees, and caves, and clefts in the rocks, in which the savage aborigines found shelter (Diod. v. 68, Paus. x. 17), we have to distinguish between the houses, or rather palaces, of the heroic age, to which Homer's allusions apply, the houses of the historical period down to the time of Alexander the Great, and those after his time.

There were also considerable differences between the arrangements of a town and a country house. All of these had two principal features in common. Firstly, in Greece, as in all warm climates, the general arrangement of a house of the better sort was that of one or more open courts, surrounded by the various rooms. Secondly, in a Greek family the women lived in private apartments allotted to their exclusive use. Hence the house was always divided into two distinct portions, namely, the *Andronitis*, or men's apartments (*ἀνδρωνῖτις*), and the *Gynaeconitis*, or women's apartments (*γυναικωνῖτις*). In the earliest times, as in the houses referred to by Homer, the women's apartments were in the upper story (*ὑπερῷον*). The same arrangement is found at the time of the Peloponnesian war in the house spoken of by Lysias (*De Caed. Eratosth.* pp. 12, 13; comp. Aristoph. *Eccles.* 961, *Thesm.* 482). But it does not follow that that was the usual custom at this period. On the contrary, we have the express testimony of several writers, and of Lysias himself among the rest, that the Gynaeconitis was on the same story with the Andronitis, and behind it (Lysias, *c. Simon.* p. 139; Demosth. *c. Euerg.* p. 1155; Xen. *Oecon.* ix. 5; Antiph. *de Venif.* p. 611); and even the tragic poets transfer to the heroic ages the practice of their own, and describe both sets of apartments as on the same floor. (Soph. *Oed. Tyr.* 1241—1262.)

The scanty notices of the domestic, or rather the palatial architecture of the early Greeks, which we find in Homer, are insufficient to give an accurate notion of the names, uses, and arrangement of the apartments; besides which, an allowance must no doubt be made for poetical exaggeration. The various passages and words, in Homer, which throw any light upon the subject, are collected and discussed by Schneider (*Epim. ad Xenoph. Mem.* iii. 8. § 9), by Krause (in Pauly's *Real-Encyclop. d. Class. Alterth. s. v. Domus*), and by Hirt, who gives a ground-plan of the Homeric house (*Geschichte der Baukunst*, vol. i. pp. 208—216, and Plate VI. fig. 1). The general plan was not very different from that of the later houses. The chief points of difference appear to have been, the position of the women's apartments in the upper story, and the great court in front of the house, which was wanting at least in the ordinary town dwellings of later times.

We first gain precise information on the subject about the time of the Peloponnesian war; and from the allusions made by Greek writers to the houses of this and the immediately subsequent periods, till the time of Alexander, we may conclude that their general arrangement corresponded with that described by Vitruvius (vi. 7, Schneider). In this description, however, there is one considerable difficulty, among others of less importance. Vitruvius seems to describe the *Gynaeconitis* as lying before the *Andronitis*, an arrangement alike inconsistent with the careful state of seclusion in which the Greek women were kept, and also with the allusions in the writers of the period, who, as above stated, almost uniformly refer to the two sets of apartments as being on the same floor, the *Gynaeconitis* behind the *Andronitis*. Becker (*Charikles*, vol. i. pp. 184, 185) notices the different explanations which have been given of the inconsistency between the statements and the description of Vitruvius, the most plausible of which is that of Galiani, namely, that in the time of Vitruvius a slight change had taken place in the disposition of the apartments, by which the Andronitis and Gynaeconitis were placed side by side, each of them having its own front towards the street, and its own entrance. It is also very likely that Vitruvius to some extent misunderstood the descriptions given by his Greek authorities.

The front of the house towards the street was not large, as the apartments extended rather in the direction of its depth than of its width. In towns the houses were often built side by side, with party walls between. (Thucyd. ii. 3.) The exterior wall was plain, being composed generally of stone, brick, and timber (Xen. *Mem.* iii. 1. § 7; Demosth. Περὶ Συνταξ. p. 175), and often covered with stucco. (Plutarch. *Comp. Arist. et Cat.* 4). Plutarch speaks of Phocion's house as being ornamented with plates of iron. (Plut. *Phoc.* 18.)

The general character of the ordinary houses in towns was very plain, even at the time of the Peloponnesian war; the Greeks preferring to expend their wealth on temples and other public buildings. The ease with which the Plataeans broke through the party walls of their houses, to communicate with one another, in the instance just quoted, shows how indifferently they were constructed; and even at Athens, in the time of Pericles, foreigners were struck by the contrast between the splendour of the public buildings and the mean dwellings of the common people. (Thuc. ii. 14, 65; Dicaearch. *Stat. Graec.* p. 8.)

Xenophon (*Mem.* iii. 8. §§ 9, 10) represents Socrates as stating briefly the chief requisites of a good house: that it should be cool in summer and warm in winter, and that the apartments should furnish convenient abodes for the family, and safe receptacles for their property: for the former purpose, the chief apartments should face the south, and should be lofty, so as to receive the full rays of the sun in winter, and to be shaded by their projecting roofs in summer; and that those facing the north should be lower, for the sake of shelter. Paintings and elaborate decorations, he says, destroy more pleasures than they furnish.

The advance of luxury, after the time of Alexander the Great, caused a corresponding improvement in the dwelling-houses of the principal Greek cities, which had already begun to receive more attention, in proportion as the public buildings were neglected. (Demosth. *in Aristocr.* p. 689, *Olynth.* iii. p. 36.) It is probably to the larger and more splendid houses of this period that the description of Vitruvius applies; but there is no reason to suppose that the general arrangements of the previous period were much altered. The following description, therefore, which is derived from a comparison of Vitruvius with the allusions in the Greek writers, will serve for the *probable* arrangements (for further we cannot go) of the Greek house, at the time of the Peloponnesian war and onwards.

That there was no open space between the street and the house-door, like the Roman *vestibulum*, is plain from the law of Hippias, which laid a tax on house-doors opening outwards, because they encroached upon the street. (Aristot. *Oecon.* ii. 6, p. 1347. Bekk.) The προθύρον, which is sometimes mentioned (Herod. vi. 35), seems to be merely the space in front of the house. We learn, however, from the same law of Hippias, that houses sometimes stood back from the street, within enclosures of their own (προφράγματα or δρύφακτοι, Heracl. Pont. *Polit.* 1). In front of the house was generally an altar of Apollo Agyieus, or a rude obelisk emblematical of the god. Sometimes there was a laurel tree in the same position, and sometimes a terminal bust of the god Hermes. (Thucyd. vi. 27; Aristoph. *Plut.* 1153.)

A few steps (ἀναβαθμοί) led up to the house-door, which generally bore some inscription, for the sake of a good omen, or as a charm, such as Εἴσοδος Κράτητι Ἀγαθῷ Δαίμονι. (Plutarch, *Frag. Vit. Crat.*; Diog. Laërt. vi. 50.) The form and fastenings of the door are described under JANUA. This door, as we have seen, sometimes opened outwards; but the opposite was the general rule, as is proved by the expressions used for opening, ἐνδοῦναι, and shutting it, ἐπισπάσασθαι and ἐφελκύσασθαι. (Plutarch. *Pelop.* 11, *Dio*, 57.) The handles were called ἐπισπαστῆρες.

The house-door was called αὔλειος or αὔλεια ϑύρα (Pind. *Nem.* i. 19; Harpocr. *s. v.*; Eustath. *ad Iliad*, xxii. 66), because it led to the αὐλή. It gave admittance to a narrow passage (ϑυρωρεῖον, πυλών, ϑυρών), on one side of which, in a large house, were the stables, on the other the porter's lodge. The duty of the porter (ϑυρωρός) was to admit visitors, and to prevent anything improper from being carried into or out of the house. (Aristot. *Oecon.* i. 6.) Plato (*Protag.* p. 314.) gives a lively picture of an officious porter. The porter was attended by a dog. (Apollod. *apud Athen.* i. p. 3; Theocr. xv. 43; Aristoph. *Thesm.* 416, *Equit.* 1025.) Hence the phrase εὐλαβεῖσθαι τὴν κύνα (Aristoph. *Lysist.* 1215), corresponding to the Latin *Cave canem.*

At the further end of the passage Vitruvius places another door, which, however, does not seem generally to have existed. Plutarch (*de Gen. Socr.* 18) mentions the house-door as being visible from the peristyle.

From the ϑυρωρεῖον we pass into the peristyle or court (περιστύλιον, αὐλή) of the Andronitis, which was a space open to the sky in the centre (ὕπαιθρον), and surrounded on all four sides by porticoes (στοαί), of which one, probably that nearest the entrance, was called προστόον (Plato, *Protag.* pp. 314, 315). These porticoes were used for exercise, and sometimes for dining in. (Pollux, i. 78; Plato, *Symp.* p. 212, *Protag.* p. 311; Plutarch. *de Gen. Socr.* 32.) Here was commonly the altar on which sacrifices were offered to the household gods, but frequently portable altars were used for this purpose. (Plato, *de Republ.* i. p. 328.) Vitruvius (*l. c.*) says that the porticoes of the peristyle were of equal height, or else the one facing the south was built with loftier columns. This he calls a Rhodian peristyle; and it corresponds with the arrangement recommended by Xenophon, for the purpose of obtaining as much sun in winter, and as much shade and air in summer, as possible. (Xen. *Oecon.* ix. 4; *Mem.* iii. 8. § 9; Aristot. *Oecon.* i. 6.)

Round the peristyle were arranged the chambers used by the men (οἶκοι, ἀνδρῶνες), such as banqueting rooms, which were large enough to contain several sets of couches (τρίκλινοι, ἑπτάκλινοι, τριακοντάκλινοι), and at the same time to allow abundant room for attendants, musicians, and performers of games (Vitruv. *l. c.*; Xen. *Symp.* i. 4. § 13; Plutarch. *Symp.* v. 5. § 2; Aristoph. *Eccles.* 676); parlours or sitting rooms (ἐξέδραι), and smaller chambers and sleeping rooms (δωμάτια, κοιτῶνες, οἰκήματα); picture-galleries and libraries, and sometimes store-rooms; and in the arrangement of these apartments attention was paid to their aspect. (Vitruv. *l. c.*; Lysias, *de Caede Eratosth.* p. 28, *in Eratosth.* p. 389; Aristoph. *Eccles.* 8, 14; Pollux, i. 79; Plato, *Protag.* pp. 314. 316.)

The peristyle of the Andronitis was connected with that of the Gynaeconitis by a door called μέταυλος, μέσαυλος, or μεσαύλιος, which was in the middle of the portico of the peristyle opposite to the entrance. Vitruvius applies the name μέσαυλος to a passage between the two peristyles, in which was the μέσαυλος ϑύρα. By means of this door all communication between the Andronitis and the Gynaeconitis could be shut off. Its uses are mentioned by Xenophon, who calls it ϑύρα βαλανωτός (*Oecon.* ix. 5; compare Plut. *Arat.* 26). Its name μέσαυλος is evidently derived from μέσος, and means the door *between* the two αὐλαί or peristyles. (Suidas *s. v.* Μεσαύλιον: Ael. Dion. *apud Eustath. ad Iliad*, xi. 547; Schol. *in Apoll. Rhod.* iii. 335.) The other name, μέταυλος, is taken by some writers as merely the Attic form of μέσαυλος. (Moer. *Att.* p. 264.) But it should rather be derived from μετά, as being the door *behind* or *beyond* the αὐλή, with respect to the αὔλειος ϑύρα. (Lysias, *de Caed. Erat.* p. 20; Plut. *Symp.* vii. 1; Ael. Dion. *apud Eustath. l. c.*) It should be observed that in the house described by Vitruvius, if the Andronitis and Gynaeconitis lay side by side, the μέσαυλος ϑύρα would not be opposite to the entrance, but in one of the other sides of the peristyle.

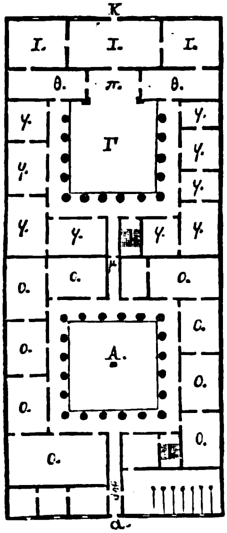
This door gave admittance to the peristyle of the Gynaeconitis, which differed from that of the Andronitis in having porticoes round only three of its sides. On the fourth side, that opposite to the μέσαυλος ϑύρα (the side facing the south, according to Vitruvius), were placed two antae [Antae], at a considerable distance from each other. A third of the distance between these antae was set off inwards (Vitruv. *l. c.* § 1. *Quantum inter antas distat, ex eo tertia dempta spatium datur introrsus*), thus forming a chamber or vestibule, which was called προστάς, παραστάς and perhaps παστάς, and also πρόδομος; although some of the later Greek writers apply the word πρόδομος to the vestibule of the Andronitis, and such seems to have been its meaning in Homer's time. (Pollux; Suid.; Hesych.; Etymol. Mag.; Vitruv. *l. c.*) On the right and left of this προστάς were two bed-chambers, the ϑάλαμος and ἀμφιθάλαμος, of which the former was the principal bed-chamber of the house, and here also seem to have been kept the vases, and other valuable articles of ornament. (Xen. *Oecon.* ix. 3.) Beyond these rooms (for this seems to be what Vitruvius means by *in his locis introrsus*) were large apartments (ἱστῶνες) used for working in wool (*oeci magni, in quibus matres familiarum cum lanificis habent sessionem*, Vitruv.). Round the peristyle were the eating-rooms, bed-chambers, store-rooms, and other apartments in common use (*triclinia quotidiana, cubicula, et cellae familiaricae*).

Besides the αὔλειος ϑύρα and the μέσαυλος ϑύρα, there was a third door (κηπαία ϑύρα) leading to the garden. (Pollux, i. 76; Demosth. *in Euerg.* p. 1155; Lysias, *in Eratosth.* p. 393.) Lysias (*l. c.* p. 394) speaks of another door, which probably led from the garden into the street.

There was usually, though not always, an upper story (ὑπερῷον, διῆρες), which seldom extended over the whole space occupied by the lower story. The principal use of the upper story was for the lodging of the slaves. (Demosth. *in Euerg.* p. 1156, where the words ἐν τῷ πύργῳ seem to imply a building several stories high.) The access to the upper floor seems to have been sometimes by stairs on the outside of the house, leading up from the street. Guests were also lodged in the upper story. (Antiph. *de Venef.* p. 611.) But in some large houses there were rooms set apart for their reception (ξενῶνες) on the ground floor. (Vitruv. *l. c.*; Pollux, iv. 125; Eurip. *Alcest.* 564.) In cases of emergency store-rooms were fitted up for the accommodation of guests. (Plato, *Protag.* p. 315.)

Portions of the upper story sometimes projected beyond the walls of the lower part, forming balconies or verandahs (*προβολαί*, *γεισιποδίσματα*, Pollux, i. 81).

The following plan of the ground-floor of a Greek house of the larger size is taken from Bekker's *Charikles*. It is of course conjectural, as there are no Greek houses in existence. Other plans, differing very much from this and from one another, are given by Hirt, Stieglitz, and the commentators on Vitruvius.



a, House-door, *αὔλειος ϑύρα*: *ϑυρ.* passage, *ϑυρωρεῖον* or *ϑυρών*: A, peristyle or *αὐλὴ* of the Andronitis: *o*, the halls and chambers of the Andronitis; *μ*, *μέταυλος* or *μέσαυλος ϑύρα*: Γ, peristyle of the Gynaeconitis; *γ*, chambers of the Gynaeconitis; *π*, *προστὰς* or *παραστὰς*: *θ*, *ϑάλαμος* and *ἀμφιθάλαμος*: I, rooms for working in wool (*ἱστῶνες*); K, garden-door, *κηπαία ϑύρα*.

The roofs were generally flat, and it was customary to walk about upon them. (Lysias, *adv. Simon.* p. 142; Plaut. *Mil.* ii. 2. 3.) But pointed roofs were also used. (Pollux, i. 81.)

In the interior of the house the place of doors was sometimes supplied by curtains (*παραπετάσματα*), which were either plain, or dyed, or embroidered. (Pollux, x. 32; Theophrast. 5.)

The principal openings for the admission of light and air were in the roofs of the peristyles; but it is incorrect to suppose that the houses had no windows (*ϑυρίδες*), or at least none overlooking the street. They were not at all uncommon. (Aristoph. *Thesm.* 797, *Eccles.* 961; Plutarch. *de Curios.* 13, *Dion*, 56.)

Artificial warmth was procured partly by means of fire-places. It is supposed that chimneys were altogether unknown, and that the smoke escaped through an opening in the roof (*καπνοδόκη*, Herod. viii. 137). It is not easy to understand how this could be the case when there was an upper story.

Little portable stoves (*ἐσχάραι*, *ἐσχαρίδες*) or chafing dishes (*ἀνθράκια*) were frequently used. (Plutarch. *Apophth.* i. p. 717; Aristoph. *Vesp.* 811; Pollux, vi. 89, x. 101.) [Focus.]

The decorations of the interior were very plain at the period to which our description refers. The floors were of stone. At a late period coloured stones were used. (Plin. *H. N.* xxxvi. 25. s. 60.) Mosaics are first mentioned as introduced under the kings of Pergamus.

The walls, up to the fourth century B. C., seem to have been only whited. The first instance of painting them is that of Alcibiades. (Andoc. *in Alcib.* p. 119; Plutarch. *Alcib.* 16.) This innovation met with considerable opposition. (Xen. *Mem.* iii. 8. § 10; *Oecon.* ix. 2.) Plato mentions the painting of the walls of houses as a mark of a *τρυφῶσα πόλις* (*Repub.* iii. pp. 372, 373). These allusions prove that the practice was not uncommon in the time of Plato and Xenophon. We have also mention of painted ceilings at the same period. (Plato, *Repub.* vii. 529.) At a later period this mode of decoration became general. (The commentators on Vitruvius, *l. c.*; Schneider, *Epim. ad Xen. Mem.*; Hirt, *Die Lehre der Gebäude*, pp. 287—289; Stieglitz, *Archäol. d. Baukunst*, vol. ii. pt. 2. pp. 150—159; Becker, *Charikles*, vol. i. pp. 166—205.) [P. S.]

2. Roman. The houses of the Romans were poor and mean for many centuries after the foundation of the city. Till the war with Pyrrhus the houses were covered only with thatch or shingles (Plin. *H. N.* xvi. 15), and were usually built of wood or unbaked bricks. It was not till the latter times of the republic, when wealth had been acquired by conquests in the East, that houses of any splendour began to be built; but it then became the fashion not only to build houses of an immense size, but also to adorn them with columns, paintings, statues, and costly works of art.

M. Lepidus, who was consul B. C. 78, was the first who introduced Numidian marble into Rome for the purpose of paving the threshold of his house; but the fashion of building magnificent houses increased so rapidly that the house of Lepidus, which, in his consulship, was the first in Rome, was, thirty-five years later, eclipsed by a hundred others. (Id. xxxvi. 8. 24. § 4.) Lucullus especially surpassed all his contemporaries in the magnificence of his houses and the splendour of their decorations. Marble columns were first introduced into private houses by the orator L. Crassus, but they did not exceed twelve feet in height, and were only six in number. (Id. xvii. 1, xxxvi. 3.) He was soon outdone by M. Scaurus, who placed in his atrium columns of black marble, called Lucullean, thirty-eight feet high, and of such immense weight that the contractor of the sewers took security for any injury that might be done to the sewers in consequence of the columns being carried along the streets. (Id. xxxvi. 2.)

The Romans were exceedingly partial to marble for the decoration of their houses. Mamurra, who was Caesar's praefectus fabrûm in Gaul, set the example of lining his room with slabs of marble. (Id. xxxvi. 7.) Some idea may be formed of the size and magnificence of the houses of the Roman nobles during the later times of the republic by the price which they fetched. The consul Messalla bought the house of Autronius for 3700 sestertia (nearly 33,000*l.*), and Cicero the house of Crassus, on the Palatine, for 3500 sestertia (nearly 31,000*l.*). (Cic. *ad Att.* i. 13, *ad*

Fam. v. 6.) The house of P. Clodius, whom Milo killed, cost 14,800 sestertia (about 131,000*l.*); and the Tusculan villa of Scaurus was fitted up with such magnificence, that when it was burnt by his slaves, he lost 100,000 sestertia, upwards of 885,000*l.* (Plin. *H. N.* xxxvi. 24.) The house-rent, which persons in poor circumstances usually paid at Rome, was about 2000 sesterces, between 17*l.* and 18*l.* (Suet. *Jul.* 38.) It was brought as a charge of extravagance against Caelius that he paid 30 sestertia (about 266*l.*) for the rent of his house. (Cic. *pro Cael.* 7.)

Houses were originally only one story high; but as the value of ground increased in the city they were built several stories in height. In many houses each story was let out to separate tenants, the highest floors being usually inhabited by the poor. (Cic. *Agr.* ii. 35; Hor. *Ep.* i. 1. 91; Juv. *Sat.* iii. 268, &c., x. 17.) To guard against danger from the extreme height of houses, Augustus restricted the height of all new houses which were built by the side of the public roads to seventy feet. (Strab. v. p. 235.) Till the time of Nero, the streets in Rome were narrow and irregular, and bore traces of the haste and confusion with which the city was built after it had been burnt by the Gauls; but after the great fire in the time of that emperor, by which two-thirds of Rome was burnt to the ground, the city was built with great regularity. The streets were made straight and broad; the height of the houses was restricted, and a certain part of each was required to be built of Gabian or Alban stone, which was proof against fire. (Tacit. *Ann.* xv. 43; Suet. *Ner.* 38.)

Our information respecting the form and arrangement of a Roman house is principally derived from the description of Vitruvius, and the remains of the houses which have been found at Pompeii. Many points, however, are still doubtful; but without entering into architectural details, we shall confine ourselves to those topics which serve to illustrate the classical writers. The chief rooms in the house of a respectable Roman, though differing of course in size and splendour according to the circumstances of the owner, appear to have been usually arranged in the same manner; while the others varied according to the taste and circumstances of the master.

The principal parts of a Roman house were the 1. *Vestibulum*, 2. *Ostium*, 3. *Atrium* or *Cavum Aedium*, 4. *Alae*, 5. *Tablinum*, 6. *Fauces*, 7. *Peristylium*. The parts of a house which were considered of less importance, and of which the arrangement differed in different houses, were the 1. *Cubicula*, 2. *Triclinia*, 3. *Oeci*, 4. *Exedrae*, 5. *Pinacotheca*, 6. *Bibliotheca*, 7. *Balineum*, 8. *Culina*, 9. *Coenacula*, 10. *Diaeta*, 11. *Solaria*. We shall speak of each in order.

1. VESTIBULUM. The vestibulum did not properly form part of the house, but was a vacant space before the door, forming a court, which was surrounded on three sides by the house, and was open on the fourth to the street. The two sides of the house joined the street, but the middle part of it, where the door was placed, was at some little distance from the street. (Gell. xvi. 5; Macrob. *Sat.* vi. 8.) Hence Plautus (*Mostell.* iii. 2. 132) says, "Viden' vestibulum ante aedes hoc et ambulacrum quoiusmodi?"

2. OSTIUM. The ostium, which is also called *janua* and *fores*, was the entrance to the house. The street-door admitted into a hall, to which the name of ostium was also given, and in which there was frequently a small room (*cella*) for the porter (*janitor* or *ostiarius*), and also for a dog, which was usually kept in the hall to guard the house. A full account of this part of the house is given under JANUA. Another door (*janua interior*) opposite the street door led into the atrium.

3. ATRIUM or CAVUM AEDIUM, as it is written by Varro and Vitruvius; Pliny writes it *Cavaedium*. Hirt, Müller (*Etrusker*, vol. i. p. 255), Marini, and most modern writers, consider the Atrium and Cavum Aedium to be the same; but Newton, Stratico, and more recently Becker (*Gallus*, vol. i. p. 77, &c.), maintain that they were distinct rooms. It is impossible to give a decisive opinion on the subject; but from the statements of Varro (*De Ling. Lat.* v. 161, Müller) and Vitruvius (vi. 3, 4, Bipont), taken in connection with the fact that no houses in Pompeii have been yet discovered which contain both an Atrium and Cavum Aedium, it is most probable that they were the same. The Atrium or Cavum Aedium was a large apartment roofed over with the exception of an opening in the centre, called *compluvium*, towards which the roof sloped so as to throw the rain-water into a cistern in the floor, termed *impluvium* (Varro, *l. c.*; Festus, *s. v. Impluvium*), which was frequently ornamented with statues, columns, and other works of art. (Cic. *c. Verr.* ii. 23, 56.) The word *impluvium*, however, is also employed to denote the aperture in the roof. (Ter. *Eun.* iii. 5. 41.) Schneider, in his commentary on Vitruvius, supposes cavum aedium to mean the whole of this apartment including the impluvium, while atrium signified only the covered part exclusive of the impluvium. Mazois, on the contrary, maintains that atrium is applied to the whole apartment, and cavum aedium only to the uncovered part. The breadth of the impluvium, according to Vitruvius (vi. 4), was not less than a quarter nor greater than a third of the breadth of the atrium; its length was in the same proportion according to the length of the atrium.

Vitruvius (vi. 3) distinguishes five kinds of atria or cava aedium, which were called by the following names: —

(1.) *Tuscanicum.* In this the roof was supported by four beams, crossing each other at right angles, the included space forming the compluvium. This kind of atrium was probably the most ancient of all, as it is more simple than the others, and is not adapted for a very large building.

(2.) *Tetrastylum.* This was of the same form as the preceding, except that the main beams of the roof were supported by pillars, placed at the four angles of the impluvium.

(3.) *Corinthium* was on the same principle as the tetrastyle, only that there were a greater number of pillars around the impluvium, on which the beams of the roof rested.

(4.) *Displuviatum* had its roof sloping the contrary way to the impluvium, so that the water fell outside the house instead of being carried into the impluvium.

(5.) *Testudinatum* was roofed all over and had no compluvium.

The atrium was the most important room in the house, and among the wealthy was fitted up with much splendour and magnificence. (Compare Hor.

Carm. iii. 1. 46.) The marble columns of Scaurus already spoken of were placed in the atrium. The atrium appears originally to have been the only sitting-room in the house, and to have served also as a kitchen (Serv. *ad Virg. Aen.* i. 726, iii. 353); and it probably continued to do so among the lower and middle classes. In the houses of the wealthy, however, it was distinct from the private apartments, and was used as a reception room, where the patron received his clients, and the great and noble the numerous visitors who were accustomed to call every morning to pay their respects or solicit favours. (Hor. *Ep.* i. 5. 30; Juv. vii. 7, 91.) Cicero frequently complains that he was not exempt from this annoyance, when he retired to his country-houses. (*Ad Att.* ii. 14, v. 2, &c.) But though the atrium does not appear to have been used by the wealthy as a sitting-room for the family, it still continued to be employed for many purposes which it had originally served. Thus the nuptial couch was placed in the atrium opposite the door (*in aula*, Hor. *Ep.* i. 1. 87; Ascon. *in Cic. pro Mil.* p. 43, Orelli), and also the instruments and materials for spinning and weaving, which were formerly carried on by the women of the family in this room. (Ascon. *l. c.*) Here also the images of their ancestors were placed (Juv. viii. 19; Mart. ii. 90), and the focus or fire-place, which possessed a sacred character, being dedicated to the Lares of each family. [FOCUS.]

4. ALAE, wings, were small apartments or recesses on the left and right sides of the atrium. (Vitruv. vi. 4.)

5. TABLINUM was in all probability a recess or room at the further end of the atrium opposite the door leading into the hall, and was regarded as part of the atrium. It contained the family records and archives. (Vitruv. vi. 4; Festus, *s. v.*; Plin. *H. N.* xxxv. 2.)

With the tablinum, the Roman house appears to have originally ceased; and the sleeping rooms were probably arranged on each side of the atrium. But when the atrium and its surrounding rooms were used for the reception of clients and other public visitors, it became necessary to increase the size of the house; and the following rooms were accordingly added: —

6. FAUCES appear to have been passages, which passed from the atrium to the peristylium or interior of the house. (Vitruv. vi. 3.)

7. PERISTYLIUM was in its general form like the atrium, but it was one-third greater in breadth, measured transversely, than in length. (Vitruv. vi. 4.) It was a court open to the sky in the middle; the open part, which was surrounded by columns, was larger than the impluvium in the atrium, and was frequently decorated with flowers and shrubs.

The arrangement of the rooms, which are next to be noticed, varied, as has been remarked, according to the taste and circumstances of the owner. It is therefore impossible to assign to them any regular place in the house.

1. CUBICULA, bed-chambers, appear to have been usually small. There were separate cubicula for the day and night (*cubicula diurna et nocturna*, Plin. *Ep.* i. 3); the latter were also called *dormitoria*. (*Id.* v. 6; Plin. *H. N.* xxx. 17.) Vitruvius (vi. 7) recommends that they should face the east for the benefit of the rising sun. They sometimes had a small ante-room, which was called by the Greek name of *προκοιτών*. (Plin. *Ep.* ii. 17.)

2. TRICLINIA, dining-rooms, are treated of in a separate article. [TRICLINIUM.]

3. OECI, from the Greek *οἶκος*, were spacious halls or saloons borrowed from the Greeks, and were frequently used as triclinia. They were to have the same proportions as triclinia, but were to be more spacious on account of having columns, which triclinia had not. (Vitruv. vi. 5.) Vitruvius mentions four kinds of oeci: —

(1.) The *Tetrastyle*, which needs no further description. Four columns supported the roof.

(2.) The *Corinthian*, which possessed only one row of columns, supporting the architrave (*epistylium*), cornice (*corona*), and a vaulted roof.

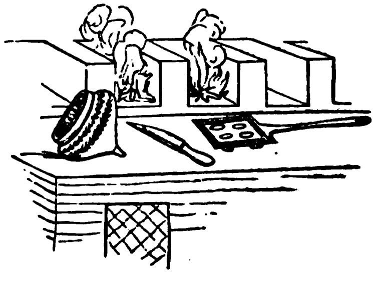
(3.) The *Aegyptian*, which was more splendid and more like a basilica than a Corinthian triclinium. In the Aegyptian oecus, the pillars supported a gallery with paved floor, which formed a walk round the apartment; and upon these pillars others were placed, a fourth part less in height than the lower, which surrounded the roof. Between the upper columns windows were inserted.

(4.) The *Cyzicene* (Κυζικηνοί) appears in the time of Vitruvius to have been seldom used in Italy. These oeci were meant for summer use, looking to the north, and, if possible, facing gardens, to which they opened by folding-doors. Pliny had oeci of this kind in his villa.

4. EXEDRAE, which appear to have been in form much the same as the oeci, for Vitruvius (vi. 5) speaks of the exedrae in connection with oeci quadrati, were rooms for conversation and the other purposes of society. (Cic. *de Nat. Deor.* i. 6, *De Orat.* iii. 5.) They served the same purposes as the exedrae in the Thermae and Gymnasia, which were semicircular rooms with seats for philosophers and others to converse in. (Vitruv. v. 11, vii. 9; BALNEAE.)

5, 6, 7. PINACOTHECA, BIBLIOTHECA, and BALINEUM [see BALNEAE], are treated of in separate articles.

8. CULINA, the kitchen. The food was originally cooked in the atrium, as has been already stated; but the progress of refinement afterwards led to the use of another part of the house for this purpose. In the kitchen of Pansa's house, of which a ground-plan is given below, a stove for stews and similar preparations was found, very much like the charcoal stoves used in the present day. (See woodcut.) Before it lie a knife, a strainer, and a kind of frying-pan with four spherical cavities, as if it were meant to cook eggs.



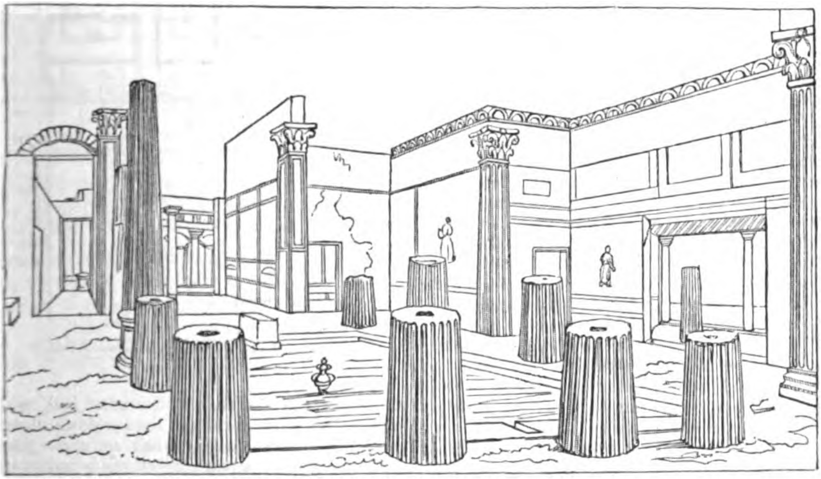
In this kitchen, as well as in many others at Pompeii, there are paintings of the Lares or domestic gods, under whose care the provisions and all the cooking utensils were placed.

9. **Coenacula** properly signified rooms to dine in; but after it became the fashion to dine in the upper part of the house, the whole of the rooms above the ground-floor were called *coenacula* (Varr. *de Ling. Lat.* v. 162, Müller), and hence Festus says, "Coenacula dicuntur, ad quae scalis ascenditur." (Compare Dig. 9. tit. 3. s. 1.) As the rooms on the ground-floor were of different heights and sometimes reached to the roof, all the rooms on the upper story could not be united with one another, and consequently different sets of stairs would be needed to connect them with the lower part of the house, as we find to be the case in houses at Pompeii. Sometimes the stairs had no connection with the lower part of the house, but ascended at once from the street. (Liv. xxxix. 14.)

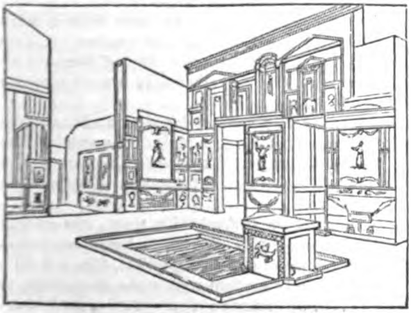
10. **Diaeta** was an apartment used for dining in, and for the other purposes of life. (Plin. *Ep.* ii. 17; Suet. *Claud.* 10.) It appears to have been smaller than the triclinium. Diaeta is also the name given by Pliny (*Ep.* vi. 5) to rooms containing three or four bed-chambers (*cubicula*). Pleasure-houses or summer-houses are also called diaetae. (Dig. 30. tit. 1. s. 43; 7. tit. 1. s. 13. § 8.)

11. **Solaria**, properly places for basking in the sun, were terraces on the tops of houses. (Plaut. *Mil.* ii. 3. 69, ii. 4. 25; Suet. *Ner.* 16.) In the time of Seneca the Romans formed artificial gardens on the tops of their houses, which contained even fruit-trees and fish-ponds. (Sen. *Ep.* 122, *Contr. Exc.* v. 5; Suet. *Claud.* 10.)

The two woodcuts annexed represent two atria of houses at Pompeii. The first is the atrium of what is usually called the house of the Quaestor. The view is taken near the entrance-hall facing the tablinum, through which the columns of the peristyle and the garden are seen. This atrium, which is a specimen of what Vitruvius calls the Corinthian, is surrounded by various rooms, and is beautifully painted with arabesque designs upon red and yellow grounds.

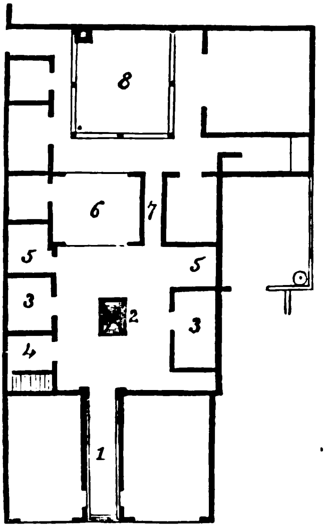


The next woodcut represents the atrium of what is usually called the house of Ceres. In the centre is the impluvium, and the passage at the further end is the ostium or entrance-hall. As there are no pillars around the impluvium, this atrium must belong to the kind called by Vitruvius the Tuscan.



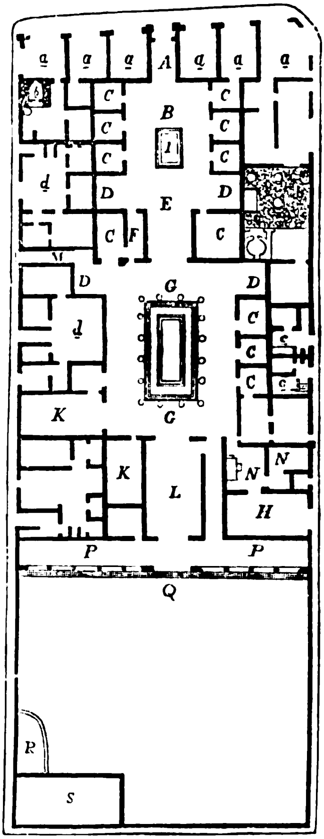
The preceding account of the different rooms, and especially of the arrangement of the atrium, tablinum, peristyle, &c., is best illustrated by the houses which have been disinterred at Pompeii. The ground-plan of two is accordingly subjoined. The first is the plan of a house, usually called the house of the tragic poet.

Like most of the other houses at Pompeii, it had no vestibulum according to the meaning which we have attached to the word. 1. The ostium or entrance hall, which is six feet wide and nearly thirty long. Near the street door there is a figure of a large fierce dog worked in mosaic on the pavement, and beneath it is written *Cave Canem.* The two large rooms on each side of the vestibule appear from the large openings in front of them to have been shops; they communicate with the entrance hall, and were therefore probably occupied by the master of the house. 2. The atrium, which is about twenty-eight feet in length and twenty in breadth; its impluvium is near the centre of the room, and its floor is paved with white tesserae, spotted with black. 3. Chambers for the use of



the family, or intended for the reception of guests, who were entitled to claim hospitality. When a house did not possess an hospitium, or rooms expressly for the reception of guests, they appear to have been lodged in rooms attached to the atrium. [Hospitium.] 4. A small room with a stair-case leading up to the upper rooms. 5. Alae. 6. The tablinum. 7. The fauces. 8. Peristyle, with Doric columns and garden in the centre. The large room on the right of the peristyle is the triclinium; beside it is the kitchen; and the smaller apartments are cubicula and other rooms for the use of the family.

The next woodcut contains the ground-plan of an *insula*, which was properly a house not joined to the neighbouring houses by a common wall. (Festus, *s. v.*) An insula, however, generally contained several separate houses, or at least separate apartments or shops, which were let to different families; and hence the term domus under the emperors appears to be applied to the house where one family lived, whether it were an insula or not, and insula to any hired lodgings. This insula contains a house, surrounded by shops, which belonged to the owner and were let out by him. The house itself, which is usually called the house of Pansa, evidently belonged to one of the principal men of Pompeii. Including the garden, which is a third of the whole length, it is about 300 feet long and 100 wide.

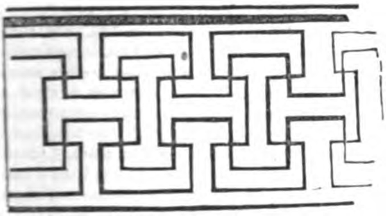


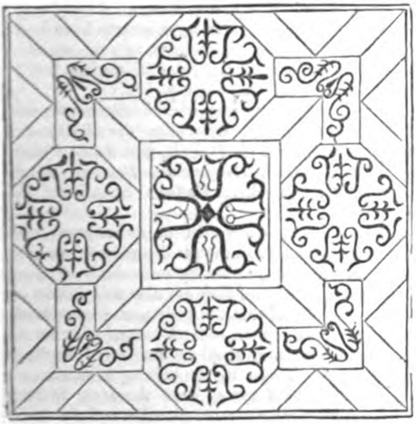
A. Ostium, or entrance-hall, paved with mosaic. B. Tuscan atrium. I. Impluvium. C. Chambers on each side of the atrium, probably for the reception of guests. D. Ala. E. Tablinum, which is open to the peristyle, so that the whole length of the house could be seen at once; but as there is a passage (fauces), F, beside it, the tablinum might probably be closed at the pleasure of the owner. C. Chambers by the fauces and tablinum, of which the use is uncertain. G. Peristyle. D. Ala to the peristyle. C. Cubicula by the side of the peristyle. K. Triclinium. L. Oecus, and by its side there is a passage leading from the peristyle to the garden. M. Back door (*posticum ostium*) to the street. N. Culina. H. Servants' hall, with a back door to the street. P. Portico of two stories, which proves that the house had an upper floor. The site of the staircase, however, is unknown, though it is thought there is some indication of one in the passage, M. Q. The garden. R. Reservoir for supplying a tank, S.

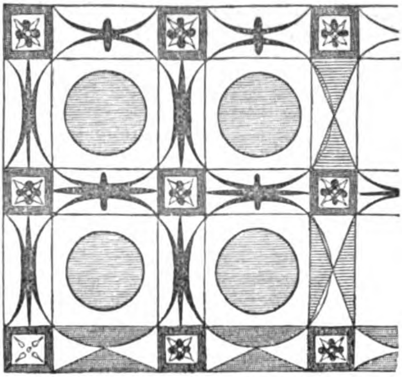
The preceding rooms belonged exclusively to Pansa's house; but there were a good many apartments besides in the insula, which were not in his occupation. *a*. Six shops let out to tenants. Those on the right and left hand corners were bakers' shops, which contained mills, ovens, &c. at *b*. The one on the right appears to have been a large establishment, as it contains many rooms. *c*. Two houses of a very mean class, having formerly an upper story. On the other side are two houses much larger, *d*.

Having given a general description of the rooms of a Roman house, it remains to speak of the (1) floors, (2) walls, (3) ceilings, (4) windows, and (5) the mode of warming the rooms. For the doors see Janua.

(1.) The floor (*solum*) of a room was seldom boarded, though this appears to have been sometimes done (*strata solo tabulata*, Stat. *Silv.* i. 5. 57). It was generally covered with stone or marble, or mosaics. The common floors were paved with pieces of bricks, tiles, stones, &c., forming a kind of composition called *ruderatio*. (Vitruv. vii. 1.) Another kind of pavement was that called *opus Signinum*, which was a kind of plaster made of tiles beaten to powder and tempered with mortar. It derived its name from Signia, a town of Italy, celebrated for its tiles. (Plin. *H. N.* xxxv. 46.) Sometimes pieces of marble were imbedded in a composition ground, which appear to have formed the floors called by Pliny *barbarica* or *subtegulanea*, and which probably gave the idea of mosaics. As these floors were beaten down (*pavita*) with rammers (*fistucae*), the word *pavimentum* became the general name for a floor. The kind of pavement called *scalpturatum* was first introduced in the temple of Jupiter Capitolinus after the beginning of the third Punic war, but became quite common in Rome before the beginning of the Cimbric war. (Id. xxxvi. 61.) Mosaics, called by Pliny *lithostrota* (λιθόστρωτα), though this word has a more extensive meaning, first came into use in Sulla's time, who made one in the temple of Fortune at Praeneste. (Id. xxxvi. 64.) Mosaic work was afterwards called *Musivum opus*. (Spartian. *Pescen. Nig.* 6; Trebell. Pollio, *Trigin. Tyrann.* 24; Augustin. *De Civitate Dei*, xvi. 8.) The floors of the houses at Pompeii are frequently composed of mosaics, which are usually formed of black frets on a white ground, or white ones on a black ground, though some of them are in coloured marbles. The materials of which they are generally formed are small pieces of red and white marble and red tile, set in a very fine cement and laid upon a deep bed of mortar, which served as a base. The three examples here given, which are taken from houses at Pompeii, will convey a general idea of their form and appearance.

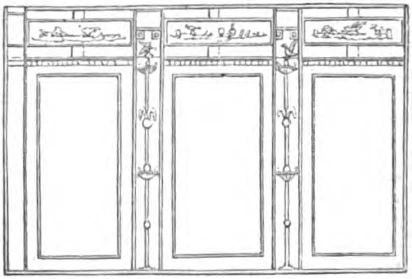






Mosaic pavements, however, have been discovered at Pompeii, which represent figures and scenes of actual life, and are in reality pictures in mosaic. One of the most beautiful of these is given in its original colours in Gell's *Pompeiana*, 2nd series, plate xlv. It is composed of very fine pieces of glass, and represents the choragus, or master of the chorus, instructing the actors in their parts. A still more extraordinary mosaic painting was discovered in Pompeii in 1831; it is supposed to represent the battle of Issus. (*Museo Borbonico*, viii. t. 36—45.)

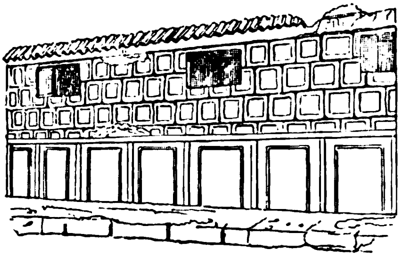
(2.) The inner walls (*parietes*) of private rooms were frequently lined with slabs of marble (Plin. *H. N.* xxxvi. 7), but were more usually covered by paintings, which in the time of Augustus were made upon the walls themselves. The prevalence of this practice is attested not only by Pliny (*H. N.* xxxv. 37), but also by the circumstance that even the small houses in Pompeii have paintings upon their walls. The following woodcut, which represents the side of a wall at Pompeii, is one of the simplest but most common kind. The compartments are usually filled with figures.



The general appearance of the walls may be seen from the woodcuts given above. Subjects of all kinds were chosen for painting on the walls, as may be seen by a reference to the Museo Borbonico, Gell, Mazois, &c. (Compare Vitruv. vii. 5.) The colours seem usually to have been laid upon a dry ground, but were sometimes placed upon it wet, as in the modern fresco painting (*colores udo tectorio inducere*, Vitruv. vii. 3). The walls also appear to have been sometimes ornamented with raised figures, or a species of bas-relief (*typos in tectorio atrioli includere*, Cic. *ad Att.* i. 10), and sometimes with mosaics. (Plin. *H. N.* xxxvi. 64.)

(3.) The ceilings seem originally to have been left uncovered, the beams which supported the roof or the upper story being visible. Afterwards planks were placed across these beams at certain intervals, leaving hollow spaces, called *lacunaria* or *laquearia*, which were frequently covered with gold and ivory, and sometimes with paintings. (Hor. *Carm.* ii. 18; Plin. *H. N.* xxxiii. 18; Sen. *Ep.* 90; Suet. *Ner.* 31.) There was an arched ceiling in common use, called CAMARA, which is described in a separate article.

(4.) The Roman houses had few windows (*fenestrae*). The principal apartments, the atrium, peristyle, &c., were lighted, as we have seen, from above, and the cubicula and other small rooms generally derived their light from them, and not from windows looking into the street. The rooms only on the upper story seem to have been usually lighted by windows. (Juv. iii. 270.) Very few houses in Pompeii have windows on the ground-floor opening into the street, though there is an exception to this in the house of the tragic poet, which has six windows on the ground-floor. Even in this case, however, the windows are not near the ground as in a modern house, but are six feet six inches above the foot-pavement, which is raised one foot seven inches above the centre of the street. The windows are small, being hardly three feet by two; and at the side there is a wooden frame, in which the window or shutter might be moved backwards or forwards. The lower part of the wall is occupied by a row of red panels four feet and a half high. The following woodcut represents part of the wall, with apertures for windows above it, as it appears from the street. The tiling upon the wall is modern, and is only placed there to preserve it from the weather.



The windows appear originally to have been merely openings in the wall, closed by means of shutters, which frequently had two leaves (*bifores fenestrae*, Ovid, *Pont.* iii. 3. 5), whence Ovid (*Amor.* i. 5. 3) says,

"Pars adaperta fuit, pars altera clausa fenestrae."

They are for this reason said to be joined, when they are shut. (Hor. *Carm.* ii. 25.) Windows were also sometimes covered by a kind of lattice or trellis work (*clathri*), and sometimes by net-work, to prevent serpents and other noxious reptiles from getting in. (Plaut. *Mill.* ii. 4. 25; Varro, *Re Rust.* iii. 7.)

Afterwards, however, windows were made of a transparent stone, called *lapis specularis* (mica), which was first found in Hispania Citerior, and afterwards in Cyprus, Cappadocia, Sicily, and Africa; but the best came from Spain and Cappadocia. It was easily split into the thinnest laminae, but no pieces had been discovered, says Pliny, above five feet long. (Plin. *H. N.* xxxvi. 45.) Windows made of this stone were called *specularia*. (Sen. *Ep.* 90; Plin. *Ep.* ii. 17; Mart. viii. 14.) Windows made of glass (*vitrum*) are first mentioned by Lactantius (*De Opif. Dei*, 8), but the discoveries at Pompeii prove that glass was used for windows under the early emperors, as frames of glass and glass windows have been found in several of the houses.

(5.) The rooms were heated in winter in different ways; but the Romans had no stoves like ours. The cubicula, triclinia, and other rooms, which were intended for winter use, were built in that part of the house upon which the sun shone most; and in the mild climate of Italy this frequently enabled them to dispense with any artificial mode of warming the rooms. Rooms exposed to the sun in this way were sometimes called *heliocamini*. (Plin. *Ep.* ii. 17; Dig. 8. tit. 2. s. 17.) The rooms were sometimes heated by hot air, which was introduced by means of pipes from a furnace below (Plin. *Ep.* ii. 17; Sen. *Ep.* 90), but more frequently by portable furnaces or braziers (*foculi*), in which coal or charcoal was burnt. (See woodcut, p. 190.) The *caminus* was also a kind of stove, in which wood appears to have been usually burnt, and probably only differed from the *foculus* in being larger and fixed to one place. (Suet. *Vitell.* 8; Hor. *Sat.* i. 5. 81.) It has been a subject of much dispute among modern writers, whether the Romans had chimneys for carrying off the smoke. From many passages in ancient writers, it certainly appears that rooms usually had no chimneys, but that the smoke escaped through the windows, doors, and openings in the roof (Vitruv. vii. 3; Hor. *l. c.*; Voss, *ad Virg. Georg.* ii. 242); but chimneys do not appear to have been entirely unknown to the ancients, as some are said to have been found in the ruins of ancient buildings. (Becker, *Gallus*, vol. i. p. 102.)

(Winkelmann, *Schriften über die Herkulanischen Entdeckungen*; Hirt, *Geschichte der Baukunst*; Mazois, *Les Ruines de Pompéi*, part ii., *Le Palais de Scaurus*; Gell, *Pompeiana*; *Pompeii*, Lond. 12mo. 1832; Becker, *Gallus*; Schneider, *ad Vitruv.*)

DONA'RIA (*ἀναθήματα* or *ἀνακείμενα*), are names by which the ancients designated presents made to the gods, either by individuals or communities. Sometimes they are also called *dona* or *δῶρα*. The belief that the gods were pleased with costly presents was as natural to the ancients as the belief that they could be influenced in their conduct towards men by the offering of sacrifices; and, indeed, both sprang from the same feeling. Presents were mostly given as tokens of gratitude for some favour which a god had bestowed on man; but in many cases they were intended to induce the deity to grant some special favour. At Athens, every one of the six thesmothetae, or, according to Plato (*Phaedr.* p. 235, d), all the nine archons, on entering upon their office, had to take an oath, that if they violated any of the laws, they would dedicate in the temple of Delphi a gilt statue of the size of the man who dedicated it (*ἀνδριάντα χρυσοῦν ἰσομέτρητον*, see Plut. *Sol.* 25; Pollux viii. 85; Suidas, *s. v.* *Χρυσῆ Εἰκών*; Heraclid. Pont. c. 1.) In this last case the anathema was a kind of punishment, in which the statue was regarded as a substitute for the person forfeited to the gods. Almost all presents of this kind were dedicated in temples, to which in some places an especial building was added, in which these treasures were preserved. Such buildings were called *ϑησαυροί* (treasuries); and in the most frequented temples of Greece many states had their separate treasuries. (Böckh, *Pub. Econ. of Ath.* p. 441, &c. 2d edit.) The act of dedication was called *ἀνατιθέναι*, *donare*, *dedicare*, or *sacrare*.

The custom of making donations to the gods is found among the ancients from the earliest times of which we have any record, down to the introduction of Christianity; and even after that period it was, with some modifications, observed by the Christians during the middle ages. In the heroic ages of Grecian history the anathemata were of a simple description, and consisted of chaplets and garlands of flowers. A very common donation to the gods seems to have been that of locks of hair (*κόμης ἀπαρχαί*), which youths and maidens, especially young brides, cut off from their heads and consecrated to some deity. (Hom. *Il.* xxiii. 141; Aeschyl. *Choeph.* 6; Eurip. *Orest.* 96 and 1427, *Bacch.* 493, *Helen.* 1093; Plut. *Thes.* 5; Paus. i. 37. § 2.) This custom in some places lasted till a very late period: the maidens of Delos dedicated their hair before their wedding to Hecaerge (Paus. i. 43. § 4), and those of Megara to Iphinoe. Pausanias (ii. 11. § 6) saw the statue of Hygieia at Titane, covered all over with locks of hair which had been dedicated by women. Costly garments (*πέπλοι*) are likewise mentioned among the earliest presents made to the gods, especially to Athena and Hera. (Hom. *Il.* vi. 293, 303.) At Athens the sacred *πέπλος* of Athena, in which the great adventures of ancient heroes were worked, was woven by maidens every fifth year, at the festival of the great Panathenaea. [Arrephoria.] (Compare Aristoph. *Av.* 792; Pollux. vii. 50; Wesseling, *ad Diod. Sic.* ii. p. 440.) A similar peplus was woven every five years at Olympia, by sixteen women, and dedicated to Hera. (Paus. v. 16. § 2.)

At the time when the fine arts flourished in Greece the anathemata were generally works of art of exquisite workmanship, such as high tripods bearing vases, craters, cups, candelabras, pictures, statues, and various other things. The materials of which they were made differed according to circumstances; some were of bronze, others of silver or gold (Athen. vi. p. 231, &c.), and their number is to us almost inconceivable. (Demosth. *Olynth.* iii. p. 35.) The treasures of the temples of Delphi and Olympia, in particular, surpass all conception. Even Pausanias, at a period when numberless works of art must have perished in the various ravages and plunders to which Greece had been exposed, saw and described an astonishing number of anathemata. Many works of art are still extant, bearing evidence by their inscriptions that they were dedicated to the gods as tokens of gratitude. Every one knows of the magnificent presents which Croesus made to the god of Delphi. (Herod. i. 50, &c.) It was an almost invariable custom, after the happy issue of a war, to dedicate the tenth part of the spoil (*ἀκροθίνιον*, *ἀκρόλειον*, or *πρωτόλειον*) to the gods, generally in the form of some work of art. (Herod. viii. 82, 121; Thucyd. i. 132; Paus. iii. 18. § 5; Athen. vi. p. 231, &c.) Sometimes magnificent specimens of armour, such as a fine sword, helmet, or shield, were set apart as anathemata for the gods. (Aristoph. *Equit.* 792, and Schol.) The Athenians always dedicated to Athena the tenth part of the spoil and of confiscated goods; and to all the other gods collectively, the fiftieth part. (Demosth. *c. Timocr.* p. 738, &c.) After a seafight, a ship, placed upon some eminence, was sometimes dedicated to Neptune. (Thucyd. ii. 84; Herod. viii. 121.) It is not improbable that trophies which were always erected on the field of battle, as well as the statues of the victors in Olympia and other places, were originally intended as tokens of gratitude to the god who was supposed to be the cause of the success which the victorious party had gained. We also find that on some occasions the tenth part of the profit of some commercial undertaking was dedicated to a god in the shape of a work of art. Respecting the large and beautiful crater dedicated by the Samians to Hera, see the article Crater.

Individuals who had escaped from some danger were no less anxious to show their gratitude to the gods by anathemata than communities. The instances which occur most frequently, are those of persons who had recovered from an illness, especially by spending one or more nights in a temple of Asclepius (*incubatio*). The most celebrated temples of this divinity were those of Epidaurus, Cos, Tricca, and at a later period, that of Rome. (Plin. *H. N.* xxix. 1; compare F. A. Wolf, *Vermischte Schriften und Aufsätze*, p. 411, &c.) Cures were also effected in the grotto of Pluto and Proserpina, in the neighbourhood of Nisa. (Strab. ix. p. 437, xiv. p. 649.) In all cases in which a cure was effected presents were made to the temple, and little tablets (*tabulae votivae*) were suspended on its walls, containing an account of the danger from which the patient had escaped, and of the manner in which he had been restored to health. Some tablets of this kind, with their inscriptions, are still extant. (Wolf, *l. c.* p. 424, &c.) From some relics of ancient art we must infer, that in some cases, when a particular part of the body was attacked by disease, the person, after his recovery, dedicated an imitation of that part in gold or silver to the god to whom he owed his recovery. Persons who had escaped from shipwreck usually dedicated to Neptune the dress which they wore at the time of their danger (Hor. *Carm.* i. 5. 13; Virg. *Aen.* xii. 768); but if they had escaped naked, they dedicated some locks of their hair. (Lucian, *de Merc. Cond.* c. 1. vol. i. p. 652, ed. Reiz.) Shipwrecked persons also suspended votive tablets in the temple of Neptune, on which their accident was described or painted. Individuals who gave up the profession or occupation by which they had gained their livelihood, frequently dedicated in a temple the instruments which they had used, as a grateful acknowledgment of the favour of the gods. The soldier thus dedicated his arms, the fisherman his net, the shepherd his flute, the poet his lyre, cithara, or harp, &c.

It would be impossible to attempt to enumerate all the occasions on which individuals, as well as communities, showed their gratefulness towards the gods by anathemata. Descriptions of the most remarkable presents in the various temples of Greece may be read in the works of Herodotus, Strabo, Pausanias, Athenaeus, and others.

The custom of making presents to the gods was common to Greeks and Romans, but among the latter the donaria were neither as numerous nor as magnificent as in Greece ; and it was more frequent among the Romans to show their gratitude towards a god, by building him a temple, by public prayers and thanksgivings (*supplicatio*), or by celebrating festive games in honour of him, than to adorn his sanctuary with beautiful and costly works of art. Hence the word donaria was used by the Romans to designate a temple or an altar, as well as statues and other things dedicated in a temple. (Virg. *Georg.* iii. 533 ; Ovid, *Fast.* iii. 335.) The occasions on which the Romans made donaria to their gods, are, on the whole, the same as those we have described among the Greeks, as will be seen from a comparison of the following passages : — Liv. x. 36, xxix. 36, xxxii. 30, xl. 40, 37 ; Plin *H. N.* vii. 48 ; Suet. *Claud.* 25 ; Tacit. *Ann.* iii. 71 ; Plaut. *Amphitr.* iii. 2. 65, *Curcul.* i. 1. 61, ii. 2. 10 ; Aurel. Vict. *Caes.* 35 ; Gellius, ii. 10 ; Lucan. ix. 515 ; Cic. *De Nat. Deor.* iii. 37 ; Tibull. ii. 5. 29 ; Horat. *Epist.* i. 1. 4 ; Stat. *Silv.* iv. 92. [L. S.]

DONA'TIO. Donatio or gift is an agreement between two persons by which one gives without remuneration and without any legal obligation (nullo jure cogente), and the other accepts something that has a pecuniary value. (Dig. 24. tit. 1. s. 5. § 8, 16 ; 39. tit. 5. s. 19. § 2, 29.) It is properly called an agreement, because it is not sufficient that there be a person to give : there must also be a person who consents to receive. He who is incapacitated to dispose of his property or to make a contract is consequently incapable of giving : every person who has a capacity to acquire, is capable of receiving a gift. The exceptions to these rules occurred in the case of persons who were in certain relations to one another, as pater and filiusfamilias ; yet this exception itself is subject to exceptions in the matter of peculium. It is essential to the notion of gift that the giver gives in order that the property of the receiver may be increased by the gift : there must be the animus donandi. The object of gift may be any thing which accomplishes this end ; for instance, the release of a debt. A gift of the whole of a person's property comprises no more than the property after the donor's debts are deducted. Such a gift is not a case of universal succession, and consequently the donee is not immediately liable for the debts of the donor. By the old Roman law a mere agreement (pactum) to give did not confer a right of action on the intended donee. In order that a gift should be valid, it was required to be either in the form of a stipulatio, or to be made complete at once by the delivery of the thing. Gifts also were limited in amount by the lex Cincia. The legislation of Justinian allowed a personal action in cases of a mere pactum donationis, where there had been neither delivery of the thing which was made a gift, nor stipulatio. (Cod. 8. tit. 54. s. 25, 29 ; 35. § 5 ; Inst. 2. tit. 7. § 2.) Thus, the promise to give was put on the footing of a consensual contract, when the promise related to a gift of less than 500 solidi : when the gift was above 500 solidi, a certain form was required, as will presently be explained, and the form was required whether the gift was perfected at once by traditio, or was only a promise to give.

If a man gave something to another for 'the benefit of a third person, the third person could sue him to whom the thing was given. (Cod. 8. tit. 55. s. 3.)

It was required by the legislation of Justinian, that a gift which was in value more than 500 solidi, must, with the exception of some few cases, have the evidence of certain solemnities before official persons (insinuatio). If these formalities were not observed, the gift was invalid as to all the amount which exceeded the 500 solidi. Some few kinds of gifts, which exceeded 500 solidi, were excepted from the solemnities of insinuatio.

If then a gift was not perfected at once by delivery, or what was equivalent to delivery, the donee might sue ex stipulatu, if there had been a stipulatio ; and if there had not, he might sue by virtue of the simple agreement. (Cod. 8. tit. 54, De Donationibus, s. 35. § 5.) The right of action which arises from the promise to give is, according to the Roman system, the real gift (Dig. 50. tit. 16. s. 49) : the actual giving was the payment of a debt. Accordingly, if there was a promise of a gift between a man and a woman before their marriage, the payment during the marriage was a valid act, because the promise was the gift, and the payment was not the gift. (Savigny, *System*, &c., iv. 119.) The heredes of a man might impugn the validity of a donatio inofficiosa by a querela inofficiosae donationis : and the donor could revoke his gift if the donee was guilty of gross ingratitude towards him, as for instance, of offering violence to his person. (Cod. 8. tit. 56. s. 10.) But the donor's claim was only in personam, and he could not recover the fruits which the donee had enjoyed. (Inst. 2. tit. 7. § 3 ; Savigny, *System*, &c., vol. iv. § 142, &c., *Schenkung ;* Mackeldey, *Lehrbuch*, &c., § 421, &c., 12th ed. ; Ortolan, *Explication Historique des Instituts*, vol. i. p. 472, 5th ed.) [G. L.]

DONA'TIO MORTIS CAUSA. There were, according to Julianus (Dig. 39. tit. 6. s. 2), three kinds of donatio mortis causa : — 1. When a man under no apprehension of present danger, but moved solely by a consideration of mortality, makes a gift to another. 2. When a man, being in immediate danger, makes a gift to another in such manner that the thing immediately becomes the property of the donee. 3. When a man, moved by the consideration of danger, gives a thing in such manner that it shall become the property of the donee only in case the giver dies. Every person could receive such a gift who was capable of receiving a legacy.

It appears, then, that there were several forms of gift called donatio mortis causa ; but the third is the only proper one ; for it was a rule of law that a donation of this kind was not perfected unless death followed, and it was revocable by the donor. A thing given absolutely could hardly be a donatio mortis causa, for this donatio had a condition attached to it, namely, the death of the donor and the survivorship of the donee. (Compare Dig. 39. tit. 6. s. 1 and 35.) Accordingly, a donatio mortis causa has been defined to be "a gift which a man makes with reference to the event of his death, and so makes that the right of the donee either commences with the death of the donor or is in suspense until the death." It resembles in some respects a proper donatio or gift : in others, it resembles a legacy. It was necessary that the donatio should be accepted by the donee, and consequently there must be traditio or delivery, or a proffer or offer, which is assented to. Yet the donatio might be maintained as a fideicommissum in the absence of these conditions. No person could make a donatio mortis causa, who could not make a testament. The death of the donee before the death of the donor was ipso jure a revocation of the donatio. It would appear as if the law about such donations was not free from difficulty. They were finally assimilated to legacies by Justinian, though this had been done in some particulars before his time. Still they differed in some respects from legacies; for instance, such a donation could take effect though there was no person to take the hereditas. A filius familias might with his father's consent make a donatio mortis causa of his Peculium Profectitium.

The English law of donationes mortis causa is first stated by Bracton (ii. c. 26) in the very words of the Digest (39. tit. 6. s. 2, &c.); and the present law is expounded by Lord Hardwicke (Ward v. Turner, 2 Vez. 431); but what he there states to be the English law is not exactly the law as stated in Bracton. The rules of donationes mortis causa in English law are now pretty well fixed by various recent decisions. Tradition or delivery is considered one essential of such a gift, and the death of the donor in the life of the donee is another essential. The gift is not an absolute gift, but a gift made in contemplation of death, and it is revocable. (Dig. 39. tit. 6; Cod. 8. tit. 57; Inst. 2. tit. 7; Savigny. *System*, &c. iv. 276; *Zeitschrift für Gesch. Rechtswissenschaft*, xii. p. 400, *Ueber L. Seia*, 42. pr.; De mor. ca. don.; Thibaut, *System*, &c. § 495, &c. 9th ed.) [G. L.]

DONA'TIO PROPTER NU'PTIAS. The meaning of this term is explained in the Institutiones (2. tit. 7. § 3). It was originally called Donatio ante nuptias, because it could not take place after the marriage; but when it was made legal to increase the donatio after marriage, and even to constitute it altogether after marriage, the more comprehensive term donatio propter nuptias was used. If a dos had been given by the wife, or on the part of the wife, and the husband by the terms of the contract was entitled to it, or to a part of it in case of the wife's death, it was necessary that the husband, or some person on the part of the husband, should give or secure something to the wife which she should have in the event of the husband's death: this was a donatio propter nuptias. Justinian's legislation required that the donatio must be equal to what was secured to the husband in case of the wife's death, and that it must be increased if the dos was increased during the marriage. The husband had the management of the property given as donatio. Such part of it as consisted of things immoveable he could not alienate or pledge even with the consent of his wife, unless she ratified her consent after two years. If the husband became impoverished during the marriage, the wife was entitled to the profits of the donatio for her support; and it was not liable to the demands of the creditors. If the marriage was dissolved by the death of the wife, the husband was entitled to the donatio; unless some third person, who had made the donatio, was entitled to have it by the terms of the agreement. If the husband died, the event had happened with reference to which the donatio was made; the wife had the ususfructus of the donatio, and the property of it belonged to the children of the marriage if there were any: if there were no children, the wife obtained by the death of the husband full power of disposition over the property included in the donatio.

The opinions of modern jurists are much divided as to the notions, purpose, and law of the donatio propter nuptias. The term donatio propter nuptias is used by Bracton (ii. c. 39); and the law, as there stated, is apparently formed upon a Roman original.

(Cod. 5. tit. 3; Nov. 22. c. 20; 97. c. 1, 2; 98. c. 1, 2; Mackeldey, *Lehrbuch*, &c. § 528, 12th ed.; Thibaut, *System*, &c. § 742, 9th ed.; Ortolan, *Explication Historique des Instituts*, &c., vol. i. p. 479.) [G. L.]

DONATIO'NES INTER VIRUM ET UXO'REM. During marriage neither husband nor wife could, as a general rule, make a gift of anything to one another. The reason for this rule was said to be the preservation of the marriage relation in its purity, as an agreement subsisting by affection, and not maintained by purchase or by gift from one party to the other. Donationes of this kind were, however, valid when there were certain considerations, as mortis causa, divortii causa, servi manumittendi gratia. By certain imperial constitutions, a woman could make gifts to her husband in order to qualify him for certain honours. This was a gift "ad processus viri" (Dig. 24. tit. 1. s. 41; Juv. *Sat.* i. 39; and the note of Heinrich). The wife had the means of doing this, because when there was no conventio in manum (Gaius, ii. 98), a wife retained all her rights of property which she did not surrender on her marriage [Dos], and she might during the marriage hold property quite distinct from her husband. It was a consequence of this rule as to gifts between husband and wife, that every legal form by which the gift was affected to be transferred, as mancipatio, cessio, and traditio, conveyed no ownership; stipulationes were not binding, and acceptilationes were no release. A difficulty might remain as to usucapion; but the law provided for this also. If a woman received from a third person the property of her husband, and neither the third person nor she nor her husband knew that it was the husband's property, she might acquire the ownership by usucapion. If both the giver and the husband knew at the time of the gift that it was the husband's property, and the wife did not know, it might also become her property by usucapion; but not if she knew, for in that case the bona fides which was essential to the commencement of possession was wanting. If, before the ownership was acquired by usucapion, the husband and wife discovered that it was the husband's, though the husband did not choose to claim it, there was no usucapion; for this would have been a mere evasion of the law. If, before the ownership was acquired by usucapion, the wife alone discovered that it was the husband's property, this would not destroy her right to acquire the property by usucapion. This, at least, is Savigny's ingenious explanation of the passage in Digest 24. tit. 1. s. 44. The strictness of the law as to these donations was relaxed in the time of Septimius Severus, and they were made valid if the donor died first, and did not revoke his gift before death. There were also some exceptions as to the general rule. (Dig. 24. tit. 1; Cod. 5. tit. 16; Savigny, *Zeitschrift*, &c. i. p. 270; Mackeldey, *Lehrbuch*, &c. § 531, 12th ed.) [G. L.]

DONATI'VUM. [Congiarium.]

DORMITO'RIA. [DOMUS.]

DORODO'KIAS GRAPHE (*δωροδοκίας γραφή*). [DECASMUS.]

DORON (*δῶρον*), a palm or hand-breadth. [PES.]

DORON GRAPHE (*δώρων γραφή*). [DECASMUS.]

DOROXE'NIAS GRAPHE (*δωροξενίας γραφή*). [XENIAS GRAPHE.]

DO'RPIA (*δόρπια*). [APATURIA.]

DORPON (*δόρπον*). [COENA, p. 303, b.]

DORU (*δόρυ*). [HASTA.]

DORY'PHORI (*δορυφόροι*). [MERCENARII.]

DOS (*προὶξ, φερνή*), dowry. 1. GREEK. Euripides (*Med.* 236) makes Medeia complain that, independent of other misfortunes to which women were subject, they were obliged to buy their husbands by great sums of money (*χρημάτων ὑπερβόλῃ*). On this the Scholiast remarks, that the poet wrote as if Medeia had been his contemporary, and not a character of the heroic ages, in which it was customary for the husband to purchase his wife from her relations, by gifts called *ἕδνα* or *ἔεδνα*. The same practice prevailed in the East during the patriarchal ages (*Genes.* xxxiv. 2), and Tacitus (*Germ.* c. 18) says of the ancient Germans, "Dotem non uxor marito, sed uxori maritus offert." The custom of the heroic times is illustrated by many passages in Homer. Thus, we read of the *ἀπερείσια*, and *μυρία ἕδνα*, or many gifts by which wives were purchased. (*Il.* xvi. 178, 190.) In another place (*Il.* xi. 243) we are told of a hundred oxen, and a thousand sheep and goats, having been given by a Thracian hero to his maternal grandfather, whose daughter he was about to marry. Moreover, the poetical epithet, *ἀλφεσίβοιαι* (Heyne, *ad Il.* xviii. 593), applied to females, is supposed to have had its origin in the presents of this sort, which were made to a woman's relatives on her marriage. These nuptial gifts, however, or equivalents for them were returned to the husband in the event of the commission of adultery by the wife, and perhaps in other cases. (*Od.* viii. 318.)

We must not infer from the above facts that it was not usual in those times for relations to give a portion with a woman when she married. On the contrary, mention is made (*Il.* ix. 147) of the *μείλια* or marriage gifts which men gave with their daughters (*ἐπέδωκαν*), and we are told by Aeschines (Περὶ Παραβρεσ. 33), of one of the sons of Theseus having received a territory near Amphipolis as a *φερνή* or dower with his wife. Moreover, both Andromache and Penelope are spoken of as *ἄλοχοι πολύδωροι* (*Il.* vi. 394, *Od.* xxiv. 294), or wives who brought to their husbands many gifts, which probably would have been returned to their relations, in case of a capricious dismissal. (*Od.* ii. 132.)

The Doric term for a portion was *δωτίνη*, and Müller (*Dor.* iii. 10) observes, that we know for certainty that daughters in Sparta had originally no dower, but were married with a gift of clothes only; afterwards they were at least provided with money, and other personal property (Plut. *Lys.* 30): but in the time of Aristotle (*Polit.* ii. 6. § 10), so great were the dowers given (*διὰ τὸ προῖκας διδόναι μεγάλας*), and so large the number of *ἐπίκληροι*, or female representatives of families (*οἶκοι*), that nearly two fifths of the whole territory of Sparta had come into the possession of females. The regulations of Solon were, according to Plutarch, somewhat similar in respect of dower to the old regulations at Sparta: for the Athenian legislator, as he tells us, did not allow a woman, unless she were an *ἐπίκληρος*, to have any *φερνή* or dower, except a few clothes and articles of household furniture. It is plain, however, that such an interference with private rights could not be permanent; and, accordingly, we find that in after times the dowers of women formed, according to the account in Böckh (*Pub. Econ. of Athens*, p. 514, 2nd ed.), a considerable part of the moveable property of the state: "even with poor people they varied in amount from ten to a hundred and twenty minae. The daughter of Hipponicus received ten talents at her marriage, and ten others were promised her." This, however, was a very large portion, for Demosthenes (*c. Steph.* p. 1112. 19, and p. 1124. 2) informs us that even five talents was more than was usually given; and Lucian (*Dial. Meret.* 7. p. 298, ed. Reitz) also speaks of the same sum as a large dowry. The daughters of Aristeides received from the state, as a portion, only thirty minae each. (Plut. *Arist.* 27; Aesch. *c. Ctes.* p. 90.) We may observe too, that one of the chief distinctions between a wife and a *παλλακή*, consisted in the former having a portion, whereas the latter had not; hence, persons who married wives without portions appear to have given them or their guardians an *ὁμολογία προικὸς* (Isaeus, *De Pyr. Hered.* p. 41), or acknowledgment in writing by which the receipt of a portion was admitted. [CONCUBINA.] Moreover, poor heiresses (*τῶν ἐπικλήρων ὅσαι θητικὸν τελοῦσιν*) were either married or portioned by their next of kin [ARCHON], according to a law which fixed the amount of portion to be given at five minae by a Pentacosiomedimnus, three by a Horseman, and one and a half by a Zeugites. (Dem. *c. Macar.* p. 1068.) In illustration of this law, and the amount of portion, the reader is referred to Terence, who says (*Phorm.* ii. 1. 75),

> "Lex est ut orbae, qui sint genere proximi
> Iis nubant:"

and again (ii. 2. 62),

> "Itidem ut cognata si sit, id quod lex jubet,
> Dotem dare, abduce hanc: minas quinque accipe."

It remains to state some of the conditions and obligations attached to the receipt of a portion, or *προὶξ*, in the time of the Athenian orators. The most important of these was the obligation under which the husband lay to give a security for it, either by way of settlement on the wife, or as a provision for repayment in case circumstances should arise to require it. With regard to this, we are told that whenever relatives or guardians gave a woman a portion on her marriage, they took from the husband, by way of security, something equivalent to it, as a house or piece of land. The person who gave this equivalent (*τὸ ἀποτίμημα*) was said *ἀποτιμᾶν*: the person who received it *ἀποτιμᾶσθαι*. (Harpocrat. *s. v.*; Dem. *c. Onet.* p. 866.) The word *ἀποτίμημα* is also used generally for a security. (Pollux, viii. 142.) The necessity for this security will appear from the fact that the portion was not considered the property of the husband himself, but rather of his wife and children. Thus, if a husband died, and the wife left the family (ἀπέλιπε τὸν οἶκον), she might claim her portion, even though children had been born (Dem. *Boeot. de Dot.* p. 1010); and in the event of a wife dying without issue, her portion reverted to the relatives who had given her in marriage (οἱ κύριοι) and portioned her. (Isaeus, *De Ciron. Hered.* p. 69, *De Pyr. Hered.* p. 41.) The portion was also returned, if a husband put away his wife, and in some cases, probably settled by law, when a woman left her husband. (*De Pyr. Hered.* p. 45.) That after the death of the wife, her portion belonged to her children, if she had left any, may be inferred from Demosthenes (*c. Boeot. de Dot.* pp. 1023, 1026); if they were minors, the interest was set apart for their education and maintenance. When the husband died before the wife, and she remained in the family (μενούσης ἐν τῷ οἴκῳ), the law appears to have given her portion to her sons, if of age, subject, however, to an allowance for her maintenance. (Id. *c. Phaen.* p. 1047.) If the representatives of the deceased husband (οἱ τὸν κλῆρον ἔχοντες) wrongfully withheld her portion from his widow, her guardians could bring an action against them for it, as well as for alimony (δίκη προικὸς καὶ σίτου). (Isaeus, *De Pyr. Hered.* p. 45; Hudtwalcker, *Diaet.* note 84.) Moreover, if a husband after dismissing his wife refused to return her portion, he might be sued for interest upon it as well as the principal: the former would, of course, be reckoned from the day of dismissal, and the rate was fixed by law at nine oboli for every mina, or about 18 per cent. The guardians were further authorised by the same law to bring an action for alimony in the Ὠιδεῖον. (Dem. *c. Neaer.* p. 1362.) We may add that a δίκη προικὸς, was one of the ἔμμηνοι δίκαι or suits that might be tried every month. (Pollux, viii. 63, 101.) [R. W.]

2. Roman. Dos (*res uxoria*) is every thing which on the occasion of a woman's marriage was transferred by her, or by another person, to the husband, or to the husband's father (if the husband was in his father's power), for the purpose of enabling the husband to sustain the charges of the marriage state (*onera matrimonii*). All the property of the wife which was not made dos, or was not a donatio propter nuptias, continued to be her own, and was comprised under the name of *Parapherna*. The dos upon its delivery became the husband's property, and continued to be his so long as the marriage relation existed. All things that could be objects of property, and in fact anything by which the substance of the husband could be increased, might be the objects of dos. All a woman's property might be made a dos; but the whole property was only what remained after deducting the debts. There was no universal succession in such a case, and consequently the husband was not personally answerable for the wife's debts. Any person who had a legal power to dispose of his property could give the dos; but the dos was divided into two kinds, dos profectitia and dos adventitia, a division which had reference to the demand of the dos after the purposes were satisfied for which it was given. That dos is profectitia which was given by the father or father's father of the bride; and it is profectitia, even if the daughter was emancipated, provided the father gave it as such (*ut parens*). All other dos is adventitia. The dos receptitia was a species of dos adventitia, and was that which was given by some other person than the father or father's father, on the consideration of marriage, but on the condition that it should be restored on the death of the wife. The giving of the dos depended on the will of the giver; but certain persons, such as a father and father's father, were bound to give a dos with a woman when she married, and in proportion to their means. The dos might be either given at the time of the marriage, or there might be an agreement to give. The technical words applicable to the dos were *dare*, *dicere*, *promittere*. Any person, who was competent to dispose of his property, was competent *dare*, *promittere*. The word *dicere* was applied to the woman who was going to marry, who could promise her property as *dos*, but the promise was not binding unless certain legal forms were observed (*non deberi viro dotem, quam nullo auctore dixisset*, Cic. *Pro Caecin.* c. 25, compare *Pro Flacco*, c. 34, 35, and Ulp. *Frag.* xi. 20). An example of a promissio dotis occurs in Plautus (*Trinum.* v. 2). The husband had a right to the sole management of the dos, and to the fruits of it; in fact, he exercised over it all the rights of ownership, with the exception hereafter mentioned. He could dispose of such parts of the dos as consisted of things movable; but the Julia lex (*de adulteriis*) prevented him from alienating such part of the dos as was land (*fundus dotalis, dotalia praedia*, Cic. *ad Att.* xv. 20; *dotales agri*, Hor. *Ep.* i. 1. 21) without his wife's consent, or pledging it with her consent. (Gaius, ii. 63; Inst. ii. 8.) The legislation of Justinian prevented him from selling it also even with the wife's consent, and it extended the law to provincial lands. Still there were some cases in which the land given as dos could be alienated.

The husband's right to the dos ceased with the marriage. If the marriage was dissolved by the death of the wife, her father or father's father (as the case might be) was intitled to recover the dos profectitia, unless it had been agreed that in such case the dos should belong to the husband. The dos adventitia became the property of the wife's heirs (Cod. 5. tit. 13. § 6), unless the person who gave it had stipulated that it should be returned to him (*dos receptitia*): as to the older law, see Ulpian, *Frag.* vi. 5.

In the case of divorce, the woman, if she was sui juris, could bring an action for the restitution of the dos; if she was in the power of her father, he brought the action jointly with his daughter. The dos could be claimed immediately upon the dissolution of the marriage, except it consisted of things quae numero, &c., for which time was allowed. (Ulp. *Frag.* vi. 8: but compare Cod. 7. tit. 13. § 7.) [Divortium.]

The dos could not be restored during the marriage, but in the case of the husband's insolvency, the wife could demand back her dos during the marriage. In certain cases, also, the husband was permitted to restore the dos during the marriage, and such restoration was a good legal acquittance to him: these excepted cases were either cases of necessity, as the payment of the wife's debts, or the sustentation of near kinsfolks. (*Zeitschrift*, &c. v. p. 311, essay by Hasse.)

What should be returned as dos, depended on the fact of what was given as dos. If the things given were ready money (*dos numerata*, Cic. *Pro Caecina*, c. 4), or things estimated by quantity, &c.,

the husband must return the like sum or the like quantity. If the things, whether movable or immovable, were valued when they were given to the husband (*dos aestimata*), this was a species of sale, and at the end of the marriage the husband must restore the things or their value. If the things were not valued, he must restore the specific things, and he must make good all loss or deterioration which had happened to them except by accident. But the husband was intitled to be reimbursed for all necessary expences (*impensae necessariae*) ; as, for instance, necessary repairs of houses incurred by him in respect of his wife's property, and also for all outlays by which he had improved the property (*impensae utiles*).

The husband's heirs, if he were dead, were bound to restore the dos. The wife's father, or the surviving wife, might demand it by an actio ex stipulatu de dote reddenda, which was an actio stricti juris, if there was any agreement on the subject ; and by an actio rei uxoriae or dotis, which was an actio bonae fidei, when there was no agreement. A third person who had given the dos must always demand it ex stipulatu, when he had bargained for its restoration. Justinian enacted, that the action should always be ex stipulatu, even when there was no contract, and should be an actio bonae fidei.

The wife had no security for her dos, except in the case of the fundus dotalis, unless she had by contract a special security ; but she had some privileges as compared with the husband's creditors. Justinian enacted that on the dissolution of the marriage, the wife's ownership should revive, with all the legal remedies for recovering such parts of the dos as still existed ; that all the husband's property should be considered legally pledged (*tacita hypotheca*) as a security for the dos ; and that the wife, but she alone, should have a priority of claim on such property over all other creditors to whom the same might be pledged.

The dos was a matter of great importance in Roman law, both because it was an ingredient in almost every marriage, and was sometimes of a large amount. The frequency of divorces also gave rise to many legal questions as to dos. A woman whose dos was large (*dotata uxor*) had some influence over her husband, inasmuch as she had the power of divorcing herself, and thus of depriving him of the enjoyment of her property. The allusions to the dos and its restitution are numerous in the Roman writers. (Cic. *ad Att.* xiv. 13.)

It is a disputed point whether there could be dos, properly so called, in the case of a marriage with conventio in manum. [MATRIMONIUM.] (Hasse, *Rhein. Mus.* ii. 75.)

The name by which the Greek writers designate the Roman dos is *φερνή* (Plutarch, *Caesar*, c. 1, *Marius*, c. 38, *Cicero*, c. 8).

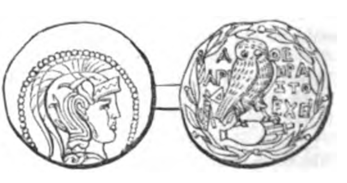
(Ulp. *Frag.* vi. ; Dig. 23. tit. 3 ; Cod. 5. tit. 12 ; Thibaut, *System*, &c., § 728 &c., 9th ed., § 747, &c. ; Mackeldey, *Lehrbuch*, &c., § 517, &c., 12th ed.) [G. L.]

DOULOS (*δοῦλος*). [SERVUS.]

DRACHMA (*δραχμή*), the principal silver coin among the Greeks. Like all other denominations of money, the word *δραχμή* (sometimes written *δραγμή*) no doubt signified originally a weight ; and it continued to be used in this sense, as one of the subdivisions of the talent, of which it was the 6000th part. [TALENTUM.] The original meaning of the word is *a handful*. The two chief standards in the currencies of the Greek states were the Attic and Aeginetan. We shall therefore first speak of the Attic drachma, and afterwards of the Aeginetan.

The average weight of the Attic drachma from the time of Solon to that of Alexander was 66·5 grains. It contained about $\frac{1}{80}$th of the weight alloy ; and hence there remain 65·4 grains to be valued. Each of our shillings contains 80·7 grains of pure silver. The drachma is therefore worth $\frac{65\cdot4}{80\cdot7}$ of a shilling, or 9·72 pence, which may be called 9¾*d*. (Hussey, *Ancient Weights and Money*, pp. 47, 48.) After Alexander's time, there was a slight decrease in the weight of the drachma ; till in course of time it only weighed 63 grains. The drachma contained six obols (*ὀβολοί*) ; and the Athenians had separate silver coins, from four drachmae to a quarter of an obol. Among those now preserved, the tetradrachm is commonly found ; but we possess no specimens of the tridrachm, and only a few of the didrachm. Specimens of the tetrobolus, triobolus, diobolus, three-quarter-obol, half-obol, and quarter-obol, are still found. For the respective values of these coins, see the Tables.

The tetradrachm in later times was called stater (Phot. *s. v.* *Στατήρ* ; Hesych. *s. v.* *Γλαῦκες Λαυριωτικαί* : Matth. xxvii. 27) ; but it has been doubted whether it bore that name in the flourishing times of the republic. (Hussey, *Ibid.* p. 49.) We know that *stater*, in writers of that age, usually signifies a gold coin, equal in value to twenty drachmae [STATER] ; but there appear strong reasons for believing that the tetradrachm, even in the age of Thucydides and Xenophon, was sometimes called by this name. (Thucyd. iii. 70, with Arnold's note ; Xen. *Hell.* v. 2. § 22.) The obolos, in later times, was of bronze (Lucian, *Contempl.* 11. vol. i. p. 504, ed. Reiz) ; but in the best times of Athens we only read of silver obols. The *χαλκοῦς* was a copper coin, and the eighth part of an obol. [CHALCUS.]

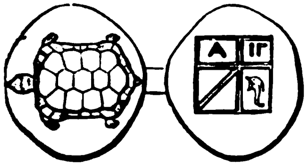


ATHENIAN DRACHMA. BRITISH MUSEUM. ACTUAL SIZE.

The Aeginetan standard appears to have been used in Greece in very early times. According to most ancient writers, money was first coined at Aegina by order of Pheidon of Argos ; and the Aeginetan standard was used in almost all the states of the Peloponnesus, in Boeotia and in some other parts of northern Greece, though the Attic standard prevailed most in the maritime and commercial states.

The average weight of the Aeginetan drachma, calculated by Mr. Hussey (pp. 59, 60) from the coins of Aegina and Boeotia, was 96 grains. It contains about $\frac{1}{32}$nd part of the weight alloy. Hence its value is 93 grains of pure silver, or, as before, $\frac{93}{80\cdot7}$ of a shilling; that is, 1*s.* 1*d.* 3·2 farthings. The largest coin of the Aeginetan standard appears to have been the didrachma, and the values of the different coins of this standard will be found in the Tables.

The proportion of the Aeginetan drachma to the Attic, according to the value given above, is as 93 to 65·4, or as 4·18 to 3 nearly. According to Pollux, however, the proportion was 5 to 3; for he states (ix. 76, 86) that the Aeginetan drachma was equal to 10 Attic obols, and that the Aeginetan talent contained 10,000 Attic drachmae. For a full discussion of this question, which is one of the most interesting in ancient numismatics, and of the respective values of the other standards which were used by the Greeks, see NUMMUS and TALENTUM.



AEGINETAN DRACHMA. BRITISH MUSEUM. ACTUAL SIZE.

As the Romans reckoned in sesterces, so the Greeks generally reckoned by drachmae; and when a sum is mentioned in the Attic writers, without any specification of the unit, drachmae are usually meant. (Böckh, *Pol. Econ. of Athens*, i. p. 25.)

DRACO. [SIGNA MILITARIA.]

DUCENA'RII, the name of various officers and magistrates, in the imperial period, of whom the principal were as follow: —

1. The imperial procuratores, who received a salary of 200 sestertia. Dion Cassius (liii. 15) says that the procuratores first received a salary in the time of Augustus, and that they derived their title from the amount of their salary. We thus read of centenarii, &c., as well as of ducenarii. (See Capitolin. *Pertin.* 2; Orelli, *Inscrip.* No. 946.) Claudius granted to the procuratores ducenarii the consular ornaments. (Suet. *Claud.* 24.)

2. A class or decuria of judices, first established by Augustus. They were so called because their property, as valued in the census, only amounted to 200 sestertia, and they tried causes of small importance. (Suet. *Aug.* 32.)

3. Officers who commanded two centuries, and who held the same rank as the primi hastati in the ancient legion. (Veget. ii. 8; Orelli, *Inscrip.* No. 3444.)

4. The imperial household troops, who were under the authority of the *magister officiorum.* They are frequently mentioned among the *agentes in rebus*, or ushers. (Cod. 1. tit. 31; 12. tit. 20.)

DUCENTE'SIMA. [CENTESIMA.]

DUELLA. [UNCIA.]

DULCIA'RII. [PISTOR.]

DUODECIM SCRIPTA. [LATRUNCULI.]

DUODECIM TABULARUM LEX. [LEX.]

DUPLA'RII or DUPLICA'RII, were soldiers who received on account of their good conduct double allowance (*duplicia cibaria*), and perhaps in some cases double pay likewise. (Varro, *De Ling. Lat.* v. 90, Müller; Liv. ii. 59, xxiv. 47; Orelli, *Inscrip.* No. 3535.) They are frequently mentioned in inscriptions (Orelli, Nos. 3533, 4994), but more commonly under the name of duplarii. (Orelli, Nos. 3531, 3535, 3476, 3481, &c.) In one inscription the form duplicarius occurs. (Orelli, No. 3534.) Vegetius (ii. 7) calls them *duplares milites.*

DUPLICA'TIO. [ACTIO.]

DUPONDIUS. [As, p. 141, a; PES.]

DUSSIS. [As. p. 141, a.]

DUU'MVIRI, or the two men, the name of various magistrates and functionaries at Rome, and in the coloniae and municipia. In inscriptions we also meet with the form *duomvires* (Orelli, *Inscrip.* No. 3808), and *duovir* (Orelli, No. 3886).

1. DUUMVIRI JURI DICUNDO, the highest magistrates in the municipal towns. [COLONIA, p. 318.)

2. DUUMVIRI NAVALES, extraordinary magistrates, who were created, whenever occasion required, for the purpose of equipping and repairing the fleet. They appear to have been originally appointed by the consuls and dictators, but were first elected by the people, B. C. 311. (Liv. ix. 30, xl. 18, 26, xli. 1.)

3. DUUMVIRI PERDUELLIONIS. [PERDUELLIO.]

4. DUUMVIRI QUINQUENNALES, the censors in the municipal towns, who must not be confounded with the duumviri juri dicundo. [COLONIA, p. 318.]

5. DUUMVIRI SACRI, extraordinary magistrates, like the duumviri Navales, appointed for the purpose of building or dedicating a temple. (Liv. vii. 28, xxii. 33, xxxv. 41.)

6. DUUMVIRI SACRORUM, originally had the charge of the Sibylline books. Their duties were afterwards discharged by the *decemviri sacris faciundis.* [DECEMVIRI, No. 3.]

7. DUUMVIRI VIIS EXTRA URBEM PURGANDIS, were officers under the aediles, who had the charge of the streets of the suburbs of Rome, outside the city gates. (Tabul. Heracl. i. 50, ed. Göttling.) Their office appears to have been abolished by Augustus, and their duties devolved upon the *Quattuorviri.* (Comp. Dion Cass. liv. 26; Pompon. *De Orig. Jur.* § 30; Becker, *Römisch. Alterth.* vol. ii. part ii. p. 366.)

DUX. [PROVINCIA.]

E.

ECCLE'SIA (*ἐκκλησία*), the general assembly of the citizens at Athens, in which they met to discuss and determine upon matters of public interest. These assemblies were either *ordinary*, and held four times in each prytany, or *extraordinary*, that is, specially convened, upon any sudden emergency, and therefore called *σύγκλητοι.* On occasions of extreme importance, when it was desirable for as many persons as possible to be present at the discussion of any question, the people were summoned by express from the country to the city, and then the assembly was called a *κατακλησία*, the proper meaning of *κατακαλεῖν* being to call from the country into the city. The ordinary assemblies were called *νόμιμοι* or *κύριαι*, according to the Scholiast on Aristophanes (*Achar.* 19), who, moreover, informs us that there were three such in every *month*. But according to the best-informed grammarians who followed Aristotle, the name *κυρία* was appropriated to the *first* only of the regular assemblies of each prytany. Such, at least, is the account given by Pollux (viii. 96) and Harpocration, the former of whom asserts that the third of the regular assemblies in each prytany was partly devoted to the reception of ambassadors from foreign states.

Aristophanes, however, in the Acharnians (61), represents ambassadors who had just returned from Persia and Thrace, as giving an account of their embassy in a *κυρία ἐκκλησία*, which, according to Pollux, would be not the third but the first of the regular assemblies. With a view of reconciling these discrepancies, Schömann (*De Comit.* c. i.) supposes, that Solon originally appointed one *regular* assembly, called *κυρία*, to be held on a certain day of every prytany, and that afterwards additional assemblies were instituted, appropriated respectively to particular purposes, though the term *κυρία* was still reserved for the assembly formerly so called. If, however, the representation of Aristophanes is in agreement with the practice of his age, we must further suppose, what is very probable, that the arrangements for business, as described by Pollux, were not always observed even in the time of the poet; and since a few years after Aristotle's time many changes took place in the constitution of Athens, it may have happened that the name of *κυρία* was then given to all the regular assemblies, in which case the Scholiast probably identified the customs and terms of a late age with those of an earlier period. Moreover, the number of prytanies in each year, originally ten, one for each tribe, was, on the increase in the number of the tribes at Athens, raised to twelve; so that the prytanies would then coincide with the months of the year, a fact which, taken in conjunction with other circumstances (Schömann, ii. 44), seems to show, that the authorities who speak of three regular assemblies in each month, had in view the times when a prytany and a month were the same thing. Some authors have endeavoured to determine the particular days on which the four regular assemblies of each prytany were held, but Schömann (ii. 47) has proved almost to demonstration, that there were no invariably fixed days of assembly; and at any rate, even if there were, we have not sufficient data to determine them. Ulpian (*ad Demosth. Timoc.* p. 706) says, in allusion to the times when there were three assemblies in every month, that one was held on the eleventh, another *about* the twentieth, a third *about* the thirtieth of each month; and it is of course not improbable that they were always held at nearly equal intervals.

The place in which the assemblies were anciently held was, we are told by Harpocration (*s. v.* *Πάνδημος Ἀφροδίτη*), the *ἀγορά*. Afterwards they were transferred to the Pnyx, and at last to the great theatre of Dionysus, and other places. Thus Thucydides (viii. 97) speaks of the people being summoned to the Pnyx, the usual place of assembly in his times; and Aristophanes (*Equit.* 42), in describing "Demus," the representative of the Athenian people, just as "John Bull" is of the English, calls that character *Δῆμος Πυκνίτης*, or Demus of the (parish of) Pnyx: a joke by which that place is represented as the home of the Athenians. The situation of it was to the west of the Areiopagus, on a slope connected with Mount Lycabettus, and partly at least within the walls of the city. It was semicircular in form, with a boundary wall, part rock and part masonry, and an area of about 12,000 square yards. On the north the ground was filled up and paved with large stones, so as to get a level surface on the slope; from which fact some grammarians derive its name (*παρὰ τὴν τῶν λίθων πυκνότητα*). Towards this side, and close to the wall, was the *bema* (*βῆμα*), a stone platform or hustings ten or eleven feet high, with an ascent of steps; it was cut out of the solid rock, whence it is sometimes called *ὁ λίθος*, as in Aristophanes (*Pax*, 680) we read *ὅστις κρατεῖ νῦν τοῦ λίθου τοὺν τῇ Πυκνί*. The position of the *bema* was such as to command a view of the sea from behind (on which account the thirty tyrants are said to have altered it), and of the *Προπύλαια* and Parthenon in front, though the hill of the Aeiopagus lay partly between it and the Acropolis. Hence Demosthenes (*Περὶ Συνταξ.* 174), when reminding the Athenians from this very *bema* of the other splendid works of their ancestors, says emphatically *Προπύλαια ταῦτα*: and we may be sure that the Athenian orators would often rouse the national feelings of their hearers by pointing to the assemblage of magnificent edifices, "monuments of Athenian gratitude and glory," which they had in view from the Pnyx. (Cramer, *Ancient Greece*, vol. ii. p. 335; Wordsworth, *Athens and Attica*. In the latter of these works are two views of the remains of the Pnyx.) That the general situation of the place was elevated is clear from the phrase *ἀναβαίνειν εἰς τὴν ἐκκλησίαν*, and the words *πᾶς ὁ δῆμος ἄνω καθῆτο*, applied to a meeting of the people in the Pnyx. (Dem. *De Cor.* p. 285.) After the great theatre of Dionysus was built, the assemblies were frequently held in it, as it afforded space and convenience for a large multitude; and in some particular cases it was specially determined by law that the people should assemble there. (Dem. *c. Meid.* p. 517.) Assemblies were also held in the Peiraeeus, and in the theatre at Munychia. (Dem. *De Fals. Leg.* p. 359; Lysias, *c. Agor.* p. 133; Thucyd. viii. 93.)

The right of convening the people generally vested in the prytanes or presidents of the council of Five Hundred [BOULE]; but in cases of sudden emergency, and especially during wars, the strategi also had the power of calling extraordinary meetings, for which, however, if we may judge by the form in which several decrees are drawn up, the consent of the senate appears to have been necessary. (Dem. *De Cor.* p. 249.) The four ordinary meetings of every prytany were, nevertheless, always convened by the prytanes, who not only gave a previous notice (*προγράφειν τὴν ἐκκλησίαν*) of the day of assembly, and published a programme of the subjects to be discussed, but also, as it appears, sent a crier round to collect the citizens (*συνάγειν τὸν δῆμον*, Pollux, viii. 95; Harpocrat. *s. v.* *Κυρία Ἐκκλησία*; Dem. *c. Aristog.* p. 772.) At any rate, whenever the strategi wished to convene one of the extraordinary assemblies, notice was certainly given of it by a public *proclamation;* for as Ulpian (*ad Demosth. de Fals. Leg.* p. 100, a) observes, these assemblies were called *σύγκλητοι*, because the people were summoned to them by officers sent round for that purpose (*ὅτι συνεκάλουν τινες περιιόντες*). But independent of the right which we have said the strategi possessed of convening an extraordinary meeting, it would seem from the case of Pericles (Thucyd. ii. 22) that a strategus had the power of preventing any assembly being called. It is, however, important to observe, that such an exercise of power would perhaps not have been tolerated except during wars and commotions, or in the person of a distinguished character like Pericles; and that under different circumstances, at any rate after the time of Solon, the assemblies were always called by the prytanes. All persons who did not obey the call were subject to a fine, and six magistrates called lexiarchs (*ληξίαρχοι*) were appointed, whose duty it was to take care that the people attended the meetings, and to levy fines on those who refused to do so. (Pollux, viii. 104.) With a view to this, whenever an assembly was to be held, certain public slaves (*Σκύθαι* or *τοξόται*) were sent round to sweep the agora, and other places of public resort, with a rope coloured with vermilion. The different persons whom these ropemen met, were driven by them towards the ecclesia, and those who refused to go were marked by the rope and fined. (Schol. *ad Arist. Achar.* 22.) Aristophanes (*l. c.*) alludes to this subject in the lines

> *οἱ δ᾽ ἐν ἀγορᾷ λαλοῦσι, κἄνω καὶ κάτω*
> *τὸ σχοινίον φεύγουσι τὸ μεμιλτωμένον.*

Besides this, all the roads except those which led to the meeting were blocked up with hurdles (*γέῤῥα*), which were also used to fence in the place of assembly against the intrusion of persons who had no right to be present: their removal in the latter case seems to have served as a signal for the admission of strangers who might wish to appeal to the people. (Dem. *c. Neaer.* p. 1375.) An additional inducement to attend, with the poorer classes, was the *μισθὸς ἐκκλησιαστικός*, or pay which they received for it. The originator of this practice seems to have been a person named Callistratus, who introduced it "long after the beginning of the influence of Pericles." The payment itself, originally an obolus, was afterwards raised to three by a popular favourite called Agyrrhius, of Collytus. The increase took place but a short time before the Ecclesiazusae of Aristophanes came out, or about B. C. 392. A ticket (*σύμβολον*) appears to have been given to those who attended, on producing which, at the close of the proceedings, they received the money from one of the thesmothetae. (Aristoph. *Eccles.* 295, 380.) This payment, however, was not made to the richer classes, who attended the assemblies gratis, and are therefore called *οἰκόσιτοι ἐκκλησιασταί* by the poet Antiphanes in a fragment preserved by Athenaeus (vi. p. 247, f). The same word *οἰκόσιτος* is applied generally to a person who receives no pay for his services.

With respect to the right of attending, we may observe that it was enjoyed by all legitimate citizens who were of the proper age (generally supposed to be twenty, certainly not less than eighteen), and not labouring under any *atimia* or loss of civil rights. All were considered citizens, whose parents were both such, or who had been presented with the freedom of the state, and enrolled in the register of some demus or parish. (Dem. *c. Neaer.* p. 1380.) Adopted citizens, however (*ποιητοί*), were not qualified to hold the office of archon or any priesthood. (*Id.* p. 1376.) Decrepit old men (*γέροντες οἱ ἀφειμένοι*, perhaps those above sixty) seem not to have been admitted, although it is not expressly so stated. (Aristot. *Polit.* iii. 1.) Slaves and foreigners also were certainly excluded (Aristoph. *Thesm.* 294): though occasions would of course occur when it would be necessary or desirable to admit them; and from Demosthenes (*c. Neaer.* p. 1375) we may infer that it was not unusual to allow foreigners to enter towards the close of the proceedings, when the most important business of the day had been concluded; otherwise they stood outside. (Aesch. *c. Ctes.* p. 86.)

The *ἰσοτελεῖς*, or foreigners, who enjoyed nearly equal privileges with the citizens, are by some thought to have had the same rights as adopted citizens, with respect to voting in the assembly. (Wolf, *ad Dem. Lept.* p. 70.) This, however, seems very doubtful; at any rate the etymology of the word *ἰσοτελεῖς* does not justify such an opinion.

In the article Boule it is explained who the prytanes and the proedri were; and we may here remark, that it was the duty of the proedri of the same tribe, under the presidency of their chairman (*ὁ ἐπιστάτης*), to lay before the people the subjects to be discussed; to read, or cause to be read, the previous bill (*τὸ προβούλευμα*) of the senate; and to give permission (*γνώμας προτιθέναι*) to the speakers to address the people. They most probably sat on the steps near the *bema*, to which they were on some occasions called by the people. In later times they were assisted in keeping order (*εὐκοσμία*) by the members of the presiding tribe (*ἡ προεδρεύουσα φυλή*, Aesch. *c. Ctesiph.* p. 53, and Boule); and the officers who acted under them, the "serjeants-at-arms" were the crier (*ὁ κῆρυξ*), and the Scythian bowmen. Thus, in Aristophanes (*Acharn.* 24), the crier says to a speaker, who was out of order, *κάθησο σῖγα*, and in another passage the *τοξόται* are represented as dragging a drunken man out of the assembly. (*Eccles.* 143.) When the discussion upon any subject had terminated, the chairman of the proedri, if he thought proper, put the question to the vote: we read in some instances of his refusing to do so. (Xen. *Mem.* i. 1. § 18; Thuc. vi. 14.)

Previous, however, to the commencement of any business, it was usual to make a lustration or purification of the place where the assembly was held. This was performed by an officiating priest called the *Peristiarchus* (*περιστίαρχος*), a name given to him because he went before the lustral victims (*τὰ περίστια*) as they were carried round the boundary of the place. The favourite victims were sucking pigs (*χοιρίδια*): the blood of which was sprinkled about the seats, and their bodies afterwards thrown into the sea. (Schol. *ad Aristoph. l. c.*, *ad Aesch. c. Timar.* p. 48.) After the peristiarch the crier followed, burning incense in a censer. When these ceremonies were concluded, the crier proclaimed silence, and then offered up a prayer, in which the gods were implored to bless the proceedings of the meeting, and bring down destruction on all those who were hostilely disposed towards the state, or who traitorously plotted its overthrow, or received bribes for misleading and deceiving the people. (Aristoph. *Thesm.* 330.) On the conclusion of this prayer business began, and the first subject proposed was said to be brought forward, *πρῶτον μετὰ τὰ ἱερά.* (Dem. *c. Timocr.* p. 706.) We must, however, understand that it was illegal to propose to the ecclesia any particular measure unless it had previously received the sanction of the senate, or been formally referred by that body to the people, under the title of a *προβούλευμα.* The assembly, nevertheless, had the power of altering a previous decree of the senate as might seem fit. Further information on this point will be found under BOULE, to which we may add, according to Schömann (*De Comitiis*, c. 9), that the object of the law, mentioned by the grammarians (*'Απροβούλευτον μηδὲν ψήφισμα εἰσιέναι ἐν τῷ δήμῳ*), seems to have been, not to provide that no motion should be proposed in the assembly unless previously approved of by the senate, but rather that no subject should be presented for discussion to the people, about which a bill of the senate had not been drawn up and read in the assembly.

The privilege of addressing the assembly was not confined to any class or age amongst those who had the right to be present: all, without any distinction, were invited to do so by the proclamation (*Τίς ἀγορεύειν βούλεται*) which was made by the crier after the proedri had gone through the necessary preliminaries, and laid the subject of discussion before the meeting; for though, according to the institutions of Solon, those persons who were above fifty years of age ought to have been called upon to speak first (Aesch. *c. Ctesiph.* p. 54), this regulation had in the days of Aristophanes become quite obsolete. (Dem. *De Cor.* p. 285; Aristoph. *Acharn.* 43.) The speakers are sometimes simply called *οἱ παρίοντες*, and appear to have worn a crown of myrtle on their heads while addressing the assembly, to intimate, perhaps, that they were then representatives of the people, and like the archons when crowned, inviolable. (Aristoph. *Eccles.* 130, 147.) They were by an old law required to confine themselves to the subject before the meeting, and keep themselves to the discussion of one thing at a time, and forbidden to indulge in scurrilous or abusive language: the law, however, had in the time of Aristophanes become neglected and almost forgotten. (Aesch. *c. Timar.* p. 5; Aristoph. *Eccles.* 142.) The most influential and practised speakers of the assembly were generally distinguished by the name of *ῥήτορες*.

After the speakers had concluded, any one was at liberty to propose a decree, whether drawn up beforehand or framed in the meeting (*'Εν τῷ δήμῳ συγγράφεσθαι*, Plat. *Gorg.* p. 451), which, however, it was necessary to present to the proedri, that they might see, in conjunction with the *νομοφύλακες*, whether there was contained in it anything injurious to the state, or contrary to the existing laws. (Pollux, viii. 94.) If not, it was read by the crier; though, even after the reading, the chairman could prevent it being put to the vote, unless his opposition was overborne by threats and clamours. (Aesch. *De Fals. Leg.* p. 39.) Private individuals also could do the same, by engaging upon oath (*ὑπωμοσία*) to bring against the author of any measure they might object to, an accusation called a *γραφὴ παρανόμων.* If, however, the chairman refused to submit any question to the decision of the people, he might be proceeded against by *endeixis* (Plat. *Apol.* p. 32); and if he allowed the people to vote upon a proposal which was contrary to existing constitutional laws, he was in some cases liable to *atimia.* (Dem. *c. Timoc.* p. 716.) If, on the contrary, no opposition of this sort was offered to a proposed decree, the votes of the people were taken, by the permission of the chairman and with the consent of the rest of the proedri: whence the permission is said to have been given sometimes by the proedri and sometimes by the chairman, who is also simply called *ὁ πρόεδρος*, just as the proedri are sometimes styled prytanes. (Aesch. *c. Ctesiph.* p. 64; Dem. *c. Meid.* p. 517.) The decision of the people was given either by show of hands, or by ballot, *i. e.* by casting pebbles into urns (*καδίσκοι*); the former was expressed by the word *χειροτονεῖν*, the latter by *ψηφίζεσθαι*, although the two terms are frequently confounded. The more usual method of voting was by show of hands, as being more expeditious and convenient (*χειροτονία*). The process was as follows: — the crier first proclaimed that all those who were in favour of a proposed measure should hold up their hands (*ὅτῳ δοκεῖ κ. τ. λ. ἀράτω τὴν χεῖρα*): then he proclaimed that all those who were opposed to it should do the same (*ὅτῳ μὴ δοκεῖ κ. τ. λ.*): they did so, and the crier then formed as accurate an idea as possible of the numbers for and against (*ἠρίθμει τὰς χεῖρας*), and the chairman of the meeting pronounced the opinion of the majority. (Suidas, *s. v. Κατεχειροτόνησεν.*) In this way most matters of public interest were determined. Vote by ballot (*κρύβδην*), on the other hand, was only used in a few special cases determined by law; as, for instance, when a proposition was made for allowing those who had suffered *atimia* to appeal to the people for restitution of their former rights; or for inflicting extraordinary punishments on atrocious offenders, and generally, upon any matter which affected private persons. (Dem. *c. Timocr.* pp. 715, 719.) In cases of this sort it was settled by law, that a decree should not be valid unless six thousand citizens at least voted in favour of it. This was by far the majority of those citizens who were in the habit of attending; for, in time of war the number never amounted to five thousand, and in time of peace seldom to ten thousand. (Thuc. vii. 72.)

With respect to the actual mode of voting by ballot in the ecclesia we have no certain information; but it was probably the same as in the courts of law, namely, by means of black and white pebbles, or shells, put into urns (*καδίσκοι*); the white for adoption, the black for rejection of any given measure. (Schol. *ad Arist. Vesp.* 981).

The determination or decree of the people was called a *Psephisma* (*ψήφισμα*), which properly signifies a law proposed to an assembly, and approved of by the people. The form for drawing up the Psephisma varied in different ages. [BOULE.]

We now come to the dismissal of the assembly; the order for which, when business was over, was given by the prytanes (*ἔλυσαν τὴν ἐκκλησίαν*), through the proclamation of the crier to the people (Aristoph. *Acharn.* 173); and as it was not customary to continue meetings which usually began early in the morning (*Id.* 20) till after sunset, if one day were not sufficient for the completion of any business, it was adjourned to the next. But an assembly was sometimes broken up if any one;

whether a magistrate or private individual, declared that he saw an unfavourable omen, or perceived thunder and lightning. The sudden appearance of rain also, or the shock of an earthquake, or any natural phaenomenon of the kind called διοσημίαι, was a sufficient reason for the hasty adjournment of an assembly. (Aristoph. *Nub.* 579 ; Thuc. v. 46.)

We have already stated in general terms, that all matters of *public* and *national* interest, whether foreign or domestic, were determined upon by the people in their assemblies, and we shall conclude this article by stating in detail what some of these matters were. On this point Julius Pollux (viii. 95) informs us, that in the first assembly of every prytany, which was called κυρία, the ἐπιχειροτονία of the magistrates was held ; *i. e.* an inquisition into their conduct, which, if it proved unfavourable, was followed by their deposition. In the same assembly, moreover, the εἰσαγγελίαι or extraordinary informations were laid before the people, as well as all matters relating to the watch and ward of the country of Attica ; the regular officers also read over the lists of confiscated property, and the names of those who had entered upon inheritances. The second was devoted to the hearing of those who appeared before the people as suppliants for some favour, or for the privilege of addressing the assembly without incurring a penalty to which they otherwise would have been liable, or for indemnity previous to giving information about any crime in which they were accomplices. In all these cases it was necessary to obtain an ἄδεια, *i. e.* a special permission or immunity. In the third assembly, ambassadors from foreign states were received. In the fourth, religious and other public matters of the state were discussed.

From this statement, compared with what is said under Eisangelia, it appears that in cases which required an extraordinary trial, the people sometimes acted in a judicial capacity, although they usually referred such matters to the court of the Heliaea. There were, however, other cases in which they exercised a judicial power: thus, for instance, the proedri could ex officio prosecute an individual before the people for misconduct in the ecclesia. (Aesch. *c. Timarch.* p. 5.) Again, on some occasions information (μήνυσις) was simply laid before the people in assembly, without the informant making a regular impeachment ; and although the final determination in cases of this sort was *generally* referred to a court of law, still there seems no reason to doubt that the people might have taken cognizance of them in assembly, and decided upon them as judges ; just as they did in some instances of heinous and notorious crimes, even when no one came forward with an accusation. Moreover, in turbulent and excited times, if any one had incurred the displeasure of the people, they not unfrequently passed summary sentence upon him, without any regard to the regular and established forms of proceeding: as examples of which we may mention the cases of Demosthenes and Phocion. The proceedings called προβολή and ἐπαγγελία were also instituted before the people: further information with respect to them is given under those heads.

The legislative powers of the people in assembly, so far as they were defined by the enactments of Solon, were very limited ; in fact, strictly speaking, no laws could, without violating the spirit of the Athenian constitution, be either repealed or enacted, except by the court of the Νομοθέται : it might, however, doubtless happen that ψηφίσματα passed by the assemblies had reference to general and permanent objects, and were therefore virtually νόμοι or laws [Nomothetes] ; moreover, if we may judge by the complaints of Demosthenes, it appears that in his days the institutions of Solon had, in this respect, fallen into disuse, and that new laws were made by the people collectively in assembly, without the intervention of the court of the nomothetae. (Dem. *c. Timocr.* p. 744 ; Aristot. *Polit.* iv. 4.)

The foreign policy of the state, and all matters connected with it, and the regulation and appropriation of the taxes and revenues, were, as we might expect, determined upon by the people in assembly. The domestic economy of the state was under the same superintendence ; a fact which Pollux briefly expresses by informing us that the people decided in the fourth assembly περὶ ἱερῶν καὶ δημοσίων, *i. e.* on all matters, whether spiritual or secular, in which the citizens collectively had an interest. Such, for example, says Schömann (p. 298), "are the priesthood, the temples of the gods, and all other sacred things ; the treasury, the public land, and public property in general ; the magistracy, the courts, the laws and institutions of the state, and, in fine, the state itself:" in connection with which we may observe, that the meetings for the election of magistrates were called ἀρχαιρεσίαι. Lastly, as Schömann remarks, "the people likewise determined in assembly upon the propriety of conferring rewards and honours on such citizens or strangers, or even foreign states, as had in any manner signally benefitted the commonwealth." It is hardly necessary to add, that the signification of a religious assembly or church, which *ecclesia* bore in later times, sprang from its earlier meaning of an assembly in general, whether of the constituency of a whole state, or of its sub-divisions, such as tribes and cantons. See Tribus and Demus. [R. W.]

ECCLE'TI (ἔκκλητοι), was the name of an assembly at Sparta, and seems to have been the same as the so-called *lesser assembly* (ἡ μικρὰ καλουμένη ἐκκλησία, Xen. *Hell.* iii. 3. § 8). Its name seems to indicate a select assembly, but it is difficult to determine of what persons it was composed ; since, however, Xenophon (*Hell.* ii. 4. § 38) mentions the ephors along with and as distinct from it, we cannot with Tittman (*Griech. Staatsv.* p. 100) and Wachsmuth (*Hell. Alter.* vol. i. pp. 464, 690, 2d edit.), consider it as having consisted of the Spartan magistrates, with the addition of some deputies elected from among the citizens. As, however, the ἔκκλητοι do not occur until the period when the franchise had been granted to a great number of freedmen and aliens, and when the number of ancient citizens had been considerably thinned, it does not seem improbable that the lesser assembly consisted exclusively of ancient citizens, either in or out of office ; and this supposition seems very well to agree with the fact, that they appear to have always been jealously watchful in upholding the ancient constitution, and in preventing any innovation that might be made by the ephors or the new citizens. (Thirlwall, *Hist. of Greece*, iv. p. 372, &c.)

The whole subject of the ἔκκλητοι is involved in difficulty. Tittmann thinks, that though the name of this assembly is not mentioned, it existed long before the Persian wars, and that in many cases in which the magistrates (*τέλη, ἄρχοντες* or *ἀρχαί*) are said to have made decrees, the magistrates are mentioned instead of the *ἔκκλητοι*, of whom they were the chief members. This last supposition is rejected by Müller (*Dor.* iii. 5. § 10), who observes that the magistrates were often said to have decreed a measure (especially in foreign affairs), though it had been discussed before the whole assembly and approved by it; for the magistrates were the representatives and the organs of the assembly, and acted in its name. Müller is also of opinion that *ἔκκλητοι* and *ἐκκλησία* are identical, and distinct from the lesser assembly, which he considers to have been a kind of select assembly, But his arguments on this point are not convincing. The *ἔκκλητοι* and the lesser assembly are mentioned about the same time in Grecian history, and previous to that time we hear of no assembly, except the regular *ἐκκλησία* of all the Spartans, (See Xen. *Hell.* v. ii. § 33, vi. 3. § 3.) [L. S.]

E'CDICUS (*ἔκδικος*), the name of an officer in many of the towns of Asia Minor during the Roman dominion, whose principal duty was the care of the public money, and the prosecution of all parties who owed money to the state. The word is translated in the ancient glossaries by *cognitor*, an attorney. (Cic. *ad Fam.* xiii. 56; Plin. *Ep.* x. 111; Gronovius, *de Sestert.* iv. 3. p. 277.)

E'CDOSIS (*ἔκδοσις*). [Fenus.]

ECHI'NOS (*ἐχῖνος*). [Dike.]

ECLOGEIS (*ἐκλογεῖς*). [Eisphora.]

ECMARTY'RIA (*ἐκμαρτυρία*), signifies the deposition of a witness, who, by reason of absence abroad, or illness, was unable to attend in court. His statement was taken down in writing, in the presence of persons expressly appointed to receive it, and afterwards, upon their swearing to its identity, was read as evidence in the cause. They were said *μαρτυρεῖν τὴν ἐκμαρτυρίαν*: the absent witness, *ἐκμαρτυρεῖν*: the party who procured the evidence, *ἐκμαρτυρίαν ποιεῖσθαι*. It was considered as the testimony of the deponent himself, not that of the certifying witnesses, and therefore did not come within the description of hearsay evidence, which (except the declaration of a deceased person) was not admissible at Athens. The law was, *ἀκοὴν εἶναι μαρτυρεῖν τεθνεῶτος, ἐκμαρτυρίαν δὲ ὑπερορίου καὶ ἀδυνάτου*. The deponent (like any other witness) was liable to an action for false testimony if the contents of the deposition were untrue, unless he could show that it was incorrectly taken down or forged, in which case the certifying witnesses would be liable. Therefore (Isaeus tells us) it was usual to select persons of good character to receive such evidence, and to have as many of them as possible (Isaeus, *De Pyrr. Hered.* 23, 24, ed. Bekk.; Dem. *c. Steph.* pp. 1130, 1131.) [Martyria.] [C. R. K.]

E'CPHORA (*ἐκφορά*). [Funus.]

ECPHYLLOPHO'RIA (*ἐκφυλλοφορία*). [Exsilium.]

ECULEUS. [Equuleus.]

E'DERE ACTIO'NEM. [Actio.]

EDICTUM. The Jus Edicendi, or power of making edicts, belonged to the higher magistratus populi Romani, but it was principally exercised by the two praetors, the praetor urbanus and the praetor peregrinus, whose jurisdiction was exercised in the provinces by the praeses. The curule aediles also made many edicts, and their jurisdiction was exercised (under the empire at least) in the provinciae populi Romani by the quaestors. (Gaius, i. 6.) There was no edict promulgated in the provinciae Caesaris. The tribunes, censors, and pontifices also promulgated edicts relating to the matters of their respective jurisdictions. The edicta are enumerated by Gaius among the sources of Roman law, and this part of the Roman law is sometimes called in the Pandect, Jus Honorarium (Dig. 44. tit. 7. s. 52), apparently because the edictal power belonged to those magistrates only who had the honores, and not so much ad honorem praetorum. (Dig. 1. tit. 1. s. 7.) As the edicts of the praetors were the most important, the jus honorarium was sometimes called jus praetorium; but, properly, the jus honorarium was the term under which was comprehended all the edictal law.

Edictum signifies, generally, any public notice made by a competent authority (Tacit. *Ann.* i. 7; Liv. xxxi. 6, ii. 30). But it specially signifies, under the republic, a rule promulgated by a magistratus, which was done by writing it on an album, and placing it in a conspicuous place, "Unde de plano recte legi potest." From this circumstance, the Edict was considered to be a part of the jus scriptum. As the office of a magistratus was annual, the rules promulgated by a predecessor were not binding on a successor, but he might confirm or adopt the rules of his predecessor, and introduce them into his own Edict, and hence such adopted rules were called edictum tralatitium (Cic. *ad Att.* iii. 23, v. 21; *ad Fam.* iii. 8; *in Verr.* i. 45), or vetus, as opposed to edictum novum. A repentinum edictum was that rule which was made (prout res incidit) for the occasion. (*In Verr.* iii. 14.) A perpetuum edictum was that rule which was made by the magistratus on entering upon office, and which was intended to apply to all cases to which it was applicable, during the year of his office: hence it was sometimes called also annua lex. It was not called perpetuum because the rules were fixed, but because each praetor published his edict upon entering on his office, and thus there was a perpetuum (continuous) edictum. Until it became the practice for magistratus to adopt the edicta of their predecessors, the edicta could not form a body of permanent binding rules; but when this practice became common, the edicta (edictum tralatitium) soon constituted a large body of law, which was practically of as much importance as any other part of the law. The several edicta, when thus established, were designated by the names of their promulgators, as the Edictum Carbonianum; or they were named with reference to the formula, and the actio which they established, as Aquiliana, Publiciana, Rutiliana.

The origin of the edictal power cannot be historically shown; but as the praetor was a magistrate established for the administration of justice on account of the occupations of the consuls, and the consular power was the representative of the kingly power, it seems that the jus edicendi may have been a remnant of the kingly prerogative. However this may be, the edictal power was early exercised, and so far established, that the jus praetorium was a recognised division of law in and before the time of Cicero (*in Verr.* i. 44), in whose age the study of the Edict formed a part of the regular study of the law. (*de Leg.* i. 5, ii. 23.) The edict of the aediles about the buying and selling of slaves is mentioned by Cicero (*de Off.* iii. 17); the Edictiones Aedilitiae are alluded to by Plautus (*Capt.* iv. 2, v. 43); and an edict of the praetor Peregrinus is mentioned in the Lex Galliae Cisalpinae, which probably belongs to the beginning of the eighth century of the city. The Lex Cornelia, B. C. 67, provided against abuses of the edictal power, by declaring that the praetors should decide in particular cases, conformably to their perpetual edict. The edicts made in the provinces are often mentioned by Cicero. They were founded on the edictum urbanum, though they likewise comprehended rules applicable only to the administration of justice in the provinces, and so far they were properly edictum provinciale. Thus Cicero (*ad Att.* vi. 1) says, that he promulgated in his province two edicta; one provinciale, which, among other matters, contained every thing that related to the publicani, and another, to which he gives no name, relating to matters of which he says, "ex edicto et postulari et fieri solent." As to all the rest, he made no edict, but declared that he would frame all his decrees (decreta) upon the edicta urbana. It appears, then, that in the time of Cicero the edicta already formed a large body of law, which is confirmed by the fact, that, in his time, an attempt had been already made to reduce it into order, and to comment on it. Servius Sulpicius, the great jurist and orator, the friend and contemporary of Cicero, addressed to Brutus two very short books on the Edict, which was followed by the work of Ofilius (Pomponius, Dig. 1. tit. 2. s. 2); though we do not know whether the work of Ofilius was an attempt to collect and arrange the various edicta, like the subsequent compilation of Julian, or a commentary like those of many subsequent jurists (Ofilius edictum praetoris primus diligenter composuit).

The object of the Edict, according to the Roman jurists, was the following (Papinianus, Dig. 1. tit. 1. s. 7): — "Adjuvandi vel supplendi vel corrigendi juris civilis gratia propter utilitatem publicam:" the Edict is also described as "viva vox juris civilis." It was, in effect, an indirect method of legislating, and it was the means by which numerous rules of law became established. It was found to be a more effectual, because an easier and more practical way of gradually enlarging and altering the existing law, and keeping the whole system in harmony, than the method of direct legislation; and it is undeniable that the most valuable part of the Roman law is derived from the edicts. If a praetor established any rule which was found to be inconvenient or injurious, it fell into disuse, if not adopted by his successor. The publicity of the Edict must also have been a great security against any arbitrary changes, for a magistratus would hardly venture to promulgate a rule to which opinion had not by anticipation already given its sanction. Many of the rules promulgated by the Edict were merely in conformity to existing custom, more particularly in cases of contracts, and thus the edict would have the effect of converting custom into law. This is what Cicero seems to mean (*de Invent.* ii. 22), when he says that the Edict depends in a great degree on custom.

As to the matter of the Edict, it must be supposed that the defects of the existing law must generally have been acknowledged and felt before any magistratus ventured to supply them; and in doing this, he must have conformed to the so-called natural equity (Jus Naturale or Gentium). Under the emperors, also, it may be presumed, that the opinions of legal writers would act on public opinion, and on those who had the jus edicendi. Hence, a large part of the edictal rules were founded on the so-called jus gentium; and the necessity of some modifications of the strict rules of the civil law, and of additional rules of law, would become the more apparent with the extension of the Roman power and their intercourse with other nations. But the method in which the praetor introduced new rules of law was altogether conformable to the spirit of Roman institutions. The process was slow and gradual; it was not effected by the destruction of that which existed, but by adapting it to circumstances. Accordingly, when a right existed, or was recognised, the praetor would give an action, if there was none; he would interfere by way of protecting possession, but he could not make possession into ownership, and, accordingly, that was effected by the law [USUCAPIO]: he aided plaintiffs by fictions, as, for instance, in the Publiciana actio, where the fiction was, that the possessor had obtained the ownership by usucapion, and so was quasi ex jure Quiritium dominus (Gaius, iv. 36); and he also aided parties by exceptiones, and in integrum restitutio. [JUS.]

The old forms of procedure were few in number, and they were often inconvenient and failed to do justice. Accordingly, the praetor extended the remedies by action, as already intimated in the case of the Publiciana actio. This change probably commenced after many of the legis actiones were abolished by the Aebutia lex, and the necessity of new forms of actions arose. These were introduced by the praetors, and it is hardly a matter of doubt that in establishing the formulae they followed the analogy of the legis actiones. It is the conclusion of an ingenious writer (*Rhein. Mus. für Juris.* i. p. 51, *Die Oeconomie des Edictes*, von Heffter), "that the edict of the praetor urbanus was in the main part relating to actions arranged after the model of the old legis actiones, and that the system is apparent in the Code of Justinian, and still more in the Digest."

Under the emperors, there were many commentators on the Edict. Thus we find that Labeo wrote four books on the Edict, and a work of his in thirty books, Ad Edictum Praetoris Peregrini, is cited by Ulpian. (Dig. 4. tit. 3 s. 9.) Salvius Julianus, a distinguished jurist, who lived in the time of Hadrian, and filled the office of praetor, made a compilation of Edictal law by order of the emperor; the work was arranged in titles, according to subjects (Böcking, *Instit.* i. 30. n. 11). It was called Edictum Perpetuum; and it seems, that from the date of this treatise, the name Perpetuum was more particularly applied to this edictum than to that which was originally and properly called the Edictum Perpetuum. Julian appears to have collected and arranged the old edicts, and he probably both omitted what had fallen into disuse, and abridged many parts, thus giving to the whole a systematic character. The work of Julian must have had great influence on the study of the law, and on subsequent juristical writings. It does not seem probable, that the edicts of the two Roman praetors, together with the Edictum Provinciale, and the edicts of the curule aediles, were blended into one in this compilation. If the work of Julian comprehended all these edicts, they must have been kept distinct, as the subject-matter of them was different. We know that the edicts of the curule aediles were the subject of distinct treatises by Gaius, Ulpian, and Paulus, and the Edictum Provinciale would, from its nature, be of necessity kept separate from all the rest. But some writers are of opinion, that the Edictum Perpetuum of Julianus made one body of law out of the edicta of the praetor urbanus and peregrinus, that there was also incorporated into it much of the Edictum Provinciale, and a large part of the Edictum Aedilitium, as an appendage at least. The Edict thus arranged and systematised was, it is further supposed, promulgated in the provinces, and thus became, as far as its provisions extended, a body of law for the empire. This view of the edictum of Julianus is confirmed by the fact of Italy being divided by Hadrian into the city of Rome with its appurtenant part, and four districts. The magistratus remained as before, but the jurisdiction of the praetor was limited to Rome and its territory; and magistrates, called consulares, and subsequently, in the time of Aurelius, juridici, were appointed to administer justice in the districts. As the edictal power of the praetor was thus limited, the necessity for a comprehensive Edict (such as the Edictum Perpetuum of Julian) is the more apparent.

There were numerous writings on the Edict besides those above enumerated. They were sometimes simply entitled Ad Edictum, according to the citations in the Digest; and there were also other juristical writings, not so entitled, which followed the order of the Edict, as, for instance, the epitome of Hermogenianus. (Dig. 1. tit. 5. s. 2.) Ultimately, the writings on the Edict, and those which followed the arrangement of the Edict, obtained more authority than the Edict itself, and became the basis of instruction.

Some few fragments of the older edicts are found in the Roman writers, but it is chiefly from the writings of the jurists, as excerpted in the Digest, that we know anything of the Edict in its later form. It seems pretty clear that the order of Justinian's Digest, and more particularly that of his Code, to some extent followed that of the Edict. The writings on the Edict, as well as the Edict itself, were divided into tituli or rubricae, and these into capita; some special or detached rules were named clausulae; and some parts were simply named edictum, as Edictum Carbonianum, &c.

The Edicta or Edictales Leges of the emperors are mentioned under CONSTITUTIO.

The Digest, as already observed, contains numerous fragments of the Edicts. The most complete collection of the fragments of the Edicts is by Wieling, in his "Fragmenta Edicti Perpetui," Franek. 1733. The latest essay on the subject is by C. G. L. de Weyhe, "Libri Tres Edicti sive de Origine Fatisque Jurisprudentiae Romanae praesertim Edictorum Praetoris ac de Forma Edicti Perpetui," Cell. 1821. The twenty-first book of the Digest (tit. 1) is on the Aedilitium Edictum. (Zimmern, *Geschichte des Röm. Privatrechts;* Marezoll, *Lehrbuch*, &c.; Rein, *Das Römische Privatrecht*, &c., Leipzig, 1836; Savigny, *Geschichte des R. R.*, &c. vol. i. c. 1; Savigny, *System*, &c., vol. i. pp. 109, &c., 116, &c.) [G. L.]

EDICTUM THEODORICI. This is the first collection of law that was made after the downfal of the Roman power in Italy. It was promulgated by Theodoric, king of the Ostrogoths, at Rome, in the year A. D. 500. It consists of 154 chapters, in which we recognise parts taken from the Code and Novellae of Theodosius, from the Codices Gregorianus and Hermogenianus, and the Sententiae of Paulus. The Edict was, doubtless, drawn up by Roman writers, but the original sources are more disfigured and altered than in any other compilation. This collection of law was intended to apply both to the Goths (Barbari) and the Romans, so far as its provisions went; but when it made no alteration in the Gothic law, that law was still to be in force for the Barbari; and the Roman law was still to prevail for the Romans in those cases to which the Edictum was not applicable. Athalarich, the grandson of Theodoric, or rather Amalasuntha, the mother of Athalarich, who was a minor, completed this Edictum by a new one; but after Narses had again united Italy to the dominion of Justinian, the legislation of Justinian was established in Italy (A. D. 554), and the Edictum of Theodoric had no longer authority. The opinion of modern writers as to the design and object of the Edictum of Theodoric is by no means uniform. There is an edition of this Edictum by G. F. Rhon, Halle, 1816, 4to. (Savigny, *Geschichte des R. R.* &c.; Böcking, *Instit.* i. 89.) [G. L.]

EEDNA (ἔεδνα). [Dos.]

EICOSTE (εἰκοστή), a tax or duty of one twentieth (five per cent.) upon all commodities exported or imported by sea in the states of the allies subject to Athens. This tax was first imposed B. C. 415, in the place of the direct tribute which had up to this time been paid by the subject allies; and the change was made with the hope of raising a greater revenue. (Thuc. vii. 28.) This tax, like all others, was farmed, and the farmers of it were called *eicostologi* (εἰκοστολόγοι). It continued to be collected in B. C. 405, as Aristophanes mentions an *eicostologus* in that year (*Ran.* 348). It was of course terminated by the issue of the Peloponnesian war, but the tribute was afterwards revived on more equitable principles under the name of *Syntaxis* (σύνταξις). (Böckh, *Publ. Econ. of Athens*, pp. 325, 401, 2nd ed.)

We also read of an *eicoste* levied by the sons of Peisistratus. This tax was a twentieth of the produce of the lands in Attica, and was only half of what had been levied by Peisistratus himself. (Thuc. vi. 54.)

EIREN (εἴρην) or IREN (ἴρην), the name given to the Spartan youth when he attained the age of twenty. At the age of eighteen he emerged from childhood, and was called *Melleiren* (μελλείρην, Plut. *Lyc.* 17). When he had attained his twentieth year, he began to exercise a direct influence over his juniors, and was entrusted with the command of troops in battle. The word appears to have orignally signified a commander. Hesychius explains Ἴρανες by ἄρχοντες, διώκοντες: and εἰρηνάζει by κρατεῖ. The ἰρένες mentioned in Herodotus (ix. 85) were certainly not youths, but commanders. (Müller, *Dorians*, vol. ii. p. 315.)

EISAGO'GEIS (εἰσαγωγεῖς), at Athens, were not themselves distinct magistrates; but the name was given to the ordinary magistrates when application was made to them for the purpose of bringing a cause (εἰσάγειν) into a proper court. [Diaetetae; Dike.] The cause itself was tried, as is explained under Dike, by dicasts chosen by lot; but all the preliminary proceedings, such as receiving the accusation, drawing up the indictment, introducing the cause into court, &c., were conducted by the regular magistrate, who attended in his own department to all that was understood in Athenian law by the ἡγεμονία τοῦ δικαστηρίου. Thus we find the strategi, the logistae, the ἐπιστάται τῶν δημοσίων ἔργων, the ἐπιμεληταὶ τοῦ ἐμπορίου, &c., possessing this ἡγεμονία; but it was not the chief business of any of the public magistrates, except of the archons and perhaps of the eleven. The chief part of the duties of the former, and especially of the thesmothetae, consisted in receiving accusations and bringing causes to trial (εἰσάγειν) in the proper courts. [Archon.]

EISANGE'LIA (εἰσαγγελία), signifies, in its primary and most general sense, a denunciation of any kind (Schömann, *De Comitiis*, p. 181), but, much more usually, an information laid before the council or the assembly of the people, and the consequent impeachment and trial of state criminals at Athens under novel or extraordinary circumstances. Among these were the occasions upon which manifest crimes were alleged to have been committed, and yet of such a nature as the existing laws had failed to anticipate or at least describe specifically (ἄγραφα ἀδικήματα), the result of which omission would have been, but for the enactment by which the accusations in question might be preferred (νόμος εἰσαγγελτικός), that a prosecutor would not have known to what magistrate to apply; that a magistrate, if applied to, could not with safety have accepted the indictment or brought it into court; and that, in short, there would have been a total failure of justice. (Harpocrat. *s. v.*) The process in question was peculiarly adapted to supply these deficiencies; it pointed out, as the authority competent to determine the criminality of the alleged act, the assembly of the people, to which applications for this purpose might be made on the first business-day of each prytany (κυρία ἐκκλησία, Harpocrat.), or the council, which was at all times capable of undertaking such investigations; and occasionally the accusation was submitted to the cognizance of both these bodies. After the offence had been declared penal, the forms of the trial and amount of the punishment were prescribed by the same authority; and, as upon the conviction of the offenders a precedent would be established for the future, the whole of the proceedings, although extraordinary, and not originating in any specific law, may be considered as virtually establishing a penal statute, retrospective in its first application. (Lycurg. *c. Leocrat.* p. 149, ed Steph.)

The speech of Euryptolemus (Xen. *Hell.* i. 7. *sub fin.*) clearly shows that the crime charged against the ten generals who fought at Arginusae was one of these unspecified offences. The decree of the senate against Antiphon and his colleagues (Plut. *Vit. Dec. Orator.* p. 833, e), directing that they should be tried, and, if found guilty, punished as traitors, seems to warrant the inference, that their delinquency (viz. having undertaken an embassy to Sparta by order of the Four Hundred, a government declared illegal upon the reinstatement of the democracy), did not amount to treason in the usual sense of the term, but required a special declaration by the senate to render it cognizable as such by the Heliaea. Another instance of treason by implication, prosecuted as an extraordinary and unspecified crime, appears in the case of Leocrates, who is, in the speech already cited, accused of having absented himself from his country, and dropped the character of an Athenian citizen at a time when the state was in imminent danger. Offences, however, of this nature were by no means the only ones, nor indeed the most numerous class of those to which extraordinary denunciations were applicable. They might be adopted when the charge embraced a combination of crimes, as that of treason and impiety in the famous case of Alcibiades, for each of which a common indictment (γραφή) was admissible, when the accused were persons of great influence in the state, when the imputed crime, though punishable by the ordinary laws, was peculiarly heinous, or when a more speedy trial than was permitted by the usual course of business was requisite to accomplish the ends of justice. (Schömann, *De Com.* p. 190; Harpocrat.) Circumstances such as these would, of course, be very often pretended by an informer to excite the greater odium against the accused, and the adoption of the process in question must have been much more frequent than was absolutely necessary.

The first step taken by the informer was to reduce his denunciation to writing, and submit it immediately to the cognizance of the council, which had a discretionary power to accept or reject it. (Lys. c. *Nicom.* p. 185.) Schömann maintains that a reference to this body was also necessary when it was intended to bring the matter before the assembly of the people, but that its agency was in such cases limited to permitting the impeachment to be announced for discussion, and directing the proedri to obtain a hearing for the informer. The thesmothetae are also mentioned by Pollux (viii. 87) as taking part in bringing the matter before the assembly, but upon what occasion they were so employed we can only conjecture.

In causes intended for the cognizance of the council only, after the reception of the denunciation, three courses with respect to it might be adopted by that body. If the alleged offence were punishable by a fine of no greater amount than five hundred drachmae, the council itself formed a court competent for its trial; if it was of a graver character they might pass a decree, such as that in the case of Antiphon already mentioned, directing the proper officers to introduce the cause to a Heliastic court, and prescribing the time and forms of the trial, and the penalty to be inflicted upon the conviction of the criminals; lastly, if the matter were highly important, and from doubts or other reasons they required the sanction of the assembly, they might submit the cause as it stood to the consideration of that body. In the first case, the trial was conducted before the council with all the forms of an ordinary court, and if, upon the assessment of penalties, the offence seemed to deserve a heavier punishment than fell within its competency, the trial was transferred to a Heliastic court, by the delivery of the sentence of the council (κατάγνωσις) to the thesmothetae by the scribe of the prytanes, and upon these officers it then devolved to bring the criminals to justice.

(Dem. *c. Timocr.* p. 720.) The accused were in the meanwhile put into prison for safe custody by the authority of the council. When the offence was obviously beyond the reach of the senate's competency, the trial was dispensed with, and a decree immediately drawn up for submitting the cause to a superior court.

When a cause of this kind was so referred, the decree of the senate, or vote of the people, associated other public advocates, generally ten in number, with the informer, who received a drachma each from the public treasury (*συνήγοροι*). And besides these, permission was given to any other citizen to volunteer his services on the side of the prosecution. If the information were laid before the assembly, either by the accuser himself, or the senate, the first proceedings in the cause had for their object to establish the penalty of the offence, or the apparent culpability of the accused; and this being decided by a vote of the people after a public discussion, the mode of conducting the trial and the penalty were next fixed. In the case of the ten generals, the assembly directed that the senate should propose the requisite arrangements. The plan of the senate, however, was not necessarily adopted, but might be combated by rival proposals of any private citizen. The assembly very often referred the matter to the Heliastic courts, but occasionally undertook the trial itself; and when the prisoner was accused of treason, we are told (Xen. *l. c.*) that he made his defence to the assembly in chains, and with a keeper upon either side; and, according to another authority (Schol. *ad Aristoph. Eccles.* 1081), that the time for such defence was limited. After this the tribes voted by ballot, two urns being assigned to each tribe for this purpose. The informer, in the event of the prisoner being acquitted, was subjected to no penalty if he obtained the votes of as many as a fifth of the judges; otherwise, he was liable to a fine of a thousand drachmae. For a more ample discussion of the trials in question the reader is referred to Schömann (*De Comitiis*, c. iii.).

Besides the class of causes hitherto described, there were also two others which equally bore the name of eisangelia, though by no means of the same importance, nor indeed much resembling it in the conduct of the proceedings. The first of these consists of cases of alleged *κάκωσις*, *i. e.* wrong done to aged or helpless parents, women, or orphans. Upon such occasions the informer laid his indictment before the archon, if the aggrieved persons were of a free Attic family; or before the polemarch, if they were resident aliens. The peculiarities of this kind of cause were, that any Athenian citizen might undertake the accusation; that the informer was not limited as to time in his address to the court, and incurred no penalty whatever upon failing to obtain a verdict. With respect to the accused it is obvious that the cause must have been *τιμητός*, or, in other words, that the court would have the power of fixing the amount of the penalty upon conviction. The third kind of eisangelia was available against one of the public arbitrators (*διαιτήτης*), when any one complained of his having given an unjust verdict against him. The information was in this case laid before the senate; and that the magistrate who had so offended, or did not appear to defend himself, might be punished by disfranchisement, we know from the instance mentioned by Demosthenes (*c. Meid.* p. 542. 14). This passage, however, and an allusion to it in Harpocration, constitutes the whole of our information upon the subject. (Hudtwalcker, *über die Diätet.* p. 19; Meier, *Att. Process*, p. 270.) [J. S. M.]

EISITE'RIA (*εἰσιτήρια*), scil. *ἱερά*, sacrifices which were offered at Athens by the senate before the session began, in honour of the Θεοὶ Βουλαῖοι, *i. e.* Zeus and Athena. (Antiph. *De Chor.* p. 789; Böckh, *Corp. Inscript.* i. p. 671.) The sacrifice was accompanied by libations, and a common meal for all the senators. (Demosth. *De Fals. Leg.* p. 400. 24; compared with *c. Mid.* p. 552. 2, where *εἰσιτήρια* are said to be offered for the senate, *ὑπὲρ τῆς βουλῆς*).

Suidas (*s. v.*) calls the *εἰσιτήρια* a festive day—the first of every year—on which all the Athenian magistrates entered upon their office, and on which the senate offered up sacrifices for the purpose of obtaining the goodwill of the gods for the new magistrates. But this statement, as well as the further remarks he adds, seem to have arisen from a gross misunderstanding of the passage of Demosthenes (*De Fals. Leg.* p. 400), to which he refers. Schömann (*De Comit.* p. 291, transl.) adopts the account of Suidas, and rejects the other statement without giving any reason. [L. S.]

EI'SPHORA (*εἰσφορά*), literally a contribution or tribute, was an extraordinary tax on property, raised at Athens, whenever the means of the state were not sufficient to carry on a war. The money thus raised was sometimes called *τὰ καταϐλήματα*. (Demosth. *c. Timocr.* p. 731.) We must carefully distinguish between this tax and the various liturgies which consisted in personal or direct services which citizens had to perform, whereas the *εἰσφορά* consisted in paying a certain contribution towards defraying the expenses of a war. Some ancient writers do not always clearly distinguish between the two, and Ulpian on Demosthenes (*Olynth.* ii. p. 33, *ε.*) entirely confounds them; and it is partly owing to these inaccuracies that this subject is involved in great difficulties. At the time when armies consisted only of Athenian citizens, who equipped themselves and served without pay, the military service was indeed nothing but a species of extraordinary liturgy; but when mercenaries were hired to perform the duties of the citizens, when wars became more expensive and frequent, the state was obliged to levy contributions on the citizens in order to be able to carry them on, and the citizens then paid money for services which previously they had performed in person.

It is not quite certain when this property-tax was introduced; for, although it is commonly inferred, from a passage in Thucydides (iii. 19), that it was first instituted in 428 B. C. in order to defray the expenses of the siege of Mytilene, yet we find *εἰσφορά* mentioned at an earlier period. (See Antiph. *Tetral.* i. *b.* c. 12; Isaeus, *De Dicaeog.* c. 37; and Tittmann, *Griech. Staatsv.* p. 41, note 31); and even the passage of Thucydides admits of an interpretation quite in accordance with this, for it is certainly not impossible that he merely meant to say, that so large an amount as 200 talents had never before been raised as *εἰσφορά*. But, however this may be, after the year 428 B. C. this property-tax seems to have frequently been raised, for, a few years afterwards, Aristophanes (*Equit.* 922) speaks of it as something of common occurrence.

Such a contribution could never be raised without a decree of the people, who also fixed upon the amount required (Demosth. c. *Polycl.* p. 1208; Aristoph. *Eccles.* 818); the generals superintended its collection, and presided in the courts where disputes connected with, or arising from, the levying of the tax were settled. (Wolf, *Proleg. in Leptin.* p. 94; Demosth. c. *Boeot.* p. 1002.) Such disputes seem to have occurred rather frequently; personal enmity not seldom induced the officers to tax persons higher than was lawful, according to the amount of their property. (Aristoph. *l. c.*; Demosth. *c. Aphob.* p. 815.) The usual expressions for paying this property-tax are: *εἰσφέρειν χρήματα, εἰσφέρειν εἰς τὸν πόλεμον, εἰς τὴν σωτηρίαν τῆς πόλεως εἰσφορὰς εἰσφέρειν*, and those who paid it were called *οἱ εἰσφέροντες*. On the occasion mentioned by Thucydides, the amount which was raised was, as we have seen, 200 talents, which, if we suppose the taxable property to have been 20,000 talents, was a tax of one per cent. (Böckh, *Publ. Econ.* p. 520, 2d edit.) On other occasions, the rates were higher or lower, according to the wants of the republic at the time; we have accounts of rates of a twelfth, a fiftieth, a hundredth, and a five hundredth part of the taxable property.

The census of Solon was during the first period the standard according to which the *εἰσφορά* was raised, until in 377 B. C., in the archonship of Nausinicus, a new census was instituted, in which the people, for the purpose of fixing the rates of the property-tax, were divided into a number of symmoriae (*συμμορίαι*) or classes, similar to those which were afterwards made for the trierarchy. (Philoch. *apud Harpocrat. s. v.* Συμμορία; Demosth. c. *Androt.* p. 606; Ulpian, *ad Demosth. Olynth.* ii. p. 33, *c.*) The nature of this new census, notwithstanding the minute investigation of Böckh (*Publ. Econ.* book iv), is still involved in great obscurity. Each of the ten phylae, according to Ulpian, appointed 120 of its wealthier citizens, who were divided into two parts, according to their property, called symmoriae, each consisting of sixty persons; and the members of the wealthier of the two symmoriae were obliged, in cases of urgent necessity, to advance to the less wealthy the sum required for the *εἰσφορά* (*προεισφορά*, Demosth. *c. Mid.* p. 564, &c.). When the wants of the state had been thus supplied, those who had advanced the money could at their ease, and in the usual way, exact their money back from those to whom they had advanced it. The whole number of persons included in the symmoriae was 1200, who were considered as the representatives of the whole republic; it would, however, as Böckh justly observes, be absurd to suppose with Ulpian that these 1200 alone paid the property-tax, and that all the rest were exempt from it. The whole census of 6000 (Demosth. *De Symmor.*), or more accurately of 5750 talents (Polyb. ii. 62. § 7), was surely not the property of 1200 citizens, but the taxable property of the whole republic. Many others, therefore, though their property was smaller than that of the 1200, must have contributed to the *εἰσφορά*, and their property must be considered as included in the census of 5750 talents of taxable property.

The body of 1200 was, according to Ulpian, also divided into four classes, each consisting of 300. The first class, or the richest, were the leaders of the symmoriae (*ἡγεμόνες συμμοριῶν*), and are often called the three hundred *κατ᾽ ἐξοχήν*. They probably conducted the proceedings of the symmoriae, and they, or, which is more likely, the demarchs, had to value the taxable property. Other officers were appointed to make out the lists of the rates, and were called *ἐπιγραφεῖς, διαγραφεῖς*, or *ἐκλογεῖς*. When the wants of the state were pressing, the 300 leaders, perhaps in connection with the 300 included in the second class — for Ulpian, in the first portion of his remark, states that the richer symmoria of every phyle had to perform this duty — advanced the money to the others on the above-mentioned terms (Demosth. *c. Phaenipp.* p. 146), which, however, was never done unless it was decreed by the people. (Demosth. c. *Polycl.* p. 1209.) The rates of taxation for the four classes have been made out with great probability by Böckh (*Publ. Econ.* p. 519, 2d edit.), from whose work the following table is taken: —

First Class, from twelve talents upwards.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
500 tal.	⅕	100 tal.	5 tal.
100 „	⅕	20 „	1 „
50 „	⅕	10 „	30 min.
15 „	⅕	3 „	9 „
12 „	⅕	2 tal. 24 min.	720 drach.

Second Class, from six talents and upwards, but under twelve.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
11 tal.	⅙	1 tal. 50 min.	550 drach.
10 „	⅙	1 „ 40 „	500 „
8 „	⅙	1 „ 20 „	400 „
7 „	⅙	1 „ 10 „	350 „
6 „	⅙	1 „	300 „

Third Class, from two talents upwards, but under six.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
5 tal.	⅛	37½ min.	187½ drach.
4 „	⅛	30 „	150 „
3 „	⅛	22½ „	112½ „
2½ „	⅛	18¾ „	93¾ „
2 „	⅛	15 „	75 „

Fourth Class, from twenty-five minae upwards, but under two talents.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
1½ tal.	⅒	900 drach.	45 drach.
1 „	⅒	600 „	30 „
45 min.	⅒	450 „	22½ „
30 „	⅒	300 „	15 „
25 „	⅒	250 „	12½ „

Every one had to pay his tax in the phyle where his landed property lay, as appears from the oration of Demosthenes against Polycles; and if any one refused to pay, the state had a right to confiscate his estate, but not to punish the individual with atimia. (Demosth. c. *Androt.* p. 609, c. *Timocrat.* p. 752.) But if any one thought that his property was taxed higher than that of another man on whom juster claims could be made, he had the right to call upon this person to take the office in his stead, or to submit to a complete exchange of property. [ANTIDOSIS.] No Athenian, on the other hand, if belonging to the tax-paying classes, could be exempt from the *εἰσφορά*, not even the descendants of Harmodius and Aristogiton.

(Demosth. *c. Leptin.* p. 462, &c.) Orphans, though exempt from liturgies, were obliged to pay the property-tax, as we see in the instance of Demosthenes, who was one of the leaders of the symmoriae for ten years (*c. Mid.* p. 565; compare Isaeus, ap. Dionys. Isaeus, p. 108; or *Orat. Graec.* vol. vii. p. 331, ed. Reiske). Even trierarchs were not exempt from paying the *εἰσφορά* themselves, although they could not be compelled to pay the *προεισφορά*. (Demosth. *c. Polycl.* p. 1209, *c. Phaenipp.* p. 1046.) It seems that aliens were likewise subject to it, for the only instance we have of any exception being made is one of aliens. (Marm. Oxon. ii. xxiv.; Böckh, *Publ. Econ.* p. 538.)

For further information concerning the subject of the *εἰσφορά*, see the fourth book of Böckh's *Public Economy of Athens;* Wolf, *Prolegomena in Leptin.;* Wachsmuth, *Hellen. Alterth.* vol. ii. p. 98, 2d edit.; Hermann, *Pol. Ant. of Greece*, § 162. [L. S.]

ELAEOTHE'SIUM. [Balneae, p. 190.]

ELAPHEBO'LIA (*ἐλαφηϐόλια*), the greatest festival in the town of Hyampolis, in Phocis, which was celebrated in honour of Artemis, in commemoration, it is said, of a victory which its inhabitants had gained over the Thessalians, who had ravaged the country and reduced the Phocians in the neighbourhood of the town nearly to the last extremity. (Plut. *De Mul. Virt.* p. 267; Paus. x. 35. § 4.) The only particular which we know of its celebration is, that a peculiar kind of cake (*ἔλαφος*) was made on the occasion. (Athen. xv. p. 646.) These cakes were, as their name indicates, probably made in the shape of a stag or deer, and offered to the goddess. The festival of the elaphebolia was also celebrated in many other parts of Greece, but no particulars are known. (Etymol. Magn. *s. v.* Ἐλαφηϐολιών.) [L. S.]

ELAPHEBO'LION. [Calendarium.]

ELECTRUM (*ἤλεκτρος* and *ἤλεκτρον*), is used by the ancient writers in two different senses, either for *amber* or for a mixture of metals composed of gold and silver. In the former sense, it does not come within the scope of this work, except as a substance used in the arts, and also on account of the difficulty of deciding, with respect to several of the passages in which the word occurs, in which of the two senses it is used. If we could determine which was first known to the Greeks, the mineral or the metal, the subject would be simplified; but the only means we have of determining this question is the slight internal evidence of a few passages in Homer. If, as we shall endeavour to show, those passages refer to amber, a simple explanation of the twofold use of the word suggests itself; namely, that the word originally meant *amber*, and that it was afterwards applied to the mixed metal, because its pale yellow colour resembled that of amber. Etymologically, the word is probably connected with *ἠλέκτωρ*, *the sun*, the root-meaning being *brilliant*. (Pott, *Etym. Forsch.* pt. i. p. 237: this derivation was known to Pliny, *H. N.* xxxvii. 2. s. 11: Buttmann's derivation from *ἕλκω*, *to draw*, is objectionable both on philological and historical grounds: the attractive power of amber, when rubbed, is said, and no doubt correctly, to have been discovered long after the mineral was first known.)

The word occurs three times in Homer; in two cases where mention is made of a necklace of gold, bound, or held together, *ἠλέκτροισιν*, where the plural is almost alone sufficient to prove that the meaning is, with *amber beads*. (*Od.* xv. 460, xviii. 295.) In the former passage the necklace is brought by a Phoenician merchant. The other passage is in the description of the palace of Menelaus, which is said to be ornamented with the brilliancy of copper (or bronze) and gold, and electrum, and silver, and ivory. (*Od.* iv. 73.) Now, since the metallic electrum was a mixture of gold with a small portion of silver, the enumeration of it, as distinct from gold and silver would seem almost superfluous; also, the supposition that it means amber agrees very well with the subsequent mention of ivory: moreover, the order of the words supports this view; for, applying to them the principle of parallelism, — which is so common in early poets, and among the rest in Homer, — and remembering that the Homeric line is really a distich divided at the caesura, we have *gold and amber* very aptly contrasted with *silver and ivory:*

Χρυσοῦ τ' ἠλέκτρου τε
καὶ ἀργύρου ἠδ' ἐλέφαντος.

In this last passage, Pliny understood the wood to mean the metallic electrum (*H. N.* xxxiii. 4. s. 23); but his authority on the meaning of a passage of Homer is worthless: and indeed the Latin writers seem generally to have understood the word in the sense of the metal, rather than of amber, for which they have another word, *succinum*. In Hesiod's description of the shield of Hercules (v. 141), the word again occurs, and we have *gypsum, and white ivory, and electrum*, connected with *shining gold and cyanus*, where amber is the more natural interpretation; although here again, the Roman imitator, Virgil, evidently understood by it the metal. (*Aen.* viii. 402.) For the discussion of other passages, in which the meaning is more doubtful, see the Lexicons of Liddell and Scott, and Seiler and Jacobitz, and especially Buttmann's *Mythologus*, Supp. I. *Ueber das Electron*, vol. ii. pp. 337, foll.

The earliest passage of any Greek writer, in which the word is *certainly* used for the metal, is in the *Antigone* of Sophocles (1038), where mention is made of Indian gold and the *electrum of Sardis*, as objects of the highest value. There can be little doubt that what is here meant is the pale gold deposited by certain rivers of Asia Minor, especially the Pactolus, which contained a considerable alloy of silver. We have here an example of *native electrum;* but the compound was also made artificially. Pliny states that when gold contains a fifth part of silver, it is called *electrum;* that it is found in veins of gold; and that it is also made by art: if, he adds, it contains more than a fifth of silver, it becomes too brittle to be malleable. Among its properties are, according to the same author, the reflecting the light of a lamp more brightly than silver, and that a cup of native electrum detects the presence of poison by certain signs. One cannot but suspect that the last statement is copied from some Greek writer, who made it respecting amber, on account of the similar property that used to be attributed to opal. (Plin. *H. N.* xxxiii. 4. s. 23, with Harduin's note; comp. ix. 50. s. 65; Paus. v. 12. § 6.) Isidorus also distinguishes the three kinds of electrum, namely, (1) amber; (2) the metal, found in its natural state; (3) the metal artificially composed of *three* parts of gold and one of silver, proportions differing from those mentioned by Pliny. (Isid. xvi. 23.)

Electrum was used for plate, and the other similar purposes for which gold and silver were employed. It was also used as a material for money. Lampridius tells us, that Alexander Severus struck coins of it; and coins are in existence, of this metal, struck by the kings of Bosporus, by Syracuse, and by other Greek states. (Eckhel, *Doct. Num. Vet.* vol. i. pp. xxiv. xxv.) [P. S.]

E'LEPHAS (*ἐλέφας*). As we have to speak of ivory chiefly in connection with Greek art, we place what we have to say of it under its Greek name, in preference to the proper Latin word *Ebur*. (*Elephantus* is also used in poetry for ivory; Virg. *Georg.* iii, 26, *Aen.* iii, 464, vi, 896.) In the early writers, such as Homer, Hesiod, and Pindar, the word invariably means *ivory*, never the *elephant;* just because the Greeks obtained ivory by commerce long before they ever saw, or had occasion to speak of, the animal from which it was obtained. But, on the other hand, there can be no doubt that the word *etymologically* signifies the animal, being identical with the Hebrew and Arabic, *Aleph* and *Elef*, which means an ox or other large graminivorous animal; that is to say, the Greeks received the *substance* ivory, together with the *name* of the animal which produces it, and naturally applied the latter to the former. (Respecting the name see further Liddell and Scott's *Lexicon*, and Pott's *Etym. Forsch.* pt. i. p. lxxxi.) Herodotus, as might be expected from his researches in Asia and Africa, knew that ivory came from the teeth of the elephant. (iv. 191; Plin. *H. N.* viii. 3. s. 4); while on the other hand writers as late as Juba (Plin. *l. c.*) and Pausanias (v. 12. s. 1.) fell into the mistake of regarding the tusks as horns.

The earliest mention of ivory in a Greek writer is in a passage of the Iliad (v. 583), where it appears as an ornament for harness (*ἡνία λεύκ' ἐλέφαντι*). In the Odyssey its use as an article of luxury is so often referred to, that it is needless to enumerate the passages, which prove how extensively the Phoenician traders had introduced it into the Greek cities of Asia Minor, and no doubt also into Greece Proper. It appears among the ornaments of houses, furniture, vessels, armour, harness, and so forth. Neither is there any occasion to trace its continued use among the Greeks and Romans, down to the luxurious and expensive period of the empire, when the supply furnished by increased commerce was greatly enlarged by the prodigious quantity of elephants, which were provided for the slaughters of the amphitheatre. It was used, not only as an ornament for, but as the entire material of chairs, beds, footstools, and other furniture, statues, flutes, and the frames of lyres, besides many other objects.

The most important application of ivory was to works of art, and especially to those statues which, being composed of gold and ivory, were called chryselephantine (*χρυσελεφάντινα*).

The art of chryselephantine statuary must be regarded as a distinct subdivision, different from casting in bronze, and sculpturing in marble, and indeed more nearly connected with carving in wood, as is even indicated by the application of the name *ξόανα* to the master works in this art (Strab. viii. p. 372). While the sculptor wrought at once upon a material, which had been comparatively neglected in the early stages of art, on account of the difficulty of working it, while the statuary reproduced in a more durable substance those forms which had been first moulded in a plastic material, another class of artists developed the capabilities of the other original branch of sculpture, carving in wood, which, on account of its facility, had been the most extensively practised in early times, especially for the statues of the gods. (Comp. STATUARIA, and *Dict. of Biog.* art. *Daedalus.*) The rude wooden images were not only improved in form, but elaborately decorated, at first with colours and real drapery, and afterwards with more costly materials. The first great step in their improvement was to make the parts which were not covered by drapery, namely the face, hands, and feet, of white marble; such statues were called *acroliths*. The next was to substitute plates of ivory for the marble; and the further improvement, the use of beaten gold in place of real drapery, constituted the *chryselephantine statues*. This art was one of those which have attained to their perfection almost as soon as they have received their first development. There were some works of this description before the time of Pheidias*; but the art, properly regarded, was at once created and perfected by him; and the reason for its immediate perfection was, that the artist was prepared for his work, not only by his genius, but also by a perfect knowledge of the artistic laws, and the technical processes, of all the other departments of his art.

Chryselephantine statuary, as practised by Pheidias, combined, in addition to that perfection of form which characterised all the great works of the age, the elements of colossal grandeur, exquisite beauty and delicacy of material, and the most rich and elaborate subsidiary decorations. The general effect of his Zeus or Athena was that of the most imposing grandeur and the most perfect illusion to which art can attain. In a bronze or marble statue the material at once dispels the illusion of reality; but the impression produced upon a spectator by the soft tints of the ivory, the coloured eyes and the golden robe of the Olympian Zeus, to say nothing of the expression of the features and the figure, was almost that of looking upon the *praesens numen*. These statues were the highest efforts ever made, and probably that ever can be made, to invest a religion of idolatry with an external appearance of reality; and for the sake of this immediate effect the artist was willing to forego the lasting fame which he would have obtained if he had executed his greatest works in a more durable material.

The most celebrated chryselephantine statues in Greece and the Greek states were those of Athena in the Acropolis of Athens, of Zeus at Olympia, of Asclepius at Epidaurus, all three by Pheidias; the Hera near Argos by Polycleitus (whose works in this department are esteemed by some the most beautiful in existence, though others considered them far inferior to those of Pheidias: comp. Strab. viii. p. 372; Quintil. xii. 10); the Olympian Zeus, set up at Daphne by Antiochus IV., in imitation of that of Pheidias; certain statues, in the temple of Zeus Olympius at Athens, which are praised, but not specified, by Pausanias: and even some of the Greek kings of the conquered states of Asia arrogated to themselves this highest honour that the piety of earlier times could pay to the gods; for Pausanias saw, in the temple of Zeus at Olympia, an ivory statue of king Nicomedes (v. 12. § 5). The chief of the above works are fully described in the *Dictionary of Biography*, arts. *Pheidias*, *Polycleitus*.

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* Mention is made of chryselephantine statues by Dorycleides, Theocles, Medon, Canachus, Menaechmus, and Suidas. (See the articles in the *Dict. of Biog.*)

The question respecting the mechanical execution of chryselephantine statues involves certain difficulties, which have been very elaborately and ingeniously examined by Quatremère de Quincy, in his splendid work entitled "Le Jupiter Olympien, ou, l'Art de la Sculpture Antique, considéré sous un nouveau point de vue:" &c. Paris, 1815, folio. A very slight consideration of the material employed will show the nature of the difficulties. From a log of wood or a block of marble the required figure can be elaborated by cutting away certain portions: clay can be moulded, and bronze or plaster cast, in the form previously determined on: but the material for an ivory statue is presented in pieces which must be made to assume an entirely new form before the work can be commenced. Now De Quincy supposes that the ancients possessed the art, now lost, of cutting the curved parts of the elephant's tusk into thin plates, varying in breadth up to 12 or even 20 inches, and bending them into the exact curves required by the various parts of the figure to be covered. These plates, having been brought to their proper forms by comparison with a model, on which each of them was marked, were placed upon the core of the statue, which was of wood, strengthened with metal rods, and were fastened to it and to each other chiefly by isinglass; and of course the whole surface was polished. (An excellent account of the process, according to De Quincy's views, is given in the work entitled *Menageries*, vol. ii. c. 13.) The ivory was used for the flesh parts, that is, in the colossal statues of the deities, the face, neck, breast, arms, hands, and feet. The other parts of the wooden core were covered with thin beaten gold, to represent the hair and drapery, which was affixed to the statue in such a manner as to be taken off at pleasure, as, ultimately, it was. The gold was in many places embossed and chased; and colours were freely employed. The eyes were formed either of precious stones or of coloured marbles. To preserve the ivory from injury, either from too much or too little moisture, oil was poured over it in the first case, water in the second. (Comp. *Dict. of Biog.* art. *Pheidias*, and Müller, *Arch. d. Kunst*, § 312.) The prodigious quantities of ivory required for these works were imported, in the time of Pheidias, chiefly from Africa. (Hermipp. *ap. Ath.* i. p. 27.)

The other uses of ivory in the arts were chiefly the making of statuettes and other small objects, which could be carved at once out of the solid part of the tusk; and for such purposes it seems to have been employed from a very early period. Thus on the chest of Cypselus there were ivory figures in relief (Paus. v. 17. § 2). Various small works in ivory have come down to us, belonging to all periods of the art, among the most interesting of which are writing tablets (δέλτοι, *libri elephantini*), with two, three, five, or more leaves (*diptycha*, *triptycha*, *pentaptycha*, &c.), either entirely of ivory, or with the leaves of parchment and the covers of ivory: the covers are carved in relief. These tablets are chiefly of the later ages of Rome, and are divided into two classes, *Consularia* and *Ecclesiastica*, which are distinguished by the carvings on their covers; those on the former being figures of consuls at the *pompa Circensis*, *missiones*, and so forth, those on the latter representing biblical subjects (Müller, *l. c.* n. 3). The teeth of the hippopotamus were sometimes used as a substitute for ivory in works of art. (Paus. viii. 46. § 2.) [P. S.]

ELEUSI'NIA (Ἐλευσίνια), a festival and mysteries, originally celebrated only at Eleusis in Attica, in honour of Demeter and Persephone. (Andoc. *De Myst.* 15.) All the ancients who have occasion to mention the Eleusinian mysteries, or *the* mysteries, as they were sometimes called, agree that they were the holiest and most venerable of all that were celebrated in Greece. (Aristot. *Rhet.* ii. 24; Cic. *De Nat. Deor.* i. 42.) Various traditions were current among the Greeks respecting the author of these mysteries; for, while some considered Eumolpus or Musaeus to be their founder, others stated that they had been introduced from Egypt by Erechtheus, who at a time of scarcity provided his country with corn from Egypt, and imported from the same quarter the sacred rites and mysteries of Eleusis. A third tradition attributed the institution to Demeter herself, who, when wandering about in search of her daughter, Persephone, was believed to have come to Attica, in the reign of Erechtheus, to have supplied its inhabitants with corn, and to have instituted the τελεταί and mysteries at Eleusis. (Diod. Sic. i. 29; Isocrat. *Panegyr.* p. 46, ed. Steph.) This last opinion seems to have been the most common among the ancients, and in subsequent times a stone, called ἀγέλαστος πέτρα (triste saxum), was shown near the well Callichoros at Eleusis, on which the goddess, overwhelmed with grief and fatigue, was believed to have rested on her arrival in Attica. (Apollod. *Biblioth.* i. 5; Ovid. *Fast.* iv. 502, &c.) Around the well Callichoros, the Eleusinian women were said to have first performed their chorus, and to have sung hymns to the goddess. (Paus. i. 38. § 6.) All the accounts and allusions in ancient writers seem to warrant the conclusion that the legends concerning the introduction of the Eleusinia are descriptions of a period when the inhabitants of Attica were becoming acquainted with the benefits of agriculture, and of a regularly constituted form of society. (Cic. *De Leg.* ii. 14, *in Verr.* v. 14.)

In the reign of Erechtheus a war is said to have broken out between the Athenians and Eleusinians (Hermann, *Polit. Antiq. of Greece*, § 91. note 9), and when the latter were defeated, they acknowledged the supremacy of Athens in every thing except the τελεταί, which they wished to conduct and regulate for themselves. (Thucyd. ii. 15; Paus. i. 38. § 3.) Thus the superintendence remained with the descendants of Eumolpus [EUMOLPIDAE], the daughters of the Eleusinian king Celeus, and a third class of priests, the Keryces, who seem likewise to have been connected with the family of Eumolpus, though they themselves traced their origin to Hermes and Aglauros.

At the time when the local governments of the several townships of Attica were concentrated at Athens, the capital became also the centre of religion, and several deities who had hitherto only enjoyed a local worship, were now raised to the rank of national gods. This seems also to have been the case with the Eleusinian goddess, for in the reign of Theseus we find mention of a temple at Athens, called Eleusinion (Thucyd. ii. 17), probably the new and national sanctuary of Demeter. Her priests and priestesses now became naturally attached to the national temple of the capital, though her original place of worship at Eleusis, with which so many sacred associations were connected, still retained its importance and its special share in the celebration of the national solemnities; and though, as we shall see hereafter, the great Eleusinian festival was commenced at Athens, yet a numerous procession always went, on a certain day, to Eleusis: it was here that the most solemn part of the sacred rites was performed.

We must distinguish between the greater Eleusinia which were celebrated at Athens and Eleusis, and the lesser which were held at Agrae on the Ilissus. (Steph. Byz. *s. v.* Ἄγρα.) From the tradition respecting the institution of the lesser Eleusinia, it seems to be clear, that the initiation into the Eleusinian mysteries was originally confined to Atticans only; for it is said that Heracles, before descending into the lower world, wished to be initiated, but as the law did not admit strangers, the lesser Eleusinia were instituted in order to evade the law, and not to disappoint the great benefactor of Attica. (Schol. *ad Aristoph. Plut.* 846.) Other legends concerning the initiation of Heracles do not mention the lesser Eleusinia, but merely state that he was adopted into the family of one Pylius, in order to become lawfully intitled to the initiation. But both traditions in reality express the same thing, if we suppose that the initiation of Heracles was only the first stage in the real initiation; for the lesser Eleusinia were in reality only a preparation (προκάθαρσις, or προάγνευσις) for the real mysteries. (Schol. *ad Aristoph. l. c.*) After the time when the lesser Eleusinia are said to have been instituted, we no longer hear of the exclusion of any one from the mysteries, except barbarians; and Herodotus (viii. 65) expressly states, that any Greek who wished it, might be initiated. The lesser Eleusinia were held every year in the month of Anthesterion (Plut. *Demetr.* 26), and, according to some accounts, in honour of Persephone alone. Those who were initiated in them bore the name of mystae (μύσται, Suidas, *s. v.* Ἐπόπτης), and had to wait at least another year before they could be admitted to the great mysteries. The principal rites of this first stage of initiation consisted in the sacrifice of a sow, which the mystae seem to have first washed in the Cantharus (Aristoph. *Acharn.* 703, with the Schol. 720, and *Pax*, 368; Varro, *De Re Rust.* ii. 4; Plut. *Phoc.* 28), and in the purification by a priest, who bore the name of Hydranos. (Hesych. *s. v.* Ὑδρανός; Polyaen. v. 17.) The mystae had also to take an oath of secrecy, which was administered to them by the mystagogus, also called ἱεροφάντης or προφήτης: they received some kind of preparatory instruction, which enabled them afterwards to understand the mysteries which were revealed to them in the great Eleusinia; they were not admitted into the sanctuary of Demeter, but remained during the solemnities in the vestibule. (Seneca, *Quaest. Nat.* vii. 31.)

The great mysteries were celebrated every year in the month of Boedromion during nine days, from the 15th to the 23d (Plut. *Demetr.* 26; Meursius, *Eleusin.* c. 21), both at Athens and Eleusis. The initiated were called ἐπόπται or ἔφυροι. (Suidas, *s. v.*) On the first day, those who had been initiated in the lesser Eleusinia, assembled at Athens, whence its name was ἀγυρμός (Hesych. *s. v.*); but strangers who wished to witness the celebration of these national solemnities likewise visited Athens in great numbers at this season, and we find it expressly stated that Athens was crowded with visitors on the occasion. (Maxim. Tyr. *Dissert.* 33. *sub fin.*; Philostrat. *Vit. Apoll.* iv. 6.) On the second day the mystae went in solemn procession to the sea-coast, where they underwent a purification. Hence the day was called Ἅλαδε μύσται, probably the conventional phrase by which the mystae were invited to assemble for the purpose. (Hesych. *s. v.*; Polyaen. iii. 11.) Suidas (*s. v.* Ῥειτοί: compare Paus. i. 38. § 2.) mentions two rivulets, called ῥειτοί, as the place to which the mystae went in order to be purified. Of the third day scarcely anything is known with certainty; we only learn from Clemens of Alexandria (*Protrept.* p. 18, ed. Potter) that it was a day of fasting, and that in the evening a frugal meal was taken, which consisted of cakes made of sesame and honey. Whether sacrifices were offered on this day, as Meursius supposes, is uncertain; but that which he assigns to it consisted of two kinds of sea-fish (τρίγλη and μαινίς, Athen. vii. p. 325), and of cakes of barley grown in the Rharian plain. (Paus. i. 38. § 6.) It may be, however, that this sacrifice belonged to the fourth day, on which also the καλάθος κάθοδος seems to have taken place. This was a procession with a basket containing pomegranates and poppy-seeds; it was carried on a waggon drawn by oxen, and women followed with small mystic cases in their hands. (Callim. *Hymn. in Cer.*; Virg. *Georg.* i. 166; Meursius, *l. c.* c. 25.) On the fifth day, which appears to have been called the torch day (ἡ τῶν λαμπάδων ἡμέρα), the mystae, led by the δᾳδοῦχος, went in the evening with torches to the temple of Demeter at Eleusis, where they seem to have remained during the following night. This rite was probably a symbolical representation of Demeter wandering about in search of Persephone. The sixth day, called Iakchos (Hesych. *s. v.* Ἴακχον), was the most solemn of all. The statue of Iakchos, son of Demeter, adorned with a garland of myrtle and bearing a torch in his hand, was carried along the sacred road (Plut. *Alcib.* 34; Etymol. Magn., and Suidas, *s. v.* Ἱερὰ Ὁδός) amidst joyous shouts (ἰακχίζειν) and songs, from the Cerameicus to Eleusis. (Aristoph. *Ran.* 315, &c.; Plut. *Phocion*, 28, and Valcken. *ad Herod.* viii. 65.) This solemn procession was accompanied by great numbers of followers and spectators, and the story related by Herodotus is founded on the supposition that 30,000 persons walking along the sacred road on this occasion was nothing uncommon. During the night from the sixth to the seventh day the mystae remained at Eleusis, and were initiated into the last mysteries (ἐποπτεία). Those who were neither ἐπόπται nor μύσται were sent away by a herald. The mystae now repeated the oath of secresy which had been administered to them at the lesser Eleusinia, underwent a new purification, and then they were led by the mystagogus in the darkness of night into the lighted interior of the sanctuary (*φωταγωγία*), and were allowed to see (*αὐτοψία*) what none except the epoptae ever beheld. The awful and horrible manner in which the initiation is described by later, especially Christian writers, seems partly to proceed from their ignorance of its real character, partly from their horror and aversion to these pagan rites. The more ancient writers always abstained from entering upon any description of the subject. Each individual, after his initiation, is said to have been dismissed by the words *κόγξ*, *ὄμπαξ* (Hesych. *s. v.*), in order to make room for other mystae.

On the seventh day the initiated returned to Athens amid various kinds of raillery and jests, especially at the bridge over the Cephisus, where they sat down to rest, and poured forth their ridicule on those who passed by. Hence the words *γεφυρίζειν* and *γεφυρισμός* (Strabo, ix. p. 395; Suidas, *s. v.* Γεφυρίζων: Hesych. *s. v.* Γεφυρισταί: Aelian, *Hist. Animal.* iv. 43; Müller, *Hist. of the Lit. of Greece*, p. 132). These *σκώμματα* seem, like the procession with torches to Eleusis, to have been dramatical and symbolical representations of the jests by which, according to the ancient legend, Iambe or Baubo had dispelled the grief of the goddess and made her smile. We may here observe, that probably the whole history of Demeter and Persephone was in some way or other symbolically represented at the Eleusinia. Hence Clemens of Alexandria (*Protrept.* p. 12, ed. Potter) calls the Eleusinian mysteries a "mystical drama." (See Müller, *Hist. of the Lit. of Greece*, p. 287, &c.) The eighth day, called Ἐπιδαύρια, was a kind of additional day for those who by some accident had come too late, or had been prevented from being initiated on the sixth day. It was said to have been added to the original number of days, when Asclepius, coming over from Epidaurus to be initiated, arrived too late, and the Athenians, not to disappoint the god, added an eighth day. (Philostr. *Vit. Apoll.* iv. 6; Paus. ii. 26. § 7.) The ninth and last day bore the name of *πλημοχόαι* (Pollux, x. 74; Athen. xi. p. 496), from a peculiar kind of vessel called *πλημοχόη*, which is described as a small kind of *κότυλος*. Two of these vessels were on this day filled with water or wine, and the contents of the one thrown to the east, and those of the other to the west, while those who performed this rite uttered some mystical words.

Besides the various rites and ceremonies described above, several others are mentioned, but it is not known to which day they belonged. Among them we shall mention only the Eleusinian games and contests, which Meursius assigns to the seventh day. They are mentioned by Gellius (xv. 20), and are said to have been the most ancient in Greece. The prize of the victors consisted in ears of barley. (Schol. *ad Pind. Ol.* ix. 150.) It was considered as one of the greatest profanations of the Eleusinia, if during their celebration an *ἄτιμος* came as a suppliant to the temple (the Eleusinion), and placed his olive branch (*ἱκετηρία*) in it (Andoc. *De Myst.* p. 54); and whoever did so might be put to death without any trial, or had to pay a fine of one thousand drachmae. It may also be remarked that at other festivals, as well as the Eleusinia, no man, while celebrating the festival, could be seized or arrested for any offence. (Demosth. *c. Mid.* p. 571.) Lycurgus made it a law that any woman using a carriage in the procession to Eleusis should be fined one thousand drachmae. (Plut. *De Cup. Div.* ix. p. 348; Aelian, *V. H.* xiii. 24.) The custom against which this law was directed seems to have been very common before. (Demosth. *c. Mid.* p. 565.)

The Eleusinian mysteries long survived the independence of Greece. Attempts to suppress them were made by the emperor Valentinian, but he met with strong opposition, and they seem to have continued down to the time of the elder Theodosius. Respecting the secret doctrines which were revealed in them to the initiated, nothing certain is known. The general belief of the ancients was that they opened to man a comforting prospect of a future state. (Pind. *Thren.* p. 8. ed. Böckh.) But this feature does not seem to have been originally connected with these mysteries, and was probably added to them at the period which followed the opening of a regular intercourse between Greece and Egypt, when some of the speculative doctrines of the latter country, and of the East, may have been introduced into the mysteries, and hallowed by the names of the venerable bards of the mythical age. This supposition would also account, in some measure, for the legend of their introduction from Egypt. In modern times many attempts have been made to discover the nature of the mysteries revealed to the initiated, but the results have been as various and as fanciful as might be expected. The most sober and probable view is that, according to which, "they were the remains of a worship which preceded the rise of the Hellenic mythology and its attendant rites, grounded on a view of nature, less fanciful, more earnest, and better fitted to awaken both philosophical thought and religious feeling." (Thirlwall, *Hist. of Greece*, ii. p. 140, &c.) Respecting the Attic Eleusinia see Meursius, *Eleusinia*, Lugd. Bat. 1619; St. Croix, *Recherches Hist. et Critiq. sur les Mystères du Paganisme* (a second edition was published in 1817, by Sylvestre de Sacy, in 2 vols. Paris); Ouwaroff, *Essai sur les Mystères d'Eleusis*, 3d edition, Paris, 1816; Wachsmuth, *Hell. Alter.* vol. ii. p. 575, &c. 2d edit. p. 249, &c.; Creuzer, *Symbol. u. Mythol.* iv. p. 534, &c.; Nitzsch, *De Eleusin. Ratione*, Kiel, 1842.

Eleusinia were also celebrated in other parts of Greece. At Ephesus they had been introduced from Athens. (Strabo, xiv. p. 633.) In Laconia they were, as far as we know, only celebrated by the inhabitants of the ancient town of Helos, who on certain days, carried a wooden statue of Persephone to the Eleusinion, in the heights of Taygetus. (Paus. iii. 20. § 5, &c.) Crete had likewise its Eleusinia. (See Meurs. *Eleus.* c. 33.) [L. S.]

ELEUTHE'RIA (*ἐλευθέρια*), the feast of liberty, a festival which the Greeks, after the battle of Plataeae (479, B. C.), instituted in honour of Zeus Eleutherios (the deliverer). It was intended not merely to be a token of their gratitude to the god to whom they believed themselves to be indebted for their victory over the barbarians, but also as a bond of union among themselves; for, in an assembly of all the Greeks, Aristides carried a decree that delegates (*πρόβουλοι καὶ θεωροί*) from all the Greek states should assemble every year at Plataeae for the celebration of the Eleutheria. The town itself was at the same time declared sacred and inviolable, as long as its citizens offered the annual sacrifices which were then instituted on behalf of Greece. Every fifth year these solemnities were celebrated with contests (ἀγὼν τῶν Ἐλευθερίων) in which the victors were rewarded with chaplets (ἀγὼν γυμνικὸς στεφανίτης, Strab. ix. p. 412). The annual solemnity at Plataeae, which continued to be observed down to the time of Plutarch (*Aristid.* 19, 21; Paus. ix. 2. § 4), was as follows: — On the sixteenth of the month of Maimacterion, a procession, led by a trumpeter, who blew the signal for battle, marched at daybreak through the middle of the town. It was followed by waggons loaded with myrtle boughs and chaplets, by a black bull, and by free youths who carried the vessels containing the libations for the dead. No slave was permitted to minister on this occasion. At the end of this procession followed the archon of Plataeae, who was not allowed at any other time, during his office, to touch a weapon, or to wear any other but white garments, now wearing a purple tunic, and with a sword in his hand, and also bearing an urn, kept for this solemnity in the public archive (γραμματοφυλάκιον). When the procession came to the place where the Greeks, who had fallen at Plataeae, were buried, the archon first washed and anointed the tombstones, and then led the bull to a pyre and sacrificed it, praying to Zeus and Hermes Chthonios, and inviting the brave men who had fallen in the defence of their country, to take part in the banquet prepared for them. This account of Plutarch (*Aristid.* 19 and 21) agrees with that of Thucydides (iii. 58). The latter, however, expressly states that dresses formed a part of the offerings, which were probably consumed on the pyre with the victim. This part of the ceremony seems to have no longer existed in the days of Plutarch, who does not mention it, and if so, the Plataeans had probably been compelled by poverty to drop it. (See Thirlwall's *Hist. of Greece*, ii. p. 353, &c.; Böckh, *Expl. Pind.* p. 208, and *ad Corp. Inscript.* i. p. 904.)

Eleutheria was also the name of a festival celebrated in Samos, in honour of Eros. (Athen. xiii. p. 562.) [L. S.]

ELLIME'NION (ἐλλιμένιον). [PENTECOSTE.]

ELLO'TIA or HELLOTIA (ἐλλώτια or ἑλλώτια), a festival with a torch race celebrated at Corinth in honour of Athena as a goddess of fire. (Schol. *Pind. Ol.* xiii. 56; Athen. xv. p. 678; Etymol. *s. v.* Ἑλλωτίς).

A festival of the same name was celebrated in Crete, in honour of Europe. The word ἑλλωτίς, from which the festival derived its name, was, according to Seleucus (*ap. Athen. l. c.*), a myrtle garland twenty yards in circumference, which was carried about in the procession at the festival of the Ellotia. (Compare Hesych. and Etymol. Magn. *s. v.* Ἑλλωτία.) [L. S.]

ELLY'CHNIUM [LUCERNA.]

EMANCIPA'TIO was an act by which the patria potestas was dissolved in the lifetime of the parent, and it was so called because it was in the form of a sale (*mancipatio*). By the Twelve Tables it was necessary that a son should be sold three times in order to be released from the paternal power, or to be *sui juris*. In the case of daughters and grandchildren, one sale was sufficient. The father transferred the son by the form of a sale to another person who manumitted him, upon which he returned into the power of the father. This was repeated, and with the like result. After a third sale, the paternal power was extinguished, but the son was resold to the parent, who then manumitted him, and so acquired the rights of a patron over his emancipated son, which would otherwise have belonged to the purchaser who gave him his final manumission.

The following view of emancipatio is given by a German writer: — "The patria potestas could not be dissolved immediately by manumissio, because the patria potestas must be viewed as an imperium, and not as a right of property like the power of a master over his slave. Now it was a fundamental principle that the patria potestas was extinguished by exercising once or thrice (as the case might be) the right which the pater familias possessed of selling or rather pledging his child. Conformably to this fundamental principle, the release of a child from the patria potestas was clothed with the form of a mancipatio, effected once or three times. The patria potestas was indeed thus dissolved, though the child was not yet free, but came into the condition of a nexus. Consequently a manumissio was necessarily connected with the mancipatio, in order that the proper object of the emancipatio might be attained. This manumissio must take place once or thrice, according to circumstances. In the case when the manumissio was not followed by a return into the patria potestas, the manumissio was attended with important consequences to the manumissor, which consequences ought to apply to the emancipating party. Accordingly, it was necessary to provide that the decisive manumission should be made by the emancipating party; and for that reason a remancipatio, which preceded the final manumissio, was a part of the form of emancipatio." (Unterholzner, *Zeitschrift*, vol. ii. p. 139; *Von den formen der Manumissio per Vindictam und der Emancipatio.*)

The legal effect of emancipation was to make the emancipated person become sui juris: and all the previously existing relations of agnatio between the parent's familia and the emancipated child ceased at once. But a relation analogous to that of patron and freedman was formed between the person who gave the final emancipation and the child, so that if the child died without children or legal heirs, or if he required a tutor or curator, the rights which would have belonged to the father, if he had not emancipated the child, were secured to him as a kind of patronal right, in case he had taken the precaution to secure to himself the final manumission of the child. Accordingly, the father would always stipulate for a remancipatio from the purchaser: this stipulation was the pactum fiduciae.

The emancipated child could not take any part of his parent's property as heres, in case the parent died intestate. This rigor of the civil law (*iuris iniquitates*, Gaius, iii. 25) was modified by the praetor's edict, which placed emancipated children, and those who were in the parent's power at the time of his death, on the same footing as to succeeding to the intestate parent's property.

The emperor Anastasius introduced the practice of effecting emancipation by an imperial rescript, when the parties were not present. (*Cod.* 8. tit. 49. s. 5.) Justinian enacted that emancipation could be effected before a magistrate. But he still allowed, what was probably the old law, a father to emancipate a grandson, without emancipating the son, and to emancipate the son without emancipating the grandson, or to emancipate them all. Justinian also (*Nov.* 89. c. 11) did not allow a parent to emancipate a child against his will, though it seems that this might be done by the old law, and that the parent might so destroy all the son's rights of agnation. But a man might emancipate an adopted child against the will of the child (Inst. 1. tit. 11. s. 3). As a general rule the father could not be compelled to emancipate a child; but there were some cases in which he might be compelled.

The emperor Anastasius allowed an emancipated child (under certain restrictions) to succeed to the property of an intestate brother or sister, which the praetor had not allowed; and Justinian put an emancipated child in all respects on the same footing as one not emancipated, with respect to such succession.

An emancipatio effected a capitis diminutio minima, in consequence of the servile character (*servilis causa*) into which the child was brought by such act. (Gaius, i. 132, &c.; Dig. l. tit. 7; Cod. 6. tit. 57. s. 15; 8. tit. 49; *Inst.* 1. tit. 12; 3. tit. 5; Dirksen, *Uebersicht*, &c. p. 278; Thibaut, *System*, &c., § 783, &c., 9th ed.) [G. L.]

EMANSOR. [Desertor.]

EMBAS (ἐμβάς), a shoe worn by men (Suidas, *s. v.*), frequently mentioned by Aristophanes (*Equit.* 321, 869, 872, *Ecc.* 314, 850) and other Greek writers. This appears to have been the most common kind of shoe worn at Athens (*εὐτελὲς ὑπόδημα*, Pollux. vii. 85; compare Isaeus, *de Dicaeog. Hered.* 94). Pollux (*l. c.*) says that it was invented by the Thracians, and that it was like the low cothurnus. The *embas* was also worn by the Boeotians (Herod. i. 195), and probably in other parts of Greece. (Becker, *Charikles*, vol. ii. p. 372.)

EMBATEIA (ἐμβατεία). In Attic law this word (like the corresponding English one, *entry*), was used to denote a formal taking possession of real property. Thus, when a son entered upon the land left him by his father, he was said ἐμβατεύειν, or βαδίζειν εἰς τὰ πατρῷα, and thereupon he became *seised*, or possessed of his inheritance. If any one disturbed him in the enjoyment of this property, with an intention to dispute the title, he might maintain an action of ejectment, ἐξούλης δίκη. Before entry he could not maintain such action. Ἐξούλη is from ἐξίλλειν, an old word signifying to eject. The supposed ejectment, for which the action was brought, was a mere formality. The defendant, after the plaintiff's entry, came and turned him off, ἐξῆγεν ἐκ τῆς γῆς. This proceeding (called ἐξαγωγὴ) took place quietly, and in the presence of witnesses; the defendant then became a wrong-doer, and the plaintiff was in a condition to try the right.

All this was a relict of ancient times, when before writs and pleadings and other regular processes were invented, parties adopted a ruder method and took the law into their own hands. There was then an actual ouster, accompanied often with violence and breach of the peace, for which the person in the wrong was not only responsible to the party injured, but was also punishable as a public offender. Afterwards, in the course of civilization, violent remedies became useless and were discontinued; yet the ceremony of ejecting was still kept up as a form of law, being deemed by lawyers a necessary foundation of the subsequent legal process. Thus at Rome, in the earlier times, one party used to summon the other by the words "ex jure te manum consertum voco," to go with him to the land in dispute, and (in the presence of the praetor and others) turn him out by force. Afterwards this was changed into the symbolical act of breaking a clod of earth upon the land, by which the person who broke intimated that he claimed a right to deal with the land as he pleased. We may observe also, that the English action of ejectment in this respect resembles the Athenian, that, although an *entry* by the plaintiff and an *ouster* of him by the defendant are supposed to have taken place, and are considered necessary to support the action, yet both *entry* and *ouster* are mere fictions of law.

These proceedings by entry, ouster, &c., took place also at Athens in case of resistance to an execution; when the defendant, refusing to give up the land or the chattel adjudged, or to pay the damages awarded to the plaintiff, by the appointed time, and thus being ὑπερήμερος, *i. e.* the time having expired by which he was bound to satisfy the judgment, the plaintiff proceeded to satisfy himself by seizure of the defendant's lands. This he certainly might do, if there were no goods to levy upon; though, whether it was lawful in all cases, does not appear. The Athenian laws had made no provision for putting the party, who succeeded, in possession of his rights; he was therefore obliged to levy execution himself, without the aid of a ministerial officer, or any other person. If, in doing so, he encountered opposition, he had no other remedy than the ἐξούλης δίκη, which (if the subject-matter was land) must have been grounded upon his own previous entry. The action could be brought against any one who impeded him in his endeavour to get possession, as well as against the party to the former suit. The cause of Demosthenes against Onetor was this: — Demosthenes having recovered a judgment against Aphobus, proceeded to take his lands in execution. Onetor claimed them as mortgagee, and turned him out (ἐξῆγεν), whereupon Demosthenes, contending that the mortgage was collusive and fraudulent, brought the ἐξούλης δίκη, which is called δίκη πρὸς Ὀνήτορα, because the proceeding is *in rem*, and collateral to another object, rather than a direct controversy between the parties in the cause. The consequence to the defendant, if he failed in the action of ejectment, was, that (besides his liability to the plaintiff) he was, as a public offender, condemned to pay to the treasury a sum equal to the damages, or to the value of the property recovered in the first action. While this remained unpaid (and we may presume it could not be paid without also satisfying the party), he became, as a state debtor, subject to the disabilities of ἀτιμία. (Meier, *Att. Proc.* pp. 372, 460, 748.) [C. R. K.]

E'MBATES. [Modulus.]

EMBLE'MA (ἔμβλημα, ἔμπαισμα), an inlaid ornament. The art of inlaying (ἡ τέχνη ἐμπαιστική, Ath. xi. p. 488) was employed in producing beautiful works of two descriptions, viz.: — 1st, Those which resembled our marquetry, buhl, and Florentine mosaics; and 2dly, those in which crusts (*crustae*), exquisitely wrought in relief and of precious metals, such as gold, silver, and amber, were fastened upon the surface of vessels or other pieces of furniture. Works of both classes, when in metal, come under the head of Caelatura.

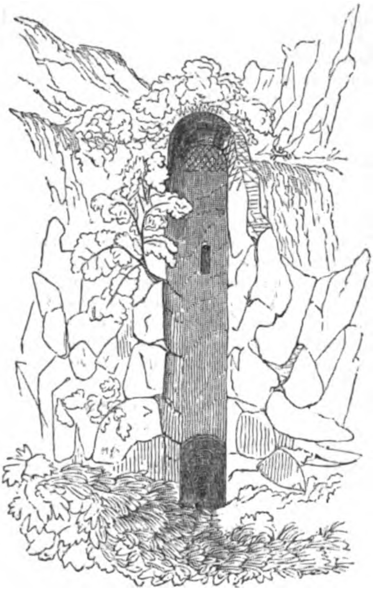
To productions of the former class we may refer all attempts to adorn the walls and floors of houses with the figures of flowers and animals, or with any other devices expressed upon a common ground by the insertion of variously coloured woods or marbles, all of which were polished so as to be brought to a plain surface. To such mosaics Lucilius alludes (*ap. Cic. de Orat.* iii. 43), when he compares the well-connected words of a skilful orator to the small pieces (*tesserulae*) which compose the "emblema vermiculatum" of an ornamental pavement. In the time of Pliny these decorations for the walls of apartments had become very fashionable. (*H. N.* xxxv. 1.) Respecting *emblemata* in metal work, see Caelatura and Chrysendeta. It may here be added that Athenaeus, in describing two Corinthian vases (v. p. 199), distinguishes between the emblems in bas-relief (πρόστυπα) which adorned the body and neck of each vessel, and the figures in high relief (περιφανῆ τετορνευμένα ζῶα) which were placed upon its brim. An artist, whose business it was to make works ornamented with emblems, was called *crustarius*. (Plin. *H. N.* xxxiii. 12. s. 55; Cic. Verr. iv. 23; Martial. viii. 51; Juv. i. 76, v. 38; Dig. 24. tit. 2. s. 23. § 1; Heyne, *Antiq. Aufs.* vol. i. p. 147.) [J. Y.]

EMISSA'RIUM (ὑπόνομος), a channel, natural or artificial, by which an outlet is formed to carry off any stagnant body of water. (Plin. *H. N.* xxxiii. 4. s. 21; Cic. *ad Fam.* xvi. 18.) Such channels may be either open or underground; but the most remarkable works of the kind are of the latter description, as they carry off the waters of lakes surrounded by hills. In Greece, the most remarkable example is presented by the subterraneous channels which carry off the waters of the lake Copais into the Cephisus, which were partly natural and partly artificial. (Strab. ix. p. 406; Thiersch, *E'tat actuel de la Grèce*, vol. ii. p. 23; Müller, *Orchomenos*, pp. 49, &c., 2nd ed.)

Another specimen of such works among the Greeks at an early period is presented by the subterraneous channels constructed by Phaeax at Agrigentum in Sicily, to drain the city, about B.C. 480; which were admired for their magnitude, although the workmanship was very rude. (Diod. Sic. xi. 25.)

Some works of this kind are among the most remarkable efforts of Roman ingenuity. Remains still exist to show that the lakes Trasimene, Albano, Nemi, and Fucino, were all drained by means of *emissaria*, the last of which is still nearly perfect, and open to inspection, having been partially cleared by the present king of Naples. Julius Caesar is said to have first conceived the idea of this stupendous undertaking (Suet. *Jul.* 44), which was carried into effect by the Emperor Claudius. (Tacit. *Ann.* xii. 57.)

The following account of the works, from observations on the spot, will give some idea of their extent and difficulties. The circumference of the lake, including the bays and promontories, is about thirty miles in extent. The length of the emissary, which lies nearly in a direct line from the lake to the river Liris (Garigliano), is something more than three miles. The number of workmen employed was 30,000, and the time occupied in the work eleven years. (Suet. *Claud.* 20; compare Plin. *H. N.* xxxvi. 15. s. 24. § 11.) For more than a mile the tunnel is carried under a mountain, of which the highest part is 1000 feet above the level of the lake, and through a stratum of rocky formation (carnelian) so hard that every inch required to be worked by the chisel. The remaining portion runs through a softer soil, not much below the level of the earth, and is vaulted with brick. Perpendicular openings (*putei*) are sunk at various distances into the tunnel, through which the excavations were partly discharged; and a number of lateral shafts (*cuniculi*), some of which separate themselves into two branches, one above the other, are likewise directed into it, the lowest at an elevation of five feet from the bottom. Through these the materials excavated were also carried out. Their object was to enable the prodigious multitude of 30,000 men to carry on their operations at the same time, without incommoding one another. The immediate mouth of the tunnel is some distance from the present margin of the lake, which space is occupied by two ample reservoirs, intended to break the rush of water before it entered the emissary, connected by a narrow passage, in which were placed the sluices (*epistomia*). The mouth of the tunnel itself consists of a splendid archway of the Doric order, nineteen feet high and nine wide, formed out of large blocks of stone, resembling in construction the works of the Claudian aqueduct. That through which the waters discharged themselves into the Liris was more simple, and is represented in the preceding woodcut. The river lies in a ravine between the arch and foreground, at a depth of 60 feet below, and consequently cannot be seen in the cut. The small aperture above the embouchure is one of the cuniculi above mentioned. It appears that the actual drainage was relinquished soon after the death of Claudius, either from the perversity of Nero, as the



words of Pliny (*l. c.*) seem to imply, or by neglect; for it was reopened by Hadrian. (Spart. *Hadr.* 22.) For further information see Hirt, who gives a series of plans and sections of the works connected with the Lacus Fucinus (*Gebäude d. Griech. u. Röm.* pp. 371—375, Pl. XXXI. figs. 14—21). [A. R.]

E'MBOLUM. [Navis.]

EME'RITI. [Exercitus.]

EMME'NI DIKAE (*ἔμμηνοι δίκαι*), suits in the Athenian courts, which were not allowed to be pending above a month. This regulation was not introduced till after the date of Xenophon's treatise on the revenue, in which it was proposed that a more rapid progress should be allowed to commercial suits (Xen. *de Vectig.* 3), and it appears to have been first established in the time of Philip. (*Or. de Halon.* p. 79. 23.) It was confined to those subjects which required a speedy decision; and of these the most important were disputes respecting commerce (*ἐμπορικαὶ δίκαι*, Pollux, viii. 63, 101; Harpocrat. and Suid. *s. v.* *Ἔμμηνοι Δίκαι*), which were heard during the six winter months from Boëdromion to Munychion, so that the merchants might quickly obtain their rights and sail away (Dem. *c. Apat.* p. 900. 3); by which we are not to understand, as some have done, that a suit could be protracted through this whole time, but it was necessary that it should be decided within a month. (Böckh, *Publ. Econ. of Athens*, p. 50, 2nd ed.)

All causes relating to mines (*μεταλλικαὶ δίκαι*) were also *ἔμμηνοι δίκαι* (Dem. *c. Pantaen.* p. 966. 17); the object, as Böckh remarks (*On the Silver Mines of Laurion, Publ. Econ. of Athens*, p. 667) being no doubt that the mine proprietor might not be detained too long from his business. The same was the case with causes relating to *ἔρανοι* (Pollux, viii. 101; Harpocrat. and Suid. *l. c.*) [Erani]; and Pollux (*l. c.*) includes in the list, suits respecting dowry, which are omitted by Harpocration and Suidas.

EMPHRU'RI (*ἔμφρουροι*), from *φρουρά*, the name given to the Spartan citizens during the period in which they were liable to military service. (Xen. *Rep. Lac.* v. 7.) This period lasted to the fortieth year from manhood (*ἀφ' ἥβης*), that is to say, to the sixtieth year from birth; and during this time a man could not go out of the country without permission from the authorities. (Isocr. *Busir.* p. 225, where *μάχιμος*, according to Müller, *Dor.* iii. 12. § 1, is evidently put for *ἔμφρουρος*.)

EMPHYTEUSIS (*ἐμφύτευσις*, literally an "in-planting") is a perpetual right in a piece of land that is the property of another: the right consists in the legal power to cultivate it, and treat it as our own, on condition of cultivating it properly, and paying a fixed sum (*canon*, *pensio*, *reditus*) to the owner (*dominus*) at fixed times. The right is founded on contract between the owner (dominus emphyteuseos) and the lessee (emphyteuta), and the land is called ager vectigalis or emphyteuticarius. It was long doubted whether this was a contract of buying and selling, or of letting and hiring, till the emperor Zeno gave it a definite character, and the distinctive name of contractus emphyteuticarius.

The Ager Vectigalis is first distinctly mentioned about the time of Hadrian, and the term is applied to lands which were leased by the Roman state, by towns, by ecclesiastical corporations, and by the Vestal virgins. In the Digest mention only is made of lands of towns so let, with a distinction of them into agri vectigales and non vectigales, according as the lease was perpetual or not; but in either case the lessee had a real action (*utilis in rem actio*) for the protection of his rights, even against the owner.

The term Emphyteusis first occurs in the Digest. The Praedia Emphyteutica are also frequently mentioned in the Theodosian and Justinian Codes, but they are distinguished from the agri vectigales. Justinian, however, put the emphyteusis and the ager vectigalis on the same footing; and in the case of an emphyteusis (whether the lessor was a community or an individual), the law was declared to be the same as in the case of leases of town property. This emphyteusis was not ownership: it was a jus in re only, and the lessee is constantly distinguished from the owner (dominus). Yet the occupier of the ager vectigalis and the emphyteuta had a juristical possessio; a kind of inconsistency, which is explained by Savigny, by showing that the ager vectigalis was formed on the analogy of the ager publicus, and though there were many differences between them, there was nothing inconsistent in the notion of possession, as applied to the public land, being transferred to the ager vectigalis as a modified form of the ager publicus.

Though the emphyteuta had not the ownership of the land, he had an almost unlimited right to the enjoyment of it, unless there were special agreements limiting his right. The fruits belonged to him as soon as they were separated from the soil. (Dig. 22. tit. 1. s. 25. § 1.) He could sell his interest in the land, after giving notice to the owner, who had the power of choosing whether he would buy the land at the price which the purchaser was willing to give. But the lessee could not sell his interest to a person who was unable to maintain the property in good condition. The lessee was bound to pay all the public charges and burdens which might fall on the land, to improve the property, or at least not to deteriorate it, and to pay the rent regularly. In case of the lessee's interest being transferred to another, a fiftieth part of the price, or of the value of the property, when the nature of the transfer did not require a price to be fixed, was payable to the owner on the admission of the new emphyteuta, and which, as a general rule, was payable by him. Under these limitations the dominus was bound to admit the new emphyteuta (in possessionem suscipere.) If the dominus refused to admit him, the seller, after certain formalities, could transfer all his right without the consent of the dominus. The heredes of the emphyteuta were not liable to such payment. The emphyteuta could dispose of his right by testament: in case of intestacy it devolved on his heredes.

The origin of the emphyteusis, as already stated, was by contract with the owner and by tradition; or the owner might make an emphyteusis by his last will. It might also in certain cases be founded on prescription.

The right of the emphyteuta might cease in several ways; by surrender to the dominus, or by dying without heirs, in which case the emphyteusis reverted to the owner. He might also lose his right by injuring the property, by non-payment of his rent or the public burdens to which the land was liable, by alienation without notice to the dominus, &c. In such cases the dominus could take legal measures for recovering the possession. (Dig. 6. tit. 3, and 39. tit. 4; Cod. 4. tit. 66; Inst. 3. tit. 24 (25); Mühlenbruch, *Doctrina Pandectarum*; Savigny, *Des Recht des Besitzes*, p. 99, &c. p. 180; Mackeldey, *Lehrbuch*, &c. § 295, &c. § 384, 12th ed.) [G. L.]

EMPO'RIUM (τὸ ἐμπόριον), a place for wholesale trade in commodities carried by sea. The name is sometimes applied to a sea-port town, but it properly signifies only a particular place in such a town. Thus Amphitryo says (Plaut. *Amph.* iv. 1. 4) that he looked for a person.

> "*Apud emporium*, atque in macello, in palaestra
> atque in foro,
> In medicinis, in tonstrinis, apud omnis aedis
> sacras."

(Compare Liv. xxxv. 10, xli. 27.) The word is derived from ἔμπορος, which signifies in Homer a person who sails as a passenger in a ship belonging to another person (*Od.* ii. 319, xxiv. 300); but in later writers it signifies the merchant who carries on commerce with foreign countries, and differs from κάπηλος, the retail dealer, who purchases his goods from the ἔμποροι and retails them in the market-place. (Plat. *De Rep.* ii. p. 371.)

At Athens, it is said (*Lex. Seg.* p. 208) that there were two kinds of emporia, one for foreigners and the other for natives (ξενικόν and ἀστικόν); but this appears doubtful. (Böckh, *Publ. Econ. of Athens*, p. 313, 2nd ed.) The emporium at Athens was under the inspection of certain officers, who were elected annually (ἐπιμεληταὶ τοῦ ἐμπορίου). [Epimeletae, No. 3.]

EMPTI ET VE'NDITI A'CTIO. The seller has an actio venditi, and the buyer has an actio empti, upon the contract of sale and purchase. Both of them are actiones directae, and their object is to obtain the fulfilment of the obligations resulting from the contract. (Dig. 19. tit. 1.) [G. L.]

E'MPTIO ET VENDI'TIO. The contract of buying and selling is one of those which the Romans called ex consensu, because nothing more was required than the consent of the parties to the contract. (Gaius, iii. 135, &c.) It consists in the buyer agreeing to give a certain sum of money to the seller, and the seller agreeing to give to the buyer some certain thing for his money; and the contract is complete as soon as both parties have agreed about the thing that is to be sold and about the price. No writing is required, unless it be part of the contract that it shall not be complete till it is reduced to writing. (Dig. 44. tit. 7. s. 2; Inst. 3. tit. 23.) After the agreement is made, the buyer is bound to pay his money, even if the thing which is the object of purchase should be accidentally destroyed before it is delivered; and the seller must deliver the thing with all its intermediate increase. The purchaser does not obtain the ownership of the thing till it has been delivered to him, and till he has paid the purchase money, unless the thing is sold on credit. (Dig. 19. tit. 1. s. 11, § 2.) If he does not pay the purchase money at the time when it is due, he must pay interest on it. The seller must also warrant a good title to the purchase [Evictio], and he must also warrant that the thing has no concealed defects, and that it has all the good qualities which he (the seller) attributes to it. It was with a view to check frauds in sales, and especially in the sales of slaves, that the seller was obliged by the edict of the curule aediles [Edictum] to inform the buyer of the defects of any slave offered for sale: "Qui mancipia vendunt, certiores faciant emptores quod morbi vitiique," &c. (Dig. 21. tit. 1.) In reference to this part of the law, in addition to the usual action arising from the contract, the buyer had against the seller, according to the circumstances, an actio ex stipulatu, redhibitoria, and quanti minoris. Horace, in his Satires (ii. 3. 286), and in the beginning of the second epistle of the second book, alludes to the precautions to be taken by the buyer and seller of a slave. [G. L.]

ENCAUSTICA. [Pictura, No. 7.]

ENCLE'MA (ἔγκλημα). [Dike.]

ENCTE'SIS (ἔγκτησις), the right of possessing landed property and houses (ἔγκτησις γῆς καὶ οἰκίας) in a foreign country, which was frequently granted by one Greek state to another, or to separate individuals of another state. (Dem. *De Cor.* p. 265. 7; Böckh, *Corp. Inscript.* vol. i. p. 725.) Ἐγκτήματα were such possessions in a foreign country, and are opposed by Demosthenes (*De Halon.* p. 87. 7) to κτήματα, possessions in one's own country. (Valcken. *ad Herod.* v. 23.) The term ἐγκτήματα was also applied to the landed property or houses which an Athenian possessed in a different δῆμος from that to which he belonged by birth, and with respect to such property he was called ἐγκεκτημένος: whence we find Demosthenes (*c. Polycl.* p. 1208. 27) speaking of οἱ δημόται καὶ οἱ ἐγκεκτημένοι. For the right of holding property in a δῆμος to which he did not belong, he had to pay such δῆμος a tax, which is mentioned in inscriptions under the name of ἐγκτητικόν. (Böckh, *Publ. Econ. of Athens*, p. 297, 2nd ed.)

ENDEIXIS (ἔνδειξις), properly denotes a prosecution instituted against such persons as were alleged to have exercised rights or held offices while labouring under a peculiar disqualification. Among these are to be reckoned state debtors, who during their liability sate in court as dicasts, or took any other part in public life; exiles, who had returned clandestinely to Athens; those that visited holy places after a conviction for impiety (ἀσέβεια); and all such as having incurred a partial disfranchisement (ἀτιμία κατὰ πρόσταξιν) presumed to exercise their forbidden functions as before their condemnation. Besides these, however, the same form of action was available against the chairman of the proedri (ἐπιστάτης), who wrongly refused to take the votes of the people in the assembly (Plat. *Apol.* p. 32); against malefactors, especially murderers (which Schömann thinks was probably the course pursued when the time for an apagoge had been suffered to elapse); traitors, ambassadors accused of malversation (Isocrat. *c. Callim.* 11); and persons who furnished supplies to the enemy during war. (Aristoph. *Equit.* 278; Andoc. *De Reditu*, 82.) The first step taken by the prosecutor was to lay his information in writing, also called *endeixis*, before the proper magistrate, who might be the archon or king archon, or one of the thesmothetae, according to the subject-matter of the information; but in the case of a malefactor (κακοῦργος) being the accused person, the Eleven were the officers applied to. It then became the duty of the magistrate to arrest, or hold to bail, the person criminated, and take the usual steps for bringing him to trial. There is great obscurity as to the result of condemnation in a prosecution of this kind. Heraldus (*Animadv. in Salm.* iv. 9. § 10) ridicules the idea that it was invariably a capital punishment. The accuser, if unsuccessful, was responsible for bringing a malicious charge (ψευδοῦς ἐνδείξεως ὑπεύθυνος). (Schömann, *De Com.* p. 175, *Att. Proc.* p. 239, &c.)

The *endeixis*, *apagoge* (ἀπαγωγή) and *ephegesis* (ἐφήγησις) must be carefully distinguished. Pollux says (viii. 49) that the *endeixis* was adopted when the accused was absent; the *apagoge* when he was present; and we know that the *apagoge* was a summary process, in which the defendant was allowed to apprehend a culprit caught *in ipso facto* and lead him before a magistrate. In case the charge was ill-founded, the complainant ran the risk of forfeiting 1000 drachmae. If he did not like to expose himself to this risk, he might have recourse to the *ephegesis* (ἐφήγησις), in which he made an application to the proper magistrate, as, for instance, to one of the Eleven, if it were a case of burglary or robbery attended with murder, and conducted him and his officers to the spot where the capture was to be effected. (Comp. Dem. *c. Androt.* p. 601.)

The cases in which the *apagoge* and *ephegesis* were most generally allowed, were those of theft, murder, ill-usage of parents, &c. The punishment in these cases was generally fixed by law; and if the accused confessed, or was proved guilty, the magistrate could execute the sentence at once, without appealing to any of the jury-courts; otherwise, it was necessary that the case should be referred to a higher tribunal. (Aesch. *c. Timarch.* c. 37; Dem. *De Fals. Legat.* p. 431.) The magistrates who presided over the *apagoge* were generally the Eleven (*οἱ ἕνδεκα*, Dem. *c. Timocr.* p. 736; Lysias, *c. Agorat.* c. 85); sometimes the chief archon (Aesch. *c. Timarch.* c. 64), or the thesmothetae (Dem. *c. Aristocr.* p. 630). The most important passage with regard to the *apagoge* (Lysias, *c. Agorat.* § 85, 86) is unfortunately corrupt and unintelligible. (See Sluiter, *Lect. Andocid.* p. 254, &c.) The complainant was said ἀπάγειν τὴν ἀπαγωγήν: the magistrates, when they allowed it, παρεδέχοντο τὴν ἀπαγωγήν. [J. S. M.]

E'NDROMIS (ἐνδρομὶς), a thick coarse blanket, manufactured in Gaul, and called "endromis" because those who had been exercising in the stadium (ἐν δρόμῳ) threw it over them to obviate the effects of sudden exposure when they were heated. Notwithstanding its coarse and shaggy appearance, it was worn on other occasions as a protection from the cold by rich and fashionable persons at Rome. (Juv. iii. 103; Mart. iv. 19, xiv. 126.) Ladies also put on an endromis of a finer description (*endromidas Tyrias*, Juv. vi. 246), when they partook, as they sometimes did, of the exercises of the palaestra. Moreover, boots [COTHURNUS] were called ἐνδρομίδες on account of the use of them in running. (Callim. *Hymn. in Dian.* 16, *in Delum*, 238; Pollux, iii. 155, vii. 93; Brunck, *Anal.* iii. 206.) [J. Y.]

ENECHYRA (ἐνέχυρα). In private suits at Athens, whether tried by a court of law, or before an arbitrator, whenever judgment was given against a defendant, a certain period was at the same time fixed (ἡ προθεσμία), before the expiration of which it was incumbent upon him to comply with the verdict. In default of doing so he became ὑπερήμερος, or over the day, as it was called, and the plaintiff was privileged to seize upon (ἅψασθαι) his goods and chattels as a security or compensation for non-compliance. (Dem. *c. Meid.* p. 540. 21; Ulpian, *ad loc.*; Aristoph. *Nubes*, 35.) The property thus taken was called ἐνέχυρα, and slaves were generally seized before anything else. (Athen. xiii. p. 612, c.) This "taking in execution" was usually left to the party who gained the suit, and who, if he met with resistance in making a seizure, had his remedy in a δίκη ἐξούλης: if with personal violence, in a δίκη αἰκίας. (Dem. *c. Everg.* p. 1153.) On one occasion, indeed, we read of a public officer (ὑπηρέτης παρὰ τῆς ἀρχῆς) being taken to assist in, or perhaps to be a witness of, a seizure; but this was in a case where public interests were concerned, and consequent upon a decision of the βουλή. (Id. *c. Everg.* 1149.) The same oration gives an amusing account of what Englishmen would consider a case of "assault and trespass," committed by some plaintiffs in a defendant's house, though the amount of damages which had been given (ἡ καταδίκη) was, according to agreement, lying at the bank (ἐπὶ τῇ τραπέζῃ), and there awaiting their receipt.

It seems probable, though we are not aware of it being expressly so stated, that goods thus seized were publicly sold, and that the party from whom they were taken could sue his opponent, perhaps by a δίκη βλάβης, for any surplus which might remain after all legal demands were satisfied. No seizure of this sort could take place during several of the religious festivals of the Athenians, such as the Dionysia, the Lenaea, &c. They were, in fact, *dies non* in Athenian law. (Dem. *c. Meid.* p. 518; Hudtwalcker, *Diaet.* p. 132.) [R. W.]

ENGYE (ἐγγύη), bail or sureties, were in very frequent requisition, both in the private and public affairs of the Athenians. Private agreements, as, for instance, to abide by the decision of arbitrators (Dem. *c. Apatur.* pp. 892—899), or that the evidence resulting from the application of torture to a slave should be conclusive (Dem. *c. Pantaen.* p. 978. 11), were corroborated by the parties reciprocally giving each other such sureties; and the same took place generally in all money lending or mercantile transactions, and was invariably necessary when persons undertook to farm tolls, taxes, or other public property.

In judicial matters bail or sureties were provided upon two occasions; first, when it was requisite that it should be guaranteed that the accused should be forthcoming at the trial; and secondly, when security was demanded for the satisfaction of the award of the court. In the first case, bail was very generally required when the accused was other than an Athenian citizen, whether the action were public or private; but if of that privileged class, upon no other occasion, except when proceeded against by way of Apagoge, Endeixis, Ephegesis, or Eisangelia. Upon the last-mentioned form being adopted in a case of high treason bail was not accepted. The technical word for requiring bail of an accused person is κατεγγυᾶν, that for becoming surety in such case ἐξεγγυᾶσθαι. Surety of the other kind was demanded at the beginning of a suit upon two occasions only; first, when a citizen asserted the freedom of a person detained in slavery by another; and secondly, when a litigant, who had suffered judgment to go by default before the arbitrator (διαιτητής), had recommenced his action within the given time (μὴ οὖσα δίκη). After the judgment, security of this kind was required in all mercantile and some other private causes; and state debtors, who had been sentenced to remain in prison till they had acquitted themselves of their liabilities, were, by a law of Timocrates (Dem. *c. Timocr.* pp. 712—716), allowed to go at large if they could provide three sureties that the money should be paid within a limited period. If the principal in a contract made default the surety was bound to make it good, or if he refused to do so, might be attacked by an ἐγγύης δίκη, if such action were brought within a twelvemonth after the obligation was undertaken. (Dem. *c. Apatur.* pp. 901, 910.) If, however, a person accused in a public action by one of the forms above mentioned failed to appear to take his trial, his bail became liable to any punishment that such person had incurred by contempt of court; and, consistently with this, it appears, from a passage in Xenophon (*Hell.* i. 7. § 39), that the law allowed the bail to secure the person of the accused by private confinement. (Meier, *Att. Proc.* p. 515.) [J. S. M.]

ENGUE'SIS (ἐγγύησις). [Matrimonium.]

E'NNATA (ἔννατα). [Funus.]

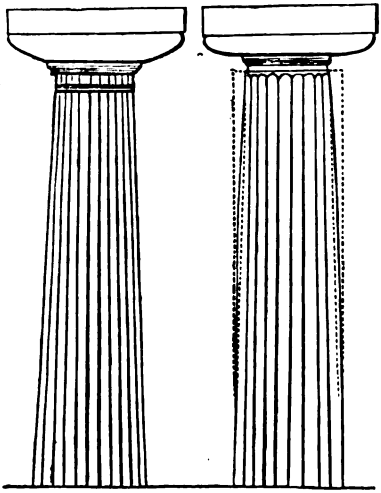
ENOIKIOU DIKE (ἐνοικίου δίκη), action brought (like our *trespass for mesne profits* after a successful action of ejectment) to recover the rents withheld from the owner during the period of his being kept out of possession. If the property recovered were not a house, but land (in the more confined sense of the word), the action for the rents and profits was called καρποῦ δίκη. It seems from the language of the grammarians, that these actions could be brought to try the title to the estate, as well as for the above-mentioned purpose. Perhaps both the tenement and the intermediate profits might be recovered by one suit, but the proceeding would be more hazardous, because a failure in one part of the demand would involve the loss of the whole cause. Thus, the title of a party to the land itself might have expired, as for instance where he held under a lease for a term; yet he would be entitled to recover certain bygone profits from one who had dispossessed him. Therefore it is not improbable that the δίκαι ἐν. and καρ. might *in practice* be confined to those cases where the rents and profits only were the subject of claim. We are told that, if the defendant, after a judgment in one of these actions, still refused to give satisfaction, an οὐσίας δίκη might be commenced against him, of which the effect was, that the plaintiff obtained a right to indemnify himself out of the whole property of the defendant. Schömann observes, that this was a circuitous proceeding, when the plaintiff might take immediate steps to execution by means of entry and ejectment. His conjecture, however, that the οὐσίας δίκη was in ancient times an important advantage, when real property could not in the first instance be taken in execution, is probably not far from the truth, and is supported by analogy to the laws of other nations, which, being (in the infancy of civilization) framed by the landowners only, bear marks of a watchful jealousy of any encroachment upon their rights. He remarks also, that the giving to the party the choice between a milder and a more stringent remedy, accords with the general tenor and spirit of the Athenian laws. We may add, that our own law furnishes an illustration of this, viz., where the plaintiff has obtained a judgment, he has the option of proceeding at once to execution, or bringing an action on the judgment; though with us the latter measure is considered the more vexatious, as it increases the costs, and is rendered less necessary by the facility with which executions can be levied. At Athens the ἐξούλης δίκη, as it was the ultimate and most efficacious remedy, drew with it also more penal consequences, as is explained under Embateia. [Meier, *Att. Proc.* p. 749.) [C. R. K.]

ENOMO'TIA (ἐνωμοτία). [Exercitus.]

ENSIS. [Gladius.]

E'NTASIS (ἔντασις). The most ancient columns now existing are remarkable for the extreme diminution of the shaft between its lower and upper extremity, the sides of which, like those of a cone, converge immediately and regularly from the base to the neck, so that the edge forms a straight line—a mode of construction which is wanting in grace and apparent solidity. To correct this, a swelling outline, called *entasis* (Vitruv. iii. 2, iv. 3), was given to the shaft, which seems to have been the first step towards combining grace and grandeur in the Doric column.

The original form is represented by the figure on the left in the annexed woodcut, which is taken from the great temple at Posidonia (Paestum), which is one of the most ancient temples now remaining; that on the right shows the *entasis*, and is from a building of rather later construction in the same city. Two other examples of the same style are still to be seen in Italy, one belonging to an ancient temple at Alba Fucinensis (Piranesi, *Magnif. de' Rom.* tav. 31. fig. 6), and the other at Rome, on the sepulchre of C. Publicius. (*Ib.* fig. 7.)



In the example at Paestum the greatest deviation which the curved edge of the column makes from the straight line of the cone of which the pillar may be considered as a part, is at about the middle of the height, but it still keeps within the line of a perpendicular drawn from the circumference of the base; or, in other words, the column is thickest at the base: both these properties are clearly shown by the dotted lines in the woodcut. (Comp. Stieglitz, *Archäol. d. Baukunst*, vol. i. p. 161.) [A. R.]

EO'RA. [AGORA.]

EPANGE'LIA (ἐπαγγελία). If a citizen of Athens had incurred ἀτιμία, the privilege of taking part or speaking in the public assembly was forfeited [ATIMIA]. But as it sometimes might happen that a person, though not formally declared ἄτιμος, had committed such crimes as would, on accusation, draw upon him this punishment, it was of course desirable that such individuals, like real ἄτιμοι, should be excluded from the exercise of the rights of citizens. Whenever, therefore, such a person ventured to speak in the assembly, any Athenian citizen had the right to come forward in the assembly itself (Aeschin. c. *Timarch.* p. 104), and demand of him to establish his right to speak by a trial or examination of his conduct (δοκιμασία τοῦ βίου), and this demand, denouncement, or threat, was called ἐπαγγελία, or ἐπαγγελία δοκιμασίας. The impeached individual was then compelled to desist from speaking, and to submit to a scrutiny into his conduct (Pollux, viii. 43; Suidas, *s. v.* ἐπαγγελία), and if he was convicted, a formal declaration of ἀτιμία followed.

Some writers have confounded the ἐπαγγελία with δοκιμασία, and considered the two words as synonyms; but from the statements made above, it is evident that the δοκιμασία is the actual trial, while the ἐπαγγελία is only the threat to subject a man to the δοκιμασία: hence the expression ἐπαγγέλλειν δοκιμασίαν. (Schömann, *De Comit.* p. 232. note 8. transl.) Other writers, such as Harpocration and Suidas, do not sufficiently distinguish between ἐπαγγελία and ἔνδειξις: the latter is an accusation against persons who, though they had been *declared* ἄτιμοι, nevertheless ventured to assume the rights of citizens in the public assembly; whereas ἐπαγγελία applied only to those who had not yet been convicted of the crime laid to their charge, but were only threatened with an accusation for the first time. (Meier, *Att. Proc.* p. 210; Schömann, *De Comit.* p. 232, note 7. transl.) Wachsmuth (*Hellen. Alterthumsk.* vol. ii. p. 236, 2d edit.) seems to be inclined to consider the ῥητορικὴ γραφὴ to be connected or identical with the ἐπαγγελία, but the former, according to the definitions of Photius and Suidas, was in reality quite a different thing, inasmuch as it was intended to prevent orators from saying or doing unlawful things in the assembly where they had a right to come forward; whereas the ἐπαγγελία was a denunciation, or a promise to prove that the orator had no right at all to speak in the assembly. [L.S.]

EPARITI (ἐπάριτοι), the name of the standing army in Arcadia, which was formed to preserve the independence of the Arcadian towns, when they became united as one state after the defeat of the Spartans at Leuctra. They were 5000 in number, and were paid by the state. (Xen. *Hell.* vii. 4. § 34, vii. 5. § 3; Diod. xv. 62, 67; Hesych. *s. v.* ἐπορόηγτοι; Bejot, in *Mém. de l'Acad. des Inscrip.* xxxii. p. 234; Kellermann, *De Re Militari Arcadum*, p. 44; Wachsmuth, *Hellen. Alterthumsk.* vol. i. p. 283, 2d ed.)

EPAU'LIA. [MATRIMONIUM.]

EPEUNACTAE (ἐπευνακταί), a class of citizens at Sparta who are said to have been the offspring of slaves and the widows of Spartan citizens. Theopompus tells us (Athen. vii. p. 271, d) that in the Messenian war, in consequence of the great losses which the Spartans sustained, they married the widows of those who were slain to helots, and that these helots were admitted to the citizenship under the name of ἀπευνακταί. Diodorus (Mai, *Exc. Vat.* p. 10) also calls the partisans of Phalanthus ἐπευνακταί. [PARTHENIAE.] (Thirlwall, *Hist. of Greece*, vol. i. p. 353; Müller. *Dor.* iii. 3. § 5.)

EPHEBE'UM. [GYMNASIUM.]

EPHE'BUS (ἔφηϐος), the name of an Athenian youth after he had attained the age of 18. (Pollux, viii. 105; Harpocrat. *s. v.* Ἐπιδίετες Ἡϐῆσαι). The state of ἐφηϐεία lasted for two years, till the young men had attained the age of 20, when they became men, and were admitted to share all the rights and duties of a citizen, for which the law did not prescribe a more advanced age. That the young men, when they became ἔφηϐοι, did not receive *all* the privileges of full citizens, is admitted on all hands; but from the assertion of Pollux and Harpocration, who state that their names were not entered in the lexiarchic registers until they had completed their 20th year, that is to say, until they had gone through the period of ἐφηϐεία, it would seem that they were not looked upon as citizens as long as they were ἔφηϐοι, and that consequently they enjoyed none of the privileges of full citizens. But we have sufficient ground for believing, that the names of young men at the time they became ἔφηϐοι, were entered as citizens in the lexiarchic registers, for Lycurgus (*c. Leocrat.* p. 189) uses the expressions ἔφηϐον γίγνεσθαι and εἰς τὸ ληξιαρχικὸν γραμματεῖον ἐγγράφεσθαι as synonymous. The statement of Harpocration and Photius is therefore probably nothing but a false inference from the fact, that young men before the completion of their 20th year were not allowed to take an active part in the public assembly; or it may be, that it arose out of the law which, as Schömann (*De Comit.* p. 71, transl.) interprets it, prescribed that no Athenian should be enrolled in the lexiarchic registers before the attainment of the 18th, or after the completion of the 20th year [DOCIMASIA.] From the oration of Demosthenes against Aphobus (p. 814, &c.; compare *c. Onetor.* p. 868), we see that some of the privileges of citizens were conferred upon young men on becoming ἔφηϐοι: Demosthenes himself, at the age of 18, entered upon his patrimony, and brought an action against his guardians; one Mantitheus (Demosth. *c. Boeot. De Dote*, p. 1009) relates that he married at the age of 18; and these facts are stated in such a manner that we must infer that their occurrence had nothing extraordinary, but were in accordance with the usual custom.

Before a youth was enrolled among the ephebi, he had to undergo a δοκιμασία, the object of which was partly to ascertain whether he was the son of Athenian citizens, or adopted by a citizen, and partly whether his body was sufficiently developed and strong to undertake the duties which now devolved upon him. (Aristoph. *Vesp.* 533, with the Schol.; Demosth. *c. Onetor.* p. 868; Xen. *De Rep. Ath.* c. 3. § 4; Plato, *Crito*, p. 51, with Stallbaum's note p. 174. Eng. transl.) Schömann (*l. c.*) believes that this δοκιμασία only applied to orphans, but Aristophanes and Plato mention it in such a general way, that there seems to be no ground for such a supposition. After the δοκιμασία the young men received in the assembly a shield and a lance (Aristot. *ap. Harpocrat. s. v.* Δοκιμασία); but those whose fathers had fallen in the defence of their country, received a complete suit of armour in the theatre. (Aeschin. *c. Ctesiph.* p. 75, ed. Steph.; Plato, *Menex.* p. 249, with Stallbaum's note.) It seems to have been on this occasion that the ἔφηβοι took an oath in the temple of Artemis Aglauros (Demosth. *De Fals. Leg.* p. 438; Pollux, viii. 106), by which they pledged themselves never to disgrace their arms or to desert their comrades; to fight to the last in the defence of their country, its altars and hearths; to leave their country not in a worse but in a better state than they found it; to obey the magistrates and the laws; to resist all attempts to subvert the institutions of Attica, and finally to respect the religion of their forefathers. This solemnity took place towards the close of the year (ἐν ἀρχαιρεσίαις), and the festive season bore the name of ἐφήβεια. (Isaeus, *De Apollod.* c. 28; Demosth. *c. Leochar.* p. 1092.) The external distinction of the ἔφηβοι consisted in the χλαμύς and the πέτασος. (Hemsterhuis, *ad Polluc.* x. 164.)

During the two years of the ἐφηβεία, which may be considered as a kind of apprenticeship in arms, and in which the young men prepared themselves for the higher duties of full citizens, they were generally sent into the country, under the name of περίπολοι, to keep watch in the towns and fortresses, on the coast and frontier, and to perform other duties which might be necessary for the protection of Attica. (Pollux, viii. 106; Photius, *s. v.* Περίπολος: Plato, *De Leg.* vi. p. 760, c.) [L. S.]

EPHEGE'SIS (ἐφήγησις). [Endeixis.]

EPHE'SIA (ἐφέσια), a great panegyris of the Ionians at Ephesus, the ancient capital of the Ionians in Asia. It was held every year, and had, like all panegyreis, a twofold character, that of a bond of political union among the Greeks of the Ionian race, and that of a common worship of the Ephesian Artemis. (Dionys. Hal. *Antiq. Rom.* iv. p. 229, ed. Sylburg; Strabo, xiv. p. 639.) The Ephesia continued to be held in the time of Thucydides and Strabo, and the former compares it (iii. 104) to the ancient panegyris of Delos [Delia], where a great number of the Ionians assembled with their wives and children. Respecting the particulars of its celebration, we only know that it was accompanied with much mirth and feasting, and that mystical sacrifices were offered to the Ephesian goddess. (Strabo, *l. c.*) That games and contests formed likewise a chief part of the solemnities is clear from Hesychius (*s. v.*), who calls the Ephesia an ἀγὼν ἐπιφανής. (Compare Paus. vii. 2. § 4; Müller, *Dor.* ii. 9. § 8; Böckh, *Corp. Inscript.* ii. n. 2909.)

From the manner in which Thucydides and Strabo speak of the Ephesia, it seems that it was only a panegyris of some Ionians, perhaps of those who lived in Ephesus itself and its vicinity. Thucydides seems to indicate this by comparing it with the Delian panegyris, which likewise consisted only of the Ionians of the islands near Delos; and Strabo, who calls the great national panegyris of all the Ionians in the Panionium the κοινὴ πανήγυρις τῶν Ἰώνων, applies to the Ephesia simply the name πανήγυρις. It may, however, have existed ever since the time when Ephesus was the head of the Ionian colonies in Asia. [L. S.]

E'PHESIS (ἔφεσις). [Appellatio.]

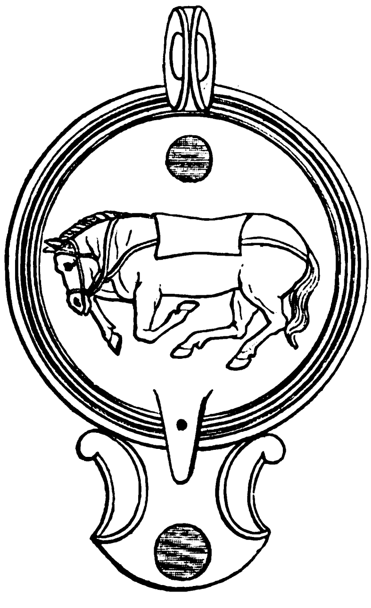
EPHESTRIS (ἐφεστρίς). [Amictus.]

E'PHETAE (ἐφέται), the name of certain judges at Athens. They were fifty-one in number, selected from noble families (ἀριστίνδην αἱρεθέντες), and more than fifty years of age. They formed a tribunal of great antiquity, so much so, indeed, that Pollux (viii. 125), ascribed their institution to Draco; moreover, if we can depend upon the authority of Plutarch (*Solon*, c. 19), one of Solon's laws (ἄξονες) speaks of the courts of the Ephetae and Areiopagus as co-existent before the time of that legislator. Again, we are told by Pollux (*l. c.*), the Ephetae formerly sat in one or other of the five courts, according to the nature of the causes they had to try. In historical times, however, they sat in *four* only, called respectively the court by the Palladium (τὸ ἐπὶ Παλλαδίῳ), by the Delphinium (τὸ ἐπὶ Δελφινίῳ), by the Prytaneium (τὸ ἐπὶ Πρυτανείῳ), and the court at Phreatto or Zea (τὸ ἐν Φρεαττοῖ). At the first of these courts they tried cases of unintentional, at the second, of intentional but justifiable homicide, such as slaying another in self-defence, taking the life of an adulterer, killing a tyrant or a nightly robber. (Plat. *Leg.* ix. p. 874.) At the Prytaneium, by a strange custom, somewhat analogous to the imposition of a deodand, they passed sentence upon the instrument of murder when the perpetrator of the act was not known. In the court at Phreatto, on the sea-shore at the Peiraeeus, they tried such persons as were charged with wilful murder during a temporary exile for unintentional homicide. In cases of this sort, a defendant pleaded his cause on board ship (τῆς γῆς μὴ ἁπτόμενος), the judges sitting close by him on shore. (Dem. *c. Aristocr.* p. 644.) Now we know that the jurisdiction in cases of wilful murder was by Solon's laws entrusted to the court of the Areiopagus, which is mentioned by Demosthenes (*l. c.*) in connection with the four courts in which the Ephetae sat. Moreover, Draco, in his *Thesmi*, spoke of the *Ephetae only*, though the jurisdiction of the Areiopagus in cases of murder is admitted to have been of great antiquity. Hence Müller (*Eumenid.* § 65) conjectures that the court of the Areiopagus was anciently included in the five courts of the Ephetae, and infers, moreover, the early existence of a senate at Athens, resembling the Gerousia at Sparta, and invested with the jurisdiction in cases of homicide. (Thirlwall, *Hist. of Greece*, vol. ii. p. 41.) The name of Ephetae given to the members of this council was, as he conceives, rather derived from their granting a licence to avenge blood (οἱ ἐφιᾶσι τῷ ἀνδροφόνῳ τὸν ἀνδρηλάτην) than their being appealed to, or from the transfer to them of a jurisdiction which before the time of Draco had belonged to the kings. (Pollux, *l. c.*) If this hypothesis be true, it becomes a question, why and when was this separation of the courts made? On this subject Müller adds, that when an act of homicide was not punished by death or perpetual banishment, the perpetrator had to receive expiation. [Exsilium.] Now the atonement for blood and the purification of a shedder of blood came under the sacred law of Athens, the knowledge of which was confined to the old nobility, even after they had lost their political power. [Exegetae.] Consequently the administration of the rights of expiation could not be taken away from them, and none but an aristocratical court like that of the Ephetae would be competent to grant permission of expiation for homicide, and to preside over the ceremonies connected with it. Accordingly, that court retained the right of decision in actions for manslaughter, in which a temporary flight was followed by expiation, and also in cases of justifiable homicide, whether from the similarity of the latter (as regards the guilt of the perpetrator) to acts of accidental homicide, or as requiring a like expiation. (Plat. *Leg.* ix. pp. 864, 875.) For acts of wilful murder, on the other hand, the punishment was either death or ἀειφυγία, and therefore no expiation (κάθαρσις) was connected with the administration of justice in such cases, so that there could be no objection against their being tried by the court of the Areiopagus, though its members did not of necessity belong to the old aristocracy.

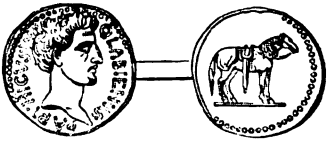
Such briefly are the reasons which Müller alleges in support of this hypothesis, and if they are valid there can be little doubt that the separation alluded to was effected when the Athenian nobility lost their supremacy in the state, and a timocracy or aristocracy of wealth was substituted for an aristocracy of birth. This, as is well known, happened in the time of Solon.

Lastly, we may remark, that the comparatively unimportant and antiquated duties of the Ephetae sufficiently explain the statement in Pollux (*l. c.*), that their court gradually lost all respect, and became at last an object of ridicule. [R. W.]

EPHI′PPIUM (ἀστράϐη, ἐφίππιον, ἐφίππειον), a saddle. Although the Greeks occasionally rode without any saddle (ἐπὶ ψιλοῦ ἵππου, Xenoph. *De Re Eques.* vii. 5), yet they commonly used one, and from them the name, together with the thing, was borrowed by the Romans. (Varr. *De Re Rust.* ii. 7; Caes. *B. G.* iv. 2; Hor. *Epist.* i. 14. 43; Gellius, v. 5.) It has indeed been asserted, that the use of saddles was unknown until the fourth century of our era. But Ginzrot, in his valuable work on the history of carriages (vol. ii. c. 26), has shown, both from the general practice of the Egyptians and other Oriental nations, from the pictures preserved on the walls of houses at Herculaneum, and from the expressions employed by J. Caesar and other authors, that the term "ephippium" denoted not a mere horse-cloth, a skin, or a flexible covering of any kind, but a saddle-tree, or frame of wood, which, after being filled with a stuffing of wool or cloth, was covered with softer materials, and fastened by means of a girth (*cingulum*, *zona*) upon the back of the animal. The ancient saddles appear, indeed, to have been thus far different from ours, that the cover stretched upon the hard frame was probably of stuffed or padded cloth rather than leather, and that the saddle was, as it were, a cushion fitted to the horse's back. Pendent cloths (στρώματα, *strata*) were always attached to it so as to cover the sides of the animal; but it was not provided with stirrups. As a substitute for the use of stirrups the horses, more particularly in Spain, were taught to kneel at the word of command, when their riders wished to mount them. See the preceding figure from an antique lamp found at Herculaneum, and compare Strabo, iii. 1. p. 436, ed. Sieb.; and Silius Italicus, x. 465.



The saddle with the pendent cloths is also exhibited in the annexed coin of Q. Labienus.



The term "Ephippium" was in later times in part supplanted by the word "sella," and the more specific expression "sella equestris." [J. Y.]

E′PHORI (Ἔφοροι). Magistrates called *Ephori* or "Overseers" were common to many Dorian constitutions in times of remote antiquity. Cyrene and the mother state of Thera may be mentioned as examples: the latter colonized from Laconia in early ages, and where, as we are told, the ephors were ἐπώνυμοι, *i. e.* gave their name to their year of office. (Heracl. Pont. 4.) The ephoralty at Sparta is classed by Herodotus (i. 65) among the institutions of Lycurgus. Since, however, the ephori are not mentioned in the oracle which contains a general outline of the constitution ascribed to him (Plut. *Lycurg.* 6), we may infer that no new powers were given to them by that legislator, or in the age of which he may be considered the representative. Another account refers the institution of the Spartan ephoralty to Theopompus (B.C. 770—720), who is said to have founded this office with a view of limiting the authority of the kings, and to have justified the innovation by remarking that "he handed down the royal power to his descendants more durable, because he had diminished it." (Aristot. *Polit.* v. 9.) The inconsistency of these accounts is still farther complicated by a speech of Cleomenes III., who is represented to have stated (Plut. *Cleom.* 10) that the ephors were originally appointed by the kings, to act for them in a judicial capacity (πρὸς τὸ κρίνειν) during their absence from Sparta in the first Messenian war, and that it was only by gradual usurpations that these new magistrates had made themselves paramount even over the kings themselves. Now, according to some authorities (Thirlwall, *Hist. of Greece*, vol. i. p. 353), Polydorus, the colleague of Theopompus, and one of the kings under whom the first Messenian war (B.C. 743—723) was completed, appropriated a *part* of the conquered Messenian territory to the augmentation of the number of portions of land possessed by the Spartans — an augmentation which implies an increase in the number of Spartan citizens. But the ephors, as we shall see hereafter, were the representatives of the whole nation, and therefore, if in the reign of Theopompus the franchise at Sparta was extended to a new class of citizens who nevertheless were not placed on an equality with the old ones (ὑπομείονες), the ephors would thenceforward stand in a new position with respect to the kings, and the councillors (οἱ γέροντες) who were elected from the higher class. Moreover, it is not improbable that, during the absence of the kings, the ephors usurped, or had conferred upon them, powers which did not originally belong to them; so that, from both these causes, their authority may have been so far altered as to lead to the opinion that the creation of the office, and not merely an extension of its powers, took place during the reign of Theopompus. Again, as Thirlwall observes, "if the extension of the ephoralty was connected with the admission of an inferior class of citizens to the franchise, the comparison which Cicero (*De Leg.* iii. 7, *De Rep.* ii. 33) draws between the ephoralty and the Roman tribunate would be more applicable than he himself suspected, and would throw a light on the seeming contradiction of the ephors being all-powerful, though the class which they more especially represented enjoyed only a limited franchise." (*Hist. of Greece*, vol. i. p. 356.) But after all, the various accounts which we have been considering merely show how different were the opinions, and how little historical the statements, about the origin of the ephoralty. (Müller, *Dorians*, iii. c. 7; and see Clinton, *F. H.* vol. i. Appendix 6.)

We therefore proceed to investigate the functions and authority of the ephors in historical times, after first observing that their office, considered as a counterpoise to the kings and council, and in that respect peculiar to Sparta alone of the Dorian states, would have been altogether inconsistent with the constitution of Lycurgus, and that their gradual usurpations and encroachments were facilitated by the vague and indefinite nature of their duties. Their number, five, appears to have been always the same, and was probably connected with the five divisions of the town of Sparta, namely, the four κώμας, Limnae, Mesoa, Pitana, Cynosura, and the Πόλις or city properly so called, around which the κῶμαι lay. (*Philolog. Museum*, vol. ii. p. 52.) They were elected from and by the people (ἐξ ἁπάντων), without any qualification of age or property, and without undergoing any scrutiny (οἱ τυχόντες); so that, as Aristotle remarks (*Polit.* ii. 7), the δῆμος enjoyed through them a participation in the highest magistracy of the state. The precise mode of their election is not known, but Aristotle (*l. c.*) speaks of it as being very puerile; and Plato (*Leg.* iii. p. 692) describes their office as ἐγγὺς τῆς κληρωτῆς δυνάμεως, words which may apply to a want of a directing and discriminating principle in the electors, without of necessity implying an election by lot. They entered upon office at the autumnal solstice, and the first in rank of the five gave his name to the year, which was called after him in all civil transactions. (Müller, *Dor.* iii. 7. § 7.) Their meetings were held in the public building called ἀρχεῖον, which in some respects resembled the Prytaneium at Athens, as being the place where foreigners and ambassadors were entertained, and where, moreover, the ephors took their meals together. (Pausan. iii. 11. § 2.)

The ephors also possessed judicial authority, on which subject Aristotle (*Polit.* iii. 1) remarks that they decided in civil suits (δίκαι τῶν συμβολαίων), and generally in actions of great importance (κρίσεων μεγάλων κύριοι, *Polit.* ii. 6): whereas the council presided over capital crimes (δίκαι φονικαί). In this arrangement we see an exemplification of a practice common to many of the ancient Greek states, according to which a criminal jurisdiction was given to courts of aristocratic composition, while civil actions were decided by popular tribunals. [Compare EPHETAE and AREIOPAGUS.] But with this civil jurisdiction was united a censorial authority, such as was possessed by the ephors at Cyrene: for example, the ephors punished a man for having brought money into the state (Plut. *Lysan.* 19), and others for indolence. (Schol. *ad Thucyd.* i. 84.) We are told also, that they inspected the clothing and the bedding of the young men. (Athen. xii. p. 550.) Moreover, something like a superintendence over the laws and their execution is implied in the language of the edict, which they published on entering upon their office, ordering the citizens "to shave the upper lip (μύστακα), *i. e.* to be submissive, and to obey the laws." Now the symbolical and archaic character of this expression seems to prove that the ephors exercised such a general superintendence from very early times, and there can be no doubt "that in the hands of able men, it would alone prove an instrument of unlimited power." (Thirlwall, *Hist of Greece*, vol. i. p. 355.)

Their jurisdiction and power were still farther increased by the privilege of instituting scrutinies (εὔθυναι) into the conduct of all the magistrates, on which Aristotle (*Polit.* ii. 6. § 17) observes that it was a very great gift to the ephoralty (τοῦτο δὲ τῇ ἐφορείᾳ μέγα λίαν τὸ δῶρον). Nor were they obliged to wait till a magistrate had completed his term of office, since, even before its termination, they might exercise the privilege of deposition (Xen. *De Re. Lac.* viii. 4.) Even the kings themselves could be brought before their tribunal (as Cleomenes was for bribery, δωροδοκία, Herod. vi. 82), though they were not obliged to answer a summons to appear there, till it had been repeated three times. (Plut. *Cleom.* 10.) In extreme cases, the ephors were also competent to lay an accusation against the kings as well as the other magistrates, and bring them to a capital trial before the great court of justice. (Xen. *l. c.*; Herod. vi. 85.) If they sat as judges themselves, they were only able, according to Müller, to impose a fine, and compel immediate payment; but they were not in any case, great as was their judicial authority, bound by a written code of laws. (Aristot. *Polit.* ii. 6.)

In later times the power of the ephors was greatly increased; and this increase appears to have been principally owing to the fact, that they put themselves in connection with the assembly of the people, convened its meetings, laid measures before it, and were constituted its agents and representatives. When this connection arose is matter of conjecture; some refer the origin of it to Asteropus, one of the first ephors to whom the extension of the powers of the ephoralty is ascribed, and who is said to have lived many years after the time of Theopompus; probably about B.C. 560. That it was not known in early times appears from the circumstance that the two ordinances of the oracle at Delphi, which regulated the assembly of the people, made no mention of the functions of the ephors. (Thirlwall, vol. i. p. 356.) It is clear, however, that the power which such a connection gave, would, more than any thing else, enable them to encroach on the royal authority, and make themselves virtually supreme in the state. Accordingly, we find that they transacted business with foreign ambassadors (Herod. ix. 8); dismissed them from the state (Xen. *Hell.* ii. 13. § 19); decided upon the government of dependent cities (Xen. *Hell.* iii. 4. § 2); subscribed in the presence of other persons to treaties of peace (Thucyd. v. 19), and in the time of war sent out troops when they thought necessary. (Herod. ix. 7.) In all these capacities the ephors acted as the representatives of the nation, and the agents of the public assembly, being in fact the executive of the state. Their authority in this respect is further illustrated by the fact, that after a declaration of war, "they entrusted the army to the king, or some other general, who received from them instructions how to act; sent back to them for fresh instructions, were restrained by them through the attendance of extraordinary plenipotentiaries, were recalled by means of the scytale, summoned before a judicial tribunal, and their first duty after return was to visit the office of the ephors." (Müller, *Dor.* vol. ii. p. 127.) Another striking proof of this representative character is given by Xenophon (*De Rep. Lac.* 15), who informs us, that the ephors, acting on behalf of the state (ὑπὲρ τῆς πόλεως), received from the kings every month an oath, by which the latter bound themselves to rule according to law; and that, in return for this, the state engaged, through the ephors, to maintain unshaken the authority of the kings, if they adhered to their oath.

It has been said that the ephors encroached upon the royal authority; in course of time the kings became completely under their control. For example, they fined Agesilaus (Plut. *Ages.* 2, 5) on the vague charge of trying to make himself popular, and interfered even with the domestic arrangements of other kings; moreover, as we are told by Thucydides (i. 131), they could even imprison the kings, as they did Pausanias. We know also that in the field the kings were followed by two ephors who belonged to the council of war; the three who remained at home received the booty in charge, and paid it into the treasury, which was under the superintendence of the whole College of Five. But the ephors had still another prerogative, based on a religious foundation, which enabled them to effect a temporary deposition of the kings. Once in eight years (δι' ἐτῶν ἐννέα), as we are told, they chose a calm and cloudless night to observe the heavens, and if there was any appearance of a falling meteor, it was believed to be a sign that the gods were displeased with the kings, who were accordingly suspended from their functions until an oracle allowed of their restoration. (Plut. *Agis*, 11.) The outward symbols of supreme authority also were assumed by the ephors; and they alone kept their seats while the kings passed; whereas it was not considered below the dignity of the kings to rise in honour of the ephors. (Xen. *De Rep. Lac.* 15.)

The position which, as we have shown, the ephors occupied at Sparta, will explain and justify the statement of Müller, "that the ephoralty was the moving element, the principle of change in the Spartan constitution, and in the end, the cause of its dissolution." In confirmation of this opinion we may cite the authority of Aristotle, who observes, that from the excessive and absolute power (ἰσοτύραννος) of the ephors, the kings were obliged to court them (δημαγωγεῖν), and eventually the government became a democracy instead of an aristocracy. Their relaxed and dissolute mode of life too (ἀνειμένη δίαιτα), he adds, was contrary to the spirit of the constitution; and we may remark that it was one of the ephors, Epitadeius, who first carried through the law permitting a free inheritance of property in contravention of the regulation of Lycurgus, by which an equal share in the common territory was secured to all the citizens.

The change, indeed, to which Aristotle alludes, might have been described as a transition from an aristocracy to an oligarchy; for we find that in later times, the ephors, instead of being demagogues, invariably supported oligarchical principles and privileges. The case of Cinadon, B.C. 399, is an instance of this; and the fact is apparently so inconsistent with their being representatives of the whole community, and as much so of the lower (ὑπομείονες) as of the higher (ὅμοιοι) class of citizens, that Wachsmuth supposes the δῆμος, from and by whom the ephors were chosen, to mean the whole body of *privileged* or patrician citizens only, the most eminent (καλοὶ κἀγαθοί) of whom were elected to serve as γέροντες. This supposition is not itself improbable, and would go far to explain a great difficulty; but any analysis of the arguments that may be urged for and against it is precluded by our limits. (See Thirlwall, vol. iv. p. 377.) We only add that the ephors became at last thoroughly identified with all opposition to the extension of popular privileges.

For this and other reasons, when Agis and Cleomenes undertook to restore the old constitution, it was necessary for them to overthrow the ephoralty, and accordingly Cleomenes murdered the ephors for the time being, and abolished the office (B.C. 225); it was, however, restored under the Romans. [R. W.]

EPI'BATAE (ἐπιβάται), soldiers or marines appointed to defend the vessels in the Athenian navy, were entirely distinct from the rowers, and also from the land soldiers, such as hoplitae, peltasts, and cavalry. (Xen. *Hell.* i. 2. § 7, v. 1. § 11; Harpocrat. and Hesych. *s. v.*) It appears that the ordinary number of epibatae on board a trireme was ten. Dr. Arnold (*ad Thuc.* iii. 95) remarks that by comparing Thuc. iii. 95 with cc. 91, 94, we find three hundred epibatae as the complement of thirty ships, and also by comparing ii. 92 with c. 102, we find four hundred as the complement of forty ships; and the same proportion results from a comparison of iv. 76 with c. 101. In Thucydides vi. 42, we find seven hundred epibatae for a fleet of one hundred ships, sixty of which were equipped in the ordinary way and forty had troops on board. In consequence of the number of heavy-armed men ἐκ τοῦ καταλόγου on the expedition, the Athenians appear to have reduced the number of regular epibatae from ten to seven. The number of forty epibatae to a ship mentioned by Herodotus (vi. 15), Dr. Arnold justly remarks (*l. c.*), "belongs to the earlier state of Greek naval tactics, when victory depended more on the number and prowess of the soldiers on board than on the manœuvres of the seamen (Thuc. i. 49); and it was in this very point that the Athenians improved the system, by decreasing the number of ἐπιβάται, and relying on the more skilful management of their vessels."

The epibatae were usually taken from the Thetes, or fourth class of Athenian citizens (Thuc. vi. 42); but on one occasion, in a season of extraordinary danger, the citizens of the higher classes (ἐκ καταλόγου) were compelled to serve as epibatae. (Thuc. viii. 24.)

The term is sometimes also applied by the Roman writers to the marines (Hirt. *de Bell. Alex.* 11, *de Bell. Afric.* 63); but they are more usually called *classiarii milites*. The latter term, however, is also applied to the rowers or sailors as well as the marines (*classiariorum remigio vehi*, Tac. *Ann.* xiv. 4).

EPIBLE'MA (ἐπίβλημα). [AMICTUS.]

EPI'BOLE (ἐπιβολή), a fine imposed by a magistrate, or other official person or body, for a misdemeanour. The various magistrates at Athens had (each in his own department) a summary penal jurisdiction; *i. e.* for certain offences they might inflict a pecuniary mulct or fine, not exceeding a fixed amount; if the offender deserved further punishment, it was their duty to bring him before a judicial tribunal. Thus, in case of an injury done to orphans or heiresses, the archon might fine the parties, or (if the injury were of a serious nature) bring them before the court of Heliaea. (Dem. *c. Macart.* p. 1076.) Upon any one who made a disturbance, or otherwise misbehaved himself in the public assembly, the proedri might impose a fine of fifty drachms, or else bring him for condign punishment before the senate of 500, or the next assembly. (Aesch. *c. Timar.* 35, Bekk.) The senate of 500 were competent to fine to the extent of 500 drachms. (Dem. *c. Euerg.* and *Mnes.* p. 1152; see also Dem. *c. Mid.* p. 572.)

The magistrate who imposed the fine (ἐπιβολὴν ἐπέβαλε) had not the charge of levying it, but was obliged to make a return thereof to the treasury officers (ἐπιγράφειν or ἐγγράφειν τοῖς πράκτορσιν, or ἐγγράφειν τῷ δημοσίῳ), whereupon, like all other penalties and amerciaments, it became (as we should say) a debt of record, to be demanded or recovered by the collectors. (Aesch. *c. Timar. l. c.*; Dem. *c. Nicost.* p. 1251.) If it were made payable to the fund of a temple, it was collected by the functionaries who had the charge of that fund (ταμίαι). There might (it seems) be an appeal from the sentence of the magistrate to a jury or superior court. (Meier, *Att. Proc.* pp. 32, 34, 565; Schömann, *Ant. Jur. Pub. Graec.* pp. 242, 293.)

As under the old Roman law no magistrate could impose a fine of more than two oxen and thirty sheep, so by the laws of Solon fines were of very small amount at Athens. How greatly they increased afterwards (as money became more plentiful, and laws more numerous), and how important a branch they formed of the public revenue, may be seen from the examples collected by Böckh, *Pub. Econ. of Athens*, p. 375, &c., 2nd ed.

These *epibolae* are to be distinguished from the penalties awarded by a jury or court of law (τιμήματα) upon a formal prosecution. There the magistrate or other person who instituted the proceeding (for any one might prosecute, κατηγορεῖν), was said τίμημα ἐπιγράψασθαι, as the court or jury were said τιμᾷν, "to assess the penalty," which always devolved upon them, except where the penalty was one fixed by law (ἐκ τῶν νόμων ἐπικειμένη ζημία), in which case it could not be altered. (Aesch. Περὶ Παραβ. 14, Bekk.; Dem. *c. Theocr.* p. 1328; Harpocr. *s. v.* Ἀτίμητος ἀγών.) [C. R. K.]

EPICHEIROTO'NIA (ἐπιχειροτονία). [CHEIROTONIA.]

EPICLE'RUS (ἐπίκληρος, heiress), the name given to the daughter of an Athenian citizen, who had no son to inherit his estate. It was deemed an object of importance at Athens to preserve the family name and property of every citizen. This was effected, where a man had no child, by adoption (εἰσποίησις); if he had a daughter, the inheritance was transmitted through her to a grandson, who would take the name of the maternal ancestor. If the father died intestate, the heiress had not the choice of a husband, but was bound to marry her nearest relation, not in the ascending line. Upon such person making his claim before the archon, whose duty it was ἐπιμελεῖσθαι τῶν ἐπικλήρων καὶ τῶν οἴκων τῶν ἐξερημουμένων (Dem. *c. Macart.* p. 1076), public notice was given of the claim; and if no one appeared to dispute it, the archon adjudged the heiress to him (ἐπεδίκασεν αὐτῷ τὴν ἐπίκληρον). If another claimant appeared (ἀμφισβητεῖν αὐτῷ τῆς ἐπικ.), a court was held for the decision of the right (διαδικασία τῆς ἐπικ.), which was determined according to the Athenian law of consanguinity (γένους κατ' ἀγχιστείαν.) Even where a woman was already married, her husband was obliged to give her up to a man with a better title; and men often put away their former wives in order to marry heiresses. (Dem. *c. Onet.* argum., *c. Eubul.* p. 1311; Isaeus, *De Pyrr. Hered.* p. 78.)

A man without male issue might bequeath his property; but if he had a daughter, the devisee was obliged to marry her. (Isaeus, *De Arist. Hered.* p. 19.) If the daughter was poor, and the nearest relative did not choose to marry her, he was bound to give her a portion corresponding to his own fortune. (Dem. *c. Macart.* p. 1067.)

The husband of an heiress took her property until she had a son of full age (ἐπὶ διετὲς ἡβήσαντα), who was usually adopted into his maternal grandfather's family, and took possession of the estate. He then became his mother's legal protector (κύριος), and was bound to find her maintenance (σῖτον). If there were more sons, they shared the property equally. (Isaeus, *De Pyrr. Hered.* p. 59, *De Cir. Hered.* p. 40; Dem. *c. Steph.* pp. 1134, 1135.)

When there was but one daughter, she was called ἐπίκληρος ἐπὶ παντὶ τῷ οἴκῳ. If there were more they inherited equally, like our co-parceners; and were severally married to relatives, the nearest having the first choice. (Andoc. *De Myst.* p. 117, &c.; Isaeus, *De Cir. Hered.* pp. 57, 58.) Illegitimate sons did not share with the daughter, the law being νόθῳ μὴ εἶναι ἀγχιστείαν μήθ' ἱερῶν μήθ' ὁσίων. (Dem. *c. Macart.* p. 1067; Aristoph. *Aves*, 1652.)

The heiress was under the special protection of the archon; and if she was injured by her husband or relatives, or by strangers ejecting her from her estate, the law gave a criminal prosecution against the offender, called *κακώσεως εἰσαγγελία*. (Isaeus, *De Pyrr. Hered.* p. 76; Meier, *Att. Proc.* pp. 269, 460, 468.) [C. R. K.]

EPIDAU'RIA. [Eleusinia.]

EPIDICA'SIA (ἐπιδικασία). [Heres.]

EPIDEMIURGI. [Demiurgi.]

EPI'DOSEIS (ἐπιδόσεις), were voluntary contributions, either in money, arms, or ships, which were made by the Athenian citizens in order to meet the extraordinary demands of the state. When the expences of the state were greater than its revenue, it was usual for the prytanes to summon an assembly of the people, and after explaining the necessities of the state, to call upon the citizens to contribute according to their means. Those who were willing to contribute then rose and mentioned what they would give; while those, who were unwilling to give any thing, remained silent or retired privately from the assembly. (Plut. *Alcib.* 10, *Phoc.* 9; Dem. *c. Meid.* p. 567; Theophras. *Char.* 22; Athen. iv. p. 168, e.) The names of those who had promised to contribute, together with the amount of their contributions, were written on tablets, which were placed before the statues of the Eponymi, where they remained till the amount was paid. (Isaeus, *De Dicaeog.* p. 111, ed. Reisk.)

These *epidoseis*, or voluntary contributions, were frequently very large. Sometimes the more wealthy citizens voluntarily undertook a trierarchy, or the expences of equipping a trireme. (Dem. *c. Meid.* p. 566. 23.) We read that Pasion furnished 1000 shields, together with five triremes, which he equipped at his own expence. (Dem. *c. Steph.* p. 1127. 12.) Chrysippus presented a talent to the state, when Alexander moved against Thebes (Dem. *c. Phorm.* p. 918. 20); Aristophanes, the son of Nicophemus, gave 30,000 drachmae for an expedition against Cyprus (Lysias, *pro Aristoph. bonis*, p. 644); Charidemus and Diotimus, two commanders, made a free gift of 800 shields (Dem. *pro Coron.* p. 265. 18); and similar instances of liberality are mentioned by Böckh (*Publ. Econ. of Athens*, pp. 586, 587, 2nd. ed.), from whom the preceding examples have been taken. (Compare Schömann, *De Comitiis*, p. 292.)

EPIGA'MIA (ἐπιγαμία). [Civitas (Greek.)]

EPIGRAPHEIS (ἐπιγραφεῖς). [Eisphora.]

EPIMELE'TAE (ἐπιμεληταί), the names of various magistrates and functionaries at Athens.

1. Ἐπιμελητὴς τῆς κοινῆς προσόδου, more usually called *ταμίας*, the treasurer or manager of the public revenue. [Tamias.]

2. Ἐπιμεληταὶ τῶν μοριῶν Ἐλαιῶν, were persons chosen from among the Areopagites to take care of the sacred olive trees. (Lysias, *Areopag.* p. 284. 5.)

3. Ἐπιμεληταὶ τοῦ Ἐμπορίου, were the overseers of the emporium. [Emporium.] They were ten in number, and were elected yearly by lot. (Harpocrat. *s. v.*) They had the entire management of the emporium, and had jurisdiction in all breaches of the commercial laws. (Dem. *c. Lacrit.* p. 941. 15. *c. Theoc.* p. 1324; Dinarch. *c. Aristog.* pp. 81, 82.) According to Aristotle (*apud Harpocrat. s. v.*), it was part of their duty to compel the merchants to bring into the city two-thirds of the corn which had been brought by sea into the Attic emporium; by which we learn that only one-third could be carried away to other countries from the port of the Peiraeeus. (Böckh, *Publ. Econ. of Athens*, pp. 48, 81, 2nd ed.; Meier, *Att. Proc.* p. 86.)

4. Ἐπιμεληταὶ τῶν Μυστηρίων, were, in connection with the king archon, the managers of the Eleusinian mysteries. They were elected by open vote, and were four in number; of whom two were chosen from the general body of citizens, one from the Eumolpidae, and one from the Ceryces. (Harpocrat and Suid. *s. v.*; Dem. *c. Meid.* p. 570. 6.)

5. Ἐπιμεληταὶ τῶν νεωρίων, the inspectors of the dockyards, formed a regular ἀρχή, and were not an extraordinary commission, as appears from Demosthenes (*c. Euerg. et Mnes.* p. 1145), Aeschines (*c. Ctesiph.* p. 419), and the inscriptions published by Böckh (*Urkunden über das Seewesen des Attisches Staates*, Berlin, 1840), in which they are sometimes called *οἱ ἄρχοντες ἐν τοῖς νεωρίοις*, and their office designated an ἀρχή. (No. xvi. b. 104, &c.; No. x. c. 125; No. xiv. c. 122. 138.) We learn from the same inscriptions that their office was yearly, and that they were ten in number. It also appears that they were elected by lot from those persons who possessed a knowledge of shipping.

The principal duty of the inspectors of the dockyards was to take care of the ships, and all the rigging, tools, &c. (*σκευή*) belonging to them. They also had to see that the ships were seaworthy; and for this purpose they availed themselves of the services of a *δοκιμαστής*, who was well skilled in such matters. (Böckh, *Ibid.* No. ii. 56.) They had at one time the charge of various kinds of military *σκευή*, which did not necessarily belong to ships, such as engines of war (No. xi. m), which were afterwards, however, entrusted to the generals by a decree of the senate and people. (No. xvi. a. 195.) They had to make out a list of all those persons who owed anything to the docks (Dem. *c. Euerg. et Mnes.* p. 1145), and also to get in what was due. (Id. *c. Androt.* p. 612.) We also find that they sold the rigging, &c., of the ships and purchased new, under the direction of the senate, but not on their own responsibility. (No. xiv. b. 190, &c., compared with Nos. xiv. xvi. u.) They had *ἡγεμονίαν δικαστηρίου* in conjunction with the *ἀποστολεῖς* in all matters connected with their own department. (Dem. *c. Euerg. et Mnes.* p. 1147.) To assist them in discharging their duties they had a secretary (*γραμματεὺς*, No. xvi. b. 165), and a public servant (*δημόσιος ἐν τοῖς νεωρίοις*, No. xvi. b. 135). For a further account of these inspectors, see Böckh, *Urkunden*, &c. pp. 48—64.

6. Ἐπιμεληταὶ τῶν φυλῶν, the inspectors of the *φυλαὶ* or tribes. [Tribus.]

EPIRHE'DIUM. [Rheda.]

EPISCE'PSIS (ἐπίσκηψις). [Martyria.]

EPI'SCOPI (ἐπίσκοποι), inspectors, who were sometimes sent by the Athenians to subject states. Harpocration compares them to the Lacedaemonian harmosts, and says that they were also called *φύλακες*. It appears that these Episcopi received a salary at the cost of the cities over which they presided. (Aristoph. *Aves*, 1022, &c., with Schol.; Harpocrat. *s. v.*; Böckh, *Publ. Econ. of Athens*, pp. 156, 238, 2d ed.; Schömann, *Antiq. Juris Pub. Graec.* p. 432. 18.)

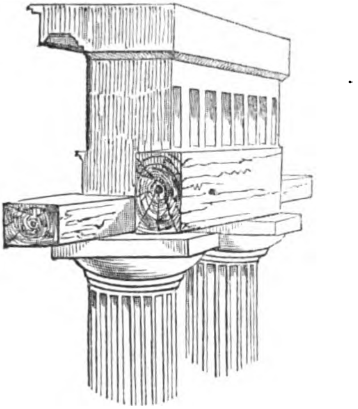
EPISTATES (ἐπιστάτης), which means a person placed over any thing, was the name of two distinct classes of functionaries in the Athenian state; namely, of the chairman of the senate and assembly of the people, respecting whose duties see the articles Boule and Ecclesia; and also of the directors of the public works. (Ἐπισταταὶ τῶν δημοσίων ἔργων.) These directors had different names, as τειχοποιοί, the repairers of the walls; τριηροποιοί, the builders of the triremes; ταφροποιοί, the repairers of the trenches, &c.; all of whom were elected by the tribes, one from each: but the most distinguished of these were the τειχοποιοί. (Aeschin. c. *Ctesiph.* pp. 400, 422, 425.) Over other public buildings a manager of public works had the superintendence; and it was in this capacity that Pericles, and subsequently Lycurgus, undertook so many works of architecture. In the inscriptions relating to the building of the temple of Athena Polias, we find ἐπισταταὶ mentioned. (Böckh, *Publ. Econ. of Athens*, p. 203, 2nd ed.) Similar authorities were appointed for the care of the roads, and of the supply of water (ὁδοποιοί, Aeschin. c. *Ctesiph.* p. 419; ἐπισταταὶ τῶν ὑδάτων, Plut. *Them.* 31; Schömann, *Antiq. Juris Publ. Graec.* p. 247).

The directors received the money which was necessary for these works from the public treasury (ἐκ τῆς διοικήσεως, Aeschin. c. *Ctesiph.* p. 425).

EPI'STOLA. [Constitutio.]

EPISTOLEUS (ἐπιστολεύς), was the officer second in rank in the Spartan fleet, and succeeded to the command if any thing happened to the ναύαρχος or admiral. (Xen. *Hell.* i. 1. § 23, iv. 8. § 11, v. 1. § 5, 6; Sturtz, *Lex. Xenoph.* s. v.) Thus, when the Chians and the other allies of Sparta on the Asiatic coast sent to Sparta to request that Lysander might be again appointed to the command of the navy, he was sent with the title of ἐπιστολεύς, because the laws of Sparta did not permit the same person to hold the office of ναύαρχος twice. (Xen. *Hell.* ii. 1. § 7.)

EPISTY'LIUM (ἐπιστύλιον), is properly, as the name implies, the architrave, or lower member of an entablature, which lies immediately over the columns. (Plut. *Per.* 13; Paus. *pass.*; Varr. *R. R.* iii. 2; Festus, s. v.; comp. Columna, p. 324, a) The rules for the height of the architrave are given by Vitruvius (iii. 3. s. 5, ed. Schn.). In the best examples of the Doric order, the front of the architrave was a plain flat surface, with no carvings, but sometimes ornamented with metal shields affixed to it over each column, as in the Parthenon, where there are also inscriptions between the shields. (See Lucas's model.) In the Ionic and Corinthian orders it was cut up into two or usually three surfaces (*fasciae*), projecting beyond one another, the edges of which were afterwards decorated with mouldings. (See the woodcuts under Columna.) Originally the architrave was the main beam, laid along the top of the columns to support the roof. When stone was used, a natural limit was set to the length of the pieces of the architrave, and consequently the distance of the columns, by the impossibility of obtaining blocks of stone or marble beyond a certain size. In the temple of Artemis at Ephesus the pieces of the architrave were so large that Pliny wonders how they could have been raised to their places. (*H. N.* xxxvi. 14. s. 21.) When an intercolumniation was of the kind called araeostyle, that is, when the columns were more than three diameters apart, the epistylium was necessarily made of wood instead of stone (Vitruv. iii. 2. s. 3. § 5. ed. Schn.); a construction exemplified by the restoration in the annexed woodcut (*Pompeii*, vol. i. p. 143) of the Doric portico, which surrounds three sides of the Forum at Pompeii. The holes seen at the back of the frieze received the beams which supported an upper gallery.



The word is sometimes also used for the whole of the entablature. [P. S.]

EPITA'PHIUM. [Funus.]

EPITHALA'MIUM. [Matrimonium.]

EPITI'MIA (ἐπιτιμία). [Atimia.]

EPITRIERARCHE'MATOS DIKE (ἐπιτριηραρχήματος δίκη). [Trierarchia.]

EPITROPES GRAPHE (ἐπιτροπῆς γραφή). [Epitropus.]

EPI'TROPUS (ἐπίτροπος), which signifies literally a person to whom any thing is given in charge (Dem. c *Aphob.* i. p. 819. 18), occurs, however, much more frequently in the sense of a guardian of orphan children. Of such guardians there were at Athens three kinds: first, those appointed in the will of the deceased father; secondly, the next of kin, whom the law designated as tutores legitimi in default of such appointment, and who required the authorization of the archon to enable them to act; and lastly, such persons as the archon selected if there were no next of kin living to undertake the office. The duties of the guardian comprehended the education, maintenance, and protection of the ward, the assertion of his rights, and the safe custody and profitable disposition of his inheritance during his minority, besides making a proper provision for the widow if she remained in the house of her late husband. In accordance with these, the guardian was bound to appear in court in all actions in behalf of or against his ward, and give in an account of the taxable capital (τίμημα) when an εἰσφορά (the only impost to which orphans were liable) was levied, and make the proportionate payment in the minor's name. With reference to the disposition of the property, two courses were open to the guardian to pursue, if the deceased had left no will, or no specific directions as to its management, viz., to keep it in his own hands and employ it as he best could for the benefit of the minor (διοικεῖν), or let it out to farm to the highest bidder (μισθοῦν τὸν οἶκον). In the former case it seems probable (Dem. c. *Onetor.* i. p. 865. 17) that a constant control of the guardian's proceedings might be exercised by the archon; and a special law ordained that all money belonging to a minor should be vested in mortgages, and upon no account be lent out upon the more lucrative but hazardous security of bottomry. (Suidas, *s. v.* Ἔγγειον.)

To insure the performance of these duties the law permitted any free citizen to institute a public action, as, for instance, an apagoge or eisangelia against a guardian who maltreated his ward (κακώσεως ὀρφανοῦ), or a γραφὴ ἐπιτροπῆς for neglect or injury of his person or property; and the punishment, upon conviction, depended entirely upon the greater or less severity of the dicasts. (Meier, *Att. Proc.* p. 294.) If the guardian preferred that the estate should be farmed, the regular method of accomplishing this was by making an application to the archon, who thereupon let the inheritance to the highest bidder, and took care that the farmer should hypothecate a sufficient piece of ground or other real property to guarantee the fulfilment of the contract (ἀποτίμημα). In some cases the guardian might be compelled to adopt this course or be punished, if the lease were irregularly or fraudulently made, by a phasis, which, upon this occasion, might be instituted by any free citizen. The guardianship expired when the ward had attained his eighteenth year, and if the estate had been leased out, the farmer paid in the market-place the capital he had received to trade with, and the interest that had accrued (Dem. *c. Aphob.* i. 832. 1); if, however, the inheritance had been managed by the guardian, it was from him that the heir received his property and the account of his disbursements during the minority. In case the accounts were unsatisfactory, the heir might institute an action ἐπιτροπῆς against his late guardian; this, however, was a mere private lawsuit, in which the damages and epobelia only could be lost by the defendant, to the latter of which the plaintiff was equally liable upon failing to obtain the votes of a fifth of the dicasts. This action was barred by the lapse of five years from the termination of the guardianship; and, if the defendant in it died before that time, an action βλαβῆς would lie against his representatives to recover what was claimed from his estate. (Meier, *Att. Proc.* p. 444, &c.) [J. S. M.]

EPOBE'LIA (ἐπωβελία), as its etymology implies, at the rate of one obolus for a drachma, or one in six, was payable on the assessment (τίμημα) of several private causes, and sometimes in a case of phasis, by the litigant that failed to obtain the votes of one-fifth of the dicasts. (Dem. *c. Aphob.* p. 834. 25, *c. Euerg. et Mnesib.* p. 1158. 20.) It is not, however, quite certain that such was invariably the case when the defeated suitor was the defendant in the cause (Meier, *Att. Proc.* p. 730); though in two great classes, namely, cross suits (ἀντιγραφαί), and those in which a preliminary question as to the admissibility of the original cause of action was raised (παραγραφαί), it may be confidently asserted. As the object of the regulation was to inflict a penalty upon litigiousness, and reimburse the person that was causelessly attacked for his trouble and anxiety, the fine was paid to the successful suitor in private causes, and those cases of phasis in which a private citizen was the party immediately aggrieved. In public accusations, in general, a fine of a thousand drachmae, payable to the public treasury, or a complete or partial disfranchisement, supplied the place of the epobelia as a punishment for frivolous prosecutions. [J. S. M.]

EPO'MIS (ἐπωμίς). [Tunica.]

EPO'NIA (ἐπωνία). [Telos.]

EPO'NYMUS (ἐπώνυμος), having or giving a name, was the surname of the first of the nine archons at Athens, because his name, like that of the consuls at Rome, was used in public records to mark the year [Archon]. The expression ἐπώνυμοι τῶν ἡλικιῶν, whose number is stated by Suidas, the Etymologicum Magn., and other grammarians, to have been forty, likewise applies to the chief-archon of Athens. Every Athenian had to serve in the army from his 19th to his 60th year, *i. e.* during the archonship of forty archons. Now as an army generally consisted of men from the age of 18 to that of 60, the forty archons under whom they had been enlisted, were called ἐπώνυμοι τῶν ἡλικιῶν, in order to distinguish them from the ἐπώνυμοι τῶν φυλῶν. (Compare Demosth. *ap. Harpocrat. s. v.* Ἐπώνυμοι, and Bekker, *Anecdota*, p. 245.) At Sparta the first of the five ephors gave his name to the year, and was therefore called ἔφορος ἐπώνυμος. (Paus. iii. 11. § 2.)

It was a very prevalent tendency among the ancients in general to refer the origin of their institutions to some ancient or fabulous hero (ἀρχηγέτης, Demosth. *c. Macart.* p. 1072), from whom, in most cases, the institution was also believed to have derived its name, so that the hero became its ἀρχηγέτης ἐπώνυμος. In later times new institutions were often named after ancient heroes, on account of some fabulous or legendary connection which was thought to exist between them and the new institutions, and the heroes thus became, as it were, their patrons or tutelary deities. A striking instance of this custom are the names of the ten Attic tribes instituted by Cleisthenes, all of which were named after some national hero. (Demosth. *Epitaph.* p. 1397, &c.; Paus. i. 5.) These ten heroes who were at Athens, generally called *the* ἐπώνυμοι, or ἐπώνυμοι τῶν φυλῶν, were honoured with statues, which stood in the Ceramicus, near the Tholos. (Paus. i. 5. § 1; Suidas and Etymol. Magn. *s. v.* Ἐπώνυμοι.) If an Athenian citizen wished to make proposals for a new law, he exhibited them for public inspection in front of these statues of the ἐπώνυμοι, whence the expressions ἐκθεῖναι πρόσθεν τῶν ἐπωνύμων, or πρὸς τοὺς ἐπωνύμους. (Aeschin. *c. Ctesiph.* p. 59, ed Steph.; Wolf, *Proleg. ad Demosth. Leptin.* p. 133.) [L. S.]

EPOPTAE (ἐπόπται). [Eleusinia.]

EPULO'NES, who were originally three in number (*Triumviri Epulones*), were first created in B. C. 196, to attend to the Epulum Jovis (Valer. Max. ii. 1. § 2; Liv. xxxi. 4; Gell. xii. 8), and the banquets given in honour of the other gods; which duty had originally belonged to the Pontifices. (Liv. xxxiii. 42; Cic. *De Orat.* iii. 19, *De Harusp. Respons.* 10; Festus, *s. v. Epolonos.*) Their number was afterwards increased to seven (Gell. i. 12; Lucan, i. 602), and they were called Septemviri Epulones or Septemviri Epulonum; under which names they are frequently mentioned in inscriptions. (Orelli, *Inscrip.* No. 590, 773, 2259, 2260, 2365.) Julius Caesar added three more (Dion Cass. xliii. 51), but after his time the number appears to have been again limited to seven.

The Epulones formed a collegium, and were one of the four great religious corporations at Rome; the other three were those of the Pontifices, Augures, and Quindecemviri. (Dion Cass. liii. 1, lviii. 12; Plin. *Ep.* x. 3; Walter, *Geschichte des Röm. Rechts*, § 141, 2d ed.)

E'PULUM JOVIS. [Epulones.]

EQUI'RIA, horse-races, which are said to have been instituted by Romulus in honour of Mars, and were celebrated in the Campus Martius. (Festus, *s. v.*; Varro, *Ling. Lat.* vi. 13, Müller.) There were two festivals of this name; of which one was celebrated a. d. III. Cal. Mart., and the other prid. Id. Mart. (Ovid, *Fast.* ii. 859, iii. 519.) If the Campus Martius was overflowed by the Tiber, the races took place on a part of the Mons Coelius, which was called from that circumstance the Martialis Campus. (Festus, *s. v. Mart. Campus.*)

E'QUITES. The Roman Equites were originally the horse-soldiers of the Roman state, and did not form a distinct class or *ordo* in the commonwealth till the time of the Gracchi. Their institution is attributed to Romulus, who caused 300 equites, divided into three centuries, to be elected by the curiae. Each of the old Roman tribes, the *Ramnes*, *Tities*, and *Luceres* was represented by 100 equites, and consequently each of the 30 curiae by 10 equites; and each of the three centuries bore the name of the tribe which it represented. The three centuries were divided into 10 *turmae*, each consisting of 30 men; every turma contained 10 Ramnes, 10 Tities, and 10 Luceres; and each of these decuries was commanded by a *decurio*. The whole body likewise bore the name of *Celeres*, who are erroneously regarded by some writers simply as the body-guard of the king. The commander of the 300 equites was called *Tribunus Celerum*. (Dionys. ii. 13; Varr. *L. L.* v. 91, ed. Müller; Plin. *H. N.* xxxiii. 9; Festus, *s. v. Celeres;* Liv. i. 13, 15.) [Celeres.]

To the three hundred equites of Romulus, ten Alban turmae were added by Tullus Hostilius. (Liv. i. 30.) There were consequently now 600 equites; but as the number of centuries was not increased, each of these centuries contained 200 men. Tarquinius Priscus, according to Livy (i. 36), wished to establish some new centuries of horsemen, and to call them by his own name, but gave up his intention in consequence of the opposition of the augur Attus Navius, and only doubled the number of the centuries. The three centuries which he added were called the Ramnes, Titienses, and Luceres *Posteriores*. The number ought therefore now to be 1200 in all, which number is given in many editions of Livy (*l. c.*), but is not found in any manuscript. The number in the manuscripts is different, but some of the best manuscripts have 1800, which has been adopted by most modern editors. This number, however, is opposed to Livy's previous account, and cannot be supported by the statement of Plutarch (*Rom.* 20), that after the union with the Sabines, the equites were increased to 600; because the original 300 are spoken of as the representatives of the *three* tribes; whereas, according to Plutarch's account, the original 300 ought only to represent the Ramnes. If therefore we adopt Livy's account that there were originally 300 equites, that these were increased to 600 by Tullus Hostilius, and that the 600 were doubled by Tarquinius Priscus, there were 1200 in the time of the last-mentioned king, being divided into three centuries of *Ramnes*, *Tities*, and *Luceres*, each century containing 200 *priores* and 200 *posteriores*.

The complete organization of the equites Livy (i. 43) attributes to Servius Tullius. He says that this king formed (*scripsit*) 12 centuries of equites from the leading men of the state (*ex primoribus civitatis*); and that he also made six centuries out of the three established by Romulus. Thus, there were now 18 centuries. As each of the 12 new centuries probably contained the same number as the six old centuries, if the latter contained 1200 men, the former would have contained 2400, and the whole number of the equites would have been 3600.

The account, however, which Cicero (*De Rep.* ii. 20) gives is quite different. He attributes the complete organization of the equites to Tarquinius Priscus. He agrees with Livy in saying that Tarquinius Priscus increased the number of the Ramnes, Titienses, and Luceres, by adding new centuries under the name of Ramnes, Titienses, and Luceres *secundi* (not, however, *posteriores*, as Livy states; compare Festus *s. v. Sex Vestae*); but he differs from him in stating, that this king also doubled their number after the conquest of the Aequi. Scipio, who is represented by Cicero as giving this account, also says that the arrangement of the equites, which was made by Tarquinius Priscus, continued unchanged to his day (B. C. 129). The account, which Cicero gave of the equites in the constitution of Servius Tullius, is unfortunately lost, and the only words which remain are *duodeviginti censu maximo;* but it is difficult to conceive in what way he represented the division of the 18 centuries in the Servian constitution, after he had expressly said that the organization of the body by Tarquinius Priscus had continued unchanged to the time of Scipio. The number of equites in this passage of Cicero is open to much doubt and dispute. Scipio states, according to the reading adopted in all editions of the "De Republica," that Tarquinius Priscus increased the original number of the equites to 1200, and that he subsequently doubled this number after the conquest of the Aequi; which account would make the whole number 2400, which number cannot be correct, since if 2400 be divided by 18 (the number of the centuries), the quotient is not a complete number. The MS., however, has ∞ ACCC, which is interpreted to mean *mille ac ducentos;* but instead of this, Zumpt (*Ueber die Römischen Ritter und den Ritterstand in Rom*, Berlin, 1840) proposes to read ∞ DCCC, 1800, justly remarking, that such a use of *ac* never occurs in Cicero. This reading would make the number, when doubled, 3600, which agrees with Livy's view, and which appears to have been the regular number of equites in the flourishing times of the republic.

Both Livy and Cicero agree in stating that each of the equites received a horse from the state (*equus publicus*), or money to purchase one, as well as a sum of money for its annual support; and that the expense of its support was defrayed by the orphans and unmarried females; since, says Niebuhr (*Hist. of Rome*, vol. i. p. 461), "in a military state it could not be esteemed unjust, that the women and the children were to contribute largely for those who fought in behalf of them and of the commonwealth." According to Gaius (iv. 27) the purchase-money for a knight's horse was called *aes equestre*, and its annual provision *aes hordearium*. [Aes Hordearium.] The former amounted, according to Livy (i. 43), to 10,000 asses, and the latter to 2000: but these sums are so large as to be almost incredible, especially when we take into account that 126 years afterwards a sheep was only reckoned at 10, and an ox at 100 asses in the tables of penalties. (Gell. xi. 1.) The correctness of these numbers has accordingly been questioned by some modern writers, while others have attempted to account for the largeness of the sum. Niebuhr (vol. i. p. 433) remarks that the sum was doubtless intended not only for the purchase of the horse, but also for its equipment, which would be incomplete without a groom or slave, who had to be bought and then to be mounted. Böckh (*Metrolog. Untersuch.* c. 29) supposes that the sums of money in the Servian census are not given in asses of a pound weight, but in the reduced asses of the first Punic war, when they were struck of the same weight as the sextans, that is, two ounces, or one-sixth of the original weight. [As.] Zumpt considers that 1000 asses of the old weight were given for the purchase of the horse, and 200 for its annual provision; and that the original sum has been retained in a passage of Varro (*equum publicum mille assariorum, L. L.* viii. 71).

All the equites, of whom we have been speaking, received a horse from the state, and were included in the 18 equestrian centuries of the Servian constitution; but in course of time, we read of another class of equites in Roman history, who did not receive a horse from the state, and were not included in the 18 centuries. This latter class is first mentioned by Livy (v. 7) in his account of the siege of Veii, B. C. 403. He says that during the siege, when the Romans had at one time suffered great disasters, all those citizens who had an equestrian fortune, and no horse allotted to them (*quibus census equester erat, equi publici non erant*), volunteered to serve with their own horses; and he adds, that from this time equites first began to serve with their own horses (*tum primum equis merere equites coeperunt*). The state paid them (*certus numerus aeris est assignatus*) as a kind of compensation for serving with their own horses. The foot soldiers had received pay a few years before (Liv. iv. 59); and two years afterwards, B. C. 401, the pay of the equites was made threefold that of the infantry. (Liv. v. 12; see Niebuhr, vol. ii. p. 439.)

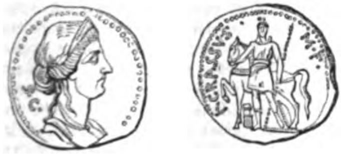
From the year B. C. 403, there were therefore two classes of Roman knights: one who received horses from the state, and are therefore frequently called *equites equo publico* (Cic. *Phil.* vi. 5), and sometimes *Flexumines* or *Trossuli*, the latter of which, according to Göttling, is an Etruscan word (Plin. *H. N.* xxxiii. 9; Festus, *s. v.*; Göttling, *Gesch. der Röm. Staatsv.* p. 372), and another class, who served, when they were required, with their own horses, but were not classed among the 18 centuries. As they served on horseback they were called *equites;* and, when spoken of in opposition to cavalry, which did not consist of Roman citizens, they were also called *equites Romani;* but they had no legal claim to the name of equites, since in ancient times this title was strictly confined to those who received horses from the state, as Pliny (*H. N.* xxxiii. 7) expressly says, "Equitum nomen subsistebat in turmis equorum publicorum."

But here two questions arise. Why did the equites, who belonged to the eighteen centuries, receive a horse from the state, and the others not? and how was a person admitted into each class respectively? These questions have occasioned much controversy among modern writers, but the following account is perhaps the most satisfactory: —

In the constitution of Servius Tullius all the Roman citizens were arranged in different classes according to the amount of their property, and it may therefore fairly be presumed that a place in the centuries of equites was determined by the same qualification. Dionysius (iv. 18) expressly says, that the equites were chosen by Servius out of the richest and most illustrious families; and Cicero (*De Rep.* ii. 22) that they were of the highest census (*censu maximo*). Livy (i. 43) also states that the twelve centuries formed by Servius Tullius consisted of the leading men of the state. None of these writers, however, mention the property which was necessary to entitle a person to a place among the equites; but it was probably of the same amount as in the latter times of the republic, that is, four times that of the first class. Every one therefore who possessed the requisite property, and whose character was unblemished (for this latter qualification appears to have been always necessary in the ancient times of the republic), was admitted among the equites of the Servian constitution; and it may be presumed that the twelve new centuries were created in order to include all those persons in the state who possessed the necessary qualifications. Niebuhr (*Hist. of Rome*, vol. i. p. 427, &c.), however, supposes that the qualification of property was only necessary for admission into the twelve new centuries, and that the statement of Dionysius, quoted above, ought to be confined to these centuries, and not applied to the whole eighteen. He maintains that the twelve centuries consisted exclusively of plebeians; and that the six old centuries (that is, the three double centuries of Ramnes, Tities and Luceres, *priores* and *posteriores*), which were incorporated by Servius into his comitia under the title of the *sex suffragia*, comprised all the patricians, independent of the amount of property which they possessed. This account, however, does not seem to rest on sufficient evidence; and we have, on the contrary, an express instance of a patrician, L. Tarquitius, B. C. 458, who was compelled on account of his poverty to serve on foot. (Liv. iii. 27.) That the six old centuries consisted entirely of patricians is most probable, since the plebeians would certainly not have been admitted among the equites at all till the Servian constitution; and as by this constitution new centuries were created, it is not likely that any plebeians would have been placed among the ancient six. But we have no reason for supposing that these six centuries contained the *whole* body of patricians, or that the twelve consisted *entirely* of plebeians. We may suppose that those patricians, who belonged to the six, were allowed by the Servian constitution to continue in them, if they possessed the requisite property; and that all other persons in the state, whether patricians or plebeians, who possessed the requisite property, were admitted into the 12 new centuries. That the latter were not confined to plebeians may be inferred from Livy, who says that they consisted of the leading men in the state (*primores civitatis*), not in the plebs.

As vacancies occurred in the eighteen centuries, the descendants of those who were originally enrolled succeeded to their places, whether plebeians or patricians, provided they had not dissipated their property; for Niebuhr goes too far when he asserts that all vacancies were filled up according to birth, independent of any property qualification. But in course of time, as population and wealth increased, the number of persons, who possessed an equestrian fortune, also increased greatly; and as the number of equites in the 18 centuries was limited, those persons, whose ancestors had not been enrolled in the centuries, could not receive horses from the state, and were therefore allowed the privilege of serving with their own horses amongst the cavalry, instead of the infantry, as they would otherwise have been obliged to have done. Thus arose the two distinct classes of equites, which have been already mentioned.

The inspection of the equites who received horses from the state, belonged to the censors, who had the power of depriving an eques of his horse, and reducing him to the condition of an aerarian (Liv. xxiv. 43), and also of giving the vacant horse to the most distinguished of the equites who had previously served at their own expense. For these purposes they made during their censorship a public inspection, in the forum, of all the knights who possessed public horses (*equitatum recognoscunt*, Liv. xxxix. 44; *equitum centurias recognoscunt*, Valer. Max. ii. 9. § 6). The tribes were taken in order, and each knight was summoned by name. Every one, as his name was called, walked past the censors, leading his horse. This ceremony is represented on the reverse of many Roman coins struck by the censors. A specimen is annexed.



If the censors had no fault to find either with the character of the knight or the equipments of his horse, they ordered him to pass on (*traduc equum*, Valer. Max. iv. 1. § 10); but if on the contrary they considered him unworthy of his rank, they struck him out of the list of knights, and deprived him of his horse (Liv. xxxix. 44) or ordered him to sell it (Liv. xxix. 37; Valer. Max. ii. 9. § 6), with the intention no doubt that the person thus degraded should refund to the state the money which had been advanced to him for its purchase. (Niebuhr, *Hist. of Rome*, vol. i. p. 433.) At the same review, those equites who had served the regular time, and wished to be discharged, were accustomed to give an account to the censors of the campaigns in which they had served, and were then dismissed with honour or disgrace, as they might have deserved. (Plut. *Pomp.* 22.)

This review of the equites by the censors must not be confounded with the *Equitum Transvectio*, which was a solemn procession of the body every year on the Ides of Quintilis (July). The procession started from the temple of Mars outside the city, and passed through the city over the forum, and by the temple of the Dioscuri. On this occasion the equites were always crowned with olive chaplets, and wore their state dress, the trabea, with all the honourable distinctions which they had gained in battle. (Dionys. vi. 13.) According to Livy (ix. 46) this annual procession was first established by the censors Q. Fabius and P. Decius, B. C. 304; but according to Dionysius (*l. c.*) it was instituted after the defeat of the Latins near the lake Regillus, of which an account was brought to Rome by the Dioscuri.

It may be asked, how long did the knight retain his public horse, and a vote in the equestrian century to which he belonged? On this subject we have no positive information; but as those equites, who served with their own horses, were only obliged to serve for ten years (*stipendia*, *στρατείας*) under the age of 46 (Polyb. vi. 19. § 2), we may presume that the same rule extended to those who served with the public horses, provided they *wished* to give up the service. For it is certain that in the ancient times of the republic a knight might retain his horse as long as he pleased, even after he had entered the senate, provided he continued able to discharge the duties of a knight. Thus the two censors, M. Livius Salinator and C. Claudius Nero, in B. C. 204, were also equites (Liv. xxix. 37); and L. Scipio Asiaticus, who was deprived of his horse by the censors in B. C. 185 (Liv. xxxix. 44), had himself been censor in B. C. 191. This is also proved by a fragment in the fourth book (c. 2) of Cicero's "De Republica," in which he says, *equitatus, in quo suffragia sunt etiam senatus;* by which he evidently means, that most of the senators were enabled to vote at the Comitia Centuriata in consequence of their belonging to the equestrian centuries. But during the later times of the republic the knights were obliged to give up their horses on entering the senate, and consequently ceased to belong to the equestrian centuries. This regulation is alluded to in the fragment of Cicero already referred to, in which Scipio says that many persons were anxious that a plebiscitum should be passed, ordaining that the public horses should be restored to the state, which decree was in all probability passed afterwards; since, as Niebuhr observes (vol. i. p. 433, note 1016), "when Cicero makes Scipio speak of any measure as intended, we are to suppose that it had actually taken place, but, according to the information possessed by Cicero, was later than the date he assigns to Scipio's discourse." That the greater number of the equites equo publico, after the exclusion of senators from the equestrian centuries, were young men, is proved by a passage in the work of Q. Cicero, *De Petitione Consulatus* (c. 8).

The equestrian centuries, of which we have hitherto been treating, were only regarded as a division of the army; they did not form a distinct class or ordo in the constitution. The community, in a political point of view, was only divided into patricians and plebeians; and the equestrian centuries were composed of both. But in the year B. C. 123, a new class, called the Ordo Equestris, was formed in the state by the Lex Sempronia, which was introduced by C. Gracchus. By this law all the judices had to be chosen from those citizens who possessed an equestrian fortune. (Plut. *C. Gracch.* 5; Appian, *De Bell. Civ.* i. 22; Tac. *Ann.* xii. 60.) We know very little respecting the provisions of this law; but it appears from the Lex Servilia repetundarum, passed eighteen years afterwards, that every person who was to be chosen judex was required to be above thirty and under sixty years of age, to have either an equus publicus or to be qualified by his fortune to possess one, and *not* to be a senator. The number of judices, who were required yearly, was chosen from this class by the praetor urbanus. (Klenze, *Lex Servilia*, Berl. 1825.)

As the name of equites had been originally extended from those who possessed the public horses to those who served with their own horses, it now came to be applied to all those persons who were qualified by their fortune to act as judices, in which sense the word is usually used by Cicero. Pliny (*H. N.* xxxiii. 7) indeed says that those persons who possessed the equestrian fortune, but did not serve as equites, were only called *judices*, and that the name of *equites* was always confined to the possessors of the equi publici. This may have been the correct use of the term; but custom soon gave the name of equites to the judices chosen in accordance with the Lex Sempronia.

After the reform of Sulla, which entirely deprived the equestrian order of the right of being chosen as judices, and the passing of the Lex Aurelia (B. C. 70), which ordained that the judices should be chosen from the senators, equites, and tribuni aerarii, the influence of the order, says Pliny, was still maintained by the publicani (Plin. *H. N.* xxxiii. 8), or farmers of the public taxes. We find that the publicani were almost always called equites, not because any particular rank was necessary in order to obtain from the state the farming of the taxes, but because the state naturally would not let them to any one who did not possess a considerable fortune. Thus the publicani are frequently spoken of by Cicero as identical with the equestrian order (*Ad Att.* ii. 1. § 8). [Publicani.] The consulship of Cicero and the active part which the knights then took in suppressing the conspiracy of Catiline, tended still further to increase the power and influence of the equestrian order; and "from that time," says Pliny (*l. c.*), "it became a third body (*corpus*) in the state, and, to the title of *Senatus Populusque Romanus*, there began to be added *Et Equestris Ordo*."

In B. C. 63, a distinction was conferred upon them, which tended to separate them still further from the plebs. By the Lex Roscia Othonis, passed in that year, the first fourteen seats in the theatre behind the orchestra were given to the equites (Liv. *Epit.* 99); which, according to Cicero (*pro Mur.* 19) and Velleius Paterculus (ii. 32), was only a restoration of an ancient privilege; which is alluded to by Livy (i. 35), when he says that special seats were set apart in the Circus Maximus for the senators and equites. They also possessed the right of wearing the Clavus Angustus [Clavus]; and subsequently obtained the privilege of wearing a gold ring, which was originally confined to the equites equo publico.

The number of equites increased greatly under the early emperors, and all persons were admitted into the order, provided they possessed the requisite property, without any inquiry into their character or into the free birth of their father and grandfather, which had always been required by the censors under the republic. Property became now the only qualification; and the order in consequence gradually began to lose all the consideration which it had acquired during the later times of the republic. Thus Horace (*Ep.* i. 1. 58) says, with no small degree of contempt,—

> Si quadringentis sex septem milia desunt,
> Plebs eris.

Augustus formed a select class of equites, consisting of those equites who possessed the property of a senator, and the old requirement of free birth up to the grandfather. He permitted this class to wear the *latus clavus* (Ovid. *Trist.* iv. 10. 35); and also allowed the tribunes of the plebs to be chosen from them, as well as the senators, and gave them the option at the termination of their office to remain in the senate or return to the equestrian order. (Suet. *Aug.* 40; Dion Cass. liv. 30.) This class of knights was distinguished by the special title *illustres* (sometimes *insignes* and *splendidi*) *equites Romani*. (Tacit. *Ann.* xi. 4, with the note of Lipsius.)

The formation of this distinct class tended to lower the others still more in public estimation. In the ninth year of the reign of Tiberius an attempt was made to improve the order by requiring the old qualifications of free birth up to the grandfather, and by strictly forbidding any one to wear the gold ring unless he possessed this qualification. This regulation, however, was of little avail, as the emperors frequently admitted freedmen into the equestrian order. (Plin. *H. N.* xxxiii. 8.) When private persons were no longer appointed judices, the necessity for a distinct class in the community, like the equestrian order, ceased entirely; and the gold ring came at length to be worn by all free citizens. Even slaves, after their manumission, were allowed to wear it by special permission from the emperor, which appears to have been usually granted provided the patronus consented. (Dig. 40. tit. 10. s. 3.) [Annulus.]

Having thus traced the history of the equestrian order to its final extinction as a distinct class in the community, we must now return to the equites equo publico, who formed the eighteen equestrian centuries. This class still existed during the latter years of the republic, but had entirely ceased to serve as horse-soldiers in the army. The cavalry of the Roman legions no longer consisted, as in the time of Polybius, of Roman equites, but their place was supplied by the cavalry of the allied states. It is evident that Caesar in his Gallic wars possessed no Roman cavalry. (Caes. *Bell. Gall.* i. 15.) When he went to an interview with Ariovistus, and was obliged to take cavalry with him, we are told that he did not dare to trust his safety to the Gallic cavalry, and therefore mounted his legionary soldiers upon their horses. (Id. i. 42.) The Roman equites are, however, frequently mentioned in the Gallic and civil wars, but never as common soldiers; they were officers attached to the staff of the general, or commanded the cavalry of the allies, or sometimes the legions. (Id. vii. 70; *Bell. Civ.* i. 77, iii. 71, &c.)

After the year B. C. 50, there were no censors in the state, and it would therefore follow that for some years no review of the body took place, and that the vacancies were not filled up. When Augustus however took upon himself, in B. C. 29, the praefectura morum, he frequently reviewed the troops of equites, and restored, according to Suetonius (*Aug.* 38), the long-neglected custom of the solemn procession (*transvectio*); by which we are probably to understand that Augustus connected the review of the knights (*recognitio*) with the annual procession (*transvectio*) of the 15th of July. From this time these equites formed an honourable corps, from which all the higher officers in the army (Suet. *Aug.* 38, *Claud.* 25) and the chief magistrates in the state were chosen. Admission into this body was equivalent to an introduction into public life, and was therefore esteemed a great privilege; whence we find it recorded in inscriptions that such a person was *equo publico honoratus, exornatus*, &c. by the emperor. (Orelli, *Inscrip.* No. 3457, 313, 1229.) If a young man was not admitted into this body, he was excluded from all civil offices of any importance, except in municipal towns; and also from all rank in the army, with the exception of centurion.

All those equites who were not employed in actual service were obliged to reside at Rome (Dion Cass. lix. 9), where they were allowed to fill the lower magistracies, which entitled a person to admission into the senate. They were divided into six turmae, each of which was commanded by an officer, who is frequently mentioned in inscriptions as *Sevir equitum Rom. turmae* I. II. &c., or commonly *Sevir turmae* or *Sevir turmarum equitum Romanorum*. From the time that the equites bestowed the title of *principes juventutis* upon Caius and Lucius Caesar, the grandsons of Augustus (Tacit. *Ann.* i. 3; Monum. Ancyr.), it became the custom to confer this title, as well as that of Sevir, upon the probable successor to the throne, when he first entered into public life and was presented with an equus publicus. (Capitol. *M. Anton. Phil.* 6; Lamprid. *Commod.* 1.)

The practice of filling all the higher offices in the state from these equites appears to have continued as long as Rome was the centre of the government and the residence of the emperor. They are mentioned in the time of Severus (Gruter, *Inscrip.* p. 1001. 5; Papinian, in Dig. 29. tit. 1. s. 43), and of Caracalla (Gruter, p. 379. 7); and perhaps later. After the time of Diocletian, the equites became only a city guard, under the command of the Praefectus Vigilum; but they still retained in the time of Valentinianus and Valens, A. D. 364, the second rank in the city, and were not subject to corporal punishment. (Cod. Theodos. 6. tit. 36.) Respecting the *Magister Equitum*, see Dictator.

(Zumpt, *Ueber die Römischen Ritter und den Ritterstand in Rom*, Berlin, 1840; Marquardt, *Historiae Equitum Romanorum libri IV*. Berlin, 1840; Madvig, *De Loco Ciceronis in lib.* iv. *de Republica*, in *Opuscula*, vol. i. p. 72, &c.; Becker *Handbuch der Römischen Alterthümer*, vol. ii. part i. p. 235, &c.)

EQUULEUS or **ECULEUS**, an instrument of torture, which is supposed to have been so called because it was in the form of a horse. We have no description of its form given by any of the ancient writers, but it appears not to have differed greatly from the crux. (Cic. *Pro Mil.* 21, compared with *certa crux*, c. 22.) It appears to have been commonly used at Rome in taking the evidence of slaves. (See Sigonius, *De Judiciis*, iii. 17; Magius, *De Equuleo*, in Salengre's *Nov. Thesaur. Ant. Rom.* vol. ii. p. 1211, &c.)

EQUUS OCTOBER. [Palilia.]

E'RANI (*ἔρανοι*), were clubs or societies, established for charitable or convivial purposes, or for both. They were very common at Athens, and suited the temper of the people, who were both social and generous. The term *ἔρανος*, in the sense of a convivial party, is of ancient date. (Hom. *Od.* i. 226.) It resembled our picnics, or the German *pikeniks*, and was also called *δεῖπνον ἀπὸ σπυρίδος* or *ἀπὸ συμβολῶν*: where every guest brought his own dish, or (to save trouble) one was deputed to cater for the rest, and was afterwards repaid by contributions. [Coena, p. 304, b.] The clubs that were formed at Athens used to dine together at stated periods, as once a month; and every member was bound to pay his subscription, which (as well as the society itself) was called *ἔρανος*, and the members *ἐρανισταί*. If any member failed to pay, the sum was made up by the president, *ἐρανάρχης*, also called *πληρωτὴς ἐράνου*, who afterwards recovered it, if he could, from the defaulter. *Πληροῦν ἔρανον* often means simply, to pay the subscription, as *λείπειν* or *ἐκλείπειν*, to make default. (Dem. *c. Aphob.* p. 821, *c. Mid.* p. 547, *c. Aristog.* p. 776.)

There were also associations under this name, for the purpose of mutual relief, resembling in some degree our friendly or benefit societies; but with this essential difference, that the relief which they afforded was not (as it is with us) based upon any calculation of natural contingencies, but was given *pro re nata*, to such poor members as stood in need of it. The Athenian societies do not appear to have kept up a common fund by regular subscriptions, though it is probable that the sum which each member was expected to advance, in case of need, was pretty well understood. If a man was reduced to poverty, or in distress for money for any cause, he applied to the members of his club for assistance; this was called *συλλέγειν ἔρανον*: those who advanced it were said *ἐρανίζειν αὐτῷ*: the relief was considered as a loan, repayable by the borrower when in better circumstances. Isaeus (*De Hagn. Hered.* p. 294) reckons among the assets of a person, *ἐξ ἐράνων ὀφελήματα εἰσπεπραγμένα*, from which we may infer, that each contributor was entitled to recover the sum he had lent. For the recovery of such loans, and for the decision of other disputes, there were *ἐρανικαὶ δίκαι*, in which a summary and equitable kind of justice was administered. Plato (*Leg.* xi. p. 915) disapproved of lawsuits in such matters, and would not allow them in his republic.

Salmasius contends that wherever the term *ἔρανος* is applied to an established society, it means only a convivial club, and that there were no regular associations for the purposes of charity; but others have held a different opinion. (See Salmas. *De Usuris*, c. 3, *Obs. ad Jus Att. et Rom.* and Herald. *Animadv. in Salmas.*, referred to in Meier's *Att. Proc.* p. 540.) It is not probable that many permanent societies were formed with the sole view of feasting. We know that at Athens, as well as in the other Grecian republics, there were clubs for various purposes, political as well as social: the members of which would naturally meet, and dine together at certain periods. Such were the religious companies (*θίασοι*), the commercial (*ἐμπορικαί*), and some others. (Böckh, *Pol. Econ. of Athens*, p. 245, 2nd ed.) Unions of this kind were called by the general name of *ἑταιρίαι*, and were often converted to mischievous ends, such as bribery, overawing the public assembly, or influencing courts of justice. (Thuc. iii. 82; Dem. *De Coron.* p. 329; Thirlwall, *Gr. Hist.* vol. iv. p. 36.) In the days of the Roman empire friendly societies, under the name of *ἔρανοι*, were frequent among the Greek cities, but were looked on with suspicion by the emperors as leading to political combinations. (Plin. *Ep.* x. 93, 94.) The *gilds*, or fraternities for mutual aid, among the ancient Saxons, resembled the ἔρανοι of the Greeks. (Turner's *Hist. of the Anglo-Saxons*, iv. 10.) Compare also the ἀγαπαί, or love-feasts of the early Christians.

The word ἔρανος is often used metaphorically, to signify any contributions or friendly advance of money. [C. R. K.]

ERGA'STULUM was a private prison attached to most Roman farms, called *carcer rusticus* by Juvenal (xiv. 24), where the slaves were made to work in chains. It appears to have been usually under ground, and according to Columella (i. 6) ought to be lighted by narrow windows, which should be too high from the ground to be touched by the hand. The slaves confined in an ergastulum were also employed to cultivate the fields in chains. (Plin. *H. N.* xviii. 7. § 4 ; Flor. iii. 19.) Slaves who had displeased their masters were punished by imprisonment in the ergastulum ; and in the same place all slaves who could not be depended upon or were barbarous in their habits, were regularly kept. A trustworthy slave had the care of the ergastulum, and was therefore called *ergastularius*. (Colum. i. 8.) According to Plutarch (*Tib. Gracch.* 8), these prisons arose in consequence of the conquest of Italy by the Romans, and the great number of barbarous slaves who were employed to cultivate the conquered lands. In the time of Hadrian and Antoninus, many enactments were made to ameliorate the condition of slaves ; and among other salutary measures, Hadrian abolished the ergastula, which must have been liable to great abuse in the hands of tyrannical masters. (Spart. *Hadrian*, 18, compared with Gaius, i. 53.) For further information on the subject, see Brissonius, *Antiq. Select.* ii. 9 ; Lipsius, *Elect.* ii. 15, Opera, vol. i. p. 317, &c. ; Gottling, *Gesch. der Röm. Staatsv.* p. 135.

ERI'CIUS, a military engine full of sharp spikes, which was placed by the gate of the camp to prevent the approach of the enemy. (Caes. *B. C.* iii. 67 ; Sallust, *apud Non.* xviii. 16 ; Lipsius, *Poliorcet.* v. 4.)

EROGA'TIO. [Aquaeductus, p. 115, a.]

ERO'TIA or EROTI'DIA (ἐρώτια or ἐρωτίδια), the most solemn of all the festivals celebrated in the Boeotian town of Thespiae. It took place every fifth year, and in honour of Eros, the principal divinity of the Thespians. Respecting the particulars nothing is known, except that it was solemnised with contests in music and gymnastics. (Plut. *Amat.* 1 ; Paus. ix. 31. § 3 ; Athen. xiii. p. 561.) The worship of Eros seems to have been established at Thespiae from the earliest times ; and the ancient symbolic representation of the god, a rude stone (ἀργὸς λίθος), continued to be looked upon with particular reverence even when sculpture had attained the highest degree of perfection among the Greeks. (Paus. ix. 27. § 1 ; compare Schol. ad Pind. *Olymp.* vii. 154 ; Ritschl, in the *Rhein. Mus.* vol. ii. p. 106.) [L. S.]

ERRHEPHO'RIA or ERSEPHO'RIA (ἐῤῥηφόρια or ἐρσηφόρια.) [Arrephoria.]

ESCHARA (ἐσχάρα). [Focus.]

E'SSEDA or E'SSEDUM (from the Celtic *Ess*, a carriage, Ginzrot, vol. i. p. 377), the name of a chariot used, especially in war, by the Britons, the Gauls and Belgae (Virg. *Georg.* iii. 204 ; Servius, *ad loc.*) ; and also by the Germans (Pers. vi. 47).

According to the account given by Caesar (*Bell. Gall.* iv. 33), and agreeably to the remarks of Diodorus Siculus (v. 21, 29), the method of using the essedum in the ancient British army was very similar to the practice of the Greeks in the heroic ages, as described by Homer, and in the article Currus. The principal difference seems to have been that the essedum was stronger and more ponderous than the δίφρος, that it was open before instead of behind ; and that in consequence of these circumstances and the width of the pole, the owner was able, whenever he pleased, to run along the pole (*de temone Britanno excidet*, Juv. iv. 125), and even to raise himself upon the yoke, and then to retreat with the greatest speed into the body of the car, which he drove with extraordinary swiftness and skill. From the extremity of the pole, he threw his missiles, especially the *cateia* (Val. Flacc. *Argon.* vi. 83). It appears also that these cars were purposely made as noisy as possible, probably by the creaking and clanging of the wheels (*strepitu rotarum*, Caes. *l. c.* ; compare Tacit. *Agric.* 35 ; *Esseda multisonora*, Claud. *Epig.* iv.) ; and that this was done in order to strike dismay into the enemy. The formidable British warriors who drove these chariots, the "car-borne" of Ossian, were called in Latin *Essedarii*. (Caes. *B. G.* iv. 24 ; Cic. *ad Fam.* vii. 6.) There were about 4000 of them in the army of Cassibelaunus. (Caes. *B. G.* v. 19.) Having been captured, they were sometimes exhibited in the gladiatorial shows at Rome, and seem to have been great favourites with the people. (Sueton. *Calig.* 35, *Claud.* 21.) They must have held the highest rank in the armies of their own country ; and Tacitus (*Agric.* 12) observes that the driver of the car ranked above his fighting companion, which was the reverse of the Greek usage.

The essedum was adopted for purposes of convenience and luxury among the Romans. (Propert. ii. 1. 76 ; Cic. *ad Att.* vi. 1 ; Ovid. *Am.* ii. 16, 49.) Cicero (*Phil.* ii. 24) mentions the use of it on one occasion by the tribune of the people as a piece of extravagance ; but in the time of Seneca, it seems to have been much more common ; for he (*Epist.* 57) reckons the sound of the "essedae transcurrentes" among those noises which did not distract him. As used by the Romans, the essedum may have differed from the cisium in this ; that the cisium was drawn by one horse (see woodcut, p. 288), the essedum always by a pair. The essedum, like the cisium, appears to have been kept for hire at the post-houses or stations (*Salonem quinto essedo videbis*, Mart. x. 104.) [Mansio.] The essedum must have been similar to the Covinus, except that the latter had a cover. [J. Y.]

ESSEDA'RII. [Esseda.]

EVI'CTIO. If the purchaser of a thing was deprived of it by a third person by legal process (*evicted*), the seller was bound to make good the loss (*evictionem praestare*). If the seller knew that he was selling what was not his own, this was a case of dolus, and he was bound in case of eviction to make good to the purchaser all loss and damage that he sustained. If there was no dolus on the part of the seller, he was simply bound to make good to the purchaser the value of the thing at the time of eviction. It was necessary for the purchaser to neglect no proper means of defence, when an attempt was made to evict him ; and it was his duty to give the seller notice of the adverse claim (*litem denunciare*), and to pray his aid in defence of the action. The stipulatio duplae was usual among the Romans; and, in such case, if the purchaser was evicted from the whole thing, he might by virtue of his agreement demand from the seller double its value. (Dig. 21. tit. 2, De evictionibus et duplae stipulatione; Mackeldey, *Lehrbuch*, &c., § 370, 12th ed.) [G. L.]

EUMO'LPIDAE (εὐμολπίδαι), the most distinguished and venerable among the priestly families in Attica. They were devoted to the service of Demeter at Athens and Eleusis, and were said to be the descendants of the Thracian bard Eumolpus, who, according to some legends, had introduced the Eleusinian mysteries into Attica. (Diod. Sic. i. 29; Apollod. iii. 15. § 4; Demosth. *c. Neaer.* p. 1384.) The high priest of the Eleusinian goddess (*ἱεροφάντης* or *μυσταγωγός*), who conducted the celebration of her mysteries and the initiation of the mystae, was always a member of the family of the Eumolpidae, as Eumolpus himself was believed to have been the first hierophant. (Hesych. s. v. Εὐμολπίδαι: Tacit. *Hist.* iv. 83; Arnob., v. 25; Clemens Alex. *Protrept.* p. 16, &c.) In his external appearance the hierophant was distinguished by a peculiar cut of his hair, a kind of diadem (*στρόφιον*), and a long purple robe. (Arrian. *in Epictet.* iii. 21; Plut. *Alcib.* 22.) In his voice he seems always to have affected a solemn tone suited to the sacred character of his office, which he held for life, and which obliged him to remain unmarried. (Paus. ii. 14. § 1.) The hierophant was attended by four *ἐπιμεληταί*, one of whom likewise belonged to the family of the Eumolpidae. (Harpocrat. and Suidas, *s. v.* Ἐπιμεληταὶ τῶν μυστηρίων.) Other members of their family do not seem to have had any particular functions at the Eleusinia, though they undoubtedly took part in the great procession to Eleusis. The Eumolpidae had on certain occasions to offer up prayers for the welfare of the state, and in case of neglect they might be taken to account and punished; for they were, like all other priests and magistrates, responsible for their conduct, and for the sacred treasures entrusted to their care. (Aeschin. *c. Ctesiph.* p. 56, Steph.; compare EUTHYNAE.)

The Eumolpidae had also judicial power in cases where religion was violated (*περὶ ἀσεβείας*, Demosth. *c. Androt.* p. 601). This power probably belonged to this family from the earliest times, and Solon as well as Pericles do not seem to have made any alteration in this respect. Whether this religious court acted independent of the archon king, or under his guidance, is uncertain. The law according to which they pronounced their sentence, and of which they had the exclusive possession, was not written, but handed down by tradition; and the Eumolpidae alone had the right to interpret it, whence they are sometimes called *ἐξηγηταί*. [EXEGETAE.] In cases for which the law had made no provisions, they acted according to their own discretion. (Lysias, *c. Andocid.* p. 204; Andocid. *De Myst.* p. 57.) Respecting the mode of proceeding in these religious courts nothing is known. (Heffter, *Athen. Gerichtsverf.* p. 405, &c.; Platner, *Process*, ii. p. 147, &c.) In some cases, when a person was convicted of gross violation of the public institutions of his country, the people, besides sending the offender into exile, added a clause in their verdict that a curse should be pronounced upon him by the Eumolpidae. (Plut. *Alcib.* 22; Corn. Nep. *Alcib.* 4, 5.) But the Eumolpidae could pronounce such a curse only at the command of the people, and might afterwards be compelled by the people to revoke it and purify the person whom they had cursed before. (Plut. *Alcib.* 33; Corn. Nep. *Alcib.* 6. 5.) [L. S.]

EVOCA'TI, were soldiers in the Roman army, who had served out their time and obtained their discharge (*missio*), but had voluntarily enlisted again at the invitation of the consul or other commander. (Dion Cass. xlv. 12.) There appears always to have been a considerable number of evocati in every army of importance; and when the general was a favourite among the soldiers, the number of veterans who joined his standard would of course be increased. The evocati were, doubtless, released, like the vexillarii, from the common military duties of fortifying the camp, making roads, &c. (Tacit. *Ann.* i. 36), and held a higher rank in the army than the common legionary soldiers. They are sometimes spoken of in conjunction with the equites Romani (Caes. *Bell. Gall.* vii. 65), and sometimes classed with the centurions. (Caes. *Bell. Civ.* i. 17.) They appear to have been frequently promoted to the rank of centurions. Thus Pompey induced a great many of the veterans, who had served under him in former years, to join his standard at the breaking out of the civil war, by the promise of rewards and the command of centuries (*ordinum*, Caes. *Bell. Civ.* i. 3). All the evocati could not, however, have held the rank of centurions, as we read of two thousand on one occasion (*Ib.* iii. 88), and of their belonging to certain cohorts in the army. Cicero (*ad Fam.* iii. 6. § 5) speaks of a *Praefectus evocatorum.* (See Cic. *ad Fam.* xv. 4. § 3; Caes. *Bell. Civ.* iii. 91; Suet. *Aug.* 56; Lipsius, *De Milit. Rom.* i. 8.)

The name of evocati was also given to a select body of young men of the equestrian order, who were appointed by Domitian to guard his bedchamber. (Suet. *Dom.* 10.) This body is supposed by some writers to have existed under the succeeding emperors, and to have been the same as those who are called *Evocati Augusti.* (Hyginus, *de Lim.* p. 209; Orelli, *Inscrip.* No. 3495, 153.)

EUPA'TRIDAE (εὐπατρίδαι), *i.e.* descended from noble ancestors, is the name by which in early times the nobility of Attica was designated. Who the Eupatridae originally were has been the subject of much dispute; but the opinion now almost universally adopted is, that they were the noble Ionic or Hellenic families who at the time of the Ionian migration settled in Attica, and there exercised the power and influence of an aristocracy of warriors and conquerors, possessing the best parts of the land, and commanding the services of a numerous class of dependents. (Thirlwall, *Hist. of Greece*, vol. i. p. 115, &c.; Wachsmuth, vol. i. p. 361, &c., 2d ed.) The chiefs who are mentioned as kings of the several Attic towns, before the organisation of the country ascribed to Theseus, belonged to the highest or ruling class of the Eupatridae; and when Theseus made Athens the seat of government for the whole country, it must have been chiefly these nobles of the highest rank, that left their former residences and migrated to Athens, where, after Theseus had given up his royal prerogatives and divided them among the nobles, they occupied a station similar to that which they had previously held in their several districts of Attica. Other Eupatridae, however, who either were not of the highest rank, or were less desirous to exercise any direct influence upon the government, remained in their former places of residence. (Thirlwall, vol. ii. p. 8.) In the division of the inhabitants of Attica into three classes, which is ascribed to Theseus, the Eupatridae were the first class (Plut. *Thes.* 25), and thus formed a compact order of nobles, united by their interests, rights, and privileges. The first, or at least the most ambitious among them, undoubtedly resided at Athens, where they enjoyed nearly the same privileges as they had before the union in the separate townships of Attica. They were in the exclusive possession of all the civil and religious offices in the state, regulated the affairs of religion, and interpreted the laws human and divine. (Müller, *Dor.* ii. 2. § 15.) The king was thus only the first among his equals, being distinguished from them only by the duration of his office (Schömann, *De Comit.* p. 4, transl.); and the four kings of the phylae (*φυλοβασιλεῖς*), who were chosen from the Eupatridae, were more his colleagues than his counsellors. (Pollux, viii. 111.) The kingly power was in a state of great weakness; and, while the overbearing influence of the nobles, on the one hand, naturally tended gradually to abolish it altogether, and to establish a purely aristocratical government in its stead (Hermann, *Pol. Ant. of Greece*, § 102), it produced, on the other hand, effects which threatened its own existence, and at last led to the entire overthrow of the hereditary aristocracy as an order: for the commonalty, which had likewise gained in strength by the union of all the Attic townships, soon began to feel the oppression of the aristocracy, which in Attica produced nearly the same effects as that of the patricians at Rome. The legislation of Draco seems to have arisen out of the growing discontent of the commonalty with the oppressive rule of the nobles (Thirlwall, vol. ii. p. 18, &c.); but his attempts to remedy the evil were more calculated to intimidate the people than to satisfy them, and could consequently not have any lasting results. The disturbances which, some years after, arose from the attempt of Cylon, one of the Eupatridae, who tried to overthrow the aristocratical government and establish himself as tyrant, at length led to the legislation of Solon, by which the political power and influence of the Eupatridae as an order was broken, and property instead of birth was made the standard of political rights. (Aristot. *Polit.* ii. 9; Dionys. Hal. *Ant. Rom.* ii. 8; Aelian, *V. H.* v. 13.) But as Solon, like all ancient legislators, abstained from abolishing any of the religious institutions, those families of the Eupatridae in which certain priestly offices and functions were hereditary, retained these distinctions down to a very late period of Grecian history. (Compare Schömann, *Antiq. Jur. publ. Graec.* p. 167, &c., and p. 77, &c.) [L. S.]

EURI'PUS. [AMPHITHEATRUM, p. 88, b.]

EUSTYLOS. [TEMPLUM.]

EUTHY'NE and EUTHY'NI (*εὐθύνη*, *εὔθυνοι*). All public officers at Athens, especially generals, ambassadors, the archons and their assessors, the diaetetae, priests and priestesses (Aeschin. *c. Ctesiph.* p. 56. Steph.), the secretaries of the state (Lysias, *c. Nicomach.*), the superintendents of public buildings, the trierarchs, and even the senate of the Five Hundred and the members of the Areiopagus, were accountable for their conduct and the manner in which they acquitted themselves of their official duties. The judges in the popular courts seem to have been the only authorities who were not responsible (Aristoph. *Vesp.* 546; Hudtwalcker, *Von den Diaetet.* p. 32); for they were themselves the representatives of the people, and would therefore, in theory, have been responsible to themselves. This account, which officers had to give after the time of their office was over, was called *εὐθύνη*: and the officers subject to it, *ὑπεύθυνοι*. Every public officer had to render his account within thirty days after the expiration of his office (Harpocrat. Phot. and Suid. *s. v.* *Λογισταί* and *Εὔθυνοι*); and as long as this duty was not fulfilled, the whole property of the ex-officer was in bondage to the state (Aeschin. *c. Ctesiph.* p. 56. Steph.): he was not allowed to travel beyond the frontiers of Attica, to consecrate any part of his property as a donarium to the gods, to make his will, or to pass from one family into another by adoption; no public honours or rewards, and no new office could be given to him. (Aeschin. and Demosth. *De Coron.* and *c. Tim.* p. 747.) If within the stated period an officer did not send in his account, an action, called *ἀλογίου* or *ἀλογίας δίκη*, was brought against him. (Pollux, viii. 54; Hesych. Suid. Etym. Mag. *s. v.* *Ἀλογίου δίκη*.) At the time when an officer submitted to the *εὐθύνη*, any citizen had the right to come forward and impeach him. Those who, after having refused to submit to the *εὐθύνη*, also disobeyed the summons to defend themselves before a court of justice, thereby forfeited their rights as citizens. (Demosth. *c. Mid.* p. 542.)

It will appear from the list of officers subject to the euthyne, that it was not confined to those whose office was connected with the administration of the public money, or any part of it; but in many cases it was only an inquiry into the manner in which a person had behaved himself in the discharge of his official duties. In the former case the scrutiny was conducted with great strictness, as the state had various means to check and control the proceedings of its officers; in the latter, the euthyne may in many instances have been no more than a personal attendance of the ex-officer before the representatives of the people, to see whether any charge was brought against him. When no accuser appeared, the officer was honourably dismissed (*ἐπισημαίνεσθαι*, Demosth. *De Coron.* p. 310). After an officer had gone through the euthyne, he became *ἀνεύθυνος*. (Pollux, viii. 54.)

The officers before whom the accounts were given were in some places called *εὔθυνοι* or *λογισταί*, in others *ἐξετασταί* or *συνήγοροι*. (Aristot. *Polit.* vi. 5. p. 213, ed. Goettling.) At Athens we meet with the first two of these names, and both are mostly mentioned together; but how far their functions differed is very uncertain. Some grammarians (Etymol. Magn. and Phot. *s. v.* *Εὔθυνοι*) state that *λογισταί* was the name of the same officers who were formerly called *εὔθυνοι*. But from the manner in which the Greek orators speak of them, it can scarcely be doubted that their functions were distinct. From the authorities referred to by Böckh (*Publ. Econ.* p. 190, &c. 2d ed. compare the *Rhein. Mus.* 1827, vol. i. p. 72, &c.), it seems, moreover, clear that the office of the *λογισταί*, though closely connected with that of the *εὔθυνοι*, was of greater extent than that of the latter, who appear rather to have been the assessors of the former, than a totally distinct class of officers, as will be seen hereafter. All accounts of those officers who had anything to do with the public money were, after the expiration of their office, first sent in to the *λογισταί*, who examined them, and if any difficulty or incorrectness was discovered, or if charges were brought against an ex-officer within the period of 30 days, the further inquiry devolved upon the *εὔθυνοι*, before whom the officer was obliged to appear and plead his cause. (Hermann, *Polit. Antiq. of Greece*, § 154. 8.) If the *εὔθυνοι* found that the accounts were unsatisfactory, that the officer had embezzled part of the public money, that he had accepted bribes, or that charges brought against him were well founded, they referred the case to a court of justice, for which the *λογισταί* appointed the judges by lot, and in this court their herald proclaimed the question who would come forward as accuser. (Aeschin. c. *Ctesiph.* p. 57, ed. Steph.; Etymol. Magn. *s. v.* *Εὔθυνα*; Bekker, *Anecdot.* p. 245. 6.) The place where the court was held was the same as that to which ex-officers sent their accounts to be examined by the *λογισταί*, and was called *λογιστήριον*. (Andocid. *De Myst.* p. 37; Lys. *c. Polystrat.* p. 672.) It can scarcely be doubted that the *εὔθυνοι* took an active part in the trials of the *λογιστήριον*: but whether they acted only as the assessors of the *λογισταί*, or whether they, as Pollux states, exacted the embezzled sums and fines, instead of the practores, is uncertain. The number of the *εὔθυνοι*, as well as that of the *λογισταί*, was ten, one being taken from every tribe. (Phot. *s. v.* *Εὔθυνος*, and Harpocrat. *s. v.* *Λογισταί*.) The *λογισταί* were appointed by the senate, and chosen by lot; whether the *εὔθυνοι* were likewise chosen by lot is uncertain, for Photius uses an expression derived from *κλῆρος* (lot), while Pollux (viii. 99) states that the *εὔθυνοι προσαιροῦνται*, scil. *τοῖς λογισταῖς*, according to which they were like the assessors of the archons; the latter account, however, seems to be more consistent and more probable. Every *εὔθυνος* had two assessors (*πάρεδροι*). (See Böckh, *Publ. Econ.* *l. c.*; Titmann, *Griech. Staatsv.* p. 323, &c.; Hermann, *Polit. Antiq. of Greece*, § 154; Schömann, *Antiq. Jur. publ. Graec.* p. 239, &c.)

The first traces of this truly democratic institution are generally found in the establishment of the archonship (*ἀρχὴ ὑπεύθυνος*) instead of the kingly power, by the Attic nobles (Paus. iv. 5. 4). It was from this state of dependence of the first magistrates upon the order of the nobles that, in the course of time, the regular euthyne arose. Similar institutions were established in several other republics of Greece. (Arist. *Polit.* vi. 5; Wachsmuth, *Hellen. Alterth.* i. p. 419, &c. 2d. ed.) [L.S.]

EXAGO'GES DIKE' (*ἐξαγωγῆς δίκη*), a suit of a public nature, which might be instituted against one, who, assuming to act as the protector (*κύριος*) of an Athenian woman, married her to a foreigner in a foreign land. This was contrary to law, intermarriage with aliens being (as a general rule) prohibited. In the speech of Demosthenes against Timocrates (p. 763), he is charged with having sold his sister to a Corcyrean, on pretence of giving her in marriage. (Meier, *Att. Proc.* p. 350.) [C. R. K.]

EXAIRE'SEOS DIKE' (*ἐξαιρέσεως δίκη*), was an action brought to recover damages for the attempt to deprive the plaintiff of his slave; not where the defendant claimed a property in the slave, but where he asserted him to be a freeman. As the condition of slavery at Athens incapacitated a man to take any legal step in his own person, if a reputed slave wished to recover his rights as a freeman, he could only do it by the assistance of one who was himself a freeman. He then put himself under the protection of such a person, who was said *ἐξαιρεῖσθαι* or *ἀφαιρεῖσθαι αὐτὸν εἰς ἐλευθερίαν*, *in libertatem vindicare*. If the master sought to reclaim him, he proceeded to take manual possession, *ἄγειν αὐτὸν εἰς δουλείαν*. A runaway slave might at any time be seized by his master, either in the open street or elsewhere, except in a sanctuary. If the friend or person who harboured the slave meant to contest the master's right, the proper course was to go with him before the magistrate, and give security for the value of the slave and costs, in case a court of law should decide against him. The magistrate who took cognizance of the cause was the archon, where a man claimed to be a citizen; the polemarch, where he claimed to be an alien freeman. It was the duty of the archon or polemarch to set the man at liberty *pendente lite*. In the suit that followed, the plaintiff had to prove his title to the ownership of the slave, and, if successful, obtained such compensation as the jury chose to award; this being a *τιμητὸς ἀγὼν*, and half of the *τίμημα* being given to the state. (Dem. *c. Theocr.* p. 1328.) A verdict for the plaintiff drew with it, as a necessary consequence, the adjudication of the ownership, and he would be entitled to take possession of his slave immediately: if, however, the slave had escaped in the meantime, and evidence of such fact were produced, the jury would probably take that into consideration in estimating the damages.

If the friend, in resisting the capture of the slave, had used actual violence, he was subject to a *δίκη βιαίων*. And if the *soi-disant* master had failed in the *ἐξ. δίκη*, the injured party might maintain an action against him for the attempted seizure. (Lys. *c. Pancl.* p. 734, &c., with Reiske's note; Dem. *c. Neaer.* p. 1358; Harpocr. *s. v.* *Ἐξαιρέσεως*, and *Ἄγει*; Meier, *Att. Proc.* p. 394.)

In a speech of Isocrates (*Trapez.* p. 361), the defendant, a banker, from whom it is sought to recover a deposit, is charged with having asserted the freedom of his own slave, in order to prevent his being examined by torture respecting the sum of money deposited in his hands. This is remarkable on two accounts: first (as Meier observes), because it seems to prove that one not the owner of the slave could bring the *ἐξ. δίκη*, if he had an interest in the matter; secondly, because it was optional with a man to give up his slave to the torture or not, the refusal being only matter of observation to the jury; and, therefore, it appears strange that any one should have recourse to a measure, the result of which (if successful) would be, to deprive him of his property. [C. R. K.]

EXAUCTORA'TIO. [EXERCITUS.]

EXAUGURA'TIO is the act of changing a sacred thing into a profane one, or of taking away from it the sacred character which it had received by inauguratio, consecratio, or dedicatio. That such an act was performed by the augurs, and never without consulting the pleasure of the gods by augurium, is implied in the name itself. (Liv. i. 55, v. 54; Dionys. Hal. *Antiq. Rom.* iii. p. 202, ed. Sylburg; Cato. *ap. Fest.* *s. v.* *Nequitium*.) Temples, chapels, and other consecrated places, as well as priests, were considered as belonging to the gods. No consecrated place whatever could be applied for any profane purpose, or dedicated to any other divinity than that to which it originally belonged, without being previously exaugurated; and priests could not give up their sacred functions, or (in case they were obliged to live in celibacy) enter into matrimony, without first undergoing the process of exauguratio. (Gellius, vi. 7. 4; Jul. Capitol. *M. Anton. Philos.* c. 4.) [L. S.]

EXCE'PTIO. [Actio.]

EXCU'BIAE. [Castra, p. 250.]

EXCUBITO'RES, which properly means watchmen or sentinels of any kind (Caes. *Bell. Gall.* vii. 69), was the name more particularly given to the soldiers of the cohort who guarded the palace of the Roman emperor. (Suet. *Ner.* 8, *Oth.* 6.) Their commanding officer was called *tribunus excubitor.* (Suet. *Claud.* 42, *Ner.* 9.) When the emperor went to an entertainment at the house of another person, the excubitores appear to have accompanied him, and to have kept guard as in his own palace. (Suet. *Oth.* 4.)

EXEDRA (ἐξέδρα), which properly signifies a seat out of doors, came to be used for a chamber furnished with seats, and opening into a portico, where people met to enjoy conversation; such as the room which Vitruvius describes as opening on to the peristyle of the *gynaeconitis* of a Greek house [Domus], and as the rooms attached to a gymnasium, which were used for the lectures and disputations of the rhetoricians and philosophers. [Gymnasium.] The former class of *exedrae* Vitruvius indeed calls by another name, namely παραστάς or παστάς, but the word ἐξέδρα occurs in Euripides (*Orest.* 1449) in this sense, and Pollux mentions the words ἐξέδραι and παστάδες as synonymous (vii. 122). In this sense the word might be translated *parlour.*

In old Greek the word λέσχη appears to have had a similar meaning; but the ordinary use of the word is for a larger and more public place of resort than the ἐξέδρα. [Lesche.]

Among the Romans the word had a wider meaning, answering to both the Greek terms, ἐξέδρα and λέσχη. Thus it is not only used to signify a chamber for ordinary resort and conversation in a private house, or in the public baths and gymnasia open to the sun and air, (Vitruv. v. 11; vii. 9; Cic. *Orat.* iii. 5, *De Nat. Deor.* i. 6; Varro, *R. R.* iii. 5; Ulpian, *Dig.* ix. tit. 3, leg. 5); but the word is even applied to the hall attached to the theatre of Pompey, which was used as a place of meeting by the senate. (Plut. *Brut.* 14, 17). The diminutive *exedrium* also occurs. (Cic. *ad Fam.* vii. 23.) [P. S.]

EXEGE'TAE (ἐξηγηταί, interpreters; on this and other meanings of the word see Rhunken, *ad Timaei Glossar.* p. 109, &c.), is the name of the Eumolpidae, by which they were designated as the interpreters of the laws relating to religion and of the sacred rites. (Demosth. *Euerg.* p. 1160.) [Eumolpidae.] They were thus at Athens the only class of persons who, in some measure, resembled the Roman jurists; but the laws, of which the ἐξηγηταί were the interpreters, were not written but handed down by tradition. Plutarch (*Thes.* 25) applies the term to the whole order of the Eupatridae, though properly speaking it belonged only to certain members of their order, *i. e.* the Eumolpidae. The Etymologicum Magn. (*s. v.*), in accordance with the etymological meaning of the word, states, that it was applied to any interpreter of laws, whether sacred or profane; but we know that at Athens the name was principally applied to three members of the family of the Eumolpidae (Suidas, *s. v.*), whose province it was to interpret the religious and ceremonial laws, the signs in the heavens, and the oracles; whence Cicero (*De Leg.* ii. 27) calls them *religionum interpretes.* (Compare Pollux, viii. 124 and 188; Plato, *Euthyphr.* p. 4, d.) They had also to perform the public and private expiatory sacrifices, and were never appointed without the sanction of the Delphic oracle, whence they were called Πυθόχρηστοι. (Timaeus, *Glossar. s. v.* Ἐξηγηταί: compare Meier, *De Bonis Damnat.* p. 7; Müller, *ad Aeschyl. Eumen.* p. 162, &c.)

The name ἐξηγητής was also applied to those persons who served as guides (cicerone) to the visitors in the most remarkable towns and places of Greece, who showed to strangers the curiosities of a place, and explained to them its history and antiquities. (Paus. i. 41. § 2.)

Respecting the ἐξηγητής of the laws of Lycurgus at Sparta, see Müller, *Dor.* iii. 11. 2. [L. S.]

EXERCITO'RIA ACTIO, was an action granted by the edict against the exercitor navis. By the term navis was understood any vessel, whether used for the navigation of rivers, lakes, or the sea. The exercitor navis is the person to whom all the ship's gains and earnings (*obventiones et reditus*) belong, whether he is the owner, or has hired the ship (*per aversionem*) from the owner for a time definite or indefinite. The magister navis is he who has the care and management of the ship, and was appointed (*praepositus*) by the exercitor. The exercitor was bound generally by the contracts of the magister, who was his agent, but with this limitation, that the contract of the magister must be with reference to furthering the object for which he was appointed; as, for instance, if he purchased things useful for the navigation of the ship, or entered into a contract or incurred expense for the ship's repairs, the exercitor was bound by such contract: the terms of the master's appointment (*praepositio*) accordingly determine the rights of third parties against the exercitor. If the magister, being appointed to manage the ship and to use it for a particular purpose, used it for a different purpose, his employer was not bound by the contract. If there were several magistri, without any partition of their duties (*non divisis officiis*), a contract with one was the same as a contract with all. If there were several exercitores, who appointed a magister either out of their own number or not, they were severally answerable (*in solidum*) for the contracts of the magister. The contracting party might have his action either against the exercitor or the magister, so long as the magister continued to be such.

A party might have an action ex delicto against an exercitor in respect of the act either of the magister or the sailors, but not on the contract of the sailors. If the magister substituted a person in his place, though he was forbidden to do so, the exercitor would still be bound by any proper contract of such person.

The term Nauta properly applies to all persons who are engaged in navigating a ship; but in the Praetor's Edict (Dig. 4. tit. 9. s. 1) the term Nauta means Exercitor (*qui navem exercet*).

(Dig. 14. tit. 1; Peckius, *in Titt. Dig. et Cod.*

ad Rem Nauticam pertinentes Comment.; Abbott on *Shipping*, Index, *Exercitor Navis.*) [G. L.]

EXE'RCITUS (*στρατός*), army. 1. Greek. The earliest notices which we possess of the military art among the Greeks are those contained in the Homeric poems. The unsettled state of society in the first ages of Greece, led to the early and general cultivation of the art of arms, which were habitually worn for defence, even when aggressive warfare was not intended. (Thuc. i. 6.) But the Homeric poems contain an exhibition of combined military operations in their earliest stage. Warlike undertakings before the time described in them can have been little else than predatory inroads (*βοηλασίαι*, *Il.* xi. 667). A collection of warriors exhibiting less of organisation and discipline than we see depicted in the Grecian troops before Troy, would hardly deserve the name of an army. The organisation which we see there, such as it was, arose, not from any studied, formative system, but naturally, out of the imperfect constitution of society in that age. Every freeman in those times was of course a soldier; but when all the members of a family were not needed to go upon an expedition under the command of their chieftain or king, those who were to go seem to have been selected by lot (*Il.* x. 418). As the confederated states, which are represented as taking part in the Trojan war, are united by scarcely any other bond than their participation in a common object, the different bodies of troops, led by their respective chieftains, are far from being united by a common discipline under the command-in-chief of Agamemnon. Each body obeys its own leader, and follows him to the conflict, or remains inactive, according as he chooses to mingle in the fight or not. Authority and obedience are regulated much more by the nature of the circumstances, or by the relative personal distinction of the chieftains, than by any law of military discipline. Agamemnon sometimes urges the chieftains to engage, not by commands, but by taunts (*Il.* iv. 338, &c. 368, &c.). Accordingly, nothing like the tactics or strategy of a regularly disciplined army is to be traced in the Homeric descriptions of battles. Each chieftain with his body of troops acts for himself, without reference to the movements of the rest, except as these furnish occasion for a vigorous attack, or, when hard pressed, call for assistance from the common feeling of brotherhood in arms. The wide interval which in the Homeric age separated the noble or chieftain from the common freeman, appears in as marked a manner in military, as in civil affairs. The former is distinguished by that superior skill and prowess in the use of his arms, which would naturally result from the constant practice of warlike exercises, for which his station gave him the leisure and the means. A single hero is able to put to flight a whole troop of common soldiers. The account of a battle consists almost entirely of descriptions of the single combats of the chiefs on both sides; and the fortune of the day, when not overruled by the intervention of the gods, is decided by the individual valour of these heroes. While the mass of the common soldiers were on foot, the chiefs rode in chariots [Currus], which usually contained two, one to drive and one to fight. In these they advanced against the antagonists whom they singled out for encounter, sometimes hurling their spears from their chariots, but more commonly alighting, as they drew near, and fighting on foot, making use of the chariot for pursuit or flight. The Greeks did not, like the ancient Britons and several nations of the East, use the chariot itself as an instrument of warfare. Cavalry was unknown at that time to the Greeks, and horsemanship but very rarely practised; the *ἱππῆες* of Homer are the chieftains who ride in chariots. These chiefs are drawn up in the front of the battle array (*Il.* iv. 297, *πρόμαχοι*, *προμάχεσθαι*); and frequently the foot soldiers seem to have done nothing but watch the single combats of their leaders, forming, in two opposite, parallel lines, something answering to a ring (*ἕρκος πολέμοιο*, *Il.* iv. 299) within which the more important single combats are fought. How they got the chariots out of the way when the foot soldiers came to close quarters (as in *Il.* iv. 427, &c.) is not described.

Though so little account is usually made of the common soldiers (*πρυλέες*, *Il.* xi. 49, xii. 77), Homer occasionally lays considerable stress on their orderly and compact array; Nestor and Menestheus are honourably distinguished by the epithet *κοσμήτορε λάων* (*Il.* ii. 553, iv. 293, &c.). The troops were naturally drawn up in separate bodies according to their different nations. It would appear to be rather a restoration of the old arrangement, than a new classification, when Nestor (*Il.* ii. 362) recommends Agamemnon to draw the troops up by tribes and phratries. Arranged in these natural divisions, the foot soldiers were drawn up in densely compacted bodies (*πυκιναὶ φάλαγγες*) shield close to shield,— helmet to helmet — man to man (*Il.* xiii. 130, xvi. 212, &c.). In these masses, though not usually commencing the attack, they frequently offer a powerful resistance, even to distinguished heroes (as Hector *Il.* xiii. 145, &c., comp. xvii. 267, 354, &c., xiii. 339), the dense array of their spears forming a barrier not easily broken through. The signal for advance or retreat was not given by instruments of any kind, but by the voice of the leader. A loud voice was consequently an important matter, and the epithet *βοὴν ἀγαθός* is common. The trumpet, however, was not absolutely unknown (*Il.* xviii. 219). Respecting the armour, offensive and defensive, see Arma.

Under the king or chieftain who commands his separate contingent we commonly find subordinate chiefs, who command smaller divisions. It is difficult to say whether it is altogether accidental or not, that these are frequently five in number. Thus the Myrmidons of Achilles are divided into five *στίχες*, each of 500 men. Five chiefs command the Boeotians; and the whole Trojan army is formed in five divisions, each under three leaders. (*Il.* iv. 295, &c., xvi. 171—197, ii. 494, &c., xii. 87—104.) The term *φάλαγξ* is applied either to the whole army (as *Il.* vi. 6), or to these smaller divisions and subdivisions, which are also called *στίχες* and *πύργοι*.

When an enemy was slain, it was the universal practice to stop and strip off his arms, which were carefully preserved by the victor as trophies. The division of the booty generally was arranged by the leader of the troop, for whom a portion was set aside as an honorary present (*γέρας*, *Il.* i. 392, 368, ix. 328, xi. 703). The recovery of the dead bodies of the slain was in the Homeric age, as in all later times, a point of the greatest importance, and frequently either led to a fierce contest, or was effected by the payment of a heavy ransom (Köpke, *Kriegswesen der Griechen in heroischen Zeitalter;* Wachsmuth, *Hellen. Alterthumsk.* vol. ii. § 110; Grote, *History of Greece*, vol. ii. p. 141).

After the heroic age considerable impulse was given to the cultivation of the military art by the conquests of the Thessalians (the first Grecian people, apparently, that employed cavalry, to the use of which their conquests were probably in great part owing) and Dorians, among the latter of whom the art of warfare was earliest reduced to system. The distinction of heavy and light armed foot soldiers of course took its rise with the beginnings of military service, the poorer class being unable to provide themselves with the more efficient, but more costly weapons of those who were better off than themselves. Political considerations tended to make the distinction more marked and systematic. The system of military castes was indeed unknown among the Greeks, though something answering the same purpose existed in the earliest times, when the nobles and their more immediate dependants and retainers, having greater leisure for the cultivation of skill in the use of arms, and greater means for procuring them, were separated in that respect by a wide interval from the lower class; while conversely, military superiority was the most direct means of securing political supremacy. Hence, as soon as the distinction between the nobles (the privileged class) and the commonalty (demus) was established, it became the object of the former to prevent the latter from placing themselves on a par with them in military strength, and so the use of the full armour of the heavy-armed infantry was reserved by the former for themselves; and when, in times of distress, it was found necessary to entrust the demus with full armour, the result was not uncommonly a revolution (as was in some degree the case at Mytilene, Thuc. iii. 27). But in the democracies this distinction as regards the kinds of service depended merely upon the greater or less ability of the citizens to procure arms. In the Greek commonwealths all those who enjoyed the privileges of citizens or freemen were held bound to serve as soldiers when called upon, and were provided with arms and trained in military exercises as a matter of course. The modern system of standing armies was foreign to Greek habits, and would have been dangerous to the liberties of the different commonwealths, though something of the kind may be seen in the body guards, usually of mercenary troops, kept by tyrants. The mercenaries in the pay of Alexander of Pherae formed a considerable army. Practically too, from the continuity of the warlike operations in which they were engaged, the armies of Philip and Alexander of Macedon, and their successors, became standing armies. The thousand λογάδες at Argos (Thuc. v. 67) and the sacred band at Thebes (Plut. *Pelop.* 18; K. F. Hermann, *Griech. Staatsalterth.* § 181 note 2) were not considerable enough to be called armies. The employment of mercenary troops might have led to the use of standing armies, had it not been that the use of them characterised the decline of the Grecian states, so that the circumstances which led to their employment, also rendered it impossible to provide the resources for their maintenance, except when they were immediately needed. Still, as in the case of the Scythian bowmen at Athens, individual corps of mercenaries might be regularly maintained. Slaves were but rarely trusted with arms, and when it was the case, they were usually manumitted. The Greek armies accordingly were national armies, resembling rather the militia than the regular armies of modern times.

In all the states of Greece, in the earliest as in later times, the general type of their military organisation was the *phalanx*, a body of troops in close array with a long spear as their principal weapon. It was among the Dorians, and especially among the Spartans, that this type was most rigidly adhered to. The strength of their military array consisted in the heavy-armed infantry (ὁπλῖται). They attached comparatively small importance to their cavalry, which was always inferior (Xen. *Hellen.* vi. 4. § 10). Indeed, the Thessalians and Boeotians were the only Greek people who distinguished themselves much for their cavalry; scarcely any other states had territories adapted for the evolutions of cavalry. The Spartan army, as described by Xenophon, was probably in all its main features the same that it was in the time of Lycurgus. The institutions of that lawgiver converted the body of Spartan citizens into a kind of military brotherhood, whose almost sole occupation was the practice of warlike and athletic exercises. The whole life of a Spartan was little else than either the preparation for or the practice of war. The result was, that in the strictness of their discipline, the precision and facility with which they performed their military evolutions, and the skill and power with which they used their weapons, the Spartans were unrivalled among the Greeks, so that they seemed like real masters of the art of war (τεχνίτας τῶν πολεμικῶν), while in comparison with them other Greeks appeared mere tiros (αὐτοσχεδιαστὰς τῶν στρατιωτικῶν, Xen. *Rep. Laced.* xiii. § 6; Plut. *Pelop.* 23). The heavy-armed infantry of the Spartan armies was composed partly of genuine Spartan citizens, partly of Perioeci (e. g. Thucyd. iv. 8, comp. Grote, *Hist. of Greece*, vol. ii. p. 493). In later times, as the number of Spartan citizens decreased, the Perioeci constituted the larger portion, a fact which renders nugatory all attempts to connect the numbers of the divisions of the army with the political divisions of the Spartan citizens. Every Spartan citizen was liable to military service (ἔμφρουρος) from the age of twenty to the age of sixty years. Those beyond that age were, however, sometimes employed in the less arduous kinds of service — as at Mantineia, where they had charge of the baggage (Thuc. v. 72). On the occasion of any military expedition, the kings at first, and afterwards the ephors, made proclamation what class, according to age, were to go on the expedition (τὰ ἔτη εἰς ἃ δεῖ στρατεύεσθαι, Xen. *Rep. Lac.* xi. § 2) as, for example, all citizens between twenty and thirty, or between twenty and thirty-five &c. (τὰ δέκα ἀφ' ἥβης, τὰ πεντεκαίδεκα ἀφ' ἥβης, &c.). When in the field, the troops were drawn up in some manner according to their ages, so that for any special service, those of a particular age might be separated and employed (Xen. *Hellen.* iv. 4. § 16, 5. § 15, 16). On one occasion (B. C. 418), on a sudden emergency, when probably there was not time to collect the Perioeci, all the citizens of the military age were called forth (Thuc. v. 64).

The political and military divisions of the

Spartans were mixed up together in some way which it is not easy to unravel. The whole life of a Spartan was passed in the discipline of a kind of camp. The citizens messed together in companies, and slept in a sort of barracks. It appears from Xenophon (*Rep. Lac.* xi.) that the whole body of citizens of military age was divided into six divisions called *μόραι* (*πολιτικαὶ μόραι* he terms them), under the command or superintendence of a polemarch, each mora being subdivided into four *λόχοι* (commanded by *λοχαγοί*), each *λόχος* into two *πεντηκοστύες* (headed by *πεντηκοστῆρες*), each *πεντηκοστύς* into two *ἐνωμοτίαι* (headed by enomotarchs). The *ἐνωμοτίαι* were so called from the men composing them being bound together by a common oath (*τάξις τις διὰ σφαγίων ἐνώμοτος*, Hesych. *s. v.*). These were not merely divisions of troops engaged in actual military expeditions. The whole body of citizens at all times formed an army, whether they were congregated at head-quarters in Sparta, or a portion of them were detached on foreign service. Herodotus (i. 65) speaks of enomoties, triacades, and syssitia as military divisions, and we learn that the polemarchs presided over the public tables (Plut. *Lyc.* 12). When a portion of the citizens was sent out on foreign service, the army that they formed was arranged in divisions corresponding to, and bearing the same names as the divisions of the entire military force of Sparta, i. e. of the entire body of citizens of military age. As has already been remarked, an army sent on foreign service consisted of citizens between certain ages, determined according to the number of soldiers wanted. So that, as it would seem, every enomotia of the general body sent out a certain proportion of its numbers for the expedition in question, who (with some Perioeci) formed an enomotia of the army so sent; and the detachment of those enomotiae which formed a mora of the whole body of citizens, formed (apparently) a mora of the army on service. All the accounts that we have of Spartan military operations indicate that the Perioeci who served as heavy-armed soldiers, formed integral members of the different divisions to which they were attached; so that an enomotia, pentecostys, &c., in the field, would contain a number of soldiers who did not belong to the corresponding larger divisions of the whole body of citizens of military age. Thirlwall (*Hist. of Greece*, vol. i. app. ii.) talks of thirty families being *represented in the army* by thirty soldiers; an idea totally at variance with all the accounts that we have. Supposing a family to consist of a father and three sons, if the latter were above twenty, and the father not above sixty years of age, all would be soldiers, liable to be called out for active service at any time; and according to the limits of the age proclaimed by the ephors, one, two, three, or all of them might be called out at once. The strength of a mora on actual service, of course, varied, according to circumstances. To judge by the name pentecostys, the normal number of a mora would have been 400; but 500, 600, and 900 are mentioned as the number of men in a mora on different occasions (Plut. *Pelop.* 16; Xen. *Hellen.* iv. 5. § 11, 12, vi. 4. § 12; Schol. *ad Thuc.* v. 66; Diod. xv. 32, &c.; Müller, *Dorians*, iii. 12. § 2, note t.). That these variations arose from variations in the number of Spartan citizens (Haase in Ersch and Gruber's *Encyclopädie*, art. *Phalanx*), is an assumption which leaves out of sight the proportion of citizens called out, and the number of Perioeci in the army. (Of the 292 heavy-armed soldiers who surrendered at Sphacteria, 120 were Spartans, Thuc. iv. 38. At the battle of Plataeae, one half of the heavy-armed soldiers of the Lacedaemonians were Spartans.) When in the field, each mora of infantry was attended by a mora of cavalry, consisting at the most of 100 men, and commanded by an hipparmost (*ἱππαρμοστής*, Xen. *Hellen.* iv. 4. § 10, 5. § 12). Plutarch (*Lyc.* 23) mentions squadrons (*οὐλαμοί*) of fifty, which may possibly be the same divisions. It is not easy, however, to see in what manner the cavalry could have been thus apportioned, or how each mora of cavalry could have "belonged to a mora of infantry without being in close connection with it" (as Müller says). The cavalry seems merely to have been employed to protect the flanks, and but little regard was paid to it. The corps of 300 *ἱππεῖς* (Herod. viii. 124) formed a sort of body-guard for the king, and consisted of the flower of the young soldiers. Though called horsemen, they fought on foot. (Xen. *Rep. Lac.* iv. § 3.)

Thucydides in his account of the battle of Mantineia (v. 68) describes the Lacedaemonian army as divided into seven lochi, each containing four pentecostyes, and each pentecostys four enomotiae, with thirty-two men in each; so that the lochus here is a body of 512 men, and is commanded by a polemarch. It is clear, therefore, that the lochus of Thucydides, in this instance, answers to the mora of Xenophon. As on this occasion, the pentecostys contained four instead of two enomotiae, and as four pentecostyes were thrown together into one division, Thucydides may have been led to call this division a lochus, as being next above the pentecostys, though it was, in fact, a mora commanded by a polemarch (Thirlwall, *l. c.* p. 445; comp. Arnold on Thuc. v. 68). Aristotle appears to use the terms lochus and mora indiscriminately (*Λακώνων πολιτ.* Fr. 5 and 6; Photius *s. v.* *λόχοι*). The suggestion of Arnold (*l. c.*) that one of the seven lochi spoken of consisted of the Brasidean soldiers and Neodamodes, who would not be taken account of in the ordinary divisions of the Spartan forces, is not unlikely, and would explain the discrepancy between the number of lochi (or morae) here, and the ordinary number of six morae; but even independently of it, no difficulty need be felt with respect to that particular point, as the whole arrangement of the troops on that occasion was a departure from the ordinary divisions. It was not universally the case that an army was made up of six morae and twenty-four ordinary lochi. On one occasion, we hear of twelve lochi (Xen. *Hellen.* vii. 4. § 20, comp. § 27), each of about 100 men. The Neodamodes were not usually incorporated in the morae (Xen. *Hellen.* iv. 3. § 15).

It seems a probable opinion that the number of morae in the Spartan military force had reference to the districts into which Laconia was divided. These, including Sparta and the districts immediately around it, were six in number. Perhaps, as Thirlwall suggests, the division of the army may have been founded on the fiction that one mora was assigned for the protection of each district. The same writer also suggests a very probable explanation of the *λόχος Πιτανάτης* which Herodotus (ix. 53) speaks of, and of which Thucydides (i. 20), though doubtless erroneously, denies the existence. Thirlwall suggests that as each mora consisted of four lochi, the four lochi of the mora belonging to the district of Sparta may have been distributed on the same principle among the four κῶμαι, Limnae, Cynosura, Mesoa, and Pitana, of which Sparta was composed.*

A Spartan army, divided as above described, was drawn up in the dense array of the phalanx, the depth of which depended upon circumstances. An ἐνωμοτία sometimes made but a single file, sometimes was drawn up in three or six files (ζύγα, Xen. *Rep. Lac.* xi. § 4; Müller, iii. 12. §. 3, note a). At the battle of Mantineia the phalanx was eight deep, so that each enomotia made four files. (Thuc. v. 68; comp. Xen. *Hellen.* iii. 2. § 16, vi. 2. § 21.) At the battle of Leuctra it was twelve deep. (Xen. *Hellen.* vi. 4. § 12.) The enomotarch stood at the head of his file (πρωτοστάτης), or at the head of the right-hand file, if the enomotia was broken up into more than one. The last man was called οὐραγός. It was a matter of great importance that he, like the enomotarch, should be a man of strength and skill, as in certain evolutions he would have to lead the movements. (Xen. *Cyrop.* iii. 3. § 41, &c.) The commander-in-chief, who was usually the king (after the affair of Demaratus and Cleomenes it was the practice not to send out both kings together, Herod. v. 75; but comp. vi. 73), had his station sometimes in the centre (as at Mantineia, Thuc. v. 72), more commonly (as at Leuctra) on the right wing. The deployments by which the arrangements of the phalanx were altered took place under the direction of the enomotarch. When the troops were drawn up in a line in the ordinary battle array, they were said to be ἐπὶ φάλαγγος. Supposing an enomotia to consist of twenty-five men, including its leader, and to be drawn up eight deep, the front line of the army would consist of 288. In an ordinary march the army advanced ἐπὶ κέρως (or κατὰ κέρας, Xen. *Hellen.* vii. 4. § 23), the first enomotia of the right wing filing off, and the rest in succession following it; so that if the enomotia was drawn up in three or two files, the whole army would march in three or two files. The most usual arrangement was in two files. (Xen. *Hellen.* vii. 4. § 22, iii. 1. § 22, *Polyaen.* ii. 1. § 10.) If an army in marching order had to form in phalanx, the movement began with the hindmost enomotia of the column, which placed itself on the left of (παρ' ἀσπίδας) and on a line with (εἰς μέτωπον) the enomotia before it. These two then performed the same evolution with respect to the last but two, and so on, till all were in a line with the first enomotia, which now, with the commander-in-chief at its head, occupied the extremity of the right wing. This evolution was called παραγωγή (Xen. *Rep. Lac.* xi. § 6), a name also given to the reverse movement, when a phalanx had to fall into marching order, and to subordinate movements of the same kind for changing the depth of the phalanx. In the latter the evolutions were conducted on much the same principle. Thus, if the depth of the phalanx was to be diminished by half, the hinder portion of each enomoty marched forwards and placed itself on the left of the half in front of it. Similarly, if the depth had to be increased, the left-hand portion of each enomotia faced about towards the *right*, took up its station in the rear, and then, facing to the left again, assumed their proper position. (Xen. *Rep. Lac.* xi. § 8.) The facing to the right was always the usage, because if the evolution were performed in the face of an enemy, the shielded side could be presented towards him. Modifications of this evolution, conducted on the same principle, were employed if the depth had to be increased or diminished in any other proportion (comp. Xen. *Anab.* iv. 3. § 26, iv. 6. § 6, *Cyrop.* ii. 3. § 21). It is very likely that at those points of the files where in such evolutions they would have to separate, there were placed men suitable for taking their station in the front rank, where it was always an object to get the best men. These would answer to the δεκάδαρχοι and πεμπάδαρχοι of Xenophon. (*Cyrop.* ii. 1; comp. *Hipparch.* ii. § 6, iv. § 9.) If an enemy appeared in the rear, it was not enough that the soldiers should face about towards the enemy. The Spartan tactics required that the stoutest soldier should be opposed to the enemy. This was accomplished by the manœuvre termed ἐξελιγμός. Of this there were three varieties: 1. *The Macedonian.* In this the leader of each file kept his place, only turning towards the enemy. The man behind him (ἐπιστάτης) retreating and again taking up his station behind him, and so on. In this way the army retreated from the enemy by a distance equal to its depth. 2. *The Laconian* (the one usually adopted by the Macedonian phalanx of Philip and Alexander). This was the reverse of the preceding, the rear man remaining stationary and the others advancing successively one before the other. In this way of course the army advanced against the enemy by a distance equal to its depth. 3. *The Cretan.* In this the leader and rearman, the second and last but two, and so on, changed places, so that the whole army remained at the same distance from the enemy. This species was also called χορεῖος (Haase ad Xen. *Rep. Lac.* xi. § 9.; Müller, iii. 12. § 8; Aelianus, *Tact.* 26, 27, 33.) These evolutions would of course leave the general on the left wing. If it was deemed expedient that he should be upon the right, it was not enough that he should simply remove from the left to the right, the whole army had to reverse its position, so that what was the left wing should become the right. This was effected by an exeligmus, termed (at least by the later tacticians), ἐξελιγμὸς κατὰ ζυγά, as contrasted with the ἐξελιγμὸς κατὰ στίχους. If the army changed its front by wheeling round through a half circle, round one corner as a pivot, the movement seems to have been expressed by περιπτύσσειν or ἀναπτύσσειν. One more evolution remains to be noticed. Suppose an enemy appeared on the right, while the army was marching in column, two abreast. The different *lochi* wheeled round through a quadrant of a circle, round their leader, as on a pivot, so that the army presented twenty-four columns to the enemy, consisting of two files each, and separated by a considerable interval from each other. The depth of the whole body was then lessened, and these intervals filled up by the ordinary paragoge, and by the different lochi siding up nearer to each other in case the intervals still remained too great. If it was necessary for the general to take his station on the right, this would be effected, as in other cases, by an ἐξελιγμός. Similar manœuvres took place if the enemy appeared on the left, though, as this was the shielded side of the soldiers, and the danger was consequently less, it was frequently thought sufficient to keep the enemy in check by means of the cavalry and light troops. (Xen. *Rep. Lac.* xi. § 10.) One point that a general had to be on his guard against was the tendency of an army, when advancing ἐπὶ φάλαγγος, to sheer off towards the right, each man pressing closer to his right-hand neighbour in order to protect his unshielded side, so that the right wing frequently got beyond the left wing of the enemy. (See especially the account of the battle of Mantinea, Thucyd. v. 71.) A slight consideration will shew that the analogy traced between the evolutions of an army and those of a chorus is by no means fanciful. One kind of ἐξελιγμός was even called χορεῖος. The importance attached to the war dances among the Spartans as a means of military training was consequently very great. [CHORUS.]

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* Müller (*Dorians*, book iii. c. 3. § 7) talks of a πόλις distinct from these κῶμαι. But the latter were certainly not mere suburbs, but component parts of Sparta itself (comp. Paus. iii. 16. § 9). Haase (*l. c.*) speaks of five divisions of the city besides Pitana, so that the six morae or lochi in the sense of Thucydides corresponded to these six divisions. For this arrangement, there seems no authority, except the statement of the scholiast on Aristoph. (*Lys.* 453), that there were six lochi at Sparta, five of which he names, one of the names being corrected conjecturally by Müller to Μεσοάτης. But there seems here little more than a confused version of the division into six morae.

When an army was led to attack a height, it was usually drawn up in what were termed λόχοι ὄρθιοι, a term which merely implies that the lochi had greater depth than breadth (παράμηκες μὲν λέγεται πᾶν τάγμα ὃ ἂν τὸ μῆκος ἔχῃ πλεῖον τοῦ βάθους, ὄρθιον δὲ ὃ ἂν τὸ βάθος τοῦ μήκους, Aelian. *Tact.* c. 29). The breadth of the lochi would, of course, vary according to circumstances. They were drawn up with considerable intervals between them. In this way the army presented a considerable front to the enemy, and was less liable to be thrown into confusion than if drawn up in close phalanx, while at the same time the intervals between the lochi were not left so great that the enemy could safely press in between them. (Xen. *Anab.* iv. 2. § 11, 13, 8. § 10—19, v. 4. § 22, *Cyrop.* iii. 2. § 6, *Anab.* iv. 3. § 17; Polyaen. *Strat.* v. 16. § 1.) There is no ground for affirming that a λόχος ὄρθιος was drawn up in two files, or even one, as Sturz (*Lex. Xen.*) says. Such an arrangement would be perfectly useless for attack. This system of arrangements, which formed some approximation to the Roman tactics, was not, however, employed, except in the particular case mentioned.

In special circumstances, such as those of the retreating Greeks in the Anabasis, the arrangement in a hollow square was adopted, the troops being so placed that by simply facing about they presented a front for battle on whichever side it was necessary. The term πλαίσιον was applied to an army so arranged, whether square or oblong. Afterwards the term πλαίσιον was restricted to the square, the oblong being called πλίνθιον.

Though at first sight the arrangement and manœuvres of a Lacedaemonian army seem exceedingly complex, they were in reality quite the reverse, owing to the carefully graduated system of subordination which prevailed (σχεδὸν γάρ τοι πᾶν τὸ στρατόπεδον τῶν Λακεδαιμονίων ἄρχοντες ἀρχόντων εἰσί. Thuc. v. 66). The commands of the general were issued in the first place to the polemarchs, by these to the lochagi, by these again to the pentecosteres, by the latter to the enomotarchs, and by these last to their respective divisions. From the orderly manner in which this was done, commands were transmitted with great rapidity: every soldier, in fact, regulating the movements of the man behind him, every two being connected together as πρωτοστάτης and ἐπιστάτης.

In later times the king was usually accompanied by two ephors, as controllers and advisers. These, with the polemarchs, the four Pythii, three peers (ὅμοιοι), who had to provide for the necessities of the king in war, the laphyropolae and some other officers, constituted what was called the *damosia* of the king. (Xen. *Rep. Lac.* xiii. § 1, 7, xv. § 14, *Hellen.* iv. 5. § 8, vi. 4. § 14; Plut. *Lyc.* 22.) The polemarchs also had some sort of suite or staff with them, called συμφορεῖς (Plut. *Pelop.* 17; Xen. *Hellen.* vi. 4. § 14). With the exception of the enomotarchs, the superior officers and those immediately about them, are not to be reckoned with the division which they led. They stood distinct, forming what was called the ἄγημα.

The Spartan and Perioecian hoplites were accompanied in the field by helots, partly in the capacity of attendants, partly to serve as light-armed troops. The number attached to an army was probably not uniform. At Plataeae each Spartan was accompanied by seven helots; but that was probably an extraordinary case. One helot in particular of those attached to each Spartan was called his θεράπων, and performed the functions of an armourer or shieldbearer (Eustath. ad Dionys. *Per.* 533). Xenophon (*Hellen.* iv. 5. § 14, 8. § 39) calls them ὑπασπισταί. (Comp. Herod. v. 111; Müller, *Dor.* iii. 3. § 2.) In extraordinary cases, helots served as hoplites, and in that case it was usual to give them their liberty (Thucyd. vii. 19, iv. 80, v. 34). Distinct corps were, sometimes, composed entirely of these Neodamodes. A separate troop in the Lacedaemonian army was formed by the Sciritae (Σκιρῖται), originally, no doubt, inhabitants of the district Sciritis. In battle, they occupied the extreme left of the line. On a march, they formed the vanguard, and were usually employed on the most dangerous kinds of service. (Thuc. v. 67, with Arnold's note; Xen. *Cyrop.* iv. 2. § 1; K. F. Hermann, § 29, note 13, infers from this passage that they were cavalry, an inference which is certainly not necessary, and is contradicted by Müller, Manso, Haase, Thirlwall, Arnold, &c.)

The arms of the phalanx consisted of the long spear and a short sword (ξυήλη). The chief part of the defensive armour was the large brazen shield, which covered the body from the shoulder to the knee (Tyrtaeus, fr. ii. 23), suspended, as in ancient times, by a thong round the neck, and managed by a simple handle or ring (πόρπαξ). The improved Carian handle (ὀχάνη) was not introduced till the time of Cleomenes III. Besides this, they had the ordinary armour of the hoplite [ARMA]. The heavy-armed soldiers wore a scarlet uniform (Xen. *Rep. Lac.* xi. § 3, *Ages.* ii. 7). The Spartan encampments were circular, Only the heavy-armed were stationed within it, the cavalry being placed to look out, and the helots being kept as much as possible outside. As another precaution against the latter, every soldier was obliged always to carry his spear about with him. (Xen. *Rep. Lac.* xii.) Though strict discipline was, of course, kept up in the camp, it was less rigorous than in the city itself (Plut. *Lyc.* 22, comp. Herod. vii. 208). Preparatory to a battle the Spartan soldier dressed his hair and crowned himself as others would do for a feast. The signal for attack in ancient times was given by priests of Ares (*πυρφόροι*), who threw lighted torches into the interval between the two armies (Schol. ad Eurip. *Phoen.* 1186). Afterwards it was given not by the trumpet, but by the music of flutes, and sometimes also of the lyre and cithara, to which the men sang the battle song (*παιὰν ἐμβατήριος*). (Paus. iii. 17. § 5 ; Plut. *l. c.*) The object of the music was not so much to inspirit the men, as simply to regulate the march of the phalanx (Thuc. v. 70). This rhythmical regularity of movement was a point to which the Spartans attached great importance. A sacrifice was offered to the Muses before a battle, as also to Eros (Plut. *Aristid.* 17). To prevent the ranks being broken the soldiers were forbidden to stop in order to strip a slain enemy while the fight lasted, or to pursue a routed enemy. The younger hoplites or the cavalry or light-armed troops were despatched for this purpose (Xen. *Hellen.* iv. 4. § 16, v. 14. § 16). All the booty collected had to be handed over to the laphyropolae and ephors, by whom it was sold.

The rigid inflexibility of the Spartan tactics rendered them indisposed to the attack of fortified places. At the battle of Plataeae, they even assigned to the Athenians the task of storming the palisade formed by the *γέῤῥα* of the Persians.

In Athens, the military system was in its leading principles the same as among the Spartans, though differing in detail, and carried out with less exactness; inasmuch as when Athens became powerful, greater attention was paid to the navy. Of the times before Solon, we have but little information. We learn that there were twelve phratriae, and in each of these four naucrariae, each of which was bound to furnish two horsemen and one ship. Of the four classes into which the citizens were arranged by the constitution of Solon, the citizens of the first and second served as cavalry, or as commanders of the infantry (still it need not be assumed that the *ἱππεῖς* never served as heavy-armed infantry), those of the third class (*ζευγῖται*) formed the heavy-armed infantry. The Thetes served either as light-armed troops on land, or on board the ships. The same general principles remained when the constitution was remodelled by Cleisthenes. The cavalry service continued to be compulsory on the wealthier class (Xen. *Oecon.* ii. 6 ; Lycurg. *Leocr.* § 139). All citizens qualified to serve either as horsemen, or in the ranks of the heavy-armed infantry, were enrolled in a list [Catalogus]. The case of Thetes serving as heavy-armed soldiers is spoken of as an exception to the general rule; and even when it was the case, they were not enrolled in the catalogus. (Thucyd. vi. 43.) Every citizen was liable to service from his eighteenth to his sixtieth year. On reaching their eighteenth year, the young citizens were formally enrolled *εἰς τὴν ληξιαρχικὸν γραμματεῖον*, and received a shield and spear in a public assembly of the people, binding themselves by oath to perform rightly the duties of a citizen and a soldier (Aristot. ap. Harpocr. p. 241 ; Hermann, *l. c.* § 123). During the first two years, they were only liable to service in Attica itself, chiefly as garrison soldiers in the different fortresses in the country. During this period, they were called *περίπολοι*. (Harpocr. *s. v.* *περίπολος* ; Pollux, viii. 105 ; Lycurg. *Leocr.* § 76.) According to some authorities, this service was also called *στρατεία ἐν τοῖς μέρεσι* (Wachsmuth, *l. c.* vol. i. § 56, note 45). The levies were made under the direction of the generals [Strategi]. The soldiers were selected either according to age, as among the Spartans (Aristot. ap. Harpocr. *s. v.* *στρατεία* and Phot. *s. v.* *στρατία*: *ὅταν ἡλικίαν ἐκπέμπωσι, προσγράφουσι ἀπὸ τίνος ἄρχοντος ἐπωνύμου μέχρι τίνος δεῖ στρατεύεσθαι*; the archons being, of course, those in whose year of office they had entered the military service), when the expeditions were called *ἔξοδοι ἐν τοῖς ἐπωνύμοις*, or else according to a certain rotation (Aesch. *F. L.* p. 330, *τὰς ἐκ διαδοχῆς ἐξόδους*). The services of those below or above the ordinary military age, were only called for on emergencies, or for guarding the walls. (Comp. Thuc. i. 105, ii. 13.) Members of the senate during the period of their office, farmers of the revenue, choreutae at the Dionysia during the festival; in later times, traders by sea also, were exempted from military service. (Lycurg. *Leocr.* § 164 ; Demosth. *Neaer.* p. 1353, *Meid.* p. 516 ; Aristoph. *Eccles.* 1019, with the Schol.) Any one bound to serve who attempted to avoid doing so, was liable to a sentence of *ἀτιμία*. The resident aliens commonly served as heavy-armed soldiers, especially for the purpose of garrisoning the city. They were prohibited from serving as cavalry (Thuc. ii. 13, 31, iv. 90 ; Xen. *de Vect.* ii. § 5, *Hipparch.* ix. § 6). Slaves were only employed as soldiers in cases of great necessity, as at Marathon (according to Paus. i. 32. § 33), and Arginusae (Xen. *Hellen.* i. 6. § 17).

Of the details of the Athenian military organisation, we have no distinct accounts as we have of those of Sparta. The heavy-armed troops, as was the universal practice in Greece, fought in phalanx order. They were arranged in bodies in a manner dependent on the political divisions of the citizens. The soldiers of each tribe formed a separate body in the army, also called a tribe, and these bodies stood in some preconcerted order (Herod. vi. 111 ; Plut. *Arist.* 5 ; Thuc. vi. 98 ; Xen. *Hellen.* iv. 2, § 19, with Schneider's notes). It seems that the name of one division was *τάξις*, and of another *λόχος*, but in what relations these stood to the *φυλή*, and to each other, we do not learn, unless Xenophon's expressions (*Cyrop.* ii. 1. § 4) may be looked upon as indicating that the *τάξις* contained four lochi, and consisted of one hundred men. (Comp. Xen. *Mem.* iii. 4. § 1 ; Pollux, viii. § 114 ; Lysias pro Mantitheo, § 15, &c.) Every hoplite was accompanied by an attendant (*ὑπηρέτης*, Thuc. iii. 17), to take charge of his baggage, and carry his shield on a march. Each horseman also had a servant, called *ἱπποκόμος*, to attend to his horse (Thuc. vii. 75, 78 ; Xen. *Hellen.* ii. 4).

It would appear, that before the time of Solon the cavalry which the Athenians could muster was under 100. In the time of Cimon it was

300, and soon after, 600 (Andoc. *de Pace*, p. 92; Schol. Aristoph. *Equit.* 577, 624); at the beginning of the Peloponnesian war, 1200, of whom 200 seem to have been hired Scythian bowmen (Thuc. ii. 13, v. 84, vi. 94). Besides the light-armed soldiers drawn from the ranks of the poorer citizens, there was at Athens a regiment of Thracian slaves, armed with bows. The number of these increased from 300, who were purchased after the battle of Salamis, to 1000 or 1200 (Aeschin. *de fals. Leg.* p. 335, 336; Böckh, *Public Econ. of Ath.* book ii. c. 11). These, however, were generally employed as a sort of police or city guard. Besides these, however, the Athenians had a troop of bowmen of their own citizens, amounting, at the beginning of the Peloponnesian war, to 1600 (Thuc. ii. 13; Böckh, *l. c.* ii. c. 21).

For the command of the army, there were chosen every year ten generals [Strategi], and ten taxiarchs [Taxiarchi], and for the cavalry, two hipparchs (Ἵππαρχοι) and ten phylarchs (φύλαρχοι). Respecting the military functions of the ἄρχων πολέμαρχος, see the article Archon. The number of strategi sent with an army was not uniform. Three was a common number. Sometimes one was invested with the supreme command; at other times, they either took the command in turn (as at Marathon), or conducted their operations by common consent (as in the Sicilian expedition). (Xen. *Hipparch.* i. § 8; Demosth. *Phil.* i. § 26; Pollux, viii. § 87; Schömann, *de Com. Ath.* pp. 313—315.)

The practice of paying the troops when upon service was first introduced by Pericles (Ulpian. ad Demosth. περὶ συντάξ. p. 50, a). The pay consisted partly of wages (μισθός), partly of provisions, or, more commonly, provision-money (σιτηρέσιον). The ordinary μισθός of a hoplite was two obols a day. The σιτηρέσιον amounted to two obols more. Hence, the life of a soldier was called, proverbially, τετρωβόλου βίος (Eustath. *ad Od.* p. 1405, *ad Il.* p. 951). Higher pay, however, was sometimes given, as at the siege of Potidaea the soldiers received two drachmae apiece, one for themselves, the other for their attendants. This, doubtless, included the provision-money (Thuc. iii. 17). Officers received twice as much; horsemen, three times; generals, four times as much (comp. Xen. *Anab.* vii. 6. § 1, 3. § 9). The horsemen received pay even in time of peace, that they might always be in readiness, and also a sum of money for their outfit (κατάστασις, Xen. *Hipparch.* i. § 19; K. F. Hermann, § 152, note 19). They were reviewed from time to time by the senate (Xen. *Hipparch.* iii. § 9, *Oecon.* ix. 15). Before entering the service, both men and horses had to undergo an examination before the hipparchs, who also had to drill and train them in time of peace. The horses of the heavy-armed cavalry were protected by defensive armour.

As regards the military strength of the Athenians, we find 10,000 heavy-armed soldiers at Marathon, 8,000 heavy armed, and as many light armed at Plataeae; and at the beginning of the Peloponnesian war there were 13,000 heavy armed ready for foreign service, and 16,000 consisting of those beyond the limits of the ordinary military age and of the metoeci, for garrison service.

It was the natural result of the national character of the Athenians and their democratical constitution, that military discipline was much less stringent among them than among the Spartans (χαλεπαὶ γὰρ αἱ ὑμέτεραι φύσεις ἄρξαι, Thuc. vii. 14), and after defeat especially it was often found extremely difficult to maintain it. The generals had some power of punishing military offences on the spot, but for the greater number of such offences a species of court-martial was held, consisting of persons who had served in the army to which the offender belonged, and presided over by the strategi (Lysias, *Adv. Alc.* § 5, 6; Plato, *Leg.* xii. 2. p. 943; K. F. Hermann, *l. c.* § 146, 153; Meier and Schömann, *der Attische Process*, pp. 133, 363—366). Various rewards also were held out for those who especially distinguished themselves for their courage or conduct, in the shape of chaplets, statues, &c. In connection with these the λόγος ἐπιτάφιος, spoken over those who had fallen in war, must not be omitted. Respecting the provision made for those who were disabled in war, see the article Adunati.

The Peltastae (πελτασταί), so called from the kind of shield which they wore [Pelta], were a kind of troops of which we hear very little before the end of the Peloponnesian war. The first time we have any mention of them is in Thuc. iv. 111, where they are spoken of as being in the army of Brasidas. With the more frequent employment of mercenary troops a greater degree of attention was bestowed upon the peltastae; and the Athenian general Iphicrates introduced some important improvements in the mode of arming them, combining as far as possible the peculiar advantages of heavy (ὁπλῖται) and light armed (ψιλοί) troops. He substituted a linen corslet for the coat of mail worn by the hoplites, and lessened the shield, while he doubled the length of the spear and sword. He even took the pains to introduce for them an improved sort of shoe, called after him Ἰφικρατίδες (Pollux, vii. 89). This equipment was very commonly adopted by mercenary troops, and proved very effective. The almost total destruction of a mora of Lacedaemonian heavy-armed troops by a body of peltastae under the command of Iphicrates was an exploit that became very famous. (Xen. *Hellen.* iv. 5. § 11.) The peltast style of arming was general among the Achaeans until Philopoemen again introduced heavy armour. (Plut. *Philop.* 9; Liv. xlii. 55.)

When the use of mercenary troops became general, Athenian citizens seldom served except as volunteers, and then in but small numbers. Thus we find 10,000 mercenaries sent to Olynthus with only 400 Athenians (Demosth. *de fals. Leg.* p. 425). With 15,000 mercenaries sent against Philip to Chaeroneia, there were 2000 citizens (Demosth. *de Cor.* p. 306). It became not uncommon also for those bound to serve in the cavalry to commute their services for those of horsemen hired in their stead, and the duties of the ἱπποτροφία were ill executed. The employment of mercenaries also led in other respects to considerable alterations in the military system of Greece. War came to be studied as an art, and Greek generals, rising above the old simple rules of warfare, became tacticians. The old method of arranging the troops, a method still retained by Agesilaus at the battle of Coronea, was to draw up the opposing armies in two parallel lines of greater or less depth, according to the strength of the forces, the engagement commencing usually very nearly at the same moment in all parts of the line.

The genius of Epaminondas introduced a complete revolution in the military system. He was the first who adopted the method of charging in column, concentrating his attack upon one point of the hostile line, so as to throw the whole into confusion by breaking through it. For minute details the reader is referred to the account of the battle of Mantineia (Xen. *Hellen.* vii. 5. § 22; comp. vi. 4. § 12). It seems from the description that the troops were drawn up in a form somewhat like a wedge.

Philip, king of Macedonia, is sometimes spoken of by Greek writers as the inventor of the phalanx. It is probable enough that he was the first to introduce that mode of organisation into the army of Macedonia, and that he made several improvements in its arms and arrangement, but the phalanx was certainly not *invented* by him. The spear (σάρισσα or σάρισα), with which the soldiers of the Macedonian phalanx were armed, was ordinarily 24 feet long; but the ordinary length was 21 feet (Polyb. xviii. 12; Aelian. *Tact.* 14), and the lines were arranged at such distances that the spears of the fifth rank projected three feet beyond the first, so that every man in the front rank was protected by five spears. The men in the ranks further back rested their spears on the shoulders of those in front of them, inclining them upwards, in which position they, to some extent at least, arrested the missiles that might be hurled by the enemy. Besides the spear they carried a short sword. The shield was very large and covered nearly the whole body, so that on favourable ground an impenetrable front was presented to the enemy. The soldiers were also defended by helmets, coats of mail, and greaves; so that any thing like rapid movement was impossible. When in dense battle array (πύκνωσις or πυκνότης), three feet were allowed for each man, and in this position their shields touched (συνασπισμός, Polyb. *l. c.*; Aelian, *Tact.* c. 11. gives six feet for each man in the ordinary arrangement, three feet for the πύκνωσις or dense battle array, and one and a half feet for the συνασπισμός). On a march six feet were allowed for each man. The ordinary depth of the phalanx was sixteen, though depths of eight and of thirty-two are also mentioned. (Polyb. *l. c.* comp. xii. 19—21.) Each file of sixteen was called λόχος. It is difficult to say what reliance is to be placed upon the subdivisions mentioned by the tacticians Aelian, &c. as connected with the phalanx of Philip, though they may have been usual in later times. According to them each higher division was the double of the one below it. Two lochi made a *dilochia;* two dilochiae made a τετραρχία, consisting of sixty-four men; two tetrarchies made a τάξις; two τάξεις a σύνταγμα or ξεναγία, to which were attached five supernumeraries, a herald, an ensign, a trumpeter, a servant, and an officer to bring up the rear (οὐραγός); two syntagmata formed a pentacosiarchia, two of which made a χιλιαρχία, containing 1024 men; two chiliarchies made a τέλος, and two τέλη made a phalangarchia or phalanx in the narrower sense of the word, the normal number of which would therefore be 4096. It was commanded by a polemarch or strategus; four such bodies formed the larger phalanx, the normal number of which would be 16,384. When drawn up, the two middle sections constituted what was termed the ὀμφαλός, the others being called κέρατα or wings. The phalanx soldiers in the army of Alexander amounted to 18,000, and were divided not into four, but into six divisions, each named after a Macedonian province, from which it was to derive its recruits. These bodies are oftener called τάξεις than φάλαγγες by the historians, and their leaders taxiarchs or strategi. The phalanx of Antiochus consisted of 16,000 men, and was formed into ten divisions (μέρη) of 1600 each, arranged 50 broad and 32 deep (Appian, *Syr.* 32; Liv. xxxvii. 40).

In the general principles of its arrangement and the modes of altering its form, the Macedonian phalanx resembled the Lacedaemonian, though the late tacticians do not always describe the movements by the same technical terms as Xenophon. The Macedonian phalanx, however, altered its form with great difficulty. If an attack on the flanks or rear was apprehended, a separate front was formed in that direction, if possible before the commencement of the fight. Such a double phalanx, with two fronts in opposite directions, was called φάλαγξ ἀμφίστομος. To guard against being taken in flank, the line was bent round, forming what was called the ἐπικάμπιος τάξις. The cavalry or light troops were not unfrequently employed for this purpose, or to protect the rear (comp. Arrian, *Anab.* ii. 9, iii. 12; Polyb. xii. 21). Respecting the relative advantages and disadvantages of the Roman legion and the phalanx, there is an instructive passage in Polybius (xviii. 12, and comp. xii. 19, &c.). The phalanx, of course, became all but useless, if its ranks were broken. It required, therefore, level and open ground, so that its operations were restricted to very narrow limits; and being incapable of rapid movement, it became almost helpless in the face of an active enemy, unless accompanied by a sufficient number of cavalry and light troops.

The light-armed troops were arranged in files (λόχοι) eight deep. Four lochi formed a σύστασις, and then larger divisions were successively formed, each being the double of the one below it; the largest (called ἐπίταγμα), consisting of 8192 men. The cavalry (according to Aelianus), were arranged in an analogous manner, the lowest division or squadron (ἴλη), containing 64 men, and the successive larger divisions being each the double of that below it; the highest (ἐπίταγμα) containing 4096.

Both Philip and Alexander attached great importance to the cavalry, which, in their armies, consisted partly of Macedonians, and partly of Thessalians. The Macedonian horsemen were the flower of the young nobles. They amounted to about 1200 in number, forming eight squadrons, and, under the name ἔταιροι, formed a sort of body-guard for the king. The Thessalian cavalry consisted chiefly of the élite of the wealthier class of the Thessalians, but included also a number of Grecian youth from other states. There was also a guard of foot-soldiers (ὑπασπισταί), whom we find greatly distinguishing themselves in the campaigns of Alexander. They seem to be identical with the πεζέταιροι, of whom we find mention. They amounted to about 3000 men, arranged in six battalions (τάξεις). There was also a troop called Argyraspids, from the silver with which their shields were ornamented. [ARGYRASPIDES.] They seem to have been a species of peltastae. Alexander also organised a kind of troops called διμάχαι, who were something intermediate between cavalry and infantry, being designed to fight on horseback or on foot, as circumstances required.

It is in the time of Alexander the Great, that we first meet with artillery in the train of a Grecian army. His *balistae* and *catapeltae* were frequently employed with great effect, as, for instance, at the passage of the Jaxartes (Arrian. iv. 4. § 7). After the invasion of Asia also elephants began to be employed in connection with Grecian armies. (Müller, *Dorians*, book iii. c. 12; Wachsmuth, *Hellenische Alterthumskunde*, book vi.; K. F. Hermann, *Griech. Staatsalterth.* § 29, 30, 152; Haase in Ersch and Gruber's *Encyclop.* art. *Phalanx;* Heeren's *Reflections*, &c. *Ancient Greece*, c. xii.; Böckh's *Public Economy of Athens*, c. xxi. xxii.) [C. P. M.]

2. ROMAN. In the present article we shall attempt to present a view of the constitution of a Roman army at several remarkable epochs, and to point out in what respect the usages of one age differed most conspicuously from those of another, abstaining most carefully from those general statements which in many works upon antiquities are enunciated broadly, without reference to any specified time, as if they were applicable alike to the reign of Tarquin and to the reign of Valentinian, including the whole intermediate space within their wide sweep.

Our authorities will enable us to form a conception, more or less complete, of the organisation of a Roman army at five periods: —

1. At the establishment of the comitia centuriata by Servius.
2. About a century and a half after the expulsion of the kings.
3. During the wars of the younger Scipio, when the discipline of the troops was, perhaps, more perfect than at any previous or subsequent era; and here, fortunately, our information is most complete.
4. In the times of Marius, Sulla, and Julius Caesar.
5. A hundred and fifty years later, when the empire had reached its culminating point under Trajan and Hadrian.

Beyond this, we shall not seek to advance. After the death of M. Aurelius, we discern nought save disorder, decay, and disgrace; while an inquiry into the complicated arrangements introduced when every department in the state was remodelled by Diocletian and Constantine, would demand lengthened and tedious investigation, and would prove of little or no service to the classical student.

Authorities. The number of ancient writers now extant, who treat professedly of the military affairs of the Romans, is not great, and their works are, with one or two exceptions, of little value. Incomparably the most important is *Polybius*, who in a fragment preserved from his sixth book, presents us with a sketch of a Roman army at the time when its character stood highest, and its discipline was most perfect. This, so far as it reaches, yields the best information we could desire. The tract *περὶ στρατηγικῶν τάξεων* Ἑλληνικῶν of *Aelianus* who flourished under Nerva, belongs, as the title implies, to Greek tactics, but contains also a brief, imperfect, and indistinct account of a Roman army. The *τέχνη τακτική* of *Arrian*, governor of Cappadocia under Hadrian, is occupied in a great measure with the manoeuvres of the phalanx, to which is subjoined a minute practical exposition of the preliminary exercises by which the Roman cavalry were trained; to Arrian, likewise, we are indebted for a very interesting fragment entitled *ἔκταξις κατ' Ἀλανῶν*, supposed to be a portion of his lost history, which bore the name *Ἀλανικά*, consisting of instructions for the order of march to be adopted by the force despatched against the Scythians, and for the precautions to be observed in marshalling the line of battle. This piece taken in connection with the essay of *Hyginus*, of which we have spoken under CASTRA, will assist us materially when we seek to form a distinct idea of the constitution of a Roman army in the early part of the second century. It remains for us to notice the Latin "Scriptores de Re Militari," *Frontinus*, *Modestus*, and *Vegetius*. The *Strategematica* of the first, who lived under Vespasian, is merely a collection of anecdotes compiled without much care or nice discrimination, and presents very little that is available for our present purpose; the *Libellus de Vocabulis Rei Militaris* of the second, addressed to the emperor Tacitus, affords a considerable number of technical terms, but is in such a confused state, and so loaded with interpolations, that we can employ it with little confidence; the *Rei Militaris Instituta* of the third, dedicated to the younger Valentinian, is a formal treatise drawn up in an age when the ancient discipline of Rome was no longer known, or had, at least, fallen into desuetude; but the materials, we are assured by the author himself, were derived from sources the most pure, such as Cato the Censor, Cornelius Celsus, and the official regulations of the earlier emperors. Misled by these specious professions, and by the regularity displayed in the distribution of the different sections, many scholars have been induced to adopt the statements here embodied without hesitation, without even asking to what period they applied. But when the book is subjected to critical scrutiny, it will be found to be full of inconsistencies and contradictions, to mix up into one confused and heterogeneous mass the systems pursued at epochs the most remote from each other, and to exhibit a state of things which never did and never could have existed. Hence, if we are to make any use at all of this farrago, we must proceed with the utmost caution, and ought to accept the novelties which it offers, merely in illustration or confirmation of the testimony of others, without ever permitting them to weigh against more trustworthy witnesses.

But while the number of direct authorities is very limited, much knowledge may be obtained through a multitude of indirect channels. Not only do the narratives of the historians of Roman affairs abound in details relating to military operations, but there is scarcely a Latin writer upon any topic, whether in prose or verse, whose pages are not filled with allusions to the science of war. The writings of the jurists also, inscriptions, medals, and monuments of art communicate much that is curious and important; but even after we have brought together and classified all these scattered notices, we shall have to regret that there are many things left in total darkness, and many upon which the assertions of different writers cannot by any dexterity be reconciled in a satisfactory manner. We shall endeavour to expound in each case those views which are supported by the greatest amount of credible evidence, without attempting to discuss the various points upon which controversies have arisen.

Among the writings of modern scholars we ought to notice specially the dialogues "De Militia Romana" by the learned and indefatigable *Lipsius*, in which the text of Polybius (vi. 19, 42), and a chapter in Livy (viii. 8) serve as a foundation for a great superstructure of illustration and supplementary matter; nor must we forget the "Poliorcetica" of the same author, which may be regarded as a continuation of the preceding. The posthumous dissertation of *Salmasius* "De Re militari Romanorum," which displays the deep reading, mixed up with not a little of the rashness, of that celebrated critic, is well worthy of perusal, and will be found in the "Corpus Antiquitatum Romanarum" of *Graevius*, vol. x. p. 1284. The same volume includes the admirable commentary of *Schelius* on Hyginus, his notes on Polybius, together with essays on various topics connected with Roman warfare by *Boeclerus*, *Robertellus*, *Erycius Puteanus*, *M. A. Causeus* (De la Chausse), *Petrus Ramus*, &c. A most elaborate series of papers by *M. Le Beau* is printed in the twenty-fifth and several succeeding volumes of the "Mémoires de l'Académie des Inscriptions et Belles Lettres;" and although we are far from acquiescing in all the conclusions at which he arrives, it is impossible to deny that in so far as facts are concerned, he has almost exhausted every topic on which he has entered, and we cannot but lament that he should not have completed the design which he originally sketched out. We may consult with profit *Folard's* "Commentaire," attached to the French translation of Polybius, by the Benedictine Vincent Thuillier, 6 tom. 4to, Amst. 1729; *Guischard*, "Mémoires Militaires sur les Grecs et les Romains," 2 tom. 4to, La Haye, 1757, and "Mémoires Critiques et Historiques sur Plusieurs Ponts et Antiquités Militaires," 4 tom. 4to, Berlin et Paris, 1775; *Vaudoncourt*, "Histoire des Campagnes d'Hannibal en Italie," 3 tom. 4to, Paris, 1812; *Roy*, "Military Antiquities of the Romans in Britain," fol. Lond. 1793; *Nast*, "Römische Kriegsalterthümer," 8vo, Halle, 1782; *Löhr*, "Ueber die Tactik und das Kriegswesen der Griechen und Römer," 8vo. Kempt. 1825; *Lehner*, "De Republica Romana sive ex Polybii Megalop. sexta Historia Excerpta," 8vo. Salzb. 1823.

General Remarks on the Legion.

The name *Legio* is coeval with the foundation of Rome, and always denoted a body of troops, which, although subdivided into several smaller bodies, was regarded as forming an organised whole. It cannot be held to have been equivalent to what we call a *regiment*, inasmuch as it contained troops of all arms, infantry, cavalry, and, when military engines were extensively employed, artillery also; it might thus, so far, be regarded as a complete *army*, but on the other hand the number of soldiers in a legion was fixed within certain limits, never much exceeding 6000, and hence when war was carried on upon a large scale, a single army, under the command of one general, frequently contained two, three, or more legions, besides a large number of auxiliaries of various denominations. In like manner the legion being complete within itself, and not directly or necessarily connected with any other corps, cannot be translated by *battalion*, *division*, *detachment*, nor any other term in ordinary use among modern tacticians. Ancient etymologists agree in deriving *legio* from *legere* to choose (Varr. *L. L.* v. § 87, vi. § 66. ed. Müller; Plut. *Rom.* 13; Non. Marcell. i. *s. v. legionum;* Modest. *de Vocabl. R. M.*; Isidor. *Orig.* ix. 3. § 46), and the name endured as long as the thing itself. Le Beau and others are mistaken when they assert that in Tacitus, and the writers who followed him, the word *numeri* is frequently substituted for *legio*, for it will be seen from the passages to which we give references below, that *numeri* is used to denote either the different corps of which a legion was composed, or a corps generally, without any allusion to the legion (Tac. *Hist.* i. 6, 87. *Agric.* 18, comp. *Ann.* ii. 80, *Hist.* ii. 69; Plin. *Ep.* iii. 8, x. 38; Vopisc. *Prob.* 14; Ulpian. in Dig. 3. tit. 3. s. 8. § 2; 29. tit. 1. s. 43, &c. &c. See below the remarks on the *Cohors*).

In the Scriptures of the New Testament, in Plutarch (e.g. *Rom.* 13, 20), and elsewhere, we meet with the Grecized word *λεγέων*, but the Greek writers upon Roman affairs for the most part employ some term borrowed from their own literature as an equivalent; and since each considered himself at liberty to select that which he deemed most appropriate or which suggested itself at the moment, without reference to the practice of those who had gone before him, and without endeavouring to preserve uniformity even within the bounds of his own writings, we not only find a considerable variety of words used indiscriminately as representatives of *Legio*, but we find the same author using different words in different passages, and, what is still more perplexing, the same word which is used by one author for the legion as a whole is used by others to indicate some one or other of the subdivisions. The terms which we meet with most commonly are, *στρατόπεδον*, *φάλαγξ*, *τάγμα*, *τέλος*, less frequently *στράτευμα* and *τεῖχος*. Polybius in those chapters which are devoted exclusively to a description of the legion uniformly designates it by *στρατόπεδον*, which he sometimes applies to an army in general (e. g. ii. 73, 86), while by others it is usually employed to denote a camp (*castra*). Again Polybius gives a choice of three names for the maniple, *σημαία*, *σπεῖρα*, and *τάγμα*, but of these the first is for the most part introduced by others as the translation of the Latin *vexillum*, the second almost uniformly as equivalent to *cohors*, and the third, although of wide acceptation, is constantly the representative of *legio*. Dionysius uses sometimes, especially in the earlier books of his history, *φάλαγξ* (e. g. v. 67), sometimes *τάγματα* (e. g. vi. 45, ix. 10, 13), or *στρατιωτικὰ τάγματα* (vi. 42), and his example is followed by Josephus (*B. J.* iii. 5. § 5; 6. § 2); Appian adopts *τέλος* (e. g. *Annib.* 8, *B. C.* ii. 76, 79, 96, iii. 45, 83, 92, iv. 115); Plutarch within the compass of a single sentence (*M. Anton.* 18) has both *τάγματα* and *τέλη*; Dion Cassius, when speaking of the legions in contradistinction to the household troops, calls them in one passage *τὰ πολιτικὰ στρατόπεδα* (xxxviii. 47), in another *τείχη τῶν ἐκ καταλόγου στρατευομένων* (lv. 24), and where no particular emphasis is required, we find *στράτευμα* (*τὸ δέκατον στράτευμα*, xxxviii. 47, xl. 65), *τεῖχος* (*τοῦ τετάρτου τοῦ Σκυθικοῦ τείχους*, lxxix. 7), *στρατόπεδον* (xxxviii. 46, xl. 65, 66), and *στρατόπεδον ἐκ καταλόγου* (xl. 27.

comp. xl. 18), whence the legionaries are styled *οἱ ἐκ τοῦ καταλόγου στρατευόμενοι* (lv. 24, lii. 22, lix. 2), or simply *καταλεγόμενοι* (liv. 25).

Neither Livy nor Dionysius notice the first establishment of the legion, but they both take for granted that it existed from the very foundation of the city, while Varro (*L. L.* v. § 89) and Plutarch (*Rom.* 13) expressly ascribe the institution to Romulus. The latter speaks of the band led by Romulus against Amulius as being divided into centuries (*δύναμιν συλλελοχισμένην εἰς ἑκατοστύας*), giving at the same time the origin of the term maniple, and the former states that Romulus, to establish his legion, took 1000 men from each tribe.

Constitution of the Legion. The legion for many centuries was composed exclusively of Roman citizens. By the ordinances of Servius Tullius those alone who were enrolled in the five classes were eligible, and one of the greatest changes introduced by Marius was the admission of all orders of citizens, including the lowest, into the ranks. (Sall. *Jug.* 86 ; Plut. *Mar.* 9 ; Flor. iii. 1 ; Gell. xvi. 10.) Up to the year B. C. 107 no one was permitted to serve among the regular troops of the state except those who were regarded as possessing a strong personal interest in the stability of the commonwealth, but the principle having been at this period abandoned, the privilege was extended after the close of the Social War (B. C. 87) to nearly the whole of the free population of Italy, and by the famous edict of Caracalla (or perhaps of M. Aurelius), to the whole Roman world. Long before this, however, the legions were raised chiefly in the provinces, and hence are ranked by Hyginus among the *provincialis militia* (*legiones quoniam sunt militiae provincialis fidelissima*). Even under Augustus, the youth of Latium, Umbria, Etruria, and the ancient colonies, served chiefly in the household troops (Tac. *Ann.* iv. 5), who for this reason are complimented by Otho as *Italiae alumni et vere Romana juventus* (Tac. *Hist.* i. 84). But although the legions contained comparatively few native Italians, it does not appear that the admission of foreigners not subjects was ever practised upon a large scale until the reign of the second Claudius (A. D. 268—270), who incorporated a large body of vanquished Goths, and of Probus (A. D. 276—282), who distributed 16,000 Germans among legionary and frontier battalions (*numeris et limitaneis militibus*, Vopisc. *Prob.* 14.). From this time forward what had originally been the leading characteristic of the legion was rapidly obliterated, so that under Diocletian, Constantine, and their successors, the best soldiers in the Roman armies were barbarians. The name Legion was still retained in the fifth century, since it appears in an edict addressed by the emperors Arcadius and Honorius to the prefect Romulianus (Cod. Justin. 12. tit. 36. s. 13) and also in the tract known as the *Notitia Dignitatum Imperii* (c. 59). It probably did not fall into total disuse until the epoch of Justinian's sway ; but in the numerous ordinances of that prince with regard to military affairs nothing bears in any way upon the constitution of the legion, nor does the name occur in legal documents subsequent to the above-mentioned edict of Arcadius and Honorius.

There is yet another circumstance connected with the social position of the soldier to which it is very necessary to advert, if we desire to form a distinct idea of the changes gradually introduced into the Roman military system. The Roman armies for a long period consisted entirely of what we might term *militia*. Every citizen was, to a certain extent, trained to arms during a fixed period of his life ; he was, at all times, liable to be called upon to serve ; but the legion in which he was enrolled was disbanded as soon as the special service for which it had been levied, was performed ; and although these calls were frequent in the early ages of the kingdom and the commonwealth, when the enemies of the republic were almost at the gates, yet a few months, or more frequently, a few weeks or even days, sufficed to decide the fortunes of the campaign. The Roman annalists assure us that a Roman army had never wintered in the field, until more than three centuries after the foundation of the city, when the blockade of Veii required the constant presence of the besiegers. As the scene of action became by degrees farther removed from Latium, when southern Italy and Sicily were now the seat of war — when the existence of Rome was menaced by the Carthaginian invasion — when her armies were opposed to such leaders as Pyrrhus, Hamilcar, and Hannibal — it was, of course, impossible to leave the foe for a moment unwatched ; and the exigencies of the state rendered it necessary that the same legions and the same soldiers should remain in activity for several years in succession. This protracted service became inevitable as the dominion of Rome extended over Greece and Asia, when the distances rendered frequent relief impracticable ; but down to the very termination of the republic, the ancient principle was recognised, that when a campaign was concluded, the soldier was entitled to return home and to resume the occupation of a peaceful citizen. It was a conviction that their leader had broken faith with them by commencing a new war against Tigranes, after the defeat of Mithridates, their proper and legitimate opponent, which induced the troops of Lucullus to mutiny, and compelled their leader to abandon his Armenian conquests. Hence, for upwards of seven centuries, there was no such thing as the military profession, and no man considered himself as a soldier in contradistinction to other callings. Every individual knew that he was bound as a member of the body politic to perform certain duties ; but these duties were performed without distinction by all — at least by all whose stake in the prosperity of their country was considered sufficient to insure their zeal in defending it ; and each man, when his share of this obligation was discharged, returned to take his place in society, and to pursue his ordinary avocations. The admission of the *Capite Censi* into the ranks, persons who, probably, found their condition as soldiers much superior to their position as civilians, and who could now cherish hopes of amassing wealth by plunder, or of rising to honour as officers, tended to create a numerous class disposed to devote themselves permanently to a military life as the only source from whence they could secure comfort and distinction. The long-continued operations of Caesar in Gaul, and the necessity imposed upon Pompeius of keeping up a large force as a check on his dreaded rival, contributed strongly to nourish this feeling, which was, at length, fully developed and confirmed by the civil broils which lasted for twenty years, and by the practice first introduced upon a large scale, after the Mithridatic wars, of granting pensions for long service in the shape of donations of land. Hence, when Augustus in compliance, as we are told by Dion Cassius (lii. 27), with the advice of Maecenas, determined to provide for the security of the distant provinces, and for tranquil submission at home by the establishment of a powerful standing army, he found the public mind in a great degree prepared for such a measure, and the distinction between soldier and civilian unknown, or at least not recognised before, became from this time forward as broadly marked as in the most pure military despotisms of ancient or modern times. In this place, we are required simply to call attention to the fact — it belongs to the philosophic historian to trace the results.

The numbering of the legions and their titles. The legions were originally numbered according to the order in which they were raised. Thus in the early part of the second Punic war, we hear of the fourth legion (τὸ τέταρτον στρατόπεδον), being hard pressed by the Boii (Polyb. iii. 40); the tenth legion plays a conspicuous part in the history of Caesar as his favourite corps (Dion Cass. xxxviii. 17), and the cabinets of numismatologists present us with an assemblage of denarii struck by M. Antonius in honour of the legions which he commanded, exhibiting a regular series of numbers from 1 up to 30, with only four blanks (25, 27, 28, 29). As the legions became permanent, the same numbers remained attached to the same corps, which were moreover distinguished by various epithets of which we have early examples in the *Legio Martia* (Cic. *Philip.* v. 2; Vell. Pat. ii. 61; Dion Cass. xlv. 13; Appian, *B. C.* iv. 115), and the *Legio Quinta Alauda.* [ALAUDA.]

Dion Cassius, who flourished under Alexander Severus, tells us (lv. 23) that the military establishment of Augustus consisted of twenty-three or twenty-five legions (we know from Tac. *Ann.* iv. 5, that twenty-five was the real number), of which nineteen still existed when he wrote, the rest having been destroyed, dispersed, or incorporated by Augustus or his successors in other legions. He gives the names of nineteen, and the localities where they were stationed in his own day, adding the designations of those which had been raised by subsequent emperors. This list has been considerably enlarged from inscriptions and other authorities, which supply also several additional titles. We give the catalogue as it stands in the pages of the historian, and refer those who desire more complete information to the collections of Roman Inscriptions by Gruter and Orelli, to the fifth book of the *Comment. Reip. Rom.* of Wolfgang Lazius, fol. Francf. 1598, and to Eckhel, *Doctrina Numm. Vet.* vol. vi. p. 50, vol. viii. p. 488. In the following table an asterisk is subjoined to the nineteen legions of Augustus, to the remainder the name of the prince by whom they were first levied; the epithets included within brackets are not given by Dion, but have been derived from various sources: —

List of the Legions in the Reign of Alexander Severus.

Number of the Legion.	Title.	By whom raised.	Where stationed in the age of Dion Cassius.
Prima	Italica	Nero	Hiberna in Mysia Inferiore.
——	Adjutrix	Galba	Pannonia Inferior.
——	Minervia	Domitianus	Germania Inferior.
——	Parthica	Sept. Severus	Mesopotamia.
Secunda	Augusta	*	Hiberna in Britannia Superiore.
———	Adjutrix	Vespasianus	Pannonia Inferior.
———	Ægyptia Trajana	Trajanus	(Egypt ?)
———	Italica	M. Antoninus	Noricum.
———	Media (Parthica)	Sept. Severus	Italia.
Tertia	Augusta	*	Numidia.
——	Gallica	*	Phoenicia.
——	Cyrenaica	*	Arabia.
——	Italica	M. Antoninus	Rhaetia.
——	Parthica	Sept. Severus	Mesopotamia.
Quarta	Scythica	*	Syria.
——	Flavia (Felix)	Vespasianus	Syria.
Quinta	Macedonica	*	Dacia.
Sexta	Victrix	*	Britannia Inferior.
——	Ferrata	*	Judaea.
Septima	Claudia	*	Mysia Superior.
———	(Gemina)	Galba	Hispania.
Octava	Augusta	*	Germania Superior.
Decima	Gemina	*	Pannonia Superior.
———	(Fretensis)	*	Judaea.
Undecima	Claudia	*	Mysia Inferior.
Duodecima	Fulminatrix	*	Cappadocia.
Decima Tertia	Gemina	*	Dacia.
Decima Quarta	Gemina	*	Pannonia Superior.
Decima Quinta	Apollinaris	*	Cappadocia.
Vigesima	Valeria Victrix	*	Britannia Superior.
———	———	*	Hiberna in Germania.
Trigesima	Ulpia (Victrix)	Trajanus	(Germania ?).

On this we may remark —

1. That several legions bore the same number: thus there were four *Firsts*, five *Seconds*, and five *Thirds*.

2. The titles were derived from various circumstances; some indicated the deity under whose patronage the legions were placed, such as *Minervia* and *Apollinaris;* some the country in which they had been levied or recruited, as *Italica*, *Macedonica*, *Gallica;* or the scene of their most brilliant achievements, as *Parthica*, *Scythica;* some the emperor under whom they had served or by whom they had been created, as *Augusta*, *Flavia*, *Ulpia;* some a special service, as *Claudiana Pia Felix*, applied to the 7th and 11th, which had remained true to their allegiance during the rebellion of Camillus, praefect of Dalmatia, in the reign of Claudius (Dion Cass. lx. 15); some, the fact that another legion had been incorporated with them; at least, this is the explanation given by Dion Cassius of the epithet *Gemina* (Δίδυμα), and there seems little doubt that he is correct. (See Eckhel, vol. iv. p. 472.)

3. The same legions appear in certain cases to have been quartered in the same districts for centuries. Thus the *Secunda Augusta*, the *Sexta Victrix*, and the *Vicesima Victrix*, which were stationed in Britain when Dion drew up his statement, were there in the age of the Antonines, as we learn from Ptolemy (ii. 31), and the first of them as early as the reign of Claudius. (Tac. *Hist.* iii. 22, 24.)

4. The six legions of Augustus which had disappeared when Dion wrote, were probably the following, whose existence in the early years of the empire can be demonstrated: *Prima Germanica; Quarta Macedonica; Quinta Alauda; Nona Hispana; Decima Sexta Gallica; Vigesima Prima Rapax;* besides these, it would seem that there was a second fifteenth and a twenty-second, both named *Primigenia*, and one of these ought, perhaps, to be substituted for the second twentieth in the above table, since the words of Dion with regard to the latter are very obscure and apparently corrupt.

5. We find notices also of a *Prima Macriana Liberatrix* raised in Africa, after the death of Nero, by Clodius Macer; of a *Decima Sexta Flavia Firma* raised by Vespasian; and of a *Vigesima Secunda Deiotariana*, apparently originally a foreign corps, raised by Deiotarus, which, eventually, like the *Alauda* of Caesar, was admitted to the name and privileges of a Roman legion.

6. It will be seen that the numbers XVII., XVIII., XIX. are altogether wanting in the above lists. We know that the XVIII. and XIX. were two of the legions commanded by Varus, and hence it is probable that the XVII. was the third in that ill-fated host.

7. The total number of legions under Augustus was twenty-five, under Alexander Severus thirty-two, but during the civil wars the number was far greater. Thus, when the second triumvirate was formed the forces of the confederates were calculated at forty-three legions, which, after the battle of Philippi, had dwindled down to twenty-eight (Appian, *B. C.* v. 6); but a few years afterwards, when war between Octavianus and M. Antonius was imminent, the former alone had upwards of forty legions, and his adversaries nearly the same. (Appian, *B. C.* v. 53.) In order that we may be able to form some idea of the magnitude of these and other armies, we must next consider

The number of foot soldiers in a Roman legion.— Although we can determine with tolerable certainty the number of soldiers who, at different periods, were contained in a legion, we must bear in mind that at no epoch does this number appear to have been absolutely fixed, but to have varied within moderate limits, especially when troops were required for some special or extraordinary service. The permanent changes may be referred to four epochs.

1. *Under the Kings.*— Varro (*L. L.* v. § 89) and Plutarch (*Rom.* 13), both of whom describe the first establishment of the legion, agree that under Romulus it contained 3000 foot soldiers. The words of Plutarch indeed, in a subsequent passage (*Rom.* 20), would, at first sight, appear to imply that after the junction with the Sabines the number was raised to 6000; but he must be understood to mean two legions, one from each nation. It is highly probable that some change may have been introduced by Servius Tullius, but, in so far as numbers are concerned, we have no evidence.

2. *From the expulsion of the Kings until the second year of the second Punic War.*— The regular number during this space of time may be fixed at 4000 or 4200 infantry. According to Dionysius (vi. 42) M. Valerius, the brother of Publicola, raised two legions (B. C. 492), each consisting of 4000, and Livy, in the first passage, where he specifies the numbers in the legions (vi. 22, B. C. 378), reckons them at 4000, and a few years afterwards (vii. 25, B. C. 346) he tells us that legions were raised each containing 4200 foot soldiers, and 300 horse. The legion which possessed itself of Rhegium (B. C. 281—271) is described (Liv. xxviii. 28) as having consisted of 4000, and we find the same number in the first year of the second Punic War (Liv. xxi. 17, B. C. 218). Polybius, in like manner (i. 16), fixes the number at 4000 in the second year of the first Punic War (B. C. 263), and again in the first year of the second Punic War (iii. 72, B. C. 218). In the war against Veii, however, when the Romans put forth all their energies, according to Dionysius (ix. 13), an army was raised of 20,000 infantry and 1200 cavalry, divided into four legions; and, according to Polybius (ii. 24), in the war against the Gauls, which preceded the second Punic War, the legions of the consuls consisted of 5200 infantry, while those serving in Sicily and Tarentum contained 4200 only, a proof that the latter was the ordinary number.

3. *From the second year of the second Punic War until the consulship of Marius.*— During this interval the ordinary number may be fixed at from 5000 to 5200. Polybius, indeed, in his treatise on Roman warfare, lays it down (vi. 20) that the legion consists of 4200 foot soldiers, and in cases of peculiar danger of 5000. However, the whole of the space we are now considering, was in fact a period of extraordinary exertion, and hence from the year B. C. 216, we shall scarcely find the number stated under 5000 (e. g. Polyb. iii. 107, Liv. xxii. 36, xxvi. 28, xxxix. 38), and after the commencement of the Ligurian war it seems to have been raised to 5200 (Liv. xl. 1, 18, 36, xli. 9, but in xli. 21 it is again 5000). The two legions which passed over into Africa under Scipio (B. C. 204) contained each 6200 (Liv. xxix. 24), those which served against Antiochus 5400 (Liv. xxxvii. 39), those employed in the last Macedonian war 6000 (Liv. xlii. 31, xliv. 21, comp. xliii. 12), but these were special cases.

4. *From the first consulship of Marius* (B. C. 107) *until the extinction of the legion.* — For some centuries after Marius the numbers varied from 5000 to 6200, generally approaching to the higher limit. Festus (*s. v. sex millium et ducentorum*) expressly declares that C. Marius raised the numbers from 4000 to 6200, but his system in this respect was not immediately adopted, for in the army which Sulla led against Rome to destroy his rival, the six complete legions (ἓξ τάγματα τέλεια) amounted to 30,000 men (Plut. *Sull.* 9, *Mar.* 35, but the text in the latter passage is doubtful). In the war against Mithridates again, the 30,000 men of Lucullus formed five legions (Appian. *Mithr.* 72). Comparing Plutarch (*Cic.* 36) with Cicero (*ad Att.* v. 15), we conclude that the two legions commanded by the latter in Cilicia contained each 6000. Caesar never specifies in his Commentaries the number of men in his legions, but we infer that the 13th did not contain more than 5000 (*B. C.* i. 7), while the two mentioned in the fifth book of the Gallic war (c. 48, 49) were evidently incomplete. In Appian, M. Antonius is represented as calculating the amount of 28 legions at upwards of 170,000 men, that is nearly 6100 to each legion, but he seems to include auxiliaries (τῶν συντασσομένων). During the first century the standard force was certainly 6000, although subject to constant variations according to circumstances, and the caprice of the reigning prince. The legion of Hadrian, if we can trust Hyginus, was 5280, of Alexander Severus 5000 (Lamprid. *Sev.* 50), that described by Vegetius (ii. 6), to whatever period it may belong, 6100, and most of the grammarians agree upon 6000 (e. g. Serv. *ad Virg. Aen.* vii. 274; Isidor. *Orig.* ix. 3. § 46; Suidas, *s. v.* λεγεών, but Hesychius gives 6666). The Jovians and Herculeans of Diocletian and Maximian formed each a corps of 6000 (Veget. i. 17), but beyond this we have no clue to guide us. If we believe the τάγματα of Zosimus and the ἀριθμοί of Sozomen to designate the legions of Honorius, they must at that epoch have been reduced to a number varying from 1200 to 700.

Number of Cavalry attached to the Legion. — According to Varro and the other authorities who describe the original constitution of the legion, it consisted of 3000 infantry and 300 cavalry. The number of foot soldiers was, as we have seen above, gradually increased until it amounted to 6000, but the number of horsemen remained always the same, except upon particular occasions. In those passages of Livy and Dionysius, where the numbers of the legion are specified, we find uniformly, amid all the variations with regard to the infantry, 300 horsemen set down as the regular complement (*justus equitatus*) of the legion.

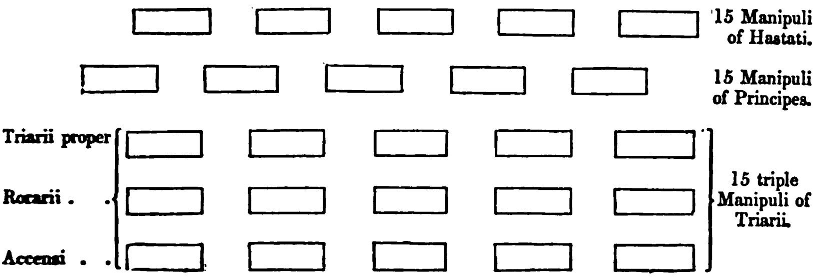
Polybius, however, is at variance with these authorities, for although in his chapter upon Roman warfare (vi. 20) he gives 300 as the number, yet when he is detailing (iii. 107) the military preparations of the year B. C. 216, after having remarked that each legion contained 5000 infantry, he adds, that under ordinary circumstances it contained 4000 infantry and 200 cavalry, but that upon pressing emergencies it was increased to 5000 infantry and 300 cavalry, and this representation is confirmed by his review of the Roman forces at the time of the war against the Cisalpine Gauls (ii. 24). It is true that when narrating the events of the first Punic War, he in one place (i. 16) makes the legions to consist of 4000 infantry and 300 cavalry; and in the passage referred to above (ii. 24) the consular legions amounted to 5200 infantry and 300 cavalry, but both of these were pressing emergencies. The statements, therefore, of Polybius upon this point are directly at variance with those of Dionysius and Livy, and it does not seem possible to reconcile the discrepancy. There are two passages in the last-named historian which might appear to bear out the Greek (Liv. xxii. 36, xlii. 31), but in the first he is evidently alluding to the assertions of Polybius, and in the second the best editors agree in considering the text corrupt, and that we should substitute *duceni pedites* for *duceni equites*.

When troops were raised for a service which required special arrangements, the number of horsemen was sometimes increased beyond 300. Thus the legion despatched to Sardinia in B. C. 215 (Liv. xxiii. 34) consisted of 5000 infantry and 400 cavalry, the same number of horsemen was attached to a legion sent to Spain in B. C. 180 under Tiberius Sempronius (Liv. xl. 36), and in B. C. 169 it was resolved that the legions in Spain should consist of 5000 infantry and 330 cavalry (Liv. xliii. 112), but in the war against Perseus when the infantry of the legions was raised to 6000 the cavalry retained the ancient number of 300. (Liv. xlii. 31.) It must be observed that these remarks with regard to the cavalry apply only to the period before Marius; about that epoch the system appears to have undergone a very material change, which will be adverted to in the proper place.

We now proceed to consider the organisation of the legion at the five periods named above.

First Period. Servius Tullius.—The legion of Servius is so closely connected with the Comitia Centuriata that it has already been discussed in a former article [COMITIA], and it is only necessary to repeat here that it was a phalanx equipped in the Greek fashion, the front ranks being furnished with a complete suit of armour, their weapons being long spears, and their chief defence the round Argolic shield (*clipeus*).

Second Period. The Great Latin War, B. C. 340. — Our sole authority is a single chapter in Livy (viii. 8), but it "is equalled by few others in compressed richness of information," and is in itself sufficiently intelligible, although tortured and elaborately corrupted by Lipsius and others, who were determined to force it into harmony with the words of Polybius, which represent, it is true, most accurately the state of a Roman army, but of a Roman army as it existed two centuries afterwards. According to the plain and obvious sense of the passage in question, the legion in the year B. C. 340 had thrown aside the arms and almost entirely discarded the tactics of the phalanx. It was now drawn up in three, or perhaps we ought to say, in five lines. The soldiers of the first line, called *Hastati*, consisted of youths in the first bloom of manhood (*florem juvenum pubescentium in militiam*) distributed into fifteen companies or maniples (*manipuli*), a moderate space being left between each. The maniple contained sixty privates, two centurions (*centuriones*), and a standard bearer (*vexillarius*); two thirds were heavily armed and bore the *scutum* or large oblong shield, the remainder carried only a spear (*hasta*) and light javelins (*gaesa*). The second line, the *Principes*, was composed of men in the full vigour of life, divided in like manner into fifteen maniples, all heavily armed (*scutati omnes*), and distinguished by the splendour of their equipments (*insignibus maxime armis*). The two lines of the *Hastati* and *Principes* taken together amounted to thirty maniples and formed the *Antepilani*. The third line, the *Triarii*, composed of tried veterans (*veteranum militem spectatae virtutis*), was also in fifteen divisions, but each of these was triple, containing 3 manipuli, 180 privates, 6 centurions, and 3 vexillarii. In these triple manipuli the veterans or *triarii* proper formed the front ranks; immediately behind them stood the *Rorarii*, inferior in age and prowess (*minus roboris aetate factisque*), while the *Accensi* or supernumeraries, less trustworthy than either (*minimae fiduciae manum*), were posted in the extreme rear. The battle array may be thus represented.



The fight was commenced by the *Rorarii*, so called because the light missiles which they sprinkled among the foe were like the drops which are the forerunners of the thunder shower (Festus *s. v. Rorarios milites*), who, running forward between the ranks of the antepilani, acted as tirailleurs; when they were driven in they returned to their station behind the triarii, and the battle began in earnest by the onset of the hastati; if they were unable to make any impression they retired between the ranks of the principes, who now advanced and bore the brunt of the combat, supported by the hastati, who had rallied in their rear. If the principes also failed to make an impression, they retired through the openings between the maniples of the triarii, who up to this time had been crouched on the ground (hence called *subsidiarii*), but now arose to make the last effort (whence the phrase *rem ad triarios redisse*). No longer retaining the open order of the two first lines, they closed up their ranks so as to present an unbroken line of heavy-armed veterans in front, while the rorarii and accensi, pressing up from behind, gave weight and consistency to the mass, — an arrangement bearing evidence to a lingering predilection for the principle of the phalanx, and exhibiting, just as we might expect at that period, the Roman tactics in their transition state. It must be observed that the words *ordo*, *manipulus*, *vexillum*, although generally kept distinct, are throughout the chapter used as synonymous; and in like manner, Polybius, when describing the maniple, remarks (vi. 20), *καὶ τὸ μὲν μέρος ἕκαστον ἐκάλεσαν καὶ τάγμα καὶ σπεῖραν καὶ σημαίαν.*

Livy concludes by saying, that four legions were commonly levied, each consisting of 5000 infantry and 300 horse. We must suppose that he speaks in round numbers in so far as the infantry are concerned, for according to their own calculations the numbers will stand thus: —

Hastati . . .	15 × 60	=	900
Principes . . .	15 × 60	=	900
Triarii, &c. . .	15 × 3 × 60	=	2700
Centuriones		=	150
Vexillarii		=	75
			4725

In deference to a great name, we ought not to omit mentioning that Niebuhr (*Hist. of Rome*, vol. iii. p. 97), while he admits that the text of Livy is sound and consistent with itself, argues, we venture to think, somewhat unreasonably, that he did not understand his excellent materials, and although clear at first, became eventually completely bewildered and wrote nonsense.

Third Period. Polybius. — Polybius describes minutely the method pursued in raising the four legions, which under ordinary circumstances were levied yearly, two being assigned to each consul. It must be observed that a regular consular army (*justus consularis exercitus*) no longer consisted of Roman legions only, but as Italy became gradually subjugated, the various states under the dominion of Rome were bound to furnish a contingent, and the number of allies (*socii*) usually exceeded that of citizens. They were, however, kept perfectly distinct, both in the camp and in the battle field.

1. After the election of consuls was concluded, the first step was to choose the twenty-four chief officers of the legions, named *tribuni militum*, and by the Greek writers χιλιάρχοι. Of these, fourteen were selected from persons who had served five campaigns of one year (*annua stipendia*, *ἐνιαυσίους στρατείας*) and were termed *juniores* (*οἱ νεώτεροι τῶν χιλιάρχων*), the remaining ten (*seniores*, *πρεσβυτέροι*), from those who had served for ten campaigns. The manner of their election will be explained below, when we treat more particularly of the legionary officers. (Polyb. vi. 19.)

2. All Roman citizens whose fortune was not rated under 4000 asses were eligible for military service from the age of manhood up to their forty-sixth year, and could be required to serve for twenty years if in the infantry, and for ten years, if in the cavalry. Those whose fortune was below the above sum were reserved for naval service, except in any case of great necessity, when they also might be called upon to serve for the regular period in the infantry.

The consuls having made proclamation of a day upon which all Roman citizens eligible for service must assemble in the Capitol, and these being in attendance at the time appointed in the presence of the consuls, the tribunes were divided into four sections, according to the order of their election, in the following manner: — The four junior tribunes first elected, and the two senior tribunes first elected were assigned to the first legion, the three juniors and the three seniors next in order to the second; the four juniors and the two seniors next in order to the third, the last three juniors and the last three seniors to the fourth legion. (Polyb. vi. 14.)

The tribunes being thus distributed into four parties of six, those belonging to each legion seated themselves apart, and the tribes were summoned in succession by lot. The tribe whose lot came out first being called up, they picked out from it four youths as nearly matched as possible in age and form; out of these four, the tribunes of the first legion chose one, the tribunes of the second legion one of the remaining three; the tribunes of the third legion, one of the remaining two, and the last fell to the fourth legion. Upon the next tribe being called up, the first choice was given to the tribunes of the second legion, the second choice to those of the third, and the last man fell to the first legion. On the next tribe being called up, the tribunes of the third legion had the first choice, and so on in succession, the object in view being that the four legions should be as nearly alike as possible, not in the number only, but in the quality of the soldiers. This process was continued until the ranks were complete, the regular number, according to Polybius in this passage, being 4200, but when any danger greater than usual was impending, 5000.

In ancient times, the cavalry were not chosen until after the infantry levy was concluded, but when Polybius wrote the cavalry were picked in the first place from the list on which they were enrolled by the censor according to their fortune, and 300 were apportioned to each legion. (Polyb. vi. 20.)

3. The levy being completed (*ἐπιτελεσθείσης τῆς καταγραφῆς*), the tribunes collected the men belonging to their respective legions, and making one individual stand out from the rest administered to him an oath (*ἐξορκίζουσιν*) "that he would obey orders and execute to the best of his ability the command of his officers." (*Sacramentum* s. *Jusjurandum militare*, Cic. *de Off.* i. 11; Liv. xxii. 38; *sacramento milites adigere* s. *rogare*, Liv. vii. 11; *sacramentum* s. *sacramento dicere*, Fest. *s. v.*; Caes. *B. C.* i. 23; Liv. ii. 24, iv. 53; Gell. xvi. 4.) The rest of the soldiers then came forward one by one, and swore to do what the first had bound himself to perform. They were then dismissed, a day and place having been appointed where each legion was to assemble without arms. (Polyb. vi. 21; Caes. *B. C.* i. 76.) The words uttered by each soldier after the first were probably simply "idem in me," (see Fest. *s. v. Praejurationes*).

4. At the same time the consuls gave notice to the magistrates of those towns in Italy in alliance with Rome, from whom they desired to receive a contingent, of the number which each would be required to furnish, and of the day and place of gathering. The allied cities levied their troops and administered the oath much in the same manner as the Romans, and then sent them forth after appointing a commander and a pay-master (*ἄρχοντα καὶ μισθοδότην*). [SOCII.] (Polyb. vi. 21.)

5. The soldiers having again assembled, the men belonging to each legion were separated into four divisions; and here, we must remark in passing, that Polybius has fallen into a slight inconsistency, for while in the passage quoted above he fixes the number of the legion when he wrote, under ordinary circumstances, at 4200, in describing the arrangements which follow he supposes it to consist of 4000 only (vi. 21).

(1) One thousand of the youngest and poorest were set apart to form the *Velites* (Γροσφομάχοι, Γροσφοφόροι), or skirmishers of the legion.

(2) Twelve hundred who came next in age (or who were of the same age with the preceding but more wealthy — the words of Polybius are not very distinct) formed the *Hastati* ('Αστάτοι).

(3) Twelve hundred, consisting of those in the full vigour of manhood, formed the *Principes* (Πρίγκιπες).

(4) Six hundred, consisting of the oldest and most experienced, formed the *Triarii* (Τριάριοι).

When the number of soldiers in the legion exceeded 4000, the first three divisions were increased proportionally, but the number of the Triarii remained always the same.

The equipment of these corps was as follows: —

For defensive armour the Velites were furnished with a plain head-piece (*λιτῷ περικεφαλαίῳ*), sometimes covered with the hide of a wolf (*λυκείαν*) or any similar material, and a strong circular buckler (*parma* — *πάρμη*), three feet in diameter. Their offensive weapons were a sword (*μάχαιρα*), and the light javelin (*hasta velitaris* — *γρόσφος*), the shaft of which (*hastile* — *τὸ ξύλον*) was generally two cubits (*δίπηχυ*), that is, about three feet in length, and in thickness a finger's breadth (*τῷ δὲ πάχει δακτυλιαῖον*), *i. e.* about ·7584 of an inch; the iron point a span in length (*τὸ δὲ κέντρον σπιθαμιαῖον*), *i. e.* about nine inches, hammered out so fine that it was of necessity bent at the first cast, and therefore could not be hurled back by the enemy.

The Hastati wore a full suit of defensive armour (*πανοπλία*), consisting of shield, helmet, breastplate, and greave. Their shield, termed *Scutum* (*ϑυρεός*), was formed of two rectangular boards from four feet to four feet three inches long by two and a half feet broad, the one laid over the other, and united with strong glue; the outer surface was then covered with coarse canvas, and over this a calf's hide was stretched, and a curvature was given to the whole, the convexity being turned outwards. The upper and under edge was strengthened by an iron rim (*σιδηροῦν σιάλωμα*), the former, that it might resist the downward stroke of a sword; the latter, that it might not be injured by resting upon the ground. In addition, it was still further fortified by an iron boss (*σιδηρᾶ κόγχος*), which served to render it more secure against blows from stones, against thrusts from the long pikes of the phalanx, and, in general, from all heavy missiles. [See a figure of the SCUTUM under that article.] One leg was protected by a greave (*ocrea* — *παρακνήμις*), and the head by a bronze helmet (*galea*—*περικεφαλαία χαλκῆ*), with a crest composed of three scarlet or black feathers, standing erect to the height of about eighteen inches, so that the casque added greatly to the apparent stature and imposing carriage of the soldier. The greater number of the Hastati wore in front of their breast a brass plate nine inches square, which was called the *Heart-preserver* (*καρδιοφύλαξ*); but those whose fortune exceeded

100,000 asses had complete cuirasses of chain-armour (*loricas* — *ἀλυσιδωτοὺς θώρηκας*).

The offensive weapons of the Hastati consisted of a sword and heavy javelins. The sword, which was girded on the right side, had a strong straight blade, double-edged, and sharp-pointed, being thus calculated both for cutting and thrusting. It was called a Spanish sword (*μάχαιρα Ἰϐηρική*), in contradistinction to the Gaulish sword, which was a cutting sword only. Each man carried in his hand two of those heavy missiles, called *pila* by the Latins, *ὑσσοί* by the Greeks, which may be regarded as the characteristic weapon of the Roman infantry. The shaft of these was in every case four and a half feet (three cubits) long, and the barbed iron head was of the same length, but this extended half way down the shaft to which it was attached with extreme care (Polyb. vi. 23), so that the whole length of the weapon was about six feet nine inches. The shaft varied both in form and thickness — in form it was sometimes cylindrical, sometimes quadrangular — in the heaviest, the diameter of the cylinder or the breadth across one of the flat sides was about three inches (*παλαιστιαίαν ἔχουσι . . . τὴν διάμετρον*).

The equipment of the Principes and the Triarii was in every respect the same with that of the Hastati, except that the latter carried pikes (*hastae* — *δόρατα*) instead of *pila*. (Polyb. vi. 21, 22, 23. For more minute information with regard to the different parts of the equipment, consult GALEA, HASTA, LORICA, SCUTUM, PARMA, &c.)

We may remark, in passing, that in addition to his armour and weapons the legionary, when in marching order, usually carried provisions for a fortnight at least, and three or four stakes, used in forming the palisade of the camp, besides various tools, an enumeration of which will be found in Josephus. (*B. J.* iii. 5. § 5.) The Roman writers frequently allude with pride to the powers of endurance exhibited by their countrymen in supporting with ease such overwhelming loads; and Polybius draws a contrast between the Italian and the Greek soldier in this respect little favourable to the energy of the latter. (See Cic. *Tuscul.* ii. 16., which is the *locus classicus;* Polyb. xviii. 1; comp. Veget. i. 19; from Liv. *Epit.* lvii. it appears that Scipio trained his men to carry food for thirty days, and seven stakes each — double the usual burden.)

6. The Hastati, Principes, and Triarii were each divided into ten companies called *Manipuli*, to which Polybius gives, as equivalents, the three terms *τάγμα, σπεῖρα, σημαία*. The Velites were not divided into companies, but were distributed equally among the Hastati, Principes, and Triarii.

7. Before the division of the three classes into maniples, officers were appointed inferior to the tribunes. Thirty men were chosen by merit, ten from the Hastati, ten from the Principes, and ten from the Triarii; and this first choice being completed, thirty more in like manner. These sixty officers, of whom twenty were assigned to each of the three classes, and distributed equally among the maniples, were named *centuriones*, or *ordinum ductores* (*κεντυρίωνες, ταξίαρχοι*), and each of the sixty chose for himself a lieutenant (*optio*), who, being posted in the rear of the company while the centurion was at the head, was named *οὐραγός* (i. e. *Tergiductor*) by the Greeks, so that in each maniple there were two centurions and two optiones. Farther, the centurions selected out of each maniple two of the bravest and most vigorous men as standard bearers (*vexillarii, signiferi, σημαιοφόροι*). The first elected centurion of the whole had a seat in the military council (*συνεδρίου κοινωνεῖ*), and in each maniple the first chosen commanded the right division of the maniple, and the other the left. Each of these subdivisions of the maniple was called, as we shall see hereafter, *centuria*, but it is not specifically noticed here by Polybius. (Polyb. vi. 24.)

8. The cavalry were divided into ten troops (*turmae, ἶλαι*), and out of each of these three officers were chosen, named *decuriones* (*ἰλάρχαι*), who named three lieutenants (*optiones, οὐραγοί*). In each troop the decurio first chosen commanded the whole troop, and failing him, the second.

The equipment of the cavalry was originally adapted solely to secure great ease and rapidity of movement. Hence they wore no breastplate, but were clad in a single garment girded tight round their bodies; their shields were formed simply of an ox's hide, were incapable of withstanding a strong blow, and were readily damaged by wet; their lances (*δόρατα*) were so light and the shaft so thin, that they vibrated from the action of the horse; could not be directed to their object with a steady aim, and were constantly snapped in a charge merely by the rapid motion. Moreover, not being furnished with a point at both ends, they served for one thrust only, by which they were broken, and then became useless. In the time of Polybius, however, they had adopted the Greek equipment, — a breastplate, a solid buckler, and a strong spear, fashioned in such a manner that the end by which it was held was so far pointed as to be available in case of necessity.

9. After the soldiers had been thus divided and officered, the tribunes having given the different classes instructions with regard to the arms which they were to provide, dismissed them to their homes, having first bound them by an oath to assemble again on a day and in a place fixed by the consul. Then and there accordingly they did assemble, no excuse for absence being admitted except inevitable necessity or the appearance of evil omens.

10. The infantry furnished by the *socii* was for the most part equal in number to the Roman legions, the cavalry twice or thrice as numerous, and the whole were divided equally between the two consular armies. Each consul named twelve superior officers, who were termed *Praefecti Sociorum* (*πραίφεκτοι*), and corresponded to the legionary tribunes. A selection was then made of the best men, to the extent of one fifth of the infantry and one third of the cavalry; these were formed into a separate corps under the name of *extraordinarii*, and on the march and in the camp were always near the person of the consul. The remainder were divided into two equal portions, and were styled respectively the *Dextera Ala* and the *Sinistra Ala* (*καλοῦσι τὸ μὲν δεξιὸν τὸ δ' εὐώνυμον κέρας*). [ALA.]

It will be observed that we have implied a doubt with regard to the number of cavalry furnished by the allies. Polybius (iii. 107), when giving a sketch of the Roman forces before the battle of Cannae, after stating that the legion under ordinary circumstances consisted of 4000 infantry and 200 cavalry, but that in circumstances of peculiar difficulty and danger it was augmented to 5000 infantry and 300 cavalry, adds distinctly that the allies supplied a force of infantry equal to that of the legion, and generally thrice as many cavalry (*τῶν δὲ συμμάχων, τὸ μὲν τῶν πεζῶν πλῆθος πάρισον ποιοῦσι τοῖς Ῥωμαικοῖς στρατοπέδοις, τὸ δὲ τῶν ἱππέων ὡς ἐπίπαν τριπλάσιον*). When treating more formally of the same subject (vi. 26) he repeats the above observation in nearly the same words, but when he came to *τὸ δὲ τῶν ἱππεών τριπλάσιον*, many of the MSS. present *διπλάσιον*; and a little further on (vi. 30), in the passage where he explains the manner in which the troops were quartered in a camp, his expressions, when interpreted according to their natural meaning and their connection with the preceding clause, must signify that the total number of the allied cavalry was double that of the Romans, and not, as the Latin translation attached to the edition of Schweighaeuser has it, double that of the Romans *after* deducting one-third for the extraordinarii equites. Livy, when referring to the position of affairs between the Romans and their allies before the great Latin war of B. C. 340, after specifying the ordinary strength of the Roman armies, adds (viii. 8) "alterum tantum ex Latino delectu adjiciebatur." When recounting the preparations for the campaign of Cannae, although he appears to allude directly to the narrative of Polybius and to copy his words, he contradicts him directly with regard to the allied cavalry (xxii. 36), "socii duplicem numerum equitum darent." At a somewhat later period (B. C. 189), when four legions were raised, the socii were required to contribute 15,000 infantry and 1200 cavalry (xxxviii. 35), and nine years afterwards the consuls were ordered to levy a new army of four legions "et socium Latini nominis, *quantus semper numerus*, quindecim millia peditum et octingenti equites" (xl. 36), which exactly corresponds with what we read in a former chapter (xl. 18). The truth seems to be, that although the contingent which each state was bound to furnish, was fixed by treaty, it was seldom necessary to tax all the allies to the full extent, and hence the senate used their discretion as to the precise number to be supplied, according to the circumstances of the case, the proportion of confederates to Roman citizens becoming of course gradually larger as the limits of the Roman sway embraced a greater number of cities and districts. (See Lips. *de Milit. Rom.* ii. 7.)

11. *Agmen* or *Line of March.*—The Extraordinarii Pedites led the van followed by the right wing of the infantry of the allies and the baggage of these two divisions; next came one of the Roman legions with its baggage following; next the other Roman legion with its own baggage, and that of the left wing of the allies, who brought up the rear. The different corps of cavalry sometimes followed immediately behind the infantry to which they were attached, sometimes rode on the flanks of the beasts of burden, at once protecting them and preventing them from straggling. If there was any apprehension of an attack from behind, the only change in the above order consisted in making the Extraordinarii bring up the rear instead of leading the van. As far as the position of the two legions with regard to each other, and also of the two wings of the allies, was concerned, it was understood that the legion and the wing which took the lead upon one day should fall behind upon the next day, in order that each in turn might have the advantage of arriving first at the watering places and fresh pastures. When marching in open ground where an attack on the flanks was anticipated, a different disposition was sometimes adopted. The Hastati, Principes, and Triarii marched in three columns parallel to each other, the baggage of the first maniples took the lead, the baggage of the second maniples was placed between the first and second maniples, and so on for the rest, the baggage in each case preceding the maniple to which it belonged. If an attack was made then the soldiers wheeling either to the right or to the left, according to circumstances, and advancing at the same time a few steps, by this simple and easily executed movement presented at once an even front to the enemy, the whole of the baggage being now in the rear.

Generally, when advancing through a country in which it was necessary to guard against a sudden onset, the troops, instead of proceeding in a loose straggling column, were kept together in close compact bodies ready to act in any direction at a moment's warning, and hence an army under these circumstances was said *agmine quadrato incedere.* (*e. g.* Sall. *Jug.* 105; Senec. *Ep.* 59; comp. Cic. *Phil.* ii. 42, v. 7.)

It is to be observed that Polybius, at the outset, promises an account of the order of march, of the encampment, and of the battle array of the Roman armies (*πορείας, στρατοπεδείας, παρατάξεις*; *Agmen, Castra, Acies*); but that while he has redeemed his pledge with regard to the two former, he has left the last topic untouched, unless, indeed, it was included in a section now lost. It is, moreover, comparatively speaking, a subject of little consequence, for while we know that a camp was always the same so long as the constitution of the army remained unchanged, and while the order of march was subject to few modifications, the marshalling of the troops for an engagement must have varied materially in almost every contest, depending necessarily in a great measure on the nature of the ground, and on the aspect assumed by the foe.

Some doubt exists with regard to the force of the term *Agmen Pilatum* as distinguished from *Agmen Quadratum.* The explanation quoted from Varro by Servius (*Ad Virg. Aen.* xii. 121), "*Quadratum*, quod immixtis etiam jumentis incedit, ut ubivis possit considere: *pilatum*, quod sine jumentis incedit, sed inter se densum est, quo facilius per iniquiora loca tramittatur," has not been considered satisfactory, although it is difficult to understand how Varro, himself a soldier, should have been inaccurate upon such a point. Where the phrase occurs in poetry as in the passage in Virgil referred to above (comp. Martial. x. 48), it probably denotes merely "columns bristling with spears."

Polybius being our most copious and pure source of information, before passing on to the fourth period, it may be fitting to enter more fully upon certain topics which he has either touched very lightly or passed over in silence. We shall, therefore, make a few remarks:—1. On the levying of soldiers. 2. On the division of the legion as a body into cohorts, maniples, and centuries, of which the cohort and the century are not named by Polybius in the above description. 3. On the distribution of the soldiers into *Triarii, Principes,* *Hastati*, *Velites*, *Antepilani*, *Antesignani*, &c., and on the original import of these terms. 4. On the officers of the legion, the tribunes, the centurions and subalterns.

1. *The levy* (*delectus*, καταγραφή) was usually held in the Capitol (Liv. xxvi. 31) by the consuls seated on their chairs of state (*positis sellis*, Liv. iii. 11); but sometimes in the Campus Martius (Dionys. viii. 87), which was beyond the jurisdiction of the tribunes of the plebs, who, in the earlier ages of the commonwealth especially, frequently interfered to prevent an army from being raised.

According to the principles of the constitution, none were enrolled in the legion, except freeborn citizens (*ingenui*) above the age of seventeen, and under the age of forty-six, possessing the amount of fortune specified above (Gell. x. 28); but in times of peculiar difficulty, these conditions were not insisted upon. Thus, in consequence of the scarcity of men during the second Punic war, it was at one time ordained, that lads under seventeen might be admitted into the ranks, and that their time should be allowed to count just as if they had attained to the legal age (Liv. xxv. 5), and on the other hand, when strenuous exertions were made for the campaign against Perseus, the senate decreed that no one under fifty should be excused from enlisting (Liv. xlii. 33). Moreover, not only were all freeborn citizens without distinction of fortune called out on such occasions, but even freedmen were armed (Liv. x. 21, xxii. 11); and after the battle of Cannae, eight thousand slaves who had declared themselves willing to fight for the republic, were purchased by the state, and formed into two legions, who, under the name of *Volones*, displayed great bravery, and eventually earned their freedom (Liv. xxii. 57).

In moments of sudden panic or when the necessity was so pressing as to admit of not a moment's delay, all formalities were dispensed with, and every man capable of bearing arms was summoned to join in warding off the threatened danger, a force raised under such circumstances being termed *subitarius s. tumultuarius exercitus* (*Subitarii milites*, Liv. iii. 4, xli. 17; *Subitarius exercitus*, iii. 30; *Legiones subitariae tumultus causa scriptae*, xxxi. 2, xl. 26; *Tumultuarius exercitus raptim conscriptus*, viii. 11; *Legiones tumultuarius scriberet*, xl. 26).

If citizens between the ages of seventeen and forty six did not appear and answer to their names or contumaciously refused to come forward, they might be punished in various ways, — by fine, by imprisonment, by stripes, by confiscation of their property, and even, in extreme cases, by being sold as slaves (Dionys. viii. 87; Liv. vii. 4; Varr. ap. Gell. xi. 1, ap. Non. *s. v. Tenebrionem;* Val. Max. vi. 3. § 4). At the same time, causes might be alleged which were recognised as forming a legitimate ground for exemption (*vacatio justa militiae*). Thus, all who had served for the full period of twenty years in the infantry or ten in cavalry, were relieved from further service, although they might still be within the regular age; and so, in like manner, when they were afflicted by any grievous malady, or disabled by any personal defect, or engaged in any sacred or civil offices which required their constant attendance; but these and similar pleas, although sustained under ordinary circumstances, might be rendered void by a decree of the senate "ne vacationes valerent," and hence in the case of a Gallic war, we read that Aemilius Mamercinus, then consul, was instructed "scribere exercitum sine ulla vacationis venia" (Liv. viii. 20), and one of the measures urged by Cicero upon the senate in the contest with Antonius was "delectum haberi sublatis vacationibus" (*Philipp.* v. 12). So, also, if the soldier, after being enrolled, failed to appear at the place of muster appointed by the consul, his absence might be justified by various "excusationes," a list of which will be found in Gellius (xvi. 4), the most important being severe bodily ailment (*morbus sonticus*); the death of a near relation (*funus familiare*); the obligation of performing a stated sacrifice (*sacrificium anniversarium*), or some other religious impediment.

While those who had served for the stipulated period were entitled to immunity for the future, even although within the legal age, and were styled *Emeriti*, so on the other hand, it appears from some passages in the classics, that persons who had not completed their regular term within the usual limits, might be forced, if required, to serve between the ages of forty-five and fifty (Liv. xxvii. 11, xlii. 34; Senec. *de brev. Vit.* cap. ult.; Quintil. ix. 2. § 85). Towards the close of the republic, and under the empire, when the legions became permanent, the soldier who had served his full time received a regular discharge (*missio*) together with a bounty (*praemium*) in money or an allotment of land. The jurists distinguish three kinds of discharge: — 1. *Missio honesta*, granted for length of service. 2. *Missio caussaria*, in consequence of bad health. 3. *Missio Ignominiosa*, when a man was drummed out for bad conduct (Macer in Dig. 49. tit. 16. s. 13; Ulpian in Dig. 3. tit. 2. s. 2, comp. Hirt. *B. A.* 54; Suet. *Jul.* 69, *Octav.* 24). It frequently happened that *emeriti* were induced to continue in the ranks, either from attachment to the person of the general or from hopes of profit or promotion (Appian. *B. C.* v. 3), and were then called *veterani*, or when they joined an army, in consequence of a special invitation *evocati* (ἀνακλήτοι, Dion Cass. lv. 24). Dion Cassius states (*l. c.*) that troops bearing this last denomination were first employed by Octavianus, when he called out (ἀνεκάλεσεν) the veterans of Julius Caesar to aid him against Antonius, but we read of them at an earlier period. (Caes. *B. G.* vii. 65, *B. C.* i. 17, iii. 88.) [EVOCATI.] They must in no way be confounded with the volunteers mentioned by Polybius in his description of a Roman camp (τινὲς τῶν ἐθελοντηδὸν στρατευομένων τῇ τῶν ὑπάτων χάριτι), who seem to have formed part of what may be termed the personal suite of the general. (Comp. Sallust. *Jug.* 84.) We shall make some further remarks upon the Veterani and the changes introduced by Augustus with regard to the term of service, when we speak of the *Vexillarii*, who belong to our fifth period.

2. We next proceed to consider the division of the legion into *Cohortes*, *Manipuli*, *Centuriae*, *Signa*, *Ordines*, *Contubernia*.

Cohortes. — It will be observed that Polybius takes no notice of the *Cohort*, a division of the legion mentioned so often in the Roman writers. Hence Salmasius and other distinguished scholars have supposed that the cohort had no existence until the time of Marius, and although named by Livy almost immediately after the expulsion of the kings (ii. 11), and repeatedly afterwards (e. g. xxvii. 13, 41) he may be supposed to speak proleptically. But in a quotation preserved by A. Gellius (*N. A.* xvi. 4) from the treatise *De Re Militari* of Cincius, who is generally admitted to be Cincius Alimentus, the annalist contemporary with Hannibal, we find the cohort not only named but specifically defined, *In legione sunt centuriae sexaginta, manipuli triginta, cohortes decem;* and Polybius himself uses the Latin word *κοόρτις* twice in his history of Scipio's Spanish campaigns (xi. 23, 33), giving in the first of these passages an explanation of the term, *καὶ λαβὼν . . . τρεῖς σπείρας, τοῦτο δὲ καλεῖται τὸ σύνταγμα τῶν πεζῶν παρὰ Ῥωμαίοις κοόρτις* . . . where it must be borne in mind that Polybius uses the words *τάγμα*, *σημαία*, and *σπεῖρα* indifferently, to denote the maniple. On the other hand, the later Greek writers generally designate the maniple by *λόχος*, and almost invariably employ *σπεῖρα* as the representative of *cohors*. Hence considerable confusion is apt to arise; and Livy has rendered his description of the order in which Scipio marshalled his army at Zama unintelligible by translating *τὰς σπείρας* in the text of Polybius by *cohortes* instead of *manipulos* (Liv. xxx. 33; Polyb. xv. 9); while Polybius himself is guilty of an inconsistency in the same chapter when he uses the expression *ταῖς τῶν γροσφυμάχων σπείραις*, for the *γροσφομάχοι* or Velites were not divided into maniples, as he most distinctly states elsewhere.

When the soldiers of the legion were classified as Velites, Hastati, Principes and Triarii, the cohort contained one maniple of each of the three latter denominations, together with their complement of Velites, so that when the legion contained 4000, each cohort would consist of 60 Triarii, 120 Principes, 120 Hastati, and 100 Velites, in all 400 men.

The number of cohorts in a legion being always ten (Cincius, *l. c.*; Cic. *Philip.* iv. 27; the words of Isidor. *Orig.* ix. 3. § 47, are evidently corrupt), and the cohorts, during the republic, being all equal to each other, the strength of the cohort varied from time to time with the strength of the legion, and thus at different periods ranged between the limits of 300 and 600. They were regularly numbered from 1 to 10, the centurion of the first century of the first maniple of the first cohort was the guardian of the eagle, and hence the first cohort seems always to have been regarded as superior in dignity to the rest. (Caes. *B. C.* iii. 64, Cic. *ad Att.* v. 20.) From some expressions in the description given by Caesar of the battle of Pharsalia, it has been inferred that even then the first cohorts in the legions were more numerous than the rest; and this was certainly the case under the empire, when they were termed *cohortes milliariae*, and contained twice as many soldiers as the others. Thus the legion described by Hyginus amounted to 5280 men, divided into ten cohorts; and of these, the first, which had the charge of the eagle, consisted of 960 men, while the remaining nine had 480 each.

The word cohort lasted as long as the word legion, and even longer, for not only does Ammianus (xxi. 13, xxiii. 5) speak of centuries and cohorts in the army of Julian, but *cohors*, as a military term, is met with in authors after Justinian. But although *cohortes* is found occasionally in the writers of the later empire, they for the most part prefer the somewhat vague term *numeri*, which appears in Tacitus and Suetonius, and perhaps even in Cicero (*ad Fam.* xi. 10, xii. 13). *Numeri* seems to have signified strictly the muster roll; whence the phrases *referre in numeros*, *distribuere in numeros* (Plin. *Ep.* iii. 8, x. 30, 31), and thus served to denote any body of legionaries. In the Digest and the two Codes it is used sometimes for a century, sometimes for a cohort; by Suetonius (*Vespas.* 6) for a detachment selected from three different legions. Nor is it absolutely restricted to legionaries, for we read in inscriptions of *Numerus Britonum* (Orell. 1627), *Numeri Dalmatarum* (Grut. dxxviii.; Orell. 3410), while Ammianus applies it to cavalry as well as infantry, and to auxiliaries as well as legionaries (xxiii. 2). In like manner the later Greeks introduced *ἀριθμοὶ* or *νουμεροὶ* for *cohortes*, the former being the explanation given by St. Chrysostom in his exposition of the tenth chapter of the Acts for the word *σπείρας*, while Suidas interprets *σπεῖραι* by *νούμερα*.

Whenever *Cohors* occurs in the Latin classics in connection with the legion, it always signifies a specific division of the legion; but it is very frequently found, in the general sense of *battalion*, to denote troops altogether distinct from the legion. Thus in Livy (iv. 39) it is applied to a body of dismounted cavalry, to the force of the allies (*alariae cohortes*, x. 40, 41; *cohors Peligna*, xxv. 14; *cohortem Marsorum*, xxxiii. 36, &c.), to the troops of an enemy (vii. 7, x. 40, xxx. 36), with various other modifications; and we shall be called upon to speak under our fifth period of *Cohortes praetorianae*, *Cohortes peditatae*, *Cohortes equitatae*, and several others.

Manipulus.—The original meaning of this word, which is clearly derived from *manus*, was *a handful or wisp of hay, straw, fern, or the like*, and this, according to Roman tradition, affixed to the end of a pole, formed the primitive military standard in the days of Romulus —

> Pertica suspensos portabat longa maniplos
> Unde manipularis nomina miles habet.

(Ovid. *Fast.* iii. 117; compare Plut. *Rom.* 8). Hence it was applied to a body of soldiers serving under the same ensign (see Varr. *L. L.* v. 8, vi. 85, who connects it in this sense directly with *manus*): when the ponderous mass of the phalanx was resolved into small companies marshalled in open order, these were termed *manipuli*, and down to a very late period the common soldiers of the legion were designated as *manipulares* or *manipularii*, terms equivalent to *gregarii milites*. By whom this momentous innovation upon the tactics of a Roman army was first introduced, it is impossible to determine with certainty; but from the remark of Livy (viii. 8), that a change in the equipment of the heavy-armed soldiery took place at the period when they began to receive pay, compared with the words of Plutarch (*Camill.* 40), we may conjecture that the revolution was brought about in part at least by the greatest general of whom the infant republic could boast — Camillus.

When the phalanx was first broken up, it appears (Liv. viii. 8) that each of the three classes of Hastati, Principes, and Triarii, contained fifteen maniples; but before the second Punic war (see Cincius, as quoted by Gell. above) the number of maniples in each of these classes was reduced to ten, as stated by Polybius. Hence it is easy to calculate the number of soldiers in each maniple, according to the varying numbers in the legion, it being always borne in mind that the Triarii never exceeded 600, and that the Velites were not divided into maniples, but distributed equally among the heavy-armed companies.

Some writers, especially Le Beau, in his "Mémoires" on the Legion, maintain that, after the distinctions between the Hastati, Principes and Triarii were abolished, and the legion was marshalled in cohorts, the division into maniples was no longer practised, and that the term *manipulus* must from this time be understood to indicate either a small number of men indefinitely, or a mass of ten soldiers quartered in the same tent. No one, however, who reads without prejudice the words of Caesar "adeo ut paucis mutatis centurionibus, iidem ordines, manipulique constarent" (*B. C.* ii. 28, comp. *B. G.* ii. 25, vi. 33), and of Tacitus, "assistentem concionem quia permixta videbatur discedere in manipulos jubet" (*Ann.* i. 34), together with the still more explicit expressions of Ammianus, "omnes centurias et manipulos et cohortes in concionem convocabat" (xxi. 13. § 9), repeated almost in the same words in two other passages (xvii. 13. § 25, xxiii. 5. § 15), can doubt that the manipulus continued to the very last to form one of the larger subdivisions of the legion. Indeed, the whole system of classifying and naming the centurions upon which Le Beau himself bestows so much labour and ingenuity is unintelligible upon any other supposition. At the same time it cannot be denied that *manipulus* must sometimes be taken in a general sense, as when Tacitus gives this name to the detachment of sixty men, sent into Asia by Nero, for the purpose of putting Plautus to death. (*Ann.* xiv. 58, 59.) As to the identity of *manipulus* and *contubernium*, no doubt Vegetius states very distinctly that the centuries were divided into *contubernia*, and adds "contubernium autem manipulus vocabatur," but an assertion proceeding from such a source is as worthless as the etymology by which it is followed up.

Centuriae. — The distribution of soldiers into *centuriae* must be regarded as coeval with the origin of Rome. Plutarch, as noticed above, speaks of the force led by Romulus against Amulius as formed of centuries; and from the close connections between the centuries of Servius Tullius, and the organization of the military force, we cannot hesitate to believe that the term was communicated to the ranks of the phalanx. For a long period after the establishment of the manipular constitution, the legion contained invariably sixty centuries, and even after the introduction of the *cohors milliaria*, we have no good evidence to prove that any change took place in this respect except we choose to adopt the statements of Vegetius.

Signum. — There is much doubt with regard to the import of the word *signum*, when used to denote a division of the legion, in such phrases as *signi unius milites ferre scalas jussit* (Liv. xxv. 23); and *postero die cum unius signi militibus .... pergit ire ad urbem.* (Liv. xxxiii. 1.) The question is, whether in these passages we are to understand that a maniple is meant or a century. On the one hand, it is admitted that after the legion was marshalled by cohorts, each century had its own standard, and in so far as the earlier ages are concerned, Polybius expressly tells us that there were two standard-bearers (ἄνδρας σημαιοφόρους) in each maniple (see also Liv. viii. 8). On the other hand, one of the names given by Polybius to the maniple is σημαία, which seems to correspond exactly with *signum*, and Varro in his glossary of military terms, "*Manipulos* exercitus minimas manus quae unum sequuntur signum," to which we may add Liv. xxvii. 14., "ni C. Decimius Flavus ..... signo adrepto primi hastati, manipulum eius signi se sequi jussisset," and as to the ἄνδρας σημαιοφόρους, although there were two standard-bearers, it does not follow that there were two standards.

Ordo generally signifies a century, and *ordinum ductor* is synonymous with *centurio*, and *ducere honestum ordinem* means to be one of the principal centurions in a legion. On the other hand, in the celebrated chapter in Livy (viii. 8.), discussed above, *ordo* undoubtedly denotes one of the original maniples, and when we read in book xlii. 34. "Mihi T. Quinctius Flamininus decumum ordinem hastatum adsignavit," the speaker seems to declare that he had been raised from the ranks to the post of a centurion in the 10th maniple of the Hastati. These must, however, be regarded as exceptions.

Contubernium. — This was the name given under the empire to the body of soldiers who were quartered together in the same tent; the captain of the mess, *decanus* or *decurio*, is called by Vegetius *caput contubernii*, and Ammianus designates the mess-mates by the word *concorporales*.

3. *Hastati, Principes, Triarii, Pilani, Antepilani, Antesignani, Principia.* — No reasonable doubt can exist that the *Hastati* were so called, from having been armed with a *hasta* (HASTATI *dicti qui primi hastis pugnabant*, Varr. *L. L.* v. 39), the *Principes* from having occupied the front line (the etymology of Varro, *l. c.* is here not distinct, PRINCIPES *qui a principio gladiis*), the *Triarii*, otherwise named *Pilani*, from having been ranged behind the first two lines as a body of reserve and armed with the *pilum* (PILANI, *qui pilis . . . Pilani Triarii quoque dicti quod in acie tertio ordine extremis subsidio deponebantur; quod hi subsidebant, ab eo subsidium dictum, a quo Plautus,*

Agite nunc subsidite omnes quasi solent triarii,

Varr. *l. c.*; comp. Liv. viii. 8), while the first two lines were termed collectively *Antepilani*, from standing in front of the *Pilani*. In process of time, it came to pass, that these designations no longer expressed the actual condition of the troops to which they were attached. When Polybius wrote, and long before that period, the *Hastati* were not armed with *hastae*, but in common with the *Principes* bore the heavy *pilum*: on the other hand, the *pilani* carried *hastae* and not *pila*, while the *Principes* were not drawn up in the front, but formed the second line. The origin of this discrepancy between the names and the objects which they represented, is somewhat obscure, but perhaps not altogether beyond the reach of a very simple conjecture. The names were first bestowed when the Roman army was disciplined according to the tactics of the Grecian phalanx. At that time the hastati were the skirmishers armed with a light javelin (the *hasta velitaris*), who were thrown forward in advance of the main body, and it is with reference to their ancient duty that Ennius in the eighth book of his annals uses an expression no longer applicable in his day.

"Hastati spargunt hastas, fit ferreus imber."

In corroboration of this, it will be seen from the celebrated chapter in Livy (viii. 8), which we have discussed at length above, that after the open order had been established, and the majority of the hastati had become hoplites (*scutati*), one-third of the men in each maniple were equipped as light troops "manipulus leves vicenos milites . . . . leves autem, qui hastam tantum gaesaque gererent." The Principes were the front ranks of the phalanx, men in the full vigour of their years and strength, clad in complete defensive armour, and hence distinguished by Livy (*l. c.*) as "insignibus maxime armis." The *Pilani* were in the rear of the phalanx, and as the opposing hosts approached each other, before they were required to give weight and momentum to the mass, threw the heavy pilum over the heads of their comrades, in order to break, if possible, the continuity of the enemy's line.

Vegetius uniformly places the Principes in front (i. 20, ii. 2, 15, iii. 14), and it is only necessary to read the sentences in which they are mentioned, to perceive how hopeless is the confusion which pervades his statements.

Antesignani.—While the Hastati and Principes, taken together, were sometimes termed *Antepilani*, in contradistinction to the Triarii, so the Hastati alone were sometimes termed *Antesignani*, in contradistinction to the Principes and Triarii taken together. That the Antesignani were the soldiers who fought in the front ranks, is manifest from almost every passage in which the word is found (e. g. Liv. ii. 20, vii. 33); that they were so called from being placed before the standards, is proved by the description of the confusion which prevailed in the engagement at the Thrasymene lake, "Non illa (sc. *pugna*) ordinata per principes, hastatosque ac triarios, nec ut pro signis antesignani, post signa alia pugnaret acies" (Liv. xxii. 5); that they were not the Velites is clear from the marshalling of the troops before Zama, "vias patentes inter manipulos antesignanorum velitibus complevit" (Liv. xxx. 33, who here translates Polybius); that they were the soldiers who formed the first line as distinguished from the second, appears from the narratives of the battles against the Latins, "caesos hastatos principesque, stragem et ante signa et post signa factam, triarios postremo rem restituisse" (Liv. viii. 11), and against the Tuscans, "cadunt antesignani, et ne nudentur propugnatoribus signa, fit ex secunda prima acies" (Liv. ix. 39); and from these two quotations, it is further evident that the position of the "signa" was behind the hastati and before the principes. These *signa* must have been the ordinary standards of the maniples, for we know that the aquila was in the custody of the first maniple of the triarii. The term *Antesignani* having become established as denoting the front ranks in a line of battle, was retained in this general sense long after the Hastati, Principes, and Triarii had disappeared (see Caes. *B. C.* i. 43, iii. 84, where they are the oldest and best soldiers, who now led the van. Comp. Varro ap. Non. *s. v. Antesignanorum.*)

Another term employed to denote the front ranks of an army in battle array is *Principia*, and in this sense must be carefully distinguished from the *Principia* or chief street in the camp, and from *Principia*, which in the later writers, such as Ammianus and Vegetius, is equivalent to *principales milites* (Liv. ii. 65, iii. 22, viii. 10; Sisenn. ap. Non. *s. v. mandare*; Sall. *Jug.* 54; Tac. *Hist.* ii. 43; comp. Varr. ap. Gell. iii. 4; Terent. *Eun.* iv. 7, and note of Donatus; Senec. *de Vit. beat.* 14).

Postsignani does not occur in any author earlier than Ammianus Marcellinus (xviii. 8. § 7, xxiv. 6. § 9), and therefore need not be illustrated here; the *Subsignanus miles* of Tacitus (*Hist.* i. 70, iv. 33) seems to be the same with the *Vexillarii*, who fall under our next period.

Rorarii, Accensi, Ferentarii, Jaculatores, Velites, Procubitores.

Light-armed troops (*levis armatura*) were, from the first, associated with the hoplites, but under different circumstances and different names, at different periods.

When the Hastati had, in a great measure, ceased to act as tirailleurs, their place was supplied by the *Rorarii* (RORARII *dicti ab rore, qui committebant bellum ante, ideo quod ante rorat quam pluit*, Varro, *L. L.* vii. § 57), whose method of fighting has been described above (p. 495). The *Accensi*, as described by Livy (viii. 8), were inferior in equipment to the rorarii, although employed in a similar manner, and seem to have been camp followers or servants (ACCENSOS *ministratores Cato esse scribit*, Varro, *l. c.* and ap. Non. Marcell. *s. v. accensi*), and hence the name is given to those also who attended upon magistrates or other officials (*e. g.* Cic. *ad Fam.* iii. 7, *ad Q. Fr.* i. 1. § 4, 7). At a later period the *accensi* were supernumeraries, who served to fill up any vacancies which occurred in the course of a campaign (ACCENSI *dicebantur qui in locum mortuorum militum subito subrogabantur*, Fest. *s. v.*), persons to whom Varro gives the name of *adscriptivi* (*quod olim adscribebantur inermes, armatis militibus qui succederent*, *L. L.* vii. § 56); and, according to Festus (p. 198, ed. Müller), *accensus* was the name given, originally, to the *optio* or lieutenant of the centurion, a fact to which the Pseudo-Asconius, perhaps, refers, when he says (in *Verr.* ii. 28), "*Accensus* nomen est ordinis et promotionis in militia, ut nunc dicitur princeps, vel commentariensis aut cornicularius. Haec enim nomina de legionaria militia sumpta sunt."

Another ancient term for light-armed soldiers was *Ferentarii*, a word found in the Trinummus of Plautus (ii. 4. 55), where *ferentarius amicus* signifies a friend nimble and prompt to lend assistance; in Sallust (*Catil.* 60), "Postquam eo ventum est, unde a *ferentariis* proelium committi posset;" and even in Tacitus (*Ann.* xii. 35), "ferentarius gravisque miles." The term is twice explained by Varro, who, in his treatise *De Vita Populi Romani*, after defining *accensi*, adds (ap. Non. Marcell. *s. v. Decurio*), "Eosdem etiam quidam vocabant *ferentarios* qui depugnabant pugnis et lapidibus, his armis quae *ferrentur*, non quae tenerentur;" and, again (*L. L.* vii. § 57), "*Ferentarium* a *ferendo* . . . . aut quod ferentarii equites hi dicti qui ea modo habebant arma quae *ferrentur*, ut jaculum," whence it appears that horsemen as well as foot-soldiers were sometimes known by this appellation. *Rorarii* and *accensi* stand together in a line quoted (Varro, *l. c.*) from the Frivolaria of Plautus.

Ubi rorarii estis? en sunt. Ubi sunt accensi?
Ecce! —

"Rorarius velox" occurs twice in the fragments of Lucilius; and even Symmachus, in one of his epistles (viii. 47), draws an illustration from this source "tamquam levis armaturae miles Rorarios aemularis."

The *Velites*, called also *Procubitores*, because they were employed on outpost duty when the Romans were encamped before an enemy (Festus, s. v.), were first formed into a corps at the siege of Capua, B. C. 211, as we are informed by Livy (xxvi. 4, comp. xxxviii. 21, and Val. Max. ii. 3; Frontin. iv. 7), who gives a minute description of the circumstances which led to their institution, and of the manner in which they were armed. It is true that the historian uses the term *Velites* before the epoch in question (e. g. xxi. 56, xxiv. 34); and Polybius, in like manner, speaks of γροσφομάχοι from the time of the first Punic war; but these expressions must be understood to indicate the light-armed troops as they then existed, and which, after the name Rorarii fell into disuse, were styled *jaculatores* or πεζακοντισταί. We must not conclude from the narrative of Livy, that it was customary for the Velites to mount behind the cavalry; on the contrary, the above passage is, perhaps, the only one in which they are represented as employed in this manner, although, in later times, it was by no means uncommon for light-armed troops to mingle with the horsemen, to keep pace with them, and to support them in their operations (Caesar, *B. G.* i. 48, viii. 19, *B. C.* iii. 84; Sall. *Jug.* 91).

The foreign light-armed troops will be noticed under the next epoch.

The Officers of the Legion.

Tribuni. — The chief officers of the legion were the *Tribuni Militum*, rendered by the Greeks χιλίαρχοι. *Tribunus* is, unquestionably, derived from *tribus;* and, according to Varro (*L. L.* v, § 81), in ancient times three were sent to the army, — one from the Ramnes; one from the Luceres; one from the Tities, — who would then be the commanders of the original legion of 3000. In the time of Polybius, the number in each legion was six; but when and under what circumstances this increase took place, is unknown. Two passages from Livy (vii. 5, ix. 30), to be more particularly adverted to hereafter, by which Sigonius endeavoured to throw light upon the question, admit of an interpretation totally different from that which he has assigned to them, and they leave the matter altogether in doubt. After the number six was once established, it does not appear to have varied for many centuries, nor do we know what changes were introduced, in this respect, during the decline of the empire. The case in Livy (xlii. 35), where four military tribunes are represented to have been chosen from the senate to command four legions, supposing the text to be faultless, is manifestly quite special.

It must be understood that the authority of each tribune was not confined to a particular portion of the legion, but extended equally over the whole. In order, however, to prevent confusion and collision, it was the practice (Polyb. vi.) for the tribunes to divide themselves into three sections of two, and each pair undertook the routine functions for two months out of the six, during which active operations in the field usually lasted. (Comp. Liv. xl. 41, "Secundae legionis Fulvius tribunus militum erat, is *mensibus suis* dimisit legionem.") In addition to the duties specified by Polybius, and already detailed under CASTRA, and to the general superintendence which they must have exercised, we perceive that they nominated the centurions, and assigned to each the company which he was to command. They presided also at courts-martial, and had the power of awarding the highest punishments.

Up to the year B. C. 361, the tribunes were chosen by the commanders-in-chief, that is, by the kings in the first instance, and afterwards by the consuls, or a dictator, as the case might be. In the year above named the people assumed to themselves the right of electing either the whole or a certain number, it is impossible to say which (Liv. vii. 5), but they seem to have allowed matters to return to a great extent to their former state until B. C. 311, when it was ordained that they should choose sixteen for the four legions (Liv. ix. 30); but whether this embraced a whole or a part only, is a point upon which we are again left in doubt. From this time forward, in virtue of the rogation then passed, the people continued to elect the whole, or, at all events, the greater number until B. C. 207, when the consuls, Claudius Nero and Livius Salinator, appointed the tribunes to nineteen out of the twenty-three legions of that year, the people taking to themselves the nomination to the first four only (Liv. xxvii. 36). When war was declared against Perseus B. C. 171, a special act was passed that the military tribunes for that year should not be elected by the votes of the people, but should be nominated by the consuls and praetors (Liv. xlii. 31.); the same arrangement probably was adopted the following year, for it is particularly mentioned that in the third year of the war (B. C. 169), the people named the tribunes of four legions, which were kept in reserve (Liv. xliii. 12); and, finally, in the fourth and last year of the war (B. C. 168), the senate resolved that the tribunes for the eight legions should be named one half by the people and one half by the consuls, Aemilius Paulus being allowed to select out of the whole body those whom he considered best fitted for serving in the two legions which he was about to transport into Macedonia. Polybius (vi. 19) refers incidentally to the fact that some of the tribunes were chosen by the people, and some by the consuls, but without specifying the proportions, and this division of patronage probably subsisted so long as the forms of the constitution were maintained, for even under Augustus the people retained some power, nominally at least, in the military elections; but from the reign of Tiberius these offices were held to be in the gift of the prince exclusively. It is clear that in the later ages of the republic the nomination of tribunes, not elected by the people, was vested not in the consuls alone but in proconsuls also, and generally in those who held the chief command in an army. Thus Cicero, when in Cilicia, offered, at the request of Brutus, a tribuneship to Scaptius (Cic. *ad Att.* vi. 3); and the orator, at another time, gives a hint to Caesar, when in Gaul, that he might bestow a tribuneship, or some such office, on Trebatius (Cic. *ad Fam.* vii. 5); while Caesar himself found, to his cost, that he had attended too much to the claims of friendship in granting these appointments. (Caes. *B. G.* i. 39.) Those tribunes elected by the votes of the people were termed *Comitiati*, those chosen by the general *Rufuli;* because, says Festus, their privileges were fixed by a law of Rutilius Rufus. (Liv. vii. 5; Pseud. Ascon. *in Verr.* Act. i. 30; Festus, *s. v. Rufuli.*) That all tribunes were not upon an equality is clear from the expression of Livy (xli. 3.), "L. Atius, *tribunus primus* secundae legionis;" and, from the Cornelian law quoted by Cicero (*Pro Cluent.* 54), where the tribunes of the first four legions are evidently regarded as superior to others. How this precedence was regulated, whether by seniority, by the mode of election, or by some other principle we cannot determine.

We have seen from Polybius that no one was eligible to the office of tribune who had not served for ten years in the infantry or five in the cavalry. This rule admitted of exceptions, for we find that the elder Scipio Africanus was tribune of the soldiers at the battle of Cannae (Liv. xxii. 53), although certainly not twenty years old; and Hortensius rose to the same rank in his second campaign. Augustus introduced certain regulations altogether new. He permitted the sons of senators to wear the *tunica laticlavia* as soon as they assumed the manly gown, and to commence their military career as tribunes, or as commanders (*praefecti*) of cavalry (Suet. *Octav.* 38). Such persons were the *Tribuni Laticlavii* (Sueton. *Dom.* 10), whom we find frequently commemorated in the inscriptions of the empire (Orelli, n. 133, 1665, 2379, 3113, 3143, 3441), and to these we observe allusions in Horace (*Sat.* i. 6. 25), and in Statius (*Sylv.* v. 1. 97). We find also, in one passage at least, the phrase *Tribunus Augusticlavius* (Suet. *Oth.* 10). We can scarcely suppose that raw youths entering the army for the first time were actually allowed to exercise the authority which the name implies; and hence we may conclude that in their case it was a mere honorary title. By the later emperors, tribuneships were bestowed without regard to the birth of the individual; and, in order that they might have an opportunity of obliging a greater number of applicants, the post was frequently conferred for six months only. Hence, we read in Pliny (*Ep.* iv. 4. 1), "Hunc rogo *semestri tribunatu* splendidiorem facias," and in Juvenal, "*Semestri* vatum digitos circumligat *auro*," where there is an allusion to the gold ring which formed one of their insignia.

Tribunes were, from a very early period, distinguished by their dress from the common soldiers (Liv. vii. 34), and their equipments and rations in the middle of the third century may be seen from a curious letter written by Valerian, when he bestowed the command of certain battalions of Saracens on Probus. (Vopisc. *Prob.* 4.) Under the empire they were attended by a certain number of *apparitores*, or of soldiers who walked before them (Lamprid. *Alex. Sev.* 52), by a *Vicarius*, or aide-de-camp (Vopisc. *Aurelian.* 7. 10), and by a person termed *Cornicularius Tribuni* (Val. Max. vi. 1; Frontin. iii. 14; Orelli, *Inscripp. Lat.* 3465), who was probably a sort of fugle-man who gave certain signals according to the orders which the officers wished to communicate — thus we meet with the Cornicularius of a centurion (Val. Max. vi. 1. § 11), of a propraetor (Orell. 3486), and others. (Orell. 3487, 3522, comp. 1251, comp. Suet. *Dom.* 17.)

Tribuni Cohortium.—It has been maintained by some critics, that in addition to the six tribunes of the legions there were ten inferior tribunes, each of whom commanded a cohort. We have no reason to believe that any such tribunes existed even so late as Hadrian; for Hyginus, in his minute description of a camp, and of the accommodation required for the officers, makes no mention of them. It is true that we read in Caesar (*B. C.* ii. 20), and in Pliny (*Ep.* iii. 9; comp. Juv. i. 58; Stat. *Sylv.* v. 96) of tribunes who commanded cohorts; but those in Caesar were not legionary but auxiliary cohorts, and such, in all probability, was the cohort alluded to by Pliny.

Under Augustus and his successors *Tribunus* was employed with reference to many military offices. Thus Velleius Paterculus tells us (ii. 104), that he discharged the duties of *Tribunus Castrorum*, and in inscriptions we meet with *Tribunus Praetorianus* (Orell. 1133), *Tribunus Fabrum Navalium* (Orell. 3140), and many others.

Centuriones. — Next in rank to the Tribunus was the *Centurio*, who, as the name implies, commanded a century; and the century, being termed also *ordo*, the centurions were frequently designated *ordinum ductores* (hence, *adimere ordines*, *offerre ordines*, *ordines impetrare*, &c.), words represented in the Greek historians by *ἑκατοντάρχης* or *ταξίαρχος*, and more rarely by *λοχαγός*. The number of centurions in a legion was sixty, that being at all epochs the number of centuries. (Dionys. ix. 107; Tac. *Ann.* i. 32.)

The moral qualities desired in a centurion are described by Polybius (vi. 24), who tells us that those regarded as best adapted for the office were persons not so much remarkable for daring valour as for calmness and sagacity; men not eager to begin a battle at all hazards, but who would keep their ground although overwhelmed by a superior force, and die rather than quit their post. Their chief ordinary duties were to drill the soldiers, to inspect their arms, clothing, and food, to watch the execution of the toils imposed, to visit the centinels, and to regulate the conduct of their men, both in the camp and in the field. They sat as judges also in minor offences, and had the power of inflicting corporal punishment, whence their badge of office was a vine sapling, and thus *vitis* is frequently used to denote the office itself. (Tac. *Ann.* i. 23; Plin. *H. N.* xiv. 1; Martial. x. 26; comp. Juv. viii. 247, xiv. 193, *vitem posco libello*; Spartian. *Hadrian.* 10.)

According to the system described by Polybius, the centurions were chosen according to merit by the tribunes (*ἐξέλεξαν ταξιάρχους ἀριστίνδην*), subject, however, it is evident, to the control of the consuls (see Liv. xlii. 33, 34); during the decline of the republic, it was notorious that these posts were made an object of mercenary traffic (*Quem enim possumus imperatorem aliquo in numero putare, cuius in exercitu veneant centuriatus et venierint?* Cic. *pro Leg. Manil.* 13. *Quid? centuriatus palam venditos?* Cic. *in Pison.* 36); and under the empire, the greatest corruption prevailed (Tac. *Hist.* i. 52, iii. 49; Plin. *Ep.* vi. 25), although many laws, as may be seen upon reference to the codes, were promulgated from time to time to remedy such disorders.

The regular pay of the centurions is considered under another head [STIPENDIUM]; but, in addition to this, their income was increased by the money which they received from the soldiers for leave of absence, exemption from fatiguing or disagreeable duties, and other indulgences. This abuse, so subversive of all discipline, probably arose during the confusion of the civil wars, and gradually became so intolerable that Otho, to satisfy all parties, granted to the centurions a fixed sum out of the imperial exchequer as a compensation for these emoluments; and his example, in this respect, was followed by the most worthy of his successors. (Tac. *Hist.* i. 46; comp. i. 17.) Even the tribunes appear to have derived perquisites, called *stellaturae*, from the rations of the soldiers, and these, although for a time strictly prohibited, were eventually recognised as lawful. (Spartian. *Hadr.* 10; Spartian. *Pescenn. Nig.* 3; Lamprid. *Alex. Sev.* 15; Cod. 12. tit. 38. s. 12; Cod. Theod. 7. tit. 4. s. 28.)

It will be seen from Polybius that of the two centurions in each maniple the one first chosen took the command of the right division (*ὁ μὲν πρῶτος αἱρεθεὶς ἡγεῖται τοῦ δεξιοῦ μέρους τῆς σπείρας*), the other of the left. The century to the right was considered as the first century of the maniple, and its commander took precedence probably with the title *Prior*, his companion to the left being called *Posterior*, the *priores* in each of the three divisions of Triarii, Principes, and Hastati being the ten centurions first chosen. (Polyb. vi. 24.) So long as these divisions were recognised, all the centurions of the Triarii appear to have ranked before those of the Principes, and all the centurions of the Principes before those of the Hastati. Moreover, since the maniples were numbered in each division from 1 to 10, there was probably a regular progression from the first centurion of the first maniple down to the second centurion of the tenth maniple.

The first centurion of the first maniple of the Triarii, originally named (Liv. vii. 41) *Centurio Primus*, and afterwards *Centurio Primipili*, or simply *Primipilus*, occupied a very conspicuous position. He stood next in rank to the Tribuni militum; he had a seat in the military council (Polyb. vi. 24); to his charge was committed the eagle of the legion, whence he is sometimes styled *Aquilifer* (Val. Max. i. 6. § 11; Tac. *Hist.* iii. 22; Dionys. x. 36), and, under the empire at least, his office was very lucrative (*locupletem aquilam*, Juv. xiv. 197; Mart. i. 32, vi. 58).

A series of terms connected with these arrangements are furnished by the narrative which Sp. Ligustinus gives of his own career in the 34th chapter of the 42d Book of Livy. He thus enumerates the various steps of his promotion: "Mihi T. Quinctius Flamininus *decumum ordinem hastatum* adsignavit ... me imperator dignum judicavit cui *primum hastatum prioris centuriae* adsignaret . . . a M'. Acilio mihi *primus princeps prioris centuriae* est adsignatus . . . quater intra paucos annos *primum pilum duxi.*" The gradual ascent from the ranks being to the post of centurion: 1. In the tenth maniple of the Hastati. 2. In the first century of the first maniple of the Hastati. 3. In the first century of the first maniple of the Principes. 4. In the first century of the first maniple of the Triarii.

But even after the distinction between Hastati, Principes, and Triarii was altogether abolished, and they were all blended together in the cohorts, the same nomenclature with regard to the centuries and their commanders was retained, although it is by no means easy to perceive how it was applied. The cohorts being numbered from 1 to 10, and the first cohort having unquestionably the precedence over the others, we may suppose that the rest took rank in like manner in regular order, each containing three maniples. The first maniple in each cohort may have been considered as representing Triarii according to the ancient arrangement, the second maniple in each cohort as representing Principes, the third as representing Hastati. If this hypothesis be admitted, the *Primipilus*, whom we find mentioned down to a very late date, was, under the new system, the first centurion of the first maniple of the first cohort, and as such had as formerly the charge of the eagle; thus also, when Caesar says (*B. C.* iii. 64), "Hoc casu aquila conservatur omnibus primae cohortis centurionibus interfectis praeter *principem priorem*," he must intend to designate the first centurion of the second maniple of the first cohort, who would at full length have been denominated *primus princeps prior*; in like manner, "Cretensi bello *octavum principem duxit*" (*Ep. ad Brut.* i. 8) will denote the second maniple of the eighth cohort, "Q. Fulginius ex *primo hastato* legionis XIV. qui propter eximiam virtutem ex inferioribus ordinibus in eum locum pervenerat" (Caes. *B. C.* i. 46), and "Cum signifer *primi hastati* signum non posset movere loco" (Cic. *de Div.* i. 35), the third maniple of the first cohort.

That great differences of rank existed among the centurions is evident from the phrases *primores centurionum* (Liv. xxvi. 5), *primi ordines* (*i. e.* chief centurions, Caes. *B. C.* vi. 6), as opposed to *inferiores ordines* (Caes. *B. C.* i. 46), and *infimi ordines* (Ibid. ii. 35); and that promotion from a lower to a higher grade frequently took place, is evident from the career of Ligustinus as detailed by himself (Liv. xlii. 34), of Scaeva, who was raised "ab octavis ordinibus ad primum pilum" (Caes. *B. C.* iii. 53) for his gallant conduct at Dyrrhachium, and from many other passages of which it will be sufficient to quote one from Caesar (*B. G.* vi. 42): "Centuriones quorum nonnulli *ex inferioribus ordinibus* reliquarum legionum virtutis causa *in superiores erant ordines* huius legionis traducti;" but we are ignorant whether in ordinary cases this promotion proceeded regularly, or was conducted according to any fixed principle. While on the one hand we should be led to infer that there was some regular progression, from such observations as "Erant in ea legione fortissimi viri centuriones *qui jam primis ordinibus appropinquarent*" (Caes. *B. G.* v. 44), and while it is probable that such was actually the case when the legion became permanent, so on the other hand it is difficult to see how promotion could have been systematic during the long period when the legions were disbanded annually, since the choice of the centurion depended entirely upon the discretion of the tribunes subject to the control of the general, who was himself changed from year to year, so that those who served together in one season might be in different legions and different countries the next. Nor was it unconstitutional for a centurion who had commanded one of the higher companies to be called upon subsequently to fill lower stations: this was not common, as we perceive from a case in which strenuous resistance was offered by twenty-three centurions "qui primos pilos duxerant" to enrolling unless their former rank was guaranteed to them (Liv. xlii. 32, 33), but this resistance was overcome, and it was held, that the consul ought not to be prevented from assigning that post to any individual in which his services were likely to prove most valuable to the state. It was not until the year B. C. 341, that a law was passed by which it was ordained, that no one who had held the office of military tribune should be eligible as a centurion (*ne quis, ubi tribunus militum fuisset, postea ordinum ductor esset*, Liv. vii. 41), and at that time the regulation was made in consequence of the dislike entertained by the soldiers to a particular individual who during a succession of years had been alternately a tribune and primipilus.

Optiones. — In like manner as the tribunes named the centurions, so each centurion named his own lieutenant, who is called by Polybius *οὐραγός*, because his station was in the rear of the company. By Livy (viii. 8), a subaltern of this kind is named *subcenturio*, but the individual there mentioned was selected for a particular purpose, and it seems clear from Varro and Festus that the regular term was *optio*, which signifies in general a person chosen (*optatus*), by another as an assistant. They agree as to the etymology, but the former (*L. L.* v. 91) confines the term to the lieutenant chosen originally by the decurio in a troop of cavalry, and adds that the tribunes had assumed to themselves the patronage, "Quos hi (sc. *decuriones*) primo administros ipsi sibi adoptabant, *optiones* vocari coepti, quos nunc propter ambitiones tribuni faciunt," while the words of the latter (p. 198, ed. Müller), although very corrupt, seem to imply that they had been originally appointed by the tribunes, and the nomination afterwards transferred to the centurions: "*Optio* qui nunc dicitur, antea appellabatur *Accensus*, his adjutor dabatur a Trib. Militum, qui ex eo tempore, quem velint, centurionibus permissum est optare, etiam nomen ex facto sortitus est." The explanation in the Excerpta of Paulus Diaconus, is somewhat different from either: "*Optio* est optatio, sed in re militari *optio* appellatur is, quem decurio aut centurio optat sibi rerum privatarum ministrum, quo facilius obeat publica officia" (p. 184, ed. Müller).

Fourth Period. From the times of the Gracchi until the downfall of the Republic. — The century which immediately preceded the destruction of the Roman constitution, was above all others a season of restless excitement and revolution. A vast number of organic changes was introduced into the army, the greater number of which are commonly ascribed to Marius, but, although he was undoubtedly the author of many most important modifications, others not less vital were the result of the new position assumed by the Italian states; and some must have required so much time for their full development, that they could scarcely have been the work of a single individual. We shall call attention very briefly to the leading features of the new system, in so far as they can be gleaned from the pages of Sallust, Caesar, and Plutarch, who must be here regarded as our chief guides.

1. In the first consulship of Marius, the legions were thrown open to citizens of all grades, without distinction of fortune. (See above.)

2. The whole of the legionaries were armed and equipped in the same manner, all being now furnished with the pilum; and hence we see in Tacitus (*Ann.* xii. 35) the *pila* and *gladii* of the legionaries, opposed to the *hastae* and *spathae* of the auxiliaries.

3. The legionaries when in battle order were no longer arranged in three lines, each consisting of ten maniples with an open space between each maniple, but in two lines, each consisting of five cohorts with a space between each cohort.

4. The younger soldiers were no longer placed in the front, but in reserve, the van being composed of veterans as may be seen from various passages in Caesar.

5. As a necessary result of the above arrangements, the distinction between Hastati, Principes, and Triarii ceased to exist. These names, as applied to particular classes of soldiers, are not found in Caesar, in Tacitus, in the treatise of Hyginus on castrametation, nor in any writer upon military affairs after the time of Marius, while Varro explains them as terms no longer in use. The words Hastatus and Princeps occur at a later period, in connection with the legion, but are used only with reference to the precedence of the centuries and of the officers by whom they were commanded, as we have pointed out when treating of the *centuriones*.

6. The Velites disappeared. The skirmishers, included under the general term *levis armatura*, consisted for the most part of foreign mercenaries possessing peculiar skill in the use of some national weapon, such as the Balearic slingers (*funditores*), the Cretan archers (*sagittarii*), and the Moorish dartmen (*jaculatores*). Troops of this description had, it is true, been employed by the Romans even before the second Punic war (Liv. xxii. 37), and were denominated *levium armatorum* (s. *armorum*) *auxilia* (Liv. *l. c.* and xlii. 65, where they are distinguished from the *Velites*), but now the *levis armatura* consisted exclusively of foreigners, were formed into a regular corps under their own officers, and no longer entered into the constitution of the legion; indeed, the terms *legionarius* and *levis armatura* became opposed to each other in the Latin writers, just as ὁπλῖται and ψιλοί among the Greeks (*e. g.* "ceciderunt ex levi armatura cccxxiv. ex legionariis cxxxviii," Auct. *de B. Hispan.* 24, comp. Tacit. *Ann.* ii. 16). The word *velites* is not found in Caesar, and that they had ceased to exist when Livy wrote is clear from the expression in his description of the battle of Zama, where after having used the word "velitibus," he adds the explanation "ea tunc levis armatura erat" (xxx. 33). When operations requiring great activity were undertaken, such as could not be performed by mere skirmishers, detachments of legionaries were lightly equipped, and marched without baggage, for these special services; and hence, the frequent occurrence of such phrases as *expediti, expediti milites, expeditae cohortes*, and even *expeditae legiones*.

7. The cavalry of the legion underwent a change in every respect analogous to that which took place in regard of the light armed troops. Whoever reads with attention the history of Caesar's campaigns in Gaul, will perceive that the number of Roman equites attached to his army was very small, and that they were chiefly employed as aide-de-camps, and on confidential missions. On the other hand, it is evident that the bulk of his cavalry consisted of foreigners, a fact which becomes strikingly apparent when we read that Ariovistus having stipulated that the Roman general should come to their conference attended by cavalry alone, Caesar feeling no confidence in his Gaulish horse, dismounted them and supplied their place by soldiers of the tenth legion. (*B. G.* i. 42.) In like manner they ceased to form part of the legion, and from

this time forward we find the legions and the cavalry spoken of as completely distinct from each other (*e.g.* Caesar, *B. G.* v. 11, 18; Appian, *B. C.* v. 5). Whether there was not to a certain extent a return to the ancient system under the empire, is a question which will fall to be considered in the next section.

8. When, after the termination of the Social War, a large proportion of the inhabitants of Italy were admitted to the privilege of Roman citizens, the ancient distinction so long maintained between the *Legiones* and the *Socii* at once disappeared, all who had formerly served as *Socii* became as a matter of right incorporated with the legiones, and an army during the last years of the republic and under the earlier emperors consisted of *Romanae Legiones et Auxilia s. Auxiliares*, the latter term comprehending troops of all kinds, except the legions and the imperial guards, whether infantry or cavalry, light armed or heavy armed, mercenaries in the pay of the state or contingents furnished at the cost of kings and cities in alliance with Rome. The infantry, not legionary, was for the most part organised in battalions called *cohortes*, the cavalry in squadrons called *alae*, the numbers in each *cohors* and *ala* varying according to circumstances, and hence such phrases as *alae auxiliaque cohortium* (Tacit. *Ann.* iv. 5); *agmen legionum alae cohortesque praeveniebant.* (Tacit. *H.* ii. 11.) Whenever the word *socii* is applied to troops after the date of the Marsic war, it is generally to be regarded as equivalent to *auxiliares*, although a distinction is occasionally drawn between *socii* in the sense of the civilised allies or subjects of Rome, and the barbarian Germans, Numidians, Spaniards and others who are more specially termed *auxiliares* (AUXILIARES *dicuntur in bello socii Romanorum exterarum nationum*, Paul. Diac.). In the description of the army of Germanicus, as marshalled to encounter Arminius, *sociae cohortes* is used in the most extended signification, for we are told that the army was composed of *auxiliares Galli Germanique, pedites sagittarii, quatuor legiones, duas praetoriae cohortes ac delecti equites, quatuor legiones, levis armatura, equites sagittarii*, CETERAE *sociorum cohortes.*

9. The manner of levying troops in Italy must necessarily have changed with this change of circumstances. We are destitute of any definite information, but, in all probability, a system of conscription was established and carried out by means of *Conquisitores*, such as were occasionally appointed in ancient times when difficulty was experienced in finding men (see Liv. xxii. 11; comp. Cic. *ad Att.* vii. 10; Hirt, *B. Alex.* 2); and we find that the Emperor Tiberius was not satisfied with obtaining volunteers, whom he regarded as, for the most part, an indifferent class of soldiers, and insisted upon the necessity of recruiting the legions "delectibus." (*Ann.* iv. 4.)

10. The most important change of all, in so far as society at large was concerned, was that to which we have already adverted, the establishment namely of the military *profession*, and the distinction now first introduced between the civilian and the soldier. This naturally led to the abrogation of the rule, still in force when Polybius wrote, by which no one could hold any magistracy (πολιτικὴν ἀρχὴν) until he had completed ten years of military service, a rule which had fallen so completely into desuetude in the course of sixty or seventy years afterwards, that we see Cicero passing through all the highest dignities and attaining to the consulship, although his experience of a military life was limited to a single campaign under Pompeius Strabo.

Fifth Period. From the establishment of the Imperial government until the age of the Antonines, B. C. 31—A. D. 150.—We shall be enabled to form a correct idea of the materials which constituted an imperial army during the first two centuries of our era by passing under review the various kinds of troops for which Hyginus proposes to provide accommodation in the camp, whose construction he describes [CASTRA]. We shall not take these precisely in the order in which they are named by him, but shall endeavour to arrange them systematically.

A regular army during this period consisted of a certain number of *Legiones* and of *Supplementa*, the Supplementa being again divided into the imperial guards, which appear under several different forms, distinguished by different names; and the *Auxilia*, which were subdivided into *Sociae Cohortes* and *Nationes*, the latter being for the most part barbarians.

1. The *Legiones*, as we have already had occasion to point out, although still composed of persons who enjoyed the privileges of Roman citizens, were now raised almost exclusively in the provinces; and hence Tiberius, when about to undertake his long projected progress through the provinces, alleged as one of his excuses for quitting Italy, the necessity of recruiting the legions by a regular levy or conscription. (Tac. *Ann.* iv. 4.) The legion was divided into ten cohorts, and each cohort into six centuries; the first cohort, which had the custody of the eagle, was double the size of the others, and contained 960 men, the remaining cohorts contained each 480 men; and consequently each ordinary century 80 men, the total strength of the legion being thus 5280 men.

2. *Legionum Vexillarii.* The term *Vexillarii* or *Vexilla*, which is found repeatedly in Tacitus, has proved a source of the greatest embarrassment to commentators, and a vast number of hypotheses, all of them highly unsatisfactory, have been propounded in order to reconcile the statements of the historian, which at first sight appear replete with contradictions. But the difficulty has arisen entirely from almost all critics having entered upon a wrong path from the very first, starting upon the supposition that Vexillarii, in every case, denoted troops of the same kind, whereas, in reality, the word is a general term; and we must ascertain its signification in each particular case from the words with which it is immediately joined or the general context of the passage. *Vexillum* is used in the earliest account of the manipular legion (Liv. viii. 8) to denote the standard of the *ordo* or maniple, vexillarius being the standard bearer; and in process of time, vexillum was employed to denote any military standard whatsoever, except the sacred eagle of the legion. By a careful examination of the various passages in Tacitus where Vexillarii are mentioned, it will be seen that he designates by this appellation any body of soldiers serving apart from the legion under a separate ensign, or even an army collectively. In this sense we must understand such expressions as *Vexillum tironum* (*Ann.* ii. 78); *Germanica vexilla* (*Hist.* i. 31); *Germanis vexillis* (*Hist.* i. 70); *vexillis inferioris*

Germaniae praeventus est (*Hist.* i. 53); *Equitum vexilla* (*Hist.* ii. 11). Compare, *Manipuli ante coeptam seditionem Nauportum missi . . . vexilla convellunt* (*Ann.* i. 20). But when *Vexillarii* or *Vexilla* are accompanied by any word which denotes an immediate connection with a legion, as *vexillarii discordium legionum* (*Ann.* i. 38)*; quarta decima legio cum vexillariis vicesimanis* (*Ann.* xiv. 34); *cum vexillis nonae secundaeque et vicesimae Britannicarum legionum* (*Hist.* iii. 22), then they bear a specific meaning connected with certain changes introduced by Augustus. We have seen that under the republic a citizen might be called upon to serve for twenty years in the infantry; when the legions became permanent the full period was generally exacted, and those who chose to remain after their time was completed, were termed *veterani.* Augustus, in the year B. C. 13, limited the period of service to twelve years for the praetorians, and sixteen for the legionaries, after which they were to be entitled to an honourable discharge (*missio honesta*), and to receive a bounty (*praemium, commoda missionum*); but not long afterwards, A. D. 5, it was found necessary to increase the period to sixteen years for the praetorians, and twenty for the legionaries. At this time it appears probable that the practice was first introduced of discharging the soldiers from the legion at the end of sixteen years, and keeping them together under a vexillum with peculiar privileges during the remaining four years of their service. Abuses, however, crept in, and many soldiers, instead of being pensioned off at the end of twenty years, were compelled to remain for a much longer period, and the discontent caused by such oppression gave rise to the formidable mutinies in Pannonia and Germany, which burst forth immediately after the accession of Tiberius. The soldiers then demanded that the original arrangement by Augustus should be restored, and that they should receive a full discharge and the bounty at the end of sixteen years; while, in order to calm their wrath, Germanicus proposed to put an end to the disorders of which they complained, and to carry honestly into effect the second arrangement according to which they were to serve in the legion for sixteen years, and then being embodied under a vexillum by themselves to be relieved of all irksome labours, and to be required only to face the enemy in the field. (Dion Cass. liv. 25, lv. 23; Suet. *Octav.* 49; Tacit. *Ann.* i. 17, 36, the proposal contained in the last passage being in these words: *missionem dari vicena stipendia meritis; exauctorari, qui senadena fecissent, ac retineri sub vexillo, ceterorum immunes nisi propulsandi hostis*). The *vexillarii* or *vexilla legionum*, then, were those soldiers who, after having served in the legion for sixteen years, became *exauctorati*, but continued to serve in company with that legion, under a vexillum of their own, until they received their full discharge. Hyginus states the number attached to each legion as usually about five or six hundred.

3. *Evocati* (ἀνακλήτοι). Dion Cassius tells us that Augustus began to employ troops bearing this denomination when he called out (ἀνεκάλεσεν) the veterans of Julius Caesar to aid him against Antonius. They still, says Dion, form a peculiar corps (*σύστημα ἴδιον*), and carry sticks in their hands like centurions. (Dion Cass. xlv. 12, lv. 24). Galba gave the name of *Evocati* to a body of life-guards instituted by himself, who are described by Suetonius (*Galb.* 10), "Delegit et equestris ordinis juvenes, qui, manente annulorum aureorum usu, *Evocati* appellarentur, excubiasque circa cubiculum suum vice militum agerent."

4. *Cohortes Praetoriae.* To these a separate article is devoted. [Praetoriani.]

5. *Equites Praetoriani.* [Praetoriani.]

6. *Primipilares.* These, according to the arrangements of the Hyginian camp, were placed close to the person of the emperor, and must have been a small corps, consisting of persons who had discharged the office of legionary *Primipilus*, and who now acted as guards or aide-de-camps to the commander-in-chief. *Primipilares* is met with frequently in Tacitus and in inscriptions (*e. g.* Tacit. *Ann.* ii. 11, iv. 72, *Hist.* i. 31, 87, ii. 22, iii. 70, iv. 15, *Ann.* xiii. 36; Orelli, No. 517, 748, 3568).

7. *Officiales.* These appear to have been public servants. Thus we read in Appuleius of the officialis of an aedile, and in Ulpian of the officialis of a praefect. (Dig. 36. tit. 4. s. 5; comp. Gruter, *Inscr.* p. ccccxxii.; Orelli, No. 2952, 4013.)

8. *Equites Singulares Imperatoris.* These are classed by Hyginus along with the *Equites Praetoriani*, were like them quartered in the Latera Praetorii, and equalled or slightly exceeded them in number. The only classical author by whom they are noticed is Tacitus, who, in that portion of his Histories (iv. 70) where he is describing the confusion that arose upon the death of Vitellius, mentions among the troops "*ala Singularium* excita olim a Vitellio, deinde in partes Vespasiani transgressa," but they are very frequently commemorated in inscriptions, as *Equites Singulares* s. *Singularii Imperatoris—Augusti—Caesaris—Domini Nostri*, &c. (Orell. No. 3525, &c., 3100, 3496, 1576), and on one stone we read T. Flavius. Quintinus. Eq. Sing. Aug. Lectus. Ex. Exercitu. Raetico. Ex. Ala. Flavia. Pia. Fideli. Milliaria. (Orell. No. 3409), which may lead us to suppose that they received their appellation in consequence of being selected individually from other corps, and thus they may belong to the same class with the *Equites Electi* (Orell. 3155) and the Eq. Cust. Aug. (Orell. 4453).

9. *Statores.*—Hyginus assigns a place for two "Centuriae Statorum" immediately in the rear of the Praetorium which they protected, and allots to them, as to the Praetorians, twice as much space, in proportion to their numbers, as to the troops of the line. Hence, it is evident that they were ranked among the life-guards, although members of their body may have been employed in the capacity of couriers, as persons bearing the same designation certainly were employed both under the republic and the empire by those invested with military command. (Cic. *ad Fam.* ii. 17, 19; "ut ad te *statores meos et lictores* cum literis mitterem;" comp. x. 21; Vulcat. Gallic. *Avid. Cass.* 9; Lamprid. *Alex. Sev.* 52; Ulpian, Dig. 1. tit. 16. s. 4.) In inscriptions we find Stator. Aug. (Orell. 3524), Stator. Civitatis. Viennes. (Ib. 2780), and once Statorum. Evocati. (Ib. 3422.)

10. *Speculatores*, although not provided for by Hyginus, ought to be mentioned here, since they also occupied a place among the personal attendants of the emperors (*Ipsum Othonem comitabantur speculatorum lecta corpora*, Tacit. *Hist.* ii. 11, comp. i. 24; Suet. *Octav.* 74.). They were the executioners of the army (Senec. *de Ira*, i. 16;

St. Mark, vi. 27, and comment. of Chrysost.; comp. Suet. *Calig.* 32), and seem to have acted as couriers likewise. (Tacit. *Hist.* ii. 73.) They formed a regular corps with officers of their own (Tacitus speaks of an *optio speculatorum*, *H.* i. 25), and must have been numerous, as appears from such expressions as "praetoriarum cohortium et speculatorum equitumque valida manus" (Tacit. *H.* ii. 33); and from inscriptions where mention is made of a sixth cohort of speculatores (Orell. 3518); while from another inscription, in which a certain L. Veturius is styled PRAEF. TURMAE. SPECULAT., it is manifest that there must have been mounted speculatores. The word is used also by Tacitus to denote an ordinary scout. (*Ann.* ii. 12.)

11. The scouts, however, formed a distinct body under the name of *Exploratores*, and Hyginus quarters them appropriately at the extremity of the camp nearest to the Praetorian gate, and close to the Pioneers.

12. *Alae.* — From the time when the cavalry were separated from the legion they were formed into bodies called *alae*, which varied in number according to circumstances. Hyginus provides accommodation in his camp for four *Alae Milliariae*, and for five *Alae Quingenariae*.

The *Ala Milliaria* was divided into 24 turmae, each of which, according to the conjecture of Schelius, consisted of 40 men except the first which had 80. The commander of the whole was the *Praefectus Alae*, the inferior officers were 24 *decuriones*, 24 *duplicarii*, and 24 *sesquiplarii*, that is, a decurio, a duplicarius, and a sesquiplarius for each turma.

The *Ala Quingenaria* was divided into 16 turmae with a decurio, a duplicarius and sesquiplarius for each, and we may suppose that each turma consisted of 30 men except the first, which thus would have 50.

Each decurio had three horses allowed to him, each duplicarius and each sesquiplarius two horses, so that the total number of horses in the *Ala Milliaria* was 1090, and in the *Ala Quingenaria* 504, exclusive of those belonging to the *Praefecti*.

It is evident that the *duplicarii* and *sesquiplarii* here named were subalterns; according to the ancient signification of *duplicarius*, as interpreted by Varro (*L. L.* v. § 90), it denoted a soldier who on account of his valour was allowed double rations (comp. Liv. xxiv. 47, ii. 59), which must of course have been convertible into increased pay. (Orelli, *C. I.* 3535.) Such persons are frequently presented to us in inscriptions under the cognate forms *duplarius*, *duplicarius*, and *dupliciarius*. Thus we have DUPL. N. EXPLOR. (*Duplarii numeri exploratorum*, Orell. 206); DUPLARIO LEG. I. (Ib. 3531); DUPLARIUS ALARIUS (Ib. 2003); DUPLICARIUS (Ib. 3533); DUPLICIAR. (Ib. 3534). *Sesquiplarius*, which evidently denotes a soldier who received a ration and a half, appears in no authors except Hyginus and Vegetius, of whom the latter gives them gold collars and styles them *Torquati duplares*, *torquati sesquiplares* (ii. 7), but the title is met with in inscriptions. (Orell. 3470.)

13. *Mauri Equites. Pannonii Veredarii.* — The *Alae* were raised in the Roman provinces and consisted, probably, for the most part, of citizens, or at least subjects. But in addition to these every army at this period was attended by squadrons of light horse composed entirely of barbarians; and the chief duty performed by those named above was guarding the pioneers as they performed their labours in advance of the army. When Tacitus speaks of "Alares Pannonios, robur equitatus" (*Ann.* xv. 10) he must mean cavalry of a different description from the *Pannonii veredarii* of Hyginus, who, probably, resembled the Cossacks of modern warfare.

14. *Cohortes peditatae*, were battalions raised chiefly in the provinces, composed of Roman citizens, of subjects and allies, or of citizens, allies, and subjects indiscriminately. They were, it would appear, not bound down by the same strict rules with regard to the period of service as the legionaries, not so heavily equipped, and not subjected to the same exhausting labours. Vegetius, in the chapter where he endeavours to account for the decay of the legionary force (ii. 3), throws some light upon these points. To this class of troops belonged the *cohortes auxiliares*, the *auxilia cohortium*, and the *sociorum cohortes*, of whom we read in Tacitus, together with a multitude of others recorded in inscriptions and named for the most part from the nations of which they were composed. The expression *cohortem decimam octavam* (Tacit. *H.* i. 64) indicates that these cohorts were numbered regularly like the legions. Hyginus provides accommodation for *Cohortes peditatae milliariae tres*, and *Cohortes peditatae quingenariae tres.*

15. *Cohortes Equitatae* differed from the *Peditatae* in this only, that they were made up of infantry combined with cavalry. A *Cohors Equitata Milliaria* contained 760 foot soldiers divided into 10 centuries, and 240 horsemen divided into 10 turmae. A *Cohors Equitata quingenaria* contained 380 foot-soldiers divided into six (?) centuries and 120 horsemen, divided into 5 turmae. There is an inscription in the collections of Gruter (p. MCVIII.) to the memory of L. Flavius, who among other military titles is styled PRAEF. COH. PRIMAE. EQUITATAE. CIV. ROMAN. IN. GERMAN. INFERIORE; Pliny, in one of his epistles (x. 108), and Trajan in his reply, make use of the terms *Cohors equestris*, the former mentioning a centurion in connection with it, which proves that it contained infantry. Tacitus (*Hist.* iv. 19) speaks of cohorts of the Batavi and Canninefates, who, among other demands, insisted that the number of horse should be increased (*augeri numerum equitum*); and Josephus, in describing the army of Vespasian, notices 10 cohorts (σπεῖραι) of 600 infantry and 120 cavalry, a series of passages which evidently refer to *Cohortes Equitatae*. The *Cohortes Peditatae* are not mentioned under that name except by Hyginus, but are indicated by Tacitus in the words (*Ann.* xiii. 35), "ex Germania legio cum equitibus alariis et peditatu cohortium." Hyginus allows space for *Cohortes equitatae milliariae duae*, and *Cohortes equitatae quingenariae quatuor.*

16. *Classici*, which we may fairly render *Marines*, were employed, according to Hyginus, as pioneers. They corresponded to the *Navales Socii*, under the republic, who were always regarded as inferior to regular soldiers, and were recruited, as we learn from Polybius, among those persons whose fortune did not entitle them to enlist in the legions. After the establishment by Augustus of regular permanent fleets at Misenum, Ravenna, and on the coast of Gaul, a large body of men must have been required to man them, who, when their services were not required afloat, were called upon, at least in great emergencies, to serve as

ordinary soldiers. Tacitus mentions at the commencement of his history (i. 6), that Galba found in the city a legion "quam e classe Nero conscripserat" (comp. Dion Cass. lxiv. 3; Suet. *Galb.* 12; Plut. *Galb.* 15), which he subsequently (i. 31, 36) terms "legio classica" and "classicorum legio" (comp. ii. 11, 14, 17, 22, iii. 55), and elsewhere (ii. 67) we hear of the "prima classicorum legio." In the Annals *classiarius* is the form which he generally employs, as *classiariorum copia* (*Ann.* iv. 27), and *centurione classiario* (*Ann.* xiv. 8).

17. *Nationes.* — These occupied the same position with regard to the *sociae cohortes*, that the *Mauri* and *Pannonii Veredarii* did with regard to the regular *Alae* of cavalry. They were battalions composed entirely of barbarians, or of the most uncivilised among the subjects of Rome, and were probably chiefly employed upon outpost duties. Hyginus allows space for 3300, consisting of *Palmyreni; Gaetae; Daci; Britones; Cantabri.*

Urbanae Cohortes. — We may take occasion to notice in this place two bodies of men established during the first years of the empire, who held a station intermediate between regular troops and an armed police, their services being, properly speaking, confined to the city. These were the *Urbanae Cohortes* and the *Cohortes Vigilum.*

Dion Cassius (lv. 24) informs us that Augustus, in addition to the praetorian cohorts, instituted a force of city guards, amounting to six thousand men divided into four battalions: to these he elsewhere gives the name of ἀστικοί (lix. 2), while, by the Latin writers, they are usually distinguished as *Cohortes Urbanae* or *Urbana militia*, their quarters, which were within the city, being the *Urbana Castra.* According to Tacitus, who states the number of cohorts at three only, they, like the praetorians, were levied in Latium, Umbria, Etruria, and the ancient Roman colonies (Tacit. *Ann.* iv. 5), and were under the immediate command of the praefect of the city, whence it was urged upon Flavius Sabinus (Tacit. *Hist.* iii. 64), "esse illi proprium militem cohortium urbanarum."

Cohortes Vigilum. — Augustus organised a large body of night-watchers also, whose chief duty was to act as firemen (*Adversus incendia excubias nocturnas vigilesque commentus est*, Sueton. *Octav.* 30). They were divided into seven cohorts, in the proportion of one cohort to each two *Regiones*, were stationed in fourteen guardhouses (*excubitoria*), and are called νυκτοφύλακες by the Greek, *Cohortes Vigilum* by the Latin writers. They were commanded by a *Praefectus* (Tacit. *Ann.* xi. 35), who was of equestrian rank; but the corps, in consequence of being raised among the class of libertini, was regarded as occupying a position inferior to that of regular soldiers (Dion Cass. lv. 26, lix. 2). In Tacitus (*Hist.* iii. 64), they are termed the *servitia* of the aristocracy, and Suetonius (*Octav.* 25) alludes to them as "libertino milite." (Comp. Dig. 1. tit. 15. s. 3.)

Equipment of the Troops under the Empire.

Josephus has transmitted to us a description of the equipment of the Roman troops, and his testimony is peculiarly valuable, proceeding, as it does, from a competent eye-witness (*B. J.* iii. 5. § 5).

The infantry wore cuirasses, helmets, and two swords (θώραξί τε πεφραγμένοι καὶ κράνεσι καὶ μαχαιροφοροῦντες ἀμφοτέρωθεν), that is, a long sword on the left, and a short dagger (σπιθαμῆς οὐ πλέον ἔχει μῆκος) on the right side. The select infantry in attendance upon the general carried a long spear (λόγχην, *hastam*), and a round shield (ἀσπίδα, *clipeum*); the rest of the legionaries (ἡ δὲ λοιπὴ φάλαγξ) a *pilum* (?) (ξυστόν), and a *scutum* (θυρεὸν ἐπιμήκη). In addition, each man had a saw and a basket (πρίονα καὶ κόφινον), a mattock and a hatchet (ἄμην καὶ πέλεκυν), a leather strap, a hook and a chain (ἱμάντα καὶ δρέπανον καὶ ἅλυσιν), together with provisions for three days, — so that, says Josephus, the Roman infantry differ little from mules of burden.

The Equites wore helmets and cuirasses like the infantry, with a broadsword at their right side (μάχαιρα μακρά), and carried in their hand a long pole (κοντὸς ἐπιμήκης); a buckler swung at their horses' flank (θυρεὸς δὲ παρὰ πλευρὰν ἵππου πλάγιος), and they were furnished with a quiver containing three or more javelins (ἄκοντες), with broad points, and as large as spears (οὐκ ἀποδέοντες δὲ δοράτων μέγεθος). Those selected to attend the general differed, in no respect, in their appointments from the regular cavalry (τῶν ἐν ταῖς ἴλαις ἱππέων).

The Jewish historian has moreover given an account of the *Agmen* or line of march in which the army of Vespasian entered Galilee (*B. J.* iii. 6. § 2), this being, he adds, the regular arrangement followed by the Romans. 1. The light-armed auxiliaries and bowmen (τούς μέν γε ψίλους τῶν ἐπικούρων καὶ τοξότας) advanced first to reconnoitre, to examine woods and suspicious localities, and to give timely notice of the approach of an enemy. 2. A detachment of Roman heavy-armed troops, horse and foot (Ῥωμαίων ὁπλιτικὴ μοῖρα, πεζοί τε καὶ ἱππεῖς). 3. Ten men out of each century carrying their own equipments and the measures of the camp (μέτρα τῆς παρεμβολῆς). 4. The pioneers (ὁδοποιοί). The baggage of Vespasian and his legati (τῶν ὑπ' αὐτῷ ἡγεμόνων) guarded by a strong body of horse. 6. Vespasian himself attended by *Selecti Pedites*, *Selecti Equites*, and a body of spearmen (λογχοφόρους). 7. The peculiar cavalry of the legion (τὸ ἴδιον τοῦ τάγματος ἱππικὸν), for, he subjoins, each legion has 120 horse attached to it. This we perceive was a return, to a certain extent, to the ancient system. 8. The artillery dragged by mules (οἱ τὰς ἑλεπόλεις φέροντες ὀρεῖς καὶ τὰ λοιπὰ μηχανήματα.) 9. The legati, praefects of cohorts and tribunes (ἡγεμόνες τε καὶ σπειρῶν ἔπαρχοι σὺν χιλιάρχοις) guarded by a body of picked soldiers. 10. The standards surrounding the eagle (αἱ σημαίαι περιΐσχουσαι τὸν ἀετόν). 11. The trumpeters (οἱ σαλπιγκταί). 12. The main body of the infantry (ἡ φάλαγξ) six abreast, accompanied by a centurion (ἑκατοντάρχης), whose duty it was to see that the men kept their ranks. 13. The whole body of slaves attached to each legion (τὸ οἰκετικὸν ἑκάστου τάγματος), driving the mules and beasts of burden loaded with the baggage. 14. Behind all the legions followed the mercenaries (ὁ μίσθιος ὄχλος). 15. The rear was brought up by a strong body of infantry and cavalry. Josephus seems to designate the *legati* by the word ἡγεμόνες, the *Tribuni militum* by λοχαγοί or χιλιάρχοι, the *centuriones* by ταξιάρχοι or ἑκατοντάρχαι; whether he means by οὐραγοί (in iii. 6. § 2) the *optiones* who are so designated by Polybius, or intends to comprehend the whole rear-guard under the appellation, may admit of doubt. Four words are used to denote weapons of the spear kind, — *ξυστόν* probably intended to represent the *pilum*, for which *ὑσσός* is generally employed; *ἄκων* the light javelin; *λόγχη* and *δόρυ*, pikes of different kinds. It would appear from Arrian that the *λόγχη* was sometimes used as a missile.

Finally, some additional light will be thrown upon the constitution of a Roman army about half a century later by the instructions issued for the line of march to be observed by the force despatched against the Scythian Alani, preserved in the fragment of Arrian, of which we have spoken above.

The force in question consisted of the fifteenth legion, which was complete, and of the twelfth, which appears to have been a fragment only, these legions having both cavalry and skirmishers attached to them exactly as under the republic — of several *cohortes equitatae*, composed of Italians, Cyrenians, Armenians, and others, each of these battalions containing heavy and light infantry together with squadrons of cavalry — of *cohortes peditatae*, including infantry only, both light and heavy, and of light cavalry of the allies and of barbarians. The order in which they were to advance was as follows: —

1. Horse scouts (*κατασκόπους ἱππέας*), horse archers and slingers (*ἱπποτοξότας καὶ πετραίους*), commanded by their own decurions (*δεκαδάρχαι*). 2. Various corps of foreign cavalry, Cyrenians, Ituraeans, Celts, and others, of whom the names are doubtful. 3. The whole of the infantry archers, followed by different bodies of heavy-armed infantry, not legionaries, Italians, Cyrenians, Bosporanians and Numidians, the flanks of this division being covered by cavalry. 4. The equites selecti and the equites of the legion (*οἱ ἀπὸ τῆς φάλαγγος ἱππεῖς*). 5. The artillery (*καταπέλται*). 6. The standard (*σημεῖον*) of the fifteenth legion, and around it the principal officers, namely the commander of the legion (*ἡγεμὼν τῆς φάλαγγος*), the legatus (?) (*ὑπάρχος*), the tribunes (*οἱ χιλιάρχοι*), and the centurions of the first cohort (*ἑκατόνταρχαι οἱ τῆς πρώτης σπείρης ἐπιστάται*). Here, it will be remarked, we meet with an officer called the *ἡγεμὼν τῆς φάλαγγος* and his deputy or *ὑπάρχος*. 7. The infantry of the legion, four and four, preceded by their own skirmishers (*πεζῶν οἱ ἀκοντισταί*). 8. Foreign (*τὸ συμμαχικὸν*) infantry, both light and heavy. 9. The baggage (*τὰ σκευοφόρα*). 10. The rear brought up by an ala of Getae under their praefectus (*εἰλάρχης*). The centurions were to march on the flanks of the infantry, keeping the men to their ranks: for the sake of greater security a body of horsemen was to ride in single file along the whole length of the line; the commander-in-chief, Xenophon, was to march in front of the infantry standards, but to move about occasionally from place to place, watching everything, and preserving order everywhere. It appears that of the cavalry some were archers (*ἱπποτοξόται*), some lancers (*λογχοφόροι*), some pole-men (*κοντοφόροι*), some sword-men (*μαχαιροφόροι*), some axe-men (*πελεκοφόροι*); these and many other curious particulars may be extracted from the detailed account of the *Agmen*, and from the *Acies* or scheme of battle by which it is followed; but unfortunately we are so much embarrassed at every step by the uncertainty of the text that it is scarcely safe to form positive conclusions.

A great many topics connected with a Roman army are discussed under separate articles: thus, much that belongs to the cavalry is necessarily included under Equites; the position of the allies in the service under Socii; the life-guards under Praetoriani; the pay of the soldier under Stipendium; a detailed account of his armour and weapons under Galea, Lorica, Ocrea, Caliga, Hasta, Pilum, Gladius, Scutum, &c.; of his dress under Chlamys, Paludamentum, Sagum; of the standards under Signa Militaria; of military processions under Ovatio, Triumphus; of punishments under Fustuarium, Decimatio; of military rewards under Torques, Phalerae, Corona; of military engines under Tormentum, Aries, Vineae, Plutei, Helepolis, Turris, &c. [W. R.]

EXETASTAE (*ἐξετασταί*), special commissioners sent out by the Athenian people to investigate any matters that might claim attention. Thus we find mention of Exetastae being appointed to ascertain whether there were as many mercenaries as the generals reported. It appears to have been no uncommon plan for the commanders, who received pay for troops, to report a greater number than they possessed, in order to receive the pay themselves; in which case they were said "to draw pay for empty places in the mercenary force" (*μισθοφορεῖν ἐν τῷ ξενικῷ κεναῖς χώραις*, Aeschin. *c. Ctes.* p. 536). The commissioners, however, who were sent to make inquiries into the matter, often allowed themselves to be bribed. (Aeschin. *c. Timarch.* p. 131, *De Fals. Leg.* p. 339; Böckh. *Publ. Econ. of Athens*, p. 292, 2nd ed.)

EXHERES. [Heres.]

EXHIBENDUM, ACTIO AD. This action was introduced mainly with respect to vindicationes or actions about property. "Exhibere" is defined to be "facere in publico potestatem, ut ei qui agat experiundi sit copia." This was a personal action, and he had the right of action who intended to bring an actio in rem. The actio ad exhibendum was against a person who was in possession of the thing in question, or had fraudulently parted with the possession of it; and the object was the production of the thing for the purpose of its being examined by the plaintiff. The thing, which was of course a movable thing, was to be produced at the place where it was at the commencement of the legal proceedings respecting it; but it was to be taken to the place where the action was tried, at the cost and expense of the plaintiff.

The action was extended to other cases: for instance, to cases when a man claimed the privilege of taking his property off another person's land, that other person not being legally bound to restore the thing, though bound by this action to allow the owner to take it; and to some cases where a man had in his possession something in which his own and the plaintiff's property were united, as a jewel set in the defendant's gold, in which case there might be an actio ad exhibendum for the purpose of separating the things (ut excludatur ad exhibendum agi potest, Dig. 10. tit. 4. s. 6).

If the thing was not produced when it ought to have been, the plaintiff might have damages for loss caused by such non-production. This action would lie to produce a slave, in order that he might be put to the torture to discover his confederates.

The ground of the right to the production of a thing, was either property in the thing or some interest; and it was the business of the judex to declare whether there was sufficient reason (*justa et probabilis causa*) for production. The word "interest" was obviously a word of doubtful import. Accordingly, it was a question if a man could bring this action for the production of his adversary's accounts, though it was a general rule of law that all persons might have this action who had an interest in the thing to be produced (*quorum interest*); but the opinion as given in the Digest (Dig. 10. tit. 4. s. 19) is not favourable to the production on the mere ground of its being for the plaintiff's advantage. A man might have this actio though he had no vindicatio; as, for instance, if he had a legacy given to him of such a slave as Titius might choose, he had a right to the production of the testator's slaves in order that Titius might make the choice; when the choice was made, then the plaintiff might claim the slave as his property, though he had no power to make the choice. If a man wished to assert the freedom of a slave (*in libertatem vindicare*), he might have this action.

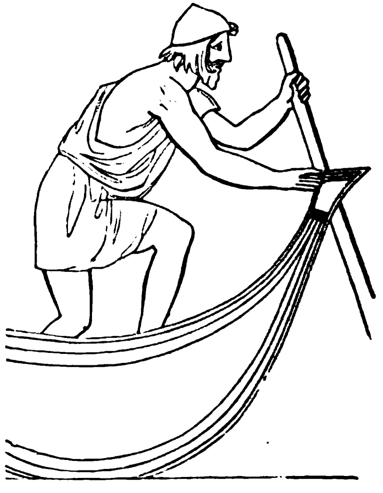
This action was, as it appears, generally in aid of another action, and for the purpose of obtaining evidence; in which respect it bears some resemblance to a Bill of Discovery in Equity.

(Mühlenbruch, *Doctrina Pandectarum*; Dig. 10. tit. 4.) [G. L.]

EXITE'RIA or EPEXO'DIA (ἐξιτήρια or ἐπεξόδια), the names of the sacrifices which were offered by generals before they set out on their expeditions. (Xenoph. *Anab.* vi. 5. § 2.) The principal object of these sacrifices always was to discover from the accompanying signs the favourable or unfavourable issue of the undertaking on which they were about to enter. According to Hesychius, ἐξιτήρια was also the name of the day on which the annual magistrates laid down their offices. [L. S.]

EXO'DIA (ἐξόδια, from ἐξ and ὁδός) were old-fashioned and laughable interludes in verses, inserted in other plays, but chiefly in the Atellanae. (Liv. vii. 2.) It is difficult to ascertain the real character of the exodia; but from the words of Livy we must infer that, although distinct from the Atellanae, they were closely connected with them, and never performed alone. Hence Juvenal calls them *exodium Atellanae* (*Sat.* vi. 71), and Suetonius (*Tib.* 45) *exodium Atellanicum.* They were, like the Atellanae themselves, played by young and well-born Romans, and not by the histriones. Since the time of Jos. Scaliger and Casaubon, the exodia have almost generally been considered as short comedies or farces which were performed after the Atellanae; and this opinion is founded upon the vague and incorrect statement of the Scholiast on Juvenal (*Sat.* iii. 174). But the words of Livy, *exodia conserta fabellis*, seem rather to indicate interludes, which, however, must not be understood as if they had been played between the acts of the Atellanae, which would suggest a false idea of the Atellanae themselves. But as several Atellanae were performed on the same day, it is probable that the exodia were played between them. This supposition is also supported by the etymology of the word itself, which signifies something ἐξ ὁδοῦ, extra viam, or something not belonging to the main subject, and thus is synonymous with ἐπεισόδιον. The play, as well as the name of exodium, seems to have been introduced among the Romans from Italian Greece; but after its introduction it appears to have become very popular among the Romans, and continued to be played down to a very late period. (Sueton. *Domit.* 10.) [L. S.]

EXO'MIS (ἐξωμίς), a dress which had only a sleeve for the left arm, leaving the right with the shoulder and a part of the breast free, and was for this reason called *exomis*. It is also frequently called χιτὼν ἑτερομάσχαλος. (Phot. and Hesych. *s. v.* Ἑτερομ.: Heliod. *Aethiop.* iii. 1; Paus. v. 16. § 2.) The exomis, however, was not only a chiton [Tunica], but also an ἱμάτιον or περίβλημα. [Pallium.] According to Hesychius (*s. v.* Ἐξωμίς), and Aelius Dionysius (*ap. Eustath. ad Il.* xviii. 595), it served at the same time both the purposes of a chiton and an himation; but Pollux (vii. 48) speaks of two different kinds of exomis, one of which was a περίβλημα and the other a χιτὼν ἑτερομάσχαλος. His account is confirmed by existing works of art. Thus we find in the Mus. Pio-Clement. (vol. iv. pl. 11), Hephaestos wearing an exomis, which is an himation thrown round the body in the way in which this garment was always worn, and which clothes the body like an exomis when it is girded round the waist. The following figure of Charon, on the contrary (taken from Stackelberg, *Die Gräber der Hellenen*, pl. 47), represents the proper χιτὼν ἑτερομάσχαλος, and we see a similar dress in the figure of Ulysses represented in the article Pileus.



The exomis was usually worn by slaves and working people (Phot. *s. v.*; Schol. *ad Aristoph. Equit.* 879), whence we find Hephaestos, the working deity, frequently represented with this garment in works of art. (Müller, *Archäol. der Kunst*, § 366. 6.) The chorus of old men in the Lysistrata of Aristophanes (l. 662) wear the exomis; which is in accordance with the statement of Pollux (iv. 118), who says that it was the dress of old men in comic plays. According to Gellius (vii. 12), the exomis was the same as the common tunic without sleeves (*citra humerum desinentes*); but his statement is opposed to the accounts of all the Greek grammarians, and is without doubt erroneous. (Becker, *Charikles*, vol. ii. p. 112, &c.)

EXOMO'SIA (ἐξωμοσία). Any Athenian citizen when called upon to appear as a witness in a court of justice (κλητεύειν or ἐκκλητεύειν, Pollux, viii. 37; Aeschin. *c. Timarch.* p. 71), was obliged by law to obey the summons, unless he could establish by oath that he was unacquainted with the case in question. (Demosth. *De Fals. Leg.* p. 396, *c. Neaer.* p. 1354, *c. Aphob.* p. 850; Suidas, *s. v.* Ἐξομόσασθαι.) This oath was called ἐξωμοσία, and the act of taking it was expressed by ἐξόμνυσθαι. (Demosth. *c. Steph.* i. p. 1119; *c. Eubulid.* p. 1317; Harpocrat. *s. v.*) Those who refused to obey the summons without being able to take the ἐξωμοσία, incurred a fine of one thousand drachmae; and if a person, after promising to give his evidence, did nevertheless not appear when called upon, an action called λειπομαρτυρίου, or βλάβης δίκη, might be brought against him by the parties who thought themselves injured by his having withheld his evidence. (Demosth. *c. Timoth.* p. 1190; Meier, *Att. Proc.* p. 387, &c.)

When the people in their assembly appointed a man to a magistracy or any other public office, he was at liberty, before the δοκιμασία took place, to decline the office, if he could take an oath that the state of his health or other circumstances rendered it impossible for him to fulfil the duties connected with it (ἐξόμνυσθαι τὴν ἀρχὴν, or τὴν χειροτονίαν): and this oath was likewise called ἐξωμοσία, or sometimes ἀπωμοσία. (Demosth. *De Fals. Leg.* p. 379, *c. Timoth.* p. 1204; Aeschin. *De Fals. Leg.* p. 271; Pollux, viii. 55; Etymol. Mag. *s. v.*) [L. S.]

EXOSTRA (ἐξώστρα, from ἐξωθέω), was one of the many kinds of machines used in the theatres of the ancients. Cicero (*De Prov. Cons.* 6), in speaking of a man who formerly concealed his vices, expresses this sentiment by *post siparium heluabatur;* and then stating that he now shamelessly indulged in his vicious practices in public, says, *jam in exostra heluatur.* From an attentive consideration of this passage, it is evident that the exostra was a machine by means of which things which had been concealed behind the siparium, were pushed or rolled forward from behind it, and thus became visible to the spectators. This machine was therefore very much like the ἐκκύκλημα, with this distinction, that the latter was moved on wheels, while the exostra was pushed forward upon rollers. (Pollux, iv. 128; Schol. ad Aristoph. *Acharn.* 375.) But both seem to have been used for the same purpose; namely, to exhibit to the eyes of the spectators the results or consequences of such things — *e. g.* murder or suicide — as could not consistently take place in the proscenium, and were therefore described as having occurred behind the siparium or in the scene.

The name exostra was also applied to a peculiar kind of bridge, which was thrown from a tower of the besiegers upon the walls of the besieged town, and across which the assailants marched to attack those of the besieged who were stationed on the ramparts to defend the town. (Veget. *De Re Milit.* iv. 21.) [L. S.]

EXOULES DIKE (ἐξούλης δίκη). [Embateia.]

EXPLORATO'RES. [Exercitus, p. 509, a.]

EXSEQUIAE. [Funus.]

EXSI'LIUM (φυγή), banishment. 1. Greek. — Banishment among the Greek states seldom, if ever, appears as a punishment appointed by law for particular offences. We might, indeed, expect this; for the division of Greece into a number of independent states would neither admit of the establishment of penal colonies, as amongst us, nor of the various kinds of exile which we read of under the Roman emperors. The general term φυγή (flight) was for the most part applied in the case of those who, in order to avoid some punishment or danger, removed from their own country to another. Proof of this is found in the records of the heroic ages, and chiefly where homicide had been committed, whether with or without malice aforethought. Thus (*Il.* xxiii. 88) Patroclus appears as a fugitive for life, in consequence of manslaughter (ἀνδροκτασίη) committed by him when a boy, and in anger. In the same manner (Hom. *Od.* xv. 275) Theoclymenus is represented as a fugitive and wanderer over the earth, and even in foreign lands haunted by the fear of vengeance, from the numerous kinsmen of the man whom he had slain. The duty of taking vengeance was in cases of this kind considered sacred, though the penalty of exile was sometimes remitted, and the homicide allowed to remain in his country on payment of a ποινή, the price of blood, or wehrgeld of the Germans (Tacit. *Germ.* 21), which was made to the relatives or nearest connections of the slain. (*Il.* ix. 630.) Even though there were no relatives to succour the slain man, still deference to public opinion imposed on the homicide a temporary absence (*Od.* xxiii. 119, and Schol.), until he had obtained expiation at the hands of another, who seems to have been called the ἀγνίτης or purifier. For an illustration of this, the reader is referred to the story of Adrastus and Croesus. (Herod. i. 35.)

In the later times of Athenian history, φυγή, or banishment, partook of the same nature, and was practised nearly in the same cases, as in the heroic ages, with this difference, that the laws more strictly defined its limits, its legal consequences, and duration. Thus an action for wilful murder was brought before the Areiopagus, and for manslaughter before the court of the Ephetae. The accused might, in either case, withdraw himself (φυγεῖν) before sentence was passed; but when a criminal evaded the punishment to which an act of murder would have exposed him had he remained in his own land, he was then banished for ever (φεύγει ἀειφυγίαν), and not allowed to return home even when other exiles were restored upon a general amnesty, since on such occasions a special exception was made against criminals banished by the Areiopagus (οἱ ἐξ Ἀρείου πάγου φεύγοντες). A convicted murderer, if found within the limits of the state, might be seized and put to death (Dem. *c. Aris.* p. 629), and whoever harboured or entertained (ὑπεδέξατο) any one who had fled from his country to avoid a capital punishment, was liable to the same penalties as the fugitive himself. (Dem. *c. Polycl.* p. 1222. 2.)

Demosthenes (*c. Aris.* p. 634) says, that the word φεύγειν was properly applied to the exile of those who committed murder, with malice aforethought, whereas the term μεθίστασθαι, was used where the act was not intentional. The property also was confiscated in the former case, but not in the latter.

When a verdict of manslaughter was returned, it was usual for the convicted party to leave (ἐξῆλθε) his country by a certain road, and to remain in exile till he induced some one of the relatives of the slain man to take compassion on him. During his absence, his possessions were ἐπίτιμα, that is, not confiscated; but if he remained at home or returned before the requirements of the law were satisfied, he was liable to be driven or carried out of the country by force. (Dem. *c. Aris.* pp. 634 and 644.) It sometimes happened that a fugitive for manslaughter was charged with murder; in that case he pleaded on board ship, before a court which sat at Phreatto, in the Peiraeeus. (Dem. *c. Aris.* p. 646.) We are not informed what were the consequences if the relatives of the slain man refused to make a reconciliation; supposing that there was no compulsion, it is reasonable to conclude that the exile was allowed to return after a fixed time. In cases of manslaughter, but not of murder, this seems to have been usual in other parts of Greece as well as at Athens. (Meursius, *ad Lycop.* 282; Eurip. *Hipp.* 37, and *Scholia.*) Plato (*Leg.* ix. p. 865), who is believed to have copied many of his laws from the constitution of Athens, fixes the period of banishment for manslaughter at one year, and the word *ἀπενιαυτισμός*, explained to mean a year's exile for the commission of homicide (*τοῖς φόνον δράσασι*) seems to imply that the custom was pretty general. We have indeed the authority of Xenophon (*Anab.* iv. 8. § 15) to prove that at Sparta banishment was the consequence of involuntary homicide, though he does not tell us its duration.

Moreover, not only was an actual murder punished with banishment and confiscation, but also a *τραῦμα ἐκ προνοίας*, or wounding with intent to kill, though death might not ensue. (Lysias, *c. Simon.* p. 100; Dem. *c. Boeot.* p. 1018. 10.) The same punishment was inflicted on persons who rooted up the sacred olives at Athens (Lysias, Ὑπερ Σηκοῦ Ἀπολογία), and by the laws of Solon every one was liable to it who remained neuter during political contentions. (Plut. *Sol.* 20; Gell. ii. 12.)

Under *φυγή*, or banishment, as a general term, is comprehended *Ostracism* (*ὀστρακισμός*); the difference between the two is correctly stated by Suidas, and the Scholiast on Aristophanes (*Equit.* 861), if we are to understand by the former *ἀειφυγία*, or banishment for life. "*Φυγή* (say they) differs from ostracism, inasmuch as those who are banished lose their property by confiscation, whereas the ostracised do not; the former also have no fixed place of abode, no time of return assigned, but the latter have." This ostracism was instituted by Cleisthenes, after the expulsion of the Peisistratidae; its nature and objects are thus explained by Aristotle (*Pol.* iii. 8): — "Democratical states (he observes) used to ostracise, and remove from the city for a definite time, those who appeared to be pre-eminent above their fellow-citizens, by reason of their wealth, the number of their friends, or any other means of influence." It is well known, and implied in the quotation just given, that ostracism was not a punishment for any crime, but rather a precautionary removal of those who possessed sufficient power in the state to excite either envy or fear. Thus Plutarch (*Arist.* 10) says it was a good-natured way of allaying envy (*φθόνου παραμυθία φιλάνθρωπος*), by the humiliation of superior dignity and power. Mr. Grote (*History of Greece*, vol. iv. p. 200, &c.) has some very ingenious remarks in defence of ostracism, which he maintains was a wise precaution for maintaining the democratical constitution established by Cleisthenes. He observes that "Cleisthenes, by the spirit of his reforms, secured the hearty attachment of the body of citizens; but from the first generation of leading men, under the nascent democracy, and with such precedents as they had to look back upon, no self-imposed limits to ambition could be expected: and the problem required was to eliminate beforehand any one about to transgress these limits, so as to escape the necessity of putting him down afterwards, with all that bloodshed and reaction, in the midst of which the free working of the constitution would be suspended at least, if not irrevocably extinguished. To acquire such influence as would render him dangerous under democratical forms, a man must stand in evidence before the public, so as to afford some reasonable means of judging of his character and purposes; and the security which Cleisthenes provided was, to call in the positive judgment of the citizens respecting his future promise purely and simply, so that they might not remain too long neutral between two political rivals. He incorporated in the constitution itself the principle of *privilegium* (to employ the Roman phrase, which signifies, not a peculiar favour granted to any one, but a peculiar inconvenience imposed), yet only under circumstances solemn and well defined, with full notice and discussion beforehand, and by the positive secret vote of a large proportion of the citizens. 'No law shall be made against any single citizen, without the same being made against *all* Athenian citizens; unless it shall so seem good to 6000 citizens voting secretly' (Andoc. *de Myst.* p. 12). Such was that general principle of the constitution, under which the ostracism was a particular case." Mr. Grote further observes, — "Care was taken to divest the ostracism of all painful consequence, except what was inseparable from exile; and this is not one of the least proofs of the wisdom with which it was devised. Most certainly it never deprived the public of candidates for political influence; and when we consider the small amount of individual evil which it inflicted, two remarks will be quite sufficient to offer in the way of justification. First, it completely produced its intended effect; for the democracy grew up from infancy to manhood without a single attempt to overthrow it by force: next, through such tranquil working of the democratical forms, a constitutional morality quite sufficiently complete, was produced among the leading Athenians, to enable the people after a certain time to dispense with that exceptional security which the ostracism offered. To the nascent democracy, it was absolutely indispensable; to the growing, yet military democracy it was necessary; but the full-grown democracy both could and did stand without it." The manner of effecting it was as follows: — Before the vote of ostracism could be taken, the senate and the ecclesia had to determine in the sixth prytany of the year whether such a step was necessary. If they decided in the affirmative, a day was fixed, and the agora was enclosed by barriers, with ten entrances for the ten tribes. By these the tribesmen entered, each with his *ὄστρακον*, or piece of tile, on which was written the name of the individual whom he wished to be ostracised. The nine archons and the senate, *i. e.* the presidents of that body, superintended the proceedings, and the party who had the greatest number of votes against him, supposing that this number amounted to 6000, was obliged to withdraw (*μεταστῆναι*) from the city within ten days; if the number of votes did not amount to 6000, nothing was done. (Schol. *ad Aristoph. Equ.* 851; Pollux, viii. 19.) Plutarch (*Arist.* c. 7) differs from other authorities in stating, that for an expulsion of this sort it was not necessary that the votes given against any individual should amount to 6000, but only that the sum total should not be less than that number. Böckh and Wachsmuth are in favour of Plutarch; but Mr. Grote, who supports the other opinion, justly remarks, "that the purpose of the general law would by no means be obtained, if the simple majority of votes among 6000 in all, had been allowed to take effect. A person might then be ostracised with a very small number of votes against him, and without creating any reasonable presumption that he was dangerous to the constitution, which was by no means either the purpose of Cleisthenes, or the well-understood operation of the ostracism, so long as it continued to be a reality." All, however, agree that the party thus expelled was not deprived of his property. The period of his banishment was ten years. The ostracism was also called the *κεραμικὴ μάστιξ*, or earthenware scourge, from the material of the *ὄστρακον* on which the names were written.

Some of the most distinguished men at Athens were removed by ostracism, but recalled when the city found their services indispensable. Amongst these were Themistocles, Aristeides, Cimon, and Alcibiades; of the first of whom Thucydides (i. 135) states, that his residence during ostracism was at Argos, though he was not confined to that city, but visited other parts of Peloponnesus. The last person against whom it was used at Athens was Hyperbolus, a demagogue of low birth and character, whom Nicias and Alcibiades conspired together to ostracise, when the banishment threatened each of themselves; but the Athenians thought their own dignity compromised, and ostracism degraded by such an application of it, and accordingly discontinued the practice. (Plut. *Nic.* c. 11, *Alcib.* c. 13, *Arist.* c. 7; Thuc. viii. 73.)

Ostracism prevailed in other democratical states as well as Athens; namely, at Argos, Miletus, and Megara, but we have no particulars of the way in which it was administered in those states. Aristotle says (*Pol.* iii. 8) that it was abused for party purposes.

From the ostracism of Athens was copied the *Petalism* (*πεταλισμός*) of the Syracusans, so called from the *πέταλα*, or leaves of the olive, on which was written the name of the person whom they wished to remove from the city. The removal, however, was only for five years; a sufficient time, as they thought, to humble the pride and hopes of the exile. But petalism did not last long; for the fear of this "humbling," deterred the best qualified amongst the citizens from taking any part in public affairs, and the degeneracy and bad government which followed, soon led to a repeal of the law B. C. 452. (Diod. xi. 87.)

In connection with petalism it may be remarked that if any one were falsely registered in a demus, or ward, at Athens, his expulsion was called *ἐκφυλλοφορία*, from the votes being given by leaves. (*Meier, His. Juris. Att.* 83; Lys. c. *Nicom.* p. 844.)

The reader of Greek history will remember, that besides those exiled by law, or ostracised, there was frequently a great number of political exiles in Greece; men who, having distinguished themselves as the leaders of one party, were expelled, or obliged to remove, from their native city when the opposite faction became predominant. They are spoken of as *οἱ φεύγοντες*, or *οἱ ἐκπεσόντες*, and as *οἱ κατελθόντες* after their return (*ἡ κάθοδος*), the word *κατάγειν* being applied to those who were instrumental in effecting it. [R. W.]

2. Roman. In the later imperial period, *exsilium* was a general term used to express a punishment, of which there were several species. Paulus (Dig. 48. tit. 1. s. 2), when speaking of those judicia publica, which are capitalia, defines them by the consequent punishment, which is death, or exsilium; and exsilium he defines to be *aquae et ignis interdictio*, by which the *caput* or citizenship of the criminal was taken away. Other kinds of exsilium he says were properly called *relegatio*, and the relegatus retained his citizenship. The distinction between relegatio and exsilium existed under the republic. (Liv. iii. 10, iv. 4; Cic. *Pro P. Sext.* c. 12.) Ovid also (*Trist.* v. 11) describes himself, not as *exsul*, which he considers a term of reproach, but as *relegatus*. Speaking of the emperor, he says,—

"Nec vitam, nec opes, nec jus mihi civis ademit;"

and a little further on,

"Nil nisi me patriis jussit abire focis."

Compare also *Tristia*, ii. 127, &c.

Marcianus (Dig. 48. tit. 22. s. 5) makes three divisions of exsilium: it was either an interdiction from certain places named, and was then called *lata fuga* (a term equivalent to the *libera fuga* or *liberum exsilium* of some writers); or it was an interdiction of all places, except some place named; or it was the *constraint* of an island (as opposed to *lata fuga*).*

Of *relegatio* there were two kinds: a person might be forbidden to live in a particular province, or in Rome, and either for an indefinite or a definite time; or an island might be assigned to the relegatus for his residence. Relegatio was not followed by loss of citizenship or property, except so far as the sentence of relegatio might extend to part of the person's property. The relegatus retained his citizenship, the ownership of his property, and the *patria potestas*, whether the relegatio was for a definite or an indefinite time. The relegatio, in fact, merely confined the person within, or excluded him from, particular places, which is according to the definition of Aelius Gallus (Festus, *s. Relegati*), who says that the punishment was imposed by a lex, senatus-consultum, or the edictum of a magistratus. The words of Ovid express the legal effect of relegatio in a manner literally and technically correct. (Instances of relegatio occur in the following passages:—Suet. *Aug.* c. 16, *Tib.* c. 50; Tacit. *Ann.* iii. 17, 68; Suet. *Claud.* c. 23, which last, as the historian remarks, was a new kind of relegatio.) The term relegatio is applied by Cicero (*de Off.* iii. 31) to the case of T. Manlius, who had been compelled by his father to live in solitude in the country.

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* Noodt (*Op. Omn.* i. 58) corrects the extract from Marcianus thus:—"Exsilium *duplex* est: aut certorum locorum interdictio, ut lata fuga; aut omnium locorum praeter certum locum, ut insulae vinculum," &c.

The passage is evidently corrupt in some editions of the Digest, and the correction of Noodt is supported by good reasons. It seems that Marcian is here speaking of the two kinds of *relegatio* (compare Ulpian, Dig. 48. tit. 22. s. 7), and he does not include the exsilium, which was accompanied with the loss of the *civitas*; for if his definition is intended to include all the kinds of exsilium, it is manifestly incomplete; and if it includes only relegatio, as it must do from the terms of it, the definition is wrong, inasmuch as there are only two kinds of relegatio. The conclusion is, that the text of Marcianus is either corrupt, or has been altered by the compilers of the Digest.

Deportatio in insulam, or *deportatio* simply, was introduced under the emperors in place of the aquae et ignis interdictio. (Ulpian, Dig. 48. tit. 13. s. 3; tit. 19. s. 2.) The governor of a province (*praeses*) had not the power of pronouncing the sentence of deportatio; but this power was given to the praefectus urbi by a rescript of the emperor Severus. The consequence of deportatio was loss of property and citizenship, but not of freedom. Though the deportatus ceased to be a Roman citizen, he had the capacity to buy and sell, and do other acts which might be done according to the jus gentium. Deportatio differed from relegatio, as already shown, and also in being always for an indefinite time. The relegatus went into banishment; the deportatus was conducted to his place of banishment, sometimes in chains.

As the exsilium in the special sense, and the deportatio took away a person's civitas, it follows that if he was a father, his children ceased to be in his power; and if he was a son, he ceased to be in his father's power; for the relationship expressed by the terms *patria potestas* could not exist when either party had ceased to be a Roman citizen. (Gaius, i. 128.) Relegatio of a father or of a son, of course, had not this effect. But the interdict and the deportatio did not dissolve marriage. (Cod. 5. tit. 16. s. 24; tit. 17. s. 1; compare Gaius, i. 128, with the Institutes, i. tit. 12, in which the deportatio stands in the place of the aquae et ignis interdictio of Gaius.)

When a person, either parent or child, was condemned to the mines or to fight with wild beasts, the relation of the *patria potestas* was dissolved. This, though not reckoned a species of exsilium, resembled deportatio in its consequences.

It remains to examine the meaning of the term exsilium in the republican period, and to ascend, so far as we can, to its origin. Cicero (*Pro Caecina*, c. 34) affirms that no Roman was ever deprived of his civitas or his freedom by a lex. In the oration *Pro Domo* (c. 16, 17) he makes the same assertion, but in a qualified way; he says that no special lex, that is, no *privilegium*, could be passed against the caput of a Roman citizen, unless he was first condemned in a judicium. It was, according to Cicero, a fundamental principle of Roman law (*Pro Domo*, c. 29), that no Roman citizen could lose his freedom or his citizenship without his consent. He adds, that Roman citizens who went out as Latin colonists, could not become Latin, unless they went voluntarily and registered their names: those who were condemned of capital crimes did not lose their citizenship till they were admitted as citizens of another state; and this was effected, not by depriving them of their civitas (*ademptio civitatis*), but by the interdictio tecti aquae et ignis. The same thing is stated in the oration *Pro Caecina* (c. 34), with the addition, that a Roman citizen, when he was received into another state, lost his citizenship at Rome, because by the Roman law a man could not be a citizen of two states. This reason, however, would be equally good for showing that a Roman citizen could not become a citizen of another community. In the oration *Pro Balbo* (c. 11) the proposition is put rather in this form; that a Roman who became a citizen of another state, *thereby* ceased to be a Roman citizen. It must not be forgotten that in the oration *Pro Caecina*, it is one of Cicero's objects to prove that his client had the rights of a Roman citizen; and in the oration *Pro Domo*, to prove that he himself had not been an exsul, though he was interdicted from fire and water within 400 miles of Rome. (Cic. *Ad Attic.* iii. 4.) Now, as Cicero had been interdicted from fire and water, and as he evaded the penalty, to use his own words (*Pro Caecina* c. 34), by going beyond the limits, he could only escape the consequences, namely, exsilium, either by relying on the fact of his not being received as a citizen into another state, or by alleging the illegality of the proceedings against him. But the latter is the ground on which he seems to maintain his case in the *Pro Domo*: he alleges that he was made the subject of a privilegium, without having been first condemned in a judicium (c. 17).

In the earlier republican period, a Roman citizen might have a right to go into exsilium to another state, or a citizen of another state might have a right to go into exsilium at Rome, by virtue of certain isopolitical relations existing between such state and Rome. This right was called jus exulandi with reference to the state to which the person came; with respect to his own state which he left, he was exul, and his condition was exsilium: with respect to the state which he entered, he was *inquilinus**; and at Rome he might attach himself (*applicare se*) to a quasi patronus, a relationship which gave rise to questions involving the jus applicationis.

The sentence of aquae et ignis, to which Cicero adds (*Pro Domo*, c. 30) tecti interdictio (comp. Plut. *Marius*, c. 29), was equivalent to the deprivation of the chief necessaries of life, and its effect was to incapacitate a person from exercising the rights of a citizen within the limits which the sentence comprised. Supposing it to be true, that no Roman citizen could in direct terms be deprived of his civitas, it requires but little knowledge of the history of Roman jurisprudence to perceive that a way would readily be discovered of doing that indirectly which could not be done directly; and such, in fact, was the aquae et ignis interdictio. The meaning of the sentence of aquae et ignis interdictio is clear when we consider the symbolical meaning of the aqua et ignis. The bride, on the day of her marriage, was received by her husband with fire and water (Dig. 24. tit. 1. s. 66), which were symbolical of his taking her under his protection and sustentation. Varro (*De Ling. Lat.* iv.) gives a different explanation of the symbolical meaning of aquae et ignis in the marriage ceremony:—*Aquae et ignis* (according to the expression of Festus) *sunt duo elementa quae humanam vitam maxime continent*. The sentence of interdict was either pronounced in a judicium, or it was the subject of a lex. The punishment was inflicted for various crimes, as *vis publica*, *peculatus*, *veneficium*, &c. The Lex Julia *de vi publica et privata* applied, among other cases, to any person *qui receperit*, *celaverit*, *tenuerit*, the interdicted person (Paulus, *Sent. Recept.* ed. Schulting); and there was a clause to this effect in the lex of Clodius, by which Cicero was banished.

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* This word appears, by its termination *inus*, to denote a person who was one of a class, like the word *libertinus*. The prefix *in* appears to be the correlative of *ex* in *exsul*, and the remaining part *quil*, is probably related to *col* in *incola* and *colonus*.

The sentence of the interdict, which in the time of the Antonines was accompanied with the loss of citizenship (Gaius, i. 90), could hardly have had any other effect in the time of Cicero. It may be true that exsilium, that is, the change of *solum*, or ground, was not in direct terms included in the sentence of *aquae et ignis interdictio*: the person might stay if he liked, and submit to the penalty of being an outcast, and being incapacitated from doing any legal act. Indeed, it is not easy to conceive that *banishment* can exist in any state, except such state has distant possessions of its own to which the offender can be sent. Thus banishment as a penalty did not exist in the old English law. When isopolitical relations existed between Rome and another state, exsilium might be the privilege of an offender. Cicero might then truly say that exsilium was not a punishment, but a mode of evading punishment (*Pro Caecina*); and this is quite consistent with the interdict being a punishment, and having for its object the exsilium.

According to Niebuhr, the interdict was intended to prevent a person, who had become an exsul, from *returning* to Rome and resuming his citizenship, and the interdict was taken off when an exsul was recalled. Further, Niebuhr asserts, that they who settled in an unprivileged place (one that was not in an isopolitical connection with Rome) needed a decree of the people, declaring that their settlement should operate as a legal exsilium. And this assertion is supported by a single passage in Livy (xxvi. 3), from which it appears that it was declared by a plebiscitum, that C. Fabius, by going into exile (*exulatum*) to Tarquinii, which was a municipium (*Pro Caecin.* c. 4), was legally in exile.

Niebuhr asserts that Cicero had not lost the civitas by the interdict; but Cicero (*Ad Attic.* iii. 23) by implication admits that he had lost his civitas and his ordo, though in the Oratio *Pro Domo* he denies that he had lost his civitas. And the ground on which he mainly attempted to support his case was, that the lex by which he was interdicted, was in fact no lex, but a proceeding altogether irregular. Cicero was restored by a lex Centuriata. (*Ad Attic.* iv. 1.) [G. L.]

EXTISPEX. [Haruspex.]

EXTRAORDINA'RII. [Exercitus, p. 497, b.]

F.

FABRI, are workmen who make any thing out of hard materials, as *fabri tignarii*, carpenters, *fabri aerarii*, smiths, &c. The different trades were divided by Numa (Plut. *Numa*, 17) into nine collegia, which correspond to our companies or guilds. In the constitution of Servius Tullius, the *fabri tignarii* (τέκτονες, Orelli, *Inscrip.* 60, 417, 3690, 4086, 4088, 4184) and the *fabri aerarii* or *ferrarii* (χαλκοτύποι) were formed into two centuries, which were called the centuriae *fabrûm*, and not *fabrorum*. (Cic. *Orat.* 46.) They did not belong to any of the five classes into which Servius divided the people; but the *fabri tign.* probably voted with the first class, and the *fabri aer.* with the second. Livy (i. 43) and Dionysius (vii. 59) name both the centuries together: the former says that they voted with the first class; the latter, that they voted with the second. Cicero (*De Rep.* ii. 22) names only one century of fabri, which he says voted with the first class; but as he adds the word *tignariorum*, he must have recognized the existence of the second century, which we suppose to have voted with the second class. (Göttling, *Gesch. der Röm. Staatsv.* p. 249.)

The fabri in the army were under the command of an officer called *praefectus fabrûm*. (Caes. *ap. Cic. ad Att.* ix. 8, *Bell. Civ.* i. 24; Veget. ii. 11.) It has been supposed by some modern writers that there was a praefectus fabrûm attached to each legion; and this *may* have been the case. No genuine inscriptions however, contain the title of praefectus fabrûm with the name of a legion added to it. There were also civil magistrates at Rome and in the municipal towns, called praefecti fabrûm; but we know nothing respecting them beyond their name. Thus we find in Gruter, Praef. Fabr. Romae (467. 7), Praefectus Fabr. Caer. (235. 9.) The subject of the praefecti fabrûm is discussed with great accuracy in a letter of Hagenbuchius, published by Orelli (*Inscrip.* vol. ii. p. 95, &c.).

FA'BULA. [Comoedia.]

FACTIO'NES AURIGA'RUM. [Circus, p. 287.]

FALA'RICA. [Hasta.]

FALSA'RIUS. [Falsum.]

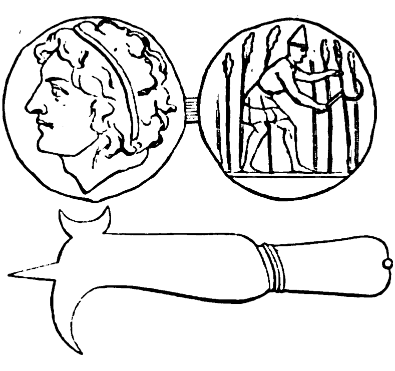
FALSUM. The oldest legislative provision at Rome against Falsum was that of the Twelve Tables against false testimony (Gell. xx. 1); but there were trials for giving false testimony before the enactment of the Twelve Tables. (Liv. iii. 24, &c.) The next legislation on Falsum, so far as we know, was a Lex Cornelia, passed in the time of the Dictator Sulla, which Cicero also calls testamentaria and numaria (*In Verr.* ii. lib. 1. c. 42), with reference to the crimes which it was the object of the law to punish. The offence was a Crimen Publicum. The provisions of this lex are stated by Paulus (*Sent. Recept.* v. 25, ed. Berl.), who also entitles it Lex Cornelia testamentaria, to apply to any person "qui testamentum quodve aliud instrumentum falsum sciens dolo malo scripserit, recitaverit, subjecerit, suppresserit, amoverit, resignaverit, deleverit," &c. The punishment was deportatio in insulam (at least when Paulus wrote) for the "honestiores;" and the mines or crucifixion for the "humiliores." In place of deportatio, the law probably contained the punishment of the interdictio aquae et ignis. According to Paulus the law applied to any instrument as well as a will, and to the adulteration of gold and silver coin, or refusing to accept in payment genuine coin stamped with the head of the princeps. But it appears from Ulpian (sub titulo de poena legis Corneliae testamentariae) that these were subsequent additions made to the Lex Cornelia (*Mos. et Rom. Leg. Coll.* tit. 8. s. 7) by various senatus-consulta. (Tacit. *Ann.* xiv. 40, 41.) By a senatus-consultum, in the consulship of Statilius and Taurus, the penalties of the law were extended to the case of other than testamentary instruments. It is conjectured that, for the consulship of Statilius and Taurus, as it stands in the text of Ulpian, we should read Statilius Taurus, and that the consulship of T. Statilius Taurus and L. Scribonius Libo (A. D. 16) is meant. A subsequent senatus-consultum, in the fourteenth year of Tiberius, extended the penalties of the law to those who for money undertook the defence of a (criminal ?) cause, or to procure testimony; and by a senatus-consultum, passed between the dates of those just mentioned, conspiracies for the ruin of innocent persons were comprised within the provisions of the law. Another senatus-consultum, passed A. D. 26, extended the law to those who received money for selling, or giving, or not giving testimony. There were probably other legislative provisions for the purpose of checking fraud. In the time of Nero it was enacted against fraudulent persons (*falsarii*), that tabulae or written contracts should be pierced with holes, and a triple thread passed through the holes, in addition to the signature. (Suet. *Nero*, c. 17; compare Paulus, *Sent. Recept.* v. tit. 25. s. 6.) In the time of Nero it was also provided that the first two parts (*cerae*) of a will should have only the testator's signature, and the remaining one that of the witnesses: it was also provided that no man who wrote the will should give himself a legacy in it. The provisions, as to adulterating money and refusing to take legal coin in payment, were also made by senatus-consulta or imperial constitutions. Allusion is made to the latter law by Arrian (Epict. iii. 3). It appears from numerous passages in the Roman writers that the crime of falsum in all its forms was very common, and especially in the case of wills, against which legislative enactments are a feeble security. (Heinecc. *Syntagma;* Rein, *Das Criminalrecht der Römer*, where the subject is fully discussed.) [G. L.]

FALX, *dim.* FALCULA (ἅρπη, δρέπανον, *poet.* δρεπάνη, *dim.* δρεπάνιον), a sickle; a scythe; a pruning-knife, or pruning-hook; a bill; a falchion; a halbert.

As CULTER denoted a knife with one straight edge, "falx" signified any similar instrument, the single edge of which was curved. (Δρέπανον εὐκαμπές, Hom. *Od.* xviii. 367; *curvae falces*, Virg. *Georg.* i. 508; *curvamine falcis aenae*, Ovid, *Met.* vii. 227; *adunca falce*, xiv. 628.) By additional epithets the various uses of the falx were indicated, and its corresponding varieties in form and size. Thus the sickle, because it was used by reapers, was called *falx messoria;* the scythe, which was employed in mowing hay, was called *falx foenaria;* the pruning-knife and the bill, on account of their use in dressing vines, as well as in hedging and in cutting off the shoots and branches of trees, were distinguished by the appellation of *falx putatoria*, *vinitoria*, *arboraria*, or *silvatica* (Cato, *De Re Rust.* 10, 11; Pallad. i. 43; Colum. iv. 25), or by the diminutive *falcula*. (Colum. xii. 18.)

A rare coin published by Pellerin (*Méd. de Rois*, *Par.* 1762. p. 208) shows the head of one of the Lagidae, kings of Egypt, wearing the DIADEMA, and on the reverse a man cutting down corn with a sickle. (See woodcut.)

The lower figure in the same woodcut is taken from the MSS. of Columella, and illustrates his description of the various parts of the *falx vinitoria*. (*De Re Rust.* iv. 25. p. 518, ed. Gesner.) [CULTER.] The curvature in the fore part of the blade is expressed by Virgil in the phrase *procurva falx*. (*Georg.* ii. 421.) After the removal of a branch by the pruning-hook, it was often smoothed, as in modern gardening, by the chisel. (Colum. *De Arbor.* 10.) [DOLABRA.] The edge of the falx was often toothed or serrated (ἅρπην καρχαρόδοντα, Hesiod, *Theog.* 174, 179; *denticulata*, Colum. *De Re Rust.* ii. 21). The indispensable process of sharpening these instruments (ἅρπην χαρασσεμέναι, Hesiod, *Op.* 573; ἅρπην εὐκαμπῆ νεοθηγέα, Apoll. Rhod. iii. 1388) was effected by whetstones which the Romans obtained from Crete and other distant places, with the addition of oil or water which the mower (*foenisex*) carried in a horn upon his thigh. (Plin. *H. N.* xviii. 67.)



Numerous as were the uses to which the falx was applied in agriculture and horticulture, its employment in battle was almost equally varied, though not so frequent. The Geloni were noted for its use. (Claudian, *De Laud. Stil.* i. 110.) It was the weapon with which Jupiter wounded Typhon (Apollod. i. 6); with which Hercules slew the Lernaean Hydra (Eurip. *Ion*, 191); and with which Mercury cut off the head of Argus (*falcato ense*, Ovid, *Met.* i. 718; *harpen Cyllenida*, Lucan, ix. 662—667). Perseus, having received the same weapon from Mercury, or, according to other authorities, from Vulcan, used it to decapitate Medusa and to slay the sea-monster. (Apollod. ii. 4; Eratosth, *Cataster.* 22; Ovid, *Met.* iv. 666, 720, 727, v. 69; Brunck, *Anal.* iii. 157.) From the passages now referred to, we may conclude that the falchion was a weapon of the most remote antiquity; that it was girt like a dagger upon the waist; that it was held in the hand by a short hilt; and that, as it was in fact a dagger or sharp-pointed blade, with a proper falx projecting from one side, it was thrust into the flesh up to this lateral curvature (*curvo tenus abdidit hamo*). In the following woodcut, four examples are selected from works of ancient art to illustrate its form. One of the four cameos here copied represents Perseus with the falchion in his right hand, and the head of Medusa in his left. The two smaller figures are heads of Saturn with the falx in its original form; and the fourth cameo, representing the same divinity at full length, was probably engraved in Italy at a later period than the others, but early enough to prove that the scythe was in use among the Romans, whilst it illustrates the adaptation of the symbols of Saturn (Κρόνος: *senex falcifer*, Ovid, *Fast.* v. 627, *in Ibin*, 216) for the purpose of personifying Time (Χρόνος).

If we imagine the weapon which has now been

described to be attached to the end of a pole, it would assume the form and be applicable to all the purposes of the modern halbert. Such must have been the *asseres falcati* used by the Romans at the siege of Ambracia. (Liv. xxxviii. 5; compare Caes. *Bell. Gall.* vii. 22, 86; Q. Curt. iv. 19.) Sometimes the iron head was so large as to be fastened, instead of the ram's head, to a wooden beam, and worked by men under a testudo. (Veget. iv. 14.)

Lastly, the Assyrians, the Persians, the Medes, and the Syrians in Asia (Xen. *Cyrop.* vi. 1, 2, *Anab.* i. 8; Diod. ii. 5, xvii. 53; Polyb. v. 53; Q. Curt. iv. 9, 12, 13; Gell. v. 5; 2 Macc. xiii. 2; Veget. iii, 24; Liv. xxxvii. 41), and the Gauls and Britons in Europe [COVINUS], made themselves formidable on the field of battle by the use of chariots with scythes, fixed at right angles (*εἰς πλάγιον*) to the axle and turned downwards; or inserted parallel to the axle into the felly of the wheel, so as to revolve, when the chariot was put in motion, with more than thrice the velocity of the chariot itself; and sometimes also projecting from the extremities of the axle. [J. Y.]

FAMI'LIA. This word contains the same element as "famulus," which is said to be the same as the Oscan *famul* or *famel*, which signified "servus." The conjecture that it contains the same element as the Greek *ὁμιλία*, and is the same as *ὁμ* or *ἀμ*, is specious, but somewhat doubtful. In its widest sense Familia comprehends all that is subjected to the will of an individual, who is sui juris, both free persons, slaves, and objects of property. In this sense it corresponds to the Greek *οἶκος* and *οἰκία*. But the word has various narrower significations (familiae — appellatio et in res et in personas diducitur, Dig. 50. tit. 16. s. 195. § 1). In the third kind of testamentary disposition mentioned by Gaius (ii. 102), the word "familia" is explained by the equivalent "patrimonium;" and the person who received the familia from the testator (qui a testatore familiam accipiebat mancipio) was called "familiae emptor." And in the formula adopted by the "familiae emptor," when he took the testator's familia by a fictitious sale, his words were: "Familiam pecuniamque tuam endo mandatam tutelam custodelamque meam recipio," &c.

In the passage of the Twelve Tables which declares that in default of any heres suus, the property of the intestate shall go to the next agnatus, the word "familia" signifies the property only: "Agnatus proximus familiam habeto." In the same section in which Ulpian (*Frag.* tit. 26. 1) quotes this passage from the Twelve Tables, he explains agnati to be "cognati virilis sexus per mares descendentes ejusdem familiae," where the word "familia" comprehends only persons. (Dig. 50. tit. 16. s. 195; 10. tit. 2.)

The word "familia" sometimes signifies only "persons," that is, all those who are in the power of a paterfamilias, such as his sons (*filiifamilias*), daughters, grandchildren, and slaves, who are strictly objects of dominium, but are also in a sense objects of potestas. In another sense "familia" signifies only the free persons who are in the power of a paterfamilias; and, in a more extended sense of this kind, all those who are agnati, that is, all who are sprung from a common ancestor, and would be in his power if he were living. With this sense of familia is connected the status familiae, by virtue of which a person belonged to a particular familia, and thereby had a capacity for certain rights which only the members of the familia could claim. A person who changed this status, ceased to belong to the familia, and sustained a capitis diminutio minima. [ADOPTIO; CAPUT.] Members of the same family were "familiares;" and hence familiaris came to signify an intimate friend. Slaves who belonged to the same familia were called, with respect to this relation, familiares. Generally, "familiaris" might signify any thing relating to a familia.

Sometimes "familia" is used to signify only the slaves belonging to a person (Cic. *ad Fam.* xiv. 4, *ad Quint. Fr.* ii. 6); or to a body of persons (*societas*), in which sense they are sometimes opposed to liberti (Cic. *Brut.* 22), where the true reading is "liberti." (Cic. *ad Fam.* i. 3.)

The word familia is also applied (improperly) to sects of philosophers, and to a body of gladiators: in the latter sense with less impropriety. In a sense still less exact, it is sometimes applied to signify a living, a man's means of subsistence. (Ter. *Heauton.* v. 1. 36.)

A paterfamilias and a materfamilias were respectively a Roman citizen who was sui juris, and his wife in manu. (Cic. *Top.* 3; comp. Ulp. *Frag.* iv. 1, and Böcking, *Instit.* i. pp. 217, 229.) A filiusfamilias and a filiafamilias were a son and daughter in the power of a paterfamilias. The familia of a paterfamilias, in its widest sense, comprehended all his agnati; the extent of which term, and its legal import, are explained under COGNATI. The relation of familia and gens is explained under GENS.

The notion of Familia as a natural relation consists of Marriage, the Patria Potestas, and Cognatio (kinship). But Positive Law can fashion other relations after the type of these natural relations. Of these artificial family relations the Roman law had five, which are as follow: — (1) Manus, or the strict marriage relation between the husband and wife; (2) Servitus, or the relation of master and slave; (3) Patronatus, or the relation of former master to former slave; (4) Mancipii causa, or that intermediate state between servitus and libertas, which characterized a child who was mancipated by his father [EMANCIPATIO]; (5) Tutela and Curatio, the origin of which must be traced to the Patria Potestas. These relations are treated under their appropriate heads.

The doctrine of representation, as applied to the acquisition of property, is connected with the doctrine of the relations of familia; but being limited with reference to potestas, manus, and mancipium, it is not co-extensive nor identical with the relations of familia. Legal capacity is also connected with the relations of familia, though not identical with, but rather distinct from them. The notions of liberi and servi, sui juris and alieni, are comprised in the above-mentioned relations of familia. The distinctions of Cives, Latini, Peregrini, are entirely unconnected with the relations of familia. Some of the relations of familia have no effect on legal capacity, for instance, marriage as such. That family relationship which has an influence on legal capacity, is the Patria Potestas, in connection with which the legal incapacities of filiusfamilias, filiafamilias, and a wife in manu, may be most appropriately considered. (Savigny, *System des heutigen Röm. Rechts*, vol. i. pp. 345, &c., 356, &c. vol. ii. Berlin, 1840; Böcking, *Instutionen*, vol. i. p. 213, &c.) [G. L.]

FAMI'LIAE ERCISCUNDAE ACTIO. Every heres, who had full power of disposition over his property, was entitled to a division of the hereditas, unless the testator had declared, or the co-heredes had agreed, that it should remain in common for a fixed time. The division could be made by agreement among the co-heredes; but in case they could not agree, the division was made by a judex. For this purpose every heres had against each of his co-heredes an actio familiae erciscundae, which, like the actiones communi dividundo, and finium regundorum, was of the class of Mixtae Actiones, or, as they were sometimes called, Duplicia Judicia, because, as in the familiae erciscundae judicium, each heres was both plaintiff and defendant (actor and reus); though he who brought the actio and claimed a judicium (*ad judicium provocavit*) was properly the actor. A heres, either ex testamento or ab intestato, might bring this action. All the heredes were liable to the bonorum collatio [Bonorum Collatio], that is, bound to allow, in taking the account of the property, what they had received from the testator in his lifetime, as part of their share of the hereditas, at least so far as they had been enriched by such donations.

This action was given by the Twelve Tables. The word Familia here signifies the "property," as explained in the previous article, and is equivalent to hereditas.

The meaning and origin of the verb *erc, iscere*, or *herc, iscere*, have been a subject of some dispute. It is, however, certain that the word means "division." (Dig. 10. tit. 2; Cic. *De Orat.* i. 56, *Pro Caecina*, c. 7; Apul. *Met.* ix. p. 210, Bipont.) [G. L.]

FAMO'SI LIBELLI. [Libellus.]

FANUM. [Templum.]

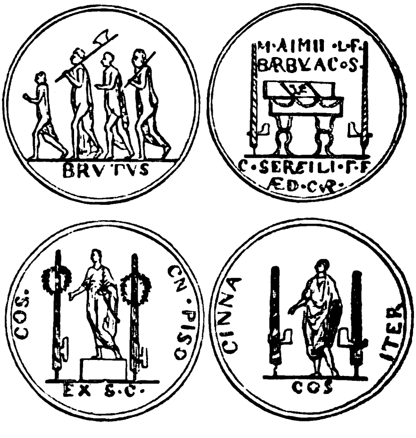
FA'RREUM. [Matrimonium.]

FARTOR (σιτευτής), was a slave who fattened poultry. (Colum. viii. 7; Hor. *Sat.* ii. 3. 228; Plaut. *Truc.* i. 2. 11.) Donatus (*ad Terent. Eun.* ii. 2. 26) says that the name was given to a maker of sausages; but compare Becker, *Gallus*, vol. ii. p. 190.

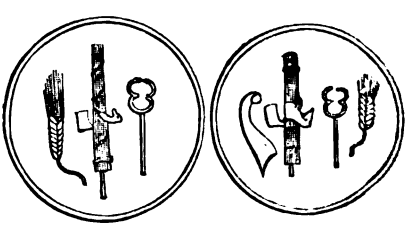
The name of fartores or *crammers* was also given to the nomenclatores, who accompanied the candidates for the public offices at Rome, and gave them the names of such persons as they might meet. (Festus, *s. v. Fartores.*)

FAS. [Fasti; Jus.]

FASCES, were rods bound in the form of a bundle, and containing an axe (*securis*) in the middle, the iron of which projected from them. These rods were carried by lictors before the superior magistrates at Rome, and are often represented on the reverse of consular coins. (Spanh. *De Praest. et Usu Numism.* vol. ii. pp. 88, 91.) The following woodcuts give the reverses of four consular coins; in the first of which we see the lictors carrying the fasces on their shoulders; in the second, two fasces, and between them a sella curulis; in the third, two fasces crowned, with the consul standing between them; and in the fourth, the same, only with no crowns around the fasces.



The next two woodcuts, which are taken from the consular coins of C. Norbanus, contain in addition to the fasces—the one a spica and caduceus, and the other a spica, caduceus, and prora.



The fasces appear to have been usually made of birch (*betulla*, Plin. *H. N.* xvi. 30), but sometimes also of the twigs of the elm. (Plaut. *Asin.* iii. 2. 29, ii. 3. 74.) They are said to have been derived from Vetulonia, a city of Etruria. (Sil. Ital. viii. 485; compare Liv. i. 8.) Twelve were carried before each of the kings by twelve lictors; and on the expulsion of the Tarquins, one of the consuls was preceded by twelve lictors with the fasces and secures, and the other by the same number of lictors with the fasces only, or, according to some accounts, with crowns round them. (Dionys. v. 2.) But P. Valerius Publicola, who gave to the people the right of provocatio, ordained that the secures should be removed from the fasces, and allowed only one of the consuls to be preceded by the lictors while they were at Rome. (Cic. *de Rep.* ii. 31; Valer. Max. iv. 1. § 1.) The other consul was attended only by a single accensus [ACCENSUS]. When they were out of Rome, and at the head of the army, each of the consuls retained the axe in the fasces, and was preceded by his own lictors. (Dionys. v. 19; Liv. xxiv. 9, xxviii. 27.)

When the decemviri were first appointed, the fasces were only carried before the one who presided for the day (Liv. iii. 33); and it was not till the second decemvirate, when they began to act in a tyrannical manner, that the fasces with the axe were carried before each of the ten. (Liv. iii. 36.) The fasces and secures were, however, carried before the dictator even in the city (Liv. ii. 18): he was preceded by 24 lictors, and the magister equitum by six.

The praetors were preceded in the city by two lictors with the fasces (Censorin. *De Die Natal.* 24; Cic. *Agrar.* ii. 34); but out of Rome and at the head of an army by six, with the fasces and secures, whence they are called by the Greek writers *στρατηγοὶ ἑξαπελέκεις*. (Appian, *Syr.* 15; Polyb. ii. 24. § 6, iii. 40. § 9, 106. § 6.) The proconsuls also were allowed, in the time of Ulpian, six fasces. (Dig. 1. tit. 16. s. 14.) The tribunes of the plebs, the aediles and quaestors, had no lictors in the city (Plut. *Quaest. Rom.* 81; Gell. xiii. 12); but in the provinces the quaestors were permitted to have the fasces. (Cic. *Pro Planc.* 41.)

The lictors carried the fasces on their shoulders, as is seen in the coin of Brutus given above; and when an inferior magistrate met one who was higher in rank, the lictors lowered their fasces to him. This was done by Valerius Publicola, when he addressed the people (Cic. *de Rep.* ii. 31; Liv. ii. 7; Valer. Max. iv. 1. § 1); and hence came the expression *submittere fasces* in the sense of to yield, to confess one's self inferior to another. (Cic. *Brut.* 6.)

When a general had gained a victory, and had been saluted as Imperator by his soldiers, his fasces were always crowned with laurel. (Cic. *ad Att.* viii. 3. § 5, *de Div.* i. 28; Caes. *Bell. Civ.* iii. 71.)

FASCIA (*ταινία*), *dim.* FASCIOLA, a band or fillet of cloth, worn, 1. round the head as an ensign of royalty (Sueton. *Jul.* 79) [DIADEMA; woodcut to FALX]: 2. by women over the breast (Ovid, *De Art. Amat.* iii. 622; Propert. iv. 10. 49; *Fascia Pectoralis*, Mart. xiv. 134) [STROPHIUM]: 3. round the legs and feet, especially by women (see the woodcut under the article LIBRA). Cicero reproached Clodius for wearing fasciae upon his feet, and the Calantica, a female ornament, upon his head (*ap. Non. Marc.* xiv. 2). Afterwards, when the toga had fallen into disuse, and the shorter pallium was worn in its stead, so that the legs were naked and exposed, *fasciae crurales* became common even with the male sex. (Hor. *Sat.* ii. 3. 255; Val. Max. vi. 2. § 7; Grat. *Cyneg.* 338.) The emperor Alexander Severus (Lamprid. *Alex. Sev.* 40) always used them, even although, when in town, he wore the toga. Quintilian, nevertheless, asserts that the adoption of them could only be excused on the plea of infirm health. (*Inst. Or.* xi. 3.) White fasciae, worn by men (Val. Max. *l. c.*; Phaed. v. 7. 37), were a sign of extraordinary refinement in dress: the mode of cleaning them was by rubbing them with a white tenacious earth, resembling our pipe-clay (*fasciae cretatae*, Cic. *ad Att.* ii. 3). The finer fasciae, worn by ladies, were purple. (Cic. *de Harusp. Resp.* 21.) The bandages wound about the legs, as shown in the illuminations of ancient MSS., prove that the Roman usage was generally adopted in Europe during the middle ages.

On the use of fasciae in the nursing of children (Plaut. *Truc.* v. 13) see INCUNABULA. [J. Y.]

FA'SCIA (*ταινία*), in architecture, signifies (by an obvious analogy with the ordinary meaning of the word) any long flat surface of wood, stone, or marble, such as the band which divides the architrave from the frieze in the Doric order, and the surfaces into which the architrave itself is divided in the Ionic and Corinthian orders. (See EPISTYLIUM, and the cuts under COLUMNA.) [P. S.]

FA'SCINUM (*βασκανία*), fascination, enchantment. The belief that some persons had the power of injuring others by their looks, was as prevalent among the Greeks and Romans as it is among the superstitious in modern times. The *ὀφθαλμὸς βάσκανος*, or *evil eye*, is frequently mentioned by ancient writers. (Alciphr. *Ep.* i. 15; Heliod. *Aethiop.* iii. 7; compare Plin. *H. N.* vii. 2.) Plutarch, in his Symposium (v. 7), has a separate chapter *περὶ τῶν καταβασκαίνειν λεγομένων, καὶ βάσκανον ἔχειν ὀφθαλμόν.* The evil eye was supposed to injure children particularly, but sometimes cattle also; whence Virgil (*Ecl.* iii. 103) says,

"Nescio quis teneros oculos mihi ſascinat agnum."

Various amulets were used to avert the influence of the evil eye. The most common of these appears to have been the phallus, called by the Romans fascinum, which was hung round the necks of children (*turpicula res*, Varr. *De Ling. Lat.* vii. 97, ed. Müller). Pliny (*H. N.* xix. 19. § 1) also says that *Satyrica signa*, by which he means the phallus, were placed in gardens and on hearths as a protection against the fascinations of the envious; and we learn from Pollux (viii. 118) that smiths were accustomed to place the same figures before their forges with the same design. Sometimes other objects were employed for this purpose. Peisistratus is said to have hung the figure of a kind of grasshopper before the Acropolis as a preservative against fascination. (Hesych. *s. v.* Καταχήνη.)

Another common mode of averting fascination was by spitting into the folds of one's own dress. (Theocr. vi. 39; Plin. *H. N.* xxviii. 7; Lucian, *Navig.* 15. vol. iii. p. 259, ed. Reitz.)

According to Pliny (*H. N.* xxviii. 7), Fascinus was the name of a god, who was worshipped among the Roman sacra by the Vestal virgins, and was placed under the chariot of those who triumphed as a protection against fascination; by which he means in all probability that the phallus was placed under the chariot. (Müller, *Archäol. der Kunst*, § 436. 1, 2; Böttiger, *Klein. Schr.* iii. p. 111; Becker, *Charikles*, vol. ii. pp. 109, 291.)

FASTI. *Fas* signifies *divine law:* the epithet *fastus* is properly applied to anything in accordance with divine law, and hence those days upon which legal business might, without impiety (*sine piaculo*), be transacted before the praetor, were technically denominated *fasti dies*, i. e. *lawful days*. Varro and Festus derive *fastus* directly from *fari* (Varr. *de Ling. Lat.* vi. 2; Festus, *s. v. Fasti*), while Ovid (*Fast.* i. 47) may be quoted in support of either etymology.

The sacred books in which the *fasti dies* of the year were marked, were themselves denominated *fasti;* the term, however, was employed in an extended sense to denote registers of various descriptions, and many mistakes have arisen among commentators from confounding fasti of different kinds. It will be useful, therefore, to consider separately the two great divisions, which have been distinguished as *Fasti Sacri* or *Fasti Kalendares*, and *Fasti Annales* or *Fasti Historici*.

I. FASTI SACRI or KALENDARES. For nearly four centuries and a half after the foundation of the city a knowledge of the calendar was possessed exclusively by the priests. One of the pontifices regularly proclaimed the appearance of the new moon, and at the same time announced the period which would intervene between the Kalends and the Nones. On the Nones the country people assembled for the purpose of learning from the Rex Sacrorum the various festivals to be celebrated during the month, and the days on which they would fall. (Macrob. i. 15.) In like manner all who wished to go to law were obliged to inquire of the privileged few on what day they might bring their suit, and received the reply as if from the lips of an astrologer. (Cic. *Pro Muren.* 11.) The whole of this lore, so long a source of power and profit, and therefore jealously enveloped in mystery, was at length made public by a certain Cn. Flavius, scribe to App. Claudius Caecus (Liv. ix. 46; Plin. *H. N.* xxxiii. 1; Gell. vi. 9; Val. Max. ii. 5), who, having gained access to the pontifical books, copied out all the requisite information, and exhibited it in the forum for the use of the people at large. From this time forward such tables became common, and were known by the name of *Fasti.* They usually contained an enumeration of the months and days of the year; the Nones, Ides, Nundinae, Dies Fasti, Nefasti, Comitiales, Atri, &c. [CALENDARIUM], together with the different festivals, were marked in their proper places: astronomical observations on the risings and settings of the fixed stars, and the commencement of the seasons were frequently inserted, and sometimes brief notices annexed regarding the introduction and signification of certain rites, the dedication of temples, glorious victories, and terrible disasters. In later times it became common to pay homage to the members of the imperial family by noting down their exploits and honours in the calendar, a species of flattery with which Antonius is charged by Cicero (*Philipp.* ii. 34. See also Tacit. *Ann.* i. 15).

It will be seen from the above description that these *fasti* closely resembled a modern almanac (*Fastorum libri appellantur totius anni descriptio.* Festus); and the celebrated work of Ovid may be considered as a poetical *Year-book* or *Companion to the Almanac*, having been composed to illustrate the Fasti published by Julius Caesar, who remodelled the Roman year. All the more remarkable epochs are examined in succession, the origin of the different festivals explained, the various ceremonies described, the legends connected with the principal constellations narrated, and many curious discussions interwoven upon subjects likely to prove interesting to his countrymen; the whole being seasoned with frequent allusions to the glories of the Julian line.

Several specimens of *fasti*, more or less perfect, on stone and marble, have been discovered at different times in different places, none of them, however, older than the age of Augustus. The most remarkable, though one of the least entire, is that known as the *Kalendarium Praenestinum* or *Fasti Verriani*. Suetonius, in his short treatise on distinguished grammarians, tells us that a statue of Verrius Flaccus, preceptor to the grandsons of Augustus, stood in the lower part of the forum of his native town, Praeneste, opposite to the *Hemicyclium*, on which he had exhibited to public view the fasti, arranged by himself, and engraved on marble slabs. In the year 1770 the remains of a circular building were discovered in the immediate vicinity of the modern Palestrina, together with several fragments of marble tablets, which were soon recognised as forming part of an ancient calendar; and upon further examination no doubt was entertained by the learned that these were the very fasti of Verrius described by Suetonius. An Italian antiquary, named Foggini, continued the excavations, collected and arranged the scattered morsels with great patience and skill; and in this manner the months of January, March, April, and December, to which a very small portion of February was afterwards added, were recovered; and, although much defaced and mutilated, form a very curious and useful monument. They appear to have embraced much information concerning the festivals, and a careful detail of the honours bestowed upon, and the triumphs achieved by, Julius, Augustus, and Tiberius. The publication of Foggini contains not only an account of this particular discovery, but also the complete fasti of the Roman year, so far as such a compilation can be extracted from the ancient calendars now extant. Of these he enumerates eleven, the names being derived either from the places where they were found, or from the family who possessed them when they first became known to the literary world:—

1. *Calendarium Maffeiorum*, which contains the twelve months complete.
2. *Cal. Praenestinum*, described above.
3. *Cal. Capranicorum*, August and September complete.
4. *Cal. Amiterninum*, fragments of the month from May to December.
5. *Cal. Antiatinum*, fragments of the six last months.
6. *Cal. Esquilinum*, fragments of May and June.
7. *Cal. Farnesianum*, a few days of February and March.
8. *Cal. Pincianum*, fragments of July, August, and September.
9. *Cal. Venusinum*, May and June complete.
10. *Cal. Vaticanum*, a few days of March and April.
11. *Cal. Allifanum*, a few days of July and August.

Some of the above, with others of more recent date, are given in the *Corpus Inscriptionum* of Gruter, in the 11th vol. of the *Thesaurus Rom. Antiqq.* of Graevius, and in other works of a similar description; but the fullest information upon all matters connected with the Fasti Sacri is embodied in the work of Foggini, entitled *Fastorum* *anni Romani a Verrio Flacco ordinatorum Reliquiae*, &c. Romae, 1779; and in *Jac. Van Vaassen Animadvers. ad Fastos Rom. Sacros fragmenta*, Traj. ad Rhen. 1795: to which add Ideler's *Handbuch der Mathematischen und Technischen Chronologie*. Berlin, 1826.

Before quitting this part of our subject, we may make mention of a curious relic, the antiquity of which has been called in question without good cause, the *Calendarium Rusticum Farnesianum*. This Rural Almanac is cut upon four sides of a cube, each face being divided into three columns, and each column including a month. At the top of the column is carved the appropriate sign of the zodiac; then follows the name of the month, the number of the days, the position of the nones, the length of the day and night, the name of the sign through which the sun passes, the god under whose protection the month was placed, the various agricultural operations to be performed, and a list of the principal festivals. Take May as an example:—

MENSIS
MAIVS
DIES. XXXI.
NON. SEPTIM.
DIES. HOR. XIIIIS.
NOX. HOR. VIIIIS.
SOL. TAVRO.
TVTELA. APOLLIN.
SEGET. RVNCANT.
OVES. TONDENT.
LANA. LAVATVR.
IVVENCI DOMANT.
VICEA. PABVL.
SECATVR.
SEGETES
LVSTRANTVR.
SACRVM. MERCVR.
ET. FLORAE.

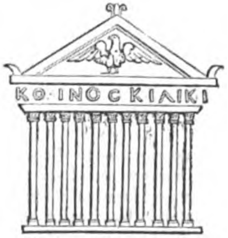
(See the commentary of Morcelli in his *Opera Epigraphica*, vol. i. 77.)

II. Fasti Annales or Historici. Chronicles such as the *Annales Maximi*, containing the names of the chief magistrates for each year, and a short account of the most remarkable events noted down opposite to the days on which they occurred, were, from the resemblance which they bore in arrangement to the sacred calendars, denominated *fasti*; and hence this word is used, especially by the poets, in the general sense of *historical records*. (Horat. *Sat.* i. 3. 112, *Carm.* iv. 13. 13, iii. 17. 7.)

In prose writers *fasti* is commonly employed as the technical term for the registers of consuls, dictators, censors, and other magistrates, which formed part of the public archives. (Liv. ix. 18; Cic. *Pro Sext.* 14; compare Cic. *Philipp.* xiii. 12; Tacit. *Ann.* iii. 17, 18.) Again, when Cicero remarks in the famous epistle to Lucceius (*Ad Fam.* v. 12), "Etenim ordo ille annalium mediocriter nos retinet quasi enumeratione fastorum," he means that the regular succession of events meagrely detailed in chronicles fixed the attention but feebly, and was little more interesting than a mere catalogue of names. (Compare *Ad Att.* iv. 8.)

A most important specimen of *fasti* belonging to this class, executed probably at the beginning of the reign of Tiberius, has been partially preserved. In the year 1547, several fragments of marble tablets were discovered in excavating the Roman forum, and were found to contain a list of consuls dictators with their masters of horse, censors with the lustra which they closed, triumphs and ovations, all arranged in regular succession according to the years of the Catonian era. These had evidently extended from the expulsion of the kings to the death of Augustus, and although defective in many places, have proved of the greatest value in chronology. The different pieces were collected and arranged under the inspection of Cardinal Alexander Farnese, and deposited in the Capitol, where they still remain. From this circumstance they are generally distinguished as the *Fasti Capitolini*. In the years 1817 and 1818, two other fragments of the same marble tablets were discovered in the course of a new excavation in the Forum. A fac-simile of them was published at Milan, by Borghesi, in 1818. [W. R.]

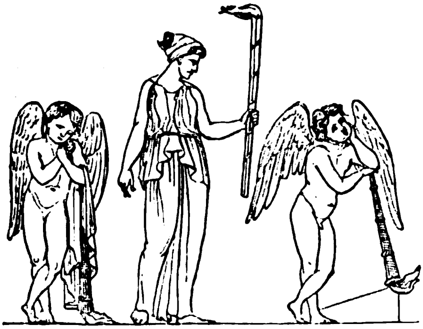
FASTI'GIUM (ἀετός, ἀέτωμα), literally, *a slope*, in architecture a *pediment*, is the triangle which surmounts each end of a rectangular building, and which, in fact, represents the gable end of the roof. (See woodcut, p. 97.) It is composed of three sets of mouldings (forming respectively the horizontal base and the sloping sides of the triangle, and representing the timber framing of the roof), and of a flat surface enclosed by them, which covers the vacant space of the roof, and which, from its resemblance to a membrane stretched upon the triangular frame, is called *tympanum*. (Vitruv. iii. 3.) This flat surface was generally ornamented with sculpture; originally, in the early temples of Zeus, with a simple eagle as a symbol of the god (Pind. *Olymp.* xiii. 29, and Schol. *ad loc.*), an instance of which is afforded by the coin represented in the following woodcut (Beger. *Spicil. Antiq.* p. 6), whence the Greek name ἀετός which was at first applied to the *tympanum* and afterwards to the whole pediment; and in after times with elaborate sculptures in high relief, such as those in the pediments of the Parthenon, the fragments of which are among the Elgin marbles in the British Museum; where also may be seen a full-sized model of the pediments of the temple of Zeus Panhellenius, at Aegina, with casts of the statues in them, restored. Most of the celebrated Greek temples were similarly adorned. (See Paus. i. 24. § 5, ii. 7. § 3, v. 10. § 2, ix. 11. § 4; Aristoph. *Aves*, 1110.) Terra-cotta figures were applied in a similar manner by the Romans in the early ages. (Cic. *Divin.* i. 10; Vitruv. iii. 2; Plin. *H. N.* xxxv. 12. s. 43, 46, xxxvi. 2.)



The dwelling-houses of the Romans had no gable ends; consequently, when the word is applied to them (Cic. *Epist. ad Q. Fr.* iii. 1. 4; Virg. *Aen.* viii. 491), it is not in its strictly technical sense, but designates the roof simply, and is to be understood of one which rises to an apex as distinguished from a flat one, or sometimes it may refer to the pediment of a portico attached to the front of a mansion, as when the Romans decreed to Caesar the liberty of erecting a fastigium to his house (Cic. *Phil.* ii. 43; Florus, iv. 2; Plut. *Caes.* 81; comp. ACROTERIUM), that is, a portico and pediment towards the street like that of a temple. [A. R.]

FAUCES. [DOMUS, p. 428, a.]

FAX (*φανός*), a torch. The descriptions of poets and mythologists, and the works of ancient art, represent the torch as carried by Diana, Ceres, Bellona, Hymen (woodcut, p. 238), Phosphorus, by females in Bacchanalian processions (p. 288), and, in an inverted position, by Sleep and Death. In the annexed woodcut, the female figure in the middle is copied from a fictile vase. The winged figure on the left hand, asleep and leaning on a torch, is from a funeral monument at Rome: the word "Somnus" is inscribed beside it. The other winged figure, also with the torch inverted, is taken from an antique gem, and represents Cupid under the character of *Λυσέρως* (Serv. *in Virg. Aen.* iv. 520) or "Lethaeus Amor" (Ovid, *Rem. Amor.* 555). In ancient marbles the torch is sometimes more ornamented than in the examples now produced; but it appears to be formed of wooden staves or twigs, either bound by a rope drawn round them in a spiral form, as in the above middle figure, or surrounded by circular bands at equal distances, as in the two exterior figures. The inside of the torch may be supposed to have been filled with flax, tow, or other vegetable fibres, the whole being abundantly impregnated with pitch, rosin, wax, oil, and other inflammable substances. As the principal use of torches was to give light to those who went abroad after sunset, the portion of the Roman day immediately succeeding sun-set was called *fax* or *prima fax*. (Gell. iii. 2; Macrob. *Sat.* i. 2.) Torches, as now described, appear to have been more common among the Romans than the Greeks. The use of torches after sun-set, and the practice of celebrating marriages at that time, probably led to the consideration of the torch as one of the necessary accompaniments and symbols of marriage. Among the Romans the *fax nuptialis* (Cic. *pro Cluent.* 6), having been lighted at the parental hearth, was carried before the bride by a boy whose parents were alive. (Plaut. *Cas.* i. 30; Ovid, *Epist.* xi. 101; Servius, *in Virg. Ecl.* viii. 29; Plin. *H. N.* xvi. 18; Festus, *s. v. Patrimi.*) The torch was also carried at funerals (*fax sepulchralis*, Ovid, *Epist.* ii. 120), both because these were often nocturnal ceremonies, and because it was used to set fire to the pile. Hence the expression of Propertius (iv. 12. 46), "Vivimus insignes inter utramque facem." The torch-bearer turned away his face from the pile in setting it on fire. (Virg. *Aen.* vi. 224.) [J. Y.]



FEBRUUM. [LUPERCALIA.]

FECIA'LES. [FETIALES.]

FEMINA'LIA, were worn in winter by Augustus Caesar, who was very susceptible of cold. (Sueton. *Aug.* 82.) Casaubon supposes them to have been bandages or fillets [FASCIA] wound about the thighs; it seems more probable that they were breeches resembling ours, since garments for the thighs (*περιμήρια*) were worn by the Roman horsemen (Arrian, *Tact.* p. 14, ed. Blanc.); and the column of Trajan, the arch of Constantine, and other monuments of the same period, present numerous examples of both horse and foot soldiers who wear breeches, closely fitted to the body, and never reaching much below the knees. (See woodcuts, pp. 2, 117, 136.) [J. Y.]

FENESTRA. [DOMUS, p. 432.]

FENUS (*τόκος*), interest of money. 1. GREEK. At Athens, Solon, among other reforms, abolished the law by which a creditor was empowered to sell or enslave a debtor, and prohibited the lending of money upon a person's own body (*ἐπὶ τοῖς σώμασι μηδένα δανείζειν*, Plut. *Sol.* c. 15). No other restriction, we are told, was introduced by him, and the rate of interest was left to the discretion of the lender (*τὸ ἀργύριον στάσιμον εἶναι ἐφ' ὁπόσῳ ἂν βούληται ὁ δανείζων*, Lys. *in Theom.* p. 117). The only case in which the rate was prescribed by law, was in the event of a man separating from his lawful wife, and not refunding the dowry he had received with her. Her trustees or guardians (*οἱ κύριοι*) could in that case proceed against him for the principal, with lawful interest at the rate of 18 per cent. [DOS (GREEK).]

Any rate might be expressed or represented in two different ways: (1.) by the number of oboli or drachmae paid by the *month* for every *mina;* (2) by the part of the principal (*τὸ ἀρχαῖον* or *κεφάλαιον*) paid as interest either annually or for the whole period of the loan. According to the former method, which was generally used when money was lent upon real security (*τόκοι ἔγγυοι* or *ἔγγειοι*), different rates were expressed as follows:—10 per cent. by *ἐπὶ πέντε ὀβολοῖς*, *i. e.* 5 oboli per month for every mina, or 60 oboli a year=10 drachmae=$\frac{1}{10}$ of a mina. Similarly,

12 per cent.	by	*ἐπὶ δραχμῇ*	per month.
16 per cent.	„	*ἐπ' ὀκτὼ ὀβολοῖς*	„
18 per cent.	„	*ἐπ' ἐννέα ὀβολοῖς*	„
24 per cent.	„	*ἐπὶ δυσὶ δραχμαῖς*	„
36 per cent.	„	*ἐπὶ τρισὶ δραχμαῖς*	„
5 per cent.	„	*ἐπὶ τρίτῳ ἡμιοβολίῳ*, probably.	

Another method was generally adopted in cases of bottomry, where money was lent upon the ship's cargo or freightage (*ἐπὶ τῷ ναύλῳ*) or the ship itself, for a specified time, commonly that of the voyage. By this method the following rates were thus represented.

10 per cent. by *τόκοι ἐπιδέκατοι*, *i. e.* interest at the rate of a tenth; 12½, 16⅔, 20, 33⅓, by *τόκοι ἐπόγδοοι*, *ἔφεκτοι*, *ἐπίπεμπτοι*, and *ἐπίτριτοι*, respectively. So that, as Böckh (*Publ. Economy of Athens*, pp. 123, 124, 2nd ed.) remarks, the *τόκος ἐπιδέκατος* is equal to the *ἐπὶ πέντε ὀβολοῖς*:

the τόκος ἐπόγδοος =the ἐπὶ δραχμῇ nearly.
„ „ ἔφεκτος = „ ἐπ' ὀκτὼ ὀβολοῖς „
„ „ ἐπίπεμπτος= „ ἐπ' ἐννέα ὀβολοῖς „
„ „ ἐπίτριτος = „ ἐπὶ τρισὶ δραχμαῖς „

These nearly corresponding expressions are not to be considered as identical, however closely the rates indicated by them may approach each other in value; although in the age of Justinian, as Salmasius (*de M. U.*) observes, the τόκος ἐπόγδοος or $12\frac{1}{2}$ per cent. was confounded with the *centesimae*, which is exactly equal to the interest at a drachma or 12 per cent.

The rates, above explained, frequently occur in the orators; the lowest in ordinary use at Athens being the τόκος ἐπιδέκατος or 10 per cent., the highest the τόκος ἐπίτριτος or $33\frac{1}{3}$ per cent. The latter, however, was chiefly confined to cases of bottomry, and denotes more than it appears to do, as the time of a ship's voyage was generally less than a year. Its near equivalent, the ἐπὶ τρισὶ δραχμαῖς or 36 per cent., was sometimes exacted by bankers at Athens. (Lys. *Frag.* B.) The ἐπὶ δραχμῇ, or rate of 12 per cent., was common in the time of Demosthenes (*c. Aph.* p. 820. 16), but appears to have been thought low. The interest of eight oboli or 16 per cent. occurs in that orator (c. *Nicos.* p. 1250. 18); and even in the age of Lysias (B. C. 440) and Isaeus (B. C. 400), nine oboli for the mina, or 18 per cent., appears to have been a common rate. (Isaeus, *de Hagn. Hered.* p. 293.) Aeschines also (*c. Timarch.* p. 15) speaks of money being borrowed on the same terms; so that on the whole we may conclude, that the usual rates of interest at Athens about the time of Demosthenes varied from 12 to 18 per cent. That they were nearly the same in range, and similarly expressed, throughout the rest of Greece, appears from the authorities quoted by Böckh. No conclusions on the subject of the general rate of interest can be drawn from what we are told of the exorbitant rates exacted by common usurers (τοκογλύφοι, *tocullіones*, ἡμεροδανεισταί). Some of these (Theophr. *Charact.* 6) exacted as much as an obolus and a half per day for each drachma; and money-lenders and bankers in general, from the high profits which they realised, and the severity with which they exacted their dues, seem to have been as unpopular amongst their fellow-citizens as Jews and usurers in more modern times. Demosthenes (*c. Pant.* p. 981), indeed, intimates that the fact of a man being a money-lender was enough to prejudice him, even in a court of law, amongst the Athenians. (Μισοῦσιν οἱ Ἀθηναῖοι τοὺς δανείζοντας.) It is curious also to observe that Aristotle (*Pol.* i. 3. § 23) objects, on principle, to putting money out at interest (εὐλογώτατα μισεῖται ἡ ὀβολοστατική), as being a perversion of it from its proper use, as a medium of exchange, to an unnatural purpose, viz. the reproduction or increase of itself; whence, he adds, comes the name of interest or τόκος, as being the offspring (τὸ γιγνόμενον) of a parent like itself.

The arrangement of a loan would of course depend upon the relation between the borrower and the lender, and the confidence placed by one in the other. Sometimes money was lent, *e. g.* by the banker Pasion at Athens, without a security, or written bond, or witnesses. (Dem. *c. Timoth.* p. 1185.) But generally either a simple acknowledgment (χειρόγραφον) was given by the borrower to the lender [CHIROGRAPHUM]; or a regular instrument (συγγραφή), executed by both parties and attested by witnesses, was deposited wih a third party, usually a banker. (Dem. *c. Lacr.* p. 927, *c. Phorm.* p. 908. 22.) Witnesses, as we might expect, were also present at the payment of the money borrowed. (Id. *c. Phorm.* p. 915. 27.) The security for a loan was either a ὑποθήκη or an ἐνέχυρον: the latter was put into the possession of the lender, the former was merely assured to him, and generally, though not always, consisted of real or immovable property. The ἐνέχυρα, on the contrary, generally consisted of movable property, such as goods or slaves. (Böckh, *Ibid.* p. 128.) At Athens, when land was given as security, or mortgaged (οὐσία ὑπόχρεως), pillars (ὅροι or στῆλαι) were set upon it, with the debt and the mortgagee's name inscribed. Hence an unincumbered estate was called an ἄστικτον χωρίον. (Harpocrat. *s. v.*) In the rest of Greece there were public books of debt, like the German and Scotch registers of mortgages; but they are not mentioned as having existed at Athens.

Bottomry (τὸ ναυτικόν, τόκοι ναυτικοί, or ἔκδοσις) was considered a matter of so much importance at Athens, that fraud or breach of contract in transactions connected with it was sometimes punished with death. (Dem. *c. Phorm.* p. 922. 3.) In these cases the loans were generally made upon the cargo shipped, sometimes on the vessel itself, and sometimes on the money received or due for passengers and freightage (ἐπὶ τῷ ναύλῳ). The principal (ἔκδοσις, οἱονεὶ ἔξω δόσις, Harpocrat.) as well as the interest, could only be recovered in case the ship met with no disaster in her voyage (σωθείσης τῆς νεώς, Dem. *c. Zenoth.* p. 883. 16); a clause to this effect being generally inserted in all agreements of bottomry or ναυτικαὶ συγγραφαί. The additional risk incurred in loans of this description was compensated for by a high rate of interest, and the lenders took every precaution against negligence or deception on the part of the borrowers; the latter also were careful to have witnesses present when the cargo was put on board, for the purpose of deposing, if necessary, to a *bona fide* shipping of the required amount of goods. (Dem. *c. Phorm.* p. 915. 13). The loan itself was either a δάνεισμα ἑτερόπλουν, *i. e.* for a voyage out, or it was a δάνεισμα ἀμφοτερόπλουν, *i. e.* for a voyage out and home. In the former case the principal and interest were paid at the place of destination, either to the creditor himself, if he sailed in the ship, or to an authorised agent. (Dem. *c. Phorm.* p. 909. 24, and p. 914. 28.) In the latter case the payment was made on the return of the ship, and it was specially provided in the agreement between the contracting parties, that she should sail to some specified places only. A deviation from the terms of the agreement, in this or other respects, was, according to a clause usually inserted in the agreement, punishable by a fine of twice the amount of the money lent. (Dem. *c. Dionys.* p. 1294.) Moreover, if the goods which formed the original security were sold, fresh articles of the same value were to be shipped in their place. (Dem. *c. Phorm.* p. 909. 26.) Sometimes also the trader (ὁ ἔμπορος) was himself the owner of the vessel (ὁ ναύκληρος), which in that case might serve as a security for the money borrowed. (Id. *c. Dionys.* p. 1284. 11.)

The rate of interest would of course vary with the risks and duration of the voyage, and therefore we cannot expect to find that it was at all fixed. Xenophon (*de Vectig.* iii. 7—14) speaks of the fifth and third parts of the capital lent as being commonly given in bottomry, referring of course to voyages out and home. The interest of an eighth or 12½ per cent., mentioned by Demosthenes (*c. Polycl.* p. 1212), was for money lent on a trireme, during a passage from Sestos to Athens, but upon condition that she should first go to Hierum to convoy vessels laden with corn; the principal and interest were to be paid at Athens on her arrival there.

The best illustration of the facts mentioned above, is found in a *ναυτικὴ συγγραφή*, given in the speech of Demosthenes against Lacritus. It contains the following statement and conditions.

Two Athenians lent two Phaselitans 3000 drachmae upon a cargo of 3000 casks of Mendean wine, on which the latter were not to owe anything else, or raise any additional loan (*οὐδ' ἐπιδανείσονται*). They were to sail from Athens to Mende or Scione, where the wine was to be shipped, and thence to the Bosporus, with liberty, if they preferred it, to continue their voyage on the left side of the Black Sea as far as the Borysthenes, and then to return to Athens; the rate of interest being fixed at 225 drachmae in 1000, or 25 per cent. for the whole time of absence. If, however, they did not return to Hierum, a port in Bithynia close to the Thracian Bosporus (Wolf, *ad Lept.* p. 259), before the early rising of Arcturus, *i. e.* before the 20th of September or thereabouts, when navigation began to be dangerous, they had to pay a higher rate of 30 per cent. on account of the additional risk. The agreement further specified that there should be no change of vessel for the return cargo, and that if it arrived safe at Athens, the loan was to be repaid within twenty days afterwards, without any deductions except for loss by payments made to enemies, and for jettisons (*ἐντελὲς πλὴν ἐκβολῆς. κ. τ. λ.*) made with the consent of all on board (*οἱ σύμπλοι*); that till the money was repaid, the goods pledged (*τὰ ὑποκείμενα*) should be under the control of the lenders, and be sold by them, if payment was not made within the appointed time; that if the sale of the goods did not realise the required amount, the lender might raise the remainder by making a levy (*πρᾶξις*) upon the property of both or either of the traders, just as if they had been cast in a suit, and became *ὑπερήμεροι*, *i. e.* had not complied with a judgment given against them within the time appointed. Another clause in the agreement provides for the contingency of their not entering the Pontus; in that case they were to remain in the Hellespont, at the end of July, for ten days after the early rising of the dog-star (*ἐπὶ κυνί*), discharge their cargo (*ἐξέλεσθαι*) in some place where the Athenians had no right of reprisals (*ὅπου ἂν μὴ σῦλαι ὦσι τοῖς Ἀθηναίοις*), (which might be executed unfairly, and would lead to retaliations,) and then, on their return to Athens, they were to pay the lower rate of interest, or 25 per cent. Lastly, if the vessel were to be wrecked, the cargo was, if possible, to be saved; and the agreement was to be conclusive on all points.

From the preceding investigation, it appears that the rate of interest amongst the ancient Greeks was higher than in modern Europe, and at Rome in the age of Cicero. This high rate does not appear to have been caused by any scarcity of money, for the rent of land and houses in Athens and its neighbourhood was not at all proportional to it. Thus Isaeus (*de Hagn. Hered.* p. 88) says that a house at Thriae was let for only 8 per cent. of its value, and some houses at Melite and Eleusis for a fraction more. We should therefore rather refer it to a low state of credit, occasioned by a variety of causes, such as the division of Greece into a number of petty states, and the constitution and regulation of the courts of law, which do not seem to have been at all favourable to money-lenders in enforcing their rights. Böckh assigns as an additional cause "the want of moral principles." (Böckh, *Ibid.* pp. 123—139, 2nd ed.)

2. ROMAN. The Latin word for interest, *fenus* or *foenus*, originally meant any increase, and was thence applied, like the Greek *τόκος*, to denote the interest or increase of money. "Fenus," says Varro (*apud Gell.* xvi. 12), "dictum a fetu et quasi a fetura quadam pecuniae parientis atque increscentis." The same root is found in fecundus. Fenus was also used for the principal as well as the interest. (Tacit. *Ann.* vi. 17, xiv. 53.) Another term for interest was *usurae*, generally found in the plural, and also *impendium*, on which Varro (*de Ling. Lat.* v. 183, Müller) remarks, "a quo (*pondere*) usura quod in sorte accedebat, impendium appellatum."

Towards the close of the republic, the interest of money became due on the first of every mouth: hence the phrases *tristes* or *celeres calendae* and *calendarium*, the latter meaning a debt-book or book of accounts. The rate of interest was expressed in the time of Cicero, and afterwards by means of the as and its divisions, according to the following table: —

Asses usurae, or one as per month for the use of one hundred	= 12	per cent.
Deunces usurae	11	"
Dextantes "	10	"
Dodrantes "	9	"
Besses "	8	"
Septunces "	7	"
Semisses "	6	"
Quincunces "	5	"
Trientes "	4	"
Quadrantes "	3	"
Sextantes "	2	"
Unciae "	1	"

Instead of the phrase *asses usurae*, a synonyme was used, viz. *centesimae usurae*, inasmuch as at this rate of interest there was paid in a hundred months a sum equal to the whole principal. Hence *binae centesimae* = 24 per cent., and *quaternae centesimae* = 48 per cent. So also in the line of Horace (*Sat.* i. 2. 14), "Quinas hic capiti mercedes exsecat," we must understand *quinas centesimas*, or 60 per cent., as the sum taken from the capital. Niebuhr (*Hist. of Rom.* vol. iii. p. 57) is of opinion that the monthly rate of the centesimae was of foreign origin, and first adopted at Rome in the time of Sulla. The old *yearly* rate established by the Twelve Tables (B. C. 450) was the *unciarium fenus*. This has been variously interpreted to mean, (1) one-twelfth of the centesima paid monthly, *i. e.* one per cent. per annum; and (2) one-twelfth of the principal paid monthly, or a hundred per cent. per annum. Niebuhr (*l. c.*) refutes at length the two opinions; but it may be sufficient to observe that one is inconsistent with common sense, and the other with the early history of the republic. A third and satisfactory opinion is as follows:—The uncia was the twelfth part of the as, and since the full (12 oz.) copper coinage was still in use at Rome when the Twelve Tables became law, the phrase unciarium fenus would be a natural expression for interest of one ounce in the pound; *i. e.* a twelfth part of the sum borrowed, or 8⅓ per cent., not per month, but per year. This rate, if calculated for the old Roman year of ten months, would give 10 per cent. for the civil year of twelve months, which was in common use in the time of the decemvirs. The analogy of the Greek terms τόκος, ἐπίτριτος, &c., confirms this view, which, as Niebuhr observes, is not invalidated by the admission, that it supposes a yearly and not a monthly payment of interest; for though in the later times of the republic interest became due every month, there is no trace of this having been the case formerly. (Rein, *Römische Privatrecht*, p. 304.) Nor is it difficult to account for the change: it probably was connected with the modifications made from time to time in the Roman law of debtor and creditor (such as the abolition of personal slavery for debt), the natural effect of which would be to make creditors more scrupulous in lending money, and more vigilant in exacting the interest due upon it.

If a debtor could not pay the principal and interest at the end of the year, he used to borrow money from a fresh creditor, to pay off his old debt. This proceeding was very frequent, and called a *versura* (compare Ter. *Phorm.* v. 2. 16), a word which Festus (*s. v.*) thus explains: "Versuram facere, mutuam pecuniam sumere, ex eo dictum est, quod initio qui mutuabantur ab aliis, ut aliis solverent, velut verterent creditorem." It amounted to little short of paying compound interest, or an *Anatocismus anniversarius*, another phrase for which was *usurae renovatae; e. g. centesimae renovatae* is twelve per cent. compound interest, to which Cicero (*ad Att.* v. 21) opposes *centesimas perpetuo fenore* = 12 per cent. simple interest. The following phrases are of common occurrence in connection with borrowing and lending money at interest:—*Pecuniam apud aliquem collocare*, to lend money at interest; *relegere*, to call it in again; *cavere*, to give security for it; *opponere* or *opponere pignori*, to give as a pledge or mortgage: hence the pun in Catullus (*Car.* 26),

> "Furi, villula nostra non ad Austri
> Flatus opposita est, nec ad Favoni:
> Verum ad millia quindecim et ducentos.
> O ventum horribilem atque pestilentem."

The word *nomen* is also of extensive use in money transactions. Properly it denoted the name of a debtor, registered in a banker's or any other account-book; hence it came to signify the articles of an account, a debtor, or a debt itself. Thus we have *bonum nomen*, a good debt: *nomina facere*, to lend monies (Cic. *ad Fam.* vii. 23), and also to borrow money (Id. *de Off.* iii. 14). Moreover, the Romans generally discharged debts through the agency of a banker (*in foro et de mensae scriptura*) rather than by a direct personal payment (*ex arca domoque*); and as an order or undertaking for payment was given by writing down the sum to be paid, with the receiver's name underneath or alongside it (see Dem. *c. Callip.* p. 1236), hence came the phrases *scribere nummos alicui*, to promise to pay (Plaut. *Asin.* ii. 4. 34); *rescribere*, to pay back, of a debtor (Ter. *Phorm.* v. 7. 29). So also *perscribere*, to give a bill or draft (*perscriptio*) on a banker for payment, in opposition to payment by ready money. (Cic. *ad Att.* xii. 51, xvi. 2.)

The Roman law of debtor and creditor is given under NEXUM. It is sufficient to remark here that the Licinian laws [LEGES LICINIAE], by which the grievances of debtors were to a certain extent redressed, did not lay any restriction on the rate of interest that might be legally demanded; and it is clear from various circumstances that the scarcity of money at Rome after the taking of the city by the Gauls had either led to the actual abolition of the old uncial rate (*unciarum fenus*) of the Twelve Tables, or caused it to fall into disuse. Nine years, however, after the passing of these laws (Liv. vii. 16) the rate of the Twelve Tables was re-established, and any higher rate prohibited by the bill (*rogatio*) of the tribunes Duilius and Maenius. Still this limitation of the rate of interest did not enable debtors to pay the principal, and what Tacitus (*Ann.* vi. 16) calls the *fenebre malum* became at last so serious that the government thought it necessary to interfere, and remedy, if possible, an evil so great and inveterate. Accordingly, fourteen years after the passing of the Licinian laws, five commissioners were appointed for this purpose under the title of mensarii or bankers. These opened their banks in the forum, and in the name of the treasury offered ready money to any debtor who could give security (*cavere*) to the state for it: moreover, they ordered that land and cattle should be received in payment of debts at a fair valuation, a regulation which Caesar adopted for a similar purpose. (Suet. *Jul. Caes.* 42.) By these means Livy (vii. 21) tells us that a great amount of debt was satisfactorily liquidated. Five years afterwards, the legal rate of interest was still further lowered to the *semunciarium fenus*, or the twenty-fourth part of the whole sum (*ad semuncias redacta usura*, Tac. *Ann.* vi. 16); and in B. C. 346 we read of several usurers being punished for a violation of the law (Liv. vii. 28), by which they were subjected to a penalty of four times the amount of the loan. (Cato, *de Re Rust.* init.) But all these enactments were merely palliatives; the termination and cure of the evil was something more decisive—neither more nor less than a species of national bankruptcy—a general abolition of debts or χρεῶν ἀποκοπή. This happened in B. C. 341, a year remarkable for political changes of great importance, and was followed up by the passing of the Genucian laws, which forbade the taking of usury altogether. (Liv. vii. 42.) A law like this, however, was sure to be evaded, and there was a very simple way of doing so; it only affected Roman citizens, and therefore the usurers granted loans, not in the name of themselves, but of the Latins and allies who were not bound by it. (Liv. xxxv. 7.) To prevent this evasion the Sempronian law was passed (B. C. 194), which placed the Latins and allies on the same footing in respect of lending money as the full Roman citizens. At last, after many futile attempts to prevent the exaction of interest at any rate, and in any shape, the idea was abandoned altogether, and the centesima or 12 per cent. per annum became the legal and recognised rate. Niebuhr, as we have already observed, is of opinion that it was first adopted at Rome in the time of Sulla; but whether it became the legal rate by any special enactment, or from general consent, does not appear. Some writers have inferred (Heinecc. iii. 15) that it was first legalised by the edicts of the city praetors, an inference drawn from the general resemblance between the praetorian and proconsular edicts, coupled with the fact that some proconsular edicts are extant, by which the centesima is fixed as the legal rate in proconsular provinces. (*In edicto tralaticio centesimas me observaturum habui*, Cic. *ad Att.* v. 21.) Whether this supposition is true or not, it is admitted that the centesima or 12 per cent. was the legal rate towards the close of the republic, and also under the emperors. Justinian reduced it to 6 per cent. (Heinec. iii. 16.)

In cases of fenus nauticum, however, or bottomry, as the risk was the money lender's, he might demand any interest he liked while the vessel on which the money was lent was at sea; but after she reached harbour, and while she was there, no more than the usual rate of 12 per cent. on the centesima could be demanded.

Justinian made it the legal rate for fenus nauticum under all circumstances. (Heinec. *l. c.*) [R. W.]

FERA'LIA. [Funus.]

FE'RCULUM (from *fer-o*), is applied to any kind of tray or platform used for carrying anything. Thus it is used to signify the tray or frame on which several dishes were brought in at once at dinner (Petron. 35; Plin. *H. N.* xxviii. 2); and hence *fercula* came to mean the number of courses at dinner, and even the dishes themselves. (Suet. *Aug.* 74; Serv. *ad Virg. Aen.* i. 637; Juv. i. 93, xi. 64; Hor. *Sat.* ii. 6. 104; Mart. iii. 50, ix. 82, xi. 31.)

The ferculum was also used for carrying the images of the gods in the procession of the circus (Suet. *Jul.* 76) [Circus, p. 287, a], the ashes of the dead in a funeral (Suet. *Cal.* 15), and the spoils in a triumph (Suet. *Jul.* 37; Liv. i. 10); in all which cases it appears to have been carried on the shoulders or in the hands of men. The most illustrious captives were sometimes placed on a ferculum in a triumph, in order that they might be better seen. (Senec. *Herc. Oet.* 109.)

FERENTA'RII. [Exercitus, p. 502, b.]

FERETRUM. [Funus.]

FE'RIAE, holidays, were, generally speaking, days, or seasons during which free-born Romans suspended their political transactions and their law-suits, and during which slaves enjoyed a cessation from labour. (Cic. *de Leg.* ii. 8. 12, *de Div.* i. 45.) All feriae were thus dies nefasti. The feriae included all days consecrated to any deity; consequently all days on which public festivals were celebrated were feriae or dies feriati. But some of them, such as the feria vindemialis, and the feriae aestivae, seem to have had no direct connection with the worship of the gods. The nundinae, however, during the time of the kings and the early period of the republic, were feriae only for the populus, and days of business for the plebeians, until, by the Hortensian law, they became fasti or days of business for both orders. (Macrob. *Sat.* i. 16; compare Niebuhr, *Hist. of Rome*, vol. ii. p. 213, &c.; Walter, *Geschichte d. Röm. Rechts*, p. 190.)

All feriae were divided into two classes, *feriae publicae* and *feriae privatae*. The latter were only observed by single families or individuals, in commemoration of some particular event which had been of importance to them or their ancestors. As family feriae, are mentioned the *feriae Claudiae, Aemiliae, Juliae, Corneliae*, &c., and we must suppose that all the great Roman families had their particular feriae, as they had their private sacra. Among the family-holidays we may also mention the *feriae denicales*, *i. e.* the day on which a family, after having lost one of its members by death, underwent a purification. (Fest. *s. v.*; Cic. *de Leg.* ii. 22; Columell. ii. 22.) Individuals kept feriae on their birthdays, and other occasions which marked any memorable event of their lives. During the time of the empire the birthday of an emperor sometimes assumed the character of a public holiday, and was celebrated by the whole nation with games and sacrifices. Thus the birthday of Augustus, called Augustalia, was celebrated with great splendour even in the time of Dion Cassius (liv. 34, lvi. 46). The day on which Augustus had returned from his wars was likewise for a long time made a holiday of. (Tacit. *Annal.* i. 15, with the note of Lipsius; Dion Cass. liv. 10.) The dies natalicii of the cities of Rome and Constantinople were at a still later period likewise reckoned among the feriae. (Cod. 3. tit. 12. s. 6.)

All *feriae publicae*, *i. e.* those which were observed by the whole nation, were divided into *feriae stativae*, *feriae conceptivae*, and *feriae imperativae*. Feriae stativae or statae were those which were held regularly, and on certain days marked in the calendar. (Fest. *s. v.*; Macrob. *l. c.*) To these belonged some of the great festivals, such as the Agonalia, Carmentalia, Lupercalia, &c. Feriae conceptivae or conceptae were held every year, but not on certain or fixed days, the time being every year appointed by the magistrates or priests (*quotannis a magistratibus vel sacerdotibus concipiuntur*, Macrob. *l. c.*; Varro, *de Ling. Lat.* vi. 25, &c.; Fest. *s. v.*). Among these we may mention the feriae Latinae, feriae Sementivae, Paganalia, and Compitalia. *Feriae imperativae* are those which were held on certain emergencies at the command of the consuls, praetors, or of a dictator. The books of Livy record many feriae imperativae, which were chiefly held in order to avert the dangers which some extraordinary prodigy seemed to forebode, but also after great victories. (Liv. i. 31, iii. 5, vii. 28, xxxv. 40, xlii. 3; Polyb. xxi. 1.) They frequently lasted for several days, the number of which depended upon the importance of the event which was the cause of their celebration. But whenever a rain of stones was believed to have happened, the anger of the gods was appeased by a *sacrum novemdiale*, or *feriae per novem dies*. This number of days had been fixed at the time when this prodigy had first been observed. (Liv. i. 31.) Respecting the legitimate forms in which the feriae conceptivae and imperativae were announced and appointed, see Brisson. *de Form.* p. 107, &c.

The manner in which all public feriae were kept bears great analogy to our Sunday. The people generally visited the temples of the gods, and offered up their prayers and sacrifices. The most serious and solemn seem to have been the feriae imperativae, but all the others were generally attended by rejoicings and feasting. All kinds of business, especially law-suits, were suspended during the public feriae, as they were considered to pollute the sacred season; the rex sacrorum and the flamines were not even allowed to behold any work being done during the feriae; hence, when they went out, they were preceded by their heralds (*praeciae*, *praedamitatores*, or *calatores*), who enjoined the people to abstain from working, that the sanctity of the day might not be polluted by the priests seeing persons at work. (Fest. *s. v. Praecia;* Macrob. *l. c.*; compare Serv. *ad Virg. Georg.* v. 268; Plut. *Numa*, c. 14.) Those who neglected this admonition were not only liable to a fine, but in case their disobedience was intentional, their crime was considered to be beyond the power of any atonement; whereas those who had unconsciously continued their work, might atone for their transgression by offering a pig. It seems that doubts as to what kinds of work might be done at public feriae were not unfrequent, and we possess some curious and interesting decisions given by Roman pontiffs on this subject. One Umbro declared it to be no violation of the feriae, if a person did such work as had reference to the gods, or was connected with the offering of sacrifices; all work, he moreover declared, was allowed which was necessary to supply the urgent wants of human life. The pontiff Scaevola, when asked what kind of work might be done on a dies feriatus, answered that any work might be done, if any suffering or injury should be the result of neglect or delay, *e. g.* if an ox should fall into a pit, the owner might employ workmen to lift it out; or if a house threatened to fall down, the inhabitants might take such measures as would prevent its falling, without polluting the feriae. (Macrob. *l. c.* and iii. 3; Virg. *Georg.* i. 270, with the remarks of J. H. Voss; Cato, *de Re Rust.* 2; Columella, ii. 22; compare Math. xii. 11; Luke xiv. 5.) Respecting the various kinds of legal affairs which might be brought before the praetor on days o public feriae, see Digest. 2. tit. 12. s. 2.

It seems to have been owing to the immense increase of the Roman republic and of the accumulation of business arising therefrom, that some of the feriae such as the Compitalia and Lupercalia, in the course of time ceased to be observed, until they were restored by Augustus, who revived many of the ancient religious rites and ceremonies. (Suet. *Aug.* 31.) Marcus Antoninus again increased the number of days of business (*dies fasti*) to 230, and the remaining days were feriae. (Capitol. *M. Anton. Phil.* c. 10.) After the introduction of Christianity in the Roman empire, the old feriae were abolished, and the Sabbath, together with the Christian festivals, were substituted; but the manner in which they were kept was nearly the same as that in which the feriae had been observed. Law-suits were accordingly illegal on Sundays and holidays, though a master might emancipate his slave if he liked. (Cod. 3. tit. 12.) All work and all political as well as judicial proceedings, were suspended; but the country people were allowed freely and unrestrainedly to apply themselves to their agricultural labours, which seem at all times to have been distinguished from and thought superior to all other kinds of work; for, as mentioned below, certain feriae were instituted merely for the purpose of enabling the country people to follow their rural occupations without being interrupted by law-suits and other public transactions.

After this general view of the Roman feriae, we shall proceed to give a short account of those festivals and holidays which were designated by the name of feriae.

Feriae Latinae, or simply *Latinae* (the original name was Latiar, Macrob. *l. c.*; Cic. *ad Quint. Frat.* ii. 4), had, according to the Roman legends, been instituted by the last Tarquin in commemoration of the alliance between the Romans and Latins. (Dionys. Hal. iv. p. 250. Sylb.) But Niebuhr (*Hist. of Rome*, ii. p. 34) has shown that the festival, which was originally a panegyris of the Latins, is of much higher antiquity; for we find it stated that the towns of the Priscans and Latins received their shares of the sacrifice on the Alban mount—which was the place of its celebration — along with the Albans and the thirty towns of the Alban commonwealth. All that the last Tarquin did was to convert the original Latin festival into a Roman one, and to make it the means of hallowing and cementing the alliance between the two nations. Before the union, the chief magistrate of the Latins had presided at the festival; but Tarquin now assumed this distinction, which subsequently, after the destruction of the Latin commonwealth, remained with the chief magistrates of Rome. (Liv. v. 17.) The object of this panegyris on the Alban mount was the worship of Jupiter Latiaris, and, at least as long as the Latin republic existed, to deliberate and decide on matters of the confederacy, and to settle any disputes which might have arisen among its members. As the feriae Latinae belonged to the conceptivae, the time of their celebration greatly depended on the state of affairs at Rome, as the consuls were never allowed to take the field until they had held the Latinae. (Liv. xxi. 63, xxii. 1, xxv. 12.) This festival was a great engine in the hands of the magistrates, who had to appoint the time of its celebration (*concipere*, *edicere*, or *indicere Latinas*); as it might often suit their purpose either to hold the festival at a particular time or to delay it, in order to prevent or delay such public proceedings as seemed injurious and pernicious, and to promote others to which they were favourably disposed. This feature, however, the feriae Latinae had in common with all other feriae conceptivae. Whenever any of the forms or ceremonies customary at the Latinae had been neglected, the consuls had the right to propose to the senate, or the college of pontiffs, that their celebration should be repeated (*instaurari*, Cic. *ad Quint. Frat.* ii. 6; Liv. xxii. 1, xli. 16). Respecting the duration of the feriae Latinae, the common opinion formerly was, that at first they only lasted for one day, to which subsequently a second, a third, and a fourth were added (Dionys. Hal. vi. p. 415. Sylb.); but it is clear that this supposition was founded on a confusion of the feriae Latinae with the Ludi Maximi, and that they lasted for six days; one for each decury of the Alban and Latin towns. (Niebuhr, *Hist. of Rome*, ii. p. 35; comp. Liv. vi. 42; Plut. *Camill.* 42.) The festive season was attended by a sacred truce, and no battle was allowed to be fought during those days. (Dionys. Hal. iv. p. 250, Sylb.; Macrob. *l. c.*) In early times, during the alliance of the Romans and Latins, the chief magistrates of both nations met on the Alban mount, and conducted the solemnities, at which the Romans, however, had the presidency. But afterwards the Romans alone conducted the celebration, and offered the common sacrifice of an ox to Jupiter Latiaris, in the name and on behalf of all who took part in it. The flesh of the victim was distributed among the several towns whose common sanctuary stood on the Alban mount. (Dionys. Hal. *l. c.*; Varro, *de Ling. Lat.* vi. 25; Schol. Bobiens. *in Cic. Orat. pro Planc.* p. 255, &c. Orelli.) Besides the common sacrifice of an ox, the several towns offered each separately lambs, cheeses, or a certain quantity of milk (Cic. *de Div.* i. 11), or cakes. Multitudes flocked to the Alban mount on the occasion, and the season was one of great rejoicings and feasting. Various kinds of games were not wanting, among which may be mentioned the *oscillatio* (swinging, Fest. *s. v. Oscillum*). It was a symbolic game, and the legend respecting its origin shows that it was derived from the Latins. Pliny (*H. N.* xxvii. 2) mentions that during the Latin holidays a race of four-horse chariots (*quadrigae certant*) took place on the Capitol, in which the victor received a draught of absynthium.

Although the Roman consuls were always present on the Alban mount, and conducted the solemn sacrifice of an ox, yet we read that the superintendence of the Latinae, like that of other festivals, was given by the senate to the Aediles, who, therefore, probably conducted the minor sacrifices, the various games, and other selemnities (Dionys. Hal. vi. p. 415.) While the consuls were engaged on the Alban mount, their place at Rome was filled by the praefectus urbi. [PRAEFECTUS URBI.]

The two days following the celebration of the Latin holidays were considered as *dies religiosi*, so that no marriages could be contracted. (Cic. *ad Quint. Frat.* ii. 4.) From Dion Cassius we see that in his times the Feriae Latinae were still strictly observed by the Romans, whereas the Latin towns had, at the time of Cicero, almost entirely given up taking any part in them. The Romans seemed to have continued to keep them down to the fourth century of our era. (Lactant. *Institut.* i. 21.)

Feriae Sementivae, or *Sementina dies*, was kept in seed-time for the purpose of praying for a good crop; it lasted only for one day, which was fixed by the pontiffs. (Varro, *de Ling. Lat.* vi. 26, *de Re Rust.* i. 2, init.; Ovid, *Fast.* i. 658, &c.)

Feria vindemialis lasted from the 22d of August to the 15th of October, and was instituted for the purpose of enabling the country-people to get in the fruits of the field and to hold the vintage. (Codex, 3. tit. 12.)

Feriae aestivae were holidays kept during the hottest season of summer, when many of the wealthier Romans left the city and went into the country. (Gellius, ix. 15. § 1.) They seem to have been the same as the *messis feria* (Cod. 3. tit. 12. s. 2, 6), and lasted from the 24th of June till the 1st of August.

Feriae praecidaneae are said to have been preparatory days, or such as preceded the ordinary feriae; although they did not belong to the feriae, and often even were *dies atri*, they were on certain occasions inaugurated by the chief pontiff, and thus made feriae. (Gellius, iv. 6.) [L. S.]

FESCENNI'NA, scil. carmina, one of the earliest kinds of Italian poetry, which consisted of rude and jocose verses, or rather dialogues in extempore verses (Liv. vii. 2), in which the merry country folks assailed and ridiculed one another. (Horat. *Epist.* ii. 1. 145.) This amusement seems originally to have been peculiar to country people, but it was also introduced into the towns of Italy and at Rome, where we find it mentioned as one of those in which young people indulged at weddings. (Serv. *ad Aen.* vii. 695; Seneca, *Controv.* 21; Plin. *H. N.* xv. 22.) The fescennina were one of the popular amusements at various festivals, and on many other occasions, but especially after the harvest was over. After their introduction into the towns they seem to have lost much of their original rustic character, and to have been modified by the influence of Greek refinement (see Virg. *Georg.* ii. 385, &c.; Tibull. ii. 1. 55; Catull. 61. 27); they remained, however, in so far the same, as they were at all times irregular, and mostly extempore doggerel verses. Sometimes, however, versus fescennini were also written as satires upon persons. (Macrob. *Saturn.* ii. 4.) That these railleries had no malicious character, and were not intended to hurt or injure, may be inferred from the circumstance that one person often called upon another to answer and retort in a similar strain. The fescennina are generally believed to have been introduced among the Romans from Etruria, and to have derived their name from Fescennia, a town of that country. But, in the first place, Fescennia was not an Etruscan but a Faliscan town (Niebuhr, *Hist. of Rome*, i. p. 136), and, in the second, this kind of amusement has at all times been, and is still, so popular in Italy, that it can scarcely be considered as peculiar to any particular place. The derivation of a name of this kind from that of some particular place was formerly a favourite custom, as may be seen in the derivation of caerimonia from Caere. Festus (*s. v.*) endeavours to solve the question by supposing fescennina to be derived from fascinum, either because they were thought to be a protection against sorcerers and witches, or because fascinum (*phallus*), the symbol of fertility, had in early times, or in rural districts, been connected with the amusements of the fescennina. But whatever may be thought of this etymology, it is of importance not to be misled by the common opinion that the fescennina were of Etruscan origin. [L. S.]

FESTI DIES. [DIES.]

FESTU'CA. [MANUMISSIO.]

FETIA'LES, a college (Liv. xxxvi. 3) of Roman priests who acted as the guardians of the public faith. It was their province, when any dispute arose with a foreign state, to demand satisfaction, to determine the circumstances under which hostilities might be commenced, to perform the various religious rites attendant on the solemn declaration of war, and to preside at the formal ratification of peace. These functions are briefly but comprehensively defined by Varro (*De Ling. Lat.* v. 86, ed Müller), "Fetiales...fidei publicae inter populos praeerant: nam per hos fiebat ut justum conciperetur bellum et inde desitum, ut foedere fides pacis constitueretur. Ex his mittebantur, antequam conciperetur, qui res repeterent, et per hos etiam nunc fit foedus," to which we may add the old law quoted by Cicero (*De Leg.* ii. 9), "FOEDERUM, PACIS, BELLI, INDUCIARUM ORATORES FETIALES JUDICESQUE SUNTO; BELLA DISCEPTANTO." Dionysius (ii. 72) and Livy (i. 32) detail at considerable length the ceremonies observed by the Romans in the earlier ages, when they felt themselves aggrieved by a neighbouring people. It appears that when an injury had been sustained, four fetiales (Varro, *ap. Non.*) were deputed to seek redress, who again elected one of their number to act as their representative. This individual was styled the *pater patratus populi Romani*. A fillet of white wool was bound round his head, together with a wreath of sacred herbs gathered within the inclosure of the Capitoline hill (*verbenae, sagmina*) [SAGMINA], whence he was sometimes named *Verbenarius*. (Plin. *H. N.* xxii. 2.) Thus equipped he proceeded to the confines of the offending tribe, where he halted and addressed a prayer to Jupiter, calling the god to witness, with heavy imprecations, that his complaints were well founded and his demands reasonable. He then crossed the border, and the same form was repeated in nearly the same words to the first native of the soil whom he might chance to meet; again a third time to the sentinel or any citizen whom he encountered at the gate of the chief town; and a fourth time to the magistrates in the forum in presence of the people. If a satisfactory answer was not returned within thirty days, after publicly delivering a solemn denunciation,—in which the gods celestial, terrestrial, and infernal were invoked,—of what might be expected to follow, he returned to Rome, and, accompanied by the rest of the fetiales, made a report of his mission to the senate. If the people (Liv. x. 45), as well as the senate, decided for war, the pater patratus again set forth to the border of the hostile territory, and launched a spear tipped with iron, or charred at the extremity and smeared with blood (emblematic doubtless of fire and slaughter) across the boundary, pronouncing at the same time a solemn declaration of war. The demand for redress and the proclamation of hostilities were alike termed *clarigatio*, which word the Romans in later times explained by *clare repetere* (Plin. *H. N.* xxii. 3; Serv. *ad Virg. Aen.* ix. 53); but Göttling (*Geschichte der Röm. Staatsverf.* p. 196) and other modern writers, connect it with the Doric form of *κᾶρυξ* and *κηρύκειον*.

Several of the formulae employed on these occasions have been preserved by Livy (i. 24, 32), and Aulus Gellius (xvi. 4), forming a portion of the *Jus Fetiale* by which the college was regulated. The services of the fetiales were considered absolutely essential in concluding a treaty (Liv. ix. 5); and we read that at the termination of the second Punic war fetiales were sent over to Africa, who carried with them their own verbenae and their own flint stones for smiting the victim. Here also the chief was termed *pater patratus*. (Liv. xxx. 43.)

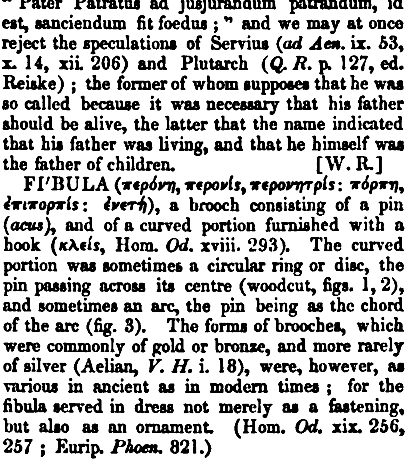
The institution of these priests was ascribed by tradition, in common with other matters connected with religion, to Numa (Dionys. ii. 71); and although Livy (i. 32) speaks as if he attributed their introduction to Ancus Martius, yet in an earlier chapter (i. 24) he supposes them to have existed in the reign of Hostilius. The whole system is said to have been borrowed from the Aequicolae or the Ardeates (Liv. and Dionys. *l. c.*), and similar usages undoubtedly prevailed among the Latin states; for it is clear that the formula preserved by Livy (i. 32), must have been employed when the pater patratus of the Romans was put in communication with the pater patratus of the Prisci Latini.

The number of the fetiales cannot be ascertained with certainty, but some have inferred from a passage quoted from Varro by Nonius (xii. 43) that it amounted to twenty; of whom Niebuhr supposes ten were elected from the Ramnes and ten from the Titienses; but Göttling (*Geschichte der Röm. Staatsverf.* p. 195) thinks it more probable that they were at first all chosen from the Ramnes, as the Sabines were originally unacquainted with the use of fetiales. They were originally selected from the most noble families; their office lasted for life (Dionys. ii. 72); and it seems probable that vacancies were filled up by the college (*cooptatione*) until the passing of the Lex Domitia, when in common with most other priests they would be nominated in the comitia tributa. This, however, is nowhere expressly stated.

The etymology of *fetialis* is uncertain. Varro would connect it with *fidus* and *foedus;* Festus with *ferio* or *facio:* while some modern scholars suppose it to be allied to φημί, and thus φητιάλεις would be *oratores, speakers*. In inscriptions we find both *fetialis* and *fecialis;* but since in Greek MSS. the word always appears under some one of the forms φητιάλεις φετιάλεις, φιτιάλεις, the orthography we have adopted in this article is probably correct.

The explanation given by Livy (i. 24) of the origin of the term *Pater Patratus* is satisfactory:—"Pater Patratus ad jusjurandum patrandum, id est, sanciendum fit foedus;" and we may at once reject the speculations of Servius (*ad Aen.* ix. 53, x. 14, xii. 206) and Plutarch (*Q. R.* p. 127, ed. Reiske); the former of whom supposes that he was so called because it was necessary that his father should be alive, the latter that the name indicated that his father was living, and that he himself was the father of children. [W. R.]

FI′BULA (περόνη, περονίς, περονητρίς: πόρπη, ἐπιπορπίς: ἐνετή), a brooch consisting of a pin (*acus*), and of a curved portion furnished with a hook (κλείς, Hom. *Od.* xviii. 293). The curved portion was sometimes a circular ring or disc, the pin passing across its centre (woodcut, figs. 1, 2), and sometimes an arc, the pin being as the chord of the arc (fig. 3). The forms of brooches, which were commonly of gold or bronze, and more rarely of silver (Aelian, *V. H.* i. 18), were, however, as various in ancient as in modern times; for the fibula served in dress not merely as a fastening, but also as an ornament. (Hom. *Od.* xix. 256, 257; Eurip. *Phoen.* 821.)



Women wore the fibula both with the AMICTUS and the *indutus;* men wore it with the amictus only. Its most frequent use was to pin together two parts of the scarf, shawl or cloak [CHLAMYS; PEPLUM; PALLIUM], which constituted the amictus, so as to fasten it over the right shoulder. (Soph. *Trach.* 923; Theocrit. xiv. 66;

Ovid, *Met.* viii. 318; Tacit. *Germ.* 17). [Woodcuts, pp. 2, 117, 213.] More rarely we see it over the breast. [Woodcut, p. 218.] The epithet *ἑτερόπορπος* was applied to a person wearing the fibula on one shoulder only (Schol. *in Eurip. Hec.* 933, 934); for women often wore it on both shoulders. [Woodcuts, pp. 136, 243, 257.] In consequence of the habit of putting on the amictus with the aid of a fibula, it was called *περονήμα* or *ἐμπερόνημα* (Theocrit. *Adon.* 34. 79), *πορπήμα* (Eurip. *Elect.* 820), or *ἀμπεχόνη περονῆτις* (Brunck, *Anal.* ii. 28). The splendid shawl of Ulysses, described in the Odyssey (xix. 225—231), was provided with two small pipes for admitting the pin of the golden brooch; this contrivance would secure the cloth from being torn. The highest degree of ornament was bestowed upon brooches after the fall of the western empire. Justin II. (Corippus, ii. 122), and many of the emperors who preceded him, as we perceive from the portraits on their medals, wore upon their right shoulders fibulae, from which jewels, attached by three small chains, depended. (Beger, *Thes. Pal.* p. 407, 408, &c.)

It has been already stated that women often wore the fibula on both shoulders. In addition to this, a lady sometimes displayed an elegant row of brooches down each arm upon the sleeves of her tunic (Aelian, *V. H.* i. 18), examples of which are seen in many ancient statues. It was also fashionable to wear them on the breast (Isid. *Orig.* xix. 30); and another occasional distinction of female attire, in later times, was the use of the fibula in tucking up the tunic above the knee.

Not only might slight accidents to the person arise from wearing brooches (Hom. *Il.* v. 426), but they were sometimes used, especially by females, to inflict serious injuries. The pin of the fibula is the instrument, which the Phrygian women employ to deprive Polymnestor of his sight by piercing his pupils (Eurip. *Hec.* 1170), and with which the Athenian women, having first blinded a man, then dispatch him. (Herod. v. 87; Schol. *in Eurip. Hec.* 934). Oedipus strikes the pupils of his own eyeballs with a brooch taken from the dress of Jocasta (Soph. *Oed. Tyr.* 1269; Eurip. *Phoen.* 62). For the same reason we find that *περονάω* meant to pierce, since *περόνη* was properly the pin of the brooch (*περόνησε*, "pinned him," Hom. *Il.* vii. 145; xiii. 397).

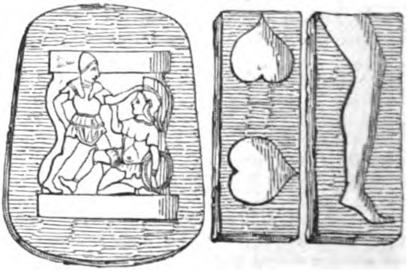
Brooches were succeeded by buckles, especially among the Romans, who called them by the same name. The preceding woodcut shows on the right hand the forms of four bronze buckles (4, 5, 6, 7) from the collection in the British Museum. This article of dress was chiefly used to fasten the belt [Balteus], and the girdle [Zona]. (Virg. *Aen.* xii. 274; Lydus, *De Mag. Rom.* ii. 13). It appears to have been in general much more richly ornamented than the brooch; for, although Hadrian was simple and unexpensive in this as well as in other matters of costume (Spartian. *Hadr.* 10), yet many of his successors were exceedingly prone to display buckles set with jewels (*fibulae gemmatae*).

The terms which have now been illustrated as applied to articles of dress, were also used to denote pins variously introduced in carpentry; *e. g.* the linch-pins of a chariot (Parthen. 6); the wooden pins inserted through the sides of a boat, to which the sailors fasten their lines or ropes (Apoll. Rhod. i. 567); the trenails which unite the posts and planks of a wooden bridge (Caesar, *B. G.* iv. 17); and the pins fixed into the top of a wooden triangle used as a mechanical engine (Vitruv. x. 2).

The practice of infibulating singers, alluded to by Juvenal and Martial, is described in Rhodius *De Acia* and Pitiscus. [J. Y.]

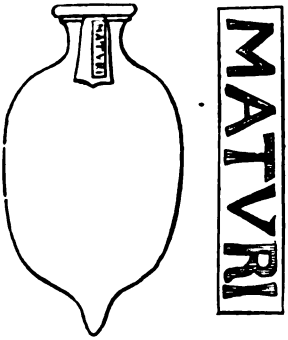
FI'CTILE (*κεράμος*, *κεράμιον*, *ὄστρακον*, *ὀστράκινον*), earthenware, a vessel or other article made of baked clay.

The instruments used in pottery (*ars figulina*) were the following:—1. The wheel (*τροχός*, *orbis*, *rota*, "rota figularis," Plaut. *Epid.* iii. 2. 35), which is mentioned by Homer (*Il.* xviii. 600), and is among the most ancient of all human inventions. According to the representations of it on the walls of Egyptian tombs (Wilkinson, *Manners and Customs*, iii. p. 163), it was a circular table, placed on a cylindrical pedestal, and turning freely on a point. The workman, having placed a lump of clay upon it, whirled it swiftly with his left hand, and employed his right in moulding the clay to the requisite shape. Hence a dish is called "the daughter of the wheel" (*τροχηλάτος κόρη*, Xenarchus, *ap. Athen.* ii. p. 64). 2. Pieces of wood or bone, which the potter (*κεραμεύς*, *figulus*) held in his right hand, and applied occasionally to the surface of the clay during its revolution. A pointed stick, touching the clay, would inscribe a circle upon it; and circles were in this manner disposed parallel to one another, and in any number, according to the fancy of the artist. By having the end of the stick curved or indented, and by turning it in different directions, he would impress many beautiful varieties of form and outline upon his vases. 3. Moulds (*formae*, *τύποι*, Schol. *in Arist. Eccles.* 1), used either to decorate with figures in relief (*πρόστυπα*) vessels which had been thrown on the wheel, or to produce foliage, animals, or any other appearances, on Antefixa, on cornices of terra cotta, and imitative or ornamental pottery of all other kinds, in which the wheel was not adapted to give the first shape. The annexed woodcut shows three moulds, which were found near Rome by M. Seroux d'Agincourt. (*Recueil de Fragmens*, p. 88—92.) They are cut in stone. One of them was probably used for making antefixa, and the other two for making hearts and legs, designed to be suspended by poor persons "ex voto," in the temples and sanctuaries. [Donaria.] Copies of the same subject, which might in this manner be multiplied to any extent, were called "ectypa." 4. Gravers or scalpels, used by skilful modellers in giving to figures of all kinds a more perfect finish and a higher relief than could be produced by the use of moulds. These instruments, exceedingly simple in themselves, and de-



riving their efficiency altogether from the ability and taste of the sculptor, would not only contribute to the more exquisite decoration of earthen vessels, but would be almost the only tools applicable for making "Dii fictiles," or gods of baked earth, and other entire figures. (Propert. ii. 3. 25, iv. 1. 5; Plin. *H. N.* xxxv. 45, 46; Sen. *Cons. ad Alb.* 10; *ἀγάλματα ἐκ πηλοῦ, ὀπτῆς γῆς*, Paus. i. 2. § 4, i. 3. § 1, vii. 22. § 6.) These were among the earliest efforts of the plastic art, and even in times of the greatest refinement and luxury they continued to be regarded with reverence.

Vessels of all kinds were very frequently furnished with at least one handle (*ansa, οὖας, ὦς*). The AMPHORA was called Diota, because it had two. The name of the potter was commonly stamped upon the handle, the rim, or some other part. Of this we have an example in the amphora, adapted for holding grain or fruits, oil or wine, which is here introduced from the work of Seroux d'Agincourt. The figure on the right hand shows the name in the genitive case "Maturi," impressed on an oblong surface which is seen on the handle of the amphora.



The earth used for making pottery (*κεράμικη γῆ*, *Geopon.* ii. 49) was commonly red, and often of so lively a colour as to resemble coral. Vauquelin found, by analysis, that a piece of Etruscan earthenware contained the following ingredients:—Silica, 53; alumina, 15; lime, 8; oxide of iron, 24. To the great abundance of the last constituent the deep red colour is to be attributed. Other pottery is brown or cream-coloured, and sometimes white. The pipe-clay, which must have been used for white ware, is called "figlina creta." (Varro, *Re Rust.* iii. 9.) Some of the ancient earthenware is throughout its substance black, an effect produced by mixing the earth with comminuted asphaltum (*gagutes*), or with some other bituminous or oleaginous substance. It appears also that asphaltum, with pitch and tar, both mineral and vegetable, was used to cover the surface like a varnish. In the finer kinds of earthenware this varnish served as a black paint, and to its application many of the most beautiful vases owe the decorations which are now so highly admired. (Plin. *H. N.* xxxvi. 34.) But the coarser vessels, designed for common purposes, were also smeared with pitch, and had it burnt into them, because by this kind of encaustic they became more impervious to moisture and less liable to decay. (Hor. *Carm.* i. 20. 3; Plin. *H. N.* xiv. 25, 27.) Hence a "dolium picatum fictile" was used, as well as a glass jar to hold pickles. (Colum. *Re Rust.* xii. 18, 54.) Also the year of the vintage was inscribed by the use of pitch, either upon the amphorae themselves or upon the labels (*pittacia, schedia*), which were tied round their necks. (Hor. *Carm.* iii. 21. 1—5.) Although oily or bituminous substances were most commonly employed in pottery to produce by the aid of fire (*εὖ δὲ μελανθεῖεν*, Hom. *Epig.* xiv. 3) the various shades of black and brown, the vessels, before being sent for the last time to the furnace [FORNAX], were sometimes immersed in that finely prepared mud, now technically called "slip," by which the surface is both smoothed and glazed, and at the same time receives a fresh colour. Ruddle, or red ochre (*μίλτος, rubrica*), was principally employed for this purpose. (Suidas, *s. v. Κωλιάδος κεραμῆες.*) To produce a further variety in the paintings upon vases the artists employed a few brightly coloured earths and metallic ores. [PICTURA, No. 9.]

As we might expect concerning an art so indispensable as that of the potter, it was practised to a great extent in every ancient nation; even the most uncivilized not being strangers to it, and sometimes displaying a surprising degree of dexterity. The remains of an ancient pottery have been found in Britain, and some of the potters' names preserved on their works, are probably British. We are told of a place called the Potteries (*Figlinae*) in Gaul. Numa instituted a corporation of potters at Rome. (Plin. *H. N.* xxxv. 46.) Mention has already been made of Egypt, and there are frequent allusions to the art in the ancient writings of the Jews. We also read of its productions in Tralles, Pergamus, Cnidus, Chios, Sicyon, Corinth, Cumae, Adria, Modena, and Nola, from which city the exports of earthenware were considerable, and where some of the most exquisite specimens are still discovered. But three places were distinguished above all others for the extent and excellence of this beautiful manufacture.

1. Samos, to which the Romans resorted for the articles of earthenware necessary at meals, and intended for use rather than display. (Plaut. *Bacch.* ii. 2. 24, *Stich.* v. 4. 12; Tibull. ii. 3. 51; Cic. *pro Muren.* 36; Plin. *H. N.* xxxv. 46; Tertull. *Apol.* 25.)

2. Athens, a considerable part of which was called Cerameicus, because it was inhabited by potters. In this quarter of the city were temples dedicated to Athena, as presiding over every kind of handicraft, and to the two fire-gods, Hephaestos and Prometheus, the latter of whom was also the mythical inventor of the art of modelling. Various traditions respecting Coroebus and others point to the early efforts of the Athenian potters (Plin. *H. N.* vii. 57, xxxv. 45; Critias *ap. Athen.* i. p. 28); and it is a remarkable circumstance that the enemies of free trade, and especially of Athenian influence at Aegina and Argos, imposed restrictions on the use of these productions. (Herod. v. 88.) The Athenian ware was of the finest description; the masterpieces were publicly exhibited at the PANATHENAEA, and were given, filled with oil, to the victors at the games; in consequence of which, we now read on some of them, in the British Museum and other collections, the inscription *Τῶν Ἀθήνηθεν ἄθλων* or other equivalent expressions. (Pind. *Nem.*

x. 35; Schol. and Böckh, *ad loc.*; Böckh, *Corp. Insc.* vol. i. p. 49.) Many other specimens were presents given to relations and friends on particular occasions, and often distinguished by the epithets καλός and καλή added to their names. A circumstance which contributed to the success of the Athenians in this manufacture, was a mine of fine potter's clay in the Colian Promontory, near Phalerum. (Suidas, *l. c.*; Athen. xi. p. 482.) The articles made from it became so fashionable, that Plutarch (*De Audit.*) describing an act of extreme folly, compares it to that of the man who, having swallowed poison, refuses to take the antidote unless it be administered to him in a cup made of Colian clay. Some of the "Panathenaic" vases, as they were called, are two feet in height, which accords with what is said by ancient authors of their uncommon size. (Athen. xi. p. 495; Böckh, *in Pind. Frag.* No. 89.) A diota was often stamped upon the coins of Athens, in allusion to the facts which have now been explained.

3. Etruria, especially the cities of Aretium and Tarquinii. Whilst the Athenian potters excelled all others in the manufacture of vessels, the Tuscans, besides exercising this branch of industry to a great extent though in a less tasteful and elaborate manner, were very remarkable for their skill in producing all kinds of statuary in baked clay. Even the most celebrated of the Roman temples were adorned, both within and without, by the aid of these productions. The most distinguished among them was an entire quadriga, made at Veii, which surmounted the pediment of the temple of Jupiter Capitolinus. (Plin. *H. N.* xxviii. 4, xxxv. 45, xxxvi. 2; K. O. Müller, *Etrusker*, iv. 3. 1, 2.) The Etrurians also manifested their partiality to this branch of art by recurring to it for the purpose of interment; for whilst Pliny mentions (*H. N.* xxxv. 46), that many persons preferred to be buried in earthen jars, and in other parts of Italy the bones of the dead have been found preserved in amphorae, Etruria alone has afforded examples, some of them now deposited in the British Museum, of large sarcophagi made wholly of terra cotta, and ornamented with figures in bas-relief and with recumbent statues of the deceased.

Among many qualities which we admire in the Greek pottery, not the least wonderful is its thinness (λεπτά) and consequent lightness, notwithstanding the great size of the vessels and the perfect regularity and elegance of their forms. That it was an object of ambition to excel in this respect we learn from the story of a master and his pupil, who contended which could throw the thinnest clay, and whose two amphorae, the result of the trial, were preserved in the temple at Erythrae. (Plin. *H. N.* xxxv. 46.) The well-known passage of Hesiod (Καὶ κεραμεὺς κεραμεῖ κοτέει, &c. *Op. et Dies*, 25) describes the emulation, which incited potters to excellence as well as architects and poets.

The Greeks and Romans contented themselves with using earthenware on all occasions until the time of Alexander the Great: the Macedonian conquests introduced from the East a taste for vessels of gold and silver, in which, however, the Spartans refused to indulge themselves. The Persians, on the contrary, held earthenware in so low estimation, that they condemned persons to drink out of fictile vessels as a punishment. (Athen. vi. p. 229, c, xi. p. 464, a, p. 483, c, d.) But although the Romans, as they deviated from the ancient simplicity, made a great display of the more splendid kind of vessels, yet they continued to look upon pottery not only with respect but even with veneration. (Ovid, *Met.* viii. 690; Cic. *ad Att.* vi. 1; Juv. iii. 168, x. 25.) They called to mind the magnanimity of the Consul Curius, who preferred the use of his own earthenware to the gold of the Samnites (Florus, i. 18); they reckoned some of their consecrated terra-cottas, and especially the above-mentioned quadriga, among the safeguards of their imperial city (Serv. *ad Virg. Aen.* vii. 188); and, bound by old associations and the traditons of their earliest history, they considered earthen vessels proper for religious ceremonies, although gold and silver might be admitted in their private entertainments (Tertull. *l. c.*); for Pliny says (*H. N.* xxxv. 46), that the productions of this class, "both in regard to their skilful fabrication and their high antiquity, were more sacred, and certainly more innocent, than gold."

Another term, often used as synonymous with *fictile* was *testa*. [Dolium; Later; Patera; Patina; Tegula.] [J. Y.]

FI'CTIO. Fictions in Roman law are like fictions in English law, of which it has been said that they are "those things that have no real essence in their own body, but are so acknowledged and accepted in law for some especial purpose." The fictions of the Roman law apparently had their origin in the edictal power, and they were devised for the purpose of providing for cases where there was no legislative provision. A fiction supposed something to be which was not; but the thing supposed to be was such a thing as, being admitted to be a fact, gave to some person a right or imposed on some person a duty. Various instances of fictions are mentioned by Gaius. One instance is that of a person who had obtained the bonorum possessio ex edicto. As he was not heres, he had no direct action: he could neither claim the property of the defunct as his (legal) property, nor could he claim a debt due to the defunct as his (legal) debt. He therefore brought his suit (*intendit*) as heres (*ficto se herede*), and the formula was accordingly adapted to the fiction. In the Publiciana Actio, the fiction was that the possessor had obtained by usucapion the ownership of the thing of which he had lost the possession. A woman by coemptio, and a male by being adrogated, ceased, according to the civil law, to be debtors, if they were debtors before; for by the coemptio and adrogatio they had sustained a capitis diminutio, and there could be no direct action against them. But as this capitis diminutio might be made available for fraudulent purposes, an actio utilis was still allowed against such persons, the fiction being that they had sustained no capitis diminutio. The formula did not (as it appears from Gaius) express the fiction as a fact, but it ran thus: — If it shall appear that such and such are the facts (the facts in issue), and that the party, plaintiff or defendant, would have such and such a right, or be liable to such and such a duty, if such and such other facts (the facts supposed) were true; et reliqua. (Gaius, iv. 10. 32, &c.; Ulp. *Frag.* xxviii. 12.)

It was by a fiction that the notion of legal capacity was extended to artificial persons. [Collegium; Fiscus.] Instances of fiction occur in the chapter intitled *Juristische Personen* in Savigny's

System des heut. R. R. vol. ii., and in Puchta's *Institutionen*, i. § 80, ii. § 165.) [G. L.]

FIDEICOMMISSUM is a testamentary disposition, by which a person who gives something to another imposes on him the obligation of transferring it to a third person. The obligation was not created by words of legal binding force (*civilia verba*), but by words of request (*precativè*), such as "fideicommitto," "peto," "volo dari," and the like; which were the operative words (*verba utilia*). If the object of the fideicommissum was the hereditas, the whole or a part, it was called fideicommissaria hereditas, which is equivalent to a universal fideicommissum; if it was a single thing or a sum of money, it was called fideicommissum singulae rei or fideicommissum speciale. The obligation to transfer a fideicommissaria hereditas could only be imposed on the heres; the obligation of transferring a single thing might be imposed on a legatee.

By the legislation of Justinian a fideicommissum of the hereditas was a universal succession; but before his time the person entitled to it was sometimes "heredis loco," and sometimes "legatarii loco." The heres still remained heres after he had parted with the hereditas. Though the fideicommissum resembled a vulgar substitution, it differed from it in this: — in the case of a vulgar substitution, the substituted person only became heres when the first person, named heres, failed to become such; in the case of the fideicommissum, the second heres had only a claim on the inheritance when the person, named heres, had actually become such. There could be no fideicommissum unless there was a heres.

The person who created the fideicommissum must be a person who was capable of making a will; but he might create a fideicommissum orally without having made a will. The person who was to receive the benefit of the fideicommissum was the fideicommissarius; and a person might be a fideicommissarius who could take a legacy (Ulp. *Frag.* xxv. 6); the person on whom the obligation was laid was the fiduciarius. The fideicommissarius himself might be bound to give the fideicommissum to a second fideicommissarius. Originally the fideicommissarius was considered as a purchaser (*emptoris loco*); and when the heres transferred to him the hereditas, mutual covenants (*cautiones*) were entered into by which the heres was not to be answerable for any thing which he had been bound to do as heres, nor for what he had given bona fide, and if an action was brought against him as heres, he was to be defended. On the other hand the fideicommissarius (*qui recipiebat hereditatem*) was to have whatever part of the hereditas might still come to the hands of the heres, and was to be allowed to prosecute all rights of action which the heres might have. But it was enacted by the senatus-consultum Trebellianum, in the time of Nero, that when the heres had given up the hereditas to the fideicommissarius, all right of action by or against the heres should be transferred to the fideicommissarius. The praetor accordingly gave utiles actiones to and against the fideicommissarius. From this time the heres ceased to require from the fideicommissarius the covenants which he had formerly taken as his security against his general liabilities as heres.

As fideicommissa were sometimes lost because the heres would not accept the inheritance, it was enacted by the senatus-consultum Pegasianum, in the time of Vespasian, that the fiduciarius might retain one fourth of the hereditas, and the same power of retainer was allowed him in the case of single things. In this case the heres was liable to all debts and charges (*onera hereditaria*); but the same agreement was made between him and the fideicommissarius which was made between the heres and the legatus partiarius, that is, the profit or loss of the inheritance was shared between them according to their shares (*pro rata parte*). Accordingly, if the heres was required to restore not more than three-fourths of the hereditas, the senatus-consultum Trebellianum took effect, and any loss was borne by him and the fideicommissarius in proportion to their shares. If the heres was required to restore more than three-fourths or the whole, the senatus-consultum Pegasianum applied. If the heres refused to take possession of (*adire*) the hereditas, the fideicommissarius could compel him, by application to the praetor, to take possession of it and to restore it to him; but all the costs and charges accompanying the hereditas were borne by the fideicommissarius.

Whether the heres was sole heir (*ex asse*), and required to restore the whole or a part of the hereditas, or whether he was not sole heir (*ex parte*) and was required to restore the whole of such part, or a part of such part, was immaterial: in all cases the S. C. Pegasianum gave him a fourth.

By the legislation of Justinian the senatus-consulta Trebellianum and Pegasianum were consolidated, and the following rules were established: — The heres who was charged with a universal fideicommissum always retained one-fourth part of the hereditas (which was called simply Quarta, or Falcidia, or commodum Legis Falcidiae), and all claims on behalf of or against the hereditas were shared between the fiduciarius and fideicommissarius who was considered heredis loco. If the fiduciarius suffered himself to be compelled to take the inheritance, he lost his Quarta, and any other advantage that he might have from the hereditas. If the fiduciarius was in possession, the fideicommissarius had a personal actio ex testamento against him for the hereditas. If not in possession, he must at least verbally assent to the claim of the fideicommissarius, who had then the hereditatis petitio fideicommissaria against any person who was in possession of the property.

The Quarta is in fact the Falcidia, applied to the case of universal fideicommissa. Accordingly, the heres only was entitled to it, and not a fideicommissarius, who was himself charged with a fideicommissum. If there were several heredes charged with fideicommissa, each was entitled to a quarta of his portion of the hereditas. The heres was entitled to retain a fourth out of the hereditas, not including therein what he took as legatee.

The fiduciarius was bound to restore the hereditas at the time named by the testator, or, if no time was named, immediately after taking possession of it. He was entitled to be indemnified for all proper costs and charges which he had sustained with respect to the hereditas; but he was answerable for any damage or loss which it had sustained through his culpa.

Res singulae, as already observed, might also be the objects of a fideicommissum, as a particular piece of land, a slave, a garment, piece of silver, or a sum of money; and the duty of giving it to the fideicommissarius might be imposed either on the heres or on a legatee. In this way a slave also might receive his liberty, and the request to manumit might be addressed either to the heres or the legatarius. The slave when manumitted was the libertus of the person who manumitted him. There were many differences between fideicommissa of single things and legacies. A person about to die intestate might charge his heres with a fideicommissum, whereas a legacy could only be given by a testament, or by a codicil which was confirmed by a proper declaration of the testator in a will; but a fideicommissum could be given by a simple codicil not so confirmed. A heres instituted by a will might be requested by a codicil, not so confirmed as above, to transfer the whole hereditas, or a part, to a third person. A woman who was prevented by the provisions of the Voconia lex from taking a certain hereditas, might take it as a fideicommissum. The Latini, also, who were prohibited by the Lex Junia from taking hereditates and legacies by direct gift (*directo jure*) could take by fideicommissa. It was not legal to name a person as heres, and also to name another who after the death of the heres, should become heres; but it was lawful to request the heres on his death to transfer the whole or a part of the hereditas to another. In this way a testator indirectly exercised a testamentary power over his property for a longer period than the law allowed him to do directly. A man sued for a legacy per formulam; but he sued for a fideicommissum before the consul or praetor for fideicommissa at Rome, and in the provinces before the praeses. A fideicommissum was valid, if given in the Greek language, but a legacy was not, until a late period. Justinian finally assimilated legacies and singular fideicommissa. [LEGATUM; *Inst.* 2. tit. 20. § 3; Cod. 6. tit. 43. s. 2.]

It appears that there were no legal means of enforcing the due discharge of the trust called fideicommissum till the time of Augustus, who gave the consuls jurisdiction in fideicommissa. In the time of Claudius praetores fideicommissarii were appointed: in the provinces the praesides took cognizance of fideicommissa. The consuls still retained their jurisdiction, but only exercised it in important cases. (Quintil. *Inst.* iii. 6.) The proceeding was always extra ordinem. (Gaius, ii. 228; Ulp. *Frag.* tit. 25. s. 12.) Fideicommissa seem to have been introduced in order to evade the civil law, and to give the hereditas, or a legacy, to a person who was either incapacitated from taking directly, or who could not take as much as the donor wished to give. Gaius, when observing that peregrini could take fideicommissa, observes that "this" (the object of evading the law) "was probably the origin of fideicommissa;" but by a senatus-consultum made in the time of Hadrian, such fideicommissa were claimed by the fiscus. They are supposed to be the commendationes mortuorum mentioned by Cicero (*de Fin.* iii. 20). There is the case of Q. Pompeius Rufus (Val. Max. iv. 2. 7), who, being in exile, was legally incapacitated from taking any thing under the will of a Roman citizen, but could claim it from his mother, who was the heres fiduciarius. They were also adopted in the case of gifts to women, in order to evade the Lex Voconia [LEX VOCONIA]; and in the case of proscribed persons, incertae personae, Latini, peregrini, caelibes, orbi. But the senatus-consultum Pegasianum destroyed the capacity of caelibes and orbi to take fideicommissa, and gave them to those persons mentioned in the will who had children, and in default of such to the populus, as in the case of hereditates and legata. [BONA CADUCA.] Municipia could not take as heredes [COLLEGIUM]; but by the senatus-consultum Apronianum, which was probably passed in the time of Hadrian, they could take a fideicommissa hereditas. (Ulp. *Frag.* tit. 22. s. 5; Plin. *Ep.* v. 7.) [HERES (ROMAN).] (Gaius, ii. 247—289; Ulp. *Frag.* tit. 25: Inst. 2. tit. 23, 24; Dig. 36. tit. 1; Cod. 6. tit. 49; Mackeldey, *Lehrbuch*, &c., 12th ed. § 726, &c.; Vangerow, *Leitfaden für Pandekten Vorlesungen*, vol. ii. p. 561.) [G. L.]

FIDEJUSSOR. [INTERCESSIO.]

FIDEPROMISSOR. [INTERCESSIO.]

FIDES. [LYRA.]

FIDI'CULA is said to have been an instrument of torture, consisting of a number of strings. According to some modern writers, it was the same as the equuleus, or at all events formed part of it. [EQUULEUS.] The term, however, appears to be applied to any strings, whether forming part of the equuleus or not, by which the limbs or extremities of individuals were tied tightly. (Sueton. *Tib.* 62, *Cal.* 33; Cod. Theod. 9. tit. 35. s. 1; Sigonius, *De Jud.* iii. 17.)

FIDU'CIA. If a man transferred his property to another, on condition that it should be restored to him, this contract was called Fiducia, and the person to whom the property was so transferred was said *fiduciam accipere*. (Cic. *Top.* c. 10.) A man might transfer his property to another for the sake of greater security in time of danger, or for other sufficient reason. (Gaius, ii. 60.) The contract of fiducia or pactum fiduciae also existed in the case of pignus; and in the case of mancipation. [EMANCIPATIO.] The hereditas itself might be an object of fiducia. [FIDEICOMMISSUM.] The trustee was bound to discharge his trust by restoring the thing: if he did not, he was liable to an actio fiduciae or fiduciaria, which was an actio bonae fidei. (Cic. *de Off.* iii. 15, *ad Fam.* vii. 12; ut inter bonos bene agier oportet.) If the trustee was condemned in the action, the consequence was infamia. Cicero enumerates the judicium fiduciae with that tutelae and societatis as "judicia summae existimationis et paene capitis" (Cic. *pro Ros. Com.* c. 6), where he is evidently alluding to the consequence of infamia. (Compare Savigny, *System*, &c. vol. ii. p. 176.)

When the object for which a thing was transferred to another was attained, a remancipatio of those things which required to be transferred by mancipatio or in jure cessio was necessary; and with this view a particular contract (*pactum fiduciae*) was inserted in the formula of mancipatio. If no remancipatio took place, but only a simple restitutio, usucapio was necessary to restore the Quiritarian ownership, and this was called usureceptio. The contract of fiducia might be accompanied with a condition, by virtue of which the fiducia might cease in a given case, and thus the fiducia was connected with the Commissoria Lex, as we see in Paulus (*Sent. Recept.* ii. tit. 13), and in Cic. *pro Flacco*, c. 21, "fiducia commissa," which may be explained by reference to Commissum. (Gaius, ii. 60, iii. 201; Rosshirt, *Grundlinien*, &c. § 99; Rein, *Das Röm. Privatrecht;* Heinecc. *Syntagma*. ed. Haubold.) [G. L.]

FIDUCIA'RIA ACTIO. [Actio.]

FIGLI'NA ARS. [Fictile.]

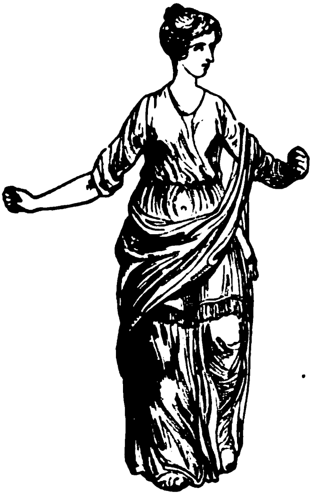
FIGLINAE. [Fictile.]

FI'GULUS. [Fictile.]

FILIUSFAMILIAS. [Familia.]

FI'MBRIAE (*κροσσοί*; *Ionice*, *θύσανοι*, Greg. Corinth.), thrums; tassels; a fringe.

When the weaver had finished any garment on the loom [Tela], the thrums, *i. e.* the extremities of the threads of the warp, hung in a row at the bottom. In this state they were frequently left, being considered ornamental. Often also, to prevent them from ravelling, and to give a still more artificial and ornamental appearance, they were separated into bundles, each of which was twisted (*στρεπτοῖς θυσάνοις*, Brunck, *Anal.* i. 416), and tied in one or more knots. The thrums were thus, by a very simple process, transformed into a row of tassels. The linen shirts, found in Egyptian tombs, sometimes show this ornament among their lower edge, and illustrate, in a very interesting manner, the description of these garments by Herodotus (ii. 81). Among the Greeks and Romans fringes were seldom worn except by females (*κροσσωτὸν χιτῶνα*, Brunck, ii. 525; Jacobs, &c. *ad loc.*; Pollux, vii. 64; Sueton. *Jul.* 45). Of their manner of displaying them the best idea may be formed by the inspection of the annexed woodcut, taken from a small bronze, representing a Roman lady who wears an inner and an outer tunic, the latter being fringed, and over these a large shawl or pallium.



Among barbarous nations the amictus was often worn by men with a fringe, as is seen very conspicuously in the group of Sarmatians at p. 213 By crossing the bundles of thrums, and tying them at the points of intersection, a kind of network was produced, and we are informed of a fringe of this description, which was, moreover, hung with bells. (Diod. xviii. 26.) The ancients also manufactured fringes separately, and sewed them to the borders of their garments. They were likewise made of gold thread and other costly materials. Of this kind was the ornament, consisting of a hundred golden tassels, which surrounded the mythical shield of Jupiter, the *αἰγὶς θυσανόεσσα*, and which depended from the girdle of Juno. (Hom. *Il.* ii. 448, v. 738, xiv. 181, xvii. 593.)

In consequence of the tendency of wool to form itself into separate bundles like tassels (*θυσανηδὸν*, Aelian, *H. A.* xvi. 11), the poets speak of the golden fleece as consisting of them (Pind. *Pyth.* iv. 411; Apoll. Rhod. iv. 1146); and Cicero, declaiming against the effeminacy of Gabinius, applies the same expression to his curling locks of hair (*in Pis.* 11). [J. Y.]

FINITO'RES. [Agrimensores.]

FI'NIUM REGUNDO'RUM ACTIO. If the boundaries of contiguous estates were accidentally confused, each of the parties interested in the re-establishment of the boundaries might have an action against the other for that purpose. This action belonged to the class of duplicia judicia. [Familiae Erciscundae Actio.] In this action each party was bound to account for the fruits and profits which he had received from any part of the land which did not belong to him, and also to account for any injury which it had sustained through his culpa. Each party was also entitled to compensation for improvements made in the portion of land which did not belong to him. (Dig. 10. tit. 1.) There is an article entitled 'Ueber die Gränzscheidungsklage' by Rudorff in the *Zeitschrift für Geschichtliche Rechtswissenschaft*, vol. x. [Ager.] [G. L.]

FISCA'LES. [Gladiatores.]

FISCUS. The following is Savigny's account of the origin and meaning of this term:—

In the republican period, the state was designated by the term Aerarium, in so far as it was viewed with respect to its having property, which ultimately resolved itself into receipts into, and payments made out of, the public chest. On the establishment of the imperial power, there was a division of the provinces between the senate, as the representative of the old republic, and the Caesar; and there was consequently a division of the most important branches of public income and expenditure. The property of the senate retained the name of Aerarium, and that of the Caesar, as such, received the name of Fiscus. The private property of the Caesar (*res privata Principis*, *ratio Caesaris*) was quite distinct from that of the Fiscus. The word Fiscus signified a wicker-basket, or pannier, in which the Romans were accustomed to keep and carry about large sums of money (Cic. *Verr.* i. 8; Phaedr. *Fab.* ii. 7); and hence Fiscus came to signify any person's treasure or money chest. The importance of the imperial Fiscus soon led to the practice of appropriating the name to that property which the Caesar claimed as Caesar, and the word Fiscus, without any adjunct, was used in this sense (*res fisci est*, Juv. *Sat.* iv. 54). Ultimately the word came to signify generally the property of the state, the Caesar having concentrated in himself all the sovereign power, and thus the word Fiscus finally had the same signification as Aerarium in the republican period. It does not appear at what time the Aerarium was merged in the Fiscus, though the distinction of name and of thing continued at least to the time of Hadrian. In the later periods the words Aerarium and Fiscus were often used indiscriminately, but only in the sense of the imperial chest, for there was then no other public chest. So long as the distinction existed between the aerarium and the fiscus, the law relating to them severally might be expressed by the terms jus populi and jus fisci, as in Paulus (*Sent. Recept.* v. 12), though there is no reason for applying the distinction to the time when Paulus wrote; for, as already observed, it had then long ceased.

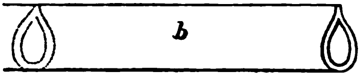
The Fiscus had a legal personal existence; that is, as the subject of certain rights, it was legally a person, by virtue of the same fiction of law which gave a personal existence to corporations, and the communities of cities and villages. But the Fiscus differed in many respects from other persons existing by fiction of law; and, as an instance, it was never under any incapacity as to taking an hereditas, which, for a long time, was the case with corporations, for the reason given by Ulpian. [COLLEGIUM]. These reasons would also apply to the Populus, as well as to a Municipium, and yet the populus is never alluded to as being under such disability; and in fact it could not, consistently with being the source of all rights, be under any legal disabilities.

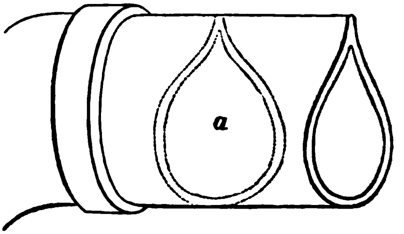
Various officers, as Procuratores, Advocati [ADVOCATUS], Patroni, and Praefecti were employed in the administration of the Fiscus. Nerva established a Praetor Fiscalis to administer the law in matters relating to the Fiscus. The patrimonium or private property of the Caesar was administered by Procuratores Caesaris. The privileges of the Fiscus were, however, extended to the private property (*ratio*) of the Caesar, and of his wife the Augusta. (Dig. 49. tit. 14. s. 6.)

Property was acquired by the Fiscus in various ways, enumerated in the Digest (49. tit. 14. s. 1), many of which may be arranged under the head of penalties and forfeitures. Thus, if a man was led to commit suicide in consequence of having done some criminal act (*flagitium*), or if a man made counterfeit coin, his property was forfeited to the fiscus. (Paulus, *S. R.* v. 12.) The officers of the Fiscus generally received information (*nunciationes*) of such occurrences from private individuals, who were rewarded for their pains. Treasure (*thesaurus*) which was found in certain places was also subject to a claim on the part of the Fiscus. To explain the rights and privileges of the Fiscus, and its administrations, would require a long discussion. (Dig. 49. tit. 15. *de Jure Fisci;* Cod. 10. tit. 1; Cod. Theod. 10. tit. 1; Paulus, *Sent. Recept.* v. 12; Savigny, *System des heut. Röm. R.* vol. ii.; *Fragmentum veteris juris-consulti de Jure Fisci*, printed in Goeschen's edition of Gaius; Savigny, *Neu entdeckte Quellen des Röm. R.*, *Zeitschrift*, vol. iii.) [G. L.]

FISTU'CA, an instrument used for ramming down pavements and threshing floors, and the foundations of buildings (Cato, *R. R.* 18, 28; Plin. *H. N.* xxxvi. 25. s. 61; Vitruv. iii. 3. s. 4. § 1, x. 3. s. 2. § 3); and also for driving piles (Caes. *B. G.* iv. 17). When used for the former purpose, that of making earth solid, it was no doubt a mere log of wood (shod perhaps with iron), with handles to lift it up; just like a paviour's rammer. But in the case cited from Caesar, where it was used for driving the piles of his bridge over the Rhine, it is almost evident that it must have been a machine, something like our pile-driving engine (or monkey), by which a heavy log of wood, shod with iron, was lifted up to a considerable height and then let fall on the head of the pile. [P. S.]

FI'STULA (σωλήν), a water-pipe. Vitruvius (viii. 7. s. 6. § 1, ed. Schn.) distinguishes three modes of conveying water: by channels of masonry (*per canales structiles*), by leaden pipes (*fistulis plumbeis*), and by earthen pipes (*tubulis fictilibus*); but of these two sorts of pipes the leaden were the more commonly used.* [AQUAEDUCTUS.] They were made by bending up cast plates of lead into a form not perfectly cylindrical, but having a sort of ridge at the junction of the edges of the plate, as represented in the following engraving, taken from antique specimens. (Frontin. *de Aquaed.* p. 73. fig. 15, 16, ed. Polen.; Hirt, *Lehre d. Gebäude*, pl. xxxii. fig. 8.)





In the manufacture of these pipes, particular attention was paid to the bore, and to the thickness. The accounts of Vitruvius, Frontinus, and other writers, are not in perfect accordance; but it appears, from a comparison of them, that two different systems of measurement were adopted, namely, either by the width of the plate of lead (*lamina* or *lamna*) before it was bent into the shape of a pipe, or by the internal diameter or bore (*lumen*) of the pipe when formed. The former is the system adopted by Vitruvius (*l. c.* § 4); according to him the leaden plates were cast of a length not less than ten feet, and of a width containing an exact number of *digits* (sixteenths of a foot), which number was of course different for different sized pipes; and then the sizes of the pipes were named from the number of digits in the width of the plates, as in the following table, where the numbers on the right hand indicate the number of pounds which Vitruvius assigns to each ten-feet length of pipe: —

Centenaria, from a plate	100	digits wide	:	1200	lbs.
Octogenaria —	80	—	:	960	—
Quinquagenaria —	50	—	:	600	—

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* The etymological distinction between *fistula* and *tubus* seems to be that the former, which originally signified *a flute*, was a small pipe, the latter a large one; but, in usage, at least so far as water-pipes are concerned, it seems that *fistula* is applied to a leaden pipe, *tubus* and *tubulus* to one of any other material, especially of terra-cotta, as in the above and the following passages. (Varro, *R. R.* i. 8; Colum. i. 5; Plin. v. 31. s. 34, xvi. 42. s. 81, xxxv. 12. s. 46; Frontinus, see below.)

Quadragenaria	—	40	—	:	480	—
Tricenaria	—	30	—	:	360	—
Vicenaria	—	20	—	:	240	—
Quindena	—	15	—	:	180	—
Dena	—	10	—	:	120	—
Octona	—	8	—	:	96*	—
Quinaria	—	5	—	:	60	—

From this scale it is evident, at a mere glance, that the thickness of the plates was the same for pipes of all sizes, namely, such that each strip of lead, ten feet long and one digit wide, weighed twelve pounds. The account of Vitruvius is followed by Pliny (*H. N.* xxxi. 6. s. 31) and Palladius (ix. 12 : comp. the notes of Schneider and Gesner).

Frontinus, who enters into the subject much more minutely, objects to the system of Vitruvius as too indefinite, on account of the variation which is made in the shape of the pipe in bending up the plate of lead ; and he thinks it more probable that the names were derived from the length of the internal diameters, reckoned in *quadrantes* (the unit being the digit), that is, *in quarters of a digit ;* so that the *Quinaria* had a diameter of five fourths of a digit, or 1¼ digit, and so on, up to the *Vicenaria*, above which the notation was altered, and the names were no longer taken from the number of *linear quarters of a digit* in the *diameter* of the pipe, but from the number of *square quarters of a digit* in its area, and this system prevailed up to the *Centumvicena*, which was the largest size in use, as the *Quinaria* was the smallest: the latter is adopted by Frontinus as the standard measure (*modulus*) of the whole system. (For further details see Frontinus, *de Aquaed.* 20—63, pp. 70—112, with the Notes of Polenus.) Another mode of explaining the nomenclature was by the story that when Agrippa undertook the oversight of the aquaeducts, finding the *modulus* inconveniently small, he enlarged it to *five* times its diameter, and hence the origin of the *fistula quinaria.* (Frontin. 25, pp. 80, 81.) Of these accounts that of Vitruvius appears at once the most simple and the most correct: indeed it would seem that the plan of measurement was very probably the invention of Vitruvius himself. (Frontin. *l. c.*) Respecting the uses of pipes in the aqueducts, see AQUAEDUCTUS.

Of the earthen (terra-cotta) pipes we know very little. Pliny says that they are best when their thickness is two digits (1½ inch), and that each pipe should have its end inserted in the next, and the joints should be cemented ; but that leaden pipes should be used where the water rises. The earthen pipes were thought more wholesome than the leaden. (Plin. *H. N.* xxxi. 6. s. 31 ; Vitruv. *l. c.* § 10 ; Pallad. ix. 11.) Water pipes were also made of leather (Plin. *H. N.* v. 31. s. 34 ; Vitruv. *l. c.* § 8) ; and of wood (Pallad. *l. c.*), especially of the hollowed trunks of the pine, fir, and alder. (Plin. *H. N.* xvi. 42. s. 81.) [P. S.]

FLABELLUM, *dim.* **FLABELLULUM**, (*ῥιπίς, ῥιπιστήρ, dim. ῥιπίδιον*), a fan. "The exercise of the fan," so wittily described by Addison (*Spect.* No. 102), was wholly unknown to the ancients. Neither were their fans so constructed that they might be furled, unfurled, and fluttered, nor were they even carried by the ladies themselves. They were, it is true, of elegant forms, of delicate colours (*prasino flabello*, Mart. iii. 40), and sometimes of costly and splendid materials, such as peacock's feathers (Propert. ii. 15) ; but they were stiff and of a fixed shape, and were held by female slaves (*flabelliferae*, Philemon, as translated by Plaut. *Trin.* ii. 1. 22), by beautiful boys (Strato, *Epig.* 22), or by eunuchs (Eurip. *Orest.* 1408—1412 ; Menander, p. 175, ed. Meineke ; and as translated by Terence, *Eun.* iii. 5. 45—54), whose duty it was to wave them so as to produce a cooling breeze. (Brunck, *Anal.* ii. 92.) A gentleman might, nevertheless, take the fan into his own hand and use it in fanning a lady as a compliment. (Ovid, *Ars Am.* i. 161, *Amor.* iii. 2. 38.) The woodcut at p. 257 shows a female bestowing this attendance upon her mistress. The fan which she holds is apparently made of separate feathers joined at the base, and also united both by a thread passing along the tips and by another stronger thread tied to the middle of the shaft of each feather. Another use of the fan was to drive away flies from living persons, and from articles of food which were either placed upon the table or offered in sacrifice. When intended for a fly-flapper it was less stiff, and was called *muscarium* (Mart. xiv. 67), and *μυιοσόβη* (Menander, p. 175 ; Aelian, *H. A.* xv. 14 ; Brunck, *Anal.* ii. 388, iii. 92). In short, the manner of using fans was precisely that which is still practised in China, India, and other parts of the East ; and Euripides (*l. c.*) says that the Greeks derived their knowledge of them from "barbarous" countries. The emperor Augustus had a slave to fan him during his sleep (Sueton. *Aug.* 82) ; for the use of fans was not confined to females.

Besides separate feathers the ancient fan was sometimes made of linen, extended upon a light frame. (Strato, *l. c.*) From the above-cited passage of Euripides and the ancient Scholia upon it, compared with representations of the flabellum in ancient paintings, it also appears to have been made by placing the two wings of a bird back to back, fastening them together in this position, and attaching a handle at the base. (See also Brunck, *Anal.* ii. 258, Πτερίναν ῥιπίδα.)

A more homely application of the fan was its use in cookery [FOCUS]. In a painting which represents a sacrifice to Isis (*Ant. d' Ercolano*, ii. 60), a priest is seen fanning the fire upon the altar with a triangular flabellum, such as is still used in Italy. This practice gave origin among classical writers to expressions corresponding to ours, meaning to fan the flame of hope (Alciph. iii. 47), of love (*ῥιπίζειν*, Brunck, ii. 306), or of sedition (Aristoph. *Ran.* 360 ; Cic. *pro Flacc.* 23). [J. Y.]

FLAGRUM, *dim.* **FLAGELLUM** (*μάστιξ*), a whip, a scourge, to the handle of which was fixed a lash made of cords (*funibus*, Hor. *Epod.* iv. 3 ; John, ii. 15), or thongs of leather (*loris*, Hor. *Epist.* i. 16. 47 ; *σκυτίνα*, Anac. p. 357, ed. Fischer), especially thongs made from the ox's hide (*bubulis exuviis*, Plaut. *Most.* iv. 1. 26). The *flagellum* properly so called was a dreadful instrument, and is thus put in opposition to the *scutica*, which was a simple whip. (Hor. *Sat.* i. 3. 119.) Cicero in like manner contrasts the severe *flagella* with the *virgae* (*pro Rabir.* 4). The flagellum was chiefly used in the punishment of slaves. It was knotted with bones or heavy indented circles of bronze or terminated by hooks, in which case it was aptly denominated a *scorpion*. The cut below represents a scourge taken from a bas-relief of the statue of Cybele in the Museum of the Capitol at Rome, and fully justifies the epithet of Horace (*l. c.*), *horribile flagellum*. The infliction of punishment with it upon the naked back of the sufferer (Juv. vi. 382) was sometimes fatal (Hor. *Sat.* i. 2. 41), and was carried into execution by a class of persons, themselves slaves, who were called *lorarii*. A slave who had been flogged was called *flagrio* (μαστιγίας, Philemon, p. 415. ed. Mein.; Aristoph. *Ran.* 502, *Equit.* 1225, *Lys.* 1242; *mastigia*, Plautus, *passim*; Ter. *Adelph.* v. 2. 6), which of course became a term of mockery and contempt. During the Saturnalia the scourge was deposited under the seal of the master. We likewise find that some gladiators fought with the flagella (Tertull. *Apol.* 21), as in the coin here introduced. The flagellum here has two lashes. (See also cut, p. 101.) [J. Y.]

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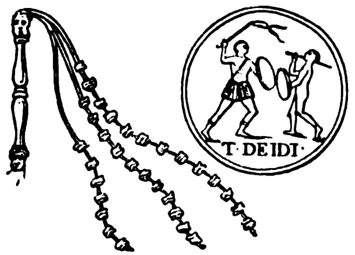
* Pliny and Palladius, and even the ancient MSS. of Vitruvius, give here C, which, however, is clearly an error of a transcriber who did not perceive the law of the proportion, but who had a fancy for the round number.



FLAMEN, the name for any Roman priest who was devoted to the service of one particular god (DIVISQUE ALIIS ALII SACERDOTES, OMNIBUS PONTIFICES, SINGULIS FLAMINES SUNTO, Cic. *De Leg.* ii. 8), and who received a distinguishing epithet from the deity to whom he ministered. (*Horum*, sc. flaminum, *singuli cognomina habent ab eo deo quoi sacra faciunt*, Varro, *De Ling. Lat.* v. 84.) The most dignified were those attached to Diiovis, Mars, and Quirinus, the *Flamen Dialis*, *Flamen Martialis*, and *Flamen Quirinalis*. The two first are said by Plutarch (*Num.* c. 7) to have been established by Romulus; but the greater number of authorities agree in referring the institution of the whole three, in common with all other matters connected with state religion, to Numa. (Liv. i. 20; Dionys. ii. 64. &c.) The number was eventually increased to fifteen (Fest. *s. v. Maximae dignationis*): the three original flamens were always chosen from among the patricians, and styled *Majores* (Gaius, i. 112); the rest from the plebeians, with the epithet *Minores* (Fest. *Majores Flamines*). Two rude lines of Ennius (Varro, *de Ling. Lat.* vii. 44) preserve the names of six of these, appointed, says the poet, by Numa,—

Volturnalem, Palatualem, Furinalem,
Floralemque, Falacrem et Pomonalem fecit
Hic idem.....

to which we may add the *Flamen Volcanalis* (Varro, *De Ling. Lat.* v. 84), and the *Flamen Carmentalis* (Cic. *Brut.* 14). We find in books of antiquities mention made of the *Virbialis*, *Laurentialis*, *Lavinalis*, and *Lucullaris*, which would complete the list; but there is nothing to prove that these four were Roman and not merely provincial priests.

It is generally stated, upon the authority of Aulus Gellius (xv. 27), that the flamens were elected at the Comitia Curiata, and this was doubtless the case in the earlier times; but upon examining the passage in question, it will be seen that the grammarian speaks of their induction into office only, and therefore we may conclude that subsequently to the passing of the *Lex Domitia* they were chosen in the Comitia Tributa, especially since so many of them were plebeians. After being nominated by the people, they were received (*capti*) and installed (*inaugurabantur*) by the Pontifex Maximus (Liv. xxvii. 8, xxix. 38; Val. Max. vi. 9. § 3), to whose authority they were at all times subject. (Liv. *Epit.* xix., xxxvii. 51; Val. Max. i. 1. § 2.)

The office was understood to last for life; but a flamen might be compelled to resign (*flaminio abire*) for a breach of duty, or even on account of the occurrence of an ill-omened accident while discharging his functions. (Val. Max. i. 1. § 4.)

Their characteristic dress was the apex [APEX], the *laena* [LAENA], and a laurel wreath. The name, according to Varro and Festus, was derived from the band of white wool (*filum*, *filamen*, *flamen*) which was wrapped round the apex, and which they wore, without the apex, when the heat was oppressive. (Serv. *Virg. Aen.* viii. 664.) This etymology is more reasonable than the transformation of *pileamines* (from *pileus*) into *flamines*. (Plutarch, *Num.* 7.) The most distinguished of all the flamens was the *Dialis*; the lowest in rank the *Pomonalis*. (Festus, *s. v. Maximae dignationis*.)

The former enjoyed many peculiar honours. When a vacancy occurred, three persons of patrician descent, whose parents had been married according to the ceremonies of *confarreatio* [MARRIAGE], were nominated by the Comitia, one of whom was selected (*captus*), and consecrated (*inaugurabatur*) by the Pontifex Maximus. (Tacit. *Ann.* iv. 16; Liv. xxvii. 8.) From that time forward he was emancipated from the control of his father, and became sui juris. (Gaius, i. 130; Ulpian, *Frag.* x. 5; Tac. *Ann.* iv. 16.) He alone of all priests wore the *albogalerus* [APEX] (Varro, *ap. Gell.* x. 15); he had a right to a *lictor* (Plut. *Q. R.* p. 119, ed. Reiske), to the *toga praetexta*, the *sella curulis*, and to a seat in the senate in virtue of his office. This last privilege, after having been suffered to fall into disuse for a long period, was asserted by C. Valerius Flaccus (B. C. 209), and the claim allowed, more, however, says Livy, in deference to his high personal character than from a conviction of the justice of the demand. (Liv. xxvii. 8; compare i. 20.) The *Rex Sacrificulus* alone was entitled to recline above him at a banquet: if one in bonds took refuge in his house, the chains were immediately struck off and conveyed through the *impluvium* to the roof, and thence cast down into the street (Aul. Gell. x. 15): if a criminal on his way to punishment met him, and fell suppliant at his feet, he was respited for that day (Aul. Gell. x. 15; Plut. *Q. R.* p. 166); usages which remind us of the right of sanctuary attached to the persons and dwellings of the papal cardinals.

To counterbalance these high honours, the Dialis was subjected to a multitude of restrictions and privations, a long catalogue of which has been compiled by Aulus Gellius (x. 15) from the works of Fabius Pictor and Masurius Sabinus, while Plutarch, in his Roman Questions, endeavours to explain their import. Among these were the following: —

It was unlawful for him to be out of the city for a single night (Liv. v. 52); a regulation which seems to have been modified by Augustus, in so far that an absence of two nights was permitted (Tacit. *Ann.* iii. 58. 71); and he was forbidden to sleep out of his own bed for three nights consecutively. Thus, it was impossible for him to undertake the government of a province. He might not mount upon horseback, nor even touch a horse, nor look upon an army marshalled without the pomoerium, and hence was seldom elected to the consulship. Indeed, it would seem that originally he was altogether precluded from seeking or accepting any civil magistracy (Plut. *Q. R.* p. 169); but this last prohibition was certainly not enforced in later times. The object of the above rules was manifestly to make him literally *Jovi adsiduum sacerdotem*; to compel constant attention to the duties of the priesthood; to leave him in a great measure without any temptation to neglect them. The origin of the superstitions which we shall next enumerate is not so clear, but the curious will find abundance of speculation in Plutarch (*Q. R.* pp. 114, 118, 164—170), Festus (*s. v. Edera* and *Equo*), and Pliny (*H. N.* xviii. 30, xxviii. 40). He was not allowed to swear an oath (Liv. xxxi. 50), nor to wear a ring "*nisi pervio et casso*," that is, as they explain it, unless plain and without stones (Kirchmann, *De Annulis*, p. 14); nor to strip himself naked in the open air, nor to go out without his proper head-dress, nor to have a knot in any part of his attire, nor to walk along a path overcanopied by vines. He might not touch flour, nor leaven, nor leavened bread, nor a dead body: he might not enter a *bustum* [FUNUS], but was not prevented from attending a funeral. He was forbidden either to touch or to name a dog, a she-goat, ivy, beans, or raw flesh. None but a free man might cut his hair; the clippings of which, together with the parings of his nails, were buried beneath a *felix arbor*. No one might sleep in his bed, the legs of which were smeared with fine clay; and it was unlawful to place a box containing sacrificial cakes in contact with the bedstead.

Flaminica was the name given to the wife of the dialis. He was required to wed a virgin according to the ceremonies of *confarreatio*, which regulation also applied to the two other flamines majores (Serv. *ad Virg. Aen.* iv. 104, 374; Gaius, i. 112); and he could not marry a second time. Hence, since her assistance was essential in the performance of certain ordinances, a divorce was not permitted, and if she died the dialis was obliged to resign. The restrictions imposed upon the flaminica were similar to those by which her husband was fettered. (Aul. Gell. x. 15.) Her dress consisted of a dyed robe (*venenato operitur*); her hair was plaited up with a purple band in a conical form (*tutulus*); and she wore a small square cloak with a border (*rica*), to which was attached a slip cut from a *felix arbor*. (Fest. *s. v. Tutulum, Rica*; Varro, *De Ling. Lat.* vii. 44.) It is difficult to determine what the *rica* really was; whether a short cloak, as appears most probable, or a napkin thrown over the head. She was prohibited from mounting a staircase consisting of more than three steps (the text of Aulus Gellius is uncertain, but the object must have been to prevent her ancles from being seen); and when she went to the *argei* [ARGEI] she neither combed nor arranged her hair. On each of the nundinae a ram was sacrificed to Jupiter in the regia by the flaminica. (Macrob. i. 16.)

After the death of the flamen Merula, who was chosen consul suffectus on the expulsion of Cinna (Vell. Pat. ii. 20; Val. Max. ix. 12. § 5), and who, upon the restoration of the Marian faction, shed his own blood in the sanctuary (B. C. 87), calling down curses on his enemies with his dying breath (Vell. Pat. ii. 22), the priesthood remained vacant until the consecration of Servius Maluginensis (B. C. 11) by Augustus, then Pontifex Maximus. Julius Caesar had indeed been nominated in his 17th year, but was never installed; and during the whole of the above period the duties of the office were discharged by the Pontifex Maximus. (Suet. *Jul.* c. 1, compared with Vell. Pat. ii. 43, and the Commentators. See also Suet. *Octav.* 31; Dion Cass. liv. 36; Tacit. *Ann.* iii. 58. The last quoted historian, if the text be correct, states the interruption lasted for 72 years only.)

The municipal towns also had their flamens. Thus the celebrated affray between Milo and Clodius took place while the former was on his way to Lanuvium, of which he was then dictator, to declare the election of a flamen (*ad flaminem prodendum*). After the deification of the emperors, flamens were appointed to superintend their worship in Rome and in all the provinces; and we find constantly in inscriptions such titles as FLAMEN AUGUSTALIS; FLAMEN TIBERII CAESARIS; FLAMEN D. JULII, &c., and sometimes FLAMEN DIVORUM OMNIUM (sc. imperatorum).

Flaminia, according to Festus and Aulus Gellius (x. 15), was the house of the Flamen Dialis, from which it was unlawful to carry out fire except for sacred purposes.

Flaminia, according to Festus, was also a name given to a little priestess (*sacerdotula*), who assisted the *flaminica* in her duties. [W. R.]

FLA'MMEUM. [MATRIMONIUM.]

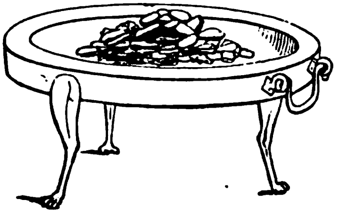
FLEXU'MINES. [EQUITES.]

FLORA'LIA, or Florales Ludi, a festival which was celebrated at Rome in honour of Flora or Chloris. It was solemnized during five days, beginning on the 28th of April and ending on the 2d of May. (Ovid, *Fast.* v. 185; Plin. *H. N.* xviii. 69.) It was said to have been instituted at Rome in 238 B. C., at the command of an oracle in the Sibylline books, for the purpose of obtaining from the goddess the protection of the blossoms (*ut omnia bene deflorescerent*, Plin. *l. c.*; compare Vell. Pat. i. 14; Varro, *De Re Rust.* i. 1). Some time after its institution at Rome its celebration was discontinued; but in the consulship of L. Postumius Albinus and M. Popilius Laenas (173 B. C.), it was restored, at the command of the senate, by the aedile C. Servilius (Eckhel, *De Num. Vet.* v. p. 308; compare Ovid, *Fast.* v. 329, &c.), as the blossoms in that year had severely suffered from winds, hail, and rain. The celebration was, as usual, conducted by the aediles (Cic. *in Verr.* v. 14; Valer. Max. ii. 10. § 8; Eckhel, *l. c.*), and was carried on with excessive merriment, drinking, and lascivious games. (Mart.

i. 3; Senec. *Epist.* 96.) From Valerius Maximus we learn that theatrical and mimic representations formed a principal part of the various amusements, and that it was customary for the assembled people on this occasion to demand the female actors to appear naked on the stage, and to amuse the multitude with their indecent gestures and dances. This indecency is probably the only ground on which the absurd story of its origin, related by Lactantius (*Institut.* i. 20), is founded. Similar festivals, chiefly in spring and autumn, are in southern countries seasons for rejoicing, and, as it were, called forth by the season of the year itself, without any distinct connection with any particular divinity; they are to this day very popular in Italy (Voss. *ad Virg. Georg.* ii. 385), and in ancient times we find them celebrated from the southern to the northern extremity of Italy. (See ANTHESPHORIA, and Justin. xliii. 4.) The Floralia were originally festivals of the country people, which were afterwards, in Italy as in Greece, introduced into the towns, where they naturally assumed a more dissolute and licentious character, while the country people continued to celebrate them in their old and merry but innocent manner. And it is highly probable that such festivals did not become connected with the worship of any particular deity until a comparatively late period. (Buttmann, *Mytholog.* ii. p. 54.) This would account for the late introduction of the Floralia at Rome, as well as for the manner in which we find them celebrated there. (See Spanheim, *De Praest. et Usu Numism.* ii. p. 145, &c.) [L. S.]

FOCA'LE, a covering for the ears and neck, made of wool and worn by infirm and delicate persons. (Hor. *Sat.* ii. 3. 255; Senec. *Qu. Nat.* iv. 13; Quintil. xi. 3. 144; Mart. i. 121, xiv. 142.) [J. Y.]

FOCUS, *dim.* FO'CULUS (*ἑστία: ἐσχάρα, ἐσχαρίς, dim. ἐσχάριον*), a fire-place; a hearth; a brazier. The fire-place, considered as the highest member of an altar, is described under ARA, p. 116. Used by itself, it possessed the same sacred character, being, among the Romans, dedicated to the Lares of each family. (Plaut. *Aul.* ii. 8. 16; Cato, *De Re Rust.* 15; Ovid, *Fast.* ii. 589, 611, iii. 423; Juv. xii. 85—95.) It was, nevertheless, made subservient to all the requirements of ordinary life. (Hor. *Epod.* ii. 43, *Epist.* i. 5. 7; Ovid, *Met.* viii. 673; Sen. *De Cons. ad Alb.* 1.) It was sometimes constructed of stone or brick, in which case it was elevated only a few inches above the ground, and remained on the same spot; but it was also frequently made of bronze, and it was then variously ornamented, and was carried continually from place to place. This movable-hearth, or brazier, was properly called *foculus* and *ἐσχάρα*. One is shown at p. 190. Another, found at Caere in Etruria, and preserved in the British Museum, is represented in the annexed woodcut.



In accordance with the sentiments of veneration with which the domestic fire-place was regarded, we find that the exercise of hospitality was at the same time an act of religious worship. Suppliants, strangers, all who sought for mercy and favour, had recourse to the domestic hearth as to an altar. (Hom. *Od.* vii. 153—169; Apoll. Rhod. iv. 693.) The phrase "pro aris et focis" was used to express attachment to all that was most dear and venerable. (Cic. *de Nat. Deor.* iii. 40; Flor. iii. 13.) Among the Romans the focus was placed in the ATRIUM, which, in primitive times, was their kitchen and dining-room. (Virg. *Aen.* i. 726; Servius, *ad loc.*) There it remained, as we see in numerous examples at Pompeii, even after the progress of refinement had led to the use of another part of the house for culinary purposes. On festivals the house-wife decorated the hearth with garlands (Cato, *De Re Rust.* 143; Ovid, *Trist.* v. 5. 10); a woollen fillet was sometimes added. (Propert. iv. 6. 1—6). [J. Y.]

FOEDERA'TAE CIVITA'TES, FOEDERA'TI, SO'CII. In the seventh century of Rome these names expressed those Italian states which were connected with Rome by a treaty (*foedus*). These names did not include Roman colonies or Latin colonies, or any place which had obtained the Roman civitas. Among the foederati were the Latini, who were the most nearly related to the Romans, and were designated by this distinctive name; the rest of the foederati were comprised under the name of Socii or Foederati. They were independent states, yet under a general liability to furnish a contingent to the Roman army. Thus they contributed to increase the power of Rome, but they had not the privileges of Roman citizens. The relations of any particular federate state to Rome might have some peculiarities, but the general relation was that expressed above; a kind of condition, inconsistent with the sovereignty of the federates, and the first stage towards unconditional submission. The discontent among the foederati, and their claims to be admitted to the privileges of Roman citizens, led to the Social War. The Julia Lex (B. C. 90) gave the civitas to the Socii and Latini; and a lex of the following year contained, among other provisions, one for the admission to the Roman civitas of those peregrini who were entered on the lists of the citizens of federate states, and who complied with the provisions of the lex. [CIVITAS.] It appears, however, that the Lex Julia, and probably also the Lex of the following year, contained a condition that the federate state should consent to accept what the Leges offered, or, as it was technically expressed, "populus fundus fieret." (Cic. *pro Balbo*, c. 8.) Those who did not become fundi populi did not obtain the civitas. Balbus, the client of Cicero, was a citizen of Gades, a federate town in Spain. Cn. Pompeius Magnus had conferred the Roman civitas on Balbus, by virtue of certain powers given to him by a lex. It was objected to Balbus that he could not have the civitas, unless the state to which he belonged "fundus factus esset; which was a complete misapprehension, for the term fundus, in this sense, applied to a *whole* state or community, whether federate or other free state, which accepted what was offered, and not to an individual of such state or community, for he might accept the Roman civitas without asking the consent of his fellow citizens at home, or without all of them receiving the same privilege that was offered to himself. The people of a state which had accepted the Roman civitas (*fundus factus est*), were called, in reference to their condition after such acceptance, "fundani." This word only occurs in the Latin inscription (the Lex Romana) of the tablet of Heraclea, l. 85, and proves that the inscription is posterior to the Lex Julia de Civitate. It has indeed been supposed that the word may refer to the acceptance by the state of Heraclea of this lex which is on the tablet; but there is no doubt that it refers to the prior lex which gave the civitas. [FUNDUS.]

It must be observed that the acceptance of the two Leges above mentioned could only refer to the federate states, and the few old Latin states. The Latinae coloniae also received the civitas by the Julia Lex; but as they were under the sovereignty of Rome, their consent to the provisions of this lex was not required.

Before the passing of the Julia Lex, it was not unusual for the Socii and Latini to adopt Roman leges into their own system, as examples of which Cicero mentions the Lex Furia de Testamentis, and the Lex Voconia de Mulierum Hereditatibus; and he adds that there were other instances. (*Pro Balbo*, c. 8.) In such cases, the state which adopted a Roman lex was said 'in eam legem fundus fieri." It hardly needs remark that the state which adopted a Roman lex, did not thereby obtain for its citizens any privileges with respect to the Roman state: the federate state merely adopted the provisions of the Roman lex as being applicable to its own circumstances.

An apparent difficulty is caused by the undoubted fact, that the provisions of the Lex Julia required that the states which wished to avail themselves of its benefits, should consent to accept them. As the federate states commenced the war in order to obtain the civitas, it may be asked why was it given to them on the condition of becoming "fundus?" In addition to the reasons for such condition, which are suggested by Savigny, it may be observed that the lex only expressed in terms what would necessarily have been implied, if it had not been expressed: a federate state must of necessity declare by a public act its consent to accept such a proposal as was contained in the Lex Julia. It appears from the cases of Heraclea and Naples, that the citizens of a federate state were not in all cases unanimous in changing their former alliance with Rome into an incorporation with the Roman state. [CIVITAS.]

There were federate cities beyond the limits of Italy, as shown by the example of Gades: Saguntum and Massilia also are enumerated among such cities. (Savigny, *Volksschluss der Tafel Von Heraclea*, *Zeitschrift*, &c. vol. ix.; Mazochi, *Tab. Herac.* p. 465.) [G. L.]

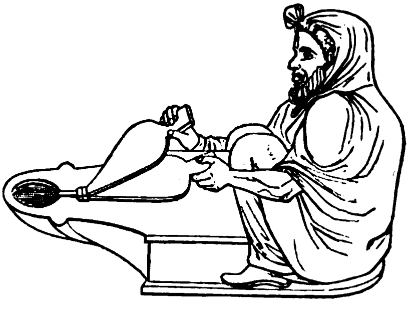
FOEDUS. [FOEDERATAE CIVITATES.]

FOENUS. [FENUS.]

FOLLIS, *dim.* **FOLLI'CULUS,** an inflated ball of leather, perhaps originally the skin of a quadruped filled with air: Martial (iv. 19) calls it "light as a feather." Boys and old men among the Romans threw it from one to another with their arms and hands as a gentle exercise of the body, unattended with danger. (Mart. vii. 31, xiv. 45, 47; Athen. i. 25.) The emperor Augustus (Suet. *Aug.* 83) became fond of the exercise as he grew old. (See Becker, *Gallus*, vol. i. p. 271.)

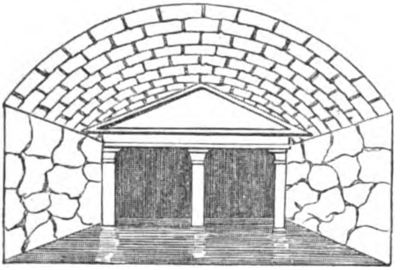
The term *follis* is also applied to a leather purse or bag (Plaut. *Aul.* ii. 4. 23; Juv. xiv. 281); and the diminutive *folliculus* to the swollen capsule of a plant, the husk of a seed, or anything of similar appearance. (Senec. *Nat. Quaest.* v. 18; Tertull. *De Res. Carn.* 52.)

Two inflated skins (δύο φῦσαι, Herod. i. 68; ζώπυρα, Ephor. *Frag.* p. 188; πρηστῆρες, Apoll. Rhod. iv. 763, 777), constituting *a pair of bellows*, and having valves adjusted to the natural apertures at one part for admitting the air, and a pipe inserted into another part for its emission, were an essential piece of furniture in every forge and foundry. (*Il.* xviii. 372—470; Virg. *Aen.* viii. 449.) According to the nature and extent of the work to be done the bellows were made of the hides of oxen (*taurinis follibus*, Virg. *Georg.* iv. 171), or of goats (*hircinis*, Hor. *Sat.* i. 4. 19), and other smaller animals. The nozzle of the bellows was called ἀκροφύσιον or ἀκροστόμιον (Thucyd. iv. 100; Eust. in *Il.* xviii. 470). In bellows made after the fashion of those exhibited in the lamp here introduced from Bartoli (*Ant. Lucerne*, iii. 21), we may imagine the skin to have been placed between the two boards so as to produce a machine like that which we now employ. [J. Y.]



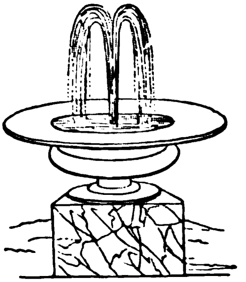
FONS (κρήνη), signifies originally a natural spring of water, but both the Greeks and Romans had artificial fountains, made either by covering and decorating a spring with buildings and sculpture, or by making a jet or stream of water, supplied by an elevated cistern, play into an artificial basin. Such fountains served the double purpose of use and ornament. Among the Greeks, they formed the only public supply of water except the rain-water which was collected in cisterns [AQUAEDUCTUS]; and at Rome, the poorer people, who could not afford to have water laid on to their houses, no doubt procured it from the public fountains.

Several examples of natural springs, converted into ornamented fountains, in the cities of Greece, have been mentioned under AQUAEDUCTUS. They were covered to keep them pure and cool, and the covering was frequently in the form of a monopteral temple: there were also statues, the subjects of which were suggested by the circumstance that every fountain was sacred to some divinity, or they were taken from the whole range of mythological legends. That at Megara, erected by Theagenes, is described by Pausanias as worth seeing for its size, its beauty, and the number of its columns (i. 40. § 1). That of Peirene at Corinth was adorned with covered cisterns of white marble, like grottoes, out of which the water flowed into the open air, and with a statue of Apollo, and was enclosed with a wall, on which was painted the slaughter of the suitors by Ulysses. (Paus. ii. 3. § 3; see a paper by Göttling, on the present state of this fountain, and of the *Craneion*, with an engraving of the source of the Peirene, in Gerhard's *Archäologische Zeitung* for 1844, pp. 326, 328; the engraving is given below.) Corinth contained numerous other fountains; over one of which was a statue of Bellerophon and Pegasus, with the water flowing out of the horse's hoofs (*Ib.* § 5); over another, that of Glauce, was the Odeium (*Ib.* § 6); and another was adorned with a bronze statue of Poseidon, with a dolphin at his feet, out of the mouth of which the water flowed. (Paus. ii. 2. § 7. s. 8.) In the same city, was another fountain on a still grander scale; namely, that of Lerna, which was surrounded by a colonnade with seats for those who desired a cool retreat in summer; the water was no doubt collected in a spacious basin in the centre. (*Ib.* 4. § 5. s. 6; see also 5. § 1.) Several other fountains of a similar kind to these are described or referred to by Pausanias (ii. 27, iv. 31, 33, 34, vii. 5, 21, viii. 1), among which two deserve special mention, as they were within temples; namely, that in the temple of Erechtheus at Athens, and of Poseidon at Mantineia, which were salt-water springs (i. 26. § 5, viii. 10. § 4). Vitruvius mentions the fountain of Salmacis as among the admirable works of art at Halicarnassus. (ii. 8. § 12.)

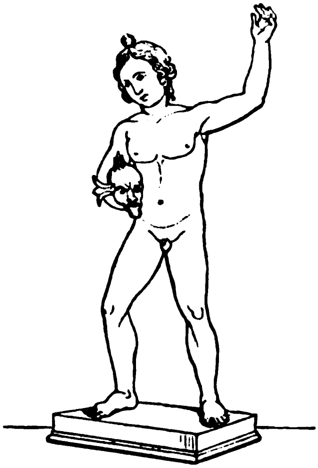


The Romans also erected edifices of various degrees of splendour over natural springs, such as the well-known grotto of Egeria, near Rome, where the natural cave is converted by the architect into a sort of temple (comp. Plin. *H. N.* xxxvi. 21. s. 42), and the *baptisterium* of Constantine. A simple mode of decorating less considerable springs was by covering them with a vault, in the top of which was an opening, surrounded by a balustrade, or by a low wall adorned with marble bas-reliefs, one example of which, among many, is seen in a relief representing the twelve gods, now in the Capitoline Museum. In all cases, a cistern was constructed to contain the water, either by cutting it out of the living rock, or (if the spring did not rise out of rock) by building it of masonry. Vitruvius discusses at length the different sorts of springs, and gives minute rules for testing the goodness of the spring, and for the construction of the cisterns (viii. 3. 7). The observations of Vitruvius apply chiefly to those springs and cisterns which formed the sources of the aqueducts.

At Rome, a very large proportion of the immense supply of water brought to the city by the aqueducts, was devoted to the public fountains, which were divided into two classes; namely, *lacus*, ponds or reservoirs, and *salientes*, jets of water, besides which many of the castella were so constructed as to be also fountains. (See Aquaeductus, p. 114, b, and the woodcut.) Agrippa, who during his aedileship paid special attention to the restoration of the Roman waterworks, is said to have constructed 700 *lacus*, 105 *salientes*, and 130 *castella*, of which very many were magnificently adorned; they were decorated with 300 bronze or marble statues, and 400 marble columns. (Plin. *H. N.* xxxvi. 15. s. 24. § 9.) There were also many small private fountains in the houses and villas of the wealthy. (Plin. *Epist.* v. 6.) At Pompeii, the fountains are extremely numerous, and that not only in the streets and public places, especially at the junctions of streets (*in biviis*, *in triviis*); but also in private houses. The engraving on p. 109 represents a section of one of these fountains, in which the water pours into a basin; that now given, in which the water is thrown up in a jet, is taken from an arabesque painting on the wall of a house at Pompeii: in the painting, the vase and pedestal rise out of a sheet of water, which may be supposed to represent the *impluvium* in the atrium of a house. (Respecting the fountains of Pompeii, see *Pompeii*, vol. i. p. 131, vol. ii. pp. 71, 78, and Sir W. Gell's *Pompeiana*, vol. i. pp. 390, 395, plates 50, 53.) The proof which these fountains afford, of the acquaintance of the ancients with the chief law of hydrostatics is noticed under Aquaeductus, p. 109.



The forms given to fountains were as numerous as the varieties of taste and fancy. The large flat vases were a common form, and they are found, of 5, 10, 20, and 30 feet in diameter, cut out of a single piece of some hard stone, such as porphyry, granite, basanite, breccia, alabaster and marble. An ingenious and elegant variety, of which there is a specimen in the Capitoline Museum, is a tripod, up the centre of which the jet passes, the legs being hollow to carry off the water again. Very often the water was made to flow out of bronze statues, especially of boys, and of Tritons, Nereids, Satyrs, and such beings: several of these statues have been found at Pompeii; and four of them are engraved in *Pompeii*, vol. i. p. 104, one of which is given below. On the Monte Cavallo, at Rome, is a colossal statue of a river god, probably the Rhine, which was formerly in the forum of Augustus, which it refreshes with a stream of water pouring continually into a basin of granite twenty-seven feet in diameter. The celebrated group, known as the Toro Farnese, originally, in Hirt's opinion, adorned a fountain. Mythological subjects were

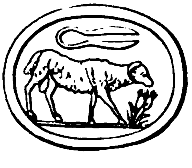


also sculptured over the fountains, as among the Greeks; thus at Rome, there were the fountains of Ganymede and Prometheus, and the Nymphaeum of Jupiter. (Stieglitz, *Archäol. d. Baukunst*, vol. ii. pt. 2. pp. 76, 79; Hirt, *Lehre der Gebäude*, pp. 399, 403.) [P. S.]

FORCEPS (*πυράγρα*), tongs or pincers, need no further explanation here, as they were used in antiquity for the same purposes as they are in modern times. They were invented, as the etymology indicates, for taking hold of what is hot (*forvum*, Festus, *s. v.*; Servius, *ad Virg. Georg.* iv. 175, *Aen.* viii. 453, xii. 404), used by smiths, and therefore attributed to Vulcan and the Cyclopes. (Virg. *ll. cc.*; Hom. *Il.* xviii. 477, *Od.* iii. 434; Callim. *in Del.* 144; *forcipe curva*, Ovid, *Met.* xii. 277.) [Incus; Malleus.]

FORES. [Janua.]

FORFEX, *dim.* FORFICULA (*ψαλίς*, *dim.* *ψαλίδιον*), shears (Serv. *in Virg. Aen.* viii. 453), used, 1. in shearing sheep, as represented in the annexed woodcut, which is taken from a carnelian in the Stosch collection of antique gems at Berlin; 2. in cutting hair (Eurip. *Orest.* 954; Schol. *in loc.*; Brunck, *Anal.* iii. 9; Virg. *Catal.* vii. 9; *ferro bidenti*, *Ciris*, 213); 3. in clipping hedges, myrtles, and other shrubs (*ψαλιστοὶ μυῤῥινῶνες*, Hierocles, *ap. Stob. Serm.* 65.)

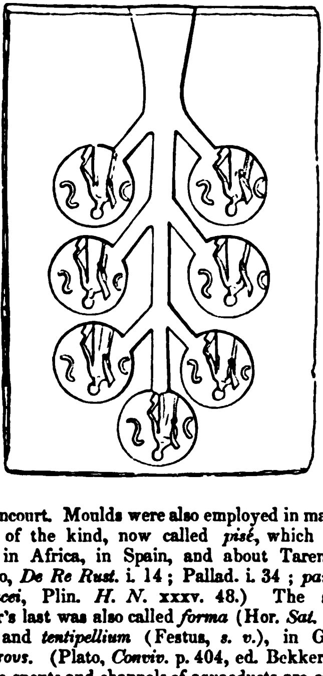


In military manoeuvres the forfex was a tenaille, i. e. a body of troops arranged in the form of an acute angle, so as to receive and overcome the opposite body, called a Cuneus. (Gell. x. 9; Amm. Marc. xvi. 11.)

In architecture the term *ψαλίς* denoted a construction which was probably the origin of the arch (Macculloch's *West. Islands*, i. p. 142, iii. p. 49), consisting of two stones leaning against each other so as to form an acute angle overhead, as is seen in the entrance to the pyramid of Cheops and in the ruins of Mycenae; and gradually brought nearer to the forms which we now employ. (See woodcut, p. 125.) (Plat. *De Leg.* xii. p. 292. ed. Bekker; Diod. Sic. ii. 9.) [J. Y.]

FORI. [Navis; Circus, p. 283, b.]

FORMA, *dim.* FORMULA, *second dim.* FORMELLA (*τύπος*), a pattern, a mould; any contrivance adapted to convey its own shape to some plastic or flexible material, including moulds for making pottery, pastry, cheese, bricks, and coins. The moulds for coins were made of a kind of stone, which was indestructible by heat. (Plin. *H. N.* xxxvi. 49.) The mode of pouring into them the melted metal for casting the coins will be best understood from the annexed woodcut, which represents one side of a mould, engraved by Seroux d'Agincourt. Moulds were also employed in making walls of the kind, now called *pisé*, which were built in Africa, in Spain, and about Tarentum. (Varro, *De Re Rust.* i. 14; Pallad. i. 34; *parietes formacei*, Plin. *H. N.* xxxv. 48.) The shoemaker's last was also called *forma* (Hor. *Sat.* ii. 3. 106) and *tentipellium* (Festus, *s. v.*), in Greek *καλόπους*. (Plato, *Conviv.* p. 404, ed. Bekker.)



The spouts and channels of aqueducts are called *formae*, perhaps from their resemblance to some of the moulds included in the above enumeration. (Frontin. *De Aquaeduct.* 75, 126.) [J. Y.]

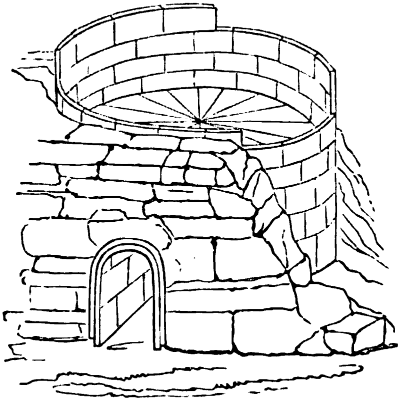
FO'RMULA. [Actio.]

FORNACA'LIA, a festival in honour of Fornax, the goddess of furnaces, in order that the corn might be properly baked. (Festus, *s. v.*) This ancient festival is said to have been instituted by Numa. (Plin. *H. N.* xviii. 2.) The time for its celebration was proclaimed every year by the Curio Maximus, who announced in tablets, which were placed in the forum, the different part which each curia had to take in the celebration of the festival. Those persons who did not know to what curia they belonged, performed the sacred rites on the *Quirinalia*, called from this circumstance the *Stultorum feriae*, which fell on the last day of the Fornacalia. (Ovid, *Fasti*, ii. 527; Varro, *De Ling.*

Lat. vi. 13, with Müller's note; Festus, *s. v. Quirinalia*, *Stultor. feriae.*)

The Fornacalia continued to be celebrated in the time of Lactantius. (Lactant. i. 20.)

FORNAX, *dim.* FORNA'CULA (κάμινος, *dim.* καμίνιον), a kiln; a furnace. The construction of the kilns used for baking earthenware [Fictile] may be seen in the annexed woodcut, which represents part of a Roman pottery discovered at Castor, in Northamptonshire. (Artis's *Durobrivae*, Lond. 1828.) The dome-shaped roof has been destroyed; but the flat circular floor on which the earthenware was set to be baked is preserved entire. The middle of this floor is supported by a thick column of brick-work, which is encircled by the oven (*furnus*, κλίβανος). The entrance to the oven (*praefurnium*) is seen in front. The lower part of a smelting-furnace, shaped like an inverted bell, and sunk into the earth, with an opening and a channel at the bottom for the discharge of the melted metal, has been discovered near Arles. (Florencourt, *über die Bergwerke der Alten*, p. 30.) In Spain these furnaces were raised to a great height, in order that the noxious fumes might be carried off. (Strabo, iii. 2. p. 391, ed. Sieb.) They were also provided with long flues (*longinquae fornacis cuniculo*, Plin. *H. N.* ix. 62), and with chambers (*camerae*) for the purpose of collecting more plentifully the oxides and other matters by sublimation (*Ibid.* xxxiv. 22. 33—41). Homer describes a blast-furnace with twenty crucibles (χοανοί, *Il.* xviii. 470). Melting-pots or crucibles have been found at Castor (Artis, pl. 38), and at different places in Egypt, in form and material very like those which we now employ. (Wilkinson, *Man. and Cust.* vol. iii. p. 224.) A glass-house, or furnace for making glass, was called ὑελουργεῖον. (Dioscor. v. 182.)

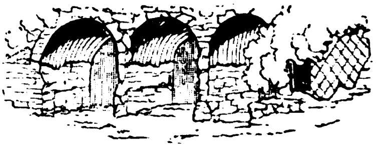


Furnaces of an appropriate construction were erected for casting large statues of bronze (Claud. *De Laud. Stil.* ii. 176), and for making lamp-black. (Vitruv. vii. 10.) [Atramentum.] The lime-kiln (*fornax calcaria*) is described by Cato. (*De Re Rust.* 38; see also Plin. *H. N.* xvii. 6; Vitruv. vii. 3.) On the mode of heating baths, see p. 193.

The early Romans recognized, under the name of Fornax, a divinity who presided over ovens and furnaces [Fornacalia]. [J. Y.]

FORNIX, in its primary sense, is synonymous with Arcus (Senec. *Ep.* 90), but more commonly implies an arched vault, constituting both roof and ceiling to the apartment which it encloses. (Cic. *Top.* 4.) It is composed of a semicylindrical and oblong arch like the *Camera*, but differs from it in construction, consisting entirely of stone or brick, whereas the other was formed upon a frame-work of wood, like the skeleton of a ship (Sallust, *Jugurth.* 18; Suet. *Nero*, 34; Camera); both of which methods appear to have been sometimes united, as in the roof of the Tullianum, described by Sallust (*Cat.* 55), where the ribs of the Camera were strengthened by alternate courses of stone arches.*

From the roof alone, the same word came to signify the chamber itself, in which sense it designates a long narrow vault, covered by an arch of brick or masonry (*tectum fornicatum*), similar to those which occupy the ground floors of the modern Roman palaces. Three such cells are represented in the annexed woodcut, from the remains of a villa at Mola di Gaieta, which passes for the Formian Villa of Cicero. They are covered internally with a coating of stucco, tastily ornamented, and painted in streaks of azure, pink, and yellow.



Being small and dark, and situated upon the level of the street, these vaults were occupied by prostitutes (Hor. *Sat.* i. 2. 30; Juv. *Sat.* iii. 156; xi. 171; compare Suet. *Jul.* 49), whence comes the meaning of the word *fornicatio* in the ecclesiastical writers, and its English derivation.

Fornix is also a sallyport in the walls (Liv. xxxvi. 23; compare xliv. 11); a triumphal arch (Cic. *De Orat.* ii. 66); and a street in Rome, which led to the Campus Martius, was called Via Fornicata (Liv. xxii. 36), probably on account of the triumphal arches built across it. [A. R.]

FORUM. As the plan of the present work does not include a topographical description of the various fora at Rome, the following article only contains a brief statement of the purposes which they served.

Forum, originally, signifies an open place (*area*) before any building, especially before a sepulcrum (Festus, *s. v.*; Cic. *De Leg.* ii. 24), and seems, therefore, etymologically to be connected with the adverb *foras*. The characteristic features of a Roman forum were, that it was a levelled space of ground of an oblong form, and surrounded by buildings, houses, temples, basilicae or porticoes. (Vitruv. v. 1, 2.) It was originally used as a place where justice was administered, and where goods were exhibited for sale. (Varro, *De Ling. Lat.* v. 145, ed. Müller.) We have accordingly to distinguish between two kinds of fora; of which some were exclusively devoted to commercial purposes, and were real market-places, while others were places of meeting for the popular assembly, and for the courts of justice. Mercantile business, however, was not altogether excluded from the latter, and it was especially the bankers and usurers who kept their shops in the buildings and porticoes by which they were surrounded. The latter kinds of fora were sometimes called *fora judicialia*, to distinguish them from the mere market-places.

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* "Tullianum .... muniunt undique parietes, atque insuper Camera, lapideis fornicibus vincta." If the stone chamber now seen at Rome under the Mammertine prisons was really the Tullianum, as commonly supposed, it is not constructed in the manner described; being neither *cameratum* nor *fornicatum*, but consisting of a circular dome, formed by projecting one course of stones beyond the course below it, like the treasury of Atreus at Mycenae, described at p. 125. [Arcus.]

Among the fora judicialia the most important was the *Forum Romanum*, which was simply called *forum*, as long as it was the only one of its kind which existed at Rome. At a late period of the republic, and during the empire, when other fora judicialia were built, the Forum Romanum was distinguished from them by the epithets *vetus* or *magnum*. It was situated between the Palatine and the Capitoline hills, and its extent was seven jugera, whence Varro (*De Re Rust.* i. 2) calls it the "Septem jugera forensia." It was originally a swamp or marsh, but was said to have been filled up by Romulus and Tatius, and to have been set apart as a place for the administration of justice, for holding the assemblies of the people, and for the transaction of other kinds of public business. (Dion. Hal. *Ant. Rom.* iii. p. 200, compare ii. p. 113, Sylburg.) In this widest sense the forum included the comitium, or the place of assembly for the curiae (Varro, *De Ling. Lat.* v. 155, Müller), which was separated from the forum in its narrower sense, or the place of assembly for the comitia tributa, by the Rostra. (Niebuhr, *Hist. of Rome*, i. p. 291. note 746, and p. 426. note 990; Walter, *Gesch. des Röm. Rechts*, p. 83; Göttling, *Gesch. der Röm. Staatsverf.* p. 155.) These ancient rostra were an elevated space of ground or a stage (*suggestum*), from which the orators addressed the people, and which derived their name from the circumstance that, after the subjugation of Latium, its sides were adorned with the beaks (*rostra*) of the ships of the Antiates. (Liv. viii. 14.) In subsequent times, when the curiae had lost their importance, the accurate distinction between comitium and forum likewise ceased, and the comitia tributa were sometimes held in the Circus Flaminius; but towards the end of the republic the forum seems to have been chiefly used for judicial proceedings, and as a money market; hence Cicero (*De Orat.* i. 36) distinguishes between a speaker in the popular assembly (*orator*) and the mere pleader: "Ego istos non modo oratoris nomine, sed ne foro quidem dignos putârim." The orators when addressing the people from the rostra, and even the tribunes of the people in the early times of the republic, used to front the comitium and the curia; but C. Gracchus (Plut. *C. Gracch.* 5), or, according to Varro (*De Re Rust.* i. 2) and Cicero (*De Amicit.* 25), C. Licinius, introduced the custom of facing the forum, thereby acknowledging the sovereignty of the people. In 308 B.C. the Romans adorned the forum, or rather the bankers' shops (*argentarias*) around, with gilt shields which they had taken from the Samnites; and this custom of adorning the forum with these shields and other ornaments was subsequently always observed during the time of the Ludi Romani, when the Aediles rode in their chariots (*tensae*) in solemn procession around the forum. (Liv. ix. 40; Cic. *in Verr.* i. 54, and iii. 4.) After the victory of C. Duilius over the Carthaginians the forum was adorned with the celebrated columna rostrata [COLUMNA]. In the upper part of the forum, or the comitium, the laws of the Twelve Tables were exhibited for public inspection, and it was probably in the same part that, in 304 B.C., Cn. Flavius exhibited the Fasti, written on white tables (*in albo*), that every citizen might be able to know the days on which the law allowed the administration of justice. (Liv. ix. 46.) Besides the ordinary business which was carried on in the forum, we read that gladiatorial games were held in it (Vitruv. v. 1, 2), and that prisoners of war and faithless colonists or legionaries were put to death there. (Liv. vii. 19, ix. 24, xxviii. 28.)

A second forum judiciarium was built by J. Caesar, and was called *Forum Caesaris* or *Julii*. The levelling of the ground alone cost him above a million of sesterces, and he adorned it besides with a magnificent temple of Venus Genitrix. (Suet. *J. Caes.* 26; Plin. *H. N.* xxxiv. 15; Dion Cass. xliii. 22.)

A third forum was built by Augustus and called *Forum Augusti*, because the two existing ones were not found sufficient for the great increase of business which had taken place. Augustus adorned his forum with a temple of Mars and the statues of the most distinguished men of the republic, and issued a decree that only the *judicia publica* and the *sortitiones judicum* should take place in it. (Suet. *Octav.* 29 and 31; compare Dion Cass. lvi. 27; Plin. *H. N. l. c.*; Vell. Pat. ii. 39; Ovid, *Ex Pont.* iv. 15, 16; Martial. iii. 38. 3; Seneca, *De Ira*, ii. 9; Stat. *Silv.* iv. 9. 15.) After the Forum Augusti had severely suffered by fire, it was restored by Hadrianus. (Ael. Spart. *Hadr.* c. 19.)

The three fora which have been mentioned seem to have been the only ones that were destined for the transaction of public business. All the others, which were subsequently built by the emperors, such as the *Forum Trajani* or *Ulpium*, the *Forum Sallustii*, *Forum Diocletiani*, *Forum Aureliani*, &c., were probably more intended as embellishments of the city than to supply any actual want.

Different from these fora were the numerous markets at Rome, which were neither as large nor as beautiful as the former. They are always distinguished from one another by epithets expressing the particular kinds of things which were sold in them, *e. g. forum boarium*, according to Festus, the cattle-market; according to others, it derived the name boarium from the statue of an ox which stood there (Plin. *H. N.* xxxiv. 2; Ovid, *Fast.* vi. 477); *forum olitorium*, the vegetable market (Varro, *De Ling. Lat.* v. 146); *forum piscarium*, fish-market; *forum cupedinis*, market for dainties; *forum coquinum*, a market in which cooked and prepared dishes were to be had, &c.

(Respecting the fora in the provinces, see the articles COLONIA and CONVENTUS; compare Sigonius, *De Antiq. Jur. Ital.* ii. 15, and Walter, *Gesch. des Röm. Rechts*, p. 206.) [L. S.]

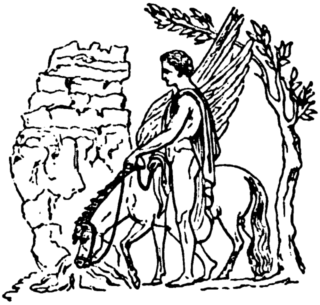
FOSSA. [CASTRA.]

FRAMEA. [HASTA.]

FRATRES ARVA'LES. [Arvales Fratres.]

FRAUS. [Poena.]

FRENUM (χαλινός), a bridle. That Bellerophon might be enabled to perform the exploits required of him by the king of Lycia, he was presented by Athena with a bridle as the means of subduing the winged horse Pegasus, who submitted to receive it whilst he was slaking his thirst at the fountain Peirene. See the annexed woodcut, from an antique which represents this event, and compare Pindar, *Olymp.* xiii. 85—115. Such was the Grecian account of the invention of the bridle, and in reference to it Athena was worshipped at Corinth under the titles Ἱππία and Χαλινῖτις. (Paus. ii. 4. §§ 1, 5.) The several parts of the bridle, more especially the bit, are engraved from ancient authorities in the treatises of Invernizi (*De Frenis*), Ginzrot (*Ueber Wägen*), and Bracy Clark (*Chalinology*, Lond. 1835).



The bit (*orea*, Festus, *s. v.; δῆγμα*, Brunck, *Anal.* ii. 237; *στόμιον*, Aeschyl. *Prom.* 1045) was commonly made of several pieces, and flexible, so as not to hurt the horse's mouth; for the Greeks considered a kind and gentle treatment the best discipline, although, when the horse was intractable, they taught it submission by the use of a bit which was armed with protuberances resembling wolves'-teeth, and therefore called *lupatum*. (Xen. *De Re Eq.* vi. 13, x. 6; Virg. *Georg.* iii. 208; Hor. *Carm.* i. 8. 7; Ovid, *Amor.* i. 2. 15.) The bit was held in its place by a leathern strap passing under the chin, and called *ὑποχαλινιδία*, for which a chain (*ψάλιον*) was often substituted; a rope or thong, distinct from the reins, was sometimes fastened to this chain or strap by means of a ring, and was used to lead the horse (*ῥυταγωγεὺς*, Xen. *l. c.* vii. 1; Aristoph. *Pac.* 154). The upper part of the bridle, by which it was fixed round the ears, is called by Xenophon *κορυφαία* (iii. 2), and it included the Ampyx, which was often ornamental. The cheek-pieces (*παρήϊον*, Hom. *Il.* iv. 142; *παραγναθίδιον*, Eustath. *ad loc.*), which joined this upper portion to the bit, were also in some cases richly adorned, especially among the nations of Asia. Those who took delight in horsemanship bestowed, indeed, the highest degree of splendour and elegance upon every part of the bridle, not excepting the bit, which, though commonly of bronze or iron, was sometimes silver or gold (*fulvum mandunt sub dentibus aurum*, Virg. *Aen.* vii. 279). These precious metals were also either embossed (*frena caelata*, Apul. *De Deo Soc.*) or set with jewels. (Claud. *Epig.* 34. 36.)

Not only was the bridle dispensed with in the management of creatures invented by the imagination of the poet (Aeschyl. *Prom.* 294), but of some which were actually trained by man to go without it. Thus the Numidian desultor guided his two horses by the whip, and the Gallic essedarius, on the banks of the Rhone, directed and animated his mules entirely by the voice. (Claud. *Epig.* 4.) [J. Y.]

FRIGIDA'RIUM. [Balneae, pp. 189, 190.]

FRITILLUS (φιμός), a dice-box of a cylindrical form, and therefore called also *turricula* (Mart. xiv. 16), or *pyrgus* (Sidon. *Epist.* viii. 12), and formed with parallel indentations (*gradus*) on the inside, so as to make a rattling noise when the dice was shaken it. (Mart. iv. 14, xiv. 1; Hor. *Sat.* ii. 7. 17, who uses the Greek form *phimus*.) (Becker, *Gallus*, vol. ii. p. 222.) [J. Y.]

FRONTA'LE. [Ampyx.]

FRUCTUS. [Ususfructus.]

FRUMENTA'RIAE LEGES. From the earliest times the supply of corn at Rome was considered one of the duties of the government. Not only was it expected that the government should take care that the corn-market (*annona*) was properly supplied, but likewise that in all seasons of scarcity, they should purchase corn in the surrounding countries, and sell it to the people at a moderate price (Liv. ii. 9, 34, iv. 12, 52, x. 11, &c. xxvi. 40; Cic. *pro Dom.* 5.) This price, which is spoken of as *annona vetus* (Liv. ii. 34), could not rise much, without exciting formidable discontent; and the administration was in all such cases considered to have neglected one of its most important duties. The superintendence of the corn-market belonged in ordinary times to the aediles, but when great scarcity prevailed, an extraordinary officer was appointed for the purpose under the title of *Praefectus Annonae* (Liv. iv. 12). With the decay of agriculture in Italy, which followed the importation of corn from the provinces, and the decrease of the free population, the government had to pay still further attention to the supply of corn for the city. In addition to this, an indigent population gradually increased in Rome, which could not even purchase corn at the moderate price at which it was usually sold, and who demanded to be fed at the expence of the state. Even in early times it had been usual for the state on certain occasions, and for wealthy individuals who wished to obtain popularity and influence, to make occasional donations of corn to the people (*donatio, largitio, divisio*; subsequently called *frumentatio*). But such donations were only casual; and it was not till the year B. C. 123, that the first legal provision was made for supplying the poor at Rome with corn at a price much below its market value. In that year C. Sempronius Gracchus brought forward the first *Lex Frumentaria*, by which each citizen was entitled to receive every month a certain quantity of wheat (*triticum*) at the price of 6⅓ asses for the modius, which was equal to 1 gallon and nearly 8 pints English.* (Liv. *Epit.* 60; Appian, *B. C.* i. 21;

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* The price of 6⅓ asses (*senos aeris et trientes*) occurs in the Schol. Bob. *ad Cic. Sext.* c. 25. p. 300. c. 48, p. 300; but in the editions of Livy (*Ep.* 60), we find *ut semisse et triente frumentum plebi daretur*, that is, at ⅚ths of an as. But instead of *semisse*, the manuscripts have *semis*, *sexis*, *senis*, evidently for *senis*, and therefore there can be little doubt that

Plut. *C. Gracchus*, 5; Vell. Pat. ii. 6; Cic. *pro Sext.* 48.) This was only a trifle more than half the market price, since in the time of Cicero 3 sesterces = 12 asses were considered a low sum for a modius of wheat (Böckh, *Metrol. Untersch.* p. 420.) It must not be supposed that each person was allowed to receive as much as he pleased every month; the quantity must of course have been fixed, and was probably five modii monthly, as in later times. This quantity was only given to fathers of families; but it was not confined to the poor, as Plutarch (*l. c.*) would imply, for every citizen had a right to it, whether he were rich or poor (*ἑκάστῳ τῶν δημοτῶν*, Appian, *l. c.*; *viritim*, Cic. *Tusc. Disp.* iii. 20); and even Piso, who had been consul, applied for his share at the distribution (Cic. *l. c.*) It appears, however, from the anecdote which Cicero relates about Piso, that each citizen had to apply in person, a regulation which would of itself deter most of the rich. The example that had been set by Gracchus was too tempting not to be followed, although the consequences of such a measure were equally prejudicial to the public finances and the public morality. It emptied the treasury, and at the same time taught the poor to become state-paupers instead of depending upon their own exertions for obtaining a living.

The demagogue Appuleius Saturninus went still further. In B. C. 100 he brought forward his *Lex Appuleia*, by which the state was to sell corn at $\frac{5}{6}$ths of an as for the modius. The city quaestor Q. Caepio pointed out that the treasury could not bear such an expense, and the most violent opposition was offered to the measure. It is doubtful whether it ever passed into a law; and it is at all events certain that it was never carried into execution (Auctor, *ad Herenn.* i. 12; comp. Cic. *de Leg.* ii. 6.) The *Lex Livia*, which was proposed by the tribune, M. Livius Drusus, in B. C. 91, was likewise never carried into effect, as it was repealed by the senate, together with all his other laws as passed in opposition to the auspices. Of the provisions of this Lex Frumentaria we have no account (Liv. *Epit.* 71). About the same time, either shortly before or shortly after the Lex Livia, the tribune M. Octavius, supported by the aristocracy, brought forward the *Lex Octavia*, which modified the law of Gracchus to some extent, so that the public treasury did not suffer so much. He probably either raised the price of the corn, or diminished the number of modii which each citizen was entitled to receive. (Cic. *Brut.* 22, *de Off.* ii. 21.) Sulla went still further, and by his *Lex Cornelia*, B. C. 82, did away altogether with these distributions of corn, so that in the language which Sallust puts into the mouth of Lepidus, *populus Romanus — ne servilia quidem alimenta reliqua habet*. (Sall. *Hist.* in *Orat. Lepid.* p. 939, ed. Cort.) But the senate soon found it inexpedient to deprive the people of their customary largesses, as the popular party began to increase in power; and it was accordingly at the desire of the senate, that the consuls of B. C. 73 brought forward the *Lex Terentia Cassia*, which was probably only a renewal of the Lex Sempronia, with one or two additions respecting the manner in which the state was to obtain the corn. The law enacted that each Roman citizen should receive 5 modii a month at the price of $6\frac{1}{3}$ asses for each modius. It appears from the various orations of Cicero, that by this law the provinces were obliged to furnish the greater part of the corn at a fixed price, which was paid by the Roman treasury, and that the governors of the provinces had to take care that the proper quantity of corn was supplied. (Cic. *Verr.* iii. 70, v. 21, *pro Sext.* 25; Ascon. *in Pis.* 4, p. 9, ed. Orelli.) Occasionally extraordinary distributions of corn were made in virtue of decrees of the senate. (Cic. *Verr. l. c.*; Plut. *Cat. min.* 26, *Caes.* 8.)

All the Leges Frumentariae, that have been hitherto mentioned, had *sold* corn to the people, although at a price much below what the state had paid for it; but as the great party-leaders towards the close of the republic were ready to purchase the support of the people at any sacrifice to the state, the distribution of corn became at length quite gratuitous. Caesar, in his consulship, B. C. 59, had threatened to make it so (Cic. *ad Att.* ii. 19; comp. *pro Dom.* 10); and this threat was carried into execution in the following year, B. C. 58, by the *Lex Clodia* of the tribune Clodius. The corn was thus in future distributed without any payment; and the abolition of the payment cost the state a fifth part of its revenues. (Cic. *pro Sext.* 25; Schol. Bob. *ad Sext.* 25, p. 301, ed. Orelli; Ascon. *in Pis.* 4. p. 9; Dion Cass. xxxviii. 13.) In B. C. 57, Pompey received by the Lex Cornelia Caecilia the superintendence of the corn-market (*cura annonae*) for a period of five years; but no alteration was made in the distribution of corn by virtue of this measure. The only extension which he gave to the distribution was by allowing those citizens, whose names had not hitherto been entered in the lists of the censors, to share in the bounty of the state. (Dion Cass. xxxix. 24.)

The dangerous consequences of such a system did not escape the penetration of Caesar; and accordingly, when he became master of the Roman world, he resolved to remedy the evils attending it, as far as he was able. He did not venture to abolish altogether these distributions of corn, but he did the next best thing in his power, which was reducing the number of the recipients. During the civil wars numbers of persons, who had no claim to the Roman franchise, had settled at Rome in order to obtain a share in the distributions of corn. The first thing, therefore, that Caesar did was to have an accurate list made out of all the corn-receivers, and to exclude from this privilege every person who could not prove that he was a Roman citizen. By this measure the 320,000 persons, who had previously received the corn, were at once reduced to 150,000.[*] Having thus reduced the number of corn-receivers to 150,000, he enacted that this number should not be exceeded for the future, and that vacancies that occurred by death, should be filled up every year by lot by the praetor urbanus. (Suet. *Caes.* 55; Dion Cass. xliii. 21.) It is further exceedingly probable that as a general rule, the corn was not given even to these 150,000, but sold at a low price, as had been the case at an earlier period; and that it was only to the utterly destitute that the corn was supplied

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we ought to read *senis* instead of *semisse*. (Mommsen, *Die Römischen Tribus*, p. 179.)

[*] It must be borne in mind that this was not a census, as Plutarch (*Caes.* 55) and Appian (*B. C.* ii. 102) state, but simply an enumeration of the corn-receivers.

gratuitously: the latter class of persons were furnished with tickets, called *tesserae nummariae* or *frumentariae*. Thus we find it stated (Suet. *Octav.* 41) that Augustus, on one occasion, doubled the number of the *tesserae frumentariae*. If, therefore, the corn was, as a general rule, not given, but sold, we may conclude that every citizen was entitled to be enrolled in the 150,000 corn-receivers, independent of his fortune. The opposite opinion has been maintained by many modern writers; but the arguments, which have been brought forward by Mommsen (*Die Römischen Tribus*, p. 187) and others, but into which our space will not allow us to enter, render the above supposition exceedingly probable.

The useful regulations of Caesar fell into neglect after his death, and the number of corn-receivers was soon increased beyond the limits of 150,000, which had been fixed by the dictator. This we learn from the Monumentum Ancyranum, in which Augustus enumerates the number of persons to whom he had given congiaria at different times; and there can be no doubt that the receivers of the congiaria and of the public corn were the same. Thus, in B. C. 44, and on the three following occasions, he distributed the congiaria to 250,000 persons; and in B. C. 5, the number of recipients had amounted to 320,000. At length, in B. C. 2, Augustus reduced the number of recipients to 200,000, and renewed many of Caesar's regulations. (Suet. *Octav.* 40; Dion Cass. lv. 10.) He had, indeed, thought of abolishing the system of corn-distributions altogether on account of their injurious influence upon Italian agriculture, but had not persevered in his intention from the conviction that the practice would again be introduced by his successors. (Suet. *Octav.* 42.) The chief regulations of Augustus seem to have been: 1. That every citizen should receive monthly a certain quantity of corn (probably 5 modii) on the payment of a certain small sum. As the number of recipients was fixed by Augustus at 200,000, there were consequently 12,000,000 modii distributed every year. Occasionally, in seasons of scarcity, or in order to confer a particular favour, Augustus made these distributions quite gratuitous: they then became congiaria. [CONGIARIUM.] 2. That those who were completely indigent should receive the corn gratuitously, as Julius Caesar had determined, and should be furnished for the purpose with *tesserae nummariae* or *frumentariae*, which entitled them to the corn without payment. (Suet. *Octav.* 41.)

The system, which had been established by Augustus, was followed by his successors; but as it was always one of the first maxims of the state policy of the Roman emperors to prevent any disturbance in the capital, they frequently lowered the price of the public corn, and frequently distributed it gratuitously as a *congiarium*. Hence, the cry of the populace *panem et circenses*. No emperor ventured to abolish the public distributions of corn: the most that he dared do, was to raise the price at which it was sold. When, therefore, we find it stated in Dion Cassius (lxii. 18), that Nero did away with the distributions of corn after the burning of Rome, we cannot understand this literally, but must suppose that he either raised the price of the commodity or, what is more probable, obliged those poor to pay for it, who had previously received it gratuitously. The care, which the emperors took to keep Rome well supplied with corn, is frequently referred to in their coins by the legends, *Annona*, *Ubertas*, *Abundantia*, *Liberalitas*, &c. We find in a coin of Nerva the legend *plebei urbanae frumento constituto*. (Eckhel, vol. vi. p. 406.)

In course of time, the sale of the corn by the state seems to have ceased altogether, and the distribution became altogether gratuitous. Every corn-receiver was therefore now provided with a *tessera*, and this tessera, when once granted to him, became his property. Hence, it came to pass, that he was not only allowed to keep the tessera for life, but even to dispose of it by sale, and bequeath it by will. (Dig. 5. tit. 1. s. 52; 39. tit. 1. s. 49; 39. tit. 1. s. 87.) Every citizen was competent to hold a tessera with the exception of senators. Further, as the corn had been originally distributed to the people according to the thirty-five tribes into which they were divided, the corn-receivers in each tribe formed a kind of corporation, which came eventually to be looked upon as the tribe, when the tribes had lost all political significance. Hence, the purchase of a tessera became equivalent to the purchase of a place in a tribe; and, accordingly, we find in the Digest the expressions *emere tribum* and *emere tesseram* used as synonymous. (Dig. 32. tit. 1. s. 35.)

Another change was also introduced at a later period, which rendered the bounty still more acceptable to the people. Instead of distributing the corn every month, wheaten bread, called *annona civica*, was given to the people. It is uncertain at what time this change was introduced, but it seems to have been the custom before the reign of Aurelian (A. D. 270—275), as it is related of this emperor that on his return from his Eastern expedition, he distributed among the people a larger quantity of bread, and of a different form from that which had been usually given. (Vopisc. *Aurel.* 35; Zosim. i. 61.) The bread was baked by the Pistores, who delivered it to the various depots in the city, from which it was fetched away on certain days by the holders of the tesserae. (Orelli, *Inscrip.* No. 3358.) These depots had steps (*gradus*) leading to them, whence the bread was called *panis gradilis;* and there were the strictest regulations that the bread should only be distributed from these steps, and should never be obtained at the bakers. (Cod. Theod. 14. tit. 17. ss. 3, 4.) When Constantine transferred the seat of government to Constantinople, the system of gratuitous distribution of bread was also transferred to that city; and in order to encourage the building of houses, all householders were entitled to a share of the imperial bounty. (Zosim. ii. 32; Socrat. *H. E.* ii. 13; Sozom. iii. 7; Cod. Theod. 14. tit. 17.) The distribution of bread at Rome was, however, still continued; and the care which the later emperors took that both Rome and Constantinople should be properly supplied with corn, may be seen by the regulations in the Cod. Theod. 14. tit. 15, *De Canone Frumentario urbis Romae*, and tit. 16, *De Frumento Urbis Constantinopolitanae*. The superintendence of the corn-market, under the emperors, belonged to the *Praefectus Annonae*.

Many points connected with this subject have been necessarily omitted in consequence of our limits. The reader who wishes for further information is referred to: Contareni, *De Frum. Rom. Largitione*, in the Thesaurus of Graevius, vol. viii. p. 923; Dirksen, *Civilist. Abhandlungen*, vol. ii. p. 163, &c.; Mommsen, *Die Römischen Tribus*, Altona, 1844, which work contains the best account of the subject; Kuhn, *Ueber die Korneinfuhr in Rom im Alterthum*, in the *Zeitschrift für die Alterthumswissenschaft*, 1845, pp. 993—1008, 1073—1084; Rein, in the *Real-Encyclopädie der classischen Alterthumswissenschaft*, art. *Largitio;* Höckh, *Römische Geschichte*, vol. i. part ii. p. 138, &c., p. 384, &c.; Walter, *Geschichte des Römischen Rechts*, §§ 276—278, 360, 361, 2nd ed.

FRUMENTA'RII, officers under the Roman empire, who acted as spies in the provinces, and reported to the emperors anything which they considered of importance. (Aurel. Vict. *De Caes.* 39, *sub fin.*; Spartian. *Hadrian.* 11; Capitol. *Macrin.* 12, *Commod.* 4.) They appear to have been called *Frumentarii* because it was their duty to collect information in the same way as it was the duty of other officers, called by the same name, to collect corn. They were accustomed to accuse persons falsely, and their office was at length abolished by Diocletian. We frequently find in inscriptions mention made of *Frumentarii* belonging to particular legions (Orelli, *Inscr.* 74, 3491, 4922), from which it has been supposed that the frumentarii, who acted as spies, were soldiers attached to the legions in the provinces; they may, however, have been different officers, whose duty it was to distribute the corn to the legions.

FRUMENTA'TIO. [FRUMENTARIAE LEGES.]

FUCUS (φῦκος), was the general term to signify the paint which the Greek and Roman ladies employed in painting their cheeks, eye-brows, and other parts of their faces. The practice of painting the face was very general among the Greek ladies, and probably came into fashion in consequence of their sedentary mode of life, which robbed their complexions of their natural freshness, and induced them to have recourse to artificial means for restoring the red and white of nature. This at the least is the reason given by some of the ancient writers themselves. (Xen. *Oecon.* 10. § 10; Phintys, *ap. Stobaeum*, tit. lxxiv. 61.) The practice, however, was of great antiquity among the Greeks, and was probably first introduced among the Asiatic Ionians from the East, where the custom has prevailed from the earliest times. That it was as ancient as the time of Homer is inferred from the expression ἐπιχρίσασα παρειάς (*Od.* xviii. 172), but this is perhaps hardly sufficient to prove that the cheeks were *painted.* The ladies at Athens, as might have been expected, did not always paint their faces when at home, but only had recourse to this adornment when they went abroad or wished to appear beautiful or captivating. Of this we have a striking example in the speech of Lysias on the murder of Eratosthenes, in which it is related (p. 93. 20, ed. Steph.) that the wife, after leaving her husband to visit her paramour, painted herself, which the husband observed on the following morning, remarking, ἔδοξε δέ μοι τὸ πρόσωπον ἐψιμυθιῶσθαι. (Comp. Aristoph. *Lysistr.* 149, *Eccl.* 878, *Plut.* 1064; Plut. *Alcib.* 39.) In order to give a blooming colour to the cheeks, ἄγχουσα or ἔγχουσα, a red, obtained from the root of a plant, was most frequently employed (Xen. *Oecon.* 10. § 2); and the following paints were also used to produce the same colour, namely, παιδέρως, also a vegetable dye resembling the rosy hue on the cheeks of young children (Alexis, *ap. Athen.* xiii. p. 568, c), συκάμινον (Eubulis, *ap. Athen.* xiii. p. 557, f), and φῦκος, which was probably a red paint, though used to signify paint in general, as has been already remarked. In order to produce a fair complexion, ψιμύθιον, *cerussa*, white lead was employed. (Alexis, *ap. Athen. l. c.*; Xen. *Oecon.* 10. § 2; Aristoph. *Eccl.* 878, 929.) The eye-brows and eye-lids were stained black with στίμμι or στίμμις, a sulphuret of antimony, which is still employed by the Turkish ladies for the same purpose. (Pollux, v. 101.) The eye-brows were likewise stained with ἄσβολος, a preparation of soot. Thus Alexis says (*l. c.*),

τὰς ὄφρυς πυῤῥὰς ἔχει τις· ζωγραφοῦσιν ἀσβόλῳ.

(Comp. Juv. ii. 93.) Ladies, who used paint, were occasionally betrayed by perspiration, tears, &c., of which a humorous picture is given by the comic poet Eubulus (*ap. Athen. l. c.*), and by Xenophon (*Oecon.* 10. § 8). It would appear from Xenophon (Ibid. § 5) that even in his time men sometimes used paint, and in later times it may have been still more common: Demetrius Phalereus is expressly said to have done so. (Duris, *ap. Athen.* xii. p. 542, d.)

Among the Romans the art of painting the complexion was carried to a still greater extent than among the Greeks; and even Ovid did not disdain to write a poem on the subject, which he calls (*de Art. Am.* iii. 206) "parvus, sed cura grande, libellus, opus;" though the genuineness of the fragment of the *Medicamina faciei*, ascribed to this poet, is doubtful. The Roman ladies even went so far as to paint with blue the veins on the temples, as we may infer from Propertius (ii. 14. 27), "si caeruleo quaedam sua tempora fuco tinxerit." The ridiculous use of patches (*splenia*), which were common among the English ladies in the reign of Queen Anne and the first Georges, was not unknown to the Roman ladies. (Mart. ii. 29. 9, x. 22; Plin. *Ep.* vi. 2.) The more effeminate of the male sex at Rome also employed paint. Cicero speaks (*in Pison.* 11) of the *cerussatae buccae* of his enemy, the consul Piso.

On a Greek vase (Tischbein, *Engravings*, ii. 58) we see the figure of a female engaged in putting the paint upon her face with a small brush. This figure is copied in Böttiger's *Sabina* (pl. ix.), (Comp. Becker, *Charikles*, vol. ii. p. 232, &c.; Böttiger, *Sabina*, vol. i. p. 24, &c., p. 51, &c.)

FUGA LATA. [EXSILIUM.]

FUGA LIBERA. [EXSILIUM.]

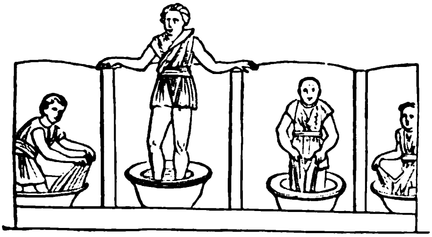
FUGITIVA'RIUS. [SERVUS.]

FUGITI'VUS. [SERVUS.]

FULCRUM. [LECTUS.]

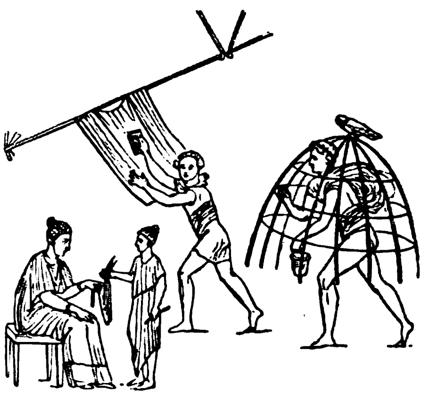
FULLO (κναφεύς, γναφεύς), also called NACCA (Festus, *s. v.*; Apul. *Met.* ix. p. 206, Bipont), a fuller, a washer or scourer of cloth and linen. The fullones not only received the cloth as it came from the loom in order to scour and smooth it, but also washed and cleansed garments which had been already worn. As the Romans generally wore woollen dresses, which were often of a light colour, they frequently needed, in the hot climate of Italy, a thorough purification. The way in which this was done has been described by Pliny and other ancient writers, but is most clearly explained by some paintings which have been found on the walls of a fullonica at Pompeii. Two of these paintings are given by Gell (*Pompeiana*, vol. ii. pl. 51, 52), and the whole of them in the Museo Borbonico (vol. iv. pl. 49, 50); from the latter of which works the following cuts have been taken.

The clothes were first washed, which was done in tubs or vats, where they were trodden upon and stamped by the feet of the fullones, whence Seneca (*Ep.* 15) speaks of *saltus fullonicus.* The following woodcut represents four persons thus employed, of whom three are boys, probably under the superintendence of the man. Their dress is tucked up, leaving the legs bare; the boys seem to have done their work, and to be wringing the articles on which they had been employed.



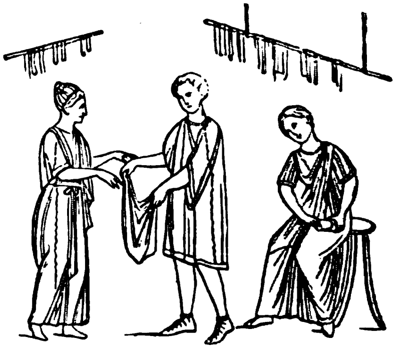
The ancients were not acquainted with soap, but they used in its stead different kinds of alkali, by which the dirt was more easily separated from the clothes. Of these, by far the most common was the urine of men and animals, which was mixed with the water in which the clothes were washed. (Plin. *H. N.* xxviii. 18. 26; Athen. xi. p. 484.) To procure a sufficient supply of it, the fullones were accustomed to place at the corners of the streets vessels, which they carried away after they had been filled by the passengers. (Martial, vi. 93; Macrob. *Saturn.* ii. 12.) We are told by Suetonius (*Vesp.* 23) that Vespasian imposed a *urinae vectigal*, which is supposed by Casaubon and others to have been a tax paid by the fullones. Nitrum, of which Pliny (*H. N.* xxxi. 46) gives an account, was also mixed with the water by the scourers. Fullers' earth (*creta fullonia*, Plin. *H. N.* xviii. 4), of which there were many kinds, was employed for the same purpose. We do not know the exact nature of this earth, but it appears to have acted in the same way as our fullers' earth, namely, partly in scouring and partly in absorbing the greasy dirt. Pliny (*H. N.* xxxv. 57) says that the clothes should be washed with the Sardinian earth.

After the clothes had been washed, they were hung out to dry, and were allowed to be placed in the street before the doors of the fullonica. (Dig. 43. tit. 10. s. 1. § 4.) When dry, the wool was brushed and carded to raise the nap, sometimes with the skin of a hedgehog, and sometimes with some plants of the thistle kind. The clothes were then hung on a vessel of basket-work (*viminea cavea*), under which sulphur was placed in order to whiten the cloth; for the ancient fullers appear to have known that many colours were destroyed by the volatile steam of sulphur. (Apul. *Met.* ix. p. 208, Bipont; Plin. *H. N.* xxxv. 50, 57; Pollux, vii. 41.) A fine white earth, called Cimolian by Pliny, was often rubbed into the cloth to increase its whiteness. (Theophr. *Char.* 10; Plaut. *Aulul.* iv. 9. 6; Plin. *H. N.* xxxv. 57.) The preceding account is well illustrated by the following woodcut.



On the left we see a fullo brushing or carding a white tunic, suspended over a rope, with a card or brush, which bears considerable resemblance to a modern horse-brush. On the right, another man carries a frame of wicker-work, which was without doubt intended for the purpose described above; he has also a pot in his hand, perhaps intended for holding the sulphur. On his head he wears a kind of garland, which is supposed to be an olive garland, and above him an owl is represented sitting. It is thought that the olive garland and the owl indicate that the establishment was under the patronage of Minerva, the tutelary goddess of the loom. Sir W. Gell imagines that the owl is probably the picture of a bird which really existed in the family. On the left, a well-dressed female is sitting, examining a piece of work which a younger girl brings to her. A *reticulum* [see p. 329, a] upon her head, a necklace, and bracelets denote a person of higher rank than one of the ordinary work-people of the establishment.

In the following woodcut we see a young man in a green tunic giving a piece of cloth, which appears to be finished, to a woman, who wears a green under-tunic, and over it a yellow tunic with red stripes. On the right is another female in a white tunic, who appears to be engaged in cleaning one of the cards or brushes. Among these paintings there was a press, worked by two upright screws, in which the cloth was placed to be smoothened. A drawing of this press is given on p. 300.



The establishment or workshop of the fullers was called *Fullonica* (Dig. 39. tit. 3. s. 3), *Fullonicum*

(Dig. 7. tit. 1. s. 13. § 8), or *Fullonium* (Amm. Marc. xiv. 11. p. 44, Bipont.) Of such establishments there were great numbers in Rome, for the Romans do not appear to have washed at home even their linen clothes. (Martial, xiv. 51.) The trade of the fullers was considered so important that the censors, C. Flaminius and L. Aemilius, B. C. 220, prescribed the mode in which the dresses were to be washed. (Plin. *H. N.* xxxv. 57.) Like the other principal trades in Rome, the Fullones formed a collegium. (Fabretti, *Inscr.* p. 278.) To large farms a fullonica was sometimes attached, in which the work was performed by the slaves who belonged to the *familia rustica.* (Varro, *R. R.* i. 16.)

The fullo was answerable for the property while it was in his possession; and if he returned by mistake a different garment from the one he had received, he was liable to an action *ex locato;* to which action he was also subject if the garment was injured. (Dig. 19. tit. 2. s. 13. § 6; s. 60. § 2; 12 tit. 7. s. 2.) Woollen garments, which had been once washed, were considered to be less valuable than they were previously (Petron. 30; Lamprid. *Heliogab.* 26); hence Martial (x. 11) speaks of a toga *lota terque quaterque* as a poor present.

The Greeks were also accustomed to send their garments to fullers to be washed and scoured, who appear to have adopted a similar method to that which has been described above. (Theophr. *Char.* 10; Athen. xi. p. 582, d.; Pollux, vii. 39, 40, 41.) The word *πλύνειν* denoted the washing of linen, and *κναφεύειν* or *γναφεύειν* the washing of woollen, clothes. (Eustath. *ad Od.* xxiv. 148. p. 1956. 41.)

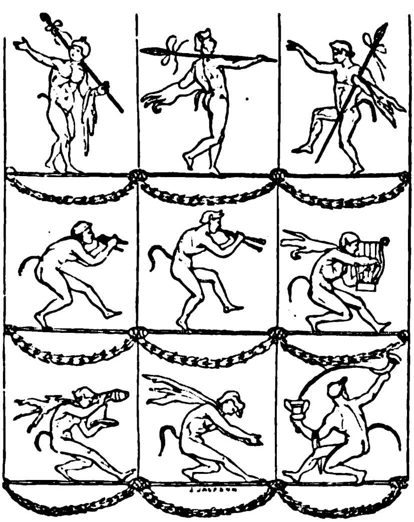
(Schöttgen *Antiquitates Triturae et Fulloniae*, Traj. ad Rhen. 1727; Beckmann, *Hist. of Inventions and Discoveries*, vol. iii. p. 266, &c., transl.: Becker, *Gallus*, vol. ii. p. 100, &c., *Charikles*, vol. ii. p. 408.)

FULLO'NICA. [FULLO.]

FUNA'LE (*σκολάξ*, Isid. *Orig.* xx. 10), a link, used in the same manner as a torch [FAX], but made of papyrus and other fibrous plants, twisted like a rope, and smeared with pitch and wax. (Virg. *Aen.* i. 727; Servius, *ad loc.;* Hor. *Carm.* iii. 26. 7; Val. Max. iii. 6. § 4.) It was indeed, as Antipater describes it, "a light coated with wax" (*λαμπάς κηροχίτων*, Brunck, *Anal.* ii. 112; Jacobs, *ad loc.*). For this reason it was also called *cereus.* Funalia are sculptured upon a monument of considerable antiquity preserved at Padua. (Pignor. *De Servis*, p. 259.) At the Saturnalia they were presented by clients to their superiors, and were lighted in honour of Saturn. (Antipater, *l. c.;* Macrob. *Sat.* i. 6.) [J. Y.]

FUNA'LIS EQUUS. [CURRUS, p. 379, b.]

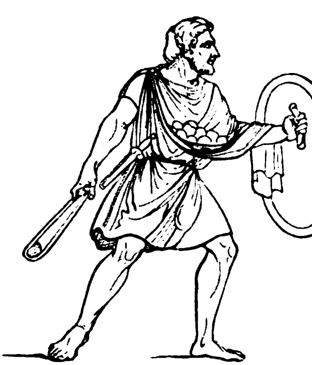
FUNA'MBULUS (*καλοβάτης σχοινοβάτης*), a rope-dancer. The art of dancing on the tight rope was carried to as great perfection among the Romans as it is with us. (Hor. *Epist.* ii. 1. 210; Terent. *Hecyr. Prol.* 4. 34; Juv. iii. 80; Bulenger, *de Theat.* i. 42.) If we may judge from a series of paintings discovered in the excavations (*Ant. d'Ercol. T.* iii. p. 160—165), from which the figures in the annexed woodcut are selected, the performers placed themselves in an endless variety of graceful and sportive attitudes, and represented the characters of bacchanals, satyrs, and other imaginary beings. Three of the persons here exhibited hold the thyrsus, which may have served for a balancing pole: two are performing on the double pipe, and one on the lyre: two others are pouring wine into vessels of different forms. They all have their heads enveloped in skins or caps, probably intended as a protection in case of falling. The emperor Antoninus, in consequence of the fall of a boy, caused feather-beds (*culcitras*) to be laid under the rope to obviate the danger of such accidents. (Capitol. *M. Anton.* 12.) One of the most difficult exploits was running down the rope (Sueton. *Nero*, 11) at the conclusion of the performance. It was a strange attempt of Germanicus and of the emperor Galba to exhibit elephants walking on the rope. (Plin. *H. N.* viii. 2; Sueton. *Galb.* 6; Sen. *Epist.* 86.) [J. Y.]



FUMA'RIUM. [VINUM.]

FUNDA (*σφενδόνη*), a sling. The light troops of the Greek and Roman armies consisted in great part of slingers (*funditores*, *σφενδονῆται*). In the earliest times, however, the sling appears not to have been used by the Greeks. It is not mentioned in the Iliad; for in the only passage (*Il.* xiii. 599) in which the word *σφενδόνη* occurs, it is used in its original signification of a bandage. But in the times of the Persian wars slingers had come into use; for among the other troops which Gelon offered to send to the assistance of the Greeks against Xerxes, mention is made of 2000 slingers (Herod. vii. 158); and that the sling was then known among the Greeks is also evident from the allusion to it by Aeschylus (*Agam.* 982). At the same time it must be stated that we rarely read of slingers in these wars. Among the Greeks the Acarnanians in early times attained to the greatest expertness in the use of this weapon (Thuc. ii. 81); and at a later time the Achaeans, especially the inhabitants of Agium, Patrae, and Dymae, were celebrated as expert slingers. The slings of these Achaeans were made of three thongs of leather, and not of one only, like those of other nations. (Liv. xxxviii. 29.) The people, however, who enjoyed the greatest celebrity as slingers were the natives of the Balearic islands. Their skill in the use of this weapon is said to have arisen from the circumstance, that, when they were children, their mothers obliged them to obtain their food by striking it with a sling. (Veget.

de Re Mil. i. 16; Strab. iii. p. 168.) Most slings were made of leather, but the Balearic ones were manufactured out of a kind of rush. (Strab. *l. c.*) The manner in which the sling was wielded may be seen in the annexed figure (Bartoli, *Col. Traj.* t. 46) of a soldier with a provision of stones in the sinus of his pallium, and with his arm extended in order to whirl the sling about his head. (Virg. *Aen.* ix. 587, 588, xi. 579.) Besides stones, plummets, called *glandes* (*μολυβδίδες*), of a form between acorns and almonds, were cast in moulds to be thrown with slings. (Lucret. vi. 176; Ovid, *Met.* ii. 729, vii. 778, xiv. 825, 826.) They have been found on the plain of Marathon, and in other parts of Greece, and are remarkable for the inscriptions and devices which they exhibit, such as thunderbolts, the names of persons, and the word ΔΕΞΑΙ, meaning "Take this." (Dodwell's *Tour*, vol. ii. pp. 159—161; Böckh, *Corp. Ins.* vol. i. p. 311; Mommsen, in *Zeitschrift für die Alterthumswissenschaft*, 1846, p. 782.) [J. Y.]



While the sling was a very efficacious and important instrument of ancient warfare, stones thrown with the hand alone were also much in use both among the Romans (Veget. i. 16, ii. 23) and with other nations (*οἱ πετροβόλοι*, Xen. *Hellen.* ii. 4. § 12). The Libyans carried no other arms than three spears and a bag full of stones. (Diod. Sic. iii. 49.)

FUNDITORES. [Funda.]

FUNDUS. The primary signification of this word appears to be the bottom or foundation of a thing; and its elementary part (fud), seems to be the same as that of *βυθός* and *πυθμήν*, the *n* in fundus being used to strengthen the syllable. The conjectures of the Latin writers as to the etymology of fundus may be safely neglected.

Fundus is often used as applied to land, the solid substratum of all man's labours. According to Florentinus (Dig. 50. tit. 16. s. 211) the term fundus comprised all land and constructions on it; but usage had restricted the name of *aedes* to city houses, *villae* to rural houses, *area* to a plot of ground in a city not built upon, *ager* to a plot of ground in the country, and *fundus* to *ager cum aedificiis*. This definition of fundus may be compared with the uses of that word by Horace, and other writers. In one passage (*Ep.* i. 2. 47), Horace places domus and fundus in opposition to one another, domus being apparently there used as equivalent to aedes.

The term fundus often occurred in Roman wills, and the testator frequently indicated the fundus, to which his last dispositions referred, by some name, such as Sempronianus, Seianus; sometimes also, with reference to a particular tract of country, as Fundus Trebatianus qui est in regione Atellana. (Brissonius, *de Formulis*, vii. 80.) A fundus was sometimes devised cum omni *instrumento*, with its stock and implements of husbandry. Occasionally a question arose as to the extent of the word instrumentum, between or among the parties who derived their claim from a testator. (Dig. 33. tit. 17. s. 12.)

Fundus has a derived sense which flows easily enough from its primary meaning. "Fundus," says Festus, "dicitur populus esse rei, quam alienat, hoc est auctor." [Auctor.] Compare Plautus, *Trinum.* v. i. 7 (*fundus potior*). In this sense "fundus esse" is to confirm or ratify a thing; and in Gellius (xix. 8) there is the expression "sententiae legisque fundus subscriptorque fieri." [Foederati.] [G. L.]

FUNES. [Navis.]

FUNUS. It is proposed in the following article to give a brief account of Greek and Roman funerals, and of the different rites and ceremonies connected therewith.

1. Greek. The Greeks attached great importance to the burial of the dead. They believed that souls could not enter the Elysian fields till their bodies had been buried; and accordingly we find the shade of Elpenor in the Odyssey (xi. 66. &c.) earnestly imploring Ulysses to bury his body. Ulysses also, when in danger of shipwreck, deplores that he had not fallen before Troy, as he should in that case have obtained an honourable burial. (*Od.* v. 311.) So strong was this feeling among the Greeks, that it was considered a religious duty to throw earth upon a dead body, which a person might happen to find unburied (Ael. *Var. Hist.* v. 14); and among the Athenians, those children who were released from all other obligations to unworthy parents, were nevertheless bound to bury them by one of Solon's laws. (Aesch. *c. Timarc.* p. 40.) The neglect of burying one's relatives is frequently mentioned by the orators as a grave charge against the moral character of a man (Dem. *c. Aristog.* i. p. 787. 2; Lys. *c. Phil.* p. 883, *c. Alcib.* p. 539), since the burial of the body by the relations of the dead was considered a religious duty by the universal law of the Greeks. Sophocles represents Antigone as disregarding all consequences in order to bury the dead body of her brother Polyneices, which Creon, the king of Thebes, had commanded to be left unburied. The common expressions for the funeral rites, *τὰ δίκαια*, *νόμιμα* or *νομιζόμενα*, *προσήκοντα*, show that the dead had, as it were, a legal and moral claim to burial.

The common customs connected with a Greek funeral are described by Lucian in his treatise *de Luctu* (c. 10, &c., vol. ii. p. 926. ed. Reitz); and there is no reason for supposing that they differ much from those which were practised in earlier times. After a person was dead, it was the custom first to place in his mouth an obolus, called *δανάκη* [Danace], with which he might pay the ferryman in Hades. The body was then washed and anointed with perfumed oil, and the head was crowned with the flowers which happened to be in season. The deceased was next dressed in as handsome a robe as the family could afford, in order, according to Lucian, that he might not be cold on the passage to Hades, nor be seen naked by Cerberus: this garment appears to have been usually white. (*Il.* xviii. 353; Artemiod. *Oneirocr.* ii. 3.) These duties were not performed by hired persons, like the *pollinctores* among the Romans, but by the women of the family, upon whom the care of the corpse always devolved. (Isaeus, *de Philoct. her.* p. 143, *de Ciron. her.* p. 209.)

The corpse was then laid out (*πρόθεσις*, *προτίθεσθαι*) on a bed (*κλίνη*), which appears to have been of the ordinary kind, with a pillow (*προσκεφάλαιον*) for supporting the head and back. (Lys. c. *Eratosth.* p. 395.) It is said that the bed on which the corpse was laid out was originally placed outside the house (Schol. *ad Aristoph. Lysistr.* 611); but at Athens we know it was placed inside, by one of Solon's laws. (Dem. *c. Macart.* p. 1071.) The object of this formal *πρόθεσις* was that it might be seen that the deceased had died naturally, and that no violence had been done to him. (Pollux, viii. 65.) Plato (*Leg.* xii. 9. p. 959) assigns another reason, namely, that there might be no doubt that the person was dead, and says, that the body ought only to be kept in the house so long as it may be necessary to ascertain that fact. By the side of the bed there were placed painted earthen vessels, called *λήκυθοι* (Aristoph. *Eccl.* 1032, 996), which were also buried with the corpse; examples of which may be seen in the drawings of the coffins given by Böttiger (*Vaseng.* title-page) and Stackelberg (*Die Gräber der Hellenen*, pl. 8). Great numbers of these painted vases have been found in modern times; and they have been of great use in explaining many matters connected with antiquity. A honey-cake, called *μελιττοῦτα*, which appears to have been intended for Cerberus, was also placed by the side of the corpse. (Aristoph. *Lysistr.* 601, with Schol.; compare Virg. *Aen.* vi. 419.) Before the door a vessel of water was placed, called *ὄστρακον*, *ἀρδάλιον* or *ἀρδάνιον*, in order that persons who had been in the house might purify themselves by sprinkling water on their persons. (Aristoph. *Eccl.* 1033; Pollux, viii. 65; Hesych. *s. v.* *'Αρδ.*) The relatives stood around the bed, the women uttering great lamentations, rending their garments and tearing their hair. (Lucian. *Ib.* 12.) Solon attempted to put a stop to this (Plut. *Sol.* 12. 21), but his regulations on the subject do not appear to have been generally observed. It was formerly the practice to sacrifice victims before carrying out the dead; but this custom was not observed in the time of Plato. (*Min.* p. 315.) No females under 60 years of age, except the nearest relations (*ἐντὸς ἀνεψιαδῶν*), were allowed to be present while the corpse was in the house. (Dem. c. *Macart.* p. 1071.)

On the day after the *πρόθεσις*, or the third day after death, the corpse was carried out (*ἐκφορά*, *ἐκκομιδή*) for burial, early in the morning and before sunrise, by a law of Solon, which law appears to have been revived by Demetrius Phalereus. (Dem. *l. c.*; Antiph. *de Chor.* p. 782; Cic. *de Leg.* ii. 26.) A burial soon after death was supposed to be pleasing to the dead. Thus we find the shade of Patroclus saying to Achilles (*Il.* xxiii. 71).

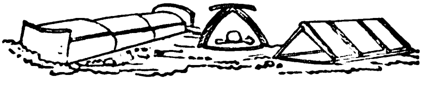
Θάπτε με ὅττι τάχιστα, πύλας Ἀΐδαο περήσω.

(Compare Xen. *Mem.* i. 2. § 53.) In some places it appears to have been usual to bury the dead on the day following death. (Callim. *Epigr.* 15; Diog. Laërt. i. 122.) The men walked before the corpse and the women behind. (Dem. *l. c.*) The funeral procession was preceded or followed by hired mourners (*ϑρηνῳδοί*), who appear to have been usually Carian women, though Plato speaks of men engaged in this office. They played mournful tunes on the flute. (Plat. *Leg.* vii. 9. p. 800; Hesych. *s. v.* *Καρίναι*; Pollux, iv. 75.)

The body was either buried or burnt. Lucian (*Ib.* 21) says that the Greeks burn and the Persians bury their dead; but modern writers are greatly divided in opinion as to which was the usual practice. Wachsmuth says that in historical times the dead were always buried; but this statement is not strictly correct. Thus we find that Socrates speaks of his body being either burnt or buried (Plat. *Phaed.* p. 115); the body of Timoleon was burnt (Plut. *Timol.* 39), and so was that of Philopoemen. (Id. *Philop.* 21.) The word *ϑάπτειν* is used in connection with either mode; it is applied to the collection of the ashes after burning, and accordingly we find the words *καίειν* and *ϑάπτειν* used together. (Dionys. *Ant. Rom.* v. 48.) The proper expression for interment in the earth is *κατορύττειν*, whence we find Socrates speaking of *τὸ σῶμα ἢ καόμενον ἢ κατορυττόμενον*. In Homer the bodies of the dead are burnt (*Il.* xxiii. 127, &c., xxiv. 787, &c.); but interment was also used in very ancient times. Cicero (*de Leg.* ii. 25) says that the dead were buried at Athens in the time of Cecrops; and we also read of the bones of Orestes being found in a coffin at Tegea. (Herod. i. 68; compare Plut. *Sol.* 10.) The dead were commonly buried among the Spartans (Plut. *Lyc.* 27; compare Thucyd. i. 134) and the Sicyonians (Paus. ii. 7. § 3); and the prevalence of this practice is proved by the great number of skeletons found in coffins in modern times, which have evidently not been exposed to the action of fire. Both burning and burying appear to have been always used to a greater or less extent at different periods; till the spread of Christianity at length put an end to the former practice.

The dead bodies were usually burnt on piles of wood, called *πυραί*. The body was placed on the top; and in the heroic times it was customary to burn with the corpse animals and even captives or slaves. Thus at the funeral of Patroclus, Achilles killed many sheep, oxen, horses, and dogs, and also twelve captive Trojans, whose bodies he burnt with those of his friend. (*Il.* xxiii. 165, &c.) Oils and perfumes were also thrown into the flames When the pyre was burnt down, the remains of the fire were quenched with wine, and the relatives and friends collected the bones. (*Il.* xxiv. 791.) The bones were then washed with wine and oil, and placed in urns, which were sometimes made of gold. (*Od.* xxiv. 71, &c.)

The corpses, which were not burnt, were buried in coffins, which were called by various names, as *σοροί*, *πύελοι*, *ληνοί*, *λάρνακες*, *δροῖται*, though some of these names are also applied to the urns in which the bones were collected. They were made of various materials, but were usually of baked clay or earthenware. Their forms are very various, as may be seen by a reference to Stackelberg (*Die Gräber der Hellenen*, pl. 7, 8). The pro-



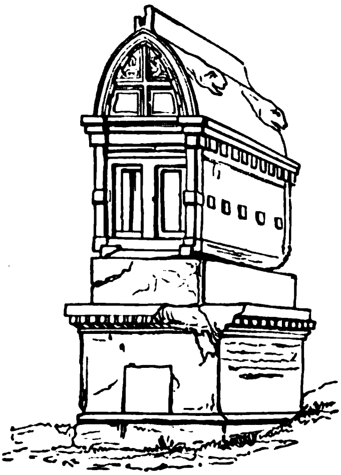
ceding woodcut contains two of the most ancient kind; the figure in the middle is the section of one.

The dead were usually buried outside the town, as it was thought that their presence in the city brought pollution to the living. At Athens the dead were formerly buried in their own houses (Plat. *Min. l. c.*), but in historical times none were allowed to be buried within the city. (Cic. *ad Fam.* iv. 12. § 3.) Lycurgus, in order to remove all superstition respecting the presence of the dead, allowed of burial in Sparta (Plut. *Lyc.* 27); and at Megara also the dead were buried within the town. (Paus. i. 43. § 2.)

Persons who possessed lands in Attica were frequently buried in them, and we therefore read of tombs in the fields. (Dem. *c. Euerg.* p. 1159; Donat. *ad Ter. Eun. Prol.* 10.) Tombs, however, were most frequently built by the side of roads and near the gates of the city. Thus the tomb of Thucydides was near the Melitian gate (Paus. i. 23. § 11); but the most common place of burial was outside of the Itonian gate, near the road leading to the Peiraeeus, which gate was for that reason called the burial gate. (Ἠρίαι πύλαι, *Etym. Mag.* and Harpocr. *s. v.*; Theophr. *Char.* 14.) Those who had fallen in battle were buried at the public expense in the outer Cerameicus, on the road leading to the Academia. (Thuc. ii. 34; Paus. i. 29. § 4.)

The tombs were regarded as private property, and belonged exclusively to the families whose relatives had been buried in them. (Dem. *c. Eubul.* p. 1307, *c. Macart.* p. 1077; Cic. *de Leg.* ii. 26.)

Tombs were called θῆκαι, τάφοι, μνήματα, μνημεῖα, σήματα. Many of these were only mounds of earth or stones (χώματα, κολῶναι, τύμβοι). Others were built of stone, and frequently ornamented with great taste. Some of the most remarkable Greek tombs are those which have been discovered in Lycia by Sir C. Fellows. In the neighbourhood of Antiphellus the tombs are very numerous. They all have Greek inscriptions, which are generally much destroyed by the damp sea air. The following woodcut, taken from Fellows's work (*Excursion in Asia Minor*, p. 219), contains one of these tombs, and will give an idea of the general appearance of the whole.

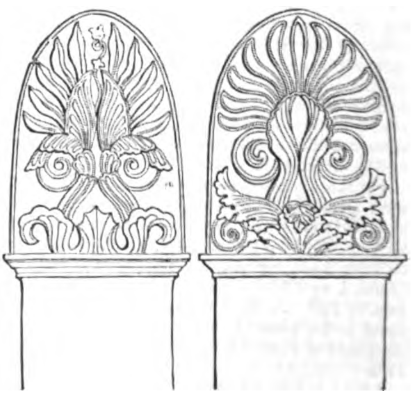


At Xanthus the tombs are still more numerous. They are cut into, or are formed by cutting away, the rock, leaving the tombs standing like works of sculpture. (*Ib.* p. 226.) The same is the case at Telmessus, where they are cut out of the rock in the form of temples. They are generally approached by steps, and the columns of the portico stand out about six feet from the entrance to the cella; the interiors vary but little; they are usually about six feet in height and nine feet by twelve in size. One side is occupied by the door, and the other sides contain benches on which the coffins or urns have been placed. (*Ib.* p. 245.)

Some Greek tombs were built under ground, and called *hypogea* (ὑπόγαια or ὑπόγεια). They correspond to the Roman *conditoria*. (Petron. c. 111.)

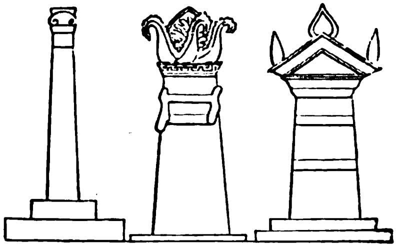
At Athens the dead appear to have been usually buried in the earth; and originally the place of their interment was not marked by any monument. (Cic. *de Leg.* ii. 25.) Afterwards, however, so much expense was incurred in the erection of monuments to the deceased, that it was provided by one of Solon's laws, that no one should erect a monument which could not be completed by ten men in the course of three days. (*Id.* ii. 26.) This law, however, does not seem to have been strictly observed. We read of one monument which cost twenty-five minae (Lys. c. *Diog.* p. 905), and of another which cost more than two talents. (Dem. *c. Steph.* i. p. 1125. 15.) Demetrius Phalereus also attempted to put a stop to this expense by forbidding the erection of any funeral monument more than three cubits in height. (Cic. *l. c.*)

The monuments erected over the graves of persons were usually of four kinds: 1. στῆλαι, pillars or upright stone tablets; 2. κίονες, columns; 3. ναΐδια or ἡρῷα, small buildings in the form of temples; and 4. τράπεζαι, flat square stones, called by Cicero (*l. c.*) *mensae*. The term στῆλαι is sometimes applied to all kinds of funeral monuments, but properly designates upright stone tablets, which were usually terminated with an oval heading, called ἐπίθημα. These ἐπιθήματα were frequently ornamented with a kind of arabesque work, as in the two following specimens taken from Stackelberg (pl. 3). The shape of the ἐπίθημα, however, sometimes differed; among the Sicyonians it was in the shape of the ἀετός or *fastigium* [Fastigium], which is placed over the extremity of a temple.

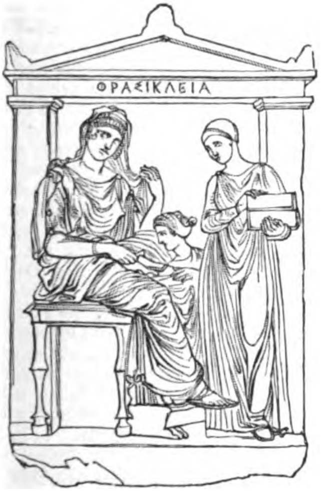


The κίονες, or columns, were of various forms.

The three in the following woodcut are taken from Stackelberg (pl. 44, 46) and Millin (*Pein. de Vases Ant.* vol. ii. pl. 51.)



The following example of an ἡρῷον, which is also taken from Stackelberg (pl. 1) will give a general idea of monuments of this kind. Another ἡρῷον is given in the course of this article (p. 558, a.).

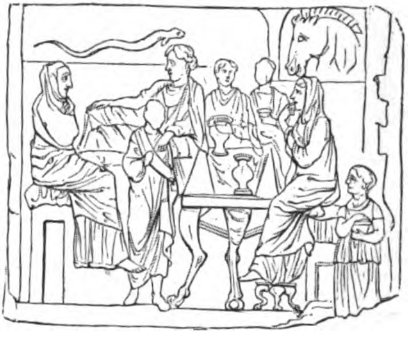


The inscriptions upon these funeral monuments usually contain the name of the deceased person, and that of the demus to which he belonged, as well as frequently some account of his life. A work on such monuments, entitled Περὶ Μνημάτων was written by Diodorus Periegetes. (Plut. *Them.* 32.)

Orations in praise of the dead were sometimes pronounced; but Solon ordained that such orations should be confined to persons who were honoured with a public funeral. (Cic. *de Leg.* ii. 26.) In the heroic ages games were celebrated at the funeral of a great man, as in the case of Patroclus (*Il.* xxiii.); but this practice does not seem to have been usual in the historical times.

All persons who had been engaged in funerals were considered polluted, and could not enter the temples of the gods till they had been purified. Those persons who were reported to have died in foreign countries, and whose funeral rites had been performed in their own cities, were called ὑστερόποτμοι and δευτερόποτμοι if they were alive. Such persons were considered impure, and could only be delivered from their impurity by being dressed in swaddling clothes, and treated like new-born infants. (Hesych. *s. v.*; Plut. *Quaest. Rom.* 5.)

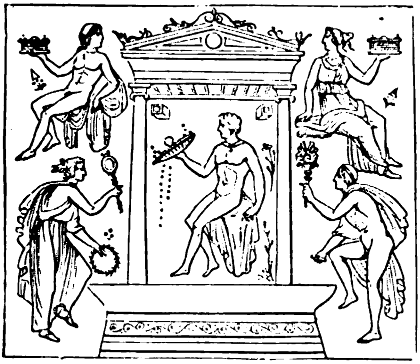
After the funeral was over the relatives partook of a feast, which was called περίδειπνον or νεκρόδειπνον. (Lucian, *Ib.* c. 24; Cic. *de Leg.* ii. 25.) This feast was always given at the house of the nearest relative of the deceased. Thus the relatives of those who had fallen at the battle of Chaeroneia partook of the περίδειπνον at the house of Demosthenes, as if he were the nearest relative to them all. (Dem. *pro Coron.* p. 321. 15.) These feasts are frequently represented on funeral monuments. In one corner a horse's head is usually placed, which was intended to represent death as a journey. The following woodcut, which represents a περίδειπνον or νεκρόδειπνον, is taken from the *Marmora Oxon.* i. tab. 52. No. 135. A similar example of a περίδειπνον is given at the beginning of Hobhouse's *Travels.* (Compare Müller, *Archäol. der Kunst*, § 428. 2.)



On the second day after the funeral a sacrifice to the dead was offered, called τρίτα. Pollux (viii. 146) enumerates, in order, all the sacrifices and ceremonies which followed the funeral,—τρίτα, ἔννατα, τριακάδες, ἐναγίσματα, χοαί. Aristophanes (*Lysistr.* 611, with Schol.) alludes to the τρίτα. The principal sacrifice, however, to the dead was on the ninth day, called ἔννατα or ἔνατα. (Aeschin. *c. Ctesiph.* p. 617; Isaeus, *de Ciron. hered.* p. 224.) The mourning for the dead appears to have lasted till the thirtieth day after the funeral (Lys. *de caed. Erat.* p. 16), on which day sacrifices were again offered. (Harpocrat. *s. v.* τριακάς.) At Sparta the time of mourning was limited to eleven days. (Plut. *Lyc.* 27.) During the time of mourning it was considered indecorous for the relatives of the deceased to appear in public (Aeschin. *c. Ctesiph.* pp. 468, 469); they were accustomed to wear a black dress (Eurip. *Helen.* 1087, *Iphig. Aul.* 1438; Isaeus, *de Nicostr. her.* p. 71; Plut. *Pericl.* 38), and in ancient times cut off their hair as a sign of grief. (Πλόκαμος πενθητήριος, Aeschyl. *Choëph.* 7.)

The tombs were preserved by the family to which they belonged with the greatest care, and were regarded as among the strongest ties which attached a man to his native land. (Aeschyl. *Pers.* 405; Lycurg. *c. Leocr.* p. 141.) In the Docimasia of the Athenian archons it was always a subject of inquiry whether they had kept in proper repair the tombs of their ancestors. (Xen. *Mem.* ii. 2. § 13.) On certain days the tombs were crowned with flowers, and offerings were made to the dead, consisting of garlands of flowers and various other things; for an account of which see Aeschyl. *Pers.*

609, &c., *Choëph.* 86, &c. The act of offering these presents was called ἐναγίζειν, and the offerings themselves ἐναγίσματα, or more commonly χοαί. Such offerings at the tombs are represented upon many λήκυθοι, or painted vases; of which an example is given in the following woodcut. (Millin, *Peint. de Vases*, vol. ii. pl. 27.) The tomb is built in the form of a temple (ἡρῷον), and upon it is a representation of the deceased. (See also Stackelberg, pl. 44—46, and Millin, vol. ii. pl. 32. 38, for further examples.)



The γενέσια mentioned by Herodotus (iv. 26) appear to have consisted in offerings of the same kind, which were presented on the anniversary of the birth-day of the deceased. The νεκύσια were probably offerings on the anniversary of the day of the death; though, according to some writers, the νεκύσια were the same as the γενέσια. (Hesych. *s. v.* Γενέσια: Grammat. Bekk. p. 231.) Meals were also presented to the dead and burnt. (Lucian, *Contempl.* 22. vol. i. p. 519, ed. Reitz.; *de Merc. Cond.* 28. p. 687; Artemiod. *Oneirocr.* iv. 81.)

Certain criminals, who were put to death by the state, were also deprived of the rights of burial, which was considered as an additional punishment. There were places, both at Athens and Sparta, where the dead bodies of such criminals were cast. (Plut. *Them.* 22; Thuc. i. 134.) A person who had committed suicide was not deprived of burial, but the hand with which he had killed himself was cut off and buried by itself. (Aeschin. *c. Ctes.* pp. 636, 637.) The bodies of those persons who had been struck by lightning were regarded as sacred (ἱεροὶ νεκροί); they were never buried with others (Eurip. *Suppl.* 935), but usually on the spot where they had been struck. (Artemiod. *Oneirocr.* ii. 9. p. 146; Bidental.)

2. Roman. When a Roman was at the point of death, his nearest relation present endeavoured to catch the last breath with his mouth. (Virg. *Aen.* iv. 684; Cic. *Verr.* v. 45.) The ring was taken off the finger of the dying person (Suet. *Tib.* 73); and as soon as he was dead his eyes and mouth were closed by the nearest relation (Virg. *Aen.* ix. 487; Lucan, iii. 740), who called upon the deceased by name (*inclamare*, *conclamare*), exclaiming *have* or *vale*. (Ovid, *Trist.* iii. 3. 43, *Met.* x. 62, *Fast.* iv. 852; Catull. ci. 10.) The corpse was then washed, and anointed with oil and perfumes by slaves, called *Pollinctores*, who belonged to the *Libitinarii*, or undertakers, called by the Greeks νεκροθάπται. (Dig. 14. tit. 3. s. 5. § 8.) The Libitinarii appear to have been so called because they dwelt near the temple of Venus Libitina, where all things requisite for funerals were sold. (Senec. *de Benef.* vi. 38; Plut. *Quaest. Rom.* 23; Liv. xli. 21; Plut. *Num.* 12.) Hence we find the expressions *vitare Libitinam* and *evadere Libitinam* used in the sense of escaping death. (Hor. *Carm.* iii. 30. 6; Juv. xii. 122.) At this temple an account (*ratio*, *ephemeris*) was kept of those who died, and a small sum was paid for the registration of their names. (Suet. *Ner.* 39; Dionys. *Ant. Rom.* iv. 15.)

A small coin was then placed in the mouth of the corpse, in order to pay the ferryman in Hades (Juv. iii. 267), and the body was laid out on a couch in the vestibule of the house, with its feet towards the door, and dressed in the best robe which the deceased had worn when alive. Ordinary citizens were dressed in a white toga, and magistrates in their official robes. (Juv. iii. 172; Liv. xxxiv. 7; Suet. *Ner.* 50.) If the deceased had received a crown while alive as a reward for his bravery, it was now placed on his head (Cic. *de Leg.* ii. 24); and the couch on which he was laid was sometimes covered with leaves and flowers. A branch of cypress was also usually placed at the door of the house, if he was a person of consequence. (Lucan. iii. 442; Hor. *Carm.* ii. 14. 23.)

Funerals were usually called *funera justa* or *exsequiae;* the latter term was generally applied to the funeral procession (*pompa funebris*). There were two kinds of funerals, public and private; of which the former was called *funus publicum* (Tacit. *Ann.* vi. 11) or *indictivum*, because the people were invited to it by a herald. (Festus, *s. v.;* Cic. *de Leg.* ii. 24); the latter *funus tacitum* (Ovid, *Trist.* i. 3. 22), *translatitium* (Suet. *Ner.* 33), or *plebeium*. A person appears to have usually left a certain sum of money in his will to pay the expenses of his funeral; but if he did not do so, nor appoint any one to bury him, this duty devolved upon the persons to whom the property was left, and if he died without a will, upon his relations according to their order of succession to the property. (Dig. 11. tit. 7. s. 12.) The expenses of the funeral were in such cases decided by an arbiter according to the property and rank of the deceased (Dig. *l. c.*), whence *arbitria* is used to signify the funeral expenses. (Cic. *pro Domo*, 37, *post Red. in Sen.* 7, *in Pis.* 9.) The following description of the mode in which a funeral was conducted applies strictly only to the funerals of the great; the same pomp and ceremony could not of course be observed in the case of persons in ordinary circumstances.

All funerals in ancient times were performed at night (Serv. *ad Virg. Aen.* xi. 143; Isidor. xi. 2, xx. 10), but afterwards the poor only were buried at night, because they could not afford to have any funeral procession. (Festus, *s. v. Vespae;* Suet. *Dom.* 17; Dionys. iv. 40.) The corpse was usually carried out of the house (*efferebatur*) on the eighth day after death. (Serv. *ad Virg. Aen.* v. 64.) The order of the funeral procession was regulated by a person called *Designator* or *Dominus Funeris*, who was attended by lictors dressed in black. (Donat *ad Ter. Adelph.* i. 2. 7; Cic. *de Leg.* ii. 24; Hor. *Ep.* i. 7. 6.) It was headed by musicians of various kinds (*cornicines*, *siticines*), who played mournful strains (Cic. *Ibid.* ii. 23; Gell. xx. 2), and next came mourning women, called *Praeficae* (Festus, *s. v.*), who were hired to lament and sing the funeral song (*naenia* or *lessus*) in praise of the deceased. These were sometimes followed by players and buffoons (*scurrae, histriones*), of whom one, called *Archimimus*, represented the character of the deceased, and imitated his words and actions. (Suet. *Vesp.* 19.) Then came the slaves whom the deceased had liberated, wearing the cap of liberty (*pileati*); the number of whom was occasionally very great, since a master sometimes liberated all his slaves, in his will, in order to add to the pomp of his funeral. (Dionys. iv. 24; compare Liv. xxxviii. 55.) Before the corpse persons walked wearing waxen masks [Imago], representing the ancestors of the deceased, and clothed in the official dresses of those whom they represented (Polyb. vi. 53; Plin. *H. N.* xxxv. 2); and there were also carried before the corpse the crowns or military rewards which the deceased had gained. (Cic. *de Leg.* ii. 24.)

The corpse was carried on a couch (*lectica*), to which the name of *Feretrum* (Varro, *de Ling. Lat.* v. 166) or *Capulus* (Festus, *s. v.*) was usually given; but the bodies of poor citizens and of slaves were carried on a common kind of bier or coffin, called *Sandapila*. (Mart. ii. 81, viii. 75. 14; Juv. viii. 175; *vilis arca*, Hor. *Sat.* i. 8. 9.) The *Sandapila* was carried by bearers, called *Vespae* or *Vespillones* (Suet. *Dom.* 17; Mart. i. 31. 48), because, according to Festus (*s. v.*), they carried out the corpses in the evening (*vespertino tempore*). The couches on which the corpses of the rich were carried were sometimes made of ivory, and covered with gold and purple. (Suet. *Jul.* 84.) They were often carried on the shoulders of the nearest relations of the deceased (Valer. Max. vii. 1. § 1; Hor. *Sat.* ii. 8. 56), and sometimes on those of his freedmen. (Pers. iii. 106.) Julius Caesar was carried by the magistrates (Suet. *Jul.* 84), and Augustus by the senators. (Id. *Aug.* 100; Tacit. *Ann.* i. 8.)

The relations of the deceased walked behind the corpse in mourning; his sons with their heads veiled, and his daughters with their heads bare and their hair dishevelled, contrary to the ordinary practice of both. (Plut. *Quaest. Rom.* 14.) They often uttered loud lamentations, and the women beat their breasts and tore their cheeks, though this was forbidden by the Twelve Tables. (*Mulieres genas ne radunto*, Cic. *de Leg.* ii. 23.) If the deceased was of illustrious rank, the funeral procession went through the forum (Dionys. iv. 40), and stopped before the *rostra*, where a funeral oration (*laudatio*) in praise of the deceased was delivered. (Dionys. v. 17; Cic. *pro Mil.* 13, *de Orat.* ii. 84; Suet. *Jul.* 84, *Aug.* 100.) This practice was of great antiquity among the Romans, and is said by some writers to have been first introduced by Publicola, who pronounced a funeral oration in honour of his colleague Brutus. (Plut. *Public.* 9; Dionys. v. 17.) Women also were honoured by funeral orations. (Cic. *de Orat.* ii. 11; Suet. *Jul.* 26, *Cal.* 10.) From the forum the corpse was carried to the place of burning or burial, which, according to a law of the Twelve Tables, was obliged to be outside the city. (Cic. *de Leg.* ii. 23.)

The Romans in the most ancient times buried their dead (Plin. *H. N.* vii. 55), though they also early adopted, to some extent, the custom of burning, which is mentioned in the Twelve Tables. (Cic. *l. c.*) Burning, however, does not appear to have become general till the later times of the republic; Marius was buried, and Sulla was the first of the Cornelian gens whose body was burned. (Cic. *ib.* ii. 22.) Under the empire burning was almost universally practised, but was gradually discontinued as Christianity spread (Minuc. Felix, p. 327, ed. Ouzel. 1672), so that it had fallen into disuse in the fourth century. (Macrob. vii. 7.) Persons struck by lightning were not burnt, but buried on the spot, which was called *Bidental*, and was considered sacred. [Bidental.] Children also, who had not cut their teeth, were not burnt, but buried in a place called *Suggrundarium*. (Plin. *H. N.* vii. 15; Juv. xv. 140; Fulgent. *de prisc. Serm.* 7.) Those who were buried were placed in a coffin (*arca* or *loculus*), which was frequently made of stone (Valer. Max. i. 1. § 12; Aurel. Vict. *de Vir. Ill.* 42), and sometimes of the Assian stone, which came from Assos in Troas, and which consumed all the body, with the exception of the teeth, in 40 days (Plin. *H. N.* ii. 98, xxxvi. 27), whence it was called *Sarcophagus*. This name was in course of time applied to any kind of coffin or tomb. (Juv. x. 172; Dig. 34. tit. 1. s. 18. § 5; Orelli, *Inscr.* No. 194, 4432, 4554.)

The corpse was burnt on a pile of wood (*pyra* or *rogus*). Servius (*ad Virg. Aen.* xi. 185) thus defines the difference between *pyra* and *rogus*, "*Pyra* est lignorum congeries; *rogus*, cum jam ardere coeperit, dicitur." This pile was built in the form of an altar, with four equal sides, whence we find it called *ara sepulcri* (Virg. *Aen.* vi. 177) and *funeris ara*. (Ovid, *Trist.* iii. 13. 21.) The sides of the pile were, according to the Twelve Tables, to be left rough and unpolished (Cic. *de Leg.* ii. 23); but were frequently covered with dark leaves. (Virg. *Aen.* vi. 215.) Cypress trees were sometimes placed before the pile. (Virg. Ovid, *l. c.*; Sil. Ital. x. 535.) On the top of the pile the corpse was placed, with the couch on which it had been carried (Tibull. i. 1. 61), and the nearest relation then set fire to the pile with his face turned away. [Fax.] When the flames began to rise, various perfumes were thrown into the fire (called by Cicero (*l. c.*) *sumptuosa respersio*), though this practice was forbidden by the Twelve Tables; cups of oil, ornaments, clothes, dishes of food, and other things, which were supposed to be agreeable to the deceased, were also thrown upon the flames. (Virg. *Aen.* vi. 225; Stat. *Theb.* vi. 126; Lucan. ix. 175.)

The place where a person was burnt was called *Bustum*, if he was afterwards buried on the same spot, and *Ustrina* or *Ustrinum* if he was buried at a different place. (Festus, *s. v. bustum.*) Persons of property frequently set apart a space, surrounded by a wall, near their sepulchres, for the purpose of burning the dead; but those who could not afford the space appear to have sometimes placed the funeral pyres against the monuments of others, which was frequently forbidden in inscriptions on monuments. (*Huic monumento ustrinum applicari non licet*, Gruter, 755. 4. 656. 3; Orelli, 4384, 4385.)

If the deceased was an emperor, or an illustrious general, the soldiers marched (*decurrebant*) three times round the pile (Virg. *Aen.* xi. 188; Tacit. *Ann.* ii. 7), which custom was observed annually at a monument built by the soldiers in honour of Drusus. (Suet. *Claud.* 1.) Sometimes animals were slaughtered at the pile, and in ancient times captives and slaves, since the Manes were supposed to be fond of blood; but afterwards gladiators, called *Bustuarii*, were hired to fight round the burning pile. (Serv. *ad Virg. Aen.* x. 519; comp. Hor. *Sat.* ii. 3. 85.)

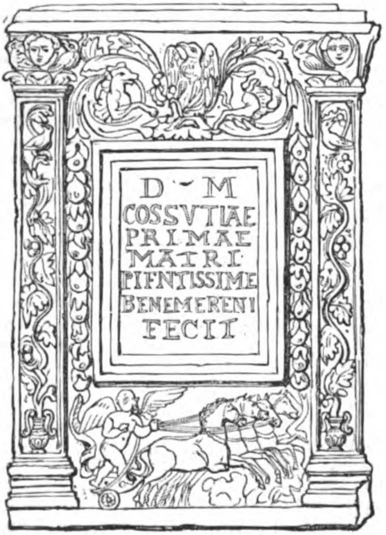
When the pile was burnt down, the embers were soaked with wine, and the bones and ashes of the deceased were gathered by the nearest relatives (Virg. *Aen.* vi. 226—228; Tibull. i. 3. 6, iii. 2. 10; Suet. *Aug.* 100), who sprinkled them with perfumes, and placed them in a vessel called *urna* (Ovid, *Am.* iii. 9. 39; *feralis urna*, Tacit. *Ann.* iii. 1), which was made of various materials, according to the circumstances of individuals. Most of the funeral urns in the British Museum are made of marble, alabaster, or baked clay. They are of various shapes, but most commonly square or round; and upon them there is usually an inscription or epitaph (*titulus* or *epitaphium*), beginning with the letters D. M. S. or only D. M., that is, DIS MANIBUS SACRUM, followed by the name of the deceased, with the length of his life, &c., and also by the name of the person who had the urn made. The following examples, taken from urns in the British Museum, will give a general knowledge of such inscriptions. The first is to Serullia Zosimenes, who lived 26 years, and is dedicated by her son Prosdecius; —

D. M.
SERVLLIAE ZOSIMENI
QVAE VIXIT ANN XXVI.
BENE MEREN. FECIT
PROSDECIVS FILIVS.

The next is an inscription to Licinius Successus, who lived 13 years one month and 19 days, by his most unhappy parents, Comicus and Auriola: —

DIS. MAN.
COMICVS. ET
AVRIOLA. PARENTES
INFELICISSIMI
LICINIO SVCCESSO.
V. A. XIII. M. I. D. XIX.

The following woodcut is a representation of a sepulchral urn in the British Museum. It is of an upright rectangular form, richly ornamented with foliage, and supported at the sides by pilasters. It is erected to the memory of Cossutia Prima. Its height is twenty-one inches, and its width, at the base, fourteen inches six-eighths. Below the inscription an infant genius is represented driving a car drawn by four horses.



After the bones and ashes of the deceased had been placed in the urn, the persons present were thrice sprinkled by a priest with pure water from a branch of olive or laurel for the purpose of purification (Virg. *Aen.* vi. 229; Serv. *ad loc.*); after which they were dismissed by the *praefica*, or some other person, by the solemn word *Ilicet*, that is, *ire licet*. (Serv. *l. c.*) At their departure they were accustomed to bid farewell to the deceased by pronouncing the word *Vale*. (Serv. *l. c.*)

The urns were placed in sepulchres, which, as already stated, were outside the city, though in a few cases we read of the dead being buried within the city. Thus Valerius, Publicola, Tubertus, and Fabricius were buried in the city; which right their descendants also possessed, but did not use. (Cic. *de Leg.* ii. 23.) The vestal virgins and the emperors were buried in the city, according to Servius (*ad Virg. Aen.* xi. 205), because they were not bound by the laws. By a rescript of Hadrian, those who buried a person in the city were liable to a penalty of 40 aurei, which was to be paid to the fiscus; and the spot where the burial had taken place was confiscated. (Dig. 47. tit. 12. s. 3 § 5.) The practice was also forbidden by Antoninus Pius (Capitol. *Anton. Pius*, 12), and Theodosius II. (Cod. Theod. 9. tit. 17. s. 6.)

The verb *sepelire*, like the Greek *θάπτειν*, was applied to every mode of disposing of the dead (Plin. *H. N.* vii. 55); and *sepulcrum* signified any kind of tomb in which the body or bones of a man were placed. (*Sepulcrum est, ubi corpus ossave hominis condita sunt*, Dig. 11. tit. 7. s. 2. § 5; compare 47. tit. 12. s. 3. § 2.) The term *humare* was originally used for burial in the earth (Plin. *l. c.*), but was afterwards applied like *sepelire* to any mode of disposing of the dead; since it appears to have been the custom, after the body was burnt, to throw some earth upon the bones. (Cic. *de Leg.* ii. 23.)

The places for burial were either public or private. The public places of burial were of two kinds; one for illustrious citizens, who were buried at the public expense, and the other for poor citizens, who could not afford to purchase ground for the purpose. The former was in the Campus Martius, which was ornamented with the tombs of the illustrious dead, and in the Campus Esquilinus (Cic. *Phil.* ix. 7); the latter was also in the Campus Esquilinus, and consisted of small pits or caverns, called *puticuli* or *puticulae* (Varr. *de Ling. Lat.* v. 25. ed. Müller; Festus, *s. v.*; Hor. *Sat.* i. 8. 10); but as this place rendered the neighbourhood unhealthy, it was given to Maecenas, who converted it into gardens, and built a magnificent house upon it. Private places for burial were usually by the sides of the roads leading to Rome; and on some of these roads, such as the Via Appia, the tombs formed an almost uninterrupted street for many miles from the gates of the city. They were frequently built by individuals during their life-time (Senec. *de Brev. Vit.* 20); thus Augustus, in his sixth consulship, built the Mausoleum for his sepulchre between the Via

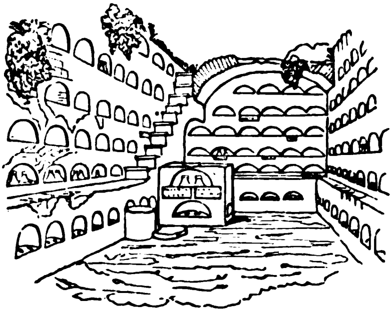
Flaminia and the Tiber, and planted round it woods and walks for public use. (Suet. *Aug.* 100.) The heirs were often ordered by the will of the deceased to build a tomb for him (Hor. *Sat.* ii. 3. 84; Plin. *Ep.* vi. 10); and they sometimes did it at their own expense (*de suo*), which is not unfrequently recorded in the inscription on funeral monuments, as in the following example taken from an urn in the British Museum:—

Diis Manibvs
L. Lepidi Epaphrae
Patris Optimi
L. Lepidivs
Maximvs F.
De Svo.

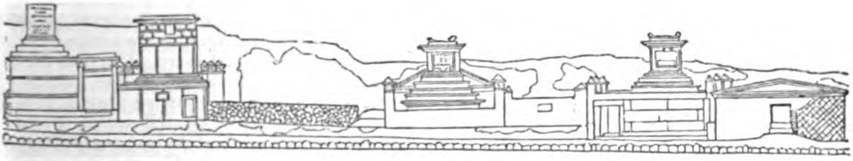
Sepulchres were originally called *busta* (Festus, *s. v. Sepulcrum*), but this word was afterwards employed in the manner mentioned above (p. 559, b.). Sepulchres were also frequently called *Monumenta* Cic. *ad Fam.* iv. 12. § 3; Ovid, *Met.* xiii. 524), but this term was also applied to a monument erected to the memory of a person in a different place from where he was buried. (Festus, *s. v.*; Cic. *pro Sext.* 67; comp. Dig. 11. tit. 8.) *Conditoria* or *conditiva* were sepulchres under ground, in which dead bodies were placed entire, in contradistinction to those sepulchres which contained the bones and ashes only. They answered to the Greek *ὑπόγειον* or *ὑπόγαιον*.

The tombs of the rich were commonly built of marble, and the ground enclosed with an iron railing or wall, and planted round with trees. (Cic. *ad Fam.* iv. 12. § 3; Tibull. iii. 2. 22; Suet. *Ner.* 33. 50; Martial, i. 89.) The extent of the burying ground was marked by Cippi [Cippus]. The name of *Mausoleum*, which was originally the name of the magnificent sepulchre erected by Artemisia to the memory of Mausolus king of Caria (Plin. *H. N.* xxxvi. 4. § 9, xxxv. 49; Gell. x. 18), was sometimes given to any splendid tomb. (Suet. *Aug.* 100; Paus. viii. 16. § 3.) The open space before a sepulchre was called forum [Forum], and neither this space nor the sepulchre itself could become the property of a person by usucapion. (Cic. *de Leg.* ii. 24.)

Private tombs were either built by an individual for himself and the members of his family (*sepulcra familiaria*), or for himself and his heirs (*sepulcra hereditaria*, Dig. 11. tit. 7. s. 5). A tomb, which was fitted up with niches to receive the funeral urns, was called *columbarium*, on account of the resemblance of these niches to the holes of a pigeon-house. In these tombs the ashes of the freedmen and slaves of great families were frequently placed in vessels made of baked clay, called *ollae*, which were let into the thickness of the wall within these niches, the lids only being seen, and the inscriptions placed in front. Several of these columbaria are still to be seen at Rome. One of the most perfect of them, which was discovered in the year 1822, at the villa Rufini, about two miles beyond the Porta Pia, is represented in the annexed woodcut.

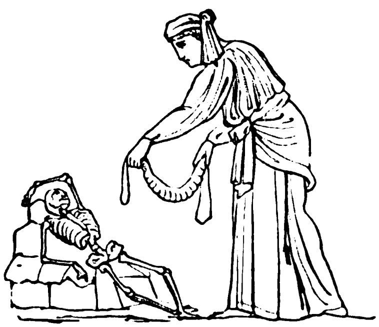


Tombs were of various sizes and forms, according to the wealth and taste of the owner. The following woodcut, which represents part of the street of tombs at Pompeii, is taken from Mazois, *Pompeiana*, part i. pl. 18.



All these tombs were raised on a platform of masonry above the level of the footway. The first building on the right hand is a funeral triclinium, which presents to the street a plain front about twenty feet in length. The next is the family tomb of Naevoleia Tyche; it consists of a square building, containing a small chamber, and from the level of the outer wall steps rise, which support a marble cippus richly ornamented. The burial-ground of Nestacidius follows next, which is surrounded by a low wall; next to which comes a monument erected to the memory of C. Calventius Quietus. The building is solid, and was not therefore a place of burial, but only an honorary tomb. The wall in front is scarcely four feet high, from which three steps lead up to a cippus. The back rises into a pediment; and the extreme height of the whole from the footway is about seventeen feet. An unoccupied space intervenes between this tomb and the next, which bears no inscription. The last building on the left is the tomb of Scaurus, which is ornamented with bas-reliefs representing gladiatorial combats and the hunting of wild beasts.

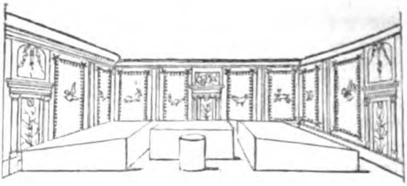
The tombs of the Romans were ornamented in various ways, but they seldom represented death in a direct manner. (Müller, *Archäol. der Kunst*, § 431; Lessing, *Wie die Alten den Tod gebildet haben?*) A horse's head was one of the most common representations of death, as it signified departure; but we rarely meet with skeletons upon tombs. The following woodcut, however, which is taken from a bas-relief upon one of the tombs of Pompeii, represents the skeleton of a child lying on a heap of stones. The dress of the female, who is stooping over it, is remarkable, and is still preserved, according to Mazois, in the country around Sora. (Mazois, *Pomp.* i. pl. 29.)



A sepulchre, or any place in which a person was buried, was *religiosus;* all things which were left or belonged to the Dii Manes were *religiosae;* those consecrated to the Dii Superi were called *Sacrae.* (Gaius, ii. 46.) Even the place in which a slave was buried was considered religiosus. (Dig. 11. tit. 7. s. 2.) Whoever violated a sepulchre was subject to an action termed *sepulcri violati actio.* (Dig. 47. tit. 12; compare Cic. *Tusc.* i. 12, *de Leg.* ii. 22.) Those who removed the bodies or bones from the sepulchre were punished by death or deportatio in insulam, according to their rank; if the sepulchre was violated in any other way, they were punished by deportatio, or condemnation to the mines. (Dig. 47. tit. 12. s. 11.) The title in the Digest (11. tit. 7), "De Religiosis et Sumtibus Funerum," &c., also contains much curious information on the subject, and is well worth perusal.

After the bones had been placed in the urn at the funeral, the friends returned home. They then underwent a further purification called *suffitio*, which consisted in being sprinkled with water and stepping over a fire. (Festus, *s. v. Aqua et igni.*) The house itself was also swept with a certain kind of broom; which sweeping or purification was called *exverrae*, and the person who did it *everriator.* (Festus, *s. v.*) The *Denicales Feriae* were also days set apart for the purification of the family. (Festus, *s. v.*; Cic. *de Leg.* ii. 22.) The mourning and solemnities connected with the dead lasted for nine days after the funeral, at the end of which time a sacrifice was performed, called *Novendiale.* (Porphyr. *ad Horat. Epod.* xvii. 48.)

A feast was given in honour of the dead, but it is uncertain on what day; it sometimes appears to have been given at the time of the funeral, sometimes on the Novendiale, and sometimes later. The name of *Silicernium* was given to this feast (Festus, *s. v.*); of which the etymology is unknown. Among the tombs at Pompeii there is a funeral triclinium for the celebration of these feasts, which is represented in the annexed woodcut. (Mazois, *Pomp.* i. pl. xx.) It is open to the sky, and the walls are ornamented by paintings of animals in the centre of compartments, which have borders of flowers. The triclinium is made of stone, with a pedestal in the centre to receive the table.



After the funeral of great men, there was, in addition to the feast for the friends of the deceased, a distribution of raw meat to the people, called *Visceratio* (Liv. viii. 22), and sometimes a public banquet. (Suet. *Jul.* 26.) Combats of gladiators and other games were also frequently exhibited in honour of the deceased. Thus at the funeral of P. Licinius Crassus, who had been Pontifex Maximus, raw meat was distributed to the people, a hundred and twenty gladiators fought, and funeral games were celebrated for three days; at the end of which a public banquet was given in the forum. (Liv. xxxix. 46.) Public feasts and funeral games were sometimes given on the anniversary of funerals. Faustus, the son of Sulla, exhibited in honour of his father a show of gladiators several years after his death, and gave a feast to the people, according to his father's testament. (Dion Cass. xxxvii. 51; Cic. *pro Sull.* 19.) At all banquets in honour of the dead, the guests were dressed in white. (Cic. *c. Vatin.* 13.)

The Romans, like the Greeks, were accustomed to visit the tombs of their relatives at certain periods, and to offer to them sacrifices and various gifts, which were called *Inferiae* and *Parentalia.* The Romans appear to have regarded the Manes or departed souls of their ancestors as gods; whence arose the practice of presenting to them oblations, which consisted of victims, wine, milk, garlands of flowers, and other things. (Virg. *Aen.* v. 77, ix. 215, x. 519; Tacit. *Hist.* ii. 95; Suet. *Cal.* 15, *Ner.* 57; Cic. *Phil.* i. 6.) The tombs were sometimes illuminated on these occasions with lamps. (Dig. 40. tit. 4. s. 44.) In the latter end of the month of February there was a festival, called *Feralia*, in which the Romans were accustomed to carry food to the sepulchres for the use of the dead. (Festus, *s. v.;* Varro, *de Ling. Lat.* vi. 13; Ovid, *Fast.* ii. 565—570; Cic. *ad Att.* viii. 14.)

The Romans, like ourselves, were accustomed to wear mourning for their deceased friends, which appears to have been black or dark-blue (*atra*) under the republic for both sexes. (Serv. *ad Virg. Aen.* xi. 287.) Under the empire the men continued to wear black in mourning (Juv. x. 245), but the women wore white. (Herodian. iv. 2.) They laid aside all kinds of ornaments (Herodian. *l. c.;* Terent. *Heaut.* ii. 3. 47), and did not cut either their hair or beard. (Suet. *Jul.* 67, *Aug.* 23, *Cal.* 24.) Men appear to have usually worn their mourning for only a few days (Dion Cass. lvi. 43), but women for a year when they lost a husband or parent. (Ovid, *Fast.* iii. 134; Senec. *Epist.* 63, *Consol. ad Helv.* 16.)

In a public mourning on account of some signal calamity, as for instance the loss of a battle or the death of an emperor, there was a total cessation from business, called *Justitium.* [JUSTITIUM.] In a public mourning the senators did not wear the latus clavus and their rings (Liv. ix. 7), nor the magistrates their badges of office. (Tacit. *Ann.* iii. 4.)

(Meursius, *de Funere;* Stackelberg, *Die Gräber der Hellenen*, Berlin, 1837; Kirchmann, *de Funeribus Romanis;* Becker, *Charikles*, vol. ii. pp. 166—210. *Gallus*, vol. ii. pp. 271—301.)

FURCA, which properly means a fork, was also the name of an instrument of punishment. It was a piece of wood in the form of the letter Λ, which was placed upon the shoulders of the offender, whose hands were tied to it. Slaves were frequently punished in this way, and were obliged to carry about the furca wherever they went (Donat. *ad Ter. Andr.* iii. 5. 12; Plut. *Coriol.* 24; Plaut. *Cas.* ii. 6. 37); whence the appellation of *furcifer* was applied to a man as a term of reproach. (Cic. *in Vatin.* 6.) The furca was used in the ancient mode of capital punishment among the Romans; the criminal was tied to it, and then scourged to death. (Liv. i. 26; Suet. *Ner.* 49.) The *patibulum* was also an instrument of punishment, resembling the furca; it appears to have been in the form of the letter Π. (Plaut. *Mil.* ii. 4. 7, *Mostell.* i. 1. 53.) Both the furca and patibulum were also employed as crosses, to which criminals were nailed (*in furca suspendere*, Dig. 48. tit. 13. s. 6; tit. 19. s. 28. § 15; tit. 19. s. 38). See Lipsius, *de Cruce*.

FU'RCIFER. [Furca.]

FURIO'SUS. [Curator.]

FURNUS. [Fornax.]

FUROR. [Curator.]

FURTI ACTIO. [Furtum.]

FURTUM, "theft," is one of the four kinds of delicts which were the foundation of obligationes; it is also called "crimen." Moveable things only could be the objects of furtum; for the fraudulent handling (*contrectatio fraudulosa*) of a thing was furtum, and contrectatio is defined to be "loco movere." But a man might commit theft without carrying off another person's property. Thus it was furtum to use a thing which was deposited (*depositum*). It was also furtum to use a thing which had been lent for use, in a way different from that which the lender had agreed to; but with this qualification, that the borrower must believe that he was doing it against the owner's consent, and that the owner would not consent to such use if he was aware of it; for dolus malus was an essential ingredient in furtum. Another requisite of furtum (Dig. 47. tit. 2. s. 1) is the "lucri faciendi gratia," the intention of appropriating the property. This was otherwise expressed by saying that furtum consisted in the intention (*furtum ex affectu consistit; or, sine affectu furandi non committitur*, Gaius, ii. 50). It was not necessary, in order to constitute furtum, that the thief should know whose property the thing was. A person who was in the power of another might be the object of furtum. (Inst. 4. tit. 1. § 9.) A debtor might commit furtum by taking a thing which he had given as a pledge (*pignori*) to a creditor; or by taking his property when in the possession of a bona fide possessor. Thus there might be furtum either of a moveable thing itself, or of the use of a thing, or of the possession, as it is expressed. (Inst. 4. tit. 1. § 1.)

The definition of furtum in the Institutes is rei contrectatio fraudulosa, without the addition of the word "alienae." Accordingly the definition comprises both the case of a man stealing the property of another, and also the case of a man stealing his own property, as when a man fraudulently takes a moveable thing, which is his property, from a person who has the legal possession of it. This latter case is the "furtum possessionis." The definition in the Institutes is not intended as a classification of theft into three distinct kinds, but only to show by way of example the extent of the meaning of the term *Furtum*. This is well explained by Vangerow, *Pandekten*, &c. iii. p. 550. See also Rein, *Das Criminalrecht der Römer*, p. 304.

A person might commit furtum by aiding in a furtum, as if a man should jostle you in order to give another the opportunity of taking your money; or drive away your sheep or cattle in order that another might get possession of them: but if it were done merely in a sportive way, and not with a view of aiding in a theft, it was not furtum, though there might be in such case an actio utilis under the Lex Aquilia, which gave such an action even in the case of culpa. [Damnum.]

Furtum was either Manifestum or Nec Manifestum. It was clearly manifestum when the person was caught in the act; but in various other cases there was a difference of opinion as to whether the furtum was manifestum or not. Some were of opinion that it was furtum manifestum so long as the thief was engaged in carrying the thing to the place to which he designed to carry it: and others maintained that it was furtum manifestum if the thief was ever found with the stolen thing in his possession; but this opinion did not prevail. (Gaius, iii. 184; Inst. 4. tit. 1. § 3.) That which was not manifestum was nec manifestum. Furtum conceptum and oblatum were not species of theft, but species of action. It was called conceptum furtum when a stolen thing was sought and found, in the presence of witnesses, in the possession of a person, who, though he might not be the thief, was liable to an action called Furti Concepti. If a man gave you a stolen thing, in order that it might be found (*conciperetur*) in your possession, rather than in his, this was called Furtum Oblatum, and you had an action Furti Oblati against him, even if he was not the thief. There was also the action Prohibiti Furti against him who prevented a person from searching for a stolen thing (*furtum*); for the word furtum signifies both the act of theft and the thing stolen.

The punishment for furtum manifestum by the law of the Twelve Tables was capitalis, that is, it affected the person's caput: a freeman who had committed theft was flogged and consigned (*addictus*) to the injured person; but whether the thief became a slave in consequence of this addictio, or an adjudicatus, was a matter in dispute among the ancient Romans. The Edict subsequently changed the penalty into an actio quadrupli, both in the case of a slave and a freedman. The penalty of the Twelve Tables, in the case of a furtum nec manifestum, was duplum, and this was retained in the Edict: in the case of the conceptum and oblatum it was triplum, and this also was retained in the Edict. In the case of Prohibitum, the penalty was quadruplum, according to the provisions of the Edict; for the law of the Twelve Tables had affixed no penalty in this case, but merely enacted that if a man would search for stolen property, he must be naked all but a cloth round his middle, and must hold a dish in his hand. If he found any thing, it was furtum manifestum. The absurdity of the law, says Gaius, is apparent; for if a man would not let a person search in his ordinary dress, much less would he allow him to search undressed, when the penalty would be so much more severe if any thing was found. (Compare Grimm, *Von der Poesie in Recht*, Zeitschrift, vol. ii. p. 91.)

The actio furti was given to all persons who had an interest in the preservation of the thing stolen (*cujus interest rem salvam esse*), and the owner of a thing, therefore, had not necessarily this action. A creditor might have this action even against the owner of a thing pledged, if the owner was the thief. A person to whom a thing was delivered in order to work upon it, as in the case of clothes given to a tailor to mend, could bring this action against the thief, and the owner could not, for the owner had an action (*locati*) against the tailor. But if the tailor was not a solvent person, the owner had his action against the thief, for in such case the owner had an interest in the preservation of the thing. The rule was the same in the case of commodatum [Commodatum]. But in a case of depositum, the depositee was under no obligation for the safe custody of the thing (*custodiam praestare*), and he was under no liability except in the case of dolus; consequently, if the deposited thing was stolen, the owner alone had the actio furti. A bona fide purchaser might have the actio furti, even if the thing had not been delivered to him, and he were consequently not dominus.

An impubes might commit theft (*obligatur crimine furti*), if he was bordering on the age of puberty, and consequently of sufficient capacity to understand what he was doing. If a person who was in the power of another committed furtum, the actio furti was against the latter.

The right of action died with the offending person. If a peregrinus committed furtum, he was made liable to an action by the fiction of his being a Roman citizen (Gaius, iv. 37); and by the same fiction he had a right of action, if his property was stolen.

He who took the property of another by force was guilty of theft; but in the case of this delict, the praetor gave a special action Vi bonorum raptorum. The origin of the action Vi bonorum raptorum is referred by Cicero to the time of the civil wars, when men had become accustomed to acts of violence and to the use of arms against one another. Accordingly, the Edict was originally directed against those who with bodies of armed men (*hominibus armatis coactisque*) did injury to the property of another or carried it off (*quid aut rapuerint aut damni dederint*). With the establishment of order under the empire the prohibition against the use of arms was less needed, and the word *armatis* is not contained in the Edict as cited in the Digest (47. tit. 8). The application of the Edict would however have still been very limited, if it had been confined to cases where numbers were engaged in the violence or robbery; and accordingly the jurists discovered that the Edict, when properly understood, applied also to the case of a single person committing damnum or carrying off property. Originally the Edict comprehended both damnum and bona rapta, and, indeed, damnum which was effected vi homninibus armatis coactisque, was that kind of violence to the repression of which the Edict was at first mainly directed. Under the empire the reasons for this part of the Edict ceased, and thus we see that in Ulpian's time the action was simply called "vi bonorum raptorum." In the Institutes and Code the action applies to robbery only, and there is no trace of the other part of the Edict. This instructive illustration of the gradual adaptation, even of the Edictal law, to circumstances is given by Savigny (*Zeitschrift*, vol. v. Ueber Cicero Pro Tullio und die Actio vi bonorum Raptorum), who has also given the masterly emendation of Dig. 47. tit. 8. s. 2. § 7, by Heise. The object of the furti actio was to get a penalty; as to the thing stolen the owner could recover it either by a vindicatio, which was available against any possessor, whether the thief or another, or by a condictio, which was available against the thief or his heres, though he had not the possession. (Inst. 4. tit. 1. § 19.)

The strictness of the old law in the case of actions of theft was gradually modified, as already shown. By the law of the Twelve Tables, if theft (*furtum*) was committed in the night, the thief, if caught in the act, might be killed: and he might also be killed in the daytime, if he was caught in the act and defended himself with any kind of a weapon (*telum*); if he did not so defend himself, he was whipped and became addictus, if a freeman (as above stated); and if a slave, he was whipped and thrown down a precipice.

The following are peculiar kinds of actiones furti: (1) Actio de tigno juncto, against a person who employed another person's timber in his building; (2) Actio arborum furtim caesarum, against a person who secretly cut wood on another person's ground; (3) Actio furti adversus nautas et caupones, against nautae and caupones [Exercitor], who were liable for the acts of the men in their employment.

There were two cases in which a bona fide possessor of another person's property could not obtain the ownership by usucapion; and one of them was the case of a res furtiva, which was provided for in the Twelve Tables. The Roman Law as to Furtum underwent changes, as appears from what has been said; and the subject requires to be treated historically in order to be fully understood. The work of Rein (*Das Criminalrecht der Römer*) contains a complete view of the matter.

(Gaius, iii. 183—209, iv. 1; Gellius, xi. 18; Dig. 47. tit. 2; Inst. 4. tit. 1; Dirksen, *Uebersicht*, &c. pp. 564—594; Heinec. *Syntag*. ed. Haubold; Rein, *Das Röm. Privatrecht*, p. 345; Rein, *Das Criminalrecht der Römer*, p. 293.) [G. L.]

FU'SCINA (*τρίαινα*), a trident; more commonly called *tridens*, meaning *tridens stimulus*, because it was originally a three-pronged goad, used to incite horses to greater swiftness. Neptune was supposed to be armed with it when he drove his chariot, and it thus became his usual attribute, perhaps with an allusion also to the use of the same instrument in harpooning fish. It is represented in the cut on p. 276. (Hom. *Il*. xii. 27, *Od*. iv. 506, v. 292; Virg. *Georg*. i. 13, *Aen*. i. 138, 145, ii. 610; Cic. *de Nat. Deor*. i. 36; Philost. *Imag*. ii. 14.) The trident was also attributed to Nereus (Virg. *Aen*. ii. 418) and to the Tritons. (Cic. *de Nat. Deor*. ii. 35; Mart. *Spect*. xxvi. 3.)

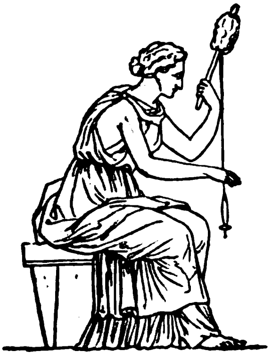
In the contests of gladiators the *Retiarius* was armed with a trident. (Juv. ii. 148, viii. 203.) [Gladiator.] [J. Y.]

FUSTUA'RIUM (*ξυλοκοπία*) was a capital punishment inflicted upon the Roman soldiers for desertion, theft, and similar crimes. It was administered in the following manner:—When a soldier was condemned, the tribune touched him slightly with a stick, upon which all the soldiers of the legion fell upon him with sticks and stones, and generally killed him upon the spot. If however he escaped, for he was allowed to fly, he could not return to his native country, nor did any of his relatives dare to receive him into their houses. (Polyb. vi. 37; compare Liv. v. 6.) This punishment continued to be inflicted in the later times of the republic (Cic. *Philip.* iii. 6), and under the empire. (Tacit. *Ann.* iii. 21.)

Different from the fustuarium was the animadversio fustium, which was a corporal punishment inflicted under the emperors upon free men, but only those of the lower orders (*tenuiores*, Dig. 48. tit. 19. s. 28. § 2). It was a less severe punishment than the flogging with flagella, which punishment was confined to slaves. (Dig. 48. tit. 19. s. 10; 47. tit. 10. s. 45.) [Flagrum.]

FUSUS (*ἄτρακτος*), the spindle, was always, when in use, accompanied by the distaff (*colus*, *ἠλακάτη*), as an indisputable part of the same apparatus. (Ovid, *Met.* iv. 220—229.) The wool, flax, or other material, having been prepared for spinning, and having sometimes been dyed (*ἰοδνεφὲς εἶρος ἔχουσα*, Hom. *Od.* iv. 135), was rolled into a ball (*τολύπη*, *glomus*, Hor. *Epist.* i. 13. 14; Ovid, *Met.* vi. 19), which was, however, sufficiently loose to allow the fibres to be easily drawn out by the hand of the spinner. The upper part of the distaff was then inserted into this mass of flax or wool (*colus comta*, Plin. *H. N.* viii. 74), and the lower part was held in the left hand under the left arm in such a position as was most convenient for conducting the operation. The fibres were drawn out, and at the same time spirally twisted, chiefly by the use of the fore-finger and thumb of the right hand (*δακτύλοις ἕλισσε*, Eurip. *Orest.* 1414; *pollice docta*, Claud. *de Prob. Cons.* 177); and the thread (*filum*, *stamen*, *νῆμα*) so produced was wound upon the spindle until the quantity was as great as it would carry.

The spindle was a stick, 10 or 12 inches long, having at the top a slit or catch (*dens*, *ἄγκιστρον*) in which the thread was fixed, so that the weight of the spindle might continually carry down the thread as it was formed. Its lower extremity was inserted into a small wheel called the whorl (*verticillum*), made of wood, stone, or metal (see woodcut), the use of which was to keep the spindle more steady and to promote its rotation: for the spinner, who was commonly a female, every now and then twirled round the spindle with her right hand (Herod. v. 12; Ovid. *Met.* vi. 22), so as to twist the thread still more completely; and whenever, by its continual prolongation, it let down the spindle to the ground, she took it out of the slit, wound it upon the spindle, and, having replaced it in the slit, drew out and twisted another length. All these circumstances are mentioned in detail by Catullus (lxiv. 305—319). The accompanying woodcut is taken from a series of bas-reliefs representing the arts of Minerva upon a frieze of the Forum Palladium at Rome. It shows the operation of spinning, at the moment when the woman has drawn out a sufficient length of yarn to twist it by whirling the spindle with her right thumb and fore-finger, and previously to the act of taking it out of the slit to wind it upon the bobbin (*πήνιον*) already formed.



The distaff was about three times the length of the spindle, strong and thick in proportion, commonly either a stick or a reed, with an expansion near the top for holding the ball. It was sometimes of richer materials and ornamented. Theocritus has left a poem (*Idyll.* xxviii.) written on sending an ivory distaff to the wife of a friend. Golden spindles were sent as presents to ladies of high rank (Hom. *Od.* iv. 131; Herod. iv. 162); and a golden distaff is attributed by Homer and Pindar to goddesses, and other females of remarkable dignity, who are called *χρυσηλάκατοι*.

It was usual to have a basket to hold the distaff and spindle, with the balls of wool prepared for spinning, and the bobbins already spun. (Brunck, *Anal.* ii. 12; Ovid, *Met.* iv. 10.) [Calathus.]

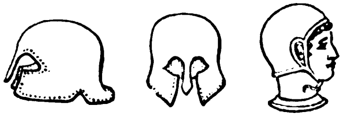
In the rural districts of Italy women were forbidden to spin when they were travelling on foot, the act being considered of evil omen. (Plin. *H. N.* xxviii. 5.) The distaff and spindle, with the wool and thread upon them, were carried in bridal processions; and, without the wool and thread, they were often suspended by females as offerings of religious gratitude, especially in old age, or on relinquishing the constant use of them. (Plin. *H. N.* viii. 74.) [Donaria.] They were most frequently dedicated to Pallas, the patroness of spinning, and of the arts connected with it. This goddess was herself rudely sculptured with a distaff and spindle in the Trojan Palladium. (Apollod. iii. 12. 3.) They were also exhibited in the representations of the three Fates, who were conceived, by their spinning, to determine the life of every man; and at the same time by singing, as females usually did whilst they sat together at their work, to predict his future lot. (Catull. *l. c.*) [J. Y.]

G.

GABINUS CINCTUS. [Toga.]

GAESUM. [Hasta.]

GA'LEA (*κράνος*, *poet.* *κόρυς*, *πήληξ*), a helmet; a casque. The helmet was originally made of skin or leather, whence is supposed to have arisen its appellation, *κυνέη*, meaning properly a helmet of dog-skin, but applied to caps or helmets made of the hide of other animals (*ταυρείη*, *κτιδέη*, Hom. *Il.* x. 258, 335; *αἰγείη*, *Od.* xxiv. 230; Herod. vii. 77; compare *κράνη σκύτινα*, Xen. *Anab.* v. 4. § 13; *galea lupina*, Prop. iv. 11. 19), and even to those which were entirely of bronze or iron (*πάγχαλκος*, *Od.* xviii. 377). The leathern basis of the helmet was also very commonly strengthened and adorned by the addition of either bronze or gold, which is expressed by such epithets as *χαλκήρης*, *εὔχαλκος*, *χρυσείη*, Helmets which had a metallic basis (*κράνη χαλκᾶ*, Xen. *Anab.* i. 2. § 16) were in Latin properly called *cassides* (Isid. *Orig.* xviii. 14; Tacit. *Germ.* 6; Caesar, *B. G.* iii. 45), although the terms *galea* and *cassis* are often confounded. A casque (*cassis*) found at Pompeii is preserved in the collection at Goodrich Court, Herefordshire. (Skelton, *Engraved Illust.* i. pl. 44.) The perforations for the lining and exterior border are visible along its edge. A side and a front view of it are presented in the annexed woodcut.



Two casques very like this were fished up from the bed of the Alpheus, near Olympia, and are in the possession of Mr. Hamilton. (Dodwell, *Tour*, vol. ii. p. 330.) Among the materials used for the lining of helmets were felt (πῖλος, Hom. *Il.* x. 265) and sponge. (Aristot. *H. A.* v. 16.)

The helmet, especially that of skin or leather, was sometimes a mere cap conformed to the shape of the head, without either crest or any other ornament (ἀφαλόν τε καὶ ἄλοφον, *Il.* x. 358). In this state it was probably used in hunting (*galea venatoria*, C. Nep. *Dat.* iii. 2.), and was called καταῖτυξ (Hom. *Il. l. c.*), in Latin CUDO. The preceding woodcut shows an example of it as worn by Diomede in a small Greek bronze, which is also in the collection at Goodrich Court. (Skelton, *l. c.*) The additions by which the external appearance of the helmet was varied, and which served both for ornament and protection, were the following: —

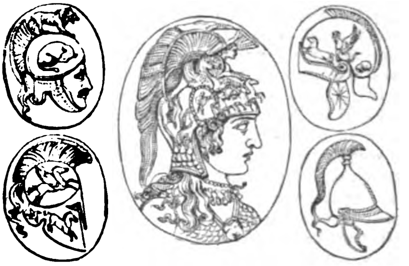
1. Bosses or plates, proceeding either from the top (φάλος, Hom. *Il.* iii. 362) or the sides, and varying in number from one to four (ἀμφίφαλος, διφάλος, Hom. *Il.* v. 743, xi. 41; Eustath. *ad loc.;* τετράφαλος, *Il.* xii. 384). It is however very doubtful what part of the helmet the φάλος was. Buttmann thought that it was what was afterwards called the κῶνος, that is, a metal ridge in which the plume was fixed; but Liddell and Scott (*Lex. s. v.*) maintain with more probability that the φάλος was the shade or fore-piece of the helmet; and that an ἀμφίφαλος helmet was one that had a like projection behind as well as before, such as may be seen in the representations of many ancient helmets.

2. The helmet thus adorned was very commonly surmounted by the crest (*crista*, λόφος, Hom. *Il.* xxii. 316), which was often of horse-hair (ἵππουρις, ἱπποδάσεια, Hom. *Il. cc.*; λόφων ἔθειραι, Theocr. xxii. 186; *hirsuta juba*, Propert. iv. 11. 19), and made so as to look imposing and terrible (Hom. *Il.* iii. 337; Virg. *Aen.* viii. 620), as well as handsome. (*Ib.* ix. 365; εὔλοφος, Heliod. *Aeth.* vii.) The helmet often had two or even three crests. (Aesch. *Sep. c. Theb.* 384.) In the Roman army of later times the crest served not only for ornament, but also to distinguish the different centurions, each of whom wore a casque of a peculiar form and appearance. (Veget. ii. 13.)

3. The two cheek-pieces (*bucculae*, Juv. x. 134; παραγναθίδες, Eustath. *in Il.* v. 743), which were attached to the helmet by hinges, so as to be lifted up and down. They had buttons or ties at their extremities for fastening the helmet on the head. (Val. Flacc. vi. 626.)

4. The beaver, or visor, a peculiar form of which is supposed to have been the αὐλῶπις τρυφάλεια, *i. e.* the perforated beaver. (Hom. *Il.* xi. 353.) The gladiators wore helmets of this kind (Juv. viii. 203), and specimens of them, not unlike those worn in the middle ages, have been found at Pompeii. See the wood-cut to GLADIATORES.

The five following helmets are selected from antique gems, and are engraved of the size of the originals. [J. Y.]



GALERI'CULUM. [GALERUS.]

GALE'RUS or **GALE'RUM**, was originally a covering for the head worn by priests, especially by the *flamen dialis* (Gell. x. 15; Serv. *ad Virg. Aen.* ii. 683). It appears to have been a round cap made of leather, with its top ending in an apex or point. [See cut on p. 102.] The word is probably connected with *galea*, a helmet. In course of time the name was applied to any kind of cap fitting close to the head like a helmet. (Virg. *Aen.* vii. 688; Virg. *Moret.* 121; Suet. *Ner.* 26.) *Galerus* and its diminutive *Galericulum* are also used to signify a covering for the head made of hair, and hence a wig. (Juv. *Sat.* vi. 120, with the Schol.; Suet. *Oth.* 12; Mart. xiv. 50.)

GALLI, the priests of Cybele, whose worship was introduced at Rome from Phrygia, in B.C. 204. (Liv. xxix. 10, 14, xxxvi. 36.) The Galli were, according to an ancient custom, always castrated (*spadones, semimares, semiviri, nec viri nec feminae*), and it would seem that impelled by religious fanaticism they performed this operation on themselves. (Juv. vi. 512, &c.; Ovid, *Fast.* iv. 237; Martial, iii. 81, xi. 74; Plin. *H. N.* xi. 49.) In their wild, enthusiastic, and boisterous rites, they resembled the Corybantes (Lucan. i. 565, &c.; compare HILARIA), and even went further, in as much, as in their fury, they mutilated their own bodies. (Propert. ii. 18. 15.) They seem to have been always chosen from a poor and despised class of people, for while no other priests were allowed to beg, the Galli (*famuli Idaeae matris*) were allowed to do so on certain days. (Cic. *de Leg.* ii. 9 and 16.) The chief priest among them was called archigallus. (Servius, *ad Aen.* ix. 116.) The origin of the name of Galli is uncertain: according to Festus (*s. v.*), Ovid (*Fast.* iv. 363), and others, it was derived from the river Gallus in Phrygia, which flowed near the temple of Cybele, and the water of which was fabled to put those persons who drank of it into such a state of madness, that they castrated themselves. (Compare Plin. *H. N.* v. 32, xi. 40, xxxi. 2; Herodian. 11.) The supposition of Hieronymus (*Cap. Oseae*, 4) that Galli was the name of the Gauls, which had been given to these priests by the Romans in order to show their contempt of that nation, is unfounded, as the Romans must have received the name from Asia, or from the Greeks, by whom, as Suidas (*s. v.*) informs us, Gallus was used as a common noun in the sense of eunuch. There exists a verb *gallare*, which signifies to rage (*insanare, bacchari*), and which occurs in one of the fragments of Varro (p. 273, ed. Bip.) and in the *Antholog. Lat.* vol. i. p. 34, ed. Burmann. [L. S.]

GAME'LIA (γαμηλία). The demes and phratries of Attica possessed various means to prevent intruders from assuming the rights of citizens. Among other regulations it was ordained that every bride, previous to her marriage, should be introduced by her parents or guardians to the phratria of her husband (γαμηλίαν ὑπὲρ γυναῖκος εἰσφέρειν, Isaeus, *de Pyrrh. Haered.* pp. 62, 65, &c.; *de Ciron. Haered.* p. 208; Demosth. *c. Eubul.* p. 1312 and 1320). This introduction of the young women was accompanied by presents to their new phratores, which were called γαμηλία. (Suidas, *s. v.*; Schol. *ad Dem. c. Eubul.* p. 1312.) The women were enrolled in the lists of the phratries, and this enrolment was also called γαμηλία. The presents seem to have consisted in a feast given to the phratores, and the phratores in return made some offerings to the gods on behalf of the young bride. (Pollux, iii. 3, viii. 9, 28.) The acceptance of the presents and the permission to enroll the bride in the registers of the phratria, was equivalent to a declaration that she was considered a true citizen, and that consequently her children would have legitimate claims to all the rights and privileges of citizens. (Herm. *Lehr. d. griech. Staatsalt.* § 100. n. 1.)

Γαμηλία was also the name of a sacrifice offered to Athena on the day previous to the marriage of a girl. She was taken by her parents to the temple of the goddess in the Acropolis, where the offerings were made on her behalf. (Suidas, *s. v.* Προτέλεια.)

The plural, γαμηλίαι, was used to express wedding solemnities in general. (Lycophron, *ap. Etym. M. s. v.*) [L. S.]

GAMOS (γάμος). [Matrimonium.]

GA'MORI. [Geomori.]

GA'NEA. [Caupona, p. 259, a.]

GAUSAPA, GAUSAPE, or GAUSAPUM, a kind of thick cloth, which was on one side very woolly, and was used to cover tables (Horat. *Sat.* ii. 11; Lucil. *ap. Priscian.* ix. 870), beds (Mart. xiv. 147), and by persons to wrap themselves up after taking a bath (Petron. 28), or in general to protect themselves against rain and cold. (Seneca, *Epist.* 53.) It was worn by men as well as women. (Ovid, *Ars Amat.* ii. 300.) It came in use among the Romans about the time of Augustus (Plin. *H. N.* viii. 48), and the wealthier Romans had it made of the finest wool, and mostly of a purple colour. The gausapum seems, however, sometimes to have been made of linen, but its peculiarity of having one side more woolly than the other always remained the same. (Mart. xiv. 138.) As Martial (xiv. 152) calls it *gausapa quadrata*, we have reason to suppose that, like the Scotch plaid, it was always, for whatever purpose it might be used, a square or oblong piece of cloth. (See Böttiger, *Sabina*, ii. p. 102.)

The word gausapa is also sometimes used to designate a thick wig, such as was made of the hair of Germans, and worn by the fashionable people at Rome at the time of the emperors. (Pers. *Sat.* vi. 46.) Persius (*Sat.* iv. 38) also applies the word in a figurative sense to a full beard. [L. S.]

GELEONTES. [Tribus, Greek.]

GELOTOPOII (γελωτοποιοί) [Parasiti.]

GENE'SIA. [Funus, p. 558, a.]

GE'NIUS. See *Dict. of Gr. and Rom. Biography.*

GENOS (γένος). [Tribus, Greek.]

GENS. This word contains the same element as the Latin *gen*,us, and gi*gn*,o, and as the Greek γέν,ος, γί-γν-ομαι, &c., and it primarily signifies *kin*. But the word has numerous significations, which have either a very remote connection with this its primary notion, or perhaps none at all.

Gens sometimes signifies a whole political community, as Gens Latinorum, Gens Campanorum, &c. (Juv. *Sat.* viii. 239, and Heinrich's note); though it is probable that in this application of the term, the notion of a distinction of race or stock is implied, or at least the notion of a totality of persons distinguished from other totalities by sameness of language, community of law, and increase of their numbers among themselves only. Cicero (*pro Balbo*, c. 13) speaks of "Gentes universae in civitatem receptae, ut Sabinorum, Volscorum, Hernicorum." It is a consequence of such meaning of Gens, rather than an independent meaning, that the word is sometimes used to express a people simply with reference to their territorial limits.

The meaning of the word in the expression Jus Gentium is explained under Jus.

The words Gens and Gentiles have a special meaning in the system of the Roman law and in the Roman constitution. Cicero (*Top.* 6) has preserved a definition of Gentiles which was given by Scaevola, the pontifex, and which, with reference to the time, must be considered complete. Those were Gentiles, according to Scaevola, (1) who bore the same name, (2) who were born of freemen (*ingenui*), (3) none of whose ancestors had been a slave, and (4) who had suffered no capitis diminutio. This definition contains nothing which shows a common bond of union among gentiles, except the possession of a common name; but those who had a common name were not gentiles, if the three other conditions, contained in this definition, were not applicable to them. There is also a definition of gentilis by Festus: — "That is called Gens Aelia which is composed (*conficitur*) of many familiae. Gentilis is both one who is of the same stock (*genus*), and one who is called by the same name (*simili nomine*) *, as Cincius says, those are my gentiles who are called by my name."

We cannot conclude any thing more from the *conficitur* of Festus than that a Gens contained several familiae, or that several familiae were comprehended under one Gens. According to the definition, persons of the same *genus* (kin) were gentiles, and also persons of the same name were gentiles. If Festus meant to say that *all* persons of the same genus and all persons of the same name were gentiles, his statement is inconsistent with the definition of the Pontifex; for persons might be of the same genus, and might have sustained a capitis diminutio either by adoption or adrogation, or by emancipation: in all these cases the genus would remain, for the natural relationship was not affected by any change in the juristical condition of a person; in the cases of adoption and adrogation the name would be lost: in the case of emancipation it would be retained. If the definition of Festus means that among those of the same genus there may be gentiles; and among those of the same name, gentiles may also be included, his definition is true; but neither part of the definition is absolutely true, nor, if both parts are taken together, is the whole definition absolutely true. It seems as if the definition of gentiles was a matter of some difficulty; for while the possession of a common name was the simplest general characteristic of gentilitas, there were other conditions which were equally essential.

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* "Gentilis dicitur et ex eodem genere ortus, *et* is qui simili nomine appellatur." The second *et* is sometimes read *ut*, which is manifestly not the right reading, as the context shows. Besides, if the words "*ut* is qui simili nomine appellatur," are to be taken as an illustration of "ex eodem genere ortus," as they must be if *ut* is the true reading, then the notion of a *common name* is viewed as of necessity being contained in the notion of *common kin*, whereas there may be common kin without common name, and common name without common kin. Thus neither does common name include all common kin, nor does common kin include all common name; yet each includes something that the other includes.

The name of the gens was generally characterised by the termination *eia* or *ia*, as Julia, Cornelia, Valeria.

When a man died intestate and without agnati, his familia [FAMILIA] by the law of the Twelve Tables came to the gentiles; and in the case of a lunatic (*furiosus*) who had no guardians, the guardianship of the lunatic and his property belonged to the agnati and to the gentiles; to the latter, we may presume, in case the former did not exist.

Accordingly, one part of the jus gentilitium or jus gentilitatis related to successions to the property of intestates, who had no agnati. A notable example of a dispute on this subject between the Claudii and Marcelli is mentioned in a difficult passage of Cicero (*de Orat.* i. 39). The Marcelli claimed the inheritance of an intestate son of one of the liberti or freedmen of their familia (*stirpe*); the Claudii claimed the same by the gentile rights (*gente*). The Marcelli were plebeians and belonged to the patrician Claudia gens. Niebuhr observes that this claim of the Claudii is inconsistent with Cicero's definition, according to which no descendant of a freedman could be a gentilis; and he concludes that Cicero (that is Scaevola) must have been mistaken in this part of his definition. But it must be observed though the descendants of freedmen might have no claim as gentiles, the members of a gens might as such have claims against them; and in this sense the descendants of freedmen might be gentiles. It would seem as if the Marcelli united to defend their supposed patronal rights to the inheritance of the sons of freedmen against the claims of the gens; for the law of the Twelve Tables gave the inheritance of a freedman only, who died intestate and without heirs, to his patron, and not the inheritance of the son of a freedman. The question might be this: whether the law, in the case supposed, gave the hereditas to the gens as having a right paramount to the patronal right. It may be that the Marcelli, as being included in the Claudia gens, were supposed to have merged their patronal rights (if they really existed in the case in dispute) in those of the gens. Whether as members of the gens, the plebeian Marcelli would take as gentiles what they lost as patroni, may be doubted.

It is generally said or supposed that the hereditas which came to a gens was divided among the gentiles, which must mean the heads of familiae. This may be so; at least we must conceive that the hereditas, at one period at least, must have been a benefit to the members of the gens: Caesar is said (Sueton. *Jul.* 1) to have been deprived of his gentilitiae hereditates.

In determining that the property of intestates should ultimately belong to the gens, the law of the Twelve Tables was only providing for a case which in every civilized country is provided for by some positive law; that is, the law finds some rule as to the disposition of the property of a person who dies without having disposed of it or leaving those whom the law recognizes as immediately entitled to it in case there is no disposition. The gens had thus a relation to the gentiles, similar to that which subsists in modern states between the sovereign power and persons dying intestate and without heirs or next of kin. The mode in which such a succession was applied by the gens was probably not determined by law; and as the gens was a kind of juristical person, analogous to the community of a civitas, it seems not unlikely that originally inheritances accrued to the gens *as such*, and were common property. The gens must have had some common property, such as sacella, &c. It would be no difficult transition to imagine, that what originally belonged to the gens as such, was in the course of time distributed among the members, which would easily take place when the familiae included in a gens were reduced to a small number.

There were certain sacred rites (*sacra gentilitia*) which belonged to a gens, to the observance of which all the members of a gens, as such, were bound, whether they were members by birth, adoption, or adrogation. A person was freed from the observance of such sacra, and lost the privileges connected with his gentile rights, when he lost his gens, that is, when he was adrogated, adopted, or even emancipated; for adrogation, adoption, and emancipation were accompanied by a diminutio capitis.

When the adoption was from one familia into another of the same gens, the name of the gens was still retained; and when a son was emancipated, the name of the gens was still retained; and yet in both these cases, if we adopt the definition of Scaevola, the adopted and emancipated persons lost the gentile rights, though they were also freed from the gentile burdens (*sacra*). In the case of adoption and adrogation, the adopted and adrogated person who passed into a familia of another gens, must have passed into the gens of such familia, and so must have acquired the rights of that gens. Such a person had sustained a capitis diminutio, and its effect was to destroy his former gentile rights, together with the rights of agnation. The gentile rights were in fact implied in the rights of agnation, if the pater-familias had a gens. Consequently he who obtained by adrogation or adoption the rights of agnation, obtained also the gentile rights of his adopted father. In the case of adrogation, the adrogated person renounced his gens at the Comitia Curiata, which solemnity might also be expressed by the term "sacra detestari," for sacra and gens are often synonymous. Thus, in such case, adrogatio, on the part of the adoptive father, corresponded to detestatio sacrorum on the part of the adrogated son. This detestatio sacrorum is probably the same thing as the sacrorum alienatio mentioned by Cicero (*Orator*, c. 42). It was the duty of the pontifices to look after the due observation of the gentile sacra, and to see that they were not lost. (*Pro Domo*, c. 13, &c.) Each gens seems to have had its peculiar place (*sacellum*) for the celebration of the sacra gentilitia, which were performed at stated times. The sacra gentilitia, as already observed, were a burden on the members of a gens *as such*. The sacra privata were a charge on the property of an individual; the two kinds of sacra were thus quite distinct.

According to Dionysius (*Antiq. Rom.* ii. 7), the curiae were respectively subdivided into Decades; and Niebuhr argues that Decades and Gentes were the same. Accordingly each of the three tribes contained ten curiae and 100 gentes; and the three tribes contained 300 gentes. Now if there is any truth in the tradition of this original distribution of the population into tribes, curiae and gentes, it follows that there was no necessary kinship among those families which belonged to a gens, any more than among those families which belonged to one curia.

We know nothing historically of the organisation of civil society, but we know that many new political bodies have been organised out of the materials of existing political bodies. It is useless to conjecture what was the original organisation of the Roman state. We must take the tradition as it has come down to us. The tradition is not, that familiae related by blood were formed into gentes, that these gentes were formed into curiae, that these curiae were formed into tribes. Such a tradition would contain its own refutation, for it involves the notion of the construction of a body politic by the aggregation of families into unities, and by further combinations of these new unities. The tradition is of three fundamental parts (in whatever manner formed), and of the divisions of them into smaller parts. The smallest political division is gens. No further division is made, and thus of necessity, when we come to consider the component parts of gens, we come to consider the individuals comprised in it or the heads of families. According to the fundamental principles of Roman law, the individuals arrange themselves into familiae under their respective patres-familiae. It follows, that if the distribution of the people was effected by a division of the larger into smaller parts, there could be no necessary kin among the familiae of a gens; for kinship among all the members of a gens could only be effected by selecting kindred familiae, and forming them into a gens. If the gens was the result of subdivision, the kinship of the original members of such gens, whenever it existed, must have been accidental.

There is no proof that the Romans considered that there was kinship among the familiae originally included in a gens. Yet as kinship was evidence of the rights of agnatio, and consequently of gentile rights, when there had been no capitis diminutio, it is easy to see how that which was evidence of the rights of agnatio, and consequently of gentile rights, might be viewed as part of the definition of gentilis, and be so extended as to comprehend a supposed kinship among the original members of the gens. The word *gens* itself would also favour such a supposition, especially as the word *genus* seems to be often used in the same sense. (Cic. *pro Balbo*, c. 14.) This notion of kinship appears also to be confirmed by the fact of the members of the gens being distinguished by a common name, as Cornelia, Julia, &c. But many circumstances, besides that of a common origin, may have given a common name to the gentiles; and indeed there seems nothing more strange in all the gentiles having a common name, than there being a common name for all the members of a curia and a tribe.

As the gentes were subdivisions of the three ancient tribes, the populus (in the ancient sense) alone had gentes, so that to be a patrician and to have a gens were synonymous; and thus we find the expressions gens and patricii constantly united. Yet it appears, as in the case already cited, that some gentes contained plebeian familiae, which it is conjectured had their origin in marriages between patricians and plebeians before there was connubium between them. When the lex was carried which established connubium between the plebs and the patres, it was alleged that this measure would confound the gentile rights (*jura gentium*, Liv. iv. 1). Before this connubium existed, if a gentilis married a woman not a gentilis, it followed that the children could not be gentiles; yet they might retain the gentile name, and thus, in a sense, the family might be gentiles without the gentile privileges. Such marriages would in effect introduce confusion; and it does not appear how this would be increased by giving to a marriage between a gentile man, and a woman not gentilis, the legal character of connubium; the effect of the legal change was to give the children the gentilitas of their father. It is sometimes said that the effect of this lex was to give the gentile rights to the plebs, which is an absurdity; for, according to the expression of Livy (iv. 4), which is conformable to a strict principle of Roman law, "patrem sequuntur liberi," and the children of a plebeian man could only be plebeian. Before the passing of this lex, it may be inferred that if a patrician woman married out of her gens (e gente, e patribus enupsit) it was no marriage at all, and that the children of such marriage were not in the power of their father, and, it seems a necessary consequence, not Roman citizens. The effect would be the same, according to the strict principles of Roman law, if a plebeian married a patrician woman, before there was connubium between them; for if there was no connubium, there was no legal marriage, and the offspring were not citizens, which is the thing complained of by Canuleius. (Liv. iv. 4.) It does not appear then how such marriages will account for plebeian familiae being contained in patrician gentes, unless we suppose that when the children of a gentile man and a plebeian woman took the name of the father, and followed the condition of the mother, they were in some way or other, not easy to explain, considered as citizens and plebeians. But if this be so, what would be the status of the children of a patrician woman by a plebeian man?

Niebuhr assumes that the members of the gens (gentiles) were bound to assist their indigent fellows in bearing extraordinary burdens; but this assertion is founded on the interpretation given to the words *τοὺς γένει προσήκοντας* of Dionysius (ii. 10), which have a simpler and more obvious meaning. Whatever probability there may be in the assumption of Niebuhr, as founded on the passage above cited, and one or two other passages, it cannot be considered as a thing demonstrated.

A hundred new members were added to the senate by the first Tarquin. These were the representatives of the Luceres, the third and inferior tribe; and they were called Patres Minorum gentium (Liv. i. 35). See the curious letter of Cicero to Paetus (*ad Fam.* ix. 21).

If the gentes were such subdivisions of a curia, as already stated, it may be asked what is meant by new gentes being introduced among the curiae, for this undoubtedly took place. Tullus Hostilius incorporated the Julii, Servilii, and others, among the Patricii, and consequently among the curiae. The Claudii were a Sabine gens, who, it was said (Liv. iv. 3), were received among the patricii after the banishment of the kings. A recent writer (Goettling) attempts to remove this difficulty by assuming, according to his interpretation of Dionysius (ii. 7), a division of the curiae into ten decuriae, and by the further assumption of an indefinite number of gentes in each decuria. Consistently with this, he assumes a kinship among the members of the same gens, according to which hypothesis the several patres-familiae of such gens must have descended, or claimed descent, from a common ancestor. Thus the gentes would be nothing more than aggregates of kindred families, and it must have been contrived in making the division into decuriae, that all the members of a gens (thus understood) must have been included in the same decuria. But to assume this, is nothing more than to say that the political system was formed by beginning with aggregations of families; for if the ultimate political division, the decuriae, was to consist of aggregates of gentes (thus understood), such arrangement could only be effected by making aggregation of families the basis of the political system, and then ascending from them to decuriae, from decuriae to curiae, and from curiae to tribes; a proceeding which is inconsistent with saying that the curiae were subdivided into decuriae, for this mode of expression implies that the curiae were formed before the decuriae. But the introduction of new gentes is conceivable even on the hypothesis of the gens being a mere political division. If the number was originally limited, it is perfectly consistent with what we know of the Roman constitution, which was always in a state of progressive change, to suppose that the strict rule of limitation was soon neglected. Now if a new gens was introduced, it must have been assimilated to the old gentes by having a distinctive name; and if a number of foreigners were admitted as a gens, it is conceivable that they would take the name of some distinguished person among them, who might be the head of a family consisting of many branches, each with a numerous body of retainers. And this is the better tradition as to the patrician Claudii, who came to Rome with Atta Claudius, their head (*gentis princeps*), after the expulsion of the kings, and were co-optated (*cooptati*) by the patres among the patricii; which is the same thing as saying that this immigrating body was recognised as a Roman gens. (Sueton. *Tib.* 1; Liv. ii. 16.) According to the tradition, Atta Claudius received a tract of land for his clients on the Anio, and a piece of burying-ground, under the Capitol, was given to him by the state (*publice*). According to the original constitution of a gens, the possession of a common burying-place, and the gentile right to interment therein, were a part of the gentile sacra. (Cic. *Leg.* ii. 22; Vell. Pat. ii. 119; Festus, *s. v. Cincia;* Liv. iv. 3, vi. 40; Virgil, *Aen.* vii. 706. As to the Gens Octavia, see Suetonius, *Aug.* 2.)

It is probable that even in the time of Cicero the proper notion of a gens and its rights were ill understood; and still later, owing to the great changes in the constitution, and the extinction of so many ancient gentes, the traces of the jus gentilitium were nearly effaced. Thus we find that the words gens and familia are used indifferently by later writers, though Livy carefully distinguishes them. The "elder Pliny speaks of the sacra Serviliae familiae; Macrobius of the sacra familiae Claudiae, Aemiliae, Juliae, Corneliae; and an ancient inscription mentions an Aedituus and a Sacerdos Sergiae familiae, though those were all well known ancient gentes, and these sacra, in the more correct language of the older writers, would certainly have been called sacra gentilitia." (Savigny, *Zeitschrift, &c.* vol. ii. p. 385.)

In the time of Gaius (the age of the Antonines), the jus gentilitium had entirely fallen into disuse. (Gaius, iii. 17.) Thus an ancient institution, which formed an integral part of the old constitution, and was long held together by the conservative power of religious rights, gradually lost its primitive character in the changes which circumstances impressed on the form of the Roman state, and was finally extinguished.

The word Gens has recently been rendered in English by the word House, a term which has here been purposely not used, as it is not necessary, and can only lead to misconception.

The subject of the gens is discussed with great acuteness both by Niebuhr (*Rom. Hist.* vol. i.) and by Malden (*Hist. of Rome*, published by the Society for the Diffusion of Useful Knowledge).

The views of Goettling are contained in his *Geschichte der Röm. Staatsverfassung*, Halle, 1840, and those of Becker in his *Handbuch der Römischen Alterthümer* 2ter Theil, 1ste Abth. See also Savigny, *Zeitschrift, &c.* vol. ii. p. 380, &c., and Unterholzner, *Zeitschrift, &c.* vol. v. p. 119. [G. L.]

GENTILES. [Gens.]

GENTIL'ITAS. [Gens.]

GEO'MORI (*γεωμόροι*; Doric, *γάμοροι*) is the name of the second of the three classes into which Theseus is said to have divided the inhabitants of Attica. (Plut. *Thes.* 25; Pollux, viii. 111.) This class was, together with the third, the δημιουργοί, excluded from the great civil and priestly offices which belonged exclusively to the eupatrids, so that there was a great distinction between the first and the two inferior classes. We possess, however, no means to ascertain any particulars respecting the relation in which the γεωμόροι stood to the two other classes. The name may either signify independent land-owners, or peasants who cultivated the lands of others as tenants. The γεωμόροι have, accordingly, by some writers been thought to be free land-owners, while others have conceived them to have been a class of tenants. It seems, however, inconsistent with the state of affairs in Attica, as well as with the manner in which the name γεωμόροι was used in other Greek states, to suppose that the whole class consisted of the latter only; there were undoubtedly among them a considerable number of freemen who cultivated their own lands (Timaeus, *Glossar. s. v.* Γεωμόροι; Valckenaer *ad Herod.* v. 77), but had by their birth no claims to the rights and privileges of the nobles. We do not hear of any political distinctions between the γεωμόροι and the δημιουργοί; and it may either be that there existed none at all, or if there were any originally, that they gradually vanished. This would account for the fact that Dionysius (ii. 8) only mentions two classes of Atticans; one corresponding to the Roman patricians, the other to the plebeians. (Thirlwall, *History of Greece*, vol. ii. p. 14; Wachsmuth, *Hellenische Alterthumskunde*, vol. i. p. 361, 2d edit.; Platner, *Beiträge, &c.*, p. 19; Titmann, *Griech. Staatsverfassungen*, p. 575, &c.)

In Samos the name *γεωμόροι* was applied to the oligarchical party, consisting of the wealthy and powerful. (Thucyd. viii. 21; Plut. *Quaest. Rom.* p. 303; Müller, *Dor.* iii. 1. § 4.) In Syracuse the aristocratical party was likewise called *γεωμόροι* or *γαμόροι*, in opposition to the *δῆμος*. (Herod. vii. 155; Hesych. *s. v.* *Γάμοροι*; Müller, *Dor.* iii. 4. § 4; Göller, *de Situ et Orig. Syrac.* p. 9.) [L. S.]

GERAERAE or GERARAE (*γεραιραί* or *γεραραί*). [Dionysia, p. 412, a.]

GERANOS (*γέρανος*). [Hyporchema.]

GERMA'NI. [Cognati.]

GEROU'SIA (*γερουσία*), the council of elders (*γέροντες*), was the name of the Senate in most Doric states, and was especially used to signify the Senate at Sparta. In connection with this subject it is proposed to give a general view of the Spartan constitution, and to explain the functions of its legislative and administrative elements. In the later ages of Spartan history one of the most prominent of these was the college of the five ephors; but as an account of the Ephoralty is given in a separate article [Ephori], we shall confine our inquiries to the kings, the *γέροντες* or councillors, and the *ἐκκλησία* or assembly of Spartan freemen.

I. *The Kings.* The kingly authority at Sparta was, as it is well known, coeval with the settlement of the Dorians in the Peloponnesus, and confined to the descendants of Aristodemus, one of the Heracleid leaders, under whom, according to the Spartan legend, the conquest of Laconia was achieved. To him were born twin sons, Eurysthenes and Procles; and from this cause arose the diarchy, or divided royalty, the sovereignty being always shared by the representatives of the two families which claimed descent from them (Herod. vi. 52); the precedence in point of honour was, however, granted to the older branch, who were called Agiads, as the younger house was styled Eurypontides from certain alleged descendants of the twin brothers. (Niebuhr, *Hist. of Rom.* vol. i. p. 356.) Such was the national legend; but as we read that the sanction of the Pythian oracle was procured for the arrangement of the diarchy (Herod. *l. c.*), we may conclude that it was not altogether fortuitous, but rather the work of policy and design; nor indeed is it improbable that the nobles would gladly avail themselves of an opportunity to weaken the royal authority by dividing it.

The descent of the Spartan kings from the national heroes and leaders contributed in no small degree to support their dignity and honour; and it is, perhaps, from this circumstance partly that they were considered as heroes, and enjoyed a certain religious respect. (Xen. *De Rep. Lac.* c. 15.) The honours paid to them were, however, of a simple and heroic character, such as a Spartan might give without derogating from his own dignity or forgetting his self-respect. Thus, we are told that the kings united the character of priest and king, the priesthoods of Zeus Uranius (Herod. vi. 56) and the Lacedaemonian Zeus being filled by them; and that, in their capacity of national high priests, they officiated at all the public sacrifices offered on behalf of the state. (Xen. *De Rep. Lac.* 15.) Moreover they were amply provided with the means for exercising the heroic virtue of hospitality; for this purpose, public or domain lands were assigned to them in the district of the perioeci, or provincial subjects, and certain perquisites belonged to them whenever any animal was slain in sacrifice. Besides this, the kings were entitled to various payments in kind (*πασῶν τῶν συῶν ἀπὸ τόκου χοῖρον*), that they might never be in want of victims to sacrifice; in addition to which they received, twice a month from the state, an *ἱρήϊον τελεῖον*, to be offered as a sacrifice to Apollo, and then served up at the royal table. Whenever also any of the citizens made a public sacrifice to the gods, the kings were invited to the feast, and honoured above the other guests: a double portion of food was given to them, and they commenced the libations to the gods. (Herod. vi. 57.) All these distinctions are of a simple and antiquated character, and, so far as they go, prove that the Spartan sovereignty was a continuation of the heroic or Homeric. The distinctions and privileges granted to the king as commander of the forces in war, lead to the same conclusion. These were greater than he enjoyed at home. He was guarded by a body of 100 chosen men, and his table was maintained at the public expense: he might sacrifice in his sacerdotal capacity as many victims as he chose; the skins and backs of which were his perquisites, and he was assisted by so many subordinate officers, that he had nothing else to do, except to act as priest and strategus. (Xen. *De Rep. Lac.* 14, 15; Herod. vi. 55.)

The accession and demise of the Spartan kings were marked by observances of an Oriental character. (Herod. vi. 58.) The former event was signalised by a remission of all debts due from private individuals to the state or the king; and on the death of a king, the funeral solemnities were celebrated by the whole community. There was a general mourning for ten days, during which all public business was suspended: horsemen went round the country to carry the tidings, and a fixed number of the perioeci, or provincials, was obliged to come from all parts of the country to the city, where, with the Spartans and Helots, and their wives, to the number of many thousands, they made loud lamentations, and proclaimed the virtues of the deceased king as superior to those of all his predecessors. (Herod. *l. c.*)

In comparison with their dignity and honours, the constitutional powers of the kings were very limited. In fact they can scarcely be said to have possessed any; for though they presided over the council of *γέροντες* or *ἀρχαγέται*, or *principes senatus*, and the king of the elder house probably had a casting vote*, still the voice of each counted for no more than that of any other senator: when absent, their place was supplied and their proxies tendered by the councillors who were most nearly related to them, and therefore of an Heracleid family. Still the kings had some important prerogatives; thus they had in common with other magistrates the *right* of addressing the public assembly; besides this, they sat in a separate court of their own, where they gave judgment in all cases of heiresses claimed by different parties: a function formerly exercised by the kings at Athens, but afterwards transferred to the Archon Eponymus. (Herod. vi. 57.) They also appointed the four *Pythians* (Πύθιοι), whose duty it was to go as messengers to consult the god at Delphi. Adoptions also took place in their presence, and they held a court in all cases connected with the maintenance of the public roads; probably in their capacity of generals, and as superintendents of the intercourse with foreign nations. (Müller, *Dor.* iii. 6. § 7.) In foreign affairs, indeed, their prerogatives were considerable: thus they were the commanders of the Spartan forces, and had the privilege of nominating from amongst the citizens, persons to act as "proxeni" or protectors and entertainers of foreigners visiting Sparta. But their chief power was in war; for after they had once crossed the borders of Laconia, in command of troops, their authority became unlimited. They could send out and assemble armies, despatch ambassadors to collect money, and refer those who applied to themselves for justice to the proper officers appointed for that purpose. (Xen. *De Rep. Lac.* 13; Thuc. v. 60, viii. 5.) Two ephors, indeed, accompanied the kings on their expeditions, but those magistrates had no authority to interfere with the king's operations: they simply watched over the proceedings of the army. (Xen. *l. c.*) Moreover, there can be no doubt that the kings were, on their return home, accountable for their conduct as generals (Thucyd. v. 63), and more especially after the increase of the ephoral authority. Their military power also was not connected with any political functions, for the kings were not allowed to conclude treaties or to decide the fate of cities, without communicating with the authorities at home. (Xen. *Hell.* ii. 2. § 12, v. 3. § 24.) In former times the two kings had a joint command; this, however, led to inconveniences, and a law was in consequence passed that for the future one only of the two kings should have the command of the army on foreign expeditions. (Herod. v. 57.)

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* Dr. Thirlwall observes that this supposition may perhaps reconcile the difference between Herod. vi. 57. and Thucyd. i. 20.

II. *The γερουσία, or council of elders.* This body was the aristocratic element of the Spartan polity, and not peculiar to Sparta only, but found, as has been already observed, in other Dorian states, just as a βουλή or democratical council was an element of most Ionian constitutions.

The γερουσία or γερωνία at Sparta included the two kings, its presidents, and consisted of thirty members: a number which seems connected with the divisions of the Spartan people. Every Dorian state, in fact, was divided into three tribes: the Hylleis, the Dymanes, and the Pamphyli, whence the Dorians are called τριχάϊκες, or thrice divided. (*Od.* xix. 174.) The tribes at Sparta were again subdivided into ὠβαί, also called φρατρίαι (Müller, *Dor.* iii. 5. § 3), a word which signifies a union of families, whether founded upon ties of relationship, or formed for political purposes, irrespective of any such connection. The obae were like the γέροντες, thirty in number, so that each oba was represented by its councillor: an inference which leads to the conclusion that two obae at least, of the Hyllean tribe, must have belonged to the royal house of the Heracleids. No one was eligible to the council till he was sixty years of age (Plut. *Lycurg.* 26), and the additional qualifications were strictly of an aristocratic nature. We are told, for instance, that the office of a councillor was the reward and prize of virtue (Aristot. *Polit.* ii. 6. § 15; Demosth. *c. Lept.* p. 489), and that it was confined to men of distinguished character and station (καλοὶ κἀγαθοί).

The election was determined by vote, and the mode of conducting it was remarkable for its old-fashioned simplicity. The competitors presented themselves one after another to the assembly of electors (Plut. *Lycurg.* 26); the latter testified their esteem by acclamations, which varied in intensity according to the popularity of the candidates for whom they were given. These manifestations of esteem were noted by persons in an adjoining building, who could judge of the shouting, but could not tell in whose favour it was given. The person whom these judges thought to have been most applauded was declared the successful candidate. The different competitors for a vacant place offered themselves upon their own judgment (Aristot. *Polit.* ii. 6. § 18), probably always from the ὠβά, to which the councillor whose place was vacant had belonged; and as the office was for life, and therefore only one vacancy could (in ordinary cases) happen at a time, the attention of the whole state would be fixed on the choice of the electors. The office of a councillor, however, was not only for life, but also irresponsible (Aristot. *Polit.* ii. 6), as if a previous reputation, and the near approach of death, were considered a sufficient guarantee for integrity and moderation. But the councillors did not always prove so, for Aristotle (*l. c.*) tells us that the members of the γερουσία received bribes, and frequently showed partiality in their decisions.

The functions of the councillors were partly deliberative, partly judicial, and partly executive. In the discharge of the first they prepared measures and passed preliminary decrees (Plut. *Agis*, 11) which were to be laid before the popular assembly, so that the important privilege of initiating all changes in the government or laws was vested in them. As a criminal court they could punish with death and civil degradation (ἀτιμία, Xen. *De Rep. Lac.* 10. § 2; Arist. *Polit.* iii. 1), and that, too, without being restrained by any code of written laws (Aristot. *Polit.* ii. 6), for which national feeling and recognised usages would form a sufficient substitute. They also appear to have exercised, like the Areiopagus at Athens, a general superintendence and inspection over the lives and manners of the citizens (*arbitri et magistri disciplinae publicae*, Aul. Gell. xviii. 3), and probably were allowed "a kind of patriarchal authority to enforce the observance of ancient usage and discipline." (Thirlwall, *Hist. of Greece*, vol. i. p. 318.) It is not, however, easy to define with exactness the original extent of their functions; especially as respects the last-mentioned duty, since the ephors not only encroached upon the prerogatives of the king and council, but also possessed, in very early times, a censorial power, and were not likely to permit any diminution of its extent.

III. *The ἐκκλησία, or assembly of Spartan freemen.* This assembly possessed, in theory at least, the supreme authority in all matters affecting the general interests of the state. Its original position at Sparta is shortly explained by a rhetra or ordinance of Lycurgus, which, in the form of an oracle, exhibits the principal features of the Spartan polity:—"Build a temple," says the Pythian god, "to Hellanian Zeus and Hellanian Athena; divide the tribes, and institute thirty obas; appoint a council with its princes; call an assembly (ἀπελλάζειν) between Babyca and Knakion, then make a motion and depart; and let there be a right of decision and power to the people" (δάμῳ δὲ κυριάν ἦμεν καὶ κράτος, Plut. *Lycurg.* 6; Müller, *Dor.* iii. 5. § 8).

By this ordinance full power was given to the people to adopt or reject whatever was proposed to them by the king and other magistrates. It was, however, found necessary to define this power more exactly, and the following clause, ascribed to the kings Theopompus and Polydorus, was added to the original rhetra, "but if the people should follow a crooked opinion the elders and the princes shall withdraw" (τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστάτηρας ἦμεν). Plutarch (*l. c.*) interprets these words to mean "That in case the people does not either reject or approve in toto a measure proposed to them, the kings and councillors should dissolve the assembly, and declare the proposed decree to be invalid." According to this interpretation, which is confirmed by some verses in the Eunomia of Tyrtaeus, the assembly was not competent to originate any measures, but only to pass or reject, without modification, the laws and decrees proposed by the proper authorities: a limitation of its power, which almost determined the character of the Spartan constitution, and justifies the words of Demosthenes, who observed (*c. Lep.* p. 489. 20), that the γερουσία at Sparta was in many respects supreme—Δεσπότης ἐστὶ τῶν πολλῶν. All citizens above the age of thirty, who were not labouring under any loss of franchise, were admissible to the general assembly or ἀπέλλα (Plut. *Lycurg.* 25), as it was called in the old Spartan dialect; but no one except public magistrates, and chiefly the ephors and kings, addressed the people without being specially called upon. (Müller, *Dor.* iii. 4. § 11.) The same public functionaries also put the question to the vote. (Thuc. i. 80. 87.) Hence, as the magistrates only (τὰ τέλη or ἀρχαί) were the leaders and speakers of the assembly, decrees of the whole people are often spoken of as the decision of the authorities only, especially in matters relating to foreign affairs. The intimate connection of the ephors with the assembly is shown by a phrase of very frequent occurrence in decrees (ἔδοξε τοῖς ἐφόροις καὶ τῇ ἐκκλησίᾳ). The method of voting was by acclamation; the place of meeting between the brook Knakion and the bridge Babyca, to the west of the city, and enclosed. (Plut. *Lycurg.* 6.) The regular assemblies were held every full moon; and on occasions of emergency extraordinary meetings were convened. (Herod. vii. 134.)

The whole people alone could proclaim "a war, conclude a peace, enter into an armistice for any length of time; and all negotiations with foreign states, though conducted by the kings and ephors, could be ratified by the same authority only." With regard to domestic affairs, the highest offices, such as magistracies and priesthoods, were filled "by the votes of the people; a disputed succession to the throne was decided upon by them; changes in the constitution were proposed and explained, and all new laws, after a previous decree in the senate, were confirmed by them." (Müller, *Dor.* 4. § 9.) It appears, therefore, to use the words of Müller, that the popular assembly really possessed the supreme political and legislative authority at Sparta, but it was so hampered and checked by the spirit of the constitution, that it could only exert its authority within certain prescribed limits; so that the government of the state is often spoken of as an aristocracy.

Besides the ἐκκλησία which we have just described, we read in later times of another called the small assembly (Xen. *Hell.* iii. 3. § 18), which appears to have been convened on occasions of emergency, or which were not of sufficient importance to require the decision of the entire body of citizens. This more select assembly was probably composed of the ὅμοιοι, or superior citizens, or of some class enjoying a similar precedence, together with some of the magistrates of the state [ECCLETI], and if, as appears to have been the case, it was convened more frequently than the greater assembly, it is evident that an additional restraint was thus laid upon the power of the latter (*Philol. Museum*, vol. ii. p. 65), the functions of which must have been often superseded by it.

The preceding remarks will enable us to decide a question which has been raised, what was the real nature of the constitution of Sparta? From the expressions of Greek writers, every one would at once answer that it was aristocratic; but it has been asserted that the aristocracy at Sparta was an aristocracy of conquest, in which the conquering people, or Dorians, stood towards the conquered, or Achaians, in the relation of nobles to commons, and that it was principally in this sense that the constitution of Sparta was so completely anti-popular or oligarchical. (Arnold, *Thuc. Append.* ii.) Now this indeed is true; but it seems no less true that the Spartan government would have been equally called an oligarchy or aristocracy even if there had been no subject class at all, on account of the disposition and administration of the sovereign power within the Spartan body alone. The fact is, that in theory at least, the Spartan constitution, as settled by Lycurgus, was a decided democracy, with two hereditary officers, the generals of the commonwealth, at its head; but in practice (at least before the encroachments of the ephors) it was a limited aristocracy; that is, it worked as if the supreme authority was settled in the hands of a minority. The principal circumstances which justify us in considering it as such, are briefly "the restraints imposed upon the assembly, the extensive powers of the councillors, their election for life, their irresponsibility, the absence of written laws, of paid offices, of offices determined by lot," and other things thought by the Greeks characteristic of a democracy. Independent of which we must remember that Sparta was at the head of the oligarchical interest in Greece, and always supported, as at Corcyra and Argos, the oligarchical party, in opposition to the democratic, which was aided by Athens. In fact Dr. Arnold himself observes, that even in the relations of the conquering people among themselves the constitution was far less popular than at Athens. We must, however, bear in mind that the constitution, as settled by Lycurgus, was completely altered in character by the usurpation of the ephors. To such an extent was this the case, that Plato (*Leg.* iv. p. 713) doubted whether the government at Sparta might not be called a "tyranny," in consequence of the extensive powers of the ephoralty, though it was as much like a democracy as any form of government could well be; and yet, he adds, not to call it an aristocracy (*i. e.* a government of the ἄριστοι), is quite absurd. Moreover, Aristotle (*Polit.* iv. 8), when he enumerates the reasons why the Spartan government was called an oligarchy, makes no mention of the relations between the Spartans and their conquered subjects, but observes that it received this name because it had many oligarchical institutions, such as that none of the magistrates were chosen by lot; that a few persons were competent to inflict banishment and death.

Perhaps the shortest and most accurate description of the constitution of Sparta is contained in the following observations of Aristotle (*Polit.* ii. 6): — Some affirm that the best form of government is one mixed of all the forms, wherefore they praise the Spartan constitution: for some say that it is composed of an oligarchy, and a monarchy, and a democracy — a monarchy on account of the kings, an oligarchy on account of the councillors, and a democracy on account of the ephors; but others say that the ephoralty is a "tyranny;" whereas, on the other hand, it may be affirmed that the public tables, and the regulations of daily life, are of a democratic tendency. [R. W.]

GERRHA (γέῤῥα), in Latin, *Gerrae*, properly signified any thing made of wicker-work, and was especially used as the name of the Persian shields, which were made of wicker-work, and were smaller and shorter than the Greek shields (ἀντὶ ἀσπίδων, γέῤῥα, Herod. vii. 61, ix. 61; Xen. *Anab.* ii. 1. § 6; Festus, *s. vv. cerrones, gerrae*).

GLADIATO'RES (μονομάχοι), were men who fought with swords in the amphitheatre and other places for the amusement of the Roman people. (*Gladiator est, qui in arena, populo spectante, pugnavit*, Quintil. *Declam.* 302.) They are said to have been first exhibited by the Etruscans, and to have had their origin from the custom of killing slaves and captives at the funeral pyres of the deceased. (Tertull. *de Spectac.* 12; Serv. *ad Virg. Aen.* x. 519.) [FUNUS, p. 559, a.] A show of gladiators was called *munus*, and the person who exhibited (*edebat*) it, *editor*, *munerator*, or *dominus*, who was honoured during the day of exhibition, if a private person, with the official signs of a magistrate. (Capitol. *M. Anton. Philos.* 23; Flor. iii. 20; Cic. *ad Att.* ii. 19. § 3.)

Gladiators were first exhibited at Rome in B. C. 264, in the Forum Boarium, by Marcus and Decimus Brutus, at the funeral of their father. (Valer. Max. ii. 4. § 7; Liv. *Epit.* 16.) They were at first confined to public funerals, but afterwards fought at the funerals of most persons of consequence, and even at those of women. (Suet. *Jul.* 26; Spartan. *Hadr.* 9.) Private persons sometimes left a sum of money in their will to pay the expenses of such an exhibition at their funerals. (Sen. *de Brev. Vit.* 20.) Combats of gladiators were also exhibited at entertainments (Athen. iv. p. 153; Sil. Ital. xi. 51), and especially at public festivals by the aediles and other magistrates, who sometimes exhibited immense numbers with the view of pleasing the people. (Cic. *pro Mur.* 18; *de Off.* ii. 16.) [AEDILES.] Under the empire the passion of the Romans for this amusement rose to its greatest height, and the number of gladiators who fought on some occasions appears almost incredible. After Trajan's triumph over the Dacians, there were more than 10,000 exhibited. (Dion Cass. lxviii. 15.)

Gladiators consisted either of captives (Vopisc. *Prob.* 19), slaves (Suet. *Vitell.* 12), and condemned malefactors, or of freeborn citizens who fought voluntarily. Of those who were condemned, some were said to be condemned *ad gladium*, in which case they were obliged to be killed at least within a year; and others *ad ludum*, who might obtain their discharge at the end of three years. (Ulpian, *Collat. Mos. et Rom. Leg.* tit. ii. s. 7. § 4.) Freemen, who became gladiators for hire, were called *auctorati* (Quint. *l. c.*; Hor. *Sat.* ii. 7. 58), and their hire *auctoramentum* or *gladiatorium*. (Suet. *Tib.* 7; Liv. xliv. 31.) They also took an oath on entering upon the service, which is preserved by Petronius (117). — "In verba Eumolpi sacramentum juravimus, uri, vinciri, verberari, ferroque necari, et quicquid aliud Eumolpus jussisset, tamquam legitimi gladiatores domino corpora animasque religiosissime addicimus." (Compare Senec. *Epist.* 7.) Even under the republic free-born citizens fought as gladiators (Liv. xxviii. 21), but they appear to have belonged only to the lower orders. Under the empire, however, both equites and senators fought in the arena (Dion Cass. li. 22; lvi. 25; Suet. *Jul.* 39; *Aug.* 43; *Ner.* 12), and even women (Tacit. *Ann.* xv. 32; Suet. *Dom.* 4; Juv. vi. 250, &c.; Stat. *Silv.* I. vi. 53); which practice was at length forbidden in the time of Severus. (Dion Cass. lxxv. 16.)

Gladiators were kept in schools (*ludi*), where they were trained by persons called *lanistae*. (Suet. *Jul.* 26; Cic. *pro Rosc. Amer.* 40; Juv. vi. 216, xi. 8.) The whole body of gladiators under one lanista was frequently called *familia*. (Suet. *Aug.* 42.) They sometimes were the property of the lanistae, who let them out to persons who wished to exhibit a show of gladiators; but at other times belonged to citizens, who kept them for the purpose of exhibition, and engaged lanistae to instruct them. Thus we read of the ludus Aemilius at Rome (Hor. *de Art. poet.* 32), and of Caesar's ludus at Capua. (Caes. *Bell. Civ.* i. 14.) The superintendence of the ludi, which belonged to the emperors, was entrusted to a person of high rank, called curator or procurator. (Tacit. *Ann.* xi. 35; xiii. 22; Suet. *Cal.* 27; Gruter, *Inscr.* p. 489.) The gladiators fought in these ludi with wooden swords, called *rudes*. (Suet. *Cal.* 32, 54.) Great attention was paid to their diet in order to increase the strength of their bodies, whence Cicero (*Phil.* ii. 25) speaks of "gladiatoria totius corporis firmitas." They were fed with nourishing food, called *gladiatoria sagina*. (Tacit. *Hist.* ii. 88.) A great number of gladiators were trained at Ravenna on account of the salubrity of the place. (Strabo, v. p. 213.)

Gladiators were sometimes exhibited at the funeral pyre, and sometimes in the forum, but more frequently in the amphitheatre. [AMPHITHEATRUM.] The person who was to exhibit a show of gladiators published some days before the exhibition bills (*libelli*), containing the number and sometimes the names of those who were to fight. (Cic. *ad Fam.* ii. 8; Suet. *Caes.* 26.) When the day came, they were led along the arena in procession, and matched by pairs (Hor. *Sat.* i. 7. 20); and their swords were examined by the editor to see if they were sufficiently sharp.

(Dion Cass. lxviii. 3; Suet. *Tit.* 9; Lipsius, *Excurs. ad Tac. Ann.* iii. 37.) At first there was a kind of sham battle, called *praelusio*, in which they fought with wooden swords, or the like (Cic. *de Orat.* ii. 78, 80; Ovid, *Ars Amat.* iii. 515; Senec. *Epist.* 117), and afterwards at the sound of the trumpet the real battle began. When a gladiator was wounded, the people called out *habet* or *hoc habet;* and the one who was vanquished lowered his arms in token of submission. His fate, however, depended upon the people, who pressed down their thumbs if they wished him to be saved, but turned them up if they wished him to be killed (Hor. *Ep.* i. 18. 66; Juv. iii. 36), and ordered him to receive the sword (*ferrum recipere*), which gladiators usually did with the greatest firmness. (Cic. *Tusc.* ii. 17, *pro Sext.* 37, *pro Mil.* 34.) If the life of a vanquished gladiator was spared, he obtained his discharge for that day, which was called *missio* (Mart. xii. 29. 7); and hence in an exhibition of gladiators *sine missione* (Liv. xli. 20), the lives of the conquered were never spared. This kind of exhibition, however, was forbidden by Augustus. (Suet. *Aug.* 45.)

Palms were usually given to the victorious gladiators (Suet. *Cal.* 32); and hence, a gladiator, who had frequently conquered, is called "plurimarum palmarum gladiator" (Cic. *pro Rosc. Amer.* 6); money also was sometimes given. (Juv. vii. 243; Suet. *Claud.* 21.) Old gladiators, and sometimes those who had only fought for a short time, were discharged from the service by the editor at the request of the people, who presented each of them with a rudis or wooden sword; whence those who were discharged were called *Rudiarii.* (Cic. *Philip.* ii. 29; Hor. *Ep.* i. 1, 2; Suet. *Tib.* 7; Quint. *l. c.*) If a person was free before he entered the ludus, he became on his discharge free again; and if he had been a slave, he returned to the same condition again. A man, however, who had been a gladiator was always considered to have disgraced himself, and consequently it appears that he could not obtain the equestrian rank if he afterwards acquired sufficient property to entitle him to it (Quint. *l. c.*); and a slave who had been sent into a ludus and there manumitted either by his then owner or another owner, merely acquired the status of a peregrinus dediticius. (Gaius, i. 13.) [Dediticii.]

Shows of gladiators were abolished by Constantine (Cod. 11. tit. 43), but appear notwithstanding to have been generally exhibited till the time of Honorius, by whom they were finally suppressed. (Theodoret. *Hist. Eccles.* v. 20.)

Gladiators were divided into different classes, according to their arms and different mode of fighting, or other circumstances. The names of the most important of these classes is given in alphabetical order: —

Andabatae (Cic. *ad Fam.* vii. 10), wore helmets without any aperture for the eyes, so that they were obliged to fight blindfold, and thus excited the mirth of the spectators. Some modern writers say that they fought on horseback, but this is denied by Orelli. (*Inscr.* 2577.)

Catervarii was the name given to gladiators when they did not fight in pairs, but when several fought together. (Suet. *Aug.* 45; *gregatim dimicantes*, *Cal.* 30.)

Dimacheri appear to have been so called, because they fought with two swords. (Artemiod. ii. 32; Orelli, *Inscr.* 2584.)

Equites were those who fought on horseback. (Orelli, 2569. 2577.)

Essedarii fought from chariots like the Gauls and Britons. [Esseda.] They are frequently mentioned in inscriptions. (Orelli, 2566. 2584, &c.)

Fiscales were those under the empire, who were trained and supported from the fiscus. (Capitol. *Gord.* 33.)

Hoplomachi appear to have been those who fought in a complete suit of armour. (Suet. *Cal.* 35; Martial, viii. 74; Orelli, 2566.) Lipsius considers them to have been the same with the Samnites, and that this name was disused under the emperors, and hoplomachi substituted for it.

Laqueatores were those who used a noose to catch their adversaries. (Isiod. xviii. 56.)

Meridiani were those who fought in the middle of the day, after combats with wild beasts had taken place in the morning. These gladiators were very slightly armed. (Senec. *Epist.* 7; Suet. *Claud.* 34; Orelli, 2587.)

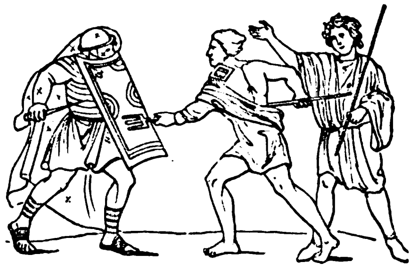
Mirmillones are said to have been so called from their having the image of a fish (*mormyr*, *μορμύρος*) on their helmets. (Festus, *s. v. Retiario.*) Their arms were like those of the Gauls, whence we find that they were also called Galli. They were usually matched with the retiarii or Thracians. (Cic. *Phil.* iii. 12, vii. 6; Juv. viii. 200; Suet. *Cal.* 32; Orelli, 2566, 2580.)

Ordinarii was the name applied to all the regular gladiators, who fought in pairs, in the ordinary way. (Senec. *Epist.* 7; Suet. *Aug.* 45, *Cal.* 26.)

Postulaticii were such as were demanded by the people from the editor, in addition to those who were exhibited. (Senec. *l. c.*)

Provocatores fought with the Samnites (Cic. *pro Sext.* 64), but we do not know any thing respecting them except their name. They are mentioned in inscriptions. (Orelli, 2566.) The *προβοκάτωρ* mentioned by Artemiodorus (ii. 32) appears to be the same as the provocator.

Retiarii carried only a three-pointed lance, called *tridens* or *fuscina* [Fuscina], and a net (*rete*), which they endeavoured to throw over their adversaries, and then to attack them with the fuscina while they were entangled. The retiarius was dressed in a short tunic, and wore nothing on his head. If he missed his aim in throwing the net, he betook himself to flight, and endeavoured to prepare his net for a second cast, while his adversary followed him round the arena in order to kill him before he could make a second attempt. His adversary was usually a secutor or a mirmillo. (Juv. ii. 143, viii. 203; Suet. *Cal.* 30; *Claud.* 34; Orelli, 2578.) In the following woodcut, taken from Winckelmann (*Monum.*



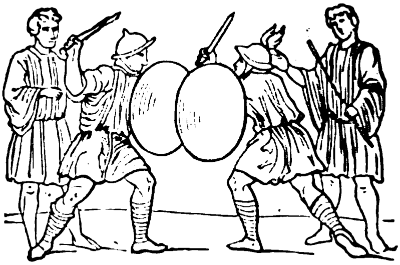
Ined. pl. 197), a combat is represented between a retiarius and a mirmillo: the former has thrown his net over the head of the latter, and is proceeding to attack him with the fuscina. The lanista stands behind the retiarius.

Samnites were so called, because they were armed in the same way as that people, and were particularly distinguished by the oblong *scutum.* (Liv. ix. 40; Cic. *pro Sext.* 64.)

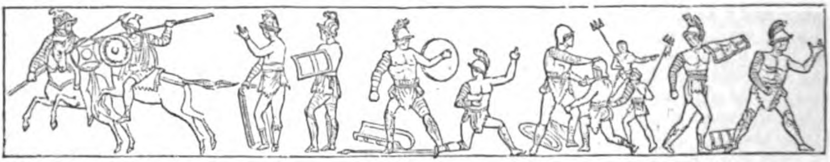
Secutores are supposed by some writers to be so called because the secutor in his combat with the retiarius pursued the latter when he failed in securing him by his net. Other writers think that they were the same as the *supposititii*, mentioned by Martial (v. 24), who were gladiators substituted in the place of those who were wearied or were killed. (Suet. *Cal.* 30; Juv. viii. 210.) If the old reading in a letter of Cicero's (*ad Att.* vii. 14) is correct, Julius Caesar had no less than 500 secutores in his ludus at Capua; but it appears probable that we ought to read *scutorum* instead of *secutorum.*

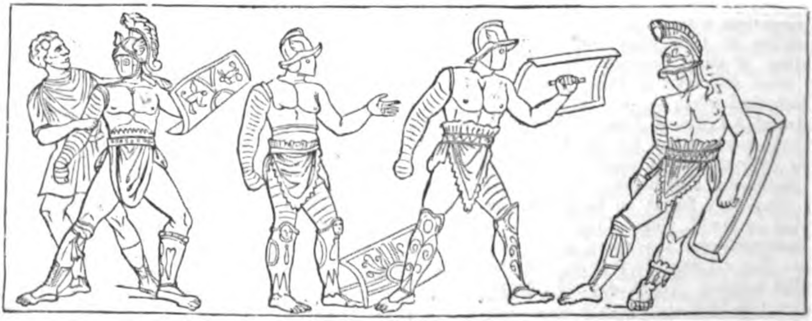
Supposititii. See *Secutores.*

Thraces or *Threces* were armed like the Thracians with a round shield or buckler (Festus, *s. v. Thraeces*), and a short sword or dagger (*sica*, Suet. *Cal.* 32), which is called *falx supina* by Juvenal (viii. 201). They were usually matched, as already stated, with the mirmillones. The woodcut in the next column, taken from Winckelmann (*l. c.*), represents a combat between two Thracians. A lanista stands behind each.



Paintings of gladiatorial combats, as well as of the other sports of the amphitheatre, were favourite subjects with the Roman artists. (Plin. *H. N.* xxxv. 33; Capitol. *Gord.* 3; Vopisc. *Carin.* 18.) Several statues of gladiators have come down to us, which are highly admired as works of art: of these the most celebrated is the gladiator of the Borghese collection, now in the Museum of the Louvre, and the dying gladiator, as it is called, in the Capitoline Museum. Gladiatorial combats are represented in the bas-reliefs on the tomb of Scaurus at Pompeii, and illustrate in many particulars the brief account which has been given in this article of the several classes of gladiators. These bas-reliefs are represented in the following woodcuts from Mazois (*Pomp.* i. pl. 32). The figures are made of stucco, and appear to have been moulded separately, and attached to the plaster by pegs of bronze or iron. In various parts of the frieze are written the name of the person to whom the gladiators belonged, and also the names of the gladiators themselves, and the number of their victories. The first pair of gladiators on the left hand represents an equestrian combat. Both wear helmets with vizors, which cover the whole face, and are armed with spears and round bucklers. In the second pair the gladiator on the left has been wounded; he has let fall his shield, and is imploring the mercy of the people by raising his hand towards them. His antagonist stands behind him waiting the signal of the people. Like all the other gladiators represented on the frieze, they wear the *subligaculum* or short apron fixed above the hips. The one on the left appears to be a mirmillo, and the one on the right, with an oblong shield (*scutum*), a Samnite. The third pair consists of a Thracian and a mirmillo, the latter of whom is defeated. The fourth group consists of four figures; two are secutores and two retiarii. The secutor on his knee appears to have been defeated by the retiarius behind him, but as the fuscina is not adapted for producing certain death, the other secutor is called upon to do it. The





retiarius in the distance is probably destined to fight in his turn with the surviving secutor. The last group consists of a mirmillo and a Samnite; the latter is defeated.

In the last woodcut two combats are represented. In the first a Samnite has been conquered by a mirmillo; the former is holding up his hand to the people to implore mercy, while the latter apparently wishes to become his enemy's executioner before receiving the signal from the people; but the lanista holds him back. In the other combat a mirmillo is mortally wounded by a Samnite.

It will be observed that the right arm of every figure is protected by armour, which the left does not require on account of the shield. [Bestiarii; Venatio.] (Lipsius, *Saturnalia.*)

GLADIUS (ξίφος, *poet.* ἄορ, φάσγανον), a sword or glaive, by the Latin poets called *ensis.* The ancient sword had generally a straight two-edged blade (ἀμφηκες, Hom. *Il.* x. 256), rather broad, and nearly of equal width from hilt to point. Gladiators, however, used a sword which was curved like a scimitar. (Mariette, *Recueil*, No. 92.) In times of the remotest antiquity swords were made of bronze, but afterwards of iron. (Eurip. *Phoen.* 67, 529, 1438; Virg. *Aen.* iv. 579, vi. 260, xii. 950.) The Greeks and Romans wore them on the left side (Sid. Apollin. *Carm.* 2), so as to draw them out of the sheath (*vagina*, κολεός) by passing the right hand in front of the body to take hold of the hilt with the thumb next to the blade. Hence Aeschylus distinguishes the army of Xerxes by the denomination of μαχαιροφόρον ἔθνος (*Pers.* 56), alluding to the obvious difference in their appearance in consequence of the use of the Acinaces instead of the sword.

The early Greeks used a very short sword. Iphicrates, who made various improvements in armour about 400 B. C., doubled its length (Diod. xv. 44), so that an iron sword, found in a tomb at Athens, and represented by Dodwell (*Tour*, i. p. 443), was two feet five inches long, including the handle, which was also of iron. The Roman sword, as was the case also with their other offensive weapons, was larger, heavier, and more formidable than the Greek. (Florus, ii. 7.) Its length gave occasion to the joke of Lentulus upon his son-in-law, who was of very low stature, "Who tied my son-in-law to his sword?" (Macrob. *Saturn.* ii.) To this Roman sword the Greeks applied the term σπάθη (Arrian, *Tact.*), which was the name of a piece of wood of the same form used in weaving [Tela]. The British glaive was still larger than the Roman. (Tac. *Agric.* 36.) In a monument found in London, and preserved at Oxford, the glaive is represented between three and four feet long. (Montfauçon, *Supplem.* iv. p. 16.)

The principal ornament of the sword was bestowed upon the hilt. [Capulus.]

Gladius was sometimes used in a wide sense, so as to include Pugio. (A. Gell. ix. 13.) [J. Y.]

GLANDES. [Funda.]

GNOMON (γνώμων). [Horologium.]

GOMPHI. [Via.]

GORGYRA (γογγύρα). [Carcer.]

GRADUS (βῆμα), *a step*, as a measure of length, was half a *pace* (*passus*) and contained 2½ feet, Greek and Roman respectively, and therefore the Greek βῆμα was rather more, and the Roman *gradus* rather less, than 2½ feet English. (See the Tables.) [P. S.]

GRADUS COGNATIONIS. [Cognati.]

GRAECOSTASIS, a place in the Roman forum, on the right of the Comitium, was so called because the Greek ambassadors, and perhaps also deputies from other foreign or allied states, were allowed to stand there to hear the debates. The Graecostasis was, as Niebuhr remarks, like privileged seats in the hall of a parliamentary assembly. The *Stationes Municipiorum*, of which Pliny speaks (*H. N.* xvi. 44. s. 86), appear to have been places allotted to municipals for the same purpose. When the sun was seen from the Curia coming out between the Rostra and the Graecostasis, it was mid-day; and an accensus of the consul announced the time with a clear loud voice. (Plin. *H. N.* vii. 60, xxxiii. 1. s. 6; Cic. *ad Q. Fr.* ii. 1; Varr. *L. L.* v. 155, ed. Müller; Niebuhr, *Hist. of Rome*, vol. ii. note 116.)

GRAMMATEUS (γραμματεύς), a clerk or scribe. Among the great number of scribes employed by the magistrates and governments of Athens, there were three of a higher rank, who were real state-officers. (Suidas, *s. v.*) Their functions are described by Pollux (viii. 98). One of them was appointed by lot, by the senate, to serve the time of the administration of each prytany, though he always belonged to a different prytany from that which was in power. He was therefore called γραμματεὺς κατὰ πρυτανείαν. (Demosth. *c. Timocrat.* p. 720.) His province was to keep the public records, and the decrees of the people which were made during the time of his office, and to deliver to the thesmothetae the decrees of the senate. (Demosth. *l. c.*) Demosthenes in another passage (*de Fals. Leg.* p. 381) states that the public documents, which were deposited in the Metroon, were in the keeping of a public slave; whence we must suppose with Schömann (*de Comit.* p. 302, transl.) that this servant, whose office was probably for life, was under the γραμματεύς, and was his assistant. Previous to the archonship of Eucleides, the name of this scribe was attached to the beginning of every decree of the people (Schömann, p. 132, &c.; compare Boule); and the name of the γραμματεύς who officiated during the administration of the first prytany in a year was, like that of the archon eponymus, used to designate the year.

The second γραμματεύς was elected by the senate, by χειροτονία, and was entrusted with the custody of the laws (ἐπὶ τοὺς νόμους, Pollux, *l. c.*; Demosth. *c. Timocrat.* p. 713; *de Coron.* p. 238). His usual name was γραμματεὺς τῆς βουλῆς, but in inscriptions he is also called γραμματεὺς τῶν βουλευτῶν (Böckh, *Publ. Econ.* p. 185, 2d edit.). Further particulars concerning his office are not known.

A third γραμματεύς was called γραμματεὺς τῆς πόλεως (Thucyd. vii. 10), or γραμματεὺς τῆς βουλῆς καὶ τοῦ δήμου. He was appointed by the people, by χειροτονία, and the principal part of his office was to read any laws or documents which were required to be read in the assembly or in the senate. (Pollux, *l. c.*; Demosth. *de Fals. Leg.* p. 419; *c. Leptin.* p. 485; Suidas, *s. v.*)

A class of scribes, inferior to these, were those persons who were appointed clerks to the several civil or military officers of the state, or who served any of the three γραμματεῖς mentioned above as under-clerks (ὑπογραμματεῖς, Demosth. *de Fals.*

Leg. p. 419 ; *de Coron.* p. 314 ; Antiphon, *de Choreut.* p. 792 ; Lysias, *c. Nicomach.* p. 864). These persons were either public slaves or citizens of the lower orders, as appears from the manner in which Demosthenes speaks of them, and were not allowed to hold their office for two succeeding years. (Lysias, *c. Nicomach.* p. 864, according to the interpretation of this passage by Böckh, *Publ. Econ.* p. 188, note 168.)

Different from these common clerks were the *ἀντιγραφεῖς*, checking-clerks or counter-scribes, who must likewise be divided into two classes, a lower and a higher one. The former comprised those who accompanied the generals and cashiers of the armies (Demosth. *de Cherson.* p. 101), who kept the control of the expenditure of the sacred money, &c. (Böckh, *Publ. Econ.* p. 187). The higher class of *ἀντιγραφεῖς*, on the other hand, were public officers. Their number was, according to Harpocration (*s. v.*), only two, the *ἀντιγραφεὺς τῆς διοικήσεως*, and the *ἀντιγραφεὺς τῆς βουλῆς*. The office of the former was to control the expenditure of the public treasury (*διοίκησις*) ; the latter was always present at the meetings of the senate, and recorded the accounts of money which was paid into the senate. (Compare Pollux, viii. 98 ; Suidas, *s. v.*) He had also to lay the accounts of the public revenue before the people in every prytany, so that he was a check upon the *ἀποδέκται*. He was at first elected by the people by *χειροτονία*, but was afterwards appointed by lot. (Aeschin. *c. Ctesiph.* p. 417 ; Pollux, *l. c.*)

The great number of clerks and counter-clerks at Athens was a necessary consequence of the institution of the *εὐθύνη*, which could not otherwise have been carried into effect. (See Schömann, *de Comit.* p. 302, &c. ; Böckh, *l. c.* ; Hermann, *Polit. Antiq.* § 127. n. 17 and 18.) [L. S.]

GRAMMATOPHYLACIUM. [Tabularium.]

GRAPHE (*γραφή*), in its most general acceptation, comprehends all state trials and criminal prosecutions whatever in the Attic courts ; but in its more limited sense, those only which were not distinguished as the *εὐθύνη, ἔνδειξις, εἰσαγγελία* by a special name and a peculiar conduct of the proceedings. The principal characteristic differences between public and private actions are enumerated under Dike, and the peculiar forms of public prosecutions, such as those above mentioned, are separately noticed. Of these forms, together with that of the *Graphe*, properly so called, it frequently happened that two or more were applicable to the same cause of action ; and the discretion of the prosecutor in selecting the most preferable of his available remedies was attended by results of great importance to himself and the accused. If the prosecutor's speech (*κατηγορία*), and the evidence adduced by him, were insufficient to establish the aggravated character of the wrong in question, as indicated by the form of action he had chosen, his ill-judged rigour might be alleged in mitigation of the punishment by the defendant in his reply (*ἀπολογία*), or upon the assessment of the penalty after judgment given ; and if the case were one of those in which the dicasts had no power of assessing (*ἀτίμητος γραφή*), it might cause a total failure of justice, and even render the prosecutor liable to a fine or other punishment. (Dem. *c. Androt.* p. 601, *c. Meid.* p. 523.)

The courts before which public causes could be tried were very various ; and, besides the ordinary Heliastic bodies under the control of the nine archons or the generals or logistae, the council and even the assembly of the people occasionally became judicial bodies for that purpose, as in the case of certain Docimasiae and Eisangeliae. (Meier, *Att. Proc.* pp. 205. 268.) The proper court in which to bring a particular action was for the most part determined by the subject-matter of the accusation. In the trial of state offences it was in general requisite that the ostensible prosecutor should be an Athenian citizen in the full possession of his franchise ; but on some particular occasions (Thuc. vi. 28 ; Lys. *pro Call.* p. 186) even slaves and resident aliens were invited to come forward and lay informations. In such cases, and in some Eisangeliae and other special proceedings, the prosecution and conduct of the cause in court was carried on by advocates retained by the state (*ξυνήγοροι*) for the occasion ; but with the exception of these temporary appointments, the protection of purely state interests seems to have been left to volunteer accusers.

In criminal causes the prosecution was conducted by the *κύριος* in behalf of the aggrieved woman, minor, or slave ; his *προστάτης* probably gave some assistance to the resident alien in the commencement of proceedings, though the accusation was in the name of the person aggrieved, who also made his appearance at the trial without the intervention of the patron (Meier, *Att. Proc.* p. 661) ; and a complete foreigner would upon this occasion require the same or a still further protection from the proxenus of his country With the exception of cases in which the Apagoge, Ephegesis Endeixis, or Eisangelia were adopted, in the three first of which an arrest actually did and in the last might take place, and accusations at the Euthynae and Docimasiae, when the accused was or was supposed by the law to be present, a public action against a citizen commenced like an ordinary law-suit, with a summons to appear before the proper magistrate on a fixed day. (Plato, *Euthyph.* init.) The anacrisis then followed [Anacrisis] ; but the bill of accusation was called a *γραφή*, or *φάσις*, as the case might be, and not an *ἔγκλημα* or *λῆξις*, as in private actions ; neither could a public prosecution be referred to an arbitrator [Diaetetae], and if it were compromised, would in many cases render the accuser liable to an action *καθυφέσεως*, if not ipso facto to a fine of a thousand drachmae. (Meier, *Att. Proc.* p. 355.) The same sum was also forfeited when the prosecutor failed to obtain the voices of a fifth of the dicasts in all cases except those brought before the archon that had reference to injury (*κάκωσις*) done to women or orphans ; and besides this penalty, a modified disfranchisement, as, for instance, an incapacity to bring a similar accusation, was incurred upon several occasions. Upon the conviction of the accused, if the sentence were death, the presiding magistrate of the court delivered the prisoner, who remained in the custody of the Scythae during the trial, to the Eleven, whose business it was to execute judgment upon him. If the punishment were confiscation of property, the demarchs made an inventory of the effects of the criminal, which was read in the assembly of the people, and delivered to the poletae, that they might make a sale of the goods, and pay in the proceeds to the public treasury. (Meier, *Att. Proc.* p. 740, &c.) [J. S. M.]

GRAPHIA'RIUM. [Stilus.]

GRAPHIS. [Pictura, No. VI.]

GRAPHIUM. [Stilus.]

GREGORIA'NUS CODEX. [Codex Gregorianus.]

GRIPHUS (γρῖφος). [Aenigma.]

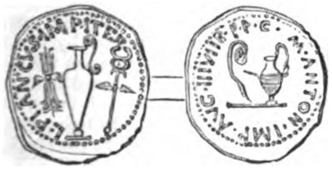
GROMA. [Agrimensores; Castra, p. 251, a.]

GROSPHOS (γρόσφος). [Hasta.]

GUBERNA'CULUM. [Navis.]

GUSTA'TIO. [Coena, p. 307, a.]

GUTTUS, a vessel, with a narrow mouth or neck, from which the liquid was poured in drops: hence its name "Qui vinum dabant ut minutatim funderent, a guttis *guttum* appellarunt." (Varr. *L. L.* v. 124, ed. Müller.) It was especially used in sacrifices (Plin. *H. N.* xvi. 38. s. 73), and hence we find it represented on the Roman coins struck by persons who held any of the priestly offices; as, for instance, in the annexed coin of L. Plancus, the contemporary of Augustus, where it appears, though in different forms, both on the obverse and reverse. The guttus was also used for keeping the oil, with which persons were anointed in the baths. (Juv. iii. 263, xi. 158.) A guttus of this kind is figured on p. 192.



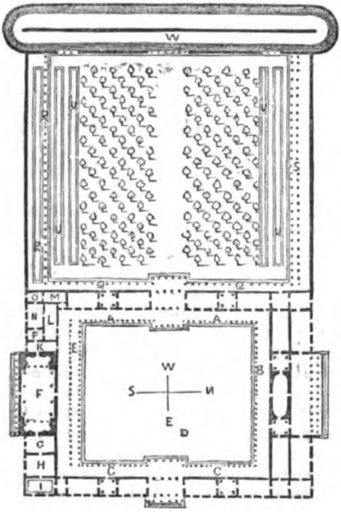
GYMNASIARCHES. [Gymnasium.]

GYMNA'SIUM (γυμνάσιον). The whole education of a Greek youth was divided into three parts: grammar, music, and gymnastics (γράμματα, μουσική, and γυμναστική, Plato, *Theag.* p. 122; Plut. *de Audit.* c. 17; Clitoph. p. 497), to which Aristotle (*de Republ.* viii. 3) adds a fourth, the art of drawing or painting. Gymnastics, however, were thought by the ancients a matter of such importance, that this part of education alone occupied as much time and attention as all the others put together; and while the latter necessarily ceased at a certain period of life, gymnastics continued to be cultivated by persons of all ages, though those of an advanced age naturally took lighter and less fatiguing exercises than boys and youths. (Xen. *Sympos.* i. 7; Lucian, *Lexiph.* 5.) The ancients, and more especially the Greeks, seem to have been thoroughly convinced that the mind could not possibly be in a healthy state, unless the body was likewise in perfect health, and no means were thought, either by philosophers, or physicians, to be more conducive to preserve or restore bodily health than well-regulated exercise. The word gymnastics is derived from γυμνός (naked), because the persons who performed their exercises in public or private gymnasia were either entirely naked, or merely covered by the short χιτών. (See the authorities in Wachsmuth, *Hellen. Alterth.* vol. ii. p. 354. 2d edit., and Becker, *Charikles*, vol. i. p. 316.)

The great partiality of the Greeks for gymnastic exercises was productive of infinite good: they gave to the body that healthy and beautiful development by which the Greeks excelled all other nations, and which at the same time imparted to their minds that power and elasticity which will ever be admired in all their productions. (Lucian, *de Gymnast.* 15.) The plastic art in particular must have found its first and chief nourishment in the gymnastic and athletic performances, and it may be justly observed that the Greeks would never have attained their preeminence in sculpture had not their gymnastic and athletic exhibitions made the artists familiar with the beautiful forms of the human body and its various attitudes. Respecting the advantages of gymnastics in a medical point of view, some remarks are made at the end of this article. But we must at the same time confess, that at a later period of Greek history, when the gymnasia had become places of resort for idle loungers, their evil effects were no less striking. The chief objects for which they had originally been instituted were gradually lost sight of, and instead of being places of education and training they became mere places of amusement; and among other injurious practices to which they gave rise, the gymnasia were charged, even by the ancients themselves, with having produced and fostered that most odious vice of the Greeks, the παιδεραστία. (Plut. *Quaest. Rom.* 40. vol. ii. p. 122. ed. Wyttenb.; compare Aristot. *de Republ.* viii. 4; Plut. *Philop.* 3.)

Gymnastics, in the widest sense of the word, comprehended also the agonistic and athletic arts (ἀγωνιστική and ἀθλητική), that is, the art of those who contended for the prizes at the great public games in Greece, and of those who made gymnastic performances their profession [Athletae and Agonothetae]. Both originated in the gymnasia, in as far as the athletae, as well as the agonistae were originally trained in them. The athletae, however, afterwards formed a distinct class of persons unconnected with the gymnasia; while the gymnasia, at the time when they had degenerated, were in reality little more than agonistic schools, attended by numbers of spectators. On certain occasions the most distinguished pupils of the gymnasia were selected for the exhibition of public contests [Lampadephoria], so that on the whole there was always a closer connection between the gymnastic and agonistic than between the gymnastic and athletic arts. In a narrower sense, however, the gymnasia had, with very few exceptions, nothing to do with the public contests, and were places of exercise for the purpose of strengthening and improving the body, or in other words, places for physical education and training; and it is chiefly in this point of view that we shall consider them in this article.

Gymnastic exercises among the Greeks seem to have been as old as the Greek nation itself, as may be inferred from the fact that gymnastic contests are mentioned in many of the earliest legends of Grecian story; but they were, as might be supposed, of a rude and mostly of a warlike character. They were generally held in the open air, and in plains near a river, which afforded an opportunity for swimming and bathing. The Attic legends indeed referred the regulation of gymnastics to Theseus (Paus. i. 39. § 3), but according to Galen it seems to have been about the time of Cleisthenes that gymnastics were reduced to a regular and complete system. Great progress, however, must have been made as early as the time of Solon, as appears from some of his laws which are mentioned below. It was about the same period that the Greek towns began to build their regular gymnasia as places of exercise for the young, with baths, and other conveniences for philosophers and all persons who sought intellectual amusements. There was probably no Greek town of any importance which did not possess its gymnasium. In many places, such as Ephesus, Hierapolis, and Alexandria in Troas, the remains of the ancient gymnasia have been discovered in modern times. Athens alone possessed three great gymnasia, the Lyceum (Λύκειον), Cynosarges (Κυνόσαργης), and the Academia (Ἀκαδημία); to which, in later times, several smaller ones were added. All places of this kind were, on the whole, built on the same plan, though, from the remains, as well as from the descriptions still extant, we must infer that there were many differences in their detail. The most complete description of a gymnasium which we possess, is that given by Vitruvius (v. 11), which, however, is very obscure, and at the same time defective, in as far as many parts which seem to have been essential to a gymnasium, are not mentioned in it. Among the numerous plans which have been drawn, according to the description of Vitruvius, that of W. Newton, in his translation of Vitruvius, vol. i. fig. 52, deserves the preference. The following woodcut is a copy of it, with a few alterations.



The peristylia (D) in a gymnasium, which Vitruvius incorrectly calls palaestra, are placed in the form of a square or oblong, and have two stadia (1200 feet) in circumference. They consist of four porticoes. In three of them (A B C) spacious exedrae with seats were erected, in which philosophers, rhetoricians, and others, who delighted in intellectual conversation might assemble. A fourth portico (E), towards the south, was double, so that the interior walk was not exposed to bad weather. The double portico contained the following apartments: — The Ephebeum (F), a spacious hall with seats, in the middle, and by one-third longer than broad. On the right is the Coryceum (G), perhaps the same room which in other cases was called Apodyterium; then came the Conisterium (H) adjoining; and next to the Conisterium, in the returns of the portico, is the cold bath, λοῦτρον (I). On the left of the Ephebeum is the Elaeothesium, where persons were anointed by the aliptae (K). Adjoining the Elaeothesium is the Frigidarium (L), the object of which is unknown. From thence is the entrance to the Propnigeum (M), on the returns of the portico; near which, but more inward, behind the place of the frigidarium, is the vaulted sudatory (N), in length twice its breadth, which has on the returns the Laconicum (O) on one side, and opposite the Laconicum, the hot-bath (P). On the outside three porticoes are built; one (Q), in passing out from the peristyle, and, on the right and left, the two stadial porticoes (R S), of which, the one (S) that faces the north, is made double and of great breadth, the other (R) is single, and so designed that in the parts which encircle the walls, and which adjoin to the columns, there may be margins for paths, not less than ten feet; and the middle is so excavated, that there may be two steps, a foot and a half in descent, to go from the margin to the plane (R), which plane should not be less in breadth than 12 feet; by this means those who walk about the margins in their apparel will not be annoyed by those who are exercising themselves. This portico is called by the Greeks ξυστός, because in the winter season the athletae exercised themselves in these covered stadia. The ξυστός had groves or plantations between the two porticoes, and walks between the trees, with seats of signine work. Adjoining to the ξυστός (R) and double portico (S), are the uncovered walks (U), which in Greek are called παραδρομίδες, to which the athletae, in fair weather, go from the winter-xystus, to exercise. Beyond the xystus is the stadium (W), so large that a multitude of people may have sufficient room to behold the contests of the athletae.

It is generally believed that Vitruvius in this description of his gymnasium took that of Naples as his model; but two important parts of other Greek gymnasia, the apodyterium and the sphaeristerium, are not mentioned by him. The Greeks bestowed great care upon the outward and inward splendour of their gymnasia, and adorned them with the statues of gods, heroes, victors in the public games, and of eminent men of every class. Hermes was the tutelary deity of the gymnasia, and his statue was consequently seen in most of them.

The earliest regulations which we possess concerning the gymnasia are contained in the laws of Solon. One of these laws forbade all adults to enter a gymnasium during the time that boys were taking their exercises, and at the festival of the Hermaea. The gymnasia were, according to the same law, not allowed to be opened before sunrise, and were to be shut at sunset. (Aeschin. *c. Timarch.* p. 38.) Another law of Solon excluded slaves from gymnastic exercises. (Aeschin, *c. Timarch.* p. 147; Plut. *Solon*, 1; Demosth. *c. Timocrat.* p. 736.) Boys, who were children of an Athenian citizen and a foreign mother (νόθοι), were not admitted to any other gymnasium but the Cynosarges. (Plut. *Them.* 1.) Some of the laws of Solon relating to the management and the superintendence of the gymnasia, show that he was aware of the evil consequences which these institutions might produce, unless they were regulated by the strictest rules. As we, however, find that adults also frequented the gymnasia, we must suppose that, at least as long as the laws of Solon were in force, the gymnasia were divided into different parts for persons of different ages, or that persons of different ages took their exercise at different times of the day. (Böckh, *Corp. Inscript.* n. 246 and 2214.) The education of boys up to the age of sixteen was divided into the three parts mentioned above, so that gymnastics formed only one of them; but during the period from the sixteenth to the eighteenth year the instruction in grammar and music seems to have ceased, and gymnastics were exclusively pursued. In the time of Plato the salutary regulations of Solon appear to have been no longer observed, and we find persons of all ages visiting the gymnasia. (Plat. *De Rep.* v. p. 452; Xen. *Sympos.* ii. 18.) Athens now possessed a number of smaller gymnasia, which are sometimes called palaestrae, in which persons of all ages used to assemble, and in which even the Hermaea were celebrated by the boys, while formerly this solemnity had been kept only in the great gymnasia, and to the exclusion of all adults. (Plat. *Lys.* p. 206.) These changes, and the laxitude in the superintendence of these public places, caused the gymnasia to differ very little from the schools of the athletae; and it is perhaps partly owing to this circumstance that writers of this and subsequent times use the words gymnasium and palaestra indiscriminately. (Becker, *Charikles*, vol. i. p. 341.)

Married as well as unmarried women were, at Athens, and in all the Ionian states, excluded from the gymnasia; but at Sparta, and in some other Doric states, maidens, dressed in the short χιτών, were not only admitted as spectators, but also took part in the exercises of the youths. Married women, however, did not frequent the gymnasia. (Plat. *De Leg.* vii. p. 806.)

Respecting the superintendence and administration of the gymnasia at Athens, we know that Solon in his legislation thought them worthy of great attention; and the transgression of some of his laws relating to the gymnasia was punished with death. His laws mention a magistrate, called the Gymnasiarch (γυμνασίαρχος or γυμνασιάρχης) who was entrusted with the whole management of the gymnasia, and with every thing connected therewith. His office was one of the regular liturgies like the choregia and trierachy (Isaeus, *De Philoctem. her.* p. 154), and was attended with considerable expense. He had to maintain and pay the persons who were preparing themselves for the games and contests in the public festivals, to provide them with oil, and perhaps with the wrestlers' dust. It also devolved upon him to adorn the gymnasium or the place where the agones took place. (Xen. *De Rep. Athen.* i. 13.) The gymnasiarch was a real magistrate, and invested with a kind of jurisdiction over all those who frequented or were connected with the gymnasia; and his power seems even to have extended beyond the gymnasia, for Plutarch (*Amator.* c. 9, &c.) states that he watched and controlled the conduct of the ephebi in general. He had also the power to remove from the gymnasia teachers, philosophers, and sophists, whenever he conceived that they exercised an injurious influence upon the young. (Aeschin. *c. Timarch.*) Another part of his duties was to conduct the solemn games at certain great festivals, especially the torch-race (λαμπαδηφορία), for which he selected the most distinguished among the ephebi of the gymnasia. The number of gymnasiarchs was, according to Libanius on Demosthenes (*c. Mid.* p. 510) ten, one from every tribe. (Compare Demosth. *c. Philip.* p. 50, *c. Boeot.* p. 996; Isaeus, *De Menecl.* c. 42.) They seem to have undertaken their official duties in turns, but in what manner is unknown. Among the external distinctions of a gymnasiarch, were a purple cloak and white shoes. (Plut. *Anton.* 33.) In early times the office of gymnasiarch lasted for a year, but under the Roman emperors we find that sometimes they held it only for a month, so that there were 12 or 13 gymnasiarchs in one year. This office seems to have been considered so great an honour, that even Roman generals and emperors were ambitious to hold it. Other Greek towns, like Athens, had their own gymnasiarchs, but we do not know whether, or to what extent their duties differed from the Athenian gymnasiarchs. In Cyrene the office was sometimes held by women. (Krause, *Gymnastik und Agonistik d. Hellenen*, p. 179, &c.)

Another office which was formerly believed to be connected with the superintendence of the gymnasia, is that of Xystarchus (ξυστάρχος). But it is not mentioned previous to the time of the Roman emperors, and then only in Italy and Crete. Krause (*Ib.* p. 205, &c.) has shown that this office had nothing to do with the gymnasia properly so called, but was only connected with the schools of the athletae.

An office which is likewise not mentioned before the time of the Roman emperors, but was nevertheless decidedly connected with the gymnasia, is that of Cosmetes. He had to arrange certain games, to register the names and keep the lists of the ephebi, and to maintain order and discipline among them. He was assisted by an Anticosmetes and two Hypocosmetae. (Krause, *Ib.* p. 211, &c.)

An office of very great importance, in an educational point of view, was that of the Sophronistae (σωφρονίσται). Their province was to inspire the youths with a love of σωφροσύνη, and to protect this virtue against all injurious influences. In early times their number at Athens was ten, one from every tribe, with a salary of one drachma per day. (*Etymol. Mag. s. v.*) Their duty not only required them to be present at all the games of the ephebi, but to watch and correct their conduct wherever they might meet them, both within and without the gymnasium. At the time of the emperor Marcus Aurelius only six Sophronistae, assisted by as many Hyposophronistae, are mentioned. (Krause, *Ib.* p. 214, &c.)

The instructions in the gymnasia were given by the Gymnastae (γυμνασταί) and the Paedotribae (παιδοτρίβαί); at a later period Hypopaedotribae were added. The Paedotribes was required to possess a knowledge of all the various exercises which were performed in the gymnasia; the Gymnastes was the practical teacher, and was expected to know the physiological effects and influences on the constitution of the youths, and therefore assigned to each of them those exercises which he thought most suitable. (Galen. *De Valet. tuend.* ii. 9. 11; Aristot. *Polit.* viii. 3. 2.) These teachers were usually athletae, who had left their profession, or could not succeed in it. (Aelian, *V. H.* ii. 6; Galen, *l. c.* ii. 3, &c.)

The anointing of the bodies of the youths, and strewing them with dust, before they commenced their exercises, as well as the regulation of their diet, was the duty of the aliptae. [ALIPTAE.] These men sometimes also acted as surgeons or teachers. (Plut. *Dion.* c. 1.) Galen (*l. c.* ii. 11) mentions among the gymnastic teachers, a *σφαιριστικός*, or teacher of the various games at ball; and it is not improbable that in some cases particular games may have been taught by separate persons.

The games and exercises which were performed in the gymnasia seem, on the whole, to have been the same throughout Greece. Among the Dorians, however, they were regarded chiefly as institutions for hardening the body and for military training; among the Ionians, and especially the Athenians, they had an additional and higher object, namely, to give to the body and its movements grace and beauty, and to make it the basis of a healthy and sound mind. But among all the different tribes of the Greeks the exercises which were carried on in a Greek gymnasium were either mere games, or the more important exercises which the gymnasia had in common with the public agones in the great festivals.

Among the former we may mention, 1. The ball (*σφαίρισις*, *σφαιρομαχία*, &c.), which was in universal favour with the Greeks, and was here, as at Rome, played in a variety of ways, as appears from the words ἀπόρραξις, ἐπίσκυρος, φαινίνδα or ἁρπαστόν, &c. (Plat. *De Legg.* vii. p. 797; compare Gronov. *ad Plaut. Curcul.* ii. 3. 17, and Becker, *Gallus*, i. p. 270.) Every gymnasium contained one large room for the purpose of playing at ball in it (*σφαιριστήριον*). 2. Παίζειν ἑλκυστίνδα, διελκυστίνδα, or διὰ γραμμῆς, was a game in which one boy, holding one end of a rope, tried to pull the boy who held its other end, across a line marked between them on the ground. 3. The top (*βέμβηξ*, *βέμβιξ*, *ῥόμβος*, *στρόβιλος*), which was as common an amusement with Greek boys as in our own days. 4. The πεντάλιθος, which was a game with five stones, which were thrown up from the upper part of the hand and caught in the palm. 5. Σκαπέρδα, which was a game in which a rope was drawn through the upper part of a tree or a post. Two boys, one on each side of the post, turning their backs towards one another, took hold of the ends of the rope and tried to pull each other up. This sport was also one of the amusements at the Attic Dionysia. (Hesych. *s. v.*) These few games will suffice to show the character of the gymnastic sports.

The more important games, such as running (*δρόμος*), throwing of the δίσκος and the ἄκων, jumping and leaping (ἅλμα, with and without ἁλτῆρες), wrestling (πάλη), boxing (πυγμή), the pancratium (παγκράτιον), πένταθλος, λαμπαδηφορία, dancing (ὄρχησις), &c., are described in separate articles.

A gymnasium was, as Vitruvius observes, not a Roman institution, and Dionysius of Halicarnassus (*Ant. Rom.* vii. 70—72), expressly states that the whole ἀγωνιστική of the Romans, though it was practised at an early period in the Ludi Maximi, was introduced among the Romans from Greece. Their attention, however, to developing and strengthening the body by exercises was considerable, though only for military purposes. The regular training of boys in the Greek gymnastics was foreign to Roman manners, and even held in contempt. (Plut. *Quaest. Rom.* 40.) Towards the end of the republic many wealthy Romans, who had acquired a taste for Greek manners, used to attach to their villas small places for bodily exercise, sometimes called gymnasia, sometimes palaestrae, and to adorn them with beautiful works of art. (Cic. *ad Att.* i. 4, *c. Verr.* iii. 5.) The emperor Nero was the first who built a public gymnasium at Rome (Sueton. *Ner.* 12); another was erected by Commodus. (Herod. i. 12. 4.) But although these institutions were intended to introduce Greek gymnastics among the Romans, yet they never gained any great importance, as the magnificent thermae, amphitheatres, and other colossal buildings had always greater charms for the Romans than the gymnasia.

For a fuller account of this important subject, which has been necessarily treated with brevity in this article, the reader is referred to Hieronymus Mercurialis, *De Arte Gymnastica, Libri* vi. 1st ed. Venice, 1573, 4th ibid. 1601; Burette, *Histoire des Athlètes*, in the Mém. de l'Acad. des Inscript. i. 3; G. Löbker, *Die Gymnastik der Hellenen*, Münster, 1835; Wachsmuth, *Hellen. Alterth.* vol. ii. p. 344, &c. 2d. edit.; Müller, *Dor.* iv. 5. § 4, &c.; Becker, *Gallus*, vol. i. p. 270, &c.; *Charikles*, vol. i. pp. 309—345; and especially J. H. Krause, *Die Gymnastik und Agonistik der Hellenen*, Leipzig, 1841; *Olympia*, Wien, 1838; *Die Pythien, Nemeen* &c., Leipzig, 1841. The histories of education among the ancients, such as those of Hochheimer, Schwarz, Cramer, and others, likewise contain much useful information on the subject. [L. S.]

The Relation of Gymnastics to the Medical Art.— The games of the Greeks had an immediate influence upon the art of healing, because they considered gymnastics to be almost as necessary for the preservation of health, as medicine is for the cure of diseases. (Hippocrates, *De Locis in Homine*, vol. ii. p. 138, ed. Kühn; Timaeus Locrensis, *De Anima Mundi*, p. 564, *in Gale's Opusc. Mythol.*) It was for this reason that the gymnasia were dedicated to Apollo, the god of physicians. (Plut. *Symp.* viii. 4. § 4.) The directors of these establishments, as well as the persons employed under their orders, the bathers or aliptae, passed for physicians, and were called so, on account of the skill which long experience had given them. The directors, called παλαιστροφύλακες, regulated the diet of the young men brought up in the gymnasia; the sub-directors or *Gymnastae*, prescribed for their diseases (Plat. *de Leg.* xi. p. 916); and the *inferiors* or bathers, aliptae, iatraliptae, practised blood-letting, administered clysters, and dressed wounds, ulcers, and fractures. (Plat. *De Leg.* iv. p. 720; Celsus, *de Medic.* i. 1; Plin. *H. N.* xxix. 2.) Two of these directors, Iccus, of Tarentum, and Herodicus, of Selymbria, a town of Thrace, deserve particular notice for having contributed to unite more closely medicine and gymnastics. Iccus, who appears to have lived before Herodicus (*Olymp.* lxxvii. Stephan. Byzant. *s. v.* *Ταράς*, p. 693; compare Paus. vi. 10. § 2), gave his chief attention to correcting the diet of the wrestlers, and to accustoming them to greater moderation and abstemiousness, of which virtues he was himself a perfect model. (Plat. *de Leg.* viii. p. 840; Aelian, *Var. Hist.* xi. 3; Id. *Hist. Animal.* vi. 1.) Plato considers him, as well as Herodicus, to have been one of the inventors of medical gymnastics. (Plat. *Protagor.* § 20. p. 316; Lucian, *De Conscrib. Hist.*

§ 35. p. 626.) Herodicus, who is sometimes called Prodicus (Plin. *H. N.* xxix. 2), lived at Athens a short time before the Peloponnesian war. Plato says that he was not only a sophist (Plat. *Protag. l. c.*), but also a master of the gymnasium (Id. *Rep.* iii. p. 406), and physician (Id. *Gorg.* § 2. p. 448), and in fact he united in his own person these three qualities. He was troubled, says the same author, with very weak health, and tried if gymnastic exercises would not help to improve it; and having perfectly succeeded, he imparted his method to others. Before him medical dietetics had been entirely neglected, especially by the Asclepiadae. (Id. *Rep.* iii. p. 406.) If Plato's account may be taken literally (Id. *Phaedr.* p. 228), he much abused the exercise of gymnastics, as he recommended his patients to walk from Athens to Megara and to return as soon as they had reached the walls of the latter town.* The author of the sixth book *De Morb. Vulgar.* (Hippocr. *Epidem.* vi. c. 3. vol. iii. p. 599) agrees with Plato: "Herodicus," says he, "caused people, attacked with fever, to die from walking and too hard exercise, and many of his patients suffered much from dry rubbing." A short time after we find, says Fuller (*Medicina Gymnastica*, &c. Lond. 1718, 8vo), that Hippocrates (*De Vict. Rat.* iii. vol. i. p. 716), with some sort of glory, assumes to himself the honour of bringing that method to a perfection, so as to be able to distinguish *πότερον τὸ σιτίον κρατέει τοὺς πόνους, ἢ οἱ πόνοι τὰ σιτία, ἢ μετρίως ἔχει πρὸς ἄλληλα*, as he expresses it. Pursuant to this, we find him in several places of his works recommending several sorts of exercises upon proper occasions; as first, friction or chafing, the effects of which he explains (*De Vict. Rat.* ii. p. 701), and tells us, that in some cases it will bring down the bloatedness of the solid parts, in others it will incarn and cause an increase of flesh, and make the part thrive. He advises (*ibid.* p. 700) walking, of which they had two sorts, their round and straight courses. He gives his opinion (*ibid.* p. 701) of the *Ἀνακινήματα*, or preparatory exercises, which served to warm and fit the wrestlers for the more vehement ones. In some cases he advises the *Παλή*, or common wrestling (*ibid.*), and the *Ἀκροχειρία*, or wrestling by the hands only, without coming close, and also the *Κωρυκομαχία*, or the exercise of the Corycus, or the hanging ball (see Antyllus, *apud* Mercur. *de Arte Gymn.* p. 123); the *Χειρονομία*, a sort of dexterous and regular motion of the hands, and upper parts of the body, something after a military manner; the *Ἀλίνδησις*, or rolling in sand; and once (*ibid.* p. 700) we find mentioned, with some approbation, the *Ἤπειροι Ἵπποι*, *Equi Indefiniti*, by which is probably meant galloping long courses in the open field.

As for Galen, he follows Hippocrates in this, as closely as in other things, and declares his opinion of the benefit of exercises in several places; his second book "De Sanitate Tuenda," is wholly upon the use of the *strigil*, or the advantage of regular chafing: he has written a little tract, *Περὶ τοῦ διὰ Μικρᾶς Σφαίρας Γυμνασίου*, wherein he recommends an exercise, by which the body and mind are both at the same time affected. In his discourse to Thrasybulus, *Πότερον Ἰατρικῆς ἢ Γυμναστικῆς ἔστι τὸ Ὑγιεινόν*, he inveighs against the athletic and other violent practices of the *gymnasium*, but approves of the more moderate exercises, as subservient to the ends of a physician, and consequently part of that art. The other Greek writers express a similar opinion; and the sense of most of them in this matter is collected in Oribasius's "Collecta Medicinalia." In those remains which are preserved of the writings of Antyllus, we read of some sorts of exercises that are not mentioned by Galen or any former author; among the rest the *Cricilasia* as the translators by mistake call it, instead of *Cricoëlasia*. This, as it had for many ages been disused, Mercurialis himself, who had made the most judicious inquiries into this subject (*De Arte Gymnastica*, 4to. Amstel. 1672), does not pretend to explain; and I believe, says Freind (*Hist. of Physic*, vol. i.), though we have the description of it set down in Oribasius (*Coll. Medic.* vi. 26), it will be hard to form any idea of what it was.

The ancient physicians relied much on exercise in the cure of the dropsy (compare Hor. *Epist.* i. 2. 34. "Si noles sanus, curres hydropicus"), whereas we almost totally neglect it. (Alexander Trallianus, *De Medic.* ix. 3. p. 524, ed. Basil.) Hippocrates (*De Internis Affection.* sect. 28. vol. ii. p. 518) prescribes for one that has a dropsy *ταλαιπώριαι*, or *fatiguing-exercises*, and he makes use of the same word in his Epidemics, and almost always when he speaks of the regimen of a dropsical person, implying, that though it be a labour for such people to move, yet they must undergo it; and this is so much the sense of Hippocrates, that Spon has collected it into one of the new Aphorisms, which he has drawn out of his works. Celsus says of this case (*De Medic.* iii. 21. p. 152, ed. Argent.), "Concutiendum multa gestatione corpus est." The Romans placed great reliance upon exercise for the cure of diseases; and Asclepiades, who lived in the time of Pompey the Great, brought this mode of treatment into great request. He called exercises *the common aids of physic*, and wrote a treatise on the subject, which is mentioned by Celsus in his chapter "De Frictione" (*De Medic.* ii. 14. p. 82), but the book is lost. He carried these notions so far, that he invented the *Lecti Pensiles* (Plin. *H. N.* xxvi. 8) or hanging beds, that the sick might be rocked to sleep; which took so much at that time, that they came afterwards to be made of silver, and were a great part of the luxury of that people; he had so many particular ways to make physic agreeable, and was so exquisite in the invention of exercises to supply the place of medicine, that perhaps no man in any age ever had the happiness to obtain so general an applause; and Pliny says (*ibid.* c. 7) by these means he made himself the delight of mankind. About this time the Roman physicians sent their consumptive patients to Alexandria, and with very good success, as we find by both the Plinys; this was done partly for the change of air, but chiefly for the sake of the exercise by the motion of the ship; and therefore Celsus says (*De Medic.* iii. 22. p. 156), "Si vera Phthisis est, opus est longa navigatione;" and a little after he makes *Vehiculum* and *Navis* to be two of the chief remedies. As for the other more common exercises, they were daily practised, as is manifest from Celsus, Caelius Aurelianus, Theodorus Priscianus, and the rest of the Latin physicians. And we do not want instances of cures wrought by these means. Suetonius (*Calig.* c. 3) tells us that Germanicus was cured of a "crurum gracilitas," as he expresses it (by which he probably means *an Atrophy*), by riding; and Plutarch, in his life of Cicero, gives us an account of his weakness, and that he recovered his health by travelling, and excessive diligence in rubbing and chafing his body. (Compare Cic. *Brut.* c. 91.) Pliny (*H. N.* xxxi. 33) tells us Annaeus Gallio, who had been consul, was cured of a consumption by a sea voyage; and Galen gives us such accounts of the good effects of particular exercises, and they were practised so universally by all classes, that it cannot be supposed but they must have been able to produce great and good effects. However, from an attentive perusal of what we find on this subject in the classical authors, the reader can hardly fail of being convinced that the ancients esteemed gymnastics too highly, just as the moderns too much neglect them; and that in this, as in many other matters, both in medicine and philosophy, truth lies between the two extremes. [W. A. G.]

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* "The distance from Athens to Megara was 210 stadia, as we learn from Procopius. (*Bell. Vand.* i. 1.) Dion Chrysostom calls it a day's journey. (*Orat.* vi.) Modern travellers reckon eight hours. (Dodwell, *Class. Tour*, vol. ii. p. 177.)" Cramer, *Anc. Greece*, vol. ii. sect. 13, p. 430.

GYMNASTES. [GYMNASIUM, p. 581, b.]

GYMNE'SII or GYMNE'TES (*γυμνήσιοι*, or *γυμνῆτες*), were a class of bond-slaves at Argos, who may be compared with the Helots at Sparta. (Steph. Byz. *s. v.* *Χίος*: Pollux, iii. 83.) Their name shows that they attended their masters on military service in the capacity of light-armed troops. Müller (*Dor.* iii. 4. § 2) remarks that it is to these gymnesii that the account of Herodotus (vi. 83) refers, that 6000 of the citizens of Argos having been slain in battle by Cleomenes, king of Sparta (Id. vii. 148), the slaves got the government into their own hands, and retained possession of it until the sons of those who had fallen had grown to manhood. Afterwards, when the young citizens had grown up, the slaves were compelled by them to retire to Tiryns, and then after a long war, as it appears, were either driven from the territory, or again subdued.

GYMNOPAE'DIA (*γυμνοπαιδία*), the festival of "naked youths," was celebrated at Sparta every year in honour of Apollo Pythaeus, Artemis, and Leto. The statues of these deities stood in a part of the Agora called *χορός*, and it was around these statues that, at the gymnopaedia, Spartan youths performed their choruses and dances in honour of Apollo. (Paus. iii. 11. § 7.) The festival lasted for several, perhaps for ten, days, and on the last day men also performed choruses and dances in the theatre; and during these gymnastic exhibitions they sang the songs of Thaletas and Alcman, and the paeans of Dionysodotus. The leader of the chorus (*προστάτης* or *χοροποιός*) wore a kind of chaplet, called *στέφανοι ϑυρεατικοί*, in commemoration of the victory of the Spartans at Thyrea. This event seems to have been closely connected with the gymnopaedia, for those Spartans who had fallen on that occasion were always praised in songs at this festival. (Athen. xv. p. 678; Plut. *Agesil.* 29; Xen. *Hellen.* vi. 4. § 16; Hesych. Suid. Etym. Mag. and Timaeus, *Glossar.* *s. v.* *Γυμνοπαιδία*.) The boys in their dances performed such rhythmical movements as resembled the exercises of the palaestra and the pancration, and also imitated the wild gestures of the worship of Dionysus. (Athen. xiv. p. 631.) Müller (*Hist. of Gr. Lit.* vol. i. p. 161) supposes, with great probability, that the dances of the gymnopaedia partly consisted of mimic representations, as the establishment of the dances and musical entertainments at this festival was ascribed to the musicians, at the head of whom was Thaletas. (Plut. *de Mus.* c. 9.) The whole season of the gymnopaedia, during which Sparta was visited by great numbers of strangers, was one of great merriment and rejoicings (Xen. *Memor.* i. 2. § 61; Plut. *Agesil.* 29; Pollux, iv. 14. 104), and old bachelors alone seem to have been excluded from the festivities. (Osann, *de Coelibum apud Veteres Populos Conditione Commentat.* p. 7, &c.) The introduction of the gymnopaedia, which subsequently became of such importance as an institution for gymnastic and orchestic performances, and for the cultivation of the poetic and musical arts at Sparta, is generally assigned to the year 665 B. C. (Compare Meursius, *Orchestra*, p. 12, &c.; Creuzer, *Commentat. Herod.* i. p. 230; Müller, *Dor.* vol. ii. p. 350, &c.) [L. S.]

GYNAECONI'TIS. [DOMUS, pp. 423—425.]

GYNAECO'NOMI or GYNAECOCOSMI (*γυναικονόμοι* or *γυναικοκόσμοι*), were magistrates at Athens, who superintended the conduct of Athenian women. (Pollux, viii. 112.) We know little of the duties of these officers, and even the time when they were instituted is not quite certain. Böckh (*de Philoch.* p. 24) has endeavoured to show that they did not exist until the time of Demetrius Phalereus, whereas, according to others, they were instituted by Solon, whose regulations concerning the female sex certainly rendered some special officers necessary for their maintenance. (Plut. *Sol.* 21; comp. Thirlwall, *Hist. of Greece*, vol. ii. p. 51.) Their name is also mentioned by Aristotle (*Pol.* iv. 12. p. 144, and vi. 5. p. 214. ed. Göttling) as something which he supposes to be well known to his readers. These circumstances induce us to think that the *γυναικονόμοι*, as the superintendents of the conduct of women, existed ever since the time of Solon, but that their power was afterwards extended in such a manner that they became a kind of police for the purpose of preventing any excesses or indecencies, whether committed by men or by women. (See the Fragm. of Timocles and Menander, *ap. Athen.* vi. p. 245. where a *καινὸς νόμος* is mentioned as the source from which they derived their increased power; compare Plut. *Sol.* 21. *in fin.*) In their first and original capacity, therefore, they had to see that the regulations concerning the conduct of Athenian women were observed, and to punish any transgressions of them (Harpocrat. *s. v.* *Ὅτι χιλίας*: Hesych. *s. v.* *Πλάτανος*); in the latter capacity they seem to have acted as ministers of the areopagus, and as such had to take care that decency and moderation were observed in private as well as in public. Hence they superintended even the meetings of friends in their private houses, *e. g.* at weddings, and on other festive occasions. (Philoch. *ap. Athen.* vi. p. 245.) Meetings of this kind were not allowed to consist of more than thirty persons, and the *γυναικονόμοι* had the right to enter any house and send away all the guests above that number; and that they might be able, previous to entering a house, to form an estimate of the number of persons assembled in it, the cooks who were engaged for the occasion had to give in their names to the γυναικονόμοι. (Athen. *l. c.*) They had also to punish those men who showed their effeminate character by frantic or immoderate wailing at their own or other persons' misfortunes. (Plut. *l. c.*) The number of these officers is unknown. Meier (*Att. Proc.* p. 97) thinks that they were appointed by lot; but Hermann (*Polit. Ant.* § 150. n. 5), referring to Menander (*Rhet. de Encom.* p. 105, ed. Heeren.), reckons them among those officers who were elected. [L. S.]

H.

HABE'NAE (ἡνία) were, generally speaking, leathern thongs, by means of which things were held and managed. Hence the word was in particular applied—1. To the reins by means of which horses were guided and managed. (Virg. *Aen.* x. 576, xi. 670, 765, xii. 327.) The habenae were, as with us, fixed to the bit or bridle (*fraenum*). 2. To the thongs attached to a lance, by which it was held and wielded. (Lucan. vi. 221.) [Compare Hasta, p. 558, a.] 3. To the thong which was formed into a sling, by means of which stones were thrown. (Lucan. iii. 710; Valer. Flacc. v. 609.) [Funda.] 4. To thongs by means of which the sandals were fastened to the feet. (Gellius, xiii. 21. 4.) From this passage it is also clear that the habenae in this case were not always made of leather, but of strings or chords, whence Gellius calls them *teretes habenae.* 5. To the thongs formed into a scourge with which young slaves were chastised. (Horat. *Epist.* ii. 2. 15.) The commentators on this passage, indeed, differ about the meaning of habenae; but if we consider the expressions of Ulpian (Dig. 29. tit. 5. s. 33), *impuberes servi terreri tantum solent, et habena vel ferula caedi*, it is clear that the habena is the scourge itself. (Comp. Ov. *Heroid.* ix. 81; Virg. *Aen.* vii. 380.) [L. S.]

HABITA'TIO. [Servitutes.]

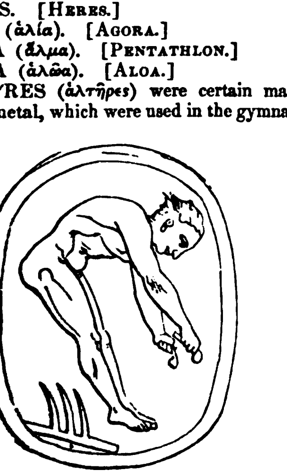
HAERES. [Heres.]

HALIA (ἁλία). [Agora.]

HALMA (ἅλμα). [Pentathlon.]

HALO'A (ἁλῶα). [Aloa.]

HALTE'RES (ἁλτῆρες) were certain masses of stone or metal, which were used in the gymnastic exercises of the Greeks and Romans. Persons who practised leaping often performed their exercises with halteres in both hands; but they were also frequently used merely to exercise the body in somewhat the same manner as our dumb-bells. (Martial, xiv. 49, vii. 67. 6; Pollux, iii. 155, x. 64; *graves massae*, Juv. vii. 421; Senec. *Ep.* 15, 56.) Pausanias (v. 26. § 3, v. 27. § 8, vi. 3. § 4) speaks of certain statues of athletes who were represented with halteres. They appear to have been made of various forms and sizes. The preceding woodcut is taken from Tassie, *Catalogue*, &c. pl. 46, No. 7978. (Mercurialis, *De Arte Gymnastica*, ii. 12; Becker, *Gallus*, vol. i. p. 277; Krause, *Die Gymnastik und Agonistik der Hellenen*, vol. i. p. 395.)



HAMAXA (ἅμαξα). [Harmamaxa; Plaustrum.]

HAMAXO'PODES (ἁμαξόποδες), in Latin, ARBUSCULAE, appear to have been cylindrical pieces of wood, placed vertically, and with a socket cut in the lower end, to receive the upright pivot fixed above a wheel or above the middle of the axis of a pair of wheels, which could thus turn horizontally in every direction. One use of this sort of socket was to unite the axis of the fore-wheels of a chariot to the body (Pollux, i. 144, 253; Hesych. *s. v.* ἁμαξίποδες); another use of it was to attach the wheels of a testudo to the framing in such a manner, that the machine might easily be moved in any direction: in fact, the *arbuscula* and the wheel together formed a castor or universal joint. (Vitruv. x. 20. s. 14. § 1, ed. Schneid.) Newton (*ad loc.*) supposes that, for the latter purpose, a single piece of timber would be both clumsy and insufficient, and that the *arbuscula* must have been a sort of framing. (See his figure, No. 114.) [P. S.]

HARMA (ἅρμα). [Currus; Harmamaxa.]

HARMAMAXA (ἁρμάμαξα) is evidently compounded of ἅρμα, a general term, including not only the Latin Currus, but other descriptions of carriages for persons; and ἅμαξα, which meant a cart, having commonly four wheels, and used to carry loads or burthens as well as persons. (Hes. *Op. et Dies*, 692; Hom. *Il.* vii. 426, xxiv. 782.) The harmamaxa was a carriage for persons, in its construction very similar to the Carpentum, being covered overhead and inclosed with curtains (Diod. xi. 56; Charito, v. 2, 3), so as to be used at night as well as by day (Xen. *Cyrop.* iv. 2. § 15); but it was in general larger, often drawn by four horses, or other suitable quadrupeds, and attired with ornaments more splendid, luxurious, and expensive, and in the Oriental style. (Diod. xvii. 35; Aristoph. *Achar.* 70.) It occupied among the Persians (Max. Tyr. 34) the same place which the carpentum did among the Romans, being used, especially upon state occasions, for the conveyance of women and children, of eunuchs, and of the sons of the king with their tutors. (Herod. vii. 83, ix. 76; Xen. *Cyrop.* iii. 1. § 8, iv. 3. § 1, vi. 4. § 11; Q. Curt. iii. 3. § 23.) Also, as persons might lie in it at length, and it was made as commodious as possible, it was used by the kings of Persia, and by men of high rank in travelling by night, or in any other circumstances when they wished to consult their ease and their pleasure. (Herod. vii. 41; Xen. *Cyrop.* iii. 1. § 40.)

The body of Alexander the Great was transported from Babylon to Alexandria in a magnificent harmamaxa, the construction of which occupied two years, and the description of which, with its paintings and ornaments in gold, silver, and ivory, employed the pen of more than one historian.

(Diod. xviii. 26—28; Athen. v. p. 206, e; Aelian, *V. H.* xii. 64.)

The harmamaxa was occasionally used by the ladies of Greece. A priestess of Diana is represented as riding in one which is drawn by two white cows (Heliod. *Aeth.* iii. p. 133, ed. Commelini), and the coins of Ephesus show, that this carriage, probably containing also symbols of the attributes and worship of Diana, added to the splendour of the religious processions in that city. [J. Y.]

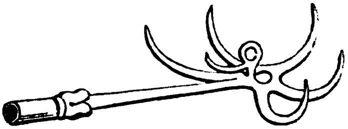
HARMOSTAE (from ἁρμόζω, to fit or join together) was the name of the governors whom the Lacedaemonians, after the Peloponnesian war, sent into their subject or conquered towns, partly to keep them in submission, and partly to abolish the democratical form of government, and establish in its stead one similar to their own. (Diod. Sic. xiv. 10; Xen. *Hellen.* iv. 2. § 5; Isocrat. *Paneg.* p. 92; Suidas, Hesych. *s. v.*; Etymol. Mag. *s. v.* Ἐπίσταθμοι.) Although in many cases they were ostensibly sent for the purpose of abolishing the tyrannical government of a town, and to restore the people to freedom, yet they themselves acted like kings or tyrants, whence Dionysius (*Antiq. Rom.* v. p. 337, Sylburg) thinks that harmostae was merely another name for kings. How little sincere the Lacedaemonians were in their professions to restore their subject towns to freedom was manifest after the peace of Antalcidas; for although they had pledged themselves to re-establish free governments in the various towns, yet they left them in the hands of the harmostae. (Polyb. iv. 27.) The character of their rule is sufficiently described by the word κατέχειν, which Isocrates (*l. c.*) and Demosthenes (*De Coron.* p. 258) use in speaking of the harmostae. (Compare Demosth. *c. Timocrat.* p. 740; Plut. *Narrat. Amat.* c. 3.) Even Xenophon (*De Rep. Lac.* c. 14) could not help censuring the Lacedaemonians for the manner in which they allowed their harmostae to govern.

It is uncertain how long the office of an harmostes lasted; but considering that a governor of the same kind, who was appointed by the Lacedaemonians in Cythera, with the title of Cytherodices, held his office only for one year (Thucyd. iv. 53), it is not improbable that the office of harmostes was of the same duration. [L. S.]

HARPAGES GRAPHE (ἁρπαγῆς γραφή). This action seems, according to Lucian (*Jud. Voc.* c. 1. vol. i. p. 82, ed. Hemsterh.), to have been applicable to cases of open robbery, attended with violence. Under these circumstances the offenders would be included in the class of κακοῦργοι, and as such be tried before a court under the control and management of the Eleven. With respect to the punishment upon conviction, we have no certain information, but there seems no reason to doubt that it was capital, as in cases of burglary and stealing from the person. (Xen. *Mem.* i. 2. § 62.) [J. S. M.]

HARPAGINE'TULI, a sort of decoration for the walls and ceilings of rooms, thus mentioned by Vitruvius, in a passage where he is speaking of irregular and fantastic ornaments (vii. 5. § 3), "*pro columnis enim statuuntur calami, pro fastigiis harpaginetuli striati cum crispis foliis et volutis teneris.*" The commentators have laboured in vain to explain the term; and it is even very doubtful whether the reading is correct. As the word stands, it seems to refer to some sort of scroll-pattern. (See Schneider, Newton, and the other commentators and translators, *l. c.*, and an addition by Bailey to the article in Forcellini.) [P. S.]

HA'RPAGO (ἁρπάγη: λύκος: κρεάγρα, *dim.* κρεάγρις), a grappling-iron, a drag, a flesh-hook. (*Ex.* xxvii. 3; 1 *Sam.* ii. 13, 14. Sept.; Aristoph. *Vesp.* 1152; Anaxippus, *ap. Athen.* iv. p. 169, b.) The iron-fingered flesh-hook (κρεάγρα σιδηροδακτύλος, Brunck, *Anal.* ii. 215) is described by the Scholiast on Aristophanes (*Equit.* 769), as "an instrument used in cookery, resembling a hand with the fingers bent inwards, used to take boiled meat out of the caldron." Four specimens of it, in bronze, are in the British Museum. One of them is here represented. Into its hollow extremity a wooden handle was inserted.



A similar instrument, or even the flesh-hook itself (Aristoph. *Eccles.* 994) was used to draw up a pail, or to recover any thing which had fallen into a well. (Hesychius, *s. vv.* Ἁρπάγη, Κρεάγρα, Λύκος.)

In war the grappling-iron, thrown at an enemy's ship, seized the rigging, and was then used to drag the ship within reach, so that it might be easily boarded or destroyed. (Ἅρπαξ, Athen. v. p. 208, d.) These instruments appear to have been much the same as the *munus ferreae* (*manus ferreae atque harpagones*, Caes. *B. C.* i. 57; Q. Curt. iv. 9; Dion Cass. xlix. 3, l. 32, 34). The *manus ferreae* were employed by the Consul Duilius against the Carthaginians (Flor. ii. 2; Front. *Stratag.* ii. 3. § 24), and were said to have been invented by Pericles. (Plin. *H. N.* vii. 57.) [J. Y.]

HARPASTUM (ἁρπαστόν from ἁρπάζω) was a ball, used in a game of which we have no accurate account; but it appears both from the etymology of the word and the statement of Galen (Περὶ μικρᾶς Σφαίρας, c. 2. p. 902, ed. Kühn), that a ball was thrown among the players, each of whom endeavoured to obtain possession of it. (Comp. Pollux, ix. 105, 106; Athen. i. p. 14, f.) Hence Martial (iv. 19. 6) speaks of the *harpasta pulverulenta*. The game required a great deal of bodily exertion. (Martial, vii. 67. 4; comp. xiv. 48.) (See Becker, *Gallus*, vol. i. p. 276; Krause, *Gymnastik und Agonistik der Hellenen*, vol. i. pp. 307, 308.)

HARU'SPICES, or **ARU'SPICES**, were soothsayers or diviners, who interpreted the will of the gods. They originally came to Rome from Etruria, whence haruspices were often sent for by the Romans on important occasions. (Liv. xxvii. 37; Cic. *Cat.* iii. 8, *de Div.* ii. 4.) The art of the haruspices resembled in many respects that of the augurs; but they never acquired that political importance which the latter possessed, and were regarded rather as means for ascertaining the will of the gods than as possessing any religious authority. They did not in fact form any part of the ecclesiastical polity of the Roman state during the republic; they are never called sacerdotes, they did not form a collegium, and had no magister at their head. The account of Dionysius (ii. 22), that the haruspices were instituted by Romulus, and that one was chosen from each tribe, is opposed to all the other authorities, and is manifestly incorrect. In the time of the emperors, we read of a collegium or order of sixty haruspices (Tacit. *Ann.* xi. 15; Orelli, *Inscr.* i. p. 399); but the time of its institution is uncertain. It has been supposed that such a collegium existed in the time of Cicero, since he speaks of a *summus magister* (*de Div.* ii. 24); but by this we are probably to understand not a *magister collegii*, but merely the most eminent of the haruspices at the time.

The art of the haruspices, which was called *haruspicina*, consisted in explaining and interpreting the will of the gods from the appearance of the entrails (*exta*) of animals offered in sacrifice, whence they are sometimes called *extispices*, and their art *extispicium* (Cic. *de Div.* ii. 11; Suet. *Ner.* 56); and also from lightning, earthquakes, and all extraordinary phenomena in nature, to which the general name of *portenta* was given. (Valer. Max. i. 1. § 1.) Their art is said to have been invented by the Etruscan Tages (Cic. *de Div.* ii. 23; Festus, *s. v. Tages*), and was contained in certain books called *libri haruspicini*, *fulgurales*, and *tonitruales*. (Cic. *de Div.* i. 33; compare Macrob. *Saturn.* iii. 7).

This art was considered by the Romans so important at one time, that the senate decreed that a certain number of young Etruscans, belonging to the principal families in the state, should always be instructed in it. (Cic. *de Div.* i. 41.) Niebuhr appears to be mistaken in supposing the passage in Cicero to refer to the children of Roman families. (See Orelli, *ad loc.*) The senate sometimes consulted the haruspices (Cic. *de Div.* i. 43, ii. 35; Liv. xxvii. 37), as did also private persons. (Cic. *de Div.* ii. 29.) In later times, however, their art fell into disrepute among well-educated Romans; and Cicero (*de Div.* ii. 24) relates a saying of Cato, that he wondered that one haruspex did not laugh when he saw another. The Emperor Claudius attempted to revive the study of the art, which had then become neglected; and the senate, under his directions, passed a decree that the pontifices should examine what parts of it should be retained and established (Tacit. *Ann.* xi. 15); but we do not know what effect this decree produced.

The name of haruspex is sometimes applied to any kind of soothsayer or prophet (Prop. iii. 13. 59); whence Juvenal (vi. 550) speaks of *Armenius vel Commagenus haruspex.*

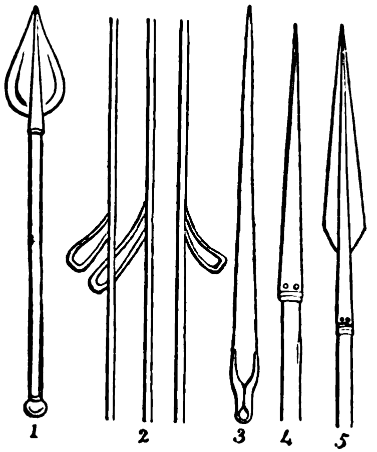
The latter part of the word haruspex contains the root *spec;* and Donatus (*ad Ter. Phorm.* iv. 4. 28) derives the former part from *haruga*, a victim. Compare Festus, *s. v. Harviga*, and Varro, *De Ling. Lat.* v. 98, ed. Müller. (Göttling, *Gesch. der Röm. Staatsv.* p. 213; Walter, *Gesch. des Röm. Rechts*, §§ 142, 770, 2nd ed.; Brissonius, *De Formulis*, i. 29, &c.)

HASTA (*ἔγχος, παλτόν*), a spear. The spear is defined by Homer, *δόρυ χαλκῆρες*, "a pole fitted with bronze" (*Il.* vi. 3), and *δόρυ χαλκοβάρες*, "a pole heavy with bronze" (*Od.* xi. 531). The bronze, for which iron was afterwards substituted, was indispensable to form the point (*αἰχμή, ἀκωκή*, Homer; *λόγχη*, Xenophon; *acies, cuspis, spiculum*, Ovid, *Met.* viii. 375) of the spear. Each of these two essential parts is often put for the whole, so that a spear is called *δόρυ* and *δοράτιον, αἰχμή*, and *λόγχη*. Even the more especial term *μελία*, meaning an ash-tree, is used in the same manner, because the pole of the spear was often the stem of a young ash, stript of its bark and polished. (*Il.* xix. 390, xx. 277, xxii. 328, *Od.* xxii. 259; Plin. *H. N.* xvi. 24; Ovid, *Met.* xii. 369.) In like manner the spear is designated by the term *κάμαξ* (Aesch. *Ag.* 65; Eurip. *Hec.* 1155, *Phoen.* 1421; Brunck, *Anal.* i. 191, 226; Ant. Sid. 34), meaning properly the strong tall reed of the south of Europe, which served both for spears and for various other uses. (Hes. *Scut.* 298; Schol. *in loc.;* Xen. *de Re Equest.* xii. 12.)

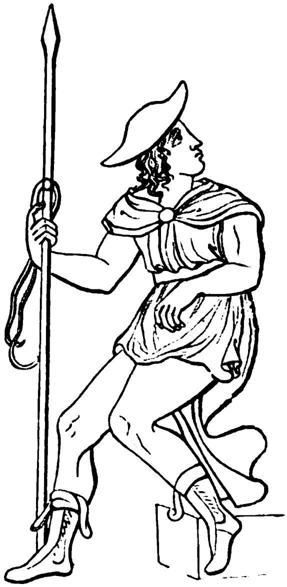
The bottom of the spear was often inclosed in a pointed cap of bronze, called by the Ionic writers *σαυρωτήρ* (Hom. *Il.* x. 153; Herod. vii. 40, 41; also Polyb. vi. 23), and *οὐρίαχος* (*Il.* xiii. 443, xvi. 612, xvii. 528), and in Attic or common Greek *στύραξ*. (Xen. *Hellen.* vi. 2. § 19; Athen. xii. p. 514, b; *στυράκιον*, Thuc. ii. 4; Aen. Tact. 18.) By forcing this into the ground the spear was fixed erect. (Virg. *Aen.* xii. 130.) Many of the lancers (*δορυφόροι, αἰχμοφόροι, λογχοφόροι*, woodcut, p. 237), who accompanied the king of Persia, had, instead of this spike at the bottom of their spears, an apple or a pomegranate, either gilt or silvered. (Herod.; Athen.; *ll. cc.*) With this, or a similar ornament, the spear is often terminated both on Persian and Egyptian monuments. Fig. 1. in the annexed woodcut shows the top and bottom of a spear, which is held by one of the king's guards in the sculptures at Persepolis. (Sir R. K. Porter's *Travels*, vol. i. p. 601.) It may be compared with those in the hand of the Greek warrior at p. 135, which have the spike at the bottom. The spike at the bottom of the spear was used in fighting by the Greeks and Romans, when the head was broken off. (Polyb. vi. 25.)

A well-finished spear was kept in a case (*δορατοθήκη*), which, on account of its form, is called by Homer a pipe (*σύριγξ*, *Il.* xix. 387).

The spear was used as a weapon of attack in three different ways:—1. It was thrown from catapults and other engines [Tormentum]. 2. It was thrust forward as a pike. In this manner Achilles killed Hector by piercing him with his spear through the neck. (*Il.* xxii. 326.) The Euboeans



were particularly celebrated as pikemen. (Hom. *Il.* ii. 543.) 3. It was commonly thrown by the hand. The Homeric hero generally went to the field with two spears. (Hom. *Il.* iii. 18, x. 76, xii. 298; Pind. *Pyth.* iv. 139.) On approaching the enemy he first threw either one spear or both, and then on coming to close quarters drew his sword. (Hom. *Il.* iii. 340, xvii. 530, xx. 273—284.) The spear frequently had a leathern thong tied to the middle of the shaft, which was called ἀγκύλη by the Greeks, and *amentum* by the Romans, and which was of assistance in throwing the spear. (Pollux, i. 136; Schol. *ad Eurip. Orest.* 1477; Xen. *Anab.* iv. 2. § 28; Virg. *Aen.* ix. 665; Ov. *Met.* xii. 321; Cic. *de Orat.* i. 57.) The annexed figure, taken from Sir W. Hamilton's Etruscan Vases (iii. pl. 33), represents the amentum attached to the spear at the centre of gravity, a little above the middle.



We are not informed how the amentum added to the effect of throwing the lance; perhaps it was by giving it rotation, and hence a greater degree of steadiness and directness in its flight, as in the case of a ball, shot from a rifle-gun. This supposition both suits the expressions relative to the insertion of the fingers, and accounts for the frequent use of the verb *torquere*, to whirl, or twist, in connection with this subject. We also find mention in the Latin grammarians of *Hastae ansatae*, and Ennius speaks of *Ansatis concurrunt undique telis* (Macrob. *Sat.* vi. 1). The *ansa* was probably the same as the amentum, and was so called as being the part which the soldier laid hold of in hurling the spear.

Under the general terms *hasta* and ἔγχος were included various kinds of missiles, of which the principal were as follow: —

Lancea (λόγχη, Festus, *s. v. Lancea*), the lance, a comparatively slender spear commonly used by the Greeks. Iphicrates, who doubled the length of the sword [Gladius], also added greatly to the dimensions of the lance. (Diod. xv. 44; Nep. xi. 1. 3.) This weapon was used by the Grecian horsemen (Polyb. vi. 23); and by means of an appendage to it, which is supposed by Stuart (*Ant. of Athens*, vol. iii. p. 47; woodcut, fig. 2) to be exhibited on the shafts of three spears in an ancient bas-relief, they mounted their horses with greater facility. (Xen. *de Re Equest.* vii. xii.)

Pilum (ὑσσός), the javelin, much thicker and stronger than the Grecian lance (Flor. ii. 7), as may be seen on comparing the woodcuts at pp. 135 and 136. Its shaft, often made of cornel (Virg. *Aen.* ix. 698; Ovid, *Met.* viii. 408), was four and a half feet (three cubits) long, and the barbed iron head was of the same length, but this extended half way down the shaft, to which it was attached with extreme care, so that the whole length of the weapon was about six feet nine inches. Each soldier carried two. (Polyb. vi. 23.) [Exercitus, p. 497, a.] It was used either to throw or to thrust with; it was peculiar to the Romans, and gave the name of *pilani* to the division of the army by which it was adopted. When Marius fought against the Cimbri, he ordered that of the two nails or pins (περόναι) by which the head was fastened to the staff, one should be of iron and the other of wood. The consequence was, that, when the pilum struck the shields of the enemy, the wooden nail broke, and as the iron head was thus bent, the spear, owing to the twist in the metal part, still held to the shield and so dragged along the ground. (Plut. *Mar.* 25.)

Whilst the heavy-armed Roman soldiers bore the long lance and the thick and ponderous javelin, the light-armed used smaller missiles, which, though of different kinds, were included under the general term *hastae velitares* (Liv. xxxviii. 20; Plin. *H. N.* xxviii. 6). From γρόσφος, the corresponding Greek term (Polyb. i. 40; Strabo, iv. 4. § 3), the *velites*, or light-armed, are called by Polybius γροσφομάχοι (vi. 19, 20). According to his description the γρόσφος was a dart, with a shaft about three feet long and an inch in thickness: the iron head was a span long, and so thin and acuminated as to be bent by striking against any thing, and thus rendered unfit to be sent back against the enemy. Fig. 3, in the preceding woodcut, shows one which was found, with nearly four hundred others, in a Roman entrenchment at Meon Hill, in Gloucestershire. (Skelton's *Engraved Illustrations*, vol. i. pl. 45.)

The light infantry of the Roman army used a similar weapon, called *a spit* (*veru*, *verutum*, Liv. xxi. 55; σαύνιον, Diod. Sic. xiv. 27; Festus, *s. v. Samnites*). It was adopted by them from the Samnites (Virg. *Aen.* vii. 665), and the Volsci (*Georg.* ii. 168). Its shaft was 3½ feet long, its point five inches. (Veget. ii. 15.) Fig. 4, in the preceding woodcut, represents the head of a dart in the Royal Collection at Naples; it may be taken as a specimen of the *verutum*, and may be contrasted with fig. 5, which is the head of a lance in the same collection. The Romans adopted in like manner the *gaesum*, which was properly a Celtic weapon (Liv. xxviii. 45); it was given as a reward to any soldier who wounded an enemy. (Polyb. vi. 37.) *Sparus* is evidently the same word with the English *spar* and *spear*. It was the rudest missile of the whole class, and only used when better could not be obtained. (Virg. *Aen.* xi. 682, Serv. *in loc.*; Nepos, xv. 9. § 1; Sallust, *Cat.* 56; Gell. x. 25.)

Besides the terms *jaculum* and *spiculum* (ἄκων, ἀκόντιον), which probably denoted darts, resembling in form the lance and javelin, but much smaller, adapted consequently to the light-armed (*jaculatores*), and used in hunting as well as in battle (Thucyd. ii. 4; Virg. *Aen.* ix. 52; Serv. *in loc.*; Ovid, *Met.* viii. 411; Cic. *ad Fam.* v. 12; Flor. ii. 7), we find in classical authors the names of various other spears, which were characteristic of particular nations. Thus, Servius states (*in Aen.* vii. 664), that, as the *pilum* was proper to the Romans, and the *gaesum* to the Gauls, so the *sarissa* was the spear peculiar to the Macedonians. This was used both to throw and as a pike. It exceeded in length all other missiles. [See p. 488, a.] It was made of cornel, the tall dense stem of which also served to make spears of other kinds. (Theoph. *H. P.* iii. 12. 2; σάρεισα, Arrian, *Tact.*; κρανέϊνα, Xen. *de Re Equest.* xii. 12.) The Thracian *romphea*, which had a very long point, like the blade of a sword (Val. Flac. vi. 98; *rumpia*, Gell. *l. c.*; ῥομφαία, *Apoc.* i. 16), was probably not unlike the sarissa; since Livy asserts (xxxi. 39), that in a country partly covered with wood the Macedonian phalanx was ineffective on account of their *praelongae hastae*, and that the romphaea of the Thracians was a hindrance for the same reason. With these weapons we may also class the Illyrian *sibina*, which resembled a hunting-pole. (Festus, *s. v.*; σιϐύνιον, Polyb. vi. 21; *sibon*, Gell. *l. c.*; Ant. Sid. 13.)

The iron head of the German spear, called *framea*, was short and narrow, but very sharp. The Germans used it with great effect either as a lance or a pike: they gave to each youth a framea and a shield on coming of age. (Tacit. *Germ.* 6, 13, 18, 24; Juv. xiii. 79.) The *Falarica* or *Phalarica* was the spear of the Saguntines, and was impelled by the aid of twisted ropes; it was large and ponderous, having a head of iron a cubit in length, and a ball of lead at its other end; it sometimes carried flaming pitch and tow. (Liv. xxi. 8, xxxiv. 18; Virg. *Aen.* ix. 706; Lucan, vi. 198; Sil. Ital. i. 351; Gell. *l. c.*; Isid. *Orig.* xviii. 7; Grat. Falisc. *Cyneg.* 342.) The *matara* and *tragula* were chiefly used in Gaul and Spain: the tragula was probably barbed, as it required to be cut out of the wound. (Plaut. *Cas.* ii. 4. 18, *Epid.* v. 2. 25; Caes. *B. G.* i. 26, v. 35; Gell. *l. c.*) The *Aclis* and *Cateia* were much smaller missiles. (Virg. *Aen.* vii. 730, 741.)

Among the decorations which the Roman generals bestowed on their soldiers, more especially for saving the life of a fellow-citizen, was a spear without a head, called *hasta pura*. (Virg. *Aen.* vi. 760; Serv. *in loc.*; Festus, *s. v. Hasta*; Sueton. *Claud.* 28; Tacit. *Ann.* iii. 21.) The gift of it is sometimes recorded in funereal inscriptions.

The *celibaris hasta* (Festus, *s. v.*), having been fixed into the body of a gladiator lying dead on the arena, was used at marriages to part the hair of the bride. (Ovid, *Fast.* ii. 560.)

A spear was erected at auctions [Auctio], and when tenders were received for public offices (*locationes*). It served both to announce, by a conventional sign conspicuous at a distance, that a sale was going on, and to show that it was conducted under the authority of the public functionaries. (Cic. *Offic.* ii. 8; Nepos, *Attic.* 6; Festus, *s. v. Hasta.*) Hence an auction was called *hasta*, and an auction-room *hastarium*. (Tertull. *Apol.* 13.) It was also the practice to set up a spear in the court of the Centumviri.

The throwing of spears (ἀκοντισμός) was one of the gymnastic exercises of the Greeks, and is described at length by Krause (*Gymnastik und Agonistik der Hellenen*, vol. i. p. 465, &c.). [J. Y.]

HASTA'TI. [Exercitus, pp. 494—496, 501, 502.]

HECATOMBAEA. [Heraea.]

HECATOMBAEON. [Calendarium, Greek.]

HECATOMBE. [Sacrificium.]

HECATOMPEDON. [Pes; Templum.]

HECATOSTE (ἑκατοστή). [Pentecoste.]

HECTE or HECTEUS (ἕκτη, ἑκτεύς), and its half, *Hemiecton* or *Hemiecteon* (ἡμίεκτον, ἡμιεκτέον), are terms which occur, in more than one sense, in the Greek metrical system, and are interesting on account of the examples they furnish of the duodecimal division.

1. In dry measures, the *hecteus* was the sixth part of the *medimnus*, and the *hemiecteon*, of course, the twelfth part. (Aristoph. *Eccl.* 547, *Nub.* 638, 645.) The *hecteus* was equal to the Roman *modius*, as each contained 16 ξέσται or sextarii. (Böckh, *Metrol. Untersuch.* pp. 33, 200.)

2. The *Hecte* or *Hecteus* and *Hemiecton* were also the names of coins, but the accounts we have of their value are very various. The only consistent explanation is, that there were different *hectae*, derived from different units; in fact, that these coins were not properly *denominations* of money, but *subdivisions* of the recognised denominations. This view is confirmed by the statement of Hesychius, that the words ἕκτη, τρίτη, and τετάρτη were applied to coins of gold, silver, and copper; that is, we think, that the various denominations of money were subdivided for convenience into thirds, fourths, and sixths, which would be of gold, silver, and copper, according to the value of their respective units. (Hesych. *s. v.* ἕκτη.) Now, since the drachma was the unit of the silver coinages, which chiefly prevailed in Greece, we might expect, *à priori*, that the common *hecteus* would be the sixth of a drachma, that is, an obol; and that there was such a *hecteus*, is expressly stated by Hesychius, who gives ἡμιωϐέλιον as the equivalent of ἡμίεκτον (*s. v.*). But then from a passage of the comic poet Crates (Pollux, ix. 374), we learn that the *hemiecton of gold* was eight obols, the natural interpretation of which is, that it was *equal in value to eight silver obols* or (according to Mr. Hussey's computation of the drachma), a little more than 13*d.*, which is certainly a very small value for a gold coin. This objection Böckh meets by supposing that the gold had a very large mixture of alloy; and the probability of this will appear further presently. This stater could not have been an Attic coin, for at that time Athens had no gold money: the question therefore arises, to what foreign state did it belong? Now, among the foreign staters, which were current at Athens in the fifth century B. C., that of Phocaea is frequently mentioned, and an inscription exists (found in the Acropolis) in which, among certain offerings, we find *Phocaean staters*, and ἕκται Φωκαΐδες (Böckh, *Corp. Inscr.* No. 150, lines 41, 43, vol. i. pp. 231, 236. §§ 19, 22: the hasty conjecture that these ἕκται must have been of *silver*, is corrected by Böckh himself, in his *Metrologische Untersuchungen*, p. 135). Little doubt can remain that these ἕκται were the *sixth*,

and the *hemiecta* of Crates the *twelfth* of the Phocaean stater. The weight of the *hemiecton* would be a little less than that of the Attic obol; and their value would therefore give a ratio of gold to silver, as 8 to 1, a low value for gold, it is true, but one easily explained by the fact, conjectured by Böckh, and distinctly stated by Hesychius (*s. v.* Φωκαΐς), that the Phocaean gold money was very base: this fact also will explain the light weight of the coin as compared with the Attic obol. The result of this somewhat intricate discussion seems to us both clear and consistent: namely, that the standard *weight*, the drachma, was divided, on the duodecimal system, into *sixths* (ἕκται or ὀβολοί), and *twelfths*, ἡμίεκτα: that Athens had *silver coins* of these weights: and that, in those states which used a gold coinage, of which the unit was a *stater* equal (generally) *in weight to two drachmae* and *in value to twenty*, this stater was subjected to a similar duodecimal division, by which the *sixth* (ἕκτη or ἕκτευς) became *in weight* a piece of *two obols*, and the *twelfth* (ἡμίεκτον) a piece of one *obol*. The *values* of these coins (according to the average ratio of the value of gold to that of silver, namely 10 : 1) would have been 20 *obols* and 10 *obols* respectively; but those of Phocaea were so light and debased, that they were only worth 16 and 8 respectively of the obols of Athens, whose coinage was proverbially pure. [P. S.]

HECTEMO'RII (ἑκτημόριοι), a name given to the poor citizens of Attica before the time of Solon, who cultivated the fields of the rich and received only a *sixth* part (hence their name) of the produce. (Hesych. *s. v.* ἑκτημόροι; Eustath. *ad Hom. Od.* xix. 28. p. 680. 49, ed. Basil. p. 1854, ed. Rom.) Plutarch (*Solon*, 13) seems to have made a mistake in stating that they paid a sixth portion to their masters, and retained five-sixths themselves. (Comp. Schömann, *De Comitiis*, p. 362, *Antiq. Jur. Publ. Graec.* p. 169; Hermann, *Lehrbuch d. Griech. Staatsalterth.* § 101, n. 10.)

HEDNA (ἕδνα). [Dos.]

HEGEMO'NIA DICASTE'RIOU (ἡγημονία δικαστηρίου). [Eisagogeis.]

HEGETO'RIA. [Plynteria.]

HEIRGMOU GRAPHE' (εἱργμοῦ γραφή). This was an action for false imprisonment of a free citizen or stranger, and keeping such person in private custody. There are no orations upon this subject extant, nor indeed any direct allusions to it by name; but it is hinted at as a remedy that might have been adopted by Agatharchus, the painter, for the restraint put upon his personal liberty by Alcibiades (Andoc. *c. Alc.* p. 119); and in a passage of Deinarchus (*c. Dem.* 17), where a miller is mentioned to have incurred capital punishment for a like offence. The thesmothetae probably presided in the court before which offenders of this kind were brought to trial. (Meier, *Att. Proc.* p. 332.) [J. S. M.]

HELE'POLIS (ἑλέπολις). When Demetrius Poliorcetes besieged Salamis, in Cyprus, he caused a machine to be constructed, which he called "the taker of cities." Its form was that of a square tower, each side being 90 cubits high and 45 wide. It rested on four wheels, each eight cubits high. It was divided into nine stories, the lower of which contained machines for throwing great stones, the middle large catapults for throwing spears, and the highest, other machines for throwing smaller stones, together with smaller catapults. It was manned with 200 soldiers, besides those who moved it by pushing the parallel beams at the bottom. (Diod. xx. 48.)

At the siege of Rhodes, B. C. 306, Demetrius employed an helepolis of still greater dimensions and more complicated construction. Besides wheels it had castors (ἀντιστρέπτα), so as to admit of being moved laterally as well as directly. Its form was pyramidal. The three sides which were exposed to attack, were rendered fire-proof by being covered with iron plates. In front each story had port-holes, which were adapted to the several kinds of missiles, and were furnished with shutters that could be opened or closed at pleasure, and were made of skins stuffed with wool. Each story had two broad flights of steps, the one for ascending, the other for descending. (Diod. xx. 91; compare Vitruv. x. 22.) This helepolis was constructed by Epimachus the Athenian; and a much esteemed description of it was written by Dioeclides of Abdera. (Athen. v. p. 206, d.) It was no doubt the greatest and most remarkable engine of the kind that was ever erected. In subsequent ages we find the name of "helepolis" applied to moving towers which carried battering rams, as well as machines for throwing spears and stones. (Amm. Marcell. xxiii.; Agathias, i. 18. p. 30, ed. Ven.; Nicet. Chon. *Jo. Commenus*, p. 14, b.) Towers of this description were used to destroy the walls of Jerusalem, when it was taken by the Romans. (Jos. *B. J.* ii. 19. § 9, iii. 6. § 2.) [Aries; Tormentum.] [J. Y.]

HELIAEA. [Dicasterion.]

HELIOCAMI'NUS. [Domus, p. 432, b.]

HELIX (ἕλιξ), anything of a spiral form, whether in one plane, as the spiral curve, or in different planes, as the screw.

1. In architecture, the spiral volutes of the Ionic and Corinthian capitals. The Roman architects, while they used the word *volutae* for the angular spirals, retained the term *helices* for the smaller spirals in the middle of each face of the Corinthian capital. (Vitruv. iv. 1. § 12.)

2. In mechanics, the word designates the screw in its various applications; but its chief use was to describe a machine used for pushing or drawing ships in the water from the beach, which was said to have been invented by Archimedes. (Athen. v. p. 207, a., with Casaubon's Notes.) [P. S.]

HELLANO'DICAE (Ἑλλανοδίκαι), the judges in the Olympic games, of whom an account is given under Olympia. The same name was also given to the judges or court-martial in the Lacedaemonian army (Xen. *Rep. Lac.* xiii. 11); and they were probably first called by this name when Sparta was at the head of the Greek confederacy.

HELLENOTA'MIAE (Ἑλληνοταμίαι), or treasurers of the Greeks, were magistrates appointed by the Athenians to receive the contributions of the allied states. They were first appointed B. C. 477, when Athens, in consequence of the conduct of Pausanias, had obtained the command of the allied states. The money paid by the different states, which was originally fixed at 460 talents, was deposited in Delos, which was the place of meeting for the discussion of all common interests; and there can be no doubt that the hellenotamiae not only received, but were also the guardians of these monies, which were called by Xenophon (*de Vectig.* v. 5) Ἑλληνοταμία. (Thuc.

i. 96; Plut. *Aristid.* 24; Andoc. *de Pace*, p. 107.) The office was retained after the treasury was transferred to Athens on the proposal of the Samians (Plut. *Aristid.* 25; Diod. xii. 38), but was of course abolished on the conquest of Athens by the Lacedaemonians. The Hellenotamiae were not reappointed after the restoration of the democracy; for which reason the grammarians afford us little information respecting their duties. Böckh, however, concludes from inscriptions that they were probably ten in number, chosen by lot, like the treasurers of the gods, out of the Pentacosiomedimni, and that they did not enter upon their office at the beginning of the year, but after the Panathenaea and the first Prytaneia. With regard to their duties, Böckh supposes that they remained treasurers of the monies collected from the allies, and that payments for certain objects were assigned to them. In the first place they would of course pay the expenses of wars in the common cause, as the contributions were originally designed for that purpose; but as the Athenians in course of time considered the money as their own property, the Hellenotamiae had to pay the Theorica and military expenses not connected with wars on behalf of the common cause. (Böckh, *Publ. Econ. of Athens*, p. 176, 2nd ed.; *Corp. Inscrip.* No. 147.)

HELLO'TIA. [Ellotia.]

HELO'TES (Εἵλωτες, the Latin form *Ilotae* is also used, Liv. xxxiv. 27), were a class of bondsmen subject to Sparta. The whole of the inhabitants of Laconia were included in the three classes of Spartans, Perioeci, and Helots, of whom the Helots were the lowest. They formed the rustic population, as distinguished both from the inhabitants of Sparta itself, and from the Perioeci who dwelt in the large towns. (Liv. *l. c.*) Their condition was that of serfs attached to the land, *adscripti glebae*; and they appear to have been the only class of slaves among the Lacedaemonians. Different etymologies are given of their name. The common account is, that they were originally the Achaean inhabitants of the town of Helos in Laconia, who, having been the last to submit to the Dorian invaders, and that only after a desperate struggle, were reduced by the victors to slavery. (Paus. iii. 20. § 6; Harpocr. *s. v.* εἱλωτεύειν, who cites Hellanicus as his authority). Another account, preserved by Athenaeus from Theopompus, represents them as the general body of the ancient Achaean population of Laconia, reduced to slavery by the Dorians, like the Penestae in Thessaly. (Ath. vi. p. 265, c.) The statement of Ephorus, again, preserved by Strabo, has something in common with both the other stories; for, according to it, the original inhabitants of the country, when subdued by the Dorians, were at first permitted to enjoy an equality of civil and political rights with their conquerors, *and were called Helots*; but they were deprived of their equal status by Agis, the son of Eurysthenes, who made them pay tribute: this decree was resisted only by the people of Helos (Ἑλεῖοι οἱ ἔχοντες τὸ Ἕλος), who rebelled and were reduced to slavery under certain conditions. (Strab. viii. p. 365.) Now, all these theories (for such they are) rest on the doubtful foundation of the historical truth of the circumstances attending the Dorian invasion, and the connection of the name with Helos is not only a manifest invention, opposed to the best authorities (Theopomp. Eph. *ll. cc.*), but is etymologically faulty, for the people of Ἕλος were not called Εἵλωτες, but Ἑλεῖοι (Strab. *l. c.*) or Ἑλεάται (Athen. vi. p. 271). The name has been also derived from ἕλη, *marshes*, as if it signified *inhabitants of the lowlands*. But Müller seems to be nearer the mark in explaining εἵλωτες as meaning *prisoners*, from the root of ἑλεῖν, *to take*, like δμῶες from the root of δαμάω. He supposes that they were an aboriginal race, who were subdued at a very early period, and who naturally passed over as slaves to the Doric conquerors. It is objected by Thirlwall that this theory does not account for the hereditary enmity between them and their masters; for unless they lost their liberty by the Dorian conquest, there is no probability that it placed them in a worse condition than before. But to this objection, we may oppose the acute observation of Grote, that those dangers from the servile population, the dread of which is the only probable cause that can be assigned for the cruelty of the Spartans, and the consequent resentment of the Helots, "did not become serious until after the Messenian war — nor indeed until after the gradual diminution of the number of Spartan citizens had made itself felt."

At the end of the second Messenian war (B. C. 668), the conquered Messenians were reduced to slavery, and included under the denomination of Helots. Their condition appears to have been the same, with some slight differences, as that of the other Helots. But, in addition to that remembrance of their freedom, which made not only them, but, through their influence, the whole class of Helots more and more dangerous to their masters, they preserved the recollection of their national existence, and were ready to seize any opportunity of regaining it; until, at length, the policy of Epaminondas, after the battle of Leuctra, restored the main body of these Messenian Helots to their country, where they no doubt formed the chief part of the population of the new city of Messene. (Thirlwall, *Hist. of Greece*, vol. v. pp. 104, 105.)

The Helots were regarded as the property of the state, which, while it gave their services to individuals, reserved to itself the power of emancipating them. (Ephorus, *ap. Strab. l. c.*; Paus. *l. c.*) They were attached to the land, and could not be sold away from it. Several families, as many perhaps as six or seven, resided on each κλῆρος, in dwellings of their own, either in detached farms or in villages. They cultivated the land and paid to their masters as rent a fixed measure of corn, the exact amount of which had been fixed at a very early period, the raising of that amount being forbidden under heavy imprecations. (Plut. *Inst. Lac.* p. 255.) The annual rent paid for each κλῆρος was eighty-two medimni of barley, and a proportionate quantity of oil and wine. (Plut. *Lyc.* 8. 24.) The domestic servants of the Spartans were all Helots. They attended on their masters at the public meal; and many of them were no doubt employed by the state in public works.

In war the Helots served as light-armed troops (ψίλοι), a certain number of them attending every heavy-armed Spartan to the field; at the battle of Plataeae, there were seven Helots to each Spartan, and one to every hoplite of the Perioeci. (Herod. ix. 10. 28.) These attendants were probably called ἀμπίτταρες (*i. e.* ἀμφίσταντες, Hesych. *s. v.*), and one of them in particular, the θεράπων, or *servant* (Herod. vii. 229; Sturz. *Lex. Xen. s. v.*); though θεράπων was also used by the Dorians as a general name for armed slaves. The Helots only served as hoplites in particular emergencies; and on such occasions they were generally emancipated, if they showed distinguished bravery. The first instance of this kind was in the expedition of Brasidas, B.C. 424. (Thucyd. iv. 80, v. 34, vii. 19.)

The treatment to which the Helots were subjected, as described by the later Greek writers, is marked by the most wanton cruelty. Thus Myron states that "the Spartans impose upon them every ignominious service, for they compel them to wear a cap of dog's skin, and to be clothed with a garment of sheep's skin, and to have stripes inflicted upon them every year for no fault, that they may never forget that they are slaves. And besides all this, if any rise by their qualities above the condition of a slave, they appoint death as the penalty, and their masters are liable to punishment if they do not destroy the most excellent." (Athen. xiv. p. 657.) And Plutarch (*Lyc.* 28) states that Helots were forced to intoxicate themselves, and perform indecent dances as a warning to the Spartan youth. These statements must be received with some caution. There is no evidence that they are true of the period before the Messenian wars; nor can we believe that such wanton and impolitic oppressions, provocations, and destruction of a valuable servile population formed any part of the original system of Lycurgus. What has been said above, respecting the legal condition of the Helots, indicates a very different state of things; and their real condition is probably not misrepresented by Grote, when he says: — "The Helots were a part of the state, having their domestic and social sympathies developed, a certain power of acquiring property (Plut. *Cleom.* 23), and the consciousness of Grecian lineage and dialect — all points of marked superiority over the foreigners who formed the slave population of Athens or Chios. They seem to have been no way inferior to any village population of Greece." As is usual with serfs, every means was taken to mark the distinction between them and their masters: they were obliged to wear the rustic garb described above, and they were not permitted to sing one of the Spartan songs. (Plut. *Lyc.* 28.) But the state of things described in the above quotations belongs to a period when the fear of a servile insurrection had produced the natural result of cruel oppression on the one part and rebellious hatred on the other. That the cruelty of their masters knew no restraint when it was thus stimulated by fear, is manifest enough from the institution of the *κρυπτεία* [Crypteia]. How far the statements of ancient writers respecting the *crypteia* are to be believed, is somewhat doubtful; but there can be no doubt of the fact related by Thucydides, that on one occasion two thousand of the Helots who had rendered the greatest service to the state in war, were induced to come forward by the offer of emancipation, and then were put to death. (Thuc. iv. 80.)

The Helots might be emancipated, but in that case, instead of passing into the class of Perioeci, they formed a distinct body in the state, known, at the time of the Peloponnesian war, by the general term of *νεοδαμώδεις*, but subdivided into several classes. Myron of Priene (*ap. Athen.* vi. p. 271, f.), enumerates the following classes of emancipated Helots: — *ἀφεταί*, *ἀδέσποτοι*, *ἐρυκτῆρες*, *δεσποσιοναῦται*, and *νεοδαμώδεις*. Of these the *ἀφεταί* were probably released from all service; the *ἐρυκτῆρες* were those employed in war; the *δεσποσιοναύται* served on board the fleet; and the *νεοδαμώδεις* were those who had been possessed of freedom for some time. Besides these there were the *μόθωνες* or *μόθακες*, who were domestic slaves, brought up with the young Spartans, and then emancipated. Upon being emancipated they received permission to dwell where they wished. [Compare Civitas (Greek), p. 290.]

(Müller, *Dorians*, iii. 3; Hermann, *Political Antiquities of Greece*, §§ 19, 24, 28, 30, 48; Wachsmuth, *Hellen. Alterth.* 2d ed. see Index; Manso, *Sparta*, see Index; Thirlwall's *Hist. of Greece*, vol. i. pp. 309—313; Grote, *Hist. of Greece*, vol. ii. pp. 494—499.) [P. S.]

HE'MERA (*ἡμέρα*). [Dies.]

HEMERODROMI (*ἡμεροδρόμοι*), were couriers in the Greek states, who could keep on running all day, and were often employed to carry news of important events. As the Greeks had no system of posts, and but few roads, such messengers must have been of great service. They were trained for the purpose, and could perform the longest journeys in an almost incredibly short space of time. (Herod. vi. 105; Corn. Nep. *Mill.* 4; Plut. *Arist.* 20; Paus. vi. 16. § 5.) Such couriers appear to have been kept by most of the Greek states, and were in times of danger stationed on some eminence in order to observe any thing of importance that might happen, and carry the intelligence with speed to the proper quarter. Hence, we frequently find them called *Hemeroscopi* (*ἡμεροσκόποι*, Herod. vii. 182, 192; Xen. *Hell.* i. 1. § 2; Aeneas Tact. c. 6.) That the *Hemeroscopi* were the same as the *Hemerodromi* appears not only from the passage of Aeneas Tacticus just referred to, but also from the words of Livy (xxxi. 24) "ni speculator (hemerodromos vocant Graeci, ingens die uno cursu emetientes spatium), contemplans regium agmen e specula quadam, praegressus nocte media Athenas pervenisset." (See Duker, *ad Liv. l. c.*) The Hemerodromi were also called *Dromokerukes* (*δρομοκήρυκες*, Harpocrat. and Hesych. *s. v.*).

HEMEROSCOPI. [Hemerodromi.]

HEMICHRYSUS. [Aurum; Stater.]

HEMICO'NGIUS. [Congius; and the Tables.]

HEMICY'CLIUM (*ἡμικύκλιον*), a semicircular seat, for the accommodation of persons engaged in conversation, either in private houses or in places of public resort; and also the semicircular seat round the tribunal in a basilica. (Plut. *Alcib.* 17, *Nic.* 12; Cic. *Lael.* 1; Vitruv. v. 1. § 8, comp. Schneider's Note.) [P. S.]

HEMIECTEON, HEMIECTON. [Hecteus.]

HEMILITRON. [Litra.]

HE'MINA (*ἡμίνα*), the name of a Greek and Roman measure, seems to be nothing more than the dialectic form used by the Sicilian and Italian Greeks for *ἥμισυ*. (See the quotations from Epicharmus and Sophron, *ap.* Ath. xi. p. 479, a, b., xiv. p. 648, d., and Hesych. *s. v.* *ἐν ἡμίνᾳ*, which he explains as *ἐν ἡμίσυ.*) It was therefore naturally applied to the half of the standard fluid measure, the *ξέστης*, which the other Greeks called *κοτύλη*, and the word passed into the Roman metrical system, where it is used with exactly the same force, namely for a measure which is half of the *sextarius*, and equal to the Greek *cotyle.* (Böckh *Metrol. Untersuch.* pp. 17, 200, 203.) [P. S.]

HEMIOBO'LION, HEMIO'BOLUS. [Obolus].

HEMIPO'DION. [Pes].

HEMISTATER. [Stater].

HEMIXESTON. [Sextarius].

HE'NDECA, HOI, (*οἱ ἕνδεκα,*) *the Eleven*, were magistrates at Athens of considerable importance. They are always called by this name in the classical writers; but in the time of Demetrius Phalereus, their name is said to have been changed into that of *νομοφύλακες* (Pollux, viii. 102), who were, however, during the democracy distinct functionaries. [Nomophylaces.] The grammarians also give other names to the Eleven, as *δεσμοφύλακες*, *θεσμοφύλακες*, &c. (Schol. *ad Aristoph. Plut.* 277, *Vesp.* 775, 1108.)

The time at which the office of the Eleven was instituted is disputed. Ullrich considers the office to have been of an aristocratical character, and concludes from a passage in Heraclides Ponticus (i. § 10) that it was established by Aristeides. Meier, on the other hand, maintains that the office existed not only before the time of Cleisthenes, but probably before the legislation of Solon; but it seems impossible to come to any satisfactory conclusion on the subject. They were annually chosen by lot, one from each of the ten tribes, and a secretary (*γραμματεύς*), who must properly be regarded as their servant (*ὑπηρέτης*), though he formed one of their number. (Pollux, viii. 102.)

The principal duty of the Eleven was the care and management of the public prison (*δεσμωτήριον*) [Carcer], which was entirely under their jurisdiction. The prison, however, was seldom used by the Athenians as a mere place of confinement, serving generally for punishments and executions. When a person was condemned to death he was immediately given into the custody of the Eleven, who were then bound to carry the sentence into execution according to the laws. (Xen. *Hell.* ii. 3. § 54.) The most common mode of execution was by hemlock juice (*κώνειον*), which was drunk after sunset. (Plat. *Phaed.* cc. 65, 66.) The Eleven had under them jailors, executioners, and torturers, who were called by various names (*οἱ παραστάται*, Bekker, *Anecd.* p. 296. 32; *ὁ τῶν ἕνδεκα ὑπηρέτης*, Xen. *Hell.* ii. 3. § 54; *ὁ δημόκοινος*, Antiph. *De Venef.* 615; *ὁ δημόσιος*, or *δήμιος*, &c.). When torture was inflicted in causes affecting the state, it was either done in the immediate presence of the Eleven (Dem. *c. Nicost.* p. 1254. 2) or by their servant (*ὁ δήμιος*).

The Eleven usually only had to carry into execution the sentence passed in the courts of law and the public assemblies; but in some instances they possessed an *ἡγεμονία δικαστηρίου*. This was the case in those summary proceedings called *ἀπαγωγή*, *ἐφήγησις*, and *ἔνδειξις*, in which the penalty was fixed by law, and might be inflicted by the court on the confession or conviction of the accused without appealing to any of the jury courts. They also had an *ἡγεμονία δικαστηρίου* in the case of *κακούργοι*, because the summary proceedings mentioned above were chiefly adopted in the case of such persons: hence Antiphon (*de Caede Herod.* p. 713) calls them *ἐπιμεληταὶ τῶν κακούργων*. The word *κακούργοι* properly means any kind of malefactors, but is only applied in Athenian law to thieves (*κλέπται*), house-breakers (*τοιχωρύχοι*), man-stealers (*ἀνδραποδισταί*), and other criminals of a similar kind. (Meier, *Att. Proc.* pp. 76, 77.)

The Eleven are also said to have possessed *ἡγεμονία δικαστηρίου* in the case of confiscated property (*Etymol. Mag.* p. 338. 35), which statement is confirmed by an inscription published by Böckh (*Urkunden über das Seewesen des Attischen Staates*, p. 535). (Ullrich, *Ueber die Elf Männer*, appended to his translation of Plato's Meno, Crito, and the first and second Alcibiades, Berlin, 1821; Sluiter, *Lectiones Andocid.* pp. 256—261; Meier, *Att. Proc.* pp. 68—77; Schubert, *de Aedilibus*, pp. 93—96; Hermann, *Lehrb. der Griech. Staatsalterth.* § 139.)

HEPHAESTAEA. [Lampadephoria.]

HERAEA (*Ἡραῖα*) is the name of festivals celebrated in honour of Hera in all the towns of Greece where the worship of this divinity was introduced. The original seat of her worship, from which it spread over the other parts of Greece, was Argos; whence her festivals in other places were, more or less, imitations of those which were celebrated at Argos. (Müller, *Dor.* ii. 10. § 1.) The Argives had three temples of Hera; one lay between Argos and Mycenae, 45 stadia from Argos; the second lay on the road to the acropolis, and near it was the stadium in which the games and contests at the Heraea were held (Paus. ii. 24. § 2); the third was in the city itself (Paus. ii. 22. § 1). Her service was performed by the most distinguished priestesses of the place; one of them was the high-priestess, and the Argives counted their years by the date of her office. (Thucyd. ii. 2.) The Heraea of Argos were celebrated every fifth year, and, according to the calculation of Böckh (*Abhandl. der Berl. Akad. von* 1818–19, p. 92, &c.) in the middle of the second year of every Olympiad. One of the great solemnities which took place on the occasion, was a magnificent procession to the great temple of Hera, between Argos and Mycenae. A vast number of young men — for the festival is called a panegyris — assembled at Argos, and marched in armour to the temple of the goddess. They were preceded by one hundred oxen (*ἑκατόμβη*, whence the festival is also called *ἑκατόμβαια*). The high-priestess accompanied this procession, riding in a chariot drawn by two white oxen, as we see from the story of Cleobis and Biton related by Herodotus (i. 31) and Cicero (*Tuscul.* i. 47). The hundred oxen were sacrificed, and their flesh distributed among all the citizens. (Schol. *ad Pind. Ol.* vii. 152, and *ad Nem.* x. 39.) The sacrifice itself was called *λεχέρνα* (Hesych. *s. v.*) or "the bed of twigs." (Comp. Welcker on *Schwenck's Etymologische Andeutungen*, p. 268.) The games and contests of the Heraea took place in the stadium, near the temple on the road to the acropolis. A brazen shield was fixed in a place above the theatre, which was scarcely accessible to any one, and the young man who succeeded in pulling it down received the shield and a garland of myrtle as a prize. Hence Pindar (*Nem.* x. 41) calls the contest *ἀγὼν χάλκεος*. It seems that this contest took place before the procession went out to the Heraeon, for Strabo (viii. p. 556) states that the victor went with his prizes in solemn procession to that temple. This contest was said to have been instituted, according to some traditions, by Acrisius and Proetus (Aelian, *V. H.* iii. 24), according to others by Archinus. (Schol. *ad Pind. Ol.* vii. 152.)

The Heraea or Hecatombaea of Aegina were celebrated in the same manner as those of Argos

(See Schol. *ad Pind. Isthm.* viii. 114; Müller, *Aeginet.* p. 149.)

The Heraea of Samos, which island also derived the worship of Hera from Argos (Paus. vii. 4. § 4), were perhaps the most brilliant of all the festivals of this divinity. A magnificent procession, consisting of maidens and married women in splendid attire, and with floating hair (Asius, *ap. Athen.* xii. p. 525), together with men and youths in armour (Polyaen. *Strat.* i. 23, vi. 45), went to the temple of Hera. After they arrived within the sacred precincts, the men deposited their armour; and prayers and vows were offered up to the goddess. Her altar consisted of the ashes of the victims which had been burnt to her. (Paus. v. 13. § 5.)

The Heraea of Elis were celebrated every fifth year, or in the fourth year of every Olympiad. (Corsini, *Dissert.* iii. 30.) The festival was chiefly celebrated by maidens, and conducted by sixteen matrons who wove the sacred peplus for the goddess. But before the solemnities commenced, these matrons sacrificed a pig, and purified themselves in the well Piera. (Paus. v. 16. § 5.) One of the principal solemnities was a race of the maidens in the stadium, for which purpose they were divided into three classes, according to their age. The youngest ran first and the oldest last. Their only dress on this occasion was a *χιτών*, which came down to the knee, and their hair was floating. She who won the prize, received a garland of olive-boughs, together with a part of a cow which was sacrificed to Hera, and might dedicate her own painted likeness in the temple of the goddess. The sixteen matrons were attended by as many female attendants, and performed two dances; the one called the dance of Physcoa, the other the dance of Hippodameia. Respecting further particulars, and the history of this solemnity, see Paus. v. 16. § 2, &c.

Heraea were celebrated in various other places; *e. g.* in Cos (Athen. xiv. p. 639, vi. p. 262), at Corinth (Eurip. *Med.* 1379; Philostrat. *Her.* xix. 14), at Athens (Plut. *Quaest. Rom.* vii. 168), at Cnossus in Crete (Diod. v. 72), &c. [L. S.]

HERE'DITAS. [Heres.]

HERES. 1. Greek. The Athenian laws of inheritance are to be explained under this title. The subject may be divided into five parts, of which we shall speak: 1st, of personal capacity to inherit; 2dly, of the rules of descent and succession; 3dly, of the power of devising; 4thly, of the remedies of the heir for recovering his rights; 5thly, of the obligations to which he succeeded.

I. *Of Personal Capacity to Inherit.*—To obtain the right of inheritance as well as citizenship (*ἀγχιστεία* and *πολιτεία*), legitimacy was a necessary qualification. Those children were legitimate who were born in lawful wedlock. (Dem. *c. Neaer.* p. 1386.) The validity of a marriage depended partly on the capacity of the contracting parties, partly on the nature of the contract. On the first point little needs to be noticed here, except that brother and sister by the same mother were forbidden to marry; but consanguinity in general was so far from being deemed an objection, that marriage between collateral relations was encouraged, in order to keep the property in the family. (Andoc. *de Myst.* § 119, *c. Alcib.* § 33, ed. Bekk.; Lys. *c. Alc.* § 41, ed. Bekk.; Dem. *c. Leoch.* p. 1083, *c. Eubul.* p. 1305; Plut. *Cimon*, 4, *Themist.* 32.) The contract was made by the husband with the father, brother, or other legal guardian (*κύριος*) of the intended wife: then only was she properly betrothed (*ἐγγυητή*). An heiress, however, was assigned, or adjudged, to the next of kin (*ἐπιδικασθεῖσα*) by process of law, as explained under Epiclerus. (Isaeus, *de Cir. her.* § 26, *de Philoct. her.* § 19, ed. Bekk.; Dem. *pro Phorm.* p. 954, *c. Steph.* p. 1134.) No ceremony was necessary to ratify the contract: but it was usual to betroth the bride in the presence of witnesses, and to give a marriage feast, and invite the friends and relations, for the sake of publicity. (Isaeus, *de Cir. her.* § 18; Dem. *c. Onet.* p. 869, *c. Eubul.* pp. 1311, 1312.) A marriage without proper espousals was irregular; but the issue lost their heritable rights only, not their franchise; and the former, it seems, might be restored, if the members of their father's clan would consent to their being registered. (Isaeus, *de Philoct. her.* §§ 29—33.) As it was necessary for every man to be enrolled in his clan, in order to obtain his full civil rights, so was the registration the best evidence of legitimacy, and the *φράτορες* and *συγγενεῖς* were usually called to prove it in courts of justice. (Andoc. *de Myst.* § 127, ed. Bekk.; Isaeus, *de Cir. her.* § 26, *de Philoct.* § 13; Dem. *c. Eubul.* p. 1305, &c.) For further particulars see Platner, *Beiträge*, p. 104, &c.; Schömann, *Antiq. juris publici Graecorum*, lib. v. §§ 19, 21, 88.

II. *Of the Rules of Descent and Succession.*—Here we would premise, that, as the Athenian law made no difference in this respect between real and personal estate, the words *heir*, *inherit*, &c., will be applied indiscriminately to both. When an Athenian died leaving sons, they shared the inheritance, like our heirs in gavelkind, and as they now do in France (Isaeus, *de Philoct. her.* § 32): a law no less favourable to that balance of property which Solon meant to establish, than the law of primogeniture was suited to the military aristocracies created in the feudal times. The only advantage possessed by the eldest son was the first choice in the division. (Dem. *pro Phorm.* p. 947.) If there was but one son, he took the whole estate; but if he had sisters, it was incumbent on him to provide for them, and give them suitable marriage portions; they were then called *ἐπίπροικοι*. (Harpocr. *s. v.* *Ἐπίδικος*.) There was no positive law, making it imperative on a brother to give his sister a portion of a certain amount; but the moral obligation, to assign her a fortune corresponding to his own rank, was strengthened by custom and public opinion, insomuch that if she was given in marriage portionless, it was deemed a slur upon her character, and might even raise a doubt of her legitimacy. (Isaeus, *de Pyrr. her.* § 40; Lys. *de Arist. bon.* § 16, ed. Bekk.; Dem. *c. Boeot. de dote*, p. 1014.)

On failure of sons and their issue, daughters and daughters' children succeeded (as to the law concerning heiresses, see Epiclerus); and there seems to have been no limit to the succession in the descending line. (Isaeus, *de Cir. her.* §§ 39—46, *de Pyrr. her.* § 59, *de Philoct.* §§ 38, 67; Dem. *c. Macart.* pp. 1057, 1058.) If the deceased left grandsons by different sons, it is clear that they would take the shares of their respective fathers. So if he had a granddaughter by one son, and a grandson by another, the latter would not exclude the former, as a brother would a sister, but both would share alike. Of this there is no direct evidence; but it follows from a principle of Attic law, by which, on the birth of a son, his title to his father's inheritance, or to a share thereof, immediately accrued; if then he died before his father, but leaving issue, they claimed their grandfather's inheritance as representing him. It was otherwise with daughters. Their title did not thus accrue; and therefore it was the practice for the son of an heiress to be adopted into his maternal grandfather's house, and to become his son in point of law. Further (as will presently be shown) the general preference of males to females did not commence till the deceased's father's descendants were exhausted.

On failure of lineal descendants the collateral branches were resorted to. And first came the issue of the same father with the deceased; viz. brothers and brothers' children, the children of a deceased brother taking the share of their father (Isaeus, *de Hagn. her.* §§ 1, 2; Dem. *c. Macart.* p. 1067, c. *Leoch.* p. 1083); and after them, sisters and sisters' children, among whom the principle of representation also prevailed (Isaeus, *de Apoll. her.* § 23); but whether sisters' children took *per stirpes* or *per capita*, does not appear.

Next come the descendants of the same grandfather with the deceased; cousins and cousins' children. Here the law declared, that males and the issue of males should be preferred to females and their issue. (Isaeus, *de Hagn. her.* §§ 1, 2; Dem. *c. Macart.* p. 1067.) Thus, the son of an uncle would exclude the son of an aunt, while the son of an aunt would exclude the daughter of an uncle. On the same principle Isaeus (*de Apoll. her.* §§ 25, 26) contends that the son of a female first cousin prevented his mother's sister from inheriting, although he was further removed from the deceased (*γένει ἀπωτέρω*) by one degree. This preference, however, was confined to those who were descended from the same common ancestor, that is to say, from the grandfather of the deceased; for the words *ἐκ τῶν αὐτῶν* in Demosthenes are to be explained by the *τρίτῳ γένει* of Isaeus. Therefore a first cousin once removed, claiming through a female, had a better title than a second cousin claiming through males; for a second cousin is descended not from the grandfather, but only from the great-grandfather of the deceased, and so is beyond the legal degrees of succession (*ἔξω τῆς ἀγχιστείας* or *συγγενείας*). On this, Eubulides founds his pretension to the estate of Hagnias; because he claims as representative (son by adoption) of his maternal grandfather, who was first cousin to Hagnias; whereas the father of his opponent, Macartatus, was second cousin to Hagnias, and (as Demosthenes expresses it) was not in the same branch of the family (*οὐκ ἐκ τοῦ οἴκου τοῦ Ἁγνίου*, *c. Macart.* p. 1070).

On failure of first cousins and their issue, the inheritance went to the half-blood by the mother's side; brothers and sisters, nephews and nieces, cousins and their children, as before. But if there were no maternal kinsmen within the legal degree, it returned to the *agnati*, or next of kin on the paternal side (*τοὺς πρὸς πατρός*), whose proximity was traced by counting the degrees from the common ancestor. (Isaeus, *de Hagn. her.* §§ 1—18; Dem. *c. Macart.* p. 1067.)

The succession of parents to their children is matter of dispute among the learned. From the silence of the orators, the absence of any example, and the express declaration of Isaeus (*de Hagn. her.* § 26) respecting the mother, it may be inferred that parents could not inherit at Athens. At Athens the maxim, *hereditas nunquam ascendit*, held only of lineal, not of collateral ascent. For example, an uncle might inherit. (Isaeus, *de Cleon. her.* § 55.) So also he might marry the heiress, as next of kin. (*De Pyrr. her.* § 90.) On this part of the subject the reader is referred to Bunsen, *de jure hered. Athen.*; Sir William Jones's *Commentary* annexed to the translation of Isaeus; and a short summary of the law by Schömann, *Ant. j. p. Gr.* lib. v. § 20. These and other writers are not agreed on many of the foregoing points, which are left in much obscurity, owing to the mutilated state in which the laws have reached us, and the artifices used by the orators to misrepresent the truth.

It will assist the student to be informed, that *ἀνεψιός* signifies a first cousin. *Ἀνεψιαδοῦς* is a first cousin's son; formed in the same manner as *ἀδελφιδοῦς* from *ἀδελφός*, and *ϑυγατριδοῦς* from *ϑυγατήρ*. Thus, my first cousin's son is *ἀνεψιαδοῦς* to me; but not conversely. Again, though it is true that two or more second cousins may be spoken of collectively as *ἀνεψιαδοῖ* (Dem. *c. Steph.* p. 1117), yet one of them cannot be said to be *ἀνεψιαδοῦς* to another. Herein consists the fallacy of those who maintain that second cousins came within the legal degrees of succession.

Κλῆρος is the subject-matter of inheritance, or (in one sense of the word) the inheritance; *κληρονόμος* the heir. *Ἀγχιστεία*, proximity of blood in reference to succession, and sometimes right of succession. *Συγγένεια*, natural consanguinity. *Συγγενεῖς*, collateral relations, are opposed to *ἔκγονοι*, lineal descendants.

III. *Of the power of Devising.*—That the owner had power to alienate his property during his lifetime, and that such alienation was valid in point of law, both as against the heir and all the rest of the world, is beyond a doubt. There was, however, an ancient law which punished with degradation (*ἀτιμία*) a man who had wasted his patrimony (*τὰ πατρῷα κατεδηδοκώς*). He was considered an offender against the state, because he disabled himself from contributing to the public service. Prosecutions for such an offence were rare; but the reputation of a spendthrift was always prejudicial to a man in a court of justice. (Diog. Laërt. *Solon*, 55; Aeschin. *c. Timarch.* §§ 97—105, 154, ed. Bekk.)

Every man of full age and sound mind, not under durance or improper influence, was competent to make a will; but if he had a son, he could not disinherit him; although his will might take effect on the contingency of the son not completing his seventeenth year. (Isaeus, *de Arist. her.* § 14, *de Philoct.* § 10; Dem. *c. Steph.* pp. 1133, 1136.) The bulk of the estate being left to the son, legacies might be given to friends and relations, especially to those who performed the office of our executor or testamentary guardian. (Dem. *c. Aphob.* pp. 814, 827.) And in the division of property among sons, the recommendations of the father would be attended to. (Dem. *c. Macart.* p. 1055, *pro Phorm.* p. 955.) Also a provision, not exceeding a thousand drachmas, might be assigned to an illegitimate child. (Harpocr. *s. v.* Νοθεία.)

A daughter could not be disinherited, though the estate might be devised to any person on condition of his marrying her. (Isaeus, *de Pyrr. her.* §§ 82—84.)

It was only when a man had no issue that he was at full liberty to appoint an heir. His house and heritage were then considered desolate (*ἔρημος καὶ ἀνώνυμος*), a great misfortune in the eyes of an Athenian; for every head of a family was anxious to transmit his name and religious usages to posterity. The same feeling prevailed among the Greeks in more ancient times. We learn from Hesychius and the Etymol. Mag. that distant relations were called *χηρωσταί*, because, when they inherited, the house was *χηρεύων καὶ ἔρημος*. (See Hom. *Il.* v. 158; Hes. *Theog.* 607.) To obviate this misfortune, an Athenian had two courses open to him. Either he might bequeath his property by will, or he might adopt a son in his lifetime. [Adoptio, Greek.]

Wills were in writing, and usually had one or more attesting witnesses, whose names were superscribed, but who did not know the contents. They were often deposited with friends, or other trustworthy persons, such as a magistrate. It was considered a badge of fraud if they were made secretly or in the presence of strangers. (Isaeus, *de Philoct. her.* § 8, *de Astyph. her.* §§ 8—17; Dem. *c. Steph.* p. 1137.) A will was ambulatory until the death of the maker, and might be revoked wholly or partially, by a new one. It seems also that there might be a parol revocation. (Isaeus, *de Philoct. her.* § 40, *de Cleon. her.* § 32.) The client of Isaeus, in the last-cited cause, contends, that the testator sent for the depositary of his will, with an intention to cancel it, but died before he got it into his possession; this (he says) was a virtual revocation. He calls witnesses to prove the testator's affection for himself and dislike of his opponents, and thence infers that the will was unnatural, and a proof of insanity. Similar arguments were often used. (Isaeus, *de Nicost. her.* § 23, *de Astyph. her.* § 21.)

With respect to the proceeding by which a father publicly renounced his paternal authority over his son, see Apokeruxis. Plato (*Leg.* xi. 9. p. 928) refers to it, and recommends that a father should not take such a step alone, but in conjunction with the other members of the family. At Athens the paternal authority ceased altogether after the son had completed his nineteenth year; he was then considered to belong less to his father than to the state. (Valckenaer, *ad Ammonium*, *s. v.* Ἀποκήρυκτος: Meier, *de Bonis Damn.* p. 26.)

IV. *Of the Remedies of the Heir for Recovering his Rights.* — A son or other male descendant might enter and take possession of the estate immediately after the owner's death. (Isaeus, *de Pyrr. her.* § 72, *de Cir. her.* § 47.) If he was prevented from so doing, he might bring an action of ejectment against the intruder. [Embateia.] Any one who disturbed a minor in the enjoyment of his patrimony was liable to a criminal prosecution (*κακώσεως εἰσαγγελία*, Isaeus, *de Pyrr. her.* § 76). As to the proceedings in case of heiress, see Epiclerus.

Other heirs at law and claimants by adoption or devise were not at liberty to enter, until the estate was formally adjudged to them. The proper course was, to make application to the archon, who attended at his office for that purpose every month in the year except the last (Scirophorion). The party who applied was regarded as a suitor, and (on obtaining a hearing) was said *λαγχάνειν τοῦ κλήρου*. (Isaeus, *de Hagn. her.* §§ 22, 40, *de Pyrr. her.* § 74, *de Astyph. her.* § 4; Dem. *c. Steph.* p. 1136.)

At the first regular assembly (*κυρία ἐκκλησία*), held after he had received notice, the archon caused proclamation to be made, that such a person had died without issue, and that such and such persons claimed to be his heirs. The herald then asked *εἴ τις ἀμφισϐητεῖν ἢ παρακαταϐάλλειν βούλεται τοῦ κλήρου*; these words are variously interpreted. Perhaps the best explanation is this: — Ἀμφισϐητεῖν is a term of general import, applied to all who dispute the title of another, and would include those who claimed a moiety or other share of the estate. Παρακαταϐάλλειν signifies to make a deposit by way of security for costs, which was required of those who maintained their exclusive title to the whole inheritance. Perhaps, however, the payment in this case was optional, and might be intended for the mere purpose of compelling the other parties to do the same. The deposit thus paid was a tenth part of the value of the property in dispute, and was returned to the party if successful. (Pollux, viii. 32, 95; Isaeus *de Nicost. her.* § 13, *de Hagn. her.* § 20; Dem. *c. Macart.* p. 1051, *c. Leoch.* pp. 1090—1093.)

If no other claimant appeared the archon adjudged the estate to the first suitor (*ἐπεδίκασεν αὐτῷ τὸν κλῆρον*). If, however, there were adverse claims, he proceeded to prepare the cause for trial (*διαδικασία*). First came the *ἀνάκρισις*, in the usual way, except that no party was considered as plaintiff or defendant; and the bills in which they set forth their respective titles, were called *ἀντιγραφαί*. (Harpocr. *s. v.*; Dem. *c. Olymp.* pp. 1173, 1175.) The dicasts were then to be summoned, and, whatever the number of parties, one court was held for the decision of all their claims. If any one neglected to attend on the appointed day, and had no good excuse to offer, his claim was struck out of the record (*διεγράφη ἡ ἀμφισϐήτησις*), and the contest was carried on between the remaining parties, or, if but one, the estate was awarded to him. (Dem. *c. Olymp.* p. 1174.) The trial was thus managed. The dicasts had to give their verdict either for one person proving a title to the whole, or for several persons coming in under the same title, as (for instance) two brothers entitled each to a moiety. One ballotting box therefore was provided for every party who appeared in a distinct interest. The speeches were measured by the clepsydra. Each party had an *ἀμφορεὺς* of water for his first speech, and half that, or three *χοεῖς* for the second. (Isaeus, *de Hagn. her.* § 30, &c.; Dem. *c. Macart.* p. 1052.) That these arrangements gave rise to fraud and collusion, is clearly shown in the cases above cited.

The verdict, if fairly obtained, was final against the parties to the cause. But any other person, who by absence or unavoidable accident was prevented from being a party, might afterwards bring an action against the successful candidate, to recover the estate. He was then obliged to pay his deposit (*παρακαταϐολή*), summon the defendant, and proceed in other respects as in an ordinary suit. This he might do at any time during the life of the person in possession, and within five years after his death. (Isaeus, *de Pyrr. her.* § 70; Dem. *c. Olymp.* p. 1175, *c. Macart.* p. 1054.)

It has hitherto been supposed that a simple issue was raised between the litigant parties, viz. who was entitled to possess the estate; and that they proceeded at once to the trial of such issue. This was called *εὐθυδικίᾳ εἰσιέναι*. The cause, however, might become more complicated, if one of the parties chose to make exception to the right of any other to dispute his title: this was done by tendering an affidavit (*διαμαρτυρία*) sworn either by himself or by another, wherein he declared that the estate was not the subject of litigation (*μὴ ἐπίδικος*), and alleged some matter of fact or law to support his assertion. Sons, adopted sons, and persons in legal possession, were allowed this advantage. For example, a witness might depose that the last occupier had left male issue surviving him, and therefore the property could not be claimed by any collateral relative or devisee: or that the title had already been legally determined, and that the new claimants were not at liberty to reopen the question. This had the effect of a dilatory plea, and stayed further proceedings in the cause. (Isaeus, *de Dicaeog. her.* § 30, *de Apoll.* § 3, *de Philoct.* §§ 4, 52, *de Pyrr.* § 3; Dem. *c. Leoch.* p. 1097.) If then the suitor was resolved to prosecute his claim, he had no other course but to procure a conviction of the witness (who had sworn the affidavit) in an action for false testimony (*δίκη ψευδομαρτυριῶν*). Examples of such actions are the causes in which Demosthenes was engaged against Leochares, and Isaeus for the estate of Philoctemon. On the trial of the witness the questions were, first, the truth of the facts deposed to; secondly, their legal effect, if true. With respect to the witness, the consequences were the same as in any other action for false testimony. [MARTYRIA.] With respect to the original cause nothing further was determined, than that it could or could not be entertained; the *διαμαρτυρία* in this particular resembling the *παραγραφή*. If the court decided that the suit could be entertained, the parties proceeded to trial in the manner before explained.

As to the further remedies to be pursued by the successful party, in order to obtain the fruits of his judgment, see EMBATEIA and EXOULES DIKE. And on this part of the subject see Meier, *Att. Proc.* pp. 459, 616, 638; Platner, *Att. Proc.* vol. i. p. 163, vol. ii. p. 309.

V. *Of the Obligations to which the Heir succeeded.*—The first duty of an heir, as with us of an executor, was, to bury the dead and perform the customary funeral rites (*τὰ νομιζόμενα ποιεῖν*). It is well known what importance was attached to this by the ancients. The Athenian law regulated the time of burial, and the order in which the female relations should attend. If no money was left to pay the expenses of burial, still the nearest relatives were bound to defray them; and if they neglected to perform their duty, the chief magistrate (*δήμαρχος*) of the demus, in which the death took place, after warning them by public notice (*ἀναιρεῖν καὶ θάπτειν, καὶ καθαίρειν τὸν δῆμον*), got the work done by contract, paid for it himself, and was then empowered to sue them for double the amount. When a rich man died, there was no backwardness about his funeral. It is rather amusing to see how eagerly the relations hastened to show respect to his memory, as if to raise a presumption of their being the heirs. (Isaeus, *de Astyph. her.* § 40, *de Cir. her.* §§ 29—33, *de Nicost. her.* §§ 9, 25; Dem. *c. Macart.* pp. 1069, 1071.)

Children, who neglected to bury their parents, were liable to a criminal prosecution (*γραφὴ κακώσεως γονέων*), just as they were for refusing to support or assist them in their lifetime. The word *γονεῖς* in this case includes all ancestors. (Meier, *de Bon. Damn.* p. 126.)

Among heritable obligations may be reckoned that of marrying a poor heiress (*θῆσσα*), or giving her in marriage with a suitable portion. (See EPICLERUS, and Meurs. *Them. Att.* i. 13.)

That the heir was bound to pay the debts of the deceased, as far as the assets would extend, cannot be doubted. Five years seem to have been the period for the limitation of actions against him (*προθεσμία*). In case of a mortgage, he was entitled only to the surplus of the mortgaged property, remaining after payment of the debt charged thereon. (Lys. *de Bon. Publ.* §§ 4, 5; Isaeus, *de Arist. her.* § 23; Demosth. *c. Calipp.* p. 1240, *c. Spud.* p. 1030, *c. Nausim.* pp. 988, 989.)

State debtors, such as farmers of the public revenue who had made default, or persons condemned to pay a fine or penalty, were disfranchised (*ἄτιμοι*) until they had settled the debt; and the disgrace extended to their posterity. Thus Cimon, son of Miltiades, was compelled to pay a fine of fifty talents which had been imposed on his father; and the story is, that Callias advanced him the money, in return for the hand of his sister Elpinice. (Dem. *c. Androt.* p. 603, *c. Theoc.* pp. 1322, 1327, *c. Aphob.* p. 836, *pro Cor.* p. 329, *c. Macart.* p. 1069.) When the whole of a man's property was confiscated, of course nothing could descend to his heir. It seems to have been a common practice, in such a case, for the relations of the deceased to conceal his effects, or to lay claim to them by pretended mortgages. Against these frauds there were severe penalties, as may be seen from the speeches of Lysias, *c. Philocr.* and *de bon. Arist.* (Meier, *de Bon. Damn.* p. 212.)

The posterity of those who were put to death by the people, or were convicted of certain infamous crimes, such as theft, inherited the *ἀτιμία* of their ancestors, a *damnosa hereditas*, which they could not decline or escape from. It may be compared to the corruption of blood following upon attainder in the feudal law. The legislator seems to have thought that such children must be the natural enemies of their country, and ought to be disarmed of all power to do mischief. We cannot wonder at this, when we consider, that with respect to private feuds, it was deemed honourable and meritorious in the child to preserve the enmity of the father; and we find public prosecutors (as in the opening of the speech of Lysias against Agoratus, of Demosthenes against Theocrines), telling the dicasts, that they had been induced to come forward by a desire to avenge the wrongs of their family. In the same spirit the Athenian law required, that men, guilty of unintentional homicide, should remain in exile, until they had appeased the nearest relatives of the deceased, to whom it more especially belonged to resent and forgive the injury. (Dem. *c. Mid.* p. 551, *c. Aristoc.* pp. 640, 643, *c. Aristog.* p. 790, *c. Macart.* p. 1069; Meier, *de Bon. Damn.* pp. 106, 136.)

Isaeus tells us, that parents, who apprehended their own insolvency, used to get their children adopted into other families, that they might escape the consequences. (*De Arist. her.* § 24.) This however could not be done, after the infamy had once attached. (Meier, *de Bon. Damn.* p. 136; Aesch. *c. Ctes.* § 21, ed. Bekk.)

We find no mention of property escheating to the state of Athens for want of heirs. This probably arose from a principle of Athenian law, according to which no civic family was suffered to expire; and therefore the property of an intestate was always assigned to such person as was most fit to be his successor and representative. With aliens, and those illegitimate children who were regarded as aliens, it was no doubt otherwise. (Meier, *de Bon. Damn.* p. 148.) [C. R. K.]

2. ROMAN. When a man died, a certain person or certain persons succeeded to all his property, under the name of *heres* or *heredes:* this was a universal succession, the whole property being considered a universitas. [UNIVERSITAS]. Such a succession comprehended all the rights and liabilities of the person deceased, and was expressed by the term Hereditas. The word hereditas is accordingly defined to be a succession to all the rights of the deceased (Dig. 50. tit. 16. s. 24.); and sometimes it is used to express the property which is the object of the succession. The term pecunia is sometimes used to express the whole property of a testator or intestate (Cic. *de Invent.* ii. 21; Gaius, ii. 104); but it only expresses it as property, and therefore the definition of hereditas by pecunia would be incomplete. Cicero (*Top.* 6) completes the definition thus: — "Hereditas est pecunia quae morte alicujus ad quempiam pervenit jure, nec ea aut legata testamento aut possessione retenta." The negative part of the definition excludes legacies, and property of the deceased, the ownership of which is acquired by a sufficient possession of it. The word "jure" excludes the "bonorum possessio," in opposition to which the hereditas is appropriately called "justa." The *heres* was the person who acquired all that had belonged to another, morte and jure; the etymological relation of the word to *herus* seems probable.

A person might become a heres by being named as such (*institutus, scriptus, factus*) in a will, executed by a competent person, according to the forms required by law [TESTAMENTUM]. If a person died intestate (*intestatus*), or having made a will which was not valid, the inheritance came to those to whom the law gave it in such cases, and was called *hereditas legitima* or *ab intestato*. But a man could not die testate as to part of his property and intestate as to another part, except he were a soldier (cujus sola voluntas in testando spectatur). Accordingly, if a man gave a part of the hereditas to one heres or more, and did not dispose of the rest, the heres or heredes took the whole. (Inst. ii. tit. 14. § 5; Cic. *de Invent.* ii. 21; Vangerow, *Pandekten*, &c. vol. ii. p. 5.)

In order that a testamentary succession should take place, the person dying must have such rights as are capable of being transmitted to another; consequently neither a slave, nor a filius-familias, according to the old Roman law, could make a heres. Also, the person who is made heres must have a legal capacity to be heres.

The institution of a heres was that formality which could not be dispensed with in a will. If the testator named no heres or heredes, and complied with all the other legal forms, still his disposition of his property was not a will. The heres called heres directus, or simply heres, represented the testator, and was thus opposed to the heres fideicommissarius. [FIDEICOMMISSUM.] The testator might either name one person as heres, or he might name several heredes (*coheredes*), and he might divide the hereditas among them as he pleased. The shares of the heredes were generally expressed by reference to the divisions of the As: thus, "heres ex asse" is heres to the whole property; "heres ex dodrante," heres to three-fourths; heres "ex semuncia," heir to one twenty-fourth. (Cic. *ad Att.* xiii. 48, vii. 8; Cic. *Pro Caecina*, 6; Inst. 2. tit. 14. § 5.) If there were several heredes named, without any definite shares being given to them, the property belonged to them in equal shares. A heres might be instituted either unconditionally (*pure*), or conditionally (*sub conditione*).

If the testator had a legal capacity to dispose, and if his will was made in due form, the first inquiry as to the heres was, whether he had a legal capacity to take what was given to him. He must have this capacity at the time of the institution, or the institution is null; and in order to take he must have the capacity to take (Inst. 2. tit. 19. § 4), at the time of the testator's death, and at the time of accepting the inheritance. This capacity might be expressed by the word "testamenti-factio," an expression which had reference not only to the legal capacity of the testator, but also to the legal capacity of the person named heres. As a general rule, only Roman citizens could be named as heredes in the will of a Roman citizen; but a slave could also be named heres, though he had no power to make a will, and a filius-familias could also be named heres, though he was under the same incapacity; for the slave, if he belonged to the testator, could, by his master's testament, receive his freedom and become heres; and if he belonged to another, he took the inheritance for the benefit of his master: the filius-familias in like manner acquired it for his father. Persons, not Roman citizens, who had received the commercium, could take hereditates, legata and fideicommissa by testament. (Cic. *pro Caecin.* 7, 32; Savigny, *Zeitschrift*, vol. v. p. 229, *System*, &c. vol. ii. p. 27.)

Heredes were either Necessarii, Sui et Necessarii, or Extranei. The heres necessarius was a slave of the testator, who was made a heres and liber at the same time; and he was called necessarius, because of the necessity that he was under of accepting the hereditas. A slave was sometimes appointed heres, if the testator thought that he was not solvent, for the purpose of evading the ignominia which was a consequence of a person's property being sold to pay his debts, as explained by Gaius (ii. 154, &c.). The heredes sui et necessarii were sons and daughters, and the sons and daughters of a son, who were in the power of a testator; but a grandson or granddaughter could not be a suus heres, unless the testator's son had ceased to be a suus heres in the testator's lifetime, either by death or being released from his power. These heredes sui were called necessarii, because of the necessity that they were under, according to the civil law, of taking the hereditas with its incumbrances. But the praetor permitted such persons to refuse the hereditas (*abstinere se ab hereditate*), and to allow the property to be sold to pay the testator's debts (an instance is mentioned by Cic. *Phil.* ii. 16); and he gave the same privilege to a mancipated son (*qui in causa mancipii est*). All other heredes are called extranei, and comprehend all persons who are not in the power of a testator, such as emancipated children. As a mother had no potestas over her children, they were extranei heredes when named heredes in her will. Extranei heredes had the potestas or jus deliberandi (Dig. 28. tit. 8. s. 1), or privilege of considering whether they would accept the hereditas or not: but if either extranei heredes, or those who had the abstinendi potestas, meddled with the testator's property, they could not afterwards disclaim the inheritance, unless the person who had so meddled was under twenty-five years of age, and so belonged to a class who were relieved by the praetor in all cases where they were overreached [CURATOR], and also in cases where they had accepted an insolvent hereditas (*damnosa hereditas*). The emperor Hadrian gave this relief to a person above twenty-five years of age who had accepted an hereditas, and afterwards discovered that it was incumbered with a heavy debt. (Gaius, ii. 163.)

A certain time was allowed to extranei for the *cretio hereditatis*, that is, for them to determine whether they would take the hereditas or not: hence the phrase "cernere hereditatem." (Cic. *ad Att.* xi. 12.) Thus, if the testator had written in his will "Heres Titius esto," he ought to add, "Cernitoque in centum diebus proxumis quibus scies poterisque: quod ni ita creveris exheres esto." (Gaius, ii. 165; Cic. *de Orat.* i. 22.) If the extraneus wished to take the hereditas, he was required to make a formal declaration of his intention within the time named (*intra diem cretionis*). The formal words of cretion were "eam hereditatem adeo cernoque." Unless he did this, he lost the hereditas, and he could not obtain it merely by acting as heres (*pro herede gerendo*). If a person was named heres without any time of cretion being fixed, or if he succeeded (*legitimo jure*) to the property of an intestate, he might become heres without any formal declaration of his intention, and might take possession of the hereditas when he pleased: but the praetor was accustomed, upon the demand of the creditors of the testator or intestate, to name a time within which the heres should take possession, and in default of his doing so, he gave the creditors permission to sell the property. The common form of cretion in the will (*vulgaris cretio*) has been already mentioned. Sometimes the words "quibus sciet poteritque" were omitted, and it was then specially called "cretio certorum dierum," which was the more disadvantageous to the heres, as the days began to be reckoned, or, as we say, the time began to run immediately, and it was not reckoned from the time when the heres knew that he was named heres, and had no impediment to his cretion.

It was not unusual to make several degrees of heredes in a will, which was called *substitutio*. (Inst. 2. tit. 15.) Thus in the formula beginning "Heres Titius," &c., after the words "exheres esto," the testator might add, "Tum Maevius heres esto cernitoque in diebus centum," &c.; and he might go on substituting as far as he pleased. The person first named as heres (*primo gradu*) became heres by the act of cretion; and the substitutus (*secundus heres*, Cic. *Top.* 10; Hor. *Sat.* ii. 5. 48; Tacit. *Ann.* i. 8) was then entirely excluded. If the words "si non creveris" were not followed by words of exheredation, this gave some advantage to the first heres: for instance, if he neglected the formality of cretion, and only acted as heres, he did not lose all, but shared the hereditas equally with the substituted person. This was the old rule; but a constitution of M. Antoninus made the acting as heres equivalent to cretion, provided such acting took place within the time of cretion. (Compare Gaius, ii. 177, &c., with Ulpian, *Frag.* xxii. 34.)

In the case of liberi impuberes, who were in the power of a testator, there might be not only the kind of substitution just mentioned (*vulgaris substitutio*), but the testator might declare that if such children should live to become his heredes, and should die impuberes, some other person, whom he named, should be his heres. This was expressed thus, "si prius moriatur quam in suam tutelam venerit" (Cic. *de Invent.* ii. 42, *Top.* 10; Gaius, ii. 179), for the termination of impuberty and of the tutela were coincident. [CURATOR.] Thus, as Gaius remarks, one testamentary disposition comprised two hereditates. This was called pupillaris substitutio. (Inst. 2. tit. 16.) This kind of substitution was contained in a clause by itself, and in a separate part of the will, which was secured by the testator's own thread and seal, with a provision in the first part of the will that this second part should not be opened so long as the son lived and was impubes. A substitution could also be made in the case of children being exheredated (disinherited) by the parent's will, and the substituted person then took all that the pupillus acquired by hereditas, legatum (legacy) or gift. Gaius observes (ii. 183) that all his remarks with reference to substitution for children impuberes, when made heredes or exheredated, apply to posthumous (*postumi*) children, of which there is an example cited by Cicero (*Top.* 10. Si filius natus esset in decem mensibus, &c.).

If an extraneus was made heres, there could be no substitution to the effect, that if he died within a certain time, another person should be *heres*: for though a testator could attach a condition to be performed before a person could take the hereditas, a person when he had once become heres continued such. The case of a pupillaris substitutio, which was an exception to this general rule, was probably founded on the patria potestas. The heres might, however, be charged with a fideicommissum, in which case he was heres fiduciarius. [FIDEICOMMISSUM.]

As to conditions which the heres was bound to perform, they might be any that were not contrary to positive law or positive morality; such as the setting up of statues, &c. (Cic. *Verr.* ii. 8, 9, 14), or changing the name (*ad Att.* vii. 8). Impossible conditions were treated as if there were no conditions mentioned (pro non scripto, Inst. 2. tit. 14. s. 10).

If a man's own slave was made heres by his will, it was necessary that he should be made free also by the will: the words were "Stichus servus meus liber heresque esto." If the slave were not made free by the testament, he could not take under it, even if he were manumitted by his master, and of course he could not if he were sold; and the reason is, that the institution was not valid. If he was instituted free as well as heres, he became both a freeman and heres necessarius by the death of his master: if he was manumitted by his master in his lifetime, he might accept the inheritance or refuse it. If he was sold by his master in his lifetime, he could take possession of the inheritance with the permission of his new master, who thus became heres through the medium of his slave. If the slave who was made heres was at that time the property of another person, and not of the testator, he could not take the inheritance without the consent of his master, for if he took it his master became heres: if such slave was manumitted before taking possession of the inheritance, he might accept it or refuse it as he pleased.

If an Ingenuus died intestate, either from not having made a will, or having made a will but not in due form, or having made a will in due form which afterwards became invalid (*ruptum*, *irritum*), or if there was no heres under the will, the hereditas, according to the law of the Twelve Tables, came to the heredes sui, and was then called *legitima hereditas*. (Gaius, iii. 2.) The heredes sui were "liberi" in the power of the testator at the time of his death; the term liberi comprehended not only children, but the children of the testator's male children, and the children of a son's son. Adopted children were considered the same as other children. But grandchildren could not be heredes sui, unless their father had ceased to be in the power of the intestate, either by death or in any other way, as by emancipation. A wife in manu being considered as a daughter, and a daughter-in-law (*nurus*) in manu filii being considered a granddaughter, were sui heredes; but the latter only when her husband was not in the power of the intestate at the time of his death. Posthumous children, who would have been in the power of the intestate if he were living, were also sui heredes. The sui heredes took the hereditas in equal shares. If there was a son or daughter, and children of a son deceased, the children of the deceased son took the portion which their parent would have taken. But the distribution was *in stirpes*, that is, among the stocks or stems sprung from the ancestor, and not *in capita*, or among the individuals: thus, if there were a son, and the sons of a deceased son, the son would take half of the hereditas, and the sons of the deceased son would take the other half, in equal shares.

If an intestate had no sui heredes, the Twelve Tables gave the hereditas to the agnati. (Gaius, iii. 9.) It is stated under COGNATI, who are agnati. The hereditas did not belong to all the agnati, but only to those who were nearest at the time when it was ascertained that a person had died intestate. If the nearest agnatus either neglected to take the inheritance or died before he had taken possession of it, in neither case did the next in succession, as agnatus, take the inheritance. He was the nearest agnatus who was nearest at the time when it was ascertained that a person had died intestate, and not he who was nearest at the time of the death; the reason of which appears to be that the hereditas was in a sense the property of the intestate until his heir was ascertained, and his heir could not be ascertained until it was certain that he had left no will; and as Gaius observes, if he had left a will, still it might happen that no person would be heres under that will; and accordingly it seemed better, as he observes, to look out for the nearest agnatus at the time when it is ascertained that there is no heres under the will. If there were several agnati in the same degree, and any one refused to take his share or died before he had assented to take it, such share accrued (*adcrevit*) to those who consented to take the hereditas.

In the case of women, there were some peculiarities which arose from their legal condition (Gaius, iii. 14). The hereditates of women intestate came to their agnati just as the inheritances of males; but women who were beyond the degree of consanguinei (a term which legally means brothers and sisters) could not take hereditates ab intestato. Thus, a sister might take from a brother or sister as legitima heres; but an aunt or a brother's daughter could not be a legitima heres. The principle of Roman law which gave to those who came into the potestas or manus the quality of children of the blood, was followed out in this case also: a mother or a stepmother who had come *in manum viri* thereby obtained the status of a daughter; and, consequently, as to legitimate succession, there were the same relations between such mother or stepmother and the husband's children, as there were among the husband's children themselves. By the Twelve Tables the hereditas of an intestate mother could not come to her children, because women have no sui heredes; but by a SCtum Orphitianum of M. Antoninus and Commodus, the sons of a wife, not in manu, might take as her legitimi heredes, to the exclusion of consanguinei and other agnati. (Ulp. *Frag.* xxvi. § 7; comp. Inst. 3. tit. 4.)

If a person died leaving no sui heredes, but only a brother and another brother's children, the brother took all as the nearest agnatus. If there was no brother surviving, and only children of brethren, the hereditas was divided among all the children *in capita*, that is, the whole was equally divided among all the children.

If there were no agnati, the Twelve Tables gave the hereditas to the gentiles. [GENS.]

Gaius (iii. 18, &c.) briefly recapitulates the strict law of the Twelve Tables as to the hereditates of intestates:—emancipated children could claim nothing, as they had ceased to be sui heredes: the same was the case if a man and his children were at the same time made Roman citizens, unless the imperator reduced the children into the power of the father: agnati who had sustained a capitis diminutio were excluded, and consequently a son who had been given in adoption, and a daughter who was married and in manu viri: if the next agnatus did not take possession, he who was next in order could not for that reason make any claim: feminae agnatae who were beyond the degree of consanguinei had no claim: cognati, whose kinship depended on a female, had no mutual rights as to their hereditates, and consequently there were no such mutual rights between a mother and her children, unless the mother had come in manum viri, and so the rights of consanguinity had been established between them.

Gaius proceeds to show (iii. 25, &c.) how these inequitable rules of the civil law were modified by the praetor's edict. As to the succession of cognati under the Imperial legislation, see Inst. 3. tit. 5, *De SCto Tertull.*; Cod. 6. tit. 58; Nov. 118.

If a man had a son in his power, he was bound either to make him heres, or to exheredate (*exheredare*) him expressly (*nominatim*). If he passed him over in silence (*silentio praeterierit*), the will was altogether void (*inutile, non jure factum*). Some jurists were of opinion that even if the son, so passed over, died in the father's lifetime, there could be no heres under that will. (Gaius, ii. 123, &c.) Other liberi could be passed over, and the will would still be a valid will; but the liberi so passed over took a certain portion of the hereditas *adcrescendo*, as it was termed, or *jure adcrescendi*.

For instance, if the heredes instituti were sui, the person or persons passed over took an equal share with them. If the heredes instituti were extranei, the person or persons passed over took a half of the whole hereditas; and as the praetor gave the contra tabulas bonorum possessio to the person so passed over, the extranei were deprived of all the hereditas. A rescript of the emperor M. Antoninus limited the amount which women could take by the bonorum possessio to that which they could take jure adcrescendi; and the same was the law in the case of emancipated females.

It was necessary either to institute as heredes, or to exheredate posthumous children *nominatim*, otherwise the will, which was originally valid, became invalid (*ruptum*); and the will became invalid by the birth either of a posthumous son or daughter, or, as the phrase was, adgnascendo rumpitur testamentum. (Cic. *de Or.* i. 57.) Postumi were not only those who were born after the testator's will was made, and came into his power or would have come into his power if he had lived, but also those who might become the sui heredes of the testator by the death of some other person in the testator's lifetime. Thus, if a testator's son, who was in his power, had children, and the son died in the testator's lifetime, the grandchildren became sui heredes, and the testament became ruptum by this quasi agnatio: it was therefore a necessary precaution to institute as heredes or to exheredate such grandchildren. It follows that if the testament could be made invalid by this quasi agnatio, it must have become invalid by a son being born in the lifetime of the testator, unless the will had provided for the case; for it became invalid if the testator adopted a son or a daughter (Ulpian) either by adrogation or adoption properly so called, after the date of his will. The case was the same if he took a wife in manum after the date of the will.

The word Postumus has clearly the same signification as Postremus, and literally means a child born last. The passage of Gaius is defective where he treats of Postumi; but the definition of Postumi, as preserved in the Breviarium, appears to be exact: "Postumorum duo genera sunt: quia postumi adpellantur hi, qui post mortem patris de uxore nati fuerint, et illi qui post testamentum factum nascuntur." Sometimes the word postumus is defined only as a child born after a father's death, as we see in some of the Glossae, and in Plutarch (*Sulla*, 37); but there is no proof that the meaning was limited to such children; and the passages sometimes cited as being to that effect (Dig. 50. tit. 16. s. 164; 28. tit. 3. s. 3) have been misunderstood.

As to Postumi alieni, see Gaius, i. 147, ii. 242; Vangerow, *Pandekten*, &c. vol. ii. p. 90.

Other cases in which a valid testamentum became ruptum or irritum, are more properly considered under TESTAMENTUM.

The strictness of the old civil law was modified by the praetorian law, which gave the bonorum possessio to those who could not take the hereditas by the rules of the civil law. [BONORUM POSSESSIO.]

The heres represented the testator and intestate (Cic. *de Leg.* ii. 19), and had not only a claim to all his property and all that was due to him, but was bound by all his obligations. He succeeded to the sacra privata, and was bound to maintain them, but only in respect of the property, for the obligation of the sacra privata was attached to property and to the heres only as the owner of it. Hence the expression "sine sacris hereditas" meant an hereditas unencumbered with sacra. (Plaut. *Capt.* iv. 1. 8, *Trinum.* ii. 4. 83; Festus, *s. v. Sine sacris hereditas.*)

The legislation of Justinian released the heres, who accepted an hereditas, from all the debts and obligations of the testator or intestate, beyond what the property would satisfy, provided he made out an inventory (*inventarium*) of the property in a certain form and within a given time. (Cod. 6. tit. 30. s. 22.) It also allowed the institution of a man's own slave as heres without giving him his freedom. (Inst. 2. tit. 14; comp. Gaius, ii. 185.)

The heres could claim any property which belonged to his testator or intestate by the hereditatis petitio (Dig. 5. tit. 3. s. 20), which was an actio in rem, and properly belonged to a heres only, though it was afterwards given to the bonorum possessor. Each heres claimed only his share. (Cic. *Pro Rosc. Com.* c. 18.)

The coheredes shared among themselves the property, and bore their share of the debts in the same proportions. For the purpose of division and settling the affairs of the testator, a sale was often necessary. (Cic. *ad Att.* xi. 15.) If the parties could not agree about the division of the property, any of them might have an actio familiae erciscundae. [FAMILIAE ERC. AC.]

The hereditas might be alienated by the form of in jure cessio. The heres legitimus might alienate the hereditas before he took possession of it, and the purchaser then became heres, just as if he had been the legitimus heres. The scriptus heres could only alienate it after the aditio: after such alienation by him, or by the heres legitimus after aditio, both of them still remained heredes, and consequently answerable to creditors, but all debts due to them as heredes were extinguished.

The hereditates of freedmen are more properly considered under LIBERTI and PATRONI.

Before it was determined who was heres, the hereditas was without an owner, and was said "jacere." When a heres was ascertained, such person was considered to possess all the rights incident to the hereditas from the time of the death of the testator or intestate. But this does not explain how we are to view the hereditas in the interval between the death of the former owner and the time when the heres is ascertained. During such interval, according to one form of expression used by the Roman jurists, the hereditas is a juristical person (*vice personae fungitur*), and is the domina, that is, the domina of itself; according to another form of expression, it represents the defunct, and not the person of the future heres. These two forms are the same in meaning, and they express a fiction which has relation to the legal capacity of the defunct, and not that of the future heres, and which does not involve the notion of any juristical personality of the hereditas. The relation to the legal capacity of the defunct is this: — Slaves generally belonged to an hereditas. A slave, as is well known, could acquire property for his living master, even without his knowledge; but the validity of the act of acquisition, in some cases, depended on the legal capacity of his master to acquire. Now, while the hereditas was without an ascertained owner, many acts of a slave by which the hereditas might receive additions, were strictly void, and such acts could only have their legal effect on the supposition that the slave had an owner of a sufficient legal capacity; and accordingly, the fiction of law gave validity to the act of the slave by relation to the known legal capacity of the late owner, and not by relation to the yet unascertained owner who might not have such legal capacity. The following are examples: — "When a Roman, who had a legal capacity to make a will, died intestate, and another person appointed as his heres a slave, who belonged to this hereditas which was still without an owner, such institution of a heres would be valid by virtue of this fiction, because it had reference to the legal capacity of the defunct. If there had been no such fiction, the validity of the institution would have been doubtful, for the unascertained legitimus heres might be an intestabilis, who (at least according to the old law) could not be instituted heres. — If a soldier died and left a will, which was not yet opened, another testator might institute as heres a slave belonging to the soldier's hereditas, because the institution, according to this fiction, had reference to the deceased; but if there were not this fiction, the institution might be void, inasmuch as the unascertained heres might be a peregrinus who had no testamentifactio with this other testator. — It was to provide for such cases as these only, that this fiction was introduced; and it had no other object than to facilitate certain acquisitions by means of the slaves who belonged to an hereditas."

This masterly exposition is by Savigny (*System des heut. R. R.* vol. ii. p. 363).

(Gaius, 2. 99—190, 3. 1—24; Ulpian, *Frag.* xxii., Dig. 28, 29; Inst. 2, 3; Rein, *Das Römische Privatrecht*, p. 361, &c. Erbrecht, a useful compendium of the Law of Hereditas, as it appears chiefly in the Latin classics; Vangerow, *Pandekten*, &c. Erbrecht, vol. ii. The chapter on Erbrecht in Puchta's *Institutionen*, &c. iii. p. 215, &c. is concise and very clear.) [G. L.]

HERMAE (*ἑρμαῖ*), and the diminutive Hermuli (*ἑρμίδια*), statues composed of a head, usually that of the god Hermes, placed on a quadrangular pillar, the height of which corresponds to the stature of the human body (*ἡ τετράγωνος ἐργασία*, Thuc. vi. 27; *τὸ σχῆμα τὸ τετράγωνον*, Paus. iv. 33. § 4, s. 3). Some difficulties are involved in the question of their origin, and of their meaning as symbols of Hermes. One of the most important features in the mythology of Hermes is his presidence over the common intercourse of life, traffic, journeys, roads, boundaries, and so forth, and there can be no doubt that it was chiefly in such relations as these that he was intended to be represented by the *Hermae* of the Greeks and by the *Termini* of the Romans, when the latter were identified with the Hermae. It is therefore natural that we should look for the existence of this symbol in the very earliest times in which the use of boundary-marks was required; and in such times the symbols would be of the simplest character, a heap of stones or an unhewn block of marble. Now we find that there were in many parts of Greece heaps of stones by the sides of roads, especially at their crossings, and on the boundaries of lands, which were called *ἑρμαῖα* or *ἑρμεῖα*, *ἑρμαῖοι λόφοι* and *ἕρμακες*[*] (Hesych. *s. vv.*). An *ἑρμαῖος λόφος* near Ithaca is mentioned in the Odyssey (xvi. 471); Strabo noticed many *ἑρμεῖα* on the roads in Elis (viii. p. 343); and even now an ancient heap of stones may be seen on the boundary of Laconia (Ross, *Pelop.* vol. i. pp. 18, 174). The religious respect paid to such heaps of stones, especially at the meetings of roads, is shown by the custom of each passer by throwing a stone on to the heap (Nicand. *Ther.* 150); this custom was also observed with reference to the Hermae of later times, at least to those which stood where roads met. (*Anth. Graec. loc. infra cit.*) Such heaps of stones were also seen by Strabo on the roads in Egypt (xvii. p. 818). Another mode of marking a boundary or other definite locality was by a pillar of stone, originally unhewn, the sacred character of which was marked by pouring oil upon it and adorning it (Theophrast. 16, comp. *Genesis* xxviii. 18, 22, xxxi. 45—48, where both the pillar and the heap of stones are set up for a witness, xxxv. 14). The Egyptian obelisk probably belongs to the same class of monuments.

Referring the reader, for the further examination of these matters, to works in which they are discussed at length (Zoega, *de Orig. et Us. Obelisc.*, Romae, 1797, p. 217; Gerhard, *de Religione Hermarum*, Berol. 1845, 4to.; Otto, *de Diis Vialibus*, c. 7; Müller, *Archäol. d. Kunst*, § 66; Preller, in Pauly's *Real-Encyc. d. Class. Alterth. s. v. Mercurius*, vol. iv. p. 1845), we assume that, of these heaps of stones and pillars, those which marked boundaries were either originally symbols of, or were afterwards consecrated to, the god Hermes. It is not denied that such rude memorials were at first symbols of the various gods alike, but at a very early period they came to be more especially associated with the worship of Hermes.

The first attempt at the artistic development of the blocks of stone and wood, by which, in the earliest period of idol-worship, all the divinities were represented, was by adding to them a head, in the features of which the characteristics of the god were supposed to be expressed; and afterwards other members of the body were added, at first with a symbolical meaning. These changes produced the Hermae, such as they are described by the ancient authors, and as we now have them. The phallus formed an essential part of the symbol, probably because the divinity represented by it was in the earliest times, before the worship of Dionysus was imported from the East, the personification of the reproductive powers of nature. So the symbol is described by Herodotus, who ascribes the origin of it to the Pelasgians, who communicated it to the Athenians, and they to the other Greeks. (Herod. ii. 51; Plut. *an Seni sit Resp. ger.* 28. p. 797, f.; Cic. *de Nat. Deor.* iii. 22; comp. Creuzer's Note, in Baehr's edition of Herodotus.) Pausanias gives the same account of the matter (i. 24. § 3, iv. 33. § 3. s. 4), and also states that the Arcadians were particularly fond of the *ἄγαλμα τετράγωνον* (viii. 48. § 4. s. 6; where the statue referred to is one of Zeus), which is some confirmation of the tradition which carried back the invention to the Pelasgic times.

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[*] Lessing, Böttiger (*Andeut.* p. 45), and others derive these words, and also the name of the god, from *ἕρμα*, *a heap* (comp. Buttmann, *Lexil.* pp. 302, 303). It would seem, at all events, that the words are in some way connected; though the question, whether the god took his name from the symbol, or the symbol from the god, cannot be entered into here.

In the historical times of Greece, too, it was at Athens that the Hermae were most numerous and most venerated. So great was the demand for these works that the words ἑρμογλύφος, ἑρμογλυφικὴ τέχνη, and ἑρμογλυφεῖον, were used as the generic terms for a sculptor, his art, and his studio (Plat. *Symp.* p. 215, a.; Lucian, *de Somn.* i. 7, vol. i. pp. 3, 4, 10, 11; and the Lexicons).

Houses in Athens had one of these statues placed at the door called ἑρμῆς στροφαῖος or στροφεύς (Thucyd. vi. 27; Aelian. *V. H.* ii. 41; Suid. *s. v.*; Pollux, viii. 72; Ath. x. p. 437, b.); sometimes also in the peristyle (Lucian, *Navig.* 20, vol. iii. p. 262), which were worshipped by the women as instrumental to fecundity (see bas-relief in Boissarde, *Antiq. Roman.* part 1), and the great reverence attached to them is shown by the alarm and indignation which were felt at Athens in consequence of the mutilation of the whole number in a single night, just before the sailing of the Sicilian expedition. (Thucyd. vi. 27, with Poppo's note; Andoc. *de. Myst.*; Aristoph. *Lysist.* 1093, 1094, and *Schol.*; Aristophanes applies the term ἑρμοκοπίδαι to the mutilators; see also Phot. *s. v.* ἑρμοκοπίδαι.)

They were likewise placed in front of temples, near to tombs, in the gymnasia, palaestrae, libraries, porticoes, and public places, at the corners of streets, on high roads as sign-posts, with distances inscribed upon them (Böckh, *Corp. Inscr.* No. 12; *Epigr. Incert.* No. 234, Brunck, *Anal.* vol. iii. p. 197, *Anth. Planud.* iv. 254; the other epigrams on Hermae, Nos. 255, 256. deserve notice); and some are still to be seen at Athens with the names of victors in the gymnastic contests inscribed upon them. (Leake, *Athens*, p. 17, n. 1.) They were even made vehicles of public instruction, according to the author of the *Hipparchus* (falsely ascribed to Plato, p. 229), who says that the tyrant Hipparchus placed Hermae in the streets of the city and in roads throughout Attica, inscribed with moral verses, such as the following:

Μνῆμα τόδ' Ἱππάρχου· στεῖχε δίκαια φρονῶν.
Μνῆμα τόδ' Ἱππάρχου· μὴ φίλον ἐξαπάτα.

(Comp. Harpocrat. *s. v.* Ἑρμαῖ; Hesych. *s. v.* Ἱππάρχειοι Ἑρμαῖ, with Alberti's note). Those which stood at cross roads had often three or four heads (Philoch. p. 45, ed. Siebelis; Harpocr. and *Etym. M. s. v.* τρικέφαλος Ἑρμῆς; Phot. Hesych. *s. v.* τετρακέφαλος Ἑρμῆς; Eustath. *ad Hom.* p. 1353. 3).

Numerous examples occur in Pausanias and other writers of their being placed on the boundaries of lands and states and at the gates of cities (πρὸς τῇ πυλίδι, προπυλαῖος, Paus. viii. 34. § 3. s. 6, iv. 33. § 3. s. 4, *et alib.*; Harpocr.) Small Hermae were also used as pilasters, and as supports for furniture and utensils. (Pollux, vii. 15, 73; Müller, *Arch.* § 379, n. 2.) Respecting the use of the *Hermae* and *Hermuli* in the Circus, see pp. 285, a, 286, a.

With respect to the form of these works, the essential parts have been already mentioned. A pointed beard (σφηνοπώγων) belonged to the ancient type (Artemid. ii. 37). A mantle (ἱμάτιον) was frequently hung over the shoulders (Paus. viii. 39. § 4; Diog. Laërt. v. 82). Originally the legs and arms were altogether wanting (Pausanias calls them ἄκωλοι, i. 24. § 3), and, in place of the arms, there were often projections to hang garlands upon; but, when the reverence attached to the ancient type became less, and the love of novelty greater, the whole torso was placed upon a quadrangular pillar, which lessened towards the base, and finally the pillar itself was sometimes chiselled to indicate the separation of the legs, as may be seen in a tetragonal female statue in the Villa Albani. (Winkelm. *Storia delle Arte*, vol. i. tav. 1.) Sometimes, as above stated, the head was double, triple, and even fourfold. The whole figure was generally of stone or marble; but Cicero (*ad Att.* i. 8) mentions some which were of Pentelic marble, with bronze heads. (Müller, *Archäol. d. Kunst*, § 67.)

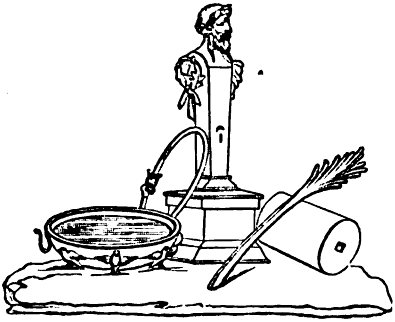
Many statues existed of other deities, of the same form as the Hermae; which no doubt originated in the same manner; and which were still called by the generic name of *Hermae*, even though the bust upon them was that of another deity. Several images of this kind are described by Pausanias; one of Poseidon at Tricoloni in Arcadia (viii 35. § 6), another of Zeus Teleios at Tegea (*ib.* 48. § 4), and another of Aphrodite Urania at Athens (i. 19. § 2). The reason why the statues of the other deities were developed into perfect forms, while those of Hermes so generally (by no means universally) retained their ancient fashion, is obviously on account of the religious significance attached to the symbol of the pillar, as a boundary mark. Where this motive was not called into action, Hermes himself was represented in the complete human form with all the perfection of Greek art, as, for example, in his statues in the *palaestrae*, and in those which embodied others of his attributes. (See Müller, *Archäol. d. Kunst*, §§ 380, 381.)

Some statues of this kind are described by a name compounded of that of Hermes and another divinity: thus we have *Hermanubis*, *Hermares*, *Hermathena* (Cic. *ad Att.* i. 4), *Hermeracles* (Cic. *ad Att.* i. 10), *Hermeros* (Plin. *H. N.* xxxvi. 5. s. 4. § 10), *Hermopan*. It has been much disputed whether such figures were composed of the square pillar, as the emblem of Hermes, surmounted by the bust of the other divinity; or, secondly, whether the heads of Hermes and the other god were united, as in the bust of Janus; or, lastly, whether the symbolical characteristics of the two deities were combined in the same statue. As to the first explanation, it seems hardly probable that, so late as the time of Cicero, the mere pillar should have been considered as adequate a representation of Hermes as the bust was of the other deity: the second is supported by many existing terminal double busts: the third can only be regarded as an ingenious conjecture, which may be true of some works of a late period of art. We think that the second is the true explanation in the passages from Cicero. (Comp. Müller, *Archäol. d. Kunst*, § 345, n. 2.)

There is still another class of these works, in which the bust represented no deity at all, but was simply the portrait of a man, and in which the pillar loses all its symbolical meaning, and becomes a mere pedestal. Even these statues, however, retained the names of *Hermae* and *Termini*. The examples of them are very numerous. A list of these and of the other Hermae is given by C. W. Müller. (Ersch and Gruber's *Encyklopädie*, art. *Hermen*.)

The Hermae of all kinds were in great request among the wealthy Romans, for the decoration of their houses and villas. It is also stated that they used them as posts for ornamental railings to a garden, in which case they were commonly decorated with the busts of philosophers and eminent men, some of which may be seen at the Vatican and other museums, with the square holes in their shoulders into which the transverse rail was inserted. This square hole, however, is also seen in Hermae of old Greek workmanship, in which cases they were probably the sockets of the projections, above mentioned, for hanging garlands on.

The existing remains of ancient art are rich in terminal statues of all the classes which have been described; and specimens of nearly all may be seen in the British Museum, and in engravings in Müller's *Denkmäler der alten Kunst* (vol. i. pl. i. Nos. 3, 4, 5, vol. ii. pl. xxviii. Nos. 299, 300, 303, pl. xxxi. No. 341, pl. xxxiii. Nos. 376, 386, 387, pl. xxxvi. Nos. 428, 429, pl. xlii. No. 526). The first two examples in Müller are very interesting: the one is a bas-relief, exhibiting a Hermes decorated with garlands and surrounded with the implements of his worship, as shown in the following engraving; the other is also a bas-relief, in which we see a terminal bust of Dionysus washed and decorated by a man and three women. Respecting the Hermae on coins, see Rasche, *Lex Univ. Rei Num. s. vv. Herma, Hermathene, Hermes.* [P. S.]



HERMAEA (῞Ερμαια), festivals of Hermes, celebrated in various parts of Greece. As Hermes was the tutelary deity of the gymnasia and palaestrae, the boys at Athens celebrated the Hermaea in the gymnasia. They were on this occasion dressed in their best, offered sacrifices to the god, and amused themselves with various games and sports, which were probably of a more free and unrestrained character than usual. Hence the gymnasiarch was prohibited by a law of Solon (Aeschin. *c. Timarch.* p. 38) from admitting any adults on the occasion. This law, however, was afterwards neglected, and in the time of Plato (*Lysis.* p. 206, d. &c.) we find the boys celebrating the Hermaea in a palaestra, and in the presence of persons of all ages. (Becker, *Charikles*, vol. i. p. 335, &c.; compare Gymnasium, p. 580, b.)

Hermaea were also celebrated in Crete, where, on this occasion, the same custom prevailed which was observed at Rome during the Saturnalia; for the day was a season of freedom and enjoyment for the slaves, and their masters waited upon them at their repasts. (Athen. xiv. p. 639.)

The town of Pheneos, in Arcadia, of which Hermes was the principal divinity, likewise celebrated Hermaea with games and contests. (Paus. viii. 14. § 7.) A festival of the same kind was celebrated at Pellene. (Schol. *ad Pind. Ol.* vii. 156, and *Nem.* x. 82.) Tanagra, in Boeotia (Paus. ix. 22. § 2), and some other places, likewise celebrated festivals of Hermes, but particulars are not known. [L. S.]

HERMATHENA. [Hermae.]

HERMERACLAE. [Hermae.]

HERO'NES, baskets or crates of sedge, which were employed, when filled with chalk, for making a foundation in the water (Vitruv. v. 12. § 5). Pliny states that the architect of the temple of Diana, at Ephesus, raised to their places immense blocks, which formed the architrave, by means of an inclined plane, constructed of *herones* filled with sand (*H. N.* xxxvi. 14. s. 21). In these and the few other passages where it occurs, the readings of the word are very various. Different modern scholars have adopted one of the three forms, *aerones*, *erones*, or *herones*. (See Schneider, *ad Vitruv. l. c.*) [P. S.]

HEROON (ἡρῷον) [Apotheosis; Funus, pp. 556, b., 557, a.]

HESTIA (ἑστία) [Focus.]

HESTIASIS (ἑστίασις), was a species of liturgy, and consisted in giving a feast to one of the tribes at Athens (τὴν φυλὴν ἑστιᾶν, Dem. *c. Meid.* p. 565. 10; Pollux, iii. 67.) It was provided for each tribe at the expense of a person belonging to that tribe, who was called ἑστιάτωρ. (Dem. *c. Boeot.* p. 996, 24.) Harpocration (*s. v.* Ἑστιάτωρ) states on the authority of the speech of Demosthenes against Meidias, that this feast was sometimes provided by persons voluntarily, and at other times by persons appointed by lot; but as Böckh remarks, nothing of this kind occurs in the speech, and no burthen of this description could have been imposed upon a citizen by lot. The ἑστιάτορες were doubtless appointed, like all persons serving liturgies, according to the amount of their property in some regular succession. These banquets of the tribes, called φυλετικὰ δεῖπνα by Athenaeus (v. p. 185, d), were introduced for sacred purposes, and for keeping up a friendly intercourse between persons of the same tribe, and must be distinguished from the great feastings of the people, which were defrayed from the Theorica. (Böckh, *Publ. Econ. of Athens*, p. 452, 2nd. ed.; Wolf, *Proleg. ad Dem. Leptin.* p. lxxxvii. note 60.)

HETAERAE (ἑταῖραι). The word ἑταίρα originally signified a friend or companion, but at Athens, and in other towns of Greece, it was afterwards used as a euphemistic name for πόρνη, that is, a prostitute, or mistress. (Plut. *Solon*, c. 15; Athen. xiii. p. 571.) As persons of this class acted a much more prominent and influential part in some of the Greek states than in any of the most demoralized capitals of modern times, we cannot avoid in this work stating their position and their relations to other classes of society. But as their conduct, manners, ensnaring artifices, and impositions, have at all times and in all countries been the same, we shall confine ourselves to those points which were peculiar to the hetaerae in Greece.

First we may mention that the young men at Athens, previous to their marriage, spent a great part of their time in the company of hetaerae without its being thought blamable in any respect whatever. Marriage, indeed, produced on the whole a change in this mode of living of young men, but in innumerable instances even married men continued their intercouse with hetaerae, without drawing upon themselves the censure of public opinion; it seems, on the contrary, evident from the manner in which Demosthenes (c. *Neaer.* p. 1351, &c.) relates the history of Lysias the sophist, that such connections after marriage were not looked upon as anything extraordinary or inconsistent, provided a man did not offend against public decency, or altogether neglect his legitimate wife and the affairs of his household, as was the case with Alcibiades. (Andoc. *c. Alcib.* p. 177.) This irregular condition of private life among the Greeks seems to have arisen chiefly from two causes; first from the great love of sensual pleasures, which the Greeks appear to have possessed in as high a degree as most other southern nations; and, secondly, from the generally prevailing indifference between husbands and wives. As regards the latter point, matrimonial life in the historical times of Greece was very different from that which we find described in the heroic age. How this change was brought about is not clear; but it can scarcely be doubted that, generally speaking, the Greeks looked upon marriage merely as a means of producing citizens for the state. (Dem. *c. Neaer.* p. 1386; Becker, *Charikles*, vol. ii. p. 215, &c.) The education of women was almost entirely neglected; they were thought a kind of inferior beings, less endowed by nature, and incapable of taking any part in public affairs and of sympathising with their husbands. In an intellectual point of view, therefore, they were not fit to be agreeable companions to their husbands, who consequently sought elsewhere that which they did not find at home. It is true the history of Greece furnishes many pleasing examples of domestic happiness, and well-educated women, but these are exceptions, and only confirm the general rule. A consequence of all this was, that women were bound down by rules which men might violate with impunity; and a wife appears to have had no right to proceed against her husband, even if she could prove that he was unfaithful (Plaut. *Mercat.* iv. 6. 3), although she herself was subject to severe punishment if she was detected. The isolated testimony of a late writer like Alciphron (*Epist.* i. 6), who represents a wife threatening her husband, that unless he would give up his dissolute mode of living, she would induce her father to bring a charge against him, can, as Becker (*Charikles*, vol. i. p. 112) observes, prove nothing, inasmuch as a neglect of family affairs might, in this case, have been the ground for accusation.

But to return to the hetaerae; the state not only tolerated, but protected them, and obtained profit from them. Solon is said to have established a πορνεῖον (also called παιδισκεῖον, ἐργαστήριον or οἴκημα), in which prostitutes were kept (Athen. xiii. p. 569), and to have built the temple of Aphrodite Pandemos with the profit which had been obtained from them. At a later period the number of such houses at Athens was increased, and the persons who kept them were called πορνοβοσκοί, *lenones*. The conduct of the hetaerae in these houses is described in Athenaeus (xiii. p. 568). All the hetaerae of such houses, as well as individuals who lived by themselves and gained their livelihood by prostitution, had to pay to the state a tax (πορνικὸν τέλος, Aesch. *c. Timarch.* p. 134, &c.), and the collecting of this tax was every year let by the senate to such persons (τελῶναι, or πορνοτελῶναι, Philonides, *ap. Polluc.* vii. 202) as were best acquainted with those who had to pay it. The hetaerae were under the superintendence of the ἀγορανόμοι (Suidas, *s. v.* Διάγραμμα), and their places of abode were chiefly in the Cerameicus. (Hesych. *s. v.* Κεραμεικός.)

The number of private hetaerae, or such as did not live in a πορνεῖον, was very great at Athens. They were, however, generally not mere prostitutes, but acted at the same time as flute or cithara players, and as dancers, and were as such frequently engaged to add to the splendour of family sacrifices (Plaut. *Epid.* iii. 4. 64), or to enliven and heighten the pleasures of men at their symposia. Their private abodes, where often two, three, and more lived together, were also frequently places of resort for young men. (Isocrat. *Areopag.* p. 202, Bekker.) Most of these hetaerae not only took the greatest care to preserve their physical beauty, and to acquire such accomplishments as we just mentioned, but also paid considerable attention to the cultivation of their minds. Thus the Arcadian Lastheneia was a disciple of Plato (Athen. xii. p. 546), and Leontion a disciple of Epicurus (Athen. xiii. p. 588); Aspasia is even said to have instructed Socrates and Pericles. Whatever we may think of the historical truth of these and similar reports, they are of importance to the historian, inasmuch as they show in what light these hetaerae were looked upon by the ancients. It seems to have been owing, especially to their superiority in intellectual cultivation over the female citizens, that men preferred their society and conversation to those of citizens and wives, and that some hetaerae, such as Aspasia, Lais, Phryne, and others, formed connections with the most eminent men of their age, and acquired considerable influence over their contemporaries. The free and unrestrained conduct and conversation, which were not subject to the strict conventional rules which honest women had to observe; their wit and humour, of which so many instances are recorded; were well calculated to ensnare young men, and to draw the attention of husbands away from their wives. Women, however, of the intellect and character of Aspasia were exceptions: and even Athenian citizens did not scruple to introduce their wives and daughters to her circles, that they might learn there the secrets by which they might gain and preserve the affections of their husbands. The disorderly life of the majority of Greek hetaerae is nowhere set forth in better colours than in the works of the writers who belong to the so-called school of the middle comedy, and in the plays of Plautus and Terence; with which may be compared Demosth. *c. Neaer.* p. 1355, &c., and Athen. book xiii. It was formerly supposed that at Athens a peculiar dress was by law prescribed to the hetaerae, but this opinion is without any foundation. (Becker, *Charikles*, vol. i. p. 126, &c.)

The town most notorious in Greece for the number of its hetaerae, as well as for their refined manners and beauty, was Corinth. (Plato, *De Rep.* iii. p. 404; Dio Chrysost. *Orat.* xxxvii. p. 119, Reiske; Aristoph. *Plut.* 149, with the Schol.; and Schol. *ad Lysistr.* 90; Athen. xiii. p. 573, &c; Müller, *Dor.* ii. 10. § 7.) Strabo (viii. p. 378) states that the temple of Aphrodite in this town possessed more than one thousand hetaerae, who were called ἱερόδουλοι, and who were the ruin of many a stranger who visited Corinth. (Wachsmuth, *Hellen. Alterth.* vol. ii. p. 392.) Hence the name Κορινθία κόρη was used as synonymous with ἑταίρα, and κορινθιάζεσθαι was equivalent to ἑταιρεῖν. (Eustath. *ad Iliad.* ii. 570.) At Sparta, and in most other Doric states, the hetaerae seem never to have acquired that importance which they had in other parts of Greece, and among the Greeks of Asia Minor.

An important question is who the hetaerae generally were? The ἱερόδουλοι of Corinth were, as their name indicates, persons who had dedicated themselves as slaves to Aphrodite; and their prostitution was a kind of service to the goddess. [HIERODULI.] Those πόρναι who were kept at Athens in public brothels by the πορνοβοσκοί, were generally slaves belonging to these πορνοβοσκοί, who compelled them to prostitute their persons for the purpose of enriching themselves. The owners of these πόρναι were justly held in greater contempt than the unhappy victims themselves. Sometimes, however, they were real prostitutes, who voluntarily entered into a contract with a πορνοβοσκός: others again were females who had been educated in better circumstances and for a better fate, but had by misfortunes lost their liberty, and were compelled by want to take to this mode of living. Among this last class we may also reckon those girls who had been picked up as young children, and brought up by πορνοβοσκοί for the purpose of prostitution. An instance of this kind is Nicarete, a freed woman, who had contrived to procure seven young children, and afterwards compelled them to prostitution, or sold them to men who wished to have the exclusive possession of them. (Dem. *c. Neaer.* p. 1351, &c.) Other instances of the same kind are mentioned in the comedies of Plautus. (Compare Isaeus, *De Philoctem. hered.* p. 143.) Thus all prostitutes kept in public or private houses were either real slaves or at least looked upon and treated as such. Those hetaerae, on the other hand, who lived alone either as mistresses of certain individuals or as common hetaerae, were almost invariably strangers or aliens, or freedwomen. The cases in which daughters of Athenian citizens adopted the life of an hetaera, as Lamia, the daughter of Cleanor (Athen. xiii. p. 577), seem to have occurred very seldom; and whenever such a case happened, the woman was by law excluded from all public sacrifices and offices, sank down to the rank of an alien, and as such became subject to the πορνικὸν τέλος: she generally also changed her name. The same degradation took place when an Athenian citizen kept a πορνεῖον, which seems to have happened very seldom. (Böckh, *Publ. Econ. of Athens*, p. 333, 2nd ed.)

(Fr. Jacobs, *Beiträge Zur Gesch. des Weiblich. Geschlechts*, in his *Vermischte Schriften*, vol. iv.; Becker, *Charikles*, vol. i. p. 109—128, and vol. ii. p. 414—489; Limburg-Brouwer, *Histoire de la Civilisation Morale et Religieuse des Grecs;* Wachsmuth, *Hellen. Alterth.* vol. ii. p. 392, &c.) [L. S.]

HETAERI (ἑταῖροι). [EXERCITUS, p. 488, b.]

HETAIRESEOS GRAPHE (ἑταιρήσεως γραφή). This action was maintainable against such Athenian citizens as had administered to the unnatural lusts of another; but only if after such degradation they ventured to exercise their political franchise, and aspire to bear office in the state. From the law, which is recited by Aeschines (*c. Timarch.* p. 47), we learn that such offenders were capitally punished. The cause was tried by the court of the thesmothetae. (Meier, *Att. Proc.* p. 334.) [J. S. M.]

HETAIRIAE (ἑταιρίαι). [ERANOS.]

HEXA'PHORUM. [LECTICA.]

HEXA'STYLOS. [TEMPLUM.]

HEXE'RES. [NAVIS.]

HIEREION (ἱερεῖον). [SACRIFICIUM.]

HIEREIS TON SOTERON (ἱερεῖς τῶν σωτήρων), priests of the Saviours, that is, of Antigonus and Demetrius, who were received by the Athenians, in B. C. 307, as their liberators with honours and flatteries of every sort. They even went so far as to pay divine honours to these princes under the title of Saviours (σωτῆρες), and to assign a priest (ἱερεύς) to attend to their worship, who was to be elected annually and to give his name to the year in place of the first archon. This continued for twenty years till the conquest of Demetrius by Pyrrhus in B. C. 287, when the office was abolished and the first archon restored to his former position in the state. (Plut. *Demetr.* 10, 46.) The magistrates of these twenty years were in later times called archons, as, for instance, by Diodorus and Dionysius of Halicarnassus, since the Athenians, as Clinton remarks, would not leave upon their Fasti this mark of their humiliation. (Droysen, *Geschichte des Hellenismus*, vol. i. p. 439; Clinton, *F. H.* vol. ii. p. 380, 2d ed.; Hermann, *Lehrbuch. d. Griech. Staatsalterth.* § 175, n. 7; Schömann, *Antiqu. Jur. Publ. Graec.* p. 360.)

HIERODU'LI (ἱερόδουλοι), were persons of both sexes, who were devoted like slaves to the worship of the gods. They were of Eastern origin, and are most frequently met with in connection with the worship of the deities of Syria, Phoenicia, and Asia Minor. They consisted of two classes; one composed of slaves properly so called, who attended to all the lower duties connected with the worship of the gods, cultivated the sacred lands, &c., and whose descendants continued in the same servile condition; and the other, comprising persons, who were personally free, but had dedicated themselves as slaves to the gods, and who were either attached to the temples, or were dispersed throughout the country and brought to the gods the money they had gained. To the latter class belonged the women, who prostituted their persons and presented to the gods the money they had obtained by this means. The pomp with which religious worship was celebrated in the East, and the vast domains which many of the temples possessed, required a great number of servants and slaves. Thus, the great temple at the Cappadocian Comana possessed as many as 6000 hieroduli (Strab. xii. p. 535), and that at Morimene had 3000 of the same class of persons. (Strab. xii. p. 537.) So numerous were the hieroduli at Tyre, that the high-priest by their support frequently obtained the regal dignity. (Joseph. *c. Apion.* i. 18, 21.) These large numbers arose from the idea, prevalent in the East, that the deity must have a certain class of persons specially dedicated to his service and separated from the ordinary duties of life, and that it was the duty of all who had the power to supply as many persons as they could for their service. Thus, kings dedicated as sacred slaves the prisoners whom they took in war, parents their children, and even persons of the highest families sent their daughters to the temples to sacrifice their chastity to the gods, at least till the time of their marriage. This practice of females offering their chastity to the gods was of ancient origin in the East, and seems to have arisen from the notion that the gods ought to have the first-fruits of every thing. The custom prevailed at Babylon (Herod. i. 199; Strab. xvi. p. 745), as well as in many other places. (Comp. Heyne, *De Babyloniorum instituto religioso*, &c. in *Comment. Societ. Gotting.* vol. xvi. p. 30, &c.) The Greek temples had of course slaves to perform the lowest services (Paus. x. 32. § 8); but we also find mention in some Greek temples of free persons of both sexes, who had dedicated themselves voluntarily to the services of some god, and to whom the term of hieroduli was generally applied. Masters, who wished to give slaves their freedom, but were prevented by various causes from manumitting them, presented them to some temple as ἱερόδουλοι under the form of a gift or a sale, and thus procured for them liberty in reality. Such cases of manumission frequently occur in inscriptions, and are explained at length by Curtius (*de Manumissione sacra Graecorum*, in his *Anecdota Delphica*, Berlin, 1843, p. 10, &c.; comp. Plut. *Amat.* c. 21, τῶν ἄλλων δεσποτῶν καὶ ἀρχόντων ἐλεύθεροι καὶ ἄφετοι καθάπερ ἱερόδουλοι διατελοῦσιν). The female hieroduli, who prostituted their persons, are only found in Greece connected with the worship of divinities who were of Eastern origin, or many of whose religious rites were borrowed from the East. This was the case with Aphrodite, who was originally an Oriental goddess. At her temple at Corinth there were a thousand ἱερόδουλοι ἑταῖραι, who were the ruin of many a stranger who visited Corinth, and there was also a large number of the same class of women at her temple at Eryx, in Sicily. (Strab. viii. p. 378, vi. p. 272, comp. xii. p. 559.) (Hirt, *Die Hierodulen*, with appendices by Böckh and Buttmann, Berlin, 1818; Kreuser, *Der Hellenen Priesterstaat, mit vorzüglicher Rücksicht auf die Hierodulen*, Mainz, 1824; Movers, *Die Phönizier*, p. 359, &c.; Hermann, *Lehrbuch d. gottesdienstlichen Alterthümer d. Griechen*, § 20, n. 13—16.)

HIEROMANTEIA (ἱερομαντεία). [Divinatio.]

HIEROME'NIA (ἱερομηνία), was the time of the month at which the sacred festivals of the Greeks began, and in consequence of which the whole month received the name of μὴν ἱερός. It was a part of the international law of Greece that all hostilities should cease for the time between states who took part in these festivals, so that the inhabitants of the different states might go and return in safety. The *hieromeniae* of the four great national festivals were of course of the most importance: they were proclaimed by heralds (σπονδοφόροι), who visited the different states of Greece for the purpose. The suspension of hostilities was called ἐκεχειρία. (Pind. *Isthm.* ii. 23; Strab. viii. p. 343; Krause, *Olympia*, p. 40, &c.; and the article Olympia.)

HIEROMNE'MONES (ἱερομνήμονες), were the more honourable of the two classes of representatives who composed the Amphictyonic council. An account of them is given under Amphictyones. We also read of Hieromnemones in Grecian states, distinct from the Amphictyonic representatives of this name. Thus the priests of Poseidon, at Megara, were called hieromnemones (Plut. *Symp.* viii. 8. § 4); and at Byzantium, which was a colony of Megara, the chief magistrate in the state appears to have been called by this name. In a decree of Byzantium, quoted by Demosthenes (*pro Coron.* p. 255. 20; compare Polyb. iv. 52. § 4), an hieromnemon is mentioned, who gives his name to the year; and we also find the same word on the coins of this city. (Eckhel, *Doctr. Num.* vol. ii. p. 31, &c.) At Chalcedon, another colony of Megara, an hieromnemon also existed, as is proved by a decree which is still extant. (Müller, *Dor.* iii. 9. § 10.) An inscription found in Thasos also mentions an hieromnemon who presided over the treasury. (Böckh, *Corp. Inscrip.* vol. ii. pp. 183, 184.)

HIERONI'CAE. [Athletae.]

HIEROPHANTES (ἱεροφάντης). [Eleusinia.]

HIEROPOII (ἱεροποιοί), were sacrificers at Athens, of whom ten were appointed every year, and conducted all the usual sacrifices, as well as those belonging to the quinquennial festivals, with the exception of those of the Panathenaea. (Pollux, viii. 107; Photius, *s. v.* Ἱεροποιοί.) They are frequently mentioned in inscriptions. (Böckh, *Corp. Inscr.* vol. i. p. 250.) The most honourable of these officers were the sacrificers for the revered goddesses or Eumenides (ἱεροποιοὶ ταῖς σεμναῖς ϑεαῖς), who were chosen by open vote, and probably only performed the commencement of the sacrifice, and did not kill the victim themselves. (Dem. *c. Meid.* p. 552. 6; Böckh, *Publ. Econ. of Athens*, p. 216.)

HIEROSYLIAS GRAPHE (ἱεροσυλίας γραφή). The action for sacrilege is distinguished from the κλοπῆς ἱερῶν χρημάτων γραφή, in that it was directed against the offence of robbery, aggravated by violence and desecration, to which the penalty of death was awarded. In the latter action, on the contrary, the theft or embezzlement, and its subject-matter, only were taken into consideration, and the dicasts had a power of assessing the penalty upon the conviction of the offender. With respect to the tribunal before which a case of sacrilege might have been tried, some circumstances seem to have produced considerable differences. The γραφή might be preferred to the king archon, who would thereupon assemble the areiopagus and preside at the trial, or to one of the thesmothetae in his character of chief of an ordinary Heliastic body; or, if the prosecution assumed the form of an apagoge or ephegesis, would fall within the jurisdiction of the Eleven. Before the first-mentioned court it is conjectured (Meier, *Att. Proc.* p. 307) that the sacrilege of the alleged spoliation, as well as the fact itself, came in question; that the thesmothetae took cognizance of those cases in which the sacrilege was obvious if the fact were established; and that the Eleven had jurisdiction when the criminal appeared in the character of a common robber or burglar, surprised in the commission of the offence. In all these cases the convict was put to death, his property confiscated, and his body denied burial within the Attic territory. There is a speech of Lysias (*pro Callia*) extant upon this subject, but it adds little to our knowledge; except that slaves were allowed upon that occasion to appear as informers against their master — a resident alien — and anticipated their emancipation in the event of his conviction. [J. S. M.]

HILA'RIA (ἱλάρια) seems originally to have been a name which was given to any day or season of rejoicing. The hilaria were, therefore, according to Maximus Monachus (*Schol. ad Dionys. Areopag. Epist.* 8) either private or public. Among the former he reckons the day on which a person married, and on which a son was born; among the latter, those days of public rejoicings appointed by a new emperor. Such days were devoted to general rejoicings and public sacrifices, and no one was allowed to show any symptoms of grief or sorrow.

But the Romans also celebrated hilaria, as a feria stativa, on the 25th of March, in honour of Cybele, the mother of the gods (Macrob. *Sat.* i. 21); and it is probably to distinguish these hilaria from those mentioned above, that Lampridius (*Alexand. Sever.* c. 37) calls them *Hilaria Matris Deûm.* The day of its celebration was the first after the vernal equinox, or the first day of the year which was longer than the night. The winter with its gloom had passed away, and the first day of a better season was spent in rejoicings. (Flav. Vopisc. *Aurelian.* c. 1.) The manner of its celebration during the time of the republic is unknown, except that Valerius Maximus (ii. 4. § 3) mentions games in honour of the mother of the gods. Respecting its celebration at the time of the empire, we learn from Herodian (i. 10, 11) that, among other things, there was a solemn procession, in which the statue of the goddess was carried, and before this statue were carried the most costly specimens of plate and works of art belonging either to wealthy Romans or to the emperors themselves. All kinds of games and amusements were allowed on this day; masquerades were the most prominent among them, and every one might, in his disguise, imitate whomsoever he liked, and even magistrates.

The hilaria were in reality only the last day of a festival of Cybele, which commenced on the 22d of March, and was solemnised by the Galli with various mysterious rites. (Ovid, *Fast.* iv. 337, &c.) It must, however, be observed that the hilaria are neither mentioned in the Roman calendar nor in Ovid's Fasti. [L. S.]

HILAROTRAGOE'DIA. [Tragoedia.]

HIMATION (ἱμάτιον). [Pallium.]

HIPPARCHUS. [Exercitus, p. 487, a.]

HIPPARMOSTES. [Exercitus, p. 483, b.]

HI'PPICON (ἱππικόν, sc. στάδιον), a Greek measure of distance, equal to four stadia. According to Plutarch it was mentioned in the laws of Solon (Plut. *Sol.* 23). Hesychius also mentions it under the name of Ἵππειος δρόμος. (Comp. Hippodromus; Stadium.) [P. S.]

HIPPO'BOTAE (ἱπποβόται), the feeders of horses, was the name of the nobility of Chalcis in Euboea, corresponding to the ἱππεῖς in other Greek states. On the conquest of the Chalcidians by the Athenians in B. C. 506, these Hippobatae were deprived of their lands, and 4000 Athenian cleruchi sent to take possession of them. (Herod. v. 77, vi. 100; Strab. x. p. 447; Plut. *Pericl.* 23; Aelian, *V. H.* vi. 1.) [Colonia, p. 314, a.]

HIPPODAMEIA (ἱπποδάμεια, sc. ἔργα), is an adjective derived from the name of the architect Hippodamus of Miletus, who is said to have been the first of the Greeks who built whole cities on a regular architectural plan; and hence the word is applied to such cities, and to the public places and buildings in them. Peiraeeus, for example, was designed by Hippodamus, and its market-place was called Ἱπποδάμεια ἀγορά (Harpocr. *s. v.*). Hippodamus flourished during the second half of the fifth century B. C. (See *Dict. of Biog.* art. *Hippodamus;* Müller, *Archäol. d. Kunst,* § 111.) [P. S.]

HIPPO'DROMUS (ἱππόδρομος) was the name by which the Greeks designated the place appropriated to the horse-races, both of chariots and of single horses, which formed a part of their games. The word was also applied to the races themselves.

The mode of fighting from chariots, as described by Homer, involves the necessity of much previous practice; and the funeral games in honour of Patroclus present us with an example of the chariot-race, occupying the first and most important place in those games. (*Il.* xxiii. 262—650.) In this vivid description the nature of the contest and the arrangements for it are very clearly indicated. There is no artificially constructed hippodrome; but an existing land-mark or monument (σῆμα, 331) is chosen as the goal (τέρμα), round which the chariots had to pass, leaving it on the left hand (336), and so returning to the Greek ships on the sea-shore, from which they had started (365). The course thus marked out was so long, that the goal, which was the stump of a tree, could only be clearly seen by its having two white stones leaning against it (327—329), and that, as the chariots return, the spectators are uncertain which is first (450, &c.: the passage furnishes a precedent for betting at a horse-race, 485). The ground is a level plain (330), but with its natural inequalities, which are sufficient to make the light chariots leap from the ground (369, 370), and to threaten an overthrow where the earth was broken by a winter torrent, or a collision in the narrow hollow way thus formed (419—447). The chariots were five in number, each with two horses and a single driver (288, &c.) *; who stood upright in his chariot (370).

In a race of this nature, success would obviously depend quite as much on the courage and skill of the driver as on the speed of the horses; a fact which Homer represents Nestor as impressing upon his son Antilochus in a speech which fully explains the chief stratagems and dangers of the contest, and is nearly as applicable to the chariot races of later times as to the one described by Homer (305—348). At starting, it was necessary so to direct the horses as, on the one hand, to avoid the loss of time by driving wide of the straightest course, and on the other not to incur the risk of a collision in the crowd of chariots, nor to make so straight for the goal as to leave insufficient room to turn it. Here was the critical point of the race, to turn the goal as sharp as possible, with the nave of the near wheel almost grazing it, and to do this safely: very often the driver was here thrown out, and the chariot broken in pieces (334—343, 465—468). There was another danger at this point, which deserves particular notice as connected with the arrangements of the hippodrome of later times. As the horse is a very timid animal, it can easily be understood that the noise and crush of many chariots turning the goal together, with the additional confusion created by the overthrow of some of them, would so frighten some of the horses as to make them unmanageable; and this is expressly referred to by Homer (468)

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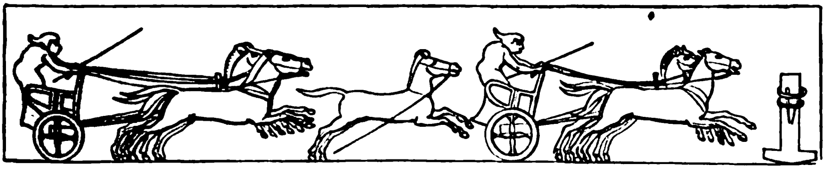
* But Nestor complains of having been once beaten by two brothers driving at once, the one managing the reins and the other plying the whip (638—642).

αἱ δ' ἐξηρώησαν, ἐπεὶ μένος ἔλλαβε θυμόν.

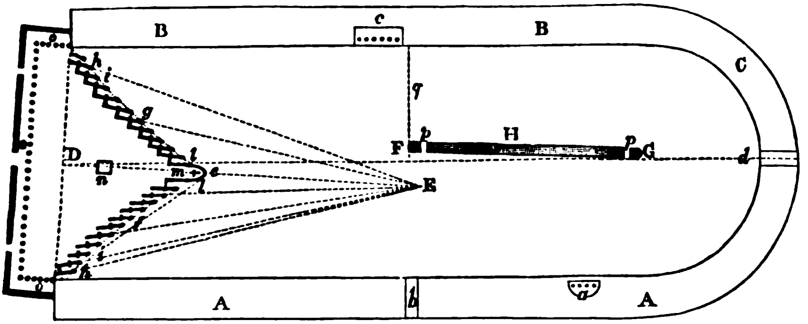
Among the other disasters, to which the competitors were liable were the loss of the whip (384); the reins escaping from the hands (465); the breaking of the pole (392); the light chariot being overturned, or the driver thrown out of it, through the roughness of the ground, or by neglecting to balance the body properly in turning the goal (368, 369, 417—425, 335); and the being compelled to give way to a bolder driver, for fear of a collision (426—437); but it was considered foul play to take such an advantage (439—441, 566—611). These and similar disasters were no doubt frequent, and, in accordance with the religious character of the games, they were ascribed to the intervention of the deities, whom the sufferer had neglected to propitiate (383—393, 546, 547). The prizes, as in the other Homeric games, were of substantial value, and one for each competitor (262—270). The charioteer accused of foul play was required to lay his hand upon his horses, and to swear by Poseidon, the patron deity of the race, that he was guiltless (581—585).

This description may be illustrated by the following engraving from an antique Greek vase; in which we see the goal as a mere stone post, with a fillet wound round it: the form of the chariots are well shown, and the attitude of the drivers; each has four horses, as in the earliest Olympic chariot race; and the vividness of the representation is increased by the introduction of the incident of a horse having got loose from the first chariot, the driver of which strives to retain his place with the other. (Panofka, *Bilder Antiken Lebens*, pl. iii. No. 10.)



For other representations of the race and its disasters, see CIRCUS, p. 285, CURRUS, p. 379.

In no other writer, not even in Pindar, have we a description at once so vivid and so minute, of the Greek chariot race as this of Homer's; but it may be safely assumed that, with a few points of difference, it will give us an equally good idea of a chariot race at Olympia or any other of the great games of later times. The chief points of difference were the greater compactness of the course, in order that a large body of spectators might view the race with convenience, and the greater number of chariots. The first of these conditions involved the necessity of making the race consist of several double lengths of the course, instead of only one; the second required some arrangement by which the chariots might start without confusion and on equal terms. It is now to be seen how these conditions were satisfied in the hippodrome at Olympia; of which the only description we possess is in two passages of Pausanias (vi. 20, v. 15. § 4). Very different explanations have been proposed of some important points in those descriptions; but, from want of space, and from a strong conviction of what the correct explanation is, we pass over the discussion, and give only the result of it, according to the view of Alexandre de la Borde, which is adopted by Hirt (*Lehre d. Gebäude*, pp. 147—150). The following is the ground-plan, which Hirt (pl. xx. fig. 8) has drawn out from the description of Pausanias. A, B, the sides, C, the end of the hippodrome, with raised seats for the spectators (the dotted line D d is the axis of the figure). *a*. Place of honour for the magistrates and musicians; *b*, *d*. gateways; D, the starting-place; *e*, its apex; *f*, *g*, its curved sides; *h*, *i*, &c., up to *l*, stations of the chariots, their directions converging towards the point E. F, G, the goals, or turning-posts; H, the spina; *p p*, small intervals between the spina and the goals; *q*, the winning line; *m*, dolphin used as a signal; *n*, altar, with eagle for signal; *o o o*, portico of Agnamptus.



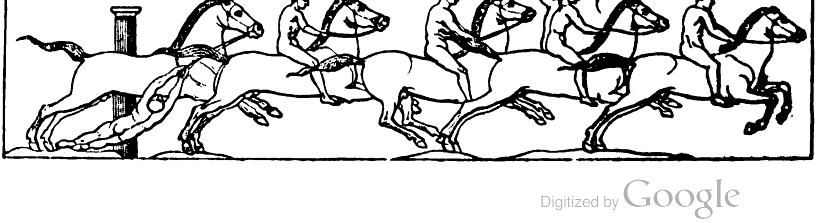
The general form of the hippodrome was an oblong, with a semicircular end, and with the right side, A, somewhat longer than the left, B, for a reason to be stated presently. The right side, A, was formed by an artificial mound; the left, B, by the natural slope of a hill. There were (besides the starting-place) two entrances to the area, *b* and *d*, of which the former was probably for the exit of disabled chariots and horses, and the latter appears to have been for the same purpose as the *porta triumphalis* in the Roman circus. The base of the fourth side, D, was formed by the portico of Agnamptus, so called from its builder. At this end of the hippodrome was the starting-place (ἄφεσις), in the form of the prow of a ship, with its apex, *e*, towards the area, and each of its sides more than 400 feet long. Along both these sides were stalls (οἰκήματα) for the chariots about to start, like the *carceres* in the Roman circus; and it was in the arrangement of these stalls that the peculiarity of the Greek starting-place consisted. According to the view which we follow, the stalls were so arranged, as that the pole of each chariot, while standing in its stall, was directed to a *normal point*, E, at which, as nearly as possible, each chariot ought to fall into its proper course. As this point, E, was necessarily on the right side of the area (in order to turn the goal on the left hand), and as the corresponding stalls on each side were required to be equidistant from the apex, *e* (as will presently be seen) and of course also from the point E, it follows that the base of the *aphesis* must have been perpendicular to the line E e, and therefore oblique to the axis D d; and this is the reason why the side A was longer than the side B. The curvature of the sides of the aphesis, *f*, *g*, is a conjectural arrangement, assumed as that which was probably adopted to give more space to each chariot at starting. The front of each stall had a cord drawn across it, and the necessary arrangements were made for letting these cords fall at the right moments. On the signal being given for the race to begin, the cords in front of the two extreme stalls, *h h*, were let fall simultaneously, and the two chariots started; then those of the next pair; and so on, each pair of chariots being liberated at the precise moment when those which had already started came abreast of their position; and, when all the chariots formed an even line abreast of the apex of the *aphesis*, *e*, it was a fair start. This arrangement of the *aphesis* was the invention of the statuary Cleoetas, and was improved by Aristeides (perhaps the famous painter; see Hirt, *l. c.*). Cleoetas celebrated his invention in an epigram, which he inscribed on the base of a statue made by him at Athens:

> Ὃς τὴν ἱππάφεσιν ἐν Ὀλυμπίᾳ εὕρατο πρῶτος
> Τεῦξε μὲ Κλειοίτας, υἱὸς Ἀριστοκλέους.

Precisely the same arrangements were made for the start in the race of single horses (κέλητες), and in both cases, as in the race described by Homer, the stalls were assigned to the competitors by lot. How many chariots usually started, cannot be determined; but that the number was large is proved by the well-known story, that Alcibiades alone sent to one race seven chariots. Sophocles (*Elect.* 701—708) mentions ten chariots as running at once in the Pythian games; and the number at Olympia was no doubt greater than at any of the other games. This is probably the reason why the arrangements of a starting-place were so much more complicated in the Greek hippodromus than they were in the Roman circus [Circus]. About the centre of the triangular area of the *aphesis* there was an altar, *n*, of rough brick, which was plastered afresh before each festival, surmounted by a bronze eagle with outstretched wings; and above the apex of the aphesis was a bronze dolphin, *m*. As the signal for the race to begin, the eagle was made to soar aloft, so as to be seen by all the spectators, and the dolphin sank to the ground.

The chariots, thus started, had to pass several times round two goals (νύσσαι), the distinction between which is one of the difficult points in the description of Pausanias. On the whole it seems most probable that the one which he describes as having upon it a bronze statue of Hippodameia, holding out the victor's fillet, as if about to crown Pelops with it, was the one nearer to the aphesis, and abreast of the winning line, F; and that the other, G, round which the chariots made their first turn, was that which Pausanias calls "Taraxippus, the terror of the horses." This was a round altar, dedicated to Taraxippus, who was supposed to strike a supernatural terror into the horses as they passed the spot, and whom, therefore, the charioteers sought to propitiate, before the race began, by offering sacrifices and making vows at this altar. Pausanias gives various accounts as to who this Taraxippus was: some modern scholars take the word for an appellation of Poseidon Hippius. He was similarly honoured in the Isthmian hippodrome. At Nemea there was no such hero, but above the turning point of the course there was a bright red rock, which was supposed to frighten the horses. He adds the remark that, the Olympian Taraxippus had by far the most powerful effect upon the horses; and considering that the number of chariots which joined in the race there was greater than at any of the other games, that remark affords a pretty clear proof that the explanation of the supposed supernatural terror is that which has been given above in describing the Homeric race. There are several vase paintings, on which chariots or single horses are exhibited turning the goal, which is represented as a Doric or Ionic column. (See Panofka, *Bilder Antiken Lebens*, pl. iii.) One of these is shown in the following engraving, which exhibits a vivid picture of a race of single horses: the last rider has been unlucky in turning the goal.

There is no authority in the account of Pausanias



for the connecting wall, H, between the goals, nor does he state that the winning line, *q*, was marked out as a white line; but these details are inserted from the analogy of the Roman circus. So also is the oblique position of the line of the goals, as compared with the axis of the figure: of course the greatest space was required at E, where the chariots were all nearly abreast of each other.

Respecting the dimensions of the Olympic Hippodrome we have no precise information; but, from the length of the measure called HIPPICON, and on other grounds, it seems probable that the distance from the starting-place to the goal, or perhaps rather from one goal to the other, was two stadia, so that one double course was four stadia. How many such double courses made up the whole race, we are not informed. The width must have been, at least, as great as the length of each side of the *aphesis*, namely, more than 400 feet. There does not appear to have been much architectural display in the structure, and not many statues. The internal area of the aphesis, D, contained several altars.

The chief points of difference between the Greek hippodrome and the Roman circus are the smaller width of the latter, as only four chariots ran at once, and the different arrangement of the *carceres*. The periods at which the Olympic horse-races were instituted are mentioned under OLYMPIA.

A few other hippodromes in Greece, Syria, and Egypt, are mentioned by Pausanias and other writers; but they deserve no special mention. (Comp. Krause, *Gymn. und Agon.* vol. i. pp. 151, &c.) See also HORTUS. [P. S.]

HIPPOPE'RAE (*ἱπποπήραι*), saddle-bags. This appendage to the saddle [EPHIPPIUM] was made of leather (*sacculi scortei*, Festus, *s. v. Bulgae*), and does not appear ever to have changed its form and appearance. Its proper Latin name was *bisaccium* (Petron. *Sat.* 31), which gave origin to *bisaccia* in Italian and *besace* in French. By the Gauls, saddle-bags were called *bulgae* (Festus, *l. c.*; *Onomast. Gr. Lat.*), because they bulge or swell outwards; this significant appellation is still retained in the Welsh *bolgan* or *bwlgan*. The more elegant term *hippoperae* is adopted by Seneca (*Epist.* 88). [J. Y.]

HISTION and HISTOS (*ἱστίον*, *ἱστός*). [NAVIS.]

HI'STRIO (*ὑποκριτής*), an actor. 1. GREEK. It is shown in the articles CHORUS and DIONYSIA that the Greek drama originated in the chorus which at the festivals of Dionysus danced around his altar, and that at first one person detached himself from the chorus, and, with mimic gesticulation, related his story either to the chorus or in conversation with it. If the story thus acted required more than one person they were all represented in succession by the same actor, and there was never more than one person on the stage at a time. This custom was retained by Thespis and Phrynichus. But it was clear that if the chorus took an active and independent part in such a play, it would have been obliged to leave its original and characteristic sphere. Aeschylus therefore added a second actor, so that the action and the dialogue became independent of the chorus, and the dramatist at the same time had an opportunity of showing two persons in contrast with each other on the stage. (Aristot. *Poet.* ii. 14.) Towards the close of his career, Aeschylus found it necessary to introduce a third actor, as is the case in the Agamemnon, Choëphori, and Eumenides. (Pollux, iv. 110.) This number of three actors was also adopted by Sophocles and Euripides, and was but seldom exceeded in any Greek drama. In the Oedipus in Colonus, however, which was performed after the death of Sophocles, four actors appeared on the stage at once, and this deviation from the general rule was called *παραχορήγημα*. (Pollux, *l. c.*) The three regular actors were distinguished by the technical names of *πρωταγωνιστής*, *δευτεραγωνιστής*, and *τριταγωνιστής* (Suidas, *s. v. Τριταγωνιστής*: Demosth. *de Coron.* p. 315, *de Fals. Leg.* p. 344 and 403), which indicated the more or less prominent part which an actor had to perform in the drama. Certain conventional means were also devised, by which the spectators, at the moment an actor appeared on the stage, were enabled to judge which part he was going to perform; thus, the protagonistes always came on the stage from a door in the centre, the deuteragonistes from one on the right, and the tritagonistes from a door on the left hand side. (Pollux, iv. 124.) The protagonistes was the principal hero or heroine of a play, in whom all the power and energy of the drama were concentrated; and whenever a Greek drama is called after the name of one of its personae, it is always the name of the character which was performed by the protagonistes. The deuteragonistes, in the pieces of Aeschylus for two actors, calls forth the various emotions of the protagonistes either by friendly sympathy or by painful tidings, &c. The part of a tritagonistes is represented by some external and invisible power, by which the hero is actuated or caused to suffer. When a tritagonistes was added, the part assigned to him was generally that of an instigator who was the cause of the sufferings of the protagonistes, while he himself was the least capable of depth of feeling or sympathy. The deuteragonistes in the dramas for three actors is generally distinguished by loftiness and warmth of feeling, but has not its depth and vehemence peculiar to the protagonistes, and thus serves as a foil to set forth the character of the chief hero in its most striking and vivid colours. (Müller, *Hist of Greek Lit.* i. p. 305, &c.; compare Böttiger, *De Actoribus Primarum, Secund. et Tert. Partium.*)

The female characters of a play were always performed by young men. A distinct class of persons, who made acting on the stage their profession, was unknown to the Greeks during the period of their great dramatists. The earliest and greatest dramatic poets, Thespis, Melanthius, Sophocles, and probably Aeschylus also, acted in their own plays, and in all probability as protagonistae. We also know of several instances in which distinguished Athenian citizens appeared on the stage, and Aeschines, the orator, did not scruple to act the part of tritagonistes. (Demosth. *l. c.*) These circumstances show that it was by no means thought degrading in Greece to perform as an actor, and that no stigma whatever was attached to the name of a man for his appearing on the stage. Bad actors, however, to whatever station in life they belonged, were not, on that account, spared; and the general mode of showing displeasure on the part of the spectators seems to have been by whistling. (Demosth. *De Coron.* p. 315.) It appears that when the spectators showed their displeasure in too offensive or insulting a manner, the actors would sometimes attack the most forward of the audience, and quarrels of this kind ended not unfrequently in blows and wounds. (Demosth. *de Coron.* p. 314, *de Fals. Leg.* p. 449; Andocid. *c. Alcib.* p. 121; Athen. ix. p. 406.) At a later period, however, persons began to devote themselves exclusively to the profession of actors, and distinguished individuals received even as early as the time of Demosthenes exorbitant sums for their performances. Various instances are mentioned in Böckh's *Publ. Econ. of Athens*, p. 120, &c. At the time when Greece had lost her independence, we find regular troops of actors, who were either stationary in particular towns of Greece, or wandered from place to place, and engaged themselves wherever they found it most profitable. They formed regular companies or guilds, with their own internal organisation, with their common officers, property, and sacra. We possess a number of inscriptions belonging to such companies, with decrees to honour their superiors, or to declare their gratitude to some king by whom they had been engaged. But these actors are generally spoken of in very contemptuous terms; they were perhaps in some cases slaves or freedmen, and their ordinary pay seems to have been seven drachmae for every performance. (Lucian, *Icaromen.* 29, *de Merced. Cond.* 5; Theophrast. *Charact.* 6.)

(Compare Müller, *Hist. of Greek Lit.* i. p. 304, &c.; Becker, *Charikles*, ii. p. 274; Bode, *Gesch. der Dram. Dichtkunst der Hellenen*, 2 vols. 1839 and 1840.)

2. ROMAN. The word *histriones*, by which the Roman actors were called, is said to have been formed from the Etruscan *hister* which signified a ludio or dancer. (Liv. vii. 2; Val. Max. ii. 4. § 4; compare Plut. *Quaest. Rom.* p. 289, c.) In the year 364 B.C. Rome was visited by a plague, and as no human means could stop it, the Romans are said to have tried to avert the anger of the gods by scenic plays (*ludi scenici*), which, until then, had been unknown to them; and as there were no persons at Rome prepared for such performances, the Romans sent to Etruria for them. The first histriones who were thus introduced from Etruria, were dancers, and performed their movements to the accompaniment of a flute. That the art of dancing to this accompaniment should have been altogether unknown to the Romans is hardly credible; the real secret must have been in the mode of dancing, that is, in the mimic representations of the dancers, such as they are described by Dionysius (*Antiq. Rom.* vii. 72) and Appian (viii. 66). That the Etruscans far excelled the Romans in these mimic dances, is more than probable; and we find that in subsequent times also, a fresh supply of Etruscan dancers (*histriones*) came to Rome. (Müller, *Etrusk.* iv. 1. 6.) Roman youths afterwards not only imitated these dancers, but also recited rude and jocose verses, adapted to the movements of the dance and the melody of the flute. This kind of amusement, which was the basis of the Roman drama, remained unaltered until the time of Livius Andronicus, who introduced a slave upon the stage for the purpose of singing or reciting the recitative, while he himself performed the appropriate dance and gesticulation. [CANTICUM.] A further step in the development of the drama, which is likewise ascribed to Livius, was, that the dancer and reciter carried on a dialogue, and acted a story with the accompaniment of the flute. (See Gronov. *ad Liv. l. c.*) The name histrio, which originally signified a dancer, was now applied to the actors in the drama. The atellanae were played by freeborn Romans, while the regular drama was left to the histriones who formed a distinct class of persons. It is clear from the words of Livy, that the histriones were not citizens; that they were not contained in the tribes, nor allowed to be enlisted as soldiers in the Roman legions; and that if any citizen entered the profession of histrio, he, on this account, was excluded from his tribe. Niebuhr (*Hist. of Rome*, i. p. 520, note 1150) thinks differently, but does not assign any reason for his opinion. The histriones were therefore always either freed-men, strangers, or slaves, and many passages of Roman writers show that they were generally held in great contempt. (Cic. *pro Arch.* 5; Corn. Nep. *Praefat.* 5; Sueton. *Tib.* 35.) Towards the close of the republic it was only such men as Cicero, who, by their Greek education, raised themselves above the prejudices of their countrymen, and valued the person no less than the talents of an Aesopus and Roscius. (Macrob. *Sat.* ii. 10.) But notwithstanding this low estimation in which actors were generally held, distinguished individuals among them attracted immense crowds to the theatres, and were exorbitantly paid. (Cic. *c. Verr.* iv. 16.) Roscius alone received every day that he performed one thousand denarii, and Aesopus left his son a fortune of 200,000 sesterces, which he had acquired solely by his profession. (Macrob. *l. c.*) The position of the histriones was in some respects altered during the empire. By an ancient law the Roman magistrates were empowered to coerce the histriones at any time and in any place, and the praetor had the right to scourge them (*jus virgarum in histriones*). This law was partly abolished by Augustus, in as far as he did entirely away with the jus virgarum, and confined the interference of the magistrates to the time when, and the place where (*ludi et scena*) the actors performed. (Tacit. *Annal.* i. 77.) But he nevertheless inflicted very severe punishments upon those actors who, either in their private life or in their conduct on the stage, committed any impropriety. (Suet. *Aug.* 45.) After these regulations of Augustus the only legal punishments that could be inflicted upon actors for improper conduct, seem to have been imprisonment and exile. (Tacit. *Annal.* iv. 14, xiii. 28.) The jus virgarum is indeed said to have been restored to the praetor by a law of Augustus himself (Paull. *Sent.* v. tit. 26), not expressly, but by the interpretation put upon this law by the jurists. But this interpretation cannot have become valid till after the reign of Tiberius, of whom it is clearly stated that he refused to restore the jus virgarum, because it had been abolished by his predecessor. (Tacit. *Annal.* i. 77.) These circumstances, and the favour of the emperors, increased the arrogance and the loose conduct of the histriones, and the theatres were not seldom the scenes of bloody fights. Hence Tiberius on one occasion found himself obliged to expel all histriones from Italy (Tacit. *Annal.* iv. 14; Dion Cass. lix. 2); but they were recalled and patronised by his successor. (Dion Cass. lix. p. 738.) Some of the later emperors were exceedingly fond of histriones, and kept them for their private amusement (*histriones aulici*, Spartian. *Hadrian.* c. 19; Jul. Capitol. *Verus*, c. 8). They performed at the repasts of

the emperors (Sueton. *Aug.* 74), and were occasionally allowed also to play in the theatres before the people (*publicabantur*). In the Digest (3. tit. 2. s. 1) we read that all actors were infamous. From the time of Tacitus the word histrio was used as synonymous with pantomimus. (Bötticher, *Lex. Tacit.* p. 233.)

Respecting the ordinary pay which common actors received during the time of the republic nothing is known. The pay itself was called *lucar* (Tacit. *Annal.* i. 77; Plut. *Quaest. Rom.* p. 285, c.; Festus, *s. vv. lucar* and *pecunia*); which word was perhaps confined originally to the payment made to those who took part in the religious services celebrated in groves. In the times of the empire it seems that five denarii (Senec. *Epist.* 80), or, according to others (Lucian. *Icaromen.* c. 29), seven drachmae, was the common pay for a histrio for one performance. Several emperors found it necessary to restrict the practice of giving immoderate sums to actors. (Tacit. *l. c.*; Suet. *Tib.* 34.) The emperor M. Antoninus, who was fond of all histrionic arts, ordained that every actor should receive five aurei, and that no one who gave or conducted theatrical representations should exceed the sum of ten aurei. (Jul. Capitol. *M. Anton.* c. 11; compare Schol. *ad Juvenal.* vii. 243.) But it is not clear whether in this regulation the payment for one or more performances is to be understood. These sums were either paid by those who engaged the actors to play for the amusement of the people, or from the fiscus. (Lipsius, *Excurs. N. ad Tacit. Annal.* i.) Besides their regular pay, however, skilful histriones received from the people gold and silver crowns which were given or thrown to them upon the stage. (Phaedr. *Fab.* v. 7. 36; Plin. *H. N.* xxi. 3.) [L. S.]

HODOPOEI (ὁδοποιοί), public officers at Athens, who had to take care of the roads (οἱ ὁδῶν ἐπιμεληταί, Phot. *Lex. s. v.*) They are mentioned in the fragment of a comic poet of the time of Pericles (Plut. *Praec. Pol.* c. 15); but in the time of Aeschines their duties were discharged by the managers of the Theoric fund. (Aesch. *c. Ctes.* p. 419, Reiske; comp. Böckh, *Publ. Econ. of Athens*, p. 203, 2nd ed.)

HOLOSE'RICA VESTIS. [Sericum.]

HOLOSPHY'RATON, HOLOSPHYRE'LATA. [Malleus; Metalla.]

HOMOEI (ὅμοιοι), the Equals, were those Spartans who possessed the full rights of citizenship, and are opposed to the ὑπομείονες, or those who had undergone some kind of civil degradation. (Xen. *de Rep. Laced.* x. 4. s. 7, *Hellen.* iii. 3. § 5; Arist. *Pol.* ii. 6. § 21.) This distinction between the citizens was no part of the ancient Spartan constitution, and is not mentioned by any writer before Xenophon; and Aristotle simply makes a later institution applicable to an early time, when he speaks of the Partheniae as belonging to the Homoei (*Pol.* v. 6. § 1). In the institution ascribed to Lycurgus, every citizen had a certain portion of land; but as in course of time many citizens lost their lands through various causes, they were unable to contribute to the expenses of the syssitia, and therefore ceased to possess the full rights of Spartan citizens. Hence the distinction appears to have arisen between the ὅμοιοι and ὑπομείονες, the former being those who were in the possession of their land, and consequently able to contribute to the syssitia, the latter those who through having no land were unable to do so. (Comp. Arist. *Pol.* ii. 6. § 21, ii. 7. § 4.) Those persons likewise, who did not adopt the Spartan mode of life or had disgraced themselves by any base act, were also reduced to the condition of ὑπομείονες, even if they possessed the requisite landed property (Xen. *de Rep. Lac.* x. 4. s. 7; Plut. *Inst. Lac.* 21; Teles. ap. Stob. *Floril.* xl. p. 233); but as the severity of the ancient Spartan manners decayed, the possession of property became the chief test to a place among the Homoei. The Homoei were the ruling class in the state, and they obtained possession of almost all the privileges and exclusive rights which the legislation of Lycurgus conferred upon the Spartan citizens. They filled all the public offices of the state with the exception of the Ephoralty, and they probably met together to determine upon public affairs under the name of ἔκκλητοι in an assembly of their own, which is called ἡ μικρὰ ἐκκλησία, to distinguish it from the assembly of the whole body of Spartan citizens. (Hermann, *Lehrb. d. Griech. Staatsalterth.* § 47; Id. *de Conditione atque Origine eorum qui Homoei ap. Laced. dicebantur*, Marburg, 1832; Schömann, *Antiq. Jur. Publ. Graec.* p. 119.)

HONORA'RIA ACTIO. [Actio.]

HONORA'RII LUDI. [Ludi.]

HONORA'RIUM. [Advocatus; Lex Cincia.]

HONORA'RIUM JUS. [Edictum.]

HONO'RES. Cicero (*Top.* c. 20) speaks of the "honores populi," and Horace (*Serm.* i. 6. 5) speaks of the populus

"qui stultus honores
Saepe dat indignis."

In both passages the word "honores" means the high offices of the state to which qualified individuals were called by the votes of the Roman citizens. Cicero calls the quaestorship "honor" (see also Liv. vi. 39); and the words "magistratus" and "honores" are sometimes coupled together. The capacity of enjoying the honores was one of the distinguishing marks of citizenship. [Civitas.] In Sulla's proscription (Vell. Pat. ii. 28), there was a clause that the children of the proscribed "petendorum honorum jure prohiberentur."

There appears to be no exact definition of honor earlier than in the jurists whose writings are excerpted in the Digest. "Honor municipalis" is defined to be "administratio reipublicae cum dignitatis gradu, sive cum sumptu, sive sine erogatione contingens." Munus was either publicum or privatum. A publicum munus was concerned about administration (*in administranda republica*), and was attended with cost (*sumptus*) but not with rank (*dignitas*). "Honor" was properly said "deferri," "dari;" munus was said "imponi." Cicero (*de Or.* i. 45) uses the phrase "honoribus et reipublicae muneribus perfunctum," to signify one who has attained all the honours that his state can give, and discharged all the duties which can be required from a citizen. A person who held a magistratus might be said to discharge munera, but only as incident to the office (*magnificentissimo munere aedilitatis perfunctus*, Cic. *ad Fam.* xi. 17), for the office itself was the honor. Such munera as these were public games and other things of the kind. (Dig. 50. tit. 4. *De Muneribus et Honoribus.*) [G. L.]

HOPLI'TAE (ὁπλῖται). [ARMA; EXERCITUS.]

HOPLOMACHI. [GLADIATORES, p. 575, b.]

HORA (ὥρα), in the signification of hour, that is, the 12th part of the natural day, did not come into general use among the ancients until about the middle of the second century B. C. The equinoctial hours, though known to astronomers, were not used in the affairs of common life till towards the end of the fourth century of the Christian era. As the division of the natural day into twelve equal parts, both in summer and winter, rendered the duration of the hours longer or shorter according to the different seasons of the year, it is not easy, with accuracy, to compare or reduce the hours of the ancients to our equinoctial hours. The hours of an ancient day would only coincide with the hours of our day at the two equinoxes. [DIES and HOROLOGIUM.] As the duration of the natural day, moreover, depends on the polar altitude of a place, our natural days would not coincide with the natural days in Italy or Greece. Ideler, in his *Handbuch der Chronologie*, has given the following approximate duration of the natural days at Rome, in the year 45 B. C., which was the first after the new regulation of the calendar by J. Caesar; the length of the days is only marked at the eight principal points in the apparent course of the sun.

Days of the year. 45 B. C.	*Their duration in equinoctial hours.*	
Dec. 23	8 hours	54 minutes.
Feb. 6	9 „	50 „
March 23	12 „	0 „
May 9	14 „	10 „
June 25	15 „	6 „
August 10	14 „	10 „
Sept. 25	12 „	0 „
Nov. 9	9 „	50 „

The following table contains a comparison of the hours of a Roman natural day, at the summer and winter solstice, with the hours of our day.

SUMMER-SOLSTICE.

Roman Hours.	*Modern Hours.*		
1st hour .	4 o'clock,	27 minutes	0 seconds
2d „ .	5 „	42 „	30 „
3rd „ .	6 „	58 „	0 „
4th „ .	8 „	13 „	30 „
5th „ .	9 „	29 „	0 „
6th „ .	10 „	44 „	30 „
7th „ .	12 „	0 „	0 „
8th „ .	1 „	15 „	30 „
9th „ .	2 „	31 „	0 „
10th „ .	3 „	46 „	30 „
11th „ .	5 „	2 „	0 „
12th „ .	6 „	17 „	30 „
End of the day	7 „	33 „	0 „

WINTER-SOLSTICE.

Roman Hours.	*Modern Hours.*		
1st hour .	7 o'clock,	33 minutes	0 seconds
2d „ .	8 „	17 „	30 „
3rd „ .	9 „	2 „	0 „
4th „ .	9 „	46 „	30 „
5th „ .	10 „	31 „	0 „
6th „ .	11 „	15 „	30 „
7th „ .	12 „	0 „	0 „
8th „ .	12 „	44 „	30 „
9th „ .	1 „	29 „	0 „
10th „	2 „	13 „	30 „
11th hour .	2 o'clock,	58 minutes	0 seconds.
12th „ .	3 „	42 „	30 „
End of the day	4 „	27 „	0 „

The custom of dividing the natural day into twelve equal parts or hours lasted, as we have observed, till a very late period. The first calendarium in which we find the duration of day and night marked according to equinoctial hours, is the calendarium rusticum Farnesianum. (Ideler, *Handbuch der Chron.* ii. p. 139, &c.; Graev. *Thesaur. Ant. Rom.* viii.)

Another question which has often been discussed, is whether in such expressions as prima, altera, tertia, hora, &c., we have to understand the hour which is passing, or that which has already elapsed. From the construction of ancient sun-dials on which the hours are marked by eleven lines, so that the first hour had elapsed when the shadow of the gnomon fell upon the first line, it might seem as if hora prima meant after the lapse of the first hour. But the manner in which Martial (iv. 8), when describing the various purposes to which the hours of the day were devoted by the Romans, speaks of the hours, leaves no doubt that the expressions prima, altera, tertia hora, &c., mean the hour which is passing, and not that which has already elapsed. (Becker, *Gallus*, vol. i. p. 184, &c.) [L. S.]

HORCUS (ὅρκος). [JUSJURANDUM.]

HORDEA'RIUM AES. [AES HORDEARIUM.]

HORI (ὅροι), were stone tablets or pillars placed on mortgaged houses and lands at Athens, upon which the debt and the creditor's name were inscribed, and also the name of the archon eponymus in whose year the mortgage had been made. (Harpocrat. *s. v.* Ὅρος and Ἄστικτον: Pollux, iii. 85, ix. 9.) The following inscription upon an ὅρος, found at Acharnae, is taken from Böckh (*Corp. Inscrip.* i. p. 484):—Ἐπὶ Θεοφράστου ἄρχοντος, ὅρος χωρίου τιμῆς ἐνοφειλομένης Φανοστράτῳ Παιαν (ιεῖ) xx, that is, δισχιλίων δραχμῶν. It appears that the estate had been bought of Phanostratus, but that the purchase-money, instead of being paid, was allowed to remain on mortgage.

When the estate of an orphan was let by the archon and his guardian [EPITROPUS], the person to whom it was let was obliged to hypothecate a sufficient piece of ground or other real property, which was called ἀποτίμημα: and upon this an ὅρος was placed, bearing an inscription to that effect, as in the following example, which is taken from an ὅρος found upon the plain of Marathon (Böckh, p. 485):—Ὅρος χωρίου καὶ οἰκίας, ἀποτίμημα παιδὶ ὀρφανῷ Διογείτονος Προβα(λισίου). (Compare Isaeus, *Philoct. hered.* p. 141.) Ὅροι were also placed upon houses and lands on account of money due to a husband for the dowry of his wife (Dem. *c. Spud.* p. 1029. 21), and also upon the property which a husband was obliged to give as a security for the dowry which he received with his wife. (Dem. *c. Onetor.* ii. p. 877.)

The practice of placing these ὅροι upon property was of great antiquity at Athens: it existed before the time of Solon, who removed all stones standing upon estates, when he released or relieved the debtors. (Plut. *Sol.* 15.)

(Böckh, *Publ. Econ. of Athens*, p. 129, 2nd ed. *Corp. Inscrip.* i. p. 484; Museum Criticum, No. viii. p. 622; Herald. *Observ. ad J. A. et R.* p. 216; Meier, *Att. Process*, p. 506.)

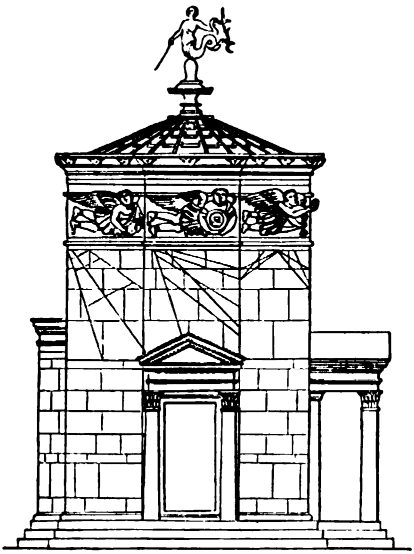
HOROLO'GIUM (ὡρολόγιον) was the name of the various instruments by means of which the ancients measured the time of the day and night. The earliest and simplest horologia of which mention is made, were called πόλος and γνώμων. Herodotus (ii. 109) ascribes their invention to the Babylonians; Phavorinus (*ap. Diog. Laert.* ii. 1. 3; compare Suidas, *s. v.* Γνώμων and Ἀναξίμανδρος) to Anaximander; and Pliny (*H. N.* ii. 76) to his disciple Anaximenes. Herodotus mentions the πόλος and γνώμων as two distinct instruments. Both, however, divided the day into twelve equal parts, and were a kind of sun-dial. The γνώμων, which was also called στοιχεῖον, was the more simple of the two, and probably the more ancient. It consisted of a staff or pillar standing perpendicular, in a place exposed to the sun (σκιάθηρον), so that the length of its shadow might be easily ascertained. The shadow of the gnomon was measured by feet, which were probably marked on the place where the shadow fell. (Hesych. *s. v.* Ἑπτάπους σκία and δωδεκάποδος: Pollux, i. 72.) The gnomon is almost without exception mentioned in connection with the δεῖπνον or the bath; and the time for the former was towards sunset, or at the time when the shadow of the gnomon measured ten or twelve feet. (Aristoph. *Eccles.* 652, with the Schol.; Pollux, *l. c.*; Menander, *ap. Athen.* vi. p. 243; Hesych. *s. v.* Δεκάπουν Στοιχεῖον.) The longest shadow of the gnomon, at sunrise and sunset, was generally 12 feet, but in some cases 24 feet, so that at the time of the δεῖπνον it was 20 feet. (Eubulides, *ap. Athen.* i. p. 8.) The time for bathing was when the gnomon threw a shadow of six feet. (Lucian, *Cronos.* c. 17, *Somn. s. Gall.* c. 9.) In later times the name gnomon was applied to any kind of sun-dial, especially its finger, which threw the shadow, and thus pointed to the hour. Even the clepsydra is sometimes called gnomon. (Athen. ii. p. 42.)

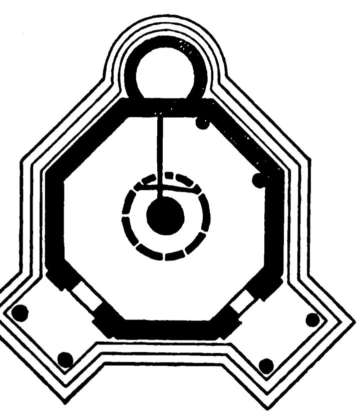
The gnomon was evidently a very imperfect instrument, and it was impossible to divide the day into twelve equal spaces by it. This may be the reason that we find it only used for such purposes as are mentioned above. The πόλος or ἡλιοτρόπιον, on the other hand, seems to have been a more perfect kind of sun-dial; but it appears, nevertheless, not to have been much used, as it is but seldom mentioned. (Aristoph. *ap. Polluc.* ix. 5.) It consisted of a basin (λεκανίς), in the middle of which the perpendicular staff or finger (γνώμων) was erected, and in it the twelve parts of the day were marked by lines. (Alciphron, *Epist.* iii. 4; Lucian, *Lexiph.* c. 4.)

Another kind of horologium was the *clepsydra* (κλεψύδρα). It derived its name from κλέπτειν and ὕδωρ, as in its original and simple form it consisted of a vessel with several little openings (τρυπήματα) at the bottom, through which the water contained in it escaped, as it were, by stealth. This instrument seems as first to have been used only for the purpose of measuring the time during which persons were allowed to speak in the courts of justice at Athens. The time of its invention or introduction is not known; but in the age of Aristophanes (see *Acharn.* 653, *Vesp.* 93 and 827) it appears to have been in common use. Its form and construction may be seen very clearly from a passage of Aristotle (*Problem.* xvi. 8). The clepsydra was a hollow globe, probably somewhat flat at the top part, where it had a short neck (αὐλός), like that of a bottle, through which the water was poured into it. This opening might be closed by a lid or stopper (πῶμα), to prevent the water running out at the bottom. The clepsydra which Aristotle had in view was probably not of glass or of any transparent material, but of bronze or brass, so that it could not be seen in the clepsydra itself what quantity of water had escaped. As the time for speaking in the Athenian courts was thus measured by water, the orators frequently use the term ὕδωρ instead of the time allowed to them (ἐν τῷ ἐμῷ ὕδατι, Demosth. *de Coron.* p. 274; ἐὰν ἐγχωρῇ τὸ ὕδωρ, *c. Leoch.* p. 1094). Aeschines (*c. Ctesiph.* p. 587), when describing the order in which the several parties were allowed to speak, says that the first water was given to the accuser, the second to the accused, and the third to the judges. An especial officer (ὁ ἐφ' ὕδωρ) was appointed in the courts for the purpose of watching the clepsydra, and stopping it when any documents were read, whereby the speaker was interrupted; and it is to this officer that Demosthenes (*c. Steph.* i. p. 1103) calls out: σὺ δὲ ἐπίλαβε τὸ ὕδωρ. The time, and consequently the quantity of water allowed to a speaker depended upon the importance of the case; and we are informed that in a γραφὴ παραπρεσβείας the water allowed to each party amounted to eleven amphorae (Aeschin. *de Fals. Leg.* § 126), whereas in trials concerning the right of inheritance only one amphora was allowed. (Demosth. *c. Macart.* p. 1502.) Those actions in which the time was thus measured to the speakers are called by Pollux (viii. 113) δίκαι πρὸς ὕδωρ: others are termed δίκαι ἄνευ ὕδατος, and in these the speakers were not tied down to a certain space of time. The only instance of this kind of actions of which we know, is the γραφὴ κακώσεως (Harpocrat. *s. v.* κάκωσις).

The clepsydra used in the courts of justice however was, properly speaking, no horologium; but smaller ones, made of glass, and of the same simple structure, were undoubtedly used very early in families for the purposes of ordinary life, and for dividing the day into twelve equal parts. In these glass-clepsydrae the division into twelve parts must have been visible, either on the glass-globe itself, or in the basin into which the water flowed. These instruments, however, did not show the time quite correctly all the year round; first, because the water ran out of the clepsydra sometimes quicker and sometimes slower, according to the different temperature of the water (Athen. ii. p. 42; Plut. *Quaest. Natur.* c. 7); and secondly, because the length of the hours varied in the different seasons of the year. To remove the second of these defects the inside of the clepsydra was covered with a coat of wax during the shorter days, and when they became longer the wax was gradually taken away again. (Aen. Tact. c. 22.) Plato is said to have used a νυκτερινόν ὡρολόγιον in the shape of a large clepsydra, which indicated the hours of the night, and seems to have been of a complicated structure. (Athen. iv. p. 174.) This instance shows that at an early period improvements were made on the old and simple clepsydra. But all these improvements were excelled by the ingenious invention of Ctesibius, a celebrated mathematician of Alexandria (about 135 B. C.). It is called ὡρολόγιον ὑδραυλικὸν, and is described by Vitruvius (ix. 9; compare Athen. *l. c.*). Water was made to drop upon wheels which were thereby turned. The regular movement of these wheels was communicated to a small statue, which, gradually rising, pointed with a little stick to the hours marked on a pillar which was attached to the mechanism. It indicated the hours regularly throughout the year, but still required to be often attended to and regulated. This complicated clepsydra seems never to have come into general use, and was probably only found in the houses of very wealthy persons. The sun-dial or gnomon, and a simpler kind of clepsydra, on the other hand, were much used down to a very late period. The twelve parts of the day were not designated by the name ὥρα until the time of the Alexandrian astronomers, and even then the old and vague divisions, described in the article Dies, were preferred in the affairs of common life. At the time of the geographer Hipparchus, however (about 150 B.C.), it seems to have been very common to reckon by hours. (Comp. Becker, *Charikles*, vol. ii. p. 490, &c.)

There is still existing, though in ruins, a horological building, which is one of the most interesting monuments at Athens. It is the structure formerly called the *Tower of the Winds*, but now known as the *Horological Monument of Andronicus Cyrrhestes* (see *Dict. of Biog. s. v.*). It is expressly called *horologium* by Varro (*R. R.* iii. 5. § 17). This building is fully described by Vitruvius (i. 6. § 4), and the preceding woodcuts show its elevation and ground plan, as restored by Stuart. (*Antiq. of Athens*, vol. i. c. 3.)

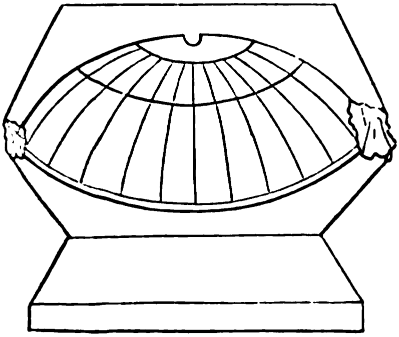




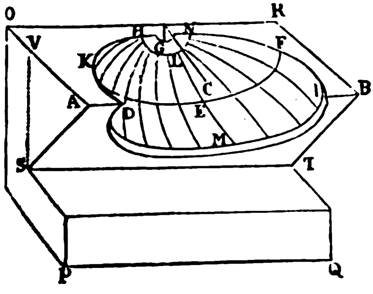
The structure is octagonal; with its faces to the points of the compass. On the N.E. and N.W. sides are distyle Corinthian porticoes, giving access to the interior; and to the south wall is affixed a sort of turret, forming three quarters of a circle, to contain the cistern which supplied water to the clepsydra in the interior. On the summit of the building was a bronze figure of a Triton, holding a wand in his hand; and this figure turned on a pivot, so that the wand always pointed above that side of the building which faced the wind then blowing. The directions of the several faces were indicated by figures of the eight winds on the frieze of the entablature. On the plain wall below the entablature of each face, lines are still visible, which, with the gnomons that stood out above them, formed a series of sun-dials. In the centre of the interior of the building was a clepsydra, the remains of which are still visible, and are shown on the plan, where the dark lines represent the channels for the water, which was supplied from the turret on the south, and escaped by the hole in the centre.

The first horologium with which the Romans became acquainted was a sun-dial (*solarium*, or *horologium sciothericum*), and was, according to some writers, brought to Rome by Papirius Cursor twelve years before the war with Pyrrhus, and placed before the temple of Quirinus (Plin. *H. N.* vii. 60); others stated that it was brought to Rome at the time of the first Punic war, by the consul M. Valerius Messala, and erected on a column behind the Rostra. But this solarium being made for a different latitude did not show the time at Rome correctly. Ninety-nine years afterwards, the censor Q. Marcius Philippus erected by the side of the old solarium a new one, which was more carefully regulated according to the latitude of Rome. But as sun-dials, however perfect they might be, were useless when the sky was cloudy, P. Scipio Nasica, in his censorship, 159 B.C., established a public clepsydra, which indicated the hours both of day and night. This clepsydra was in aftertimes generally called solarium. (Plin. *H. N.* vii. 60; Censorin. *de Die Nat.* c. 23.) The word hora for hour was introduced at Rome at the time when the Romans became acquainted with the Greek horologia, and was in this signification well known at the time of Plautus. (*Pseudol.* v. 2. 10.) After the time of Scipio Nasica several horologia, chiefly solaria, seem to have been erected in various public places at Rome. A magnificent horologium was erected by Augustus in the Campus Martius. It was a gnomon in the shape of an obelisk; but Pliny (*H. N.* xxxvi. 10) complains that in the course of time it had become incorrect. Another horologium stood in the Circus Flaminius. (Vitruv. ix. 9. 1.) Sometimes solaria were attached to the front-side of temples and basilicae. (Varro, *de Ling. Lat.* vi. 4; Gruter, *Inscript.* vi. 6.) The old solarium which had been erected behind the Rostra seems to have existed on that spot till a very late period, and it would seem that the place was called *ad Solarium*, so that Cicero uses this expression as synonymous with Rostra or Forum (*pro Quinct.* 18, *ad Herenn.* iv. 10). Horologia of various descriptions seem also to have been commonly kept by private individuals (Cic. *ad Fam.* xvi. 18); and at the time of the emperors, the wealthy Romans used to keep slaves whose special duty it was to announce the hours of the day to their masters. (Juven. x. 215; Mart. viii. 67; Petron. 26.)

From the number of solaria which have been discovered in modern times in Italy, we must infer that they were very generally used among the ancients. The following woodcut represents one of the simplest horologia which have been discovered; it seems to bear great similarity to that, the invention of which Vitruvius ascribes to Berosus. It was discovered in 1741, on the hill of Tusculum, among the ruins of an ancient villa, and is described by Gio. Luca Zuzzeri, in a work entitled *D'una antica villa scoperta sul dosso del Tusculo, e d'un antico orologio a sole*, Venezia, 1746, and by G. H. Martini, in his *Abhandlung von den Sonnenuhren der Alten*, Leipzig, 1777, p. 49, &c.



The following woodcut shows the same solarium as restored by Zuzzeri.



The breadth as well as the height (A O, and P A) are somewhat more than eight inches; and the length (A B) a little more than sixteen inches. The surface (A O R B) is horizontal. S P Q T is the basis of the solarium, which, originally, was probably erected upon a pillar. Its side, A S T B, inclines somewhat towards the basis. This inclination was called ἔγκλιμα, or inclinatio solarii and enclima succisum (Vitruv. *l. c.*), and shows the latitude or polar altitude of the place for which the solarium was made. The angle of the enclima is about 40° 43′, which coincides with the latitude of Tusculum. In the body of the solarium is the almost spherical excavation, H K D M I F N, which forms a double hemicyclium (*hemicyclium excavatum ex quadrato*, Vitruv.). Within this excavation the eleven hour-lines are marked which pass through three semicircles, H L N, K E F, and D M J. The middle one, K E F, represents the equator, the two others the tropic lines of winter and summer. The curve representing the summer tropic is somewhat more than a semicircle, the other two curves somewhat smaller. The ten middle parts or hours in each of the three curves are all equal to one another; but the two extreme ones, though equal to each other, are by one-fourth smaller than the rest. In the middle, G, of the curve D K H N I J, there is a little square hole, in which the gnomon or pointer must have been fixed, and a trace of it is still visible in the lead by means of which it was fixed. It must have stood in a perpendicular position upon the surface A B R O, and at a certain distance from the surface it must have turned in a right angle above the spheric excavation, so that its end (C) extended as far as the middle of the equator, as it is restored in the above woodcut. See the description of another solarium in G. H. Martini's *Antiquorum Monimentorum Sylloge*, p. 95, &c.

Clepsydrae were used by the Romans in their camps, chiefly for the purpose of measuring accurately the four vigiliae into which the night was divided. (Caes. *de Bell. Gall.* v. 13; Veget. *de Re Milit.* iii. 8; Aen. Tact. c. 22.)

The custom of using clepsydrae as a check upon the speakers in the courts of justice at Rome was introduced by a law of Cn. Pompeius, in his third consulship. (Tacit. *De clar. Orat.* 38.) Before that time the speakers had been under no restrictions, but spoke as long as they deemed proper. At Rome, as at Athens, the time allowed to the speakers depended upon the importance of the case. Pliny (*Epist.* ii. 11) states that on one important occasion he spoke for nearly five hours, ten large clepsydrae having been granted to him by the judices, but the case was so important that four others were added. (Compare Plin. *Epist.* vi. 2; Martial, vi. 35, viii. 7.) Pompeius, in his law, is said to have limited the time during which the accuser was allowed to speak to two hours, while the accused was allowed three hours. (Ascon. *in Milon.* p. 37, ed. Orelli.) This, however, as is clear from the case of Pliny and others, was not observed on all occasions, and we must suppose that it was merely the intention of Pompeius to fix the proportions of the time to be allowed to each party, that is, that in all cases the accuser should only have two-thirds of the time allowed to the accused. This supposition is supported by a case mentioned by Pliny (*Epist.* iv. 9), where, according to law (*e lege*) the accuser had six hours, while the accused had nine. An especial officer was at Rome as well as at Athens appointed to stop the clepsydra during the time when documents were read. (Apul. *Apolog.* i. and ii.; compare Ernesti, *de Solariis*, in his *Opuscul. Philolog. et Crit.* pp. 21—31; Becker, *Gallus*, vol. i. p. 186, &c.) [L. S.]

HOROSCOPUS. [Astrologia, p. 144, b.]

HORREA'RII. [Horreum.]

HORREUM (*ὡρεῖον, σιτοφυλακεῖον, ἀποθήκη*) was, according to its etymological signification, a place in which ripe fruits, and especially corn, were kept, and thus answered to our granary. (Virg. *Georg.* i. 49; Tibull. ii. 5. 84; Horat. *Carm.* i. 1. 7; Cic. *de Leg. Agr.* ii. 83.) During the empire the name horreum was given to any place destined for the safe preservation of things of any kind. Thus we find it applied to a place in which beautiful works of art were kept (Plin. *Epist.* viii. 18); to cellars (*horrea subterranea, horrea vinaria*, Dig. 18. tit. 1. s. 76); to depôts for merchandise, and all sorts of provisions (*horreum penarium*, Dig. 30. tit. 9. s. 3). Seneca (*Epist.* 45) even calls his library a horreum. But the more general application of the word horreum was to places for keeping fruit and corn; and as some kinds of fruit required to be kept more dry than others, the ancients had besides the horrea subterranea, or cellars, two other kinds, one of which was built like every other house upon the ground; but others (*horrea pensilia* or *sublimia*) were erected above the ground, and rested upon posts or stone pillars, that the fruits kept in them might remain dry. (Colum. xii. 50, i. 6; Vitruv. vi. 6. 4.)

From about the year 140 after Christ, Rome possessed two kinds of public horrea. The one class consisted of buildings in which the Romans might deposit their goods, and even their money, securities, and other valuables (Cod. 4. tit. 24. s. 9), for which they had no safe place in their own houses. This kind of public horrea is mentioned as early as the time of Antoninus Pius (Dig. 1. tit. 15. s. 3), though Lampridius (*Alex. Sev.* c. 39) assigns their institution to Alexander Severus. (Compare Dig. 10. tit. 4. s. 5.) The officers who had the superintendence of these establishments were called horrearii. The second and more important class of horrea, which may be termed public granaries, were buildings in which a plentiful supply of corn was constantly kept at the expense of the state, and from which, in seasons of scarcity, the corn was distributed among the poor, or sold at a moderate price. The first idea of building such a public granary arose with C. Sempronius Gracchus (*lex Sempronia frumentaria*); and the ruins of the great granary (*horrea populi Romani*) which he built were seen down to the sixteenth century between the Aventine and the Monte Testaceo. (Appian, *de Bell. Civ.* i. 21; Plut. *C. Gracch.* 5; Liv. *Epit.* 60; Vell. Pat. ii. 6; Cic. *pro Sext.* 24.)

The plan of C. Gracchus was followed out and carried further by Clodius, Pompey, and several of the emperors; and during the empire we thus find a great number of public horrea which were called after the names of their founders, *e. g.*, horrea Aniceti, Vargunteii, Seiani, Augusti, Domitiani, &c. The manner in which corn from these granaries was given to the people differed at different times. [Comp. Frumentariae Leges.] [L. S.]

HORTUS (*κῆπος*), garden. 1. Greek. Our knowledge of the horticulture of the Greeks is very limited. We must not look for information respecting their gardens to the accounts which we find in Greek writers of the gardens of Alcinoüs, filled with all manner of trees and fruit and flowers, and adorned with fountains (*Odyss.* vii. 112—130), or of those of the Hesperides (Hesiod. *Theog.* 25), or of the paradises of the Persian satraps, which resembled our parks (Xen. *Anab.* i. 2. § 7, *Oeconom.* iv. 26, 27; Plut. *Alcib.* 24); for the former gardens are only imaginary, and the manner in which the paradises are spoken of by Greek writers shows that they were not familiar with anything of the kind in their own country. In fact the Greeks seem to have had no great taste for landscape beauties, and the small number of flowers with which they were acquainted afforded but little inducement to ornamental horticulture.

The sacred groves were cultivated with special care. They contained ornamental and odoriferous plants and fruit trees, particularly olives and vines. (Soph. *Oed. Col.* 16; Xen. *Anab.* v. 3. § 12.) Sometimes they were without fruit trees. (Paus. i. 21. § 9.)

The only passage in the earlier Greek writers, in which flower-gardens appear to be mentioned, is one in Aristophanes, who speaks of *κήπους εὐώδεις* (*Aves*, v. 1066). At Athens the flowers most cultivated were probably those used for making garlands, such as violets and roses. In the time of the Ptolemies the art of gardening seems to have advanced in the favourable climate of Egypt so far, that a succession of flowers was obtained all the year round. (Callixenus, *ap. Ath.* v. p. 196.) Longus (*Past.* ii. p. 36) describes a garden containing every production of each season, "in spring, roses, lilies, hyacinths, and violets; in summer, poppies, wild-pears (ἀχράδες), and all fruit; in autumn, vines and figs, and pomegranates and myrtles." That the Greek idea of horticultural beauty was not quite the same as ours, may be inferred from a passage in Plutarch, where he speaks of the practice of setting off the beauties of roses and violets, by planting them side by side with leeks and onions (*De capienda ex inimicis utilitate*, c. 10). Becker considers this passage a proof that flowers were cultivated more to be used for garlands than to beautify the garden. (Becker, *Charikles*, vol. ii. p. 403—405.)

2. Roman. The Romans, like the Greeks, laboured under the disadvantage of a very limited flora. This disadvantage they endeavoured to overcome, by arranging the materials they did possess in such a way as to produce a striking effect. We have a very full description of a Roman garden in a letter of the younger Pliny, in which he describes his Tuscan villa. (Plin. *Epist.* v. 6.) In front of the *porticus* there was generally a *xystus*, or flat piece of ground, divided into flower-beds of different shapes by borders of box. There were also such flower-beds in other parts of the garden. Sometimes they were raised so as to form terraces, and their sloping sides planted with evergreens or creepers. The most striking features of a Roman garden were lines of large trees, among which the plane appears to have been a great favourite, planted in regular order; alleys or walks (*ambulationes*) formed by closely clipt hedges of box, yew, cypress, and other evergreens; beds of acanthus, rows of fruit-trees, especially of vines, with statues, pyramids, fountains, and summer-houses (*diaetae*). The trunks of the trees and the parts of the house or any other buildings which were visible from the garden, were often covered with ivy. (Plin. *l. c.*; Cic. *ad Q. F.* iii. 1, 2.) In one respect the Roman taste differed most materially from that of the present day, namely, in their fondness for the *ars topiaria*, which consisted in tying, twisting, or cutting trees and shrubs (especially the box) into the figures of animals, ships, letters, &c. The im-

portance attached to this part of horticulture is proved not only by the description of Pliny, and the notices of other writers (Plin. *H. N.* xvi. 33. s. 60, xxi. 11. s. 39, xxii. 22. s. 34; Martial, iii. 19), but also by the fact that *topiarius* is the only name used in good Latin writers for the ornamental gardener. Cicero (*Parad.* v. 2) mentions the *topiarius* among the higher class of slaves.

Attached to the garden were places for exercise, the *gestatio* and *hippodromus.* The *gestatio* was a sort of avenue, shaded by trees, for the purpose of taking gentle exercise, such as riding in a litter. (Plin. *Epist.* v. 6, ii. 17.) The *hippodromus* (not, as one reading gives the word in Pliny, *hypodromus*) was a place for running or horse exercise, in the form of a circus, consisting of several paths divided by hedges of box, ornamented with topiarian work, and surrounded by large trees. (Plin. *l. c.*; Martial, xii. 50, lvii. 23.)

The flowers which the Romans possessed, though few in comparison with the species known to us, were more numerous than some writers have represented; but the subject still requires investigation. Their principal garden-flowers seem to have been violets and roses, and they also had the crocus, narcissus, lily, gladiolus, iris, poppy, amaranth, and others.

Conservatories and hot-houses are not mentioned by any writer earlier than the first century of our era. They are frequently referred to by Martial (viii. 14, 68, iv. 19, xiii. 127). They were used both to preserve foreign plants and to produce flowers and fruit out of season. Columella (xi. 3. §§ 51, 52) and Pliny (*H. N.* xix. 5. s. 23) speak of forcing-houses for grapes, melons, &c. In every garden there was a space set apart for vegetables (*olera*).

Flowers and plants were also kept in the central space of the peristyle [Domus], on the roofs, and in the windows of the houses. Sometimes, in a town, where the garden was very small, its walls were painted in imitation of a real garden, with trees, fountains, birds, &c., and the small area was ornamented with flowers in vases. A beautiful example of such a garden was found at Pompeii. (Gell's *Pompeiana*, ii. 4.)

An ornamental garden was also called *viridarium* (Dig. 33. tit. 7. s. 8), and the gardener *topiarius* or *viridarius.* The common name for a gardener is *villicus* or *cultor hortorum.* We find also the special names *vinitor*, *olitor.* The word *hortulanus* is only of late formation. The *aquarius* had charge of the fountains both in the garden and in the house. (Becker, *Gallus*, vol. i. p. 283, &c.; Böttiger, *Racemationen zur Garten-Kunst der Alten.*) [P. S.]

HOSPES. [Hospitium.]

HOSPITIUM (ξενία, προξενία). Hospitality is one of the characteristic features of almost all nations previous to their attaining a certain degree of civilisation. In civilised countries the necessity of general hospitality is not so much felt; but at a time when the state or the laws of nations afforded scarcely any security, and when the traveller on his journey did not meet with any places destined for his reception and accommodation, the exercise of hospitality was absolutely necessary. Among the nations of antiquity, with whom the right of hospitality was hallowed by religion, it was to some degree observed to the latest period of their existence, and acquired a political importance which it has never had in any other state. It was in Greece, as well as at Rome, of a twofold nature, either private or public, in as far as it was either established between individuals, or between two states. (*Hospitium privatum* and *hospitium publicum*, *ξενία* and *προξενία.*)

1. Greek. In ancient Greece the stranger, as such (*ξένος* and *hostis*), was looked upon as an enemy (Cic. *de Off.* i. 12; Herod. ix. 11; Plut. *Aristid.* 10); but whenever he appeared among another tribe or nation without any sign of hostile intentions, he was considered not only as one who required aid, but as a suppliant, and Zeus was the protecting deity of strangers and suppliants. (Ζεὺς *ξένιος* and *ἱκετήσιος*: Hom. *Od.* xiv. 57, &c. 283, ix. 270, xiii. 213, vii. 164: compare Apollon. *Argonaut.* ii. 1134; Aelian. *V. H.* iv. 1.) This religious feeling was strengthened by the belief that the stranger might possibly be a god in disguise. (*Odyss.* xvii. 484.) On his arrival therefore, the stranger, of whatever station in life he might be, was kindly received, and provided with everything necessary to make him comfortable, and to satisfy his immediate wants. The host did not inquire who the stranger was, or what had led him to his house, until the duties of hospitality were fulfilled. During his stay, it was a sacred duty of his host to protect him against any persecution, even if he belonged to a politically hostile race, so that the host's house was a perfect asylum to him. On his departure he was dismissed with presents and good wishes. (*Odyss.* iv. 37, &c., Nitzch's note.) It seems to have been customary for the host, on the departure of the stranger, to break a die (*ἀστράγαλος*) in two, one half of which he himself retained, while the other half was given to the stranger; and when at any future time they or their descendants met, they had a means of recognising each other, and the hospitable connection was renewed. (Schol. *ad Eurip. Med.* 613.) Hospitality thus not only existed between the persons who had originally formed it, but was transferred as an inheritance from father to son. To violate the laws of hospitality was a great crime and act of impiety, and was punished by men as well as gods (*δίκαι κακοξενίας*, Aelian, *l. c.*; Paus. vii. 25). Instances of such hereditary connections of hospitality are mentioned down to a very late period of Greek history; and many towns, such as Athens, Corinth, Byzantium, Phasis, and others, were celebrated for the hospitable character of their citizens. (Herod. vi. 35; Thucyd. ii. 13; Plato, *Crito*, p. 45, c.; Stobaeus, *Florileg.* tit. xliv. 40, &c.) But when a more regular and frequent intercourse among the Greeks began to be established, it was impossible to receive all these strangers in private houses. This naturally led to the establishment of inns (*πανδοκεῖον*, *καταγώγιον*, *κατάλυσις*), in which such strangers as had no hospitable connections found accommodation. For those occasions, on which numerous visitors flocked to a particular place for the purpose of celebrating one of the great or national festivals, the state or the temple provided for the accommodation of the visitors either in tents or temporary inns erected about the temple. (Aelian, *V. H.* iv. 9; Schol. *ad Pind. Ol.* xi. 51 and 55: compare Plato, *de Leg.* xii. p. 952; Lucian, *Amor.* 12; Thucyd. iii. 68.) The kind of hospitality which was exercised by private individuals on such festive occasions probably differed very little from that which is cus-

tomary among ourselves, and was chiefly shown towards friends or persons of distinction and merit, whose presence was an honour to the house wherein they stayed. (Xen. *Oecon.* 2. 5 ; Plato, *Protag.* p. 315 ; Becker, *Charikles*, vol. i. p. 134.) In the houses of the wealthier Greeks a separate part (*hospitium* or *hospitalia* and ξενῶνες) with a separate entrance, was destined for the reception and habitation of strangers, and was provided with all the necessary comforts for the temporary occupants. On the first day after their arrival they were generally invited to the table of their host ; but afterwards their provisions (ξένια), consisting of fowl, eggs, and fruit, were either sent to them, or they had to purchase them themselves. (Vitruv. vi. 7. 4 ; Apul. *Metam.* ii. p. 19.)

What has been said hitherto, only refers to hospitium privatum, that is, the hospitality existing between two individuals or families of different states. Of far greater importance, however, was the hospitium publicum (προξενία, sometimes simply ξενία), or public hospitality which existed between two states, or between an individual or a family on the one hand, and a whole state on the other. Of the latter kind of public hospitality many instances are recorded, such as that between the Peisistratids and Sparta, in which the people of Athens had no share. The hospitium publicum among the Greeks arose undoubtedly from the hospitium privatum, and it may have originated in two ways. When the Greek tribes were governed by chieftains or kings, the private hospitality existing between the ruling families of two tribes may have produced similar relations between their subjects, which after the abolition of the kingly power, continued to exist between the new republics as a kind of political inheritance of former times. Or a person belonging to one state might have either extensive connections with the citizens of another state, or entertain great partiality for the other state itself, and thus offer to receive all those who came from that state either on private or public business, and act as their patron in his own city. This he at first did merely as a private individual, but the state to which he offered this kind service would naturally soon recoghise and reward him for it. When two states established public hospitality, and no individuals came forward to act as the representatives of their state, it was necessary that in each state persons should be appointed to show hospitality to, and watch over the interests of, all persons who came from the state connected by hospitality. The persons who were appointed to this office as the recognised agents of the state for which they acted were called πρόξενοι, but those who undertook it voluntarily ἐθελοπρόξενοι. (Pollux, iii. 59 ; compare Thucyd. ii. 29 with Arnold's note, and iii. 70 with Göller's.)

The office of proxenus, which bears great resemblance to that of a modern consul or minister-resident, was in some cases hereditary in a particular family. When a state appointed a proxenus, it either sent out one of its own citizens to reside in the other state, or it selected one of the citizens of this state, and conferred upon him the honour of proxenus. The former was, in early times, the custom of Sparta, where the kings had the right to select from among the Spartan citizens those whom they wished to send out as proxeni to other states. (Herod. vi. 57.) But in subsequent times this custom seems to have been given up, for we find that at Athens the family of Callias were the proxeni of Sparta (Xen. *Hellen.* v. 4. § 22, vi. 3. § 4, &c.) ; at Elis, the Elean Xenias (Paus. iii. 8. § 2) ; and at Argos, the Argive Alciphron. (Thucyd. v. 59.) A Spartan sent out as proxenus was sometimes also entrusted with the power of harmostes, as Clearchus at Byzantium. (Xen. *Hellen.* i. 1. § 35, i. 3. § 15.)

The custom of conferring the honour of proxenus upon a citizen of the state with which public hospitality existed, seems in later times to have been universally adopted by the Greeks. Thus we find besides the instances of Spartan proxeni mentioned above, Nicias the Athenian, as proxenus of Syracuse at Athens (Diodor. xiii. 27), and Arthmius, of Zeleia, as the proxenus of Athens at Zeleia. (Aeschin. *c. Ctesiph.* p. 647 : compare Plato, *de Leg.* i. p. 642.) The common mode of appointing a proxenus was, with the exception of Sparta, by show of hands. (Ulpian, *ad Demosth. Mid.* p. 374.) The principal duties of a proxenus were to receive those persons, especially ambassadors, who came from the state which he represented ; to procure for them the admission to the assembly, and seats in the theatre (Pollux, *l. c.*) ; to act as the patron of the strangers, and to mediate between the two states if any disputes arose. (Xen. *Hellen.* vi. 3. § 4.) If a stranger died in the state, the proxenus of his country had to take care of the property of the deceased. (Demosth. *c. Callip.* p. 1237, &c.)

Regarding the honours and privileges which a proxenus enjoyed from the state which he represented, the various Greek states followed different principles : some honoured their proxenus with the full civic franchise, and other distinctions besides. (Böckh, *Corp. Inscript.* n. 1691—93, and ii. p. 79 ; Demosth. *de Cor.* p. 256 ; Xen. *Hellen.* i. 1. § 26.) But the right of acquiring property in the state of which he thus became a citizen seems not to have been included in his privileges ; for we find that where this right was granted, it was done by an especial document. (Böckh, *Publ. Econ.* p. 140.) A foreigner who was appointed in his own country as proxenus of Athens, enjoyed for his own person the right of hospitality at Athens whenever he visited this city, and all the other privileges that a foreigner could possess without becoming a real Athenian citizen. Among these privileges, though they were not necessarily included in the proxeny, but were granted by special decrees, we may mention, 1. Ἐπιγαμία, which, in cases when it was granted by the more powerful state, generally became mutual (Platner's *Process*, ii. p. 73 ; Xen. *Hellen.* v. 2. § 19) ; 2. The right to acquire property at Athens (ἔγκτησις, ἔμπασις, ἔππασις) ; 3. The exemption from paying taxes (ἀτέλεια or ἀτέλεια ἁπάντων, Demosth. *c. Leptin.* p. 475, compare p. 498) ; and 4. Inviolability in times of peace and war, both by sea and by land. (Böckh, *Corp. Inscrip.* i. p. 725.) Some of these privileges were granted to individuals as well as to whole states ; but we have no instance of a whole state having received all of them, with the exception of those cases where the civic franchise or isopolity was granted to a whole state ; and in this case the practical consequences could not become manifest, unless a citizen of the privileged state actually took up his residence at Athens. (Compare F. W. Ullrich, *de Proxenia*, Berlin, 1822 ; Wachsmuth, *Hellen. Alterth.* vol. i. p. 168, &c. ; Hermann, *Polit. Ant.* § 116.)

2. ROMAN. The hospitality of the Romans was,

as in Greece, either hospitium privatum, or publicum. Private hospitality with the Romans, however, seems to have been more accurately and legally defined than in Greece. The character of a hospes, *i. e.* a person connected with a Roman by ties of hospitality, was deemed even more sacred, and to have greater claims upon the host, than that of a person connected by blood or affinity. The relation of a hospes to his Roman friend was next in importance to that of a cliens. (Gellius, v. 13.) According to Massurius Sabinus (*ap. Gellium*, *l. c.*), a hospes had even higher claims than a cliens. The obligations which the connection of hospitality with a foreigner imposed upon a Roman were to receive in his house his hospes when travelling (Liv. xlii. 1), and to protect, and, in case of need, to represent him as his patron in the courts of justice. (Cic. *in Q. Caecil. Divin.* c. 20.) Private hospitality thus gave to the hospes the claims upon his host which the client had on his patron, but without any degree of the dependence implied in the clientela. Private hospitality was established between individuals by mutual presents, or by the mediation of a third person (Serv. *ad Aen.* ix. 360), and hallowed by religion; for Jupiter hospitalis was thought to watch over the jus hospitii, as Zeus xenios did with the Greeks (Cic. *c. Verr.* iv. 22, *ad Quint. frat.* ii. 12, *pro Deiotar.* 6), and the violation of it was as great a crime and impiety at Rome as in Greece. When hospitality was formed, the two friends used to divide between themselves a tessera hospitalis (Plaut. *Poen.* v. 2. 87, &c.), by which, afterwards, they themselves or their descendants — for the connection was hereditary as in Greece — might recognise one another. From an expression in Plautus (*deum hospitalem ac tesseram mecum fero*, *Poen.* v. 1. 25) it has been concluded that this tessera bore the image of Jupiter hospitalis. Hospitality, when thus once established, could not be dissolved except by a formal declaration (*renuntiatio*, Liv. xxv. 18; Cic. *in Verr.* ii. 36), and in this case the tessera hospitalis was broken to pieces. (Plaut. *Cistell.* ii. 1. 27.) Hospitality was at Rome never exercised in that indiscriminate manner as in the heroic age of Greece, but the custom of observing the laws of hospitality was probably common to all the nations of Italy. (Aelian. *V. H.* iv. 1; Liv. i. 1.) In many cases it was exercised without any formal agreement between the parties, and it was deemed an honourable duty to receive distinguished guests into the house. (Cic. *de Off.* ii. 18, *pro Rosc. Am.* 6.)

Public hospitality seems likewise to have existed at a very early period among the nations of Italy, and the foedus hospitii mentioned in Livy (i. 9) can scarcely be looked upon in any other light than that of hospitium publicum. But the first direct mention of public hospitality being established between Rome and another city, is after the Gauls had departed from Rome, when it was decreed that Caere should be rewarded for its good services by the establishment of public hospitality between the two cities. (Liv. v. 50.) The public hospitality after the war with the Gauls gave to the Caerites the right of isopolity with Rome, that is, the civitas without the suffragium and the honores. [Civitas; Colonia.] In the later times of the republic we no longer find public hospitality established between Rome and a foreign state; but a relation which amounted to the same thing was introduced in its stead, that is, towns were raised to the rank of municipia (Liv. viii. 14), and thus obtained the civitas without the suffragium and the honores; and when a town was desirous of forming a similar relation with Rome, it entered into clientela to some distinguished Roman, who then acted as patron of the client-town. But the custom of granting the honour of hospes publicus to a distinguished foreigner by a decree of the senate, seems to have existed down to the end of the republic. (Liv. i. 45, v. 28, xxxvii. 54.) Whether such a public hospes undertook the same duties towards Roman citizens, as the Greek proxenus, is uncertain; but his privileges were the same as those of a municeps, that is, he had the civitas, but not the suffragium nor the honores. Public hospitality was, like the hospitium privatum, hereditary in the family of the person to whom it had been granted. (Diod. Sic. xiv. 93.) The honour of public hospes was sometimes also conferred upon a distinguished Roman by a foreign state. (Böckh, *Corp. Inscrip.* vol. i. n. 1331; Cic. *pro Balb.* 18, *c. Verr.* iv. 65. Compare Niebuhr, *Hist. of Rome*, vol. ii. p. 58; Walter, *Gesch. des Röm. Rechts*, p. 54, &c.; Göttling, *Gesch. der Röm. Staatsw.* p. 216, &c.) [L. S.]

HO'STIA. [Sacrificium.]

HOSTIS. [Hospitium; Postliminium.]

HYACI'NTHIA (Ὑακίνθια), a great national festival, celebrated every year at Amyclae by the Amyclaeans and Spartans. The ancient writers who mention this festival do not agree in the name of the divinity in whose honour it was held: some say that it was the Amyclaean or the Carneian Apollo, others that it was the Amyclaean hero, Hyacinthus: a third and more probable statement assigns the festival to the Amyclaean Apollo and Hyacinthus together. This Amyclaean Apollo, however, with whom Hyacinthus was assimilated in later times, must not be confounded with Apollo, the national divinity of the Dorians. (Müller, *Orchom.* p. 327, *Dor.* ii. 8. § 15.) The festival was called after the youthful hero Hyacinthus, who evidently derived his name from the flower hyacinth (the emblem of death among the ancient Greeks), and whom Apollo accidentally struck dead with a quoit. The Hyacinthia lasted for three days, and began on the longest day of the Spartan month Hecatombeus (the Attic Hecatombaeon, Hesych. *s. v.* Ἑκατομϐεύς: Manso, *Sparta*, iii. 2. p. 201), at the time when the tender flowers oppressed by the heat of the sun, drooped their languid heads. On the first and last day of the Hyacinthia sacrifices were offered to the dead, and the death of Hyacinthus was lamented. During these two days nobody wore any garlands at the repasts, nor took bread, but only cakes and similar things, and no paeans were sung in praise of Apollo; and when the solemn repasts were over, every body went home in the greatest quiet and order. This serious and melancholy character was foreign to all the other festivals of Apollo. The second day, however, was wholly spent in public rejoicings and amusements. Amyclae was visited by numbers of strangers (πανήγυρις ἀξιόλογος καὶ μεγάλη), and boys played the cithara or sang to the accompaniment of the flute, and celebrated in anapaestic metres the praise of Apollo, while others, in splendid attire, performed a horse-race in the theatre. This horse-race is probably the ἀγών mentioned by Strabo (vi. p. 278). After this race there followed a number of choruses of youths conducted by a χοροποιός (Xen. *Agesil.* 2. 17), in which some of their national songs (ἐπιχώρια ποιήματα) were sung. During the songs of these choruses dancers performed some of the ancient and simple movements with the accompaniment of the flute and the song. The Spartan and Amyclaean maidens, after this, riding in chariots made of wicker-work (κάναθρα), and splendidly adorned, performed a beautiful procession. Numerous sacrifices were also offered on this day, and the citizens kept open house for their friends and relations; and even slaves were allowed to enjoy themselves. (Didymus, *ap. Athen.* iv. p. 139.) One of the favourite meals on this occasion was called κοπίς, and is described by Molpis (*ap. Athen.* iv. p. 140) as consisting of cake, bread, meat, raw herbs, broth, figs, dessert, and the seeds of lupine. Some ancient writers, when speaking of the Hyacinthia, apply to the whole festival such epithets as can only be used in regard to the second day; for instance, when they call it a merry or joyful solemnity. Macrobius (*Saturn.* i. 11) states that the Amyclaeans wore chaplets of ivy at the Hyacinthia, which can only be true if it be understood of the second day. The incorrectness of these writers is however in some degree excused by the fact, that the second day formed the principal part of the festive season, as appears from the description of Didymus, and as may also be inferred from Xenophon (*Hellen.* iv. 5. § 11; compare *Agesil.* 2. 17), who makes the paean the principal part of the Hyacinthia. The great importance attached to this festival by the Amyclaeans and Lacedaemonians is seen from the fact, that the Amyclaeans, even when they had taken the field against an enemy, always returned home on the approach of the season of the Hyacinthia, that they might not be obliged to neglect its celebration (Xen. *Hellen.* iv. 5. § 11; Paus. iii. 10. § 1), and that the Lacedaemonians on one occasion concluded a truce of forty days with the town of Eira, merely to be able to return home and celebrate the national festival (Paus. iv. 19. § 3); and that in a treaty with Sparta, B. C. 421, the Athenians, in order to show their good-will towards Sparta, promised every year to attend the celebration of the Hyacinthia. (Thucyd. v. 23.) [L. S.]

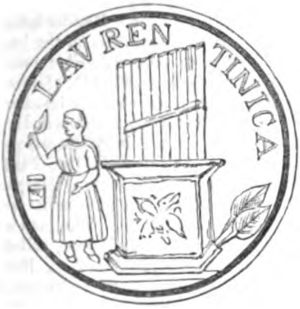
HY'ALUS. [Vitrum.]

HYBREOS GRAPHE (ὕβρεως γραφή). This action was the principal remedy prescribed by the Attic law for wanton and contumelious injury to the person, whether in the nature of indecent (δι' αἰσχρουργίας) or other assaults (διὰ πληγῶν). If the offence were of the former kind, it would always be available when the sufferer was a minor of either sex (for the consent of the infant was immaterial), or when an adult female was forcibly violated: and this protection was extended to all conditions of life, whether bond or free. (Dem. *c. Meid.* p. 529. 15.) The legal representative (κύριος), however, of such person might, if he pleased, consider the injury as a private rather than a public wrong, and sue for damages in a civil action. [Biaion Dike.] With respect to common assaults, a prosecution of this kind seems to have been allowable only when the object of a wanton attack was a free person (Aristot. *Rhet.* ii. 24), as the essence lay in its contumely, and a slave could incur no degradation by receiving a blow, though the injury, if slight, might entitle the master to recover damages for the battery (αἰκία), or, if serious, for the loss of his services [Blabes Dike] in a private lawsuit. (Meier, *Att. Proc.* p. 326.) These two last-mentioned actions might also be resorted to by a free citizen when similarly outraged in his own person, if he were more desirous of obtaining compensation for the wrong, than the mere punishment of the wrongdoer, as the penalty incurred by the defendant in the public prosecution accrued to the state and not to the plaintiff. A fine also of a thousand drachmae, forfeited by the prosecutor upon his relinquishing his suit or failing to obtain the votes of a fifth of the dicasts, may have contributed to render causes of this kind less frequent, and partly account for the circumstance that there are no speeches extant upon this subject. If, however, the case for the prosecution was both strong and clear, the redress afforded by the public action was prompt and efficient. Besides the legitimate protectors of women and children, any Athenian citizen in the enjoyment of his full franchise might volunteer an accusation: the declaration was laid before the thesmothetae, who, except it were hindered by extraordinary public business, were bound not to defer the trial before the Heliaea beyond a month. The severity of the sentence extended to confiscation or death; and if the latter were awarded, the criminal was executed on the same day: if a fine were imposed upon him he was allowed but eleven days for its payment, and, if the object of his assault were a free person, he was imprisoned till the claim of the state was liquidated. (Dem. *l. c.*; Aeschin. *c. Timarch.* p. 41.) [J. S. M.]

HYDRA'LETA. [Mola.]

HYDRAULA (ὑδραύλης), an organist. According to an author quoted by Athenaeus (iv. 75; compare Plin. *H. N.* vii. 38), the first organist was Ctesibius of Alexandria, who lived about B. C. 200. He evidently took the idea of his organ from the Syrinx or Pandean pipes, a musical instrument of the highest antiquity among the Greeks. His object being to employ a row of pipes of great size, and capable of emitting the most powerful as well as the softest sounds, he contrived the means of adapting keys with levers (ἀγκωνίσκοι), and with perforated sliders (πώματα), to open and shut the mouths of the pipes (γλωσσόκομα), a supply of wind being obtained, without intermission, by bellows, in which the pressure of water performed the same part which is fulfilled in the modern organ by a weight. On this account the instrument invented by Ctesibius was called the water-organ (ὕδραυλις, Athen. *l. c.*; ὑδραυλικὸν ὀργάνον, Hero, *Spirit.*; *hydraulica machina*, Vitruv. x. 13; Schneider, *ad loc.*; Drieberg, *die pneum. Erfindungen der Griechen*, pp. 53—61; *hydraulus*, Plin. *H. N.* ix. 8; Cic. *Tusc.* iii. 18). Its pipes were partly of bronze (χαλκειὴ ἀρούρα, Jul. Imp. in Brunck's *Anal.* ii. 403; *seges aëna*, Claud. *de Mall. Theod. Cons.* 316), and partly of reed. The number of its stops, and consequently of its rows of pipes, varied from one to eight (Vitruv. *l. c.*), so that Tertullian (*de Anima*, 14) describes it with reason as an exceedingly complicated instrument. It continued in use so late as the ninth century of our era: in the year 826, a water-organ was erected by a Venetian in the church of Aquisgranum, the modern Aix-la-Chapelle. (Quix, *Münster-kirche in Aachen*, p. 14.)

The organ was well adapted to gratify the Roman people in the splendid entertainments provided for them by the emperors and other opulent persons. Nero was very curious about organs, both in regard to their musical effect and their mechanism. (Sueton. *Ner.* 41. 54.) A contorniate coin of this emperor, in the British Museum (see woodcut), shows an organ with a sprig of laurel on one side, and a man standing on the other, who may have been victorious in the exhibitions of the circus or the amphitheatre. It is probable that these medals were bestowed upon such victors, and that the organ was impressed upon them on account of its introduction on such occasions. (Havercamp, *de Num. contorniatis;* Rasche, *Lex. Univ. Rei Num. s.v. Hydraulicum Instrumentum.*) The general form of the organ is also clearly exhibited in a poem by Publilius Porphyrius Optatianus, describing the instrument, and composed of verses so constructed as to show both the lower part which contained the bellows, the wind-chest which lay upon it, and over this the row of 26 pipes. These are represented by 26 lines, which increase in length each by one letter, until the last line is twice as long as the first. (Wernsdorf, *Poetae Lat. Min.* vol. ii. pp. 394—413.) [J. Y.]



HYDRAU'LICA MA'CHINA. [HYDRAULA.]

HYDRAULUS [HYDRAULA.]

HY'DRIA (ὑδρία). [SITULA.]

HYDRIAPHO'RIA (ὑδριαφορία) was one of the services which aliens (μέτοικοι) residing at Athens had to perform to the Athenians at the Panathenaea, and by which it was probably only intended to impress upon them the recollection that they were mere aliens and not citizens. The hydriaphoria was performed only by the wives of aliens (Pollux, iii. 55); whereas their daughters had on the same occasion to perform the σκιαδηφορία (the carrying of parasols) to the Athenian maidens, and their husbands the σκαφηφορία (the carrying of vessels, see Aelian, *V. H.* vi. 1, with Perizonius; Harpocrat. *s. v.* Σκαφήφοροι). It is clear from the words of Aelian that these humiliating services were not demanded of the aliens by the laws of Solon, but that they were introduced at a later period. (Petitus, *Leg. Att.* p. 95.) The hydriaphoria was the carrying of a vessel with water (ὑδρία, Aristoph. *Eccles.* 738), which service the married alien women had to perform to the married part of the female citizens of Athens, when they walked to the temple of Athena in the great procession at the Panathenaea. (Compare Meursius, *Panathenaea*, c. 21.) [L. S.]

HYDROMELI. [VINUM.]

HYLO'RI or HYLEO'RI (ὑλωροί, ὑληωροί), are said by Hesychius (*s. v.*) to have been officers who had the superintendence of forests (ὕλην φυλάσσων, compare Suidas, *s. v.*). Aristotle (*Polit.* vi. 5), who divides all public officers into three classes (ἀρχαί, ἐπιμεληταί, and ὑπηρέται), reckons the ὑλωροί among the ἐπιμεληταί, and says that by some they were called ἀγρονόμοι. They seem to have been a kind of police for the protection of the forests, similar to the German *förster.* But the exact nature of their office, or the Greek states where it existed, are unknown. [L. S.]

HYPAETHRUS. [TEMPLUM.]

HYPASPISTAE (ὑπασπισταί). [EXERCITUS, p. 488, b.]

HYPE'RETES (ὑπηρέτης). This word is derived from ἐρέσσω, ἐρέτης, and therefore originally signifies a rower; but in later times the word was, with the exception of the soldiers or marines, applied to the whole body of persons who performed any service in a vessel. (Thucyd. vi. 31, with Göller's note; Demosth. *c. Polycl.* pp. 1214, 1216, &c.; Polyb. v. 109.) In a still wider sense ὑπηρέτης was applied to any person who acted as the assistant of another, and performed manual labour for him, whether in sacred or profane things (Pollux, i. 1, 16, viii. 10), whence the word is sometimes used as synonymous with slave. (Clitarchus, *ap. Athen.* vi. p. 267; compare Pollux, vii. 8. 2; Hesych. *s. v.*) Hence also the name ὑπηρέται was sometimes given to those men by whom the hoplitae were accompanied when they took the field, and who carried the luggage, the provisions, and the shield of the hoplites. (Xen. *Cyrop.* ii. 1. § 31.) The more common name for this servant of the hoplites was σκευόφορος.

At Athens the name ὑπηρέτης, or the abstract ὑπηρεσία, seems to have been applied to a whole class of officers. Aristotle (*Polit.* vi. 5) divides all public offices into three classes, ἀρχαί or magistracies, ἐπιμέλειαι or administrations, and ὑπηρεσίαι or services. Now all public officers at Athens, in as far as they were the representatives of the people, or the executors of its will, were appointed by the people itself or by the senate; and with the exception of some subaltern military officers, we never find that one public officer was appointed by another. A public officer, therefore, when he appointed another person to perform the lower or more mechanical parts of his office, could not raise him to the rank of a public officer, but merely engaged him as a servant (ὑπηρέτης), and on his own responsibility. These ὑπηρέται, therefore, were not public officers, properly speaking, but only in as far as they took a part in the functions of such officers. The original and characteristic difference between them and real public officers was, that the former received salaries, while the latter had none. Among the ὑπηρέται were reckoned the lower classes of scribes [GRAMMATEUS], heralds, messengers, the ministers of the Eleven, and others. This class of persons, as might be supposed, did not enjoy any high degree of estimation at Athens (Pollux, vi. 31), and from Aristotle (*Polit.* iv. 12) it is clear that they were not always Athenian citizens, but sometimes slaves. [L. S.]

HYPEROON (ὑπερῷον). [DOMUS, p. 426, a.]

HYPOBOLES GRAPHE (ὑποβολῆς γραφή). Of this action we learn from the Lex Rhet. that it was one of the many institutions calculated to preserve the purity of Attic descent, and preferred against persons suspected of having been supposititious children. If this fact was established at the trial, the pretended citizen was reduced to slavery, and his property confiscated. [J. S. M.]

HYPOCAUSTUM. [Balneae, p. 192, b.]

HYPOCOSME'TAE (ὑποκοσμηταί), frequently occur in Athenian inscriptions of the time of the Roman empire, as assistants of the κοσμητής, who at that period was the chief officer who regulated the exercises of the Gymnasium. (Krause, *Gymnastik und Agonistik*, vol. i. p. 212, &c.)

HYPO'CRITES (ὑποκριτής). [Histrio.]

HYPODE'MA (ὑποδῆμα). [Calceus.]

HYPOGE'UM. [Funus, p. 561, a.]

HYPOGRAMMATEUS (ὑπογραμματεύς). [Grammateus.]

HYPO'GRAPHIS. [Pictura, No. VI.]

HYPOMEI'ONES (ὑπομείονες). [Homoei].

HYPOMO'SIA (ὑπομοσία). [Diaetetae; Dike.]

HYPO'NOMUS. [Emissarium.]

HYPORCHE'MA (ὑπόρχημα), was a lively kind of mimic dance which accompanied the songs used in the worship of Apollo, especially among the Dorians. It was performed by men and women. (Athen. xiv. p. 631.) A chorus of singers at the festivals of Apollo usually danced around the altar, while several other persons were appointed to accompany the action of the song with an appropriate mimic performance (ὑπορχεῖσθαι). The hyporchema was thus a lyric dance, and often passed into the playful and comic, whence Athenaeus (xiv. p. 630, &c.) compares it with the cordax of comedy. It had, according to the supposition of Müller, like all the music and poetry of the Dorians, originated in Crete, but was at an early period introduced in the island of Delos, where it seems to have continued to be performed down to the time of Lucian. (Athen. i. p. 15; Lucian, *de Saltat.* 16; compare Müller, *Dor.* ii. 8. § 14.) A similar kind of dance was the γέρανος, which Theseus on his return from Crete was said to have performed in Delos, and which was customary in this island as late as the time of Plutarch. (*Thes.* 21.) The leader of this dance was called γερανουλκός. (Hesych. *s. v.*) It was performed with blows, and with various turnings and windings (ἐν ῥυθμῷ περιελίξεις καὶ ἀνελίξεις ἔχοντι), and was said to be an imitation of the windings of the Cretan labyrinth. When the chorus was at rest, it formed a semicircle, with leaders at the two wings. (Pollux, iv. 101.)

The poems or songs which were accompanied by the hyporchem were likewise called hyporchemata. The first poet to whom such poems are ascribed was Thaletas: their character must have been in accordance with the playfulness of the dance which bore the same name, and by which they were accompanied. The fragments of the hyporchemata of Pindar confirm this supposition, for their rhythms are peculiarly light, and have a very imitative and graphic character. (Böckh, *de Metr. Pind.* p. 201, &c., and p. 270.) These characteristics must have existed in a much higher degree in the hyporchematic songs of Thaletas. (Müller, *Hist. of Greek Lit.* i. p. 23, &c.; compare with p. 160, &c.) [L. S.]

HYPOSCE'NIUM. [Theatrum.]

HYPOTHE'CA. [Pignus.]

HYPOTHECA'RIA ACTIO. [Pignus.]

HYPOTRACHE'LIUM. [Columna, p. 325, a.]

HYSPLENX (ὕσπληγξ). [Stadium.]

I. J.

JACULATO'RES. [Exercitus, p. 503, a.]

JA'CULUM. [Hasta.]

JA'NITOR. [Janua.]

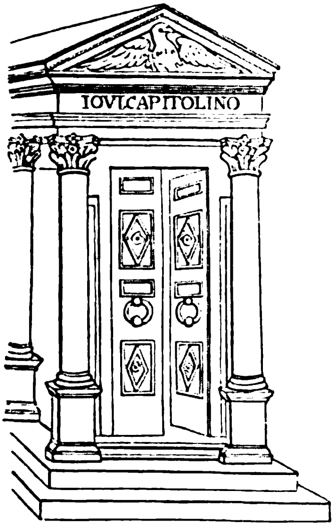
JA'NUA (θύρα), a door. Besides being applicable to the doors of apartments in the interior of a house, which were properly called *ostia* (Isid. *Orig.* xv. 7; Virg. *Aen.* vi. 43. 81), this term more especially denoted the first entrance into the house, *i. e.* the front or street door, which was also called *anticum* (Festus, *s. v.*), and in Greek θύρα αὔλειος, αὐλεία, αὔλιος, αὐλία (*Od.* xxiii. 19; Pind. *Nem.* i. 19; Menand. p. 87, ed. Mein.; Harpocration, *s. v.*; Theophr. *Char.* 18; Theocrit. xv. 43; Charit. i. 2; Herodian, ii. 1). The houses of the Romans commonly had a back-door, called *posticum*, *postica*, or *posticula* (Festus, *s. v.*; Hor. *Epist.* i. 5. 31; Plaut. *Most.* iii. 3. 27; Sueton. *Claud.* 18), and in Greek παράθυρα *dim.* παραθύριον. Cicero (*post. Red.* 6) also calls it *pseudothyron*, "the false door," in contradistinction to janua, the front door; and, because it often led into the garden of the house (Plaut. *Stich.* iii. 1. 40—44), it was called the garden-door (κηπαία, Hermip. *ap. Athen.* xv. 6).

The door-way, when complete, consisted of four indispensable parts, the threshold, or sill; the lintel; and the two jambs.

The threshold (*limen*, βηλὸς, οὐδας) was the object of superstitious reverence, and it was thought unfortunate to tread on it with the left foot. On this account the steps leading into a temple were of an uneven number, because the worshipper, after placing his right foot on the bottom step, would then place the same foot on the threshold also. (Vitruv. iii. 4.) Of this an example is presented in the woodcut, p. 97.

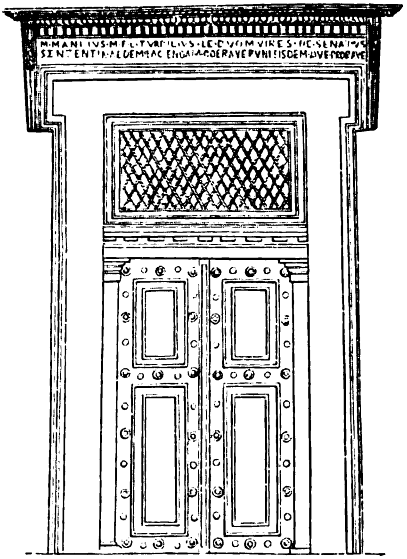
The lintel (*jugumentum*, Cat. *de Re Rust.* 14; *supercilium*, Vitruv. iv. 6) was also called *limen* (Juv. vi. 227), and more specifically *limen superum*, to distinguish it from the sill, which was called *limen inferum*. (Plaut. *Merc.* v. 1. 1.) Being designed to support a superincumbent weight, it was generally a single piece, either of wood or stone. Hence those lintels, which still remain in ancient buildings, astonish us by their great length. In large and splendid edifices the jambs or door-posts (*postes*, σταθμοί) were made to converge towards the top, according to certain rules, which are given by Vitruvius (*l. c.*). In describing the construction of temples he calls them *antepagmenta*, the propriety of which term may be understood from the ground-plan of the door at p. 241, where the hinges are seen to be behind the jambs. This plan may also serve to show what Theocritus means by the *hollow* door-posts (σταθμὰ κοῖλα θυράων, *Idyll.* xxiv. 15). In the Augustan age it was fashionable to inlay the posts with tortoise-shell. (Virg. *Georg.* ii. 463.) Although the jamb was sometimes nearly twice the length of the lintel, it was made of a single stone even in the largest edifices. A very striking effect was produced by the height of these door-ways, as well as by their costly decorations, beautiful materials, and tasteful proportions.

The door in the front of a temple, as it reached nearly to the ceiling, allowed the worshippers to view from without the entire statue of the divinity,



and to observe the rites performed before it. Also the whole light of the building was commonly admitted through the same aperture. These circumstances are illustrated in the accompanying woodcut, showing the front of a small temple of Jupiter, taken from a bas-relief. (*Mon. Matt.* vol. iii. *Tab.* 39.) The term *antepagmentum*, which has been already explained, and which was applied to the lintel as well as the jambs (*antepagmentum superius*, Vitruv. iv. 6. § 1), implies, that the doors opened inwards. This is clearly seen in the same woodcut, and is found to be the construction of all ancient buildings at Pompeii and other places. In some of these buildings, as for example, in that called "the house of the tragic poet," even the marble threshold rises about an inch higher than the bottom of the door (Gell's *Pompeiana*, 2nd Ser. vol. i. p. 144), so that the door was in every part behind the door-case. After the time of Hippias the street-doors were not permitted to open outwardly at Athens (Becker, *Charikles*, vol. i. pp. 189, 200); and hence *ἐνδοῦναι* meant to open the door on coming in, and *ἐπισπάσασθαι* or *ἐφελκύσασθαι* to shut it on going out. In a single instance only were the doors allowed to open outwardly at Rome; an exception was made as a special privilege in honour of M. Valerius Publicola. (Schneider, *in Vitruv.* iv. 6. § 6.)

The lintel of the oblong door-case was in all large and splendid buildings, such as the great temples, surmounted either by an architrave and cornice, or by a cornice only. As this is not shown in the bas-relief above introduced, an actual door-way, viz., that of the temple of Hercules at Cora, is here added. Above the lintel is an architrave with a Latin inscription upon it, and above this a projecting cornice supported on each side by a console, which reaches to a level with the bottom of the lintel. The top of the cornice (*corona summa*, Vitruv. iv. 6. § 1) coincided in height with the tops of the capitals of the columns of the pronaos, so that the door-way, with its superstructure, was exactly equal in height to the columns and the Antae. This superstruction was the *hyperthyrum* of Vitruvius (*l. c.*), and of the Greek architects whom he followed. The next woodcut shows one of the two consoles which support the cornice of a beautiful Ionic door-way in the temple of Minerva Polias at Athens. In the inscription relating to the building of that temple, which is now in the Elgin collection of the British Museum, the object here delineated is called *οὖς τῷ ὑπερθύρῳ*. Other Greek names for it, used by Vitruvius (iv. 6. § 4), are *parotis* and *ancon*, literally a "side-ear" and "an elbow." The use of consoles, or trusses, in this situation was characteristic of the Ionic style of architecture, being never admitted in the Doric. It is to be observed that Homer (*Od.* vii. 90), Hesiod (*Scut.* 271), and Herodotus (i. 179), use the term *ὑπέρθυρον*, or its diminutive *ὑπερθύριον*, to include the lintel. Upon some part of the hyperthyrum there was often an inscription, recording the date and occasion of the erection, as in the case of the temple of Hercules above represented, or else merely expressing a moral sentiment, like the celebrated "Know thyself" upon the temple at Delphi.


M·MANLIVS·M·F·L·TVRPILIVS·L·F·DVOMVIRES·DE·SENATVS
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The door itself was called *foris* or *valva*, and in Greek *σανίς*, *κλισίας*, or *θύρετρον*. These words are commonly found in the plural, because the doorway of every building of the least importance contained two doors folding together, as in all the instances already referred to. When foris is used in the singular, we may observe that it denotes one of the folding-doors only, as in the phrase *foris crepuit*, which occurs repeatedly in Plautus, and describes the creaking of a single valve, opened alone and turning on its pivots. Even the internal doors of houses were bivalve (Gell's *Pompeiana*, 2nd Ser. vol. i. p. 166); hence we read of "the folding-doors of a bed-chamber" (*fores cubiculi*, Suet. *Aug.* 82; Q. Curt. v. 6; *σανίδες εὖ ἀραρυῖαι*, Hom. *Od.* xxiii. 42; *πύλαι διπλαῖ*, Soph. *Oed. Tyr.* 1261). But in every case each of the two valves was wide enough to allow persons to pass through without opening the other valve also.

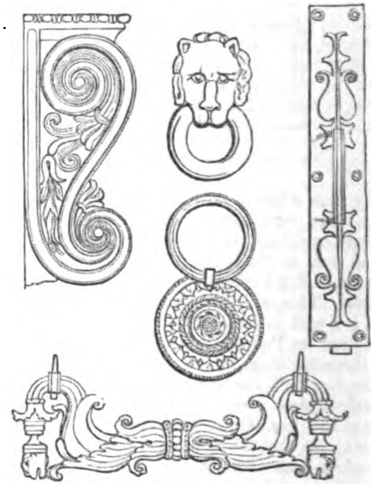
Even each valve was sometimes double, so as to fold like our window-shutters (*duplices complicabilesque*, Isid. *Orig.* xv. 7). The mode of attaching doors to the door-way is explained under the article CARDO.

The remaining specimens of ancient doors are all of marble or of bronze; those made of wood, which was by far the most common material, have perished. The door of a tomb at Pompeii (Mazois, *Ruines de Pompéi*, vol. i. pl. xix. fig. 4) is made of a single piece of marble, including the pivots, which were encased in bronze, and turned in sockets of the same metal. It is 3 feet high, 2 feet 9 inches wide, 4¼ inches thick. It is cut in front to resemble panels, and thus to approach nearer to the appearance of a common wooden door, and it was fastened by a lock, traces of which remain. The beautifully wrought tombs of Asia Minor and other eastern countries have stone doors, made either to turn on pivots or to slide sideways in grooves. Doors of bronze are often mentioned by ancient writers. (Herod. i. 179; Plin. *H. N.* xxxiv. 7.) The doors of a supposed temple of Remus, still existing at Rome, and now occupied as a Christian church, are of this material. Mr. Donaldson (*Collection of Door-ways from Ancient Buildings*, London, 1833, pl. 21) has represented them filling up the lower part of the door-way of the temple at Cora, as shown in the last woodcut, which is taken from him. The four panels are surrounded by rows of small circles, marking the spots on which were fixed rosettes or bosses, similar to those which are described and figured in the article BULLA, and which served both to strengthen and to adorn the doors. The leaves of the doors were sometimes overlaid with gold, which was an Eastern practice, as we see from the doors in the temple of Solomon at Jerusalem (1 *Kings*, vi. 32—35); at other times they were enriched with the most exquisite carving. (Ovid. *Met.* viii. 705; Virg. *Georg.* iii. 26, *Aen.* vi. 20—33.) Those in the temple of Minerva, at Syracuse, are said by Cicero (*Verr.* iv. 56) to have exceeded all others in the curious and beautiful workmanship executed upon them in gold and ivory. "It is incredible," says he, "how many Greeks have left writings descriptive of the elegance of these valves." One of the ornaments was "a most beautiful Gorgon's head with tresses of snakes," probably occupying the centre of a panel. In addition to the sculptures upon the valves themselves, the finest statues were sometimes placed beside them, probably at the base of the antepagmenta, as in the magnificent temple of Juno in Samos. (Cic. *Verr.* i. 23.) In the fancied palace of Alcinous (*Od.* vii. 83—94) the door-case, which was of silver with a threshold of bronze, included folding-doors of gold; whilst dogs, wrought in gold and silver, guarded the approach, probably disposed like the avenue of sphinxes before an Egyptian temple. As luxury advanced among the Romans metal took the place of wood, even in the doors of the interior of a house. Hence the Quaestor Sp. Carvilius reproved Camillus for having his chamber doors covered with bronze (*aerata ostia*, Plin. *l. c.*).

A lattice-work is to be observed above the bronze doors in the last woodcut, Mr. Donaldson having introduced it on the authority more especially of the Pantheon at Rome, where the upper part of the door-way is filled with a window such as that here represented. Vitruvius (iv. 6. § 1) calls it the *hypaetrum*, and his language implies that it was commonly used in temples.

The folding-doors exhibited in the last woodcut, instead of a rebate such as we employ, have an upright bronze pilaster standing in the middle of the door-way, so as to cover the joining of the valves. The fastenings of the door (*claustra*, Ovid. *Amor.* i. 6. 17; *obices*) commonly consisted in a bolt (*pessulus*; *μάνδαλος*, *κατοχεύς*, *κλεῖθρον*, *Att.* *κλῇθρον*, Soph. *Oed. Tyr.* 1262, 1287, 1294) placed at the base of each *foris*, so as to admit of being pushed into a socket made in the sill to receive it (*πυθμὴν*, Soph. *Oed. Tyr.* 1261). The Pompeian door-ways show two holes corresponding to the bolts of the two fores (Gell, *Pompeiana*, 2nd Ser. vol. i. p. 167); and they agree with numerous passages which mention in the plural number "the bolts," or, "both the bolts" of a door. (Plaut. *Aulul.* i. 2. 26, *Curc.* i. 2. 60—70; Soph. *ll. cc.*; Callim. *in Apoll.* 6.)

The annexed woodcut shows an ancient bolt preserved in the Museum at Naples. (Mazois, *Ruines de Pompéi*, vol. i. part. 2. pl. vii.)



By night, the front-door of the house was further secured by means of a wooden and sometimes an iron bar (*sera*, *repagula*, *μοχλὸς*) placed across it, and inserted into sockets, on each side of the door-way. (Festus, *s. v. Adserere*; Ovid. *Amor.* i. 6. 24—56.) Hence it was necessary to remove the bar (*τὸν μοχλὸν παράφερειν*, *ἀναμοχλεύειν*, Eurip. *Med.* 1309) in order to open the door (*reserare*). (Theophrast. *Char.* 18; Plutarch, *Pelop.* p. 517, ed. Steph.; Plaut. *Cist.* iii. 18; Ovid. *Met.* v. 120.) Even chamber-doors were secured in the same manner (Heliodor. vi. p. 281, ed. Comm.; *cubiculi obseratis foribus*, Apul. *Met.* ix.); and here also, in case of need, the bar was employed as a further security in addition to the two bolts (*κλῇθρα συμπεραίνοντες μόχλοις*, Eurip. *Orest.* 1546, 1566, *Iph. Aul.* 345, *Androm.* 952). To fasten the door with the bolt was *januae pessulum obdere*, with the bar *januam obserare* (Ter. *Eun.* iii. 5. 55, iv. 6. 26, *Heaut.* ii. 3. 37). At Athens a jealous husband sometimes even proceeded to seal the door of the women's apartment. (Aristoph. *Thesm.*

422; Menand. p. 185, ed. Mein.) The door of a bed-chamber was sometimes covered with a curtain [Velum].

In the Odyssey (i. 442, iv. 802, xxi. 6, 46—50) we find mention of a contrivance for bolting or unbolting a door from the outside, which consisted in a leathern thong (*ἱμάς*) inserted through a hole in the door, and by means of a loop, ring, or hook (*κλεὶς, κληῒς*), which was the origin of keys, capable of laying hold of the bolt so as to move it in the manner required. The bolt by the progress of improvement was transformed into a lock, and the keys found at Herculaneum and Pompeii and those attached to rings (Gorlaei, *Dactylioth.* 42, 205—209) prove, that among the polished Greeks and Romans, the art of the locksmith (*κλειδοποιὸς*) approached very nearly to its present state. (Achill. Tat. ii. 19.)

The door represented in the first woodcut to this article has a ring upon each valve, which was used to shut the door, and therefore called the *ἐπισπαστήρ*. Herodotus (vi. 91) tells a story of a captive who having escaped to a temple of Ceres, clung to the rings on the doors with both his hands. This appendage to the door, which was sometimes gilt and very handsome, was also called, on account of its form, *κρίκος* and *κορώνη*, i. e. a "circle" or "crown" (Hom. *Od.* i. 441, vii. 90); and, because it was used sometimes as a knocker, it was called *ῥόπτρον* (Harpocrat, *s. v.*; Xen. *Hellen.* vi. 4. § 36). The term *κόραξ*, "a crow" (Brunck, *Anal.* iii. 168), probably denoted a knocker more nearly approaching the form of that bird, or perhaps of its neck and head. The lowest figure in the last woodcut shows a richly ornamented epispaster, from the collection at Naples. That with a lion's head is taken from a bas-relief, representing the doors of a temple, in the collection at Ince-Blundell, near Liverpool. The third figure is from the Neapolitan Museum.

Before the door of a palace, or of any private house of a superior description, there was a passage leading to the door from the public road, which was called *vestibulum* (Isid. *Orig.* xv. 7; Plaut. *Most.* iii. 2. 132; Gell. xvi. 5) and *πρόθυρον* (Vitruv. vi. 7. 5; Hom. *Od.* xviii. 10—100; Herod. iii. 35, 140). It was provided with seats (Herod. vi. 35). It was sometimes covered by an arch [Camera], which was supported by two pillars (Serv. *ad Virg. Aen.* ii. 469); and sometimes adorned with sculptures (Virg. *Aen.* vii. 181; Juv. vii. 126). Here persons waited, who came in the morning to pay their respects to the occupier of the house. (Gell. iv. 1.) In the vestibule was placed the domestic altar [Ara]. The Athenians also planted a laurel in the same situation, beside a figure designed to represent Apollo (Aristoph. *Thesm.* 496; Plaut. *Merc.* iv. 1. 11, 12); and statues of Mercury were still more frequent (Thucyd. vi. 27), being erected there on the principle of setting a thief to catch a thief. (Schol. *ad Aristoph. Plut.* 1155.)

The Donaria offered to the gods were suspended not only from the Antae, but likewise from the door-posts and lintels of their temples (Virg. *Aen.* iii. 287, v. 360; Ovid. *Trist.* iii. 1. 34; Hor. *Carm.* iv. 15. 8, *Epist.* i. 1. 5, i. 18, 56; Pers. *Sat.* vi. 45; Plin. *H. N.* xxxv. 4), as well as of palaces, which in ancient times partook of the sanctity of temples. (Virg. *Aen.* ii. 503, vii. 183.) Victors in the games suspended their crowns at the door of a temple. (Pind. *Nem.* v. 53.) In like manner persons fixed to the jambs and lintels of their own doors the spoils which they had taken in battle. (Festus, *s. v. Resignare*; Plin. *H. N.* xxxv. 2.) Stag's horns and boar's tusks were on the same principle used to decorate the doors of the temples of Diana, and of the private individuals who had taken these animals in the chace. Owls and other nocturnal birds were nailed upon the doors as in modern times. (Pallad. *de Re Rust.* i. 35.) Also garlands and wreaths of flowers were suspended over the doors of temples in connection with the performance of religious rites, or the expression of public thanksgiving, being composed in each case of productions suited to the particular divinity whom they were intended to honour. In this manner the *corona spicea* was suspended in honour of Ceres (Tib. i. 1. 21; see also Virg. *Ciris*, 95—98). Laurel was so used in token of victory, especially at Rome (Ovid. *Met.* i. 562), where it sometimes overshadowed the Corona Civica on the doors of the imperial palace. (Ovid. *Trist.* iii. 1, 35—49; Plin. *H. N.* xv. 39; *laureatis foribus*, Sen. *Consol. ad Polyb.* 35; Val. Max. ii. 8. § 7.) The doors of private houses were ornamented in a similar way, and with different plants according to the occasion. More especially, in celebration of a marriage either laurel or myrtle was placed about the door of the bridegroom. (Juv. vi. 79, 228; Claud. *de Nupt. Hon. et Mar.* 208.) Catullus, in describing an imaginary marriage, supposes the whole vestibulum to have been tastefully overarched with the branches of trees. (*Epithal. Pel. et Thet.* 278—293.) The birth of a child was also announced by a chaplet upon the door (Juv. ix. 84), and a death was indicated by cypresses, probably in pots, placed in the vestibulum. (Plin. *H. N.* xvi. 60; Serv. *in Virg. Aen.* iii. 64.) In addition to trees, branches, garlands, and wreaths of flowers, the Romans sometimes displayed lamps and torches before the doors of their houses for the purpose of expressing gratitude and joy. (Juv. xii. 92.) Music, both vocal and instrumental, was sometimes performed in the vestibulum, especially on occasions when it was intended to do honour to the master of the house, or to one of his family. (Pind. *Nem.* i. 19, 20, *Isth.* vii. 3.)

It was considered improper to enter a house without giving notice to its inmates. This notice the Spartans gave by shouting; the Athenians and all other nations by using the knocker already described, but more commonly by rapping with the knuckles or with a stick (*κρούειν, κόπτειν*, Becker, *Charik.* vol. i. pp. 230—234; Plat. *Protag.* pp. 151, 159, ed. Bekker.) In the houses of the rich a porter (*janitor, custos, θυρωρός*) was always in attendance to open the door. (Tibull. i. 1. 56.) He was commonly a eunuch or a slave (Plat. *l. c.*), and was chained to his post. (Ovid. *Amor.* i. 6; Sueton. *de Clar. Rhet.* 3.) To assist him in guarding the entrance, a dog was universally kept near it, being also attached by a chain to the wall (Theocrit. xv. 43; Apollodor. *ap. Athen.* i. 4; Aristoph. *Thesm.* 423, *Lysist.* 1217; Tibull. ii. 4. 32—36); and in reference to this practice, the warning *Cave Canem*, εὐλαβοῦ τὴν κύνα, was sometimes written near the door. Of this a remarkable example occurs in "the house of the tragic poet" at Pompeii, where it is accompanied by the figure of a fierce dog, wrought in mosaic on the pavement. (Gell's *Pomp.* 2nd Ser. vol. i. pp. 142, 145.) Instead of this harsh admonition, some walls or pavements exhibited the more gracious SALVE or XAIPE. (Plat. *Charm.* p. 94, ed. Heindorf.) The appropriate names for the portion of the house immediately behind the door (*θυρών*, Soph. *Oed. Tyr.* 1242, *Elect.* 328), denotes that it was a kind of apartment; it corresponded to the hall or lobby of our houses. Immediately adjoining it, and close to the front door, there was in many houses a small room for the porter (*cella*, or *cellula janitoris*, Sueton. *Vitell.* 16; Varro, *de Re Rust.* i. 13; *θυρωρεῖον*, Pollux, i. 77). [J. Y.]

IATRALIPTA, IATRALIPTES, or IATROALIPTES (*ἰατραλειπτής*), the name given by the ancients to a physician who paid particular attention to that part of medical science called *Iatraliptice.* The name is compounded of *ἰατρὸς* and *ἀλείφω*, and signifies literally *a physician that cures by anointing.* According to Pliny (*H. N.* xxix. 2), they were at first only the slaves of physicians, but afterwards rose to the rank of physicians themselves, and were therefore superior to the aliptae. [Aliptae.] The word occurs in Paulus Aegineta (*De Re Med.* iii. 47), Celsus (*De Medic.* i. 1) and other medical writers. [W. A. G.]

IATRUS (*ἰατρός*). [Medicus]

IATROSOPHISTA (*'ἰατροσοφιστής*), an ancient medical title, signifying apparently (according to Du Cange, *Glossar. Med. et. Inf. Graecit.*) one who both taught medicine and also practised it himself; as the ancients made a distinction between *διδασκαλική* and *ἔργατις*, the art and the science of medicine, the theory and the practice. (Damascius *in vita Isidori.*) Eunapius Sardianus (*De Vit. Philosoph. et Sophist.* p. 168, ed. Antwerp. 1568) calls them *ἐξησκημένους λέγειν τε καὶ ποιεῖν ἰατρικήν.* The word is somewhat varied in different authors. Socrates (*Hist. Eccles.* vii. 13) calls Adamantius *ἰατρικῶν λόγων σοφιστής.* Stephanus Byzantinus (*s. v.* Γέα) mentions *τῶν ἰατρῶν σοφιστής*; Callisthenes (quoted in Du Cange), *ἰατρὸς σοφιστής*: and Theophanes (*ibid.*) *σοφιστής τῆς ἰατρικῆς ἐπιστήμης.* Several ancient physicians are called by this title, *e. g.* Magnes (Theoph. Protospath. *De Urinis*), Cassius, the author of "Quaestiones Medicae et Naturales," and others. [W. A. G.]

IDUS. [Calendarium, Roman.]

JENTA'CULUM. [Coena, p. 306, a.]

IGNO'BILES. [Nobiles.]

IGNOMI'NIA. [Infamia.]

ILE (*ἴλη*). [Exercitus, p. 488, b.]

ILLUSTRES. When Constantine the Great re-organized the Roman administration, he divided the principal magistrates and officials into three classes:—1. The *Illustres*, who held the first rank; 2. The *Spectabiles*; and 3. The *Clarissimi.* The title of *Illustres* belonged only to the Consules, the Patricii, the Praefectus praetorio, the Praefectus urbi, the Praepositus sacri cubiculi, the Magistri militum, the Magister officiorum, the Quaestor sacri palatii, the Comes sacrarum largitionum, and the Comes rerum privatarum. Even among the Illustres there was a gradation of rank, the Consuls and Patricii being regarded as higher in dignity than the others. The titles *Sublimissimi*, *Excellentissimi*, and *Magnifici* are used as synonymous with Illustres. Among the privileges of the Illustres we read that in criminal cases they could only be tried by the emperor himself or by an imperial commission, and that they could appear before the courts by means of procurators. (Cod. Theod. 6. tit. 6, &c., with the commentary of Gothofred; Walter, *Geschichte des Römischen Rechts*, § 380, 2nd ed.; Gibbon, *Decline and Fall*, c. 17. vol. iii. p. 34, London, 1797.)

IMA'GINUM JUS. [Nobiles.]

IMA'GO, the representation or likeness of any object, is derived from the root *im* or *sim*, which appears in *im-itari* and *sim-ilis*, and likewise in the Greek *ὁμ-ός.* ("*Imago* ab imitatione dicta," Festus, *s. v.*; "*Imago* dicitur quasi *imitago*," Porphyr. *ad Hor. Carm.* i. 12. 4.) It was especially applied among the Romans to indicate the waxen busts of deceased ancestors, which distinguished Romans kept in the atria of their houses, and of which an account is given in the article Nobiles. The word is also used in general to signify a portrait or statue of a person; on both of which some remarks are made under Pictura, No. XV. and Statuaria, No. II.

I'MBRICES. [Tegula.]

IMMUNI'TAS (from *in* and *munus*), signifies, 1. A freedom from taxes. 2. A freedom from services which other citizens had to discharge. With respect to the first kind of immunitas we find that the emperors frequently granted it to separate persons (Suet. *Aug.* 40), or to certain classes of persons, or to whole states. When granted to individuals the immunitas ceased with their death, but in the case of states the privilege continued to subsequent generations. (Dig. 50. tit. 15. s. 4. § 3.) Thus we find that certain people in Illyria had immunitas from taxes (Liv. xlv. 26), and that the emperor Claudius granted freedom from taxation *in perpetuum* to the inhabitants of Ilium. (Suet. *Claud.* 25.) The Roman soldiers from the time of Nero were exempt from all duties on goods which they might carry into the provinces for their own use or might purchase in any place. (Tac. *Ann.* xiii. 51; Cod. 4. tit. 61. s. 3.)

The second kind of immunitas was granted to all persons who had a valid excuse (*excusatio*) to be released from such services, and also to other persons as a special favour. Under the republic, public offices were objects of ambition, and consequently there was no difficulty in obtaining persons to discharge them even when they were attended with expense to the individual who held them. But under the empire the case became different. Many offices which entailed expenses, such, for instance, as that of the decuriones in the municipia, were avoided rather than sought after; and hence various regulations were made at different times to define the classes of persons who were entitled to exemption. (Comp. Dig. 50. tit. 6; Cod. 10. tit. 47 and 48.) The definition of immunitas in this sense is given by Paulus (Dig. 50. tit. 16. s. 18):— "Munus — onus, quod cum remittatur, vacationem militiae munerisque praestat, inde *immunitatem* appellari." The immunitas might be either general, from all services which a citizen owed to the state, or special, such as from military service [Exercitus, p. 499], from taking the office of tutor or guardian [Tutor], and the like.

IMPE'NDIUM. [Fenus, p. 526, b.]

IMPERATI'VAE FERIAE. [Feriae.]

IMPERA'TOR. [Imperium.]

IMPE'RIUM. Gaius (iv. 103), when making a division of judicia into those Quae Legitimo jure consistunt, and those Quae Imperio continentur, observes that the latter are so called because they continue in force during the Imperium of him who has granted them. Legitima judicia were those which were prosecuted in Rome or within the first miliarium, between Roman citizens, and before a single judex. By a Lex Julia Judiciaria, such judicia expired, unless they were concluded within a year and six months. All other judicia were said Imperio contineri, whether conducted within the above limits before recuperatores, or before a single judex, when either the judex or one of the litigant parties was a peregrinus, or when conducted beyond the first miliarium either between Roman citizens or peregrini. From this passage it follows that there were judicia quae Imperio continebantur, which were granted in Rome; which is made clearer by what follows. There was a distinction between a judicium ex lege, that is, a judicium founded on a particular lex, and a judicium legitimum; for instance, if a man sued in the provinces under a lex, the Aquilia for example, the judicium was not legitimum, but was said Imperio contineri, that is, the Imperium of the praeses or proconsul, who gave the judicium. The same was the case if a man sued at Rome ex lege, and the judicium was before recuperatores, or there was a peregrinus concerned. If a man sued under the praetor's edict, and consequently not ex lege, and a judicium was granted in Rome and the same was before one judex and no foreigner was concerned, it was legitimum. The judicia legitima are mentioned by Cicero (*Pro Rosc. Com.* 5; *Or. Part.* 12); but it may perhaps be doubted if he uses the term in the sense in which Gaius does. It appears then, that in the time of Gaius, so long as a man had jurisdictio, so long was he said to have Imperium. Imperium is defined by Ulpian (Dig. 2. tit. 1. s. 3) to be either merum or mixtum. To have the merum Imperium is to have "gladii potestatem ad animadvertendum in facinorosos homines," a power that had no connection with jurisdictio: the mixtum Imperium is defined by him as that "cui etiam jurisdictio inest," or the power which a magistrate had for the purposes of administering the civil (not criminal) part of the law. It appears then that there was an Imperium which was incident to jurisdictio; but the merum or pure Imperium was conferred by a lex (Dig. 1. tit. 21. s. 1). The mixtum Imperium was nothing more than the power necessary for giving effect to the Jurisdictio. There might therefore be Imperium without Jurisdictio, but there could be no Jurisdictio without Imperium. Accordingly, Imperium is sometimes used to express the authority of a magistratus, of which his Jurisdictio is a part. (Puchta, *Zeitschrift für Gesch. Rechtswissenschaft*, vol. x. p. 201.)

Imperium is defined by Cicero (*Phil.* v. 16) to be that "sine quo res militaris administrari, teneri exercitus, bellum geri non potest." As opposed to Potestas, it is the power which was conferred by the state upon an individual who was appointed to command an army. The phrases Consularis Potestas and Consulare Imperium might both be properly used; but the expression Tribunitia Potestas only could be used, as the Tribuni never received the Imperium. (Liv. vi. 37; in Vell. Paterc. ii. 2, Imperium is improperly used.) A consul could not act as commander of an army (*attingere rem militarem*) unless he were empowered by a Lex Curiata, which is expressed by Livy (v. 52) thus:—"Comitia Curiata rem militarem continent." Though consuls were elected at the Comitia Centuriata, the Comitia Curiata only could give them Imperium. (Liv. v. 52.) This was in conformity with the ancient constitution, according to which the Imperium was conferred on the kings after they had been elected: "On the death of King Pompilius, the populus in the Comitia Curiata elected Tullus Hostilius king, upon the rogation of an interrex; and the king, following the example of Pompilius, took the votes of the populus according to their curiae on the question of his Imperium." (Cic. *Rep.* ii. 17.) Both Numa (ii. 13), and Ancus Marcius (ii. 18), the successor of Tullus, after their appointment as Reges, are severally said "De Imperio suo legem curiatam tulisse." It appears then that, from the kingly period to the time of Cicero, the Imperium, as such, was conferred by a Lex Curiata. On the kingly Imperium see Becker, *Handbuch der Röm. Alterthümer*, vol. i. part ii. p. 314, &c.

The Imperium of the kings is not defined by Cicero. It is declared by some modern writers to have been the military and the judicial power; and it is said that the consuls also received the Imperium in the same sense; and the reason why the Lex Curiata is specially said to confer the Imperium Militare, is that it specially referred to the consuls, and by the establishment of the praetorship the jurisdictio was separated from the consulship. It may be conjectured that the division of Imperium, made by the jurists, was in accordance with the practice of the republican period: there was during the republican period an Imperium within the walls which was incident to jurisdictio, and an Imperium without the walls which was conferred by a lex curiata. There are no traces of this separation in the kingly period, and it is probable that the king received the Imperium in its full import, and that its separation into two parts belongs to the republican period. The Imperium, which was conferred by a lex under the republic, was limited, if not by the terms in which it was conferred, at least by usage: it could not be held or exercised within the city. It was sometimes specially conferred on an individual for the day of his triumph within the city; and, at least in some cases, by a plebiscitum. (Liv. xxvi. 21, xlv. 35.)

The Imperium was as necessary for the governor of a province, as for a general who merely commanded the armies of the republic, as he could not without it exercise military authority (*rem militarem attingere*). (See Caes. *B. C.* i. 6.) So far as we can trace the strict practice of the Roman constitution, military command was given by a special lex, and was not incident to any office, and might be held without any other office than that of imperator. It appears that in the time of Cicero there were doubts as to the necessity of the lex in some cases, which may have gradually arisen from the irregular practices of the civil wars, and from the gradual decay of the old institutions. Cicero, in a passage which is not very clear (*Ad Fam.* i. 9), refers to a Cornelia Lex according to which an individual who had received a Province ex Senatusconsulto thereby acquired the Imperium, without the formality of a Lex Curiata.

The Imperium (*merum*) of the republic appears to have been (1), a power which was only exercised out of the city; (2) a power which was specially conferred by a Lex Curiata, and was not incident to any office; (3) a power without which no military operation could be considered as done in the name and on the behalf of the state. Of this a notable example is recorded in Livy (xxvi. 2), where the senate refused to recognise a Roman as a commander because he had not received the Imperium in due form.

In respect of his Imperium, he who received it was styled imperator (αὐτοκράτωρ): he might be a consul or a proconsul. It was an ancient practice, observes Tacitus (*Ann.* iii. 74), for the soldiers of a victorious general to salute him by the title of imperator; but in the instance referred to by Tacitus, the Emperor Tiberius allowed the soldiers to confer the title on an individual who had it not already, while under the republic the title as a matter of course was given with the Imperium; and every general who received the Imperium was entitled to the name of imperator. After a victory it was usual for the soldiers to salute their commander as imperator, but this salutation neither gave nor confirmed the title. Under the republic, observes Tacitus, there were several imperatores at a time: Augustus granted the title to some; but the last instance, he adds, of the title being conferred was in the case of Blaesus, under Tiberius. There were, however, later instances. The assumption of the praenomen of imperator by Julius Caesar (Suet. *Caes.* c. 76) was a usurpation; or it may have been conferred by the senate (Dion Cassius, xliii. 44). Under the republic the title came properly after the name; thus Cicero, when he was proconsul in Cilicia, could properly style himself M. Tullius Cicero Imperator, for the term merely expressed that he had the Imperium. Tiberius and Claudius refused to assume the praenomen of Imperator, but the use of it as a praenomen became established among their successors, as we see from the imperial coins. The title Imperator sometimes appears on the imperial medals, followed by a numeral (VI. for instance), which indicates that it was specially assumed by them on the occasion of some great victory; for though the victory might be gained by their generals, it was considered to be gained under the auspices of the Imperator.

The term Imperium was applied in the republican period to express the sovereignty of the Roman state. Thus Gaul is said by Cicero (*Pro Font.* 1) to have come under the Imperium and Ditio of the Populus Romanus; and the notion of the Majestas Populi Romani is said to be "in Imperii atque in nominis populi Romani dignitate." (Cic. *Or. Part.* 30.) Compare the use of Imperium in Horace, *Od.* i. 37, iii. 5. [G. L.]

IMPLU'VIUM. [Domus, p. 427, b.]

IMPU'BES. An infans [Infans] was incapable of doing any legal act. An impubes, who had passed the limits of infantia, could do any legal act with the auctoritas of his tutor; without such auctoritas he could only do those acts which were for his benefit. Accordingly such an impubes could stipulate (*stipulari*), but not promise (*promittere*); in other words, as Gaius (iii. 107) expresses it, a pupillus could only be bound by the auctoritas of his tutor, but he could bind another without such auctoritas. [Infans]

But this remark as to pupilli only applies to those who had understanding enough to know what they were doing (*qui jam aliquem intellectum habent*), and not to those who were infantes or Infanti proximi, though in the case of the infanti proximi a liberal interpretation was given to the rule of law (*benignior juris interpretatio*), by virtue of which a pupillus, who was infanti proximus, was placed on the same footing as one who was pubertati proximus, but this was done for their benefit only (*propter utilitatem eorum*), and therefore could not apply to a case where the pupillus might be a loser (Compare Inst. iii. tit. 19. s. 10 with Gaius, iii. 108.) An impubes who was in the power of his father, could not bind himself even with the auctoritas of his father; for in the case of a pupillus, the auctoritas of the tutor was only allowed, in respect of the pupillus having property of his own, which a son in the power of his father could not have.

In the case of obligationes ex delicto, the notion of the auctoritas of a tutor was of course excluded, as such auctoritas was only requisite for the purpose of giving effect to rightful acts. If the impubes was of sufficient capacity to understand the nature of his delict, he was bound by it; otherwise, he was not. In the case of a person who was Pubertati proximus, there was a legal presumption of such capacity; but still this presumption did not exclude a consideration of the degree of understanding of the impubes and the nature of the act, for the act might be such as either to be perfectly intelligible, as theft, or it might be an act which an impubes imperfectly understood, as when he was made the instrument of fraud. These principles were applicable to cases of furtum, damnum injuria datum, injuria, and others; and also to crimes, in which the nature of the act mainly determined whether or not guilt should be imputed.

An impubes could enter into a contract by which he was released from a debt, but he could not release a debt without the auctoritas of his tutor. He could not pay money without his tutor; nor could he receive money without his tutor, at least it was not a valid payment, because such payment was, as a consequence, followed by a release to the debtor. But since the rule as to the incapacity of an impubes was made only to save him from loss, he could not retain both the money and the claim.

An impubes could not be a plaintiff or a defendant in a suit without his tutor. He could acquire the ownership of property alone, but he could not alienate it without the consent of his tutor, nor could he manumit a slave without such consent. He could contract sponsalia alone, because the auctoritas of the tutor has reference only to property: if he was in his father's power, he was of course entirely under his father's control.

An impubes could acquire an hereditas with the consent of his tutor, which consent was necessary, because an hereditas was accompanied with obligations. But as the act of cretion was an act that must be done by the heres himself, neither his tutor nor a slave could take the hereditas for a pupillus, and he was in consequence of his age incapable of taking it himself. This difficulty was got over by the doctrine of pro herede gestio: the tutor might permit the pupillus to act as heres, which had the effect of cretion: and this doctrine would apply even in the case of infantes, for no expression of words was necessary in order to the pro herede gestio. In the case of the bonorum possessio, the father could apply for it on behalf of his child, and the tutor on behalf of his pupillus, without any act being done by the impubes. By the imperial legislation, a tutor was allowed to acquire the hereditas for his pupillus, and a father for his son, who was in his power; and thus the doctrine of the pro herede gestio was rendered unnecessary.

A pupillus could not part with a possession without the auctoritas of a tutor, for though possession of itself was no legal right, legal advantages were attached to it. As to the acquisition of possession, possession in itself being a bare fact, and the fundamental condition of it being the animus possidendi, consequently the pupillus could only acquire possession by himself, and when he had capacity to understand the nature of the act. But with the auctoritas of his tutor he could acquire possession even when he was an infans, and thus the acquisition of possession by a pupillus was facilitated, *utilitatis causa.* There was no formal difficulty in such possession any more than in the case of pro herede gestio, for in neither instance was it necessary for words to be used. Subsequently the legal doctrine was established that a tutor could acquire possession for his pupillus. (Dig. 41. tit. 2. s. 1. § 20.)

With the attainment of pubertas, a person obtained the full power of his property, and the tutela ceased: he could also dispose of his property by will; and he could contract marriage. According to the legislation of Justinian (Inst. i. tit. 22), pubertas, in the case of a male, was attained with the completion of the fourteenth, and, in a female, with the completion of the twelfth year. In the case of a female, it seems that there never had been any doubt as to the period of the twelve years, but a dispute arose among the jurists as to the period of fourteen years. The Sabiniani maintained that the age of pubertas was to be determined by physical capacity (*habitu corporis*), to ascertain which a personal examination might be necessary; the Proculiani fixed the age of fourteen complete, as that which absolutely determined the attainment of puberty. (Gaius, i. 196; Ulp. *Frag.* xi. 28.) It appears, therefore, that under the earlier emperors there was some doubt as to the time when pubertas was attained, though there was no doubt that with the attainment of puberty, whatever that time might be, full legal capacity was acquired.

Until a Roman youth assumed the toga virilis, he wore the toga praetexta, the broad purple hem of which (*praetexta*) at once distinguished him from other persons. The toga virilis was assumed at the Liberalia in the month of March, and though no age appears to have been positively fixed for the ceremony, it probably took place as a general rule on the feast which next followed the completion of the fourteenth year; though it is certain that the completion of the fourteenth year was not always the time observed. Still, so long as a male wore the praetexta, he was Impubes, and when he assumed the toga virilis, he was Pubes. Accordingly, Vesticeps (Festus, *s. v.*) was the same as Pubes, and Investis or praetextatus the same as Impubes. (Gell. v. 19. *Vesticeps.*) After the assumption of the toga virilis, the son who was in the power of his father had a capacity to contract debts; and a pupillus was released from the tutela. But if neither the pupillus wished to get rid of his tutor, nor the tutor to be released from the responsibility of his office (for which he received no emolument), the period of assuming the toga virilis might be deferred. If the pupillus and the tutor could not agree, it might be necessary that there should be a judicial decision. In such case the Proculiani maintained as a theoretical question, that the age of fourteen should be taken as absolutely determining the question, fourteen being the age after the attainment of which the praetexta had been generally laid aside. The Sabiniani maintained that as the time of puberty had never been absolutely fixed, but had depended on free choice, some other mode of deciding the question must be adopted, where free choice was out of the question, and therefore they adopted that of the physical development (*habitus corporis*). But though there are allusions to this matter (Quinct. *Inst. Or.* iv. 2), there is no evidence to show that inspection of the person was ever actually resorted to in order to determine the age of puberty. It appears that the completion of fourteen years was established as the commencement of pubertas. The real foundation of the rule as to the fourteen and the twelve years appears to be, that in the two sexes respectively, puberty was, as a general rule in Italy, attained about these ages. In the case of females, the time had been fixed absolutely at twelve by immemorial custom, and had no reference to any practice similar to that among males of adopting the toga virilis, for women wore the toga praetexta till they were married. And further, though the pupillaris tutela ended with females with the twelfth year, they were from that time subject to another kind of tutela.

A male had a capacity to make a will upon completing his fourteenth, and a female upon completing her twelfth year (Gaius, ii. 113; Paulus, *S. R.* iii. tit. 4. a.); and the same ages, as already observed, determined the capacity, in the two sexes, for contracting a legal marriage. The dispute between the two schools as to the time when the male attained the age of puberty, appears to have had reference to the termination of the tutela, and his general capacity to do legal acts; for the test of the personal examination could hardly, from the nature of the case, apply to the capacity to make a will or contract a marriage, as Savigny shows.

Spadones (males who could never attain physical pubertas) might make a testament after attaining the age of eighteen. (Savigny, *System des heut. Röm. Rechts*, vol. iii. p. 55, &c.) [G. L.]

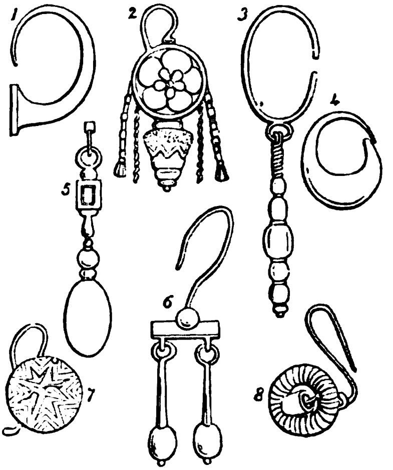
INAUGURA'TIO was in general the ceremony by which the augurs obtained, or endeavoured to obtain, the sanction of the gods to something which had been decreed by man; in particular, however, it was the ceremony by which things or persons were consecrated to the gods, whence the terms *dedicatio* and *consecratio* were sometimes used as synonymous with inauguratio. (Liv. i. 44, 55; Flor. i. 7, 8; Plin. *Ep.* ix. 39, x. 58, 59, 76; Cic. *in Catil.* iv. 1.) The ceremony of inauguratio was as follows: — After it had been decreed that something should be set apart for the service of the gods, or that a certain person should be appointed priest, a prayer was addressed to the gods by the augurs or other priests, soliciting them to declare by signs whether the decree of men was agreeable to the will of the gods. (Liv. i. 18.) If the signs observed by the inaugurating priest were thought favourable, the decree of men had the sanction of the gods, and the inauguratio was completed. The inauguratio was, in early times, always performed by the augurs; but subsequently we find that the inauguratio, especially that of the rex sacrificulus and of the flamines, was sometimes performed by the college of pontiffs in the comitia calata. (Gell. xv. 27.) But all other priests, as well as new members of the college of augurs, continued to be inaugurated by the augurs, or sometimes by the augurs in conjunction with some of the pontiffs (Liv. xxvii. 8, xl. 42); the chief pontiff had the right to enforce the inauguratio, if it was refused by the augurs, and if he considered that there was no sufficient ground for refusing it. Sometimes one augur alone performed the rite of inauguratio, as in the case of Numa Pompilius (Liv. i. 18; compare Cic. *Brut.* 1; Macrob. *Sat.* ii. 9); and it would seem that in some cases a newly appointed priest might himself not only fix upon the day, but also upon the particular augur by whom he desired to be inaugurated. (Cic. *l. c.*; and *Philip.* ii. 43.)

During the kingly period of Rome the inauguration of persons was not confined to actual priests; but the kings, after their election by the populus, were inaugurated by the augurs, and thus became the high-priests of their people. After the civil and military power of the kings had been conferred upon the consuls, and the office of high-priest was given to a distinct person, the rex sacrorum, he was, as stated above, inaugurated by the pontiffs in the comitia calata, in which the chief pontiff presided. But the high republican magistrates, nevertheless, likewise continued to be inaugurated (Dionys. ii. 6), and for this purpose they were summoned by the augurs (*condictio*, *denunciatio*) to appear on the capitol on the third day after their election. (Serv. *ad Virg. Aen.* iii. 117.) This inauguratio conferred no priestly dignity upon the magistrates, but was merely a method of obtaining the sanction of the gods to their election, and gave them the right to take the auspicia; and on important emergencies it was their duty to make use of this privilege. At the time of Cicero, however, this duty was scarcely ever observed. (Cic. *de Divin.* ii. 36.) As nothing of any importance was ever introduced or instituted at Rome without consulting the pleasure of the gods by augury, we read of the inauguratio of the tribes, &c. [L. S.]

INAURIS, an ear-ring; called in Greek *ἐνώτιον*, because it was worn in the ear (*οὖς*), and *ἐλλόϐιον*, because it was inserted into the lobe of the ear (*λοϐός*), which was bored for the purpose. (Hom. *Il.* xiv. 182, *Hymn.* ii. *in Ven.* 9; Plin. *H. N.* xii. 1.)

Ear-rings were worn by both sexes in oriental countries (Plin. *H. N.* xi. 50); especially by the Lydians (Xen. *Anab.* iii. 1. § 31), the Persians (Diod. Sic. v. 45), the Babylonians (Juv. i. 104), and also by the Libyans (Macrob. *Sat.* vii. 3), and the Carthaginians (Plaut. *Poen.* v. 2. 21). Among the Greeks and Romans they were worn only by females.

This ornament consisted of the ring (*κρίκος*, Diod. Sic. *l. c.*) and of the drops (*stalagmia*, Festus, *s. v.*; Plaut. *Men.* iii. 3. 18.) The ring was generally of gold, although the common people also wore ear-rings of bronze. See Nos. 1, 4, from the Egyptian collection in the British Museum. Instead of a ring a hook was often used, as shown in Nos. 6, 8. The women of Italy still continue the same practice, passing the hook through the lobe of the ear without any other fastening. The drops were sometimes of gold, very finely wrought (see Nos. 2, 7, 8), and sometimes of pearls (Plin. *ll. cc.*;



Sen. *de Ben.* vii. 9; Ovid. *Met.* x. 265; Claud. *de VI. Cons. Honor.* 528; Sen. *Hippol.* ii. 1. 33), and precious stones (Nos. 3, 5, 6). The pearls were valued for being exactly spherical (Hor. *Epod.* viii. 13), as well as for their great size and delicate whiteness; but those of an elongated form, called *elenchi*, were also much esteemed, being adapted to terminate the drop, and being sometimes placed two or three together for this purpose. (Plin. *H. N.* ix. 56; Juv. vi. 364.) In the Iliad (xiv. 182, 183), Hera, adorning herself in the most captivating manner, puts on ear-rings made with three drops resembling mulberries. (See Eustath. *ad loc.*) Pliny observes (xi. 50) that greater expense was lavished on no part of the dress than on the ear-rings. According to Seneca (*l. c.*) the ear-ring, No. 3, in the preceding woodcut, in which a couple of pearls are strung both above and below the precious stone, was worth a patrimony. (See also *De Vita Beata*, 17.) All the ear-rings above engraved belong to the Hamilton collection in the British Museum.

In opulent families the care of the ear-rings was the business of a female slave, who was called *Auriculae Ornatrix* (Gruter, *Inscrip.*). The Venus de' Medici, and other female statues, have the ears pierced, and probably once had ear-rings in them. The statue of Achilles at Sigeum, representing him in female attire, likewise had this ornament. (Serv. *in Virg. Aen.* i. 30; Tertull. *de Pall.* 4.) [J. Y.]

INCE'NDIUM, the crime of setting any object on fire, by which the property of a man is endangered. It was thus a more general term than the modern *Arson*, which is limited to the act of wilfully and maliciously burning the property of another. The crime of incendium was the subject of one of the laws of the Twelve Tables, which inflicted a severe punishment on the person who set fire to property maliciously (*sciens, prudens*); but if it was done by accident (*casu, id est, negligentia*), the law obliged the offender to repair the injury he had committed. (Dig. 47. tit. 9. s. 9.) The punishment, however, of burning alive, which is mentioned in the passage of the Digest referred to, is supposed by modern commentators not to have been contained in the Twelve Tables, but to have been transferred from the imperial period to earlier times. In the second Punic war a great fire broke out at

Rome, which was evidently occasioned *humana fraude*. The offenders were discovered and punished (*animadversum est*), but Livy unfortunately does not state (xxvi. 27) in what manner. The crime of incendium was the subject of various enactments in the last century of the republic. Sulla, in his *Lex Cornelia de Sicariis*, punished malicious (*dolo malo*) incendium, but only in the city, or within a thousand paces of it, with aquae et ignis interdictio, since it was frequently employed as a means for the perpetration of murder, which was especially the subject of this law. (Dig. 48. tit. 8. s. 1.) Cn. Pompeius, in B. C. 52, made incendium a crime of *Vis* by his *Lex Pompeia de Vi*, in consequence of the burning of the Curia and the Porcia Basilica on the burial of Clodius; and Julius Cæsar also included it in his *Lex Julia de Vi*, which enacted that any act of incendium committed by large numbers of men, even if the object of their assembling together was not incendium, should be treated as Vis, and punished with aquae et ignis interdictio. (Cic. *Phil.* i. 9; comp. *Parad.* 4.) The more recent Lex Julia de Vi seems to have been less severe, but it is uncertain what punishment it ordained. (Paull. v. 26. § 3.) Besides the two criminal prosecutions given by the Lex Cornelia and Lex Julia, a person could also bring actions to recover compensation for the injury done to his property: 1. By the *actio legis Aquilliae*, in case of accidental incendium. (Dig. 9. tit. 2. s. 27 § 5.) 2. In the case of a person who had committed robbery or done injury during an incendium, there was a praetorian action de incendio, which compelled him to restore fourfold the amount. (Dig. 47. tit. 9. ss. 1, 5.) In the imperial period various distinctions were made in the crime. First, a distinction was made according to the greater or smaller danger of the incendium to the contiguous objects: thus incendium in the city was punished with less severity than incendium in the country. Secondly, a distinction was made according as the act had been performed *dolo*, *culpa*, or *casu*. If the incendium was not malicious, but still might have been avoided by ordinary care, a person had to make compensation; but if the incendium was purely accidental, no compensation was necessary. The *cognitio* was *extraordinaria* and belonged to the Praefectus urbi, who could inflict whatever punishment he pleased, for it appears that there was no punishment fixed by law. We accordingly find mention of execution by the sword, burning alive, condemnation to the mines and to public works, deportatio, relegatio, flogging, &c., as punishments inflicted on account of incendium. (Dig. 48. tit. 19, s. 28. § 12; 9. tit. 2. s. 30. § 3; 47. tit. 9. § 1; Paull. v. 20. § 1. v. 3. § 6; Coll. Leg. tit. 12.) The preceding account is taken from Rein, *Das Criminalrecht der Römer*, pp. 765—774, where all the authorities are given.

INCENSUS. [Caput; Census, p. 263, a.]

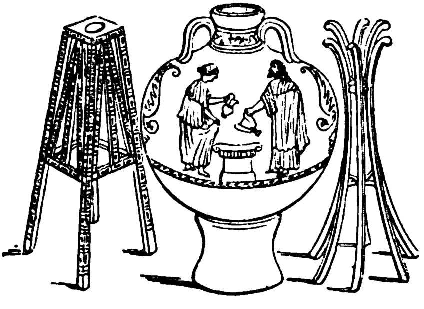
INCESTUM or **INCESTUS.** Incestum is non castum, and signifies generally all immoral and irreligious acts. In a narrower sense it denotes the unchastity of a Vestal, and sexual intercourse of persons within certain degrees of consanguinity. If a man married a woman whom it was forbidden for him to marry by positive morality (moribus), he was said to commit incestum. (Dig. 23. tit. 2. s. 39.) Such a marriage was in fact no marriage, for the necessary connubium between the parties was wanting. Accordingly, incestum is the sexual connection of a male and a female, whether under the form of marriage or not, if such persons cannot marry by reason of consanguinity.

There was no connubium between persons related by blood in the direct line, as parents and children. If such persons contracted a marriage it was Nefariae et Incestae nuptiae. There was no connubium between persons who stood in the relation of parent and child by adoption, not even after the adopted child was emancipated. There were also restrictions as to connubium between collateral kinsfolk (*ex transverso gradu cognationis*): there was no connubium between brothers and sisters, either of the whole or of the half blood; nor between children of the blood and children by adoption, so long as the adoption continued, or so long as the children of the blood remained in the power of their father. There was connubium between an uncle and his brother's daughter, after the emperor Claudius had set the example by marrying Agrippina; but there was none between an uncle and a sister's daughter. There was no connubium between a man and his amita or matertera [Cognati]; nor between a man and his socrus, nurus, privigna or noverca. In all such cases when there was no connubium, the children had a mother, but no legal father.

Incest between persons in the direct line was punishable in both parties; in other cases only in the man. The punishment was Relegatio, as in the case of adultery. Concubinage between near kinsfolk was put on the same footing as marriage. (Dig. 23. tit. 2. s. 56.) In the case of adulterium and stuprum between persons who had no connubium, there was a double offence: the man was punished with deportatio, and the woman was subject to the penalties of the Lex Julia. (Dig. 48. tit. 18. s. 5.) Among slaves there was no incestum, but after they became free their marriages were regulated according to the analogy of the connubium among free persons. It was incestum to have knowledge of a vestal virgin, and both parties were punished with death.

That which was stuprum, was considered incestum when the connection was between parties who had no connubium. Incestum, therefore, was stuprum, aggravated by the circumstance of real or legal consanguinity, and, in some cases, affinity. It was not the form of marriage between such persons that constituted the incestum; for the nuptiae were incestae, and therefore no marriage, and the incestuous act was the sexual connection of the parties. Sometimes incestum is said to be contra fas, that is, an act in violation of religion. The rules as to Incestum were founded partly on the Jus Gentium and partly on the Jus Civile; but the distinction did not exist in the early periods, and the rules as to Incestum were only such as were recognized by the Jus Gentium. Though the rules as to Incestum were afterwards more exactly determined by the Jus Civile, there does not seem to have been any complete lex on the matter. The Lex Julia de adulteriis only treated Incestum incidentally, or so far as it was also adultery: but the jurists connected all the imperial legislation on this matter and their own interpretation with the Lex Julia. (Rein, *Das Criminalrecht der Römer*, p. 869, &c.) [G. L.]

INCITE'GA, a corruption of the Greek ἀγγοθήκη or ἐγγυθήκη, a term used to denote a piece of domestic furniture, variously formed according to the particular occasion intended; made of silver, bronze, clay, stone, or wood, according to the circumstances of the possessor; sometimes adorned with figures; and employed to hold amphorae, bottles, alabastra, or any other vessels which were round or pointed at the bottom, and therefore required a separate contrivance to keep them erect. (Festus, *s.v. Incitega;* Bekker, *Anecd.* 245; Wilkinson, *Man. and Customs*, vol. ii. pp. 158, 160, 216, 217.) Some of those used at Alexandria were triangular. (Athen. v. 45.) We often see them represented in ancient Egyptian paintings. The annexed woodcut shows three *ἀγγοθῆκαι*, which are preserved in the British Museum. Those on the right and left hand are of wood, the one having four feet, the other six; they were found in Egyptian tombs. The third is a broad earthenware ring, which is used to support a Grecian amphora. [J. Y.]

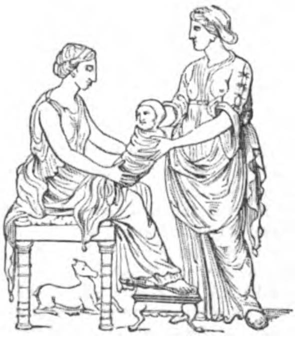


I'NCOLA. [DOMICILIUM.]

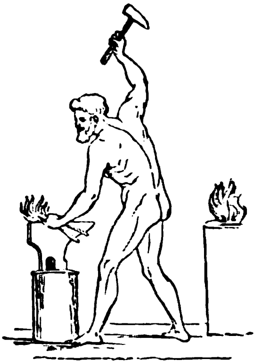
INCORPORA'LES RES. [DOMINIUM.]

INCUNA'BULA or **CUNA'BULA** (*σπάργανον*), swaddling-clothes.

The first thing done after the birth of a child was to wash it; the second to wrap it in swaddling clothes, and the rank of the child was indicated by the splendour and costliness of this, its first attire. Sometimes a fine white shawl, tied with a gold band, was used for the purpose (Hom. *Hymn. in Apoll.* 121, 122); at other times a small purple scarf, fastened with a brooch. (Pind. *Pyth.* iv. 114; *χλαμύδιον*, Longus, i. 1. p. 14, 28, ed. Boden.) The poor used broad fillets of common cloth (*panni*, Luke, ii. 7, 12; Ezek. xvi. 4. *Vulg.*; compare Hom. *Hymn. in Merc.* 151, 306; Apollod. *Bibl.* iii. 10. § 2; Aelian, *V. H.* ii. 7; Eurip. *Ion*, 32; Dion Chrysost. vi. p. 203, ed. Reiske; Plaut. *Amphit.* v. 1. 52, *Truc.* v. 13). The preceding woodcut, taken from a beautiful bas-relief at Rome, which is supposed to refer to the birth of Telephus, shows the appearance of a child so clothed, and renders in some degree more intelligible the fable of the deception practised by Rhea upon Saturn in saving the life of Jupiter by presenting a stone, enveloped in swaddling-clothes, to be devoured by Saturn instead of his new-born child. (Hes. *Theog.* 485.) It was one of the peculiarities of the Lacedaemonian education to dispense with the use of incunabula, and to allow children to enjoy the free use of their limbs. (Plut. *Lycurg.* p. 90, ed. Steph.) [J. Y.]



INCUS (*ἄκμων*), an anvil. The representations of Vulcan and the Cyclopes on various works of art, show that the ancient anvil was formed like that of modern times. When the smith wanted to make use of it, he placed it on a large block of wood (*ἀκμόθετον*, Hom. *Il.* xviii. 410, 476, *Od.* viii. 274; *positis incudibus*, Virg. *Aen.* vii. 629; viii. 451); and when he made the link of a chain, or any other object which was round or hollow, he beat it upon a point projecting from one side of the anvil. The annexed woodcut, representing Vulcan forging a thunderbolt for Jupiter, illustrates these circumstances; it is taken from a gem in the Royal Cabinet at Paris. It appears that in the "brazen age," not only the things made upon the anvil, but the anvil itself, with the hammer and the tongs, were made of bronze. (Hom. *Od.* iii. 433, 434; Apollon. Rhod. iv. 761, 762.) [MALLEUS.] [J. Y.]



INDEX. [LIBER.]

INDIGITAMENTA. [PONTIFEX.]

INDU'SIUM. [TUNICA.]

I'NDUTUS. [AMICTUS; TUNICA.]

INFA'MIA. The provisions as to Infamia, as they appear in the legislation of Justinian, are contained in Dig. 3. tit. 2. De his qui notantur Infamia, and in Cod. 2. tit. 12. Ex quibus causis Infamia irrogatur. The Digest contains (s. 1) the cases of Infamia as enumerated in the Praetor's Edict. There are also various provisions on the subject in the Lex Julia Municipalis (B. C. 45), commonly called the Table of Heraclea.

Infamia was a consequence of condemnation in any Judicium Publicum, of ignominious (*ignominiae causa*) expulsion from the army (Tab. Heracl. l. 121), of a woman being detected in adultery, though she might not have been condemned in a Judicium Publicum, &c.; of condemnatio for Furtum, Rapina, Injuriae, and Dolus Malus, provided the offender was condemned in his own name, or provided in his own name he paid a sum of money by way of compensation ; of condemnation in an action Pro Socio, Tutelae, Mandatum, Depositum or Fiducia (compare the Edict with Cic. *pro Rosc. Com.* 6, *pro Rosc. Amer.* 38, 39, *pro Caecina*, 2, *Top.* c. 10 ; Tab. Heracl. l. 111), provided the offender was condemned in his own name. Infamia only followed for a condemnatio in a directa actio, not if a man was condemned contrario judicio, unless the person condemned was guilty of some special dishonesty. Infamia was also a consequence of insolvency, when a man's bona were Possessa, Proscripta, Vendita (Cic. *pro Quint.* 15 ; Tab. Heracl. l. 113—117 ; Gaius, ii. 154) ; of a widow marrying within the time appointed for mourning, but the Infamia attached to the second husband, if he was a paterfamilias, and if he was not, then to his father, and to the father of the widow if she was in his power ; the Edict does not speak of the Infamia of the widow, but it was subsequently extended to her. Infamia was a consequence of a man being at the same time in the relation of a double marriage or double sponsalia ; the Infamia attached to the man if he was a paterfamilias, and if he was not, to his father ; the Edict here also speaks only of the man, but the Infamia was subsequently extended to the woman. Infamia was a consequence of prostitution in the case of a woman, of similar conduct in a man (*qui muliebria passus est*), of Lenocinium or gaining a living by aiding in prostitution (Tab. Heracl. l. 123) ; of appearing on a public stage as an actor, of engaging for money to appear in the fights of the wild beasts, even if a man did not appear, and of appearing there, though not for money.

It results from this enumeration that Infamia was only the consequence of an act committed by the person who became Infamis, and was not the consequence of any punishment for such act. In some cases it only followed upon condemnation ; in others it was a direct consequence of an act, as soon as such act was notorious.

It has sometimes been supposed that the Praetor established the Infamia as a rule of law, which however was not the case. The Praetor made certain rules as to Postulatio (Dig. 3. tit. 1. s. 1), for the purpose of maintaining the purity of his court. With respect to the Postulatio, he distributed persons into three classes. The second class comprehended, among others, certain persons who were *turpitudine notabiles*, who might postulate for themselves but not for others. The third class contained, among others, all those "qui Edicto Praetoris ut infames notantur," and were not already enumerated in the second class. Accordingly it was necessary for the Praetor to enumerate all the Infames who were not included in the second class, and this he did in the Edict as quoted. (Dig. 3. tit. 2. s. 1.) Consistently with this, Infamia was already an established legal condition ; and the Praetor in his edicts on Postulation did not make a class of persons called Infames, but he enumerated as persons to be excluded from certain rights of Postulation, those who were Infames. Consequently the legal notion of Infamia was fixed before these edicts.

It is necessary to distinguish Infamia from the Nota Censoria. The Infamia does not seem to have been created by written law, but to have been an old Roman institution. In many cases, though not in all, it was a consequence of a judicial decision. The power of the Censors was in its effects analogous to the Infamia, but different from it in many respects. The Censors could at their pleasure remove a man from the Senate or the Equites, remove him into a lower tribe, or remove him out of all the tribes, and so deprive him of his suffragium, by reducing him to the condition of an aerarius. (Cic. *pro Cluent.* 43, 45.) They could also affix a mark of ignominy or censure opposite to a man's name in the list of citizens, nota censoria or subscriptio (Cic. *pro Cluent.* 42, 43, 44, 46, 47) ; and in doing this, they were not bound to make any special inquiry, but might follow general opinion. This arbitrary mode of proceeding was however partly remedied by the fact that such a censorian nota might be opposed by a colleague, or removed by the following censors, or by a judicial decision, or by a lex. Accordingly the censorian nota was not perpetual, and therein it differed essentially from Infamia, which was perpetual.

The consequences of Infamia were the loss of certain political rights, but not all. It was not a capitis deminutio, but it resembled it. The Infamis became an Aerarius, and lost the suffragium and honores ; that is, he lost the capacity for certain so-called public rights, but not the capacity for private rights. Under the empire, the Infamia lost its effect as to public rights, for such rights became unimportant.

It might be doubted whether the loss of the suffragium was a consequence of Infamia, but the affirmative side is maintained by Savigny with such reasons as may be pronounced completely conclusive. It appears from Livy (vii. 2) and Valerius Maximus (ii. 4. § 4), that the Actores Atellanarum were not either removed from their tribe (*nec tribu moventur*), nor incapable of serving in the army : in other words such actors did not become Infames, like other actors. The phrase "tribu moveri" is ambiguous, and may mean either to remove from one tribe to a lower, or to move from all the tribes, and so make a man an aerarius. Now the mere removing from one tribe to another must have been an act of the Censors only, for it was necessary to fix the tribe into which the removal was made: but this could not be the case in a matter of Infamia, which was the effect of a general rule, and a general rule could only operate in a general way ; that is, "tribu moveri," as a consequence of Infamia, must have been a removal from all the tribes, and a degradation to the state of an Aerarius. (Compare Liv. xlv. 15.)

The Lex Julia Municipalis does not contain the word Infamia, but it mentions nearly the same cases as those which the Edict mentions as cases of Infamia. The Lex excludes persons who fall within its terms, from being Senatores, Decuriones, Conscripti of their city, from giving their vote in the senate of their city, and from magistracies which gave a man access to the senate : but it says nothing of the right of voting being taken away. Savigny observes that there would be no inconsistency in supposing that the lex refused only the Honores in the municipal towns, while it still allowed Infames to retain the suffragium in such towns, though the practice was different in Rome, if we consider that the suffragium in the Roman Comitia was a high privilege, while in the municipal towns it was comparatively unimportant.

Cicero (*pro Rosc. Com.* 6) speaks of the judicia Fiduciae, Tutelae, and Societatis as "summae existimationis et pene capitis." In another oration (*pro Quint.* 8, 9, 13, 15, 22) he speaks of the ex edicto possessio bonorum as a capitis causa, and in fact as identical with Infamia (c. 15, cujus bona ex edicto possidentur, hujus omnis fama et existimatio cum bonis simul possidetur). This capitis minutio, however, as already observed, affected only the public rights of a citizen; whereas the capitis deminuto of the imperial period and the expression capitalis causa, apply to the complete loss of citizenship. This change manifestly arose from the circumstance of the public rights of the citizens under the empire having become altogether unimportant, and thus the phrase capitis deminutio, under the empire, applies solely to the individual's capacity for private rights.

In his private rights the Infamis was under some incapacities. He could only postulate before the Praetor on his own behalf, and on behalf of certain persons who were very nearly related to him, but not generally on behalf of all persons. Consequently he could not generally be a Cognitor or a Procurator. Nor could a cause of action be assigned to him, for by the old law he must sue as the cognitor or procurator of the assignor (Gaius, ii. 39); but this incapacity became unimportant when the Cessio was effected by the utiles actiones without the intervention of a Cognitor or Procurator. The Infamis could not sustain a Popularis Actio, for in such case he must be considered as a procurator of the state. The Infamis was also limited as to his capacity for marriage, an incapacity which originated in the Lex Julia. (Ulp. *Frag.* xiii.) This lex prohibited senators, and the children of senators, from contracting marriage with Libertini and Libertinae, and also with other disreputable persons enumerated in the lex: it also forbade all freemen from marrying with certain disreputable women. The Jurists made the following change: — they made the two classes of disreputable persons the same, which were not the same before, and they extended the prohibition, both for senators and others, to all those whom the Edict enumerated as Infames. The provisions of the Lex Julia did not render the marriage null, but it deprived the parties to such marriage of the privileges conferred by the lex; that is, such a marriage did not release them from the penalties of celibacy. A senatus-consultum, under M. Aurelius, however, made such marriage null in certain cases. (Savigny, *System*, &c., vol. ii.) [G. L.]

INFA'MIS. [INFAMIA.]

INFANS, INFA'NTIA. In the Roman law there were several distinctions of age which were made with reference to the capacity for doing legal acts: — 1. The first period was from birth to the end of the seventh year, during which time persons were called Infantes, or Qui fari non possunt. 2. The second period was from the end of seven years to the end of fourteen or twelve years, according as the person was a male or a female, during which persons were defined as those Qui fari possunt. The persons included in these first two classes were Impuberes. 3. The third period was from the end of the twelfth or fourteenth to the end of the twenty-fifth year, during which period persons were Adolescentes, Adulti. The persons included in these three classes were minores xxv annis or annorum, and were often, for brevity's sake, called minores only [CURATOR]; and the persons included in the third and fourth class were Puberes. 4. The fourth period was from the age of twenty-five, during which persons were Majores.

The term Impubes comprehends Infans, as all Infantes are Impuberes; but all Impuberes are not Infantes. Thus the Impuberes were divided into two classes; Infantes or those under seven years of age, and those above seven, who are generally understood by the term Impuberes. Pupillus is a general name for all Impuberes not in the power of a father. (Dig. 50. tit. 16. s. 239.)

The commencement of Pubertas was the commencement of full capacity to do legal acts. Before the commencement of Pubertas, a person, according to the old civil law, could do no legal act without the auctoritas of a tutor. This rule was made for those Impuberes who had property of their own; for it could have no application to Impuberes who were in the power of a father. Now the age of pubertas was fixed as above mentioned, on the supposition that persons were then competent to understand the nature of their acts, and the age of twelve or fourteen was only fixed because it was necessary to fix some limit which might apply to all cases; but it was obvious that in many cases when a person bordered on the age of Puberty (pubertati proximus), and had not yet attained it, he might have sufficient understanding to do many legal acts. Accordingly, a person who was proximus pubertati was in course of time considered competent to do certain legal acts without the auctoritas of a tutor; but to secure him against fraud or mistake, he could only do such acts as were for his own advantage. This relaxation of the old law was beneficial both to the Impubes and to others, but owing to its being confined to such narrow limits of time, it was of little practical use, and accordingly it was extended as a positive rule to a longer period below the age of puberty; but still with the same limitation: the Impubes could do no act to his prejudice without the auctoritas of a tutor. It was, however, necessary to fix a limit here also, and accordingly it was determined that such limited capacity to do legal acts should commence with the termination of infantia, which, legally defined, is that period after which a person, either alone or with a tutor, is capable of doing legal acts.

Infans properly means Qui fari non potest; and he of whom could be predicated, Fari potest, was not Infans, and was capable of doing certain legal acts. The phrase Qui fari potest is itself ambiguous; but the Romans, in a legal sense, did not limit it to the mere capacity of uttering words, which a child of two or three years generally possesses, but they understood by it a certain degree of intellectual developement; and, accordingly, the expression Qui fari potest expressed not only that degree of intellectual development which is shown by the use of intelligible speech, but also a capacity for legal acts in which speech was required. Thus the period of infantia was extended beyond that which the strict etymological meaning of the word signifies, and its termination was fixed by a positive rule at the end of the seventh year, as appears by numerous passages. (Dig. 26. tit. 7. s. 1; 23. tit. 1. s. 14; Cod. 6. tit. 30. s. 18; Quintilian, *Inst. Or.* i. 1; Isidorus, *Orig.* xi. 2.)

The expressions proximus pubertati, and proximus infantiae or infanti (Gaius, iii. 109), are used by the Roman jurists to signify respectively one who is near attaining Pubertas, and one who has just passed the limit of Infantia. (Savigny, *System des heut. R. R.* vol. iii.) [Impubes.] [G. L.]

INFE′RIAE. [Funus, p. 562, b.]

I′NFULA, a flock of white and red wool, which was slightly twisted, drawn into the form of a wreath or fillet, and used by the Romans for ornament on festive and solemn occasions. In sacrificing it was tied with a white band [Vitta] to the head of the victim (Virg. *Georg.* iii. 487; Lucret. i. 88; Sueton. *Calig.* 27), and also of the priest, more especially in the worship of Apollo and Diana. (Virg. *Aen.* ii. 430, x. 538; Servius, *in loc.*; Isid. *Orig.* xix. 30; Festus, *s. v. Infulae.*) The "torta infula" was worn also by the Vestal Virgins. (Prud. *c. Sym.* ii. 1085, 1094.) Its use seems analogous to that of the lock of wool worn by the flamines and salii [Apex]. At Roman marriages the bride, who carried wool upon a distaff in the procession [Fusus], fixed it as an infula upon the door-case of her future husband on entering the house. (Lucan, ii. 355; Plin. *H. N.* xxix. 2; Servius, *in Virg. Aen.* iv. 458.) [J. Y.]

INGE′NUI, INGENU′ITAS. Freemen (*liberi*) were either ingenui or libertini. Ingenui are those free men who are born free. (Gaius, i. 11.) Libertini are those who are manumitted from legal slavery. Though freedmen (*libertini*) were not ingenui, the sons of libertini were ingenui. A libertinus could not by adoption become ingenuus. (Gell. v. 19.) If a female slave (*ancilla*) was pregnant, and was manumitted before she gave birth to a child, such child was born free, and therefore was ingenuus. In other cases, also, the law favoured the claim of free birth, and consequently of ingenuitas. (Paulus, *Sent. Recept.* iii. 24, and v. 1. *De liberali causa.*) If a man's ingenuitas was a matter in dispute, there was a judicium ingenuitatis. (Tacit. *Ann.* xiii. 27; Paulus, *S. R.* v. 1.)

The words ingenuus and libertinus are often opposed to one another; and the title of freeman (*liber*), which would comprehend libertinus, is sometimes limited by the addition of ingenuus (liber et ingenuus, Hor. *Ar. P.* 383). According to Cincius, in his work on Comitia, quoted by Festus (*s. v. Patricios*), those who, in his time, were called ingenui, were originally called patricii, which is interpreted by Goettling to mean that Gentiles were originally called Ingenui also: a manifest misunderstanding of the passage. If this passage has any certain meaning, it is this: originally the name ingenuus did not exist, but the word patricius was sufficient to express a Roman citizen by birth. This remark then refers to a time when there were no Roman citizens except patricii; and the definition of ingenuus, if it had then been in use, would have been a sufficient definition of a patricius. But the word ingenuus was introduced, in the sense here stated, at a later time, and when it was wanted for the purpose of indicating a citizen by birth, merely as such. Thus, in the speech of Appius Claudius Crassus (Liv. vi. 40), he contrasts with persons of patrician descent, "Unus Quiritium quilibet, duobus ingenuis ortus." Further, the definition of Gentilis by Scaevola [Gens, p. 567], shows that a man might be ingenuus and yet not gentilis, for he might be the son of a freedman; and this is consistent with Livy (x. 8). If Cincius meant his proposition to be as comprehensive as the terms will allow us to take it, the proposition is this: — All (now) ingenui comprehend all (then) patricii; which is untrue.

Under the empire, Ingenuitas, or the Jura Ingenuitatis, might be acquired by the imperial favour; that is, a person, not ingenuus by birth, was made so by the sovereign power. A freedman who had obtained the Jus Annulorum Aureorum, was considered ingenuus; but this did not interfere with the patronal rights. (Dig. 40. tit. 10. s. 5 and 6.) By the natalibus restitutio the princeps gave to a libertinus the character of ingenuus; a form of proceeding which involved the theory of the original freedom of all mankind, for the libertinus was restored, not to the state in which he had been born, but to his supposed original state of freedom. In this case the patron lost his patronal rights by a necessary consequence, if the fiction were to have its full effect. (Dig. 40. tit. 11.) It seems that questions as to a man's ingenuitas were common at Rome; which is not surprising, when we consider that patronal rights were involved in them. [G. L.]

INGRA′TUS. [Patronus.]

INJU′RIA. Injuria, in the general sense, is opposed to Jus. In a special sense injuria was done by striking or beating a man either with the hand or with any thing; by abusive words (*convicium*); by the proscriptio bonorum, when the claimant knew that the alleged debtor was not really indebted to him, for the bonorum proscriptio was accompanied with infamia to the debtor (Cic. *pro Quint.* 6, 15, 16); by libellous writings or verses; by soliciting a mater familias or a praetextatus [Impubes]; and by various other acts. A man might sustain injuria either in his own person, or in the person of those who were in his power or in manu. No injuria could be done to a slave, but certain acts done to a slave were an injuria to his master, when the acts were such as appeared from their nature to be insulting to the master; as, for instance, if a man should flog another man's slave, the master had a remedy against the wrong-doer, which was given him by the praetor's formula. But in many other cases of a slave being maltreated, there was no regular formula by which the master could have a remedy, and it was not easy to obtain one from the praetor.

The Twelve Tables had various provisions on the subject of Injuria. Libellous songs or verses were followed by capital punishment, that is, death, as it appears (Cic. *Rep.* iv. 10, and the notes in Mai's edition). In the case of a limb being mutilated the punishment was Talio (Festus, *s. v. Talio*). In the case of a broken bone, the penalty was 300 asses if the injury was done to a freeman, and 150 if it was done to a slave. In other cases the Tables fixed the penalty at 25 asses. (Gellius, xvi. 10, xx. 1; Dirksen, *Uebersicht*, &c.)

These penalties which were considered sufficient at the time when they were fixed, were afterwards considered to be insufficient; and the injured person was allowed by the praetor to claim such damages as he thought that he was entitled to, and the judex might give the full amount or less. But in the case of a very serious injury (*atrox injuria*), when the praetor required security for the defendant's appearance to be given in a particular sum, it was usual to claim such sum as the damages in the plaintiff's declaration, and though the judex was not bound to give damages to that amount, he seldom gave less. An injuria had the character of atrox, either from the act itself, or the place where it was done, as for instance, a theatre or forum, or from the condition of the person injured, as if he were a magistratus, or if he were a senator and the wrong-doer were a person of low condition.

A Lex Cornelia specially provided for cases of pulsatio, verberatio, and forcible entry into a man's house (*domus*). The jurists who commented on this lex defined the legal meaning of pulsatio, verberatio, and domus. (Dig. 47. tit. 10. s. 5.)

The actions for Injuria were gradually much extended, and the praetor would, according to the circumstances of the case (*causa cognita*), give a person an action in respect of any act or conduct of another, which tended, in the judgment of the praetor, to do him injury in reputation or to wound his feelings. (Dig. 47. tit. 10. s. 15, 22, 23, 24, &c.) Many cases of Injuria were subject to a special punishment (Dig. 47. tit. 11) as deportatio; and this proceeding extra ordinem was often adopted instead of the civil action. Various imperial constitutions affixed the punishment of death to libellous writings (*famosi libelli*). [Libelli.]

Infamia was a consequence of condemnation in an actio Injuriarum [Infamia]. He who brought such an action per calumniam was liable to be punished extra ordinem. (Gaius, iii. 220—225; Hor. *Sat.* i. 1. 80; Dig. 47. tit. 10; Cod. Theod. ix. tit. 34; Cod. ix. tit. 36; Paulus, *Sent. Recep.* v. tit. 4; Rein, *Das Criminalrecht der Römer*, p. 35, &c.) [G. L.]

INJURIA'RUM ACTIO. [Injuria.]

INOA (Ἰνῶα), festivals celebrated in several parts of Greece, in honour of the ancient heroine Ino. At Megara she was honoured with an annual sacrifice, because the Megarians believed that her body had been cast by the waves upon their coast, and that it had been found and buried there by Cleso and Tauropolis. (Paus. i. 42. § 8.) Another festival of Ino was celebrated at Epidaurus Limera, in Laconia. In the neighbourhood of this town there was a small but very deep lake, called the water of Ino, and at the festival of the heroine the people threw barley-cakes into the water. When the cakes sank it was considered a propitious sign, but when they swam on the surface it was an evil sign. (Paus. iii. 23. § 5.) An annual festival, with contests and sacrifices, in honour of Ino, was also held on the Corinthian Isthmus, and was said to have been instituted by king Sisyphus. (Tzetzes, *ad Lycophr.*) [L. S.]

INOFFICIO'SUM TESTAME'NTUM. [Testamentum.]

INQUILI'NUS. [Exsilium, p. 516, b.]

INSA'NIA, INSA'NUS. [Curator.]

INSIGNE (σημεῖον, ἐπίσημα, ἐπίσημον, παράσημον), a badge, an ensign, a mark of distinction. Thus the Bulla worn by a Roman boy was one of the insignia of his rank. (Cic. *Verr.* ii. 58.) Five classes of insignia more especially deserve notice: —

I. Those belonging to officers of state or civil functionaries of all descriptions, such as the Fasces carried before the Consul at Rome, the laticlave and shoes worn by senators [Calceus; Clavus], the carpentum and the sword bestowed by the emperor upon the praefect of the praetorium. (Lydus, *de Mag.* ii. 3. 9.) The Roman Equites were distinguished by the "equus publicus," the golden ring, the angustus clavus [p. 294], and the seat provided for them in the theatre and the circus. (C. G. Schwartz, *Diss. Selectae*, pp. 84—101.) The insignia of the kings of Rome, viz. the trabea, the toga-praetexta, the crown of gold, the ivory sceptre, the sella curulis, and the twelve lictors with fasces, all of which except the crown and sceptre were transferred to subsequent denominations of magistrates, were copied from the usages of the Etruscans and other nations of early antiquity. (Flor. i. 5; Sallust, *B. Cat.* 51; Virg. *Aen.* vii. 188, 612, xi. 334; Lydus, *de Mag.* i. 7, 8, 37.)

II. Badges worn by soldiers. The centurions in the Roman army were known by the crests of their helmets [Galea], and the common men by their shields, each cohort having them painted in a manner peculiar to itself. (Veget. ii. 18; compare Caes. *Bell. Gall.* vii. 45.) [Clipeus.] Among the Greeks the devices sculptured or painted upon shields (see woodcut, p. 298), both for the sake of ornament and as badges of distinction, employed the fancy of poets and of artists of every description from the earliest times. Thus the seven heroes who fought against Thebes, all except Amphiaraus, had on their shields expressive figures and mottoes, differently described, however, by different authors. (Aeschyl. *Sept. c. Theb.* 383—646; Eurip. *Phoen.* 1125—1156; Apollodor. *Bibl.* iii. 6. § 1.) Alcibiades, agreeably to his general character, wore a shield richly decorated with ivory and gold, and exhibiting a representation of Cupid brandishing a thunderbolt. (Athen. xii. p. 534, e.) The first use of these emblems on shields is attributed to the Carians (Herod. i. 171); and the fictitious employment of them to deceive and mislead an enemy was among the stratagems of war. (Paus. iv. 28. § 3; Virg. *Aen.* ii. 389—392.)

III. Family badges. Among the indignities practised by the Emperor Caligula, it is related that he abolished the ancient insignia of the noblest families, viz. the torques, the cincinni, and the cognomen "Magnus." (Sueton. *Calig.* 35.)

IV. Signs placed on the front of buildings. A figure of Mercury was the common sign of a Gymnasium; but Cicero had a statue of Minerva to fulfil the same purpose. (*Ad Att.* i. 4.) Cities had their emblems as well as separate edifices; and the officer of a city sometimes affixed the emblem to public documents as we do the seal of a municipal corporation. (Antigonus Caryst. 15.)

V. The figure-heads of ships. The insigne of a ship was an image placed on the prow, and giving its name to the vessel. (Tacit. *Ann.* vi. 34; Caes. *B. Civ.* ii. 6.) Paul sailed from Melite to Puteoli in the Dioscuri, a vessel which traded between that city and Alexandria. (*Acts*, xxviii. 11.) Enschedé has drawn out a list of one hundred names of ships, which occur either in classical authors or in ancient inscriptions. (*Diss. de Tut. et Insignibus Navium*, reprinted in Ruhnken, *Opusc.* pp. 257—305.) The names were those of gods and heroes, together with their attributes, such as the helmet of Minerva, painted on the prow of the ship which conveyed Ovid to Pontus (*a picta casside nomen habet*, *Trist.* i. 9. 2); of virtues and affections, as Hope, Concord, Victory; of countries, cities, and rivers, as the Po, the Mincius (Virg. *Aen.* x. 206), the Delia, the Syracuse, the Alexandria (Athen. v. 43); and of men, women, and animals, as the boar's head, which distinguished the vessels of Samos (Herod. iii. 59;

Choerilus, p. 155, ed. Naeke; Hesych. *s. v.* *Σαμιακὸς τρόπος*: Eust. *in Hom. Od.* xiii. p. 525), the swan, the tiger (Virg. *Aen.* x. 166), the bull (*προτομὴν ταύρου*, Schol. *in Apoll. Rhod.* ii. 168). Plutarch mentions a Lycian vessel with the sign of the lion on its prow, and that of the serpent on its poop, manifestly intended to express the form of the chimaera. (*De Mul. Virt.* p. 441, ed. Steph.) After an engagement at sea, the insigne of a conquered vessel, as well as its aplustre, was often taken from it and suspended in some temple as an offering to the god. (Plut. *Themist.* p. 217.) Figure-heads were probably used from the first origin of navigation. On the war-galleys of the Phoenicians, who called them, as Herodotus says (iii. 37), *πάταικοι*, *i. e.* "carved images," they had sometimes a very grotesque appearance.

Besides the badge which distinguished each individual ship, and which was either an engraved and painted wooden image forming part of the prow, or a figure often accompanied by a name and painted on both the bows of the vessel, other insignia, which could be elevated or lowered at pleasure, were requisite in naval engagements. These were probably flags or standards, fixed to the aplustre or to the top of the mast, and serving to mark all those vessels which belonged to the same fleet or to the same nation. Such were "the Attic" and "the Persic signals" (*τὸ Ἀττικὸν σημεῖον*, Polyaen. iii. 11. § 11, viii. 53. § 1; Becker, *Charikles*, vol. ii. p. 63). A purple sail indicated the admiral's ship among the Romans, and flags of different colours were used in the fleet of Alexander the Great. (Plin. *H. N.* xix. 5.) [J. Y.]

I'NSTITA (*περιπόδιον*), a flounce; a fillet. The Roman matrons sometimes wore a broad fillet with ample folds, sewed to the bottom of the tunic and reaching to the instep. The use of it indicated a superior regard to decency and propriety of manners. (Hor. *Sat.* i. 2. 29; Ovid, *Ars Amat.* i. 32.) It must have resembled a modern flounce. By the addition of gold and jewellery it took the form of the more splendid and expensive CYCLAS.

When this term denoted a fillet, which was used by itself, as in the decoration of a THYRSUS (Stat. *Theb.* vii. 654), it was equivalent to VITTA or FASCIA. [TUNICA.] [J. Y.]

I'NSTITOR. [INSTITORIA ACTIO.]

INSTITO'RIA ACTIO. This actio was allowed against a man who had appointed either his son or a slave, and either his own or another man's slave, or a free person, to manage a taberna or any other business for him. The contracts with such manager, in respect of the taberna or other business, were considered to be contracts with the principal. The formula was called Institoria, because he who was appointed to manage a taberna was called an Institor. And the institor, it is said, was so called, "quod negotio gerendo instet sive insistat." If several persons appointed an institor, any one of them might be sued for the whole amount for which the persons were liable on the contract of their institor; and if one paid the demand, he had his redress over against the others by a societatis judicium or communi dividundo. A great deal of business was done through the medium of institores, and the Romans thus carried on various lucrative occupations in the name of their slaves, which they could not or would not have carried on personally. Institores are coupled with Nautae by Horace (*Ep.* xvii. 20), and with the Magister Navis (*Carm.* iii. 6. 30). (Gaius, iv. 71; Instit. iv. tit. 7; Dig. 14. tit. 3.) [G. L.]

INSTITUTIO'NES. It was the object of Justinian to comprise in his Code and Digest or Pandect, a complete body of law. But these works were not adapted to elementary instruction, and the writings of the ancient jurists were no longer allowed to have any authority, except so far as they had been incorporated in the Digest. It was, therefore, necessary to prepare an elementary treatise, for which purpose Justinian appointed a commission, consisting of Tribonianus, Theophilus, and Dorotheus. The commission was instructed to compose an institutional work which should contain the elements of the law (*legum cunabula*), and should not be encumbered with useless matter (*Prooem. Inst.*). Accordingly, they produced a treatise, under the title of Institutiones, or Elementa (*De Juris docendi Ratione*), which was based on former elementary works of the same name and of a similar character, but chiefly on the Commentarii of Caius or Gaius, his Res Quotidianae, and various other Commentarii. The Institutiones were published with the imperial sanction, at the close of the year A. D. 533, at the same time as the Digest.

The Institutiones consist of four books, which are divided into titles. They treat only of Privatum Jus; but there is a title on Judicia Publica at the end of the fourth book. The judicia publica are not treated of by Gaius in his Commentaries. Heineccius, in his Antiquitatum Romanarum Jurisprudentiam illustrantium Syntagma, has followed the order of the Institutiones. Theophilus, generally considered to be one of the compilers of the Institutiones, wrote a Greek paraphrase upon them, which is still extant, and is occasionally useful. The best edition of the paraphrase of Theophilus is that of W. O. Reitz, Haag, 1751, 2 vols. 4to. There are numerous editions of the Latin text of the Institutiones. The editio princeps is that of Mainz, 1468, fol.; that of Klenze and Boecking, Berlin, 1829, 4to, contains both the Institutiones and the Commentarii of Gaius; the most recent edition is that of Schrader, Berlin, 1832 and 1836.

There were various institutional works written by the Roman jurists. Callistratus, who lived under Septimius Severus and Antoninus Caracalla, wrote three books of Institutiones. Aelius Marcianus wrote sixteen books of Institutiones under Antoninus Caracalla. Florentinus, who lived under Alexander Severus, wrote twelve books of Institutiones, from which there are forty-two excerpts in the Digest. Paulus also wrote two books of Institutiones. There still remain fragments of the Institutiones of Ulpian, which appear to have consisted of two books. But the first treatise of this kind that we know of was the Institutiones of Gaius in four books. They were formerly only known from a few excerpts in the Digest, from the Epitome contained in the Breviarium, from the Collatio, and a few quotations in the Commentary of Boethius on the Topica of Cicero, and in Priscian.

The MS. of Gaius was discovered in the library of the Chapter of Verona, by Niebuhr, in 1816. It was first copied by Goeschen and Bethman-Hollweg, and an edition was published by Goeschen in 1820. The deciphering of the MS. was a work of great labour, as it is a palimpsest, the writing on which has been washed out, and in some places erased with a knife, in order to adapt the parchment for the purposes of the transcriber. The parchment, after being thus treated, was used for transcribing upon it some works of Jerome, chiefly his epistles. The old writing was so obscure that it could only be seen by applying to it an infusion of gall-nuts. A fresh examination of the MS. was made by Blume, but with little additional profit, owing to the condition of the manuscript. A second edition of Gaius was published by Goeschen in 1824, with valuable notes, and an Index Siglarum used in the MS. The preface to the first edition contains the complete demonstration that the MS. of Verona is the genuine Commentarii of Gaius, though the MS. itself has no title. An improved edition of Goeschen's by Lachmann appeared in 1842.

It appears from the Institutiones that Gaius wrote that work under Antoninus Pius and M. Aurelius.

Many passages in the Fragments of Ulpian are the same as passages in Gaius, which may be explained by assuming that both these writers copied such parts from the same original. Though the Institutiones of Justinian were mainly based on those of Gaius the compilers of the Institutiones of Justinian sometimes followed other works: thus the passage in the Institutes (ii. tit. 17. § 2, "si quis priori") is from the fourth book of Marcianus' Institutes (Dig. 36. tit. 1. s. 29); and, in some instances, the Institutiones of Justinian are more clear and explicit than those of Gaius. An instance of this occurs in Gaius (iii. 109) and the Institutiones of Justinian (iii. tit. 19. s. 10).

Gaius belonged to the school of the Sabiniani [Jurisconsulti]. The Jurists whom he cites in the Institutiones, are Cassius, Fufidius, Javolenus, Julianus, Labeo, Maximus, Q. Mucius, Ofilius, Proculus, Sabinus, Servius, Servius Sulpicius, Sextus, Tubero.

The arrangement of the Institutes of Justinian is the same as that of the work of Gaius; whatever difference there is between them in this respect, is solely owing to the changes in the Roman law, which had been made between the time of Gaius and that of Justinian. There has been considerable difference of opinion as to the nature of the arrangement of Gaius; and it is obvious that most persons have misunderstood it. According to Gaius: "omne jus quo utimur vel ad personas pertinet, vel ad res, vel ad actiones" (i. 8). It is generally supposed that the division (the first book) which treats of Persons comprehends the status or condition of persons as the subjects of rights; others affirm that it treats of legal capacity, or of the three conditions which correspond to the threefold capitis deminutio. But the first book of Gaius which treats of Persons contains both matter which has nothing to do with legal capacity, and it does not contain all that relates to legal capacity, for it does not treat of one of three chief divisions which relate to legal capacity, that of Cives, Latini, Peregrini. It treats in fact only of Marriage, Patria Potestas, Manus, Slavery, Patronatus with respect to the different classes of freed men, Mancipium and Tutela. Accordingly, this part of the work treats only of persons so far as they belong to Familia, in the widest and Roman acceptation of that term. The part which treats of res comprehends the Law of ownership, &c. and Law of Obligationes, which two divisions occupy the second and third books. The fourth book treats of Actiones, which is the third of the three divisions of Gaius. The division of Gaius is faulty in several respects; but this does not detract from the merit of the work, which is perspicuous and abounds in valuable matter. This view of the nature of the division of Gaius is from Savigny. (*System*, &c., vol. i. p. 393, &c.) [G. L.]

INSTITUTO'RIA ACTIO. [Intercessio.]

I'NSULA. [Domus, p. 430, a.]

I'NTEGRUM RESTITUTIO, IN. [Restitutio.]

INTE'NTIO. [Actio.]

INTERCE'SSIO. It is a case of Intercessio when a man takes upon himself the debt of another by virtue of some dealing with the creditor. This may be in either of the following ways: he who intercedes may take upon himself the debt of another, and may become debtor in place of that other: or the intercedent may become debtor while the debtor still continues debtor. (Vangerow, *Pandekten*, &c. vol. iii. p. 133, &c.)

To the first class belong (1) the case of a man undertaking an already existing obligatio, so as to exclude the existing debtor; (2.) And the case of a man taking an obligatio on himself, which does not already exist in the person of another, but which without such intervention would exist.

To the second class belong (1), the case when the creditor may consider either the original debtor or the intercedent as his principal debtor, or when, in other words, the intercedent is correus debendi (Inst. iii. tit. 16. De duobus reis stipulandi et promittendi); (2) When the creditor can consider the intercedent only as liable to pay, when the principal debtor does not pay, or when in other words, the intercedent is a fidejussor. (Inst. iii. tit. 20, de Fidejussoribus.)

The views of Puchta as to the Intercessio are contained in his *Institutionen*, vol. iii. p. 48, &c.)

In the Institutes of Gaius, a distinction is made between sponsores and fidepromissores, on one side; and fidejussores on the other. With respect to one another, sponsores were consponsores. (Cic. *ad Att.* xii. 17.) In the Institutes of Justinian, the distinction between sponsores and fidejussores does not exist.

Sponsores and fidepromissores could only become parties to an obligatio verborum, though in some cases they might be bound, when their principal (*qui promiserit*) was not, as in the case of a pupillus who promised without the auctoritas of his tutor, or of a man who promised something after his death. A fidejussor might become a party to all obligations, whether contracted re, verbis, litteris, or consensu. In the case of a sponsor the interrogatio was, Idem dari spondes? in the case of a fidepromissor, it was, Idem fidepromittis? in the case of a fidejussor, it was, Idem fide tua esse jubes? The object of having a sponsor, fidepromissor, or fidejussor, was greater security to the stipulator. On the other hand, the stipulator had an adstipulator only when the promise was to pay something after the stipulator's death, for if there was no adstipulator the stipulatio was inutilis or void. (Gaius, iii. 100, 117.) The adstipulator was the proper party to sue after the stipulator's death, and he could be compelled by a mandati judicium to pay to the heres whatever he recovered.

The heres of a sponsor and fidepromissor was not bound, unless the fidepromissor were a peregrinus, whose state had a different law on the matter; but the heres of a fidejussor was bound. By the Lex Furia, a sponsor and fidepromissor were free from all liability after two years, which appears to mean two years after the obligation had become a present demand; but the Lex Furia only applied to Italy. All of them who were alive at the time when the money became due could be sued, but each only for his share (*singuli viriles partes*). Fidejussores were never released from their obligation by length of time, and each was liable for the whole sum (*singuli in solidum obligantur*); but by a rescript (*epistola*) of Hadrian, the creditor was required to sue the solvent fidejussores separately, each according to his proportion. If any one of them was not solvent, his share became a burden to the rest.

A Lex Apuleia, which was passed before the Lex Furia, gave one of several sponsores or fidepromissores, who had paid more than his share, an action against the rest for contribution. Before the passing of this Lex Apuleia, any one sponsor or fidepromissor might be sued for the whole amount; but this lex was obviously rendered useless by the subsequent Lex Furia, at least in Italy, to which country alone, as already observed, the Lex Furia applied, while the Lex Apuleia extended to places out of Italy; yet not to fidejussores.

A fidejussor, who had been compelled to pay the whole amount, had no redress if his principal was insolvent; though, as already observed, he could by the rescript of Hadrian compel the creditor to limit his demand against him to his share.

A creditor was obliged formally to declare his acceptance of the sponsores or fidepromissores who were offered to him, and also to declare what was the object as to which they were security; if he did not comply with this legal requisition, the sponsores and fidepromissores might, within thirty days (it is not said what thirty days, but probably thirty days from the time of the sureties being offered), demand a praejudicium (*praejudicium postulare*), and if they proved that the creditor had not complied with the requisitions of the law, they were released. (Gaius, iii. 123.)

A Lex Cornelia limited the amount for which any person could be a security for the same person to the same person within the same year, but with some exceptions, one of which was a security "dotis nomine." No person could be bound in a greater amount than his principal, but he might be bound in less; and every surety could recover on a mandati judicium from his principal whatever he had been compelled to pay on his account. By a Lex Publilia sponsores had a special action in duplum, which was called an actio depensi.

There is a passage in the Epitome of Gaius in the Breviarium (ii. 9. § 2), which is not taken from Gaius: it is to this effect:—The creditor may sue either the debtor or his fidejussor; but after he has chosen to sue one of them, he cannot sue the other.—Cicero appears to allude to the same doctrine (*ad Att.* xvi. 15) in a passage which is somewhat obscure, and is variously explained. The subject of the sponsio often occurs in Cicero's letters; and in one case he was called upon in respect of a sponsio alleged to have been given by him twenty-five years before (*ad Att.* xii. 17). Cicero uses the expression "appellare" to express calling on a surety to pay (*ad Att.* i. 8).

(Gaius, iii. 115—127; Inst. iii. tit. 20; Dig. 44. tit. 7; 46. tit. 1.)

Women generally were incapacitated from doing many acts on account of the weakness of the sex. It was a general rule that any person might "intercedere," who was competent to contract and to dispose of his property; but minores xxv and women had only a limited capacity in respect of their contracts and the disposition of their estates. In the early part of the reign of Augustus and in that of Claudius, it was declared by the Edict that women should not "intercedere" for their husbands. Subsequently the Senatusconsultum Velleianum [SENATUSCONSULTUM VELLEIANUM] absolutely prohibited all Intercessio by women; and the Novella 134. c. 8, had for its special object to make null all Intercessio of a wife for her husband. A woman who was sued in respect of her Intercessio, or her heres, might plead the Senatusconsultum, and she might recover anything that she had paid in respect of her Intercessio. The Senatusconsultum, though it made null the intercessio of a woman, protected the creditor so far as to restore to him a former right of action against his debtor and fidejussores: this action was called Restitutoria or Rescissoria. In the case of a new contract, to which the woman was a party, the Intercessio was null by the Senatusconsultum, and the creditor had the same action against the person for whom the woman "intercessit," as he would have had against the woman: this action, inasmuch as the contract had no reference to a former right, but to a right arising out of the contract, was Institutoria. In certain cases, a woman was permitted to renounce the benefit of the Senatusconsultum; and there was a considerable number of exceptions to the rule that a woman could plead the senatusconsultum.

(Dig. 16. tit. 1. *ad S. C. Velleianum;* Paulus, *S. R.* ii. tit. 11; Vangerow, *Pandekten*, &c. iii. p. 149.) [G. L.]

INTERCE'SSIO was the interference of a magistratus to whom an appeal [APPELLATIO] was made. The object of the Intercessio was to put a stop to proceedings, on the ground of informality or other sufficient cause. Any magistratus might "intercedere," who was of equal rank with or of rank superior to the magistratus from or against whom the appellatio was. Cases occur in which one of the praetors interposed (*intercessit*) against the proceedings of his colleague. (Cic. *in Verr.* i. 46.)

The Intercessio is most frequently spoken of with reference to the Tribunes who originally had not jurisdictio, but used the Intercessio for the purpose of preventing wrong which was offered to a person in their presence (Gell. xiii. 12). The Intercessio of the Tribunes of the Plebs, was Auxilium (Liv. vi. 38; Cic. *pro Quintio*, 7, 20); and it might be exercised either in jure or in judicio. The tribune qui intercessit could prevent a judicium from being instituted. That there could be an Intercessio after the Litis Contestatio appears from Cicero (*pro Tullio*, 38). The tribunes could also use the Intercessio to prevent execution of a judicial sentence. (Liv. vi. 27.) T. Gracchus interfered (*intercessit*) against the praetor Terentius, who was going to order execution, in the case of L. Scipio who was condemned for peculation (Liv. xxxviii. 60; Gell. vii. 19), and he prevented Scipio being sent to prison, but he did not interfere to prevent execution being had on his property. A single tribune could effect this, and against the opinion of his colleagues, which was the case in the matter of L. Scipio. [TRIBUNI.]

The term Intercessio and the verb intercedo also applied to the tribunitian opposition to a rogatio. (Liv. vi. 35; Cic. *de Orat.* ii. 47.) [G. L.]

INTERCI'SI DIES. [DIES.]

INTERCOLU'MNIA. [TEMPLUM.]

INTERDI'CTIO AQUAE ET IGNIS. [EXSILIUM, p. 516, b.]

INTERDICTUM. "In certain cases (*certis ex causis*) the praetor or proconsul, in the first instance (*principaliter*), exercises his authority for the termination of disputes. This he chiefly does when the dispute is about Possession or Quasi-possession; and the exercise of his authority consists in ordering something to be done, or forbidding something to be done. The formulae and the terms, which he uses on such occasions, are called either Interdicta or Decreta. They are called Decreta when he orders something to be done, as when he orders something to be produced (*exhiberi*) or to be restored: they are called Interdicta when he forbids something to be done, as when he orders that force shall not be used against a person who is in possession rightfully (*sine vitio*), or that nothing shall be done on a piece of sacred ground. Accordingly all Interdicta are either Restitutoria, or Exhibitoria, or Prohibitoria." (Gaius, iv. 139, 140.)

This passage contains the essential distinction between an Actio and an Interdictum, so far as the praetor or proconsul is concerned. In the case of an Actio, the praetor pronounces no decree, but he gives a Judex, whose business it is to investigate the matter in dispute, and to pronounce a sentence consistently with the formula, which is his authority for acting. In the case of an Actio, therefore, the praetor neither orders nor forbids a thing to be done, but he says Judicium dabo. In the case of an Interdict, the praetor makes an order that something shall be done or shall not be done, and his words are accordingly words of command: Restituas, Exhibeas, Vim fieri veto. This *immediate* interposition of the praetor is appropriately expressed by the word "principaliter," the full effect of which is more easily seen by its juxtaposition with the other words of the passage, than by any attempt to find an equivalent English expression.

Savigny observes that it may be objected to this exposition, that in one of the most important Interdicts, that De Vi, the formula is, Judicium dabo. (Dig. 43. tit. 16. s. 1.) But, as he observes, the old genuine formula was, Restituas (Cic. *pro Caecin.* 8, 30); and the "Judicium dabo" must have been introduced when the formulae of the two old Interdicts (*De Vi Armata* and *De Vi Quotidiana*) were blended together, and at a time when the distinctions between the old formulae had become a matter of indifference.

The mode of proceeding as to the Interdict was as follows: — The party aggrieved stated his case to the praetor, which was the foundation of his demand of an Interdict, and was therefore analogous to the Postulatio actionis. If the praetor saw sufficient reason, he might grant the Interdict, which was often nothing more than the words of the Edict addressed to the litigant parties; and in doing so, he used his "auctoritas finiendis controversiis" in the first instance, or immediately, and without the intervention of a judex (*principaliter*), and also "certis ex causis," that is, in cases already provided for by the Edict. If the defendant either admitted the plaintiff's case before the interdict was granted, and complied with its terms, or submitted to the interdict after it was granted, the dispute was of course at an end. This is not stated by Gaius, but follows of necessity from the nature of the case; and when he goes on to say "that when the praetor has ordered any thing to be done or forbidden anything to be done, the matter is not then ended, but the parties go before a judex or recuperatores," he means that this further proceeding takes place, if the praetor's Interdict does not settle the matter. The whole form of proceeding is not clearly stated by some modern writers, but the following is consistent with Gaius.

The complainant either obtained the Interdict or he did not, which would depend on the case that he made out before the praetor. If he failed, of course the litigation was at end; and if he obtained the interdict, and the defendant complied with its terms, the matter in this case also was at an end. If the defendant simply did not obey the terms of the Interdict, it would be necessary for the complainant again to apply to the praetor, in order that this fact might be ascertained, and that the plaintiff might give full satisfaction. If the defendant was dissatisfied with the Interdict, he might also apply to the praetor for an investigation into the facts of the case: his allegation might be that there was originally no ground for the Interdict. He might also apply to the praetor on the ground that he had satisfied the terms of the Interdict, though the plaintiff was not satisfied, or on the ground that he was unable to do more than he had done. In all these cases, when the praetor's order did not terminate the dispute, he directed an inquiry by certain formulae, which were the instruction of the judex, recuperatores, or arbiter. Accordingly, the process of the Interdict belonged to the ordo judiciorum privatorum, but the judicium was constituted by the peculiar process of the Interdict. The inquiry would be, Whether anything had been done contrary to the Praetor's Edict*; or, Whether that had been done, which he had ordered to be done: the former inquiry would be made in the case of a Prohibitory Interdict; and the latter in the case of an Exhibitory or Restitutory Interdict.

In the case of Interdicta Prohibitoria there was always a sponsio; that is, the parties were required to deposit or give security for a sum of money, the loss of which was in the nature of a penalty (*poena*) to the party who failed before the judex: this sponsio was probably required by the praetor. In the case of Interdicta Restitutoria and Prohibitoria, the proceeding was sometimes per sponsionem, and therefore before a judex or recuperatores, and sometimes, without any sponsio, per formulam arbitrariam, that is, before an arbiter. In the case of these two latter Interdicts, it seems to have depended on the party who claimed the inquiry whether there should be a sponsio or not: if such party made a sponsio, that is, proffered to pay a sum of money, if he did not make out his case, the opposite party was required to make one also. In the case of Caecina (Cic. *pro Caecin.* 8) a sponsio had been made: Cicero says, addressing the recuperatores, "sponsio facta est: hac de sponsione vobis judicandum est." In fact, when the matter came before a judex or arbiter, the form of proceeding was similar to the ordinary judicium.

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* "Edict" is the word used by Gaius, but he means Interdict. He uses Edict, because the Interdict would only be granted in such cases as were provided for by the Edict (*certis ex causis*), and thus an Interdict was only an application of the Edict to a particular case.

The chief division of Interdicts has been stated. The various purposes to which they were applicable appear from the titles; as, Interdictum de Aqua, de Arboribus caedendis, de Liberis exhibendis, de Rivis, de Superficiebus, &c.

Another division of Interdicts was into those for the purpose of acquiring Possession, retaining possession, or recovering possession. (Gaius, iv. 144.)

The Interdictum adipiscendae possessionis was given to him to whom the Bonorum possessio [BONORUM POSSESSIO] was given, and it is referred to by the initial words Quorum bonorum. (Dig. 43. tit. 2. s. 1.) Its operation was to compel a person, who had possession of the property of which the Bonorum possessio was granted to another, to give it up to such person, whether the person in possession of such property possessed it pro herede or pro possessore. The Bonorum Emtor [BONORUM EMTIO] was also entitled to this Interdict, which was sometimes called Possessorium. It was also granted to him who bought goods at public auction, and in such case was called Sectorium, the name "Sectores" being applied to persons who bought property in such manner. (Cic. *pro Rosc. Am.* 36.)

The Interdictum Salvianum was granted to the owner of land, and enabled him to take possession of the goods of the colonus, who had agreed that his goods should be a security for his rent. (Dig. 43. tit. 3.)

This Interdict was not strictly a Possessorial Interdict, as Savigny has shown (*Das Recht des Besitzes*, p. 410; Puchta, *Institutionen*, &c. ii. § 225.) It did not, like the two other Interdicts, presuppose a lawful possession, that is, a Jus possessionis acquired by the fact of a rightful possession; the complainant neither alleged an actual possession nor a former possession.

The Interdictum retinendae possessionis could only be granted to a person who had a rightful possessio, and he was intitled to it in respect of damages sustained by being disturbed in his possession, in respect of anticipated disturbance in his possession, and in the case of a dispute as to ownership in which the matter of possession was first to be inquired into. Its effect in the last case would be, as Gaius states, to determine which of two litigant parties should possess, and be the defendant, and which should be the claimant, and have the burden of proof. There were two Interdicts of this class named respectively Uti Possidetis and Utrubi, from the initial words of the Edict. The Interdictum Uti Possidetis applied to land or houses, and the other to moveables. The Uti Possidetis protected the person who at the time of obtaining the Interdict was in actual possession, provided he had not obtained the possession against the other party (*adversarius*) vi, clam, or precario, which were the three vitia possessionis. (Festus, *s. v. Possessio;* Gaius, iv. 160.) In the case of the Interdictum Utrubi, the possession of the movable thing was by the Interdict declared to belong to him who had possessed the thing against the other party during the greater part of that year, "nec vi nec clam nec precario." There were some peculiarities as to possessio of moveable things. (Gaius, iv. 151.)

The Interdictum recuperandae possessionis might be claimed by him who had been forcibly ejected (*vi dejectus*) from his possession of an immovable thing, and its effect was to compel the wrongdoer to restore the possession, and to make good all damage. The initial words of the Interdict were, Unde tu illum vi dejecisti; and the words of command were, Eo restituas. (Cic. *pro Caecin.* 30, *pro Tull.* 4, 29, 44; Gaius, iv. 154; Dig. 43. tit. 16. s. 1.) There were two cases of Vis: one of Vis simply, to which the ordinary Interdict applied, which Cicero calls Quotidianum; the other of Vis Armata, which had been obtained by Caecina against Aebutius. The plaintiff had to prove that he was in possession of the premises, and had been ejected by the defendant or his agents (*familia* or *procurator*, Cic. *pro Tull.* 29.) If the matter came before a judex the defendant might allege that he had complied with the Interdict, "restituisse," though he had not done so in fact; but this was the form of the sponsio, and the defendant would succeed before the judex if he could show that he was not bound to restore the plaintiff to his possession. (*Pro Caecin.* 8, 32.)

The defendant might put in an answer (*exceptio*) to the plaintiff's claim for restitution: he might show that the plaintiff's possession commenced either vi, clam, or precario with respect to the defendant (*pro Caecin.* 32, *pro Tull.* 44); but this exceptio was not allowed in the case of vis armata. (*Pro Caecin.* 8, 32.) The defendant might also plead that a year had elapsed since the violence complained of, and this was generally a good plea; for the Interdict contained the words "in hoc anno." But if the defendant was still in possession after the year, he could not make this plea; nor could he avail himself of it in a case of Vis Armata. (Cic. *ad Fam.* xv. 16.)

A clandestina possessio is a possessio in which the possessor takes a thing (which must of course be a movable thing) secretly (*furtive*) and without the knowledge of the person whose adverse claim to the possession he fears. Such a possessio, when it was a disturbance of a rightful possessio, gave the rightful possessor a title to have the Interdict de clandestina possessione for the recovery of his possession. All traces of this interdict are nearly lost; but its existence seems probable, and it must have had some resemblance to the Interdictum de vi. The exceptio clandestinae possessionis was quite a different thing, inasmuch as a clandestina possessio did not necessarily suppose the lawful possession of another party.

The Interdictum de Precaria possessione or de Precario applied to a case of Precarium. It is Precarium when a man permits another to exercise ownership over his property, but retains the right of demanding the property back when he pleases. It is called Precarium because the person who received such permission usually obtained it by request (*prece*); though request was not necessary to constitute Precarium, for it might arise by tacit permission. (Paulus, *S. R.* v. tit. 6. s. 11.) The person who received the detention of the thing, obtained at the same time a legal possession, unless provision to the contrary was made by agreement. In either case the permission could at any time be recalled, and the possessio, which in its origin was justa, became injusta, vitiosa, as soon as restitution was refused. Restitution could be claimed by the Interdictum de Precario, precisely as in the case of Vis; and the sole foundation of the right to this Interdict was a vitiosa possessio, as just explained. The Precarium was never viewed as a matter of contract. The Interdictum de precario originally applied to land only, but it was subsequently extended to movable things. The obligation imposed by the Edict was to restore the thing, but not its value, in case it was lost, unless dolus or lata culpa could be proved against the defendant. But from the time that the demand is made against the defendant, he is *in mora*, and, as in the case of the other Interdicta, he is answerable for all culpa, and for the fruits or profits of the thing; and generally, he is bound to place the plaintiff in the condition in which he would have been, if there had been no refusal. No exceptions were allowed in the case of a Precarium.

The origin of the Precarium is referred by Savigny to the relation which subsisted between a patronus and his cliens, to whom the patronus gave the use of a portion of the ager publicus. If the cliens refused to restore the land upon demand, the patronus was entitled to the Interdictum de precario. As the relation between the patronus and the cliens was analogous to that between a parent and his child, it followed that there was no contract between them, and the patron's right to demand the land back was a necessary consequence of the relation between him and his cliens. (Festus, *s. v. Patres.*) The precarium did not fall into disuse when the old ager publicus ceased to exist, and in this respect it followed the doctrine of possessio generally. [AGRARIAE LEGES.] It was in fact extended and applied to other things, and, among them, to the case of pledge. [PIGNUS.]

Gaius (iv. 156) makes a third division of Interdicta into Simplicia and Duplicia. Simplicia are those in which one person is the plaintiff (*actor*), and the other is the defendant (*reus*): all Restitutoria and Exhibitoria Interdicta are of this kind. Prohibitoria Interdicta are either Simplicia or Duplicia: they are Simplicia in such cases as those, when the praetor forbids any thing to be done in a locus sacer, in a flumen publicum, or on a ripa. They are Duplicia as in the case of the Interdictum uti Possidetis and Utrubi; and they are so called, says Gaius, because each of the litigant parties may be indifferently considered as actor or reus, as appears from the terms of the Interdict. (Gaius, iv. 160.)

Interdicta seem to have been also called Duplicia in respect of their being applicable both to the acquisition of a possession which had not been had before, and also to the recovery of a possession. An Interdict of this class was granted in the case of a vindicatio, or action as to a piece of land against a possessor who did not defend his possession, as, for instance, when he did not submit to a judicium and give the proper sponsiones or satisdationes. A similar interdict was granted in the case of a vindicatio of an hereditas and a ususfructus. Proper security was always required from the person in possession, in the case of an in rem actio, in order to secure the plaintiff against any loss or injury that the property might sustain while it was in the possession of the defendant. If the defendant refused to give such security he lost the possessio, which was transferred to the plaintiff (*petitor*). (Rudorff, *Ueber das Interdict Quem Fundum*, &c., *Zeitschrift*, vol. ix.)

"By all these Interdicts Possession is protected, and possession in itself, in its immediate form as power, in fact, over a thing. Possession thus obtains a legal existence, which is simply connected with that fact. This pure reception of possession among Rights is not perplexed by the consideration of the rightful or wrongful origin of the possession, which origin has no effect with respect to the protection given to possession. The Injusta Possessio, that is, the possession which has been acquired vi, or clam or precario, is certainly not protected against the person from whom it has been acquired by the possessor by any one of these three vitia possessionis; but apart from this case, the Injusta Possessio gives the same claim to protection as the Justa. (Dig. 43. tit. 17. s. 2.) The Interdicts arise out of Possessio, and indifferently whether it is Justa or Injusta; only, if two possessors claim against one another, a former and a present possessor, of whom the one has obtained possession from the other vitiose, the former is not protected against the latter. (Dig. 43. tit. 17. s. 1. § 9.)" Puchta, *Institutionen*, &c., ii. § 225.

(For other matters relating to the Interdict see Gaius, iv. 138—170; Paulus, *S. R.* v. tit. 6; Dig. 43; Savigny, *Das Recht des Besitzes*, pp. 403—516; Savigny and Haubold, *Zeitschrift*, vol. iii. pp. 305, 358, 421; Keller, *Ueber die Deductio quae moribus fit* and *Das Interdictum Uti possidetis*, *Zeitschrift*, vol. xi.; Rudorff, *Bemerkungen über dasselbe Interdict*, *Zeitschrift*, vol. xi.; Puchta, *Institutionen*, &c., ii. §§ 169, 225.) [G. L.]

INTERPRES, an interpreter. This class of persons became very numerous and necessary to the Romans as their empire extended. Embassies from foreign nations to Rome, and from Rome to other states, were generally accompanied by interpreters to explain the objects of the embassy to the respective authorities. (Cic. *de Divinat.* ii. 64, *de Finib.* v. 29; Plin. *H. N.* xxv. 2; Gell. xvii. 17. 2; Liv. xxvii. 43.) In large mercantile towns the interpreters, who formed a kind of agents through whom business was done, were sometimes very numerous, and Pliny (*H. N.* vi. 5) states that at Dioscurias in Colchis, there were at one time no less than 130 persons who acted as interpreters to the Roman merchants, and through whom all the business was carried on.

All Roman praetors, proconsuls, and quaestors, who were entrusted with the administration of a province, had to carry on all their official proceedings in the Latin language (Val. Max. ii. 2. § 2), and as they could not be expected to be acquainted with the language of the provincials, they had always among their servants [APPARITORES] one or more interpreters, who were generally Romans, but in most cases undoubtedly freedmen. (Cic. *pro Balb.* 11.) These interpreters had not only to officiate at the conventus [CONVENTUS], but also explained to the Roman governor everything which the provincials might wish to be laid before him. (Cic. *c. Verr.* iii. 37, *ad Fam.* xiii. 44; Caes. *Bell. Gall.* i. 19; compare Dirksen, *Civil. Abhandl.* i. p. 16, &c.) [L. S.]

INTERREX, INTERREGNUM (called by the Greek writers *μεσοβασιλεύς*, *μεσοβασίλειος ἀρχή*, *μεσοβασιλεία*). The office of *Interrex* is said to have been instituted on the death of Romulus, when the senate wished to share the sovereign power among themselves instead of electing a king. For this purpose, according to Livy (i. 17), the senate, which then consisted of one hundred members, was divided into ten decuries; and from each of these decuries one senator was nominated. These together formed a board of ten, with the title of *Interreges*, each of whom enjoyed in succession the regal power and its badges for five days; and if no king was appointed at the expiration of fifty days, the rotation began anew. The period during which they exercised their power was called an *Interregnum*. Dionysius (ii. 57) and Plutarch (*Numa*, 2) give a different account of the matter; but that of Livy appears the most probable. Niebuhr (*Hist. of Rome*, vol. i. p. 334, vol. ii. p. 111) supposes that the first interreges were exclusively Ramnes, and that they were the Decem Primi, or ten leading senators, of whom the first was chief of the whole senate. (Compare Walter, *Gesch. des Röm. Rechts*, § 21, 2nd ed.)

The interreges agreed among themselves who should be proposed as king (Dionys. iv. 40, 80), and if the senate approved of their choice, they summoned the assembly of the curiae, and proposed the person whom they had previously agreed upon; the power of the curiae was confined to accepting or rejecting him. The decree of the curiae, by which they accepted the king, was called *jussus populi* (Liv. i. 22; Cic. *de Rep.* ii. 13, 21.) After the king had been elected, the curiae conferred the imperium upon him by a special law, *lex curiata de imperio*. (Cic. *de Rep.* ii. 13, 17, 18, 20, 21.)

Interreges were appointed under the republic for holding the comitia for the election of the consuls, when the consuls, through civil commotions or other causes, had been unable to do so in their year of office. (Dionys. viii. 90; Liv. iv. 43, &c.) Each held the office for only five days, as under the kings. The comitia were, as a general rule, not held by the first interrex; more usually by the second or third (Liv. ix. 7, x. 11, v. 31); but in one instance we read of an eleventh, and in another of a fourteenth interrex. (Liv. vii. 22, viii. 23.) The comitia for electing the first consuls were held by Sp. Lucretius as interrex (Dionys. iv. 84), whom Livy (i. 60) calls also *praefectus urbis*. The interreges under the republic, at least from B. C. 482, were elected by the senate from the whole body, and were not confined to the decem primi or ten chief senators as under the kings. (Dionys. viii. 90.) Plebeians, however, were not admissible to this office; and consequently when plebeians were admitted into the senate, the patrician senators met together (*coiere*) without the plebeian members to elect an interrex. (Liv. iii. 40, iv. 7, 43, vi. 41; Cic. *pro Domo*, 14; Niebuhr, vol. ii. p. 429; Walter, §§ 55, 131.) For this reason, as well as on account of the influence which the interrex exerted in the election of the magistrates, we find that the tribunes of the plebs were strongly opposed to the appointment of an interrex. (Liv. iv. 43, xxii. 34.) The interrex had jurisdiction. (Liv. x. 41; Niebuhr, vol. iii. p. 24.)

Interreges continued to be appointed occasionally till the time of the second Punic war (Liv. xxii. 33, 34); but after that time we read of no interrex, till the senate, by command of Sulla, created an interrex to hold the comitia for his election as Dictator, B. C. 82. (Appian, *Bell. Civ.* i. 98.) In B. C. 55 another interrex was appointed to hold the comitia, in which Pompey and Crassus were elected consuls (Dion Cass. xxxix. 27, 31); and we also read of interreges in B. C. 53 and 52, in the latter of which years an interrex held the comitia, in which Pompey was appointed sole consul. (Dion Cass. xl. 45; Ascon. *ad Cic. Mil.* init. p. 32, Orelli; Plut. *Pomp.* 54; comp. Becker, *Handbuch der Römischen Alterthümer*, vol. ii. part i. p. 295, &c.)

INTE'RULA. [Tunica.]

INTESTA'BILIS. In the Twelve Tables it was declared "qui se sierit testarier libripensve fuerit, ni testimonium fariatur, improbus intestabilisque esto." (Dirksen, *Uebersicht*, &c. p. 607; compare Gellius, vi. 7, xv. 13.) According to these passages, a person who had been a witness on any solemn occasion, such as the making of a will, and afterwards refused to give his testimony, was "intestabilis," that is, disqualified from ever being a witness on any other occasion. The word afterwards seems to have had its meaning extended, and to have been used to express one who could not make a will, and who laboured under a general civil incapacity. (Hor. *Sat.* ii. 3. 181; Dig. 28. tit. 1. s. 18. 26; Inst. ii. tit. 10.) [G. L.]

INTESTA'TO, HEREDITATES AB. [Heres, p. 598, a.]

INTESTA'TUS. [Heres, p. 598, a.]

INTESTI'NUM OPUS, joiner's work, is referred to in some passages of Vitruvius as used in the interior of buildings; but there is nothing in his allusions to it that requires explanation (Vitruv. ii. 9, v. 2, v. 3). [P. S.]

INTU'SIUM. [Tunica.]

INVENTA'RIUM. [Heres, p. 601, b.]

INVESTIS. [Impubes.]

IREN (Ἴρην). [Eiren.]

IRPEX, HIRPEX, or URPEX (Cato, *de Re Rust.* 10), a harrow, used to clear the fields of weeds and to level and break down the soil. (Festus, *s. v.*; Servius, *in Virg. Georg.* i. 95.) The harrow of the ancients, like ours, had iron teeth, and was drawn by oxen. (Var. *de Ling. Lat.* v. 31, ed. Spengel.) [J. Y.]

ISELA'STICI LUDI [Athletae.]

ISO'DOMUM OPUS. [Murus.]

ISOPOLITEIA (ἰσοπολίτεια). [Civitas, p. 289, b.]

ISOTELEIS (ἰσοτελεῖς). [Civitas, p. 289, b.]

ISTHMIA (Ἴσθμια), one of the four great national festivals of the Greeks. This festival derived its name from the Corinthian isthmus, where it was held in honour of Poseidon. Where the isthmus is narrowest, between the coast of the Saronic gulf and the western foot of the Oenean hills, was the temple of Poseidon, and near it was a theatre and a stadium of white marble, the scene of the Isthmian games. (Paus. ii. 1. § 7; Strab. viii. 6. p. 380.) The entrance to the temple was adorned with an avenue of statues of the victors in the Isthmian games, and with groves of pine-trees. These games were said originally to have been instituted by Sisyphus in honour of Melicertes, who was also called Palaemon. (Apollod. iii. 4. § 3; Paus. ii. 1. § 3.) Their original mode of celebration partook, as Plutarch (*Thes.* 25) remarks, more of the character of mysteries, than of a great and national assembly with its various amusements, and was performed at night. Subsequent to the age of Theseus the Isthmia were celebrated in honour of Poseidon; and this innovation is ascribed to Theseus himself, who, according to some legends, was a son of Poseidon, and who, in the institution of the new Isthmian solemnities, is said to have imitated Heracles, the founder of the Olympian games. The celebration of the Isthmia was henceforth conducted by the Corinthians, but Theseus had reserved for his Athenians some honourable distinctions; those Athenians who attended the Isthmia sailed across the Saronic gulf in a sacred vessel (θεωρίς), and an honorary place (προεδρία), as large as the sail of their vessel, was assigned to them during the celebration of the games. (Plut. *l. c.*) In times of war between the two states a sacred truce was concluded, and the Athenians were invited to attend at the solemnities. (Thucyd. viii. 10.) The Eleans did not take part in the games, and various stories were related to account for this singular circumstance. (Paus. v. 2. § 2.) It is a very probable conjecture of Wachsmuth (*Hellen. Alterth.* vol. i. p. 155), that the Isthmia, after the changes ascribed to Theseus, were merely a panegyris of the Ionians of Peloponnesus and those of Attica; for it should be observed, that Poseidon was an Ionian deity, whose worship appears originally to have been unknown to the Dorians. During the reign of the Cypselids at Corinth, the celebration of the Isthmian games was suspended for seventy years. (Solin. c. 12.) But after that time they gradually rose to the rank of a national festival of all the Greeks. In Olymp. 49 they became periodical, and were henceforth celebrated regularly every third year, twice in every Olympiad, that is, in the first and third year of every Olympiad. The Isthmia held in the first year of an Olympiad fell in the Corinthian month Panemus (the Attic Hecatombaeon); and those which were held in the third year of an Olympiad, fell either in the month of Munychion or Thargelion. (Corsini, *Dissert. Agon.* 4; compare Goeller *ad Thucyd.* viii. 9.) Pliny (*H. N.* iv. 5) and Solinus (c. 9) erroneously state that the Isthmia were celebrated every fifth year. With this regularity the solemnities continued to be held by the Greeks down to a very late period. In 228 B. C. the Romans were allowed the privilege of taking part in the Isthmia (Polyb. ii. 13); and it was at this solemnity that, in B. C. 196 Flamininus proclaimed before an innumerable assembly the independence of Greece (Polyb. xvii. 29). After the fall of Corinth, in B. C. 146, the Sicyonians were honoured with the privilege of conducting the Isthmian games; but when the town of Corinth was rebuilt by Julius Caesar (Paus. ii. 1. § 2, ii. 2. § 2), the right of conducting the solemnities was restored to the Corinthians, and it seems that they henceforth continued to be celebrated till Christianity became the state-religion of the Roman empire. (Sueton. *Nero*, 24; Julian Imperat. *Epist.* 35.)

The season of the Isthmian solemnities was, like that of all the great national festivals, distinguished by general rejoicings and feasting. The contests and games of the Isthmia were the same as those at Olympia, and embraced all the varieties of athletic performances, such as wrestling, the pancratium, together with horse and chariot racing. (Paus. v. 2. § 4; Polyb. *l. c.*) Musical and poetical contests were likewise carried on, and in the latter women also were allowed to take part, as we must infer from Plutarch (*Sympos.* v. 2), who, on the authority of Polemo, states that in the treasury at Sicyon there was a golden book which had been presented to it by Aristomache, the poetess, after she had gained the victory at the Isthmia. At a late period of the Roman empire the character of the games at the Isthmia appears greatly altered; for in the letter of the emperor Julian, above referred to, it is stated that the Corinthians purchased bears and panthers for the purpose of exhibiting their fights at the Isthmia, and it is not improbable that the custom of introducing fights of animals on this occasion commenced soon after the time of Caesar.

The prize of a victor in the Isthmian games consisted at first of a garland of pine-leaves, and afterwards of a wreath of ivy; but in the end the ivy was again superseded by a pine-garland. (Plut. *Sympos.* v. 3.) Simple as such a reward was, a victor in these games gained the greatest distinction and honour among his countrymen; and a victory not only rendered the individual who obtained it, a subject of admiration, but shed lustre over his family and the whole town or community to which he belonged. Hence Solon established by a law that every Athenian who gained the victory at the Isthmian games, should receive from the public treasury a reward of one hundred drachmae. (Plut. *Sol.* 23.) His victory was generally celebrated in lofty odes, called Epinikia, or triumphal odes, of which we still possess some beautiful specimens among the poems of Pindar. (See Massieu in the *Mém. de l'Acad. des Inscript. et Bell. Lett.* v. p. 214, &c.; Dissen, *De Ratione Poetica Carminum Pindaricorum*, prefixed to the first volume of his edition of Pindar; Müller, *Hist. of Greek Lit.* p. 220, &c.; Krause, *Die Pythien, Nemeen, und Isthmien*, p. 165, &c.) [L.S.]

ITA'LIA. [Colonia; Provincia.]

ITER. [Viae.]

ITINERIS SERVITUS. [Servitutes.]

JUDEX, JUDI'CIUM. A Roman magistratus generally did not investigate the facts in dispute in such matters as were brought before him: he appointed a Judex for that purpose, and gave him instructions. [Actio; Interdictum.] Accordingly, the whole of Civil procedure was expressed by the two phrases Jus and Judicium, of which the former comprehended all that took place before the magistratus (*in jure*), and the latter all that took place before the judex (*in judicio*). The meaning of the term Judices in a passage of Livy (iii. 55) is uncertain. In the Theodosian Code the term Judex designates the governor of a province. From the earlier periods to the time of Constantine it designated a person, whose functions may be generally understood from what follows.

In many cases a single Judex was appointed: in others, several were appointed, and they seem to have been sometimes called Recuperatores as opposed to the single Judex. (Gaius, iv. 104—109.) Under certain circumstances the Judex was called Arbiter: thus Judex and Arbiter are named together in the Twelve Tables. (Dirksen, *Uebersicht*, &c. p. 725.)

A Judex when appointed was bound to discharge the functions of the office, unless he had some valid excuse (*excusatio*). A person might also be disqualified from being a Judex. There were certain seasons of the year when legal business was done at Rome (*cum res agebantur*, Gaius, ii. 279), and at these times the services of the judices were required. These legal terms were regulated according to the seasons, so that there were periods of vacation (Cic. *ad Att.* i. 1; *cum Romae a judiciis forum refrixerit*): in the provinces, the terms depended on the Conventus. A Judex was liable to a fine if he was not in attendance when he was required. In any given case, the litigant parties agreed upon a judex or accepted him whom the magistratus proposed. A party had the power of rejecting a proposed judex, though there must have been some limit to this power. (Cic. *pro Cluent.* 43.) In cases where one of the litigant parties was a peregrinus, a peregrinus might be judex. (Gaius, iv. 105.) The judex was sworn to discharge his duty faithfully. (Cic. *de Invent.* i. 39.)

When Italy had received its organization from the Romans, the magistratus of the several cities had jurisdictio, and appointed a Judex as the praetor did at Rome (*Lex Rubria de Gallia Cisalpina*). In the provinces, the governors appointed a Judex or Recuperatores, as the case might be, at the Conventus which they held for the administration of justice; and the Judex or Recuperatores were selected both from Roman citizens and natives.

When the Judex was appointed, the proceedings *in jure* or before the praetor were terminated, which was sometimes expressed by the term *Litis Contestatio*, the phrases *Lis Contestata* and *Judicium acceptum* or *ordinatum*, being equivalent in the classical jurists. [LITIS CONTESTATIO.] The parties appeared before the Judex on the third day (*comperendinatio*), unless the praetor had deferred the judicium for some sufficient reason. The Judex was generally aided by advisers (*jurisconsulti*) learned in the law, who were said "in consilio adesse" (Cic. *pro P. Quintio*, 2. 6, *Top.* 17); but the Judex alone was empowered to give judgment. The matter was first briefly stated to the Judex (*causae conjectio*, *collectio*), and the oratores or patroni of each party supported his cause in a speech. The evidence seems to have been given at the same time that the speeches were made, and not to have been heard before the patroni made their address. (Cic. *pro Rosc. Com.* 14, *pro P. Quintio*, 18.) But it is probable that the practice in this respect might vary in different cases. Witnesses were produced on both sides and examined orally; the witnesses on one side were also cross-examined by the other. (Cic. *pro Caecina*, 10, *pro Flacco*, 10.) Written documents, such as instruments and books of account, were also given in evidence; and sometimes the deposition of an absent witness was read, when it was confirmed by an oath. (Cic. *pro Rosc. Com.* 15, Cic. *ad Att.* ii. 12, xiv. 15.) There were no direct means of compelling a person to give evidence before the legislation of Justinian, unless they were slaves, who in some cases might be put to the torture. As to the application of the oath in judicio, see JUSJURANDUM.

After all the evidence was given and the patroni had finished, the judex gave sentence: if there were several judices, a majority decided. If the matter was one of difficulty, the hearing might be adjourned as often as was necessary (*ampliatio*); and if the judex could not come to a satisfactory conclusion, he might declare this upon oath and so release himself from the difficulty. This was done by the form of words "non liquere" (N.L.). (Gell. xiv. 2.) The sentence was pronounced orally, and was sometimes first written on a tablet. If the defendant did not make his appearance after being duly summoned, judgment might be given against him (*judicium desertum*, *eremodicium*), according to the proof which the plaintiff had made. If the plaintiff did not appear, the defendant could demand an acquittal. (Dig. 40. tit. 12. s. 27. § 1, 49. tit. 1. s. 28. pr.)

The sentence was either of Absolutio or Condemnatio. That part of the formula which was called the Condemnatio [ACTIO, p. 12, b], empowered the Judex to condemn or acquit (*condemnare*, *absolvere*, Gaius, iv. 43). The defendant might satisfy the plaintiff after the judicium had been constituted by the litis contestatio (*post acceptum judicium*, Gaius, iii. 180, iv. 114), and before judgment was given; but in this case it was a disputed question between the two schools whether the judex should acquit, or whether he should condemn on the ground that at the time when the judicium was constituted, the defendant was liable to be condemned and it was the business of the judex merely to follow his instructions. The dispute accordingly involved one of those principles on which the schools were theoretically divided, — the following out of a legal principle to all its logical consequences; but, like many other questions between the schools, this question was practically of no importance, as the plaintiff would not be allowed to have satisfaction twice.

While the Legis actiones were in force, the judgment was for the restitution of a thing, if a given thing (*corpus*) was the object of the action; but under the process of the formula, the Judex gave judgment, pursuant to the formula, in a sum of money, even when a piece of property was the object of dispute. The sum of money was either fixed or not fixed in the formula. If the claim was for a certain sum of money, the amount was inserted in the condemnatio, and the judex was bound to give that or nothing to the plaintiff. If the claim was for damages or satisfaction, the amount of which was not ascertained, the condemnatio was either limited to a sum named in the formula, and which the judex could not exceed except at his own peril (*litem suam faciendo*); or, if the action was for the recovery of property from the possessor, or if it was an actio ad exhibendum, the condemnatio empowered the judex to condemn the defendant in the value of the thing. Generally, the term in the formula which expressed the value which was the object of the demand was, "quanti res est." Res may mean either a thing in the limited sense of the word, or generally the claim or demand, and the fixing this at a money value, was equivalent to litis aestimatio. The judex was always bound to condemn in some definite sum, even though the formula did not contain a definite sum: the reason of which is obvious, for, unless the condemnatio was definite, there would be no judgment. (Gaius, iv. 48—52.)

The following is the distinction between an Arbitrium and Judicium, according to Cicero (*pro Rosc. Com.* 4): — In a judicium the demand was of a certain sum or definite amount (*pecuniae certae*); in an arbitrium, the amount was not determined (*incerta*). In a judicium the plaintiff obtained all that he claimed or nothing, as the words of the formula show: "Si paret H. S. IↃↃ dari oportere." (Compare Gaius, iv. 50.) The corresponding words in the formula arbitraria were: "Quantum aequius melius id dari;" and their equivalents were, "Ex fide bona, Ut inter bonos bene agier." (*Top.* 17.) In a dispute about dos, which Cicero calls "arbitrium rei uxoriae," the words "Quod aequius, melius," were added. (Compare Gaius, iv. 47, 62.) If the matter was brought before a judex, properly so called, the judicium was constituted with a poena, that is, per sponsionem; there was no poena, when an arbiter was demanded, and the proceeding was by the formula arbitraria. The proceeding by the sponsio then was the strict one (*angustissima formula sponsionis*, Cic. *pro Rosc. Com.* 14): that of the arbitrium was ex fide bona, and the arbiter, though he was bound by the instructions of the formula, was allowed a greater latitude by its terms. The engagement between the parties who accepted an arbiter, by which they bound themselves to abide by his arbitrium, was Compromissum (*pro Rosc. Com.* 4. 4); but this term was also employed, as it appears, to express the engagement by which parties agreed to settle their differences by arbitration, without the intervention of the praetor. Cicero appears to allude to this arbitration. (*Pro P. Quintio*, 5; compare Senec. *de Benef.* iii. 7.)

In the division of judicial functions between the Magistratus and Judex consisted what is called the Ordo Judiciorum Privatorum, which existed in the early periods of Rome, and continued till the time of Constantine. At the same time with the Ordo Judiciorum Privatorum existed the proceeding extra ordinem or extraordinaria cognitio, in which the magistratus made a decision by a decretum, without letting the matter come to a judex. Finally, under the later empire the extraordinaria cognitio supplanted the old mode of proceeding.

According to Cicero (*pro Caecina*, 2) all Judicia had for their object, either the settlement of disputes between individuals (*controversiae*), or the punishment of crimes (*maleficia*). This passage refers to a division of Judicia, which appears in the Jurists, into Publica and Privata. The term Privata Judicia occurs in Cicero (*Top.* 17), where it refers to the class of Judicia which he indicates in the Caecina by the term Controversiae. The term Publica Judicia might not then be in use, but the term Publica Causa is used by Cicero (*pro Rosc. Amer.* c. 21) with reference to a Judicium, which by the Jurists would be called Publicum. In the Digest (48. tit. 1. s. 1) it is stated that all Judicia are not Publica in which a crimen was the matter in question, but only those in which the offence was prosecuted under some lex, such as the Julia Majestatis, Cornelia de Sicariis, and others there enumerated. The Judicia Popularia or Populares Actiones as they are called (Dig. 47. tit. 23. s. 1) are defined to be those by which "suum jus populus tuetur;" and they agreed with the Publica Judicia in this, that any person might be the prosecutor, who was not under some legal disqualification. The Judicia Populi (Cic. *Brut.* 27) were those in which the populus acted as judices; and accordingly Cicero enumerates the Populi Judicia among others when he says (*pro Domo*, c. 13) that "nihil de capite civis, aut de bonis, sine judicio senatus aut populi aut eorum qui de quaque re constituti judices sint, detrahi posse." As the Judicia Publica are defined by the jurists to be those in which crimina were tried by a special lex, it appears that the Judicia Populi, strictly so called, must have fallen into disuse or have gradually become unnecessary after the Judicia Publica were regulated by special leges; and thus the Judicia Publica of the later republican period represent the Judicia Populi of the earlier times. The Judicia Populi were originally held in the Comitia Curiata and subsequently in the Centuriata and Tributa. A lex of P. Valerius Publicola (Liv. ii. 8; Cic. *Rep.* ii. 31) gave an appeal (*provocatio*) to the populus from the magistratus; and a law of C. Sempronius Gracchus (Cic. *pro Rabir.* 4) declared to the same effect: "Ne de capite civium Romanorum injussu populi judicaretur."

The kings presided in the Judicia Populi, and the consuls succeeded to their authority. But after the passing of the Lex Valeria de Provocatione (B. C. 508) persons were appointed to preside at such trials as affected a citizen's caput, and they were accordingly called Quaesitores or Quaestores Parricidii or Rerum Capitalium. In some cases (Liv. iv. 51) a plebiscitum was passed, by which a magistrate was appointed to preside at the judicial investigation. In the course of time, as cases were of more frequent occurrence, these Quaestiones were made Perpetuae, that is, particular magistrates were appointed for the purpose. In the year 149 B. C. the tribune L. Calpurnius Piso Frugi carried a Lex De Pecuniis Repetundis, by which a Praetor presided at all such trials during his year of office, from which time the Quaestio Repetundarum became Perpetua. L. Sulla gave to one praetor the Quaestiones de Majestate, and to others those of Peculatus and Ambitus; and he also added four other Quaestiones Perpetuae. Thus he carried out the principle of the Lex Calpurnia, by establishing permanent courts for the trial of various specified offences, and the praetors determined among themselves in which of these new courts they should severally preside. The ordinary functions of the praetor urbanus and peregrinus were not interfered with by these new arrangements. The Quaestiones of Sulla were, De Repetundis, Majestatis, De Sicariis et Veneficis, De Parricidio, Peculatus, Ambitus, De Nummis Adulterinis, De Falsis or Testamentaria, and De Vi Publica. But in special cases the senate still sometimes by a decretum appointed the consuls as quaesitores, of which an example occurs in Cicero. (*Brut.* 22.)

Any person, not legally disqualified, might be an accuser (*accusator*) in a Judicium Publicum. On such an occasion a praetor generally presided as quaesitor, assisted by a judex quaestionis and a body of judices called his consilium. The judex quaestionis was a kind of assistant to the presiding magistratus, according to some opinions; but others consider him to be a quaesitor, who was sometimes specially appointed to preside on the occasion of a quaestio. (Walter, *Geschichte des Röm. Rechts*, p. 861.) The judices were generally chosen by lot out of those who were qualified to act. Both the accusator and the reus had the privilege of rejecting or challenging (*rejicere*) such judices as they did not like. (Cic. *ad Att.* i. 16.) The judices appointed according to the provisions of the Lex Licinia de Ambitu, B. C. 55, were called edititii, and these were judices named by the accuser, whom the accused (reus) could not challenge. (Cic. *pro Cn. Plancio*, 15, 17, ed. Wunder, *Prolegom.* p. lxxvi.) The judices were called editi, when they could be challenged by the reus. In many cases a lex was passed for the purpose of regulating the mode of procedure. In the matter of Clodius and the Bona Dea, the senate attempted to carry a lex by which the praetor who was to preside at the trial should be empowered to select the judices, the effect of which would have been to prevent their being challenged by Clodius. After a violent struggle, a lex for the regulation of the trial was proposed by the tribune Fufius and carried: it only differed from the lex recommended by the senate in the mode of determining who should be the judices (*judicum genus*): a difference however which was not unimportant, as it secured the acquittal of Clodius. The judices voted by ballot, and a majority determined the acquittal or condemnation of the accused. If the votes were equal, there was an acquittal (Plut. *Marius*, 5). Each judex was provided with three tablets (*tabulae*), on one of which was marked A, Absolvo; on a second C, Condemno; and on a third N. L., Non liquet. The judices voted by placing one of these tablets in the urn (*urna*, Juv. *Sat.* v. 4), which was then examined for the purpose of ascertaining the votes. It was the duty of the magistratus to pronounce the sentence of the judices; in the case of condemnation, to adjudge the legal penalty; of acquittal, to declare him acquitted; and of doubt, to declare that the matter must be further investigated (*amplius cognoscendum*).

Mention is often made of the Judicia Populi in the Latin writers. A Judicium was commenced by the accuser, who must be a magistratus, declaring in a contio, that he would on a certain day accuse a certain person, whom he named, of some offence, which he also specified. This was expressed by the phrase "diem dicere" (*Virginius Caesoni capitis diem dicit*, Liv. iii. 11). If the offender held any high office, it was necessary to wait till his time of service had expired, before proceedings could be thus commenced against him. The accused was required to give security for his appearance on the day of trial; the security was called vades in a causa capitalis, and praedes when the penalty for the alleged offence was pecuniary. If such security was not given, the accused was kept in confinement. (Liv. iii. 13.) If nothing prevented the inquiry from taking place at the time fixed for it, the trial proceeded, and the accuser had to prove his case by evidence. The investigation of the facts was called Anquisitio with reference to the proposed penalty: accordingly, the phrases pecunia, capite or capitis anquirere, are used. (Liv. xxvi. 3.) When the investigation was concluded, the magistratus promulgated a rogatio, which comprehended the charge and the punishment or fine. It was a rule of law that a fine should not be imposed together with another punishment in the same rogatio. (Cic. *pro Dom.* c. 17.) The rogatio was made public during three nundinae, like any other lex; and proposed at the comitia for adoption or rejection. The form of the rogatio, the effect of which was to drive Cicero into banishment, is given in the Oration *Pro Domo*, c. 18. The accused sometimes withdrew into exile before the votes were taken; or he might make his defence, of which we have an instance in the oration of Cicero for Rabirius. Though these were called Judicia Populi, and properly so in the early ages of the state, the leges passed in such judicia in the latter period of the republic were often Plebiscita.

The offences which were the chief subject of Judicia Populi and Publica were Majestas, Adulteria and Stupra, Parricidium, Falsum, Vis Publica and Privata, Peculatus, Repetundae, Ambitus, which are treated under their several heads.

With the passing of special enactments for the punishment of particular offences, was introduced the practice of forming a body of Judices for the trial of such offences as the enactments were directed against. Thus it is said that the Lex Calpurnia De Pecuniis Repetundis established the Album Judicum Selectorum, or the body out of which Judices were to be chosen. It is not known what was the number of the body so constituted, but it has been conjectured that the number was 350, and that ten were chosen from each tribe, and thus the origin of the phrase Decuriae Judicum is explained. It is easy to conceive that the Judicia Populi, properly so called, would be less frequent as special leges were framed for particular offences, the circumstances of which could be better investigated by a smaller body of Judices than by the assembled people. It is affirmed that up to the passing of the Calpurnia Lex, the Judices were chosen from the senators only, but after this time they were not taken from that body exclusively; and further, that not only the Judices in the Quaestiones de Repetundis, but also the Judices in private matters were from the date of this lex taken from the Album Judicum which was annually made (Goettling, *Geschichte der Röm. Staatsverfassung*, p. 425); for which there appears to be no evidence. Some modern writers affirm that by the Lex Calpurnia the Judices were chosen by the Praetor annually out of the body of senators, and arranged according to their tribes; and that the necessary number for each trial was chosen out of this body by lot.

As many of those who were tried in the quaestiones perpetuae belonged to the class of the Optimates, it often happened that the Judices acquitted those members of their own body, who would have been convicted by impartial judices. Accordingly a struggle arose between the popular party and the Optimates, whom the popular party wished to exclude from the office of Judex. The laws which relate to the constitution of the body of Judices are called Judiciariae, whether these laws related only to this matter, or made rules about it and other things also. The first lex which excluded the Senators from the Album judicum selectorum was a Lex Sempronia of C. Gracchus, B. C. 123, in accordance with which the judices were taken only from the Equites. This arrangement lasted above forty years, and gave satisfaction to the popular party; but it did not work well in all respects, because the magistrates in the provinces favoured the rapacity of the Publicani, in order to keep on good terms with the Equites, to which class the Publicani belonged. (Cic. *Verr.* iii. 41.) A Lex Servilia Caepionis B. C. 106 is said to have repealed the Sempronia Lex; but this Lex Servilia was itself repealed by a Lex Servilia Glauciae repetundarum, probably in B. C. 104. This Lex is said to have given the Judicia to the Equites, and consequently it either repealed the Lex of B. C. 106 indirectly, or it may merely have confirmed the Lex Sempronia; for the real nature of the Lex of B. C. 106 is hardly ascertainable. There is a passage in Tacitus (*Annal.* xii. 60) in which he speaks of the *Serviliae* leges restoring the Judicia to the senate. The Lex Servilia of B. C. 104 excluded from the function of

Judices every person who had been tribunus plebis, quaestor, triumvir capitalis, tribunus militum in one of the first four legions, triumvir agris dandis assignandis, who was or had been in the senate, who was infamis, every person who was under thirty or above sixty years of age, every person who did not live in Rome or in the immediate neighbourhood, every father, brother, or son of a person who was or had been in the senate, and every person who was beyond seas. The Praetor who presided in this Quaestio, was to choose 450 judices, from whom the Judices for the particular case were to be taken by lot. (Fragmenta Legis Serviliae Repetundarum, &c. C. A. C. Klenze, Berlin, 1825, 4to.)

The attempts of the tribune M. Livius Drusus the younger had no result [LEGES LIVIAE]. A Lex Plautia B. C. 89 enacted, that the Judices should be chosen by the tribes, five by each tribe, without any distinction of class. The Optimates triumphed under L. Cornelius Sulla, who by a Lex Cornelia B. C. 80 enacted that the Judices should be taken exclusively from the Senators. But a Lex Aurelia (B. C. 70) enacted that the Judices should be chosen from the three classes — of Senators, Equites, and Tribuni Aerarii (Vell. ii. 32.) The Tribuni Aerarii were taken from the rest of the citizens, and were, or ought to have been, persons of some property. Thus the three decuriae of Judices were formed; and it was either in consequence of the Lex Aurelia or some other lex that, instead of one urn for all the tablets, the decuriae had severally their balloting urn, so that the votes of the three classes were known. Dion Cassius (xxxviii. 8) ascribes this regulation to a Lex Fufia, and he says that the object was that the votes of the decuriae (ἔθνη, γένη) might be known, though those of individuals could not, owing to the voting being secret. It is not known if the Lex Aurelia determined the number of Judices in any given case. A Lex Pompeia passed in the second consulate of Pompey (B. C. 55), seems to have made some modifications in the Lex Aurelia, as to the qualification of the Judices; but the new provisions of this lex are only known from Asconius, who explains them in terms which are very far from being clear. The Lex Pompeia de Vi, and De Ambitu (B. C. 52) determined that eighty judices were to be selected by lot, out of whom the accuser and the accused might reject thirty. In the case of Clodius (B. C. 61), in the matter of the Bona Dea, there were fifty-six judices. It is conjectured that the number fixed for a given case, by the Lex Aurelia, was seventy judices.

A Lex Judiciaria of Julius Caesar (Sueton. *Jul.* 41; Cic. *Philip.* i. 8) took away the decuria of the Tribuni Aerarii, and thus reduced the judices to two classes (*genera*, the γένη of Dion Cassius). A Lex Judiciaria, passed after his death by M. Antonius, restored the decuria of the Tribuni Aerarii, but required no pecuniary qualification from them: the only qualification which this lex required was, that a person should have been a centurion or have served in the legions. It appears that the previous Lex Pompeia, Lex Aurelia, and a Lex of Caesar, had given to those who had been centurions (*qui ordines duxerant*) the privilege of being judices (*judicatus*), but still they required a pecuniary qualification (*census*). The Lex of Antonius, besides taking away the pecuniary qualification, opened the judicia to the soldiers. (Cic. *Phil.* i. 8, v. 5; Sueton. *J. Caes.* c. 41.) It seems probable that the expression *ex centuriis*, which is used by Asconius in speaking of the change introduced by this Lex Pompeia, had reference to the admission of the centurions into the third class of judices.

Augustus, who altered the whole constitution of the body of judices by his leges judiciorum publicorum et privatorum, added to the existing three Decuriae Judicum, a fourth Decuria, called that of the Ducenarii, who had a lower pecuniary qualification, and only decided in smaller matters (*de levioribus summis*, Sueton. *Aug.* 32). Caligula (Sueton. *Calig.* 16) added a fifth Decuria, in order to diminish the labours of the judices. Augustus had already allowed each Decuria, in its turn, an exemption for one year, and had relieved them from sitting in the months of November and December. The whole number of judices was raised by Augustus to near 4000 (Plin. *Hist. Nat.* xxxiii. 7); and the judices in civil cases were taken out of this body. They were chosen by the Praetors out of the persons who had the property qualification, and the duty of serving as a judex thus became one of the burdens to which citizens were liable.

As to the whole number of judices, included at any given time in the Album Judicum, it seems almost impossible to state any thing with precision; but it is obvious from what has been said, that the number must have varied with the various changes already mentioned. After the time of Augustus the number was about four thousand, and from this period, at least, there is no doubt that the Album Judicum contained the whole number of persons who were qualified to act as judices, both in Judicia Privata and Judicia Publica. The fourth Decuria of Augustus was limited in its functions to the Judicia Privata in which the matter in dispute was of small value. It is often stated by modern writers, without any qualification, that the various changes in the judiciary body from the time of the Lex Calpurnia to the end of the republic had reference both to the Judicia Publica and Privata; though it is also stated that the objects of these various enactments were to elevate or depress one of the great parties in the state, by extending or limiting the body out of which the judices in any given case were to be chosen. But it is obvious that these reasons do not apply to the matter of Judicia Privata, in which a single judex generally acted, and which mostly concerned matters of property and contract. Accordingly, a recent writer (Walter, *Geschichte des Röm. Rechts*, p. 716) has observed with more caution than some of his predecessors, that "there is no doubt that from the time of Augustus the Album Judicum had reference to the judices in civil matters, but that as to earlier times a difficulty arises from the fact that while the Lex Sempronia was in force, by which the senators were excluded from the Album Judicum, a Consularis is mentioned as a judex (Cic. *de Off.* iii. 19); and, on the other hand, an Eques is mentioned as a judex at a time when the Lex of Sulla was in force, and consequently senators only could be judices. (Cic. *Pro Rosc. Com.* c. 14.)" These instances certainly are inconsistent with the fact of the Judicia Privata being regulated by the various Legis Judiciariae; but they are of small weight, compared with the reasons derivable from the character of the two kinds of Judicia and the difference in the mode of procedure, which render it almost a matter of demonstration that the various changes in the judiciary body had reference to the Quaestiones and Judicia Publica. It is true that some of these leges may have contained provisions even as to Judicia Privata, for many of the Roman leges contained a great variety of legislative provisions, and it is also true that we are very imperfectly acquainted with the provisions of these Leges Judiciariae; but that the regulation of the Judicia Privata was included in their provisions, in the same form and to the same extent as that of the Judicia Publica, is an assertion totally unsupported by evidence, and one which leads to absurd conclusions. Two Leges Juliae together with a Lex Aebutia put an end to the Legis Actiones (Gaius, iv. 30); and a Lex Julia Judiciaria limited the time of the Judicia Legitima (Gaius, iv. 104): but it does not appear whether these leges were passed solely for these objects, or whether their provisions were part of some other leges.

Bethmann-Hollweg (*Handbuch des Civilprozesses*, p. 13) observes: "the establishment of a more limited body of judices out of the senatorial body (album judicum selectorum), A. V. C. 605, the transfer of this privilege to the equites, by C. Gracchus, the division of it between both classes after long struggles and changes, and even the giving it to the third class, whereby three classes or decuriae of judices were established; all these changes, which were so important in a constitutional point of view, referred especially to the criminal proceedings which were politically so important."

Though the general character of the Roman Judicia, and the modes of procedure both in civil and criminal matters, are capable of a sufficiently clear exposition, there is much uncertainty as to many details, and the whole subject requires a careful examination by some one who combines with a competent knowledge of the original authorities, an accurate acquaintance with the nature of legal procedure.

The following works may be referred to:— Walter, *Geschichte des Röm. Rechts*; Goettling, *Geschichte der Röm. Staatsverfassung;* Heineccius, *Syntagma*, &c.; Tigerstrom, *De Judicibus apud Romanos*, Berl. 1826, valuable only for the collection of the original authorities: Keller, *Ueber Litis Contestation und Urtheil*, &c. Zürich, 1827; Bethmann-Hollweg, *Handbuch des Civilprozesses*, Bonn, 1834; P. Invernizii, *De Publicis et Criminalibus Judiciis Romanorum*, Libri Tres, Leipzig, 1846; Puchta, *Instit.* i. § 71, ii. § 151, &c.; Gaius. iv.; Dig. 5. tit. 1. *De Judiciis;* Dig. 48. *De Judiciis Publicis;* Inst. iv. tit. 18.) [G. L.]

JUDEX ORDINA'RIUS. [Judex Pedaneus.]

JUDEX PEDA'NEUS. The origin and meaning of this term seem to be unknown. It is not used by the classical Roman writers. The judices to whom the praetor or praeses referred a matter in litigation with the usual instructions, were sometimes called Pedanei. (Theophil. iv. 15; Cod. 3. tit. 3.) Subsequently the praeses, who was now sometimes designated Judex Ordinarius or Judex simply (*Cod. Theod.* 1. tit. 7), decided most matters without the intervention of a Judex; but still he was empowered to appoint a permanent body of judices for the decision of less important matters, and these also were called Judices Pedanei, "hoc est qui negotia humiliora disceptent." (Cod. 3. tit. 3. s. 5.) The proceedings before this new kind of Judices Pedanei were the same as before the praeses. Some modern writers are of opinion that these new pedanei judices did not form a permanent court, but only decided on matters which were referred to them by a superior authority. (Cod. 3. tit. 3.) The reason of these judices receiving a distinctive name is conjectured to be this, that the magistrate himself was now generally called Judex. The Greek translation of Pedaneus is χαμαιδικαστής (Theophil. iv. 15. pr.) [G. L.]

JUDEX QUAESTIO'NIS. [Judex, p. 648.]

JUDICA'TI ACTIO. A thing was a Res judicata, when the matter in dispute had been determined by a judicial sentence; and the actio judicati was a mode which the successful party might adopt, for obtaining a decree of the magistratus by which he could take possession of the property of the person who had lost the cause and had not satisfied the judgment. The plaintiff in the actio judicati was also protected in his possession of the defendant's property by a special interdict, and he was empowered to sell it. The party condemned was limited as to his defence. Originally the judicatus was obliged to find a vindex (*vindicem dare*); but in the time of Gaius it had become the practice for him to give security to the amount of the judgment (*judicatum solvi satisdare*). If the defendant pleaded that there was no res judicata, he was mulcted in double the amount of the judgment, if his plea was false.

The actio judicati, as a peculiar obligation, is merely the development and completion of the obligatio which is founded on the Litis Contestatio; but this peculiar obligatio is merely another form of execution, and it participates in the general nature of the process of execution. The general nature of the actio judicati appears from the following passages. (Dig. 42. tit. 1. s. 4, 5, 6, 7, 41. § 2, 43, 44, 61). Savigny, *System*, &c. vi. p. 411. (Gaius, iv. 9, 25, 171, 102; Cic. *pro Flacc.* 21; Paulus, *S. R.* 1. tit. 19.) [G. L.]

JU'DICES EDITI, EDITI'TII. [Judex, p. 646.]

JUDI'CIA DUPLI'CIA. [Familiae Erciscundae Actio.]

JUDI'CIA LEGI'TIMA. [Imperium, p. 628, b., p. 629, a.]

JUDI'CIA QUAE IMPE'RIO. [Imperium, p. 628, b, p. 629, a.]

JUDI'CIUM. [Judex.]

JUDI'CIUM PO'PULI. [Judex, p. 648.]

JUDI'CIUM PRIVA'TUM, PU'BLICUM. [Judex, p. 648.]

JU'GERUM or JUGUS (the latter form, as a neuter noun of the third declension, is very common in the oblique cases and in the plural), a Roman measure of surface, 240 feet in length and 120 in breadth, containing therefore 28,800 square feet. (Colum. *R. R.* v. 1. § 6; Quintil. i. 18.) It was the double of the *Actus Quadratus*, and from this circumstance, according to some writers, it derived its name. (Varro, *L. L.* v. 35, Müller, *R. R.* i. 10). [Actus.] It seems probable that, as the word was evidently originally the same as *jugus* or *jugum*, a yoke, and as *actus*, in its original use, meant a path wide enough to drive a single beast along, that *jugerum* originally meant a path wide enough for a yoke of oxen, namely, the double of the *actus* in width; and that when *actus* was used for a square measure of surface, the *jugerum*, by a natural analogy, became the double of the *actus quadratus;* and that this new meaning of it superseded its old use as the double of the single *actus*. The uncial division [As] was applied to the *jugerum*, its smallest part being the *scrupulum* of 10 feet square, = 100 square feet. Thus the *jugerum* contained 288 scrupula. (Varro, *R. R. l. c.*) The jugerum was the common measure of land among the Romans. Two *jugera* formed an *heredium*, a hundred *heredia* a *centuria*, and four *centuriae* a *saltus*. These divisions were derived from the original assignment of landed property, in which two *jugera* were given to each citizen as heritable property. (Varro, *l. c.;* Niebuhr, *Hist. of Rome*, vol. ii. pp. 156, &c., and Appendix ii.) [P. S.]

JUGUM (ζυγὸς, ζυγὸν), signified in general that which joined two things together. It denoted more especially,

1. In architecture any cross beam (Vitruv. x. 8. 19).

2. The transverse beam which united the upright posts of a loom, and to which the warp was attached. (Ovid. *Met.* vi. 55.) [Tela]

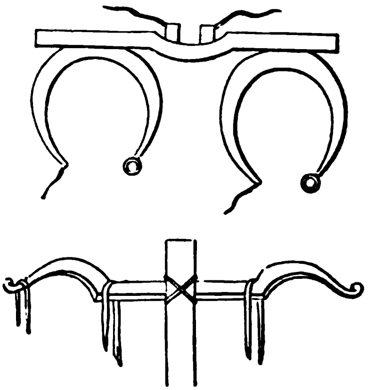
3. The transverse rail of a trellis (Varro, *de Re Rust.* i. 8; Col. *de Re Rust.* iv. 17, 20, xii. 15, *Geopon.* v. 29), joining the upright poles (*perticae*, χάρακες) for the support of vines or other trees. [Capistrum.] Hence by an obvious resemblance the ridges uniting the tops of mountains were called *juga montium*. (Virg. *Ecl.* v. 76; Flor. ii. 3, 9, 17, iii. 3.)

4. The cross-bar of a lyre. (Hom. *Il.* ix. 187.)

5. A scale-beam, and hence a pair of scales [Libra]. The constellation Libra was consequently also called Jugum. (Cic. *Div.* ii. 47.)

6. The transverse seat of a boat. (Aeschyl. *Agam.* 1608; Soph. *Ajax*, 247; Virg. *Aen.* vi. 411.) This gave origin to the term ζυγίτης, as applied to a rower. A vessel with many benches or banks for the rowers was called νηῦς πολυζύγος or ἑκατόζυγος. (Hom. *Il.* iii. 293, xx. 247.)

7. The yoke by which ploughs and carriages were drawn. The yoke was in many cases a straight wooden plank or pole laid upon the horses' necks; but it was commonly bent towards each extremity, so as to be accommodated to the part of the animal which it touched (*curva juga*, Ovid. *Fast.* iv. 216, *Trist.* iv. 6. 2). The following woodcut shows two examples of the yoke, the upper from a MS. of Hesiod's Works and Days, preserved at Florence, the lower from a MS. of Terence belonging to the Vatican library. These may be compared with the still ruder forms of the yoke as now used in Asia Minor, which are introduced in the article Aratrum. The practice of having the yoke tied to the horns and pressing upon the foreheads of the oxen (*capite, non cervice junctis*, Plin. *H. N.* viii. 70), which is now common on the continent of Europe, and especially in France, is strongly condemned by Columella on grounds of economy as well as of humanity. (*De Re Rust.* ii. 2.) He recommends that their heads should be left free, so that they may raise them aloft and thus make a much handsomer appearance. (Cic. *Nat. Deor.* ii. 63; Ovid. *Met.* vii. 211.) All this was effected by the use either of the two collars (*subjugia*, Vitruv. x. 3. 8; μεσάβα, Hesiod. *Op. et Dies*, 469; Proclus, *ad loc.*; ζεύγλαι, Hom. *Il.* xix. 406; Schol. *ad Apoll. Rhod.* iii. 232) shown in the upper figure of the woodcut, or of the excavations (γλύφαι) cut in the yoke, with the bands of leather (*lora; vincla*, Tib. ii. 1. 7; *ταυροδέτιν βύρσαν ἐπαυχενίην*, Brunck, *Anal.* iii. 44, λεπάδνα), which are seen in the lower figure.



This figure also shows the method of tying the yoke to the pole (*temo*, ῥυμός) by means of a leathern strap (ζυγόδεσμον, Hom. *Il.* v. 730, xxiv. 268—274), which was lashed from the two opposite sides over the junction of the pole and yoke. These two parts were still more firmly connected by means of a pin (ἔμβολος, Schol. *in Eurip. Hippol.* 666; ἕστωρ, Hom. *l. c.*; Arrian. *Exped. Alex.* ii. p. 85, ed. Blan.; ἔμβρυον, Hes. *l. c.*), which fitted a circular cavity in the middle of the yoke (ὀμφαλὸς, Hom. *l. c.*). Homer represents the leathern band as turned over the fastening thrice in each direction. But the fastening was sometimes much more complicated, especially in the case of the celebrated Gordian knot, which tied the yoke of a common cart, and consisted only of flexible twigs or bark, but in which the ends were so concealed by being inserted within the knot, that the only way of detaching the yoke was that which Alexander adopted. (Arrian, *l. c.*; Q. Curt. iii. 2; Schol. *in Eurip. l. c.*)

Besides being variegated with precious materials and with carving, the yoke, especially among the Persians, was decorated with elevated plumes and figures. Of this an example is presented in a bas-relief from Persepolis, preserved in the British Museum. The chariot of Dareius was remarkable for the golden statues of Belus and Ninus, about eighteen inches high, which were fixed to the yoke over the necks of the horses, a spread eagle, also wrought in gold, being placed between them. (Q. Curt. iii. 3.) The passages above cited show that when the carriage was prepared for use, the yoke which had been laid aside, was first fastened to the pole, and the horses were then led under it. Either above them, or at the two ends of the yoke, rings were often fixed, through which the reins passed. These frequently appear in works of ancient art, representing chariots.

Morning and evening are often designated in poetry by the act of putting the yoke on the oxen (Hes. *Op. et Dies*, 581) and taking it off. (Hor. *Carm.* iii. 6. 42; Virg. *Ecl.* ii. 66; Ovid. *Fast.* v. 497; βούλυσις, βουλυτὸς, Arrian, *l. c.*; Hom. *Il.* xvi. 779; Cic. *ad Att.* xv. 27; βουλύσιος ὥρη, Arat. *Dios.* 387.)

By metonymy *jugum* meant the quantity of land which a yoke of oxen could plough in a day. (Varro, *de Re Rust.* i. 10.) It was used as equivalent to the Latin *par* and the Greek *ζεῦγος*, as in *aquilarum jugum.* (Plin. *H. N.* x. 4, 5.) By another figure the yoke meant *slavery*, or the condition in which men are compelled against their will, like oxen or horses, to labour for others. (Aeschyl. *Agam.* 512 ; Florus, ii. 14 ; Tacit. *Agric.* 31 ; Hor. *Sat.* ii. 7. 91.) Hence, to express symbolically the subjugation of conquered nations, the Romans made their captives pass under a yoke (*sub jugum mittere*), which, however, in form and for the sake of convenience, was sometimes made, not like the yoke used in drawing carriages or ploughs, but rather like the jugum described under the two first of the preceding heads ; for it consisted of a spear supported transversely by two others placed upright. [J. Y.]

JUGUMENTUM. [Janua, p. 624, b.]

JUNIO'RES. [Comitia. p. 333.]

JURA IN RE. [Dominium.]

JURE ACTIO, IN. [Jurisdictio.]

JURE CESSIO, IN, was a mode of transferring ownership by means of a fictitious suit, and so far resembled the forms of conveyance by fine and by common recovery, which, till lately, were in use in England. The In Jure Cessio was applicable to things Mancipi and Nec Mancipi, and also to Res Incorporales, which, from their nature, were incapable of tradition. The parties to this transaction were the owner (*dominus qui cedit*), the person to whom it was intended to transfer the ownership (*vindicans, cui ceditur*), and the magistratus, qui addicit. The person to whom the ownership was to be transferred, claimed the thing as his own in presence of the magistratus and the real owner ; the magistratus called upon the owner for his defence, and on his declaring that he had none to make, or remaining silent, the magistratus decreed (*addixit*) the thing to the claimant. This proceeding was a legis actio.

An hereditas could be transferred by this process [Heres, p. 601, b.] ; and the res corporales, which belonged to the hereditas, passed in this way just as if they had severally been transferred by the In Jure Cessio.

The In Jure Cessio was an old Roman institution, and there were provisions respecting it in the Twelve Tables. (*Frag. Vat.* s. 50.)

(Gaius. ii. 24; Ulp. *Frag.* tit. 19. s. 9.) [G. L.]

JU'RGIUM is apparently a contracted form of Juridicium. The word had a special legal meaning, as appears from a passage of Cicero, *De Republica*, quoted by Nonius: "Si jurgant, inquit, benevolorum concertatio, non lis inimicorum jurgium dicitur. Et in sequenti: Jurgare igitur lex putat inter se vicinos, non litigare." Rudorff states that the small disputes which arose between owners of contiguous lands within the "quinque pedes" (Cic. *de Leg.* i. 18) were comprehended under the term Jurgium. He refers for a like use of the word to Horace (*Ep.* ii. 1. 38, and ii. 2. 170),

Sed vocat usque suum, qua populus adsita certis
Limitibus vicina refugit jurgia.

(Rudorff, *Zeitschrift*, &c. vol. x. p. 346, *Ueber die Gränzscheidungsklage.*)

Compare also Cicero, *de Legibus*, ii. 8. "Feriis jurgia amovento ;" and Facciolati, *Lexicon*, *s. v. Jurgium.* [G. L.]

JURI'DICI. Under Hadrian, Italy was divided into five districts, one of which contained Rome, and continued in the same relation to the Roman praetor that it had been before the division of Hadrian. Each of the other four districts received a magistratus with the title of consularis, who had the higher jurisdiction, which was taken from the municipal magistrates. We may also infer that the court of the consularis was a court of appeal from the inferior courts in the matters which were left to their jurisdiction. (Spart. *Hadrian.* 22 ; Capitol. *Pius*, 2.) This arrangement of Hadrian was an advantage to the Italians, for before this time the inhabitants had to go to the Roman praetor's court for all matters which were not within the jurisdiction of the duumviri ; for we must assume that the consulares resided in their districts. M. Aurelius placed functionaries with the title of Juridici in the place of the Consulares (Puchta, *Instit.* i. § 92 ; and note (m) on the passage of Appian, *Bell. Civ.* i. 38). [G. L.]

JURI'DICI CONVENTUS [Provincia].

JURISCONSULTI or JURECONSULTI. The origin among the Romans of a body of men, who were expounders of the law, may be referred to the separation of the Jus Civile from the Jus Pontificium. [Jus Civile Flavianum.] Such a body certainly existed before the time of Cicero, and the persons who professed to expound the law were called by the various names of jurisperiti, jurisconsulti, or consulti simply. They were also designated by other names, as jurisprudentes, prudentiores, peritiores, and juris auctores. The word which Plutarch uses is *νομοδείκτης* (*Tib. Gracch.* 9), and *νομικός* (*Sulla*, 36.) Cicero (*Top.* 5) enumerates the jurisperitorum auctoritas among the component parts of the Jus Civile. The definition of a jurisconsultus, as given by Cicero (*De Or.* i. 48), is, "a person who has such a knowledge of the laws (*leges*) and customs (*consuetudo*) which prevail in a state as to be able to advise (*respondendum*), act (*agendum*), and to secure a person in his dealings (*cavendum*): Sextus Aelius Catus [Jus Aelianum], M'. Manilius, and P. Mucius are examples." In the oration *Pro Murena*, Cicero uses "scribere" in the place of "agere." The business of the early jurisconsulti consisted both in advising and acting on behalf of their clients (*consultores*) gratuitously. They gave their advice or answers (*responsa*) either in public places which they attended at certain times, or at their own houses (Cic. *de Or.* iii. 33) ; and not only on matters of law, but on any thing else that might be referred to them. The words "scribere" and "cavere" referred to their employment in drawing up formal instruments, such as contracts or wills, &c. At a later period, many of these functions were performed by persons who were paid by a fee, and thus there arose a body of practitioners distinct from those who gave responsa and who were writers and teachers. The earlier jurisconsults cannot be said to be the same kind of persons as those of a later period. Law had not then assumed a scientific form. The first whom Pomponius mentions was Papirius, who is said to have made a collection of the Leges Regiae. Tiberius Coruncanius, a plebeian, who was consul B. C. 281, and also the first plebeian Pontifex Maximus, is mentioned as the first who publicly professed (*publice professus est*), and he was distinguished both for his knowledge of the law and his eloquence. He left no writings. It must not, however, be assumed that Coruncanius was a professor of law in the modern sense of the term; nor any other of the jurists after him who are enumerated by Pomponius. Before the time of Cicero the study of the law had become a distinct branch from the study of oratory, and a man might raise himself to eminence in the state by his reputation as a lawyer, as well as by his oratorical power or military skill. There were many distinguished jurists in the last two centuries of the republican period, among whom are M'. Manilius; P. Mucius Scaevola, Pontifex Maximus (B. C. 131); Q. Mucius Scaevola, the augur; and Q. Mucius Scaevola, the son of Publius, who was consul B. C. 95, and afterwards Pontifex Maximus, and one of the masters of Cicero (*jurisperitorum eloquentissimus, eloquentium jurisperitissimus*, Cic. *de Or.* i. 39, *Brutus*, c. 89). This Scaevola the Pontifex, was considered to have been the first who gave the Jus Civile a systematic form, by a treatise in eighteen books. (Dig. 1. tit. 2. s. 2. § 41.) There are four excerpts in the Digest from a work of his in one book, on Definitions. Servius Sulpicius Rufus, the friend and contemporary of Cicero, and consul B. C. 51 (*Brut.* 7, 40), was as great an orator as the Pontifex Scaevola, and more distinguished as a jurist. Many persons, both his predecessors and contemporaries, had a good practical knowledge of the law, but he was the first who handled it in a scientific manner, and as he had both numerous hearers and was a voluminous writer, we may view him as the founder of that methodical treatment of the matter of law which characterised the subsequent Roman jurists (Cic. *Brut.* 41; Dig. 1. tit. 2. s. 2. § 43), and in which they have been seldom surpassed.

The jurists of the imperial times are distinguished from those of the republican period by two circumstances, the Jus Respondendi, and the rise of two Schools of Law.

It is said that Augustus determined that the Jurisconsulti should give their responsa under his sanction (*ex auctoritate ejus responderent*). The jurists who had not received this mark of imperial favour, were not excluded from giving opinions; but the opinions of such jurists would have little weight in comparison with those of the privileged class. Those who obtained the Jus Respondendi from the Princeps, would from this circumstance alone have a greater authority, for formally their Responsa were founded on the authority of the Princeps. These responsa were given sealed (*signata*), apparently to prevent falsification. The matter proposed for the opinion of the Jurisconsulti was sometimes stated in the Responsum, either fully or briefly; and the Responsum itself was sometimes short, sometimes long; sometimes it contained the grounds of the opinion, and sometimes it did not. (Brisson. *de Form.* iii. c. 85—87.)

The responsa of a privileged jurisconsultus would be an authority for the decision of a judex; if there were conflicting responsa given, the judex would of course decide as he best could. But, besides the direct responsa, which were given in particular cases, there was the authority of the writings of the privileged jurists. As before the time of Augustus, public opinion only gave authority to a jurist's responsa and writings, so from the time of Augustus this authority was given by the Jus Respondendi to the responsa and writings of a jurist. This privilege gave to a jurist the condition of a Juris auctor, and to his writings legal authority, neither of which belonged to a jurist who had not received the privilege. Accordingly, the writings of such privileged jurists received the same authority as their responsa; and if the opinions of the Juris auctores, as expressed in their writings, did not agree, the Judex was left to decide as he best could. This explanation of the nature of the Jus Respondendi, which is by Puchta (Instit. i. § 117), is applied by him to the elucidation of the passage in Gaius (i. 7. Responsa prudentium sunt sententiae et opiniones, &c.). He supposes that this interpretation of the passage is strictly conformable to what has been said of the authority of the writings of the jurists. If we leave out of consideration the technical expression Responsa, with which the passage begins, there is no difficulty at all in applying the words of Gaius to the writings of the jurists; and, in fact, it is most consistent to take responsa in this passage in a wider sense, and as equivalent to auctoritas. The term Responsa originated at a time when responsa, in the simple sense of the term, were the only form in which the auctoritas of a jurist was manifested; whereas in the time of Gaius, the writings of the jurists had become a very important legal authority, and consequently they must be included by Gaius in the term Responsa Prudentium, for otherwise he would not have mentioned at all the Auctoritas Prudentium, to which he so often refers in various parts of his work. Puchta's explanation of this passage, which bears the stamp of great probability, may be compared with that of Savigny (*System*, &c. vol. i. p. 155).

In the time of Augustus there arose two schools (*scholae*) of Jurists, the heads of which were respectively Ateius Capito and Antistius Labeo. The followers of Labeo, whom we know with certainty to have been such, were Nerva, Proculus, Nerva the son, Pegasus, Celsus, Celsus the son, and Neratius Priscus. The followers of Capito were Massurius Sabinus, C. Cassius Longinus, Coelius Sabinus, Priscus Javolenus, Aburnus Valens Tuscianus, Gaius, and probably Pomponius. But the schools did not take their names from Labeo and Capito. The followers of Labeo were named Proculiani, from Proculus. The followers of Capito derived their name of Sabiniani from Massurius Sabinus, who lived under Tiberius, and as late as the reign of Nero: they were sometimes also called Cassiani, from C. Cassius Longinus. It is not easy to state with precision the differences which characterised the two schools. Whatever may have been the origin of these differences, which may perhaps be partly referred to the personal character of Capito and Labeo, the schools were subsequently distinguished by a difference in their manner of handling the matter of the law. The school of Capito adhered more closely to what was established, and to the letter of what was written. Labeo was a man of greater acquirements than Capito, and his school looked more to the internal meaning than to the external form, and thus, while apparently deviating from the letter, they approached nearer to true results; though the strict logic of this school might sometimes produce a result less adapted to general convenience than the conclusions of the Sabiniani, which were based on the prevailing notions of equity. Much has been written on the characteristics of the two schools, but to very little purpose. The matter is briefly treated by Puchta. (*Instit.* i. § 98.)

The writings of the jurisconsulti consisted of commentarii on the Twelve Tables, on the Edict, on particular leges, more especially on some of the Juliae Leges, and on other matters. The later jurists also commented on the writings of the earlier jurists. They also wrote elementary treatises (*elementa, commentarii*), such as the Institutiones of Gaius, which is the earliest work of the kind that we know to have been written; books called Regulae, and Definitiones, which probably were collections of maxims and legal principles; collections of cases and answers, under the various names of responsa, epistolae, sententiae, and opiniones; systems of law; and various works of a miscellaneous character, with a great variety of names, such as disputationes, quaestiones, enchiridia, res quotidianae, and various other titles.

The juristical writers were very numerous: they formed a series, beginning with Q. Mucius Scaevola, the Pontifex, and ending about the time of Alexander Severus, with Modestinus who was a pupil of Ulpian. With the exception of the fragments preserved in the Digest, this great mass of literature is nearly lost. [Pandectae.]

The mode of teaching law at Rome was of a practical nature. Professors of law in the modern sense did not exist till the Imperial periods. Ulpian calls them Juris civilis professores (Dig. 50. tit. 13. s. 1. § 5); but there is no indication that he considered himself as one of the class; nor can we consider that such men as Julian, Papinian or Paulus ever followed the occupation of teacher of law. The instruction which was given in the republican period consisted in the Jurisconsulti allowing young men to be present as *auditores*, when they delivered their legal opinions, and to see how they conducted their business. (Cic. *Brut.* 89, *Laelius*, 1.) Previous, however, to attending to this practical instruction, young men were taught the elements of law, which was expressed by the term *institui*, whence probably the name Institutiones was given to elementary treatises like those of Gaius. Accordingly, *institui* and *audire*, expressed the two parts of a legal education; and this mode of instruction continued probably till near the time of Constantine. In the Imperial period, probably young men devoted themselves for a still longer period to attendance on those jurists, who had the Jus Respondendi. These young men are the juris studiosi, who are mentioned by Ulpian and others. Thus Ulpian calls Modestinus, "studiosus meus." As already observed, the class called Juris Civilis Professores arose under the empire, and they received from those who attended them an Honorarium, or fee. (Ulpian, Dig. 50. tit. 13. s. 1. § 5.)

(Pomponius, *De Origine Juris*, Dig. 1. tit. 2. s. 2; Zimmern, *Geschichte des Römischen Privatrechts*.) [G. L.]

JURISDI'CTIO. The "officium" of him "qui jus dicit" is defined as follows (Dig. 2. tit. 1. *De Jurisdictione*): — "Bonorum possessionem dare potest, et in possessionem mittere, pupillis non habentibus tutores constituere, judices litigantibus dare." This is the *general* signification of the word Jurisdictio, which expresses the whole "officium jus dicentis." The functions which are included in the "officium jus dicentis" belong either to the Jurisdictio (in its special sense), or to the Imperium Mixtum, or they are those which are exercised by virtue of some lex, senatusconsultum, or authority delegated by the princeps, as the "Tutoris datio." (Dig. 26. tit. 1. s. 6.) The Jurisdictio of those magistratus who had no Imperium, was limited in consequence of not having the Imperium, and therefore was not Jurisdictio in the full meaning of that term. [Imperium; Magistratus.] Inasmuch as Jurisdictio in its special sense, and the Imperium Mixtum, are component parts of Jurisdictio in its wider sense, Imperium may be said to be contained in or incident to Jurisdictio (*imperium quod jurisdictioni cohaeret*, Dig. 1. tit. 21. s. 1). Sometimes Imperium is viewed as the term which designates the full power of the magistratus; and when so viewed, it may be considered as equivalent to Jurisdictio, in its wider sense, or as comprehending Jurisdictio in its narrowest sense. Thus Imperium may be considered as containing or as contained in Jurisdictio, according as we give to each term respectively its wider or its narrower meaning. (Puchta, *Ueber den inhalt der Lex Rubria*, *Zeitschrift*, vol. x. p. 195.) The Jurisdictio was either Voluntaria or Contentiosa. (Dig. 1. tit. 1. 6. s. 2.) The Jurisdictio Voluntaria rendered valid certain acts done before the magistratus, for which certain forms were required, as adoption and manumission. Thus adoption, properly so called, could take place before the praeses of a provincia (Gaius, i. 100); but in Rome it took place before the praetor, and was said to be effected "imperio magistratus." The Jurisdictio Contentiosa had reference to legal proceedings before a magistratus, which were said to be *in jure* as opposed to the proceedings before a judex, which were said to be *in judicio*. The parties were said "Lege agere:" the magistratus was said jus dicere or reddere. Accordingly "magistratus" and "qui Romae jus dicit" are equivalent. (Cic. *ad Fam.* xiii. 14.) The functions included in Jurisdictio in this, its special sense, were the addictio in the legis actiones, the giving of the formula in proceedings conducted according to the newer process, and the appointment of a judex. The appointing of a judex, "judicis datio," was for the purpose of inquiring into the facts in dispute between the parties. The words of the formula are "Judex esto," &c. (Gaius. iv. 47); and the terms of the edict in which the praetor declares that he will give a judex, that is, will recognise a right of action, are "Judicium dabo." (Cic. *pro Flacc.* 35.) Addictio belongs to that part of jurisdictio by which the magistratus himself makes a decree or gives a judgment: thus in the case of the In Jure Cessio, he is said "rem addicere." (Gaius, ii. 24.) Addicere is to adjudge a thing or the possession of a thing to one of the litigant parties. In the case of furtum manifestum, inasmuch as the facts would be certain, there was an addictio. (Gaius, iv. 189.)

Other uses of the word addictio are collected in Facciolati.

It is with reference to the three terms, Do, Dico, Addico, that Varro (*De Ling. Lat.* vi. 30) remarks that the praetor must use one of these words "cum lege quid peragitur." Accordingly, those days were called Nefasti on which no legal business could be done, because the words of legal force could not be used. (Compare Ovid. *Fast.* i. 47; Macrobius, *Saturn.* i. 16.) [G. L.]

JUS. "All people," says Gaius (i. 1), "who are governed by Leges and Mores, use partly their own law (*jus*), partly the law (*jus*) that is common to all mankind; for the law (*jus*) which a state establishes for itself is peculiar to such state, and is called Jus Civile, as the peculiar law (*jus*) of that state. But the law (*jus*) which natural reason (*naturalis ratio*) has established among all mankind is equally observed by all people, and is called Jus Gentium, as being that law (*jus*) which all nations follow. The Roman populus therefore follows partly its own peculiar law (*suum proprium jus*), partly the common law (*commune jus*) of all mankind."

According to this view, all Law (*jus*) is distributed into two parts, Jus Gentium and Jus Civile, and the whole body of law peculiar to any state is its Jus Civile. (Cic. *de Orat.* i. 44.) The Roman law, therefore, which is peculiar to the Roman state, is its Jus Civile, sometimes called Jus Civile Romanorum, but more frequently designated by the term Jus Civile only, by which is meant the Jus Civile of the Romans.

The Jus Gentium is here viewed by Gaius as springing out of the Naturalis Ratio common to all mankind, which is still more clearly expressed in another passage (i. 189) where he uses the expression "omnium civitatium jus" as equivalent to the Jus Gentium, and as founded on the Naturalis Ratio. In other passages he founds the acquisition of property, which was not regulated by Roman law, on the naturalis ratio and on the naturale jus indifferently, thus making naturalis ratio and naturale jus equivalent (ii. 65, 66, 69, 73, 79). He founds Cognatio on Naturalis Ratio, as being common to all mankind, and Agnatio on Civilis Ratio, as being purely a Roman institution (i. 158). In two passages in the Digest (1. tit. 8) he calls same thing Naturale Jus in s. 2, and Jus Gentium in s. 3, 5. (Compare Gaius, iii. 132.) The Naturale Jus and the Jus Gentium are therefore identical. (Savigny, *System*, &c., vol. i. p. 113.) Cicero (*de Off.* iii. 5) opposes Natura to Leges, where he explains Natura by the term Jus Gentium, and makes Leges equivalent to Jus Civile. In the Partitiones (c. 37) he also divides Jus into Natura and Lex.

There is a threefold division of Jus made by Ulpian and others, which is as follows: Jus Civile; Jus Gentium, or that which is common to all mankind; and Jus Naturale which is common to man and beasts. The foundation of this division seems to have been a theory of the progress of mankind from what is commonly termed a state of nature, first to a state of society, and then to a condition of independent states. This division had, however, no practical application, and must be viewed merely as a curious theory. Absurd as it appears at first sight, this theory is capable of a reasonable explanation, and Savigny shows that it is not meant to say that beasts have law, but only the matter of law; that is, some of those natural relations on which legal relations are founded, exist among beasts as well as men. Such natural relations are those by which the species is propagated. (See also Puchta's remarks, *Instit.* i. § 9, note *a*.) In the Institutes the two divisions are confounded (i. tit. 2. De Jure Naturali, Gentium et Civili); for the explanation of Jus Naturale is first taken from the threefold division of Ulpian, and then the Jus Gentium and Civile are explained according to the twofold division of Gaius already quoted, so that we have in the same section the Jus Naturale explained in the sense of Ulpian, and the Jus Gentium explained in the sense of Gaius, as derived from the Naturalis Ratio. Further, in the second book (tit. 1. s. 11) the Jus Naturale is explained to be the same as Jus Gentium, and the Jus Naturale is said to be coeval with the human race. Notwithstanding this confusion in the Institutes, there is no doubt that the two-fold division of Gaius was that which prevailed in Roman jurisprudence. (Savigny, *System*, &c. vol. i. p. 413.) This two-fold division appears clearly in Cicero, who says that the old Romans separated the Jus Civile from the Jus Gentium; and he adds that the Jus Civile (of any state) is not therefore Jus Gentium, but that what is Jus Gentium ought to be Jus Civile (*de Off.* iii. 17).

Those rules which regulated the declaration of war and the conduct of war are comprehended under the term Jus Feciale. Some modern writers give to the term a wider signification; and others limit it more closely. Osenbrueggen (*De Jure Belli et Pacis Romanorum*, p. 20. Lips. 1836) defines the Jus Feciale to be that which prescribed the formulae, solemnities and ceremonial observed in the declaring, carrying on, and terminating a war, and in the matter of treaties. The Romans often used the expression Jus Gentium in a sense which nearly corresponds to the modern phrase Law of Nations, or, as some call it, International Law. (Livy, ii. 14, vi. 1, quod legatus in Gallos, ad quos missus erat, contra jus gentium pugnasset; xxxviii. 48; Sallust. *Jug.* 22.) The term Jus Belli (Cic. *de Leg.* ii. 14) is used in the same sense.

The origin of the opposition between Jus Gentium and Jus Civile was not a speculative notion, nor did it originate with the Jurists, though they gave it a theoretical form. The Jus Gentium in its origin was the general law of Peregrini, according to which the Romans determined the legal relations among Peregrini, a class of persons to whom the Jus Civile was not applicable. Consequently, the foundation of the Jus was foreign law, modified by the Romans according to their own notions, so as to be capable of general application. This is one side of the original Jus Gentium. The other is that Law which owed its origin to the more enlarged views of the nature of law among the Roman people, and was the development of the national character. The two notions, however, are closely connected, for the law of Peregrini was that which first presented the Romans with the notion of the Jus Gentium, and it was formed into a body of Law, independent of the Jus Civile, and not interfering with it. But the general Law of Peregrini also obtained among the Romans, as Law, and not considered merely with reference to their intercourse with Peregrini. "The Law of Peregrini and Roman Law, disencumbered of all peculiarity of individual nations, are the two sides of the same notion, which the Romans express by the term Jus Gentium." (Puchta, *Instit.* i. § 84). The Jus Gentium was chiefly introduced by the Edictum, — as the Law of Peregrini by the Edict of the Praetor Peregrinus and the Edicta Provincialia, and as Law for the Romans by the Edictum of the Praetor Urbanus.

The Jus Civile of the Romans is divisible into two parts, Jus Civile in the narrower sense, and Jus Pontificium or Sacrum, or the law of religion.

This opposition is sometimes expressed by the words Jus and Fas (*Fas et jura sinunt*, Virg. *Georg.* i. 269); and the law of things not pertaining to religion and of things pertaining to it, are also respectively opposed to one another by the terms Res Juris Humani et Divini. (Instit. 2. tit. 1.) [DOMINIUM.] Thus the Pontifices Maximi, P. Crassus, and T. Coruncanius, are said to have given Responsa de omnibus divinis et humanis rebus. (Cic. *de Orat.* iii. 33.)

The Law of Religion, or the Jus Pontificium, was under the control of the Pontifices, who in fact originally had the control of the whole mass of the law, and it was only after the separation of the Jus Civile in its wider sense into the two parts of the Jus Civile, in its narrower sense, and the Jus Pontificium, that each part had its proper and peculiar limits. But after this separation was fully made the Auctoritas Pontificum had the same operation and effect with respect to the Law of Religion that the Auctoritas Prudentium had on the Jus Civile. (Cic. *de Leg.* ii. 19, 20.) Still even after the separation there was a mutual relation between these two branches of law; for instance, an Adrogatio was not valid by the Jus Civile unless it was valid by the Jus Pontificium. (Cic. *de Orat.* iii. 33, *Brut.* 42; ADOPTIO.) Again, Jus Pontificium, in its wider sense, as the law of religion, had its subdivisions, as into Jus Augurum, Pontificum, &c. (Cic. *de Senect.* 11.)

"Law," says Gaius (i. 2), meaning the Roman civil law (*jura*), "is composed of leges, plebiscita, senatus-consulta, constitutiones Principum, the Edicta of those who have the Jus Edicendi, and the Responsa Prudentium." This is a division of law merely according to its formal origin. The divisions enumerated by Cicero (*Top.* 5) are "leges (which include plebiscita), senatus-consulta, res judicatae, jurisperitorum auctoritas, edicta magistratuum, mos, aequitas." A consideration of the different epochs at which these writers lived, will account for part of the discrepancy; but the addition of Mos in Cicero's enumeration is important.

Jus Civile is opposed to the Jus Praetorium or Honorarium [EDICTUM]; and the opposition consists in the opposition of the means or form by which the two severally obtained an existence; whereas the opposition of Jus Civile and Gentium is founded on the internal character of the two kinds, and the extent of their application.

Lex and Mos are sometimes opposed to one another, as parts component of the Jus Civile, but different in their origin. Horace (*Carm.* iv. 5) speaks of "Mos et Lex:" Juvenal (viii. 50) opposes "Juris nodos et legum aenigmata:" Jus Civile is opposed to Leges (Cic. *de Orat.* i. 43), to Lex (*de Off.* iii. 17), and to Senatus-consultum (Gaius, ii. 197). As then opposed to Leges, Jus Civile appears to be equivalent to Mos. In fact the opposition between Lex and Mos follows the analogy of that between jus scriptum and non scriptum. "When there are no scriptae leges we must follow that which has been introduced by mores and consuetudo. — Immemorial (*inveterata*) consuetudo is properly observed as a lex (*pro lege*), and this is the jus which is said to be 'moribus constitutum.'" (Julian, Dig. 1. tit. 3. s. 32.) Thus immemorial usage was the foundation of the "jus Moribus constitutum." (See the article INFAMIA as to the origin of Infamia.) The ultimate origin of custom is the common consciousness of the people among whom it exists: the evidence of it is usage, repeated and continued use: it is law when recognized by a competent authority. There is a passage of Ulpian (Dig. 1. tit. 3. s. 34) in which he distinctly speaks of confirming a consuetudo in a judicium, which can have no other meaning than that its force as law depended on a decision in a judicium. And the meaning is clear, whether we read contradict*o* or contradict*a* in the passage just referred to.

The Roman writers indeed frequently refer to a large part of their law as founded on Mores or on the Mos Majorum and not on Leges. (Quintil. *Instit. Orat.* v. 10.) Thus Ulpian (Dig. 1. tit. 6. s. 8) says that the Jus Patriae Potestatis is moribus receptum. But mos contained matters relating to religion as well as to the ordinary affairs of life; and therefore we may also view Mos and Lex, when opposed, as component parts of the Jus Civile in its wider sense, but not as making up the whole of it. Mores in the sense of immorality, that which positive morality disapproves of, must not be confounded with jus founded on mores: the former is mali mores in respect of which there was often a jus moribus constitutum. Thus in the matter of the dos there was a retentio in respect of the mores graviores or majores, which was adultery. (Ulp. *Frag.* tit. 6.)

The terms Jus Scriptum and Non Scriptum, as explained in the Institutes (i. tit. 2), comprehended the whole of the Jus Civile; for it was all either Scriptum or Non Scriptum, whatever other divisions there might be. (Ulp. Dig. 1. tit. 1. s. 6.) Jus Scriptum comprehended every thing except that "quod usus approbavit." This division of Jus Scriptum and Non Scriptum does not appear in Gaius. It was borrowed from the Greek writers, and seems to have little or no practical application among the Romans. The sense in which Written and Unwritten law has been used by English writers is hardly the same as the Roman sense. Hale says (*Hist. of the Common Law*, p. 2), "Those laws that I call *leges scriptae* (he should have used the expression *jus scriptum*, though Cicero uses the expression Lex Scripta) are such as are originally reduced into writing before they are enacted." Hale applies his definition only to statutes or acts of parliament; but it is equally applicable to any rules which are promulgated in writing and have the force of law or of a law, by virtue of authority delegated to those who make such rules.

Jus was also divided into Publicum and Privatum by the Roman jurists. (Dig. 1. tit. 1. s. 1.) Publicum Jus is defined to be that which relates to the Status Rei Romanae, or to the Romans as a State; Privatum Jus is defined to be that which relates "ad singulorum utilitatem." The Publicum Jus is further said by Ulpian (Dig. 1. tit. 1. s. 1) "in sacris, in sacerdotibus, in magistratibus consistere." According to this view, it comprehends the Law of Religion and all the rest of the Jus Civile, which is not Privatum: and the matter which is comprehended in Jus Privatum is that which is contained in the Institutes of Gaius and Justinian. The elementary treatise of Gaius does not mention this division, and it is limited to the Jus Privatum. Justinian, in his Institutes, after making this division of Jus into Publicum and Privatum, says, "we must therefore treat of Jus Privatum," from which it appears that he did not contemplate treating of Jus Publicum, though the last title of the fourth book is De Judiciis Publicis. The Roman term Jus Publicum also comprehended Criminal Law and Criminal Procedure, and Procedure in Civil Actions. It is said by Papinian (Dig. 28. tit. 1. s. 3) that the Testamentifactio belonged to Publicum Jus. Now the Testamentifactio was included in Commercium, and only Roman citizens and Latini had Commercium. This is an instance of the application of the term Publicum Jus. All Jus is in a sense Publicum, and all Jus is in a sense Privatum; but the Roman Publicum Jus directly concerned the constitution of the state and the functions of government and administration; the Privatum Jus directly concerned the interests of individuals. The opposition between these two things is clear, and as well marked as the nature of such things will allow. If the terms be found fault with, the meaning of the terms admits of a defence.

The expression Populus Romanus Quirites has given rise to much discussion. Becker (*Handb. der Römischen Alterthümer*, vol. ii. p. 24) concludes that Romani and Quirites are so far opposed that Romani is the historical and political name viewed with respect to foreign states, and Quirites the political name as viewed with reference to Rome. Accordingly Quirites is equivalent to Cives. (Sueton. *Caes.* 70; Plut. *Caes.* 51; Liv. xlv. 37.) It does not seem easy to explain the difference between Civitas Romana and the Jus Quiritium, yet so much seems clear that Civitas Romana was a term large enough to comprehend all who were Cives in any sense. But the Jus Quiritium in its later sense seems to be the pure Privatum Jus as opposed to the Publicum Jus, and thus it differs from Jus Civile viewed as the whole Roman law, or as opposed to the law of other people. He who claimed a thing exclusively as his own claimed it to be his ex Jure Quiritium. (Gaius, ii. 40. &c.) Accordingly we find the expressions Dominus and Dominium Ex Jure Quiritium, as contrasted with In bonis [DOMINIUM]. Such part of the Roman law, in its widest sense, as related to buying, selling, letting, hiring, and such obligations as were not founded on the Jus Civile, were considered to belong to the Jus Gentium (Dig. 1. tit. 1. s. 5), that is, the Jus Naturale. (Gaius, ii. 65.) Accordingly when ownership could be acquired by tradition, occupation, or in any other way, not specially provided for by the Jus Civile, such ownership was acquired by the Jus Gentium. When the Jus Civile prescribed certain forms by which ownership was to be transferred, and such forms were not observed, there was no ownership Jure Civili or Jure Quiritium, but there was that interest which was called In bonis. It is not said by Gaius (ii. 40, &c.) that the In bonis arose by virtue of the Jus Gentium, and it may perhaps be concluded that he did not so view it; for in another passage (ii. 65), he speaks of alienation or change of ownership being effected either by the Jus Naturale, as in the case of tradition, or by the Jus Civile, as in the case of mancipatio, in jure cessio, and usucapion. In this passage he is speaking of alienation, which is completely effected by tradition, so that there is a legal change of ownership recognized by Roman law; not by Roman law, specially as such, but by Roman law as adopting or derived from the Jus Gentium. In the other case (ii. 40) there is no ownership either as recognized by Roman law as such, or by Roman law as adopting the Jus Gentium: the In bonis is merely recognized by the Praetorian Law, to which division it therefore belongs. So far as the equity of the praetor may be said to be based on the Jus Gentium, so far may the In bonis be said to be founded on it also. Properly speaking, the Jus Gentium was only received as Roman law, when it did not contradict the Jus Civile; that is, it could only have its full effect as the Jus Gentium when it was not contradicted or limited by the Jus Civile. When it was so contradicted or limited, the praetor could only give it a partial effect, but in so doing, it is obvious that he was endeavouring to nullify the Jus Civile and so to make the Jus Gentium as extensive in its operation, as it would have been but for the limitation of the Jus Civile. The bounds that were placed to this power of the praetor were not very definite. Still he generally fashioned his Jus Praetorium after the analogy of the Jus Civile, and though he made it of no effect as against his Jus Praetorium, he maintained its form and left it to its full operation, except so far as he necessarily limited its operation by his own Jus Praetorium.

Jus used absolutely is defined to be "ars boni et aequi" (Dig. 1. tit. 1. s. 1), which is an absurd definition. What it really is, may be collected from the above enumeration of its parts or divisions. Its general signification is Law, and in this sense it is opposed to Lex or *a* Law. Lex, however, as already shown, is sometimes used generally for Law, as in the instance from Cicero where it is opposed to Natura. Lex therefore in this general sense comprehends leges and all the other parts of the Jus Civile. In its special sense of *a* Law, it is included in Jus. Jus is also used in the plural number (*jura*) apparently in the sense of the component parts of Jus, as in Gaius (i. 2), where he says "Constant autem jura ex legibus," &c.; and in another passage (i. 158), where he says with reference to the Agnationis Jus or Law of Agnatio, and the Cognationis Jus or Law of Cognatio, "civilis ratio civilia quidem jura corrumpere potest." Indeed in this passage Agnationis Jus and Cognationis Jus are two of the Jura or parts of Jus, which with other Jura make up the whole of Jus. Again (Gaius, ii. 62), that provision of the Lex Julia de Adulteriis, which forbade the alienation of the Fundus Dotalis, is referred to thus—"quod quidem jus," "which rule of law" or "which law"—it being *a* law comprehended in another law, which contained this and many other provisions. Thus though Lex in its strict sense of *a* Law is different from Jus in its large sense, and though Jus, in its narrower sense, is perhaps never used for *a* Lex, still Jus, in this its narrower sense, is used to express *a* rule of law. Thus Gaius (i. 47) speaks of the *jura* or legal provisions comprised in the Lex Aelia Sentia; and of *jura* as based on the Responsa Prudentium ("responsa prudentium sunt sententiae et opiniones eorum quibus permissum est *jura* condere," Gaius, i. 7; JURISCONSULTI).

Jus has also the meaning of a faculty or legal right. Thus Gaius says, "it is an actio in rem, when we claim a corporeal thing as our own, or claim some *jus* as our own, such as a jus utendi, eundi, agendi." The parental power is called a "Jus proprium civium Romanorum." The meaning of *law* generally, and of a *legal right*, are applied to Jus by Cicero in the same sentence: "I, a man ignorant of law (*imperitus juris*), seek to maintain my right (*meum jus*) by the Interdict." (*Pro Caecina*, c. 11.) As the several rules of law which are often comprised in one lex, or which make up the whole body of Jus (Law), may be called jura with reference to their object, so the various legal rights which are severally called jus with reference to some particular subject, may be collectively called jura. Thus we find the phrase Jura Parentis to express all the rights that flow from the fact of legal paternity.

The phrase Jura Praediorum, which is used by the Roman Jurists, is somewhat peculiar, and open to objection. [Servitus.]

The potestas which a Roman father had over his children and a husband over his wife in manu, being a jus or legal right, there hence arose the distinction of persons into those who are *sui* and those who are *alieni juris*. All the rights of such persons severally are represented by the phrase "Jus Personarum," or that division of the whole matter of Jus which treats of the condition of persons as members of a Familia. [Familia.]

This leads to the mention of another division of the matter of law which appears among the Roman Jurists, namely, the Law of Persons; the Law of Things, which is expressed by the phrase "jus quod ad res pertinet;" and the Law of Actions, "jus quod ad actiones pertinet." (Gaius, i. 8.) In his first book Gaius treats of the Law of Persons, in the sense explained in the article Institutiones, in the fourth he treats of the Law of Actions; and accordingly the second and third contain the Law of Things, to express which he does not use a phraseology analogous to that of "Jus Personarum;" but he says he will treat De Rebus. [Institutiones.]

The adjective Justum often occurs in the Latin writers, in the sense of that which is consistent with Jus or Law, or is not contrary to law. Thus it is a justum (legal) matrimonium, if there is connubium between the two parties to the marriage. The word Justum has many varieties of meaning, which may generally be derived, without much difficulty, from the meanings of Jus: as justa servitus, justum concilium, justum iter, justus exercitus, justa causa.

Jus is opposed to Judicium, and a thing was said to be done in jure or in judicio, according as it was done before the magistratus or before a judex. [Judicium.] Thus all matters of legal question were said to be done "aut ad populum, aut in jure, aut ad judicem." (Plaut. *Menaech.* iv. 2. 18.) Jus, in the sense of the place "in quo jus redditur" (Dig. 1. tit. 1. s. 11), is only an application of the name of what is done to the place in which it is done. The expression Jus Dicere is explained under Jurisdictio.

The foregoing explanation of Jus may not be entirely free from error, nor would it be easy to make it so, as will appear from comparing the views of various modern writers. [G. L.]

JUS AEDILI'TIUM. [Aediles; Edictum.]

JUS AELIA'NUM was a compilation by Sextus Aelius Paetus, surnamed Catus, who was consul b. c. 198 (Liv. xxxii. 7), and who is called by his contemporary Ennius, "egregie cordatus homo." He is also frequently mentioned with praise by Cicero (*de Rep.* i. 18, *de Or.* i. 45, iii. 33). The Jus Aelianum, also called Tripertita, contained the Law of the Twelve Tables, an interpretatio, and the Legis Actiones. This work existed in the time of Pomponius. (Dig. 1. tit. 2. s. 2. § 38.) Cicero also speaks of some commentarii by Aelius. (*De Orat.* i. 56, *Top.* 2.) [G. L.]

JUS ANNULO'RUM. [Annulus.]

JUS APPLICATIO'NIS. [Exsilium, p. 516, b.]

JUS CIVI'LE. [Jus.]

JUS CIVI'LE FLAVIA'NUM. Appius Claudius Caecus, who was censor b. c. 312, is said to have drawn up a book of Actiones or forms of procedure, which his clerk Cn. Flavius made public. (Cic. *de Or.* i. 41.) According to one story (Dig. 1. tit. 2. s. 7) Flavius surreptitiously obtained possession of the book of Appius, and was rewarded by the people for his services by being made Tribunus Plebis and Curule Aedile. The effect of this publication was to extend the knowledge and the practice of the law to the plebeians, and to separate the Jus Civile from the Jus Pontificium. (Liv. ix. 46; Gellius, vi. 9; Cic. *pro Murena*, 11.) [G. L.]

JUS CIVILE PAPIRIA'NUM or PAPISIA'NUM was a compilation of the Leges Regiae or laws passed in the kingly period of Rome. They are mentioned by Livy (vi. 1). This compilation was commented on by Granius Flaccus in the time of Julius Caesar (Dig. 50. tit. 16. s. 144), to which circumstance we probably owe the preservation of existing fragments of the Leges Regiae. There is great doubt as to the exact character of this compilation of Papirius, and as to the time when it was made. Even the name of the compiler is not quite certain, as he is variously called Caius, Sextus, and Publius. The best notice of the fragments of the Leges Regiae is by Dirksen, in his "Versuchen zur Kritik und auslegung der Quellen des Römischen Rechts." See also Zimmern, *Gesch. des Röm. Privatrechts.* [G. L.]

JUS CIVITA'TIS. [Civitas, p. 291, b.]

JUS COMME'RCII. [Civitas, p. 291, b.]

JUS CONNU'BII. [Civitas, p. 291, b; Matrimonium.]

JUS EDICENDI. [Edictum.]

JUS GENTILI'TIUM. [Gens.]

JUS GE'NTIUM. [Jus.]

JUS HONORA'RIUM. [Edictum.]

JUS HONO'RUM. [Civitas, p. 291, b.]

JUS IMA'GINUM. [Nobiles.]

JUS ITA'LICUM. [Colonia.]

JUS LA'TII. [Civitas; Latinitas.]

JUS LIBERO'RUM. [Lex Julia et Papia Poppaea.]

JUS NATURALE. [Jus.]

JUS PONTIFI'CIUM. [Jus.]

JUS POSTLIMI'NII. [Postliminium.]

JUS PRAEDIATO'RIUM. [Praes.]

JUS PU'BLICUM, PRIVA'TUM. [Jus.]

JUS QUIRI'TIUM. [Civitas; Jus.]

JUS RELATIO'NIS. [Senatus.]

JUS RESPONDENDI. [Jurisconsulti.]

JUS SCRIPTUM. [Jus.]

JUS SUFFRA'GII. [Civitas, p. 291, b.]

JUS VOCA'TIO, IN. [Actio.]

JUSJURANDUM (ὅρκος), an oath. 1. Greek. An oath is an appeal to some superior being, calling on him to bear witness that the swearer speaks the truth, or intends to perform the promise which he makes. Hence the expressions Ἴστω Ζεύς, θεὸν μαρτύρομαι, and others of the same import, so frequently used in the taking of oaths. (Soph. *Trach.* 399, *Antig.* 184; St.

Paul, *Galat.* i. 20.) It is obvious that such an appeal implies a belief, not only in the existence of the being so called upon, but also in his power and inclination to punish the false swearer; and the force of an oath is founded on this belief. Hence an oath is called *ϑεῶν ὅρκος.* (Hom. *Hym. ad Merc.* 272. 515; Pind. *Ol.* vii. 119.) *Ζεὺς ὅρκιος* (Soph. *Philoct.* 1324) is the god who has regard to oaths, and punishes their violation. *Ζῆν' ἔχων ἐπώμοτον* (Soph. *Trach*, 1190) means (according to Suidas) *ὅρκου ἐγγυητήν.*

We find early mention in the Greek writers of oaths being taken on solemn and important occasions, as treaties, alliances, vows, compacts, and agreements, both between nations and individuals. Thus, when the Greeks and Trojans agree to decide the fate of the war by a single combat between Menelaus and Paris, they ratify their agreement by an oath. (*Il.* iii. 276.) The alliance between Croesus and the Lacedaemonians is confirmed by oath. (Herod. i. 69.) So is the treaty between the Medes and Lydians, whose rites in swearing (as Herodotus tells us, i. 74) were the same as those of the Greeks, with this addition, that they made an incision in their arms and tasted each other's blood. We may further notice the treaty of peace between the Athenians and Peloponnesians, upon which every state was to swear *ἐπιχώριον ὅρκον τὸν μέγιστον* (Thucyd. v. 47), the vow of the Ionian women (Herod. i. 146), that of the Phocaeans (Id. 165), and the promise of Circe to Ulysses (*Od.* x. 345). The reliance placed in an oath is specially shown in the dialogue between Aegeus and Medea in Eurip. *Med.* 736—760; and the speech of Athena in Eurip. *Suppl.* 1196. For other examples we refer the reader to Soph. *Oed. Tyr.* 647, *Oed. Col.* 1637, *Trachin.* 1183; Herod. vi. 74; Hom. *Il.* ix. 132.

That the Greeks (as a nation) were deeply imbued with religious feeling, and paid high regard to the sanctity of oaths, may be gathered from the whole tenor of their early history, and especially from the writings of the poets, Homer, Aeschylus, and Pindar. (See Thirlwall, *Hist. of Greece*, vol. i. c. vi. § 3.) They prided themselves on being superior in this respect to the barbarians. (Aelian. xiv. 2.) The treacherous equivocation practised by the Persians at the siege of Barca (Herod. iv. 201) would have been repugnant to the feelings of a people, whose greatest hero declared that he hated like hell one

Ὅς χ' ἕτερον μὲν κεύθῃ ἐνὶ φρεσὶν, ἄλλο δὲ βάζῃ.
Il. ix. 313.

The poets frequently allude to the punishment of perjury after death, which they assign to the infernal gods or furies (Hom. *Il.* iv. 157, xix. 260; Pind. *Olymp.* ii. 118; Aristoph. *Ran.* 274), and we find many proofs of a persuasion that perjurers would not prosper in this world. (Hom. *Il.* iv. 67, 270, vii. 351; Hesiod. *Op. et Dies*, 280; Thuc. vii. 18.) One of the most striking is the story told by Leutychides to the Athenians, of Glaucus the Spartan, who consulted the Pythian oracle whether he should restore a deposit, or deny on oath that he had ever received it; and who, for merely deliberating upon such a question, was cut off with his whole family. (Herod. vi. 86; Pausan. ii. 18, viii. 7; Juv. *Sat.* xiii. 202.)

Anciently the person who took an oath stood up, and lifted his hands to heaven, as he would in prayer; for an oath was a species of prayer, and required the same sort of ceremony. (Hom. *Il.* xix. 175, 254; Pind. *Ol.* vii. 119.) Oaths were frequently accompanied with sacrifice or libation. (Hom. *Il.* iv. 158; Aristoph. *Acharn.* 148, *Vesp.* 1048.) Both sacrifice and libation are used in the compact of the Greeks and Trojans in *Il.* iii. 276. The victims on such occasions were not eaten; but, if sacrificed by the people of the country, were buried in the ground; if by strangers, were thrown into the sea or river. (*Il.* iii. 310, xix. 267.)

The parties used also to lay their hands upon the victims, or on the altar or some other sacred thing, as if by so doing they brought before them the deity by whom the oath was sworn, and made him witness of the ceremony. Hence the expressions *πρὸς τὸν βωμὸν ἐξορκίζειν, ὀμνύναι καθ' ἱερῶν.* (See Reiske, *Index ad Dem. s. v.* Ὀμνύναι: Harpocr. *s. v.* Λίθος; Thuc. v. 47; Goeller, *ad loc.*; Juv. *Sat.* xiv. 219; Ovid. *Epist. Dido ad Aen.* 129.) In Homer (*Il.* xiv. 270), Juno, making a solemn promise to Sleep, takes the Earth in one hand and Heaven in the other, and swears by Styx and the subterranean gods. To touch the head, hand, or other part of the body, of the person to whom the promise was made, was a common custom. The hand especially was regarded as a pledge of fidelity, and the allusions to the junction of hands in making contracts and agreements abound in the ancient writers. (Eurip. *Medea*, 496; Soph. *Philoct.* 812, *Trach.* 1183; Ovid. *Ep. Phyllis ad Demoph.* 21, *Briseis ad Ach.* 107; Hom. *Hym. ad Ven.* 26.) Other superstitious rites were often superadded, to give greater solemnity to the ceremony (Aesch. *Sept. c. Theb.* 42; Soph. *Antig.* 264; Demosth. *c. Con.* 1269), which appear to be ridiculed by Aristophanes (*Lysist.* 188).

The different nations of Greece swore by their own peculiar gods and heroes; as the Thebans by Hercules, Iolaus, &c., the Lacedaemonians by Castor and Pollux, the Corinthians by Poseidon (Aristoph. *Acharn.* 774, 860, 867, *Equites*, 609, *Lysist.* 81, 148); the Athenians swore principally by Zeus, Athena, Apollo (their *πατρῷος ϑεὸς*), Demeter, and Dionysus.

The office or character of the party, or the place, or the occasion often suggested the oath to be taken. Thus, Iphigenia the priestess swears by Artemis in Eurip. *Iph. in Tauris.* Menelaus bids Antilochus swear by Poseidon (the equestrian god), the subject being on horses. (*Il.* xxiii. 585.) So Philippides, in Arist. *Nub.* 83, is made ridiculously to swear *νὴ τὸν Ποσειδῶ τὸν Ἵππιον.* Achilles swears by his sceptre (*Il.* i. 234), Telemachus by the sorrows of his father (*Od.* xx. 339). Hence the propriety of the famous oath in Demosthenes, by the warriors who fought at Marathon, &c. Here we may observe, that as swearing became a common practice with men upon trivial occasions, and in ordinary conversation, they used to take oaths by any god, person, or thing, as their peculiar habits or predilections, or the fancy of the moment, dictated. Pythagoras on this account swore by the number Four. (Lucian, *Pythag.* 4; Plut. *de Plac. Phil.* i. 3. 1616.) Socrates used to swear *νὴ τὸν κύνα*, in which he was absurdly imitated by others. (Athen. ix. p. 370.) Aristophanes, so keenly alive to all the foibles of his countrymen, takes notice of this custom, and turns it into ridicule. Hence he makes the sausage-dealer swear *νὴ τὸν Ἑρμῆν τὸν ἀγοραῖον* (*Equit.*

297), Socrates *μὰ τὴν Ἀναπνοὴν*, &c. (*Nub.* 627.) (See further *Vesp.* 83, *Aves*, 54, 1611, *Ran.* 336, 1169.)

Women also had their favourite oaths. As the men preferred swearing by Hercules, Apollo, &c., so the other sex used to swear by Aphrodite, Demeter, and Persephone, Hera, Hecate, Artemis; and Athenian women by Aglauros, Pandrosus, &c. (Lucian, *Dial. Meretr.* 7; Xen. *Memor.* i. 5. § 5; Aristoph. *Lysist.* 81, 148, 208, 439, *Eccles.* 70, *Thesm.* 286, 383, 533; Theocr. *Idyll.* xv. 14.)

The security which an oath was supposed to confer induced the Greeks, as it has people of modern times, to impose it as an obligation upon persons invested with authority, or intrusted with the discharge of responsible duties. (Plato, *de Leg.* xii. p. 948.) The Athenians, with whom the science of legislation was carried to the greatest perfection, were, of all the Greek states, the most punctilious in this respect. The youth, entering upon his 20th year, was not permitted to assume the privileges of a citizen, or to be registered in the *ληξιαρχικὸν γραμματεῖον*, without taking a solemn oath in the temple of Aglauros to obey the laws and defend his country. (The form of his oath is preserved in Pollux, viii. 105.) The archon, the judge, and the arbitrator, were required to bind themselves by an oath to perform their respective duties. (See Pollux, *l. c.*; Hudtwalcker, *über die Diät.* p. 10; and DICASTES.) As to the oath taken by the Senate of Five Hundred, see Demosth. *c. Timoc.* 745. As to the oath of the witness, and the voluntary oath of parties to an action, see MARTYRIA. The importance, at least apparently, attached to oaths in courts of justice, is proved by various passages in the orators. (Andoc. *de Myst.* 5; Lycurg. *c. Leocr.* 157. ed. Steph.; Antiph. *de m. Herod.* 139, 140. ed Steph.; Demosth. *c. Aphob.* 860.) Demosthenes constantly reminds his judges that they are on their oaths, and Lycurgus (*l. c.*) declares that *τὸ συνέχον τὴν δημοκρατίαν ὅρκος ἐστίν.*

The experience of all nations has proved the dangerous tendency of making oaths too common. The history of Athens and of Greece in general furnishes no exception to the observation. While in the popular belief and in common parlance oaths continued to be highly esteemed, they had ceased to be of much real wealth or value. It is impossible to read the plays of Aristophanes, the orators, and other writers of that period, without seeing that perjury had become a practice of ordinary occurrence. The poet who wrote that verse which incurred the censure of the comedian, *ἡ γλῶσσ' ὀμώμοχ', ἡ δὲ φρὴν ἀνώμοτος* (Eur. *Hippol.* 612; Aristoph. *Thesm.* 275), was not the only person who would thus refine. The bold profligacy described by Aristophanes (*Nub.* 1232—1241, *Equit.* 298) was too often realized in action. To trace the degeneracy of the Greek character belongs not to this place. We conclude by reminding our readers that in a later age the Greeks became a by-word among the Romans for lying and bad faith. (Cic. *pro Flucco*, 4; Juv. *Sat.* iii. 60, &c.)

A few expressions deserve notice. Νὴ is used by Attic writers in affirmative oaths, *μὰ* in negative. The old form of affirmation, still preserved by the other Greeks, and used by Xenophon, was *ναὶ μὰ.* (Xen. *Mem.* ii. 7. § 14, *Apol. Socr.* 20.) Νὴ is nothing more than another form of *ναί*, used with an accusative case, *μὰ* being omitted, as it often is in negative oaths. (Soph. *Oed. Tyr.* 660, 1088, *Elect.* 758, 1063.) Νὴ, however, is never used by the tragedians, who always employ a paraphrase in affirmative oaths, such as *θεὸν μαρτύρεσθαι.* Ἐπομνύναι is used affirmatively, *ἀπομνύναι* negatively, according to Eustathius. (Hom. *Od.* ii. 377.) *Διόμνυσθαι* is to swear strongly, to protest. (Soph. *Trach.* 378.) Ὅρκιον, though often used synonymously with *ὅρκος*, signifies more strictly a compact ratified by oath; *ὅρκια τάμνειν* is to make a compact with oaths and sacrifice; and through the frequent practice of sacrificing on such occasions, it came that *ὅρκιον* was sometimes used for the victim itself. (Hom. *Il.* iii. 245.) In the phrase *ὀμνύναι καθ' ἱερῶν*, the original meaning of *κατὰ* was, that the party laid his hand upon the victims; but the same phrase is used metaphorically in other cases, where there could be no such ceremony. Thus *κατὰ χιλίων εὐχὴν ποιήσασθαι χιμάρων* (Arist. *Equit.* 660) is to make a vow to offer a thousand kids; *as though the party vowing layed his hands upon the kids at the time, as a kind of stake.* The same observation applies to *ὀμνύναι κατ' ἐξωλείας.* (Comp. Lasaulz, *Ueber den Eid bei den Griechen*, Würzburg, 1844.)

2. ROMAN. The subject of Roman oaths may be treated under four different heads, viz.: — 1. Oaths taken by magistrates and other persons who entered the service of the republic. 2. Oaths taken in transactions with foreign nations in the name of the republic. 3. Oaths, or various modes of swearing in common life. 4. Oaths taken before the praetor or in courts of justice.

I. *Oaths taken by magistrates and other persons who entered the service of the republic.* — After the establishment of the republic the consuls, and subsequently all the other magistrates, were obliged, within five days after their appointment, to promise on oath that they would protect and observe the laws of the republic (*in leges jurare*, Liv. xxxi. 50; compare Dionys. v. 1.). Vestal virgins and the flamen dialis were not allowed to swear on any occasion (Liv. *l. c.*; Fest. *s. v. Jurare*; Plut. *Quaest. Rom.* p. 275), but whether they also entered upon their sacred offices without taking an oath analogous to that of magistrates is unknown. When a flamen dialis was elected to a magistracy, he might either petition for an especial dispensation (*ut legibus solveretur*), or he might depute some one to take the oath for him. But this could not be done unless the permission was granted by the people. The first Roman consuls seem only to have sworn that they would not restore the kingly government, nor allow any one else to do so (Liv. ii. 1; Dionys. *l. c.*), and this may have been the case till all fears of such a restoration having vanished, the oath was changed into a jusjurandum in leges. The consular oath was occasionally taken under the empire. (Plin. *Paneg.* 64.)

During the later period of the republic we also find that magistrates, when the time of their office had expired, addressed the people and swore that during their office they had undertaken nothing against the republic, but had done their utmost to promote its welfare. (Cic. *ad Fam.* v. 2. § 7, *pro Sulla*, 11, *in Pison.* 3, *pro Dom.* 35; Dion Cass. xxxvii. p. 52, xxxviii. p. 72, liii. p. 568, ed. Steph.; Liv. xxix. 37.) In some cases a tribune of the people might compel the whole senate to promise on oath that they would observe a plebiscitum, and allow it to be carried into effect, as was the case with the lex agraria of Saturninus. The censor Q. Metellus, who refused to swear, was sent into exile. (Appian, *B. C.* i. 29; Cic. *pro Sext.* 47; Plut. *Mar.* 29.) During the time of the empire all magistrates on entering their office were obliged to pledge themselves by an oath that they would observe the acta Caesarum (*iurare in acta Caesarum*, Suet. *Tiber.* 67; Tacit. *Annal.* i. 72, xiii. 26, xvi. 22; Dion Cass. xlvii. p. 384, &c.), and the senators had to do the same regularly every year on the first of January. (Dion Cass. lviii. p. 724; compare Lipsius, *Excurs. A. ad Tacit. Annal.* xvi. 22.)

All Roman soldiers after they were enlisted for a campaign, had to take the military oath (*sacramentum*), which was administered in the following manner: — Each tribunus militum assembled his regiment, and picked out one of the men to whom he put the oath, that he would obey the commands of his generals and execute them punctually. The other men then came forward one after another and repeated the same oath, saying that they would do like the first (*idem in me*, Polyb. vi. 21; Fest. *s. v. Praejurationes*). Livy (xxii. 38) says that until the year 216 B. C. the military oath was only sacramentum, *i. e.* the soldiers took it voluntarily, and promised (with imprecations) that they would not desert from the army, and not leave the ranks except to fight against the enemy or to save a Roman citizen. But in the year 216 B. C. the soldiers were compelled by the tribunes to take the oath, which the tribunes put to them, that they would meet at the command of the consuls and not leave the standards without their orders, so that in this case the military oath became a jusjurandum. But Livy here forgets that long before that time he has represented (iii. 20) the soldiers taking the same jusjurandum. A perfect formula of a military oath is preserved in Gellius (xvi. 4; compare Dionys. vi. 23.)

It may here be remarked that any oath might be taken in two ways: the person who took it, either framed it himself, or it was put to him in a set form, and in this case he was said *in verba jurare*, or *jurare verbis conceptis*. Polybius (vi. 33) speaks of a second oath which was put to all who served in the army, whether freemen or slaves, as soon as the castrametatio had taken place, and by which all promised that they would steal nothing from the camp, and that they would take to the tribunes whatever they might happen to find. The military oath was, according to Dionysius (xi. 43), the most sacred of all, and the law allowed a general to put to death without a formal trial any soldier who ventured to act contrary to his oath. It was taken upon the signa, which were themselves considered sacred. In the time of the empire a clause was added to the military oath, in which the soldiers declared that they would consider the safety of the emperor more important than anything else, and that they loved neither themselves nor their children more than their sovereign. (Arrian, *Epict.* iii. 14; Suet. *Calig.* 15; Ammian. Marc. xxi. 5.) On the military oath in general, compare Brissonius, *De Formul.* iv. c. 1—5.

II. *Oaths taken in transactions with foreign nations in the name of the republic.* The most ancient form of an oath of this kind is recorded by Livy (i. 24), in a treaty between the Romans and Albans. The pater patratus pronounced the oath in the name of his country, and struck the victim with a flint-stone, calling on Jupiter to destroy the Roman nation in like manner, as he (the pater patratus) destroyed the animal, if the people should violate the oath. The chiefs or priests of the other nation then swore in a similar manner by their own gods. The ceremony was sometimes different, inasmuch as the fetialis cast away the stone from his hands, saying, *Si sciens fallo, tum me Diespiter salva urbe arceque bonis ejiciat, uti ego hunc lapidem.* (Fest. *s. v. Lapidem.*) Owing to the prominent part which the stone (*lapis silex*) played in this act, Jupiter himself was called Jupiter Lapis (Polyb. iii. 25), and hence it was in aftertimes not uncommon among the Romans in ordinary conversation to swear by Jupiter Lapis. (Gellius, i. 21; Cic. *ad Fam.* vii. 1, 12; Plut. *Sulla*, 10.) In swearing to a treaty with a foreign nation, a victim (a pig or a lamb) was in the early times always sacrificed by the fetialis (whence the expressions *foedus icere*, ὅρκια τέμνειν), and the priest while pronouncing the oath probably touched the victim or the altar. (Virg. *Aen.* xii. 201, &c.; Liv. xxi. 45; compare FETIALES.) This mode of swearing to a treaty through the sacred person of a fetialis, was observed for a long time, and after the second Punic war the fetiales even travelled to Africa to perform the ancient ceremonies. (Liv. xxx. 43.) The jus fetiale, however, fell into disuse as the Romans extended their conquests; and as in most cases of treaties with foreign nations, the Romans were not the party that chose to promise anything on oath, we hear no more of oaths on their part; but the foreign nation or conquered party was sometimes obliged to promise with a solemn oath (*sacramentum*) to observe the conditions prescribed by the Romans, and documents recording such promises were kept in the capitol. (Liv. xxvi. 24.) But in cases where the Romans had reason to mistrust, they demanded hostages as being a better security than an oath, and this was the practice which in later times they adopted most generally. At first the Romans were very scrupulous in observing their oaths in contracts or treaties with foreigners, and even with enemies; but attempts were soon made by individuals to interpret an oath sophistically and explain away its binding character (Gellius, vii. 18; Liv. iii. 20, xxii. 61; Cic. *de Off.* iii. 27, &c.), and from the third Punic war to the end of the republic, perjury was common among the Romans in their dealings with foreigners as well as among themselves.

III. *Oaths or various modes of swearing in common life.* The practice of swearing or calling upon some god or gods as witnesses to the truth of assertions made in common life or in ordinary conversations, was as common among the Romans as among the Greeks. The various forms used in swearing may be divided into three classes: —

1. Simple invocations of one or more gods, as *Hercle* or *Mehercle*, that is, ita me Hercules juvet, amet, or servet (Fest. *s. v. Mecastor*); *Pol*, *Perpol* or *Aedepol*, that is, per Pollucem; *per Jovem Lapidem* or simply *per Jovem; per superos; per deos immortales; medius fidius*, that is, ita me Dius (Δίος) filius juvet (Fest. *s. v.*; Varro, *de Ling. Lat.* iv. p. 20, Bip.); *ita me deus amet*, or *dii ament.* Sometimes also two or a great number of gods were invoked by their names. (Plaut. *Bacchid.* iv. 8, 51; Terent. *Andr.* iii. 2, 25.) The genii of

men were regarded as divine beings, and persons used to swear by their own genius, or by that of a friend, and during the empire by that of an emperor. (Horat. *Epist.* i. 7, 94 ; Suet. *Calig.* 27.) Women as well as men swore by most of the gods ; but some of them were peculiar to one of the sexes. Thus women never swore by Hercules, and men never by Castor ; Varro, moreover, said that in ancient times women only swore by Castor and Pollux, while in the extant writers we find men frequently swearing by Pollux. (Gellius, xi. 6.) Juno and Venus were mostly invoked by women, but also by lovers and effeminate men in general. (Plaut. *Amphit.* ii. 2. 210 ; Tibull. iv. 13. 15 ; Juv. ii. 98 ; Ovid. *Amor.* ii. 7. 27, ii. 8. 18.)

2. Invocations of the gods, together with an execration, in case the swearer was stating a falsehood. Execrations of this kind are, *Dii me perdant* (Plaut. *Mil. Glor.* iii. 2. 20, *Cistell.* ii. 1. 21); *dii me interficiant* (Plaut. *Mostell.* i. 3. 35) ; *dispeream* (Horat. *Sat.* i. 9. 47) ; *ne vivam* (Cic. *ad Fam.* vii. 23 ; Mart. x. 12. 3); *ne salvus sim* (Cic. *ad Att.* xvi. 13), &c.

3. Persons also used to swear by the individuals or things most dear to them. Thus we have instances of a person swearing by his own or another man's head (Dig. 12. tit. 2. s. 3. § 4 ; Ovid, *Trist.* v. 4. 45 ; *Heroid.* iii. 107 ; Juv. vi. 16), by his eyes (Plaut. *Meneach.* v. 9. 1; Ovid, *Amor.* ii. 16. 44), by his own welfare or that of his children (Dig. 12. tit. 2. s. 5 ; Plin. *Epist.* ii. 20), by the welfare of an emperor (Cod. 2. tit. 4. s. 41), &c.

Respecting the various forms of oaths and swearing see Brissonius, *de Formul.* viii. cc. 1—18. [L. S.]

IV. *Oaths taken before the praetor or in courts of justice.* There might be a jusjurandum either in jure or in judicio. The jusjurandum in jure had a like effect to the confessio in jure, and it stood in the place of the LITIS CONTESTATIO (Dig. 5. tit. 1. s. 28. § 2). The jusjurandum in jure is the oath which one party proposed to his adversary (detulit) that he should make about the matter in dispute ; and the effect of the oath being taken or refused was equivalent to a judicium. If the defendant took the oath, he had in answer to the actio an exceptio (plea) jurisjurandi, analogous to the exceptio rei in judicium deductae and rei judicatae. If the plaintiff swore, he had an actio in factum (on the case) analogous to the actio judicati. The reason of the jusjurandum having this effect is explained (Dig. 44. tit. 5. s. 1) to be, that a party to a cause makes his adversary the judex by proposing to him to take the oath (deferendo ei jusjurandum). This jusjurandum which is proposed (delatum) in jure, is called *necessarium*, because he to whom it is proposed cannot simply refuse it ; he must either take the oath, or, in his turn, propose (*referre*) that the proposer shall take it. Simple refusal was equivalent to confessio (confessionis est nolle nec jurare nec jusjurandum referre ; Dig. 12. tit. 2. s. 38). In the Edict (Dig. 12. tit. 2. s. 34. § 6), the praetor says that he will compel the person from whom the oath is demanded to pay or to take the oath. A pupillus, a procurator, or defensor, a Vestal, and a flamen dialis could not be compelled to swear (Gell. x. 15).

The jusjurandum in judicio (jusjurandum judiciale) is required by the judex, and not by either of the parties, though either of the parties may suggest it. This jusjurandum has not the effect of the jusjurandum in jure: it is merely evidence, and the judex can give it such probative force as to him seems just. Such an oath is only wanted when other evidence fails. The judicial oath was particularly applicable in cases in which the judex had to determine the value of the matter in dispute. As a general rule, the aestimatio or estimate of value or damages was to be made by the judex conformably to the evidence furnished by the plaintiff ; but if the defendant by his dolus or contumacia prevented the plaintiff from recovering the specific thing, which was the object of the action, and consequently the plaintiff must have the value of it, the judex could put the plaintiff to his oath as to the value of the thing ; but he could also fix a limit (taxatio) which the plaintiff must not exceed in the amount that he declared upon oath. This is called jusjurandum in litem (Dig. 12. tit. 3). This oath is merely evidence ; the judex may still either acquit the defendant or condemn him in a less sum (Dig. 22. tit. 3 ; De probationibus et praesumptionibus).

As to the Jusjurandum Calumniae, see CALUMNIA ; and see JUDEX, JUDICIUM. [G. L.]

JUSSU, QUOD, ACTIO, is a Praetorian actio which a man had against a father or master of a slave (*dominus*), if a filiusfamilias or a slave had entered into any contract at the bidding (*jussu*) of the father or master, for the full amount of the matter in dispute. He who thus contracted with a filiusfamilias or a slave, was not considered to deal with them on their own credit, but on that of the father or master. This Actio is classed by Gaius with the Exercitoria and Institoria. (Gaius, iv. 70 ; Dig. 15. tit. 4.) [G. L.]

JUSTA FUNERA. [FUNERA, p. 558, b.]

JUSTINIANE'US CODEX. [CODEX JUSTINIANEUS.]

JUSTI'TIUM, probably signified originally a cessation of judicial business (*juris quasi interstitio quaedam et cessatio*, Gell. xx. 1), but is always used to indicate a time in which public business of every kind was suspended. Thus the courts of law and the treasury were shut up, no ambassadors were received in the senate, and no auctions took place (*jurisdictionem intermitti, claudi aerarium, judicia tolli*, Cic. *de Har. Resp.* 36 ; *pro Planc.* 14, with Wunder's note). The *Justitium* was proclaimed (*edicere, indicere*) by the senate and the magistrates in times of public alarm and danger ; and after confidence and tranquillity had been restored, the Justitium was removed (*remittere, exuere*) by the same authorities. (Liv. vi. 7, ix. 7, x. 21 ; Plut. *Sull.* 8, *Mar.* 35.) As such times of alarm are usually accompanied with general sorrow, a *Justitium* came in course of time to be ordained as a mark of public mourning, and under the empire was only employed for this reason. Thus we find it usually proclaimed on the death of an emperor or of a member of the imperial family. It was observed in the provinces as well as at Rome, and during its continuance the soldiers were released from their ordinary military duties. (Tac. *Ann.* i. 16, ii. 82 ; Suet. *Tib.* 52, *Cal.* 24, *Galb.* 10.)

JUVENA'LIA, or JUVENA'LES LUDI (Ἰουβενάλια ὥσπερ τινὰ νεανισκεύματα), were scenic games instituted by Nero in A. D. 59, in commemoration of his shaving his beard for the first time, thus intimating that he had passed from youth to manhood. He was then in the twenty-second year of his age. These games were not celebrated in the circus, but in a private theatre erected in a pleasure-ground (*nemus*), and consisted of every kind of theatrical performance, Greek and Roman plays, mimetic pieces, and the like. The most distinguished persons in the state, old and young, male and female, were expected to take part in them. The emperor set the example by appearing in person on the stage; and Dion Cassius mentions a distinguished Roman matron, upwards of eighty years of age, who danced in the games. It was one of the offences given by Paetus Thrasea that he had not acquitted himself with credit at this festival. (Dion Cass. lxi. 19; Tac. *Ann.* xiv. 15, xv. 33, xvi. 21.) Suetonius (*Ner.* 12) confounds this festival with the Quinquennalia, which was instituted in the following year, A. D. 60. [QUINQUENNALIA.] The Juvenalia continued to be celebrated by subsequent emperors, but not on the same occasion. The name was given to those games which were exhibited by the emperors on the 1st of January in each year. They no longer consisted of scenic representations, but of chariot races and combats of wild beasts. (Dion Cass. lxvii. 14; Sidon. Apoll. *Carm.* xxiii. 307, 428; Capitol. *Gord.* 4; comp. Lipsius, *ad Tac. Ann.* xiv. 15.)

K. SEE C.

L.

LA'BARUM. [SIGNA MILITARIA.]

LABRUM. [BALNEAE, p. 191.]

LABYRINTHUS (λαβύρινθος). This word appears to be of Greek origin, and not of Egyptian as has generally been supposed; it is probably a derivative form of λάβιρος, and etymologically connected with λαῦραι. Accordingly, the proper definition of labyrinth is a large and complicated subterraneous cavern with numerous and intricate passages, similar to those of a mine. (Welcker, *Aeschyl. Trilog.* p. 212, &c.) Hence the caverns near Nauplia in Argolis were called labyrinths. (Strabo, viii. 6. p. 369.) And this is indeed the characteristic feature of all the structures to which the ancients apply the name labyrinth, for they are always described as either entirely or partially under ground.

The earliest and most renowned labyrinth was that of Egypt, which lay beyond lake Moeris, at a short distance from the city of Crocodiles (Arsinoë), in the province now called Faioum. Herodotus (ii. 148) ascribes its construction to the dodecarchs (about 650 B. C.), and Mela (i. 9) to Psammetichus alone. But other and more probable accounts refer its construction to a much earlier age. (Plin. *H. N.* xxxvi. 13; Diod. Sic. i. 61, 89; Strabo, xvii. p. 811.) This edifice, which in grandeur even excelled the pyramids, is described by Herodotus and Pliny (*ll. cc.*) It had 3000 apartments, 1500 under ground, and the same number above it, and the whole was surrounded by a wall. It was divided into courts, each of which was surrounded by colonnades of white marble. At the time of Diodorus and of Pliny the Egyptian labyrinth was still extant. But the ruins which modern travellers describe as relics of the ancient labyrinth, as well as the place where they saw them, do not agree with what we know from the best ancient authorities respecting its architecture and its site. (British Mus. *Egyptian Antiq.* vol. i. p. 54, and more especially Bunsen, *Aegyptens Stelle in der Weltgesch.* vol. ii. p. 324, &c.) The purpose which this labyrinth was intended to serve, can only be matter of conjecture. It has been supposed by some writers that the whole arrangement of the edifice was a symbolical representation of the zodiac and the solar system. Herodotus, who saw the upper part of this labyrinth, and went through it, was not permitted by the keepers to enter the subterraneous part, and he was told by them that here were buried the kings by whom the labyrinth had been built, and the sacred crocodiles.

The second labyrinth mentioned by the ancients was that of Crete, in the neighbourhood of Cnossus: Daedalus was said to have built it after the model of the Egyptian, and at the command of king Minos. (Plin. Diod. *ll. cc.*) This labyrinth is said to have been only one hundredth part the size of the Egyptian, and to have been the habitation of the monster Minotaurus. Although the Cretan labyrinth is very frequently mentioned by ancient authors, yet none of them speaks of it as an eyewitness; and Diodorus and Pliny expressly state that not a trace of it was to be seen in their days. These circumstances, together with the impossibility of accounting for the objects which a Cretan king could have had in view in raising such a building, have induced almost all modern writers to deny altogether the existence of the Cretan labyrinth. This opinion is not only supported by some testimonies of the ancients themselves, but by the peculiar nature of some parts of the island of Crete. The author of the Etymologicum Magn. calls the Cretan labyrinth "a mountain with a cavern," and Eustathius (*ad Odyss.* xi. p. 1688) calls it "a subterraneous cavern;" and similar statements are made by several other writers quoted by Meursius (*Creta*, pp. 67 and 69). Such large caverns actually exist in some parts of Crete, especially in the neighbourhood of the ancient town of Gortys; and it was probably some such cavern in the neighbourhood of Cnossus that gave rise to the story of a labyrinth built in the reign of Minos. (See Walpole's *Travels*, p. 402, &c.; Höckh, *Kreta*, i. p. 56, &c., and p. 447, &c.)

A third labyrinth, the construction of which belongs to a more historical age, was that in the island of Lemnos. It was commenced by Smilis, an Aeginetan architect, and completed by Rhoecus and Diodorus of Samos, about the time of the first Oympiad. (Plin. *l. c.*) It was in its construction similar to the Egyptian, and was only distinguished from it by a greater number of columns. Remains of it were still extant in the time of Pliny. It is uncertain whether this labyrinth was intended as a temple of the Cabeiri, or whether it had any connection with the art of mining. (Welcker, *Aeschyl. Tril. l. c.*)

Samos had likewise a labyrinth, which was built by Theodorus, the same who assisted in building that of Lemnos; but no particulars are known. (Plin. *H. N.* xxxiv. 8.)

Lastly, we have to mention a fabulous edifice in Etruria, to which Pliny applies the name of labyrinth. It is described as being in the neighbourhood of Clusium, and as the tomb of Lar Porsena. But no writer says that he ever saw it, or remains of it; and Pliny, who thought the description which he found of it too fabulous, did not venture to give it in his own words, but quoted those of Varro, who had probably taken the account from the popular stories of the Etruscans themselves. It was said to have been built partly under and partly above ground, whence the name labyrinth is correctly applied to it. But a building like this, says Niebuhr (*History of Rome*, vol. i. p. 130. note 405), is absolutely impossible, and belongs to the Arabian Nights. (Comp. Abeken, *Mittelitalien*, p. 243.) [L. S.]

LACERNA (μανδύας, μανδύη), a cloak worn by the Romans over the toga, whence it is called by Juvenal (ix. 28) "munimentum togae." It differed from the paenula in being an open garment like the Greek pallium, and fastened on the right shoulder by means of a buckle (*fibula*), whereas the paenula was what is called a *vestimentum clausum* with an opening for the head. [Paenula.] The Lacerna appears to have been commonly used in the army (Vell. Pat. ii. 70, 80; Ovid, *Fast.* ii. 746; Prop. iv. 3. 18), but in the time of Cicero was not usually worn in the city (Cic. *Philip.* ii. 30.) It soon afterwards, however, became quite common at Rome, as we learn from Suetonius, who says (*Aug.* 40) that Augustus, seeing one day a great number of citizens before his tribunal dressed in the lacerna, which was commonly of a dark colour (*pullati*), repeated with indignation the line of Virgil.

> "Romanos rerum dominos, *gentemque togatam*,"

and gave orders that the Aediles should henceforth allow no one to be in the forum or circus in that dress.

Most persons seem to have carried a lacerna or paenula with them, when they attended the public games, to protect them from the cold or rain (Dion Cass. lvii. 13); and thus we are told that the equites used to stand up at the entrance of Claudius and lay aside their lacernae. (Suet. *Claud.* 6.)

The lacerna was usually, as already remarked, of a dark colour (*fusci colores*, Mart. i. 97. 9), and was frequently made of the dark wool of the Baetic sheep (*Baeticae lacernae*, xiv. 133). It was, however, sometimes dyed with the Tyrian purple, and with other colours. (Juv. i. 27; Mart. i. 97.) Martial (viii. 10) speaks of larcernae of the former kind, which cost as much as 10,000 sesterces. When the emperor was expected at the public games, it was the practice to wear white lacernae only. (Mart. iv. 2, xiv. 137.)

The lacerna was sometimes thrown over the head for the purpose of concealment (Hor. *Sat.* ii. 7. 55); but a *cucullus* or cowl was generally used for that purpose, which appears to have been frequently attached to the lacernae, and to have formed a part of the dress. (Mart. xiv. 139, 132.) See Becker, *Gallus*, vol. ii. p. 95, &c. [Cucullus.]

LACI'NIAE, the angular extremities of the toga, one of which was brought round over the left shoulder. It was generally tucked into the girdle, but sometimes was allowed to hang down loose. Plautus (*Mercat.* i. 2. 16) indicates that it occasionally served for a pocket-handkerchief (*At tu edepol sume laciniam atque absterge sudorem tibi*): Velleius Paterculus (ii. 3) represents Scipio Nasica as wrapping the lacinia of his toga round his left arm for a shield (compare Val. Max. iii. 2. § 17) before he rushed upon Tib. Gracchus; while, according to Servius (*ad Virg. Aen.* vii. 612), the Cinctus Gabinus was formed by girding the toga tight round the body by one of its laciniae or loose ends. These expressions are quite irreconcileable with the opinion of Ferrarius and others, that the lacinia was the lower border or skirt of the toga, while all the passages adduced by them admit of easy explanation according to the above view. The lacinia was undoubtedly permitted by some to sweep the ground, especially by such as wore their garments loosely. Thus Macrobius (*Sat.* ii. 3) remarks upon one of Cicero's witticisms, "Jocatus in Caesarem quia ita praecingebatur, ut trahendo laciniam velut mollis incederet," which corresponds with the well-known caution of Sulla addressed to Pompey, "Cave tibi illum puerum male praecinctum;" and Suetonius tells how the emperor Caius, being filled with jealousy on account of the plaudits lavished on a gladiator, hurried out of the theatre in such haste "ut calcata lacinia togae praeceps per gradus iret." Moreover, the secondary and figurative meanings of the word, namely, *a rag* (Plin. *H. N.* xix. 7), *a narrow neck of land* (Id. v. 32), *the point of a leaf* (Id. xv. 30), *the excrescences which hang down from the neck of a she-goat* (Id. viii. 50), &c., accord perfectly with the idea *of the angular extremity of a piece of cloth*, but can scarcely be connected naturally with the notion of *a border* or *skirt*.

The corresponding Greek term was κράσπεδον, and perhaps πτερύγιον (Pollux considers these synonymous); and accordingly Plutarch (*Gracch.* 19) and Appian (*B. C.* i. 16) employ the former in narrating the story of Scipio alluded to above, with this difference, however, that they describe him as throwing τὸ κράσπεδον τοῦ ἱματίου over his head instead of twisting it round his arm. [W. R.]

LACO'NICUM. [Balneae, p. 184, b. 190, b.]

LACU'NAR. [Domus, p. 432, a.]

LACUS. [Fons, p. 544, b.]

LAENA, the same word with the Greek χλαῖνα, and radically connected with λάχνη, *lana*, &c.

1. It signifies, properly, a woollen cloak, the cloth of which was twice the ordinary thickness (*duarum togarum instar*, Varro, *de Ling. Lat.* v. 133, ed. Müller), and therefore termed *duplex* (Festus, *s. v. Laena;* Serv. *ad Virg. Aen.* iv. 262), shaggy upon both sides (Schol. *ad Juv.* iii. 283), worn over the pallium or the toga for the sake of warmth. (Mart. xiv. 136.) Hence persons carried a laena with them when they went out to supper (Mart. viii. 59); and the rich man in Juvenal, who walks home at night escorted by a train of slaves and lighted on his way by flambeaux, is wrapped in a scarlet laena. (Juv. iii. 283.)

2. A robe of state, forming, it is said, in ancient times, part of the kingly dress. (Plut. *Num.* 7.)

3. The flamines offered sacrifice in a laena which was fastened round the throat by a clasp, and in the case of the dialis was woven by the hands of the flaminica. (Serv. *ad Virg. Aen.* iv. 262; Cic. *Brut.* 57.)

4. In later times the laena seems, to a certain extent, to have been worn as a substitute for the toga. Thus the courtly bard in Persius (i. 32) is introduced reciting his fashionable lays with a violet-coloured laena over his shoulders; and we gather from Juvenal (v. 130, vii. 73) that it was

an ordinary article of dress among the poorer classes. (Becker, *Gallus*, vol. ii. p. 99.)

5. Nonius defines it to be "vestimentum militare quod supra omnia vestimenta sumitur," but quotes no authority except Virg. *Aen.* iv. 262. [W. R.]

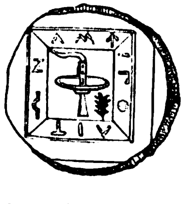
LAGE'NA. [VINUM.]

LAMPADA'RCHIA. [LAMPADEPHORIA.]

LAMPADEPHO'RIA (*λαμπαδηφορία*), *torch-bearing* (as Herodotus calls it), or *λαμπαδηδρομία*, *torch-race* (as some lexicographers), also *λαμπαδοῦχος ἀγών*, and often simply *λαμπάς*, was a game common no doubt throughout Greece; for though all we know concerning it belongs to Athens, yet we hear of it at Corinth, Pergamus, and Zerinthus (Böckh, *Publ Econ. of Athens*, p. 463, 2nd ed.; Müller, *Minerv. Polias*, p. 5); and a coin in Mionnet, with a *λαμπάς* on it, which is copied below, bears the legend *'Αμφιπολιτῶν*.

At Athens we know of five celebrations of this game: one to Prometheus at the Prometheia (Schol. *ad Aristoph. Ran.* 131; Ister. *ap. Harpocr. s. v.*); a second to Athena at the Panathenaea * (Herod. vi. 105, and *ll. cc.*); a third to Hephaestos at the Hephaesteia † (Herod. viii. 9, and *ll. cc.*); a fourth to Pan (Herod. v. 105); a fifth to the Thracian Artemis or Bendis. (Plat. *de Rep.* p. 328, a.) The three former are of unknown antiquity; the fourth was introduced soon after the battle of Marathon; the last in the time of Socrates.

The race was usually run on foot, horses being first used in the time of Socrates (Plat. *l. c.*); sometimes also at night. (Interp. vetus *ad Lucret.* ii. 77. ap. Wakef.) The preparation for it was a principal branch of the *γυμνασιαρχία*, so much so indeed in later times, that *λαμπαδαρχία* seems to have been pretty much equivalent to the *γυμνασιαρχία*. (Aristot. *Pol.* v. 8. 20.) The gymnasiarch had to provide the *λαμπάς*, which was a candlestick with a kind of shield set at the bottom of the socket, so as to shelter the flame of the candle; as is seen in the following woodcut, taken from a coin in Mionnet (pl. 49. 6.) He had also to provide for the training of the runners, which was of no slight consequence, for the race was evidently a severe one (compare Aristoph. *Vesp.* 1203, *Ran.* 1085), with other expenses, which on the whole were very heavy, so that Isaeus (*de Philoct. Haered.* p. 62. 20) classes this office with the *χορηγία* and *τριηραρχία*, and reckons that it had cost him 12 minae. The discharge of this office was called *γυμνασιαρχεῖν λαμπάδι* (Isaeus, *l. c.*), or *ἐν ταῖς λαμπάσι γυμνασιαρχεῖσθαι* (Xen. *de Vectig.* iv. 52). The victorious gymnasiarch presented his *λαμπάς* as a votive offering (*ἀνάθημα*, Böckh, *Inscr.* No. 243, 250).



As to the *manner* of tho *λαμπαδηφορία*, there are some things difficult to understand. The case stands thus. We have two accounts, which seem contradictory. — First, it is represented as a course, in which a *λαμπάς* was carried from one point to another by a chain of runners, each of whom formed a successive link. The first, after running a certain distance, handed it to the second, the second in like manner to the third, and so on, till it reached the point proposed. Hence the game is used by Herodotus (viii. 98) as a comparison whereby to illustrate the Persian *ἀγγαρήϊον*, by Plato (*Leg.* p. 776, b.) as a living image of successive generations of men, as also in the well-known line of Lucretius (ii. 77.)

> "Et quasi cursores vitai lampada tradunt."

(Compare also Auctor, *ad Herenn.* iv. 46.) And it is said that the art consisted in the several runners carrying the torch unextinguished through their respective distances, those who let it go out losing all share of honour. Now, if this were all, such explanation might content us. But, secondly, we are plainly told that it was an *ἀγών*, the runners are said *ἁμιλλᾶσθαι* (Plat. *Rep. l. c.*); some are said to have won (*νικᾶν λαμπάδι*, Andoc. *in Alcib. ad fin.*; compare Böckh, *Insc.* No. 243, 244); the Schol. on Aristoph. Ran. (*l. c.*) talks of *τοὺς ὑστάτους τρέχοντας*, which shows that it must have been a race between a number of persons; the Schol. on the same play (v. 133) speaks of *ἀφεῖναι τοὺς δρομέας, τοὺς τρέχοντας*, which shows that a number must have started at once.

This second account implies *competition*. But in a chain of runners, each of whom handed the torch to the next man *successively*, where could the competition be? One runner might be said to *lose* — he who let the torch out; but who could be said to *win*?

We offer the following hypothesis in answer to this question. Suppose that there were *several chains* of runners, each of which had to carry the torch the given distance. Then both conditions would be fulfilled. The torch would be handed along each chain, — which would answer to the first condition of *successive* delivery. That chain in which it travelled most quickly and soonest reached its destination would be the winner, — which would answer to the second condition, it being a race between competitors.

In confirmation of this hypothesis we observe as follows: — The inscription in Böckh, No. 245, consists of the following lines: —

λαμπάδα νεικήσας σὺν ἐφήβοις τὴν δ' ἀνέθηκα
Εὐτυχίδης παῖς ὢν Εὐτυχίδους 'Αθμονεύς.

This Eutychides was no doubt the gymnasiarch who won with the *ἔφηβοι* he had trained, just as Andocides (*l. c.*) talks of his *νενικηκέναι λαμπάδι* as gymnasiarch; so too Inscr. No. 250 records a like victory of the tribe Cecropis.* Now we know that the gymnasiarchs were chosen one from each tribe. If then each furnished a chain of *λαμπαδηφόροι*, there would have been ten (in later times twelve) chains of runners. Perhaps, however, the gymnasiarchs were not all called on to perform this service, but each once only in the year, which would allow us for each of the three greater celebrations

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* Probably the greater Panathenaea. (Böckh, *ubi supr.*)

† The ceremony at the Apaturia was different. [APATURIA.]

* No. 244 gives a list of *οἱ νεικήσαντες τὴν λαμπάδα*, *the winners in the torch-race*, fourteen in number. Who were these? If the several links of the winning chain, it is rather against analogy that they should be named. No one ever heard the names of a chorus; yet they can hardly be fourteen winning gymnasiarchs.

(the Prometheia, Panathenaea, and Hephaesteia) three or four chains of competitors.

The *place* of running was, in these great celebrations, from the altar of the Three Gods (Prometheus, Athena, and Hephaestos) in the outer Cerameicus to the Acropolis, a distance of near half a mile. (Pausan. i. 30. § 2; Schol. *ad Ran.* 1085.) That in honour of Bendis was run in the Peiraeeus. (Plat. *l. c.*)

The *origin* of these games must be sought, we think, in the worship of the Titan Prometheus. The action of carrying an unextinguished light from the Cerameicus to the Acropolis is a lively symbol of the benefit conferred by the Titan upon man, when he bore fire from the habitations of the gods, and bestowed it upon man.

> κλέψας ἀκαμάτοιο πυρὸς τηλέσκοπον αὐγὴν
> ἐν κοίλῳ νάρθηκι. (Hesiod. *Theog.* 566. Gaisf.)

But the gratitude to the giver of fire soon passed to the Olympian gods who presided over its use, — Hephaestos, who taught men to apply it to the melting and moulding of metal, and Athena, who carried it through the whole circle of useful and ornamental arts. To these three gods, then, were these games at first devoted, as the patrons of fire. And looking to the place it was run in — the Cerameicus or Potters' quarter — we are much inclined to adopt Welcker's suggestion (*Aeschylische Trilogie*, p. 121), viz. that it was the κεραμεῖς or potters who instituted the λαμπαδηφορία. Athena (as we learn from the Κεραμίς) was their patron goddess; and who more than they would have reason to be thankful for the gift and use of fire? Pottery would be one of the first modes in which it would be made serviceable in promoting the arts of life. In later times the same honour was paid to all gods who were in any way connected with fire, as to Pan, to whom a perpetual fire was kept up in his grotto under the Acropolis, and who was in this capacity called by the Greeks Phanetes, by the Romans Lucidus; so also to Artemis, called by Sophocles Ἀμφίπυρος, and worshipped as the moon. (Creuzer, *Symbolique*, vol. ii. pp. 752, 764, French transl.) At first, however, it seems to have been a symbolic representation in honour of the gods who gave and taught men the use of *material moulding* fire (πάντεχνον πῦρ, διδάσκαλος τέχνης, as Aeschylus calls it, *Prom.* 7. 110), though this special signification was lost sight of in later times. Other writers, in their anxiety to get a common signification for all the times and modes of the λαμπαδηφορία, have endeavoured to prove that all who were honoured by it were connected with the heavenly bodies, λαμπροὶ δυνάσται, (so Creuzer, *l. c.*; Müller, *Minerva Polias*, p. 5); others that it always had an inner signification, alluding to the inward fire by which Prometheus put life into man (so Brönsted, *Voyages*, vol. ii. p. 286, note 2). But *this* legend of Prometheus was a later interpretation of the earlier one, as may be seen by comparing Plat. *Protag.* p. 321, d, with Hesiod. *Theog.* 561, &c. [H. G. L.]

LAMPAS. [Lampadephoria.]

LANA'RIUS. [Pileus.]

LA'NCEA. [Hasta, p. 588 a.]

LANIFI'CIUM. [Tela.]

LANISTA. [Gladiatores.]

LANTERNA. [Laterna.]

LANX, *dim.* LANCULA, a large dish, made of silver or some other metal, and sometimes embossed, used at splendid entertainments to hold meat or fruit (Cic. *ad Att.* vi. 1; Hor. *Sat.* ii. 2. 4, ii. 4. 41; Ovid. *de Ponto*, iii. 5. 20; Petron. 31); and consequently at sacrifices (Virg. *Georg.* ii. 194, 394, *Aen.* viii. 284, xii. 215; Ovid. *de Ponto*, iv. 8. 40) and funeral banquets (Propert. ii. 13. 23). The silver dishes, used by the Romans at their grand dinners, were of a vast size, so that a boar, for example, might be brought whole to table. (Hor. *l. c.*) They often weighed from 100 to 500 pounds. (Plin. *H. N.* xxxiii. 52.)

The *balance* (Libra *bilanx*, Mart. Cap. ii. 180) was so called, because it had two metallic dishes. (Cic. *Acad.* iv. 12, *Tusc.* v. 17; Virg. *Aen.* xii. 725; Pers. iv. 10.) [J. Y.]

LA'PHRIA (Λάφρια), an annual festival, celebrated at Patrae in Achaia, in honour of Artemis, surnamed Laphria. The peculiar manner in which it was solemnised during the time of the Roman empire (for the worship of Artemis Laphria was not introduced at Patrae till the time of Augustus), is described by Pausanias (viii. 18. § 7). On the approach of the festival the Patraeans placed in a circle, around the altar of the goddess, large pieces of green wood, each being sixteen yards in length; within the altar they placed dry wood. They then formed an approach to the altar in the shape of steps, which were slightly covered with earth. On the first day of the festival a most magnificent procession went to the temple of Artemis, and at the end of it there followed a maiden who had to perform the functions of priestess on the occasion, and who rode in a chariot drawn by stags. On the second day the goddess was honoured with numerous sacrifices, offered by the state as well as by private individuals. These sacrifices consisted of eatable birds, boars, stags, goats, sometimes of the cubs of wolves and bears, and sometimes of the old animals themselves. All these animals were thrown upon the altar alive at the moment when the dry wood was set on fire. Pausanias says that he often saw a bear, or some other of the animals, when seized by the flames, leap from the altar and escape across the barricade of green wood. Those persons who had thrown them upon the altar, caught the devoted victims again, and threw them back into the flames. The Patraeans did not remember that a person had ever been injured by any of the animals on this occasion. (Comp. Paus. iv. 31. § 6; Schol. *ad Eurip. Orest.* 1087.) [L. S.]

LAPICIDINAE. [Lautumiae.]

LAPIS MILLIA'RIUS. [Milliarium.]

LAPIS SPECULA'RIS. [Domus, p. 432 a.]

LA'QUEAR. [Domus, p. 432, a.]

LA'QUEUS, a rope, was used to signify the punishment of death by strangling. This mode of execution was never performed in public, but only in prison and generally in the Tullianum. Hence we find the words *carcer* and *laqueus* frequently joined together (see *e.g.* Tac. *Ann.* iii. 50). Persons convicted of treason were most frequently put to death by strangling, as for instance the Catilinarian conspirators (*laqueo gulam fregere*, Sall. *Cat.* 55). This punishment was frequently inflicted in the reign of Tiberius (Tac. *Ann.* v. 9, vi. 39, 40; Suet. *Tib.* 61), but was abolished soon afterwards (Tac. *Ann.* xiv. 48).

LAQUEATO'RES. [Gladiatores, p. 575, b.]

LARA'RIUM was a place in the inner part of a Roman house, which was dedicated to the Lares, and in which their images were kept and worshipped. It seems to have been customary for religious Romans in the morning, immediately after they rose, to perform their prayers in the lararium. This custom is said at least to have been observed by the emperor Alexander Severus (Lamprid. *Al. Sev.* 29, 31), who had among the statues of his Lares those of Christ, Abraham, Orpheus, and Alexander the Great. This emperor had a second lararium, from which the first is distinguished by the epithet *majus*, and the images of his second or lesser lararium were representations of great and distinguished men, among whom are mentioned Virgil, Cicero, and Achilles. That these images were sometimes of gold, is stated by Suetonius (*Vitell.* 2). We do not know whether it was customary to have more than one lararium in a house, or whether the case of Alexander Severus is merely to be looked upon as an exception. [L. S.]

LARENTA'LIA, sometimes written LARENTINA'LIA and LAURENTA'LIA, was a Roman festival in honour of Acca Larentia, the wife of Faustulus and the nurse of Romulus and Remus. It was celebrated in December on the 10th before the Calends of January. (Festus, *s. v.*; Macrob. i. 10; Ovid, *Fast.* iii. 57.) The sacrifice in this festival was performed in the Velabrum at the place which led into the Nova Via, which was outside of the old city not far from the porta Romanula. At this place Acca was said to have been buried. (Macrob. *l. c.*; Varr. *de Ling. Lat.* v. 23, 24.) This festival appears not to have been confined to Acca Larentia, but to have been sacred to all the Lares. (Hartung, *Die Religion der Römer*, vol. ii. p. 146.)

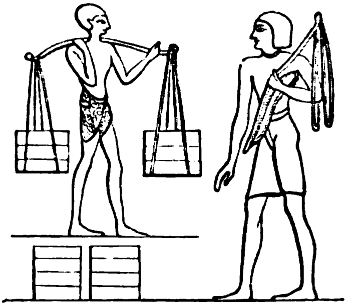
LARES. See *Dict. of Gr. and Rom. Biography and Mythology.*

LARGI'TIO. [AMBITUS; FRUMENTARIAE LEGES.]

LARNACES (λάρνακες). [FUNUS, p. 555, b.]

LATER, *dim.* LATERCULUS (πλίνθος, *dim.* πλινθίς, πλινθίον,) a brick. Besides the Greeks and Romans other ancient nations employed brick for building to a great extent, especially the Babylonians (Herod. 179; Xen. *Anab.* iii. 4. §§ 7, 11; Nahum, iii. 14) and Egyptians. In the latter country a painting on the walls of a tomb at Thebes (Wilkinson's *Manners and Customs*, vol. ii. p. 99) exhibits slaves, in one part employed in procuring water, in mixing, tempering, and carrying the clay, or in turning the bricks out of the mould [FORMA], and arranging them in order on the ground to be dried by the sun, and in another part carrying the dried bricks by means of the yoke [ASILLA]. In the annexed woodcut we see a man with three bricks suspended from each end of the yoke, and beside him another who returns from having deposited his load.

These figures are selected from the above-mentioned painting, being in fact original portraits of two Ἀιγύπτιοι πλινθοφόροι, girt with linen round the loins in exact accordance with the description given of them by Aristophanes, who at the same time alludes to all the operations in the process of brick-making (πλινθοποιΐα, Schol. *in Pind. Ol.* v. 20), which are exhibited in the Theban painting. (*Aves*, 1132—1152; Schol. *ad loc.*)

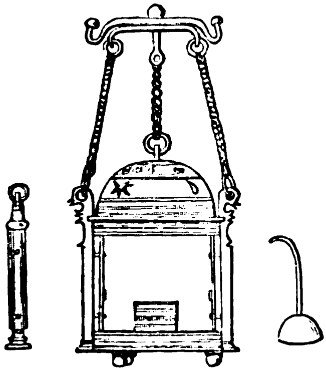


The Romans distinguished between those bricks which were merely dried by the sun and air (*lateres crudi*, Plin. *H. N.* xxxv. 48; Varro, *de Re Rust.* i. 14; Col. *de Re Rust.* ix. 1; πλίνθος ὠμή, Paus. viii. 8. § 5), and those which were burnt in the kiln (*cocti* or *coctiles*; ὀπταί, Xen. *Anab.* ii. 4. § 12; Herod. *l. c.*). They preferred for the purpose clay which was either whitish or decidedly red. They considered spring the best time for brick-making, and kept the bricks two years before they were used. (Pallad. *de Rust.* vi. 12). They made them principally of three shapes; the *Lydian*, which was a foot broad, 1½ feet long; the *tetradoron*, which was four palms square, i. e. 1 foot; and the *pentadoron*, which was five palms square. They used them smaller in private than in public edifices. Of this an example is presented in the great building at Treves, called the palace of Constantine, which is built of "burnt bricks, each of a square form, fifteen inches in diameter, and an inch and a quarter thick." (Wyttenbach's *Guide to the Roman Antiquities of Treves*, p. 42.) These bricks therefore were the pentadora of Vitruvius and Pliny. At certain places the bricks were made so porous as to float in water; and these were probably used in the construction of arches, in which their lightness would be a great advantage. (Plin. *H. N.* xxxv. 49; Vitruv. ii. 3.) It was usual to mix straw with the clay. (Vitruv. *l. c.*; Pallad. *de Re Rust.* vi. 12; Exod. v. 7.) In building a brick wall, at least *crudo latere*, *i. e.* with unburnt bricks, the interstices were filled with clay or mud (*luto*, Col. *l. c.*), but the bricks were also sometimes cemented with mortar. (Wyttenbach, p. 65, 66.) For an account of the mode of arranging the bricks, see MURUS. The Babylonians used asphaltum as the cement. (Herod. *l. c.*) Pliny (vii. 57) calls the brickfield *lateraria*, and to make bricks *lateres ducere*, corresponding to the Greek πλίνθους ἕλκειν or ἔρυειν. (Herod. i. 179, ii. 136.)

The Greeks considered perpendicular brick walls more durable than stone, and introduced them in their greatest public edifices. Brick was so common at Rome as to give occasion to the remark of the emperor Augustus in reference to his improvements, that, having found it brick (*lateritiam*), he had left it marble. (Sueton. *Aug.* 29.) The Babylonian bricks are commonly found inscribed with the characters called from their appearance arrow-headed or cuneiform. It is probable that these inscriptions recorded the time and place where the bricks were made. The same practice was enjoined by law upon the Roman brickmakers. Each had his mark, such as the figure of a god, a plant, or an animal, encircled by his own name, often with the name of the place, of the consulate, or of the owner of the kiln or the brickfield. (Seroux d'Agincourt, *Rec. de Fragmens*, pp. 82—88.) It has been observed by several antiquaries, that these imprints upon bricks might throw considerable light upon the history and ancient geography of the places where they are found. Mr. P. E. Wiener has accordingly traced the 22nd legion through a great part of Germany by the bricks which bear its name. (*De Leg. Rom. vic. sec.*, Darmstadt, 1830, p. 106—137.) In Britain many Roman bricks have been found in the country of the Silures, especially at Caer-leon, with the inscription LEG. II. AVG. stamped upon them. (*Archaeologia*, v. p. 35.) The bricks, frequently discovered at York, attest the presence there of the 6th and 9th legions. (Wellbeloved's *Eburacum*, pp. 13, 34, 118).

The term *laterculus* was applied to various productions of the shape of bricks, such as pastry or confectionery (Plaut. *Poen.* i. 2. 115; Cato, *de Re Rust.* 109); and for the same reason ingots of gold and silver are called *lateres*. (Plin. *H. N.* xxxiii. 17.) [J. Y.]

LATERNA or **LANTERNA** (*ἰπνός*, Aristoph. *Pax*, 841; Pherecrates, p. 26. ed. Runkel; *λυχνοῦχος*, Phrynichus, *Eclog.* p. 59; in later Greek, *φανός*, Athen. xv. 58; Philox. *Gloss.*), a lantern. Two bronze lanterns, constructed with nicety and skill, have been found in the ruins of Herculaneum and Pompeii. One of them is represented in the annexed woodcut. Its form is cylindrical. At the bottom is a circular plate of metal, resting on three balls. Within is a bronze lamp attached to the centre of the base and provided with an extinguisher, shown on the right hand of the lantern. The plates of translucent horn, forming the sides, probably had no aperture; but the hemispherical cover may be raised so as to admit the hand and to serve instead of a door, and it is also perforated with holes through which the smoke might escape. To the two upright pillars supporting the frame-work, a front view of one of which is shown on the left hand of the lantern, chains are attached for carrying the lantern by means of the handle at the top.



We learn from Martial's epigrams (xiv. 61, 62) that bladder was used for lanterns as well as horn. Some centuries later glass was also substituted. (Isid. *Orig.* xx. 10.) The most transparent horn lanterns were brought from Carthage. (Plaut. *Aul.* iii. 6. 30.) When the lantern was required for use, the lamp was lighted and placed within it (Pherecrates, p. 21.) It was carried by a slave (Plaut. *Amphitr. Prol.* 149, i. 1. 185; Val. Max. vi. 8. § 1), who was called the *laternarius*. (Cic. *in Pis.* 9.) [J. Y.]

LATICLA'VII. [CLAVUS.]

LATI'NAE FE'RIAE. [FERIAE.]

LATI'NITAS, LA'TIUM, JUS LA'TII (*τὸ καλούμενον Λατεῖον*, Strab. p. 186, Casaub.; *Λατίου δίκαιον*, Appian, *B.C.* ii. 26.) All these expressions are used after the Social war to signify a certain status intermediate between that of Cives and Peregrini. The word "Latinitas" occurs in Cicero (*ad Att.* xiv. 12), where he is speaking of the Latinitas being given to the Siculi after Caesar's death. Before the passing of the Lex Julia de Civitate, Latini were the citizens of the old towns of the Latin nation, with the exception of those which were raised to the rank of municipia: it also comprehended the coloniae Latinae. There were before the Lex Julia only two classes, Cives and Peregrini; and Peregrini comprehended the Latini, Socii, and the Provinciales, or the free subjects of the Romans beyond the limits of Italy. About the year B.C. 89, a Lex Pompeia gave the Jus Latii to all the Transpadani, and the privilege of obtaining the Roman civitas by having filled a magistratus in their own cities. To denote the status of these Transpadani, the word Latinitas was used, which since the passing of the Lex Julia had lost its proper signification; and this was the origin of that Latinitas which thenceforth existed to the time of Justinian. This new Latinitas or Jus Latii was given to whole towns and countries; as for instance by Vespasian to the whole of Spain (Plin. *Hist. Nat.* iii. 4); and to certain Alpine tribes (*Latio donati*, Id. iii. 20). Hadrianus gave the Latium (Latium dedit) to many cities. (Spart. *Hadrian.* 21).

This new Latinitas was given not only to towns already existing, but to towns which were founded subsequently to the Lex Pompeia, as Latinae Coloniae; for instance Novum-Comum, which was founded B.C. 59 by Caesar. (Appian, *B. C.* ii. 26.) Several Latin towns of this class are mentioned by Pliny, especially in Spain.

Though the origin of this Latinitas, which makes so prominent a figure in the Roman jurists, is certain, it is not certain wherein it differed from that Latinitas which was the characteristic of the Latini before the passing of the Julia Lex. It is however clear that all the old Latini had not the same rights, with respect to Rome; and that they could acquire the civitas on easier terms than those by which the new Latinitas was acquired. (Liv. xli. 12.) Accordingly the rights of the old Latini might be expressed by the term Majus Latium, and those of the new Latini by the term Minus Latium, according to Niebuhr's ingenious emendation of Gaius (i. 96). The Majus Latium might be considered to be equivalent to the Latium Antiquum and Vetus of Pliny (iv. 22); for Pliny, in describing the towns of Spain, always describes the proper colonies as consisting "Civium Romanorum," while he describes other towns as consisting sometimes "Latinorum" simply, and sometimes "Latinorum veterum," or as consisting of oppidani "Latii veteris;" from which an opposition between Latini Veteres and Latini simply might be inferred. But a careful examination of Pliny rather leads to the conclusion that his Latini Veteres and Latini are the same, and that by these terms he merely designates the Latini Coloniarii hereafter mentioned. The emendation of Niebuhr is therefore not supported by these passages of Pliny, and though ingenious, it ought perhaps to be rejected; not for the reasons assigned by Madvig, which Savigny has answered, but because it does not appear to be consistent with the whole context of Gaius.

The new Latini had not the connubium; and it is a doubtful question whether the old Latini had it. The new Latini had the commercium.

This new Latinitas, which was given to the Transpadani, was that legal status which the Lex Junia Norbana gave to a numerous class of freedmen, hence called Latini Juniani. (Gaius, i. 22, iii. 56; Ulp. *Frag.* tit. i.) The date of this lex is not ascertained; but it is fixed with some probability at A. U. C. 772. (*Latini Juniani*, by C. A. Von Vangerow, Marburg, 1833.)

The Latini Coloniarii, who are mentioned by Ulpian (*Frag.* xix. s. 4), are the inhabitants of towns beyond Italy, to whom the Latinitas was given. These are the towns which Pliny calls "oppida Latinorum veterum," and enumerates with the "oppida civium Romanorum" (iii. 3), which were military colonies of Roman citizens. The passages in which the Latini Coloniarii are mentioned, as a class then existing, must have been written before Caracalla gave the Civitas to the whole empire.

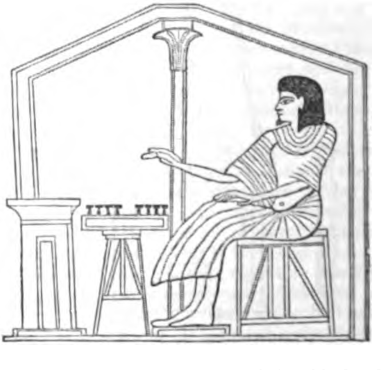
These, which are the views of Savigny on this difficult subject, are contained in the *Zeitschrift*, vol. ix. *Der Röm. Volksschluss der Tafel von Heraclea.*

The Latini could acquire the Jus Quiritium, according to Ulpian (*Frag.* tit. iii. *De Latinis*), in the following ways: — By the Beneficium Principale, Liberi, Iteratio, Militia, Navis, Aedificium, Pistrinum; and by a Senatus-consultum it was given to a female "vulgo quae sit ter enixa." These various modes of acquiring the civitas are treated in detail by Ulpian, from which, as well as the connection of this title "De Latinis" with the first title which is "De Libertis," it appears that he only treated of the modes in which the civitas might be acquired by those Latini who were Liberti. The same remark applies to the observations of Gaius (i. 28) on the same subject (*Quibus modis Latini ad Civitatem Romanam perveniant*). In speaking of the mode of acquiring the civitas by means of Liberi, Gaius speaks of a Latinus, that is, a Libertus Latinus, marrying a Roman citizen, or a Latina Coloniaria, or a woman of his own condition, from which it is clear that all his remarks under this head apply to Liberti Latini; and it also appears that Gaius speaks of the Latini Coloniarii as a class existing in his time. Neither Ulpian nor Gaius says any thing on the mode by which a Latinus Coloniarius might obtain the Civitas Romana.

Savigny's opinions on the nature of the Latinitas are further explained in the eleventh number of the *Zeitschrift* (*Nachträge zu den früheren Arbeiten*). Richard of Cirencester, in his work *De Situ Britanniae*, speaks of ten cities in Britain, which were *Latio jure donatae;* and this is a complete proof, independent of other proofs, that Richard compiled his work from genuine materials. The expression "Latium Jus" could not be invented by a monk, and he here used a genuine term, the full import of which he certainly could not understand. See also Civis, Libertus, Manumissio. [G. L.]

LATROCI'NIUM, LATRO'NES. Armed persons, who robbed others abroad on the public roads, or elsewhere, were called *Latrones*, and their crime *Latrocinium*. Murder was not an essential part of the crime, though it was frequently an accompaniment. (Sen. *de Ben.* v. 14; Festus, p. 118, ed. Müller; Dig. 49. tit. 15. s. 24, 50. tit. 16. s. 118.) Under the republic, Latrones were apprehended by the public magistrates, such as consuls and praetors, and forthwith executed (Liv. xxxix. 29, 41). By the *Lex Cornelia de Sicariis* of the dictator Sulla, they were classed with sicarii, and punished with death, and this law continued in force in the imperial period (Paulus, v. 23; Dig. 48. tit. 19. s. 28. § 15; Sen. *de Clem.* ii. 1, *Epist.* 7; Petron. 91). The *Grassatores* were another kind of robbers, who robbed people in the streets or roads. The name seems to have been originally applied to those robbers, who did not carry arms, and who followed their trade alone. They appear to have been classed with the sicarii by the Lex Cornelia; and if they used arms or were united with others in committing the robbery, they were punished in the same manner as latrones (Cic. *de Fato*, 15; Suet. *Oct.* 32; Dig. 48. tit. 19. s. 28. § 10). Comp. Rein, *Das Criminalrecht der Römer*, pp. 424—426.

LATRU'NCULI (πεσσοί, ψῆφοι), draughts. The invention of a game resembling draughts was attributed by the Greeks to Palamedes (Abacus, § 5). The game is certainly mentioned by Homer, who represents the suitors of Penelope amusing themselves with it. (*Od.* i. 107.) Others ascribed the invention to the Egyptian Theuth (Plat. *Phaedr.* p. 274 d.); and the paintings in Egyptian tombs, which are of far higher antiquity than any Grecian monuments, not unfrequently represent persons employed in this recreation. The painting, from which the accompanying woodcut is taken, is on a papyrus preserved in the Museum of Antiquities at Leyden, and was probably made about 1700 years B. C. It is remarkable that a man is here represented playing alone; whereas not only in works of Egyptian art, but also on Greek painted vases, we commonly observe two persons playing together. For this purpose there



were two sets of men, one set being black, the other white or red. Being intended to represent a miniature combat between two armies, they were called soldiers (*milites*, Ovid. *Trist.* ii. 477), foes (*hostes*), and marauders (*latrones*, dim. *latrunculi*, Ovid. *Art. Amat.* ii. 208, iii. 357; Mart. xiv.

20; Sen. *Epist.* 107); also CALCULI, because stones were often employed for the purpose. (Gell. xiv. 1.) Sometimes they were made of metal or ivory, glass or earthenware, and they were various and often fanciful in their forms. The object of each player was to get one of his adversary's men between two of his own, in which case he was entitled to take the man kept in check (Ovid, *ll. cc.;* Mart. xiv. 17), or, as the phrase was, *alligatus* (Sen. *Epist.* 118). Some of the men were obliged to be moved in a certain direction (*ordine*), and were therefore called *ordinarii;* others might be moved any way, and were called *vagi* (Isid. *Orig.* xviii. 67); in this respect the game resembled chess, which is certainly a game of great antiquity.

Seneca calls the board on which the Romans played at draughts, *tabula latruncularia* (*Epist.* 118). The spaces into which the board was divided were called *mandrae*. (Mart. vii. 71.) The abacus, represented at page 1, is crossed by five lines. As five men were allowed on each side, we may suppose one player to arrange his five men on the lines at the bottom of the abacus, and the other to place his five men on the same lines at the top, and we shall have them disposed according to the accounts of ancient writers (*Etymol. Mag. s. v.* Πεσσοί: Pollux, ix. 97: Eustath, *in Hom. l. c.*), who say that the middle line of the five was called ἱερὰ γράμμη. But instead of five, the Greeks and Romans often had twelve lines on the board, whence the game so played was called *duodecim scripta*. (Cic. *de Orat.* i. 50; Quintil. xi. 2; Ovid, *Art. Amat.* iii. 363.) Indeed there can be little doubt that the latrunculi were arranged and played in a considerable variety of ways, as is now the case in Egypt and other Oriental countries. (Niebuhr, *Reisebeschr. nach Arabien*, vol. i. p. 172.)

Besides playing with draughtsmen only, when the game was altogether one of skill, the ancients used dice (TESSERAE, κύβοι) at the same time, so as to combine chance with skill, as we do in backgammon or tric-trac. (Ter. *Adelph.* iv. 7. 23; Isid. *Orig.* xviii. 60; Brunck, *An.* iii. 60; Becker, *Gallus*, vol. ii. p. 228, &c.) [J. Y.]

LATUS CLAVUS. [CLAVUS LATUS.]

LAUDA'TIO FUNEBRIS. [FUNUS, p. 559 a.]

LAURENTA'LIA. [LARENTALIA.]

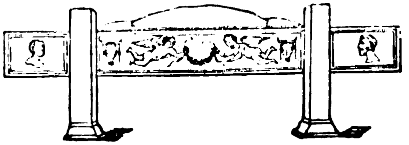
LAU'TIA. [LEGATUS.]

LAUTU'MIAE, LAUTO'MIAE, LATO'MIAE, or LATU'MIAE (λιθοτομίαι or λατομίαι, Lat. *Lapicidinae*), are literally places where stones are cut, or quarries; and in this sense the word λατομίαι was used by the Sicilian Greeks. (Pseudo-Ascon. *ad Cic. c. Verr.* ii. 1. p. 161, ed. Orelli; compare Diodor. Sic. xi. 25; Plaut. *Poenul.* iv. 2. 5, *Capt.* iii. 5. 65; Festus, *s. v. Latumiae.*) In particular, however, the name lautumiae was given to the public prison of Syracuse. It lay in the steep and almost inaccessible part of the town which was called Epipolae, and had been built by Dionysius the tyrant. (Aelian. *V. H.* xii. 44; Cic. *c. Verr.* v. 55.) Cicero, who had undoubtedly seen it himself, describes it (*c. Verr.* v. 27) as an immense and magnificent work, worthy of kings and tyrants. It was cut to an immense depth into the solid rock, so that nothing could be imagined to be a safer or stronger prison than this, though it had no roof, and thus left the prisoners exposed to the heat of the sun, the rain, and the coldness of the nights. (Compare Thucyd. vii. 87.) The whole was a stadium in length, and two plethra in width. (Aelian. *l. c.*) It was not only used as a prison for Syracusan criminals, but other Sicilian towns also had their criminals often removed to it.

The Tullianum at Rome was also sometimes called lautumiae. [CARCER.] [L. S.]

LECTI'CA (κλίνη, κλινίδιον, or φορεῖον) was a kind of couch or litter, in which persons, in a lying position, were carried from one place to another. They may be divided into two classes, viz., those which were used for carrying the dead, and those which served as conveniences for the living.

The former of these two kinds of lecticae (also called lectica funebris, lecticula, lectus funebris, feretrum or capulum), in which the dead were carried to the grave, seems to have been used among the Greeks and Romans from very early times. In the beauty and costliness of their ornaments these lecticae varied according to the rank and circumstances of the deceased. [FUNUS, p. 559 a.] The lectica on which the body of Augustus was carried to the grave, was made of ivory and gold, and was covered with costly drapery worked of purple and gold. (Dion Cass. lvi. 34; compare Dionys. *Ant. Rom.* iv. 76; Corn. Nepos, *Att.* 22. § 2; Tacit. *Hist.* iii. 67.) During the latter period of the empire public servants (*lecticarii*) were appointed for the purpose of carrying the dead to the grave without any expense to the family to whom the deceased belonged. (Novell. 43 and 59.) Representations of lecticae funebres have been found on several sepulchral monuments. The following woodcut represents one taken from the tombstone of M. Antonius Antius Lupus.



(Compare Lipsius, *Elect.* i. 19; Scheffer, *De Re Vehiculari*, ii. 5. p. 89; Gruter, *Inscript.* p. 954. 8; Böttiger, *Sabina*, vol. ii. p. 200; Agyafalva, *Wanderungen durch Pompeii.*)

Lecticae for sick persons and invalids seem likewise to have been in use in Greece and at Rome from very early times, and their construction probably differed very little from that of a lectica funebris. (Liv. ii. 36; Aurel. Vict. *De Vir. Ill. c.* 34.) We also frequently read that generals in their camps, when they had received a severe wound, or when they were suffering from ill health, made use of a lectica to be carried from one place to another. (Liv. xxiv. 42; Val. Max. ii. 8. § 2; i. 7; Sueton. *Aug.* 91.)

Down to the time of the Gracchi we do not hear that lecticae were used at Rome for any other purposes than those mentioned above. The Greeks, however, had long been familiar with a different kind of lectica (κλίνη or φορεῖον), which was introduced among them from Asia, and which was more an article of luxury than anything to supply an actual want. It consisted of a bed or mattress and a pillow to support the head, placed upon a kind of bedstead or couch. It had a roof consisting of the skin of an ox, extending over the couch and resting on four posts. The sides of this lectica were covered with curtains (αὐλαῖαι). It appears to have been chiefly used by women (Suid. *s. v.* φορεῖον), and by men only when they were in ill health. (Anacr. *ap Athen.* xii. p. 533, &c. ; Plut. *Pericl.* 27 ; Lysias, *De Vuln. Praem.* p. 172 ; Andocid. *De Myst.* p. 30 ; Plut. *Eumen.* 14.) If a man without any physical necessity made use of a lectica, he drew upon himself the censure of his countrymen as a person of effeminate character. (Dinarch. *c. Demosth.* p. 29.) But in the time subsequent to the Macedonian conquests in Asia, lecticae were not only more generally used in Greece, but were also more magnificently adorned. (Plut. *Arat.* 17.) The persons or slaves who carried their masters or mistresses in a lectica were called φορεαφόροι (Diog. Laert. v. 4. § 73), and their number was generally two or four. (Lucian, *Epist. Saturn.* 28 ; *Somn. s. Gall.* 10 ; *Cyn.* 9 ; compare Becker, *Charikles*, ii. p. 71, &c.) When this kind of lectica was introduced among the Romans, it was chiefly used in travelling, and only very seldom in the city of Rome itself. The first trace of such a lectica is in a fragment of a speech of C. Gracchus, quoted by Gellius (x. 3). From this passage it seems evident that this article of luxury was introduced into Italy from Asia, and that at the time scarcely any other lectica than the lectica funebris was known to the country people about Rome. It also appears from this passage that the lectica there spoken of was covered ; otherwise the countryman could not have asked whether they were carrying a dead body. (Compare Cic. *Philip.* ii. 45 ; Plut. *Cic.* 48 ; Dion Cass. xlvii. 10.) The resemblance of such a lectica used by the Romans to that which the Greeks had received from Asia is manifest from the words of Martial (xi. 98): *lectica tuta pelle veloque.* It had a roof consisting of a large piece of skin or leather expanded over it and supported by four posts, and the sides also were covered with curtains (*vela*, *plagae*, or *plagulae ;* compare Senec. *Suas.* i. 6 ; Suet. *Tit.* 10). During the time of the empire, however, the curtains were not thought a sufficient protection for a lectica ; and, consequently, we find that lecticae used by men as well as women, were closed on the sides with windows made of transparent stone (*lapis specularis*), whence Juvenal (iv. 20) calls such a lectica an *antrum clausum latis specularibus.* (Compare Juv. iii. 239.) We sometimes find mention of a lectica aperta (Cic. *Phil.* ii. 24), but we have no reason to suppose that in this case it had no roof, for the adjective aperta probably means nothing more than that the curtains were removed, *i. e.* either thrown aside or drawn up. The whole lectica was of an oblong form, and the person conveyed in it lay on a bed, and the head was supported by a pillow, so that he might read and write in it with ease. To what extent the luxury of having a soft and pleasant bed in a lectica was carried, as early as the time of Cicero, may be seen from one of his orations against Verres (v. 11). Feather-beds seem to have been very common. (Juv. i. 159, &c.) The framework, as well as the other appurtenances, were, with wealthy persons, probably of the most costly description. The lectica, when standing, rested on four feet, generally made of wood. Persons were carried in a lectica by slaves (*lecticarii*) by means of poles (*asseres*) attached to it, but not fixed, so that they might easily be taken off when necessary. (Sueton. *Calig.* 58 ; Juv. vii. 122, iii. 245 ; Martial, ix. 23. 9.) There can be no doubt that the asseres rested on the shoulders of the lecticarii, and not on thongs which passed round the necks of these slaves and hung down from their shoulders, as some modern writers have thought. (Senec. *Epist.* 80. 110 ; Tertull. *ad Uxor.* i. 4 ; Clem. Alex. *Paedag.* iii. 4 ; Juv. iii. 240, ix. 142.) The act of taking the lectica upon the shoulders was called *succollare* (Plin. *H. N.* xxxv. 10 ; Sueton. *Claud.* 10), and the persons who were carried in this manner were said *succollari* (Sueton. *Otho.* 6). From this passage we also learn that the name lecticarii was sometimes incorrectly applied to those slaves who carried a person in a sella or sedan-chair. The number of lecticarii employed in carrying one lectica varied according to its size, and the display of wealth which a person might wish to make. The ordinary number was probably two (Petron. *Sat.* 56 ; Juv. ix. 142) ; but it varied from two to eight, and the lectica is called hexaphoron or octophoron, accordingly as it was carried by six or eight persons. (Juv. i. 64 ; Mart. ii. 81, vi. 77 ; Cic. *c. Verr.* v. 11, *ad Quint.* ii. 10.) Wealthy Romans kept certain slaves solely as their lecticarii (Cic. *ad Fam.* iv. 12) ; and for this purpose they generally selected the tallest, strongest, and most handsome men, and had them always well dressed. In the time of Martial it seems to have been customary for the lecticarii to wear beautiful red liveries. The lectica was generally preceded by a slave called anteambulo, whose office was to make room for it. (Martial, iii. 46 ; Plin. *Epist.* iii. 14 ; compare Becker, *Gallus*, i. p. 213, &c.)

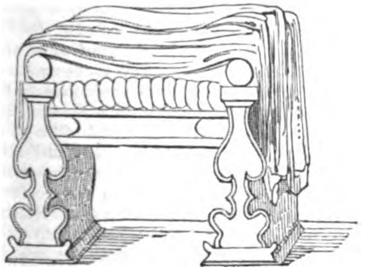
Shortly after the introduction of these lecticae among the Romans, and during the latter period of the republic, they appear to have been very common, though they were chiefly used in journeys, and in the city of Rome itself only by ladies and invalids. (Dion Cass. lvii. 17.) But the love of this as well as of other kinds of luxury increased so rapidly, that Julius Caesar thought it necessary to restrain the use of lecticae, and to confine the privilege of using them to certain persons of a certain age, and to certain days of the year. (Sueton. *Caes.* 43.)

In the reign of Claudius we find that the privilege of using a lectica in the city was still a great distinction, which was only granted by the emperor to his especial favourites. (Suet. *Claud.* 28.) But what until then had been a privilege became gradually a right assumed by all, and every wealthy Roman kept one or more lecticae, with the requisite number of lecticarii. The emperor Domitian, however, forbade prostitutes the use of lecticae. (Suet. *Domit.* 8.) Enterprising individuals gradually began to form companies (*corpus lecticariorum*), and to establish public lecticae, which had their stands (*castra lecticariorum*) in the regio transtiberina, and probably in other parts also, where any one might take a lectica on hire. (Victor, *De Regionib. Urb. Rom.* in Graevii Thesaur. iii. p. 49 ; Martial, iii. 46.) The persons of whom these companies consisted, were probably of the lower orders or freedmen. (Compare Gruter, *Inscript.* 599. 11, 600. 1.)

The lecticae of which we have hitherto spoken, were all portable, *i. e.* they were constructed in such a manner that the asseres might easily be fastened to them whenever it was necessary to carry a person in them from one place to another. But the name lectica, or rather the diminutive lecticula, was also sometimes applied to a kind of sofa, which was not moved out of the house. On it the Romans frequently reclined for the purpose of reading or writing, for the ancients when writing seldom sat at a table as we do, but generally reclined on a couch; in this posture they raised one knee, and upon it they placed the parchment or tablet on which they wrote. From this kind of occupation the sopha was called lecticula lucubratoria (Suet. *Aug.* 78), or more commonly lectulus. (Plin. *Epist.* v. 5; Ovid, *Trist.* i. 11. 38; compare Alstorph, *De Lecticis Veterum Diatriba*, Amsterdam, 1704.) [L. S.]

LECTICA'RII. [Lectica.]

LECTISTE'RNIUM. Sacrifices being of the nature of feasts, the Greeks and Romans on occasion of extraordinary solemnities placed images of the gods reclining on couches, with tables and viands before them, as if they were really partaking of the things offered in sacrifice. This ceremony was called a *lectisternium.* Three specimens of the couches employed for the purpose are in the Glyptotek at Munich. The woodcut here introduced exhibits one of them, which is represented with a cushion covered by a cloth hanging in ample folds down each side. This beautiful *pulvinar* (Sueton. *Jul.* 76; Corn. Nep. *Timoth.* 2) is wrought altogether in white marble, and is somewhat more than two feet in height. At the *Epulum Jovis*, which was the most noted lectisternium at Rome, and which was celebrated in the Capitol, the statue of Jupiter was laid in a reclining posture on a couch, while those of Juno and Minerva were seated on chairs by his side; and this distinction was observed in allusion to the ancient custom, according to which only men reclined and women sat at table. (Val. Max. ii. 1. § 2.) Nevertheless it is probable that at a later period both gods and goddesses were represented in the same position: at least four of them, viz. Jupiter Serapis and Juno or Isis, together with Apollo and Diana, are so exhibited with a table before them on the handle of a Roman lamp engraved by Bartoli. (*Luc. Ant.* ii. 34.) Livy (v. 13) gives an account of a very splendid lectisternium, which he asserts to have been the origin of the practice. [J. Y.]



LECTUS (λέχος, κλίνη, εὐνή), a bed. In the heroic ages of Greece beds were very simple; the bedsteads, however, are sometimes represented as ornamented (τρητὰ λέχεα, *Il.* iii. 448; compare *Odyss.* xxiii. 219, &c.). The principal parts of a bed were the χλαῖναι and ῥήγεα (*Odyss.* xix. 337); the former were a kind of thick woollen cloak, sometimes coloured, which was in bad weather worn by men over their χιτών, and was sometimes spread over a chair to render the seat soft. That these χλαῖναι served as blankets for persons in their sleep, is seen from *Odyss.* xiv. 488, 500, 504, 513, 529, xx. 4. The ῥήγεα, on the other hand, were probably a softer and more costly kind of woollen cloth, and were used chiefly by persons of high rank. They were, like the χλαῖναι, sometimes used to cover the seat of chairs when persons wanted to sit down. (*Odyss.* x. 352.) To render this thick woollen stuff less disagreeable, a linen cloth was sometimes spread over it. (*Odyss.* xiii. 73.) It has been supposed that the ῥήγεα were pillows or bolsters; but this opinion seems to be refuted by the circumstance that, in *Odyss.* vi. 38, they are described as being washed without anything being said as to any operation which would have necessarily preceded the washing had they been pillows. Beyond this supposition respecting the ῥήγεα, we have no traces of pillows or bolsters being used in the Homeric age. The bedstead (λέχος, λέκτρον, δέμνιον) of persons of high rank was covered with skins (κώεα) upon which the ῥήγεα were placed, and over these linen sheets or carpets were spread; the χλαῖνα, lastly, served as a cover or blanket for the sleeper. (*Odyss.* iv. 296, &c.; *Il.* xxiv. 643, &c.; ix. 660, &c.) Poor persons slept on skins or beds of dry herbs spread on the ground. (*Odyss.* xiv. 519; xx. 139, &c.; xi. 188, &c.; compare Nitzsch, *zur Odyss.* vol. i. p. 210.) These simple beds, to which shortly after the Homeric age a pillow for the head was added, continued to be used by the poorer classes among the Greeks at all times. Thus the bed of the orator Lycurgus is said to have consisted of one sheep-skin (κώδιον) and a pillow. (Plut. *Vit. Dec. Orat. Lycurg.* p. 842. c.) But the complete bed (εὐνή) of a wealthy Greek in later times, generally consisted of the following parts: κλίνη, ἐπίτονοι, τυλεῖον or κνέφαλον, προσκεφάλειον, and στρώματα.

The κλίνη is properly speaking only the bedstead, and seems to have consisted only of posts fitted into one another and resting upon four feet. At the head part alone there was a board (ἀνάκλιντρον or ἐπικλιντρον) to support the pillow and prevent its falling out. Sometimes the ἀνάκλιντρον was wanting, as we see in drawings on ancient vases. (Pollux, x. 34, vi. 9.) Sometimes, however, the bottom part of a bedstead was likewise protected by the board, so that in this case a Greek bedstead resembled a modern so-called French bedstead. The κλίνη was generally made of wood, which in quality varied according to the means of the persons for whose use it was destined; for in some cases we find that it was made of solid maple or box-wood, or veneered with a coating of these more expensive woods. At a later period, bedsteads were not only made of solid ivory or veneered with tortoiseshell, but sometimes had silver feet. (Pollux, *l. c.*; Aelian, *V. H.* xii. 29; Athen. vi. p. 255.)

The bedstead was provided with girths (τόνοι, ἐπίτονοι, κειρία) on which the bed or mattress (κνέφαλον, τυλεῖον, κοινῶς or τύλη) rested; instead of these girths poorer people used strings. (Aristoph. *Av.* 814, with the Schol.) The cover or ticking of a mattress was made of linen or woollen cloth, or of leather, and the usual material with which it was filled (τὸ ἐμβαλλόμενον, πλήρωμα, or γνάφαλον) was either wool or dried weeds. At the head part of the bed, and supported by the ἐπίκλιντρον, lay a round pillow (προσκεφάλειον) to support the head; and in some ancient pictures two other square pillows are seen, which were intended to support the back. The covers of such pillows are striped in several pictures on ancient vases (see the woodcut under Symposium), and were therefore probably of various colours. They were undoubtedly filled with the same materials as the beds and mattresses.

The bed-covers, which may be termed blankets or counterpanes, were called by a variety of names, such as *περιστρώματα*, *ὑποστρώματα*, *ἐπιϐλήματα*, *ἐρεστρίδες*, *χλαῖναι*, *ἀμφιεστρίδες*, *ἐπιϐόλαια*, *δάπιδες*, *ψιλοδάπιδες*, *ξυστίδες*, *χρυσόπαστοι*, *τάπητες* or *ἀμφιτάπητες*. The common name, however, was *στρώματα*. They were generally made of cloth, which was very thick and woolly either on one or on both sides. (Pollux, vi. 9.) It is not always easy to distinguish whether the ancients, when speaking of *κλίναι*, mean beds in our sense of the word, or the couches on which they lay at meal times. We consequently do not know whether the descriptive epithets of *κλίναι*, enumerated by Pollux, belong to beds or to couches. But this matters little, as there was scarcely any difference between the beds of the ancients and their couches, with this exception, that the latter being made for appearance as well as for comfort, were, on the whole, undoubtedly more splendid and costly than the former. Considering, however, that bedsteads were often made of the most costly materials, we may reasonably infer that the coverings and other ornaments of beds were little inferior to those of couches. Notwithstanding the splendour and comfort of many Greek beds, the Asiatics, who have at all times excelled the Europeans in these kinds of luxuries, said that the Greeks did not understand how to make a comfortable bed. (Athen. ii. p. 48; Plut. *Pelop.* 30.) The places most celebrated for the manufacture of splendid bed-covers were Miletus, Corinth, and Carthage. (Aristoph. *Ran.* 410, 542, with the Schol.; *Lysistr.* 732; Cic. *c. Verr.* i. 34; Athen. i. pp. 27, 28.) It appears that the Greeks, though they wore nightgowns, did not simply cover themselves with the *στρώματα*, but wrapt themselves up in them. Less wealthy persons continued, according to the ancient custom, to use skins of sheep and other animals, especially in winter, as blankets. (Pollux, x. 123; Aristoph. *Nub.* 10.)

The bedsteads of the poorer classes are designated by the names *σκίμπους*, *ἀσκάντης*, and *κράϐϐατος*, and an exaggerated description of such a bed is given by Aristophanes. (*Plut.* 540, &c.; compare *Lysistr.* 916.) The words *χαμεύνη* and *χαμεύνιον*, which originally signified a bed of straw or dry herbs made on the ground (Theocrit. iii. 33; Plut. *Lycurg.* 16), were afterwards applied to a bed which was only near the ground, to distinguish it from the *κλίνη* which was generally a high bedstead. *Χαμεύνια* were the usual beds for slaves, soldiers in the field, and poor citizens, and the mattresses used in them were mere mats made of rushes or bast. (Pollux, *l. c.*, and vi. 11; Becker, *Charikles*, vol. ii. pp. 114—122; Pollux, x. c. 7, 8, vi. 1.)

The beds of the Romans (*lecti cubiculares*) in the earlier periods of the republic were probably of the same description as those used in Greece; but towards the end of the republic and during the empire, when Asiatic luxuries were imported into Italy, the richness and magnificence of the beds of the wealthy Romans far surpassed everything we find described in Greece. The bedstead was generally rather high, so that persons entered the bed (*scandere*, *ascendere*) by means of steps placed beside it (*scamnum*, Varro, *de Ling. Lat.* v. 168, Müller; Ovid. *Fast.* ii. 349, &c.). It was sometimes made of metal, and sometimes of costly kinds of wood or veneered with tortoise-shell or ivory; its feet (*fulcra*) were frequently of silver or gold. (Plin. xvi. 43; Mart. xii. 67; Juv. xi. 94.) The bed or mattress (*culcita* and *torus*) rested upon girths or strings (*restes*, *fasciae*, *institae*, or *funes*) which connected the two horizontal side-posts of the bed. (Cic. *de Div.* ii. 65; Mart. v. 62; Petron. 97; compare Horat. *Epod.* xii. 12; Cato, *de Re Rust.* c. 10.) In beds destined for two persons, the two sides are distinguished by different names; the sides at which persons entered was open, and bore the name of *sponda*; the other side, which was protected by a board, was called *pluteus*. (Isidor. xx. 11. p. 629, ed. Lindemann.) The two sides of such a bed are also distinguished by the names *torus exterior* and *torus interior*, or *sponda exterior* and *sponda interior* (Ovid. *Amor.* iii. 14. 32; Sueton. *Caes.* 49); and from these expressions it is not improbable that such lecti had two beds or mattresses, one for each person. Mattresses were in the earlier times filled with dry herbs (Varro, *l. c.*; Ovid. *Fast.* i. 200 and 205), or straw (Horat. *Sat.* ii. 3. 117; Mart. xiv. 160; Senec. *De Vit. Beat.* c. 25), and such beds continued to be used by the poor. But in subsequent times wool, and at a still later period, feathers were used by the wealthy for the beds as well as the pillows. (Plin. *H. N.* viii. 48, x. 22; Plaut. *Mil. Glor.* iv. 4. 42; Cic. *Tusc.* iii. 19; Mart. xiv. 161 and 159.) The cloth or ticking (*operimentum* or *involucrum*), with which the beds or mattresses were covered, was called toral, torale, linteum, or segestre. (Horat. *Sat.* ii. 4. 84, *Epist.* i. 5. 21; Varro, *l. c.*) The blankets or counterpanes (*vestes stragulae*, *stragula*, *peristromata*, *peripetasmata*) were in the houses of wealthy Romans of the most costly description, and generally of a purple colour (*stragula conchylio tincta*, *peristromata conchyliata*, *coccina stragula*) and embroidered with beautiful figures in gold. Covers of this sort were called peripetasmata Attalica, because they were said to have been first used at the court of Attalus. (Plin. *H. N. l. c.*; Cic. *c. Verr.* iv. 12, 26, *Philip.* ii. 27; Mart. ii. 16.) The pillows were likewise covered with magnificent casings. Whether the ancients had curtains to their beds is not mentioned anywhere; but as curtains, or rather a kind of canopy (*aulaea*), were used in the lectus tricliniaris (Horat. *Carm.* iii. 29. 15, *Sat.* ii. 8. 54) for the purpose of preventing the dust falling upon the persons lying on it, it is not improbable that the same or a similar contrivance was used in the lectus cubicularis.

The *lectus genialis* or *adversus* was the bridal bed which stood in the atrium, opposite the janua, whence it derived the epithet adversus. (Horat. *Epist.* i. 1. 87; Festus, *s. v.*; comp. Domus, p. 428, a.) It was generally high, with steps by its side, and in later times beautifully adorned. (Gellius, xvi. 9; Lucan. ii. 356; Cic. *pro Cluent.* c. 5.)

Respecting the lectus funebris see the articles Funus and Lectica. An account of the disposition of the couches used at entertainments, and of the place which each guest occupied, is given under TRICLINIUM. (Becker, *Gallus*, vol. i. p. 42, &c.) [L. S.]

LE'CYTHUS (λήκυθος), a small narrow-mouthed vessel, the principal use of which was to hold oil, for anointing after the bath, and in the palaestra. It was sometimes of leather, but more often of earthen-ware. Numerous terra-cotta vessels of this sort exist, of an oval shape, holding about a pint, generally painted a plain dark brown or black, but sometimes a bright colour, while a few examples are adorned with beautifully executed paintings. Most of them are the productions of the Athenian potteries. (Hom. *Od.* vi. 79; Krause, *Gymn. u. Agon.* vol. i. p. 189, and in Pauly's *Real-Encyclopädie*, *s. v.*) [P. S.]

LEGA'TIO LI'BERA. [LEGATUS, p. 678, b.]

LEGA'TUM is defined (Dig. 30. s. 116) to be "delibatio hereditatis qua testator ex eo quod universum heredis foret alicui quid collatum velit." This singular succession presupposes a universal succession, for if there is no heres ex testamento or person loco heredis, there can be no legacy. A Legatum then is a part of the hereditas which a testator gives out of it, from the heres (*ab herede*); that is, it is a gift to a person out of that whole (*universum*) which is diminished to the heres by such gift. Accordingly the phrase "ab herede legare" thus becomes intelligible. (Dig. 30. s. 116; "ei testamento legat grandem pecuniam a filio," Cic. *pro Cluent.* 12.) A legatee could not be charged with the payment of a legacy out of what was given to him, a rule of law which was thus expressed, "A legatario legari non potest." A legatum was something given according to the Jus Civile, and therefore could only be given in civilia verba, and in Latin. [TESTAMENTUM.]

The word "Legatum," from the verb *lego*, contains the same element as Lex. Lego has the sense of appointing or disposing of a matter, as in the phrase "legatum negotium" (Plaut. *Cas.* i. 1. 12); and it is used in the Twelve Tables to express generally a testator's disposition of his property (*uti legassit*, &c.). Ulpian accordingly explains the word Legatum by referring to its etymology, and likening a Legatum to a Lex properly so called. "A Legatum," he says, "is that which is left by a testament, *legis modo*, that is, *imperative;* for those things which are left *precativo modo*, are called Fideicommissa." (*Frag.* tit. 24.) A legatee was named *legatarius;* those to whom a thing was given jointly (*conjunctim*) were collegatarii. A legacy which was legally valid or good, was *legatum utile;* a void legacy was *inutile*. A legacy which was given absolutely or unconditionally, was said to be given *pure;* one which was given conditionally was said to be given *sub conditione*. The expression *purum legatum*, an unconditional legacy, also occurs. (Dig. 36. tit. 2. s. 5.)

Gaius apologizes for treating of Legata in that part of his Institutional work in which he has placed them. In the first ninety-six chapters of his second book he treats of the acquisition of property in Res singulae, to which class legacies belong. But as the matter of legacies is not intelligible without reference to the matter of hereditas or universal succession, he places the law of legacies (*haec juris materia*) immediately after that of hereditas.

There were four Civil forms in which a legacy could be left: Per Vindicationem, Per Damnationem, Sinendi modo, Per Praeceptionem.

A legatum per vindicationem was given in these words: "Hominem Stichum Do, Lego;" or the words might be with reference to the legatee, "Capito, Sumito, Sibi Habeto." A legatum per vindicationem was so called with reference to the legal means by which the legatee asserted his right to the legacy against the heres or any possessor, which was by a vindicatio or an Actio in rem; for as soon as the Hereditatis aditio had taken place, the legatee had the Quiritarian (*ex jure Quiritium*) ownership of the legacy. The two schools raised a question as to this, Whether under such circumstances, the legatee obtained the Quiritarian ownership of the thing before he had consented to take it. The opinion of the Proculiani who contended for such consent, was confirmed by a Constitution of Antoninus Pius (Gaius, ii. 195). It was consistent with the nature of the Per Vindicationem, that those things only could be so given, in which the testator had Quiritarian ownership: and it was also necessary that he should have such ownership both at the time of making his will and at the time of his death; otherwise the legacy was void (*inutile*). But there was an exception in respect of things "quae pondere, numero, mensura constant," as wine, oil, corn, and the precious metals in the form of coin (*pecunia numerata*), in regard to which it was sufficient if the testator had the Quiritarian ownership at the time of his death. By a senatusconsultum of the time of Nero, it was enacted that if a testator left a thing as a legacy, which had never been his, the legacy should be equally good as if it had been left in the form most advantageous to the legatee (*optimo jure*), which form was the Legatum per damnationem. But if a testator gave a thing of his own by a testament, which he afterwards alienated, it was the best opinion that the legacy was inutile by the Jus Civile, and that the Senatusconsultum did not make it good. If the same thing was given to more than one person either jointly (*conjunctim*) so as to make them collegatarii, or severally (*disjunctim*), each took an equal share. A legatum was given *conjunctim* thus: "Titio et Seio hominem Stichum do, lego;" *disjunctim*, thus: "Titio hominem Stichum do, lego; Seio eundem hominem do, lego." If one collegatarius failed to take, his portion went to the others. In the case of a conditional legacy left per vindicationem, the schools were divided in opinion: the Sabiniani said that it was the property of the heres during the pendency of the condition; the Proculiani said that it was "res nullius."

The form of the Per damnationem was this: Heres meus Stichum servum meum dare damnas esto; but the word Dato was equally effective. A thing which belonged to another (*aliena res*) could be thus left, and the heres was bound to procure the thing for the legatee or to pay him the value of it. A thing not in existence at the date of the will might be left by this form, as the future produce of a female slave (*ancilla*). The legatee did not acquire the Quiritarian ownership of the legacy by virtue of the hereditatis aditio: the thing still remained the property of the heres, but the effect of the legatum was to establish an obligatio between the heres and the legatee, who could sue for it by an Actio in personam. If it was a thing Mancipi, the legatee could only acquire the Quiritarian ownership of it by Mancipatio or In jure cessio from the heres: if it was merely delivered, the legatarius only acquired the complete ownership (*plenum jus*) by usucapion. If the same thing was left to two or more *conjunctim*, each had an equal share; if *disjunctim*, the heres was bound to give the thing to one and its value to the rest. In the case of a gift *conjunctim* the share of the legatee who failed to take belonged to the hereditas; but the Lex Papia made it caducum, and gave it first to a collegatarius who had children, then to the heredes who had children, and then to the other legatees who had children (*legatarii*), a privilege which Juvenal alludes to (*dulce caducum*, ix. 88).

The Legatum Sinendi modo was thus given: "Heres meus damnas esto sinere Lucium Titium hominem Stichum sumere sibique habere;" by which form a testator could give either his own property or that which was the property of his heres at the time of the death. As in the case of a legatum per damnationem, the legatee prosecuted his claim by an Actio in personam. It was doubted whether the heres was bound to transfer the property, in the case of a res mancipi, by mancipatio or in jure cessio, or, in the case of a thing nec mancipi, by traditio or delivery, for the words of the gift are "permit him to take." If the same thing was left to several conjunctim, they took it in common, but without any jus accrescendi if one of them failed to take. It was a still more doubtful question (in the time of Gaius), whether, if the same thing was given in this way to two severally (*disjunctim*), the whole was due to each, or if the heres was released from all further claim, when either of them had obtained possession of the whole with his permission.

The Legatum per praeceptionem was in this manner: "Lucius Titius hominem Stichum Praecipito;" where "praecipito," in the opinion of the Sabiniani, is the same as "praecipuum sumito," or "take first." The Sabiniani accordingly were of opinion that a legacy could only thus be left to one who was also made a heres; but a Senatusconsultum Neronianum made the legacy good, even if it was thus left to an extraneus, that is, to another than the heres, provided the legatee was a person to whom a legacy could be left in any of the three other modes. For the Senatusconsultum made those legacies valid which were not valid by the Jus Civile on account of the words of the gift (*verborum vitio*), but not those legacies which were invalid on account of the incapacity of the legatee (*vitio personae*), which was the case with a peregrinus. The Sabiniani also maintained that a man could leave in this manner only what was his own, for the only way in which the legatee could enforce his right was by a judicium familiae erciscundae, in which judicium it was necessary that the judex should adjudicate that which was given per praeceptionem, and he could adjudicate on nothing else than the res hereditaria. But the same senatusconsultum made a legacy valid, which was given in this form, even if the thing did not belong to the testator. The Proculiani contended that a legacy could be given to an extraneus per praeceptionem; and further that if the thing was the testator's ex jure Quiritium, it could be sued for (*vindicari*) by the legatee, whether he was a heres or not (*extraneus*); if it was the testator's in bonis, it was a utile legatum to the extraneus by the senatusconsultum; and the heres, if he was the legatee, could obtain it in a judicium familiae erciscundae. If it did not belong to the testator in either way, still the legatum was made utile both to the heres and the extraneus by the senatusconsultum. If the same thing was thus left to more than one either *disjunctim* or *conjunctim*, each had only his share. In all the three forms, except the per damnationem, only Things and Jura in re could be the objects of legata: but by the per damnationem any thing could be made the object of a legatum which could be made the object of an obligatio.

By the Law of the Twelve Tables a man could dispose of his property as he pleased, and he might exhaust (*erogare*) the whole hereditas by legacies and bequests of freedom to slaves, so as to leave the heres nothing. The consequence was that in such cases the scripti heredes refused to take the hereditas, and there was of course an intestacy. The first legislative measure on this subject was the Lex Furia, called Testamentaria, which did not allow a testator to give as a donatio mortis causa or as a legacy more than a thousand asses to one person, certain kinsfolk excepted. (Gaius, iii. 225; Ulp. *Frag.* i. 2, xxviii. 7.) But this measure was a failure, for it did not prevent a man from giving as many several thousands to as many persons as he pleased, and so exhausting his estate. The Lex Voconia (B. C. 169) afterwards enacted that no person should take by way of legacy or donatio mortis causa more than the heredes (severally, as it seems); but this lex was ineffectual, for by the testator distributing his property among numerous legatees, the heres might have so small a portion as not to make it worth his while to assume the burdens attached to the hereditas. (Gaius, ii. 26; Cic. *in Verr.* i. 43.) The Lex Falcidia (B. C. 40) at last took away all means of evasion by declaring that a testator should not give more than three-fourths in legacies, and thus a fourth was secured to the heres; and "this law," says Gaius, "is now in force." The Senatusconsultum Pegasianum extended the same rule of law to fideicommissa [FIDEICOMMISSUM]; and the Emperor Antoninus applied it to the case of fideicommissa, when there was an intestacy. (Dig. 35. tit. 2. s. 18.) The Lex Falcidia applied to the wills of persons who died in captivity (*apud hostes*), for a previous Lex Cornelia had given to the wills of such persons the same force as if they had died *cives* (*in civitate*, Dig. 35. tit. 2. s. 1).

Legata were inutilia or void, if they were given before a heres was instituted by the will, for the will derived all its legal efficacy from such institution; there was the same rule as to a gift of freedom. It was an inutile legatum, if in form the gift was given after the death of the heres, but it might be given on the event of his death; it was also inutile if given in form on the day before the death of the testator, for which rule of law, says Gaius, there seems to be no good reason (*pretiosa ratio*). A legatum could not be left in the way of a penalty (*poenae nomine*), that is, for the purpose of compelling the heres to do or restraining him from doing any particular act: but Justinian made all such legata good, except those which were impossible, or forbidden by law or against boni mores (probrosa) (Inst. 2. tit. 2. s 36). A legacy could not be left to an uncertain person (*incerta* *persona*). The notion of an uncertain person was not of a person who could never be ascertained, for in several of the instances mentioned by Gaius, the person or persons would easily be ascertained (for instance "qui post testamentum consules designati erunt"); but the notion of the uncertainty was referred to the mind of the testator at the time of making his testament. Accordingly the persona was not considered incerta, where he was one of a certain class, such as cognati, though the individual of the class might be uncertain till the event happened which was to determine who out of the class was intended by the testator. Such a form of bequest was called a certa demonstratio incertae personae. (Gaius, ii. 238.) A legatarius must have the testamenti factio, and be under no legal incapacity. A legacy could not be left to a postumus alienus, nor could such a person be a heres institutus, for he was an incerta persona. It has been explained who is a postumus [Heres, p. 601, a]: a postumus alienus is one who when born cannot be among the sui heredes of the testator.

It was a question whether a legacy could be legally (*recte*) left to a person, who was in the power of another person who was made heres by the same will. The Proculiani denied that such a legacy could be left either pure or sub conditione. (Gaius, ii. 244.) But if a person who was in the power of another was made heres, a legacy might be left (*ab eo legari*) to the person in whose power he was; for if such latter person became heres thereby (*per eum*), the legacy was extinguished, because a man cannot owe a thing to himself; but if the son was emancipated, or the slave was manumitted or transferred to another, and so the son became heres, or so the slave made another person heres, the legacy was due to the father or former master.

Not only Res singulae could be given as a legacy, but also a part of a universitas of things (*universarum rerum*) could be so given; thus the heres might be directed to share a half or any other part of the hereditas with another, which was called partitio. (Cic. *de Leg.* ii. 20, *pro Caecin.* 4; Ulp. *Frag.* tit. 24. s. 25.) By the jus civile there might be a legacy of a ususfructus of those things which were capable of being used and enjoyed without detriment to the things. By a senatusconsultum there might be a legacy of the *abusus* of those things which were consumed in the use, as money, wine, oil, wheat, but the legatarius had to give security for the restoration of the same quantity or the same value, when his right to the enjoyment ceased. This technical meaning of *abusus*, that is, the use of things which are consumed in the use, is contrasted with ususfructus by Cicero (*Top.* 3; *Ueber das alter des quasi-ususfructus*, von Puchta, *Rheinisches Mus.* iii. p. 82, and Puchta, *Instit.* ii. § 255).

A legacy might be transferred to another person, or taken away (*adimi*) by another will or codicilli confirmed by a will; it might also be taken away by erasure of the gift from the will. Such a revocation of legacies (*ademptio legatorum*) seems to have been only effected in the way mentioned. The expression ademption of legacies in English law has a different meaning, and in the case of a specific thing corresponds to the Roman extinction of legacies, which took place if the testator disposed of the thing in his lifetime.

If a legatee died after the day on which the legatum had become his (*post diem legati cedentem*), it passed to his heres; or to use a phrase of English law, the legacy was vested. The phrase "dies legati cedit" accordingly means "the time is come at which the legacy belongs to the legatee," though the time may not have come when he is entitled to receive it; and "dies venit" denotes the arrival of the day on which it can be demanded. (Dig. 50. tit. 16. s. 213.) If the legacy was left conditionally there was no vesting till the condition was fulfilled. By the old law, legacies which were left unconditionally or from a time named (*in diem certum*) were vested from the time of the testator's death; but by the Lex Papia they vested from the time of opening the will. The legacy might vest immediately on the death of the testator and yet the testator might defer the time of payment. (Dig. 36. tit. 2. s. 21.) A legacy might also be left on a condition of time only, as a legacy to Titius *when* or *if* he should attain the age of fourteen years, in which case the words *when* and *if* were considered equivalent, a decision which has been adopted in English law, in cases in which there is nothing in the will which gives the words "when" or "if" a different signification. (Dig. 36. tit. 2. s. 5, 22; Hanson *v.* Graham, 6 Ves. p. 243.)

(Gaius, ii. 191—245; Ulp. *Frag.* tit. xxiv. &c.; Dig. 30—32, &c.; Inst. ii. tit. 20—22; Paulus, *S. R.* iii. tit. 6.) [Fideicommissum.] [G. L.]

LEGA'TUS. Legati may be divided into three classes: 1. Legati or ambassadors sent to Rome by foreign nations; 2. Legati or ambassadors sent from Rome to foreign nations and into the provinces; 3. Legati who accompanied the Roman generals into the field, or the proconsuls and praetors into the provinces.

I. Foreign legati at Rome, from whatever country they came, had to go to the temple of Saturn and deposit their name with the quaestors, which Plutarch (*Quaest. Rom.* p. 275, b.) explains as a remnant of an ancient custom; for formerly, says he, the quaestors sent presents to all legati, which were called lautia, and if any ambassador was taken ill at Rome, he was in the care of the quaestors, who, if he died, had also to pay the expenses of his burial from the public treasury. When afterwards the number of foreign ambassadors increased in proportion as the republic became extended, the former hospitable custom was reduced to the mere formality of depositing the name with the keepers of the public treasury. Previous to their admission into the city, foreign ambassadors seem to have been obliged to give notice from what nation they came and for what purpose; for several instances are mentioned in which ambassadors were prohibited from entering the city, especially in case of a war between Rome and the state from which they came. (Liv. xxx. 21, xlii. 36, xlv. 22.) In such cases the ambassadors were either not heard at all, and obliged to quit Italy (Liv. xlii. 36), or an audience was given to them by the senate (*senatus legatis datur*) outside the city, in the temple of Bellona. (Liv. *l. c.*; xxx. 21.) This was evidently a sign of mistrust, but the ambassadors were nevertheless treated as public guests, and some public villa outside the city was sometimes assigned for their reception. In other cases, however, as soon as the report of the landing of foreign ambassadors on the coast of Italy was brought to Rome, especially if they were persons of great distinction, as the son of Masinissa (Liv. xlv. 13), or if they came from an ally of the Roman people, some one of the inferior magistrates, or a legatus of a consul, was despatched by the senate to receive and conduct them to the city at the expense of the republic. When they were introduced into the senate by the praetor or consul, they first explained what they had to communicate, and then the praetor invited the senators to put their questions to the ambassadors. (Liv. xxx. 22.) The manner in which this questioning was frequently carried on, especially when the envoys came from a state with which the Romans were at war, resembled more the cross-questioning of a witness in a court of justice, than an inquiry made with a view to gain a clear understanding of what was proposed. (Liv. *l. c.* with Gronov's note.) The whole transaction was carried on by interpreters, and in the Latin language. [INTERPRES.] Valerius Maximus (ii. 2. § 3) states that the Greek rhetorician Molo, a teacher of Cicero, was the first foreigner who ever addressed the Roman senate in his own tongue. After the ambassadors had thus been examined, they were requested to leave the assembly of the senate, who now began to discuss the subject brought before them. The result was communicated to the ambassadors by the praetor. (Liv. viii. 1.) In some cases ambassadors not only received rich presents on their departure, but were at the command of the senate conducted by a magistrate, and at the public expense, to the frontier of Italy, and even further. (Liv. xlv. 14.) By the Lex Gabinia it was decreed that from the first of February to the first of March, the senate should every day give audience to foreign ambassadors. (Cic. *ad Quint. Frat.* ii. 11, 12, *ad Fam.* i. 4.) There was at Rome, as Varro (*De Ling. Lat.* v. 155, Müller) expresses it, a place on the right-hand side of the senate-house called Graecostasis, in which foreign ambassadors waited.

All ambassadors, whencesoever they came, were considered by the Romans throughout the whole period of their existence as sacred and inviolable. (Cic. *c. Verr.* i. 33; Dionys. Hal. *Ant. Rom.* xi. 25; Tacit. *Ann.* i. 42; Liv. xxi. 10; Dig. 50. tit. 7. s. 17.)

II. Legati to foreign nations in the name of the Roman republic were always sent by the senate (Cic. *c. Vatin.* 15); and to be appointed to such a mission was considered a great honour which was conferred only on men of high rank or eminence; for a Roman ambassador, according to Dionysius, had the powers (*ἐξουσία καὶ δύναμις*) of a magistrate and the venerable character of a priest. If a Roman during the performance of his mission as ambassador died or was killed, his memory was honoured by the republic with a public sepulchre and a statue in the Rostra. (Liv. iv. 17; Cic. *Philip.* ix. 2.) The expenses during the journey of an ambassador were, of course, paid by the republic; and when he travelled through a province, the provincials had to supply him with everything he wanted.

III. The third class of legati, to whom the name of ambassadors cannot be applied, were persons who accompanied the Roman generals on their expeditions, and in later times the governors of provinces also. Legati, as serving under the consuls in the Roman armies, are mentioned along with the tribunes at a very early period. (Liv. ii. 59, iv. 17.) These legati were nominated (*legabantur*) by the consul or the dictator under whom they served (Sallust. *Jug.* 28; Cic. *ad Att.* xv. 11, *ad Fam.* vi. 6, *pro Leg. Manil.* 19), but the sanction of the senate (*senatusconsultum*) was an essential point without which no one could be legally considered a legatus (Cic. *c. Vatin. l. c.*, *pro Sext.* 14); and from Livy (xliii. 1; compare xliv. 18) it appears that the nomination by the magistrates (consul, praetor, or dictator) did not take place until they had been authorised by a decree of the senate. The persons appointed to this office were usually men of great military talents, and it was their duty to advise and assist their superior in all his undertakings, and to act in his stead both in civil and military affairs. (Varro, *de Ling. Lat.* v. 87, Müller.) The legati were thus always men in whom the consul placed great confidence, and were frequently his friends or relations; but they had no power independent of the command of their general. (Caes. *de Bell. Civ.* ii. 17, iii. 51; Appian, *de Bell. Civ.* i. 38.) Their number varied according to the greatness or importance of the war, or the extent of the province: three is the smallest number we know of, but Pompey, when in Asia, had fifteen legati. Whenever the consuls were absent from the army, or when a proconsul left his province, the legati or one of them took his place, and then had the insignia as well as the power of his superior. He was in this case called legatus pro praetore (Liv. xxix. 9; Lydus, *de Magistr.* iii. 3; Caes. *de Bell. Gall.* i. 21), and hence we sometimes read that a man governed a province as a legatus without any mention being made of the proconsul whose vicegerent he was. (Sallust. *Cat.* 42.) During the latter period of the republic, it sometimes happened that a consul carried on a war, or a proconsul governed his province through his legati, while he himself remained at Rome, or conducted some other more urgent affairs.

When the provinces were divided at the time of the empire [PROVINCIA], those of the Roman people were governed by men who had either been consuls or praetors, and the former were always accompanied by three legati, the latter by one. (Dion Cass. liii. 13; Dig. 1. tit. 16.) The provinces of the emperor, who was himself the proconsul, were governed by persons whom the emperor himself appointed, and who had been consuls or praetors, or were at least senators. These vicegerents of the emperor were called *legati Augusti pro praetore*, *legati praetorii*, *legati consulares*, or simply *legati*, and they, like the governors of the provinciae populi Romani, had one or three legati as their assistants. (Strabo, iii. p. 352; compare Dig. 1. tit. 18. s. 7; Tacit. *Ann.* xii. 59, *Agricol.* c. 7; Spanheim, *de Usu et praest. Numism.* ii. p. 595.)

During the latter period of the republic it had become customary for senators to obtain from the senate the permission to travel through or stay in any province at the expense of the provincials, merely for the purpose of managing and conducting their own personal affairs. There was no restraint as to the length of time the senators were allowed to avail themselves of this privilege, which was a heavy burden upon the provincials. This mode of sojourning in a province was called *legatio libera*, because those who availed themselves of it enjoyed all the privileges of a public legatus or ambassador, without having any of his duties to perform. At the time of Cicero the privilege of legatio libera was abused to a very great extent. Cicero, therefore, in his consulship endeavoured to put an end to it, but owing to the opposition of a tribune, he only succeeded in limiting the time of its duration to one year. (Cic. *de Leg.* iii. 8, *de Leg. Agr.* i. 3, *pro Flacc.* 34, *Philip.* i. 2.) Julius Caesar afterwards extended the time during which a senator might avail himself of legatio libera to five years (Cic. *ad Att.* xv. 11), and this law of Caesar (Lex Julia) seems to have remained in force down to a very late period. (Suet. *Tiber.* 31; Dig. 50. tit. 7. s. 14.) [L. S.]

LEGES. [Lex.]

LE'GIO. [Exercitus.]

LEGIS ACTIO. [Actio.]

LEGIS AQUI'LIAE ACTIO. [Damni Injuria Actio.]

LEGI'TIMA ACTIO. [Actio.]

LEGI'TIMA HERE'DITAS. [Heres.]

LEIPOMARTYRIOU DIKE (λειπομαρτυρίου δίκη). [Martyria.]

LEIPONAUTIOU GRAPHE (λειποναυτίου γραφή). The indictment for desertion from the fleet was preferred before the tribunal of the strategi; and the court which under their superintendence sat for the trial of this and similar military offences was composed of citizens who had been engaged in the expedition in question. (Meier, *Att. Proc.* pp. 108, 133.) The penalty upon conviction seems to have been a fine, and the complete disfranchisement of the offender and his descendants. (Petit. *Leg. Att.* pp. 401, 667.) [J. S. M.]

LEIPOSTRATIOU GRAPHE (λειποστρατίου γραφή). The circumstances of the trial for desertion from the army and the penalties inflicted upon conviction were the same as in the case of desertion from the fleet [Leiponautiou Graphe], and the offence was also punishable by an eisangelia, which, Heraldus suggests, would be frequently adopted when the accuser was solicitous to impose silence upon a political opponent by procuring his disfranchisement, as this was a necessary consequence of judgment being given against the defendant, and prevented his speaking or appearing in public. The eisangelia in such case would be preferred before the assembly of the people, by which, if reasonable cause appeared, it would be submitted to the decision of one of the ordinary legal tribunals. (Herald. *Animad. in Salmas.* p. 242.) [J. S. M.]

LEIPOTAXIOU GRAPHE (λειποταξίου γραφή). [Astrateias Graphe.]

LEITU'RGIA (λειτουργία, from λεῖτον, Ion. λήϊτον, *i. e.* δημόσιον, or, according to others, πρυτανεῖον), is the name of certain personal services which at Athens and in some other Greek republics, every citizen, who possessed a certain amount of property, had to perform towards the state. These personal services, which in all cases were connected with considerable expense, occur in the history of Attica as early as the time of the Peisistratids (Aristot. *Oeconom.* ii. 5), and were probably, if not introduced, at least sanctioned by the legislation of Solon. They were at first a natural consequence of the greater political privileges enjoyed by the wealthy, who, in return, had also to perform heavier duties towards the republic; but when the Athenian democracy was at its height, the original character of these liturgies became changed, for as every citizen now enjoyed the same rights and privileges as the wealthiest, they were simply a tax upon property connected with personal labour and exertion (τοῖς χρήμασι καὶ τῷ σώματι λειτουργεῖν). Notwithstanding this altered character of the liturgies, we scarcely ever find that complaints were made by persons subject to them; many wealthy Athenians, on the contrary, ruined their estates by their ambitious exertions, and by the desire to gain the favour of the people. (Xen. *de Rep. Ath.* i. 13; Demosth. *c. Euerget.* p. 1155; compare Lys. *pro bon. Alcib.* p. 646 and 657; Isocrat. *de Big.* 15; Aristot. *Polit.* v. 7. p. 173, ed. Göttling.) To do no more than the law required (ἀφοσιοῦσθαι, Isaeus, *de Apollod.* c. 38) was at Athens considered as a disgrace, and in some cases a wealthy Athenian, even when it was not his turn, would volunteer to perform a liturgy. (Demosth. *c. Mid.* p. 519, 566, &c.; compare Böckh, *Pub. Econ. of Athens*, p. 448, &c., 2d ed.)

All liturgies may be divided into two classes: 1. ordinary or encyclic liturgies (ἐγκύκλιοι λειτουργίαι, Demosth. *c. Lept.* p. 463), and 2. extraordinary liturgies. The former were called encyclic, because they recurred every year at certain festive seasons, and comprised the χορηγία, γυμνασιαρχία, λαμπαδαρχία, ἀρχιθεωρία, and ἑστίασις, which are all described in separate articles. [Choregus; Gymnasium; Lampadephoria; Theoria; Hestiasis.] Every Athenian who possessed three talents and above, was subject to them (Demosth. *c. Aphob.* p. 833; Isaeus, *de Pyrrh. hered.* c. 80), and they were undertaken in turns by the members of every tribe who possessed the property qualification just mentioned, unless some one volunteered to undertake a liturgy for another person. But the law did not allow any one to be compelled to undertake more than one liturgy at a time (Demosth. *c. Lept.* p. 462, *c. Polyclet.* p. 1209), and he who had in one year performed a liturgy, was free for the next (ἐνιαυτὸν διαλιπὼν ἕκαστος λειτουργεῖ, Demosth. *c. Lept.* p. 459), so that legally a person had to perform a liturgy only every other year. Those whose turn it was to undertake any of the ordinary liturgies, were always appointed by their own tribe (Demosth. *c. Mid.* pp. 510, 519), or in other words, by the ἐπιμεληταὶ τῶν φυλῶν (Tittmann, *Griech. Staatsv.* p. 296, &c.), and the tribe shared praise as well as blame with its λειτουργός.

The persons who were exempt from all kinds of liturgies were the nine archons, heiresses, and orphans until after the commencement of the second year of their coming of age. (Lysias, *c. Diogeit.* p. 908; Demosth. *de Symmor.* p. 182.) Sometimes the exemption from liturgies (ἀτελεία) was granted to persons for especial merits towards the republic. (Demosth. *c. Lept.* p. 466, &c.)

The only kind of extraordinary liturgy to which the name is properly applied, is the trierarchy (τριηραρχία); in the earlier times, however, the service in the armies was in reality no more than an extraordinary liturgy. [See Eisphora and Trierarchia.] In later times, during and after the Peloponnesian war, when the expenses of a liturgy were found too heavy for one person, we find that in many instances two persons combined to defray the expenses of a liturgy (συντελεία). Such was the case with the choregia and the trierarchy. (Hermann, *Polit. Ant.* § 161. n. 12 and 13.)

Liturgies in regard to the persons by whom they were performed were also divided into λειτουργίαι πολιτικαί, such as were incumbent upon citizens, and λειτουργίαι τῶν μετοίκων. (Demosth. c. *Lept.* p. 462.) The only liturgies which are mentioned as having been performed by the μέτοικοι, are the choregia at the festival of the Lenaea (Schol. *ad Aristoph. Plut.* 954), and the ἑστίασις (Ulpian, *ad Demosth Lept.* § 15), to which may be added the hydriaphoria and skiadephoria. [Hydriaphoria.]

That liturgies were not peculiar to Athens, has been shown by Böckh (*Pub. Econ.* &c. p. 299), for choregia and other liturgies are mentioned at Siphnos (Isocrat. *Aeginet.* c. 17); choregia in Aegina even before the Persian wars (Herod. v. 83); in Mytilene during the Peloponnesian war (Antiph. *de Caed. Herod.* p. 744); at Thebes in the time of Epaminondas (Plut. *Aristid.* 1); at Orchomenos, in Rhodes, and in several towns of Asia Minor. (Compare Wolf, *Prolegom. in Demosth. Lept.* p. lxxxvi. &c.; Wachsmuth, vol. ii. p. 92, &c.) [L. S.]

LEMBUS, a skiff or small boat, used for carrying a person from a ship to the shore. (Plaut. *Merc.* i. 2. 81, ii. 1. 35.) The name was also given to the light boats which were sent ahead of a fleet to obtain information of the enemy's movements. (Isidor. *Orig.* xix. 1; Liv. xxxi. 45, xlv. 10.) Pliny (*H. N.* vii. 56. s. 57) attributes their invention to the inhabitants of Cyrene.

LEMNISCUS (λημνίσκος). This word is said to have originally been used only by the Syracusans. (Hesych. *s. v.*) It signified a kind of coloured ribbon which hung down from crowns or diadems at the back part of the head. (Fest. *s. v.*) The earliest crowns are said to have consisted of wool, so that we have to conceive the lemniscus as a ribbon wound around the wool in such a manner that the two ends of the ribbon, where they met, were allowed to hang down. See the representations of the corona obsidionalis and civica in p. 359, where the lemnisci not only appear as a means to keep the little branches of the crowns together, but also serve as an ornament. From the remark of Servius (*ad Aen.* v. 269) it appears that coronae adorned with lemnisci were a greater distinction than those without them. This serves to explain an expression of Cicero (*palma lemniscata*, *pro Rosc. Am.* 35) where palma means a victory, and the epithet lemniscata indicates the contrary of infamis, and at the same time implies an honourable as well as lucrative victory. (Comp. Auson. *Epist.* xx. 5.)

It seems that lemnisci were also worn alone and without being connected with crowns, especially by ladies, as an ornament for the head. (Plin. *H.N.* xxi. 3.) To show honour and admiration for a person, flowers, garlands, and lemnisci were sometimes showered upon him while he walked in public. (Casaub. *ad Suet. Ner.* 25; Liv. xxxiii. 19.)

Lemnisci seem originally to have been made of wool, and afterwards of the finest kinds of bast (*philyrae*, Plin. *H. N.* xv. 14); but during the latter period of the republic the wealthy Crassus not only made the foliage or leaves of crowns of thin sheets of gold and silver, but the lemnisci likewise; and P. Claudius Pulcher embellished the metal lemnisci with works of art in relief and with inscriptions. (Plin. *H. N.* xxi. 3.)

The word lemniscus is used by medical writers in the signification of a kind of liniment applied to wounds. (Celsus, vii. 28; Veget. *de Re Veter.* ii. 14 and 48, iii. 18.) [L. S.]

LEMURA′LIA or LEMU′RIA, a festival for the souls of the departed, which was celebrated at Rome every year in the month of May. It was said to have been instituted by Romulus to appease the spirit of Remus whom he had slain (Ovid. *Fast.* v. 473, &c.), and to have been called originally Remuria. It was celebrated at night and in silence, and during three alternate days, that is, on the ninth, eleventh, and thirteenth of May. During this season the temples of the gods were closed, and it was thought unlucky for women to marry at this time and during the whole month of May, and those who ventured to marry were believed to die soon after, whence the proverb, *mense Maio malae nubent.* Those who celebrated the Lemuralia, walked barefooted, washed their hands three times, and threw nine times black beans behind their backs, believing by this ceremony to secure themselves against the Lemures. (Varro, *Vita pop. Rom. Fragm.* p. 241, ed. Bipont; Servius, *ad Aen.* i. 276.) As regards the solemnities on each of the three days, we only know that on the second there were games in the circus in honour of Mars (Ovid. *Fast.* v. 597), and that on the third day the images of the thirty Argei, made of rushes, were thrown from the pons sublicius into the Tiber by the Vestal virgins. (Ovid. *Fast.* v. 621; Fest. *s. v. Depontani;* compare Argei.) On the same day there was a festival of the merchants (*festum mercatorum*, Ovid. *Fast.* v. 670, &c.), probably because on this day the temple of Mercury had been dedicated in the year 495 B.C. (Liv. ii. 21.) On this occasion the merchants offered up incense, and by means of a laurel-branch sprinkled themselves and their goods with water from the well of Mercury at the Porta Capena, hoping thereby to make their business prosper. [L. S.]

LEMURES. See *Dict. of Gr. and Rom. Biography and Mythology.*

LENAEA. [Dionysia, p. 411, b.]

LENO, LENOCI′NIUM. Lenocinium is defined by Ulpian (Dig. 3. tit. 2. s. 4) to be the keeping of female slaves for prostitution and the profits of it; and it was also lenocinium if gain was made in the like way by means of free women. Some lenones kept brothels (*lupanaria*) or open houses for prostitution. This trade was not forbidden, but the praetor's edict attached infamia to such persons [Infamia]. In the time of Caligula (Sueton. *Cal.* 40, and the notes in Burmann's ed.), a tax was laid on lenones. Theodosius and Valentinian endeavoured to prevent parents from prostituting their children and masters their female slaves by severe penalties; and they forbad the practice of lenocinium under pain of corporal punishment, and banishment from the city, and so forth. Justinian (Nov. 14) also attempted to put down all lenocinium by banishing lenones from the city, and by making the owners of houses, who allowed prostitution to be carried on in them, liable to forfeit the houses and to pay ten pounds of gold: those who by trickery or force got girls into their possession and gave them up to prostitution were punished with the "extreme penalties;" but it is not said what these extreme penalties were. This Novella contains curious matter.

The Lex Julia de Adulteriis defined the lenocinium which that lex prohibited (Dig. 48. tit. 5.

s. 2. § 2). It was lenocinium, if a husband allowed his wife to commit adultery in order to share the gain. The legislation of Justinian (Nov. 117. c. 9. § 3) allowed a wife a divorce, if her husband had attempted to make her prostitute herself; and the woman could recover the dos and the donatio propter nuptias. It was lenocinium in the husband if he kept or took back (comp. Sueton. *Domit.* 8) a wife whom he had detected in an act of adultery; or if he let the adulterer who was detected in the act, escape; or if he did not prosecute him.

With respect to other persons than the husband, it was lenocinium by the lex Julia, if a man married a woman who was condemned for adultery; if a person who had detected others in adultery, held his peace for a sum of money; if a man commenced a prosecution for adultery and discontinued it; and if a person lent his house or chamber for adulterium or stuprum. In all these cases, the penalty of the lex Julia was the same as for adulterium and stuprum. The lex in this as in other like instances of leges, was the groundwork of all subsequent legislation on lenocinium. Probably no part of the lex Julia de adulteriis was formally repealed, but it received additions, and the penalties were increased. (Rein, *Criminalrecht der Römer*, p. 883.) As to the uses of the words Leno, Lenocinium, in the classical writers, see the passages cited in Facciolati, *Lex.* [G. L.]

LENUS (*ληνός*). [Torcular.]

LEONIDEIA (*λεονιδεῖα*), were solemnities celebrated every year at Sparta in honour of Leonidas, who, with his 300 Spartans, had fallen at Thermopylae. Opposite the theatre at Sparta there were two sepulchral monuments, one of Pausanias and another of Leonidas, and here a funeral oration was spoken every year, and a contest was held, in which none but Spartans were allowed to take part. (Paus. iii. 14. § 1.) [L. S.]

LEPTON. [Chalcous; Obolos.]

LEPTURGI (*λεπτουργοί*), a class of artificers, respecting whom there is some doubt. They are commonly supposed to be carvers of fine work in wood; but, on the authority of two passages (Plut. *Aemil. Paul.* 37; Diod. xvii. 115), in the former of which *τορεύειν καὶ λεπτουργεῖν* are mentioned together, Raoul-Rochette supposes that the *Lepturgi* were those who beat out gold and silver in thin leaves to cover statues and furniture; and that they corresponded to the *Bractearii Artifices* among the Romans. (*Lettre à M. Schorn*, pp. 189, 191.) [P. S.]

LE'RIA. [Limbus; Tunica.]

LERNAEA (*λερναῖα*), were mysteries (*τελετή*) celebrated at Lerna in Argolis, in honour of Demeter. (Paus. ii. 36. § 7.) They were said to have been instituted by Philammon. (Paus. ii. 37. § 3.) In ancient times the Argives carried the fire from the temple of Artemis Pyronia, on Mount Crathis, to the Lernaea. (Paus. viii. 15. § 4.) These mysteries were probably a remnant of the ancient religion of the Pelasgians, but further particulars are not known. [L. S.]

LESCHE (*λέσχη*), is an Ionic word, signifying *council* or *conversation*, and *a place for council or conversation*. There is frequent mention of places of public resort, in the Greek cities, by the name of *λέσχαι*, some set apart for the purpose, and others so called because they were so used by loungers; to the latter class belong the agora and its porticoes, the gymnasia, and the shops of various tradesmen, especially those of the smiths, which were frequented in winter on account of their warmth, and in which, for the same reason, the poor sought shelter for the night. (Hom. *Od.* xviii. 329; Hes. *Op.* 491, 499.) In these passages, however, in which are the earliest examples of the use of the word, it seems to refer to places distinct from the smiths' workshops, though resorted to in the same manner; and we may gather from the grammarians, that there were in the Greek cities numerous small buildings or porticoes, furnished with seats, and exposed to the sun, to which the idle resorted to enjoy conversation, and the poor to obtain warmth and shelter, and which were called *λέσχαι*: at Athens alone there were 360 such. (Eustath. *ad Hom. l. c.*; Proclus, *ad Hes. l. c.*; Hesych., Etym. Mag., *s. v.*; Kühn, *ad Ael. V. H.* ii. 34.) Suidas, referring to the passage in Hesiod, explains *λέσχη* by *κάμινος*.

By Aeschylus (*Eum.* 366) and Sophocles (*Ant.* 160) the word is used for a solemn council; but elsewhere the same writers, as well as Herodotus, employ it to signify common conversation.

In the Dorian states the word retained the meaning of a place of meeting for deliberation and intercourse, a council-chamber or club-room. At Sparta every *phyle* had its *lesche*, in which and in the gymnasium the elders passed the greater part of the day in serious and sportive conversation, and in which the new-born children were presented for the decision of the elders as to whether they should be brought up or destroyed. (Plut. *Lyc.* 16, 25; Müller, *Dor.* iii. 10. § 2, iv. 9. § 1.) Some of these Spartan *leschae* seem to have been halls of some architectural pretensions: Pausanias mentions two of them, the *λέσχη Κροτανῶν*, and the *λέσχη ποικίλη* (iii. 14. § 2, 15. § 8). They were also used for other purposes. (Ath. iv. p. 138, e.)

There were generally chambers for council and conversation, called by this name, attached to the temples of Apollo, one of whose epithets was *Λεσχηνόριος* (Harpocrat. *s. v.*; Plut. *de* EI *ap. Delph.* p. 385, b.; Müller, *Dor.* ii. 2. § 15, note). Of such *leschae* the chief was that which was erected at Delphi by the Cnidians, and which was celebrated throughout Greece, even less for its own magnificence, than for the paintings with which it was adorned by Polygnotus. (Paus. x. 25; Böttiger, *Archäol. d. Malerei*, p. 296, &c.; *Dict. of Biog. s. v. Polygnotus.*) [P. S.]

LEUCA or LEUGA. [Pes.]

LEX. Lex is defined by Papinian (Dig. 1. tit. 3. s. 1): — "Lex est commune praeceptum, virorum prudentium consultum, delictorum, quae sponte vel ignorantia contrahuntur, coercitio, communis reipublicae sponsio." Cicero (*de Leg.* i. 6) defines it thus: — "Quae scripto sancit quod vult, aut jubendo, aut vetando." (See also *de Leg.* ii. 16.) A Law is properly a rule or command of the sovereign power in a state, published in writing, and addressed to and enforced upon the members of such state; and this is the proper sense of Lex in the Roman writers.

In the Institutes (1. tit. 2. s. 4) there is a definition of a Lex, which has a more direct reference to that power which is the source of law: — "Lex est quod Populus Romanus senatorio magistratu interrogante, veluti Consule, constituebat." The definition of Capito (Gell. x. 20) is "Generale jussum populi aut plebis rogante magistratu;"

but this definition, as Gellius observes, will not apply to such cases as the Lex about the Imperium of Pompeius, or that about the return of Cicero, which related only to individuals, and were properly called Privilegia.

Of Roman Leges, viewed with reference to the mode of enactment, there were properly two kinds, Leges Curiatae and Leges Centuriatae. Plebiscita are improperly called Leges, though they were Laws, and in the course of time had the same effect as Leges.

Originally the Leges Curiatae were the only Leges, and they were passed by the populus in the Comitia Curiata. After the establishment of the Comitia Centuriata, the Comitia Curiata fell almost into disuse; but so long as the Republic lasted, and even under Augustus, a shadow of the old constitution was preserved in the formal conferring of the Imperium by a Lex Curiata only, and in the ceremony of adrogation being effected only in these Comitia. [Adoptio.]

Those Leges, properly so called, with which we are acquainted, were passed in the Comitia Centuriata, and were proposed (*rogabantur*) by a magistratus of senatorial rank. Such a Lex was also designated by the name *Populi Scitum*. (Festus, *s. v. Scitum Pop.*) As to the functions of the Senate in legislation, see Auctor and Senatus.

A Plebiscitum was a law made in the Comitia Tributa, on the rogation of a Tribune: "Plebiscitum est quod plebs plebeio magistratu interrogante, veluti Tribuno, constituebat." (Inst. 1. tit. 2. s. 4.) "Accordingly," says Gaius (i. 3), "formerly the patricii used to say that they were not bound by Plebiscita, because they were made without their sanction (*sine auctoritate eorum*); but afterwards the Lex Hortensia was carried (B. C. 288), which provided that Plebiscita should bind the whole populus (in the larger sense of the word), and thus they were made of equal force with Leges." (Liv. viii. 12; Gell. xv. 27; Leges Publiliae.)

When the Comitia Tributa were put on the same footing as the Centuriata, the name Lex was applied also to Plebiscita, and thus Lex became a generic term, to which was sometimes added the specific designation, as Lex Plebeivescitum, Lex sive Plebiscitum est [Plebiscitum].

Cicero, in his enumeration of the sources of Roman law (*Top.* 5), does not mention Plebiscita, which he undoubtedly comprehended under "leges." Various Plebiscita are quoted as leges, such as the Lex Falcidia (Gaius, ii. 227) and Lex Aquilia. (Cic. *pro Tullio*, 8. 11.) In the Table of Heraclea the words "lege plebisvescito" appear to refer to the same enactment; and in the Lex Rubria there occurs the phrase "ex lege Rubria sive id plebiscitum est." (Savigny, *Zeitschrift*, &c. vol. ix. p. 355.)

The word Rogatio (from the verb *rogo*) properly means any measure proposed to the legislative body, and therefore is equally applicable to a proposed Lex and a proposed Plebiscitum. Accordingly there occur the expressions "populum rogare," to propose a lex to the populus; and "legem rogare," to propose a lex. (Festus, *s. v. Rogatio.*) A Rogatio then is properly a proposed lex or a proposed plebiscitum. The terms Rogare, Rogatio also apply to a person being proposed for a magistratus at the Comitia. (Sall. *Jug.* 29.) The form of a Rogatio, in the case of Adrogatio, which was effected at the Comitia Curiata (*per populi rogationem*), is preserved by Gellius (v. 19): it begins with the words "Velitis, jubeatis, &c.," and ends with the words "ita vos Quirites rogo." The corresponding expression of assent to the Rogatio on the part of the sovereign assembly was, Uti Rogas. The rejection of a Rogatio is expressed by Antiquare Rogationem. (Liv. xxxi. 6.) The term Rogatio therefore included every proposed Lex, Plebiscitum, and Privilegium, for without a Rogatio there could be no command (*jussum*) of the Populus or Plebs. But the words Lex, Plebiscitum, and Privilegium were often improperly used to express laws (Gell. x. 20); and Rogationes, after they had become laws, were still sometimes called Rogationes. The term Rogationes is often applied to measures proposed by the Tribunes, and afterwards made Plebiscita: hence some writers (improperly) view Rogatio as simply equivalent to Plebiscitum. Besides the phrase "rogare legem," there are the phrases "legem ferre," to propose a Lex, and "rogationem promulgare," to give public notice of the contents of a Lex which it was intended to propose; the phrase "rogationem accipere" applies to the enacting body. "Lex Rogata" is equivalent to "Lex Lata." Legem perferre and Lex perlata apply to a Rogatio when it has become a Lex. (Dig. 35. tit. 2. s. 1. *Ad legem Falcidiam.*) The terms relating to legislation are thus explained by Ulpian (tit. 1. s. 3): — "A Lex is said either *rogari* or *ferri*; it is said *abrogari*, when it is repealed; it is said *derogari*, when a part is repealed; it is said *subrogari*, when some addition is made to it; and it is said *obrogari*, when some part of it is changed." A subsequent lex repealed or altered a prior lex which was inconsistent with it. It appears to have been also a principle among the Romans that a Law by long desuetude became of no effect. (Comp. Liv. xxi. 63, and Cic. *in Verr.* v. 18.)

As to their form, we can judge of the Roman style of legislation by the fragments which exist. The Romans seem to have always adhered to the old expressions, and to have used few superfluous words. Great care was taken with such clauses as were proposed to alter a former lex, and great care was also used to avoid all interference with a former lex, when no change in it was intended. The Leges were often divided into chapters (capita). (See the tablet of the Lex de Gallia Cisalpina; and Cic. *ad Att.* iii. 23.) The Lex was cut on bronze (aes) and deposited on the Aerarium. (Sueton. *Caes.* 28; Plutarch, *Cat. Min.* 17.) Probably the fixing of a Lex in a public place was generally only for a time. (Cic. *ad Att.* xiv. 12.) The title of the lex was generally derived from the gentile name of the magistratus who proposed it, as the Lex Hortensia from the dictator Hortensius. Sometimes the lex took its name from the two consuls or other magistrates, as the Acilia Calpurnia, Aelia or Aelia Sentia, Papia or Papia Poppaea, and others. It seems to have been the fashion to omit the word *et* between the two names, though instances occur in which it was used. [Julia Lex et Titia.] A lex was also often designated, with reference to its object, as the Lex Cincia de Donis et Muneribus, Lex Furia Testamentaria, Lex Julia Municipalis, and many others. Leges which related to a common object, were often designated by a collective name, as Leges Agrariae, Judiciariae, and others. Sometimes a chapter of a lex was referred to under the title of the lex, with the addition of a reference to the contents of the chapter, as Lex Julia de Fundo Dotali, which was a chapter of the Lex Julia de Adulteriis. A lex sometimes took its name from the chief contents or its first chapter, as Lex Julia de Maritandis Ordinibus. Sometimes a lex comprised very various provisions, relating to matters essentially different, and in that case it was called Lex Satura. [Lex Caecilia Didia, Lex Julia Municipalis.]

The terms in which a Lex was expressed were fixed by the person who proposed it; but in many cases probably he would require the assistance of some person who was acquainted with technical language. A Lex was proposed to the Comitia in its entire form for acceptance or rejection: there was no discussion on the clauses, and no alteration of them in the Comitia, and indeed discussion of details and alteration were impossible. The Sanctio of a Lex (*Rhet. ad Herenn.* ii. 10; Papinian, Dig. 48. tit. 19. s. 41) made a Lex which the Romans call Perfecta. In a Lex Perfecta, the act which is done contrary to the provisions of the Lex, is declared by the Lex to be null. If a Lex did not contain this Sanctio, it was called Imperfecta. A Lex was called minus quam perfecta, when the act which was done contrary to its provisions was not declared null, but the Lex imposed a penalty. (Savigny, *System*, &c. vol. iv. p. 549, &c.) This division of Leges into Perfectae, &c. is obviously only applicable to such Leges as referred to what the Romans called the department of Privatum Jus.

The number of Leges was greatly increased in the later part of the republican period (Tacit. *Ann.* iii. 25—28), and Julius Caesar is said to have contemplated a revision of the whole body. Under him and Augustus numerous enactments were passed, which are known under the general name of Juliae Leges. [Juliae Leges.] It is often stated that no Leges, properly so called, or Plebiscita, were passed after the time of Augustus; but this is a mistake. Though the voting might be a mere form, still the form was kept; and if this were not so, the passage of Gaius (i. 2, &c.), in which he speaks of leges and plebiscita as forms of legislation still in use, would not be correct. Besides, various leges are mentioned as having been passed under the Empire, such as the Lex Visellia, a Lex Agraria under Caligula, and a Lex Claudia on the tutela of women. (Gaius, i. 157, 171.) It does not appear when the ancient forms of legislation were laid aside, but they certainly long survived the popular elections to which alone the passage of Tacitus (*Ann.* i. 15) refers.

In the Digest a Senatusconsultum is sometimes referred to as a Lex (14. tit. 6. s. 9. § 4; s. 14); in which there was no great impropriety if we have regard to the time, for Senatusconsulta were then laws. Still a Senatusconsultum, properly so called, must not be confounded with a Lex properly so called; and there is no reason for supposing that the Lex Claudia of Gaius was a Senatusconsultum, for when he speaks of a Senatusconsultum of the time of Claudius, he calls it such (i. 84, 91). However there is no mention of any Lex being enacted later than the time of Nerva. (Dig. 47. tit. 21. s. 3. § 1.)

It remains further to explain the words Rogatio and Privilegium.

Rogatio is defined by Festus to be, a command of the Populus relating to one or more persons, but not to all persons; or relating to one or more things, but not to all. That which the Populus has commanded (*scivit*) with respect to all persons or things is a Lex; and Aelius Gallus says, Rogatio is a genus legis; that which is Lex is not consequently (*continuo*) Rogatio; but Rogatio must be Lex, if it has been proposed (*rogata*) at legal comitia (*justis comitiis*). According to this definition a rogatio, when enacted, is Lex; there is also Lex which is not rogatio: therefore we must assume a general name Lex, comprehending Lex Proper and Rogatio. The passage of Aelius Gallus is *emended* by Goettling (*Geschichte der Röm. Staatsv.* &c. p. 310); but his emendation is founded on mistaking the sense of the passage, and it converts the clear meaning of Gallus into nonsense. According to the definition of Gallus, Rogatio was equivalent to Privilegium, a term which occurred in the Twelve Tables (Cic. *de Leg.* iii. 19); and it signified, according to Gallus (Festus, *s. v. Rogatio*) an enactment that had for its object a single person, which is indicated by the form of the word (*privi-legium*), "privae res" being the same as "singulae res." The word privilegium, according to the explanation of Gallus, did not convey any notion of the character of the legislative measures: it might be beneficial to the party to whom it referred, or it might not. It is generally used by Cicero in the unfavourable sense (*pro Domo*, 17; *pro Sestio*, 30; *rogationem privilegii similem*, *Brut.* 23). Accordingly in the Republican period Privilegia were not general Laws or parts of the general Law: they bear the character of an exception to the general rule. In the Corpus Juris Privilegium is the common name for a Jus Singulare, the meaning of which is explained by Savigny (*System*, &c. i. p. 61).

The meaning of Lex, as contrasted with Jus, is stated in the article Jus.

Some other significations of Lex, which are not its proper significations, are easily explained; for instance, Lex is used to express the terms or conditions of a contract, apparently with reference to the binding force of all legal contracts. In English instruments which contain covenants, it is often expressed that it shall be "lawful" for one or more of the parties to do a certain act, by which is simply meant that the parties agree about something, which is legal, and which therefore makes a valid agreement. The work of Marcus Manilius (Cos. B. C. 149) on sales is quoted by Cicero (*de Or.* i. 58) as "Manilianas venalium vendendorum leges." (See Dig. 18. tit. 1. s. 40, where Lex means conditions of sale.) Accordingly we find the expression Leges Censoriae to express the conditions on which the censors let the public property to farm; and perhaps the term also signified certain standing regulations for such matters, which the censors were empowered to make. (*Frag. de jure Fisci*, s. 18; Dig. 50. tit. 16. s. 203.) In both the cases just referred to, the phrase Lex Censoria is used (in the singular number); and this Lex, whether a Law proper or not, seems to have been divided into chapters.

Lex simply sometimes signifies the laws of the Twelve Tables.

The extant authorities for the Roman Leges are the works of the classical Roman writers, of the Roman Jurists, and inscriptions. The most useful modern collection is that in the Onomasticon of Orellius, intitled "Index Legum Romanarum quarum apud Ciceronem, ejusque Scholiastas, item apud Livium, Velleium Paterculum, A. Gellium nominatim mentio fit." There are also extant fragments of several laws on bronze tablets, such as the Lex Thoria, which is a Lex Agraria, and is cut on the back of the same tablet which contains the Lex Servilia; the Lex Rubria; and some few other monuments.

The following is a list of the principal Leges:—

ACI'LIA De Coloniis Deducendis (Liv. xxxii. 29).

ACI'LIA. [Repetundae.]

ACI'LIA CALPU'RNIA. [Ambitus.]

AEBU'TIA, of uncertain date, which with two Juliae Leges put an end to the Legis Actiones, except in certain cases. [Judex; Actio.]

Another Lex of the same name prohibited the proposer of a lex, which created any office or power (*curatio ac potestas*), from having such office or power, and even excluded his collegae, cognati and affines. (Cic. *in Rull.* ii. 8, where he mentions also a Lex Licinia, and in the *pro Domo*, 20.)

AE'LIA. This Lex and a Fufia Lex passed about the end of the sixth century of the city, gave to all the magistrates the obnunciatio or power of preventing or dissolving the comitia, by observing the omens and declaring them to be unfavourable. (Cic. *Phil.* ii. 32, *pro Sestio*, 15, *ad Att.* ii. 9.)

There is some difficulty in stating the precise nature of these two Leges; for it is most probable that there were two. The passages in which they are mentioned are collected in Orellii Onomasticon, Index Legum.

AE'LIA De Coloniis Deducendis. (Liv. xxxiv. 53.)

AE'LIA SE'NTIA. This law which was passed in the time of Augustus (about A. D. 3), chiefly regulated the manumission of slaves; a matter that has been put under certain restrictions in modern slave states also.

By one provision of this law slaves who had been put in chains by their masters as a punishment, or branded, or subjected to the other punishments mentioned in the law (Gaius, i. 13), if they were afterwards manumitted either by the same master or another, did not become Roman citizens or even Latini, but were in the class of Peregrini dediticii. [Dediticii.] The law also made regulations as to the age of slaves who might be manumitted. It enacted that slaves under thirty years of age who were manumitted, only became Roman citizens when they were manumitted by the Vindicta, and after a legal cause for manumission had been established before a consilium. What was a legal cause (causa justa), and how the consilium was constituted, are explained by Gaius (i. 19, 20). These consilia for the manumission of slaves were held at stated times in the provinces, and in Rome. A slave under thirty years of age could become a Roman citizen if he was made free and heres by the testament of a master, who was not solvent. (Gaius, i. 21.) The law also contained provisions by which those who were under thirty years of age at the time of manumission, and had become Latini in consequence of manumission, might acquire the Roman citizenship on certain conditions, which were these. They must have taken to wife a Roman citizen, or a Latina coloniaria or a woman of the same class as themselves, and must have had as evidence of that fact the presence of five Roman citizens of full age, and have begotten a son who had attained the age of one year. On showing these facts to the praetor at Rome, or to the governor in a province, and the magistrate declaring that the facts were proved, the man, his wife, and his child became Roman citizens. If the father died before he had proved his case before the magistrate, the mother could do it, and the legal effect was the same.

If a man manumitted his slave to defraud his creditors, or to defraud a patron of his patronal rights, the act of manumission was made invalid by this law. A person under the age of twenty years was also prevented from manumitting any slave, except by the process of Vindicta, and after establishing a legal cause before a consilium. The consequence was that though a male, who had completed his fourteenth year, could make a will, he could not by his will manumit a slave (Gaius, i. 37—40). A male under the age of twenty could manumit his slave so as to make him a Latinus, but this also required a legal cause to be affirmed by a consilium. The provisions of the Lex Aelia Sentia, as to manumitting slaves for the purpose of defrauding creditors, did not apply to Peregrini, until the provision was extended for their benefit by a Sctum in the time of Hadrian. The other provisions of the Lex did not apply to Peregrini. The application of the principles of the Law is shown in other passages of Gaius (i. 66, 68, 70, 71, 80, 139, iii. 5, 73, 74). In a free state, when manumission must change the condition of slaves into that of citizens, the importance of limiting and regulating the manumitting power is obvious. Under the later Empire such regulations would be of little importance. This law was passed according to the constitutional forms in the time of Augustus, when the status of a Civis had not yet lost its value, and the semblance of the old constitution still existed (Ulpian, *Frag.* tit. i.; Dig. 28. tit. 5. s. 57, 60; 38, tit. 2. s. 33; Tacit. *Annal.* xv. 55.)

AEMI'LIA de Censoribus. A Lex passed in the Dictatorship of Mamercus Aemilius (B. C. 433), by which the Censors were elected for a year and a half, instead of a whole lustrum. (Liv. iv. 24, ix. 33.) After this Lex they had accordingly only a year and a half allowed them for holding the census and letting out the public works to farm.

AEMI'LIA BAE'BIA. [Cornelia Baebia.]

AEMI'LIA LE'PIDI, AEMI'LIA SCAURI. [Sumtuariae Leges.]

AGRA'RIAE. [Agrariae Leges; and Lex Apuleia; Cassia; Cornelia; Flaminia; Flavia; Julia; Licinia; Mamilia; Sempronia; Servilia; Thoria.]

A'MBITUS. [Ambitus.]

A'MPIA, a Lex proposed by T. Ampius and T. Labienus, tr. pl. B. C. 64, by which Cn. Pompeius was allowed to wear a crown of bay at the Ludi Circenses, and the like. (Vell. Pat. ii. 40; Dion Cass. xxxvii. 21.)

ANNA'LES LEGES were those Leges which determined at what age a man might be a candidate for the several magistratus. (Cic. *Philipp.* v. 17.)

The first Lex which particularly determined the age at which a man might be a candidate for the several magistratus was the Villia. It was proposed by L. Villius, tr. pl. B. C. 180 (Liv. xxv. 2, xl. 44.) According to this Lex a man might be elected quaestor at the age of thirty-one, and consul at forty-three. [Villia.]

There seems to have been also a Lex Pinaria on this subject. (Cic. *de Orat.* ii. 65.)

A'NTIA. [Sumtuariae Leges.]

ANTO'NIA de Thermensibus, about B. C. 72, by which Thermessus in Pisidia was recognised as Libera. (Puchta, *Inst.* vol. i. § 69; Dirksen, *Bemerkungen über das Plebiscitum de Thermensibus.*)

ANTO'NIAE, the name of various enactments proposed or passed by the influence of M. Antonius, after the death of the Dictator J. Caesar, such as the Judiciaria. [Judex. p. 650, a.] Another lex that was promulgated allowed an appeal to the populus after conviction for Vis or Majestas. (Cic. *Phil.* i. 9.) Various other measures proposed by M. Antonius are mentioned by Cicero (*Phil.* i. 1, ii. 43, v. 3, 5), Dion Cassius (xliv. 51, xlv. 9, 20, 25, 34, xlvi. 23, 24), and Appian (*Bell. Civ.* iii. 27, 30.)

APULE'IA, gave a surety an action against his co-sureties for whatever he had paid above his share. [Intercessio.]

APULE'IA AGRA'RIA, proposed by the tribune L. Apuleius Saturninus, B. C. 101. (Liv. *Epit.* 69; Appian, *Bell. Civ.* i. 29; Cic. *pro Sestio*, 16, 47.)

APULE'IA De Coloniis Deducendis (Cic. *pro Balbo*, 21).

APULE'IA FRUMENTAR'IA, proposed about the same time by the same tribune. (Auct. *ad Herenn.* i. 12.) [Frumentariae Leges.]

APULE'IA MAJESTA'TIS. [Majestas.]

AQUI'LIA [Damni Injuria Actio.]

ATE'RNIA TARPE'IA, B. C. 455. This Lex empowered all magistratus to fine persons who resisted their authority; but it fixed the highest fine at two sheep and thirty oxen, or two oxen and thirty sheep, for the authorities vary in this. (Cic. *de Rep.* ii. 35; Dionys. x. 50; Gell. xi. 1; Festus, *s. vv. Multam*, *Ovibus*, *Peculatus*, Niebuhr, *Hist. of Rome*, vol. ii. p. 300.)

A'TIA DE SACERDO'TIIS (B. C. 63), proposed by the tribune T. Atius Labienus, repealed the Lex Cornelia de Sacerdotiis. (Dion Cass. xxxvii. 37.)

ATI'LIA MA'RCIA, enacted B. C. 312, empowered the populus to elect sixteen tribuni militum for each of four legions. (Liv. ix. 30.)

ATI'LIA. [Julia Lex et Titia; Tutor.]

ATI'NIA, allowed no usucapion in a stolen thing. (Gell. xvii. 7; Instit. 2. tit. 6. s. 2.) [Furtum.]

ATI'NIA, of uncertain date, was a plebiscitum which gave the rank of senator to a tribune. (Gell. xiv. 8.) The measure probably originated with C. Atinius, who was tribune B. C. 130. (Plin. *H. N.* vii. 45; Cic. *pro Domo*, 47.)

AUFI'DIA. [Ambitus; Senatusconsultum.]

AURE'LIA JUDICIA'RIA. [Judex, p. 650, a.]

AURE'LIA TRIBUNICIA. [Tribuni.]

BAE'BIA (B. C. 192), which enacted that four praetors and six praetors should be chosen in alternate years (Liv. xl. 44); but the law was not observed. (Meyer, *Orator. Roman. Fragm.* p. 90, 2nd ed.)

BAE'BIA CORNE'LIA. [Ambitus.]

CAECI'LIA DE CENSO'RIBUS or CENSO'RIA (B. C. 54), proposed by Metellus Scipio, repealed a Clodia Lex (B. C. 58), which had prescribed certain regular forms of proceeding for the Censors in exercising their functions as inspectors of Mores, and had required the concurrence of both Censors to inflict the nota censoria. When a senator had been already convicted before an ordinary court, the lex permitted the Censors to remove him from the senate in a summary way. (Dion Cass. xl. 57, xxxviii. 13; Cic. *pro Sestio*, 25; Dig. 50. tit. 16. s. 203. *De Portorio.*)

CAECI'LIA DE VECTIGA'LIBUS (B. C. 62), released lands and harbours in Italy from the payment of taxes and dues (*portoria*). The only vectigal remaining after the passing of this lex was the Vicesima. (Dion Cass. xxxvii. 51; Cic. *ad Att.* ii. 16, *ad Quint.* i. 10.)

CAECI'LIA DI'DIA (B. C. 98), forbade the proposing of a Lex Satura, on the ground that the people might be compelled either to vote for something which they did not approve, or to reject something which they did approve, if it was proposed to them in this manner. This lex was not always operative. It also contained a provision that Leges must be promulgated "trinis nundinis" before they were proposed. (Cic. *Phil.* v. 3, *pro Domo*, 16, 20, *ad Att.* ii. 9.) [Lex and Licinia Junia.]

CAECI'LIA De P. Sulla et P. Autronio (Orellii Onomasticon).

CAE'LIA TABELLA'RIA. [Tabellariae Leges.]

CALI'GULAE LEX AGRA'RIA. [Mamilia.]

CALPU'RNIA DE A'MBITU. [Ambitus.]

CALPU'RNIA DE CONDICTIO'NE. [Per Condictionem.]

CALPU'RNIA DE REPETUNDIS. [Repetundae.]

CANULE'IA (B. C. 445), established connubium between the Patres and Plebs, which had been taken away by the law of the Twelve Tables. (Liv. iv. 1, 4; Cic. *de Rep.* ii. 37.)

CA'SSIA (B. C. 104), proposed by the tribune L. Cassius Longinus, did not allow a person to remain a senator who had been convicted in a Judicium Populi, or whose Imperium had been abrogated by the populus. (Ascon. *in Cic. Cornel.* p. 78, ed. Orelli.)

CA'SSIA (Tacit. *Ann.* xi. 25), which empowered the Dictator Caesar to add to the number of the Patricii, to prevent their extinction. (Compare Sueton. *Caes.* 41.) C. Octavius was made a patrician by this lex. (Sueton. *Aug.* 2.)

CA'SSIA AGRA'RIA, proposed by the consul Sp. Cassius, B. C. 486. (Liv. ii. 41; Dionys. viii. 76.)

CA'SSIA TABELLA'RIA. [Tabellariae Leges.]

CA'SSIA TERE'NTIA FRUMENTA'RIA (B. C. 73) for the distribution of corn among the poor citizens and the purchasing of it. (Cic. *Verr.* iii. 70, v. 21.) [Frumentariae Leges.]

CIN'CIA LEX, or MUNERA'LIS. This lex was a plebiscitum passed in the time of the tribune M. Cincius Alimentus (B. C. 204), and entitled *De Donis et Muneribus* (Cic. *de Orat.* ii. 71, *ad Att.* i. 20; Liv. xxxiv. 4.) One provision of this law, which forbade a person to take anything for his pains in pleading a cause, is recorded by Tacitus (*Ann.* xi. 5), *Ne quis ob causam orandam pecuniam* *donumve accipiat.* In the time of Augustus, the lex Cincia was confirmed by a senatusconsultum (Dion Cass. liv. 18), and a penalty of four times the sum received was imposed on the advocate. This fact of confirmation will explain a passage in Tacitus (*Ann.* xiii. 42). The law was so far modified in the time of Claudius, that an advocate was allowed to receive ten sestertia; if he took any sum beyond that, he was liable to be prosecuted for repetundae (*repetundarum tenebatur*, Tacit. *Ann.* xi. 7; see also Sueton. *Nero*, 17, and the note in Burmann's edition). [Repetundae.] It appears that this permission was so far restricted in Trajan's time, that the fee could not be paid till the work was done. (Plin. *Ep.* v. 21).

So far the Cincian law presents no difficulty; but it appears that the provisions of the law were not limited to the case already stated. They applied also to gifts in general: or, at least, there were enactments which did limit the amount of what a person could give, and also required gifts to be accompanied with certain formalities; and it does not seem possible to refer these enactments to any other than the Cincian law. The numerous contradictions and difficulties which perplex this subject, are perhaps satisfactorily reconciled and removed by the following conjecture of Savigny (*Ueber die Lex Cincia*, *Zeitschrift*, &c. iv.): — "Gifts which exceeded a certain amount were only valid when made by mancipatio, in jure cessio, or by tradition: small gifts consequently were left to a person's free choice as before; but large gifts (except in the case of near relations) were to be accompanied with certain formalities." The object of the law, according to Savigny, was to prevent foolish and hasty gifts to a large amount; and consequently was intended among other things to prevent fraud. This was effected by declaring that certain forms were necessary to make the gift valid, such as mancipatio and in jure cessio, both of which required some time and ceremony, and so allowed the giver opportunity to reflect on what he was doing. These forms also could not be observed, except in the presence of other persons, which was an additional security against fraud. It is true that this advantage was not secured by the law in the case of the most valuable things, *nec mancipi*, namely, money, for the transferring of which bare tradition was sufficient; but, on the other hand, a gift of a large sum of ready money is one that people of all gifts are least likely to make.

Savigny concludes, and principally from a passage in Pliny's letters (x. 3), that the Cincian law originally contained no exception in favour of relatives; but that all gifts above a certain amount required the formalities already mentioned. The emperor Antoninus Pius introduced an exception in favour of parents and children, and also of near collateral kinsmen. It appears that this exception was subsequently abolished (Cod. Hermog. vi. 1), but was restored by Constantine (A. D. 319) so far as it was in favour of parents and children; and so it continued as long as the provisions of the Cincian law were in force.

As to the amount beyond which the law forbade a gift to be made, except in conformity to its provisions, see Savigny, *Zeitschrift*, &c. iv. p. 36.

The matter of the lex Cincia is also discussed in an elaborate essay by Hasse (*Rheinisches Museum*, 1827), and it is discussed by Puchta, *Inst.* vol. ii. § 206. These examinations of the subject, together with the essay of Savigny, will furnish the reader with all the necessary references and materials for investigating this subject.

CLAU'DIA, a Lex passed in the time of the emperor Claudius, took away the agnatorum tutela in the case of women. (Gaius, i. 171.)

CLAU'DIA De Senatoribus, B. C. 218. The provisions of this Lex are stated by Livy (xxi. 63), and alluded to by Cicero (*in Verr.* v. 18) as antiquated and dead.

CLAU'DIA De Sociis, B. C. 177. (Liv. xli. 8, 9.)

CLAU'DIA De Senatu cooptando Halesinorum (Cic. *in Verr.* ii. 49).

CLO'DIAE, the name of various plebiscita, proposed by Clodius when tribune, B. C. 58.

Clodia de Auspiciis, prevented the magistratus from dissolving the Comitia Tributa, by declaring that the auspices were unfavourable. This lex therefore repealed the Aelia and Fufia. It also enacted that a lex might be passed on the Dies Fasti. (Dion Cass. xxxviii. 13; Cic. *in Vatin.* 17, *in Pison.* 4, 5.) [Aelia Lex.]

Clodia de Censoribus. [Caecilia.]

Clodia de Civibus Romanis Interemptis, to the effect that "qui civem Romanum indemnatum interemisset ei aqua et igni interdiceretur." (Vell. Pat. ii. 45.) It was in consequence of this lex that the interdict was pronounced against Cicero, who considers the whole proceeding as a privilegium. (*Pro Domo*, 18, &c., *Post Redit. in Sen.* 2. 5, &c.; Dion Cass. xxxviii. 14.)

Clodia Frumentaria, by which the corn, which had formerly been sold to the poor citizens at a low rate, was given. (Dion Cass. xxxviii. 13; Cic. *pro Domo*, 10.) [Frumentariae Leges.]

Clodia de Sodalitatibus or de Collegiis restored the Sodalitia which had been abolished by a senatusconsultum of the year B. C. 80, and permitted the formation of new sodalitia. (Cic. *in Pis.* 4, *pro Sest.* 25, *ad Att.* iii. 15; Dion Cass. xxxviii. 13.)

Clodia de Libertinorum Suffragiis (Cic. *pro Mil.* 12, 33).

Clodia de Rege Ptolemaeo et de exsulibus Byzantinis (Vell. Pat. ii. 45; Cic. *pro Dom.* 8, 20, *pro Sest.* 26; Dion Cass. xxxviii. 30; Plut. *Cat. Min.* 34).

There were other so-called Leges Clodiae, which were however Privilegia.

COE'LIA. [Caelia.]

COMMISSO'RIA LEX. [Commissoria Lex.]

CORNE'LIAE. Various leges passed in the dictatorship of Sulla and by his influence, are so called. (Liv. *Epit.* 89.)

Agraria, by which many of the inhabitants of Etruria and Latium were deprived of the complete civitas and retained only the commercium, and a large part of their lands were made Publicum and given to military colonists. (Cic. *in Rull.* ii. 28, iii. 2, 3.)

De Civitate. (Liv. *Epit.* 86; Cic. *pro Dom.* 30, *pro Caecin.* 33, 35; Sall. *Hist. Frag.* lib. 1. Orat. Lepidi.)

De Falsis. [Falsum.]

De Injuriis. [Injuria.]

Judiciaria. [Judex, p. 650, a.]

De Magistratibus (Appian, *Bell. Civ.* i. 100, 101), partly a renewal of old Plebiscita (Liv. vii. 42, x. 13).

Majestatis. [Majestas.]

NUMMARIA. [FALSUM.]

DE PROSCRIPTIONE ET PROSCRIPTIS. [PROSCRIPTIO.]

DE PROVINCIIS ORDINANDIS (Cic. *ad Fam.* i. 9, iii. 6, 8, 10).

DE PARRICIDIO. [See below, LEX DE SICARIIS.]

DE REJECTIONE JUDICUM (Cic. *Verr.* ii. 31; and Orellii *Onomasticon*).

DE REPETUNDIS (Cic. *pro Rabir.* 4).

DE SACERDOTIIS. [SACERDOTIA.]

DE SENTENTIA FERENDA (Cic. *pro Cluent.* cc. 20, 27). This was probably only a chapter in a Lex Judiciaria.

DE SICARIIS ET VENEFICIS. A law of the Twelve Tables contained some provision as to homicide (Plin. *H. N.* xviii. 3), but this is all that we know. It is generally assumed that the law of Numa Pompilius, quoted by Festus (*s. v. Parici Quaestores*), "Si quis hominem liberum dolo sciens morti duit paricida esto," was incorporated in the Twelve Tables, and is the law of homicide to which Pliny refers; but this cannot be proved. It is generally supposed that the laws of the Twelve Tables contained provisions against incantations (*malum carmen*) and poisoning, both of which offences were also included under parricidium: the murderer of a parent was sewed up in a sack (*culeus* or *culleus*) and thrown into a river. It was under the provisions of some old law that the senate by a consultum ordered the consuls P. Scipio and D. Brutus (B. C. 138) to inquire into the murder in the Silva Scantia (*Silva Sila*, Cic. *Brutus*, 22). The lex Cornelia de sicariis et veneficis was passed in the time of the dictator Sulla, B. C. 82. The lex contained provisions as to death or fire caused by dolus malus, and against persons going about armed with the intention of killing or thieving. The law not only provided for cases of poisoning, but contained provisions against those who made, sold, bought, possessed, or gave poison for the purpose of poisoning; also against a magistratus or senator who conspired in order that a person might be condemned in a judicium publicum, &c. (Compare Cic. *pro Cluent.* c. 54, with Dig. 49. tit. 8.) To the provisions of this law was subsequently added a senatusconsultum against mala sacrificia, otherwise called impia sacrificia, the agents in which were brought within the provisions of this lex. The punishment inflicted by the law was the interdictio aquae et ignis, according to some modern writers. Marcian (Dig. 49. tit. 8. s. 8) says that the punishment was deportatio in insulam et bonorum ademtio. These statements are reconcilable when we consider that the deportatio under the emperors took the place of the interdictio, and the expression in the Digest was suited to the times of the writers or the compilers. Besides, it appears that the lex was modified by various senatusconsulta and imperial rescripts.

The Lex Pompeia de Parricidiis, passed in the time of Cn. Pompeius, extended the crime of parricide to the killing (dolo malo) of a brother, sister, uncle, aunt, and many other relations enumerated by Marcianus (Dig. 49. tit. 9. s. 1); this enumeration also comprises vitricus, noverca, privignus, privigna, patronus, patrona, an avus who killed a nepos, and a mother who killed a filius or filia; but it did not extend to a father. All privies to the crime were also punished by the law, and attempts at the crime also came within its provisions. The punishment was the same as that affixed by the lex Cornelia de sicariis (Dig. *l. c.*), by which must be meant the same punishment that the lex Cornelia affixed to crimes of the same kind. He who killed a father or mother, grandfather or grandmother, was punished (more majorum) by being whipped till he bled, sewn up in a sack with a dog, cock, viper, and ape, and thrown into the sea, if the sea was at hand, and if not, by a constitution of Hadrian, he was exposed to wild beasts, or, in the time of Paulus, to be burnt. The ape would appear to be a late addition. The murderers of a father, mother, grandfather, grandmother only were punished in this manner (Modest. Dig. 49. tit. 9. s. 9); other parricides were simply put to death. From this it is clear that the lex Cornelia contained a provision against parricide, if we are rightly informed as to the provisions de sicariis et veneficis, unless there was a separate Cornelia lex de parricidiis. As already observed, the provisions of those two leges were modified in various ways under the emperors.

It appears from the law of Numa, quoted by Festus (*s. v. Parici Quaestores*), that a parricida was any one who killed another dolo malo. Cicero (*pro Rosc. Am.* c. 25) appears to use the word in its limited sense, as he speaks of the punishment of the culleus. In this limited sense there seems no impropriety in Catilina being called parricida, with reference to his country; and the day of the dictator Caesar's death might be called a parricidium, considering the circumstances under which the name was given. (Suet. *Caes.* c. 88.) If the original meaning of parricida be what Festus says, it may be doubted if the etymology of the word (pater and caedo) is correct; for it appears that paricida or parricida meant murderer generally, and afterwards the murderer of certain persons in a near relationship. If the word was originally patricida, the law intended to make all malicious killing as great an offence as parricide, though it would appear that parricide, properly so called, was, from the time of the Twelve Tables at least, specially punished with the culleus, and other murders were not. (Dig. 49. tit. 8, 9; Paulus, *Recept. Sentent.* v. tit. 24; Dirksen, *Uebersicht, &c. der Zwölftafelgesetze*, Leipzig.)

SUMTUARIAE. [SUMTUARIAE LEGES.]

TESTAMENTARIA. [FALSUM.]

TRIBUNICIA, which diminished the power of the Tribuni Plebis. (Vell. Pat. ii. 30; Appian, *Bell. Civ.* ii. 29; Caes. *Bell. Civ.* i. 7.)

UNCIARIA, appears to have been a lex which lowered the rate of interest, and to have been passed about the same time with the Leges Sumtuariae of Sulla. (Festus, *s. v. Unciaria.*)

DE VADIMONIO. [VADIMONIUM.]

DE VI PUBLICA. [VIS PUBLICA.]

There were other Leges Corneliae, such as that de Sponsoribus [INTERCESSIO], which may be Leges of L. Cornelius Sulla.

There were also Leges Corneliae which were proposed by the Tribune C. Cornelius about B. C. 67, and limited the Edictal power by compelling the Praetors Jus dicere ex edictis suis perpetuis. (Ascon. *in Cic. Cornel.* p. 58; Dion Cass. xxxvi. 23.) [EDICTUM.]

Another Lex of the same Tribune enacted that no one "legibus solveretur," unless such a measure was agreed on in a meeting of the Senate at which two hundred members were present and afterwards approved by the people; and it enacted that no Tribune should put his veto on such a Senatusconsultum. (Ascon. *in Cic. Cornel.* pp. 57, 58.)

There was also a Lex Cornelia concerning the wills of those Roman citizens who died in captivity (*apud hostes*). [LEGATUM, p. 676, b; POSTLIMINIUM.]

CORNE'LIA DE NOVIS TABELLIS, proposed by the Tribune P. Cornelius Dolabella, B.C. 47, and opposed by M. Antonius, Magister Equitum. (Liv. *Epit.* 113; Dion Cass. xlii. 32; Plut. *Anton.* 9.)

CORNE'LIA ET CAECI'LIA DE CN. POMPEIO, B.C. 57, gave Cn. Pompeius the superintendence over the Res Frumentaria for five years, with extraordinary powers. (Cic. *ad Att.* iv. 1; Liv. *Epit.* 104; Dion Cass. xxxix. 9; Plut. *Pomp.* 49.) [FRUMENTARIAE LEGES.]

CURIA'TA LEX DE IMPERIO. [IMPERIUM.]

CURIA'TA LEX DE ADOPTIONE. [ADOPTIO; and Gell. v. 19; Cic. *ad Att.* ii. 7; Sueton. *Aug.* 65; Tacit. *Hist.* i. 15.]

CORNE'LIA BAE'BIA DE AMBITU, proposed by the consuls P. Cornelius Cethegus and M. Baebius Tamphilus, B.C. 181. (Liv. xl. 19; Schol. Bob. *in Cic. pro Sulla*, p. 361, ed. Orelli.) This law is sometimes, but erroneously, attributed to the consuls of the preceding year, L. Aemilius and Cn. Baebius. [AMBITUS.]

DECEMVIRA'LIS. [LEX DUODECIM TABULARUM.]

DECIA DE DUUMVIRIS NAVALIBUS (Liv. ix. 30; see ATILIA MARCIA).

DI'DIA. [SUMTUARIAE LEGES.]

DOMI'TIA DE SACERDO'TIIS. [SACERDOTIA.]

DUI'LIA (B.C. 449), a plebiscitum proposed by the Tribune Duilius, which enacted "qui plebem sine tribunis reliquisset, quique magistratum sine provocatione creasset, tergo ac capite puniretur." (Liv. iii. 55.)

DUI'LIA MAE'NIA DE UNCIARIO FOENORE B.C. 357. (Liv. ii. 16, 19.)

The same tribunes Duilius and Maenius carried a measure which was intended in future to prevent such unconstitutional proceedings as the enactment of a Lex by the soldiers out of Rome, on the proposal of the Consul. (Liv. vii. 16.)

DUO'DECIM TABULA'RUM. In the year B.C. 462 the Tribune C. Terentilius Arsa proposed a rogation that five men should be appointed for the purpose of preparing a set of laws to limit the Imperium of the consuls. (Liv. iii. 9.) The Patricians opposed the measure, but it was brought forward by the tribunes in the following year with some modifications: the new rogation proposed that ten men should be appointed (*legum latores*) from the plebs and the patricii, who were to make laws for the advantage of both classes, and for the "equalizing of liberty," a phrase the import of which can only be understood by reference to the disputes between the two classes. (Liv. ii. 10; Dionys. x. 3.) According to Dionysius (x. 52, 54) in the year B.C. 454 the Senate assented to a Plebiscitum, pursuant to which commissioners were to be sent to Athens and the Greek cities generally, in order to make themselves acquainted with their laws. Three commissioners were appointed for the purpose. On the return of the commissioners, B.C. 452, it was agreed that persons should be appointed to draw up the code of laws (decemviri Legibus scribundis), but they were to be chosen only from the Patricians, with a provision that the rights of the Plebeians should be respected by the decemviri in drawing up the laws. (Liv. iii. 32, &c.) In the following year (B.C. 451) the Decemviri were appointed in the Comitia Centuriata, and during the time of their office no other magistratus were chosen. The body consisted of ten Patricians, including the three commissioners who had been sent abroad: Appius Claudius, Consul designatus, was at the head of the body. The Ten took the administration of affairs in turn, and the Insignia of office were only used by him who for the time being directed the administration. (Liv. iii. 33.) Ten Tables of Laws were prepared during the year, and after being approved by the Senate were confirmed by the Comitia Centuriata. As it was considered that some further Laws were wanted, Decemviri were again elected B.C. 450, consisting of Appius Claudius and his friends: but the second body of Decemviri comprised three plebeians, according to Dionysius (x. 58), but Livy (iv. 3) speaks only of Patricians. Two more Tables were added by these Decemviri, which Cicero (*de Repub.* ii. 37) calls "Duae tabulae iniquarum legum." The provision which allowed no connubium between the Patres and the Plebs is referred to the Eleventh Table. (Dirksen, *Uebersicht*, &c., p. 740.) The whole Twelve Tables were first published in the consulship of L. Valerius and M. Horatius after the downfall of the Decemviri, B.C. 449. (Liv. iii. 54, 57.) This the first attempt to make a code remained also the only attempt for near one thousand years, until the legislation of Justinian. The Twelve Tables are mentioned by the Roman writers under a great variety of names: *Leges Decemvirales*, *Lex Decemviralis*, *Leges XII.*, *Lex XII. tabularum* or *Duodecim*, and sometimes they are referred to under the names of *Leges* and *Lex* simply, as being pre-eminently The Law.

The Laws were cut on bronze tablets and put up in a public place. (Liv. iii. 57; Diod. xii. 56.) Pomponius (Dig. 1. tit. 2. s. 2. § 4) states that the first Ten Tables were on ivory (*tabulae eboreae*): a note of Zimmern (*Gesch. des Röm. Privatrechts*, vol. i. p. 101) contains references to various authorities which treat of this disputed matter. After the burning of the city by the Gauls (Liv. vi. 1), an order was made to collect the old foedera and leges; for, as it has been well remarked, Livy's words, which are supposed to imply that the Twelve Tables were lost, and restored or reconstructed, may just as well mean that they were not lost. Indeed, the juster interpretation of the passage is, that they were looked for and were found. However this may be, neither the Romans of the age of Cicero nor at any time after had any doubt as to the genuineness of the collection which then existed.

The legislation of the Twelve Tables has been a fruitful matter of speculation and inquiry to modern historians and jurists, who have often handled the subject in the most uncritical manner and with utter disregard to the evidence. As to the mission to the Greek cities, the fact rests on as much and as good evidence as most other facts of the same age, and there is nothing in it improbable, though we do not know what the commissioners brought back with them. It is further said that

Hermodorus an Ephesian exile aided the Decemviri in drawing up the Twelve Tables, though his assistance would probably be confined to the interpretation of Greek laws, as it has been suggested (Strabo, p. 642, Casaub.; Pompon. *de Orig. Juris*, Dig. 1. tit. 2. s. 2. § 4). This tradition was confirmed by the fact of a statue having been erected in the Comitium at Rome in memory of Hermodorus: but it did not exist in the time of Pliny. (Plin. *H. N.* xxxiv. 5.)

The Twelve Tables contained matters relating both to the Jus Publicum and the Jus Privatum (*fons publici privatique juris*, Liv. iii. 34). The Jus Publicum underwent great changes in the course of years, but the Jus Privatum of the Twelve Tables continued to be the fundamental law of the Roman State. Cicero speaks of learning the laws of the Twelve Tables (*ut carmen necessarium*) when a boy (*de Leg.* ii. 4, 23); but he adds that this practice had fallen into disuse when he wrote, the Edict having then become of more importance. But this does not mean that the fundamental principles of the Twelve Tables were ever formally repealed, but that the Jus Honorarium grew up by the side of them and mitigated their rigour or supplied their defects. There is indeed an instance in which positive legislation interfered with them, by the abolition of the Legis actiones; but the Twelve Tables themselves were never repealed. They became the foundation of the Jus Civile; and they continued to exist together with the unwritten Law. The Law which grew up in the course of time existed in harmony with the Twelve Tables, and was a development of their fundamental principles. It is a remarkable circumstance in the history of Roman Law and a proof of the practical skill of the Romans, that long before Jurisprudence was a science, the doctrine of Successio per Universitatem was so completely and accurately stated in the Law of the Twelve Tables, that the Jurists of the best period could find nothing to improve. (Cod. 3. tit. 36. s. 6; 10. tit. 2. s. 25. § 9. 13; 4. tit. 16. s. 7; 2. tit. 3. s. 26; Savigny's *System*, &c. i. p. 383.) The Roman writers speak in high terms of the precision of the enactments contained in the Twelve Tables, and of the propriety of the language in which they were expressed. (Cic. *de Rep.* iv. 8; Diodor. xii. 26.) That many of their provisions should have become obscure in the course of time, owing to the change which language undergoes, is nothing surprising; nor can we wonder if the strictness of the old law should often have seemed unnecessarily harsh in a later age. (Gell. xvi. 10.) So far as we can form a judgment by the few fragments which remain, the enactments were expressed with great brevity and archaic simplicity.

Sextus Aelius Paetus Catus in his Tripartita commented on the Twelve Tables, and the work existed in the time of Pomponius. [Jus Aelianum.] Antistius Labeo also wrote a comment on the Tables, which is mentioned several times by Gellius. (i. 12, vii. 15, xx. 1.) Gaius also wrote a Comment on the Tables in six books (*ad legem XII. tabularum*), twenty fragments of which are contained in the Digest, and collected by Hommelius in his Palingenesia. (i. 117.) There were also other commentaries or explanations of the Laws of the Twelve Tables. (Cic. *de Leg.* ii. 23, 25.)

The notion which has sometimes been entertained that the Twelve Tables contained a body of rules of law entirely new, is not supported by any evidence, and is inconsistent with all that we know of them and of Roman institutions. It is more reasonable to suppose that they fixed in a written form a large body of customary law, which would be a benefit to the Plebeians, inasmuch as the Patricians were the expounders of the law; and it would be to the Patricians a better security for their privileges. One of the two last tables contained a provision which allowed no Connubium between Patricians and Plebeians; but it is uncertain whether this was a new rule of law, or a confirmation of an old rule. The latter seems the more probable supposition; but in either case it is clear that it was not one of the objects of this legislation to put the two classes on the same footing. Modern writers often speak inaccurately of the Decemviral legislation, and of the Decemviri as enacting Laws, as if the Decemviri had exercised sovereign power; but they did not even affect to legislate absolutely, for the Ten Tables were confirmed by the Comitia Centuriata, or the sovereign people, or, as Niebuhr expresses it, "when the Decemviri had satisfied every objection they deemed reasonable, and their work was approved by the Senate, they brought it before the Centuries, whose assent was ratified by the Curies, under the presidency of the colleges of priests and the sanction of happy auspices." (Vol. ii. p. 313.) The two new Tables were confirmed in the same way, as we may safely conclude from the circumstances of the case. (Liv. ii. 37, 57.) It makes no difference that the Sovereign people did not vote on the several laws included in the Tables: such a mode of legislation would have been impracticable, and, as Niebuhr observes, was not conformable to the usage of ancient Commonwealths. How far the Decemviri really were able, by intrigue or otherwise, to carry such particular measures as they wished to insert in the Tables, is a different question: but in form their so-called legislation was confirmed, as a whole, by the sovereign, that is, the Roman people, and consequently the Decemviri are improperly called Legislators: they might be called code-makers.

It is consistent with the assumption that the Twelve Tables had mainly for their object the embodying of the customary law in writing, to admit that some provisions were also introduced from the laws of other states. Indeed, where the Roman law was imperfect, the readiest mode of supplying the defects would be by adopting the rules of law that had been approved by experience among other people, and were capable of being easily adapted to the Roman system. Gaius, in his Commentary on the Twelve Tables, where he is speaking of Collegia (Dig. 47. tit. 22. s. 4), says, that the members of Collegia may make what terms they please among themselves, if they thereby violate no Publica Lex; and he adds, this Lex seems to be taken from one of Solon's, which he quotes. And in another passage, when he is speaking of the Actio finium regundorum (Dig. 10. tit. 1. s. 13), he refers to a law of Solon as the source of certain rules as to boundaries. (See also Cicero, *de Leg.* ii. 25.) It is a possible case that the Romans had no written law before the enactment of the Twelve Tables, except a few Leges, and if this is so, the prudence of applying to those states which had bodies of written law, if it were only as samples and patterns of the form of written law, is obvious. However, what was actually received of foreign law could not be more than a few rules of an arbitrary nature, which in no way depend on the peculiar system of law of any country. The Jus Privatum was hardly and indeed could hardly be affected by any rules of foreign law; and as to resemblance between Roman Law and the Law of any Greek states, that is no ground for a conclusion that the Roman rules are derived from the Greek.

The fragments of the Twelve Tables have often been collected, but the most complete essay on their history, and on the critical labours of scholars and jurists, is by Dirksen, *Uebersicht der bisherigen Versuche zur Kritik und Herstellung des Textes der Zwölf-Tafel-Fragmente*, Leipzig, 1824. Zimmern's *Geschichte*, &c. contains references to all the authorities on this subject; and Puchta's *Institutionen*, &c. i. § 54, 55, 73, 78, some valuable remarks on them.

FA'BIA DE PLA'GIO. [Plagium.]

FA'BIA De Numero Sectatorum (Cic. *pro Murena*, 34).

FALCI'DIA. [Legatum.]

FA'NNIA. [Sumtuariae Leges.]

FA'NNIA. [Junia de Peregrinis.]

FLAMI'NIA, was an Agraria Lex for the distribution of lands in Picenum, proposed by the tribune C. Flaminius, in B. C. 228 according to Cicero, or in B. C. 232 according to Polybius. The latter date is the more probable. (Cic. *Acad.* ii. 5, *de Senect.* 4; Polyb. ii. 21.)

FLA'VIA AGRA'RIA, B. C. 60, for the distribution of lands among Pompeius' soldiers, proposed by the Tribune L. Flavius, who committed the Consul Caecilius Metellus to prison for opposing it. (Cic. *ad Att.* i. 18, 19; Dion Cass. xxxvii. 50.)

FRUMENTA'RIAE. [Frumentariae Leges.]

FU'FIA. [Aelia.]

FU'FIA DE RELIGIO'NE, B. C. 61, was a privilegium which related to the trial of Clodius. (Cic. *ad Att.* i. 13, 16.)

FU'FIA JUDICIA'RIA. [Judex, p. 650, a., and the remarks in Orellii *Onomasticon*.]

FU'RIA or FU'SIA CANI'NIA, limited the number of slaves to be manumitted by testament. [Manumissio.]

FU'RIA DE FENORE (Gaius, iii. 122).

FU'RIA DE SPONSORIBUS. [Intercessio.]

FU'RIA or FUSIA TESTAMENTA'RIA. [Legatum.]

GABI'NIA TABELLA'RIA. [Tabellariae.]

There were various Gabiniae Leges, some of which were Privilegia, as that (B. C. 67) for conferring extraordinary power on Cn. Pompeius for conducting the war against the pirates. (Cic. *pro Lege Manil.* 17; Vell. Pat. ii. 31; Dion Cass. xxxvi. 6; Plut. *Pomp.* 25.)

A Gabinia Lex, B. C. 58, forbade all loans of money at Rome to legationes from foreign parts (*Salaminii cum Romae versuram facere vellent, non poterant, quod Lex Gabinia vetabat*, Cic. *ad Att.* v. 21, vi. 1, 2). The object of the lex was to prevent money being borrowed for the purpose of bribing the senators at Rome. There was a Lex Gabinia intitled De Senatu legatis dando (Cic. *ad Q. Fr.* ii. 13).

GE'LLIA CORNE'LIA, B. C. 72, which gave to Cn. Pompeius the extraordinary power of conferring the Roman civitas on Spaniards in Spain, with the advice of his consilium (*de consilii sententia*, Cic. *pro Balb.* 8, 14).

GENU'CIA, B. C. 341, forbade altogether the taking of interest for the use of money. (Liv. vii. 42.) It is conjectured that Appian (*Bell. Civ.* i. 54) alludes to this law (Orellii *Onomasticon*). Other Plebiscita of the same year are mentioned by Livy (vii. 42).

GALLIAE CISALPI'NAE. [Rubria.]

HIERO'NICA was not a Lex properly so called. Before the Roman conquest of Sicily, the payment of the tenths of wine, oil, and other produce had been fixed by Hiero, and the Roman quaestors, in letting these tenths to farm, followed the practice which they found established. (Cic. *Verr.* ii. 13, 26, 60, iii. 6, &c.)

HI'RTIA De Pompeianis (Cic. *Phil.* xiii. 16.)

HORA'TIA, proposed by M. Horatius, made the persons of the Tribunes, the Aediles, and others sacrosancti. (Liv. iii. 55.) [Valeriae et Horatiae.]

Another Lex Horatia mentioned by Gellius (vi. 7) was a privilegium.

HORTE'NSIA DE PLEBISCI'TIS. [Plebiscitum; Publiliae Leges.]

Another Lex Hortensia enacted that the nundinae, which had hitherto been Feriae, should be Dies Fasti. This was done for the purpose of accommodating the inhabitants of the country. (Macrob. i. 16; Plin. *H. N.* xviii. 3.)

HOSTI'LIA DE FURTIS is mentioned only in the Institutes of Justinian (iv. tit. 10).

ICI'LIA, intitled by Livy, De Aventino Publicando, was proposed by L. Icilius, tr. pl. B. C. 456. As to the object of this Lex, see the passages which are here referred to; and particularly Dionysius, and the article Superficies. (Liv. iii. 31, 32; Dionys. x. 32, 33; Niebuhr, *Hist. of Rome*, ii. p. 301; Puchta, *Inst.* ii. § 244.)

Another Lex Icilia, proposed by the Tribune Sp. Icilius B. C. 471, had for its object to prevent all interruption to the Tribunes while they were addressing the Plebs. In some cases the penalty was death. (Dionys. vii. 17; Cic. *pro Sestio*, 37; Niebuhr, ii. p. 231.)

JU'LIAE, leges, most of which were passed in the time of C. Julius Caesar and Augustus.

De Adulteriis. [Adulterium.]

Agraria is referred to by Suetonius (*Jul. Caesar*, c. 20), and in the Digest, *De Termino Moto* (47. tit. 21). But the lex of C. Caesar, referred to in the Digest, is probably a lex of Caligula. The Agraria lex of the dictator Caesar was passed B. C. 59, when he was consul. (Dion Cass. xxxviii. 1—7, &c.; Appian, *Bell. Civ.* ii. 10; Vell. Pat. ii. 44; Cic. *Phil.* ii. 39, *ad Att.* ii. 16, 18; Rudorff, *Lex Mamilia de Coloniis*, *Zeitschrift*, vol. ix.)

De Ambitu. [Ambitus.]

De Annona. (Dig. 48. tit. 1. s. 1.)

De Bonis Cedendis. This lex provided that a debtor might escape all personal molestation from his creditors by giving up his property to them for the purpose of sale and distribution. (Gaius, iii. 78.) It is doubtful if this lex was passed in the time of Julius Caesar or of Augustus, though probably of the former. (Caesar, *Bell. Civ.* iii. 1 Sueton. *Caes.* 42; Tacit. *Ann.* vi. 16; Dion

Cass. lviii. 21.) The beneficium of the lex was extended to the provinces by the imperial constitutions. (Cod. 7. tit. 71. s. 4.)

Caducaria is the same as the Lex Julia de Papia Poppaea.

De Caede et Veneficio (Sueton. *Nero*, c. 33), perhaps the same as the Lex De Vi Publica.

De Civitate, was passed in the consulship of L. Julius Caesar and P. Rutilius Lupus, B. C. 90. [Civitas; Foederatae Civitates.]

De Fenore, or rather De Pecuniis Mutuis or Creditis (B. C. 47), passed in the time of Julius Caesar (Sueton. *Caes.* c. 42; Caesar, *de Bell. Civil.* iii. 1). The object of it was to make an arrangement between debtors and creditors, for the satisfaction of the latter. The possessiones and res were to be estimated at the value which they had before the civil war, and to be surrendered to the creditors at that value; whatever had been paid for interest was to be deducted from the principal. The result was that the creditor lost about one-fourth of his debt; but he escaped the loss, usually consequent on civil disturbance, which would have been caused by Novae Tabulae. (Compare Caesar, *de Bell. Civ.* iii. 1, with Sueton. *Caes.* c. 42.) A passage of Tacitus (*Ann.* vi. 16) is sometimes considered as referring to this lex, and sometimes to the Lex de Bonis Cedendis; but it does not seem to refer to either of them. The passage of Dion Cassius (lviii. 21. Περὶ τῶν συμβολαίων) seems to refer to this Lex de Mutuis Pecuniis.

De Fundo Dotali. The provisions as to the Fundus Dotalis were contained in the Lex Julia de Adulteriis. (Gaius, ii. 63; Paulus, *S. R.* ii. tit. 21. s. 2; Dig. *De Fundo Dotali*, 23. tit. 5. s. 1, 2, 13.) This Julia Lex was commented on by Papinian, Ulpian, and Paulus. [Adulterium.]

Judiciariae. The lex referred to in the Digest (4. tit. 8. s. 41) by which a person under twenty years of age was not compelled to be a judex, is probably one of the Leges Juliae Judiciariae. (Gell. xiv. c. 2.) As to the other Juliae Leges Judiciariae, see Judex.

De Liberis Legationibus. (Cic. *ad Att.* xv. 11.) [Legatus.]

Majestatis. (Cic. *Phil.* i. 91.) The Lex Majestatis of the Digest (48. tit. 4) is probably a lex of Augustus. [Majestas.]

De Maritandis Ordinibus. [Julia et Papia Poppaea.]

Municipalis, commonly called the Table of Heraclea. In the year 1732 there were found near the Gulf of Tarentum and in the neighbourhood of the ancient city of Heraclea, large fragments of a bronze tablet which contained on one side a Roman lex and on the other a Greek inscription. The whole is now in the Museo Borbonico at Naples. The lex contains various provisions as to the police of the city of Rome, and as to the constitution of communities of Roman citizens (*municipia*, *coloniae*, *praefecturae*, *fora*, *conciliabula civium Romanorum*). It was accordingly a lex of that kind which is called Satura.

It is somewhat difficult to determine the date of this lex, but there seem to be only two dates which can be assumed as probable; one is the time immediately after the Social War, or shortly after B. C. 89; the other is that which shortly followed the admission of the Transpadani to the civitas (B. C. 49). This latter date, in favour of which various considerations preponderate, seems to be fixed about the year B. C. 45 by a letter of Cicero (*ad Fam.* vi. 18). Compare the tablet l. 94, 104, as to persons whom the lex excluded from the office of decurio.

It seems that the lex of the year B. C. 49, which gave the civitas to the Transpadani, enacted that a Roman commissioner should be sent to all the towns for the purpose of framing regulations for their municipal organization. The Lex Julia empowered the commissioners to continue their labours for one year from the date of the lex, the terms of which were so extended as to comprise the whole of Italy. The lex was therefore appropriately called Municipalis, as being one which established certain regulations for all municipia; and this sense of the term municipalis must be distinguished from that which merely refers to the local usages or to the positive laws of any given place, and which is expressed by such terms as Lex Municipii, Lex Civitatis, and other equivalent terms.

The name Lex Julia rests mainly on the fact (assumed to be demonstrated) that this lex was passed when Julius Caesar was in the possession of full power, that it is the lex referred to by Cicero, and that it is improbable that it would have been called by any other personal appellation than that of Julia. It is further proved by a short inscription found at Padua in 1696, that there was *a* Lex Julia Municipalis; and the contents of the inscription (IIII vir aediliciae. potestat. e lege. Julia Municipali) compared with Cicero (eratque rumor de Transpadanis eos jussos IIII viros creare, *ad Att.* v. 2) render it exceedingly probable that the Lex Julia Municipalis of the inscription is the lex of the Table of Heraclea, and the Lex Municipalis of the Digest (50. tit. 9. s. 3; Cod. 7. tit. 9. s. 1; and Dig. 50. tit. 1. *Ad Municipalem et de Incolis*).

(Savigny, *Volksschluss der Tafel von Heraclea*, *Zeitschrift*, vol. ix. p. 300, and vol. xi. p. 50, as to the passage of Sueton. *Caesar.* 41. The tablet is printed in the work of Mazochi, *Comm. in aeneas Tab. Heracl.* p. 1, 2. Neap. 1754, 1755, fol., with a commentary which contains much learning, but no sound criticism).

Julia et Papia Poppaea. The history of this lex is not quite clear. Augustus appears to have caused a lex to be enacted about B. C. 18, which is cited as the Lex Julia de Maritandis Ordinibus (Dig. 38. tit. 11; 23. tit. 2), and is referred to in the Carmen Seculare of Horace, which was written in the year B. C. 17. The object of this lex was to regulate marriages as to which it contained numerous provisions; but it appears not to have come into operation till the year B. C. 13. Some writers conclude from the passage in Suetonius (*August.* 34) that this lex was rejected; and add that it was not enacted until A. D. 4. In the year A. D. 9, and in the consulship of M. Papius Mutilus and Q. Poppaeus Secundus (*consules suffecti*), another lex was passed as a kind of amendment and supplement to the former lex, and hence arose the title of Lex Julia et Papia Poppaea by which these two leges are often quoted; for it has been inferred from the two Leges being separately cited that they were not made into one. Various titles are used according as reference is made to the various provisions; sometimes the reference is to the Lex Julia, sometimes Papia Poppaea, sometimes Lex Julia et Papia, sometimes Lex de Maritandis Ordinibus, from the chapter which treated of the marriages of the senators (Gaius, i. 178; Ulp. *Frag.* xi. 20; Lex Marita, Hor. *Carm. Sec.*), sometimes Lex Caducaria, Decimaria, &c. from the various chapters. (Ulp. *Frag.* xxviii. tit. 7; Dion Cass. liv. 16, lvi. 1, &c.; Tacit. *Ann.* iii. 25.)

There were many commentaries on these leges or on this lex by the Roman jurists, of which considerable fragments are preserved in the Digest: Gaius wrote 15 books, Ulpian,20, and Paulus 10 books at least on this lex. The lex contained at least 35 chapters (Dig. 22. tit. 2. s. 19); but it is impossible to say to which of the two leges included under the general title of Lex Julia et Papia Poppaea, the several provisions as now known to us, belong. Attempts have been made both by J. Gothofredus and Heineccius to restore the lex, on the assumption that its provisions are reducible to the two general heads of a Lex Maritalis and Lex Caducaria.

The provisions of this Lex or of these Leges forbade the marriage of a senator or a senator's children with a libertina, with a woman whose father or mother had followed an Ars Ludicra, and with a prostitute; and also the marriage of a libertinus with a senator's daughter. If an hereditas or a legatum was left to a person on condition of not marrying, or on conditions which in effect prevented marriage, the conditions were illegal, and the gift was unconditional. The condition, however, might be not to marry a certain specified person or certain specified persons; or it might be, to marry a particular person; but then the person must be such a one as would be a suitable match, otherwise the condition would be in effect a condition not to marry, and therefore void. (Dig. 35. tit. 1. s. 63.)

In order to promote marriage, various penalties were imposed on those who lived in a state of celibacy (*caelibatus*) after a certain age. Caelibes could not take an hereditas or a legacy (*legatum*); but if a person was caelebs at the time of the testator's death, and was not otherwise disqualified (*jure civili*), he might take the hereditas or legatum, if he obeyed the lex within one hundred days, that is, if he married within that time. (Ulp. *Frag.* xvii. 1.) If he did not comply with the lex, the gift became caducum. [Caduca.] The Lex Julia allowed widows a term of one year (*vacatio*) from the death of a husband, and divorced women a term (*vacatio*) of six months from the time of the divorce, within which periods they were not subject to the penalties of the lex: the Lex Papia extended these periods respectively to two years, and a year and six months. (Ulp. *Frag.* xiv.)

A man when he attained the age of sixty and a woman when she attained the age of fifty were not included within certain penalties of the lex (Ulpian, *Frag.* xvi.); but if they had not obeyed the lex before attaining those respective ages, they were perpetually bound by its penalties by a Senatus-consultum Pernicianum. A Senatus-consultum Claudianum so far modified the strictness of the new rule as to give to a man who married above sixty the same advantage that he would have had if he had married under sixty, provided he married a woman who was under fifty; the ground of which rule was the legal notion that a woman under fifty was still capable of having children. (Ulp. *Frag.* xvi.; Sueton. *Claud.* 23.) If the woman was above fifty and the man under sixty, this was called Impar Matrimonium, and by a Senatus-consultum Calvitianum it was entirely without effect as to releasing from incapacity to take legata and dotes. On the death of the woman, therefore, the dos became caduca.

By the Lex Papia Poppaea a candidate who had several children was preferred to one who had fewer. (Tacit. *Ann.* xv. 19; Plin. *Ep.* vii. 16.) Freedmen who had a certain number of children were freed "operarum obligatione" (Dig. 38. tit. 1. *De Operis Libertorum*); and libertae, who had four children, were released from the tutela of their patrons. (Ulp. *Frag.* tit. 29.) Those who had three children living at Rome, four in Italy, and five in the provinces, were excused from the office of tutor or curator. (Inst. 1. tit. 25; Dig. 27. tit. 1.) After the passing of this lex, it became usual for the senate, and afterwards the emperor (*princeps*) to give occasionally, as a privilege, to certain persons who had not children, the same advantage that the lex secured to those who had children. This was called the Jus Liberorum. Pliny says (*Ep.* ii. 13) that he had lately obtained from the emperor, for a friend of his, the Jus Trium Liberorum. (See also *Ep.* x. 95, 96; and Dion Cass. lv. 2, and the note of Reimarus.) This privilege is mentioned in some inscriptions, on which the abbreviation I. L. H. (*jus liberorum habens*) sometimes occurs, which is equivalent to "jura parentis habere." The emperor M. Antoninus provided that children should be registered by name within thirty days after their birth with the Praefectus Aerarii Saturni. (Capitol. *M. Ant.* c. 9; compare Juvenal, *Sat.* ix. 84.)

The lex also imposed penalties on *orbi*, that is, married persons who had no children (*qui liberos non habent*, Gaius, ii. 111) from the age of twenty-five to sixty in a man, and from the age of twenty to fifty in a woman. By the Lex Papia, orbi could only take one half of an hereditas or legatum which was left to them. (Gaius, ii. 286.) It seems that an attempt had been made to evade this part of the lex by adoptions, which a Senatus-consultum Neronianum declared to be ineffectual for the purpose of relieving a person from the penalties of the lex. (Tacit. *Ann.* xv. 19.)

As a general rule a husband and wife could only leave to one another a tenth part of their property; but there were exceptions in respect of children either born of the marriage or by another marriage of one of the parties, which allowed of the free disposal of a larger part. This privilege might also be acquired by obtaining the Jus Liberorum. (Ulp. *Frag.* tit. xv. xvi.)

As to some provisions of this Lex, see Patronus.

Peculatus. [Peculatus.]

Julia et Plautia, which enacted that there could be no usucapion in things obtained by robbery (*vi possessae*). The Twelve Tables had already provided that there could be no usucapion in stolen things. (Gaius, ii. 45; Inst. 2. tit. 6.) This lex was probably passed B. C. 89.

Julia Papiria. [Papiria.]

De Provinciis. (Dion Cass. xliii. 25; Orelli, *Onomasticon*, refers to this Lex Julia de Repetundis the regulations de Provincialibus Sumptibus, which Ernesti considers to belong to the Lex Julia de Repetundis.) [Provinciae.]

De Publicanis (Cic. *ad Attic.* ii. 16, *pro Cn. Plancio*, c. 14, ed. Wunder; Appian, *Bell. Civ.* ii. 13.)

Repetundarum. [Repetundae.]

De Residuis. [Peculatus.]

De Sacerdotiis. (Cic. *Ep. ad Brutum*, i. 5.)

De Sacrilegis. [Peculatus.]

Sumtuaria, passed in the time of Julius Caesar (Dion Cass. xliii. 25) and one under Augustus. (Gell. ii. 24.) [Sumtuariae Leges.]

Theatralis (Sueton. *Aug.* 40; Plin. xxxiii. 2), which permitted Roman equites, in case they or their parents had ever had a census equestris, to sit in the fourteen rows (*quatuordecim ordines*) fixed by the Lex Roscia Theatralis, B. C. 67.

Julia et Titia (Inst. 1. tit. 20) empowered the praeses of a province to appoint a tutor for women and pupilli who had none. (Ulp. *Frag.* xi. 18.) A Lex Atilia of earlier but uncertain date had given the same power at Rome to the praetor urbanus and the majority of the tribuni plebis; and the new lex was passed in order to extend the same advantages to the provinces. There are some reasons for supposing that there were two leges, a Julia and a Titia; and among those reasons, is the circumstance that it is not usual to unite by the word *et* the two names which belong to one lex, though this is done by Cicero (*Brut.* c. 16, *Pro Balbo*, c. 21) in speaking of the Lex Licinia and Mucia.

De vi Publica et Privata. [Vis.]

Vicesimaria. [Vicesima.]

JU'NIA DE PEREGRI'NIS proposed B. C. 126 by M. Junius Pennus a tribune, banished peregrini from the city.

A lex of C. Fannius, consul B. C. 122, contained the same provisions respecting the Latini and Italici, for we must assume that there was a Lex (Plut. *C. Gracchus*, 12): and a lex of C. Papius, perhaps B. C. 65, contained the same respecting all persons who were not domiciled in Italy. (Cic. *De Off.* iii. 11, *Brut.* 26, 28, *de Leg. Agr.* i. 4; Festus, *s. v. Respublicas;* Meyer, *Orat. Rom. Fragm.* p. 229, 2nd ed.)

JU'NIA LICI'NIA. [Licinia Junia.]

JU'NIA NORBA'NA of uncertain date, but probably about A. D. 19, enacted that when a Roman citizen had manumitted a slave without the requisite formalities, the manumission should not in all cases be ineffectual, but the manumitted person should have the status of a Latinus. (Gaius, i. 16, 17, 22, &c., iii. 56; Ulp. *Frag.* i. xx. 8, xxii. 3.) [Latinitas; Libertus; Manumissio.]

A special clause in the Lex took away from these Latini Juniani, as they were called, the capacity of making a testament, taking under a testament, and being appointed tutores by a testament. Yet they had the other parts of the testamenti factio (Ulp. *Frag.* xx. 8). The condition of the Latini Juniani is the subject of an essay by C. A. von Vangerow, Marburg, 1833; see also the remarks of Puchta, *Inst.* ii. § 213, on the date of the Lex Junia; and also §§ 217, 218.

De Libertinorum Suffragiis. [Clodia; Manumissio.]

JU'NIA PETRO'NIA or PATRO'NIA (Dig. 40. tit. 1. s. 24). It is doubtful whether this is the same as Petronia, or is another Lex.

JU'NIA REPETUNDA'RUM. [Repetundae.]

JU'NIA VELLE'IA, allowed a child who was in the womb, and who, when born, would be the testator's suus heres, to be instituted heres, even if he should be born in the lifetime of the testator. It also so far modified the old law, that a person who by the death of a heres institutus after the testator had made his will, became a heres quasi agnascendo, did not break the will, if he was instituted heres. (Gaius, ii. 134; Ulp. *Frag.* xxii. 19, ed. Böcking.)

LAETO'RIA. [Curator.]

Sometimes the lex proposed by Volero for electing plebeian magistrates at the Comitia Tributa is cited as a Lex Laetoria. (Liv. ii. 56, 57.)

LICI'NIA. [Aebutia.]

LICI'NIA DE LUDIS APOLLINA'RIBUS (Liv. xxvii. 23).

LICI'NIA DE SACERDO'TIIS (Cic. *Lael.* 25).

LICI'NIA DE SODALI'TIIS. [Ambitus.]

LICI'NIA JU'NIA, or, as it is sometimes called, Junia et Licinia, passed in the consulship of L. Licinius Murena and Junius Silanus, B. C. 62, enforced the Caecilia Didia, in connection with which it is sometimes mentioned. (Cic. *pro Sestio*, 64, *Phil.* v. 3, *ad Att.* ii. 9, iv. 16, *in Vatin.* 14.)

LICI'NIA MU'CIA DE CIVIBUS REGUNDIS (probably Redigundis), passed in the consulship of L. Licinus Crassus the orator, and Q. Mucius Scaevola Pontifex Maximus, B. C. 95, which enacted a strict examination as to the title to citizenship, and deprived of the exercise of civic rights all those who could not make out a good title to them. This measure partly led to the Marsic war. (Cic. *de Off.* iii. 11, *Brut.* 16, *pro Balb.* 21, 24, *pro Sest.* 13; Ascon. *in Cornel.* p. 67.)

LICI'NIA SUMTUA'RIA. [Sumtuariae Leges.]

LICI'NIA. In the year B. C. 375 C. Licinius Stolo and L. Sextius being elected two of the Tribuni Plebis, promulgated various Rogationes, the object of which was to weaken the power of the Patricians and for the benefit of the Plebs. One Rogatio related to the debts, with which the Plebs was incumbered (Liv. vi. 34): and it provided that all the money which had been paid as interest should be deducted from the principal sum, and the remainder should be paid in three years by equal payments. The Second related to the Ager Publicus, and enacted that no person should occupy (*possideret*) more than 500 jugera. The Third was to the effect that no more Tribuni militum should be elected, but that consuls should be elected and one of them should be a Plebeian. The Patricians prevented these Rogationes from being carried by inducing the other tribunes to oppose their intercessio. C. Licinius Stolo and L. Sextius retaliated in the same way, and would not allow any comitia to be held except those for the election of Aediles and Tribuni Plebis. They were also re-elected Tribuni Plebis, and they persevered for five years in preventing the election of any Curule Magistratus.

In the year 368, the two tribunes were still elected, for the eighth time, and they felt their power increasing with the diminution of the opposition of their colleagues, and by having the aid of one of the Tribuni Militum, M. Fabius, the father-in-law of C. Licinius Stolo. After violent agitation, a new Rogation was promulgated to the effect that instead of Duumviri sacris faciundis, Decemviri should be elected, and that half of them should be Plebeians. In the year B. C. 366, when Licinius and Sextius had been elected Tribuni for the tenth time, the law was passed as to the Decemviri, and five plebeians and five patricians were elected, a measure which prepared the way for the plebeians participating in the honours of the consulship. The Rogationes of Licinius were finally carried, and in the year B. C. 365 L. Sextius was elected consul, being the first Plebeian who attained that dignity. The Patricians were compensated for their loss of the exclusive right to the consulship by the creation of the office of Curule Aedile and of Praetor.

The law as to the settlement between debtor and creditor was, if Livy's text is to be literally understood, an invasion of the established rights of property. Niebuhr's explanation of this law is contained in his third volume, pp. 23, &c.

Besides the limitation fixed by the second Lex to the number of jugera which an individual might *possess* in the public land, it declared that no individual should have above 100 large and 500 smaller animals on the public pastures. Licinius was the first who fell under the penalties of his own law. The statement is that "he, together with his son, possessed a thousand jugera of the ager (publicus), and by emancipating his son had acted in fraud of the law." (Liv. vii. 16.) From this story it appears that the Plebeians could now possess the public land, a right which they may have acquired by the Law of Licinius, but there is no evidence on this matter. The story is told also by Columella (i. 3), Pliny (*Hist. Nat.* xviii. 3), and Valerius Maximus (viii. 6. § 3). The last writer not understanding what he was recording, says that in order to conceal his violation of the law, Licinius *emancipated* part of the land to his son. The facts as stated by Livy are not put in the clearest light. The son when emancipated would be as much intitled to possess 500 jugera as the father, and if he bona fide possessed that quantity of the Ager publicus, there was no fraud on the law. From the expression of Pliny (*substituta filii persona*) the fraud appears to have consisted in the emancipation of the son being effected solely that he might in his own name possess 500 jugera while his father had the actual enjoyment. But the details of this Lex are too imperfectly known to enable us to give more than a probable solution of the matter. As the object of the Lex was to diminish the possessiones of the patricians, it may be assumed that the surplus land thus arising was distributed (*assignatus*) among the plebeians, who otherwise would have gained nothing by the change; and such a distribution of land is stated to have been part of the Lex of Licinius by Varro (*de Re Rust.* i. 2) and Columella (i. 3).

According to Livy (vi. 42) the Rogatio de Decemviris sacrorum was carried first, B. C. 366. The three other rogationes were included in one Lex, which was a Lex Satura. (Liv. vii. 39; Dion Cass. *Frag.* 33.)

Besides the passages referred to, the reader may see Niebuhr, vol. iii. pp. 1—36, for his view of the Licinian Rogations; and Goettling, *Geschichte der Röm. Staatsverfassung*, p. 354, and the note on the passage of Varro (*de Re Rust.* i. 2). The Licinian Rogations have been the subject of much discussion. See the Classical Museum, No. V. on the Licinian Rogation *De Modo Agri;* No. VI., *Ueber die Stelle des Varro*, &c., *De Re Rust.* i. 2. § 9; and No. VII., Remarks on Professor Long's Paper on the Licinian Law *De Modo Agri*, by Professor Puchta; and on the passage in Appian's *Civil Wars*, i. 8, which relates to the Licinian Law by Professor Long.

LICI'NIA DE CREANDIS TRIU'MVIRIS EPULO'NIBUS (Liv. xxxiii. 42; Orellii *Onomasticon*).

LI'VIAE were various enactments proposed by the Tribune M. Livius Drusus, B. C. 91, for establishing colonies in Italy and Sicily, distributing corn among the poor citizens at a low rate, and admitting the foederatae civitates to the Roman civitas. He is also said to have been the mover of a law for adulterating silver by mixing with it an eighth part of brass. (Plin. *H. N.* xxxiii. 3.) Drusus was assassinated, and the Senate declared that all his Leges were passed contra auspicia, and were therefore not Leges. (Cic. *Leg.* ii. 6, 12, *pro Domo*, 16; Liv. *Ep.* 71; Appian, *Bell. Civ.* i. 35; Ascon. *in Cic. Cornel.* p. 62.)

LUTA'TIA DE VI. [VIS.]

MAE'NIA LEX is only mentioned by Cicero (*Brutus*, 14), who says that M'. Curius compelled the Patres "ante auctores fieri" in the case of the election of a plebeian consul, "which," adds Cicero, "was a great thing to accomplish, as the Lex Maenia was not yet passed." The Lex therefore required the Patres to give their consent at least to the election of a magistratus, or in other words to confer or agree to confer the Imperium on the person whom the comitia should elect. Livy (i. 17) appears to refer to this law. It was probably proposed by the Tribune Maenius, B. C. 287. [AUCTORITAS.]

DE MAGISTRIS AQUARUM. (Haubold, Spangenberg, *Mon. Leg.* p. 177.)

MAJESTA'TIS. [MAJESTAS.]

MAMI'LIA DE COLO'NIIS. The subject of this lex and its date are fully discussed by Rudorff (*Zeitschrift*, vol. ix.), who shows that the Lex Mamilia, Roscia, Peducaea, Alliena, Fabia is the same as the "Lex Agraria quam Gaius Caesar tulit" (Dig. 47. tit. 21. s. 3), and that this Gaius Caesar is the Emperor Caligula.

MAMI'LIA DE JUGURTHAE FAUTO'RIBUS. (Sal. *Jug.* c. 40; Orellii *Onomasticon*.)

MAMI'LIA FI'NIUM REGUNDO'RUM, enacted in B. C. 239, or according to another supposition, in B. C. 165, fixed at five or six feet the width of the boundary spaces which were not subject to Usucapio. (Rudorff, *Zeitschrift*, vol. x. p. 342, &c.)

MANI'LIA, proposed by the tribune C. Manilius B. C. 66, was a privilegium by which was conferred on Pompey the command in the war against Mithridates. The lex was supported by Cicero when praetor. (*De Lege Manilia;* Plut. *Pomp.* 30; Dion Cass. xxxvi. 25.)

The Leges Manilianae, mentioned by Cicero (*De Or.* i. 58), were evidently not Leges Proper, but probably forms which it was prudent for parties to observe in buying and selling.

MANI'LIA DE LIBERTINO'RUM SUFFRA'GIIS (Dion Cass. xxxvi. 25; Ascon. *in Cornel.* pp. 64, 65), is apparently the same as the Manlia De Lib. Suff.

MA'NLIA, also called LICI'NIA, B. C. 196, created the trumviri epulones. (Liv. xxxiii. 42; Cic. *de Or.* iii. 19.) [Licinia.]

MA'NLIA DE LIBERTINO'RUM SUFFRA'GIIS (B. C. 58; Ascon. *in Mil.* p. 46.)

MA'NLIA DE VICE'SIMA MANUMISSO'RUM. [Manumissio.]

MA'RCIA probably about the year B.C. 352 "adversus feneratores." (Gaius, iv. 23; Liv. vii. 21.)

MA'RCIA DE LIGU'RIBUS. (Liv. xlii. 22.)

MA'RCIA an agrarian law proposed by the tribune L. Marcius Philippus, B.C. 104. (Cic. *de Off.* ii. 21.)

MA'RIA proposed by Marius when tribune B.C. 119, for narrowing the pontes at elections. (Cic. *de Leg.* iii. 17; Plut. *Mar.* 4.)

ME'MMIA or RE'MMIA. [Calumnia.]

ME'NSIA. This lex enacted that if a woman who was a Roman citizen (*civis Romana*) married a peregrinus, the offspring was a peregrinus. If there was connubium between the peregrinus and the woman, the children, according to the principle of connubium, were peregrini, as the legal effect of connubium was that children followed the condition of their father (*liberi semper patrem sequuntur*). If there were no connubium, the children, according to another rule of law, by which they followed the condition of the mother, would have been Roman citizens; and it was the object of the lex to prevent this. (Gaius, i. 78; Ulp. *Frag.* v. 8.)

ME'SSIA. (Cic. *ad Att.* iv. 1.)

METI'LIA. (Liv. xxii. 25; Plut. *Fabius*, c. 9.)

MINU'CIA, B.C. 216, created the triumviri mensarii. (Liv. xxiii. 21.)

NERVAE AGRA'RIA (Dig. 47. tit. 21. s. 3. § 1), the latest known instance of a Lex.

OCTA'VIA. [Frumentariae Leges.]

OGU'LNIA, proposed by the tribunes B.C. 300, increased the number of Pontifices to eight and that of the augurs to nine; it also enacted that four of the Pontifices and five of the augurs should be taken from the plebes. (Liv. x. 6—9.)

O'PPIA. [Sumtuariae Leges.]

O'RCHIA. [Sumtuariae Leges.]

OVI'NIA, of uncertain date, was a plebiscitum which gave the censors certain powers in regulating the lists of the senators (*ordo senatorius*): the main object seems to have been to exclude all improper persons from the senate, and to prevent their admission, if in other respects qualified. (Festus, *s. v. Praeteriti Senatores;* Cic. *de Leg.* iii. 12.) The Lex Ovinia of Gaius (iv. 109), if the reading is right, was a different lex.

PA'PIA DE PEREGRI'NIS. [Junia de Peregrinis.]

PA'PIA POPPAEA. [Juliae.]

A Lex Papia on the manner of choosing the Vestal Virgins is mentioned by Gellius (i. 12); but the reading appears to be doubtful, and perhaps it ought to be called Lex Popilia.

PAPI'RIA, or JU'LIA PAPI'RIA DE MULCTA'RUM AESTIMATIO'NE (B.C. 430) fixed a money value according to which fines were paid, which formerly were paid in sheep and cattle. (Liv. iv. 30; Cic. *de Rep.* ii. 35.) Gellius (xi. 1) and Festus (*s. v. Peculatus*) make this valuation part of the Aternian law [Aternia Tarpeia], but in this they appear to have been mistaken according to Niebuhr. (*Hist. of Rome*, ii. p. 300.)

PAPI'RIA, by which the as was made semuncialis (Plin. *H. N.* xxxiii. 3), one of the various enactments which tampered with the coinage.

PAPI'RIA, B.C. 332, proposed by the Praetor Papirius, gave the Acerrani the civitas without the suffragium. It was properly a Privilegium, but is useful as illustrating the history of the extension of the Civitas Romana. (Liv. viii. 17.)

PAPI'RIA, of uncertain date, enacted that no aedes should be declared consecratae without a Plebiscitum (*injussu Plebis*, Cic. *pro Dom.* 49).

PAPI'RIA PLAU'TIA, a Plebiscitum of the year B.C. 89, proposed by the tribunes C. Papirius Carbo and M. Plautius Silvanus, in the consulship of Cn. Pompeius Strabo and L. Porcius Cato, is called by Cicero (*pro Archia*, 4) a lex of Silvanus and Carbo. (See Civitas; Foederatae Civitates; and Savigny, *Volksschluss der Tafel von Heraclea*, *Zeitschrift*, ix.)

PAPI'RIA POETE'LIA. [Poetelia.]

PAPI'RIA DE SACRAMENTO (Festus, *s. v. Sacramentum*), proposed by L. Papirius, Tribunus Plebis, probably enacted that in the case of the Legis actio sacramento, the money should not be actually deposited, but security should be given for it. (Puchta, *Inst.* ii. 161, note 101.)

PAPI'RIA TABELLA'RIA. [Tabellariae Leges.]

PE'DIA, related to the murderers of the Dictator Caesar. (Vell. Pat. ii. 69.)

PEDUCAEA, B.C. 113, a Plebiscitum, seems to have been merely a Privilegium and not a general law against Incestum. (Cic. *de Nat. Deor.* iii. 30; Ascon. *in Cic. Mil.* p. 46.)

PESULA'NIA provided that if an animal did any damage, the owner should make it good or give up the animal. (Paul. *S. R.* 1. tit. 15. s. 1. 3.) There was a general provision to this effect in the Twelve Tables (Dirksen, *Uebersicht*, &c. p. 532, &c.), and it might be inferred from Paulus that this Lex extended the provisions of the old law to dogs. The name of the lex may be uncertain. See the note in Arndt's edition of Paulus.

PETI'LLIA DE PECU'NIA REGIS ANTIOCHI. (Liv. xxxviii. 54.)

PETRE'IA, a Lex under this title, de decimatione militum, in case of mutiny, is mentioned by Appian (*de Bell. Civ.* ii. 47), according to the old editions. But the true reading is πατρίῳ νόμῳ.

PETRO'NIA, probably passed in the time of Augustus, and subsequently amended by various senatusconsulta, forbade a master to deliver up his slave to fight with wild beasts. If, however, the master thought that his slave deserved such a punishment, he might take him before the authorities (*judex*) who might condemn him to fight if he appeared to deserve it. (Dig. 48. tit. 8. s. 11. 18. tit. 1. s. 42; Gell. v. 14; Puchta, *Inst.* i. § 107, note 101; Savigny, *Zeitschrift*, ix. p. 374, on the inscription found on a wall of the amphitheatre of Pompeii.)

PINA'RIA (Gaius, iv. 15) related to the giving of a Judex within a limited time. (See Puchta, *Inst.* i. § 53.)

PINA'RIA. [Annales Leges.]

PLAETO'RIA. [Curator.]

PLAETO'RIA DE PRAETO'RE URBA'NO. (Varro, *de Ling. Lat.* vi. 5; Censorinus, *de Die Natali*, c. 24.)

PLAU'TIA or PLO'TIA DE VI. [Vis.]

PLAU'TIA or PLO'TIA JUDICIA'RIA is mentioned by Asconius (*in Cic. Cornel.* p. 79) as having enacted that fifteen persons should be annually elected by each tribe out of its own body to be placed in the Album Judicum.

PLAU'TIA or PLO'TIA DE RE'DITU LEPIDANO'RUM. (Sueton. *Caes.* 5; Gellius, xiii. 3.)

PLAU'TIA PAPI'RIA. [Papiria Plautia.]

POETE'LIA, B.C. 358, a Plebiscitum, was the first Lex against Ambitus. (Liv. vii. 15.)

POETE'LIA PAPI'RIA, B.C. 326, made an important change in the liabilities of the Nexi. (Liv. viii. 28.) [Nexi.]

POMPEIAE. There were various Leges so called.

Pompeia, proposed by Cn. Pompeius Strabo, the father of Cn. Pompeius Magnus, probably in his consulship B.C. 89, gave the Jus Latii or Latinitas to all the towns of the Transpadani, and probably the Civitas to the Cispadani. (Savigny, *Volksschluss der Tafel von Heraclea*, *Zeitschrift*, ix.)

——— DE AMBITU. [Ambitus.]

——— DE IMPERIO CAESARI PROROGANDO. (Vell. Pat. ii. 46; Appian, *B.C.* ii. 18.)

——— JUDICIARIA. [Judex.]

——— DE JURE MAGISTRATUUM (Sueton. *Caes.* 28; Dion Cass. xl. 56; Cic. *ad Att.* viii. 3) forbade a person to be a candidate for public offices (*petitio honorum*) who was not at Rome; but C. Julius Caesar was excepted. This was doubtless the old law, but it had apparently become obsolete.

——— DE PARRICIDIIS. [Cornelia de sicariis.]

——— TRIBUNITIA (B.C. 70) restored the old Tribunitia Potestas which Sulla had nearly destroyed. (Sueton. *Caes.* 5; Vell. Pat. ii. 30; Cic. *de Leg.* iii. 9, 11, *in Verr.* Act. i. 15; Liv. *Epit.* 97.) [Tribuni.]

——— DE VI was a Privilegium, and only referred to the case of Milo. (Cic. *Phil.* ii. 9; Ascon. and Schol. Bob. *in Argum. Milon.*)

POPI'LIA. [Papia.]

PO'RCIAE DE CA'PITE CIVIUM or DE PROVOCATIO'NE enacted that a Roman citizen should not be scourged or put to death. (Liv. x. 9; Cic. *de Rep.* ii. 31, *pro Rabir.* 3, 4; Sall. *Catil.* 51.)

PO'RCIA DE PROVI'NCIIS (about B.C. 198). The passage in Livy (xxxii. 27. "Sumtus quos in cultum praetorum," &c.) is supposed to refer to a Porcia Lex, to which the Plebiscitum de Thermensibus refers; and the words quoted by Cicero (*Verr.* ii. 4, 5. "Ne quis emat mancipium") are taken, as it is conjectured, from this Porcia Lex.

PUBLI'CIA permitted betting at certain games which required strength, as running and leaping. (Dig. 11. tit. 5.)

PUBLI'LIA DE SPONSO'RIBUS. [Intercessio.]

PUBLI'LIA LEX was proposed by Publilius Volero, a tribunus plebis, and enacted B.C. 471. The terms of the Rogatio were "ut plebeii magistratus tributis comitiis fierent" (Liv. ii. 56). The object of the Lex was to take these elections from the Comitia Centuriata, in which the patricians could determine the result of the elections by the votes of their clients. The Rogatio became a Lex after much opposition, the history of which is given in Livy. According to some authorities, the number of tribunes was also increased from two to five (Liv. ii. 58); and this must therefore have been provided by the Lex. In B.C. 457 (Liv. iii. 30) ten tribunes, two from each class, were elected for the first time; but it is not said under what legislative provision. Dionysius (*Antiq. Rom.* ix. 43) gives a more complete account of this Lex. After Publilius failed in his first attempt to carry his Rogatio, he added a new chapter, which gave the election of the aediles (plebeian) to the Comitia Tributa, and enabled the Tributa to deliberate and decide upon any matter which could be deliberated and decided upon in the Comitia Centuriata. From the time of the enactment of this Lex, says Dionysius (ix. 49) "up to my time, the election of tribunes and aediles was made without birds (augural ceremonies), and all the rest of the religious forms in the Comitia Tributa." Dionysius says nothing here of the other matter which the additional chapter contained (ix. 43).

PUBLI'LIAE LEGES of the Dictator Q. Publilius Philo, which he proposed and carried B.C. 339 (Liv. viii. 12). The purport of these Leges is thus expressed by Livy: "tres leges secundissimas plebei, adversas nobilitati tulit: unam ut plebiscita omnes Quirites tenerent: alteram, ut legum quae comitiis centuriatis ferrentur, ante initum suffragium Patres auctores fierent: tertiam ut alter utique ex plebe, quum eo ventum sit ut utrumque plebeium consulem fieri liceret, censor crearetur." The provision of the first lex seems to be the same as that of the Lex Hortensia, B.C. 286 "ut plebiscita universum populum tenerent" (Gaius, i. 3). Some critics suppose that the first Lex enacted that a Plebiscitum should be a Lex without being confirmed by the Comitia Centuriata, but that it would still require the confirmation of the Senate, or, as some suppose, of the Comitia Curiata. The Lex Hortensia, it is further supposed, did away with the confirmation of the Curiae, or, as some suppose, of the Senate. But the expression "*omnes* Quirites" of Livy clearly has some reference, and, according to correct interpretation, must be taken to have some reference, to the *extent* of the effect of a Plebiscitum. There is no difficulty in giving a consistent meaning to Livy's words. The first Lex enacted that Plebiscita should bind *all* the Quirites; which means nothing else than that a Plebiscitum should have the effect of a Lex passed at the Comitia Centuriata. It is not here said whether the Comitia Tributa could legislate on all matters on which the Comitia Centuriata could [Publilia Lex]; and nothing is said as to the dispensing with any form for the confirming of a Lex passed at these Comitia. And that Livy did not suppose that the first Lex contained any regulations as to matter of form, is made clear by what he says of the second Lex, which did regulate the form of legislation. This is the clear meaning of Livy's words: it may not be the true import of the first Lex; but it is somewhat difficult to prove any thing about a matter beyond what the evidence shows. [Plebiscitum.]

The simplest meaning of the second Lex, according to the words, is, that no Rogatio should be proposed at the Comitia Centuriata, until the Patres had approved of it, and had given it their auctoritas. If we knew who were meant by the Patres, the meaning of the Lex would be tolerably clear. It is now generally supposed that Livy means the Comitia Curiata, and that their veto on the measures of the Comitia Centuriata was taken away. If Patres means the Senate, then the purport of the Lex is this, that no measure must be proposed at the Centuriata Comitia, without a SCtum first authorising it. (Comp. Liv. xlv. 21.)

The meaning of the third Lex is plain enough. Puchta shows or tries to show that the first Lex Publilia simply rendered unnecessary the confirmation of a Plebiscitum by the Comitia Centuriata; and therefore there remained only the confirmation of the Senate. Accordingly, the effect of the first Lex was to make the Comitia Tributa cease to have merely the initiative in legislation; henceforth, Plebiscita did not require the confirmation of a Lex Centuriata, but only that of the Senate; and we may, probably, from this time date the use of the expression: "Lex sive id Plebiscitum est."

He considers the second Lex to have simply declared the old practice, that the Comitia Centuriata should pass no Rogation without the authority of a previous Senatusconsultum. The two Leges then had this relation to one another: the first Lex provided, that a Lex passed at the Comitia Tributa, which before this time was confirmed by a Senatusconsultum, and finally ratified by the Comitia Centuriata, should not require the ratification of the Comitia Centuriata; the second Lex declared that the old practice as to the Comitia Centuriata should be maintained, that the Leges passed there should have the previous authorisation (auctoritas) of the Senate.

On the subject of these Leges, see Zachariae *Sulla*, i. p. 26, note; Puchta, *Inst.* i. § 59; and Niebuhr, vol. iii. p. 147, &c. Engl. Tr.: and see VALERIAE LEGES.

PU'PIA, mentioned by Cicero (*ad Quint.* ii. 13, *ad Fam.* i. 4) seems to have enacted that the senate could not meet on Comitiales Dies.

QUI'NTIA was a lex proposed by T. Quintius Crispinus, consul B. C. 9, and enacted by the Populus for the preservation of the Aquaeductus. The Lex is preserved by Frontinus (*de Aquaeduct Roman.*).

RE'GIA, properly LEX DE IMPE'RIO PRI'NCIPIS. The nature of the Imperium and the mode of conferring it have been explained under IMPERIUM. Augustus, by virtue of uniting in his own person the Imperium, the Tribunitia Potestas, the Censorian power, and the office of Pontifex, was in fact many magistrates in one; and his title was Princeps. These various powers were conferred on the earliest Principes (emperors) by various leges; but finally the whole of this combined authority was conferred by a Lex Imperii or Lex de Imperio. (Dion Cassius, liii. 18; his remarks on the power of Augustus, and the notes of Reimarus.) By this Lex the Imperial authority, as we may call it, was conferred on the Princeps (cum ipse Imperator per legem Imperium accipiat, Gaius, i. 5), and legislative power. By this Lex the Princeps was also made "solutus legibus," that is, many restrictive enactments were declared not to apply to him, either in his private or his magisterial capacity (Dion Cass. liii. 18, 28): for instance, Caligula was released by a Senatusconsultum, which was probably followed by a Lex as a matter of form, from the Lex Julia et Papia. (Dion Cass. lix. 15; compare Ulpian, Dig. 1. tit. 3. s. 31.) This Lex De Imperio was preceded by a Senatusconsultum. (Tacit. *Hist.* i. 47, iv. 3, 6.) A considerable fragment of the Lex De Imperio Vespasiani is still preserved at Rome. (Haubold, Spangenberg, *Monum. Legal.* p. 221.) It is sometimes incorrectly called a Senatusconsultum, but on the fragment itself it is called a Lex. It is true that a Senatusconsultum preceded the Lex, and the enactment of the Lex was a mere form. This Lex empowers Vespasian to make treaties, to originate Senatusconsulta, to propose persons to the people and the Senate to be elected to magistracies, to extend the Pomoerium, to make constitutions or edicts which should have the force of law, and to be released from the same laws from which Augustus, Tiberius, and Claudius were released; and all that he had done before the enactment of this lex (ante legem rogatam) was to have the same effect as if it had been done by the command of the people.

This Lex de Imperio Principis is several times named Lex Regia in the Corpus Juris (Inst. 1. tit. 2. s. 6.; Dig. 1. tit. 4. s. 1.; Cod. 1. tit. 17. 187). There is no evidence that the Lex de Imperio Principis was ever called Lex Regia under the early emperors. Under the later emperors there is nothing surprising in the name Regia being adopted as a common expression. When the emperor was called Dominus, a title which was given even to Trajan, the Lex de Imperio might well be called Regia. To deny the existence of a Lex de Imperio would show a very imperfect knowledge of the history and constitution of Rome, and a want of critical judgment. (Puchta, *Inst.* 1. § 88.)

RE'GIAE. [JUS CIVILE PAPIRIANUM.]

RE'MMIA. [CALUMNIA.]

REPETUNDA'RUM. [REPETUNDAE.]

RHO'DIA. The Rhodians had a maritime code which was highly esteemed. Some of its provisions were adopted by the Romans, and have thus been incorporated into the maritime law of European states. Strabo (p. 652. Casaub.) speaks of the wise laws of Rhodes and their admirable policy, especially in naval matters; and Cicero (*pro Leg. Manil.* c. 18) to the same effect. The Digest (14. tit. 2) contains so much of the Lex Rhodiorum as relates to jactus or the throwing overboard of goods in order to save the vessel or remainder of the cargo. This Lex Rhodiorum de Jactu, is not a Lex in the proper sense of the term.

RO'SCIA THEATRA'LIS, proposed by the tribune L. Roscius Otho, B. C. 67, which gave the Equites a special place at the public spectacles in fourteen rows or seats (*in quatuordecim gradibus sive ordinibus*) next to the place of the senators, which was in the orchestra. This Lex also assigned a certain place to spendthrifts (*decoctores*, Cic. *Phil.* ii. 18). The phrase "sedere in quatuordecim ordinibus," is equivalent to having the proper Census Equestris which was required by the Lex. There are numerous allusions to this Lex (Dion. xxxvi. 25; Vell. Pat. ii. 32; Liv. *Epit.* 99; Cic. *pro Murena*, 19), which is sometimes simply called the Lex of Otho (Juv. xiv. 324), or referred to by his name. (Hor. *Epod.* iv. 16.) This law caused some popular disturbance in the consulship of Cicero, B. C. 63, which he checked by a speech. (Cic. *ad Att.* ii. 1; Plut. *Cic.* c. 13.) [JULIA THEATRALIS.]

RU'BRIA. The province of Gallia Cisalpina ceased to be a Provincia, and became a part of Italia about the year B. C. 43. When this change took place, it was necessary to provide for the administration of justice, as the usual modes of provincial administration would cease with the determination of the provincial form of government. This was effected by a Lex, the name of which is unknown, but a large part of it, on a bronze tablet, is preserved in the Museum at Parma. This Lex arranged the judiciary establishment of the former provincia, and appointed II. viri and IV. viri juri dicundo: a Praefectus Mutinensis is also mentioned in the lex. In two passages of this Lex (c. xx. l. 29. 38) a Lex Rubria is mentioned, which, according to some, is an earlier lex by which Mutina was made a Praefectura; and according to others, the Lex Rubria is this very Lex de Gallia Cisalpina. This subject is discussed by Savigny (*Zeitschrift*, ix.) and by Puchta (*Zeitschrift*, x. *Ueber den Inhalt der Lex Rubria de Gallia Cisalpina*).

This Lex has been published several times; the latest edition is "Tavola legislativa della Gallia Cisalpina ritrovata in Velcia et restituita alla sua vera lezione da D. Pietro de Lama, Parma 1820." We only possess the end of the nineteenth chapter of this Lex, which treats of the Novi Operis Nuntiatio; the twentieth chapter on the Damnum Infectum is complete: the twenty-first treats of Pecunia Certa Credita, but only of Execution; the twenty-second treats in like manner of similar actions; there is only the beginning of the twenty-third, which treats of the division of an hereditas (*quei de familia eerceiscunda deividunda ivdicivm sibei darei reddeive*, &c. *postulaverint*, &c.). The matter of this lex therefore, so far as we know it, purely concerns procedure, as Puchta remarks.

RUPI'LIAE (B. C. 131), were the regulations established by P. Rupilius, and ten legati, for the administration of the province of Sicily, after the close of the first servile war. They were made in pursuance of a consultum of the senate. Cicero (*in Verr.* ii. 13, 15, 16, 37) speaks of these regulations as a Decretum of Rupilius (*quod is de decem legatorum sententia statuit*), which he says they call Lex Rupilia; but it was not a Lex proper. The powers given to the commissioners by the Lex Julia Municipalis were of a similar kind. There was also a Lex Rupilia de Cooptando Senatu Heracleiotarum (*In Verr.* ii. 50); and De Re Frumentaria (*In Verr.* iii. 40).

SACRA'TAE, mentioned by Livy (ii. 54) and by Cicero (*de Off.* iii. 33). Leges were properly so called which had for their object to make a thing or person *sacer*, as in Livy (ii. 8, *de sacrando cum bonis capite ejus qui*, &c.). The consecratio was in fact the sanction by which a Lex was to be enforced. (Liv. iii. 55.) In the latter case it was the opinion of the jurisconsulti (*juris interpretes*) that the Lex did not make "sacrosancti" the persons for whose protection it was designed, but that it made "sacer" (*sacrum sanxit*) any one who injured them; and this interpretation is certainly consistent with the terms of the Lex. (Festus, *s. v. Sacratae leges.*) Compare Liv. ii. 33; Dion Hal. *Rom. Antiq.* vi. 89; and the passage referred to in Orellii *Onomasticon.*

A Lex Sacrata Militaris is also mentioned by Livy (vii. 41); but the sanction of the Lex is not stated.

SAE'NIA De Patriciorum Numero Augendo, enacted in the fifth consulship of Augustus. (Tacit. *Ann.* xi. 25; *Mon. Ancyr.* Pilae prioris Tab. 2; see Cassia.]

SA'TURA. [Lex, p. 683, a.]

SCANTI'NIA, proposed by a tribune: the date and contents are not known, but its object was to suppress unnatural crimes. It existed in the time of Cicero. (Auson. *Epig.* 89; Juv. ii. 44; Cic. *ad Fam.* viii. 12, 14.) The Lex Julia de Adulteriis considered this offence as included in Stuprum and it was punishable with a fine; but by the later Imperial constitutions the punishment was death. (Sueton. *Dom.* 8; Paulus, *S. R.* ii. tit. 26. s. 13.)

SCRIBO'NIA. The date and whole import of this Lex are not known; but it enacted that a right to servitutes should not be acquired by usucapion (Dig. 41. tit. 3. s. 4. § 29), from which it appears that the law was once different as to certain servitudes at least: and these appear to be the servitutes praediorum urbanorum, which, according to this Lex, could not be acquired by usucapion. In the case of servitutes praediorum rusticorum, and of personal servitudes, the impossibility of usucapion arose out of the nature of the thing. A "libertas servitutium" could be gained by usucapion or rather disuse, for the Lex only applied to that usucapion which established a servitus (*servitutem constituebat*) and not to that so-called usucapion which took away the right (*sustulit servitutem*). It is perhaps doubtful if the passage of Cicero (*pro Caecin.* 26) should be alleged in proof of this usucapion formerly existing.

Scribonia Viaria or De Viis Muniendis, proposed by C. Scribonius Curio, tr. pleb. B. C. 51. (Orellii *Onomasticon.*)

SEMPRO'NIAE LEGES, were leges proposed by Tiberius and C. Gracchus respectively, while they were tribuni plebis.

Agraria of Tib. Gracchus was proposed by him during his tribunate B. C. 133. The nature of this measure is explained by Appian. (*Bell. Civ.* i. 10, &c.) It was an Agraria Lex, the object of which was the distribution of the Public Land among the poorer citizens. [Agrariae Leges.] Tib. Gracchus with the advice of P. Licinius Crassus, Pontifex Maximus, P. Mucius Scaevola, afterwards Pontifex Maximus, and Appius Claudius (Plut. *Tib. Gracchus*, 9), proposed that no person should hold more of the Ager Publicus than 500 jugera (comp. Liciniae Leges), but that for every son he might hold 250 more. The poor who were to be provided with land out of what remained after the large possessions were reduced, were not to have the power of alienating their own lots; and they were to pay the tenths. The law was enacted and the execution of it was intrusted to three persons (tres viri), who were Tiberius himself, his brother Caius, and Appius Claudius. The execution of the law was attended with great difficulty, because the public land which had been held for many generations by private persons, had been dealt with like private property, had often changed hands by sale, and had been improved and built upon. It was first proposed to indemnify the Possessors for all improvements, but it appears that when they made opposition to the measure, this proposal was withdrawn.

Other measures were designed by Tiberius, but his premature death stopped them. The execution of the Agraria Lex of Tiberius was impeded by a Senatusconsultum, which put an end to the commission. The Lex was revived by Caius Gracchus, trib. pl. in B. C. 123. The senate ruined the cause of Gracchus by engaging the tribune M. Livius Drusus to propose measures of a character even more popular than those of Gracchus. The legislation about the Roman Public Land requires a history in itself.

De Capite Civium, proposed by C. Gracchus B. C. 123, enacted that the caput or condition of a Roman citizen could not be affected without a trial and vote of the people. (Cic. *pro Rabir.* c. 4; and Cicero's disingenuous exposition, *In Cat.* iv. 5). Plutarch (*C. Gracchus*, 4) appears to allude to this Lex; but if he does, he has mistaken its purport.

Frumentaria. [Frumentariae Leges.]

Judiciaria proposed by C. Gracchus, had for its object to deprive the senate of the power which they derived from supplying the Judices in Judicia Publica from their body (Plut. *C. Gracchus*, 5). Plutarch's account of this Lex is probably incorrect. Compare Appian (*Bell. Civ.* i. 22); and Judex, p. 649, b.

De Provinciis Consularibus proposed by C. Gracchus, B. C. 123, enacted, that in every year, before the Comitia for electing the consuls, the senate should determine the two provinces which the consuls should have; and the consuls were to settle between themselves by lot, or otherwise, which province each should have. (Sallust, *Jug.* c. 27, and the note of Cortius; Cic. *de Prov. Cons.* c. 2.)

There may have been other measures proposed and carried by C. Gracchus; but it is not easy to distinguish between all that was proposed and carried, and what was simply proposed. The Lives of Tiberius and C. Gracchus by Plutarch, translated with notes by G. Long, give some information on the legislation of the Gracchi, which should be compared with Appian. (*Bell. Civ.* i. 10, &c.)

SEMPRO'NIA DE FE'NORE, B. C. 193, was a Plebiscitum proposed by a tribune M. Sempronius (Liv. xxxv. 7), which enacted that the law (*jus*) about money lent (*pecunia credita*) should be the same for the Socii and Latini (*Socii ac Nomen Latinum*) as for Roman citizens. The object of the Lex was to prevent Romans from lending money in the name of the Socii who were not bound by the Fenebres Leges. The Lex could obviously only apply within the jurisdiction of Rome.

SERVI'LIA AGRA'RIA, proposed by the tribune P. Servilius Rullus in the consulship of Cicero, B. C. 63, was a very extensive Agraria Rogatio. It was successfully opposed by Cicero (*In Rullum*); but it was in substance carried by Julius Caesar B. C. 59 [Julia Lex Agraria], and is the Lex called by Cicero Lex Campana (*ad Att.* ii. 18), from the public land called Ager Campanus being assigned under this Lex.

SERVI'LIA GLAU'CIA DE REPETUNDIS. [Repetundae.]

SERVI'LIA JUDICIA'RIA, proposed by the consul Q. Servilius Caepio, B. C. 106. See the article Judex, p. 649, b, and the various passages in Cicero (*Brut.* 43, 44, 63, 86). It is assumed by some writers that a Lex of the tribune Servilius Glaucia repealed the Servilia Judiciaria two years after its enactment. (Cic. *Brut.* 62; Orellii *Onomasticon.*)

SI'LIA. (Gaius, iv. 19.) The Legis Actio called Condictio was established by this Lex in the case when the demand was a determinate sum of money (*certa pecunia*).

SI'LIA, a plebiscitum proposed by P. and M. Sillii tribuni plebis related to Publica Pondera. (Festus, *Publica Pondera*, where the Lex is given; and the notes in the Delphin edition.)

SILVA'NI ET CARBO'NIS. [Papiria Plautia.]

SULPI'CIAE, proposed by the tribune P. Sulpicius Rufus, a supporter of Marius, B. C. 88, enacted the recal of the exiles, the distribution of the new citizens and the libertini among the thirty-five tribes, that the command in the Mithridatic war should be taken from Sulla and given to Marius, and that a Senator should not contract debt to the amount of more than 2000 denarii. (Plut. *Sull.* 8.) The last enactment may have been intended to expel persons from the senate who should get in debt. All these Leges were repealed by Sulla. (App. *Bell. Civ.* i. 55, 59; Liv. *Epit.* 77; Vell. Pat. ii. 18.)

SULPI'CIA SEMPRO'NIA, B. C. 304. No name is given to this Lex by Livy (ix. 46), but it was probably proposed by the consuls. It prevented the dedicatio of a templum or altar without the consent of the senate or a majority of the tribunes. (Compare Gaius, ii. 5—7.)

SUMTUA'RIAE. [Sumtuariae Leges.]

TABELLA'RIAE. [Tabellariae Leges.]

TARPE'IA ATE'RNIA. [Aternia Tarpeia.]

TERENTI'LIA, proposed by the tribune C. Terentilius, B. C. 462, but not carried, was a rogatio which had for its object an amendment of the constitution, though in form it only attempted a limitation of the Imperium Consulare. (Liv. iii. 9, 10, 31; Dionys. *Rom. Antiq.* x. 1, &c.) This rogatio probably led to the subsequent legislation of the Decemviri.

TESTAMENTA'RIAE. Various leges, such as the Cornelia, Falcidia, Furia, and Voconia, regulated testamentary dispositions.

THO'RIA. This Agraria Lex is the subject of a very elaborate essay by Rudorff, "Das Ackergesetz des Spurius Thorius, Zeitschrift, vol. x."

This Lex was engraved on the back part of the same bronze tablet which contained the Servilia Lex which applied to the Judicia de Repetundis. The tablet was broken at some unknown time, and the lower which was perhaps the larger part is now lost. Seven fragments of the upper part were preserved, which as the tablet is written on both sides, make fourteen inscriptions, which were published by Fulvius Ursinus: the first five of the inscriptions, as they are numbered by him, belong to the Lex Thoria, and the seven last to the Lex Servilia. The largest and most important of the fragments are now in the Museo Borbonico. Their history is traced and their present condition described by Rudorff with great minuteness. Two of the fragments were copied by Sigonius when they were in the Museum of Cardinal Bembo; and the copy of the two fragments of the Lex Thoria, and also the copy of the two fragments of the Lex Servilia, are printed in the work of Sigonius, *De Antiquo Jure Populi Romani Libri Undecim*, Bononiae, 1574.

The title of this Lex does not appear from the mutilated inscription, but Rudorff shows that the Lex belongs to the period between the consulship of P. Cornelius Scipio Nasica and L. Calpurnius Piso Bestia, B. C. 111, and that of L. Julius Caesar, B. C. 90, within which space of twenty-two years five Agrarian laws were enacted, Boria, Thoria, Marcia, Apuleia, and Titia. It further appears from comparing two passages of Cicero (*de Or.* ii. 70; and *Brutus*, 36), in which he speaks of the Lex Thoria, with the fragments of this Lex whose title is lost, that the fragments are those of the Lex Thoria. Now the date of the Lex Thoria is fixed by Rudorff at the year of the city 643 or B. C. 111, which is consequently the date of the Lex on the bronze tablet, thus identified with the Lex Thoria. Proceeding on the assumption that the fragmentary Lex was the Plebiscitum, called the Lex Thoria, Sigonius restored the beginning of it according to the usual form of Roman Plebiscita: Sp. Thorivs . . . F. Tr. Pl. Plebem ivre rog. Plebesque ivre scivit Tribvs . . . . Principivm fvit pro tribv Q. Fabivs. Q. F. primvs scivit.

The history of this inscription is curious. It was not cut on the rough back of the bronze tablet till after the other side, which is smooth, had been occupied by the Servilia Lex. The Servilia Lex is certainly not of earlier date than the year of the city 648, or B. C. 106, and consequently the Thoria could not have been cut on this tablet before the year 648. It seems that the tablet was large enough for the Lex Servilia, for which it was intended, but much too small for the Agrarian Law: "consequently, the characters of the Agrarian side of the tablet are remarkably small, the lines narrow, the abbreviations numerous, and the chapters only separated by two or three points, whereas on the other side the letters are uniform, large, and well made, the lines wide, the words written at full length, and the chapters of the Lex separated by superscriptions. Further, the lines (of the Agrarian Lex) are often so oblique that they cross the straight lines on the opposite side, which are cut very deep and consequently are visible on the side on which the Agrarian Lex is cut." (Rudorff.)

The subject-matter of this Lex cannot be stated without entering into detail: the whole is examined by Rudorff with great care. The main subject of the Lex to which the first eighteen chapters or forty-three lines refer, is the Public land in Italy as far as the rivers Rubico and Macra. The second part of the Lex begins with the nineteenth chapter and the forty-fourth line, and extends to the fiftieth chapter and the ninety-sixth line: this part of the Lex relates to the Public and Private land in the Province of Africa. The third and last part of the Lex, from the fiftieth chapter and the ninety-sixth line to the end of the inscription, relates to the Roman Public land in the territory of Corinth.

Rudorff concludes that the Lex applied to other land also; and for two reasons. First, the Roman Agrarian Laws of the seventh century of the city, related to all the provinces of the empire, of which we have an example in the case of the Lex Servilia of Rullus. Secondly, the fragment of the Lex Thoria, which is preserved, is so broad compared with the height that we may conclude that the complete tablet contained three times as much as it does now; for nearly all the bronze tablets on which Roman laws are cut, are of an oblong form, with the height much greater than their width. Of the two-thirds of the tablet which it is concluded have been lost, not a trace has yet been discovered.

The essay of Rudorff contains a copy of the inscription, with the restoration of the passages that are defaced. The value of this attempt can only be estimated by an investigation as complete as that of the author.

TI'TIA, similar in its provisions to the Lex Publicia. (Dig. 11. tit. 5. s. 3.)

TI'TIA DE TUTO'RIBUS (see JULIA LEX ET TITIA, and Gaius i. 195).

TREBO'NIA, a plebiscitum proposed by L. Trebonius, B. C. 448, which enacted that if the ten tribunes were not chosen before the Comitia were dissolved, those who were elected should not fill up the number (*co-optare*), but that the Comitia should be continued till the ten were elected. (Liv. iii. 65, v. 10.)

TREBO'NIA DE PROVI'NCIIS CONSULA'RIBUS. (Plut. *Cat. Min.* 43; Liv. *Epit.* 105; Dion Cass. xxxix. 33.)

TRIBUNI'TIA. [TRIBUNUS.]

TU'LLIA DE A'MBITU. [AMBITUS.]

TU'LLIA DE LEGATIO'NE LI'BERA. [LEGATUS, p. 679, a.]

VALE'RIAE LEGES. In B. C. 508, the consul P. Valerius proposed and carried various leges, the purpose of which was to relieve himself from the suspicion of aiming at kingly power, and to increase his popularity. The chief were a Lex which gave an appeal (provocatio) to the populus against magistratus, and one which declared to be accursed, and devoted the man and his property, who should form a design to seize the kingly power (Liv. ii. 8). Owing to these popular measures, the consul received the cognomen of Publicola, by which he is generally known. This statement of the law on Provocatio by Livy is very brief and unsatisfactory. Cicero (*de Rep.* ii. 31) states more distinctly that this Lex was the first that was passed at the Comitia Centuriata, and that the provisions were "ne quis magistratus civem Romanum adversus provocationem necaret neve verberaret." The Lex, therefore, secured the right of appeal to all Roman cives; and it is consistent with this, that some of the Roman cives, the patricians, as Niebuhr states, had already the provocatio to their curiae. This right of provocatio only applied to Rome and a mile round the city, for the Imperium of the consuls beyond this boundary was unlimited (Liv. iii. 20, neque enim provocationem esse longius ab urbe mille passuum). Conformably to this, the Judicia quae Imperio continentur comprised among other cases those where the Judicium was beyond the limits of the mille passus. The substance of the two Leges is stated by Dionysius (*Antiq. Rom.* v. 19, 70) with more precision and apparently in accordance with the terms of the Leges. The right of provocatio was intended to protect persons against the summary jurisdiction of the consuls, by giving them an appeal to the δῆμος, and until the πλῆθος decided on their case, no punishment could be inflicted. (c. 70.) In c. 19 it is said that the appeal was also to the δῆμος; and this measure made Publicola popular with the δημοτικοί, whom we must take to be the Plebs (comp. Dionys. ix. 39). Dionysius generally uses δῆμος to signify Plebs; but he also uses πλῆθος in the same sense (vii. 65, viii. 70, 71, x. 40).

VALE'RIAE ET HORA'TIAE LEGES were proposed by the consuls L. Valerius and M. Horatius B. C. 449. (Liv. iii. 55.) One of these Leges which was passed at the Comitia Centuriata was "ut quod tributim plebes jussisset populum teneret," the import of which is not easy to distinguish from the later Publilia Lex (Liv. viii. 12), "ut plebiscita omnes Quirites tenerent." [Plebiscitum; Publilia Lex.]

A second Lex was intended to secure the principle of the Lex Valeria De Provocatione; "that if any person appointed (creasset) a magistratus without appeal, it was lawful to kill such person." *Creasset* has here a technical meaning. (Liv. iii. 55, iv. 13; Cic. *de Rep.* ii. 31; "ne qui magistratus sine provocatione crearetur.") This Lex was enacted again B. C. 300 (Liv. x. 9) on the proposal of M. Valerius, consul; and the sanction of the Lex was more carefully expressed (diligentius sanctam). This, says Livy, was the third time that this Lex was enacted since the expulsion of the kings: "the cause of its being enacted several times I take to be no other than this, that the power of a few was greater than the liberty of the plebs." This is a plain and intelligible account of the matter, and may be safely accepted. The Great Charter of England was ratified more than once. A Lex Duilia (Liv. iii. 55) which immediately followed these Valeriae, again enacted, among other things, severe penalties against him "qui magistratum sine provocatione creasset." The plebs thought they were never safe enough against the nobility, and they had good grounds to be suspicious.

A third Lex of these consuls was to protect the persons of the tribuni plebis, aediles, judices, decemviri. Any person who violated their personality was sacer, "devoted," and his familia, liberi liberaeque, were to be sold. It is not known who are meant by judices and decemviri in this passage. The context shows that they were persons of the plebeian class or in the plebeian interest. Niebuhr's conjecture that the judices may be the Centumviri is ingenious and probable. All conjectures about the decemviri are vague.

VALE'RIA HORA'TIA. [Plebiscitum.]

VA'RIA. [Majestas.]

VATI'NIA DE PROVI'NCIIS was the enactment by which Julius Caesar obtained the province of Gallia Cisalpina with Illyricum for five years, to which the senate added Gallia Transalpina. This Plebiscitum was proposed by the tribune P. Vatinius, B. C. 59. (Dion Cass. xxxviii. 8; Appian. *Bell. Civ.* ii. 13; Sueton. *Caes.* 22; Vell. Pat. ii. 44.) A Trebonia Lex subsequently prolonged Caesar's Imperium for five years.

VATI'NIA. [Repetundae.]

VATI'NIA DE COLO'NIS, under which the Latina Colonia [Latinitas] of Novum-Comum in Gallia Cisalpina was planted B. C. 59. (Sueton. *Caes.* 28.)

VATI'NIA DE REJECTIO'NE JU'DICUM (Cic. *in Vatin.* c. 11; *Schol. Bob.* 321, 323.)

LEGES DE VI. [Vis.]

VIA'RIA. A Lex that was talked of (Cic. *ad Fam.* viii. 6) is only worth mention on account of the name. Such a Lex might be De Viis Muniendis.

Some modern writers speak of Leges Viariae, but there do not appear to be any Leges properly so called. The provisions as to roads (viae) in many of the Agrarian laws were parts of such leges, and had no special reference to roads. (Frontinus, or, as he is often called, Pseudo-Frontinus, *De Coloniis Libellus.*)

VICESIMA'RIA. [Vicesima.]

VI'LLIA ANNA'LIS. [Annales, p. 684, b. and the Essay of Wex on the Leges Annales of the Romans, translated in the Classical Museum, No. X.]

VISE'LLIA made a man liable to a criminal prosecution who, being a Latinus, assumed to exercise the rights of an Ingenuus. (Cod. ix. tit. 21.)

VOCO'NIA, was enacted on the proposal of Q. Voconius Saxa, a Tribunus Plebis. In the "De Senectute" of Cicero, Cato the elder is introduced as saying that he spoke in favour of the Lex when he was sixty-five years of age, and in the consulship of Caepio and Philippus. (B. C. 169.) Gellius also speaks of the oration in which Cato recommended this Lex. (Cic. *pro Balbo*, 8, *Cato Major*, 5; Gellius, vii. 13, xvii. 6.)

One provision of the Lex was that no person who should be included in the census, after the census of that year (*post eos censores;* the Censors of that year were A. Postumius and Q. Fulvius), should make any female (*virginem neve mulierem*) his heres. (Cic. *in Verrem*, i. 41, 42.) Cicero does not state that the Lex fixed the census at any sum; but it appears from Gaius (ii. 274) that a woman could not be made heres by any person who was rated in the census at 100,000 asses or upwards (*centum millia aeris*), though she could take the hereditas per fideicommissum. Dion Cassius (lvi. 10) names the sum as 25,000 drachmae, which is 100,000 sestertii. The lex allowed no exceptions even in favour of an only daughter. (Augustin. *de Civit. Dei*, iii. 21.) The Lex only applied to testaments, and therefore a daughter or other female could inherit ab intestato to any amount. The Vestal Virgins could make women their heredes in all cases, which was the only exception to the provisions of the Lex. (Cic. *de Rep.* iii. 10; Gell. i. 12.)

If the terms of the Lex are correctly reported by Cicero, a person who was not *census* might make a woman his heres, whatever was the amount of his property, and so Cicero understands the Lex (*in Verr.* ii. 41). Still there is a difficulty about the meaning of *census.* If it is taken to mean that a person whose property was above 100,000, and who was not included in the census, could dispose of his property as he pleased by testament, the purpose of the Lex would be frustrated; and further "the not being included in the census" (*neque census esset*) seems rather vague. Still, according to the terms of the Lex, any person who had ever been included in the census, would be affected by this legal incapacity. Sometimes it is assumed that the last census is meant. The Edict extended the rule of the Voconia Lex to the Bonorum Possessio. (Dig. 37. tit. 1. s. 12.)

Another provision of the Lex forbade a person, who was census, to give more in amount in the form of a legacy or a donatio mortis causa, to any person than the heres or heredes should take. This provision secured something to the heres or heredes, but still the provision was ineffectual, and the object of this lex was only accomplished by the Lex Falcidia. [Legatum.] Gaius (ii. 226), in quoting this provision of the Lex, does not mention the condition of being census, but this is stated by Cicero (*in Verr.* i. 43).

Some writers suppose that this Lex also contained a provision by which a testator was forbidden to give a woman more than half of his property by way of legacy; and it appears from Cicero that the Lex applied to legacies (*de mulierum legatis et hereditatibus*, Cic. *de Repub.* iii. 10). But this provision is not allowed by some of the best critics to have been a part of the Lex. Quintilian (*Declam.* 264) states that by the Lex (Voconia) a woman could not take by testament more than half of a person's property; but Quintilian says nothing of the provisions of this Lex, which incapacitated women altogether from taking under a will in certain cases, and in the passage referred to he is speaking of two women being made *heredes* of a property in equal shares. The dispute between the cognati and the two women turned on the words of the Lex, "ne liceat mulieri plusquam dimidiam partem bonorum suorum relinquere," the cognati contending that the Lex did not allow the whole property to be thus given to two women in equal shares, though it was admitted that if half of the property had been given to one woman, there would have been no ground for dispute. It is quite consistent that the Lex might have allowed a woman to take half of a man's property in certain cases, and in others to take none, though the object of the Lex, which was to prevent large properties from coming into women's hands, would have been better secured by other provisions than those of the Lex as they are known to us; for it appears from Quintilian, that a woman might take by will one half of as many properties as there were testators. It might be conjectured that the clause of the Lex which forbade a woman being made heres, signified sole heres, and then the clause which forbade her taking more than half would be fitly framed to prevent an evasion of the law by making a woman heres ex deunce, for instance, and giving the rest to another person. And this conjecture derives some support from the provision of the Lex Voconia which prevented the giving nearly all the property in legacies to the detriment of the heres; which provision, however, it must be observed, does not apply to women only (Gaius, ii. 226). The case of Fadia, mentioned by Cicero (*de Fin.* ii. 17), shows that there was a provision in the Lex by which, in certain cases at least, a woman might take something; and it also shows that the Lex prevented a man from making even his own daughter *sole* heres.

According to Gaius and Pliny (*Paneg.* 42), the provisions of the Voconia Lex were in force at the time when they were writing, though Gellius (xx. 1) speaks of them as being either obsolete or repealed. The provisions of the Lex Julia et Papia Poppaea may have repealed some of the clauses of the Voconia Lex.

The subject of the Voconia Lex is one of considerable difficulty, owing to the imperfect statements that remain of its contents and provisions, which were probably numerous. The chief modern authorities on the matter are referred to by Rein (*Das Röm. Privat. Recht*, p. 367, &c.), and in Orellii *Onomasticon*. The latest essay on it that the writer has seen is "Die Lex Voconia &c." by Dr. J. J. Bachofen, Basel, 1843; but the essay does not settle all the difficulties.

This list of Leges may not be quite complete, and the dates of some of them and the statement of their purport may not be perfectly accurate. Still it contains all the Leges that are of any importance for the understanding of Roman History and Jurisprudence. Those which are not specially noticed here, are referred to their proper heads, particularly when there are many Leges relating to one subject, as Ambitus, Repetundae, &c. Several of the Roman Leges were modified by Senatusconsulta. The Senatusconsulta, which are properly laws, are enumerated under SENATUSCONSULTUM. [G. L.]

LEXIARCHI (ληξίαρχοι). [ECCLESIA, p. 441, a.]

LEXIARCHICON (ληξιαρχικόν). [DEMUS.]

LEXIS (λῆξις). [DIKE.]

LIBELLA, instruments. [LIBRA.]

LIBELLA, a small Roman silver coin, which is mentioned by Varro (*L. L.* v. 36, p. 68, Müller) as having existed in the early age of the city, but which in his time, and apparently for a considerable period before, was no longer coined. The name, however, was retained especially as a proverbial expression for a very small value. (Plaut. *Pseud.* ii. 2. 34, *Capt.* v. 1. 27; Cic. *Verr.* ii. 2, *pro Rosc. Com.* 4.) It was equal in value to the *as* (whence its name), and, in the system of silver money, it was the tenth part of the *denarius*. (Varr. *l. c.*; Plin. *H. N.* xxxiii. 3. s 13.) The words of Varro and Pliny clearly imply that the *libella* was equal in value to the old full-weight *as;* and it seems most probable that the coin ceased being struck at the time of the reduction of the *as*, on account of the inconveniently small size which it would have assumed. The *libella* was subdivided into the *sembella*, its half, and the *teruncius*, its quarter. Cicero (*ad Att.* vii. 12) uses these words to express fractions of an estate, with reference to the *denarius* as the unit, the *libella* signifying 1-10th, and the *teruncius* 1-40th of the whole (Böckh, *Metrol. Untersuch.* p. 453, &c.). [P. S.]

LIBELLUS, is the diminutive form of liber, and signifies properly a little book. A libellus was distinguished from other kinds of writings, by being written like our books by pages, whereas other writings were written *transversa charta*. (Suet. *Caes.* 56.) A libellus, however, did not necessarily consist of several pages. It was used by the Romans as a technical term in the following cases:—

1. *Libelli accusatorum* or *accusatorii* were the written accusations which in some cases a plaintiff, after having received the permission to bring an action against a person, drew up, signed, and sent to the judicial authorities, viz., in the city to the praetor, and in a province to the proconsul. (Cod. 9. tit. 2. s. 8; Dig. 48. tit. 5. s. 2. 17. 29; 47. tit. 2. s. 74; compare ACTIO.) The form in which a libellus accusatorius was to be written, is described by Ulpian in a case of adultery. (Dig. 48. tit. 2. s. 3.) The accuser had to sign the libellus, and if he could not write, he was obliged to get somebody else to do it for him. If the libellus was not written in the proper legal form, it was invalid, but the plaintiff had still the right to bring the same action again in its legal form. (Juv. vi. 244, &c.; Tacit. *Ann.* iii. 44; Plin. *Epist.* vii. 27; compare Brisson. *de Form.* v. c. 187, &c.)

2. *Libelli famosi* were what we call libels or pasquinades, intended to injure the character of persons. A law of the Twelve Tables inflicted very severe punishments on those who composed defamatory writings against any person. (Cic. *de Re Pub.* iv. 10; Arnob. iv. p. 151.) During the latter part of the republic this law appears to have been in abeyance, for Tacitus (*Ann.* i. 72) says that previous to the time of Augustus libels had never

been legally punished (compare Cic. *ad Fam.* iii. 11), and that Augustus provoked by the audacity with which Cassius Severus brought into disrepute the most illustrious persons of the age, ordained, by a lex majestatis, that the authors of libelli famosi should be brought to trial. On this occasion Augustus, who was informed of the existence of several such works, had a search made at Rome by the aediles, and in other places by the local magistrates, and ordered the libels to be burnt; some of the authors were subjected to punishment. (Dion Cass. lvi. 27.) A law quoted by Ulpian (Dig. 47. tit. 10. s. 5) ordained that the author of a libellus famosus should be intestabilis, and during the later period of the empire we find that capital punishment was not only inflicted upon the author, but upon those persons in whose possession a libellus famosus was found, or who did not destroy it as soon as it came into their hands. (Cod. 9. tit. 36.) For further information on this subject see Rein, *Das Criminalrecht der Römer*, pp. 378, &c. 531.

3. *Libellus memorialis*, a pocket or memorandum book. (Suet. *Caes.* 56.) The libellus, from which Cicero (*ad Att.* vi. 1. § 5) communicates a memorandum of Brutus, appears to have been a book of this kind.

4. *Libellus* is used by the Roman jurists as equivalent to *Oratio Principis.* [ORATIONES PRINCIPUM.]

5. The word libellus was also applied to a variety of writings, which in most cases probably consisted of one page only: —

a. To short letters addressed to a person for the purpose of cautioning him against some danger which threatened his life (Sueton. *Caes.* 81, *Calig.* 15); and to any short letters or reports addressed to the senate or private individuals. (Suet. *Caes.* 56, *August.* 84; Cic. *ad Fam.* xi. 11.)

b. To the bills called *libelli gladiatorii*, or *munerarii*, which persons who gave gladiatorial exhibitions distributed among the people. [GLADIATORES, p. 574, b.]

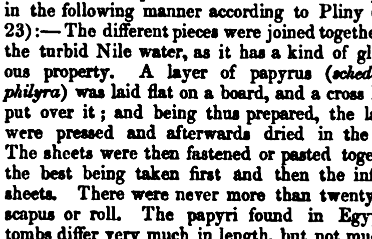
c. To petitions to the emperors. (Suet. *Aug.* 53; Mart. viii. 31. 3, 82. 1.) The emperors had their especial officers or secretaries who attended to all petitions (*libellis praefectus*, Dig. 20. tit. 5), and who read and answered them in the name of the emperor. (Suet. *Domit.* 14.) Such a libellus is still extant. See Gruter, *Inscript.* p. DCVII. 1.

d. To the bill of appeal called *libellus appellatorius*, which a person who did not acquiesce in a judicial sentence, had to send in after the lapse of two or three days. (Dig. 40. tit. 1.)

e. To the bills stuck up in the most frequented parts of the city, in case of a debtor having absconded. (Cic. *pro Quint.* 6, 15, 19; Rein, *Röm. Privatr.* p. 499.) Such bills were also stuck upon the estates of such a debtor, and his friends who wished to pay for him sometimes pulled down such bills. (Senec. *de Benef.* iv. 12.)

f. To bills in which persons announced to the public that they had found things which had been lost, and in which they invited the owner to claim his property. (Plaut. *Rud.* v. 2. 7, &c.; Dig. 47. tit. 2. s. 44.) The owner gave to the finder a reward (*εὕρετρα*) and received his property back. Sometimes the owner also made known to the public by a libellus what he had lost, stated his name and residence, and promised to give a reward to the person who found his property, and brought it back to him. (Propert. iii. 21. 21, &c.) [L. S.]

LIBER (*βιϐλίον*) a book. The most common material on which books were written by the Greeks and Romans, was the thin coats or rind (*liber*, whence the Latin name for a book) of the Egyptian papyrus. This plant was called by the Egyptians *byblos* (*βύϐλος*), whence the Greeks derived their name for a book (*βιϐλίον*). It formed an article of commerce long before the time of Herodotus (v. 58), and was extensively used in the western part of Europe, as is proved by the number of rolls of papyri found at Herculaneum. In the sixth century of the Christian aera the duty on imported papyrus was abolished by Theodoric the Great, on which occasion Cassiodorus wrote a letter (xi. 38), in which he congratulates the world on the cessation of a tax so unfavourable to the progress of learning and of commerce. The papyrus-tree grows in swamps to the height of ten feet and more, and paper was prepared from the thin coats or pellicles which surround the plant in the following manner according to Pliny (xiii. 23): — The different pieces were joined together by the turbid Nile water, as it has a kind of glutinous property. A layer of papyrus (*scheda* or *philyra*) was laid flat on a board, and a cross layer put over it; and being thus prepared, the layers were pressed and afterwards dried in the sun. The sheets were then fastened or pasted together, the best being taken first and then the inferior sheets. There were never more than twenty in a scapus or roll. The papyri found in Egyptian tombs differ very much in length, but not much in breadth, as the breadth was probably determined by the usual length of the strips taken from the plant. The length might be carried to almost any extent by fastening one sheet to another. The writing was in columns with a blank slip between them. (*Egyptian Antiquities*, vol. ii. ch. 7. Lond. 1836.) The form and general appearance of the papyri rolls will be understood from the following woodcut taken from paintings found at Pompeii. (Gell. *Pomp.* vol. ii. p. 187.)



The paper (*charta*) made from the papyrus was of different qualities. The best was called after Augustus, the second after Livia, the third, which was originally the best, was named Hieratica, because it was appropriated to the sacred books. The finest paper was subsequently called Claudia, from the emperor Claudius. The inferior kinds were called *Amphitheatrica*, *Saitica*, *Leneotica*, from the places in Egypt where it was made, and also *Fanniana*, from one Fannius, who had a celebrated manufactory at Rome. The kind called *Emporetica* was not fit for writing, and was chiefly used by merchants for packing their goods, from which circumstance it obtained its name. (Plin. xiii. 23, 24.)

Next to the papyrus, parchment (*membrana*) was the most common material for writing upon.

It is said to have been invented by Eumenes II. king of Pergamus, in consequence of the prohibition of the export of papyrus from Egypt, by Ptolemy Epiphanes. (Plin. xiii. 21.) It is probable, however, that Eumenes introduced only some improvement in the manufacture of parchment, as Herodotus mentions writing on skins as common in his time, and says that the Ionians had been accustomed to give the name of skins (διφθέραι) to books (v. 58). Other materials are also mentioned as used for writing on, but books appear to have been almost invariably written either upon papyrus or parchment.

The ancients wrote usually on only one side of the paper or parchment, whence Juvenal (i. 5) speaks of an extremely long tragedy as

> "Summi plena jam margine libri
> Scriptus *et in tergo* necdum finitus Orestes."

Such works were called *Opistographi* (Plin. *Ep.* iii. 5), and are also said to be written *in aversa charta*. (Mart. viii. 62.)

The back of the paper, instead of being written upon, was usually stained with saffron colour or the cedrus. (Lucian, πρὸς ἀπαίδ. 16. vol. iii. p. 113; *croceae membrana tabellae*, Juv. vii. 23; Pers. iii. 10.) We learn from Ovid that the cedrus produced a yellow colour. (Ovid, *Trist.* iii. 1. 13.)

As paper and parchment were dear, it was frequently the custom to erase or wash out writing of little importance, and to write upon the paper or parchment again, which was then called *Palimpsestus* (παλιμψήστος). This practice is mentioned by Cicero (*ad Fam.* vii. 18), who praises his friend Trebatius for having been so economical as to write upon a palimpsest, but wonders what those writings could have been which were considered of less importance than a letter. (Compare Catull. xxii. 5; Martial, xiv. 7.)

The paper or parchment was joined together so as to form one sheet; and when the work was finished, it was rolled on a staff, whence it was called a *volumen;* and hence we have the expression *evolvere librum*. (Cic. *ad Att.* ix. 10.) When an author divided a work into several books, it was usual to include only one book in a volume or roll, so that there were generally the same number of volumes as of books. Thus Ovid (*Trist.* i. 1. 117) calls his fifteen books of Metamorphoses "mutatae ter quinque volumina formae." (Compare Cic. *Tusc.* iii. 3, *ad Fam.* xvii. 17.) When a book was long, it was sometimes divided into two volumes; thus Pliny (*Ep.* iii. 5) speaks of a work in three books "in sex volumina propter amplitudinem divisi."

In the papyri rolls found at Herculaneum, the stick on which the papyrus is rolled does not project from the papyrus, but is concealed by it. Usually, however, there were balls or bosses, ornamented or painted, called *umbilici* or *cornua*, which were fastened at each end of the stick and projected from the papyrus. (Martial, iii. 2, v. 6, 15; Tibull. iii. 1. 14; Ovid. *Trist.* i. 1. 8.) The ends of the roll were carefully cut, polished with pumice-stone and coloured black; they were called the *geminae frontes*. (Ovid. *l. c.*)

To protect the roll from injury it was frequently put in a parchment case, which was stained with a purple colour or with the yellow of the Lutum. Martial (x. 93) calls such a covering a *purpurea toga*. Something of the same kind is meant by the Greek *sittybae* (σιττύϐαι, Cic. *ad Att.* iv. 5), which Hesychius explains by δερμάτιναι στολαί.

The title of the book (*titulus index*) was written on a small strip of papyrus or parchment with a light red colour (*coccum* or *minium*). Winkelmann supposed that the title was on a kind of ticket suspended to the roll, as is seen in the paintings at Herculaneum (see woodcut), but it was most probably stuck on the papyrus itself. (Compare Tibull. *l. c.*) We learn from Seneca (*de Tranq. An.* 9) and Martial (xiv. 186) that the portraits of the authors were often placed on the first page of the work.

As the demand for books increased towards the end of the Roman republic, and it became the fashion for the Roman nobles to have a library, the trade of booksellers naturally arose. They were called *Librarii* (Cic. *de Leg.* iii. 20), *Bibliopolae* (Mart. iv. 71, xiii. 3), and by the Greek writers βιϐλίων κάπηλοι or βιϐλιοκάπηλοι. Their shop was called *taberna libraria* (Cic. *Phil.* ii. 9). These shops were chiefly in the Argiletum (Mart. i. 4), and in the Vicus Sandalarius (Gell xviii. 4). On the shop door, or the pillar, as the case might be, there was a list of the titles of books on sale: allusion is made to this by Horace (*Sat.* i. 4. 71, *Art. Poët.* 372) and Martial (i. 118). The price at which books were sold, seems to have been moderate. Martial says (*l. c.*) that a good copy of the first book of his epigrams might be had for five denarii. In the time of Augustus, the Sosii appear to have been the great booksellers at Rome. (Hor. *Ep.* i. 20. 2, *Art. Poët.* 345; see also Becker, *Gallus*, vol. i. p. 163, &c.) Compare the articles ATRAMENTUM, BIBLIOTHECA, CALAMUS, CAPSA, STYLUS.

LIBER, LIBERTAS. The Roman writers divide all men into Liberi and Servi [SERVUS]; and men were either born Liberi, in which case they were called by the Romans Ingenui [INGENUI], or they became Liberi after being Servi, in which case they were called Libertini [LIBERTUS]. Libertus is defined in the Institutes of Justinian (1. tit. 1), to be "the natural faculty to do that which a man pleases, except he be in any thing hindered by force or law." Accordingly the Romans considered Libertas as the natural state or condition of men [SERVUS]. A man might either be born a slave, or he might become a slave by loss of freedom. Libertas was the first essential of the three which determined status or condition: the other two were Civitas and Familia. Without Libertas there could be no status. Civitas implied Libertas; but Libertas did not necessarily imply Civitas, for a man might be Liber without being Civis. [CIVIS.] Familia implies both Libertas and Civitas, and he only who is Civis has Familia. [FAMILIA.] Thus, Familia necessarily includes Civitas, but Civitas does not necessarily include Familia in one sense; for familia may be changed, while libertas and civitas remain (cum et libertas et civitas retinetur, familia tantum mutatur minimam esse capitis diminutionem constat: Dig. 4. tit. 5. s. 11). But Civitas so far necessarily implied Familia, that no Civis Romanus was permanently without Familia. [G. L.]

LI'BERA FUGA. [EXSILIUM.]

LIBERA'LIA. [DIONYSIA, p. 414, a.]

LIBERA'LIS CAUSA. [ASSERTOR.]

LIBERA'LIS MANUS. [MANUS.]

LIBERA'LITAS. [AMBITUS.]

LIBERO'RUM JUS. [Lex Julia et Papia Poppaea,]

LIBERTUS (ἀπελεύθερος), a freedman. 1. Greek. It was not unfrequent for a master at Athens to restore a slave to freedom. A private person, it appears, might liberate his slave without any particular formality; sometimes the state would emancipate a slave, but then the purchase money had to be restored to his master. (Plat. *de Leg.* xi. p. 914.) The state into which a slave thus entered was called ἀπελευθερία, and he was said to be *καθ᾽ ἑαυτόν*. (Demosth. *pro Phorm.* p. 945.) It is not quite certain whether those persons who are termed *οἱ χωρὶς οἰκοῦντες* (Demosth. *Philip.* i. p. 50) were likewise freedmen, as the grammarians assert, or whether they were persons yet in slavery, but living separated from their masters' household; but in Demosthenes (*c. Euerg. et Mnesib.* p. 1161) the expression *χωρὶς ᾤκει* is evidently used as synonymous with "he has been emancipated." A slave when manumitted entered into the status of a *μετοικός* [Metoecus], and as such he had not only to pay the *μετοίκιον*, but a triobolon in addition to it. This triobolon was probably the tax which slave-holders had to pay to the republic for each slave they kept, so that the triobolon paid by freedmen was intended to indemnify the state, which would otherwise have lost by every manumission of a slave. (Böckh, *Publ. Econ. of Athens*, p. 331, &c., 2d edit.) The connection of a freedman with his former master was however not broken off entirely on his manumission, for he had throughout his life to regard him as his patron (*προστάτης*), and to fulfil certain duties towards him. In what these duties consisted beyond the obligation of showing gratitude and respect towards his deliverer, and of taking him for his patron in all his affairs, is uncertain, though they seem to have been fixed by the laws of Athens. (Meier and Schöm. *Att. Proc.* p. 473, &c.; Petit. *Leg. Att.* ii. 6. p. 261; compare Plato, *de Leg.* xi. p. 915.) Whether the relation existing between a person and his freedman descended to the children of the latter, is likewise unknown. That a master, in case his freedman died, had some claims to his property, is clear from Isaeus (*de Nicostrat. hered.* c. 9; Rhetor. ad Alex. i. 16; compare Bunsen, *De Jur. hered. Ath.* p. 51). The neglect of any of the duties which a freedman had towards his former master, was prosecuted by the *ἀποστασίου δίκη*. [Apostasiou Dike.]

The Spartans likewise restored their slaves sometimes to freedom, but in what degree such freedmen partook of the civic franchise is not known. That they could never receive the full Spartan franchise is expressly stated by Dion Chrysostomus (*Orat.* xxxvi. p. 448, b), but Müller (*Dor.* iii. 3. § 5) entertains the opinion that Spartan freedmen, after passing through several stages, might in the end obtain the full franchise; this opinion however is more than doubtful. Spartan freedmen were frequently used in the armies and in the fleet, and were, according to Myro (*ap. Athen.* vi. p. 271), designated by the names of *ἀφέται, ἀδέσποτοι, ἐρυκτῆρες, δεσποσιοναῦται*, and *νεοδαμώδεις*. [L. S.]

2. Roman. Freemen (*liberi*) were either Ingenui [Ingenui] or Libertini. Libertini were those persons who had been released from legal servitude (*qui ex justa servitute manumissi sunt*, Gaius, i. 11). A manumitted slave was Libertus (that is, liberatus) with reference to his master; with reference to the class to which he belonged after manumission, he was Libertinus. According to Suetonius, libertinus was the son of a libertus in the time of the censor Appius Claudius, and for some time after (*Claud.* c. 24); but this is not the meaning of the word in the extant Roman writers.

There were three modes of Legitima manumissio, the vindicta, the census, and the testamentum: if the manumitted slave was above thirty years of age, if he was the Quiritarian property of his master, and if he was manumitted in proper form (*legitime, justa et legitima manumissione*) he became a Civis Romanus: if any of these conditions were wanting, he became a Latinus; and in some cases only a Dediticius. [Manumissio.] Thus there were, as Ulpian observes, three kinds of Liberti: Cives Romani, Latini Juniani, and Dediticii.

The Status of a Civis Romanus and that of a Dediticius, have been already described. [Civitas; Dediticii.] As to the political condition of Libertini under the republic, who were Cives Romani, see Manumissio.

Originally slaves who were so manumitted as not to become Cives Romani, were still slaves; but the Praetor took them under his protection, and maintained their freedom, though he could not make them Cives Romani. The Lex Junia gave them a certain status, which was expressed by the phrase Latini Juniani: they were called Latini, says Gaius (i. 22, iii. 56), because they were put on the same footing as the Latini Coloniarii, and Juniani because the Junia Lex gave them freedom, whereas before they were by strict law (*ex Jure Quiritium*) slaves. Gaius (iii. 56) says that the Lex Junia declared such manumitted persons to be as free as if they had been Roman citizens by birth (*cives Romani ingenui*), who had gone out from Rome to join a Latin colony, and thereby had become Latini Coloniarii: this passage, which is not free from difficulty, is remarked on by Savigny (*Zeitschrift*, ix. p. 320).

A Latinus could attain the Civitas in several ways. (Gaius, i. 28, &c.; Ulp. *Frag.* tit. 3; Latinitas.) As the patria potestas was a Jus peculiar to Roman citizens, it followed that a Latinus had not the (Roman) patria potestas over his children. If, however, he had married either a Latina and had begotten a child, who would of course be a Latinus, or had married a Roman civis, and had begotten a child, which, by a senatusconsultum of Hadrian, would be a Romanus Civis, he might, by complying with the provisions of the Lex Aelia Sentia, in the former case obtain the civitas for himself, his wife, and child, and in both cases acquire the patria potestas over his child just as if the child had been born in justae nuptiae. (Gaius, i. 30. 66.)

In considering the legal condition of Libertini, it is necessary to remember that even those who were Cives Romani were not Ingenui, and that their patroni had still certain rights with respect to them. The Latini Juniani were under some special incapacities; for the Lex Junia which determined their status, neither gave them the power of making a will, nor of taking property under a will, nor of being named Tutores in a will. They could not therefore take either as heredes or legatarii, but they could take by way of fidei-commissum. (Gaius, i. 24.) The sons of libertini were ingenui, but they could not have gentile rights;

and the descendants of libertini were sometimes taunted with their servile origin. (Hor. *Serm.* i. 6, 46.)

The law which concerns the property (*bona*) of Libertini may be considered under PATRONUS; see also INGENUI and LEX JUNIA. [G. L.]

LIBITINA'RII. [FUNUS, p. 558, a.]

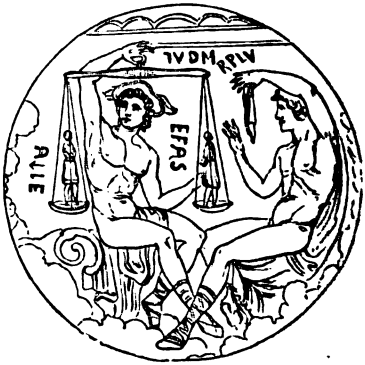
LIBRA or AS, a pound, the unit of weight among the Romans and Italians. Many ancient specimens of this weight, its parts and multiples, have come down to us; but of these some are imperfect, and the rest differ so much in weight that no satisfactory conclusion can be drawn from them. The difference between some of these specimens is as much as two ounces. An account of some of the most remarkable of them is given by Hussey (*Ancient Weights*, &c. ix. § 3), and Böckh (*Metrolog. Untersuch.* p. 170). This variety is to be accounted for partly by the well-known carelessness of the Romans in keeping to their standards of weight, and partly by the fact that many of the extant weights are from provincial towns, in which this carelessness was notoriously greater than in the metropolis.

The computation of the weight of the *libra* has been attempted in two ways, which are more fully discussed under PONDERA. The method which has been followed by most writers is that of deducing it from the weights of the silver coins — a process which gives, according to Hussey, 5040 grains, and according to Wurm and Böckh, a little more than 5053. The other plan is that of weighing the quantity of water held by the Congius of Vespasian, which originally contained 10 Roman pounds, which gives a result of about 5200 grains. According to the former computation, it was somewhat less than 11½, according to the latter, somewhat more than 11¾ ounces avoirdupois; and, according to either, its value may be roughly stated as a little less than 3-4th of a pound avoirdupois.

The uncial division, which has been noticed in speaking of the coin AS, was also applied to the weight. (See the Tables.) The divisions of the ounce are given under UNCIA. Where the word *pondo*, or its abbreviations P. or POND., occur with a simple number, the weight understood is the *libra*.

The name *libra* was also given to a measure of horn divided into twelve equal parts (*unciae*) by lines marked on it, and used for measuring oil. (Suet. *Caes.* c. 38; Galen, *de Comp. Med. Gen.* i. 17, vi. 8; Horat. *Sat.* ii. 2. 59—61.) [P. S.]

LIBRA, *dim.* LIBELLA (σταθμὸς), a balance, a pair of scales. The principal parts of this instrument were, 1. The beam [JUGUM], whence anything which is to be weighed is said ὑπὸ ζυγὸν ἀναβλῆθηναι, literally, "to be thrown under the beam." (Aelian, *V. H.* x. 6.) 2. The two scales, called in Greek τάλαντα (Hom. *Il.* viii. 69, xii. 433, xvi. 659, xix. 223, xxii. 209; Aristoph. *Ranae*, 809) and πλάστιγγε (Aristoph. *Ranae*, 1425), and in Latin *lances* (Virg. *Aen.* xii. 725; Pers. iv. 10; Cic. *Acad.* iv. 12). [LANX.] Hence the verb ταλαντεύω is employed as equivalent to σταθμάω, and to the Latin *libro*, and is applied as descriptive of an eagle balancing his wings in the air. (Philostrat. Jun. *Imag.* 6; Welcker, *ad loc.*) The beam was made without a tongue, being held by a ring or other appendage (*ligula*, ῥῦμα), fixed in the centre. (See the woodcut.) Specimens of bronze balances may be seen in the British Museum and in other collections of antiquities, and also of the steel-yard [STATERA], which was used for the same purposes as the libra. The woodcut to the article CATENA shows some of the chains by which the scales are suspended from the beam. In the works of ancient art, the balance is also introduced emblematically in a great variety of ways. The annexed woodcut is taken from a beautiful bronze patera, representing Mercury and Apollo engaged in exploring the fates of Achilles and Memnon, by weighing the attendant genius of the one against that of the other. (Winckelmann, *Mon. Ined.* 133; Millin, *Peintures de Vases Ant.* i. pl. 19. p. 39.) A balance is often represented on the reverse of the Roman imperial coins; and to indicate more distinctly its signification, it is frequently held by a female in her right hand, while she supports a cornucopia in her left, the words AEQVITAS AVGVSTI being inscribed on the margin, so as to denote the justice and impartiality with which the emperors dispensed their bounty.



The constellation Libra is placed in the Zodiac at the equinox, because it is the period of the year at which day and night are equally balanced. (Virg. *Georg.* i. 208; Plin. *H. N.* xviii. 69; Schol. *in Arat.* 89.)

The mason's or carpenter's level was called *libra* or *libella* (whence the English name), on account of its resemblance in many respects to a balance. (Varro, *de Re Rust.* i. 6; Columella, iii. 13; Plin. *H. N.* xxxvi. 52.) Hence the verb *libro* meant to level as well as to weigh. The woodcut to the article CIRCINUS shows a *libella fabrilis* having the form of the letter A (Veget. iii. 20), and the line and plummet (*perpendiculum*) depending from the apex. [J. Y.]

LIBRAMENTUM, LIBRATIO AQUARUM. [AQUAEDUCTUS, p. 113, b.]

LIBRA'RII, the name of slaves, who were employed by their masters in writing or copying in any way. They must be distinguished from the Scribae publici, who were freemen [SCRIBAE], and also from the booksellers [LIBER], to both of whom this name is occasionally applied. The slaves, to whom the name of librarii was given, may be divided into three classes: —

1. *Librarii* who were employed in copying books, called *Scriptores Librarii* by Horace (*Ars Poët.* 354). These librarii were called in later times *antiquarii*. (Cod. 12. tit. 19. s. 10; Cod. Theod. 4. tit. 8. s. 2; Isid. *Orig.* vi. 14.) Isidore

(*l. c.*) says that the librarii copied both old and new books, while the antiquarii copied only old books. Becker (*Gallus*, vol. i. p. 164), however, thinks that, when the cursive character came into general use, the name of antiquarii was applied to the copyists who transcribed books in the old uncial character. The name of librarii was also given to those who bound books (Cic. *ad Att.* iv. 4), and to those who had the care of libraries.

2. *Librarii a studiis* were slaves who were employed by their masters when studying to make extracts from books, &c. (Orell. *Inscr.* 719; Suet. *Claud.* 28; Cic. *ad Fam.* xvi. 21.) To this class the *notarii*, or short-hand writers, belonged, who could write down rapidly whatever their masters dictated to them. (Plin. *Ep.* iii. 5; Martial, xiv. 208.) [Notarii.]

3. *Librarii ab epistolis*, whose principal duty was to write letters from their master's dictation. (Orelli, *Inscr.* 2437, 2997, &c.; Becker, *Gallus*, vol. i. p. 180.) To this class belonged the slaves called *ad manum*, *a manu*, or *amanuenses*. [Amanuensis.]

LIBRA'TOR is in general a person who examines things by a libra; but the name was, in particular, applied to two kinds of persons.

1. *Librator aquae*, a person whose knowledge was indispensable in the construction of aqueducts, sewers, and other structures for the purpose of conveying a fluid from one place to another. He examined by a hydrostatic balance (*libra aquaria*) the relative heights of the places from and to which the water was to be conducted. Some persons at Rome made this occupation their business, and were engaged under the curatores aquarum, though architects were also expected to be able to act as libratores. (Plin. *Epist.* x. 50; Frontin. *de Aquaed.* 105; compare Vitruv. viii. 6; Cod. 10. tit. 66. s. 1.)

2. *Libratores* in the armies were probably soldiers who attacked the enemy by hurling with their own hands (*librando*) lances or spears against them. (Tacit. *Ann.* ii. 20, xiii. 39; in both these passages some MSS. have libritores.) Lipsius (*ad Tacit. Ann. l. c.*) thinks that the libratores were men who threw darts or stones against the enemy by means of machines, *tormenta* (compare his *Poliorcet.* iv. 3). But this supposition can scarcely be supported by any good authority. During the time of the republic libratores are not mentioned in the Roman armies. [L. S.]

LI'BRIPENS. [Mancipatio.]

LIBURNA, LIBU'RNICA. [Navis.]

LICHAS (λιχάς). [Pes.]

LI'CIA, LICIATO'RIUM. [Tela.]

LICTOR, a public officer, who attended on the chief Roman magistrates. The number which waited on the different magistrates is stated in the article Fasces.

The office of lictor is said to have been derived by Romulus from the Etruscans. (Liv. i. 8.) The etymology of the name is doubtful; Gellius (xii. 3) connects it with the verb *ligare*, because the lictors had to bind the hands and feet of criminals before they were punished. The lictors went before the magistrates, one by one in a line; he who went last or next to the magistrate was called *proximus lictor*, to whom the magistrate gave his commands (Liv. xxiv. 44; Sall. *Jug.* 12; Cic. *Verr.* v. 54, *de Div.* i. 28; Orelli, *Inscr.* 3218), and as this lictor was always the principal one, we also find him called *primus lictor* (Cic. *ad Quint.* i. 1. § 7), which expression some modern writers have erroneously supposed to refer to the lictor who went first.

The lictors had to inflict punishment on those who were condemned, especially in the case of Roman citizens (Liv. ii. 5, viii. 7); for foreigners and slaves were punished by the carnifex; and they also probably had to assist in some cases in the execution of a decree or judgment in a civil suit. The lictors also commanded (*animadverterunt*) persons to pay proper respect to a magistrate passing by, which consisted in dismounting from horseback, uncovering the head, standing out of the way, &c. (Liv. xxiv. 44; Sen. *Ep.* 64.)

The lictors were originally chosen from the plebs (Liv. ii. 55), but afterwards appear to have been generally freedmen, probably of the magistrate on whom they attended. (Comp. Tacit. *Ann.* xiii. 27.)

Lictors were properly only granted to those magistrates who had the Imperium. Consequently the tribunes of the plebs never had lictors (Plut. *Quaest. Rom.* 81), nor several of the other magistrates. Sometimes, however, lictors were granted to persons as a mark of respect or for the sake of protection. Thus by a law of the Triumvirs every Vestal virgin was accompanied by a lictor, whenever she went out (Dion Cass. xlvii. 19), and the honour of one or two lictors was usually granted to the wives and other female members of the Imperial family. (Tacit. *Ann.* i. 14, xiii. 2.)

There were also thirty lictors called *Lictores Curiati*, whose duty it was to summon the curiae to the comitia curiata; and when these meetings became little more than a form, their suffrages were represented by the thirty lictors. (Gell. xv. 27; Cic. *Agr.* ii. 12; Orelli, *Inscr.* 2176, 2922, 3240.)

LIGO (δίκελλα or μάκελλα) was a hatchet formed either of one broad iron or of two curved iron prongs, which was used by the ancient husbandmen to clear the fields from weeds. (Ovid, *ex Pont.* i. 8. 59; Mart. iv. 64; Stat. *Theb.* iii. 589; Colum. x. 89.) The ligo seems also to have been used in digging the soil and breaking the clods. (Hor. *Carm.* iii. 6. 38, *Epist.* i. 14. 27; Ovid, *Amor.* iii. 10. 31; compare Dickson, *On the Husbandry of the Ancients*, i. p. 415.) [L. S.]

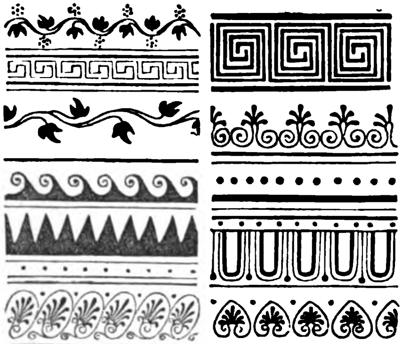
LI'GULA, a Roman measure of fluid capacity, containing one-fourth of the Cyathus. (Columella, *R. R.* xii. 21; Plin. *H. N.* xx. 5. s. 18.)

It signifies *a spoonful*, like *cochlear;* only the *ligula* was larger than the *cochlear*. The spoon which was called *ligula*, or *lingula* (dim. of *lingua*) from its shape, was used for various purposes, especially to clean out small and narrow vessels, and to eat jellies and such things. (Cato, *R. R.* 84; Colum. ix. 5; Plin. *H. N.* xxi. 14. s. 49; Martial, viii. 33. 23. 71. 9, xiv. 120; Becker, *Gallus*, ii. p. 156.) The word is also used for the leather tongue of a shoe (Pollux, ii. 109, vii. 80; Festus *s. v.*). [P. S.]

LIMA, a file, was made of iron or steel, for the purpose of polishing metal or stone, and appears to have been of the same form as the instruments used for similar purposes in modern times. (Plin. *H. N.* xxxvii. 8. s. 32, ix. 35. s. 54, xxviii. 9. s. 41; Plaut. *Menaech.* i. 1. 9.) [L. S.]

LIMBUS (παρυφή), the border of a tunic (Corippus, *de Laud. Just.* ii. 117) or a scarf. (Virg

Aen. iv. 137; Serv. *in loc.*) This ornament, when displayed upon the tunic, was of a similar kind with the CYCLAS and INSTITA (Servius *in Virg. Aen.* ii. 616), but much less expensive, more common and more simple. It was generally woven in the same piece with the entire garment of which it formed a part, and it had sometimes the appearance of a scarlet or purple band upon a white ground; in other instances it resembled foliage (Virg. *Aen.* i. 649; Ovid, *Met.* vi. 127), or the scrolls and meanders introduced in architecture. A very elegant effect was produced by bands of gold thread interwoven in cloth of Tyrian purple (Ovid, *Met.* v. 51), and called ληροί or *leria.* (Festus, *s. v.*; Brunck, *Anal.* i. 483.) Demetrius Poliorcetes was arrayed in this manner (χρυσοπαρύφοις ἁλουργῖσι, Plut. *Demet.* 41). Virgil (*Aen.* v. 251) mentions a scarf enriched with gold, the border of which was in the form of a double meander. In illustration of this account examples of both the single and the double meander are introduced at the top of the annexed woodcut. The other eight specimens of limbi are selected to show some of the principal varieties of this ornament, which present themselves on Etruscan vases and other works of ancient art.



The use of the limbus was almost confined to the female sex among the Greeks and Romans; but in other nations it was admitted into the dress of men likewise.

An ornamental band, when used by itself as a fillet to surround the temples or the waist, was also called limbus. (Stat. *Theb.* vi. 367, *Achill.* ii. 176; Claud. *de Cons. Mallii Theod.* 118.) Probably the *limbolarii* mentioned by Plautus (*Aulul.* iii. 5. 45), were persons employed in making bands of this description. [J. Y.]

LIMEN. [JANUA.]

LINTEA'MEN, LI'NTEUM. [PALLIUM.]

LITHOSTRO'TA. [DOMUS; PICTURA, *sub fin.*)

LITIS CONTESTA'TIO. "Contestari" is when each party to a suit (*uterque reus*) says, "Testes estote." Two or more parties to a suit (*adversarii*) are said contestari litem, because when the Judicium is arranged (*ordinato judicio*) each party is accustomed to say, "Testes estote." (Festus, *s. v. Contestari.*) The Litis Contestatio was therefore so called because persons were called on by the parties to the suit to "bear witness," "to be witnesses." It is not here said what they were to be witnesses of, but it may be inferred from the use of the words contestatio and testatio in a similar sense in other passages (Dig. 28. tit. 1. s. 20; Ulp. *Frag.* xx. s. 9) that this contestatio was the formal termination of certain acts of which the persons called to be witnesses were at some future time to bear record. Accordingly the Contestatio, spoken of in the passage of Festus, must refer to the words ordinato judicio, that is, to the whole business that has taken place In Jure and which is now completed. This interpretation seems to be confirmed by the following considerations.

When the Legis Actiones were in force, the procedure consisted of a series of oral acts and pleadings. The whole procedure, as was the case after the introduction of the Formulae, was divided into two parts, that before the Magistratus or In Jure, and that before the Judex or In Judicio. That before the Magistratus consisted of acts and words by the parties, and by the Magistratus, the result of which was the determination of the form and manner of the future proceedings In Judicio. When the parties appeared before the Judex, it would be necessary for him to be fully informed of all the proceedings In Jure: this was effected in later times by the Formula, a written instrument under the authority of the Praetor, which contained the result of all the transactions In Jure in the form of instructions for the Judex. But there is no evidence of any such written instructions having been used in the time of the Legis Actiones; and this must therefore have been effected in some other way. The Litis Contestatio then may be thus explained: the whole proceedings In Jure took place before witnesses, and the Contestatio was the conclusion of these proceedings; and it was the act by which the litigant parties called on the witnesses to bear record before the Judex of what had taken place In Jure.

This, which seems a probable explanation of the original meaning of Litis Contestatio, may be compared to some extent with the apparently original sense of Recorder and Recording in English law. (*Penny Cyclopaedia*, art. *Recorder.*)

When the Formula was introduced, the Litis Contestatio would be unnecessary, and there appears no trace of it in its original sense in the classical jurists. Still the expressions Litis Contestatio and Lis Contestata frequently occur in the Digest, but only in the sense of the completion of the proceedings In Jure, and this is the meaning of the phrases, Ante litem contestatam, Post litem contestatam. (Gaius, iii. 180, iv. 114.) The expression Lis Contestata in a passive sense is used by Cicero (*pro Rosc. Com.* c. 11, 12, *pro Flacco*, c. 11, and in the Lex Rubria of Gallia Cisalpina, col. i. l. 48, "quos inter id judicium accipietur leisve contestabitur"). As the Litis Contestatio was originally and properly the termination of the proceedings In Jure, it is easily conceivable that after this form had fallen into disuse, the name should still be retained to express the conclusion of such proceedings. When the phrase Litem Contestari occurs in the classical jurists, it can mean nothing more than the proceedings by which the parties terminate the procedure In Jure and so prepare the matter in dispute for the investigation of the Judex.

It appears from the passage in Festus that the phrase Contestari litem was used, because the words "Testes estote" were uttered by the parties after the Judicium Ordinatum. It was therefore the uttering of the words "Testes estote" which gave rise to the phrase Litis Contestatio; but this does not inform us what the Litis Contestatio properly was. Still as the name of a thing is derived from that which constitutes its essence, it may be that the name here expresses the thing, that is, that the Litis Contestatio was so called, for the reason which Festus gives, and that it also consisted in the litigant parties calling on the witnesses to bear record. But as it is usual for the whole of a thing to take its name from some special part, so it may be that the Litis Contestatio, in the time of the Legis Actiones, was equivalent to the whole proceedings in Jure, and that the whole was so called from that part which completed it.

The time when the proper Litis Contestatio fell into disuse cannot be determined, though it would seem that this must have taken place with the passing of the Aebutia Lex and the two Leges Juliae which did away with the Legis Actiones, except in certain cases. It is also uncertain if the proper Litis Contestatio still existed in those Legis Actiones, which were not interfered with by the Leges above mentioned; and if so, whether it existed in the old form or in a modified shape.

This view of the matter is by Keller, in his treatise "Ueber Litis Contestation und Urtheil nach Classischen Römischen Recht," Zürich, 1827. Other opinions are noticed in his work. The author labours particularly to show that the expression Litis Contestatio always refers to the proceedings In Jure and never to those In Judicio.

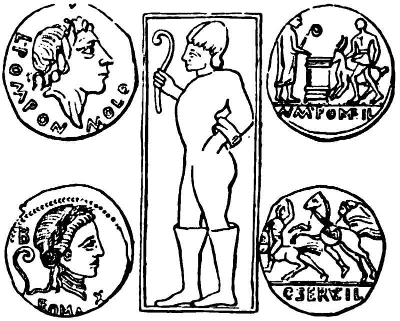
Savigny (*System*, &c. vi. § 256—279) has also fully examined the Litis Contestatio. He shows that in the Extraordinaria Judicia [JUDICIUM] which existed at the same time with the process of the formula, and in which there was neither Judex nor formula, and in which the whole legal dispute was conducted before a magistratus, the Litis Contestatio means the time when the parties had fully declared their several claims and answers to such claims before the magistratus. This was substantially the same as the Litis Contestatio, and the difference lay simply in the external form. (Comp. Cod. 3. tit. 9. s. 1, Rescript of Severus and Antoninus.) At a later period, when all actions had become changed into extraordinaria judicia, that which was before the exception now became the rule, and Lis Contestata in the system of Justinian consisted in the statements made by the parties to a suit before the magistrate respecting the claim or demand, and the answer or defence to it. When this was done, the cause was ready for hearing. [G. L.]

LITRA (λίτρα), a word which was used by the Greeks of Sicily in their system of weights and money, and which occurs as early as in the fragments of Simonides and Epicharmus, is evidently another form of the Italian word *libra*, as we are told by Festus (*s. v. Lues*, "Λίτρα enim libra est"). It was the unit of an uncial system similar to that used in the Roman and Italian weights and money [AS; LIBRA], its twelfth part being called ὀγκία (the Roman *uncia*), and six, five, four, three, and two of these twelfth parts being denominated respectively ἡμίλιτρον, πεντόγκιον, τετρᾶς, τριᾶς, and ἑξᾶς. As a coin, the λίτρα was equal in value to the Aeginetan obol; and hence the origin of the word may be explained, by supposing that the Greeks of Sicily, having brought with them the Aeginetan obol, afterwards assimilated their system of coinage to that used by their Italian neighbours, making their obol to answer to the *libra*, under the name of λίτρα. In the same way a Corinthian stater of ten obols was called in Syracuse a δεκάλιτρον, or piece of ten litras. (Aristot. *ap. Pollux*, iv. 24, 173, ix. 6, 80; Müller, *Dor.* iii. 10. § 12.) See NUMMUS and PONDERA.

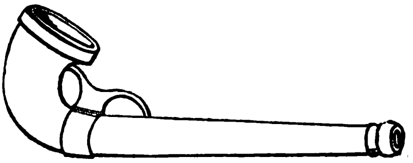
The *cotyla*, used for measuring oil, which is mentioned by Galen [COTYLA], is also called by him λίτρα. Here the word is only a Greek form of *libra*. [See LIBRA, *sub fin.*] [P. S.]

LI'TUUS. Müller (*Die Etrusker*, iv. 1. 5) supposes this to be an Etruscan word signifying *crooked*. In the Latin writers it is used to denote

1. The crooked staff borne by the augurs, with which they divided the expanse of heaven when viewed with reference to divination (*templum*), into regions (*regiones*); the number of these according to the Etruscan discipline, being sixteen, according to the Roman practice, four. (Müller, iii. 6. 1; Cic. *de Div.* ii. 18.) Cicero (*de Div.* i. 7) describes the lituus as "incurvum et leviter a summo inflexum bacillum;" and Livy (i. 18) as "baculum sine nodo aduncum." It is very frequently exhibited upon works of art. The figure in the middle of the following illustrations is from a most ancient specimen of Etruscan sculpture in the possession of Inghirami (*Monumenti Etruschi*, tom. vi. tav. P. 5. 1), representing an augur; the two others are Roman denarii.



2. A sort of trumpet slightly curved at the extremity. (Festus, *s. v.;* Gell. v. 8.) It differed both from the *tuba* and the *cornu* (Hor. *Carm.* ii. 1. 17; Lucan, i. 237), the former being straight while the latter was bent round into a spiral shape. Lydus (*de Mens.* iv. 50) calls the lituus the sacerdotal trumpet (ἱερατικὴν σάλπιγγα), and says that it was employed by Romulus when he proclaimed the title of his city. Acro (*ad Horat. Carm.* i. 1. 23) asserts that it was peculiar to cavalry, while the tuba belonged to infantry. Its tones are usually characterised as harsh and shrill (*stridor lituum*, Lucan, i. 237; *sonitus acutos*, Ennius, *apud Fest. s. v.*; Stat. *Theb.* vi. 228, &c.). See Müller, *Die Etrusker*, iv. 1. 5. The following representation is from Fabretti. [W. R.]



LIXAE. [Calones.]

LOCA'TI ET CONDUCTI ACTIO. [Locatio.]

LOCA'TIO, CONDU'CTIO, is one of those contracts which are made merely by consent, without the observation of any peculiar form. The contract might be either a locatio conductio rerum, or a locatio conductio operarum. In the locatio conductio rerum, he who promises the use of the thing, is locator, he who promises to give a sum of money for the use is conductor: if the thing is a dwelling-house, the conductor is called inquilinus; if it is cultivable land, he is called colonus. The locatio conductio operarum consists either in giving certain services for a fixed price, or giving that which is the result of labour, as an article of furniture, or a house. He for whom the service is done, or the thing is made, is called locator: he who undertakes to produce the thing is conductor or redemptor. (Hor. *Carm.* iii. 1.)

The determination of a fixed price or sum of money (*merces*, *pensio*) is an essential part of the contract. When lands were let, the merces might consist in a part of the produce. (Dig. 4. tit. 65. s. 21.) When the parties have agreed about the object and the price, the contract is completed; and the parties have severally the actiones locati et conducti for enforcing the obligatio. (Dig. 19. tit. 2.)

This being the nature of the contract of locatio et conductio, it was a matter of doubt sometimes whether a contract was locatio et conductio or something else: when a man made a pair of shoes or suit of clothes for another, it was doubted whether the contract was emtio et venditio, or locatio et conductio. The better opinion, and that which is conformable to the nature of the thing, was that if a man furnished the materials to the tailor or shoemaker, it was a contract of locatio et conductio: if the tailor or shoemaker furnished the materials, it was a contract of emtio et venditio. (Gaius, iii. 142, &c.; Inst. 3. tit. 24. s. 3, 4.) A doubt also arose as to the nature of the contract when a thing was given to a man to be used, and he gave the lender another thing to be used. Sometimes it was doubted whether the contract was Locatio et Conductio or Emtio et Venditio; as in the case where a thing was let (*locata*) for ever, as was done with lands belonging to municipia, which were let on the condition that so long as the rent (*vectigal*) was paid, neither the conductor nor his heres could be turned out of the land: but the better opinion was in favour of this being a contract of Locatio et Conductio. [Emphyteusis.] [G. L.]

LOCHUS (λόχος). 1. Spartan [see p. 483]. 2. Athenian [p. 486.]. 3. Macedonian [p. 488].

LO'CULUS. [Funus, p. 559, b.]

LOCUPLE'TES or ASSI'DUI, was the name of the Roman citizens who were included in the five classes of the Servian constitution, and was opposed to the *Proletarii*. The term assidui seems to have been the older appellation; but the etymology of both words is very uncertain. (Cic. *Top.* 2, *de Rep.* ii. 22; Plin. *H. N.* xviii. 3; Festus, *s. vv. Assiduus*, *Locupletes;* Becker, *Röm. Alterth.* vol. ii. pt. i. pp. 211, 212.)

LODIX, *dim.* LODI'CULA (σάγιον), a small shaggy blanket. (Juv. vii. 66.) Sometimes two lodices sewed together were used as the coverlet of a bed. (Mart. xiv. 148.) The Emperor Augustus occasionally wrapt himself in a blanket of this description on account of its warmth. (Sueton. *Aug.* 83.) It was also used as a carpet (*ancilla lodiculam in pavimento diligenter extendit*, Petron. *Sat.* 20). The Romans obtained these blankets from Verona. (Mart. xiv. 152). Their lodix was nearly, if not altogether, the same as the *sagulum* worn by the Germans. (Tac. *Germ.* 6.) [Sagum.] [J. Y.]

LOGISTAE (λογισταί). [Euthyne.]

LOGOGRAPHI (λογογράφοι), is a name applied by the Greeks to two distinct classes of persons.

1. To the earlier Greek historians previous to Herodotus, though Thucydides (i. 21) applies the name logographer to all historians previous to himself, and thus includes Herodotus among the number. The Ionians were the first of the Greeks who cultivated history; and the first logographer, who lived about Olymp. 60, was Cadmus, a native of Miletus, who wrote a history of the foundation of his native city. The characteristic feature of all the logographers previous to Herodotus is, that they seem to have aimed more at amusing their hearers or readers than at imparting accurate historical knowledge. They described in prose the mythological subjects and traditions which had previously been treated of by the epic and especially by the cyclic poets. The omissions in the narratives of their predecessors were probably filled up by traditions derived from other quarters, in order to produce, at least in form, a connected history. In many cases they were mere collections of local and genealogical traditions. (Thirlwall, *Hist. of Greece*, ii. p. 127, &c.; Müller, *Hist. of Greek Lit.* i. p. 206, &c.; Wachsmuth, *Hellen. Alterth.* ii. 2. p. 443, &c.)

2. To persons who wrote judicial speeches or pleadings and sold them to those who were in want of them. These persons were called λογοποιοί as well as λογογράφοι. Antiphon, the orator, was the first who practised this art at Athens, towards the close of the Peloponnesian war. (Plut. *Vit. Dec. Orat.* p. 832, ed. Frankf.; Aristot. *Rhet.* i. 33.) After this time the custom of making and selling speeches became very general, and though the persons who practised it were not very highly thought of and placed on a par with the sophists (Demosth. *de Fals. Leg.* pp. 417, 420; Plat. *Phaedr.* p. 257, c; Anaxim. *Rhet.* xxxvi. 22 and 24; compare Plat. *Euthydem.* p. 272, a, 289, d, 305, a), yet we find that orators of great merit did not scruple to write speeches of various kinds for other persons. Thus Lysias wrote for others numerous λόγους εἰς δικαστήριά τε καὶ βουλὰς καὶ πρὸς ἐκκλησίας εὐθέτους, and besides πανηγυρικούς, ἐρωτικούς, and ἐπιστολικούς. (Dionys. Hal. *Lys.* p. 82, ed. Sylburg; compare Meier and Schöm. *Att. Proc.* p. 707.) [L. S.]

LOIDORIAS DIKE (λοιδορίας δίκη) [Kakegorias Dike.]

LONCHE (λόγχη). [Hasta.]

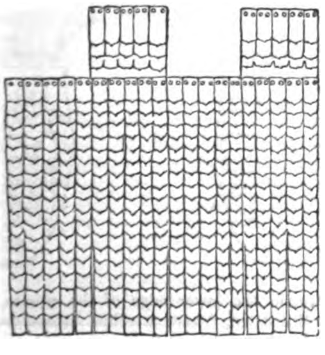
LOPE (λώπη, also λῶπος, *dim.* λώπιον), the ancient Greek name of the Amictus, whether consisting of the hide of an animal or of cloth. Having fallen into disuse as a colloquial or prosaic term (Phryn. *Ecl.* p. 461, ed. Lobeck), it was retained, though employed very sparingly, by the poets. (Hom. *Od.* xiii. 224; Apoll. Rhod. ii. 32; Schol. *in loc.;* Anacreon, *Frag.* 79; Theocrit. xiv. 66; Brunck, *Anal.* i. 230, ii. 185.) We also find it retained in λωποδύτης, literally *one who puts on the amictus*, a term properly applicable to those persons who frequented the thermae in order to steal the clothes of the bathers (Schol. *in Hom. l. c.*), but used in a more general sense to denote thieves and highwaymen of all classes. From the same root was formed the verb ἐκλωπίζειν, meaning, to take off the amictus, to denude. (Soph. *Trachin.* 925.) [J. Y.]

LOPHOS (λόφος). [Galea.]

LORA'RII. [Flagrum.]

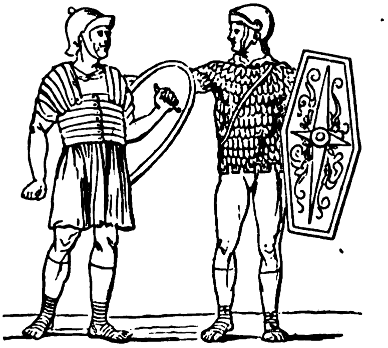
LORI'CA (θώραξ), a cuirass. The epithet λινοθώρηξ, applied to two light-armed warriors in the Iliad (ii. 529, 830; Schol. *ad loc.*), and opposed to χαλκοχίτων, the common epithet of the Grecian soldiers, indicates the early use of the linen cuirass. It continued to be worn to much later times among the Asiatics, especially the Persians (Xen. *Cyrop.* vi. 4. § 2; Plut. *Alex.* p. 1254, ed. Steph.), the Egyptians (Herod. ii. 182, iii. 47), the Phoenicians (Paus. vi. 19. § 4), and the Chalybes. (Xen. *Anab.* iv. 7. § 15.) Iphicrates endeavoured to restore the use of it among the Greeks (Nepos, *Iphic.* i. 4), and it was occasionally adopted by the Romans, though considered a much less effectual defence than a cuirass of metal. (Sueton. *Galba*, 19; Arrian, *Tact.* p. 14, ed. Blancardi.)

A much stronger material for cuirasses was horn, which was applied to this use more especially by the Sarmatae and Quadi, being cut into small pieces, which were planed and polished and fastened, like feathers, upon linen shirts. (Amm. Marcell. xvii. 12. ed. Wagner.) Hoofs were employed for the same purpose. Pausanias (i. 21. § 8) having made mention of a thorax preserved in the temple of Aesculapius at Athens, gives the following account of the Sarmatians: — Having vast herds of horses, which they sometimes kill for food or for sacrifice, they collect their hoofs, cleanse and divide them, and shape them like the scales of a serpent (φολίσιν); they then bore them and sew them together, so that the scales overlap one another, and in general appearance they resemble the surface of a green fir-cone. This author adds, that the loricae made of these horny scales are much more strong and impenetrable than linen cuirasses, which are useful to hunters, but not adapted for fighting. The annexed woodcut, taken from Meyrick's Critical Inquiry into Ancient Armour (plate iii.) exhibits an Asiatic cuirass exactly corresponding to this description. It consists of slices of some animal's hoof, which are stitched together, overlapping each other in perpendicular rows, without being fastened to any under garment. The projection nearest the middle must be supposed to have been worn over the breast, and the other over the back, so as to leave two vacant spaces for the arms.



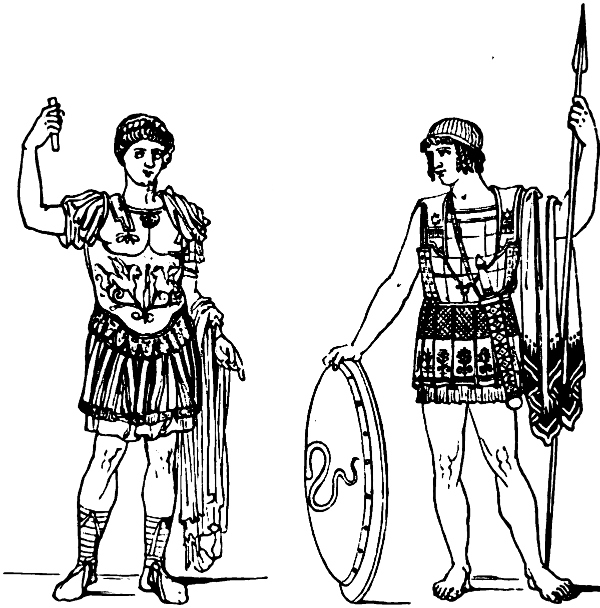
This invention no doubt preceded the metallic scale armour. The Rhoxalani, a tribe allied to the Sarmatians, defended themselves by wearing a dress consisting of thin plates of iron and hard leather. (Tacit. *Hist.* i. 79.) The Persians wore a tunic of the same description, the scales being sometimes of gold (Herod. vii. 61; θώρηκα χρύσεον λεπιδωτόν, ix. 22); but they were commonly of bronze (*thoraca indutus aënis squamis*, Virg. *Aen.* xi. 487). The basis of the cuirass was sometimes a skin, or a piece of strong linen to which the metallic scales, or "feathers," as they are also called, were sewed. (Virg. *Aen.* xi. 770; Serv. *in loc.*; Justin, xli. 2. 10.)

The epithet λεπιδωτός, as applied to a thorax, is opposed to the epithet φολιδωτός. (Arrian, *Tact.* p. 13, 14.) The former denotes a similitude to the scales of fish (λεπίσιν), the latter to the scales of serpents (φολίσιν). The resemblance to the scales of serpents, which are long and narrow, is exhibited on the shoulders of the Roman soldier in the woodcut at page 136. These scales were imitated by long flexible bands of steel, made to fold one over another according to the contraction of the body. They appear very frequently on the Roman monuments of the times of the emperors, and the following woodcut places in immediate contrast a θώραξ λεπιδωτός on the right and φολιδωτός on the left, both taken from Bartoli's *Arcus Triumphales*.



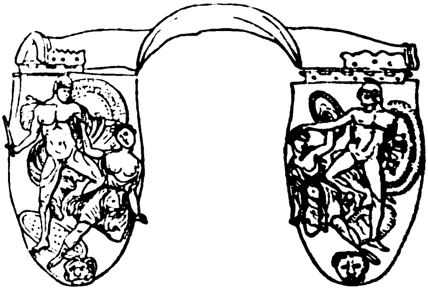
The Roman hastati wore cuirasses of chain-mail, *i. e.* hauberks or habergeons (ἁλυσιδωτοὺς θώρακας, Polyb. vi. 21; Athen. v. 22; Arrian, *l. c.*). Virgil several times mentions hauberks in which the rings, linked or hooked into one another, were of gold (*loricam consertam hamis, auroque trilicem*, Virg. *Aen.* iii. 467, v. 259, vii. 639).

In contradistinction to the flexible cuirasses, or coats of mail, which have now been described, that commonly worn by the Greeks and Romans, more especially in the earlier ages, was called θώραξ στάδιος, or στατός, because, when placed upon the ground on its lower edge, it stood erect. In consequence of its firmness it was even used as a seat to rest upon. (Paus. x. 27. § 2.) It consisted principally of the two γύαλα, viz. the breast-plate (*pectorale*) made of hard leather or of bronze, iron, or sometimes the more precious metals, which covered the breast and abdomen (Hom. *Il.* v. 99, xiii. 507, 587, xvii. 314); and of the corresponding plate which covered the back. (Paus. x. 26. 2; Hom. *Il.* xv. 530.) Both of these pieces were adapted to the form of the body, as may be perceived in the representation of them in the woodcuts at pages 135, 196. The two figures here introduced are designed to show the usual difference of form and appearance between the antique Greek thorax and that worn by the Roman emperors and generals. The right-hand figure is from one of Mr. Hope's fictile vases (*Costumes of the Ancients*, i. 102), and bears a very strong resemblance to a Greek warrior painted on one of Sir W. Hamilton's (i. 4). The figure on the left hand is taken from a marble statue of Caligula found at Gabii. (Visconti, *Mon. Gab.* No. 38.) The gorgon's head over the breast, and the two griffins underneath it, illustrate the style of ornament which was common in the same circumstances. (Mart. vii. 1. 1—4.) [Aegis.] The execution of these ornaments in relief was more especially the work of the Corinthians. (Cic. *Verr.* iv. 44.)



The two plates were united on the right side of the body by two hinges, as seen in the equestrian statue of the younger Balbus at Naples, and in various portions of bronze cuirasses still in existence. On the other side, and sometimes on both sides, they were fastened by means of buckles (*περόναι*, Paus. *l. c.*). [Fibula.] In Roman statues we often observe a band surrounding the waist and tied before. The breast-plate and the back-plate were further connected together by leathern straps passing over the shoulders, and fastened in front by means of buttons or of ribands tied in a bow. In the last woodcut both of the connecting ribands in the right-hand figure are tied to a ring over the navel. The breast-plate of Caligula has a ring over each breast, designed to fulfil the same purpose.

Bands of metal often supplied the place of the leathern straps, or else covered them so as to become very ornamental, being terminated by a lion's head, or some other suitable figure appearing on each side of the breast. The most beautiful specimens of enriched bronze shoulder-bands now in existence are those which were found A. D. 1820, near the river Siris in S. Italy, and which are preserved in the British Museum. They were originally gilt, and represent in very salient relief two Grecian heroes combating two Amazons. They are seven inches in length, and belong to the description of bronzes called ἔργα σφυρήλατα, having been beaten into form with wonderful skill by the hammer. Bröndsted (*Bronzes of Siris*, London, 1836) has illustrated the purpose which they served, by showing them in connection with a portion of another lorica, which lay upon the shoulders behind the neck. This fragment was found in Greece. Its hinges are sufficiently preserved to show most distinctly the manner in which the shoulder-bands were fastened to them (see woodcut).



“Around the lower edge of the cuirass,” observes Bröndsted, “were attached straps, four or five inches long, of leather, or perhaps of felt, and covered with small plates of metal. These straps served in part for ornament, and partly also to protect the lower region of the body in concert with the belt (ζώνη) and the band (μίτρα). They are well shown in the preceding figure of Caligula.

Instead of the straps here described, which the Greeks called πτέρυγες (Xen. *de Re Equest.* xii. 4), the Chalybes, who were encountered by Xenophon on his retreat (*Anab.* iv. 7. § 15), had in the same situation a kind of cordage. Appendages of a similar kind were sometimes fastened by hinges to the lorica at the right shoulder, for the purpose of protecting the part of the body which was exposed by lifting up the arm in throwing the spear or using the sword. (Xen. *de Re Equest.* xii. 6.)

Of Grecian cuirasses the Attic were accounted the best and most beautiful. (Aelian, *V. H.* iii. 24). The cuirass was worn universally by the heavy-armed infantry and by the horsemen, except that Alexander the Great gave to the less brave of his soldiers breast-plates only, in order that the defenceless state of their backs might decrease their propensity to flight. (Polyaen. iv. 3. 13.) These were called half-cuirasses (ἡμιθωράκια). The thorax was sometimes found to be very oppressive and cumbersome. (Tac. *Ann.* i. 64.) [J. Y.]

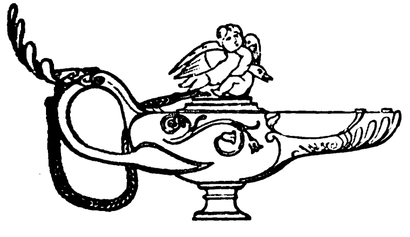
LORI'CA, LORICA'TIO, in architecture. [MURUS; TECTORIUM OPUS.]

LOUTRON (λουτρόν). [BALNEAE.]

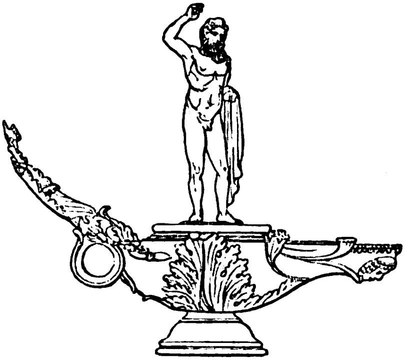
LUCAR. [HISTRIO, p. 613, a.]

LU'CERES. [PATRICII.]

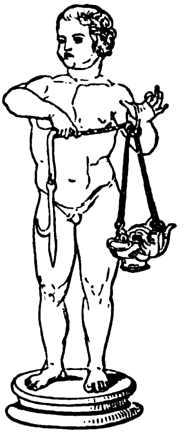
LUCERNA (λύχνος), an oil lamp. The Greeks and Romans originally used candles; but in later times candles were chiefly confined to the houses of the lower classes. [CANDELA.] A great number of ancient lamps has come down to us; the greater part of which are made of terra cotta (τροχήλατοι, Aristoph. *Eccl.* 1), but also a considerable number of bronze. Most of the lamps are of an oval form, and flat upon the top, on which there are frequently figures in relief. (See the woodcuts, pp. 143, 395, 464.) In the lamps there are one or more round holes according to the number of wicks (*ellychnia*) burnt in it; and as these holes were called from an obvious analogy, μυκτῆρες or μύξαι, literally nostrils or nozzles, the lamp was also called *Monomyxos*, *Dimyxos*, *Trimyxos*, or *Polymyxos*, according as it contained one, two, three, or a greater number of nozzles or holes for the wicks. The following example of a *dimyxos lucerna*, upon which there is a winged boy with a goose, is taken from the *Museo Borbonico*, vol. iv. pl. 14.



The next woodcut, taken from the same work (vol. i. pl. 10), represents one of the most beautiful bronze lamps which has yet been found. Upon it is the figure of a standing Silenus.



The lamps sometimes hung in chains from the ceiling of the room (Virg. *Aen.* i. 726; Petron. 30), but generally stood upon a stand. [CANDELABRUM.] Sometimes a figure holds the lamp, as in the annexed woodcut (*Museo Borbon.* vol. vii. pl. 15), which also exhibits the needle or instrument which served to trim the wick, and is attached to the figure by means of a chain. (Comp. Virg. *Moret.* 11. "Et producit *acu* stupas humore carentes.")



We read of *lucernae cubiculares*, *balneares*, *tricliniares*, *sepulcrales*, &c.; but these names were only given to the lamps on account of the purposes to which they were applied, and not on account of a difference in shape. The *lucernae cubiculares* were burnt in bed-chambers all night. (Mart. xiv. 39, x. 38.)

Perfumed oil was sometimes burnt in the lamps. (Petron. 70; Mart. x. 38. 9.)

(Passeri, *Lucernae fictiles;* Böttiger *Die Silenuslampen*, Amalth. vol. iii. p. 168, &c.; Becker, *Charikles*, vol. ii. p. 215, &c., *Gallus*, vol. ii. p. 201, &c.)

LUCTA, LUCTA'TIO (πάλη, πάλαισμα, παλαισμοσύνη, or καταβλητική), wrestling. The word πάλη is sometimes used in a wider sense, embracing all gymnastic exercises with the exception of dancing, whence the schools of the athletae were called *palaestrae*, that is, schools in which the πάλη in its widest sense was taught. (Plat. *de Leg.* vii. p. 795; Herod. ix. 33.) [PALAESTRA.] There are also many passages in ancient writers in which πάλη and παλαίειν are used to designate any particular species of athletic games besides wrestling, or a combination of several games. (See Krause, p. 400. note 2.)

The Greeks ascribed the invention of wrestling to mythical personages, such as Palaestra, the daughter of Hermes (Apollod. ii. 4. § 9), Antaeus and Cercyon (Plat. *de Leg.* vii. p. 796), Phorbas of Athens, or Theseus. (Schol. *ad Pind. Nem.* v. 49.) Hermes, the god of all gymnastic exercises, also presided over the πάλη. Theseus is said by Pausanias (i. 39. § 3) to have been the first who reduced the game of wrestling to certain rules, and to have thus raised it to the rank of an art; whereas before his time it was a rude fight, in which bodily size and strength alone decided the victory. The most celebrated wrestler in the heroic age was Heracles. In the Homeric age wrestling was much practised, and a beautiful description of a wrestling match is given in the Iliad (xxiii. 710, &c.; compare *Od.* viii. 103, 126, 246; Hesiod, *Scut. Herc.* 302, where μάχειν ἑλκηδὸν signifies the πάλη). During this period wrestlers contended naked, with the exception of the loins, which were covered with the περίζωμα (*Il.* xxiii. 700), and this custom remained throughout Greece until Ol. 15, from which time the perizoma was no longer used, and wrestlers fought entirely naked. (Thucyd. i. 6, with the Schol.; Paus. i. 44. § 1; Dionys. vii. 72.) In the Homeric age the custom of anointing the body for the purpose of wrestling does not appear to have been known, but in the time of Solon it was quite general, and was said to have been adopted by the Cretans and Lacedaemonians at a very early period. (Thucyd. *l. c.*; Plat. *de Re Publ.* v. p. 452.) After the body was anointed, it was strewed over with sand or dust, in order to enable the wrestlers to take a firm hold of each other. At the festival of the Sthenia in Argos the πάλη was accompanied by flute-music. [Sthenia.]

When two athletae began their contest, each might use a variety of means to seize his antagonist in the most advantageous manner, and to throw him down without exposing himself (Ovid. *Met.* ix. 33, &c.; Stat. *Theb.* vi. 831, &c.; Heliodor. *Aethiop.* x. p. 235); but one of the great objects was to make every attack with elegance and beauty, and the fight was for this as well as for other purposes regulated by certain laws. (Plat. *de Leg.* viii. p. 834; Cic. *Orat.* 68; Lucian, *Anach.* 24; Aelian. *V. H.* xi. 1.) Striking, for instance, was not allowed, but pushing an antagonist backward (ὠθισμός) was frequently resorted to. (Plut. *Symp.* ii. 5; Lucian, *Anach.* 1. 24.) It is probably on account of the laws by which this game was regulated, and the great art which it required in consequence, that Plutarch (*Symp.* ii. 4) calls it the τεχνικώτατον καὶ πανουργότατον τῶν ἀθλημάτων. But notwithstanding these laws, wrestling admitted of greater cunning and more tricks and stratagems than any other game, with the exception of the pancratium (Xen. *Cyrop.* i. 6. § 32); and the Greeks had a great many technical terms to express the various stratagems, positions, and attitudes in which wrestlers might be placed. Numerous scenes of wrestlers are represented on ancient works of art. (Krause, p. 412, &c.; see woodcut in Pancratium.)

The contest in wrestling was divided by the ancients into two parts, viz. the πάλη ὀρθή or ὀρθία (ὀρθοστάδην παλαίειν), that is, the fight of the athletae as long as they stood upright, and the ἀλίνδησις or κύλισις (*lucta volutatoria*), in which the athletae struggled with each other while lying on the ground. Unless they contrived to rise again, the ἀλίνδησις was the last stage of the contest, which continued until one of them acknowledged himself to be conquered. The πάλη ὀρθή appears to have been the only one which was fought in the times of Homer, as well as afterwards in the great national games of the Greeks; and as soon as one athlete fell, the other allowed him to rise and continue the contest if he still felt inclined. (Plat. *de Legg.* vii. p. 796; Corn. Nep. *Epam.* 2; Lucian, *Lexiph.* 5.) But if the same athlete fell thrice, the victory was decided, and he was not allowed to go on. (Senec. *de Benef.* v. 3; Aeschyl. *Agam.* 171; *Anthol. Gr.* vol. ii. p. 406, ed. Jacobs.) The ἀλίνδησις was only fought in later times, at the smaller games, and especially in the pancratium. The place, where the wrestlers contended, was generally soft ground, and covered with sand. (Xen. *Anab.* iv. 8. § 26; Lucian, *Anach.* 2.) Effeminate persons sometimes spread large and magnificent carpets on the place where they wrestled. (Athen. xii. p. 539.) Each of the various tribes of the Greeks seem to have shown its peculiar and national character in the game of wrestling in some particular trick or stratagem, by which it excelled the others.

In a diaetetic point of view the ἀλίνδησις was considered beneficial to the interior parts of the body, the loins, and the lower parts in general, but injurious to the head; whereas the πάλη ὀρθή was believed to act beneficially upon the upper parts of the body. It was owing to these salutary effects that wrestling was practised in all the gymnasia as well as in the palaestrae, and that in Ol. 37 wrestling for boys was introduced at the Olympic games, and soon after in the other great games, and at Athens in the Eleusinia, and Thesea also. (Paus. v. 8. § 3, iii. 11. § 6; Pind. *Ol.* viii. 68; Gell. xv. 20; Plut. *Symp.* ii. 5.) The most renowned of all the Greek wrestlers in the historical age was Milon of Croton, whose name was known throughout the ancient world. (Herod. iii. 137; Strab. vi. p. 262, &c.; Diodor. xii. 9.) Other distinguished wrestlers are enumerated by Krause (p. 135, &c.), who has also given a very minute account of the game of wrestling and every thing connected with it, in his *Gymnastik und Agon. d. Hell.* pp. 400—439. [L. S.]

LUDI is the common name for the whole variety of theatrical exhibitions, games and contests, which were held at Rome on various occasions, but chiefly at the festival of the gods; and as the ludi at certain festivals formed the principal part of the solemnities, these festivals themselves are called ludi. Sometimes, however, ludi were also held in honour of a magistrate or of a deceased person, and in this case the games may be considered as ludi privati, though all the people might take part in them.

All ludi were divided by the Romans into two classes, viz. *ludi circenses* and *ludi scenici* (Cic. *de Leg.* ii. 15), accordingly as they were held in the circus or in the theatre; in the latter case they were mostly theatrical representations with their various modifications; in the former they consisted of all or of a part of the games enumerated in the articles Circus and Gladiatores. Another division of the ludi into *stati*, *imperativi*, and *votivi*, was made only with regard to religious festivals, and is analogous to the division of the feriae. [Feriae.]

The superintendence of the games and the solemnities connected with them was in most cases intrusted to the aediles. [Aediles.] If the lawful rites were not observed in the celebration of the ludi, it depended upon the decision of the pontiffs whether they were to be held again (*instaurari*) or not. An alphabetical list of the principal ludi is subjoined. [L. S.]

LUDI APOLLINA'RES were instituted at Rome during the second Punic war, four years after the battle of Cannae (B.C. 212), at the command of an oracle contained in the books of the ancient seer Marcius (*carmina Marciana*, Liv. xxv. 12; Macrob. *Sat.* i. 17). It was stated by some of the ancient annalists that these ludi were instituted for the purpose of obtaining from Apollo the protection of human life during the hottest season of summer; but Livy and Macrobius adopt the account founded upon the most authentic document, the carmina Marciana themselves, that the Apollinarian games were instituted partly to obtain the aid of Apollo in expelling the Carthaginians from Italy, and partly to preserve, through the favour of the god, the republic from all dangers. The oracle suggested that the games should be held every year under the superintendence of the praetor urbanus, and that ten men should perform the sacrifices according to Greek rites. The senate complying with the advice of the oracle made two senatusconsulta; one that, at the end of the games, the praetor should receive 12,000 asses to be expended on the solemnities and sacrifices, and another that the ten men should sacrifice to Apollo, according to Greek rites, a bull with gilt horns and two white goats also with gilt horns, and to Latona a heifer with gilt horns. The games themselves were held in the Circus Maximus, the spectators were adorned with chaplets, and each citizen gave a contribution towards defraying the expenses. (Festus, *s. v. Apollinares.*) The Roman matrons performed supplications, the people took their meals in the propatulum with open doors, and the whole day — for the festival lasted only one day — was filled up with ceremonies and various other rites. At this first celebration of the ludi Apollinares no decree was made respecting the annual repetition suggested by the oracle, so that in the first year they were simply ludi votivi or indictivi. The year after (B.C. 211) the senate, on the proposal of the praetor Calpurnius, decreed that they should be repeated, and that in future they should be vowed afresh every year. (Liv. xxvi. 23.) The day on which they were held varied every year according to circumstances. A few years after, however (B.C. 208), when Rome and its vicinity were visited by a plague, the praetor urbanus, P. Licinius Varus, brought a bill before the people to ordain that the Apollinarian games should in future always be vowed and held on a certain day (*dies status*), viz. on the 6th of July, which day henceforward remained a dies solennis. (Liv. xxvii. 23.) The games thus became votivi et stativi, and continued to be conducted by the praetor urbanus. (Cic. *Phil.* ii. 13.) But during the empire the day of these solemnities appears again to have been changed, for Julius Capitolinus (*Maxim. et Balbin.* c. 1) assigns them to the 26th of May. [L. S.]

LUDI AUGUSTA'LES. [Augustales.]

LUDI CAPITOLI'NI were said to have been instituted by the senate, on the proposal of the dictator M. Furius Camillus, in the year B.C. 387, after the departure of the Gauls from Rome, as a token of gratitude towards Jupiter Capitolinus, who had saved the Capitol in the hour of danger. The decree of the senate at the same time intrusted the superintendence and management of the Capitoline games to a college of priests to be chosen by the dictator from among those who resided on the Capitol and in the citadel (*in arce*), which can only mean that they were to be patricians. (Liv. v. 50, 52.) These priests were called Capitolini. (Cic. *ad Quint. Frat.* ii. 5.) One of the amusements at the Capitoline games, a solemnity which was observed as late as the time of Plutarch, was that a herald offered the Sardiani for public sale, and that some old man was led about, who, in order to produce laughter, wore a toga praetexta, and a bulla puerilis which hung down from his neck. (Plut. *Quaest. Rom.* p. 277; Fest. *s. v. Sardi venales*, &c.) According to some of the ancients this ceremony was intended to ridicule the Veientines, who were subdued, after long wars with Rome, and numbers of whom were sold as slaves, while their king, represented by the old man with the bulla (such was said to have been the costume of the Etruscan kings), was led through the city as an object of ridicule.

The Veientines, it is further said, were designated by the name Sardiani or Sardi, because they were believed to have come from Lydia, the capital of which was Sardes. This specimen of ancient etymology, however, is opposed by another interpretation of the origin of the ceremony given by Sinnius Capito. According to this author, the name Sardiani or Sardi had nothing to do with the Veientines, but referred to the inhabitants of Sardinia. When their island was subdued by the Romans in B.C. 238, no spoils were found, but a great number of Sardinians were brought to Rome and sold as slaves, and these proved to be slaves of the worst kind. (Fest. *l. c.;* Aurel. Vict. *de Vir. Illustr.* c. 57.) Hence arose the proverb, *Sardi venales; alius alio nequior* (Cic. *ad Fam.* vii. 24), and hence also the ceremony at the Capitoline games. At what time or at what intervals these ludi were celebrated is not mentioned. During the time of the empire they seem to have fallen into oblivion, but they were restored by Domitian, and were henceforth celebrated every fifth year under the name of agones Capitolini. (See Jos. Scaliger, *Auson. Lect.* i. 10.) [L. S.]

LUDI CIRCENSES ROMA'NI or MAGNI, were celebrated every year during several days, from the fourth to the twelfth of September, in honour of the three great divinities, Jupiter, Juno, and Minerva (Cic. *c. Verr.* v. 14), or according to others, in honour of Jupiter, Consus, and Neptunus Equestris. They were superintended by the curule aediles. For further particulars see Circus, p. 286, &c. [L. S.]

LUDI COMPITALI'CII. [Compitalia.]

LUDI FLORA'LES. [Floralia.]

LUDI FUNEBRES were games celebrated at the funeral pyre of illustrious persons. Such games are mentioned in the very early legends of the history of Greece and Rome, and they continued with various modifications until the introduction of Christianity. It was at such a ludus funebris that in the year B.C. 264 gladiatorial fights were exhibited at Rome for the first time, which henceforward remained the most essential part in all ludi funebres. [Gladiatores, p. 574, a.] The duration of these games varied according to circumstances. They lasted sometimes for three and sometimes for four days, though it may be supposed that in the majority of cases they did not last more than one day. On one occasion 120 gladiators fought in the course of three days, and the whole forum was covered with triclinia and tents, in which the people feasted. (Liv. xxii. 30, xxxi.

50, xxxix. 46; Plin. *H. N.* xxxv. 7.) It was thought disgraceful for women to be present at these games, and Publius Sempronius separated himself from his wife because she had been present without his knowledge at ludi funebres. (Plut. *Quaest. Rom.* p. 267, B; Val. Max. vi. 3. § 12; compare Suet. *Aug.* 44.) These ludi, though on some occasions the whole people took part in them, were not ludi publici, properly speaking, as they were given by private individuals in honour of their relations or friends. Compare Funus, p. 562. [L. S.]

LUDI HONORA'RII are expressly mentioned only by Suetonius (*Aug.* 32), who states that Augustus devoted thirty days, which had been occupied till that time by ludi honorarii, to the transaction of legal business. What is meant by ludi honorarii, is not quite certain. According to Festus (*s. v. Honorarios ludos*) they were the same as the Liberalia. Scaliger, however, in his note on Suetonius, has made it appear very probable that they were the same as those which Tertullian (*De Spect.* c. 21) says were given for the purpose of gaining honours and popularity, in contradistinction to other ludi which were intended either as an honour to the gods, or as ὅσια for the dead. At the time of Augustus this kind of ludi which Tacitus (*Agric.* 6) seems to designate by the name *inania honoris*, were so common that no one obtained any public office without lavishing a considerable portion of his property on the exhibition of games. Augustus therefore wisely assigned thirty of the days of the year, on which such spectacles had been exhibited previously, to the transaction of business, *i. e.* he made these 30 days fasti. (Compare Ernesti and F. A. Wolf, *ad Sueton. l. c.*) [L. S.]

LUDI JUVENA'LES. [Juvenales.]

LUDI LIBERA'LES. [Dionysia, p. 414.]

LUDI MARTIA'LES were celebrated every year on the first of August, in the Circus, and in honour of Mars, because the temple of Mars had been dedicated on this day. (Dion Cass. lx. 5; Sueton. *Claud.* 4.) The ancient calendaria mention also other ludi martiales which were held in the Circus on the 12th of May. [L. S.]

LUDI MEGALENSES. [Megalesia.]

LUDI NATALI'TII are the games with which the birth-day of an emperor was generally celebrated. They were held in the Circus, whence they are sometimes called circenses. (Capitol. *Antonin. Pius*, 5; Spartian. *Hadrian*, 7.) They consisted generally of fights of gladiators and wild beasts. On one occasion of this kind Hadrian exhibited gladiatorial combats for six days, and one thousand wild beasts. [L. S.]

LUDI PALATI'NI were instituted by Livia in honour of Augustus, and were held on the Palatine. (Dion Cass. lvi. *sub fin.*) According to Dion Cassius they were celebrated during three days, but according to Josephus (*Antiq. Jud.* xix. 1) they lasted eight days, and commenced on the 27th of December. (See Suet. *Calig.* 56, with Scaliger's note.) [L. S.]

LUDI PISCATO'RII were held every year on the sixth of June, in the plain on the right bank of the Tiber, and were conducted by the praetor urbanus on behalf of the fishermen of the Tiber, who made the day a holiday. (Ovid. *Fast.* vi. 235, &c.; Fest. *s. v. Piscat. ludi.*) [L. S.]

LUDI PLEBE'II were, according to the Pseudo-Asconius (*ad Verr.* i. p. 143, Orelli), the games which had been instituted in commemoration of the freedom of the plebeians after the banishment of the kings, or after the secession of the plebes to the Aventine. The first of these accounts is not borne out by the history of the plebeian order, and it is more probable that these games were instituted in commemoration of the reconciliation between the patricians and plebeians after the first secession to the mons sacer, or, according to others, to the Aventine. They were held on the 16th, 17th, and 18th of November, and were conducted by the plebeian aediles. (Liv. xxviii. 10, xxxix. 7.) It is sufficiently clear from the ancient calendaria that the ludi plebeii were not, as some have supposed, the same as, or a part of, the ludi Romani. [L. S.]

LUDI PONTIFICA'LES were probably nothing but a particular kind of the ludi honorarii mentioned above. They were for the first time given by Augustus, when, after the death of Lepidus, he obtained the office of pontifex maximus. (Sueton. *Aug.* 44.) [L. S.]

LUDI QUAESTO'RII were of the same character as the preceding games. They were instituted by the emperor Claudius (Suet. *Claud.* 24; Tacit. *Ann.* ii. 22), who decreed that all who obtained the office of quaestor should, at their own expense, give gladiatorial exhibitions. Nero did away with this obligation for newly appointed quaestors (Tacit. *Ann.* xiii. 5), but it was revived by Domitian. (Sueton. *Domit.* c. 4.) [L. S.]

LUDI ROMANI or MAGNI. [Megalesia.]

LUDI SAECULA'RES. If we were to judge from their name, these games would have been celebrated once in every century or saeculum; but we do not find that they were celebrated with this regularity at any period of Roman history, and the name ludi saeculares itself was never used during the time of the republic. In order to understand their real character we must distinguish between the time of the republic and of the empire, since at these two periods these ludi were of an entirely different character.

During the time of the republic they were called *ludi Tarentini*, *Terentini*, or *Taurii*, while during the empire they bore the name of *ludi saeculares*. (Fest. *s. v. Saecul. ludi* and *Taurii ludi;* Val. Max. ii. 4. § 5.) Their origin is described by Valerius Maximus, who attributes their institution to the miraculous recovery of three children of one Valerius, who had been attacked by a plague raging at the time in Rome, and were restored to health by drinking some water warmed at a place in the Campus Martius, called Tarentum. Valerius afterwards offered sacrifices in the Tarentum to Dis and Proserpina, to whom the recovery of his children was supposed to be owing, spread lectisternia for the gods, and held festive games for three successive nights, because his three children had been saved. The account of Valerius Maximus agrees in the main with those of Censorinus (*De Die Nat.* c. 17) and of Zosimus (ii. 3), and all appear to have derived their information from the ancient annalist, Valerius Antias. While according to this account the Tarentine games were first celebrated by Valerius, another legend seems to consider the fight of the Horatians and Curiatians as connected with their first celebration. A third account (Festus, *s. v. Taurii ludii;* Serv. *ad Aen.* ii. 140) ascribes their first institution to the reign of Tarquinius Superbus.

A fearful plague broke out, by which all pregnant women were affected in such a manner that the children died in the womb. Games were then instituted to propitiate the infernal divinities, and sacrifices of sterile cows (*taureae*) were offered up to them, whence the games were called ludi Taurii. These games and sacrifices took place in the Circus Flaminius, that the infernal divinities might not enter the city. Festus (*s. v. Saec. ludi*) and Censorinus ascribe the first celebration to the consul Valerius Poplicola. This account admits that the worship of Dis and Proserpina had existed long before, but states that the games and sacrifices were now performed for the first time to avert a plague, and in that part of the Campus Martius which had belonged to the last king Tarquinius, from whom the place derived its name Tarentum. Valerius Maximus aud Zosimus, who knew of the celebration of these games by Valerius Poplicola, endeavour to reconcile their two accounts by representing the celebration of Poplicola as the second in chronological order. Other less important traditions are mentioned by Servius (*ad Aen.* ii. 140) and by Varro (*ap Censorin.*).

As regards the names Tarenti or Taurii, they are perhaps nothing but different forms of the same word, and of the same root as Tarquinius. All the accounts mentioned above, though differing as to the time at which and the persons by whom the Tarentine games were first celebrated, yet agree in stating that they were celebrated for the purpose of averting from the state some great calamity by which it had been afflicted, and that they were held in honour of Dis and Proserpina. From the time of the consul Valerius Poplicola down to that of Augustus, the Tarentine games were only held three times, and again only on certain emergencies, and not at any fixed time, so that we must conclude that their celebration was in no way connected with certain cycles of time (*saecula*). The deities in whose honour they were held during the republic, continued, as at first, to be Dis and Proserpina. As to the times at which these three celebrations took place, the commentarii of the quindecimviri and the accounts of the annalists did not agree (Censorin. *l. c.*), and the discrepancy of the statements still extant shows the vain attempts which were made in later times to prove that during the republic the games had been celebrated once in every saeculum. All these misrepresentations and distortions arose in the time of Augustus. Not long after he had assumed the supreme power in the republic, the quindecimviri announced that according to their books ludi saeculares ought to be held, and at the same time tried to prove from history that in former times they had not only been celebrated repeatedly, but almost regularly once in every century. The games of which the quindecimviri made this assertion, were the ludi Tarentini.

The celebrated jurist and antiquary Ateius Capito received from the emperor the command to determine the ceremonies, and Horace was requested to compose the festive hymn for the occasion (*carmen saeculare*), which is still extant (Zosim. ii. 4.). But the festival which was now held, was in reality very different from the ancient Tarentine games; for Dis and Proserpina, to whom formerly the festival belonged exclusively, were now the last in the list of the divinities in honour of whom the ludi saeculares were celebrated. A description of the various solemnities is given by Zosimus. Some days before they commenced, heralds were sent about to invite the people to a spectacle which no one had ever beheld, and which no one would ever behold again. Hereupon the quindecimviri distributed, upon the Capitol and the Palatine, among the Roman citizens, torches, sulphur, and bitumen, by which they were to purify themselves. In the same places, and on the Aventine in the temple of Diana, the people received wheat, barley, and beans, which were to be offered at night-time to the Parcae, or, according to others, were given as pay to the actors in the dramatic representations which were performed during the festive days. The festival took place in summer, and lasted for three days and three nights. On the first day the games commenced in the Tarentum, and sacrifices were offered to Jupiter, Juno, Neptune, Minerva, Venus, Apollo, Mercury, Ceres, Vulcan, Mars, Diana, Vesta, Hercules, Latona, the Parcae, and to Dis and Proserpina. The solemnities began at the second hour of the night, and the emperor opened them by the river side with the sacrifice of three lambs to the Parcae upon three altars erected for the purpose, and which were sprinkled with the blood of the victims. The lambs themselves were burnt. A temporary scene like that of a theatre was erected in the Tarentum, and illuminated with lights and fires.

In this scene festive hymns were sung by a chorus, and various other ceremonies, together with theatrical performances, took place. During the morning of the first day the people went to the Capitol to offer solemn sacrifices to Jupiter; thence they returned to the Tarentum to sing choruses in honour of Apollo and Diana. On the second day the noblest matrons, at an hour fixed by an oracle, assembled on the Capitol, performed supplications, sang hymns to the gods, and also visited the altar of Juno. The emperor and the quindecimviri offered sacrifices which had been vowed before, to all the great divinities. On the third day Greek and Latin choruses were sung in the sanctuary of Apollo by three times nine boys and maidens of great beauty whose parents were still alive. The object of these hymns was to implore the protection of the gods for all cities, towns, and officers of the empire. One of these hymns was the carmen saeculare by Horace, which was especially composed for the occasion, and adapted to the cirumstances of the time. During the whole of the three days and nights, games of every description were carried on in all the circuses and theatres, and sacrifices were offered in all the temples.

The first celebration of the ludi saeculares in the reign of Augustus took place in the summer of the year B.C. 17 (Tacit. *Ann.* xi. 11.); the second took place in the reign of Claudius, A.D. 47 (Suet. *Claud.* 21); the third in the reign of Domitian, A.D. 88 (Suet. *Domit.* 4, with Ernesti's note); and the last in the reign of Philippus A.D. 248, and, as was generally believed, just 1000 years after the building of the city. (Jul. Capitol. *Gord. Tert.* c. 33; compare Scaliger, *De Emend. Tempor.* p. 486; Hartung, *Die Religion der Römer*, vol. ii. p. 92, &c., and the commentators *ad Horat. Carm. Saec.*) [L. S.]

LUDUS. [GLADIATORES, p. 574, b.]

LUDUS DUO'DECIM SCRIPTO'RUM. [LATRUNCULI.]

LUDUS LATRUNCULO'RUM. [Latrunculi.]

LUDUS TROJAE. [Circus, p. 288, a.]

LU'MINA. [Servitutes.]

LUPA'NAR. [Caupona, p. 258, b.]

LUPA'TUM. [Frenum.]

LUPERCA'LIA, one of the most ancient Roman festivals, which was celebrated every year in honour of Lupercus, the god of fertility. All the ceremonies with which it was held, and all we know of its history, shows that it was originally a shepherd-festival. (Plut. *Caes.* 61.) Hence its introduction at Rome was connected with the names of Romulus and Remus, the kings of shepherds. Greek writers and their followers among the Romans represent it as a festival of Pan, and ascribe its introduction to the Arcadian Evander. This misrepresentation arose partly from the desire of these writers to identify the Roman divinities with those of Greece, and partly from its rude and almost savage ceremonies, which certainly are a proof that the festival must have originated in the remotest antiquity. The festival was held every year, on the 15th of February, in the Lupercal, where Romulus and Remus were said to have been nurtured by the she-wolf; the place contained an altar and a grove sacred to the god Lupercus. (Aurel. Vict. *de Orig. Gent. Rom.* 22; Ovid. *Fast.* ii. 267.) Here the Luperci assembled on the day of the Lupercalia, and sacrificed to the god goats and young dogs, which animals are remarkable for their strong sexual instinct, and thus were appropriate sacrifices to the god of fertility. (Plut. *Rom.* 21; Servius *ad Aen.* viii. 343.) Two youths of noble birth were then led to the Luperci, and one of the latter touched their foreheads with a sword dipped in the blood of the victims; other Luperci immediately after wiped off the bloody spots with wool dipped in milk. Hereupon the two youths were obliged to break out into a shout of laughter. This ceremony was probably a symbolical purification of the shepherds. After the sacrifice was over, the Luperci partook of a meal, at which they were plentifully supplied with wine. (Val. Max. ii. 2. 9.) They then cut the skins of the goats which they had sacrificed, into pieces; with some of which they covered parts of their body in imitation of the god Lupercus, who was represented half naked and half covered with goatskin. The other pieces of the skins they cut into thongs, and holding them in their hands they ran through the streets of the city, touching or striking with them all persons whom they met in their way, and especially women, who even used to come forward voluntarily for the purpose, since they believed that this ceremony rendered them fruitful, and procured them an easy delivery in childbearing. This act of running about with thongs of goat-skin was a symbolic purification of the land, and that of touching persons a purification of men, for the words by which this act is designated are *februare* and *lustrare*. (Ovid. *Fast.* ii. 31; Fest. *s. v. Februarius.*) The goat-skin itself was called *februum*, the festive day *dies februata*, the month in which it occurred *Februarius*, and the god himself *Februus*.

The act of purifying and fertilizing, which, as we have seen, was applied to women, was without doubt originally applied to the flocks, and to the people of the city on the Palatine. (Varro, *de Ling. Lat.* v. p. 60, Bip.) Festus (*s. v. Crepos*) says that the Luperci were also called *crepi* or *creppi*, from their striking with goatskins (*a crepitu pelliculanum*), but it is more probable that the name crepi was derived from crepa, which was the ancient name for goat. (Fest. *s. v. Caprae.*)

The festival of the Lupercalia, though it necessarily lost its original import at the time when the Romans were no longer a nation of shepherds, was yet always observed in commemoration of the founders of the city. Antonius, in his consulship, was one of the Luperci, and not only ran with them half-naked and covered with pieces of goatskin through the city, but even addressed the people in the forum in this rude attire. (Plut. *Caes.* 61.) After the time of Caesar, however, the Lupercalia seem to have been neglected, for Augustus is said to have restored it (Suet. *Aug.* 31), but he forbade youths (*imberbes*) to take part in the running. The festival was henceforth celebrated regularly down to the time of the emperor Anastasius. Lupercalia were also celebrated in other towns of Italy and Gaul, for Luperci are mentioned in inscriptions of Velitrae, Praeneste, Nemausus, and other places. (Orelli, *Inscr.* n. 2251, &c.) (Compare Luperci; and Hartung, *Die Relig. der Römer*, vol. ii. p. 176, &c.) [L. S.]

LUPERCI, were the priests of the god Lupercus. They formed a college (*sodalitas, ἑταιρία*), the members of which were originally youths of patrician families, and which was said to have been instituted by Romulus and Remus. (Plut. *Rom.* 21.) The college was divided into two classes, the one called Fabii or Fabiani, and the other Quinctilii or Quinctiliani. (Fest. *s. vv. Quinctiliani Luperci* and *Fabiani.*) These names, which are the same as those with which the followers of Romulus and Remus were designated in the early Roman legends, seem to show that the priesthood was originally confined to certain gentes. (Ovid. *Fast.* ii. 378, who, however, confounds the Potitii and Pinarii with the Quinctilii and Fabii.) But if such actually was the case, this limitation does not seem to have existed for a very long time, though the two classes retained their original names, for Festus says, that in course of time the number of Luperci increased, "Quia honoris gratia multi in Lupercis adscribebantur." What was the original number of Luperci, and how long their office lasted, is unknown; but it is stated in inscriptions (Orelli, n. 2256 and n. 4920) that a person held the office of Lupercus twice, and another three times, and this fact shows at least that the priests were not appointed for life. Julius Caesar added to the two classes of the college a third with the name of Julii or Juliani (Dion Cass. xliv. 6; Suet. *Caes.* 76), and made Antonius their high priest. He also assigned to them certain revenues (*vectigalia*), which were afterwards withdrawn from them. (Cic. *Philip.* iii. 15, with the note of P. Manutius.) But it is uncertain whether Caesar assigned these revenues to the whole college, or merely to the Julii. From this time the two ancient classes of the Luperci are sometimes distinguished from the new one by the name of Luperci veteres. (Orelli, n. 2253.) Although in early times the Luperci were taken only from noble families, their strange and indecent conduct at the Lupercalia was offensive to the more refined Romans of a later age (Cic. *Philip.* ii. 34), and Cicero (*pro Coel.* 11) characterises the college as a "Fera quaedam sodalitas et plane pastoricia atque agrestis, quorum coitio illa silvestris ante est instituta quam humanitas atque leges." Respecting the rites with which they solemnised the Lupercalia see LUPERCALIA. [L. S.]

LUPUS FE'RREUS, the iron wolf used by the besieged in repelling the attacks of the besiegers, and especially in seizing the battering-ram and diverting its blows. [ARIES.] (Liv. xxxviii. 3; Veget. *de Re Mil.* ii. 25, iv. 23.) [J. Y.]

LUSTRA'TIO (κάθαρσις), was originally a purification by ablution in water. But the lustrations, of which we possess direct knowledge, are always connected with sacrifices and other religious rites, and consisted in the sprinkling of water by means of a branch of laurel or olive, and at Rome sometimes by means of the aspergillum (χέρνιψ), and in the burning of certain materials, the smoke of which was thought to have a purifying effect. Whenever sacrifices were offered, it seems to have been customary to carry them around the person or thing to be purified. Lustrations were made in ancient Greece, and probably at Rome also, by private individuals when they had polluted themselves with any criminal action. Whole cities and states also sometimes underwent purifications to expiate the crime or crimes committed by a member of the community. The most celebrated purification of this kind was that of Athens, performed by Epimenides of Crete, after the Cylonian massacre. (Diog. Laërt. i. 10. § 3.) Purifications also took place when a sacred spot had been unhallowed by profane use, as by burying dead bodies in it, such as was the case with the island of Delos. (Thucyd. i. 8, iii. 104.)

The Romans performed lustrations on many occasions, on which the Greeks did not think of them; and the object of most Roman lustrations was not to atone for the commission of crime, but to obtain the blessing of the gods upon the persons or things which were lustrated. Thus fields were purified after the business of sowing was over (Ovid. *Fast.* i. 669), and before the sickle was put to the corn. [ARVALES FRATRES.] The manner in which sheep were lustrated every year at the festival of the Palilia, is described by Ovid (*Fast.* iv. 735, &c.). The shepherd towards evening sprinkled his flock with water, adorned the fold with branches and foliage, burnt pure sulphur and various herbs, and offered sacrifices to Pales. The object of this lustration was to preserve the flock from disease, contagion, and other evils. (Cato, *de Re Rust.* c. 141.) All Roman armies before they took the field were lustrated (Dion Cass. xlvii. 38; Appian, *Hisp.* c. 19, *Civil.* iv. 89. et passim), and as this solemnity was probably always connected with a review of the troops, the word lustratio is also used in the sense of the modern review. (Cic. *ad Att.* v. 20. § 2.) The rites customary on such occasions are not mentioned, but they probably resembled those with which a fleet was lustrated before it set sail, and which are described by Appian (*Civil.* v. 96). Altars were erected on the shore, and the vessels manned with their troops assembled in order close to the coast. Every body kept profound silence, and priests standing close by the water killed the victims, and carried the purifying sacrifices (καθάρσια) in small boats three times around the fleet. On these rounds they were accompanied by the generals, who prayed to the gods to preserve the armament from all dangers. Hereupon the priests divided the sacrifices into two parts, one of which was thrown into the sea, and the other burnt upon the altars, while the multitude around prayed to the gods. (Compare Liv. xxxvi. 42, and xxix. 27, where also a prayer is recorded such as generals used to offer on these occasions.) When a Macedonian army was lustrated, a dog was cut in two pieces in the place where the army was to assemble, and one half of the dog was thrown at a distance on the right and the other to the left. The army then assembled in the place between the spots where the pieces had fallen. (Liv. xl. 6; Curt. x. 9. § 12.) But to return to the Romans. The establishment of a new colony was always preceded by a lustratio with solemn sacrifices. (Cic. *de Divin.* i. 45; Barth, *ad Stat. Theb.* iv. p. 1073.) The city of Rome itself, as well as other towns within its dominion, always underwent a lustratio, after they had been visited by some great calamity, such as civil bloodshed, awful prodigies, and the like. (Appian, *Civil.* i. 26; Liv. xxxv. 9, xlii. 20.) A regular and general lustratio of the whole Roman people took place after the completion of every lustrum, when the censor had finished his census and before he laid down his office. The lustratio (also called lustrum, Fest. *s. v.*) was conducted by one of the censors (Cic. *de Divin.* i. 45), and held with sacrifices called Suovetaurilia (Liv. i. 44; Varro, *de Re Rust.* ii. 1), because the sacrifices consisted of a pig (or ram), a sheep, and an ox. This lustratio, which continued to be observed in the days of Dionysius, took place in the Campus Martius, where the people assembled for the purpose. The sacrifices were carried three times around the assembled multitude. (Dionys. *Ant. Rom.* iv. 22.) Another regular lustration which was observed every year in the month of February, was said to have been instituted because the god Februus was believed to be *potens lustrationum*, and because in this month the solemnities in honour of the dii manes took place. (Macrob. *Sat.* i. 13; compare Hartung, *Die Religion der Römer*, i. p. 198, &c.) [L. S.]

LUSTRUM (from luo, Gr. λούω), is properly speaking a lustration or purification of the whole Roman people performed by one of the censors in the Campus Martius, after the business of the census was over. [CENSOR; LUSTRATIO.] As this purification took place only once in five years, the word lustrum was also used to designate the time between two lustra. Varro (*de Ling. Lat.* vi. 11, ed. Müll.) erroneously derives the word lustrum from luo (I pay), because the vectigalia and tributa were paid every five years to the censors. The first lustrum was performed in B. C. 566 by king Servius, after he had completed his census (Liv. i. 44; Dionys. iv. 22), and afterwards it is said to have taken place regularly every five years after the census was over. In the earliest period of the republic the business of the census and the solemnities of the lustrum were performed by the consuls. The first censors were appointed in B. C. 443, and from this year down to B. C. 294 there had, according to Livy (x. 47), only been 26 pairs of censors, and only 21 lustra, or general purifications, although if all had been regular, there would have been 30 pairs of censors and 30 lustra. We must therefore conclude, that sometimes the census was not held at all, or at least not by the censors. We also learn from this statement that the census might take place without the lustrum, and indeed two cases of this kind are recorded (Liv. iii. 22, xxiv.

43) which happened in B. C. 459 and 214. In these cases the lustrum was not performed on account of some great calamities which had befallen the republic.

The time when the lustrum took place has been very ingeniously defined by Niebuhr (*Hist. of Rom.* i. p. 277). Six ancient Romulian years of 304 days each were, with the difference of one day, equal to five solar years of 365 days each, or the six ancient years made 1824 days, while the five solar years contained 1825 days. The lustrum, or the great year of the ancient Romans (Censorin. *de Die Nat.* 18), was thus a cycle, at the end of which, the beginning of the ancient year nearly coincided with that of the solar year. As the coincidence however was not perfect, a month of 24 days was intercalated in every eleventh lustrum. Now it is highly probable that the recurrence of such a cycle or great year was, from the earliest times, solemnized with sacrifices and purifications, and that Servius Tullius did not introduce them, but merely connected them with his census, and thus set the example for subsequent ages, which however, as we have seen, was not observed with regularity. At first the irregularity may have been caused by the struggles between the patricians and plebeians, when the appointment of censors was purposely neglected to increase the disorders; but we also find that similar neglects took place at a later period, when no such cause existed. (Sueton. *Aug.* 37, *Claud.* 16.) The last lustrum was solemnized at Rome, in A. D. 74, in the reign of Vespasian. (Censorin. *l. c.*)

Many writers of the latter period of the republic and during the empire, use the word lustrum for any space of five years, and without any regard to the census (Ovid. *Fast.* ii. 183, iv. 701, *Amor.* iii. 6. 27; Horat. *Carm.* ii. 4. 24, iv. 1. 6), while others even apply it in the sense of the Greek pentaeteris or an Olympiad, which only contained four years. (Ovid. *ex Pont.* iv. 6. 5, &c.; Mart. iv. 45.) Martial also uses the expression lustrum ingens for saeculum.

(Compare Scaliger, *de Emend. Tempor.* p. 183; Ideler, *Handb. der Chronol.* ii. p. 77, &c.) [L. S.]

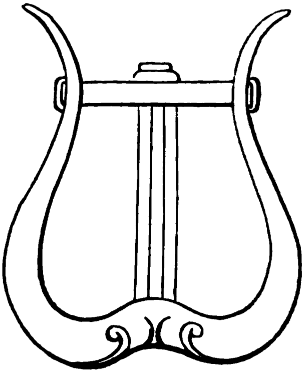
LYCAEA (*λύκαια*), a festival with contests, celebrated by the Arcadians in honour of Zeus surnamed *Λυκαῖος*. It was said to have been instituted by the ancient hero Lycaon, the son of Pelasgus. (Paus. viii. 2. § 1; Strab. viii. p. 388.) He is also said, instead of the cakes which had formerly been offered to the god, to have sacrificed a child to Zeus, and to have sprinkled the altar with its blood. It is not improbable that human sacrifices were offered in Arcadia to Zeus Lycaeus down to a very late period in Grecian history. (Porphyr. *de Abstin.* ii. 27.) No further particulars respecting the celebration of the Lycaea are known, with the exception of the statement of Plutarch (*Caes.* 61), that the celebration of the Lycaca in some degree resembled that of the Roman Lupercalia. [L. S.]

LYCHNU'CHUS. [CANDELABRUM.]

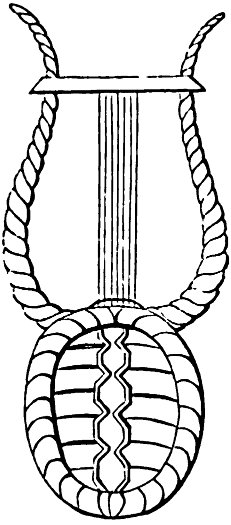
LYRA (*λύρα*, Lat. *fides*), a lyre, one of the most ancient musical instruments of the stringed kind. There can scarcely be any doubt that this and similar instruments were used by the Eastern nations and by the Egyptians, long before the Greeks became acquainted with them, and that they were introduced among the Greeks from Asia Minor. (Wilkinson's *Manners and Cust. of the Anc. Egypt.* ii. pp. 272, 288, &c.) The Greeks themselves however attributed the invention of the lyre to Hermes, who is said to have formed the instrument of a tortoise-shell, over which he placed gut-strings. (Hom. *Hymn. in Merc.*; Apollod. iii. 10. § 2; Diodor. v. 75; Serv. *ad Virg. Georg.* iv. 464.) As regards the original number of the strings of a lyre, the accounts of the ancients differ so widely, that it is almost impossible to arrive at any definite conclusion. Diodorus (i. 16) states that Hermes gave his lyre three strings, one with an acute, the other with a grave, and the third with a middle sound. Macrobius (*Sat.* i. 19) says that the lyre of Mercury had four strings, which symbolically represented the four seasons of the year; while Lucian (*Deor. Dial.* 7), Ovid (*Fast.* v. 106), and others, assume that the lyre from the first had seven strings. All ancient writers who mention this invention of Hermes, apply it to the name lyra, though its shape in this description of Apollodorus and Servius rather resembles that of the instrument which in subsequent times was designated by the name cithara (*κίθαρα* or *κίθαρις*), and in some degree resembled a modern guitar, in as far as in the latter the strings were drawn across the sounding bottom, whereas in the lyra of later times they were free on both sides. In the Homeric poems the name *λύρα* does not occur, with the exception of the Homeric hymn to Hermes; and from the expression which occurs in this hymn (423), *λύρῃ κιθαρίζειν*, it appears that originally there was very little or no difference between the two instruments, that is to say, the instrument formerly used was a cithara in the later sense of the word.

The instruments which Homer mentions as used to accompany songs are the *φόρμιγξ* and *κίθαρις*. (*Il.* i. 603, *Od.* viii. 248 and 261.) Now that the *φόρμιγξ* and the *κίθαρις* were the same instrument, appears to be clear from the expression *φόρμιγγι κιθαρίζειν*, and *κίθαρι φορμίζειν*. (*Od.* i. 153, &c.) The lyra is also called *χέλυς*, or *χελώνη*, and in Latin *testudo*, because it was made of a tortoise-shell.

The obscurity which hangs over the original number of strings of the lyre, is somewhat removed by the statement made by several ancient writers, that Terpander of Antissa (about B. C. 650) added to the original number of four strings three new ones, and thus changed the tetrachord into a heptachord. (Euclid. *Introd. Harm.* p. 19; Strab. xiii. p. 618; Clem. Alex. *Strom.* vi. p. 814, ed. Potter),



though it cannot be denied that there existed lyres with only three strings. (Blanchini, *De Tribus Generibus Instrumentorum Musicae Veterum Organicae Dissertatio*, tab. iv.) The preceding representation of a tetrachord and the following one of a heptachord are both taken from the work of Blanchini.



The heptachord introduced by Terpander henceforth continued to be most commonly used by the Greeks as well as subsequently by the Romans, though in the course of time many additions and improvements were made which are described below. In the ancient tetrachord the two extreme strings stood to each other in the relation of a fourth (διὰ τεσσάρων), *i.e.* the lower string made three vibrations in the time that the upper one made four. In the most ancient arrangement of the scale, which was called the diatonic, the two middle strings were strung in such a manner, that the three intervals between the four strings produced twice a whole tone, and one semitone. Terpander in forming his heptachord, in reality added a new tetrachord to the ancient one, but left out the third string of the latter, as there was between it and the fourth only an interval of a semi-tone. The heptachord thus had the compass of an octave, or, as the ancients called it, a diapason (διὰ πασῶν). The intervals between the seven strings in the diatonic scale were as follow: — between one and two a whole tone, between two and three a whole tone, between three and four a whole tone and a semi-tone; between four and five and five and six a whole tone each, between six and seven a semitone. The seven strings themselves were called, beginning from the highest, *νήτη*, *παρανήτη*, *παραμέση*, *μέση*, *λιχανός*, *παρυπάτη*, *ὑπάτη*. (Böckh, *de Metris Pindari*, p. 205, &c.) Pindar himself made use of the heptachord, though in his time an eighth string had been added. In the time of Philip and Alexander the number of strings was increased to eleven by Timotheus of Miletus (Suidas, *s. v.* Τιμόθεος; Müller, *Dor.* iv. 6. § 3), an innovation which was severely censured by the Spartans, who refused to go beyond the number of seven strings. (Cic. *de Leg.* ii. 15; Athen. xiv. p. 636.) It is however clear that the ancients made use of a variety of lyres, and in the representations which we still possess, the number of strings varies from three to eleven. About the time of Sappho and Anacreon several stringed instruments, such as *magadis*, *barbiton*, and others, were used in Greece, and especially in Lesbos. They had been introduced from Asia Minor, and their number of strings far exceeded that of the lyre, for we know that some had a compass of two octaves, and others had even twenty strings, so that they must have more resembled a modern harp than a lyre. (Bode, *Gesch. der Lyrisch. Dichtkunst der Hellenen*, vol. i. p. 382, &c.; compare Quinctil. xii. 10.)

It has been remarked above that the name lyra occurs very seldom in the earliest Greek writers, and that originally this instrument and the cithara were the same. But about the time of Pindar innovations seem to have been introduced by which the lyra became distinct from the cithara, the invention of which was ascribed to Apollo, and hence the name of the former now occurs more frequently. (Pind. *Ol.* x. 113, *Nem.* iii. 19, xi. 8, *Pyth.* viii. 42, et passim.) Both however had in most cases no more than seven strings. The difference between the two instruments is described above; the lyre had a great and full-sounding bottom. which continued as before to be made generally of a tortoise-shell, from which, as Lucian (*Dial. Mor.* 1) expresses it, the horns rose as from the head of a stag. A transverse piece of wood connecting the two horns at or near their top-ends served to fasten the strings, and was called *ζύγον*, and in Latin *transtillum*. The horns were called *πήχεις* or *cornua*. (Schol. Venet. *ad Iliad.* ii. 293; Hesych. *s. v.* Ζύγα; Cic. *de Nat. Deor.* ii. 59.) These instruments were often adorned in the most costly manner with gold and ivory. (Cic. *ad Heren.* iv. 47; Ovid. *Met.* xi. 167.) The lyre was considered as a more manly instrument than the cithara, which, on account of its smaller-sounding bottom, excluded full-sounding and deep tones, and was more calculated for the middle tones. The lyre when played stood in an upright position between the knees, while the cithara stood upon the knees of the player. Both instruments were held with the left hand, and played with the right. (Ovid. *Metam.* xi. 168.) It has generally been supposed that the strings of these instruments were always touched with a little staff called plectrum (*πλῆκτρον*) (see woodcut under MENSA), but among the paintings discovered at Herculaneum we find several instances where the persons play the lyre with their fingers. (See also Ovid. *Heroid.* iii. 118.) The lyre was at all times only played as an accompaniment to songs.

The Latin name *fides*, which was used for a lyre as well as a cithara, is probably the same as the Greek *σφίδες*, which, according to Hesychius (*s. v.*), signifies gut-string; but Festus (*s. v.*) takes it to be the same as fides (faith), because the lyre was the symbol of harmony and unity among men.

The lyre (cithara or phorminx) was at first used in the recitations of epic poetry, though it was probably not played during the recitation itself, but only as a prelude before the minstrel commenced his story, and in the intervals or pauses between the several parts. The lyre has given its name to a species of poetry called lyric; this kind of poetry was originally never recited or sung without the accompaniment of the lyre, and sometimes also of an appropriate dance. (Compare the article MUSICA; Plutarch, *de Musica;* Böckh, *de Metris Pindari;* Drieberg, *Musikalische Wissenschaften der Griechen;* and by the same author *Aufschlüsse über die Musik der Griechen;* Burney, *History of Music;* Hawkins, *History of Music;* Krüger, *De Musicis Graec. Organis circa Pindari tempora florentibus*, Göttingen, 1840; Müller, *Hist. of Greek Lit.* p. 148, &c.) [L. S.]

M.

MACELLUM (ὀψοπωλία, Athen. i. 9; ὀψοπωλεῖον, κρεοπωλεῖον), a provision-market, frequented by cooks, fishermen, poulterers, confectioners, butchers, and men of similar occupations. (Varro, *de Re Rust.* iii. 2. 17, *de Ling. Lat.* v. 32. pp. 147, 148. ed. Spengel; Plaut. *Aulul.* ii. 8. 3; Ter. *Eun.* ii. 2. 24; Hor. *Sat.* ii. 3. 229, *Epist.* i. 15. 31; Seneca, *Epist.* 78.) [Forum.] From *macellum*, a provision-merchant was called *macellarius* (οψοπώλης, κρεοπώλης). (Sueton. *Jul.* 26. *Vespas.* 19; Varro, *de Re Rust.* iii. 2, 4.) The Athenians called their macellum *εἰς τοὖψον*, just as they called their slave-markets *εἰς τὰ ἀνδράποδα*, their wine-market *εἰς τὸν οἶνον*, and other markets by the name of the commodities sold in them. (Poll. ix. 47; x. 19; Harpocr. *s. v.* Δεῖγμα.) [J.Y.]

MA'CHINAE (*μηχαναί*), and **O'RGANA** (*ὄργανα*). The object of this article is to give a brief general account of those contrivances for the concentration and application of force, which are known by the names of *instruments*, *mechanical powers*, *machines*, *engines*, and so forth, as they were in use among the Greeks and Romans, especially in the time of Vitruvius, to whose tenth book the reader is referred for the details of the subject.

The general, but loose, definition which Vitruvius gives of a *machine* (x. 1. § 1), is a wooden structure, having the virtue of moving very great weights. A *machina* differs from an *organon*, inasmuch as the former is more complex and produces greater effects of power than the latter: perhaps the distinction may be best expressed by translating the terms respectively *machine* or *engine* and *instrument*. Under the latter class, besides common *tools* and *simple instruments*, as the plough for example, Vitruvius appears to include the *simple mechanical powers*, which, however, when used in combination, as in the crane and other machines, become *machinae*. Thus Horace uses the word for the machines used to launch vessels (*Carm.* i. 4. 2), which appears to have been effected by the joint force of ropes and pulleys drawing the ship, and a screw pushing it forwards, aided by rollers (φάλαγγες) beneath it. The word *organon* was also used in its modern sense of a musical instrument. [See Hydraula.]

The Greek writers, whom Vitruvius followed, divided machines into three classes, the (*genus*) *scanscorium* or *ἀκροβατικόν* (respecting which see Vitruvius and his commentators), the *spiritale* or *πνευματικόν* [Hydraula], and the *tractorium* or *βαροῦλκον* (or *βάναυσον* according to the reading of the old editions) for moving heavy weights. The information which he gives us may perhaps, however, be exhibited better under another classification.

I. *Mechanical Engines.*

1. *The Simple Mechanical Powers* were known to the Greek mechanicians from a period earlier than can be assigned, and their theorics were completely demonstrated by Archimedes. Vitruvius (x. 3. s. 8) discourses of the two modes of raising heavy weights, by *rectilinear* (*εὐθεῖαν*) and *circular* (*κυκλωτὴν*) motion. He explains the action of the *lever* (*ferreus vectis*), and its three different sorts, according to the position of the fulcrum (*ὑπομόχλιον*), and some of its applications, as in the *steelyard* (*trutina*, *statera*), and the oars and rudder-oars of a ship; and alludes to the principle of *virtual velocities*. The *inclined plane* is not spoken of by Vitruvius as a *machina*, but its properties as an aid in the elevation of weights are often referred to by him and other writers; and in early times it was, doubtless, the sole means by which the great blocks of stone in the upper parts of buildings could be raised to their places.

Under the head of circular motion, Vitruvius makes a passing allusion to the various forms of wheels and screws, *plaustra*, *rhedae*, *tympana*, *rotae*, *cochleae*, *scorpiones*, *balistae*, *prela*, about which see the respective articles. It is worth while, also, to notice the methods adopted by Chersiphron and his son Metagenes, the architects of the temple of Artemis at Ephesus, and by later architects, to convey large blocks of marble from the quarries, by supporting them in a cradle between wheels, or enclosing them in a cylindrical frame-work of wood (Vitruv. x. 6. s. 2); and also the account which Vitruvius gives of the mode of measuring the distance passed over by a carriage or a ship, by an instrument attached to the wheel of the former, or to a sort of paddle-wheel projecting from the side of the latter (c. 9. s. 14). What he says of the *pulley* will be more conveniently stated under the next head.

2. *Compound Mechanical Powers*, or *Machines for raising heavy weights* (*machinae tractoriae*). Of these Vitruvius describes three principal sorts, all of them consisting of a proper erect frame-work (either three beams, or one supported by ropes); from which hang *pullies*, the rope of which is worked either by a number of men, or by a windlass (*sucula*), or by a large drum (*tympanum*, *ἀμφίρευσις*, *περιτρόχιον*) moved as a tread-wheel, only from within. He describes the different sort of pullies, according to the number of *sheaves* (*orbiculi*) in each block (*trochlea* or *rechamus*), whence also the machine received special names, such as *trispastos*, when there were *three* sheaves, one in the lower block and two in the upper; and *pentaspastos*, when there were *five* sheaves, two in the lower block, and three in the upper (x. 2—5).

II. *Military Engines.* (Vitruv. x. 15—22; Vegetius and the other writers *de Re Militari*; Aries; Helepolis; Testudo; Tormentum; Turris, &c.)

III. *Theatrical Machines.* [Theatrum.]

IV. *Hydraulic Engines.*

1. *Conveyance and delivery of water through pipes and channels.* [Aquaeductus; Emissarium; Fistula; Fons.] It has been shown, under the articles referred to, that the ancients well knew, and that they applied in practice, the hydrostatic law, that water enclosed in a bent pipe rises to the same level in both arms. It also appears, from the work of Frontinus, that they were acquainted with the law of hydraulics, that the quantity of water delivered by an orifice in a given time depends on the size of the orifice and on the height of the water in the reservoir; and also, that it is delivered faster through a short pipe than through a mere orifice of equal diameter.

2. *Machines for raising water.* The ancients did not know enough of the laws of atmospheric pressure to be acquainted with the common sucking pump; but they had a sort of forcing pump, which is described by Vitruvius (x. 12), who ascribes the invention to Ctesibius. For raising water a small

height only they had the well-known screw of Archimedes, an instrument which, for this particular purpose, has never been surpassed. (Vitruv. x. 11; Cochlea.) But their pumps were chiefly on the principle of those in which the water is lifted in buckets, placed either at the extremity of a lever, or on the rim of a wheel, or on a chain working between two wheels. (Vitruv. x. 9; Antlia; Tympanum.)

3. *Machines in which water is the moving power.* (Vitruv. x. 10; Mola.)

4. Other applications of water, as to the measurement of time, and the production of musical sounds, in the *clepsydra* and the *hydraulic organ.* (Vitruv. ix. 5, 6, x. 13; Horologium; Hydraula.) [P. S.]

MAENIA'NUM, signified, originally, a projecting balcony, which was erected round the Roman forum, in order to give more accommodation to the spectators of the gladiatorial combats, by the censor, C. Maenius, B.C. 318 (Festus, *s. v.* p. 135, ed. Müller; Isidor. *Orig.* xv. 3. § 11); and hence balconies in general came to be called *maeniana.* Many allusions to such structures, and to the regulations which were found necessary to keep them within due bounds, are found in the ancient writers (Cic. *Acad.* iv. 22; Non. p. 83. s. 65, Müll.; Sueton. *Calig.* 18; Vitruv. v. 1; Plin. *H. N.* xxxv. 10. s. 37; Val. Max. ix. 12. § 7; Cod. Just. viii. 2. 20, 10. 11, xliii. 8. 2. § 6, l. 16. 242. § 1; Amm. Marc. xxvii. 9, 10; see also Amphitheatrum, p. 88, and Circus, p. 286, a.) [P. S.]

MAGADIS. [Lyra, p. 721, a.; Musica.]

MAGIST'ER, which contains the same root as *mag-is* and *mag-nus*, was applied at Rome to persons possessing various kinds of offices, and is thus explained by Festus (*s. v. Magisterare*): — "*Magisterare*, moderari. Unde *magistri* non solum doctores artium, sed etiam pagorum, societatum, vicorum, collegiorum, equitum dicuntur; quia omnes hi magis ceteris possunt." Paulus (Dig. 50. tit. 16. s. 57) thus defines the word: — "Quibus praecipua cura rerum incumbit, et qui magis quam ceteri diligentiam et sollicitudinem rebus, quibus praesunt, debent, hi magistri appellantur." The following is a list of the principal magistri: —

Magister Admissionum. [Admissionales.]

Magister Armorum appears to have been the same officer as the Magister Militum. (Amm. Marc. xvi. 7, xx. 9.)

Magister Auctionis. [Bonorum Emptio.]

Magister Bibendi. [Symposium.]

Magister Collegii was the president of a collegium or corporation. [Collegium.]

Magister Epistolarum answered letters on behalf of the emperor. (Orelli, *Inscr.* 2352.)

Magister Equitum. [Dictator, p. 407, b.]

Magister Libellorum was an officer or secretary who read and answered petitions addressed to the emperors. [Libellus, 4. c.] He is called in an inscription "Magister Libellorum et Cognitionum Sacrarum." (Orelli, *l. c.*)

Magister Memoriae, an officer whose duty it was to receive the decision of the emperor on any subject and communicate it to the public or the persons concerned. (Amm. Marc. xv. 5, xxvii. 6.)

Magister Militum, the title of the two officers, to whom Constantine intrusted the command of all the armies of the empire. One was placed over the cavalry, and the other over the infantry. On the divisions of the empire their number was increased, and each of them had both cavalry and infantry under his command. In addition to the title of *Magistri militum*, we find them called *Magistri armorum, equitum et peditum, utriusque militiae* (Zosim. ii. 33, iv. 27; Vales. *ad Amm. Marc.* xvi. 7.) In the fifth century, there were in the Eastern empire two of these officers at court, and three in the provinces; in the western empire, two at court, and one in Gaul. Under Justinian, a new magister militum was appointed for Armenia and Pontus. (Walter, *Geschichte des Römischen Rechts*, § 342, 2d ed.)

Magister Navis. [Exercitoria Actio.]

Magister Officiorum, was an officer of high rank at the imperial court, who had the superintendence of all audiences with the emperor, and also had extensive jurisdiction over both civil and military officers. (Cod. 1. tit. 31; 12. tit. 16; Cod. Theod. 1. tit. 9; 6. tit. 9; Amm. Marc. xv. 5; xx. 2, xxii. 3; Cassiod. *Variar.* vi. 6.)

Magister Populi. [Dictator.]

Magister Scriniorum, had the care of all the papers and documents belonging to the emperor. (Cod. 12. tit. 9; Spartian. *Ael. Ver.* 4; Lamprid. *Alex. Sev.* 26.)

Magister Societatis. The equites, who farmed the taxes at Rome, were divided into companies or partnerships; and he who presided in such a company was called Magister Societatis. (Cic. *Verr.* ii. 74, *ad Fam.* xiii. 9, *pro Plancio*, 13.)

Magister Vicorum. Augustus divided Rome into certain regiones and vici, and commanded that the people of each vicus should choose magistri to manage its affairs. (Suet. *Aug.* 30, *Tib.* 76; Orelli, *Inscr.* 5, 813, 1530.) From an inscription on an ancient stone referred to by Pitiscus (*Lexicon, s. v.*) it appears that there were four such magistri to each vicus. They were accustomed to exhibit the Ludi Compitalitii dressed in the praetexta. (Ascon. *in Cic. Pison.* p. 7, ed. Orelli.)

MAGISTRA'TUS. A definition of Magistratus may be collected from Pomponius, *De Origine Juris* (Dig. 1. tit. 2). Magistratus are those "qui juri dicundo praesunt." The King was originally the sole Magistratus; he had all the Potestas. On the expulsion of the Kings, two Consuls were annually appointed and they were Magistratus. In course of time other Magistratus were appointed, so that Pomponius enumerates as the Magistratus of his time "qui in civitate jura reddebant," ten tribuni plebis, two consuls, eighteen praetors, and six aediles. He adds that the Praefecti Annonae et Vigilum were not Magistratus. The Dictator was also a Magistratus; and the Censors; and the Decemviri litibus judicandis. The governors of Provinces with the title of Propraetor or Proconsul were also Magistratus. Gaius attributes the Jus Edicendi to the Magistratus Populi Romani, without any restriction; but he says that the chief edictal power was possessed by the Praetor Urbanus and the Praetor Peregrinus, whose jurisdictio in the provinces was exercised by the Praesides of Provinces; and also by the Curule Aediles whose jurisdiction in the Provinciae Populi Romani was exercised by the Quaestors of those Provinces.

The word Magistratus contains the same element as mag(ister) and mag(nus); and it signifies both the persons and the office, as we see in the phrase "se magistratu abdicare," which signifies to give up the office before the time at which it regularly expired. (On the abdicatio, see Rubino, *Römische Staatsverfassung*, p. 88; and Plut. *Cic.* 19). (Liv. vi. 1, xxiii. 23.) According to Festus, a magistratus was one who had "judicium auspiciumque."

According to M. Messala the augur, quoted by Gellius (xiii. 15), the Auspicia Maxima belonged to the Consuls, Praetors, and Censors, and the Minora auspicia to the other Magistratus; accordingly the Consuls, Praetors, and Censors were called Majores, and they were elected at the Comitia Centuriata; the other Magistratus were called Minores. The Magistratus were also divided into Curules and those who were not Curules: the Magistratus Curules were the dictator, consuls, praetors, censors, and the curule aediles, who were so called, because they had the Jus Sellae Curulis. The magistrates were chosen only from the Patricians in the early Republic, but in course of time the Plebeians shared these honours, with the exception of that of the Interrex: the Plebeian Magistratus properly so called were the Plebeian Aediles and the Tribuni Plebis.

The distinction of Magistratus into Majores who had the Imperium, and the Minores who had not, had a reference to Jurisdiction also. The former term comprised Praetors and governors of Provinces; the latter, in the Republican time, comprised Aediles and Quaestors, and, under the Empire, the numerous body of Municipal Magistrates. The want of the Imperium limited the power of the Magistratus Minores in various matters which came under their cognizance, and the want of it also removed other matters entirely from their jurisdictio (taking the word in its general sense). Those matters which belonged to Jurisdictio in its limited sense were within the competence of the Magistratus Minores [JURISDICTIO]; but those matters which belong to the Imperium, were for that reason not within the competence of the Magistratus Minores. As proceeding from the Imperium we find enumerated the praetoriae stipulationes, such as the cautio damni infecti, and ex novi operis nunciatione; and also the Missio in possessionem, and the In integrum restitutio. Thus it appears that the limited jurisdictio was confined to the Ordo judiciorum privatorum, and all the proceedings Extra ordinem were based on the Imperium: consequently a Minor Magistratus could not exercise Cognitio, properly so called, and could not make a Decretum. This consideration explains the fact of two Praetors for questions as to fideicommissa being appointed under Claudius: they had to decide such matters for all Italy, inasmuch as such matters were not within the competence of the municipal magistrates. The jurisdiction of the municipal magistrates of Cisalpine Gaul was limited in many cases to a certain sum of money; and this limitation was afterwards extended to all Italy. Added to this, these magistrates had not the Imperium, which, as already observed, limited their Jurisdictio.

The Magistratus Minores could take cognizance of matters which were not within their jurisdictio, by delegation from a superior Magistratus. Thus in the case of Damnum Infectum, inasmuch as delay might cause irreparable mischief, the Praetor could delegate to the Municipal Magistratus, who were under him, the power of requiring the Cautio. (Dig. 39. tit. 2. s. 4.)

It became necessary to re-organize the administration of Gallia Cisalpina, on its ceasing to be a Province; and as the Jurisdictio was placed in the hands of Municipal Magistratus, who had no Imperium, it was further necessary to determine what should be the form of procedure before these Magistratus in all matters that were extra ordinem, that is, in such matters as did not belong to their competence because they were Magistratus Minores, but were specially given to them by a Lex. The determining of this form of procedure was the object of the Lex Rubria. [LEX RUBRIA.] (Puchta, *Zeitschrift*, x. p. 195.)

The case of Adoption (properly so called) illustrates the distinction of Magistratus into Majores and Minores, as founded on the possessing or not possessing the Imperium. (Gaius, i. 99.) This adoption was effected "Imperio Magistratus," as for instance before the Praetor at Rome: in the Provinciae the same thing was effected before a Proconsul or Legatus, both of whom therefore had the Imperium. The Municipal Magistratus, as they had not the Imperium, could not give validity to such an act of adoption. [G. L.]

MAJESTAS is defined by Ulpian (Dig. 48. tit. 4. s. 1) to be "crimen illud quod adversus Populum Romanum vel adversus securitatem ejus committitur." He then gives various instances of the crime of Majestas, some of which pretty nearly correspond to treason in English law; but all the offences included under Majestas comprehend more than the English treason. One of the offences included in Majestas was the effecting, aiding in, or planning the death of a magistratus Populi Romani or of one who had Imperium or Potestas. Though the phrase "crimen majestatis" was used, the complete expression was "crimen laesae, imminutae, diminutae, minutae, majestatis."

The word Majestas consistently with its relation to *mag* (nus) signifies the magnitude or greatness of a thing. "Majestas," says Cicero (*Part.* 30) "est quaedam magnitudo Populi Romani;" "Majestas est in Imperii atque in nominis Populi Romani dignitate." Accordingly the phrases "Majestas Populi Romani," "Imperii Majestas" (Hor. *Carm.* iv. 15) signify the whole of that which constituted the Roman State; in other words the sovereign power of the Roman State. The expression "minuere majestatem" consequently signifies any act by which this majestas is impaired; and it is thus defined by Cicero (*de Invent.* ii. 17), "Majestatem minuere est de dignitate, aut amplitudine, aut potestate Populi aut eorum quibus Populus potestatem dedit, aliquid derogare." (See Cic. *ad Fam.* iii. 11. "Majestatem auxisti.") The phrase Majestas Publica in the Digest is equivalent to the Majestas Populi Romani. In the Republican period the term Majestas Laesa or Minuta was most commonly applied to cases of a general betraying or surrendering his army to the enemy, exciting sedition, and generally by his bad conduct in administration impairing the Majestas of the State. (Tacit. *Ann.* i. 72.)

The Laws of the Twelve Tables punished with death a person who stirred up an enemy against Rome or surrendered a Roman citizen to an enemy. (Dig. 48. tit. 4. s. 3.) The Leges Majestatis seem to have extended the offence of Majestas generally to all acts which impaired the Majestas Publica; and several of the special provisions of the Lex Julia are enumerated in the passage just referred to.

Like many other leges the Lex Julia was modified by Senatusconsulta and Imperial Constitutions; and we must not conclude from the title in the Digest, "Ad Legem Juliam Majestatis," that all the provisions enumerated under that title were comprehended in the original Lex Julia. It is stated by Marcianus, as there cited, that it was not Majestas to repair the statues of the Caesar which were going to decay; and a Rescript of Severus and his son Antoninus Caracalla declared that if a stone was thrown and accidentally struck a statue of the Emperor, that also was not Majestas; and they also graciously declared that it was not Majestas to sell the statues of the Caesar before they were consecrated. Here then is an instance under the title ad Legem Juliam Majestatis of the Imperial rescripts declaring what was not Majestas. There is also an extract from Saturninus De Judiciis, who says that if a person melted down the statues or *imagines* of the Imperator which were already consecrated, or did any similar act, he was liable to the penalties of the Lex Julia Majestatis. But even this also does not prove that this provision was a part of the Julia Lex, as originally passed, for a Lex after being amended by Senatusconsulta or Imperial Constitutions still retained its name. In the time of Tiberius it was a matter of charge against a man that in selling a garden he had included a statue of Augustus; which Tiberius declared to be no offence. (Tacit. *Ann.* i. 73.)

The old punishment of Majestas was perpetual Interdiction from fire and water; but now, says Paulus (*S. R.* v. 39), that is, in the later Imperial period, persons of low condition are thrown to wild beasts, or burnt alive; persons of better condition are simply put to death. The property of the offender was confiscated and his memory was infamous.

In the early times of the Republic every act of a citizen which was injurious to the State or its peace was called Perduellio, and the offender (*perduellis*) was tried before the populus (*populi judicio*), and, if convicted, put to death. (Liv. ii. 41, vi. 20.) The earliest trial and form of procedure is that which is given by Livy (i. 26); after the overthrow of the kingly power the notion of Perduellio and the process were in some degree changed. Numerous offences against the state were comprehended under Perduellio. For instance Cn. Fulvius (Liv. xxvi. c. 3.) was charged with the offence of perduellio for losing a Roman army; but in course of time, and probably after the passing of the Lex Porcia, though it does not appear that this Lex applied to Perduellio, the punishment was aquae et ignis interdictio. According to Gaius "perduellis" originally signified "hostis" (Dig. 50. tit. 16. s. 234); and thus the old offence of perduellio was equivalent to making war on the Roman State. The trial for perduellio (*perduellionis judicium*) existed to the later times of the Republic; but the name seems to have almost fallen into disuse, and various leges were passed for the purpose of determining more accurately what should be Majestas.

These Leges were a Lex Apuleia, probably passed in the fifth consulship of Marius, the exact contents of which are unknown (Cic. *de Or.* ii. 25, 49), a Lex Varia B. C. 91 (Appian, *Bell. Civ.* i. 37; Cic. *Brut.* 89; Valer. Maxim. viii. 6. § 4), a Lex Cornelia passed by L. Cornelius Sulla (Cic. *in Pis.* 21, *pro Cluent.* 35), and the Lex Julia already mentioned, and which continued under the Empire to be the fundamental enactment on this subject. This Lex Julia is by some attributed to C. Julius Caesar, and assigned to the year B. C. 48, and this may be the Lex referred to in the Digest; some assume a second Lex Julia, under Augustus. That a Lex de Majestate was passed in Caesar's time appears from Cicero. (*Philipp.* i. 9.)

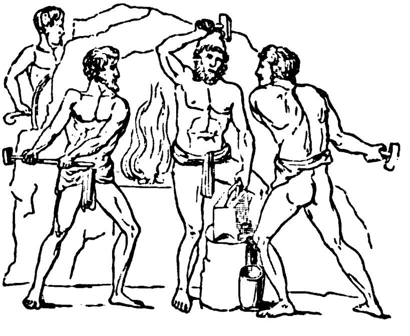
Under the Empire the term Majestas was applied to the person of the reigning Caesar, and we find the phrases Majestas Augusta, Imperatoria, and Regia. It was however nothing new to apply the term to the Emperor, considered in some of his capacities, for it was applied to the magistratus under the Republic, as to the consul and praetor. (Cic. *Philipp.* xiii. 9, *in Pisonem*, 11.) Horace even addresses Augustus (*Ep.* ii. 1. 288) in the terms "majestas tua," but this can hardly be viewed otherwise than as a personal compliment, and not as said with reference to any of the offices which he held. The extension of the penalties to various new offences against the person of the Emperor belongs of course to the Imperial period. Augustus availed himself of the Lex for prosecuting the authors of famosi libelli (*cognitionem de famosis libellis, specie legis ejus, tractavit*, Tacit. *Ann.* i. 72; Dion Cass. lvi. 27; Sueton. *Octav.* 55): the proper inference from the passage of Tacitus is that the Leges Majestatis (for they all seem to be comprised under the term "Legem Majestatis,") did not apply to words or writings, for these were punishable otherwise. The passage of Cicero (*ad Fam.* iii. 11) is manifestly corrupt, and as it stands, inconsistent with the context; it cannot be taken as evidence that the Lex Majestatis of Sulla contained any provisions as to libellous words, as to which there were other sufficient provisions. [INJURIA.] Sigonius has attempted to collect the capita of the Lex Majestatis of Sulla. Under Tiberius the offence of Majestas was extended to all acts and words which might appear to be disrespectful to the Princeps, as appears from various passages in Tacitus (*Ann.* i. 73, 74, ii. 50, iii. 38, 66, 67, &c.). The term Perduellio was still in use under the Empire, and seems to have been equivalent to Majestas at that period.

An inquiry might be made into an act of Majestas against the Imperator even after the death of the offender; a rule which was established (as we are informed by Paulus) by M. Aurelius in the case of Druncianus or Druncanius, a senator who had taken part in the outbreak of Cassius, and whose property was claimed by the fiscus after his death. (Perhaps the account of Capitolinus, *M. Ant. Phil.* c. 26, and of Vulcatius Gallicanus, *Avidius Cassius*, c. 9, is not inconsistent with the statement of Paulus: on the case of Druncianus, see Tillemont, *Histoire des Empereurs*, vol. ii. p. 382.) A constitution of S. Severus and Antoninus Caracalla declared that from the time that an act of Majestas was committed, a man could not alienate his property or manumit a slave, to which the great (*magnus*) Antoninus (probably Caracalla is still meant), added that a debtor could not after that time lawfully make a payment to him. In the matter of Majestas slaves could also be examined by torture in order to give evidence against their master: this provision, though comprehended in the Code under the title Ad Legem Juliam Majestatis, was perhaps not contained in the original law, for Tiberius sold a man's slaves to the actor publicus (*Ann.* iii. 67) in order that they might give evidence against their master, who was accused of Repetundae and also of Majestas. Women were admitted as evidence in a case of Laesa Majestas, and the case of Fulvia is cited as an instance. (Dig. 48. tit. 4; Cod. ix. tit. 8.)

As to the phrase Patria Majestas, see Patria Potestas. (The history of Majestas is given with great minuteness by Rein, *Das Criminalrecht der Römer.* A brief view of the subject is very difficult to give.) [G. L.]

MAJO'RES. [Infans.]

MA'LLEUS, *dim.* MALLE'OLUS (*ῥαιστήρ*: *σφύρα*, *dim.* *σφυρίον*), a hammer, a mallet, was used much for the same purposes in ancient as in modern times. When several men were striking with their hammers on the same anvil, it was a matter of necessity that they should strike in time, and Virgil accordingly says of the Cyclopes, "Inter se brachia tollunt *in numerum.*" (*Georg.* iv. 174; *Aen.* viii. 452.) The scene which he describes is represented in the annexed woodcut, taken from an ancient bas-relief, in which Vulcan, Brontes, and Steropes, are seen forging the metal, while the third Cyclops, Pyracmon, blows the bellows. (*Aen.* viii. 425.) Beside the anvil-stand [Incus] is seen the vessel of water, in which the hot iron or bronze was immersed. (*Ib.* v. 450, 451.)



But besides the employment of the hammer upon the anvil for making all ordinary utensils, the smith (χαλκεύς) wrought with this instrument figures called *ἔργα σφυρήλατα* (or *ὁλοσφύρητα*, Brunck, *Anal.* ii. 222), which were either small and fine, some of their parts being beaten as thin as paper and being in very high relief, as in the bronzes of Siris [Lorica], or of colossal proportions, being composed of separate plates, rivetted together: of this the most remarkable example was the statue of the sun of wrought bronze (*σφυρήλατος κολοσσός*, Theocrit. xxii. 47; *ῥαιστηροκοπία*, Philo, *de 7 Spectac.* 4. p. 14, ed. Orell.), seventy cubits high, which was erected in Rhodes. Another remarkable production of the same kind was the golden statue of Jupiter (Strabo, viii. 6. 20; Plat. *Phaedr.* p. 232, Heindorf), which was erected at Olympia by the sons of Cypselus.

By other artificers the hammer was used in conjunction with the chisel [Dolabra], as by the carpenter (*pulsans malleus*, Coripp. *de Laud. Justini*, iv. 47; woodcut, p. 98) and the sculptor.

The term *malleolus* denoted a hammer, the transverse head of which was formed for holding pitch and tow; which, having been set on fire, was projected slowly, so that it might not be extinguished during its flight, upon houses and other buildings in order to set them on fire; and which was therefore commonly used in sieges together with torches and falaricae. (Liv. xxxviii. 6; Non. Marcellus, p. 556, ed. Lips; Festus, *s. v.*; Cic. *pro Mil.* 24; Veget. *de Re Mil.* iv. 18; Vitruv. x. 16. 9. ed. Schneider.)

MALUS. [Navis.]

MALUS OCULUS. [Fascinum.]

MANCEPS has the same relation to Mancipium that Auspex has to Auspicium. It is properly qui manu capit. But the word has several special significations. Mancipes were they who bid at the public lettings of the censors for the purpose of farming any part of the public property. (Festus, *s. v. Manceps;* Manceps dicitur qui quid a populo emit conducitve, quia, &c.; Cic. *pro Planc.* c. 26, ed. Wunder.) Sometimes the chief of the Publicani generally are meant by this term, as they were no doubt the bidders and gave the security, and then they shared the undertaking with others or underlet it. (Ascon. *in Div. Verr.* c. 10.) The Mancipes would accordingly have distinctive names according to the kind of revenue which they took on lease, as Decumani, Portitores, Pecuarii. Suetonius (*Vesp.* 1, and the note in Burmann's edition) says that the father of Petro was a manceps of labourers (*operae*) who went yearly from Umbria to Sabinum to cultivate the land; that is, he hired them from their masters and paid so much for the use of them; as is now often done in slave countries. The terms Mancipes Thermarum et Salinarum occur in the Theodosian Code (14. tit. 5. s. 3). [G. L.]

MANCIPA'TIO. [Mancipium.]

MA'NCIPI RES. [Dominium.]

MANCI'PII CAUSA. The three expressions by which the Romans indicated the status in which a free person might be with respect to another, were In Potestate, In Manu, and In Mancipio ejus esse. (Gaius, i. 49.) In consequence of his Potestas a father could mancipate his child to another person, for in the old times of the republic his Patria Potestas was hardly distinguished from property. A husband had the same power over a wife In Manu, for she was "filiae loco." Accordingly a child in Potestate and a wife in Manu were properly Res Mancipi; and they were said to be In Mancipio. Still such persons, when mancipated, were not exactly in the relation of slaves to the persons to whom they were mancipated; but they occupied a status between free persons and slaves, which was expressed by the words Mancipii causa. Such persons as were in Mancipii causa were not Sui juris (Gaius, i. 48—50); and all that they acquired, was acquired for the persons to whom they were mancipated. But they differed from slaves in not being possessed; they might also have an injuriarum actio for ill-treatment from those who had them In Mancipio, and they did not lose the rights of Ingenui, but these rights were only suspended. As to contracts, the person with whom they contracted might obtain the sale of such property (*bona*) as would have been theirs, if they had not been in mancipii causa; as Gaius expresses it (iv. 80). Persons In mancipii causa might be manumitted in the same way as slaves, and the limitations of the Lex Aelia Sentia and Furia Caninia did not apply to such manumissions. The person who effected the manumission thereby acquired a kind of patronal right, which was of some importance in the matters of hereditas and tutela. (Savigny, *System*, &c. i. 360.)

The strict practice of Mancipatio, as applied to children, had fallen into disuse in the time of Gaius, and probably still earlier, and it had then become a mere legal form by which the Patria Potestas was dissolved [EMANCIPATIO]; except a person was mancipated ex noxali causa. In case of delicts by the son, the father could mancipate him (*ex noxali causa mancipio dare*), and one act of mancipatio was considered sufficient (Gaius, iv. 75—78; Liv. viii. 28; but the son had a right of action for recovering his freedom, when he had worked out the amount of the damage. (Mos. et Rom. Leg. Coll. ii. 3.) Justinian put an end to the noxae datio in the case of children, which indeed before his time had fallen into disuse. (Inst. 4. tit. 8. s. 7.)

In his time, Gaius remarks (i. 141), that men were not kept in mancipii causa (*in eo jure*) for any long time, the form of mancipatio being only used (except in the case of a noxalis causa) for the purpose of emancipation. But questions of law still arose out of this form; for the three mancipationes, which were necessary in the case of a son, might not always have been observed. Accordingly a child begotten by a son who had been twice mancipated, but born after the third mancipatio of his father, was still in the power of his grandfather. A child begotten by a son who was in his third mancipatio, came into his father's power if he was manumitted after that mancipation; but if the father died in mancipio, the child became sui juris. (Gaius, i. 135.)

Coemptio, by which a woman came in manum, was effected by mancipatio, and the coemptio might be either matrimonii causa, or fiduciae causa. The fiduciae causa coemptio was a ceremony which was necessary when a woman wished to change her tutores, and also when she wished to make a will; but a senatusconsultum of Hadrian dispensed with the ceremony in the latter case. (Gaius, i. 115, &c.)

Dion Cassius (xlviii. 44) says that Tiberius Nero transferred or gave (ἐξέδωκε) his wife to Octavianus, as a father would do; and the transfer of his wife Marcia by the younger Cato to Quintus Hortensius (Plut. *Cat. Min.* c. 25) is a well-known story. If in both these cases the wife was In Manu, she must have been mancipated. Mancipatio in such case would be equivalent to a divorce; at any rate, in both the cases which have been mentioned, the second marriage must have been preceded by a consent to dissolve the marriage, which would be sufficient if the wife was not in manu, and would require the form of mancipatio if she was in manu. (Gaius, i. 137.)

The situation of a debtor who was adjudicated to his creditor resembled that of a person who was In mancipii causa. [G. L.]

MANCI'PIUM. The etymology of this word is the same as that of the word Mancipatio, of which Gaius (i. 121) says, "Mancipatio dicitur quia manu res capitur." The term Mancipium then is derived from the act of corporeal apprehension of a thing; and this corporeal apprehension is with reference to the transfer of the ownership of a thing. It was not a simple corporeal apprehension, but one which was accompanied with certain forms described by Gaius (i. 119):—"Mancipatio is effected in the presence of not less than five witnesses, who must be Roman citizens and of the age of puberty (*puberes*), and also in the presence of another person of the same condition, who holds a pair of brazen scales and hence is called Libripens. The purchaser (*qui mancipio accipit*), taking hold of the thing, says: I affirm that this slave (*homo*) is mine Ex Jure Quiritium, and he is purchased by me with this piece of money (*aes*) and brazen scales. He then strikes the scales with the piece of money, and gives it to the seller as a symbol of the price (*quasi pretii loco*)." The same account of the matter is given more briefly by Ulpian (*Frag.* xix.). This mode of transfer applied to all Res Mancipi whether free persons or slaves, animals or lands. Lands (*praedia*) might be thus transferred, though the parties to the mancipatio were not on the lands; but all other things, which were objects of mancipatio, were only transferable in the presence of the parties, because corporeal apprehension was a necessary part of the ceremony. The purchaser or person to whom the mancipatio was made did not acquire the possession of the mancipatio; for the acquisition of possession was a separate act. (Gaius, iv. 131). Gaius calls Mancipatio "imaginaria quaedam venditio," for though the law required this form for the transfer of the Quiritarian ownership, the real contract of sale consisted in the agreement of the parties as to the price. The party who transferred the ownership of a thing pursuant to these forms was said "mancipio dare;" he who thus acquired the ownership was said "mancipio accipere." (Plaut. *Trinum.* ii. 4. 18.) The verb "mancipare" is sometimes used as equivalent to "mancipio dare." Horace (*Ep.* ii. 2. 159) uses the phrase "mancipat usus," which is not an unreasonable licence: he means to say that "usus" or usucapion has the same effect as mancipatio, which is true; but usus only had its effect in the case of Res Mancipi, where there had been no Mancipatio or In Jure Cessio. Both Mancipatio and In Jure Cessio existed before the Twelve Tables (*Frag. Vat.* 50).

Mancipatio is used by Gaius to express the act of transfer, but in Cicero the word Mancipium is used in this sense. (Cic. *de Off.* iii. 16, *de Orat.* i. 39.)

The division of things into Res Mancipi and Nec Mancipi, had reference to the formalities requisite to be observed in the transfer of ownership. It is stated in the article DOMINIUM, what things were things Mancipi. To this list may be added children of Roman parents, who were according to the old law Res Mancipi. [MANCIPII CAUSA.] The Quiritarian ownership of Res Mancipi could only be immediately transferred by Mancipatio or In Jure Cessio; transfer by tradition only made such things In bonis. The Quiritarian ownership of Res nec mancipi was acquired by tradition only, when there was a justa causa. Quiritarian ownership is called mancipium by the earlier Roman writers: the word dominium is first used by later writers, as for instance Gaius. Mancipatio could only take place between Roman citizens or those who had the Commercium; which indeed appears from the words used by the purchaser. (Gaius, i. 119; Ulp. *Frag.* xix. 3.)

The only word then by which this formal transfer of ownership was made was Mancipium, which occurs in the Twelve Tables. (Dirksen, *Uebersicht*, &c. p. 395.) The word nexum or nexus is also sometimes used in the same sense. Cicero (*Top.*

5) defines "Abalienatio" to be "ejus rei quae mancipi est;" and this is effected either by "traditio alteri nexu aut in jure cessio inter quos ea jure civili fieri possunt." According to this definition "Abalienatio" is of a Res Mancipi, a class of things determinate; and the mode of transfer is either by "traditio nexu" or by "in jure cessio." These two modes correspond respectively to the "mancipatio" and "in jure cessio" of Gaius (ii. 41), and accordingly mancipatio or the older term mancipium is equivalent to "traditio nexu:" in other words mancipium was *a* nexus or nexum. Cicero (*De Harusp. respons.* c. 7) uses both words in the same sentence, where he speaks of various titles to property, and among them he mentions the Jus mancipii and Jus nexi. He may mean here to speak of the Jus mancipii in its special sense as contrasted with the Jus nexi which had a wider meaning; in another instance he uses both words to express one thing. (*Ad Fam.* iv. 30.) According to Aelius Gallus, everything was "nexum" "quodcunque per aes et libram geritur;" and as mancipatio was effected per aes et libram, it was consequently a nexum. The form of mancipatio by the aes and libra continued probably till Justinian abolished the distinction between Res Mancipi and Res Nec Mancipi. It is alluded to by Horace (*Ep.* ii. 2. 158), and the libra, says Pliny (xxxiii. 3), is still used in such forms of transfer.

When things were transferred by mancipatio under a contract of sale, the vendor was bound to warranty in double of the amount of the thing sold. (Paul. *S. R.* ii. s. 16.) A vendor therefore who had a doubtful title would not sell by mancipium, but would merely transfer by delivery, and leave the purchaser to obtain the Quiritarian ownership of the thing by usucapion. (Plaut. *Curc.* iv. 2. 9, *Persa*, iv. 3. 55.) Accordingly Varro observes (*De Re Rustica*, ii. 10) that if a slave was not transferred by mancipium, the seller entered into a stipulatio dupli to be enforced by the buyer in the case of eviction; when the transfer was by mancipium, this stipulation was not necessary. The terms of the contract were called Lex Mancipii, but it is not necessary to infer from the passage of Cicero (*De Or.* i. 39), that the Lex or terms contained the penalty, but merely that it contained what the seller warranted. (See *Pro Murena*, c. 2.)

As to the application of Mancipatio to Testaments, see TESTAMENTUM.

It appears from what has been said that mancipium may be used as equivalent to complete ownership, and may thus be opposed to usus as in a passage of Lucretius that has been often quoted (iii. 985), and to Fructus (Cic. *ad Fam.* vii. 29, 30). Sometimes the word mancipium signifies a slave, as being one of the Res mancipi: this is probably the sense of the word in Cicero (*Top.* 5) and certainly in Horace (*Ep.* i. 6. 39). Sometimes mancipia is used generally for Res mancipi (Ulp. tit. xi. 27), unless Rem mancipi is the right reading in that passage. Mancipation no longer existed in the code of Justinian, who took away all distinction between Res Mancipi and Nec Mancipi. The ownership of all corporeal things was made transferable by Traditio with a justa causa.

The subject of Mancipium and Mancipatio is discussed by Corn. Van Bynkershoek, *Opusculum de Rebus Mancipi et Nec Mancipi;* and Puchta, *Inst.* ii. § 238. [G. L.]

MANDA'TI ACTIO. [MANDATUM.]

MANDA'TUM. It is a contract of mandatum when one person commissions another to do something without reward, and that other person undertakes to do it: and generally it may be stated that whenever a man commissions another to do something without pay, which, if the thing were to be done for pay (*merces*), would make the transaction a contract of locatio and conductio, the contract of mandatum exists; as if a man gives clothes to a fullo to be furbished up and cleaned, or to a tailor (*sarcinator*) to mend. The person who gave the commission was the mandans or mandator: he who received it, was the mandatarius. The mandatum might be either on the sole account of the mandator, or on another person's account, or on the account of the mandator and another person, or on account of the mandator and mandatarius or on the account of the mandatarius and another person. But there could be no mandatum on the account (*gratia*) of the mandatarius only; as if a man were to advise another to put his money out to interest, and it were lost, the loser would have no mandati actio against his adviser. If the advice were to lend the money to Titius, and the loan had the like result, it was a question whether this was a case of mandatum; but the opinion of Sabinus prevailed, that it was, and the mandant thus became security for Titius. It was not mandatum if the thing was contra bonos mores, or in other words, if the object of the mandatum was an illegal act. A mandatum might be general or special; and the mandatarius was bound to keep within the limits of the mandatum. The mandator had an utilis actio against such persons as the mandatarius contracted with; and such persons had the like action against the mandator; and a directa actio against the mandatarius. The mandator and mandatarius had also respectively a directa actio against one another in respect of the mandatum: the actio of the mandatarius might be for indemnity generally in respect of what he had done bona fide. If the mandatarius exceeded his commission, he had no action against the mandator; but the mandator in such case had an action for the amount of damage sustained by the non-execution of the mandatum, provided it could have been executed. The mandatum might be recalled by the mandans, or renounced by the mandatarius, "dum adhuc integra res sit," that is, no loss must accrue to either party in consequence of the contract being rescinded. The contract was dissolved by the death of either party; but if the mandatarius executed the mandatum after the death of the mandator, in ignorance of his death, he had his action against the heres, which was allowed "utilitatis causa." According to Cicero a mandati judicium was "non minus turpe quam furti" (*Pro Rosc. Amer.* c. 38); which however would obviously depend on circumstances. [INFAMIA.]

Mandatum is sometimes used in the sense of a command from a superior to an inferior. Under the empire the Mandata Principum were the commands and instructions given to governors of provinces and others. (See the letter of Plinius to Trajanus, and the emperor's answer, Plin. *Ep.* x. 111, 112.) Frontinus (*De Aquaeduct.*) classes the Mandata Principum with Lex and Senatusconsulta. (See Puchta, *Inst.* i. 110.)

(Gaius, iii. 155—162, iv. 83, 84; Inst. 3. tit. 26; Dig. 17. tit. 1; Cod. 4. tit. 35; Vangerow, *Pandekten*, &c. iii. 469.) [G. L.]

MANDRAE. [Latrunculi.]

MANDYAS (*μανδύας*). [Lacerna.]

MANES. See *Dict. of Greek and Rom. Biography and Mythology.*

MANGONES. [Servus.]

MA′NICA, a sleeve. Besides the use of sleeves sewed to the tunic, which, when so manufactured, was called *chiridota* or *manicata tunica* (Curt. iii. 7. p. 12, ed. Zumpt), sleeves were also worn as a separate part of the dress. Palladius (*de Re Rust.* i. 43) mentions the propriety of providing *ocreas manicasque de pellibus*, *i. e.* leggins and sleeves made of hides, as useful both to the huntsman and to the agricultural labourer. The Roman gladiators wore, together with greaves, a sleeve of an appropriate kind on the right arm and hand (Juv. vi. 255), as is exhibited in the woodcuts at p. 576.

These parts of dress are mentioned together even as early as the Homeric age (see *Od.* xxiv. 228, 229). In this passage the manicae (*χειρίδες*) seem to be mittens, worn on the hands to protect them from briars and thorns: and Eustathius, in his commentary on the passage, distinguishes between simple mittens, such as our labourers use in hedging, and gloves, which he calls *χειρίδες δακτυλώται* (p. 1960. *init.*).

Gloves with fingers (*digitalia*, Varro, *de Re Rust.* i. 55) were worn among the Romans for the performance of certain manual operations. Pliny the younger refers also to the use of manicae in winter to protect the hands from cold (*Epist.* iii. 5). Those used by the Persians were probably made of fur, perhaps resembling muffs: the Persians also wore gloves in winter (*δακτυλήθρας*, Xen. *Cyrop.* viii. 3. § 17). In an enumeration of the instruments of torture used in the fourth century of the Christian era we observe "the glove" (Synes. *Epist.* 58); but its construction or material is not described.

Handcuffs were called *manicae*. (Virg. *Georg.* iv. 439, *Aen.* ii. 146; Plaut. *Asin.* ii. 2. 38, *Capt.* iii. 5. 1, *Most.* v. 1. 17; Non. Marcellus, *s. v. Manicae.*) [J. Y.]

MANI′PULUS; MANIPULA′RES; MANIPULA′RII. [Exercitus, p. 500, b.]

MA′NSIO (*σταθμός*), a post-station at the end of a day's journey. The great roads, which were constructed first by the kings of Persia and afterwards by the Romans, were provided, at intervals corresponding to the length of a day's journey, with establishments of the same kind with the khans or caravanseras which are still found in the East. There were 111 such stations on the road from Sardes to Susa (Herod. v. 52, 53, vi. 118), their average distance from one another being something less than 20 English miles. The khan, erected at the station for the accommodation of travellers, is called by Herodotus *κατάλυσις* and *καταγωγή*. To stop for the night was *καταλύειν*. (Xen. *Anab.* i. 8; Aelian, *V. H.* i. 32.) As the ancient roads made by the kings of Persia are still followed to a considerable extent (Heeren, *Ideen*, vol. i. pt. ii. pp. 193—203, 713—720), so also there is reason to believe that the modern khan, which is a square building, enclosing a large open court, surrounded by balconies with a series of doors entering into plain unfurnished apartments, and having a fountain in the centre of the court, has been copied by uninterrupted custom from the Persic *καταλύσις*, and that, whether on occasion of the arrival of armies or of caravans, they have always served to afford a shelter during the night both to man and beast.

The Latin term *mansio* is derived from *manere*, signifying to pass the night at a place in travelling. On the great Roman roads the mansiones were at the same distance from one another as on those of the Persian empire. They were originally called *castra*, being probably mere places of encampment formed by making earthen entrenchments. In process of time they included, not only barracks and magazines of provisions (*horrea*) for the troops, but commodious buildings adapted for the reception of travellers of all ranks, and even of the emperor himself, if he should have occasion to visit them. At those stations the cisiarii kept gigs for hire and for conveying government despatches. [Cisium; Essedum.] The *mansio* was under the superintendence of an officer called *mansionarius*.

Besides the post-stations at the end of each day's journey, there were on the Roman military ways others at convenient intervals, which were used merely to change horses or to take refreshment, and which were called *mutationes* (*ἀλλαγαί*). There were four or five mutationes to one mansio. The *Itinerarium a Burdigala Hierusalem usque*, which is a road-book drawn up about the time of Constantine, mentions in order the mansiones from Bourdeaux to Jerusalem with the intervening *mutationes*, and other more considerable places, which are called either *civitates*, *vici*, or *castella*. The number of leagues (*leugae*) or of miles between one place and another is also set down. [J. Y.]

MANTE′LE (*χειρόμακτρον*, *χειρεκμαγεῖον*), a napkin. The circumstance, that forks were not invented in ancient times, gave occasion to the use of napkins at meals to wipe the fingers (Xen. *Cyrop.* i. 3. § 51); also when the meal was finished, and even before it commenced, an apparatus was carried round for washing the hands. A basin, called in Latin *malluvium* (Festus, *s. v.*), and in Greek *χέρνιψ*, *χέρνιβον*, or *χειρόνιπτρον*, was held under the hands to receive the water, which was poured upon them out of a ewer (*urceolus*). Thus Homer describes the practice, and according to the account of a recent traveller, it continues unchanged in the countries to which his description referred. (Fellow's *Journal*, 1838, p. 153.) The boy or slave who poured out the water, also held the napkin or towel for wiping the hands dry. The word *mappa*, said to be of Carthaginian origin (Quintil. i. 5. § 57), denoted a smaller kind of napkin, or a handkerchief, which the guests carried with them to table. (Hor. *Sat.* ii. 4. 81, ii. 8. 63.) The mantele, as it was larger than the *mappa*, was sometimes used as a table-cloth. (Martial, xii. 29, xiv. 138.)

The napkins thus used at table were commonly made of coarse unbleached linen (*ὠμολίνῳ*, Athen. ix. 79). Sometimes, however, they were of fine linen (*ἐκτρίμματα λαμπρὰ σινδονυφῆ*, Philoxenus, *ap. Athen.* ix. 77). Sometimes they were woollen with a soft and even nap (*tonsis mantelia villis*, Virg. *Georg.* iv. 377, *Aen.* i. 702). Those made of Asbestos must have been rare. The Romans in the time of the emperors used linen napkins embroidered or interwoven with gold (Lamprid. *Heliogab.* 27, *Al. Severus*, 37, 40), and the traveller already quoted informs us that this luxury still continues in the East. Napkins were also worn by women as a head-dress, in which case they were of fine materials and gay colours. (Athen. ix.

79.) These were no doubt put on in a variety of elegant ways, resembling those which are in use among the females of Italy, Greece, and Asia Minor, at the present day.

MANTIKE (μαντική.) [Divinatio.]

MANU'BIAE. [Spolia.]

MANUM, CONVENTIO IN. [Matrimonium.] .

MANUMI'SSIO was the form by which slaves and persons In Mancipii causa were released from those conditions respectively.

There were three modes of effecting a Justa et Legitima Manumissio, namely, Vindicta, Census, and Testamentum, which are enumerated both by Gaius and Ulpian (*Frag.* i.) as existing in their time. (Compare Cic. *Top.* 2, and Plautus, *Cas.* ii. 8. 68.) Of these the Manumissio by Vindicta is probably the oldest, and perhaps was once the only mode of manumission. It is mentioned by Livy as in use at an early period (ii. 5), and indeed he states that some persons refer the origin of the Vindicta to the event there related, and derive its name from Vindicius; the latter part, at least, of the supposition is of no value.

The ceremony of the Manumissio by the Vindicta was as follows:—The master brought his slave before the magistratus, and stated the grounds (*causa*) of the intended manumission. The lictor of the magistratus laid a rod (*festuca*) on the head of the slave, accompanied with certain formal words, in which he declared that he was a free man ex Jure Quiritium, that is, "vindicavit in libertatem." The master in the meantime held the slave, and after he had pronounced the words "hunc hominem liberum volo," he turned him round (*momento turbinis exit Marcus Dama*, Persius, *Sat.* v. 78) and let him go (*emisit e manu*, or *misit manu*, Plaut. *Capt.* ii. 3. 48), whence the general name of the act of manumission. The magistratus then declared him to be free, in reference to which Cicero (*ad Att.* vii. 2) seems to use the word "addicere." The word Vindicta itself, which is properly the res *vindicata*, is used for festuca by Horace (*Sat.* ii. 7. 76). Plautus (*Mil. Glor.* iv. 1. 15) uses festuca.

It seems highly probable that this form of Manumissio was framed after the analogy of the In jure vindicationes (Gaius, iv. 16); and that the lictor in the case of manumission represented the opposite claimant in the vindicatio. (Unterholzner, *Von den formen der Manumissio per Vindictam und Emancipatio*, *Zeitschrift*, vol. ii. p. 139.)

As for the explanation of the word Vindicta see Vindiciae and Vindicatio.

The Manumissio by the Census is thus briefly described by Ulpian: "Slaves were formerly manumitted by census, when at the lustral census (*lustrali censu*) at Rome they gave in their census (some read *nomen* instead of census) at the bidding of their masters." Persons In mancipio might also obtain their manumission in this way. (Gaius, i. 140.) The slave must of course have had a sufficient Peculium, or the master must have given him property.

In the absence of decisive testimony as to the origin of these two modes of manumissio, modern writers indulge themselves in a variety of conjectures. It may be true that originally the manumission by Vindicta only gave libertas and not civitas; but this opinion is not probable. It may easily be allowed that in the earliest period the civitas could only be conferred by the sovereign power, and that therefore there could be no effectual manumission except by the same power. But the form of the Vindicta itself supposes, not that the person manumitted was a slave, but that he was a free person, against whose freedom his master made a claim. The proceeding before the magistratus was in form an assertion of the slave's freedom (*manu asserere liberali causa*, Plaut. *Poen.* iv. 2. 83, &c.), to which the owner made no defence, but he let him go as a free man. The proceeding then resembles the In Jure Cessio, and was in fact a fictitious suit in which freedom (*libertas*) was the matter in issue. It followed as a consequence of the fiction, that when the magistratus pronounced in favour of freedom Ex jure Quiritium, there could be no dispute about the Civitas.

In the case of the Census the slave was registered as a citizen with his master's consent. The assumption that the Vindicta must have originally preceded the Census, for which there is no evidence at all, is inconsistent with the nature of the proceeding, which was a registration of the slave, with his master's consent, as a citizen. A question might arise whether he should be considered free immediately on being entered on the censor's roll, or not until the lustrum was celebrated (Cic. *de Or.* i. 40); and this was a matter of some importance, for his acquisitions were only his own from the time when he became a free man.

The law of the Twelve Tables confirmed freedom which was given by will (*testamentum*). Freedom (*libertas*) might be given either *directo*, that is, as a legacy, or by way of fideicommissum. The slave who was made free directo, was called orcinus libertus (or horcinus, as in Ulp. *Frag.*), for the same reason perhaps that certain senators were called Orcini. (Sueton. *Octav.* 35.) He who received his libertas by way of fideicommissum, was not the libertus of the testator, but of the person who was requested to manumit him (*manumissor*): if the heres, who was requested to manumit, refused, he might be compelled to manumit on application being made to the proper authority. Libertas might be given by fideicommissum to a slave of the testator, of his heres, or of his legatee, and also to the slave of any other person (*extraneus*). In case of libertas being thus given to the slave of any other person, the gift of libertas was extinguished, if the owner would not sell the slave at a fair price. A slave who was made conditionally free by testament, was called Statu liber, and he was the slave of the heres until the condition was fulfilled. If a Statu liber was sold by the heres, or if the ownership of him was acquired by usucapion, he had still the benefit of the condition: this provision was contained in the Law of the Twelve Tables. If a slave was made free and heres by the testator's will, on the death of the testator he became both free and heres, whether he wished it or not. (Gaius, ii. 153; Ulp. *Frag.* xxii. 11.) [Heres.]

A manumission by adoption is spoken of, but nothing is known of it. (Gell. v. 19; Inst. 1. tit. 11. s. 12.)

The Lex Aelia Sentia laid various restrictions on manumission [Lex Aelia Sentia], particularly as to slaves under thirty years of age. The ceremony of manumitting slaves above thirty years of age had become very simple in the time of Gaius (i. 20): it might be in the public road (*in transitu*), as when the praetor or proconsul was going to the bath or the theatre. It was not the place which determined the validity of such an act, but it was the circumstance of its being done before a competent authority.

The Lex Furia or Fusia Caninia fixed limits to the number of slaves who could be manumitted by will. The number allowed was a half, one third, one fourth, and one fifth of the whole number that the testator possessed, according to a scale fixed by the lex. As its provisions only applied to cases where a man had more than two slaves, the owner of one slave or of two slaves was not affected by this lex. It also provided that the slaves to whom freedom was given, should be named. This lex only applied to manumission by testament. It was passed about A. D. 7, and several senatusconsulta were made to prevent evasions of it. (Sueton. *Octav.* 40 ; Gaius, i. 42—46.) This lex was repealed by Justinian. (Cod. 5. tit. 3. *De lege Fus. Can. tollenda.*)

A form of manumission "inter amicos" is alluded to by Gaius. This was in fact no legal manumission, but it was a mere expression of the master's wish, which would have been sufficient in the absence of all positive law. This might be done by inviting the slave to table, writing him a letter, or in any other less formal way. It is stated that originally such a gift of freedom could be recalled, as to which there can be no doubt, as it was not legal freedom ; but ultimately the praetor took persons who had been made free in this manner under his protection, and the Lex Junia Norbana gave them the status called Latinitas. [Lex Junia Norbana ; Latini.]

A Manumissio sacrorum causa is sometimes mentioned as a kind of manumission, whereas the words Sacrorum causa point rather to the grounds of the manumission : the form might be the usual form. (Festus, *s. v. Manumitti*, *Puri;* Savigny, *Zeitschrift*, vol. iii. p. 402.)

Besides the due observance of the legal forms, it was necessary in order to effect a complete manumission that the manumissor should have the Quiritarian ownership of the slave. If the slave was merely In bonis, he only became a Latinus by manumission. A woman in tutela, and a pupillus or pupilla could not manumit. If several persons were joint owners (*socii*) of a slave, and one of them manumitted the slave in such form as would have effected complete manumission, if the slave had been the sole property of the manumissor, such manumissor lost his share in the slave which accrued to the other joint owner or joint owners. Justinian enacted that if only one joint owner was willing to manumit a slave, the others might be compelled to manumit on receiving the price fixed by law for their shares. If one person had the ususfructus and another the property of a slave, and the slave was manumitted by him who had the property, he did not become free till the ususfructus had expired : in the meantime, however, he had no legal owner (*dominus*).

The act of manumission established the relation of Patronus and Libertus between the manumissor and the manumitted. [Libertus.] When manumitted by a citizen, the Libertus took the praenomen and the gentile name of the manumissor, and became in a sense a member of the Gens of his patron. To these two names he added some other name as a cognomen, either some name by which he was previously known, or some name assumed on the occasion : thus we find the names L. Cornelius Chrysogonus, M. Tullius Tiro, P. Terentius Afer, and other like names. If he was manumitted by the state as a Servus publicus, he received the civitas and a praenomen and gentile name, or he took that of the magistratus before whom he was manumitted. The slave also assumed the toga or dress of a Roman citizen, shaved his head and put on a *pileus:* this last circumstance explains the expression "servos ad pileum vocare" (Liv. xxiv. 32), which means to invite the slaves to join in some civil disturbance by promising them liberty. The relation between a Patronus and Libertus is stated under Patronus.

At the time when Gaius wrote, the peculiar rights of Roman citizens were of less importance than they had been under the republic. He states that all slaves who were manumitted in the proper form and under the proper legal conditions, became complete Roman citizens. But this could not have been so in the earliest ages. The liberti of the plebeians, for instance, before their masters obtained the honores, could not be in a better condition than those who manumitted them, and their masters had not then the complete civitas. The want of ingenuitas also affected their status ; but this continued to be the case even under the empire. [Ingenui.]

According to Dionysius (iv. 22), Servius Tullius placed the libertini in the four Urbanae Tribus. In B. C. 311, the censor Appius Claudius gave the libertini a place in all the tribes. (Plut. *Poplicol.* 7 ; Liv. ix. 46 ; Diod. xx. 36.) In the year B. C. 304, they were again placed in the four tribus urbanae (Liv. ix. 46) ; but it seems that the libertini did not keep to their tribus, for in B. C. 220 they were again placed in the four urbanae tribus. (Liv. *Epit.* xx.) In the censorship of Tiberius Gracchus, B. C. 169, they were placed in one of the tribus urbanae determined by lot (Liv. xlv. 15 ; compare Dionys. iv. 22), or as Cicero (*de Or.* i. 9) expresses it, the father of Tiberius and Caius Sempronii transferred the libertini (*nutu atque verbo*) into the tribus urbanae. Subsequently by a law of Aemilius Scaurus, about B. C. 116, they were restored to the four city tribes, and this remained their condition to the end of the republic, though various attempts were made to give them a better suffrage. As to the attempt of the tribune, C. Manilius B. C. 58, to give the libertini votes in all the tribes, see Dion Cassius (xxxvi. 25), and the note of Reimarus. As to the distribution of the libertini in the tribus, see Becker, *Handbuch der Röm. Alterthümer*.

A tax was levied on manumission by a Lex Manlia, B. C. 357 : it consisted of the twentieth part of the value of the slave, hence called Vicesima. (Liv. vii. 16, xxvii. 10 ; Cic. *ad Att.* ii. 16.)

As to Manumissio, see Becker, *Handbuch der Röm. Alterthümer*, 2te Th. 1ste Abth. ; Dig. 40. tit. 1. *De Manumissionibus.*) [G. L.]

MANUS. [Aes Manuarium.]

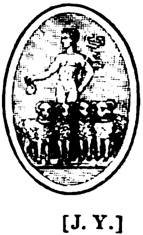
MANUS FERREA. [Harpago.]

MANUS INJE'CTIO is one of the five modi or forms of the Legis Actio according to Gaius (iv. 12). It was in effect in some cases a kind of execution. The judicati manus injectio was given by the Twelve Tables. The plaintiff (*actor*) laid hold of the defendant, using the formal words "Quod tu mihi judicatus sive damnatus es sestertium x milia quae dolo malo non solvisti ob eam rem ego tibi sestertium x milia judicati manus injicio." The defendant who had been condemned in a certain sum, had thirty days allowed him to make payment in, and after that time he was liable to the manus injectio. The defendant was not permitted to make any resistance, and his only mode of defence was to find some responsible person (*vindex*) who would undertake his defence (*pro eo lege agere*). If he found no vindex, the plaintiff might carry the defendant to his house and keep him in confinement for sixty days, during which time his name and the amount of his debt were proclaimed at three successive nundinae. If no one paid the debt, the defendant might be put to death or sold. (Gell. xx. 1.) According to the words of the Twelve Tables, the person must be brought before the Praetor (*in jus*), which of course means that he must be seized first: if when brought before the praetor, he did not pay the money (*ni judicatum solvit*) or find a vindex, he might be carried off and put in chains, apparently without the formality of an addictio. The Lex Publilia, evidently following the analogy of the Twelve Tables, allowed the manus injectio in the case of money paid by a sponsor, if the sponsor was not repaid in six months. The Lex Furia de Sponsu allowed it against him who had exacted from a sponsor more than his just proportion (*virilis pars*). These and other leges allowed the manus injectio *pro* judicato, because in these cases the claim of the plaintiff was equivalent to a claim of a res judicata. Other leges granted the manus injectio pura, that is, non pro judicato, as the Lex Furia Testamentaria and the Marcia adversus feneratores. But in these cases the defendant might withdraw himself from the manus injectio (*manum sibi depellere*), and defend his cause; but it would appear that he could only relieve himself from this seizure, by actually undertaking to defend himself by legal means. Accordingly, if we follow the analogy of the old law, it was in these cases an execution if the defendant chose to let it be so; if he did not, it was the same as serving him with process to appear before the Praetor. A lex, the name of which is obliterated in Gaius, allowed the person seized to defend his own cause except in the case of a "judicatus," and "is pro quo depensum est;" and consequently in the two latter cases even after the passing of this lex, a man was bound to find a vindex. This continued the practice so long as the Legis Actiones were in use; "whence," says Gaius (iv. 25), "in our time a man 'cum quo judicati depensive agitur' is compelled to give security 'judicatum solvi.'" From this we may conclude that the vindex in the old time was liable to pay, if he could find no good defence to the plaintiff's claim; for as the vindex could "lege agere," though the defendant could not, we must assume that he might show, if he could, that the plaintiff had no ground of complaint; as, for instance, that he had been paid; and that if he had no good defence, he must pay the debt himself. The subject of the manus injectio is discussed by Puchta, *Inst.* ii. § 160, 162, 179, iii. § 269. [G. L.]

MAPPA. [Mantele.]

MARIS (*μάρις*, *μάρης*, Hesych. *μάριστον*), a Greek measure of capacity, which, according to Pollux (x. 184) and Aristotle (*Hist. An.* viii. 9), contained 6 cotylae, or nearly 3 pints. Polyaenus (iv. 3. § 32) mentions a much larger measure of the same name, containing 10 congii, or nearly 8 gallons. [P. S.]

MARSU'PIUM (*μαρσύπιον*, *βαλάντιον*), a purse. (Non. Marcellus, *s. v.*; Varro, *de Re Rust.* iii. 17; Plaut. *Men.* ii. 1. 29, ii. 3. 33, 35, v. 7. 47, *Poen.* iii. 5. 37, *Rud.* v. 2. 26; Xen. *Conviv.* iv. 2.)



The purse used by the ancients was commonly a small leathern bag, and was often closed by being drawn together at the mouth (*σύσπαστα βαλάντια*, Plat. *Conviv.* p. 404, ed. Bekker). Mercury is commonly represented holding one in his hand, of which the annexed woodcut from an intaglio in the Stosch collection at Berlin, presents an example. [J. Y.]

MA'RTIA LE'GIO. [Exercitus, p. 492, b.]

MARTIA'LIS FLAMEN. [Flamen.]

MARTIA'LES LUDI. [Ludi Martiales.]

MARTY'RIA (*μαρτύρια*), signifies strictly the deposition of a witness in a court of justice, though the word is applied metaphorically to all kinds of testimony. We shall here explain — 1, what persons were competent to be witnesses at Athens; 2, what was the nature of their obligation; 3, in what manner their evidence was given; 4, what was the punishment for giving false evidence.

None but freemen could be witnesses. The incapacity of women may be inferred from the general policy of the Athenian law, and the absence of any example in the orators where a woman's evidence is produced. The same observation applies to minors.

Slaves were not allowed to give evidence, unless upon examination by torture (*βάσανος*). There appears to have been one exception to this rule, viz., that a slave might be a witness against a freeman in case of a charge of murder (Antiph. *de Morte Her.* 728), though Platner (*Att. Proc.* p. 215) thinks this only applied to the giving information. The party who wished to obtain the evidence of a slave belonging to his opponent challenged him to give up the slave to be examined (*ἐξῄτει τὸν δοῦλον*). The challenge was called *πρόκλησις*. The owner, if he gave him up, was said *ἐκδοῦναι* or *παραδοῦναι*. But he was not obliged so to do, and the general practice was to refuse to give up slaves, which perhaps arose from humanity, though the opponent always ascribed it to a fear lest the truth should be elicited. The orators affected to consider the evidence of slaves, wrung from them by torture, more valuable and trustworthy than that of freemen; but it must be observed, they always use this argument when the slave had *not* been examined. (Demosth. *c. Aphob.* 848, *c. Onet.* 874; Hudtwalcker, *Ueber die Diäteten*, p. 44, &c.)

Citizens who had been disfranchised (*ἠτιμωμένοι*) could not appear as witnesses (any more than as jurors or plaintiffs) in a court of justice; for they had lost all honourable rights and privileges. (Demosth. *c. Neaer.* 1353; Wachsmuth, vol. ii. pt. i. p. 244.) But there was no objection to alien freemen. (Demosth. *c. Lacr.* 927, 929; Aeschin. *de Fals. Leg.* 49, ed. Steph.) We learn from Harpocration (*s. v.* *Διαμαρτυρία*) that in actions against freemen for neglect of duty to their patrons (*ἀποστασίου δίκαι*) foreigners were not allowed to put in an affidavit, that the action was not maintainable (*μὴ εἰσαγώγιμον εἶναι*). But this can hardly be considered an exception, for such affidavits gave an undue advantage to the party for whom they were made.

Neither of the parties to a cause was competent to give evidence for himself, though each was compelled to answer the questions put by the other. The law declared *τοῖν ἀντιδίκοιν ἐπάναγκες εἶναι ἀποκρίνασθαι ἀλλήλοις τὸ ἐρωτώμενον, μαρτυρεῖν δὲ μή*. (Demosh. *c. Steph.* 1131.) That the friends of the party, who pleaded for him (called *συνήγοροι*), were not incompetent to give evidence, appears from the fragment of Isaeus, *pro Euphil.*, and also from Aeschines, who, on his trial for misconduct in the embassy, calls Phocion to assist him both as a witness and an advocate. (*De Fals. Leg.* pp. 51, 53, ed. Steph.)

The obligation to attend as a witness, both in civil and criminal proceedings, and to give such evidence as he is able to give, arises out of the duty which every man owes to the state; and there is no reason to believe that any persons (except the parties themselves) were exempted from this obligation. The passages which Platner (*Att. Proc.* p. 217) and Schömann (*Att. Proc.* p. 671) cite in support of the contrary view, prove nothing more than that the near relations of a party were *reluctant* to give evidence against him; whereas the fact that they were bound by law to give evidence may be inferred from Demosthenes (*c. Aphob.* 849, 850, 855).

The party who desired the evidence of a witness, summoned him to attend for that purpose. The summons was called *πρόσκλησις*. (Demosth. *c. Timoth.* 1194.) If the witness promised to attend and failed to do so, he was liable to an action called *δίκη λειπομαρτυρίου*. Whether he promised or not, he was bound to attend, and if his absence caused injury to the party, he was liable to an action (*δίκη βλάβης*). This is the probable distinction between these forms of action, as to which there has been much doubt. (Meier and Schömann, *Att. Proc.* p. 387; Platner, *Att. Proc.* p. 221.)

The attendance of the witness was first required at the *ἀνάκρισις*, where he was to make his deposition before the superintending magistrate (*ἡγεμὼν δικαστηρίου*). The party in whose favour he appeared, generally wrote the deposition at home upon a whitened board or tablet (*λελευκωμένον γραμματεῖον*), which he brought with him to the magistrate's office, and, when the witness had deposed thereto, put into the box (*ἐχῖνος*) in which all the documents in the cause were deposited. If the deposition were not prepared beforehand, as must always have been the case when the party was not exactly aware what evidence would be given, or when any thing took place before the magistrate which could not be foreseen, as for instance a challenge, or question and answer by the parties; in such a case it was usual to write down the evidence upon a waxen tablet. The difference between these methods was much the same as between writing with a pen on paper, and with a pencil on a slate; the latter could easily be rubbed out and written over again if necessary. (Demosth. *c. Steph.* 1132.) If the witness did not attend, his evidence was nevertheless put into the box, that is, such evidence as the party intended him to give, or thought he might give, at the trial. For all testimonial evidence was required to be in writing, in order that there might be no mistake about the terms, and the witness might leave no subterfuge for himself when convicted of falsehood. (Demosth. *c. Steph.* 1115, 1130.) The *ἀνάκρισις* might last several days, and, so long as it lasted, fresh evidence might be brought, but none could be brought after the last day, when the box was sealed by the magistrate, and kept so by him till the day of trial. (Demosth. *c. Aphob.* 836, *c. Boeot. de Nom.* 999, *c. Euerg. et Mnes.* 1143, *c. Conon.* 1265.)

The form of a deposition was simple. The following example is from Demosthenes (*c. Lacr.* 927):—"Archenomides son of Archedamas of Anagyrus testifies, that articles of agreement were deposited with him by Androcles of Sphettus, Nausicrates of Carystus, Artemon and Apollodorus both of Phaselus, and that the agreement is still in his hands." Here we must observe that whenever a document was put in evidence at the trial, as an agreement, a will, the evidence of a slave, a challenge, or an answer given by either party at the *ἀνάκρισις*, it was certified by a witness, whose deposition was at the same time produced and read. (Demosth. *pro Phorm.* 946, 949, 957, *c. Phaenipp.* 1046, *c. Steph.* 1120.)

The witness, whether he had attended before the magistrate or not, was obliged to be present at the trial, in order to confirm his testimony. The only exception was, when he was ill or out of the country, in which case a commission might be sent to examine him. [ECMARTYRIA.] All evidence was produced by the party during his own speech, the *κλεψύδρα* being stopped for that purpose. (Isaeus, *de Pyrr. her.* 39, ed. Steph.; Demosth. *c. Eubul.* 1305.) The witness was called by an officer of the court, and mounted on the raised platform (*βῆμα*) of the speaker, while his deposition was read over to him by the clerk; he then signified his assent, either by express words, or bowing his head in silence. (Lys. *de Eratos. Mort.* 94, ed. Steph.; Aesch. *de Fals. Leg.* 49, ed. Steph.; Demosth. *c. Mid.* 560, *c. Phorm.* 913, *c. Steph.* 1109. *c. Eubul.* 1305.) In the editions that we have of the orators we see sometimes Μαρτυρία written (when evidence is produced) and sometimes Μάρτυρες. The student must not be deceived by this, and suppose that sometimes the deposition only was read, sometimes the witnesses themselves were present. The old editors merely followed the language of the orators, who said "call the witnesses," or "mount up witnesses," or "the clerk shall read you the evidence" or something to the same effect, varying the expression according to their fancy. (See Lys. *pro Mantith.* 147, ed. Steph.; Isaeus, *de Pyrr. her.* 45, ed. Steph.; Demosth. *c. Callipp.* 1236, *c. Neaer.* 1352.)

If the witness was hostile, he was required either to depose to the statement read over to him, or to take an oath that he knew nothing about it (*μαρτυρεῖν ἢ ἐξομνύειν*). One or the other he was compelled to do, or if he refused, he was sentenced to pay a fine of a thousand drachms to the state, which sentence was immediately proclaimed by the officer of the court, who was commanded *κλητεύειν* or *ἐκκλητεύειν αὐτὸν*, *i. e.* to give him notice that he was in contempt and had incurred the fine. (Demosth. *c. Aphob.* 850, *c. Neaer.* 1373,

c. *Theocr.* 1324; Aesch. c. *Timarch.* 10, ed. Steph.; Isaeus, *de Astyph. her.* 76, ed. Steph., c. *Leocr.* 150, ed. Steph.; Meier and Schömann, *Att. Proc.* p. 672; Platn. *Att. Proc.* p. 219.)

An oath was usually taken by the witness at the ἀνάκρισις, where he was sworn by the opposite party at an altar (πρὸς τὸν βωμὸν ἐξωρκίσθη). If he had not attended at the ἀνάκρισις, he might be sworn afterwards in court; as was always the case when a witness took the oath of denial (ἐξώμοσε). In the passage just cited from Lycurgus, the expression λαβόντας τὰ ἱερὰ means nothing more than touching the altar or its appurtenances, and has no reference to victims. (Valckenaer, *Opusc. Philol.* vol. i. pp. 37—39.) Whether the witness was always bound to take an oath, is a doubtful point. (See Demosth. c. *Coron.* 1265, c. *Steph.* 1119, c. *Eubul.* 1305; Aesch. *de Fals. Leg.* 49, ed. Steph.; Schömann, *Att. Proc.* p. 675.)

The oath of the witness (the ordinary νόμιμος ὅρκος) must not be confounded with the oath taken by one of the parties, or by some friend or other person out of court, with a view to decide the cause or some particular point in dispute. This was taken by the consent of the adversary, upon a challenge given and accepted; it was an oath of a more solemn kind, sworn by (or upon the heads of) the children of the party swearing (κατὰ τῶν παίδων), or by perfect or full-grown victims (καθ' ἱερῶν τελείων), and often with curses upon himself or his family (κατ' ἐξωλείας), and sometimes was accompanied with peculiar rites, such as passing through fire (διὰ τοῦ πυρός). The mother, or other female relation of the party (who could not be a witness) was at liberty to take this oath. (Demosth. c. *Aphob.* 852, c. *Boeot. de Dote*, 1011, c. *Timoth.* 1203, c. *Callipp.* 1240, c. *Conon.* 1269, c. *Neaer.* 1365; Wachsmuth, vol. ii. pt. i. p. 335; Hudtwalcker, pp. 52—57.)

On some extraordinary occasions we find that freemen were put to the torture by a special decree of the people or the senate; as on the occasion of the mutilated Hermes busts (Thirlwall, *Hist. of Greece*, c. 25. p. 393); and they were less scrupulous about aliens than about citizens; but (as a general rule) it is certain that freemen could not be tortured in courts of justice, and even an emancipated slave, Demosthenes says it would be an act of impiety (οὐδ' ὅσιον) to give up for such a purpose. (Demosth. c. *Aphob.* 856, c. *Timoth.* 1200; Meier, *Att. Proc.* p. 684.)

With respect to hearsay evidence see Ecmartyria: and with respect to the affidavit called διαμαρτυρία, see Heres, p. 597, a.

We have hitherto spoken only of causes which came before the dicasts in the ordinary way, and have said nothing of those which were decided by the public arbitrators. The above remarks, however, will equally apply to the latter, if the reader will bear in mind that the arbitrator performed the duties of the magistrate at the ἀνάκρισις as well as those of the δικασταί at the trial. He heard the witnesses and received the depositions from day to day, as long as he sat, and kept the ἐχῖνος open until the last day (κυρίαν ἡμέραν). (See Demosth. c. *Mid.* 541, c. *Timoth.* 1199; Meier and Schömann, *Att. Proc.* p. 676.)

If the witness in a cause gave false evidence, the injured party was at liberty to bring an action against him (δίκη ψευδομαρτυριῶν) to recover compensation. The proceeding was sometimes called ἐπίσκηψις, and the plaintiff was said ἐπισκήπτεσθαι τῇ μαρτυρίᾳ or τῷ μάρτυρι (Isaeus, *de Pyrr. her.* 39, *de Dicaeog. her.* 52, ed. Steph.; Demosth. c. *Aphob.* 846, 856; Harpocr. *s. v.* Ἐπεσκήψατο). This cause was probably tried before the same presiding magistrate as the one in which the evidence was given. (Meier, *Att. Proc.* p. 45.) The form of the plaintiff's bill, and of the defendant's plea in denial, will be found in Demosthenes (c. *Steph.* 1115). From the same passage we also learn that the action for false testimony was a τιμητὸς ἀγὼν, in which the plaintiff laid his own damages in the bill; and from Demosthenes (c. *Aphob.* 849, 859), it appears that the dicasts had power not only to give damages to the plaintiff, but also to inflict the penalty of ἀτιμία by a προστίμησις. (See also Isaeus, *de Dicaeog. her.* 52.) A witness who had been a third time convicted of giving false testimony was *ipso jure* disfranchised. (Meier, *Att. Proc.* p. 383.) The main question to be tried in the cause against the witness was, whether his evidence was true or false; but another question commonly raised was, whether his evidence was material to the decision of the previous cause. (Demosth. c. *Euerg. et Mnes.* 1139, 1161, c. *Aphob.* 853—856, c. *Steph.* 1117; Platner. *Att. Proc.* vol. i. p. 400, &c.)

When a witness, by giving false evidence against a man upon a criminal trial, had procured his conviction, and the convict was sentenced to such a punishment (for instance, death or banishment) as rendered it impossible for him to bring an action, any other person was allowed to institute a public prosecution against the witness, either by a γραφή, or perhaps by an εἰσαγγελία or προβολή. (Andoc. *de Myst.* 4; Platner, *Att. Proc.* p. 411; Meier, *Att. Proc.* p. 382.)

After the conviction of the witness, an action might be maintained against the party who suborned him to give false evidence, called δίκη κακοτεχνιῶν. (Demosth. c. *Timoth.* 1201, c. *Euerg. et Mnes.* 1139.) And it is not improbable that a similar action might be brought against a person, who had procured false evidence to be given of a defendant having been summoned, after the conviction of the witness in a γραφὴ ψευδοκλητείας. (Meier, *Att. Proc.* p. 759.)

It appears that in certain cases a man who had lost a cause was enabled to obtain a reversal of the judgment (δίκη ἀνάδικος), by convicting a certain number of the adverse witnesses of false testimony. Thus in inheritance causes the law enacted ἐὰν ἁλῷ τις τῶν ψευδομαρτυριῶν, πάλιν ἐξ ἀρχῆς εἶναι περὶ αὐτῶν τὰς λήξεις. (Isaeus, *de Hagn. her.* 88, ed. Steph., *de Dicaeog. her.* 50, 51.) This was the more necessary, on account of the facility afforded to the parties to stop the progress of these causes by affidavits, and also because no money could compensate an Athenian for the loss of an inheritance. The same remedy was given by the law to those who had been convicted in a δίκη ψευδομαρτυριῶν or in a γραφὴ ξενίας. In the last case the convicted person, who proceeded against the witness, was compelled to remain in prison until the determination of his suit. (Demosth. c. *Timocr.* 741.) We are informed that these are the only cases in which a judgment was allowed to be reversed in this way; but whether there were not more cases than these has been justly doubted by Schömann (*Att. Proc.* 761). The Scholiast on Plato (*Leg.* xi. 14) is evidently wrong in supposing that it was necessary under the Athenian law to convict more than half the number of the witnesses. This appears from the passage above cited from Isaeus on the estate of Hagnias.

We conclude by noticing a few expressions. *Μαρτυρεῖν τινι* is to testify in favour of a man, *καταμαρτυρεῖν τινος* to testify against. *Μαρτύρεσθαι* to call to witness (a word used poetically), *διαμαρτύρεσθαι* and sometimes *ἐπιμαρτύρεσθαι, τοὺς παρόντας*, to call upon those who are present to take notice of what passes, with a view to give evidence. (Demosth. *c. Euerg. et Mnes.* 1150.) *Ψευδομαρτυρεῖν* and *ἐπιορκεῖν* are never used indifferently, which affords some proof that testimony was not necessarily on oath. The *μάρτυς* (witness in the cause) is to be distinguished from the *κλητὴρ* or *κλήτωρ*, who merely gave evidence of the summons to appear. [C. R. K.]

MASTE'RES (*μαστῆρες*). [ZETETAE.]

MASTI'GIA. [FLAGRUM.]

MASTIGO'PHORI or MASTIGO'NOMI (*μαστιγοφόροι* or *μαστιγονόμοι*), the name of the lower police officers in the Greek states, who carried into execution the corporal punishments inflicted by the higher magistrates. Thus Lycurgus assigned mastigophori to the Paedonomus at Sparta, who had the general superintendence of the education of the boys. (Xen. *Rep. Lac.* ii. 2, iv. 6; Plut. *Lyc.* 17.) In the theatre the mastigophori preserved order, and were stationed for this purpose in the orchestra, near the thymele. (Schol. *ad Plat.* p. 99, Ruhnken; Lucian, *Pisc.* 33.) In the Olympic games the *ῥαβδοῦχοι* performed the same duties. At Athens they were discharged by the public slaves, called bowmen (*τοξόται*), or Scythians (*Σκύθαι*). [DEMOSII.]

MATARA. [HASTA, p. 589, a.]

MATERFAMI'LIAS. [MATRIMONIUM.]

MATHEMA'TICI. [ASTROLOGIA.]

MATRA'LIA, a festival celebrated at Rome every year on the 11th of June, in honour of the goddess Mater Matuta, whose temple stood in the Forum Boarium. It was celebrated only by Roman matrons, and the sacrifices offered to the goddess consisted of cakes baked in pots of earthenware. (Varro, *de Ling. Lat.* iv. p. 31, Bip.; Ovid. *Fast.* vi. 475, &c.) Slaves were not allowed to take part in the solemnities, or to enter the temple of the goddess. One slave, however, was admitted by the matrons, but only to be exposed to a humiliating treatment, for one of the matrons gave her a blow on the cheek and then sent her away from the temple. The matrons on this occasion took with them the children of their sisters, but not their own, held them in their arms, and prayed for their welfare. (Plut. *Camil.* 5, *Quaest. Rom.* p. 267.) The statue of the goddess was then crowned with a garland, by one of the matrons who had not yet lost a husband. (Tertull. *Monogam.* c. 17.) The Greek writers and their Roman followers, who identify the Mater Matuta with Leucothea or Ino, explain the ceremonies of the Matralia by means of the mythological stories which relate to these Greek goddesses. But the real import of the worship of the Mater Matuta appears to have been to inculcate upon mothers the principle, that they ought to take care of the children of their sisters as much as of their own, and that they should not leave them to careless slaves, the contempt for whom was symbolically expressed by the infliction of a blow on the cheek of the one admitted into the temple. (Compare Hartung, *Die Relig. der Römer*, vol. ii. p. 75.) [L. S.]

MATRIMO'NIUM, NU'PTIAE (*γάμος*), marriage. 1. GREEK. The ancient Greek legislators considered the relation of marriage as a matter not merely of private, but also of public or general interest. This was particularly the case at Sparta, where the subordination of private interests and happiness to the real or supposed exigencies of the state was strongly exemplified in the regulations on this subject. For instance, by the laws of Lycurgus, criminal proceedings might be taken against those who married too late (*γραφὴ ὀψιγαμίου*) or unsuitably (*γραφὴ κακογαμίου*), as well as against those who did not marry at all (*γραφὴ ἀγαμίου*). (Pollux, viii. 40; Plut. *Lycurg.* 15.) These regulations were founded on the generally recognised principle, that it was the duty of every citizen to raise up a strong and healthy progeny of legitimate children to the state. (Müller, *Dorians*, iv. 4. § 3.) So entirely, in fact, did the Spartans consider the *τεκνοποιΐα*, or the production of children, as the main object of marriage, and an object which the state was bound to promote, that whenever a woman had no children by her own husband, she was not only allowed, but even required by the laws, to cohabit with another man. (Xen. *de Rep. Lac.* i. 8.) On the same principle, and for the purpose of preventing the extinction of his family, the Spartan king, Anaxandrides, was allowed to cohabit with two wives, for whom he kept two separate establishments: a case of bigamy, which, as Herodotus (vi. 39, 40) observes, was not at all consistent with Spartan nor indeed with Hellenic customs. Thus the heroes of Homer appear never to have had more than one *κουριδίη ἄλοχος* (Buttmann, *Lexilogus*, 73); though they are frequently represented as living in concubinage with one or more *παλλακαί*. Solon also seems to have viewed marriage as a matter in which the state had a right to interfere, for we are told that his laws allowed of a *γραφὴ ἀγαμίου*, though the regulation seems to have grown obsolete in later times; at any rate there is no instance on record of its application. (Platner, *Process*, &c. vol. ii. p. 248.) Plato too may be quoted to prove how general was this feeling, for according to his laws (*Leg.* iv. p. 721), any one who did not marry before he was thirty-five was punishable not only with *ἀτιμία*, but also with pecuniary penalties: and he expressly states that in choosing a wife every one ought to consult the interests of the state, and not his own pleasure. (*Leg.* vi. p. 773.)

But independent of any public considerations there were also private or personal reasons (peculiar to the ancients) which made marriage an obligation. Plato (*l. c.*) mentions one of these, viz. the duty incumbent upon every individual to provide for a continuance of representatives to succeed himself as ministers of the Divinity (*τῷ Θεῷ ὑπηρέτας ἀνθ' αὑτοῦ παραδιδόναι*). Another was the desire felt by almost every one, not merely to perpetuate his own name, but also to prevent his "heritage being desolate, and his name being cut off" (*ὅπως μὴ ἐξερημώσωσι τοὺς σφετέρων αὐτῶν οἴκους*), and to leave some one who might make the customary offerings at his grave (*ἀλλ' ἔσται τις καὶ ὁ ἐναγιῶν*, Isaeus *de Apoll. Hered.* p. 66. Bek.). We are told that with this view childless persons sometimes adopted children.

The choice of a wife among the ancients was but rarely grounded upon affection, and scarcely ever could have been the result of previous acquaintance or familiarity. In many cases a father chose for his son a bride whom the latter had never seen, or compelled him to marry for the sake of checking his extravagances. Terence (*Andria*, i. 5) thus illustrates the practice: —

> "Pater praeteriens modo
> Mihi apud forum, uxor tibi ducenda est, Pamphile,
> hodie inquit: para."

In Plautus (*Trinum.* v. 2. 59) a son promises his father that he will marry in these words: —

> "Ego ducam, pater: etiam si quam aliam jubebis."

Representations of this sort may indeed be considered as exaggerations, but there must have been scenes in real life to which they in some measure correspond. Nor was the consent of a female to a match proposed for her generally thought necessary: she was obliged to submit to the wishes of her parents, and receive from them, it might be a stranger for her husband and lord. Sophocles thus describes the lot of women in this respect: — "When we are grown up (he makes a female say) we are driven away from our parents and paternal gods,"

> *καὶ ταῦτ', ἐπειδὰν εὐφρονὴ ζεύξῃ μία,*
> *χρεὼν ἐπαινεῖν, καὶ δοκεῖν καλῶς ἔχειν.*
> *Frag. Tereus.*

So also in Euripides (*Androm.* 951) Hermicne declares that it is her father's business to provide a husband for her. The result of marriages contracted in this manner would naturally be a want of confidence and mutual understanding between husband and wife, until they became better acquainted with, and accustomed to, each other. Xenophon (*Oecon.* 7. § 10.) illustrates this with much *naïveté* in the person of Ischomachus, who says of his newly married wife: — "When at last she was manageable (*χειροήθης*), and getting tame so that I could talk with her, I asked her," &c., &c. By the Athenian laws a citizen was not allowed to marry with a foreign woman, nor conversely, under very severe penalties (Demosth. *c. Neaer.* p. 1350); but promixity by blood (*ἀγχιστεία*), or consanguinity (*συγγένεια*), was not, with some few exceptions, a bar to marriage in any part of Greece; direct lineal descent was. (Isaeus, *de Ciron. her.* p. 72.) Thus brothers were permitted to marry with sisters even, if not *ὁμομήτριοι*, or born from the same mother, as Cimon did with Elpinice, though a connection of this sort appears to have been looked on with abhorrence. (Becker, *Charikles*, vol. ii. p. 448.) In the earlier periods of society, indeed, we can easily conceive that a spirit of caste or family pride, and other causes such as the difficulties in the way of social intercourse would tend to make marriages frequent amongst near relations and connections. (Compare *Numbers*, c. xxxvi.) At Athens, however, in the case of a father dying intestate, and without male children, his heiress had no choice in marriage; she was compelled by law to marry her nearest kinsman not in the ascending line; and if the heiress were poor (*θῆσσα*) the nearest unmarried kinsman either married her or portioned her suitably to her rank. When there were several coheiresses, they were respectively married to their kinsmen, the nearest having the first choice. [EPICLERUS.] The heiress in fact, together with her inheritance, seems to have belonged to the kinsmen of the family, so that in early times a father could not give his daughter (if an heiress) in marriage without their consent. (Müller, *Dorians*, ii. 10. § 4.) But this was not the case according to the later Athenian law (Demosth. *c. Steph.* p. 1134), by which a father was empowered to dispose of his daughter by will or otherwise; just as widows also were disposed of in marriage, by the will of their husbands, who were considered their rightful guardians (*κύριοι*). (Demosth. *c. Aphob.* p. 814.)

The same practice of marrying in the family (*οἶκος*), especially in the case of heiresses, prevailed at Sparta; thus Leonidas married the heiress of Cleomenes, as being her *ἀγχιστεύς*, or next of kin, and Anaxandrides his own sister's daughter. Moreover, if a father had not determined himself concerning his daughter, it was decided by the king's court, who among the privileged persons or members of the same family should marry the heiress. (Herod. vi. 57; Müller, *l. c.*) A striking resemblance to the Athenian law respecting heiresses is also found in the Jewish code, as detailed in *Numbers* (c. xxvii. 1—11), and exemplified in *Ruth* (c. iv.).

But match-making among the ancients was not, in default of any legal regulations, entirely left to the care and forethought of parents, for we read of women who made a profession of it, and who were therefore called *προμνήστριαι* or *προμνηστρίδες.* (Pollux, iii. 31.) The profession, however, does not seem to have been thought very honourable nor to have been held in repute, as being too nearly connected with, or likely to be prostituted to, *προαγωγεία.* (Plato, *Theaet.* 2. p. 150.)

Particular days and seasons of the year were thought auspicious and favourable for marriage amongst the Greeks. Aristotle (*Polit.* vii. 15) speaks of the winter generally as being so considered, and at Athens the month *Γαμηλιών*, partly corresponding to our January, received its name from marriages being frequently celebrated in it. Hesiod (*Oper.* 800) recommends marrying on the fourth day of the month,

> *Ἐν δὲ τετάρτῃ μηνὸς ἄγεσθαι ἐς οἶκον ἄκοιτιν,*

but whether he means the fourth from the beginning or end of the month is doubtful. Euripides (*Iphig. in Aul.* 707) speaks as if the time of the full moon were thought favourable,

> *ὅταν σελήνης εὐτυχὴς ἔλθῃ κύκλος,*

in which he is confirmed by the expression *διχομηνίδες ἕσπεραι*, or the full-moon nights in Pindar. (*Isth.* vii. 45.) That this prepossession, however, was not general and permanent appears from Proclus (*ad Hesiod. Oper.* 782), who informs us that the Athenians selected for marriages the times of new moon (*τὰς πρὸς σύνοδον ἡμέρας*), *i. e.* when the sun and moon were in conjunction.

There was also some difference of opinion, on which it is not worth while to dilate, about the proper age for marrying; but generally speaking men were expected to marry between 30 and 35, and women about 20 or rather before. (Plato, *Leg.* vi. p. 785.)

We proceed now to explain the usual preliminaries and accompaniments of marriage in various parts of Greece. The most important preliminary at Athens was the *Enguesis* (ἐγγύησις) or betrothal, which was in fact indispensable to the complete validity of a marriage contract. It was made by the natural or legal guardian (ὁ κύριος) of the bride elect, and attended by the relatives of both parties as witnesses. The law of Athens ordained, that all children born from a marriage legally contracted in this respect should be γνήσιοι (Demosth. *c. Steph.* p. 1134), and consequently, if sons, ἰσόμοιροι, or intitled to inherit equally or in gavelkind. It would seem, therefore, that the issue of a marriage without espousals would lose their heritable rights, which depended on their being born ἐξ ἀστῆς καὶ ἐγγυητῆς γυναῖκος: *i. e.* from a citizen and a legally betrothed wife. The wife's dowry was also settled at the espousals. (Meier and Šchöman, p. 415.)

But there were also several ceremonies observed either on or immediately before the day of marriage. The first of these were the προτέλεια γάμων or προγάμεια (Pollux, iii. 38), and consisted of sacrifices or offerings made to the Θεοὶ γαμήλιοι or divinities who presided over marriage. They are generally supposed to have been made on the day before the γάμος or marriage; but there is a passage in Euripides (*Iphig. in Aul.* 642) which makes it probable that this was not always the case. The sacrificer was the father of the bride elect; the divinities to whom the offering was made were, according to Pollux (iii. 381), Hera and Artemis, and the Fates, to whom the brides elect then dedicated the ἀπαρχαί of their hair. According to Diodorus Siculus (v. 73) they were Zeus and Hera τελεία (Juno pronuba); but they probably varied in different countries, and were sometimes the Θεοὶ ἐγχώριοι or local deities. The offerings to Artemis were probably made with a view of propitiating her, as she was supposed to be averse to marriage. [BRAURONIA.] We may also observe that Pollux uses προγάμεια as synonymous with προτέλεια, making γάμος identical with τέλος, as if marriage were the τέλος or perfection of man's being: whence τέλειος connected with or presiding over marriage or a married person, and δόμος ἡμιτέλης a house without a husband or incomplete. (Hom. *Il.* ii. 701.) Another ceremony of almost general observance on the wedding day, was the bathing of both the bride and bridegroom in water fetched from some particular fountain, whence, as some think, the custom of placing the figure of a λουτροφόρος or "water-carrier" over the tombs of those who died unmarried. [BALNEAE, p. 185, b.] At Athens the water was fetched from the fountain Callirrhoë, at the foot of the Acropolis (Thuc. ii. 15.). After these preliminaries the bride was generally conducted from her father's to the house of the bridegroom at nightfall, in a chariot (ἐφ' ἁμάξης) drawn by a pair of mules or oxen, and furnished with a κλινίς or kind of a couch as a seat. On either side of her sat the bridegroom, and one of his most intimate friends or relations, who from his office was called παράνυμφος or νυμφευτής: but as he rode in the carriage (ὄχημα) with the bride and bridegroom, he was sometimes called the πάροχος (ὁ ἐκ τρίτου ὁ παροχούμενος πάροχος ἐκλήθη, Harpocr. *s. v.*). Hence Aristophanes (*Aves*, 1735) speaks of the "blooming Love guiding the supple reins," when Zeus was wedded to Hera, as the Ζηνὸς πάροχος γάμων τῆς τ' εὐδαίμονος Ἥρας.

The nuptial procession was probably accompanied, according to circumstances, by a number of persons, some of whom carried the nuptial torches (δᾷδες νυμφικαί, Aristoph. *Pax*, 1318); and in some places, as in Boeotia, it was customary to burn the axle of the carriage on its arrival at the bridegroom's house, as a symbol that the bride was to remain at home and not go abroad. (Plut. *Quaest. Rom.* p. 111.) If the bridegroom had been married before, the bride was not conducted to his house by himself, but by one of his friends, who was therefore called νυμφαγωγός. (Hesych. *s. v.*; Pollux, iii. 40.)

Both bride and bridegroom (the former veiled) were of course decked out in their best attire, with chaplets on their heads (Becker, *Charikles*, vol. ii. p. 467), and the doors of their houses were hung with festoons of ivy and bay. (Plut. *Amat.* 10. p. 27.) As the bridal procession moved along, the Hymenaean song was sung to the accompaniment of Lydian flutes, even in olden times, as beautifully described by Homer (*Il.* xviii. 490; Hes. *Scut. Herc.* 273), and the married pair received the greetings and congratulations of those who met them. (Aristoph. *Pax*, 1316.) After entering the bridegroom's house, into which the bride was probably conducted by his mother bearing a lighted torch (Eurip. *Phoen.* v. 311), it was customary to shower sweetmeats upon them (καταχύσματα) as emblems of plenty and prosperity. (Schol. *ad Aristoph. Plut.* 768.)

After this came the γάμος or nuptial feast, the ϑοινή γαμική, which was generally (Becker, *Charikles*, vol. ii. p. 469) given in the house of the bridegroom or his parents; and besides being a festive meeting, served other and more important purposes. There was no public right whether civil or religious connected with the celebration of marriage amongst the ancient Greeks, and therefore no public record of its solemnisation. This deficiency then was supplied by the marriage feast, for the guests were of course competent to prove the fact of a marriage having taken place; and Demosthenes (*c. Onet.* p. 869) says they were invited partly with such views. To this feast, contrary to the usual practice amongst the Greeks, women were invited as well as men; but they seem to have sat at a separate table, with the bride still veiled amongst them. (Lucian, *Conviv.* 8; Athen. xiv. p. 644.) At the conclusion of this feast she was conducted by her husband into the bridal chamber; and a law of Solon (Plut. *Solon*, c. 20) required that on entering it they should eat a quince together, as if to indicate that their conversation ought to be sweet and agreeable. The song called the *Epithalamium* (ἐπιθαλάμιον, sc. μέλος) was then sung before the doors of the bridal chamber, as represented by Theocritus in his 18th Idyl, where, speaking of the marriage of Helen, he says—

Twelve Spartan virgins, the Laconian bloom,
Choir'd before fair Helen's bridal room—
To the same time with cadence true they beat
The rapid round of many twinkling feet,
One measure tript, one song together sung,
Their hymenean all the palace rung.
CHAPMAN.

On which passage the Scholiast remarks that Epithalamia are of two kinds; some sung in the evening, and called κατακοιμητικά, and others in the morning (ὄρθρια), and called διεγερτικά.

The day after the marriage, the first of the bride's residence in her new abode, was called the ἐπαύλια: on which their friends sent the customary presents to the newly married couple. On another day, the ἀπαύλια, perhaps the second after marriage, the bridegroom left his house to lodge apart from his wife at his father's-in-law, and the bride presented him with a garment called ἀπαυλιστηρία, in connection with which, Pollux (iii. 39) observes, that the gifts made to the bride after the marriage were called ἀπαύλια. Some of the presents made to the bride by her husband and friends were called ἀνακαλυπτήρια, as being given on the occasion of the bride first appearing unveiled (Harpocr. *s. v.*); they were probably given on the ἐπαύλια, or day after the marriage.

Another ceremony observed after marriage was the sacrifice which the husband offered up on the occasion of his bride being registered amongst his own phratores (γαμηλίαν, scil. ϑυσίαν τοῖς φράτορσιν εἰσήνεγκεν, Demosth. *c. Eubul.* pp. 1312, 1320; Isaeus, *de Pyrr. her.* p. 45).

The statement above made of the solemnities connected with marriage cannot of course be considered as applicable to all ages and circumstances, but rather as a representation of the customs generally observed at Athens in later times.

At Sparta the betrothal of the bride by her father or guardian (κύριος) was requisite as a preliminary of marriage, as well as at Athens. (Müller, *Dorians*, ii. 4. § 2.) Another custom peculiar to the Spartans, and a relic of ancient times, was the seizure of the bride by her intended husband (see Herod. vi. 65), but of course with the sanction of her parents or guardians. (Plut. *Lycur.* 15; Xen. *de Rep. Lac.* i. 5.) She was not, however, immediately domiciled in her husband's house, but cohabited with him for some time clandestinely, till he brought her, and frequently her mother also, to his home. (Müller, *Dorians*, *l. c.*) A similar custom appears to have prevailed in Crete, where, as we are told (Strabo, x. p. 482), the young men when dismissed from the ἀγελή of their fellows, were immediately married, but did not take their wives home till some time afterwards. Müller suggests that the children of this furtive kind of intercourse were called παρθένιοι.

We subjoin some particulars concerning the relation between man and wife amongst the ancient Greeks, prefacing them with a description of domestic married life, from Lysias (*de Caede Eratos.* p. 92). The speaker there says, "I have a small two-story house, of equal dimensions on the basement and first floor, both in the male and female apartments (κατὰ τὴν γυναικωνῖτιν κ. τ. λ.). Now after our little boy was born, his mother used to suckle it, and that she might not meet with any accident in going down the ladder (ἡ κλίμαξ), whenever she wanted to wash, I lived up stairs, and the women below. And it was usual for my wife to leave me very frequently and sleep down stairs with the child, to give it the breast and keep it from crying. And one day after dinner the little fellow cried and fretted, and I told my wife to go and suckle it; now at first she would not, but at last I got angry with her, and ordered her to go: 'yes,' said she, 'that you may play with the servant maid,'" &c.

Now, though the wife, as appears by this tale, usually took her meals with her husband, she did not go out with him to dinner, nor sit at table with his guests when he had company. (Isaeus, *de Pyrr. her.* p. 139; Demosth. *c. Neaer.* p. 1352.)

The duties of a good housewife are summed up by Plato (*Leg.* vii. p. 805) under the heads of ταμιεία, ϑεραπεία, and παιδοτροφία. The first of these included the domestic arrangements of the house and superintendence of the furniture, provisions, cookery, and servants; in fact every thing that came under the name of housekeeping. (Becker, *Charikles*, vol. ii. p. 476.) But a trust of this kind was not reposed in a young wife till she had gained some experience; for what, says Xenophon (*Oecon.* 7. § 4), could a wife, married at fifteen, be likely to know, who had lived in complete seclusion, and had only been taught by her mother to conduct herself virtuously (σωφρονεῖν)? The ϑεραπεία included the attendance upon the sick inmates of the house, whether free or slaves. (Xen. *Oecon.* 7. § 37.) The παιδοτροφία was the physical education of the children, on which Plutarch (*de Educat. Puer.* 5. p. 9) observes that mothers ought themselves to nurture and suckle their children, though frequently female citizens were hired as wet-nurses. (Demosth. *c. Eubul.* p. 1309.) The Spartan nurses were so famous, that they were engaged even in foreign states; thus Alcibiades we are told was suckled by a Laconian nurse. (Plut. *Lycurg.* 16.) It is scarcely necessary to remark that we have been speaking of the household of a citizen in good circumstances, to which only our observations can apply.

The consideration in which women were held by their husbands, and the respect paid to them in ancient Greece, would naturally depend, in some degree, on their intellectual and moral character; but generally speaking the Greeks entertained comparatively little regard for the female character. They considered women, in fact, as decidedly inferior to men, qualified to discharge only the subordinate functions in life, and rather necessary as helpmates, than agreeable as companions. To these notions female education for the most part corresponded, and in fact confirmed them; it did not supply the elegant accomplishments and refinement of manners which permanently engage the affections, when other attractions have passed away. Aristotle (*de Rep.* i. 2) states, that the relation of man to woman is that of the governor to the subject; and Plato (*Meno*, p. 71), that a woman's virtue may be summed up in a few words, for she has only to manage the house well, keeping what there is in it, and obeying her husband. Nor is it unimportant to remark, that Athenians, in speaking of their wives and children, generally said τέκνα καὶ γυναῖκας, putting their wives last: a phrase which indicates very clearly what was the tone of feeling on this subject. Moreover, before marriage Grecian women were kept in a state of confinement, which amounted to little short of a deprivation of liberty, so that they are even said to have been watched and guarded in strong apartments,

ὀχυροῖσι παρθενῶσι φρουροῦνται καλῶς

(Eurip. *Iphig. in Aulid.*), nor was it thought becoming in them to be seen in public (Eurip. *Orest.* 108), except on some particular occasions, when they appeared as spectators of, or participators in religious processions; of which, young men desirous of being married would naturally avail themselves to determine the object of their choice. Even after marriage the restrictions imposed upon young women of the middle and higher classes were of a very jealous and almost Oriental character. They occupied, as is well known, a separate part of the house, and in the absence of their husband it was thought highly improper for a man even to enter where they were. (Demosth. c. *Euerg.* pp. 1157, 1150.) From various passages of the Attic comedians it would also seem that married women were required to keep at home (*οἰκουρεῖν*), and not allowed to go out of doors without the permission of their husbands. Thus, in a fragment of Menander (Meineke, p. 87), we are told that married women are not allowed to pass the gate of the court-yard of the house,

> ——*πέρας γὰρ αὔλιος θύρα*
> *Ἐλευθέρᾳ γυναικὶ νενόμιστ' οἰκίας*:

and Aristophanes (*Thesm.* p. 790) speaks of their husbands forbidding them to go out. Again, on occasions of great public alarm (*e.g.*, when the news of the defeat at Chaeroneia reached Athens), the women are spoken of, not as leaving their houses, but standing at their doors and inquiring after the fate of their husbands, a circumstance which is described as being discreditable to themselves and the city (*ἀναξίων αὐτῶν καὶ τῆς πόλεως*, Lycurg. *c. Leocr.* p. 53, Bek.). From a passage in Plutarch (*de Gen. Socr.* 33) it appears that on this subject there was the same feeling at Thebes as well as at Athens; and the same writer (*Solon*, 21) informs us that one of Solon's laws specified the conditions and occasions upon which women were to be allowed to leave their houses. In later times there were magistrates at Athens (the *γυναικονόμοι*), charged, as their name denotes, with the superintendence of the behaviour of women. [GYNAECONOMI.]

But we must observe that the description given above of the social condition and estimation of women in Greece, does not apply to the Heroic times as described by Homer, nor to the Dorian state of Sparta. With respect to the former, we have only space to remark, that the women of the Homeric times enjoyed much more freedom and consideration than those of later ages, and that the connection between the sexes was then of a more generous and affectionate character than afterwards. For another important distinction see DOS (GREEK). (Becker, *Charikles*, vol. ii. p. 415.)

Among the Dorians generally, and in Sparta especially, the relation of the wife to the husband, and the regard paid to women, was for the most part the same as that represented by Homer to have prevailed universally amongst the ancient Greeks; and as such, presented a strong contrast to the habits and principles of the Ionic Athenians, with whom the ancient custom of Greece, in this respect, was in a great measure supplanted by that of the East. At Sparta, for instance, the wife was honoured with the title of *δέσποινα* or "mistress," an appellation not used unmeaningly or ironically, and which was common amongst the Thessalians and other nations of northern Greece. (Müller, ii. 4. § 4.) Moreover, the public intercourse permitted by the Dorians between the sexes was (comparatively at least) of so free and unrestricted a character, as to have given occasion for the well known charges of licentiousness (*ἄνεσις*) against the Spartan women. (Eurip. *Androm.* 586.) The influence, too, which the Lacedaemonian women enjoyed was so great that the Spartans were blamed for submitting to the yoke of their wives; and even Aristotle (*Pol.* ii. 6) thought it necessary to account for the circumstance, by the supposition that Lycurgus had failed in his attempt to regulate the life and conduct of the Spartan women as he had wished. In short there was a great contrast and difference between the treatment of women in the Dorian and Ionian states of Greece, which is well described by Müller (*l. c.*) in the following words: — "Amongst the Ionians women were merely considered in an inferior and sensual light, and though the Aeolians allowed their feelings a more exalted tone, as is proved by the amatory poetesses of Lesbos, the Dorians, as well at Sparta as in the south of Italy, were almost the only nation who considered the higher attributes of the female mind as capable of cultivation." In Sparta, too, the unmarried women lived more in public than the married. The former appeared with their faces uncovered, the latter veiled; and at Sparta, in Crete, and at Olympia, virgins were permitted to be spectators of the gymnastic contests, and married women only were excluded. The reverse of this was the case in Ionia. (Müller, ii. 2. § 2.)

The preceding investigation will have prepared the reader for the fact, that the strictest conjugal fidelity was required under very severe penalties from the wife [ADULTERIUM], while great laxity was allowed to the husband. The general practice is thus illustrated by Plautus (*Mercat.* iv. 6. 2): —

> "Nam si vir scortum duxit clam uxorem suam,
> Id si rescivit uxor, impune est viro.
> Uxor viro si clam domo egressa est foras,
> Viro fit causa, exigitur matrimonio."

In cases of adultery by the wife, the Athenian law subjected the husband to *ἀτιμία*, if he continued to cohabit with her; so that she was *ipso facto* divorced. (Demosth. *c. Neaer.* p. 1374.) But a separation might be effected in two different ways: by the wife leaving the husband, or the husband dismissing the wife. If the latter supposed her husband to have acted without sufficient justification in such a course, it was competent for her after dismissal, or rather for her guardians, to bring an action for dismissal (*δικὴ ἀποπέμψεως* or *ἀποπομπῆς*): the corresponding action, if brought by the husband, was a *δικὴ ἀπολείψεως*. If, however, a wife were ill-used in any way by her husband, he was liable to an action called a *δικὴ κακώσεως*, so that the wife was not entirely unprotected by the laws: a conclusion justified by a fragment in Athenaeus (xiii. p. 559) in which married women are spoken of as relying on its protection. But a separation, whether it originated from the husband or wife, was considered to reflect discredit on the latter (*ὁ γὰρ δίαυλός ἐστιν αἰσχύνην ἔχων*, *Frag. apud Stob.* p. 67, Gaisford) independent of the difficulties and inconveniences to which she was subjected by it. At Sparta barrenness on the part of a wife seems to have been a ground for dismissal by the husband (Herod. vi. 61); and from a passage in Dion Chrysostom (*Orat.* xv. p. 447) it has been inferred that women were in the habit of imposing supposititious children with a view of keeping (*κατασχεῖν*) their husbands: not but that the word admits of, if indeed it does not (from the tense) require, a different interpretation.

This article has been mainly composed from Becker's *Charikles* (vol. ii. p. 415). The duties of an Athenian wife are stated somewhat in detail by Xenophon (*Oeconom. ad init.*). [R. W.]

2. Roman. A Roman marriage was called Justae Nuptiae, Justum Matrimonium, Legitimum Matrimonium, as being conformable to Jus Civile or to Roman Law. A marriage was either Cum conventione uxoris in manum viri, or it was without this conventio. In both cases there must be connubium between the parties, and consent: the male must also be pubes, and the woman viri potens. The legal consequences as to the power of the father over his children were the same in both. Opposed to the Legitimum Matrimonium was the Matrimonium Juris Gentium.

A Roman marriage may be viewed, First with reference to the conditions required for a Justum Matrimonium; Secondly, with reference to the forms of the marriage; Thirdly, with reference to its legal consequences.

Unless there was connubium there could be no Roman marriage. Connubium is defined by Ulpian (*Frag.* v. 3) to be "uxoris jure ducendae facultas," or the faculty by which a man may make a woman his lawful wife. But in truth this is no definition at all, nor does it give any information. Connubium is merely a term which comprehends all the conditions of a legal marriage. Accordingly, the term is explained by particular instances: "Roman men citizens," says Ulpian, "have connubium with Roman women citizens (*Romanae cives*); but with Latinae and Peregrinae only in those cases where it has been permitted. With slaves there is no connubium."

Sometimes connubium, that is the faculty of contracting a Roman marriage, is viewed with reference to one of its most important consequences, namely, the Patria Potestas: "for," says Gaius, "since it is the effect of Connubium that the children follow the condition of their father, it results that when Connubium exists, the children are not only Roman citizens, but are also in the power of their father." Generally, it may be stated that there was only connubium between Roman citizens: the cases in which it at any time existed between parties, not both Roman citizens, were exceptions to the general rule. Originally, or at least at one period of the Republic, there was no Connubium between the Patricians and the Plebeians; but this was altered by the Lex Canuleia which allowed Connubium between persons of those two classes.

There was no connubium between many persons with respect to one another, who had severally connubium with respect to other persons. Thus there were various degrees of consanguinity within which there was no connubium. There was no connubium between parent and child, whether the relation was natural or by adoption; and a man could not marry an adopted daughter or granddaughter, even after he had emancipated her. There was no connubium between brothers and sisters, whether of the whole or of the half blood: but a man might marry a sister by adoption after her emancipation, or after his own emancipation. It became legal to marry a brother's daughter after Claudius had set the example by marrying Agrippina; but the rule was not carried further than the example, and in the time of Gaius it remained unlawful for a man to marry his sister's daughter. (Gaius, i. 62; Tacit. *Ann.* xii. 5; Sueton. *Claud.* 26.)

There was no connubium also between persons within certain relations of affinity, as between a man and his socrus, nurus, privigna, and noverca.

Any illegal union of a male and female, though affecting to be, was not a marriage: the man had no legal wife, and the children had no legal father; consequently they were not in the power of their reputed father. These restrictions as to marriage were not founded on any enactments: they were a part of that large mass of Roman law which belongs to Jus Moribus Constitutum.

The marriage of Domitius, afterwards the emperor Nero, with Octavia the daughter of Claudius, seems at first sight somewhat irregular. Nero was adopted by Claudius by a Lex Curiata (Tacit. *Ann.* xii. 26), but he was already his son-in-law; at least the sponsalia are mentioned before the adoption. (Tacit. *Ann.* xii. 9.) There seems to be no rule of law which would prevent a man from adopting his son-in-law; though if the adoption took place before the marriage, it would be illegal, as stated by Gaius.

Persons who had certain bodily imperfections, as eunuchs, and others who from any cause could never attain to puberty, could not contract marriage; for though pubertas was in course of time fixed at a positive age [Impubes], yet as the foundation of the notion of pubertas was physical capacity for sexual intercourse, there could be no pubertas if there was a physical incapacity.

The essence of marriage was consent, and the consent, says Ulpian, "both of those who come together, and of those in whose power they are;" and "marriage is not effected by sexual union, but by consent." Those then who were not sui juris, had not, strictly speaking, connubium, or the "uxoris jure ducendae facultas;" though in another sense, they had connubium by virtue of the consent of those in whose power they were, if there was no other impediment. (Dig. 23. tit. 1. s. 11—13.)

The Lex Julia et Papia Poppaea placed certain restrictions on marriage as to the parties between whom it could take place. [Julia et Papia Poppaea; Infamia.]

A man could only have one lawful wife at a time; and consequently if he were married, and divorced his wife, a second marriage would be no marriage, unless the divorce were effectual.

The marriage Cum conventione in manum differed from that Sine conventione, in the relationship which it effected between the husband and the wife; the marriage Cum conventione was a necessary condition to make a woman a materfamilias. By the marriage Cum conventione, the wife passed into the familia of her husband, and was to him in the relation of a daughter, or as it was expressed, "in manum convenit." (Cic. *Top.* 3; filiae loco est, Gaius, ii. 159.) In the marriage Sine conventione, the wife's relation to her own familia remained as before, and she was merely Uxor. "Uxor," says Cicero (*Top.* 3), "is a genus of which there are two species; one is materfamilias, 'quae in manum convenit;' the other is uxor only." Accordingly a materfamilias is a wife who is in manu, and in the familia of her husband, and consequently one of his sui heredes; or in the manus of him in whose power her husband is. A wife not in manu was not a member of her husband's familia, and therefore the term could not apply to her. Gellius (xviii. 6) also states that this was the old meaning of materfamilias. Matrona was properly a wife not in manu, and equivalent to Cicero's "tantummodo uxor;" and she was called matrona before she had any children. But these words are not always used in these their original and proper meanings. (See Ulp. *Frag.* iv.)

No forms were requisite in marriage; the best evidence of marriage was cohabitation matrimonii causa. The matrimonii causa might be proved by various kinds of evidence. A marriage Cum conventione might be effected by Usus, Farreum, and Coemptio.

If a woman lived with a man for a whole year as his wife, she became in manu viri by virtue of this matrimonial cohabitation. The consent to live together as man and wife was the marriage: the usus for a year had the manus as its result; and this was by analogy to Usucapion of movables generally, in which usus for one year gave ownership. The Law of the Twelve Tables provided that if a woman did not wish to come into the manus of her husband in this manner, she should absent herself from him annually for three nights (*trinoctium*) and so break the usus of the year. (Gell. iii. 2; Gaius, i. 111.) The Twelve Tables probably did not introduce the usus in the case of a woman cohabiting with a man matrimonii causa, any more than they probably did in the case of other things; but as in the case of other things they fixed the time within which the usus should have its full effect, so they established a positive rule as to what time should be a sufficient interruption of usus in the case of matrimonial cohabitation, and such a positive rule was obviously necessary in order to determine what should be a sufficient legal interruption of usus.

Farreum was a form of marriage, in which certain words were used in the presence of ten witnesses, and were accompanied by a certain religious ceremony in which panis farreus was employed; and hence this form of marriage was also called Confarreatio. This form of marriage must have fallen generally into disuse in the time of Gaius, who remarks (i. 112) that this legal form of marriage (*hoc jus*) was in use even in his time for the marriages of the Flamines Majores and some others. This passage of Gaius is defective in the MS., but its general sense may be collected from comparing it with Tacitus (*Ann.* iv. 16) and Servius (*ad Aeneid.* iv. 104, 374). It appears that certain priestly offices, such as that of Flamen Dialis, could only be held by those who were born of parents who had been married by this ceremony (*confarreati parentes*). Even in the time of Tiberius, the ceremony of confarreatio was only observed by a few. As to divorce between persons married by confarreatio, see DIVORTIUM.

The confarreatio is supposed to have been the mode of contracting marriage among the patricians, and it was a religious ceremony which put the wife in manu viri.

Coemptio was effected by Mancipatio, and consequently the wife was in mancipio. (Gaius, i. 118.) A woman who was cohabiting with a man as uxor, might come into his manus by this ceremony, in which case the coemptio was said to be matrimonii causa, and she who was formerly uxor became apud maritum filiae loco. If the coemptio was effected at the time of the marriage, it was still a separate act. The other coemptio which was called fiduciae causa and which was between a woman and a man not her husband, is considered under TESTAMENTUM and TUTELA. If, however, an uxor made a coemptio with her husband, not matrimonii causa, but fiduciae causa, the consequence was that she was in manu, and thereby acquired the rights of a daughter. It is stated by a modern writer, that the reason why a woman did not come in manicipium by the coemptio, but only in manum, is this, that she was not mancipated, but mancipated herself, under the authority of her father if she was in his power, and that of her tutors, if she was not in the power of her father; the absurdity of which is obvious, if we have regard to the form of mancipatio as described by Gaius (i. 119), who also speaks (i. 118, a) of mancipatio as being the form by which a parent released his daughter from the patria potestas (*e suo jure*), which he did when he gave his daughter in manum viri. The mancipatio must in all cases have been considered as legally effected by the father or the tutors.

In the course of time, marriage without the manus became the usual marriage. The manus by usus fell into desuetude. (Gaius, i. 111.)

Sponsalia were not an unusual preliminary of marriage, but they were not necessary. "Sponsalia," according to Florentinus (Dig. 23. tit. 1. s. 1) "sunt mentio et repromissio nuptiarum futurarum." Gellius has preserved (iv. 4) an extract from the work of Servius Sulpicius Rufus De Dotibus, which, from the authority of that great jurist, may be considered as unexceptionable. (Compare Varro, *de Ling. Lat.* vi. 70.) Sponsalia, according to Servius, was a contract by stipulationes and sponsiones, the former on the part of the future husband, the latter on the part of him who gave the woman in marriage. The woman who was promised in marriage was accordingly called Sponsa, which is equivalent to Promissa; the man who engaged to marry was called Sponsus. The Sponsalia then were an agreement to marry, made in such form as to give each party a right of action in case of non-performance, and the offending party was condemned in such damages as to the Judex seemed just. This was the law (*jus*) of Sponsalia, adds Servius, to the time when the Lex Julia gave the Civitas to all Latium; whence we may conclude that alterations were afterwards made in it.

The Sponsalia were of course not binding, if the parties consented to waive the contract; and either party could dissolve the contract as either could dissolve a marriage. If a person was in the relation of double sponsalia at the same time, he was liable to Infamia. [INFAMIA.] Sometimes a present was made by the future husband to the future wife by way of earnest (*arrha*, *arrha sponsalitia*), or as it was called propter nuptias donatio. (Cod. 5. tit. 3.) Sponsalia might be contracted by those who were not under seven years of age. The regulation of Augustus, which was apparently comprised in the Lex Julia et Papia, which declared that no sponsalia should be valid if the marriage did not follow within two years, was not always observed. (Sueton. *Aug.* c. 34; Dion Cass. liv. 16, and the note of Reimarus.) [INFANS; IMPUBES.]

The consequences of marriage were —

1. The power of the father over the children of the marriage, which was a completely new relation, an effect indeed of marriage, but one which had no

influence over the relation of the husband and wife. [Patria Potestas.]

2. The liabilities of either of the parties to the punishments affixed to the violation of the marriage union. [Adulterium ; Divortium.]

3. The relation of husband and wife with respect to property, to which head belong the matters of Dos, Donatio inter virum et uxorem, Donatio propter nuptias, &c. Many of these matters, however, are not necessary consequences of marriage, but the consequence of certain acts which are rendered possible by marriage.

In the later Roman history we often read of marriage contracts which have reference to Dos, and generally to the relation of husband and wife viewed with reference to property. A title of the Digest (23. tit. 4) treats De Pactis Dotalibus, which might be made either before or after marriage.

The Roman notion of marriage was this: — it is the union of male and female, a consortship for the whole of life, the inseparable consuetude of life, an intercommunion of law, sacred and not sacred. (Dig. 23. tit. 2. s. 1.) But it is not meant that marriage was to this extent regulated by law, for marriage is a thing which is, to a great extent, beyond the domain of law. The definition or description means that there is no legal separation of the interests of husband and wife in such matters in which the separation would be opposed to the notion of marriage. Thus the wife had the sacra, the domicile, and the rank of the husband. Marriage was established by consent, and continued by dissent ; for the dissent of either party, when formally expressed, could dissolve the relation. [Divortium.]

Neither in the old Roman law nor in its later modifications, was a community of property an essential part of the notion of marriage ; unless we assume that originally all marriages were accompanied with the conventio in manum, for in that case, as already observed, the wife became filiaefamilias loco, and passed into the familia of her husband ; or if her husband was in the power of his father, she became to her husband's father in the relation of a granddaughter. All her property passed to her husband by a universal succession (Gaius, ii. 96, 98), and she could not thenceforward acquire property for herself. Thus she was entirely removed from her former family as to her legal status and became as the sister to her husband's children. In other words, when a woman came in manum, there was a blending of the matrimonial and the filial relation. It was a good marriage without the relation expressed by in manu, which was a relation of parent and child superadded to that of husband and wife. The manus was terminated by death, loss of Civitas, by Diffareatio, and we may assume by Mancipatio. It is a legitimate consequence that the wife could not divorce her husband, though her husband might divorce her, and if we assume that the marriage accompanied by the cum conventione was originally the only form of marriage (of which, however, we believe, there is no proof) the statement of Plutarch [Divortium] that the husband alone had originally the power of effecting a divorce, will consist with this strict legal deduction. It is possible, however, that, even if the marriage cum conventione was once the only marriage, there might have been legal means by which a wife in manu could be released from the manus ; for the will alone would be sufficient to release her from the marriage. In the time of Gaius (i. 137), a woman, after the repudium was sent, could demand a remancipatio.

When there was no conventio, the woman remained a member of her own familia: she was to her husband in the same relation as any other Roman citizen, differing only in this that her sex enabled her to become the mother of children who were the husband's children and citizens of the state, and that she owed fidelity to him so long as the matrimonial cohabitation continued by mutual consent. But her legal status continued as it was before: if she was not in the power of her father, she had for all purposes a legal personal existence independently of her husband, and consequently her property was distinct from his. It must have been with respect to such marriages as these, that a great part at least of the rules of law relating to Dos were established ; and to such marriages all the rules of law relating to marriage contracts must have referred, at least so long as the marriage cum conventione existed and retained its strict character.

When marriage was dissolved, the parties to it might marry again ; but opinion considered it more decent for a woman not to marry again. A woman was required by usage (*mos*) to wait a year before she contracted a second marriage, on the pain of Infamia.

At Rome, the matrimonium juris civilis was originally the only marriage. But under the influence of the Jus Gentium, a cohabitation between Peregrini, or between Latini, or between Peregrini and Latini and Romani, which, in its essentials, was a marriage, a consortium omnis vitae with the affectio maritalis, was recognised as such ; and though such marriage could not have all the effect of a Roman marriage, it had its general effect in this, that the children of such marriage had a father. Thus was established the notion of a valid marriage generally, which marriage might be either Juris Civilis or Juris Gentium. Certain conditions were requisite for a valid marriage generally, and particular conditions were necessary for a Roman marriage. In the system of Justinian, the distinction ceased, and there remained only the notion of a valid marriage generally ; which is the sense of Justae nuptiae in the Justinian system. This valid or legal marriage is opposed to all cohabitation which is not marriage ; and the children of such cohabitation have no father. (Puchta, *Inst.* iii. § 287.) [Infamia.]

The above is only an outline of the Law of Marriage, but it is sufficient to enable a student to carry his investigations farther. [G. L.]

It remains to describe the customs and rites which were observed by the Romans at marriages (*ritus nuptiales* or *nuptiarum solemnia justa*, *τὰ νομιζόμενα τῶν γάμων*). After the parties had agreed to marry and the persons in whose potestas they were had consented, a meeting of friends was sometimes held at the house of the maiden for the purpose of settling the marriage-contract, which was called sponsalia, and written on tablets (*tabulae legitimae*), and signed by both parties. (Juven. *Sat.* ii. 119, &c., vi. 25, 200 ; Gellius, iv. 4.) The woman after she had promised to become the wife of a man was called sponsa, pacta, dicta, or sperata. (Gell. *l. c.* ; Plaut. *Trinum.* ii. 4. 99 ; Nonius, iv. p. 213.) From Juvenal (*Sat.* vi. 27) it appears that, at least during the imperial period, the man put a ring on the finger of his betrothed, as a pledge of his fidelity. This ring was probably, like all rings at this time, worn on the left hand, and on the finger nearest to the smallest. (Macrob. *Sat.* vii. 13.) The last point to be fixed was the day on which the marriage was to take place. Towards the close of the republic it had become customary to betroth young girls when they were yet children; Augustus therefore limited the time during which a man was allowed to continue betrothed to a girl (Suet. *Aug.* 34), and forbade men to be betrothed to girls before the latter had completed their tenth year, so that the age of pubertas being twelve years, a girl might not be compelled to be betrothed longer than two years. (Dion Cass. liv. p. 609, Steph.)

The Romans believed that certain days were unfortunate for the performance of the marriage rites, either on account of the religious character of those days themselves, or on account of the days by which they were followed, as the woman had to perform certain religious rites on the day after her wedding, which could not take place on a dies ater. Days not suitable for entering upon matrimony were the Calends, Nones, and Ides of every month, all dies atri, the whole months of May (Ovid. *Fast.* v. 490; Plut. *Quaest. Rom.* p. 284) and February, and a great number of festivals. (Macrob. *Sat.* i. 15; Ovid. *Fast.* ii. 557.) Widows, on the other hand, might marry on days which were inauspicious for maidens. (Macrob. *Sat. l. c.*; Plut. *Quaest. Rom.* p. 289.)

On the wedding-day, which in the early times was never fixed upon without consulting the auspices (Cic. *de Div.* i. 16; Val. Max. ii. 1. § 1), the bride was dressed in a long white robe with a purple fringe or adorned with ribands. (Juv. ii. 124.) This dress was called tunica recta (Plin. *H. N.* viii. 48), and was bound round the waist with a girdle (*corona*, *cingulum*, or *zona*, Fest. *s. v. Cingulo*), which the husband had to untie in the evening. The bridal veil, called flammeum, was of a bright-yellow colour (Plin. *H. N.* xxi. 8; Schol. *ad Juv.* vi. 225), and her shoes likewise. (Catull. lxii. 10.) Her hair was divided on this occasion with the point of a spear. (Ovid. *Fast.* ii. 560; Arnob. *adv. Gent.* ii. p. 91; Plut. *Quaest. Rom.* p. 285.)

The only form of marriage which was celebrated with solemn religious rites, was that by confarreatio; the other forms being mere civil acts, were probably solemnised without any religious ceremony. In the case of a marriage by confarreatio, a sheep was sacrificed, and its skin was spread over two chairs, upon which the bride and bridegroom sat down with their heads covered. (Serv. *ad Aen.* iv. 374.) Hereupon the marriage was completed by pronouncing a solemn formula or prayer, after which another sacrifice was offered. A cake was made of *far* and the *mola salsa* prepared by the Vestal virgins (Serv. *ad Virg. Eclog.* viii. 82), and carried before the bride when she was conducted to the residence of her husband. It is uncertain whether this cake is the same as that which is called *mastaceum* (Juv. *Sat.* vi. 201), and which was in the evening distributed among the guests assembled at the house of the young husband.

The bride was conducted to the house of her husband in the evening. She was taken with apparent violence from the arms of her mother, or of the person who had to give her away. On her way she was accompanied by three boys dressed in the praetexta, and whose fathers and mothers were still alive (*patrimi et matrimi*). One of them carried before her a torch of white thorn (*spina*) or, according to others, of pine wood; the two others walked by her side supporting her by the arm. (Fest. *s. v. Patrimi et matrimi*; Varro, *ap. Charisium*, i. p. 117; Plin. *H. N.* xvi. 18.) The bride herself carried a distaff and a spindle with wool. (Plin. *H. N.* viii. 48; Plut. *Quaest. Rom.* p. 271.) A boy called camillus carried in a covered vase (*cumera*, *cumerum*, or *camillum*) the so called utensils of the bride and playthings for children (*crepundia*, Fest. *s. v. Cumeram*; Plaut. *Cistel.* iii. 1. 5). Besides these persons who officiated on the occasion, the procession was attended by a numerous train of friends both of the bride and the bridegroom, whose attendance was called *officium* and *ad officium venire*. (Suet. *Calig.* 25, *Claud.* 26.) Plutarch (*Quaest. Rom.* init.) speaks of five wax-candles which were used at marriages; if these were borne in the procession, it must have been to light the company which followed the bride; but it may also be that they were lighted during the marriage ceremony in the house of the bride.

When the procession arrived at the house of the bridegroom, the door of which was adorned with garlands and flowers, the bride was carried across the threshold by *pronubi*, *i. e.* men who had only been married to one woman, that she might not knock against it with her foot, which would have been an evil omen. (Plut. *Quaest. Rom.* p. 271, c; Plaut. *Cas.* iv. 4. 1.) Before she entered the house, she wound wool around the door-posts of her new residence, and anointed them with lard (*adeps suillus*) or wolf's fat (*adeps lupinus*, Serv. *ad Aen.* iv. 19; Plin. *H. N.* xxviii. 9). The husband received her with fire and water, which the woman had to touch. This was either a symbolic purification (for Serv. *ad Aen.* iv. 104, says that the newly married couple washed their feet in this water), or it was a symbolic expression of welcome, as the interdicere aqua et igni was the formula for banishment. The bride saluted her husband with the words: *ubi tu Caius, ego Caia.* (Plut. *Quaest. Rom. l. c.*) After she had entered the house with distaff and spindle, she was placed upon a sheep-skin, and here the keys of the house were delivered into her hands. (Fest. *s. v. Clavis.*) A repast (*coena nuptialis*) given by the husband to the whole train of relatives and friends who accompanied the bride, generally concluded the solemnity of the day. (Plaut. *Curc.* v. 2. 61; Suet. *Calig.* 25.) Many ancient writers mention a very popular song, Talasius or Talassio, which was sung at weddings (Plut. *Quaest. Rom. l. c.*; Liv. i. 9; Dionys. *Ant. Rom.* ii. 31; Fest. *s. v. Talassionem*); but whether it was sung during the repast or during the procession is not quite clear, though we may infer from the story respecting the origin of the song, that it was sung while the procession was advancing towards the house of the husband.

It may easily be imagined that a solemnity like that of marriage did not take place among the merry and humorous Italians without a variety of jests and railleries, and Ovid (*Fast.* iii. 675) mentions obscene songs which were sung before the door of the bridal apartment by girls, after the company had left. These songs were probably the old Fescennina [Fescennina], and are frequently called *Epithalamia.* At the end of the repast the bride was conducted by matrons who had not had more than one husband (*pronubae*), to the lectus genialis in the atrium, which was on this occasion magnificently adorned and strewed with flowers. On the following day the husband sometimes gave another entertainment to his friends, which was called repotia (Fest. *s. v.*; Horat. *Sat.* ii. 2. 60), and the woman who on this day undertook the management of the house of her husband, had to perform certain religious rites (Macrob. *Sat.* i. 15), on which account, as was observed above, it was necessary to select a day for the marriage which was not followed by a dies ater. These rites probably consisted of sacrifices to the dii Penates. (Cic. *de Republ.* v. 5.)

The rites and ceremonies which have been mentioned above, are not described by any ancient writer in the order in which they took place, and the order adopted above rests in some measure merely upon conjecture. Nor is it, on the other hand, clear which of the rites belonged to each of the three forms of marriage. Thus much only is certain, that the most solemn ceremonies and those of a religious nature belonged to confarreatio.

The position of a Roman woman after marriage was very different from that of a Greek woman. The Roman presided over the whole household; she educated her children, watched over and preserved the honour of the house, and as the materfamilias she shared the honours and respect shown to her husband. Far from being confined like the Greek women to a distinct apartment, the Roman matron, at least during the better centuries of the republic, occupied the most important part of the house, the atrium. (Compare Lipsius, *Elect.* i. 17; Böttiger, *Aldobrandin. Hochzeit*, p. 124, &c.; Brissonius, *De Ritu Nuptiarum, de Jure Connubii*, Paris, 1564. 12mo.) [L. S.]

MATRO'NA. [Matrimonium, p. 741, a.]

MATRONA'LIA, also called MATRONA'LES FERIAE, a festival celebrated by the Roman matrons on the 1st of March in honour of Juno Lucina. From the many reasons which Ovid gives why the festival was kept on this day, it is evident that there was no certain tradition on the subject; but the prevailing opinion seems to have been that it was instituted in memory of the peace between the Romans and Sabines, which was brought about by means of the Sabine women. At this festival wives used to receive presents from their husbands, and at a later time girls from their lovers; mistresses also were accustomed to feast their female slaves. Hence we find the festival called by Martial the Saturnalia of women. (Ov. *Fast.* iii. 229, &c.; Plaut. *Mil.* iii. 1. 97; Tibull. iii. 1; Hor. *Carm.* iii. 8; Mart. v. 84. 11; Suet. *Vesp.* 19; Tertull. *Idol.* 14; comp. Hartung, *Die Religion der Römer*, vol. ii. p. 65.)

MAUSOLE'UM (Μαυσολεῖον), which signified originally *the sepulchre of Mausolus*, was used by the Romans as a generic name for any magnificent sepulchral edifice. (Paus. viii. 16. § 3. s. 8, and the Latin Lexicons.)

The original building was the production of the piety of a wealthy queen, and the skill of the great artists of the later Ionian and Attic schools of architecture and sculpture. Mausolus, the dynast of Caria, having died in B. C. 353, his queen Artemisia evinced her sorrow by observing his funeral rites with the most expensive splendour, and by commencing the erection of a sepulchral monument to him, at Halicarnassus, which should surpass any thing the world had yet seen. (See *Dict. of Biog.* arts. *Artemisia*, *Mausolus.*) She entrusted its erection to the architects Phileus (or Phiteus, or Pytheus) and Satyrus, who wrote an account of the work and its sculptural decorations; and to four of the greatest artists of the new Attic school, Scopas, Bryaxis, Leochares, and either Timotheus or Praxiteles, for respecting this name, Vitruvius tells us, the authorities varied. These artists worked in emulation with one another, each upon one face of the building, and, upon the death of Artemisia, who only survived her husband two years, they continued their work as a labour of love. Pliny mentions a fifth artist, Pythis, who made the marble quadriga on the summit of the building. (Vitruv. vii. Praef. § 12; Plin. *H. N.* xxxvi. 5. s. 4. § 9; *Dict. of Biog.* under the names of the artists.)

It was chiefly, Pliny tells us, on account of the works of these artists that the Mausoleum became celebrated as one of the seven wonders of the world. Unfortunately, however, the ancient authors, who have celebrated its magnificence, have furnished us with such scanty details of its construction, that the restoration of its plan is almost hopeless. (Strabo, xiv. p. 656; Cic. *Tusc. Disp.* iii. 31; Gell. x. 18; Val. Max. iv. 6. ext. 1; Propert. iii. 2. 19; Suid. Harpocr. *s. vv.* Ἀρτεμισία, Μαύσωλος.) There are, indeed, coins which give a representation of it; but they are modern forgeries. (Rasche, *s. v.*; Eckhel, vol. ii. p. 597.) The edifice has so entirely vanished, that even its site is doubtful, although some precious fragments of its sculptures survive, and are now in our own possession.

Pliny is the only writer who gives any thing like a complete description of the edifice; but even in this account there are considerable difficulties. The building, he tells us, extended 63 feet from north to south, being shorter on the fronts, and its whole circuit was 411 feet (or, according to the Bamberg MS. 440); it rose to the height of 25 cubits (37½ feet); and was surrounded by 36 columns. This part of the building was called *Pteron.* It was adorned with sculptures in relief, on its eastern face by Scopas, on the northern by Bryaxis, on the southern by Timotheus, on the western by Leochares. Above this *pteron* was a pyramid equal to it in height, diminishing by 24 steps to its summit, which was surmounted by the marble quadriga made by Pythis. The total height, including this ornament, was 140 feet.

The limits of this article do not admit of a discussion of the various proposed restorations of the plan of the edifice. They will be found enumerated and carefully examined by Mr. Charles Newton, in a very valuable essay *On the Sculptures from the Mausoleum at Halicarnassus* in the *Classical Museum* for July, 1847, vol. v. pp. 170, foll., with a chart of Halicarnassus, a restoration of the Mausoleum, and other illustrations.

Thus much is clear enough from Pliny's account; that the edifice was composed of an oblong quadrangular *cella* (the *pteron*), surrounded by a peristyle of columns (which were in all probability of the Ionic order), and elevated on a basement (for this supposition presents the only means of reconciling the discrepancy between the total and partial heights), which *pteron* was surmounted by the pyramid; the sculptures were of course on the frieze of the order. The other apparent discrepancy between the lengths of the sides and fronts and the total circuit of the building can only be satisfactorily explained by supposing that it stood within an enclosure, or upon a platform of the larger dimensions, namely, 440 feet in perimeter. When we come to the details of the arrangement of the parts, we find most writers giving the simple explanation, which most readers of Pliny would probably adopt at first sight, that the 36 columns, of which Pliny speaks, formed a single peristyle all round the building. (See, for example, the restoration in Hirt's *Gesch. d. Baukunst*, Pl. x. fig. 14, Pl. xxx. fig. 14.) To this view there are very formidable objections; and another, which has not only the merit of being exceedingly ingenious, but the authority of a most accomplished architect, is proposed by Mr. Cockerell, in Mr. Newton's Essay. Taking on the one hand Pliny's 63 feet as the length of the longer side *of the peristyle*, and on the other hand, calculating the dimensions of the order from the existing fragments of the frieze (which, in the case of a work of that period of Greek art, an architect can do with as much certainty as that with which Professor Owen can construct a *dinornis* from a single thigh-bone), Mr. Cockerell arrives at the conclusion that the 36 pillars were arranged, in a single row of six columns on each front, and in a *double* row of eight on each side, at intercolumniations of 6 feet 8 inches, around a long narrow *cella*, corresponding in length to six of the columns of the peristyle, and in width to two. (See the plan and elevation in the *Classical Museum*, *l. c.*)

The researches of the latest travellers furnish a strong hope that good elements for reconstructing the plan of the Mausoleum may be found among the fragments of columns which are scattered about the city of *Budrum*, and worked into its walls.

The building was still standing in the latter part of the fourth century after Christ (Gregor. Naz. *Epigr.* cxviii.), and even as late as the tenth; but it shared at length, with Halicarnassus itself, in the almost total destruction which fell upon the cities of Asia Minor. For its subsequent history, the question of its site, and the chain of evidence which proves that the marbles now in the British Museum are the very reliefs with which Scopas and his rivals adorned the sepulchre of Mausolus, the reader is referred to the very interesting account of these matters given in Mr. Newton's Essay. All that can here be stated is, that when the knights of Rhodes built the citadel of Halicarnassus (*Budrum*), in the fifteenth century, or more probably when they strengthened its fortifications in 1522, they used materials obtained from the ruins of the Mausoleum, and, among the rest, they worked into the inner wall of their fortress some of the sculptured slabs which had formed its frieze. Various travellers, from Thevenot to the present time, have described these marbles, of which there is a sketch in the *Ionian Antiquities* of the Dillettanti Society (vol. ii. Supp. Pl. ii.). At length our ambassador at Constantinople, Sir Stratford Canning, obtained the permission of the Porte for their removal, and in February, 1846, they were taken down and conveyed to England, and are now deposited in the British Museum, under the name of the *Budrum Marbles*. They consist of thirteen slabs, of the uniform height of 3 feet including the mouldings, or 2 feet 5½ inches without them, and varying in length from 2 feet 8 inches to 6 feet 11 inches. Their total length is 64 feet 11 inches, which is nearly the same as that of each longer side of the building; but they are evidently from different faces of it, as they cannot all be arranged in one continuous composition, though some of them are continuous, and they show traces of the hands of various artists. Their subject is the battle of Greek warriors with Amazons, which was as favourite a myth in Ionia and Caria as it was in Attica. Their style is considered by competent judges to be inferior to what we might have expected from artists of the school of Scopas and Praxiteles; but their close resemblance to another bas-relief of the same school, that of the choragic monument of Lysicrates, is admitted; and the points in which they are alleged to be deficient are just those in which we recognise the inferiority of the later Attic school to the perfect art of Pheidias. The suggestion of Mr. Newton, that accident may have preserved to us, out of the whole frieze, the inferior works of Bryaxis, Leochares, and Timotheus, and not the better productions of Scopas or Praxiteles, is not only inconsistent, as he himself remarks, with Pliny's statement that the sculptures were regarded as of equal merit; but also, it is one of those gratuitous suppositions made to escape from a difficulty, which cannot be admitted without some positive proof.

In the Roman *Mausolea* the form chiefly employed was that of a succession of terraces in imitation of the *rogus*. Of these the most celebrated were those of Augustus and of Hadrian; the latter of which, stripped of its ornaments, still forms the fortress of modern Rome (the Castle of S. Angelo); but of the other, which was on a still larger scale, and which was considered as one of the most magnificent buildings of Augustus, there are only some insignificant ruins. (Strabo, v. p. 236; Suet. *Aug.* 100; Nardini, *Roma Antica*, vol. iii. p. 75, ed. Nibby; Hirt, *Lehre d. Gebäude*, pp. 349—351, and restoration of the monuments in Pl. xxx. fig. 21, 23.) [P. S.]

MAZO'NOMUS (*μαζονόμος, dim. μαζονόμιον*, Athen. v. 30, 34), from *μάζα*, a loaf, or a cake; properly a dish for distributing bread: but the term is applied also to any large dish used for bringing meat to table. (Varro, *de Re Rust.* iii. 4.) These dishes were made either of wood (Pollux, vii. 87), of bronze (Athen. iv. 31), or of gold (Athen. v. 27). [J. Y.]

MEDIASTI'NI, the name given to slaves, used for any common purpose, and are said by the Scholiast upon Horace (*Ep.* i. 14. 14) to be those "qui in medio stant ad quaevis imperata parati." The name is chiefly given to certain slaves belonging to the familia rustica (Cic. *Cat.* ii. 3; Colum. i. 9, ii. 13), but it is also applied sometimes to slaves in the city. (Dig. 4. tit. 9. s. 1. § 5, 7. tit. 7. s. 6.)

MEDICI'NA (*ἰατρική*), the name of that science which, as Celsus says (*de Medic.* lib. i. Praefat.), "Sanitatem aegris promittit," and whose object Hippocrates defines (*de Arte*, vol. i. p. 7, ed. Kühn) to be "the delivering sick persons from their disease, and the diminishing the force of sicknesses, and the not undertaking the treatment of those who are quite overcome by sickness, as we know that medicine is here of no avail." For other definitions of the art and science of Medicine given by the ancients, see Pseudo-Galen (*Introduct. Seu Medicus*, c. 6. vol. xiv. pp. 686—8, ed. Kühn). The invention of medicine was almost universally attributed by the ancients to the gods. (Hippocr. *de Prisca Medic.* vol. i. p. 39; Pseudo-Galen, *Introd.* cap. i. p. 674; Cic. *Tusc. Dis.* iii. 1 · Plin. *H. N.* xxix. 1.) Another source of information was the observing the means resorted to by animals when labouring under disease. Pliny (*H. N.* viii. 41) gives many instances in which these instinctive efforts taught mankind the properties of various plants, and the more simple surgical operations. The wild goats of Crete pointed out the use of the Dictamnus and vulnerary herbs; dogs when indisposed sought the *Triticum repens*, and the same animal taught to the Egyptians the use of purgative, constituting the treatment called Syrmaïsm. The hippopotamus introduced the practice of bleeding, and it is affirmed that the employment of clysters was shown by the ibis. (Compare Pseudo-Galen, *Introd.* c. 1, p. 675.) Sheep with worms in their liver were seen seeking saline substances, and cattle affected with dropsy anxiously looked for chalybeate waters. We are told (Herod. i. 197; Strab. xvi. c. 1, ed. Tauchn.; Pseudo-Galen, *Introd. l. c.*) that the Babylonians and Chaldaeans had no physicians, and in cases of sickness the patient was carried out and exposed on the highway, that any persons passing by who had been affected in a similar manner, might give some information respecting the means that had afforded them relief. Shortly afterwards, these observations of cures were suspended in the temples of the gods, and we find that in Egypt the walls of their sanctuaries were covered with records of this description. The priests of Greece adopted the same practice, and some of the tablets suspended in their temples are of a curious character, which will illustrate the custom. The following votive memorials are given by Hieron. Mercurialis (*de Arte Gymnast.* Amstel. 4to. 1672, pp. 2, 3): — "Some days back a certain Caius, who was blind, learned from an oracle that he should repair to the temple, put up his fervent prayers, cross the sanctuary from right to left, place his five fingers on the altar, then raise his hand and cover his eyes. He obeyed, and instantly his sight was restored amidst the loud acclamations of the multitude. These signs of the omnipotence of the gods were shown in the reign of Antoninus." "A blind soldier named Valerius Apes, having consulted the oracle, was informed that he should mix the blood of a white cock with honey, to make up an ointment to be applied to his eyes, for three consecutive days: he received his sight, and returned public thanks to the gods." "Julian appeared lost beyond all hope from a spitting of blood. The god ordered him to take from the altar some seeds of the pine, and to mix them with honey, of which mixture he was to eat for three days. He was saved, and came to thank the gods in presence of the people."

With regard to the medical literature of the ancients, "When" (says Littré, *Oeuvres Complètes d'Hippocrate*, vol. i. Introd. ch. l. p. 3) "one searches into the history of medicine and the commencement of the science, the first body of doctrine that one meets with is the collection of writings known under the name of the works of Hippocrates. The science mounts up directly to that origin and there stops. Not that it had not been cultivated earlier, and had not given rise to even numerous productions; but every thing that had been made before the physician of Cos has perished. We have only remaining of them scattered and unconnected fragments; the works of Hippocrates have alone escaped destruction; and by a singular circumstance there exists a great gap after them, as well as before them. The medical works from Hippocrates to the establishment of the school of Alexandria, and those of that school itself, are completely lost, except some quotations and passages preserved in the later writers; so that the writings of Hippocrates remain alone amongst the ruins of ancient medical literature." The Asclepiadae, to which family Hippocrates belonged, were the supposed descendants of Aesculapius ('Ασκλήπιος), and were in a manner the hereditary physicians of Greece. They professed to have among them certain secrets of the medical art, which had been handed down to them from their great progenitor, and founded several medical schools in different parts of the world. Galen mentions (*De Meth. Med.* i. 1. vol. x. pp. 5, 6) three, viz., Rhodes, Cnidos, and Cos. The first of these appears soon to have become extinct, and has left no traces of its existence behind. From the second proceeded a collection of observations called Κνίδιαι Γνῶμαι, "Cnidian Sentences," a work of much reputation in early times, which is often mentioned by Hippocrates (*de Rat. Vict. in Morb. Acut.*), and which appears to have existed in the time of Galen. (*Comment. in Hippocr. lib. cit.* vol. xv. p. 427.) The school of Cos, however, is by far the most celebrated, on account of the greater number of eminent physicians that sprang from it, and especially from having been the birth-place of the great Hippocrates. We learn from Herodotus (iii. 131) that there were also two celebrated medical schools at Crotona in Magna Graecia, and at Cyrene in Africa, of which he says that the former was in his time more esteemed in Greece than any other, and in the next place came that of Cyrene. In subsequent times the medical profession was divided into different sects; but a detailed account of their opinions is foreign to the object of the present work. The oldest, and perhaps the most influential of these sects was that of the *Dogmatici*, founded about B. C. 400 by Thessalus, the son, and Polybus, the son-in-law of Hippocrates, and thence called also the *Hippocratici*. These retained their influence till the rise of the *Empirici*, founded by Serapion of Alexandria, and Philinus of Cos, in the third century B. C., and so called, because they professed to derive their knowledge from experience only; after which time every member of the medical profession during a long period ranged himself in one of these two sects. In the first century B. C., Themison founded the sect of the *Methodici*, who held doctrines nearly intermediate between those of the two sects already mentioned. About two centuries later the Methodici were divided into numerous sects, as the doctrines of particular physicians became more generally received. The chief of these sects were the *Pneumatici* and the *Eclectici*; the former founded by Athenaeus about the middle or end of the first century A. D.; the latter about the same time either by Agathinus of Sparta, or his pupil Archigenes.

It only remains to mention the principal medical authors after Hippocrates whose works are still extant, referring for more particulars respecting their writings to the articles in the *Dictionary of Biography*. Celsus is supposed to have lived in the Augustan age, and deserves to be mentioned more for the elegance of his style, and the neatness and judiciousness of his compilation, than for any original contributions to the science of Medicine. Dioscorides of Anazarba, who lived in the first century after Christ, was for many centuries the greatest authority in Materia Medica, and was almost as much esteemed as Galen in Medicine and Physiology, or Aristotle in Philosophy. Aretaeus, who probably lived in the time of Nero, is an interesting and striking writer, both from the beauty of his language, and from the originality of his opinions. The next in chronological order, and perhaps the most valuable, as he is certainly the most voluminous, of all the medical writers of antiquity, is Galen, who reigned supreme in all matters relating to his art till the commencement of modern times. He was born at Pergamus A. D. 131, came early in life to Rome, where he lived in great honour, and passed great part of his days, and died A. D. 201. After him the only writers deserving particular notice are Oribasius of Pergamus, physician to the emperor Julian in the fourth century after Christ; Aëtius of Amida, who lived probably in the sixth century; Alexander Trallianus, who lived something later; and Paulus Aegineta who belongs to the end of the seventh. [W. A. G.]

ME′DICUS (*ἰατρός*), the name given by the ancients to every professor of the healing art, whether physician or surgeon, and accordingly both divisions of the medical profession will here be included under that term. In Greece and Asia Minor physicians seem to have been held in high esteem; for, not to mention the apotheosis of Aesculapius, who was considered as the father of it, there was a law at Athens that no female or *slave* should practise it (Hyginus, *Fab.* 274); Aelian mentions one of the laws of Zaleucus among the Epizephyrian Locrians, by which it was ordered that if any one during his illness should drink wine contrary to the orders of his physician, even if he should recover, he should be put to death for his disobedience (*Var. Hist.* ii. 37); and, according to Mead, there are extant several medals struck by the people of Smyrna in honour of different persons belonging to the medical profession. (*Dissertatio de Nummis quibusdam a Smyrnaeis in Medicorum Honorem percussis*, 4to. Lond. 1724.) If the decree of the Athenians (published among the letters of Hippocrates) be genuine, and if Soranus (*in Vita Hippocr.*) can be depended on, the same honours were conferred upon that physician as had before been given to Hercules; he was voted a golden crown, publicly initiated into the Eleusinian mysteries, and maintained in the Prytaneum at the state's expense. (Compare Plin. *H. N.* vii. 37.)

As there were no hospitals among the ancients, the chief places of study for medical pupils were the *Ἀσκληπιεῖα*, or temples of Aesculapius, where the votive tablets furnished them with a collection of cases. The Asclepiadae [MEDICINA] were very strict in examining into and overlooking the character and conduct of their pupils, and the famous Hippocratic oath (which, if not drawn up by Hippocrates himself, is certainly almost as ancient) requires to be inserted here as being the most curious medical monument of antiquity. "I swear by Apollo the physician, by Aesculapius, by Hygeia, and Panaceia, and all the gods and goddesses, calling them to witness that I will fulfil religiously, according to the best of my power and judgment, the solemn promise and the written bond which I now do make. I will honour as my parents, the master who has taught me this art, and endeavour to minister to all his necessities. I will consider his children as my own brothers, and will teach them my profession, should they express a desire to follow it, without remuneration or written bond. I will admit to my lessons, my discourses, and all my other methods of teaching, my own sons, and those of my tutor, and those who have been inscribed as pupils and have taken the medical oath; but no one else. I will prescribe such a course of regimen as may be best suited to the condition of my patients, according to the best of my power and judgment, seeking to preserve them from anything that might prove injurious. No inducement shall ever lead me to administer poison, nor will I ever be the author of such advice: neither will I contribute to an abortion. I will maintain religiously the purity and integrity both of my conduct and of my art. I will not cut any one for the stone, but will leave that operation to those who cultivate it. Into whatever dwellings I may go, I will enter them with the sole view of succouring the sick, abstaining from all injurious views and corruption, especially from any immodest action, towards women or men, freemen or slaves. If during my attendance, or even unprofessionally in common life, I happen to see or hear of any circumstances which should not be revealed, I will consider them a profound secret, and observe on the subject a religious silence. May I, if I rigidly observe this my oath, and do not break it, enjoy good success in life, and in [the practice of] my art, and obtain general esteem for ever; should I transgress and become a perjurer, may the reverse be my lot."

Some idea of the income of a physician in those times may be formed from the fact mentioned by Herodotus (iii. 131) that the Aeginetans (about the year B. C. 532) paid Democedes from the public treasury one talent per annum for his services, *i. e.* (if we reckon, with Hussey, *Ancient Weights and Money, &c.*, the Aeginetan drachma to be worth 1*s.* $3\frac{3}{4}$*d.*) not quite 344*l.*; he afterwards received from the Athenians one hundred minae, *i. e.* (reckoning, with Hussey, the Attic drachma to be worth $9\frac{3}{4}$*d.*) rather more than 406*l.*, and he was finally attracted to Samos by being offered by Polycrates a salary of two talents, *i. e.* (if the Attic standard be meant) 487*l.* 10*s.* It should however be added, that Valckenaer doubts the accuracy of this statement of Herodotus with respect to the Aeginetans and Athenians (and apparently with reason) on the ground that the latter people, at the time of their greatest wealth, only allowed their ambassadors two drachmae (or 1*s.* $7\frac{1}{2}$*d.*) per day, *i.e.* somewhat less than thirty pounds per annum. (Aristoph. *Acharn.* v. 66.) A physician, called by Pliny both Erasistratus (*H. N.* xxix. 3) and Cleombrotus (*H. N.* vii. 37), is said by him to have received one hundred talents for curing king Antiochus, which (if we suppose the Attic talents of the standard of Alexander's coinage to be meant, which, according to Hussey, was worth 243*l.* 15*s.*) would amount to 24,375*l.*[*] It seems to have been not uncommon among the Greeks in those times (as afterwards in the later Roman empire, see ARCHIATER) for states to maintain physicians, who were paid at the public cost (Xen. *Mem.* iv. 2. § 5; Plato, *Gorg.* § 23; Strabo, iv. p. 125; Diod. Sic. xii. 13); and these again had attendants, for the most part slaves, who exercised their calling among people of low condition. (Plato, *De Leg.* iv. p. 720, ed. Steph.)

The Romans derived their knowledge of medicine at first from the Etruscans, and afterwards from the Greeks. One of the most ancient customs at Rome in order to ward off epidemic diseases, and to appease the anger of the gods, was the interrogating the books bought by Tarquin of the Sibyl. In the earlier times of the Roman republic physicians are said by Pliny to have been unknown (*H. N.* xxix. 5); and for some time afterwards the exercise of the profession was in a great measure confined to persons of servile rank; for the richer families having slaves who were skilled in all sorts of trades, &c., generally possessed one or more that understood medicine and surgery. (Middleton's Essay, *De Medicorum apud Romanos degentium Conditione*, Cantab. 1726, 4to. and the various answers to it that appeared on its publication.) To this practice, however, there were many exceptions, *e.g.* the physician who was taken prisoner with Julius Caesar by the pirates at the island of Pharmacusa (Sueton. *J. Caes.* 4), and who is called his friend by Plutarch (see Casaubon's note on Sueton.); Archagathus, who being the first foreign surgeon that settled at Rome, had a shop bought for him at the public expense, and was presented with the Jus Quiritium B. C. 219 (Cassius Hemina, *ap. Plin. H. N.* xxix. 6); Artorius, who is known to have been a physician (Cael. Aurel. *De Morb. Acut.* iii. 14. p. 224), and who is called the friend of Augustus (Plut. *Brut.* 41), where, however, it should be noticed that some editions read Ἀντώνιος instead of Ἀρτώριος); Asclapo, whom Cicero calls his friend (*ad Fam.* xiii. 20); Asclepiades, the friend of Crassus the orator (Cic. *de Orat.* i. 14); Eudemus, who is called by Tacitus (*Annal.* iv. 3) the friend and physician of Livia; and others. The hatred borne by Cato the Censor against the Greek physicians as well as the Greek philosophers at Rome is well known; but it is not true that he caused them to be expelled from Rome. (See Sprengel, *Hist. de la Méd.*) With respect to the income made by eminent physicians in the early times of Rome, the writer is not aware of any data for ascertaining it; at the beginning of the empire, we learn from Pliny (*H. N.* xxix. 5) that Albutius, Arruntius, Calpetanus, Cassius, and Rubrius gained 250,000 sesterces per annum, *i. e.* (reckoning with Hussey the mille nummi (*sestertium*) to be worth, after the reign of Augustus, 7*l.* 16*s.* 3*d.*) 1953*l.* 2*s.* 6*d.*; that Q. Stertinius made it a favour that he was content to receive from the emperor 500,000 sesterces per annum (or 3906*l.* 5*s.*), as he might have made 600,000 sesterces (or 4687*l.* 10*s.*) by his private practice; and that he and his brother, who received the same annual income from the emperor Claudius, left between them at their death, notwithstanding large sums that they had spent in beautifying the city of Naples, the sum of thirty millions of sesterces (or 234,375*l.*).

Of the previous medical education necessary to qualify a physician at Rome for the legal practice of his profession in the early times, we know nothing; afterwards, however, this was under the superintendence of the archiatri. [ARCHIATER.]

Two other medical titles that we meet with under the emperors were *Iatrosophista* (see the word) and *Actuarius*, Ἀκτουάριος. The latter was a title at the court of Constantinople, given apparently only to physicians, and quite distinct from the use of the word found in the earlier Latin authors. (See Du Cange, *Gloss. Graec.* vol. i. p. 46, and Possini, *Gloss. ad Pachymer. Hist. Andronici*, vol. i. p. 366, &c. and vol. ii. pp. 468, 469.) Besides Joannes the son of Zacharias, who is better known by his title of Actuarius than by his real name, several other physicians are recorded as having arrived at this dignity. [W. A. G.]

MEDIMNUS (*μέδιμνος* or *μέδιμνος σιτηρὸς*), the principal dry measure of the Greeks. It was used especially for measuring corn. It contained 6 *hectes*, 12 *hemiecta*, 48 *choenices*, 96 *xestae* (*sextarii*), 192 *cotylae*, and 1152 *cyathi*. The Attic medimnus was equal to six Roman modii, or two amphorae (Nepos, *Att.* 2; Cic. *in Verr.* iii. 45, 46, 49; Suidas, *s. v.*; Rhemn. Fann. v. 64.)

Suidas makes the medimnus = 108 litrae, confounding it apparently with the metretes, the chief Greek fluid measure, which was three quarters of the medimnus. The medimnus contained nearly 12 imperial gallons, or 1½ bushel. This was the Attic medimnus; the Aeginetan and Ptolemaic was half as much again, or in the ratio of 3 : 2 to the Attic. For the values of the subdivisions of the medimnus see the Tables. (Böckh, *Metrol. Untersuch.* pp. 202—204.) [P. S.]

MEDITRINA'LIA was one of the festivals connected with the cultivation of vineyards. It took place on the eleventh of October, on which day the people of Latium began to taste their new wine (*mustum*), and to offer libations of it to the gods. In drinking the new wine it was customary to pronounce the words: "vetus novum vinum bibo, novo veteri morbo medeor." (Varro, *de Ling. Lat.* vi. 21; Festus, *s. v. Meditrinalia.*) Varro derives the name of the festival from the healing power of the new wine, but Festus speaks of a goddess Meditrina. [L. S.]

MEDIX TUTICUS, the name of the supreme magistrate among the Oscan people. *Medix* appears to have signified a magistrate of any kind (*meddix apud Oscos nomen magistratus est*, Festus, *s. v.* p. 123, ed. Müller), and *tuticus* to have been equivalent to *magnus* or *summus*. Livy, therefore, in calling the medix tuticus the *summus magistratus*, gives a literal translation of the word. In the time of the second Punic war, the Campanians were governed by the medix tuticus, who seems to have been elected annually (Liv. xxiii. 35, xxiv. 19, xxvi. 6); and we may infer from a line of Ennius (*apud Fest. s. v.*), "Summus ibi capitur meddix, occiditur alter," that there was another magistrate of the same name under him, who perhaps took his place in case of death, or of his being incapacitated by illness or other causes from discharging his duties. In Oscan inscriptions the name occurs in the form of *meddíss túvtiks;* so that the orthography of Festus is more correct than that of Livy, which is placed at the head of this article. (Lepsius, *Inscr. Umbr. et Oscae.*)

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[*] If, however, the Alexandrian standard, which is found in the coins of the Ptolemies, be meant, it would amount (reckoning the drachma as 1*s.* 3¾*d.*) to 39,375*l.*; an almost incredible sum.

MEGALE'SIA, MEGALENSIA, or **MEGALENSES LUDI,** a festival with games celebrated at Rome in the month of April and in honour of the great mother of the gods (Cybele, *μεγάλη θεός*, whence the festival derived its name). The statue of the goddess was brought to Rome from Pessinus in the year 203 B. C., and the day of its arrival was solemnised with a magnificent procession, lectisternia, and games, and great numbers of people carried presents to the goddess on the Capitol. (Varro, *de Ling. Lat.* vi. 15 ; Liv. xxix. 14.) The regular celebration of the Megalesia, however, did not begin till twelve years later (191 B. C.), when the temple which had been vowed and ordered to be built in 203 B. C., was completed and dedicated by M. Junius Brutus. (Liv. xxxvi. 36.) But from another passage of Livy (xxxiv. 54) it appears that the Megalesia had already been celebrated in 193 B. C. The festival lasted for six days, beginning on the 4th of April. The season of this festival, like that of the whole month in which it took place, was full of general rejoicings and feasting. It was customary for the wealthy Romans on this occasion to invite one another mutually to their repasts, and the extravagant habits and the good living during these festive days were probably carried to a very high degree, whence a senatusconsultum was issued in 161 B. C., prescribing that no one should go beyond a certain extent of expenditure. (Gellius, ii. 24 ; compare xviii. 2.)

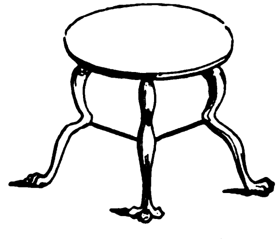
The games which were held at the Megalesia were purely scenic, and not circenses. They were at first held on the Palatine in front of the temple of the goddess, but afterwards also in the theatres. (Cic. *de Harusp. Resp.* 11, &c.) The first ludi scenici at Rome were, according to Valerius Antias, introduced at the Megalesia, *i. e.* either in 193 or 191 B. C. The day which was especially set apart for the performance of scenic plays was the third of the festival. (Ovid. *Fast.* iv. 377 ; Ael. Spartian. *Antonin. Carac.* c. 6.) Slaves were not permitted to be present at the games, and the magistrates appeared dressed in a purple toga and praetexta, whence the proverb, *purpura Megalensis.* The games were under the superintendence of the curule aediles (Liv. xxxiv. 54), and we know that four of the extant plays of Terence were performed at the Megalesia. Cicero (*de Harusp. Resp.* 12), probably contrasting the games of the Megalesia with the more rude and barbarous games and exhibitions of the circus, calls them *maxime casti, solemnes, religiosi.* (See Ovid. *Fust.* iv. 179—372 ; P. Manutius, *ad Cic. ad Famil.* ii. 11.) [L. S.]

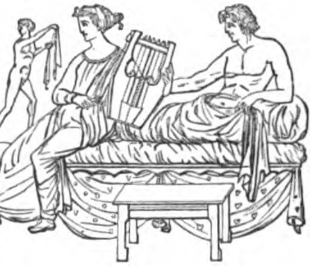
MELLEIREN (*μελλείρην*). [EIREN.]

MEMBRA'NA. [LIBER.]

MENELAEIA (*μενελάεια*), a festival celebrated at Therapnae in Laconia, in honour of Menelaus and Helena, who were believed to be buried there. (Paus. iii. 19. § 9.) Menelaus was to the Lacedaemonians what Nestor was to the Messenians, a model of a wise and just king, and hence they raised him to the rank of one of the great gods (Isocrat. *Panath.* p. 247, E.), and honoured him and Helena with annual and solemn sacrifices at Therapnae, which continued to be offered in the days of Isocrates. (*Helen. Encom.* p. 218, D.) These solemnities are sometimes called Ἑλένια. (See Creuzer, *Symbol.* iii. p. 38.) [L. S.]

MENSA (*τράπεζα*), a table. The simplest kind of table was one with three legs, round, called *cilliba* (Festus, *s. v.*; Varro, *de Ling. Lat.* v. 25. p. 123, ed. Spengel ; Hor. *Sat.* i. 3. 13 ; Ovid. *Met.* viii. 662), and in Greek *τρίπους*. (Xen. *Anab.* vii. 3. § 10; Athen. iv. 21, 35, v. 28.) It is shown in the drinking-scene painted on the wall of a wine-shop at Pompeii. (Gell's *Pompeiana*, 1832, vol. ii. p. 11.) (See woodcut.) The term *τράπεζα*, though commonly used in Greek for a table of any kind, must, according to its etymology, have denoted originally a four-legged table. Accordingly, in paintings on vases, the tables are usually represented with four legs, of which an example is given in the annexed cut. (Millin, *Peintures de Vases Antiques*, vol. i. pl. 59.) Horace used at Rome a dining-table of white marble, thus combining neatness with economy. (*Sat.* i. 6. 116.) For the houses of the opulent, tables were made of the most valuable and beautiful kinds of wood, especially of maple (*σφενδάμνινη*, Athen. ii. 32 ; *acerna*, Hor. *Sat.* ii. 8. 10 ; Mart. xiv. 90), or of the citrus of Africa, which was a species of cypress or juniper. (*Citrea*, Cic. *Verr.* iv. 17 ; Mart. ii. 43, xiv. 89 ; Plin. *H. N.* xiii. 29.) For this purpose the Romans made use of the roots and tubers of the tree, which, when cut, displayed the greatest variety of spots, beautiful waves, and curling veins. The finest specimens of tables so adorned were sold for many thousand pounds. (Plin. *H. N.* xiii. 29, xvi. 26, 84 ; Tertull. *de Pallio, sub fin.* ; A. Aikin, *On Ornamental Woods*, pp. 23, 24.) Besides the beauty of the boards (*ἐπιθήματα*) the legs of these tables were often very tasteful, being carved in imitation of lion's or tiger's feet, and made of ivory. (Athen. *l. c.* ; Mart. ii. 43. 9.)





One of the principal improvements was the invention of the *monopodium*, a round table (*orbis*) supported by a single foot; this, with other elegant kinds of furniture, was introduced into Rome from Asia Minor by Cn. Manlius. (Plin. *H.N.* xxxiv. 8.) Under the Roman emperors semicircular tables were introduced, called *mensae lunatae* from comparing them to the half-moon, and *sigmata*, because they had the form of that letter, C. (Lamprid. *Hel.* 25, 29.) This lunate table was surrounded by a sofa of the same form, called *stibadium*, which was adapted to hold seven or eight persons. (Mart. x. 48, xiv. 87.)

As the table was not very large, as we see from the preceding cut, it was usual to place the dishes and the various kinds of meat upon it, and then to bring it thus furnished to the place where the guests were reclining: hence such phrases as *mensam apponere* or *opponere* (Plaut. *Asin.* v. 1. 2, *Most.* i. 3. 150; Cic. *ad. Att.* xiv. 21; Ovid, *Met.* viii. 570), and *mensam auferre* or *removere.* (Plaut. *Amphit.* ii. 2. 175; Virg. *Aen.* i. 216.) As the board of the table is called by a distinct name *ἐπίθημα* (Athen. *l. c.*; Pollux, x. 81), it appears that it was very frequently made separate from the tripod or other stand (*κιλλίβας*) on which it was fixed.

Among the Greeks the tables were not covered with cloths at meals, but were cleansed by the use of wet sponges (Hom. *Od.* i. 111, xx. 151; Mart. xiv. 144), or of fragrant herbs. (Ovid. *Met.* viii. 665.) The Romans used for the same purpose a thick cloth with a long woolly nap (gausape, Hor. *l. c.*; Heindorf *in loc.*)

Under the influence of the ideas of hospitality, which have prevailed universally in the primitive states in society, the table was considered sacred. (Juv. ii. 110.) Small statues of the gods were placed upon it. (Arnob. *contra Gentes*, lib. ii.) On this account Hercules was worshipped under the title *τραπέζιος* and *ἐπιτραπέζιος*. The Cretans ate in public; and in the upper part of their *ἀνδρεῖον*, or public dining-room, there was a constant table set apart for strangers, and another sacred to Jupiter, called *τραπέζα ξενία*, or *Δίος ξενίου*. (Athen. iv. 22; Höck's *Kreta*, vol. iii. pp. 120—128.)

The two principal courses of a *δεῖπνον* and coena, or a Greek and Roman dinner, were called respectively *πρώτη τράπεζα*, *δεύτερα τράπεζα*, and *mensa prima*, *mensa secunda.* [COENA.]

The name of *τράπεζα* or *mensa* was given to a square tomb-stone (Becker, *Charikles*, vol. ii. pp. 191, 193) [FUNUS, p. 556, b.]; and the same name was also given to square altars. Every curia at Rome had an altar, called *mensa*, which was sacred to Juno Curitis. (Dionys. ii. 50; Festus, pp. 49, 64, 156, ed Müller; Macrob. *Sat.* iii. 11; Becker, *Röm. Alterth.* vol. ii. pt. i. p. 34.) [J. Y.]

MENSA'RII, MENSULA'RII, or NUMULA'RII, were a kind of public bankers at Rome who were appointed by the state; they were distinct from the argentarii, who were common bankers and did business on their own account. (Dig. 2. tit. 13. s. 6.) The mensarii had their banks (*mensae*) like ordinary bankers around the forum, and in the name of the aerarium they offered ready money to debtors who could give security to the state for it. Such an expediency was devised by the state only in times of great distress. The first time that mensarii (*quinqueviri mensarii*) were appointed was in 352 B.C., at the time when the plebeians were so deeply involved in debt, that they were obliged to borrow money from new creditors in order to pay the old ones, and thus ruined themselves completely. (Liv. vii. 21; compare FENUS (ROMAN) and ARGENTARII.) On this occasion they were also authorized to ordain that cattle or land should be received as payment at a fair valuation. Such bankers were appointed at Rome at various times and whenever debts weighed heavily upon the people, but with the exception of the first time they appear during the time of the republic to have always been triumviri mensarii. (Liv. xxiii. 21, xxvi. 36.) One class of mensarii, however (perhaps an inferior order), the *mensularii* or *numularii*, seem to have been permanently employed by the state, and these must be meant when we read that not only the aerarium but also private individuals deposited in their hands sums of money which they had to dispose of. (Tacit. *Annal.* vi. 17; Dig. 16. tit. 3. s. 7; 42. tit. 5. s. 24.) As Rome must have often been visited by great numbers of strangers, these public bankers had also, for a certain percentage, to exchange foreign money and give Roman coinage instead, and also to examine all kinds of coins whether they were of the proper metal and genuine or not. (Dig. 46. tit. 3. s. 39.) During the time of the empire such permanent mensarii were under the control of the praefectus urbi and formed a distinct corporation. (Dig. 1. tit. 12. s. 1; Cod. Theod. 16. tit. 4. s. 5.)

Bankers appointed by the state also existed in other ancient towns, and Cicero (*pro Flacc.* 19) mentions mensarii at Temnos in Asia Minor who were appointed by the people. [L. S.]

MENSIS. [CALENDARIUM.]

MENSO'RES, measurers or surveyors. This name was applied to various classes of persons whose occupation was the measurement of things.

1. It was applied to land-surveyors who measured and defined the extent of fields, and appear to have been the same as the agrimensores. (Colum. v. 1; compare AGRIMENSORES.)

2. To persons who measured in the Roman camps the space to be occupied by the tents. They must be distinguished from the metatores, who selected the place for a camp. (Veget. *de Re Milit.* ii. 7.)

3. To a class of officers during the time of the empire who provided quarters for the soldiers in the towns through which they passed and where they made a temporary stay. They not only assigned to each soldier the house in which he was to be quartered, but also wrote the name of the occupant upon the door-post, and he who effaced or destroyed this name was punished as a falsi reus. (Cod. Theod. 7. tit. 8. s. 4.)

4. Mensor aedificiorum is sometimes applied to architects, or more especially to such architects as conducted the erection of public buildings, the plans of which had been drawn up by other architects. (Plin. *Epist.* x. 28 and 29.)

5. Mensores frumentarii was the name of officers who had to measure the corn which was conveyed up the Tiber for the public granaries. (Dig. 27. tit. 1. s. 26; Cod. Theod. 14. tit. 9. s. 9; and tit. 15. s. 1.) They were stationed in the port near Ostia, and were employed under the praefectus annonae. Their name is mentioned in various ancient inscriptions. [L. S.]

MENSU'RA (*μέτρον*), *measure*, in its widest sense, signifies the application of number to quantity; or, to speak more specifically, the comparison of different quantities by means of the standard of number. So long as we regard quantity apart from number, we can only compare two quantities by the test of coincidence, by which we ascertain whether they are equal or unequal, and, if the latter, which of the two is the greater; as, for instance, in the case of two lines. The next step is the comparison of one magnitude with certain definite parts, or multiples, of the other, its half or double, third or triple, and so forth. The last step, by which we attain to a complete method of expressing magnitude numerically, is *the choice of some fixed magnitude, or* Unit, with which we may compare all other magnitudes *of the same kind*, so as to ascertain what *multiple, part, or parts of the unit* each of them is, if they are commensurable, and, if not, as nearly as we please. Thus the unit, in itself, or in its parts, forms a *Measure* of all magnitudes of the same kind as itself. A set of fixed measures, one for each kind of quantity, with their subdivisions, forms a *Metrical System*.

The notions which lie at the foundation of mathematical and mechanical science determine of themselves the foundation of every metrical system. Those notions are *Extension* and *Force;* the former in its various kinds, the *line*, the *surface*, the *solid*, and the *angle;* the latter in that manifestation of it which we call *weight*. Now, since extension, whether linear, superficial, or solid, can be estimated by means of one straight line; or by means of two straight lines which form a fixed angle with one another, and which, together with two other lines drawn parallel to them, enclose a surface; or by means of three straight lines, the planes passing through which form a fixed solid angle, and, together with three other planes drawn parallel to them, form a solid:—it follows that all these three kinds of magnitude may be estimated *numerically* by fixing upon units which are respectively a straight line, a parallelogram having two adjacent sides and an angle fixed, and a parallelopiped having three adjacent edges and an angle fixed; or, simplifying the two latter cases by making the fixed sides equal and the fixed angles right angles, the units are (1) *a straight line of fixed length*, (2) *the square of which that straight line is a side*, and (3) *the cube of which that line is the edge*. Thus we obtain a *metrical system for length, surface, and capacity*.

For the measurement of *angular magnitude*, or, which is the same thing, of distance reckoned along the circumference of a circle, one unit is sufficient, namely, a fixed angle, which will exactly measure the sum of four right angles, or a fixed arc of a fixed circle, which will exactly measure the circumference of the circle. Thus we obtain a *metrical system for all angular magnitudes, including Time*.

Again, with respect to *Force*, of which the test is *weight*, since all forces may be compared, either directly, or through the calculation of the velocities which they produce, with the force of gravity. There are two ways of estimating weight. Either its measure may be deduced from the measure of capacity; for, as the weight of a body depends on the quantity of matter in a given space, estimated by the effect which the force of gravity exerts upon it, we may take the quantity of a fixed kind of matter (water for example) which will exactly fill the unit of capacity, as the unit of weight. Or we may take a bulk of any substance, without measuring it, as the unit of weight. In the latter case it is evident that, by measuring the solid content either of the unit of weight, or of an equal weight of some other substance, we might derive from our system of weights a system of measures, first, of capacity, and thence of surface, and thence of linear distance; just as by the opposite process we pass from the line to the surface, thence to capacity, and thence to weight.

The statement of these elementary principles, in as brief a form as is consistent with clearness, has appeared necessary, in order to the complete understanding of the metrical systems of the Greeks and Romans, the explanation of which is the object of this article.

I. *Origin of Measures.*

1. *Of Length.*—The first step in the construction of a metrical system is obviously that of fixing upon the unit of length; and nature itself suggests the choice, for this purpose, of some familiar object, of nearly uniform length, and which is constantly at hand to be referred to. These conditions are fulfilled by various parts of the human body; from which accordingly we find that not only the unit of length, but all the measures of length, except those which are too small or too large to be measured by parts of the body, are derived in every metrical system, except the latest formed of all, the modern French system, which is founded on the measurement of the earth. In support of the general statement now made we have, besides the antecedent argument from the nature of the case, the testimony of all writers, the names of the measures, and the general agreement of their lengths with the parts of the body whose names they bear. (Hom. *Il.* vi. 319, xv. 678, *Od.* xi 310; Vitruv. iii. 1. § 2—9, with Schneider's Notes; Hero, *Geom.* in *Anal. Graec.* Paris, 1688, vol. i. pp. 308—315, 388; Diog. Laërt. ix. 51; Ukert, *Geog. d. Griech. u. Röm.* vol. i. pt. 2, p. 54.) The chief of such measures, with their Greek and Roman names, are the following: the breadth of a *finger* (δάκτυλος, *digitus*) or *thumb* (*pollex*); the breadth of the *hand*, or *palm* (παλαιστή, *palmus*); the *span*, that is, the distance from the tip of the thumb to the tip of the little finger, when spread out as wide as possible (σπιθαμή)[*]; the length of the *foot* (ποῦς, *pes*); the *cubit*, or distance from the elbow to the tip of the middle finger (πῆχυς, *cubitus*); a *step* (βῆμα, *gradus*); a double step, or *pace* (*passus*); and the distance from extremity to extremity of the outstretched arms (ὀργυιά). With reference to the last two measures, it will be observed that the Romans derived them from the legs, the Greeks from the arms, the *passus* being one foot shorter than the ὀργυιά of the other, and the former (5 feet) belonging to the decimal system, the latter (6 feet) to the duodecimal. The higher measures of length will be referred to presently. Comp. Pollux, ii. 157, 158; who also mentions some less important measures; namely, the δοχμή or δακτυλοδόχμη or δῶρον, which was the same as the παλαιστή; the ὀρθοδῶρον, or the length of the

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[*] This measure was not in the Roman system. When they wished to express the Greek span, the proper word was *dodrans*, that is, three quarters (of the foot).

whole hand from the wrist to the tips of the fingers; the λιχάς or distance from the tip of the thumb to the tip of the forefinger (λιχανός) when extended, the *lesser span*; the πύγων and πυγμή were modifications of the πῆχυς, the πύγων being the distance from the elbow to the fingers *when bent*, that is, to the knuckle joints, the πυγμή from the fingers *when shut*, that is, to the joints at their base. Other writers mention the κόνδυλος, *knuckle*, as equal to two δάκτυλοι.

In practical use, such a system as this is sufficient for many ordinary purposes, and every one is familiar with examples of the use of such measures in their plain physical sense. But, to make a system definite, two things are required; namely, to fix upon a precise invariable standard for the unit, or principal measure in the system, for which the foot was naturally chosen; and, secondly, to determine the precise relations which the several measures bear to the foot and to one another. The former of these points we reserve for the present, merely observing that the foot in each system was not *very far* from ours; the latter was accomplished according to the following system, which will be found to express, not only the relations actually adopted by the Greeks and Romans, but also very nearly those which really exist between the parts in a well-made man, especially according to the standard of the Roman foot. It is worth while also to observe the general accordance, which results from this method of invention, between the metrical systems of all nations.

The Greek and Roman systems are identical in their modes of connecting the measures which are common to the two; but, to avoid confusion, they are exhibited separately.

1. In the Greek system —

4 digits	make	a palm.
3 palms	"	a span.
4 palms	"	a foot.
1⅓ spans	"	a foot.
2 spans	"	a cubit.
1½ feet	"	a cubit.
2½ feet	"	a step.
4 cubits	"	an ὀργυιά or *fathom*.*
6 feet	"	an ὀργυιά or fathom.

2. In the Roman system —

4 digits	make	a palm.
4 palms	"	a foot.
1½ feet	"	a cubit.
2½ feet	"	a step.
5 feet	"	a pace.

It will be observed that in this account of the Greek and Roman systems nothing has been said of the *inch*. It was not a measure derived from the human body, but a subdivision which the Romans made of their foot, as they were accustomed to subdivide any unit whatsoever, according to the analogy of the uncial division of the As. A more complete view of the Greek and Roman measures of length, with their values, reduced to our system, will be found in the Tables appended to this work.

2. *Itinerary Measures.* — For the higher measures of length, although the continuity of the system was preserved by making them exact multiples of a foot, yet it is obvious that convenience would demand higher denominations, one of which would be regarded as a new unit. Nay, these higher measures may be viewed, with respect to their origin, as in some sense independent of those smaller measures, with which they were afterwards made to agree. For, just as we have seen that the smaller measures of length are taken from natural objects, so we shall find that, at an early period, the larger measures were not derived artificially from the smaller, but were taken from distances which occur in nature and in ordinary life. Thus, Homer expresses distances by the cast of a stone (*Il.* ii. 12; and so even in later times, Thuc. v. 65, Polyb. v. 6), of a quoit (*Il.* xxiii. 431), and of a spear (*Il.* x. 357, xv. 358, xxiii. 529), and by the still more indefinite description, "as far as a man is heard clearly when he shouts" (*Od.* vi. 294, v. 400, *et alib.*), and again by a standard derived from agriculture, which it is important to notice in comparison with the Roman *actus* (*Il.* x. 352; see below.) Of still longer distances time was made the measure; the journey of a day, or of a day and night, on foot, with a horse, or with a ship; a system too frequently employed now, as well as in ancient times, to need the citation of examples for its illustration. (Comp. Ukert, *Geog. d. Griech. u. Röm.* vol. i. pt. 2, pp. 54, 55.) The system of measurement by *stations* or *posts* should probably be referred to this head, as it is most likely that such distances would be fixed according to the strength of man or horse before the trouble was taken actually to measure them out. Another plan was that which Herodotus several times adopts, and which is also familiar to all ages, the description of one distance by comparing it with another, which was well known. It is true that in many cases this method is evidently only general and indefinite, as when Herodotus describes the length of the Nile as equal to that of the Danube, but there are other cases in which the method was definite; and especially one case, in which it actually formed the foundation of the common system of itinerary measures among the Greeks. We refer, of course, to *the length of the Olympic foot-race-course*, or Stadium, after which all the other Greek stadia were measured out, and which thus formed a universally familiar standard of reference for itinerary measurements. Whether the Olympic stadium was originally measured out precisely equal to 600 feet, or whether, having been accidentally (or at least loosely) assumed, it was found to be so nearly equal to 600 feet, that the measure derived from it was taken at *exactly* 600 feet, it is now impossible to determine. We think the latter more probable; but, whichever may be the truth, the point now insisted upon is not affected, namely, that when an early Greek writer expressed a distance in stadia, he did not mean to suggest to his readers the idea of so many times 600 feet, but of so many times the length of the actual objective Olympic stadium, with which they were all familiar. The corresponding feature in the Roman system furnishes an interesting illustration of the differences of national character. The military notions, which lie at the basis of so many of their institutions, are at once recognised in their *mile*, the *thousand paces* of a foot-march.

3. *Land Measures.* — Another distinct source of the greater measures of length is to be found in the necessity which arises at an early period in

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* This word is used as being about the *value* of the measure, for want of an English word to express its *meaning*.

every civilised community for determining the boundaries of land. Herodotus (ii. 109) mentions a tradition, which assigned the invention of geometry to such a necessity which arose in Egypt in the reign of Sesostris. Of course this tradition is now referred to merely as an illustration, not as expressing an historical fact. As in the other cases, the origin of the system lies far back beyond the reach of history; and all that can be done is to trace, with some probability, its successive steps, as indicated by the nature of the case, by the names of the measures, and by the statements of ancient writers. Here too, as in the itinerary distances, the original unit of the system was probably not a specific number of feet, but some natural quantity, which was afterwards brought into accordance with the standard of the smaller measures. Also it is to be observed, that these measures are, from the nature of the case, measures of surface, although in practice they were often used merely as measures of length. The precise fact seems to be that the first natural measure of the sort was one of a considerable length and a very moderate breadth; that then, this measure came to be used as a measure of length alone; and then, for the measure of surface connected with it, they did not revert to the original narrow strip, but took the square of its length. This seems to follow from what the ancient writers tell us of the *actus*, which was the base of the Roman system of land measures, amd which is thus defined by Pliny: *Actus vocabatur in quo boves agerentur cum aratro uno impetu justo* (*H. N.* xviii. 3); by which he seems to mean the distance which a yoke of oxen could draw a plough at one effort, that is, a *single furrow*: this, he adds, is 120 feet in length. So also Homer (*Il.* x. 351, 352) describes a distance as being "as far as are the furrows of mules." We have, as analogous measures, the *versus*, or length of a furrow before the plough was turned, by which, Varro tells us (*R. R.* i. 10), they measured in Campania, the *jugum* (yoke of oxen) by which, he says, they measured in further Spain, and the Greek *ἄρουρα*, a *furrow*; though the *jugum* was perhaps never any thing else but a measure of surface, for it is defined as the quantity of land which a yoke of oxen could plough in a day. Even with respect to the *actus* itself, a doubt as to its origin is suggested by the use of the word in Roman law for the right of driving cattle through a field (Cic. *p. Caecin.* 26), and also for the path reserved between fields for the passage of cattle (*Dig.*) just as we also use the word *drove*. Possibly, in the *actus*, as determined in length at 120 feet, and in width at 4, we may have both senses of the word combined. The length of this *actus*, squared, gave the *actus quadratus* of 14,400 square feet, which, with its double, the *jugerum* of 28,800 square feet, formed the base of the Roman system of land measures. Two *jugera*, which, according to Varro (*l. c.*), formed originally the birth-right of every Roman citizen, were thence called *heredium*; 100 *heredia* made a *centuria* of 5,760,000 square feet, or the square of 2400; 4 *centuriae*, arranged as a square, made a *saltus*. In this system, the smallest subdivision, and that which connected the system with the foot, was the area of 100 square feet, or the square of ten feet, which was the length of the pole [DECEMPEDA; PERTICA] used in measuring land. To the *jugerum*, which gradually superseded the *actus* as the unit of the system, the uncial division was applied, the square of the *decempeda* (or 100 square feet) being its *scrupulum* or 288th part. Also 36 *scrupula* made one *clima*, and 4 *climata* one *actus quadratus*. In the longitudinal *actus* of 120 feet, the oblong *actus* of 120 × 4 (or 480), square feet, and the *actus quadratus*, with its double the *jugerum*, we also see the connection of the duodecimal system with the decimal.

In the corresponding part of the Greek system, the *πλέθρον* answers to the *actus*, but with just the difference between the decimal and duodecimal systems. As a measure of length, it is 100 feet (10 × 10 instead of 12 × 10); and as a measure of surface, it is the square of 100, or 10,000 square feet. The *ἄρουρα* was the quarter of it, that is, 2500 square feet, or the square of 50 feet. A measuring rod of 10 feet, *κάλαμος*, appears also in the Greek system, and of this the *πλέθρον* was the square. Also, 6 *καλαμοί* or 10 *ὀργυιαί* or 40 *πήχεις* made one *ἅμμα* or *chain*. This system was connected with the itinerary measures by reckoning 6 *plethra* or 100 *ὀργυιαί* to the *stadium*. (Herod. ii. 149.) For a complete view of the Greek and Roman measures of length and surface, see the Tables; and, respecting the Roman land measures, compare ACTUS, AGRIMENSORES, DECEMPEDA, JUGERUM, and Niebuhr's Essay *On the Roman Mode of partitioning Landed Property*, *History of Rome*, vol. ii. app. i.

4. *Measures of Capacity.* — The measures of capacity seem to have been arranged on a similar principle to those already noticed; that is, they were not derived by a definite process of calculation from the measures of length, but were originally nothing more than the names of different sized vessels of no very definite capacity, which, when the metrical system came to be definitively constituted, were brought into harmony, on the one hand with the measures of length, on the other with those of weight.

The question still remains, which of the three kinds of measures was the one first constructed, and the one from which the others were derived.

II. *Whence were the Greek and Roman Measures derived?*

In all that we have said about the origin of measures of length, it has neither been stated nor implied that those measures, *as definitely fixed by the precise determination of their unit*, were obtained in the manner and order that has been described. All that has been said may be true, as we believe it is, and yet the question, WHAT *was the foot, and* WHENCE *was it derived*, still remains unanswered. To this question we now proceed.

Our limits quite forbid the full discussion of the various opinions which have been put forward on this subject, or even the elaborate development of that view which we believe to be the correct one; and which is, in the main, that which has been put forward by Böckh in his very careful and learned work entitled, *Metrologische Untersuchungen über Gewichte, Münzfüsse und Masse des Alterthums in ihrem Zusammenhange*, Berlin, 1838, 8vo., and to the principal points in which Mr. Grote assents, in his review of Böckh's work in the *Classical Museum* for 1844, vol. i. p. 1. The two chief questions involved in the discussion are these: — 1. Whence were the Greek and Roman metrical systems derived? 2. In each of those systems, which of the three kinds of measure formed the foundation, from which the other two were deduced, length, capacity, or weight?

On the first of these questions our space allows us to do little more than refer the reader to Böckh's elaborate exposition of the opinion, in which few competent readers of his work will fail to coincide, that *the basis of the Greek and Roman metrical systems was that which had prevailed from very early times among the Chaldaeans at Babylon*, from which or from some common original the Egyptians derived their metrical system; and which was carried by the commerce of the Phoenicians into Greece, whence it passed over into Italy. On the second question, his researches, as well as the arguments of other writers, may safely be said to have established the position that *weights were determined before measures, and that measures were derived from weights.*

It will be convenient here to give Böckh's own compendium of the main results which he undertakes to establish, with Mr. Grote's statement of the points in which he differs from Böckh. We adopt Mr. Grote's translation of the passage, only substituting *Aeginetan* for *Aeginaean*. "If" (Böckh says, iii. 4. p. 26) "we regard this relation of the weights and measures[*], based upon a given weight of water, which is the key-stone of the Roman system — and if we carry the application of this water-weight backwards to the chief measures of the ancient world — we shall find a connection really and truly organic between the systems of the different people of antiquity, and we shall arrive at last at the fundamental unity (unit) of weight and measure in the Babylonian system; so that this supposition is found to be verified in all its consequences and details. To give some preliminary intimation of this — I shall show that the Grecian (or, more accurately, the Aeginetan) and the Roman pound are in the ratio of 10 : 9; the Aeginetan pound is half the Aeginetan mina; but the cubical measures stood normally in the ratio of the weights; and therefore the Grecian cubic foot was to the Roman as 10 : 9, and, as the Roman cubic foot weighs 80 pounds of rain-water, so also the Grecian cubic foot weighs 80 Grecian or Aeginetan pounds, equal to 40 Aeginetan minae. The unity (unit) of weight (in Greece) however is, not 40 minae, but 60 minae, or a talent. In the original institutions of the people of antiquity everything has its reason, and we find scarcely anything purely arbitrary: nevertheless, this unity (unit) of weight, the talent, does not coincide with the unity of measure — neither with the cubic foot, nor with any other specific cubical denomination. But the coincidence reveals itself at once, as soon as we discover that the Babylonian cubic foot, standing as it does in the ratio of 3 : 2 to the Grecian[†] cubic foot, weighs 60 Aeginetan minae (= 60 Babylonian minae = 1 Babylonian talent) of rain-water." (*Class. Mus.* vol. i. p. 4.)

Upon this Mr. Grote remarks: "M. Böckh here promises more than his volume will be found to realise. *He does, indeed, satisfactorily show that the Babylonian talent was identical with, and was the original prototype of, the Aeginetan talent*, and that the standard and scale of *weight* was *strikingly and curiously similar* in Asia, in Egypt, and in Greece. But *he has not*, I think, made out the like with regard to the Grecian *measures*, either of length or capacity, and *his proof of the ratio of 3 : 2 between the Babylonian and the Grecian foot will be found altogether defective.* Nor has he produced adequate evidence to demonstrate, either the ratio of 10 : 9 between the Grecian or Aeginetan pound and the Roman pound, or that of 1 : 2 between the Aeginetan pound and the Aeginetan mina; *the ratio between the Grecian cubic foot and the Roman cubic foot*, too, as also *that between the Grecian cubic foot and any given Grecian weight*, is, as he proposes it, *inadmissible.* In fact, there is no such thing (properly speaking), as an Aeginetan pound weight: *nor is there any fixed normal relation between Grecian weight and Grecian measures, either of length or of capacity*, though *there is a fixed normal relation between Babylonian weight and Babylonian measures*, as also *between Roman weight and Roman measures.*" (*Ibid.* pp. 4, 5: we have introduced the italics to call the reader's attention to the chief points in which Mr. Grote agrees with, and differs from, M. Böckh).

These extracts furnish a pretty good idea of the present position of ancient metrical science. It is impossible here to discuss the points at issue between these two great scholars; but we must remark that, if Böckh has sometimes failed to observe his own distinction between *exact* and *approximate* ratios (see Grote, p. 2), and if he has erred through attempting to establish some ratios which are either fanciful or mere results of an over-strained calculation, or which are too strange to be true, — Mr. Grote has also pressed the other side of the argument in a manner which, if sound, would prevent the establishment of any exact ratio between any two systems, and, in stating that *there is no fixed normal relation between Grecian weight and Grecian measures*, he has put forward a proposition, which he does not sufficiently sustain by proof, which is very improbable in itself, and which is hardly consistent with the acknowledged derivation of the Greek weights from the Babylonian; for it is very unlikely that the Greeks should have taken *their weights and not their measures* from the Babylonians, especially when it is remembered that the Roman system, which was probably derived from the Greek, agreed with the Babylonian *both in weights and measures*, and not only so, but also bore, in its measures of capacity, a definite ratio to the Greek; and, moreover, there appears to be the same inconsistency in the attempt to disconnect the Greek and Roman weights, while admitting the derivation of both from the Babylonian. Be this as it may, we have no hesitation in affirming that the researches of Böckh are so important, that they must be regarded as the starting-point of all future investigations into the subject. The fact also deserves notice, that several of Böckh's conclusions, which Mr. Grote questions as exact and designed ratios, are admitted by him to be very near the truth; and they may therefore, at all events, be useful to us for the purpose of assisting the memory. The rest of this part of the subject, so far at least as our space permits us to notice it, will be found under PONDERA.

The question still remains, *how to determine the Greek and Roman measures* in terms of our own, which can be done, without reference to the doubtful points involved in the foregoing discussion.

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[*] Namely, that between the Roman pound and the Roman *amphora* or *quadrantal*.

[†] By a curious misprint, Mr. Grote has *German*.

III. *Determination of the Greek and Roman Measures.*

1. *Measures of length.* — Before we can attempt to fix the Greek and Roman foot, we must examine the question, whether the former people (for no one pretends it of the latter) had different standards of length. We think that Ukert has satisfactorily shown *that they had not different standards, but always used the Olympic stadium and the foot corresponding to it.* (Ukert, *Ueber die Art der Griechen und Römer die Entfernungen zu bestimmen, und über das Stadium*, Weimar, 1813, 8vo.; *Geog. d. Griech. u. Römer*, vol. i. pt. 2. pp. 55, &c.) It is only possible here to give a brief statement of the argument.

It has been supposed by some authors that there were other stadia in use in Greece besides the Olympic. The most ancient writers never either say or hint at such a thing: but when we compare the distances between places, as stated by them in stadia, with the real distances, they are found almost invariably too great if estimated by the Olympic stadium, never too small. Hence the conclusion has been drawn, that the Greeks used for itinerary measurements a stade much smaller than the Olympic. Major Rennell, who analyses several of these statements, gives 505¼ feet for the value of the itinerary stade. (*Geography of Herodotus*, sec. 2.) It is, however, scarcely credible that these authors, some of whom expressly inform us that the stade contained 600 feet, should reckon distances by another stade, without giving any intimation of the fact; especially as they usually warn their readers when they speak of measures differing from the common standard. (Herod. ii. 3, 17, 89, 95; Plin. *H. N.* vi. 26. s. 30.) The real cause of the excess in the itinerary distances of the Greeks is explained by Ukert in a way which seems decisive of the question. The most ancient mode of reckoning distances among the Greeks, as among most other nations, was by the number of days required to perform the journey. When the stadium was brought into use, the distances were still computed by days' journeys, but transferred into stadia by reckoning a certain number of stadia to a day's journey. (Herod. iv. 85, 86.) It is evident that nearly all the distances given by the ancient Greek writers were *computed, not measured.* The uncertainties attending this mode of computation are obvious, and it is equally obvious that, as a general rule, the results would be above the truth. At sea the calculation was made according to the number of stadia which could be sailed over in a day by a good ship, in good order, and with a fair wind. Any failure in these conditions (and some such there must always have been) would increase the number of days' sail, and therefore the calculated distance when reduced to stadia. Similarly by land a day's journey was reckoned equal to the number of stadia which a good traveller (ἀνὴρ εὔζωνος) could perform in a day, which for obvious reasons would generally exceed the space passed over under ordinary circumstances. Even the Greeks themselves are not agreed as to the number of stadia in a day's journey. Herodotus (iv. 86) gives 700 stadia for the voyage of a sailing ship by day, 600 by night. Most commonly 1000 stadia were reckoned as a 24 hours' voyage, but under unfavourable circumstances scarcely 500 were performed. (Marin. Tyr. *ap. Ptolem. Geog.* i. 17.) Allowance must also be made for the windings of the coast, the difficulties of the navigation, the currents of the sea, the varying skill of the seamen, and other circumstances.

A day's journey by land was reckoned at 200 or 180 stadia (Herod. iv. 101; Pausan. x. 33; Ptol. i. 9), or for an army 150 stadia. (Herod. v. 53, 54.) And here also delays would often occur. The ancients themselves differ widely in their accounts of distances, not only as compared with the true distances, but with one another, a fact which the theory of a separate itinerary stade cannot account for, but which is a natural result of their mode of reckoning, as explained above.

The following testimonies are advanced in support of the view of different stadia. Censorinus, who lived in the time of Alexander Severus, after speaking of the astronomical measurements of Eratosthenes and Pythagoras, says that by the stadium used in them we must understand "the stadium which is called Italic, of 625 feet, for there are others besides this, of different lengths, as the Olympic, which consists of 600 feet, and the Pythian, of 1000." (*De Die Natali*, c. 13.) This passage is evidently a complication of blunders. The "Italic stadium," unknown elsewhere, is manifestly the same as the Olympic, but reckoned in Roman feet, of which it contained 625. The "Olympic of 600 feet" is the same in Greek feet. The value given for the Pythian stadium is clearly wrong, for the Olympic race-course was the longest in Greece (as appears from the passage of Gellius quoted below), and besides Censorinus obviously confounds the extreme length of the race-courses with the portion of them measured out for the race, the same name, *stadium*, being applied to both; for it is very possible that the former were of different lengths, though the latter never varied.

Aulus Gellius (i. 1) quotes from Plutarch to the effect that Hercules measured out the stadium at Olympia with his own feet, making it 600 feet long; and that when afterwards other stadia were established in Greece, containing the same number of feet, these were shorter than the Olympic in the proportion by which the foot of Hercules exceeded that of other men. But whatever there is of truth in this story is probably the obscure remnant of an ancient tradition respecting the existence of a standard of length greater than the common one, at some distant period: a matter which will be presently referred to.

Attempts have been made, especially by Romé de l'Isle and Gosselin, to prove the existence and to determine the lengths of different stadia from the different lengths assigned by ancient writers to a great circle of the earth. But surely it is far more just and reasonable to take these different values as a proof (among various others) that the ancients did not know the real length of a great circle, than, first assuming that they had such knowledge, to explain them as referring to different standards.

On the whole, therefore, there seems no reason to suppose that different stadia existed before the third century of the Christian aera.

From this period, however, we do find varieties of the stade, the chief of which are those of 7 and 7½ to the Roman mile. (Wurm, *de Pond.* &c. § 58.)

The following table of supposed varieties of the stadium is from Hussey's *Ancient Weights, &c.*

	Yards	Feet.	Inches.
Stade assigned to Aristotle's measurement of the earth's surface	109	1	2·26992
Mean geographical stade computed by Major Rennell	168	1	6
Olympic Stade	202	0	9
Stade of 7½ to the Roman mile	215	2	2·4
Stade of 7 to the Roman mile	231	0	5·124

But, although the *stadium* and the foot connected with it were single definite measures throughout Greece, yet we find, in the Eastern countries, Babylon, Syria, and Egypt, and in some neighbouring Greek states, feet *longer* than the Olympic (not *shorter*, as Rennell's itinerary stadium would require), the origin of which is to be explained by the co-existence, in the Babylonian system, of a *royal or sacred* and a *common* foot and cubit, which were so related to one another that *the royal cubit was three finger-breadths longer than the common*. (Herod. i. 178: see further under Pes.)

In proceeding to determine the Greek and Roman foot, the most convenient plan is first to fix the latter, and then to derive the former from it.

I. *The Roman foot.* There are five different ways of determining the length of the Roman foot. These are, 1. From ancient measures still in existence, including feet laid down on sepulchral monuments, and foot rules found in the ruins of various cities of the Roman empire; 2. From measurements of known distances along roads, both between mile stones and between places; 3. From measurements of buildings and obelisks; 4. From the contents of certain measures of capacity; and 5. From measurements of a degree on the earth's surface. (For a full historical account of these systems, see the treatises of Wurm, Hussey, and Böckh.)

1. It might appear, at first thoughts, that ancient measures in actual existence would at once give the required information. But these measures are found to differ among themselves. They are of two kinds, foot-measures cut upon gravestones, and brass or iron measures intended in all probability for actual use. From the nature of the case the latter would probably be more exact than the former, and in fact the measures on the grave-stones are rudely cut, and their subdivisions are of unequal length, so that they have no pretensions to minute accuracy; but on the other hand, it would be absurd to suppose that they would have been made very far wrong. We may safely conclude that they would have about as much accuracy as a measure hastily cut on stone by a mason from the foot-rule used by him in working. Four such measures are preserved in the capitol at Rome. They are called the Statilian, Cossutian, Aebutian, and Capponian feet. They have been repeatedly measured, but unfortunately the different measurements gave different results. The brass and iron foot-rules, of which several exist, do not precisely agree in length. There was anciently a standard foot-measure kept in the capitol, called the *pes monetalis*, which was probably lost at the burning of the capitol under Vitellius or Titus.

2. The itinerary measurements are of two kinds, according as they are obtained by measuring the distance from one place to another, or the distance from one mile-stone to another on a Roman road. Both methods have the advantage of the diminution of error which always results from determining a lesser magnitude from a greater, but both are subject to uncertainty from turnings in the road, and from the improbability of the mile-stones having been laid down with minute accuracy; and two other serious objections apply to the former mode, namely, the difficulty of determining the points where the measurement began and ended, and the changes which may have taken place in the direction of the road. Both methods, however, have been tried; the former by Cassini, who measured the distance from Nîmes to Narbonne, and by Riccioli and Grimaldi, who measured that between Modena and Bologna, and the latter by Cassini, between Aix and Arles.

3. The measurement of buildings is rather a verification of the value of the foot as obtained from other sources than an independent evidence. It very seldom happens that we know the number of ancient feet contained in the building measured. We have one such example in the Parthenon, which was called Hecatompedon (hundred-footed, Plutarch, *Pericl.* 13, *Cato*, 5) from the width of its front; but even in this case we cannot tell exactly, till we know something of the length of the Greek foot, to what precise part of the front this measurement applies. Again, there is the obelisk in the Piazza del Popolo at Rome, and the Flaminian obelisk, the heights of which are given by Pliny (*H. N.* xxxvi. 9. s. 14). But the actual heights of these obelisks, as compared with Pliny, would give a value for the foot altogether different from that obtained from other sources. Indeed the numbers in Pliny are undoubtedly corrupt, and, as they stand, it is only the *difference* of height between the two that can be of any service, and even this gives a result by no means satisfactory. An ingenious emendation by Stuart would remove the difficulty; but it is obvious that a passage which requires a conjectural emendation cannot be taken as an independent authority. There is another mode of deducing the value of the foot from buildings, of the dimensions of which we have no information. The building is measured, and the length thus obtained is divided by the supposed value of the ancient foot (as derived from other evidence), and if a remainder be left, this value of the foot is corrected so that there may be no remainder. It is assumed in this process that no fractions of feet were allowed in the dimensions of the building, and also that the plans were worked out with the most minute exactness, both of which assumptions are not very probable. In fact these measurements have given different values for the foot. "Modern architects," says Mr. Hussey, "do not allow that such calculations could be depended on in modern buildings, for determining the true length of the measures by which they were planned. Nor are the dimensions of the parts of buildings of the middle ages in our own country, as Gothic churches and cathedrals, found to agree exactly, so as to give whole numbers of the standard measure." On the other hand, these measurements, like those on roads, have the advantage of involving, in all probability, very small errors, and of the diminution of the error by division.

4. Villalpando and Eisenschmidt have attempted to deduce the length of the Roman foot from the solid content of the congius of Vespasian. [Congius.] Since the congius was the eighth of the amphora, and the content of the amphora was a cubic foot [Quadrantal], the process is to multiply the content of the congius by 8, and extract the cube root of the product. But this process is very uncertain. First, there is a doubt about the content of the congius itself [Pondera], then it is hardly to be supposed that the content of the congius was actually adapted with perfect accuracy to the length of the foot, and lastly, there is a further risk of error in reversing this process.

5. Some French geographers, and especially M. Gosselin, have supposed that the ancient astronomers were acquainted with the dimensions of a great circle of the earth, and that they founded their whole system of measures on the subdivisions of such a circle. The results of M. Gosselin's calculations agree well with those derived from other sources. But we need better evidence than this agreement to convince us that both the Greeks and Romans, at a very early period, formed a system of measures on such scientific principles; and it is incredible that, if such a system had really existed, there should be no allusion to it in any of the ancient geographers.

The average values of the Roman foot, obtained from these various sources, in terms of the English foot, are the following: —

1. From ancient measures	·9718
2. From itinerary measurements . .	·97082
3. From measurements of buildings .	·96994
4. From the congius	·9832
5. From the length of a degree . . .	·9724

of which the first three are the most to be depended on; and of those three the average is ·9708, or 11·6496 inches or 11½·1496 inches; which we may take as the probable value of the Roman foot.

Cagnazzi, whose researches are said by Niebuhr to have placed the true value of the Roman foot beyond a doubt (*Hist. of Rome*, ii. p. 407), gives it a greater length than the above, namely ·29624 of a metre = ·9722 of a foot: but this calculation is objected to by Böckh, as being derived, by a process not perfectly true, from the value of the pound, and as being confirmed only by one existing measure, and also as being at variance with the value of the Greek foot, obtained from independent sources. (*Metrolog. Untersuch.* p. 197.) Böckh's own calculation, which agrees with that of Wurm, who follows Raper, gives a value very little less than the above, namely 131·15 Paris lines = ·9704649 of the English foot = 11·6456 inches. As the general result we may take the Roman foot at 11·65 inches, English, or, rather more than $\frac{3}{10}$ of an inch less than ours. (The writer of an excellent article *Weights and Measures* in the *Penny Cyclopaedia*, gives 11·62 inches for the value of the Roman foot. He also gives the following rule as representing the ratio far within the limits of probable error: — 61 English feet make 63 Roman feet.) For the other measures of length see the Tables.

Some have concluded from the measurements of buildings that the foot was slightly reduced about the time of Domitian, which Wurm accounts for by supposing that the *pes monetalis*, after being destroyed in the fire under Titus, was restored by Domitian in a careless manner. Both the fact and the explanation, however, appear to be very doubtful.

II. *The Greek foot.* We have no ancient measures by which to determine the length of the Greek foot; but we have the general testimony of ancient writers that it was to the Roman in the ratio of 25 : 24. The Greek stadium, which contained 600 Greek feet, is said by Roman writers to contain 625 Roman feet; and also a Roman mile, or 5000 feet, was reckoned equal to 8 Greek stadia, or 4800 feet; both of these calculations give the above ratio of 25 : 24. (Plin. *H.N.* ii. 23. s. 21, 108. s. 112; Colum. v. 1; Polyb. iii. 39; Strab. vii. p. 322.) If therefore the Roman foot was ·9708 of the English, the Greek foot was equal to 1·01125 English feet, or 12·135 inches.

This value is confirmed by the measurement of the Parthenon. "Stuart" (*Antiq. Ath.* ii. p. 8), says Mr. Hussey, "measured the upper step of the basement of the Parthenon, which is the platform on which the pillars stand, and is exactly that part of the building where we should expect that the measure would have been taken, if the name Hecatompedon was really given it on account of the dimensions. He found the width of the front to be 101 feet 1·7 inches, the length of the side 227 feet 7·05 inches; and since these two quantities are very nearly in the ratio of 100 to 225, he inferred that the two sides really contained these two numbers of feet. From this he calculated the value of the foot, from the front 12·137 inches, from the side 12·138 inches: of which the greatest exceeds the value given above by only ·003 of an inch." Other measurements of the Parthenon and of other buildings at Athens tend to the same result.

Strabo, however (*l. c.*) quotes from Polybius a calculation which would make the Greek and Roman foot equal, but it is perfectly clear that there is a mistake in this statement. Plutarch again (*C. Gracch.* 7) says expressly that the mile *is a little less than* 8 stadia, which would give a rather smaller ratio than that of 24 : 25 for the ratio of the Roman to the Greek foot. It is on the authority of this passage that Böckh gives the value above mentioned for the Roman foot. If, according to the supposition already noticed, a slight diminution took place in the Roman foot, this would account for the difference. But perhaps we ought not to consider this solitary passage of sufficient weight to influence the calculation.

As the general result, we may take the Greek foot at 12·135 English inches, that is, rather more than 1-10th of an inch greater than the English foot. For the other measures see the Tables.

2. *Measures of Surface.* — These are easily derived from the measures of length. See the Tables.

3. *Measures of Capacity.* — The determination of the measures of capacity is so inseparably connected with the question of the settlement of the Greek and Roman weights, that it is better to speak of them under Pondera, to which article also the reader is referred for the literature of the whole subject.

4. *Angular and Circular Measures.* — The chief, and almost the only importance of this part of the subject is in its application to the measurement of circles and degrees on the earth's surface, and to the measures of time. The former class of measures will be treated of in the *Dictionary of*

Greek and Roman Geography. Respecting the measures of time, see ANNUS, HORA, &c. [P. S.]

ME'NSTRUUM. [SERVUS.]

ME'NUSIS (*μήνυσις*). [ECCLESIA, p. 443, a.]

MERCENA'RII (*μισθωτοί, μισθοφόροι*, more commonly *ξένοι*), mercenary troops. At an early period there was no such thing as a standing army, or mercenary force, in the Greek republics. The former would have excited jealousy, lest it should oppress the people, as the chosen band did at Argos (Pausan. ii. 20. § 2; Thucyd. v. 81); and for the latter there was rarely any occasion. The citizens of every state formed a national militia for the defence of their country, and were bound to serve for a certain period at their own expense, the higher classes usually serving in the cavalry, or heavy-armed infantry, the lower classes as light-armed troops. Foreigners were rarely employed; the Carians, Cretans, and Arcadians, who served as mercenaries (Herod. i. 171; Pausan. iv. 8. § 3, 10. § 1, 19. § 4; Wachsmuth, *Hell. Alterth.* vol. i. pt. i. p. 30; Schömann, *Ant. jur. pub. Gr.* p. 159), are an exception to the general rule. In the Persian war we find a small number of Arcadians offering to serve under Xerxes (Herod. viii. 26); and they seemed to have used themselves to such employment down to a much later period. (Xenoph. *Hellen.* vii. 1. § 23; Schömann, *Id.* p. 409.) The practice of maintaining a standing force was introduced by the tyrants, who kept guards and soldiers in their pay (*δορυφόροι, μισθοφόροι*) to prevent insurrections of the people, and preserve their influence abroad. As it was unsafe to trust arms in the hands of their own subjects, they usually employed foreigners. (Thucyd. vi. 55; Diod. xi. 67, 72; Xenoph. *Hier.* v. 3.) Hence, and because citizen soldiers used to fight without pay, *ξένοι* came to signify *mercenaries*. (Harpoc. *s. v.* *Ξενιτευομένους*.) We must distinguish, however, between those who fought as auxiliaries, whether for pay or otherwise, under commission from their own country, and those who did not. The former were *ἐπίκουροι*, not *ξένοι*. (Herod. i. 64, iii. 45, v. 63; Thucyd. i. 60, ii. 70, iii. 34, iv. 80.) The terms *ξένοι* and *ξενικόν* implied that the troops were independent of, or severed from, their own country.

The first Grecian people who commenced the employment of mercenaries on a large scale, were the Athenians. While the tribute which they received from the allies placed a considerable revenue at their disposal, the wars which their ambition led them into compelled them to maintain a large force, naval and military, which their own population was unable to supply. Hence they swelled their armies with foreigners. Thucydides makes the Corinthian ambassador at Sparta say, *ὠνητὴ ἡ Ἀθηναίων δύναμις*. (i. 121.) They perceived also the advantage of employing men of different nations in that service, for which from habit they were best qualified; as, for instance, Cretan archers and slingers, Thracian peltastae. (Thucyd. vi. 25, vii. 27; Aristoph. *Acharn.* 159.) At the same time the practice of paying the citizens was introduced; a measure of Pericles, which was indeed both just and unavoidable (for no man was bound by law, or could be expected, to maintain himself *for a long campaign*); but which tended to efface the distinction between the native soldier and the foreigner. Other Greek nations soon imitated the Athenians (Thucyd. iv. 76), and the appetite for pay was greatly promoted by the distribution of Persian money among the belligerents. (Thucyd. viii. 5, 29, 45; Xenoph. *Hellen.* i. 5. § 3.) At the close of the Peloponnesian war, large numbers of men who had been accustomed to live by war were thrown out of employment; many were in exile or discontented with the state of things at home; all such persons were eager to engage in a foreign service. Hence there arose in Greece a body of men who made arms their profession, and cared little on which side they fought, provided there were a suitable prospect of gaining distinction or emolument. Conon engaged mercenaries with Persian money. Agesilaus encouraged the practice, and the Spartans allowed the members of their confederacy to furnish money instead of men for the same purpose. (Xenoph. *Hell.* iii. 4. § 15, iv. 3. § 15, v. 2. § 21.) The Greeks who followed Cyrus in his expedition against Artaxerxes, were mercenaries. (Xenoph. *Anab.* i. 3. § 21.) So were the famous peltastae of Chabrias and Iphicrates. (Harpocr. *s. v.* *Ξενικὸν ἐν Κορίνθῳ*: Aristoph. *Plut.* 173.) The Phocians, under Philomelus, Onomarchus, and Phayllus, carried on the sacred war by the aid of mercenaries, paid out of the treasures of the Delphian temple. (Diod. xvi. 30, &c.) But higher pay and richer plunder were in general to be found in Asia, where the disturbed state of the empire created continued occasions for the services of Greek auxiliaries, whose superior discipline and courage were felt and acknowledged by the Barbarians. Even the Spartans sent their king Agesilaus into Egypt, for the sake of obtaining Persian gold. Afterwards we find a large body of Greeks serving under Darius against Alexander. It is proper here to notice the evil consequences that resulted from this employment of mercenaries, especially to Athens, which employed them more than any other Greek state. It might be expected that the facility of hiring trained soldiers, whose experience gave them great advantages, would lead to the disuse of military service by the citizens. Such was the case. The Athenian citizens stayed at home and became enervated and corrupted by the love of ease and pleasure; while the conduct of wars, carried on for their benefit, was entrusted to men over whom they had little control. Even the general, though commonly an Athenian, was compelled frequently to comply with the humours, or follow the example of his troops. To conciliate them, or to pay them their arrears, he might be driven to commit acts of plunder and outrage upon the friends and allies of Athens, which thus found enemies where she least expected. It was not unusual for the generals to engage in enterprises foreign to the purposes for which they were sent out, and unconnected with the interests of their country, whose resources they wasted, while they sought their own advantage. The expeditions of Chabrias and Iphicrates to Egypt are examples of this. But the most signal example is the conduct of the adventurer Charidemus. Upon all these matters we may refer the reader more particularly to Demosthenes, whose comments upon the disastrous policy pursued by his countrymen were no less just than they were wise and statesmanlike. (Demosth. *Philip.* i. p. 46, *c. Aristocr.* pp. 666, 671; *περὶ τοῦ στεφ. τῆς τριηρ.* p. 1232, &c.; Athen. xii. 43; Thirlwall, *Hist. of Greece*, vol. v. p. 210; Wachsmuth, vol. i. pt. ii. p. 309.) The Romans at a comparatively early time introduced the practice of paying their own citizens for their service in the army [Stipendium], but mercenary troops, in the usual acceptation of the term, were unknown among them till at a very late period. [C. R. K.]

MERENDA. [Coena, p. 306, b.]

MERIDIA'NI. [Gladiatores, p. 575, b.]

METAE. [Circus, p. 284, a.]

METAGEI'TNIA (*μεταγείτνια*), a festival celebrated by the Attic demos Melite, in honour of Apollo Metageitnios. The chief solemnities consisted in offering sacrifices, and the festival was believed to commemorate the emigration (*γειτνίασις πρὸς ἑτέρους*) of the inhabitants of Melite to Diomis. (Plut. *de Exil.* p. 601, b.; comp. Suidas, and Harpocrat. *s. v.* *Μεταγειτνιών*.) [L. S.]

METALLUM (*μέταλλον*). The Greek word originally signified a *pit* or *cave*, where anything is sought for by digging, hence *a mine*, and hence any mineral found in a mine, especially *metal.* In Latin, the word means both *a mine* and *metal*, the latter sense, however, preponderating in use. The object of this article is to give a brief general view of the acquaintance which the Greeks and Romans had with the metals, and the uses to which they applied them.

The metals which have been more or less known from the earliest period of which we have any information are those which were long distinguished as the seven principal metals, namely, gold, silver, copper, tin, iron, lead, and mercury. (Some very interesting information, which does not fall within the province of this work, may be read in Beckmann's *History of Inventions*, by Johnston, vol. ii. pp. 23, &c. 4th ed.) If to this list we add the compound of gold and silver called *electrum*, the compound of copper and tin called *χαλκός* and *aes* (bronze), and steel, we have, in all probability, a complete list of the metals known to the Greeks and Romans, with the exception of zinc, which they do not seem to have known as a metal, but only in its ores, and of brass, which they regarded as a sort of bronze. (See below).

The early Greeks were no doubt chiefly indebted for a supply of the various metals to the commerce of the Phoenicians, who procured them principally from Arabia and Spain, and tin from our own island and the East. In the Homeric poems we find an allusion to this traffic as one in which the Greeks of the western coast were already engaged; where Athena personates Mentes, the ruler of the Taphians, carrying shining iron to Temesa in Cyprus, to exchange it for copper. (*Od.* i. 184, comp. Nitzsch's note.) The Homeric poems furnish ample proofs of how much more plentiful copper was than iron. The former is the common material of arms, instruments, and vessels of various sorts [Aes]; the latter is mentioned much more rarely, and is distinguished by an epithet implying the difficulty of working it (*πολύκμητος*, *Il.* vi. 48), and its adjective is frequently used metaphorically to express the greatest stubbornness (*Od.* v. 191, &c.: see Seiler and Jacobitz, *s. vv.* *σίδηρος* and *σιδήρεος*). Hesiod carried us back to a period when iron was unknown (*Op. et Di.* 150, 151):

τοῖς δ' ἦν χάλκεα μὲν τεύχεα, χάλκεοι δέ τε οἶκοι,
χαλκῷ δ' εἰργάζοντο· μέλας δ' οὐκ ἔσκε σίδηρος,

and though the period thus described is mythical, yet the idea of it was clearly connected with the belief that iron had been the last discovered of all the metals. (See Höckh, *Creta*, vol. i. p. 260; Millin, *Minéralogie Homérique.*) The importance of hardening the copper used for arms and armour, and so forth, is a presumption in favour of the knowledge and use of *tin;* but we have also definite mention of this metal (*κασσίτερος*) several times in the Iliad; and it seems not improbable than then, as now, it was generally plated on another metal. (See Liddell and Scott, and Seiler and Jacobitz, *s. v.*; Beckmann, vol. ii. p. 206, foll.) The art of hardening copper by the admixture of tin was known before the historical period. (Comp. Aes.) With respect to *steel*, it is a much disputed point whether this metal is the proper sense of the word *κύανος* in Homer (*Il.* xi. 24, 35, *Od.* vii. 87) and Hesiod (*Scut.* 143), but at all events it is highly probable that this is the meaning of *ἀδάμας* in Hesiod (*Scut.* 231, *Theog.* 161; see the lexicographers, *s. vv.*, the commentators on Homer and Hesiod, in *ll.*, and Beckmann, vol. ii. p. 324). It would appear from the manner in which Aeschylus refers to the Chalybes, taken in connection with the traditions respecting the early intercourse of the Greeks with the shores of the Baltic, that the iron and steel works of that people were known at a very early period, and that it was from them chiefly that the Greeks procured their iron and steel. (Aesch. *Prom.* 720; Apollon. Rhod. ii. 1000; Xen. *Anab.* v. 5. § 1; Ritter, *Erdkunde*, vol. ii. p. 776; Höckh, *Creta*, vol. i. p. 294.) Enough has already been said respecting the early knowledge of the precious metals, separately and in combination, under Argentum, Aurum, and Electrum. In drawing inferences, however, from Homer's allusions to these and the other materials of the useful and fine arts, we must be on our guard not to make the poet's imagination our standard of their actual abundance. (See further, concerning the real or supposed knowledge of metals and metallurgy in the earliest times, Plin. *H. N.* vii. 56. s. 57.)

If we turn from the metals themselves to the art of working them, still taking the poems of Homer and Hesiod for our guide, we find the Greeks of that early period perfectly acquainted with the processes of smelting the metal from the ore and of forging heated masses into the required shapes, by the aid of the hammer and tongs. It may, indeed, be doubted whether the *χόανοι*, into which Hephaestus throws the materials of the shield of Achilles, and which are worked by the blast of twenty pairs of bellows (*φῦσαι*) are smelting-furnaces or mere smith's forges (*Il.* xviii. 470), but the former sense seems to be required in the passage of Hesiod. (*Theog.* 863.) Both Homer and Hesiod refer to the smith's workshop (*χαλκήϊος δόμος*, *χάλκειος θῶκος*) as a common lounge and as a place of shelter to which the poor resorted for its warmth. (*Od.* xviii. 328, *Op. et Di.* 491.) The whole of Homer's description of the workshop of Hephaestus deserves careful study (*Il.* xviii. 369, &c.). The smith's instruments were the anvil (*ἄκμων*) with the block on which it rested (*ἀκμόθετον*), the tongs (*πυράγρη*), and the hammer (*ῥαιστήρ*, *σφῦρα*, *Il.* *l. c.*, *Od.* iii. 433—435). [Incus, Forceps, Malleus.] The arts of casting metals into moulds, and of welding, or even of soldering pieces of metal together, were as yet unknown. In large works, hammered plates were united by mechanical fastenings, nails, pins, rivets, cramps, or dovetails (*δεσμοί*, *ἧλοι*, *περόναι*, *κέντρα*), and specimens of this sort of work in the bronze statues of the earliest period were still to be seen in the time of Pausanias (*Il.* xi. 634, xviii. 379; Paus. x. 16. § 1). The art of embossing, or fastening pieces of one metal on to the surface of another (*ἐμπαιστικὴ τέχνη*, is referred to several times in Homer (*Il.* xi. 24, 35; Lobeck, *ad Soph. Aj.* 846, &c.). Gilding was commonly practised: one interesting example is the gilding of the horns of an ox about to be sacrificed. (*Od.* iii. 425, &c.) This passage furnishes a striking instance of the use of words connected with *χαλκός* for working in any kind of metal: thus, the artificer is called by the generic term, *χαλκεύς* (432), as well as by the specific name, *χρυσοχόος* (425), and his tools are the *ὅπλα χαλκήϊα, οἷσίν τε χρυσὸν εἰργάζετο* (vv. 433, 435). Lastly, the image used to describe the hissing of the burning stake when plunged in the eye of Polyphemus, shows an acquaintance with the process of dipping red-hot iron in water to harden it. (*Od.* xi. 391, comp. Soph. *Ai.* 720.)

The advances made in the art of metallurgy in subsequent times are chiefly connected with the improvements in the art of statuary. The method of working, as described in Homer, seems to have long prevailed, namely by beating out lumps of the material into the form proposed, and afterwards fitting the pieces together by means of pins or keys. It was called *σφυρήλατον*, from *σφῦρα*, a hammer. Pausanias (iii. 17. § 6) describes this process in speaking of a very ancient statue of Jupiter at Sparta, the work of Learchus of Rhegium. With respect to its supposed antiquity, Pausanias can only mean that it was very ancient, and of the archaic style of art. The term *σφυρήλατος* is used by Diodorus (ii. 9) in describing a very ancient golden table which was said to have decorated the celebrated gardens of the palace of Ninus and Semiramis, at Babylon. Pliny (*H. N.* xxxiii. 4. s. 24.) mentions a golden statue of Diana Anaitis worked in the same way, which he calls *holosphyraton*. A statue of Dionysius by Onassimedes, of solid bronze, is mentioned by Pausanias (ix. 12. § 3) as existing at Thebes in his time. The next mode, among the Greeks, of executing metal works seems to have been by plating upon a nucleus, or general form, of wood — a practice which was employed also by the Egyptians, as is proved by a specimen of their art preserved in the British Museum. The subject is a small head of Osiris, and the wood is still remaining within the metal. It is probable that the terms *holosphyraton* and *sphyraton* were intended to designate the two modes of hammer-work; the first on a solid mass, and the other hammering out plates. (Comp. MALLEUS.)

It is extremely difficult to determine at what date the casting of metal was introduced. That it was known at a very early period there can be no doubt, although it may not have been exercised by statuaries in European Greece till a comparatively late date. The art of founding may be divided into three classes or stages. The first is the simple melting of metals either from the solid form, or from the ore; the second, casting the fused metals into prepared forms or moulds; and the third, casting into a mould, with a core or internal nucleus, by which the metal may be preserved of a determined thickness. The first stage must have been known at a period of which we have no record beyond a passage in the book of Job (xxviii. 1, 2), which establishes the fact that some of the processes of metallurgy, such as the reduction of gold, silver, iron, and copper from their ores, were well known when that book was composed. The casting of metal into moulds must also have been practised very early. There are no means of knowing of what material or composition the forms or moulds were made, but in all probability clay (dried, and then perhaps baked) was employed for the purpose. The circumstance of a spot where clay abounded having been chosen for the founding of the bronze works for the temple of Solomon supports this supposition. (1 Kings, vii. 46). Of course all the earliest works produced in this stage of the art must have been solid. The third process, that of casting into a mould with a core, was an important step in the statuary's art. Unfortunately there is no better record of the time, nor of the mode in which this was effected by the ancients, than the statements of Pausanias and Pliny, according to whom the art of casting in bronze and in iron was invented by Rhoecus and Theodorus of Samos, who probably lived in the sixth and fifth centuries before our era. (Paus. iii. 12. § 8, viii. 14 § 5; Plin. *H. N.* xxxv. 12. s. 43; *Dict. of Biog. s. vv. Rhoecus*, *Theodorus*.)

The ancients used something answering the purpose of a solder for fastening the different pieces of metal together; but it is difficult to determine whether the term *κόλλησις* means a solder or only a species of glue. Pausanias distinctly speaks of it as something different from nails or cramps, and gives us the name of its inventor, Glaucus of Chios, who appears to have lived earlier than the Samian artists just referred to (Herod. i. 25; Paus. x. 16. § 1; Plut. *de Def. Or.* 47, p. 436; *Dict. of Biog. s. v.*). Pliny in like manner speaks of a solder under the title of *plumbum argentarium* (*H. N.* xxxiv. 17. s. 48). Many of the works in the British Museum, as well as in other collections, are composed of pieces of metal which have been joined together, but whether by clamps, rivets, or soldering, it is now impossible to determine accurately, on account of the rust about the edges of the plates. The modern practice of welding pieces of metal together seems to have been altogether unknown to the ancients.

Respecting the supply and use of metals in the historical period, little remains to be added to what has been said under AES, ARGENTUM, AURUM, CAELATURA, ELECTRUM, STATUARIA, &c. Iron was found chiefly in Laconia and on the shores of the Black Sea, and was brought especially from Sinope. Stephanus Byzantinus, who mentions this fact, states the purposes for which the two sorts of iron were considered respectively better fitted (*s. v. Λακεδαίμων*). The whole subject of metals and metal-work is treated of by Pliny in the thirty-third and thirty-fourth books of his *Historia Naturalis*.

One point not yet noticed is the question, whether the ancients possessed a knowledge of *zinc*. That they rarely if ever used it as an alloy of copper is proved by the analysis of existing specimens of their bronze [AES]; but that they were absolutely ignorant of it can easily be disproved. One of the most important passages on the subject is in Strabo (xiii. p. 610), who says that " in the neighbourhood of Andeira (in the Troas) there is a certain stone which, on being burnt, becomes iron; then, on being smelted with a certain earth, it distils *ψευδάργυρος*, and with the addition of copper it becomes what is called *κρᾶμα* (which may mean either an alloy in general, or a particular kind of alloy), which some call *ὀρείχαλκος* ; and *ψευδάργυρος* is also found about Tmolus." In all probability the *stone* here mentioned is the common zinc ore called calamine, which Pliny and other writers call *cadmium*. If so, *ψευδάργυρος* must be metallic zinc, and *ὀρείχαλκος* brass. For a further discussion of this subject, into which we have not space to enter, the reader is referred to Beckmann, vol. ii. pp. 32, &c.

Respecting the use of metals for money, see NUMMUS.

Only a few words are necessary on the word *metallum* in its other sense. Nearly all that is known on the subject of the Greek mines, the mode of working them, and the revenues derived from them is contained in Böckh's *Essay on the Silver Mines of Laurion* appended to his *Public Economy of Athens*. Respecting the Roman mines, see VECTIGALIA. [P. S.]

METATO'RES. [CASTRA, p. 246, a.]

METOECI (*μέτοικοι*), is the name by which, at Athens and in other Greek states, the resident aliens were designated, and these must be distinguished from such strangers as made only a transitory stay in a place, for Harpocration (*s. v.*) expressly mentions as a characteristic of a *μέτοικος*, that he resided permanently in the place. No city of Greece perhaps had such a number of resident aliens as Athens, as none afforded to strangers greater advantages and conveniences, or a more agreeable mode of living. In the census instituted by Demetrius Phalereus (309 B. C.), the number of resident aliens at Athens was 10,000, in which number women and children were probably not included. (Athen. vi. p. 272.) These aliens were persons from all parts of Greece, as well as from barbarous countries, such as Lydians, Phrygians, and Syrians, or Attic freedmen [LIBERTUS (GREEK)], and these people had chosen Athens as their adoptive country, either on account of its resources for amusement and instruction, or on account of the facilities it afforded for carrying on mercantile business. The latter class of persons seems to have been by far the most numerous. The jealousy with which the citizens of the ancient Greek republics kept their body clear of intruders, is also manifest in their regulations concerning aliens. However long they might have resided in Athens, they were always regarded as strangers, whence they are sometimes called *ξένοι*, and to remind them of their position they had on some occasions to perform certain degrading services to the Athenian citizens. These services [HYDRIAPHORIA] were however in all probability not intended to hurt the feelings of the aliens, but were simply acts symbolical of their relation to the citizens.

Aliens were not allowed to acquire landed property in the state they had chosen for their residence, and were consequently obliged to live in hired houses or apartments (Demosth. *pro Phorm.* p. 946 ; Xen. *de Vectig.* ii. 2 ; Aristot. *Oecon.* ii. 2, 3 ; compare Böckh's *Publ. Econ.* i. § 24), and hence the letting of houses was a subject of much speculation and profit at Athens. As the aliens did not constitute a part of the state, and were yet in constant intercourse and commerce with its members, every alien was obliged to select a citizen for his patron (*προστάτης*), who was not only the mediator between them and the state, through whom alone they could transact any legal business whether private or public, but was at the same time answerable (*ἐγγυητής*) to the state for the conduct of his client. (Etymol. M. *s. v.* *Ἀπροστασίου*.) On the other hand, however, the state allowed the aliens to carry on all kinds of industry and commerce under the protection of the law ; in fact at Athens nearly all business was in the hands of aliens, who on this account lived for the most part in the Peiraeeus. (Xen. *de Vectig.* c. 2, *de Rep. Ath.* i. 12.)

Each family of aliens, whether they availed themselves of the privilege of carrying on any mercantile business or not, had to pay an annual tax (*μετοίκιον* or *ξενικὰ*) of twelve drachmae, or if the head of the family was a widow, of only six drachmae. (Böckh, *Publ. Econ.* iii. § 7 ; Isaeus *ap. Harpocrat.* *s. v.* Μετοίκιον.) If aliens did not pay this tax, or if they assumed the right of citizens, and probably also in case they refused to select a patron, they not only forfeited the protection of the state, but were sold as slaves. [APROSTASIOU DIKE.] In some cases, however, though they are of rare occurrence, aliens without having the isopolity, might become exempt from the *μετοίκιον* (*ἀτέλεια μετοικίου*) as well as from other obligations. (Demosth. *c. Aristocrat.* p. 691 ; Plut. *Vit. dec. Orat.* p. 842 ; Demosth. *c. Aristog.* p. 787 ; Suidas, *s. v.* Μετοίκιον.) Extraordinary taxes and liturgies (*εἰσφοραί* and *λειτουργίαι*) devolved upon aliens no less than upon citizens (Demosth. *c. Androt.* p. 612), though there must have been a difference between the liturgies performed by citizens and those performed by aliens. In what this difference consisted is nowhere expressly mentioned, but we have reason to believe that with the exception of the trierarchy and gymnasiarchy, all other liturgies might devolve upon aliens, though perhaps only on certain occasions, as the choregia at the festival of the Lenaea. (Schol. *ad Aristoph. Plut.* 954 ; compare Böckh, *Publ. Econ.* iv. § 10.) The extraordinary taxes (*εἰσφοραί*) which aliens had to pay, seem also in some degree to have differed from those paid by citizens ; and it is clear from Demosthenes (*c. Androt.* p. 609 and 612), that they were taxed higher than citizens of the same census. The aliens were also obliged, like citizens, to serve in the regular armies and in the fleet, both abroad and at home, for the defence of the city. (Xen. *de Vectig. l. c.;* Thucyd. ii. 13, iv. 90 ; Demosth. *c. Philip.* i. p. 50 ; Thucyd. i. 143, iii. 16.) Respecting those *μέτοικοι* who had obtained the *ἰσοτέλεια*, see CIVITAS (GREEK). The heirs of a *μέτοικος* who died in Attica, were under the jurisdiction of the polemarch. (Demosth. *c. Steph.* ii. p. 1135.)

The preceding account of the condition of the aliens at Athens applies with very few modifications to most other parts of Greece. (Compare Petitus, *Legg. Att.* ii. 5. p. 246, &c. ; F. A. Wolf, *Proleg. ad Leptin.* p. lxvi. &c. ; Hermann, *Polit. Ant.* § 115.) [L. S.]

METOPA or **METOPE** (*μετόπη*), the name applied to each of the spaces between the triglyphs in the frieze of the Doric order, and by metonymy to the sculptured ornament with which those spaces were filled up. In the original significance of the parts the triglyphs represent the ends of the cross-beams or joists which rested on the architrave ; the beds of these beams were called *ὀπαί*, and hence the spaces between them *μετόπαι*. (Vitruv. iv. 2. § 4.) Originally they were left open; next they were filled up with plain slabs, as in the propylaea at Eleusis, and many other buildings, and lastly, but still at an early period, they were adorned with sculptures either in low or high relief. The earliest existing examples of sculptured metopes are probably those of the middle temple on the acropolis of Selinus, which had metopes only on its east front, and in which the style of the sculptures is so rude as almost to remind one of some Mexican works of art. The date is probably between 620 and 580 B.C. The next in antiquity are those from the middle temple on the eastern side of the lower city of Selinus, in which there is a marked improvement, but which still belong to the archaic style. Their date is in the former half of the 5th century B.C. A still further progress may be observed in the metopes of the southern temple on the eastern hill, which belongs to the second half of the same century. In these the ground is tufa and the figures marble; the others are entirely of tufa. (See figures of the Selinuntine metopes in the *Atlas zu Kugler's Kunstgeschichte*, pt. ii. pl. 5. figs. 1—4; comp. Müller, *Archäol. d. Kunst*, § 90, n. 2). Thus these Selinuntine metopes, with the works of the epoch of perfect art, namely the metopes of the temple of Theseus and of the Parthenon, form an interesting series of illustrations of the progress of Grecian sculpture. The metopes from the Parthenon, now in the British Museum, are too well known to need description: but it is important to notice the marked difference in their style; some show evident traces of the archaic school, while others are worthy of the hand of Pheidias himself. In the later orders the metopes are not seen, the whole frieze being brought to one surface. This is the case even in some ancient specimens of the Doric order. (Comp. COLUMNA, and the plates of the order in Mauch, *Architekton. Ordnungen.*) [P. S.]

METRE'TES (μετρητής), or **AMPHORA METRETES** (ἀμφορεὺς μετρητής, *the standard amphora*), was the principal Greek liquid measure. It contained 12 *choes*, 48 *choenices*, 72 *xestae* (*sextarii*), and 144 *cotylae*. It was 3-4ths of the *medimnus*, the chief dry measure. The Attic metretes was half as large again as the Roman *amphora quadrantal*, and contained a little less than 9 gallons. (See the Tables.) If we take, according to Böckh's views, the Greek cubic foot as equal to 53⅓ Roman *sextarii*, then, since the Attic metretes contained 72 *sextarii*, we have the ratio of the metretes to the cubic foot as 72 : 53⅓ or as 27 : 20, or as 135 : 100, or as 1·35 to 1, or nearly as 4 : 3.

The Aeginetan metretes was to the cubic foot (still following Böckh's calculations) in the ratio of 9 : 4, and to the Attic metretes in the ratio of 5 : 3, so that the Aeginetan measure was 2-5ths greater than the Attic; and since the Attic contained 72 *sextarii*, the Aeginetan contained 120, which is precisely the content assigned by Cleopatra, Galen, and Didymus, to the Babylonian, Syrian, or Antiochean metretes, which belonged to the same system as the Eginetan. [MENSURA, PONDERA].

The Macedonian metretes is inferred to have been much smaller than the Attic, from the circumstance mentioned by Aristotle (*Hist. Anim.* viii. 9) of an elephant's drinking 14 of them at once; but this is doubtful. [P. S.]

METRO'NOMI (μετρονόμοι) were officers at Athens belonging to that class which we might term police-officers. They were, like all officers of this kind, appointed by lot. Their number is stated differently: some say that there were fifteen (ten for the Peiraeeus and five for the city); some say twenty-four (fifteen for the Peiraeeus, and nine for the city); and others state that there were only ten, five for the Peiraeeus and five for the city. (Harpocrat., Suidas, Phot. and Lex. Seg. *s. v.* Μετρονόμοι.) Böckh (*Publ. Econ.* i. § 9. n. 193) would alter all these passages of the grammarians so as to make them say, that the whole number of metronomi was fifteen, and that ten were for the city and five for the Peiraeeus, because the sitophylaces were distributed in the same manner. But there does not appear sufficient ground for such a bold alteration, and it seems at any rate probable that the number of these officers, as the grammarians state, was necessarily greater in the port-town than in the city, for there must have been more business for them in the Peiraeeus than at Athens, which was not the case with the sitophylaces. The duties of the metronomi were to watch that the weights and measures used by tradesmen and merchants should have the size and weight prescribed by law, and either to punish offenders or to receive complaints against them, for the real nature of the jurisdiction of the metronomi is not known. (Meier and Schömann, *Att. Proc.* p. 93, &c.) [L. S.]

METRO'POLIS. [COLONIA, p. 313, b.]

MILLIA'RE, MILLIA'RIUM, or MILLE PASSUUM (μίλιον), the Roman mile, consisted of 1000 paces (*passus*) of 5 feet each, and was therefore = 5000 feet. Taking the Roman foot at 11·6496 English inches, the Roman mile would be 1618 English yards, or 142 yards less than the English statute mile. By another calculation, in which the foot is taken at 11·62 inches, the mile would be a little more than 1614 yards. [MENSURA.] The number of Roman miles in a degree of a large circle of the earth is a very little more than 75. The Roman mile contained 8 Greek stadia. The most common term for the mile is *mille passuum*, or only the initials M. P.; sometimes the word *passuum* is omitted. (Cic. *ad Att.* iii. 4; Sallust, *Jug.* c. 114).

The mile-stones along the Roman roads were called *milliaria*. They were also called *lapides*; thus we have *ad tertium lapidem* (or without the word *lapidem*) for 3 miles from Rome, for Rome is to be understood as the starting-point when no other place is mentioned. Sometimes we have in full *ab Urbe*, or *a Roma*. (Plin. *H. N.* xxxiii. 12. s. 56; Varro, *R. R.* iii. 2.) The laying down of the mile-stones along the Roman roads is commonly ascribed to C. Gracchus, on the authority of a passage in Plutarch (*Gracch.* 6, 7), which only proves that Gracchus erected mile-stones on the roads which he made or repaired, without at all implying that the system had never been used before. There are passages in the historians, where mile-stones are spoken of as if they had existed much earlier; but such passages are not decisive; they may be anticipatory anachronisms. (Liv. v. 4; Flor. ii. 6; comp. Justin. xxii. 6. § 9.) A more important testimony is that of Polybius (iii. 39), who expressly states that, in his time, that part of the high road from Spain to Italy, which lay in Gaul, was provided with mile-stones.

The system was brought to perfection by Augustus, probably in connection with that measurement of the roads of the empire, which was set on foot by Julius Caesar, and the results of which are recorded in the so-called *Antonine Itinerary*. Augustus set up a gilt marble pillar in the forum at Rome, to mark the central point from which the great roads diverged to the several gates of Rome (Dion Cass. liv. 8 ; Plut. *Galb.* 24). It was called the *Milliarium Aureum;* and its position is defined as being *in capite Romani Fori* (Plin. *H.N.* 5. s. 9), *sub aedem Saturni* (Tac. *Hist.* i. 27). Some remains of it still exist, close to the Arch of Septimius Severus, consisting of a round base and a piece of fine marble 4½ feet in diameter, the whole being about 10 feet high. (Platner u. Bunsen, *Beschreib. d. Stadt Rom.* vol. iii. pt. 1. p. 73, pt. 2. p. 102 ; Platner u. Urlichs, *Beschreib. Roms*, p. 20.) It seems that the marble pillar was covered, on each of its faces, with tablets of gilt bronze ; but whether the information engraved upon them consisted simply of a list of the chief places on each road, with their distances, or whether there was a sort of map of each set of roads with the distances marked upon them, is now unknown. It is also uncertain whether the miles began to be reckoned from the pillar itself, or from the city gates. (See De la Nauze, in the *Mém. de l'Acad. des Inscr.* vol. xxviii. p. 388, &c. ; Ideler, in the *Abhandl. d. Berl. Acad.* 1812, pp. 134, 164.)

The *Milliarium Aureum* at Byzantium, erected by Constantine in imitation of that of Augustus, was a large building in the forum Augusteum, near the church of S. Sophia. (See Buchholz, in the *Zeitschrift für Alterthumswissenschaft*, 1845, No. 100, &c.)

London also had its *Milliarium Aureum*, a fragment of which still remains, namely, the celebrated London Stone, which may be seen affixed to the wall of St. Swithin's Church in Cannon Street.

From this example it may be inferred that the chief city of each province of the empire had its *Milliarium Aureum*.

The ordinary *milliaria* along the roads were blocks or pillars of stone, inscribed with some or all of the following points of information: (1) the distance, which was expressed by a number, with or without M. P. prefixed: (2) the places between which the road extended: (3) the name of the constructor of the road, and of the emperor to whose honour the work was dedicated. Several of these inscriptions remain, and are collected in the following works: Gruter, *C. I.* pp. cli. &c. ; Muratori, *Thes.* vol. i. pp. 447, &c. ; Orelli, *Inscr. Lat. Sel.* Nos. 1067, 3330, 4877 ; and especially Bergier, *Hist. des grands Chemins des Rom.* vol. ii. pp. 757, &c., Bruxelles, 1728, 4to.

On some of these mile-stones, which have been found in Gaul, the distances are marked, not only in Roman miles, but also in Gallic *Leugae*, a measure somewhat greater than the Roman mile. (For some further details respecting these extant mile-stones, see the article *Milliarium* in the *Real-Encyclop. d. Class. Alterth.*, to which the foregoing article is considerably indebted.) [P. S.]

MIMUS (μῖμος) is the name by which, in Greece and at Rome, a species of the drama was designated, though the Roman mimus differed essentially from the Greek μῖμος.

The Greek mimus seems to have originated among the Greeks of Sicily and southern Italy, and to have consisted originally of extempory representations or imitations of ridiculous occurrences of common life at certain festivals, like the Spartan deicelistae. At a later period these rude representations acquired a more artistic form, which was brought to a high degree of perfection by Sophron of Syracuse (about 420 B. C.). He wrote his pieces in the popular dialect of the Dorians and a kind of rythmical prose. (Quinctil. i. 8.) The mimes of Sophron are designated as μῖμοι σπουδαῖοι, which were probably of a more serious and ethical character, and μῖμοι γέλοιοι, in which ridiculous buffoonery preponderated. Such mimes remained after the time of Sophron a favourite amusement of the Greeks, and Philistion of Magnesia, a contemporary of Augustus, was a celebrated actor in them. (See Müller, *Dor.* iv. 7. § 5.)

Among the Romans the word mimus was applied to a species of dramatic plays as well as to the persons who acted in them. It is certain that the Romans did not derive their mimus from the Greeks in southern Italy, but that it was of native growth. The Greek mimes were written in prose, and the name μῖμος was never applied to an actor, but if used of a person it signified one who made grimaces. The Roman mimes were imitations of foolish and mostly indecent and obscene occurrences (Ovid, *Trist.* ii. 515 ; Valer. Max. ii. 6. § 7, x. 11), and scarcely differed from comedy except in consisting more of gestures and mimicry than of spoken dialogue, which was not the case in the Greek mimes. The dialogue was, indeed, not excluded from the Roman mimes, but was only interspersed in various parts of the representation, while the mimic acting continued along with it and uninterruptedly from the beginning to the end of a piece. At Rome such mimes seem originally to have been exhibited at funerals, where one or more persons (*mimi*) represented in a burlesque manner the life of the deceased. If there were several mimi, one of them, or their leader, was called archimimus. (Suet. *Vespas.* 19 ; Gruter, *Inscript.* 1089. 6.)

During the latter period of the republic such farces were also represented in theatres ; but it appears that they did not attain any high degree of perfection before the time of Caesar, for it is not until then that writers of mimes are mentioned: Cn. Matius, Decius Laberius, and Publ. Syrus were the most distinguished among them. (Gellius, xv. 25 ; Suet. *Caes.* 39 ; Cic. *ad Fam.* xii. 18.) These coarse and indecent performances, of which Sulla was very fond, had greater charms for the Romans than the regular drama : hence they were not only performed on the stage, but even at repasts in the houses of private persons. On the stage they were performed as farces after tragedies, and during the empire they gradually supplanted the place of the Atellanae. The exact time, however, when the Atellanae yielded to the mimes is uncertain. It was peculiar to the actors in these mimes, neither to wear masks, nor the cothurnus, nor the soccus, whence they are sometimes called planipedes. (Diomed. iii. 487 ; Gellius, i. 11 ; Macrob. *Sat.* ii. 1.) As the mimes contained scenes taken from common life, such as exhibited its most striking features, their authors are sometimes called biologi or ethologi (Cic. *pro Rabir.* 12, *de Orat.* ii. 59), and the works themselves were distinguished for their richness in moral sentences. That distinguished and living persons were sometimes exposed to ridicule in these mimes, is clear from J. Capitolinus (*M. Ant. Philos.* c. 29). (Compare Reuvens, *Collectan. Literar.* i. p. 51, &c.; Osann, *Analect. crit.* i. p. 67, &c.; Ziegler, *De Mimis Romanorum*, Götting. 1788). [L. S.]

MINA. [Talentum.]

MINOR. [Curator; Infans.]

MINU'TIO CA'PITIS. [Caput.]

MIRMILLO'NES. [Gladiatores, p. 575, b.]

MI'SSIO. [Exercitus, p. 499, b.]

MI'SSIO. [Gladiatores, p. 575, a.]

MISTHO'PHORI (*μισθοφόροι*). [Mercenarii.]

MISTHOSEOS DIKE (*μισθώσεως δίκη*), also called *μισθώσεως οἴκου δίκη*, is the action brought against a guardian for either having neglected to make profitable use of the property of his ward, or for having made no use of it at all. Use might be made of such property either by letting it, if it consisted of lands or houses, or by putting it out to interest, if it consisted of capital. The *δίκη μισθώσεως* must have been of a twofold character, either public or private, that is, it might be brought against the guardian, during the minority of his ward, by any person who took an interest in the welfare of the orphan, or it was brought by the orphan himself after his coming of age. Complaints of this kind were brought before the first archon. In cases where the guardian would not or could not occupy himself with the administration of the property of his ward, he might request the archon to let the whole substance of his ward's property to the highest bidder, provided the testator had not expressly forbidden this mode of acting in his will. (Demosth. *c. Aphob.* p. 837; compare 853, 857; Lys. *c. Diogit.* p. 906.) The letting of such property took place by auction, and probably in the presence of a court of justice, for we read that the court decided in cases where objections were made against the terms of letting the property. (Isaeus, *de Philoctem. hered.* p. 141, &c.) The person who took the property had to pay an annual percentage for the right of using it, and this percentage frequently amounted to more than 12 per cent. per annum. If one man alone was unwilling to take the whole property on such conditions, it might be divided and let to several persons separately. (Isaeus, *de Menecl. hered.* p. 13.) The tenant or tenants of the property of an orphan had to give security (*ἀποτίμημα*) for it, and to mortgage (*ἀποτιμᾷν*) his own estate, and the archon sent especial persons, *ἀποτιμηταί*, to value his property, and to ascertain whether it was equivalent to that of the orphan. (Suidas, *s. v.* Ἀποτιμηταί.) The technical term for letting the property of an orphan, whether it was done by the guardian himself or by the archon, was *μισθοῦν*, and those who took it were said *μισθοῦσθαι τὸν οἶκον* (*οἶκος* here signifies the whole substance of the property). The tenants of the estate of an orphan had the right and perhaps the obligation to protect it against any other person. (Isaeus, *de Hagn. hered.* p. 289.) It is not clear what resource was open to an orphan against a tenant who did not fulfil his obligations, but it is probable, that if any disputes arose, the guardian or the archon alone were answerable and had to procure justice to the orphan.

(Meier and Schömann, *Att. Proc.* pp. 295, 532; Böckh, *Publ. Econ.* p. 355, &c., 2d ed.) [L. S.]

MISTHOU DIKE (*μισθοῦ δίκη* or *μισθώσεως δίκη*) is the name of a private action which might be brought against persons who refused to pay for services which had been performed for them, provided it had been agreed that they should be paid for; and, secondly, against persons who either had not or had imperfectly performed the services for which they were paid. It made no difference whether the service was performed by physical or intellectual powers, as teachers, sophists, actors, authors, and similar persons were paid at Athens (Böckh, *Publ. Econ.* i. § 21), and it is natural to suppose that these persons, like others, made agreements, either written or by word of mouth, respecting the remuneration to be given to them. In case either party thought themselves wronged they might bring the *μισθοῦ δίκη* against the other. Protagoras had written a book called *δίκη ὑπὲρ μισθοῦ*, and an instance is recorded of an action of this kind in which he demanded payment of one of his pupils. (Diog. Laërt. ix. 8. § 8.) It is not improbable that his work contained an account of this law-suit. (Meier and Schömann, *Att. Proc.* p. 534, &c.) [L. S.]

MITRA (*μίτρα*), signified in general a band of any kind, and was used specifically to indicate, 1. A belt or girdle worn by warriors round the waist. [Zona.] 2. A broad band of cloth worn round the head, to which the name of *anadema* was sometimes given. [Coma, p. 329, b.] 3. In later times, a band worn round the bosom by women, which the Greeks usually called *ἀπόδεσμος*, and the Romans *fascia pectoralis* or *strophium*. (Becker, *Charikles*, vol. ii. p. 329.) [Fascia; Strophium.]

MIXTA ACTIO. [Actio.]

MNA (*μνᾶ*). [Talentum.]

MNE'MATA, MNEMEIA (*μνήματα, μνημεῖα*). [Funus, p. 556, a.]

MNOIA (*μνοία*). [Cosmi.]

MOCHLUS (*μοχλός*). [Janua.]

MO'DIOLUS, the diminutive of Modius, is used for various kinds of small vessels; among others, for the buckets on the edge of the *tympanum*, by which water was raised (Vitruv. x. 10), and generally for any kind of bucket or small cistern in hydraulic machinery (*Ib.* 12, 13); for the well of an oil press (Cat. *R. R.* 20); for the box of a wheel (Plin. *H. N.* ix. 4. s. 3; Vitruv. x. 14); and for other kinds of sockets (Vitruv. x. 18). [P. S.]

MO'DIUS, the principal dry measure of the Romans, was equal to one-third of the amphora (Volusius Maecianus, Festus, Priscian, *ap.* Wurm, § 67), and was therefore equal to nearly two gallons English. It contained 16 *sextarii*, 32 *heminae*, 64 *quartarii*, 128 *acetabula*, and 192 *cyathi*. Compared with the Greek dry measure, it was 1-6th of the Medimnus. Its contents weighed, according to Pliny, 20 pounds of Gallic wheat, which was the lightest known at Rome. Farmers made use of vessels holding 3 and 10 modii (Colum. xii. 18. § 5). The third part of the jugerum was sometimes called *modius*. [P. S.]

MO'DULUS (*ἐμβάτης*), the standard measure used in determining the parts of an architectural order. It was originally the lower diameter of the column; but Vitruvius takes, in the Doric order, the lower semidiameter for the module, retaining the whole diameter in the other orders. Modern architects use the semidiameter in all the orders. The system of dividing the module into minutes was not used by the ancient architects, who merely used such fractional parts of it as were convenient. The absolute length of the module depends, of course, on the dimensions of the edifice: thus Vitruvius directs that, in a Doric tetrastyle portico, 1-28th, and in a hexastyle 1-44th of the whole width should be taken as the module, if diastyle, or 1-23rd and 1-35th respectively, if systyle. (Vitruv. i. 2, iv. 3, v. 9). [P. S.]

MOENIA. [MURUS.]

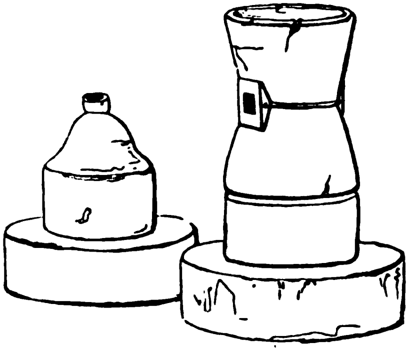
MOICHEIAS GRAPHE. [ADULTERIUM.]

MOLA (*μύλος*), a mill. All mills were anciently made of stone, the kind used being a volcanic trachyte or porous lava (*pyrites*, Plin. *H. N.* xxxvi. 30; *silices*, Virg. *Moret.* 23—27; *pumiceas*, Ovid. *Fast.* vi. 318), such as that which is now obtained for the same purpose at Mayen and other parts of the Eifel in Rhenish Prussia. This species of stone is admirably adapted for the purpose, because it is both hard and cavernous, so that, as it gradually wears away, it still presents an infinity of cutting surfaces.

Every mill consisted of two essential parts, the upper mill-stone, which was moveable (*catillus*, *ὄνος*, *τὸ ἐπιμύλιον*, *Deut.* xxiv. 6), and the lower, which was fixed and by much the larger of the two. Hence a mill is sometimes called *molae* in the plural. The mills mentioned by ancient authors are the following: —

I. The hand-mill, or quern, called *mola manuaria*, *versatilis*, or *trusatilis*. (Plin. *H. N.* xxxvi. 29; Gell. iii. 3; Cato, *de Re Rust.* 10.)

The islanders of the Archipelago use in the present day a mill, which consists of two flat round stones about two feet in diameter. The upper stone is turned by a handle (*κώπη*, Schol. *in Theocrit.* iv. 58) inserted at one side, and has a hole in the middle into which the corn is poured. By the process of grinding the corn makes its way from the centre, and is poured out in the state of flour at the rim. (Tournefort, *Voyage*, *Lett.* 9.) The description of this machine exactly agrees with that of the Scottish quern, formerly an indispensable part of domestic furniture. (Pennant, *Tour in Scotland*, 1769, p. 231; and 1772, p. 328.) There can be no doubt that this is the flour-mill in its most ancient form. In a very improved state it has been discovered at Pompeii. The annexed woodcut shows two which were found standing in the ruins of a bakehouse. In the left-hand figure the lower millstone only is shown. The most essential part of it is the cone, which is surmounted by a projection containing originally a strong iron pivot. The upper millstone, seen in its place on the right hand of the woodcut, approaches the form of an hour-glass, consisting of two hollow cones, jointed together at the apex, and provided at this point with a socket, by which the upper stone was suspended upon the iron pivot, at the same time touching on all sides the lower stone, and with which it was intended to revolve. The upper stone was surrounded at its narrowest part with a strong band of iron; and two bars of wood were inserted into square holes, one of which appears in the figure, and were used to turn the upper stone. The uppermost of the two hollow cones served the purpose of a hopper. The corn with which it was filled, gradually fell through the neck of the upper stone upon the summit of the lower, and, as it proceeded down the cone, was ground into flour by the friction of the two rough surfaces, and fell on all sides of the base of the cone into a channel formed for its reception. The mill here represented is five or six feet high.



The hand-mills were worked among the Greeks and Romans by slaves. Their pistrinum was consequently proverbial as a place of painful and degrading labour; and this toil was imposed principally on women. (Hom. *Od.* vii. 104; Exod. xi. 5; Matt. xxiv. 41.)

In every large establishment the hand-mills were numerous in proportion to the extent of the family. Thus in the palace of Ulysses there were twelve, each turned by a separate female, who was obliged to grind every day the fixed quantity of corn before she was permitted to cease from her labour. (*Od.* xx. 105—119; compare Cato, *de Re Rust.* 56.)

II. The cattle-mill, *mola asinaria* (Cato, *de Re Rust.* 10; Matt. xviii. 6) in which human labour was supplied by the use of an ass or some other animal. (Ovid, *Fast.* vi. 318.) The animal devoted to this labour was blind-folded. (Apul. *Met.* ix.) The mill did not differ in its construction from the larger kinds of hand-mill.

III. The water-mill (*mola aquaria*, *ὑδραλέτης*). The first water-mill, of which any record is preserved, was connected with the palace of Mithridates in Pontus. (Strabo, xii. 3. § 30.) That water-mills were used at Rome is manifest from the description of them by Vitruvius (x. 5. ed. Schneider). A cogged wheel, attached to the axis of the water-wheel, turned another which was attached to the axis of the upper mill-stone: the corn to be ground fell between the stones out of a hopper (*infundibulum*), which was fixed above them. (See also Brunck, *Anal.* ii. 119; Pallad. *de Re Rust.* i. 42.) Ausonius, as quoted below, mentions their existence on the Ruwer near Treves; and Venantius Fortunatus, describing a castle built in the sixth century on the banks of the Moselle, makes distinct mention of a tail-race, by which "the tortuous stream is conducted in a straight channel." (*Poem.* iii. 10.)

IV. The floating-mill. When Rome was besieged by the Goths, A. D. 536, and when the stoppage of the aqueducts rendered it impossible to use the public corn-mills (*οἱ τῆς πόλεως μύλωνες*) in the Janiculum, so that the citizens were in danger of starvation, Belisarius supplied their place by erecting floating-mills upon the Tiber. Two boats being moored at the distance of two feet from each other, a water-wheel, suspended on its axis between them, was turned by the force of the stream, and put in motion the stones for grinding the corn, by which the lives of the besieged were preserved. (Procop. *de Bello Gothico*, i. 15.)

V. The saw-mill. Ausonius mentions mills situated on some of the streams falling into the Moselle, and used for cutting marble into slabs. (*Mosella*, 362, 363.)

VI. The pepper-mill. A mill for grinding pepper, made of boxwood, is mentioned by Petronius (*molea buxea piper trivit*, *Sat.* 74). [J. Y.]

MONA'RCHIA (μοναρχία), a general name for any form of government in which the supreme functions of political administration are in the hands of a single person. The term μοναρχία is applied to such governments, whether they are hereditary or elective, legal or usurped. In its commonest application, it is equivalent to βασιλεία, whether absolute or limited. But the rule of an *aesymnetes* or a *tyrant* would equally be called a μοναρχία. (Arist. *Pol.* iii. 9, 10, iv. 8; Plato, *Polit.* p. 291, c. e. p. 302, d. e.). Hence Plutarch uses it to express the Latin *dictatura*. It is by a somewhat rhetorical use of the word that it is applied now and then to the δῆμος. (Eurip. *Suppl.* 352; Arist. *Pol.* iv. 4.) For a more detailed examination of the subject the reader is referred to the article Rex, Archon, Tyrannus, Prytanis, Aesymnetes, Tagus. [C. P. M.]

MONE'TA, the mint or the place where money was coined. The mint of Rome was a building on the Capitoline, and attached to the temple of Juno Moneta, as the aerarium was to the temple of Saturn. (Liv. vi. 20.) This temple was vowed by Camillus, and dedicated in 344 B. C. on the spot where the house of M. Manlius Capitolinus had once been standing. (Liv. vii. 28; Ov. *Fast.* vi. 183.) Some writers describe the art of coining as having been known to the Italians from the earliest times, and assign its invention to Janus (Macrob. *Sat.* i. 7; Athen. xv. p. 692); but this and similar accounts are nothing more than fables. The statement of Pliny (*H. N.* xxxiii. 3), who assigns the invention of coining to Servius Tullius, has somewhat more of an historical aspect; and he derives the name pecunia from the circumstance that the coins were originally marked with the image of some animal. The earliest Roman coins were of aes [Aes], and not struck, but cast in a mould. (See the representation of such a mould on page 545.) The moulds, however, were sometimes without any figure and merely shaped the metal, and in this case, the image as well as the name of the gens, &c., were struck upon it by means of a hammer upon an anvil on which the form was fixed. As the strokes of the hammer were not always equal, one coin though equal in value with another might differ from it in thickness and shape. Greater equality was produced at the time when the Romans began to strike their money; but when this custom became general, is not known. Respecting the changes which were introduced at Rome at various times in the coinage see Aes, As, Argentum, Aurum, and Nummus.

In the early times of the republic we do not read of any officers who were charged with the superintendence of the mint; and respecting the introduction of such officers we have but a very vague statement of Pomponius. (Dig. 1. tit. 2. § 30.) Their name was triumviri monetales, and Niebuhr (*Hist. of Rome*, iii. p. 646) thinks that they were introduced at the time when the Romans first began to coin silver, *i. e.* 269 B. C. The triumviri monetales had the whole superintendence of the mint, and of the money that was coined in it. A great number of coins, both of gold and silver, is signed by these triumvirs in the following manner: — III. VIR. AAAFF, that is, *triumvir auro, argento, aere flando feriundo* (Cic. *de Leg.* iii. 3; P. Manut. *ad Cic. ad Fam.* vii. 13) or III. VIR. A.P.F. that is, *ad pecuniam feriundam*. Other coins on the other hand do not bear the signature of a triumvir monetalis, but the inscription CUR. X. FL. S. C. *i. e. curator denariorum flandorum ex senatusconsulto*, or are signed by praetors, aediles, and quaestors. Caesar not only increased the number of the triumviri monetales to four; whence some coins of his time bear the signature IIII. VIR. A.P.F., but entrusted certain slaves of his own with the superintendence of the mint. (Suet. *Caes.* 76; compare Cic. *Philip.* vii. 1.) The whole regulation and management of the Roman mint and its officers during the time of the republic is involved in very great obscurity.

The coining of money at Rome was not a privilege belonging exclusively to the state, but from the coins still extant we must infer that every Roman citizen had the right to have his own gold and silver coined in the public mint, and under the superintendence of its officers. The individual or gens who had their metal coined, stated its name as well as the value of the coin. This was a kind of guarantee to the public, and nearly all the coins of the republican period coined by a gens or an individual bear a mark stating their value. As long as the republic herself used pure silver and gold, bad money does not seem to have been coined by any one; but when, in 90 B. C., the tribune Livius Drusus suggested the expediency of mixing the silver which was to be coined with one-eighth of copper, a temptation to forgery was given to the people, and it appears henceforth to have occurred frequently. As early as the year 86 B. C. forgery of money was carried to such an extent, that no one was sure whether the money he possessed was genuine or false, and the praetor M. Marius Gratidianus saw the necessity of interfering. (Cic. *de Off.* iii. 20.) He is said to have discovered a means of testing money and of distinguishing the good from the bad denarii. (Plin. *H. N.* xxxiii. 46.) In what this means consisted is not clear; but some method of examining silver coins must have been known to the Romans long before this time. (Liv. xxxii. 2.) Sulla inflicted heavy punishment upon the coiners of false money; his law remained in force during the empire, and not only false coining, but any crime connected with the deterioration of money, was gradually made to come under it. In the latest times of the empire false coining was treated as a crimen majestatis. All Roman money was generally coined at Rome, but in some particular cases the mints of other Italian towns, as in the provinces, were used; for we must remember, that during the time of the republic, subject countries and provinces were not deprived of the right of coining their own money. This right they even retained under the empire for a long time, though with some modifications; for while some places were allowed to coin their money as before, others were obliged to have upon their coins the head of the emperor, or of some member of his family. Silver and gold, however, were coined only in places of the first rank. When all Italy received the Roman franchise, all the Italians used the Roman money, and in consequence lost the right to coin their own.

It has been stated above, that probably every

Roman citizen had the right to have his gold and silver coined, but none had the right to put his own image upon a coin, and not even Sulla ventured to act contrary to this custom. The coins apparently of the republican period with the portraits of individuals, were, according to Eckhel, coined at a later time, and by the descendants of those persons whose portraits are given. Caesar was the first to whom this privilege was granted, and his example was followed by many others, as we see from the coins of Sext. Pompeius. The emperors assumed the right to put either their own images or those of members of their families upon their coins.

From the time of Augustus, the triumviri, generally speaking, no longer put their names on any coin, and it became the exclusive privilege of the emperor to coin silver and gold. The senate entrusted with the administration of the aerarium retained only the right of coining copper, whence almost all copper coins of this period are marked with S. C. or EX S. C. But this lasted only till the time of Gallienus, when the right of coining all money became the exclusive privilege of the emperors. As, however, the vast extent of the empire rendered more than one mint necessary, we find that in several provinces, such as Gaul and Spain, Roman money was coined under the superintendence of quaestors or proconsuls. Roman colonies and provinces now gradually ceased to coin their own money. In the western parts of the empire this must have taken place during the first century of our aera, but in the East the Roman money did not become universal till after the time of Gallienus. From the time of the emperor Aurelian a great number of cities of the empire possessed mints in which Roman money was coined, and during the latter period of the empire the superintendents of mints are called procuratores or praepositi monetae.

The persons who were employed as workmen in a mint were called *monetarii*. Their number at Rome appears to have been very great during the latter period of the empire, for in the reign of Aurelian they nearly produced a most dangerous rebellion. (Aurel. Vict. *de Caes.* 35; Vopisc. *Aurel.* 38.) They seem generally to have been freedmen. (Murat. *Inscript.* 968. n. 5.)

In Greece every free and independent city had the right to coin its own money. Sparta and Byzantium are said to have only coined iron money (Pollux, vii. 106), but no ancient iron coin has ever been found. Respecting the time when money was first coined in Greece, see ARGENTUM and NUMMUS. The Greek term for money was *νόμισμα*, from *νόμος*, because the determination of its value was fixed by law or contract. (Aristot. *Ethic.* v. 8.)

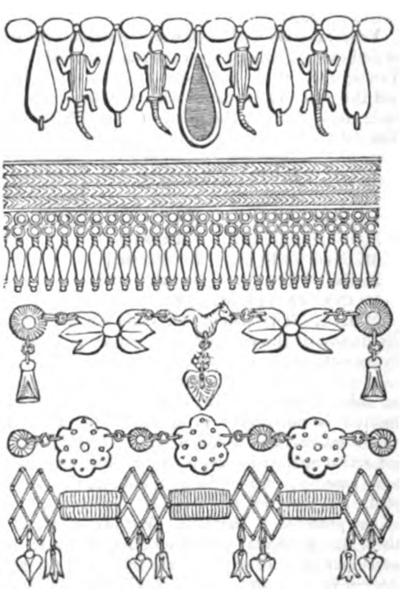
The mint at Athens was called ἀργυροκοπεῖον. [ARGYROCOPEION.] We do not hear of any officers connected with the management or the superintendence of the Athenian mint. How far the right of coining money was a privilege of the central government of Attica is unknown. But the extant coins show that at least some demes of Attica had the right of coining, and it is probable that the government of Athens only watched over the weight and the purity of the metal, and that the people in their assembly had the right of regulating everything concerning the coining of money. (Aristoph. *Eccles.* 810, &c.) The Attic gold and silver coins were always of very pure metal, and we have only one instance in which the state at a time of great distress used bad metal. This was in the archonship of Antigenes and Callias, B. C. 407 and 406. (Aristoph. *Ran.* 673, with the Schol., and 678.) Individuals who coined bad money were punished with death. (Demosth. *c. Lept.* p. 508; NOMISMATOS DIAPHORAS DIKE.) The place where money was coined is always indicated on Greek coins; either the name of the place is stated, or some symbolical representation of the place, as the owl on Athenian and a peacock on Samian coins. These symbols are generally of a religious nature, or connected with the worship of the gods or heroes.

For further information on this subject see Eckhel, *Doctrina Numorum Veterum*, and especially the Prolegomena generalia in vol. i.; Dureau de la Malle, *Economie Politique des Romains.*

MONETA'RII, [MONETA.]

MONI'LE (ὅρμος), a necklace. Necklaces were worn by both sexes among the most polished of those nations which the Greeks called barbarous, especially the Indians, the Egyptians, and the Persians. [ARMILLA.] Greek and Roman females adopted them more particularly as a bridal ornament. (Lucan, ii. 361; Claud. *de vi. cons. Honor.* 527.)

The simplest kind of necklace was the *monile baccatum*, or bead necklace (Virg. *Aen.* i. 657; Lamprid. *Al. Sev.* 41), which consisted of berries, small spheres of glass, amethyst, &c., strung together. This is very commonly shown in ancient paintings. (See woodcut, p. 136.) The head of Minerva at page 566, exhibits a frequent modification of the bead necklace, a row of drops hanging below the beads. These drops, when worn, arrange themselves upon the neck like rays proceeding from a centre. To this class of necklaces belongs one in the Egyptian collection of the British Museum (see the annexed woodcut), in which small golden lizards alternate with the drops. The figure in the



woodcut immediately underneath this exhibits the central portion of a very ancient and exquisitely wrought necklace, which was found at S. Agatha, near Naples, in the sepulchre of a Greek lady. It has 71 pendants. Above them is a band consisting of several rows of the close chain-work, which we now call Venetian. [Catena.] We also give here the central portions, exhibiting the patterns of three splendid gold necklaces, purchased from the Prince of Canino for the British Museum. These were found in Etruscan tombs. The ornaments consist of circles, lozenges, rosettes, ivy-leaves, and hippocampi. A heart depends from the centre of one of the necklaces.

The necklace was sometimes made to resemble a serpent coiled about the neck of the wearer, as was the case with that given as a nuptial present by Venus to Harmonia, which was ornamented in so elaborate a manner, that Nonnus devotes 50 lines of his *Dionysiaca* (v. 125, &c.) to its description. This same necklace afterwards appears in the mythology as the bribe by which Eriphyle was tempted to betray her husband. (Apollodor. iii. 4. § 2, iii. 6. §§ 2—6 ; Diod. iv. 65, v. 49 ; Serv. *in Aen.* vi. 445.)

The beauty and splendour, as well as the value of necklaces, were enhanced by the insertion of pearls and precious stones, which were strung together by means of linen thread, silk, or wires and links of gold. For this purpose emeralds, or other stones of a greenish hue (*smaragdi*), were often employed (*virides gemmae*, Juv. vi. 363). Amber necklaces are mentioned in the Odyssey (xv. 459, xviii. 295). Some account of the various kinds of links is given in the article Catena. The hooks or clasps for fastening the necklace behind the neck were also various, and sometimes neatly and ingeniously contrived. Besides a band encircling the neck, there was sometimes a second or even a third row of ornaments, which hung lower down, passing over the breast. (Hom. *Hymn.* ii. *in Ven.* 11 ; *longa monilia*, Ovid. *Met.* x. 264 ; Böttiger, *Sabina*, vol. ii. p. 129.)

Very valuable necklaces were sometimes placed, as dedicated offerings, upon the statues of Minerva, Venus, and other goddesses (Sueton. *Galb.* 18), and this was in accordance with the description of their attire given by the poets. (Hom. *Hymn.* i. *in Ven.* 88.) Horses and other favourite animals were also adorned with splendid necklaces (*aurea*, Virg. *Aen.* vii. 278 ; *gemmata monilia*, Ovid. *Met.* x. 113 ; Claudian, *Epig.* xxxvi. 9 ; A. Gell. v. 5). [Torques.] [J. Y.]

MONOPO'DIUM. [Mensa.]

MONOPTEROS. [Templum.]

MONOXYLON. [Navis.]

MONUMENTUM. [Funus, p. 561, a.]

MORA. The fact of an obligatio not being discharged at the time when it is due, is followed by important consequences, which either may depend on the nature of the contract, or may depend on rules of positive law. After such delay the creditor is empowered to use all legal means to obtain satisfaction for his demand: he may bring his action against his debtor or against those who have become securities for him, and, in the case of pledge, he may sell the thing and pay himself out of the proceeds of the sale. For particular cases there are particular provisions: for instance, the purchaser of a thing after receiving it, must pay interest on the purchase-money, if there is delay in paying it after the time fixed for payment. (Dig. 19. tit. 1. s. 13. § 20.) The rule is the same as to debts due to the Fiscus, if they are not paid when they are due. If a colonus was behind in payment of his rent for two years, the owner (locator) might eject him (Dig. 19. tit. 2. s. 54. § 1): and a man lost the right to his emphyteusis, if he delayed the payment of what was due (canon) for three years.

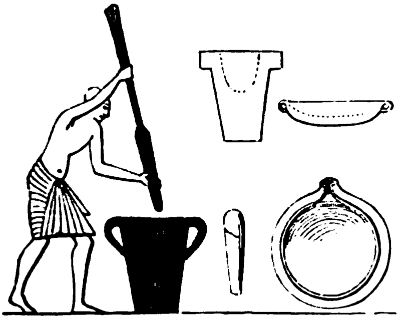
These were cases of delay in which there was simply a non-fulfilment of the obligatio at the proper time ; and the term Mora is sometimes applied to such cases. But that which is properly Mora is when there is delay on the part of him who owes a duty, and culpa can be imputed to him. Some modern writers are of opinion that all delay in a person discharging an obligatio is Mora, except there be some impediment which is created by causes beyond the debtor's control. But there are many reasons for the opinion that Mora in its proper sense always implied some culpa on the part of the debtor. This is proved by the general rule as to the necessity of interpellatio or demand of the creditor (si interpellatus opportuno loco non solverit, quod apud judicem examinabitur) ; by the rules about excusationes a mora, which only have a meaning on the supposition that real mora is not always to be imputed to a man, though there may be delay in the discharge of an obligatio. That this is the true meaning of Mora is also shown by the terms used with reference to it (per eum stetit, per eum factum est quominus, &c.). This view is confirmed also by the rule that in every case of Mora the particular circumstances are to be considered, a rule which plainly implies that the bare fact of delay is not necessary to constitute Mora. In a passage of Papinian (Dig. 12. tit. 1. s. 5) the doctrine that bare delay does not constitute legal Mora is clearly expressed.

When Mora could be legally imputed to a man, he was liable to loss in many cases when he otherwise would not be liable: as if a man was bound to give a thing and it was lost or destroyed, he was to bear the loss, if the fault was his, that is, if real culpose mora could be imputed to him. (Dig. 12. tit. 1. s. 5.) In cases where a man did not pay money when he ought, he was liable to pay interest if legal Mora could be imputed to him. In bonae fidei contractus interest (usurae) was due if there was legal mora. (Vangerow, *Pandekten*, &c. iii. p. 188 ; Thibaut, *System*, &c. i. § 96, &c. ; Dig. 22. tit. 1.) [G. L.]

MORA. [Exercitus, p. 483.]

MORTA'RIUM, also called PILA and PILUM (Plin. *H. N.* xviii. 3 ; xxxiii. 26), (ὅλμος: ἴγδη, Schol. *in Hes. Op. et Dies*, 421 ; ἴγδις, apparently from the root of *icere*, to strike), a mortar.

Before the invention of mills [Mola] corn was pounded and rubbed in mortars (*pistum*), and hence the place for making bread, or the bakehouse, was called *pistrinum*. (Serv. *in Virg. Aen.* i. 179.) Also long after the introduction of mills this was an indispensable article of domestic furniture. (Plaut. *Aul.* i. 2. 17 ; Cato, *de Re Rust.* 74—76 ; Colum. *de Re Rust.* xii. 55.) Hesiod (*l. c.*), enumerating the wooden utensils necessary to a farmer, directs him to cut a mortar three feet, and a pestle (ὕπερον, κοπάνον, *pistillum*) three cubits long. Both of these were evidently to be made from straight portions of the trunks or branches of trees, and the thicker and shorter of them was to be hollowed. They might then be used in the manner represented in a painting on the tomb of Remeses III. at Thebes (see woodcut, left-hand figure taken from Wilkinson, vol. ii. p. 383); for there is no reason to doubt that the Egyptians and the Greeks fashioned and used their mortars in the same manner. (See also Wilkinson, vol. iii. p. 181, showing three stone mortars with metal pestles.) In these paintings we may observe the thickening of the pestle at both ends, and that two men pound in one mortar, raising their pestles alternately as is still the practice in Egypt. Pliny (*H. N.* xxxvi. 43) mentions the various kinds of stone selected for making mortars, according to the purposes to which they were intended to serve. Those used in pharmacy were sometimes made, as he says, "of Egyptian alabaster." The annexed woodcut shows the forms of two preserved in the Egyptian collection of the British Museum, which exactly answer to this description, being made of that material. They do not exceed three inches in height: the dotted lines mark the cavity within each. The woodcut also shows a mortar and pestle, made of baked white clay, which were discovered, A. D. 1831, among numerous specimens of Roman pottery in making the northern approaches to London-bridge (*Archaeologia*, vol. xxiv. p. 199, plate 44.)



Besides the uses already mentioned, the mortar was employed in pounding charcoal, rubbing it with glue, in order to make black paint (*atramentum*, Vitruv. vii. 10. ed. Schneider); in making plaster for the walls of apartments (Plin. *H. N.* xxxvi. 55); in mixing spices and fragrant herbs and flowers for the use of the kitchen (Athen. ix. 70; Brunck, *Anal.* iii. 51); and in metallurgy, as in triturating cinnabar to obtain mercury from it by sublimation. (Plin. *H. N.* xxxiii. 41, xxxiv. 22.) [J. Y.]

MOS. [Jus, p. 657, a.]

MO'THACES, MOTHO'NES (μόθακες, μόθωνες), [Civitas, p. 290, b.]

MUCIA'NA CAUTIO. [Cautio.]

MU'LLEUS. [Patricii.]

MULSUM. [Vinum.]

MULTA. [Poena.]

MUNERA'TOR. [Gladiatores, p. 574, a.]

MU'NICEPS, MUNICI'PIUM. [Colonia; Foederatae Civitates.]

MUNUS. [Honores.]

MUNUS. [Gladiatores, p. 574, a.]

MUNY'CHIA (μουνύχια), a festival celebrated in honour of Artemis Munychia. Plutarch (*de Glor. Ath.* p. 349, F.) says that it was instituted to commemorate the victory over the Persians at Salamis, and that it was held every year on the sixteenth of Munychion. (Compare Suidas and Harpocrat. *s. v.* Μουνυχιών.) The sacrifices which were offered to the goddess on this day consisted of cakes called ἀμφιφῶντες, either because at this season the full moon was seen in the west at the moment the sun rose in the east, or, as is more probable, and also confirmed by most authorities, because these cakes were adorned all round with burning candles. (Athen. xiv. p. 645; Suidas, *s. v.* Ἀνάστατοι: Hesych. and Etymol. Mag. *s. v.* Ἀμφιφῶν.) Eustathius (*ad Iliad.* xviii.) says that these cakes were made of cheese. [L. S.]

MURA'LIS CORO'NA. [Corona.]

MUREX. [Tribulus.]

MU'RIES. [Vestales.]

MU'RRHINA VASA, or MU'RREA VASA, were first introduced into Rome by Pompey, who dedicated cups of this kind to Jupiter Capitolinus. (Plin. *H. N.* xxxvii. 7.) Their value was very great. (Sen. *de Benef.* vii. 9, *Epist.* 119; Martial, iii. 82. 25; Dig. 33. tit. 10. s. 3. § 4.) Pliny (*l. c.*) states that 70 talents were given for one holding three sextarii, and speaks of a murrhine trulla, which cost 300 talents. Nero gave even 300 talents for a capis or drinking cup.

Pliny (xxxvii. 8) says that these murrhine vessels came from the East, principally from places within the Parthian empire, and chiefly from Caramania. He describes them as made of a substance formed by a moisture thickened in the earth by heat, and says that they were chiefly valued on account of their variety of colours. Modern writers differ much respecting the material of which they were composed. Some think that they were variegated glass, and others that they were made of onyx, since that stone presents a variety of colours; but the latter conjecture is overthrown by a passage of Lampridius (*Heliogab.* 32), who speaks of onyx and murrhine vases. Most recent writers, however, are inclined to think that they were true Chinese porcelain, and quote in support of their opinion the words of Propertius (iv. 5. 26): —

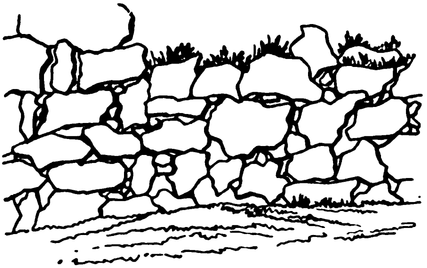
> "Murreaque in Parthis pocula cocta focis."

This opinion would be rendered still more probable if we could place dependence on the statement of Sir W. Gell (*Pompeiana*, vol. i. pp. 98, 99), "that the porcelain of the East was called Mirrha di Smyrna to as late a date as 1555." (Becker, *Gallus*, vol. i. p. 143.)

MURUS, MOENIA (τεῖχος), the wall of a city, in contradistinction to Paries (τοῖχος), the wall of a house, and *Maceria*, a boundary wall. Both the Latin and Greek words appear to contain, as a part of their root meaning, the idea of a *firm, strong* wall; and they are nearly always used for walls of stone or some other massive construction. *Murus* and τεῖχος are also used for the outer wall of a large building.

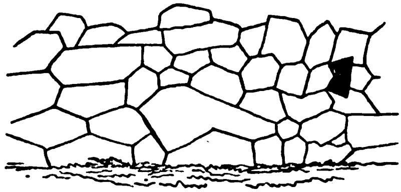
We find cities surrounded by massive walls at the earliest periods of Greek and Roman history, of which we have any records. Homer speaks of the chief cities of the Argive kingdom as "the walled Tiryns," and "Mycenae the well-built city" (*Il.* ii. 559, 569), not only thus, as in other passages, proving the common use of such structures in the Homeric period, but also attesting the great antiquity of those identical gigantic walls which still stand at Tiryns and Mycenae, and other cities of Greece and Italy. In Epirus, in

Etruria, and in Central Italy, especially in the valleys at the foot of the Apennines on their western side, we find numerous remains of walls, which are alike, inasmuch as they are composed of immense blocks of stones put together without cement of any kind, but which differ from one another in the mode of their construction. Three principal species can be clearly distinguished: — 1. That in which the masses of stone are of irregular shape and are put together without any attempt to fit them into one another, the interstices being loosely filled in with smaller stones; as in the walls of the citadel of Tiryns, a portion of which is shown in the following engraving: —

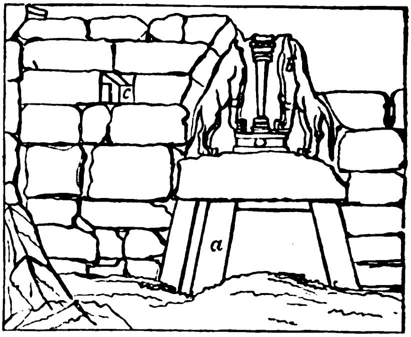


Another specimen of the buildings at Tiryns, of much more regular construction, may be seen at p. 125.

2. In other cases we find the blocks still of irregular polygonal shapes, but of a construction which shows a considerable advance upon the former. The stones are no longer unhewn (ἀργοὶ λίθοι), but their sides are sufficiently smoothed to make each fit accurately into the angles between the others, and their faces are cut so as to give the whole wall a tolerably smooth surface. Examples of this sort of work are very common in Etruria. The engraving is taken from the walls of Larissa in Argolis.



3. In the third species, the blocks are laid in horizontal courses, more or less regular (sometimes indeed so irregular, that none of the horizontal joints are continuous), and with vertical joints either perpendicular or oblique, and with all the joints more or less accurately fitted. The walls of Mycenae present one of the ruder examples of this sort of structure; and the following engraving of the "Lion Gate," of that fortress (so called from the rudely sculptured figures of lions) shows also the manner in which the gates of these three species of walls were built, by supporting an immense block of stone, for the lintel, upon two others, for jambs, the latter inclining inwards, so as to give more space than if they were upright. A very large number of interesting examples of these constructions will be found engraved in some of the works presently referred to. We have only space for these three characteristic specimens, one of each class. Neither is it here possible, or at all necessary, to discuss the opinions of ancient writers, most of whom were content with the popular legend which assigned these works to the Cyclopes, nor the theories of modern scholars and antiquarians, who (with some of the ancients) have generally referred them to the Pelasgians. The principal conclusions to which Mr. Bunbury has come, from a thorough examination of the whole subject, may be safely regarded as correct: namely, that while in such works as the walls of Tiryns we have undoubtedly the earliest examples of mural architecture, it is quite a fallacy to lay down the general principle, that the unhewn, the polygonal, the more irregular and the more regular rectangular constructions, always indicate successive steps in the progress of the art; and that it is also erroneous to assign these works to any one people or to any one period; that, while such massive structures would of course be built by people comparatively ignorant of the art of stone-cutting or of the tools proper for it, they might be and were also erected in later times simply on account of their adaptation to their purpose, and from the motive of saving unnecessary labour; and that the difference between the polygonal and rectangular structures is generally to be ascribed not to a difference in the skill of the workmen, but to the different physical characters of the materials they employed, — the one sort of structure being usually of a species of limestone, which easily splits into polygonal blocks, and the other a sandstone, the natural cleavage of which is horizontal. (Bunbury, *Cyclopaean Remains in Central Italy*, in the *Classical Museum*, 1845, vol. ii. pp.147, &c.; Müller, *Archäol. d. Kunst*, §§45, 166, and the works there quoted; Stieglitz, *Archäol. d. Baukunst*, vol. i. pp. 95—98; Hirt, *Gesch. d. Baukunst*, vol. i. pp. 195, &c., and plate vii. from which the foregoing cuts are taken; *Atlas zu Kugler's Kunstgeschichte*, Pt. ii. Pl. 1; Göttling in the *Rhein. Mus.* 1843, vol. iv. pp. 321, 480, and in the *Archäologische Zeitung*, No. 26; *Pompeii*, vol. i. c. 4, with several woodcuts of walls; Abeken, *Mittelitalien vor den Zeiten römischer Herrschaft*, a most important work, with numerous engravings of walls).



The examples of the foregoing class lead us gradually to the regular mode of construction which prevailed in Greece after the time of the Persian Wars, and which had been adopted in the walls of temples much earlier. In the long walls of

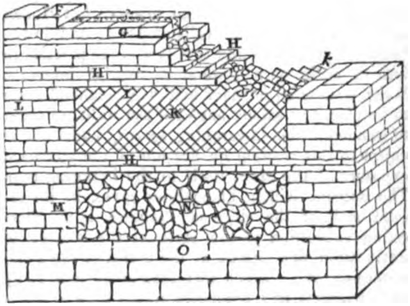
Athens, and the walls of Peiraeeus, the massiveness of the Cyclopaean works was united with perfect regularity of construction. The stones, which were so large that each was a cart-load (ἁμαξιαῖοι) were accurately fitted to one another (ἐν τομῇ ἐγγώνιοι), and held together, without cement by metal clamps soldered with lead into sockets cut into the blocks of stone. (Thuc. i. 93). The walls of the Parthenon, and the other great edifices of the period, were of similar construction. Sometimes wooden plugs were used instead of metal clamps. It is unnecessary to describe here the details of the modes in which the joints were arranged in this regular and massive masonry. So perfect was the workmanship at this period of the art, that the joints often appeared like a thread; and Pliny mentions a temple at Cyzicus, in the interior wall of which a fine thread of gold was actually inserted in the joints of the masonry. (*H. N.* xxxvi. 15. s. 22.)

The materials employed at this period were various sorts of stone, and, in some of the most magnificent temples, marble. The practice of putting a facing of marble over a wall of a commoner material was introduced in the next period of architectural history. The first example of it, according to Pliny (*H. N.* xxxvi. 6. s. 6), was in the palace of Mausolus, the walls of which were of brick, faced with slabs (*crustae*) of Proconnesian marble (about B. C. 360). Vitruvius (ii. 8) also states this fact, and adds that brick walls, when perfectly perpendicular, are quite as durable as those of stone, and, in proof of this, he mentions several examples of very ancient brick buildings, both in Greece and Italy. (Comp. Vitruv. i. 42; Paus. i. 42, ii. 27, v. 5, x. 4, 35; LATER.)

For buildings of a common sort, the materials employed were smaller stones, rough or squared, or flints, as well as bricks: the latter, however, were not nearly so much used by the Greeks as by the Romans. The different methods of construction will be described presently.

The walls of smaller quarried stones or bricks were bound together with various kinds of mortar or cement, composed of lime mixed with different sands and volcanic earths. The most durable of these was the cement formed by mixing two parts of *Terra Puteolana* (*Puzzolana*, a volcanic product, which is found in various parts of Italy, besides Puteoli) with one part of mortar: this cement had the property of hardening rapidly under water: it was much used in aqueducts, cisterns, and such works. (For further details on cements, see Vitruv. ii. 5, 6, v. 12, vii. 2; Plin. *H. N.* xxxvi. 23. s. 52, 55; Pallad. i. 10, 14; Strab. v. p. 245; Dioscor. v. 133).

The history of Roman masonry is not very different from that of the Greek. The Cyclopean remains of Italy have been already noticed. The most ancient works at Rome, such as the *Carcer Mamertinus*, the *Cloaca Maxima*, and the Servian Walls, were constructed of massive quadrangular hewn stones, placed together without cement. [CLOACA.] In most of the remains, the stones are twice as long as they are high. Canina (*Arch. Antiq.*) distinguishes five species of Roman masonry; namely, (1) when the blocks of stone are laid in alternate courses, lengthwise in one course, and crosswise in the next; this is the most common; (2) when the stones in each course are laid alternately along and across; this construction was usual when the walls were to be faced with slabs of marble; (3) when they are laid entirely lengthwise; (4) entirely crosswise; and (5) when the courses are alternately higher and lower than each other, as in the round temple (of Vesta, so called) upon the Tiber. This temple also affords us an example of what is called *rustic-work*, in which the stones are bevelled at their joints, the rest of their surfaces being generally left rough. This style of work originated, in the opinion of some, from the desire to save the trouble of smoothing the whole face of the stones; but it is more probable that it was adopted in order to give a bolder and firmer appearance to the structure. Examples of it are found in the remains of several Roman fortifications in Germany, and in the substructions of the bridge over the Moselle at Coblenz (*Rhein. Mus.* 1836, vol. iv. p. 310; Witzschel, in the *Real-Encyclop. d. class. Alterth.* art. *Muri*). As by the Greeks, so by the Romans, walls of a commoner sort were built of smaller quarried stones (*caementa*) or of bricks. Vitruvius (ii. 8) and Pliny (*H. N.* xxxvi. 22. s. 51) describe the following kinds of masonry, according to the mode in which the small stones (*caementa*) were put together. (The woodcut is copied from the *Abbildungen zu Winckelmann's Werke*, Donauöschingen, 1835, fig. 10.)



Besides the large square blocks of stone (O), they used smaller quadrangular stones arranged in regular courses of equal and of unequal heights; the former was called *isodomum* (M), the latter *pseudisodomum* (L); in another sort of work, called *emplecton* (G), the outer faces of the walls only were of wrought stones, the intermediate parts being filled up with rough stones, but these, in the Greek method of construction, were well bedded in mortar, and arranged with overlapping joints, and the wall was bonded together with stones laid across at intervals, which were called διάτονοι (F); but the workmen of the time of Vitruvius were in the habit, for the sake of despatch, of running up the outer walls separately, and then filled the middle space with loose rubbish, a sort of work which Pliny calls *diamicton*. The excellence of the cement which the Romans used enabled them to construct walls of very small rough stones, not laid in courses, but held together by the mortar; this structure was called *opus incertum* (N). An improvement upon it in appearance, but inferior in stability, was the *opus reticulatum*, of which there were two kinds, the *like* (K) and the *unlike* (I). This sort of work was composed of stones or bricks, from six to nine inches long, and about three inches square at the end, which formed the faces of the wall, the interior being filled in with mortar and small rough stones. Vitruvius complains of these walls as being apt to split, on account of their having neither horizontal courses nor covered joints. Another structure of which the Romans made great use, and which was one of the most durable of all, was that composed of courses of flat tiles (H). Such courses were also introduced in the other kinds of stone and brick walls, in which they both served as bond-courses, and, in the lower part of the wall, kept the damp from rising from the ground. Brick walls covered with stucco were exceedingly common with the Romans: even columns were made of brick covered with stucco; we have an example in the columns of the basilica at Pompeii, the construction of which is explained in *Pompeii*, vol. i. p. 136. In hot countries, as in Africa and Spain, walls were built of earth rammed in between two faces or moulds (*tabulae*, *formae*), which were removed when it hardened; they were called *parietes formacei;* and Pliny mentions watch-towers of this construction, built by Hannibal, on the mountains of Spain, which still stood firm. (*H. N.* xxxv. 14. s. 48.) Walls of turf were chiefly used in the ramparts of camps (Agger, Vallum) and as embankments for rivers.

With respect to the use of walls as fortifications, we have not space to say much. The Cyclopean walls of Tiryns, &c., had no towers; but Homer refers to towers on the walls of Troy; and in the historical period we find that it was the practice to furnish walls with towers at regular intervals. Some writers on military affairs recommend them to be placed at salient angles of the walls, in order to command the intervening spaces, whilst others object to this position on account of the increased exposure of the tower itself to the battering ram. The account which Thucydides gives, in his second book, of the siege of Plataeae, is an interesting exhibition of the state of the science of fortification and attack at the period of the Peloponnesian war. Much was done to advance it by the architects and engineers of the time of Alexander and his successors. The rules which have been established by the time of the Roman emperors may be seen exhibited in detail by Vitruvius (i. 5), and the writers on military affairs, and illustrated by the remains of the walls of Pompeii. (*Pompeii*, vol. i. pp. 66, &c.) The system may be described in a few words as a broad terrace of earth (*agger*) enclosed between two battlemented walls and furnished with towers, two, three, or more stories high, communicating by arched doorways with the *agger*, and also having a sally-port. These towers were at distances, on the average, of the cast of a javelin, but varying according to the greater or less exposure of each part of the wall. Respecting the gates, see Porta. [P. S.]

MU'SCULUS was, according to the description of Vegetius (*de Re Milit.* iv. 16), one of the smaller military machines, by which soldiers in besieging a town were protected while engaged in filling up the ditches round the besieged place, so that the moveable towers (*turres ambulatoriae*) of the besiegers might be able to approach the walls without obstacle. A minute description of a musculus is given by Caesar (*de Bell. Civ.* ii. 10, &c.). The one which he describes was nine feet long, and was constructed in the following manner: — Two beams of equal length were placed upon the ground at the distance of four feet from each other, and upon them were fixed little pillars five feet high. Their top-ends were joined by transverse beams, which formed a gentle slope on either side of the roof of which they formed the frame-work. The roof was then entirely covered with pieces of wood, two feet broad, which were fastened with metal plates and nails. Around the edge of this roof square pieces of wood, four cubits broad, were fixed for the purpose of keeping together the bricks and mortar with which the musculus was then covered. But that these materials, which were intended to protect the musculus against fire, might not suffer from water, the bricks and mortar were covered with skins; and that these skins again might not suffer from the fire or stones which the besieged might throw upon the musculus, the whole was covered with rags of cloth. The whole of this machine was constructed under the cover of a vinea, and close by the Roman tower. At a moment when the besieged were least expecting any attack, the musculus was moved on against the wall of the town. The men engaged under it immediately began to undermine the wall and thus to make a breach in it; and while this work was going on, the besiegers kept up a lively fight with the besieged in order to prevent them from directing their attacks against the musculus. (Compare Caes. *de Bell. Civ.* iii. 80, *de Bell. Alex.* 1.) The musculus described by Caesar was evidently designed for different purposes than the one mentioned by Vegetius, and the former appears to have been only a smaller but a more indestructible kind of vinea than that commonly used. (Lipsius, *Poliorc.* i. 9; Guichard, *Mémoires Milit.* ii. p. 58. tab. 2.) [L. S.]

MUSEIA (Μούσεια), a festival with contests celebrated at Thespiae in Boeotia in honour of the Muses. (Paus. ix. 31. § 3.) It was held every fifth year and with great splendour. (Plut. *Amator.* p. 748. F.) From Aeschines (*c. Timarch.*) it appears that there was also a festival called Museia, which was celebrated in schools. [L. S.]

MUSE'UM (Μουσεῖον) signified in general a place dedicated to the Muses, but was specially the name given to an institution at Alexandria, founded by Ptolemy Philadelphus, about B. C. 280, for the promotion of learning and the support of learned men. (Athen. v. p. 203.) We learn from Strabo (xviii. p. 794) that the museum formed part of the palace, and that it contained cloisters or porticos (*περίπατος*), a public theatre or lecture-room (*ἐξέδρα*), and a large hall (*οἶκος μέγας*), where the learned men dined together. The museum was supported by a common fund, supplied apparently from the public treasury; and the whole institution was under the superintendence of a priest, who was appointed by the king, and after Egypt became a province of the Roman empire, by the Caesar. (Strabo, *l. c.*) Botanical and zoological gardens appear to have been attached to the museum. (Philostr. *Apollon.* vi. 24; Athen. xiv. p. 654.) The emperor Claudius added another museum to this institution. (Suet. *Claud.* 42, with Casaubon's note.)

MU'SICA (*ἡ μουσική*), signified in general any art over which the Muses presided, but is sometimes employed to indicate *Music* in the modern acceptation of the term. 1. Greek. In compiling the following article little more has been attempted than to give an outline of facts which rest upon positive evidence, and at the same time to present them in such a form as to serve for an introduction to the original sources. Hence it necessarily consists in a great measure of technical details, which, however, can present no difficulty to persons acquainted with the first elements of the modern theory; and nothing has been said in the way of deduction, except in one or two cases where the interest of the subject and the apparent probability of the conclusions seemed to permit it.

The term *'Αρμονική* was used by the Greek writers to denote what is now called the Science of Music; *μουσική* having, as has been already remarked, a much wider signification. *'Αρμονική ἐστιν ἐπιστήμη θεωρητική καὶ πρακτικὴ τῆς τοῦ ἡρμοσμένου φύσεως. 'Ηρμοσμένον δέ ἐστιν τὸ ἐκ φθόγγων καὶ διαστημάτων, ποιὰν τάξιν ἐχόντων, συγκείμενον.* (Euclid. *Int. Harm.* p. 1.)

The following sevenfold division of the subject, which is adopted by the author just quoted, as well as by others, will be partly adhered to in the present article: — I. Of Sounds (*περὶ φθόγγων*). II. Of Intervals (*περὶ διαστημάτων*). III. Of Genera (*περὶ γένων*). IV. Of Systems (*περὶ συστημάτων*). V. Of Modes (*περὶ τόνων*).[*] VI. Of Transition (*περὶ μεταβολῆς*). VII. Of Composition (*περὶ μελοποιΐας*).

A sound is said to be *musical* when it has a determinate *pitch* (*τάσις*). When two sounds differ in pitch, one is said to be more *acute* (*ὀξύς*), the other more *grave* (*βαρύς*): or, in common language, one is called higher and the other lower. The term *ἐμμελής* applied to a sound either signifies *simply*, that it is capable of being used in a melody; or *relatively*, that it is capable of being used in the *same melody* with some other sound or system of sounds; the latter is its most common meaning.

An Interval is the difference or rather distance between two sounds of different pitch. When we compare the intervals between two pairs of sounds, we judge them in certain cases to be similar, or *equal*. If the more acute sound of one of them be then raised, that interval is said to become greater than the other. It is this property of intervals (their being comparable in respect of magnitude) which enables us to classify them, and enumerate their several kinds.

Intervals are either *consonant* (*σύμφωνα*) or *dissonant* (*διάφωνα*), according as the two sounds may or may not be heard at the same time without offending the ear. (Eucl. p. 8.) Strictly speaking it is impossible to define the limit between the two classes, and this seems to be acknowledged by the later writers, who distinguish various degrees of consonance and dissonance. Originally, the only intervals reckoned consonant were the Octave or eighth (*διὰ πασῶν*), the Fifth (*διὰ πέντε* or *δι' ὀξειῶν*), the Fourth (*διὰ τεσσάρων* or *συλλαβή*), and any interval produced by adding an octave to one of these. But all intervals less than the fourth, or intermediate between any two of those just enumerated (as the sixth, tenth, &c.), were considered as dissonant. The principal intervals, less than the fourth, employed in Greek music were the double tone (*δίτονον*), nearly equal to the modern major third; the tone and half (*τριημιτόνιον*), nearly the same as the minor third; the tone (*τόνος*), equal to the modern major tone; the half tone (*ἡμιτόνιον*) and the quarter tone (*δίεσις*). (Eucl. p. 8.) Other writers speak of *ὁμοφωνία* or unison, *ἀντιφωνία* or the consonance of the octave, and *παραφωνία* or the consonance of the fourth and fifth. See Arist. *Probl.* xix. 39, and Gaudentius, p. 11. The latter author considers *παραφωνία* to be intermediate between consonance and dissonance, and mentions the tritone or sharp fourth as an example of it.

If two strings, perfectly similar except in length, and stretched by equal tensions, be made to vibrate, the number of vibrations performed in a given time by each is inversely proportional to its length; and the *interval* between the sounds produced is found to depend only on the *ratio of the lengths*, *i. e.* of the numbers of vibrations. Thus

if the ratio be $\frac{1}{2}$ the interval is an octave,
if „ $\frac{2}{3}$ „ a fifth,
if „ $\frac{3}{4}$ „ a fourth,
if „ $\frac{8}{9}$ „ a major tone.

The discovery of these ratios is attributed, probably with truth, to Pythagoras. But the accounts of the experiments by which he established them (see Nicomachus, p. 10) are plainly false, since they contradict the known fact that when similar and equal strings are stretched by *different* tensions, the number of vibrations are as the *square roots* of the tensions. (See Whewell's *Dynamics*, part ii. p. 331, ed. 1834.)

The *τόνος* or tone was defined to be the difference between the fourth and fifth; so that the corresponding ratio would be determined either by experiment, or by simply dividing $\frac{2}{3}$ by $\frac{3}{4}$.

It is remarkable that each of the four ratios enumerated above is *superparticular*[*]; *i. e.* the two terms of each differ from one another by unity. And all the intervals employed in the modern theory are either such as correspond to superparticular ratios, or are produced from such by compounding them with the octave. Thus the ratio corresponding to the

major third is $\frac{4}{5}$
minor third „ $\frac{5}{6}$
minor tone „ $\frac{9}{10}$
major semitone „ $\frac{15}{16}$

It seems therefore extraordinary, that analogy should not have led at once to the discovery at least of the major and minor third, as soon as the connection between intervals and ratios had been observed. However no such discovery was then made, or if made it was neglected; and this affords at once an explanation of the fact that intervals less than the fourth were reckoned dissonant: for the *δίτονον*, or double major tone, is greater than the true consonant major third (which consists of a major and minor tone) by an interval expressed by the ratio $\frac{80}{81}$; a difference quite sufficient to destroy the consonance of the interval. In fact, when a keyed instrument is tuned according to the equal temperament, the major thirds are too great by an interval little more than half of this ($\frac{129}{128}$ nearly), and yet are only just tolerable. This subject is important, because it bears immediately upon the question whether harmony was used in the Greek music.

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[*] *Τόνος* is used in several different senses. First it signifies *degree of tension*, and so *pitch*, whence its application to denote *mode*, the modes being scales which differed in pitch: and then it is taken for *result of tension*; whence its meaning as the name of an interval, *tone*, because a tone is the interval through which the voice is most naturally raised at one effort. (See Aristid. p. 22; Eucl. 19.)

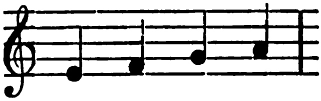
[*] Euclid seems to consider no intervals consonant except such as correspond to superparticular (*ἐπιμόριος*) or multiple (*πολλαπλασίων*) ratios; the latter being such as $\frac{2}{1}$, $\frac{3}{1}$, $\frac{4}{1}$, &c. On this theory the *octave and fourth* ($\frac{3}{8}$) would be dissonant, but the *octave and fifth* ($\frac{1}{3}$) consonant. (See Eucl. *Sect. Can.* p. 24.)

An aggregate of two or more intervals, or rather a series of sounds separated from one another by intervals, constituted a system. Systems were named from the number of sounds which they comprehended. Thus an octachord was a system of eight sounds, a pentachord of five, and so on: and usually, though not necessarily, the number of sounds corresponded to the interval between the two extreme sounds.

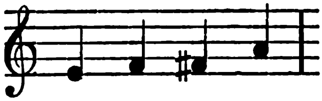
The fundamental system in ancient music was the *tetrachord*, or system of four sounds, of which the extremes were at an interval of a fourth. In modern music it is the octachord, and comprehends an octave between the extremes. The important and peculiar property of the latter system, namely, the *completeness* of its scale, was fully understood, as the name of the interval *διὰ πασῶν* sufficiently indicates (see also Aristides, pp. 16, 17), but it was not taken in theory for the foundation of the scale; or at any rate was considered as made up of two tetrachords.

The *Genus* of a system depended upon the distribution of the two intermediate sounds of the tetrachord. The Greek musicians used three Genera: —

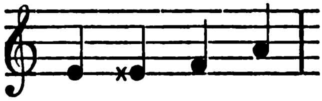
I. The Diatonic, in which the intervals between the four sounds were (ascending), semitone, tone, tone: —



II. The Chromatic; semitone, semitone, tone, and half: —



III. The Enharmonic; diesis, diesis, double tone: —



(The second note is meant to represent a sound half way between E and F, for which the modern system supplies no notation.)

Of these genera the Diatonic was allowed to be the most ancient and natural, and the Enharmonic the most modern and difficult; the latter however seems soon to have become the favourite with theorists at least, for Aristoxenus complains that all writers before his time had devoted their treatises almost entirely to it, to the neglect of the two others. (Aristox. pp. 2 and 19.)

The only difference between the ancient and modern Diatonic is, that in the former all the tones are major tones, whereas in the latter, according to the theory generally admitted, major and minor tones occur alternately. (See Crotch's *Elements of Musical Composition*, chap. ix.) The interval called a semitone in the above descriptions is therefore strictly neither equal to the modern major semitone, nor to half a major tone, but the ear would hardly appreciate the difference in *melody*.

Besides these genera, certain *Colours* (*χρόαι*) or specific modifications of them are enumerated. (Eucl. p. 10.)

The Enharmonic had only one *χρόα*, namely, the genus itself as described above: it is commonly called simply *ἁρμονία*.

The Chromatic had three: 1st. *χρῶμα τονιαῖον*, or simply *χρῶμα*, the same as the genus; 2nd. *χρῶμα ἡμιόλιον*, in which intervals of three-eighths of a tone were substituted for the two semitones; 3rd. *χρῶμα μαλακόν*, in which intervals of one third of a tone were similarly employed.

The Diatonic had two *χρόαι*: 1st. *διάτονον σύντονον*, or simply *διάτονον*, the same as the genus; 2nd. *διάτονον μαλακόν*, in which an interval of three-fourths of a tone was substituted for the second semitone (ascending).

The following table will exhibit at one view the intervals between the sounds of the tetrachord, taken in the ascending order, according to each of these *χρόαι*, the tone being represented by unity, and two tones and a half being supposed to make up a fourth, a supposition which is not exactly true, but is commonly adopted by the ancient writers as sufficiently accurate for their purpose. (See Eucl. *Sectio Canonis Theor.* xv.)

I. Diatonic . . .	1. *διάτονον* (*σύντονον*)	$\frac{1}{2}$, 1, 1.
	2. *διάτονον μαλακόν* .	$\frac{1}{2}$, $\frac{3}{4}$, $\frac{5}{4}$.
II. Chromatic . .	1. *χρῶμα* (*τονιαῖον*) .	$\frac{1}{2}$. $\frac{1}{2}$, $\frac{3}{2}$.
	2. *χρῶμα ἡμιόλιον* .	$\frac{3}{8}$, $\frac{3}{8}$, $\frac{7}{4}$.
	3. *χρῶμα μαλακόν* .	$\frac{1}{3}$, $\frac{1}{3}$, $\frac{11}{6}$.
III. Enharmonic .	*ἁρμονία*	$\frac{1}{4}$, $\frac{1}{4}$, 2.

There seems to be little evidence that any of the *χρόαι* were practically used, except the three principal ones, *διάτονον*, *χρῶμα*, *ἁρμονία*. But it would be wrong to conclude hastily that the others would be impossible in practice, or necessarily unpleasing. In the *soft* Diatonic for instance, the interval which is roughly described as five-fourths of a tone would be greater than a major tone, but less than a minor third; now there are two intervals of this kind corresponding to the *superparticular* ratios $\frac{8}{7}$ and $\frac{7}{6}$, which ought therefore by analogy to be consonant, or at any rate capable of being employed as well as the tone and semitone; and although they are not used in modern music, or at least not admitted in theory *, nothing but experiment can determine how far the ear might become accustomed to them. If this view be correct, the intervals of the tetrachord in the *διάτονον μαλακόν* would probably correspond to the ratios $\frac{22}{21}$, $\frac{12}{11}$, $\frac{7}{6}$, and similar considerations might be applied to the other *χρόαι*.

The four sounds of the tetrachord were distinguished by the following names: *ὑπάτη* (sc. *χορδή*) was the *lowest*; *νήτη* or *νεάτη* the highest; *παρυ-*

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* See Smith's *Harmonics*, sect. iv. art. 10. These intervals exist in the natural scales of the horn, trumpet, &c., and are in fact used, instead of the minor third and tone, in the harmony of the dominant seventh, both by stringed instruments and voices when unaccompanied by *tempered* instruments.

πάτη the lowest but one, and παρανήτη the highest but one. Παρανήτη was also frequently called λιχανός, probably because in some ancient instrument the corresponding string was struck by the forefinger; and παρυπάτη was afterwards called τρίτη in certain cases. These names were used in all the genera; but the name of the genus was commonly added to λιχανὸς (thus λιχανὸς διάτονος, χρωματικὴ or ἐναρμόνιος), perhaps because the position of this sound with respect to ὑπάτη and νήτη is what chiefly determines the *character* of the genus. When the two lowest intervals of the tetrachord taken together were less than the remaining one, those two were said to form a *condensed interval* (πυκνόν). Thus the interval between ὑπάτη and λιχανός is πυκνός in the Enharmonic and Chromatic genera. The three sounds of the πυκνὸν were sometimes called βαρυπυκνός, μεσοπυκνός and ὀξυπυκνός, and sounds which did not belong to a πυκνόν were called ἀπυκνοί.

It is not to be supposed that the tetrachord could long continue to furnish the entire scale used in practice, though it was always considered as the element of the more comprehensive systems which gradually came into use. The theory of the genera, as has been seen, required only the tetrachord for its full development, though it certainly could not have been invented till after the enlargement of the scale.

Terpander is said to have invented the seven-stringed lyre (Eucl. p. 19), which seems not to have been obsolete in Pindar's time (*Pyth.* ii. 70); its scale consisted of an octave with one sound omitted. (Arist. *Prob.* xix. 7, 25, 32.) The addition of this omitted sound (attributed to Lycaon or Pythagoras), would give an octachordal lyre with a complete octave for its scale. And an instrument called *magadis*, which must have had a still greater compass, was very early known, and is said to have had twenty strings as used by Anacreon. (See Böckh, *de Metr. Pind.* lib. iii. cap. 7, 11.)

When two tetrachords were joined so that the highest sound of one served also for the lowest of the other, they were said to be *conjunct* συνημμένα). But if the highest sound of one were a tone lower than the lowest of the other, they were called *disjunct* (διεζευγμένα), thus

B C D E F G A conjunct.

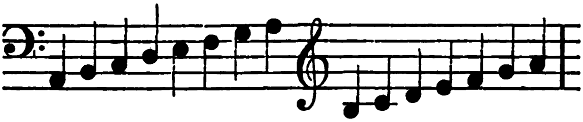
E F G A B C D E disjunct.

In the latter case the tone (between A and B) which separates them was called τόνος διαζευκτικός. (Eucl. p. 17.)

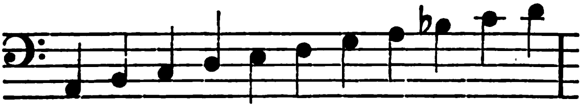
A hendecachordal system, consisting of three tetrachords, of which the middle one was conjunct with the lower but disjunct from the upper, thus

B C D E F G A B C D E,

is supposed to have been used about the time of Pericles. (Böckh.) In such a system the lowest tetrachord was called (τετράχορδον) ὑπατῶν, the middle μέσων, and the highest διεζευγμένων. Afterwards a single sound (called προσλαμβανόμενος) was added at an interval of a tone below the lowest of ὑπατῶν, and a conjunct tetrachord (called ὑπερβολαίων) was added above. And thus arose a system of two complete octaves,



which was called the *greater perfect system*. Another system, called the *smaller perfect system*, was composed of three conjunct tetrachords, called ὑπατῶν, μέσων, and συνημμένων, with προσλαμβανόμενος, thus,



and these two together constituted the *immutable system* (σύστημα ἀμετάβολον) described by all the writers later than Aristoxenus, and probably known to him. (Eucl. p. 17.)

The sounds in these systems were named in the way before described, the names of the tetrachord only being added, and μέση and παραμέση being substituted for νήτη μέσων and ὑπάτη διεζευγμένων respectively. Thus, taking the sounds in the ascending order,

A	προσλαμβανόμενος	
B	ὑπάτη ὑπατῶν	
C	παρυπάτη ὑπατῶν	τετράχορδον ὑπατῶν.
D	λιχανὸς ὑπατῶν	
E	ὑπάτη μέσων	
F	παρυπάτη μέσων	τ. μέσων.
G	λιχανὸς μέσων	
A	μέση	

So far the sounds are common to the greater and smaller systems. Then follow, in the greater,

B	παραμέση	
C	τρίτη διεζευγμένων	τ. διεζευγμένων.
D	παρανήτη διεζευγμένων	
E	νήτη διεζευγμένων	
F	τρίτη ὑπερβολαίων	τ. ὑπερβολαίων.
G	παρανήτη ὑπερβολαίων	
A	νήτη ὑπερβολαίων	

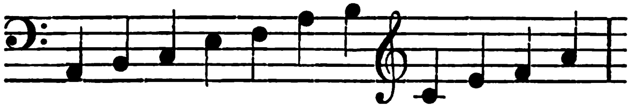
The interval between μέση and παραμέση is a tone. But in the smaller system μέση serves also for the lowest sound of the tetrachord συνημμένων, which terminates the scale, thus

A	μέση
bB	τρίτη συνημμένων.
C	παρανήτη συνημμένων.
D	νήτη συνημμένων.

In adapting the modern notation to these scales, we have represented them in the Diatonic genus; but the same arrangement of the tetrachords was adopted in the others. Those sounds of the immutable system which were the same in all the genera, namely, *προσλαμβανόμενος*, *ὑπάτη ὑπατῶν*, *ὑπάτη μέσων*, *μέση*, *παραμέση*, *νήτη συνημμένων*, *νήτη διεζευγμένων*, and *νήτη ὑπερβολαίων*, were called fixed (*ἑστῶτες*), being in fact, except the first, the extreme sounds of the several tetrachords. The rest, being the intermediate sounds, on the position of which the genus depended, were called movable (*κινούμενοι*).

Μέση was certainly considered a sort of key note to the whole system (see Arist. *Probl.* xix. 20), and *προσλαμβανόμενος* was added to complete the octave below *μέση*. (Aristides, p. 10.) This addition is supposed to have been made later than the time of Plato, but earlier than Aristoxenus. (Böckh.)

The greater of the two systems thus described appears to have superseded the other in practice; in fact it is evidently the most natural of the two. But it must not be supposed that it was necessarily used in its complete form as the scale of any instrument; it was rather a theoretical canon by which the scales really employed were constructed. With regard to its *fitness* for use, it may be observed that in the Diatonic genus the effect of such a system would not perceptibly differ, so long as *melody* only was required, from that of the corresponding notes (given above) as played on a modern instrument with or without temperament. The Chromatic scale is quite unlike * anything now employed; and though it was not considered the most difficult, was certainly the least natural. (*Τεχνικώτατον δὲ τὸ χρῶμα*, Aristides, p. 19.) But it is impossible to form a decided judgment of its merits, without a much greater knowledge of the rules of composition than seems now attainable. The effect of the Enharmonic must have been nearly the same as that of the Diatonic, supposing *λιχανὸς* to be left out in each tetrachord, thus:



Indeed Plutarch relates, on the authority of Aristoxenus, that Olympus was led to the invention of this genus by observing that a peculiar and beautiful character was given to melody when certain notes of the scale, and particularly *λιχανὸς*, were left out. (See Plutarch's *Dialogue on Music; Mém. de l'Acad. des Inscriptions*, vol. x. 126.) It is therefore most probable that this was the original form of the Enharmonic scale, and that it was more ancient than the highly artificial Chromatic. In this form it would be both natural and easy. But afterwards, when additional sounds were interposed between B and C, E and F, it would of course become, as it is always described, the most difficult of all the Genera, without however ceasing to be natural: for these additional sounds could certainly be neither used by a composer nor executed by a singer as *essential* to the melody, but must rather have been introduced as passing or ornamental notes, so that the general effect of the genus would remain much the same as before. The assertion of Aristoxenus (see pp. 28, 53) that no voice could execute more than two quarter tones in succession, evidently supports this view.* Thus the Enharmonic would derive its distinctive character more from the largeness of the highest interval of the tetrachord than from the smallness of the two others. Aristoxenus (p. 23) expressly mentions the important influence which the magnitude of the interval between *λιχανός* and *νήτη* had upon the character of the genus, and blames the musicians of his own time for their propensity to diminish this interval for the sake of *sweetness* (*τούτου δ' αἴτιον τὸ βούλεσθαι γλυκαίνειν ἀεί*). That a peculiar character really is given to a melody by the occurrence of a larger interval than usual between certain sounds of the scale, is a well known fact, exemplified in many national airs, and easily proved by the popular experiment of playing on the black keys only of a pianoforte.†

The Genus of a system was determined, as has been explained, by the *magnitude* of certain of its intervals. The *species* (*εἶδος*) depended upon the *order* of their succession. Hence, supposing no system to be used which was not similar to some part of the *σύστημα ἀμετάβολον*, every system would have as many species as it had intervals, and no more. (Eucl. p. 14.)

The tetrachord, for example, had three species in each genus thus (Diatonic),

1st. ½, 1, 1. 2nd. 1, ½, 1. 3rd. 1, 1, ½.
(where 1 stands for a tone).

The species of a system was often described by indicating two sounds of the *σύστημα ἀμετάβολον* between which a similar one might be found. Of the seven species of the Octachord, the first was exemplified by the octave comprehended between *ὑπάτη ὑπατῶν* and *παραμέση*: the second by that between *παρυπάτη ὑπατῶν* and *τρίτη διεζευγμένων*: and so on. The order of the intervals in these seven species would be as follows in the Diatonic genus (ascending):

1st. ½, 1, 1, ½, 1, 1, 1
2nd. 1, 1, ½, 1, 1, 1, ½
3rd. 1, ½, 1, 1, 1, ½, 1

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* Compare what is said (Aristid. p. 28) of the rare use of intervals of *three* and *five* quarter tones.

* The modern minor scale, A, B, C, D E, ♮ F, ♯ G, A, can hardly be considered an exception to this assertion, for its essential character, as now used, depends so little upon the Chromatic interval between F and ♯ G, that this peculiarity is usually got rid of in melody by raising the F or lowering the ♯ G, according to circumstances. Hence the popular but incorrect way of representing the ascending and descending minor scales. (See Dehn, *Theoretisch-praktische Harmonielehre*, pp. 67, 68.)

† See Burney, vol. i. p. 27, on the *Old Enharmonic.*

4th.	½,	1,	1,	1,	½,	1,	1
5th.	1,	1,	1,	½,	1,	1,	½
6th.	1,	1,	½,	1,	1,	½,	1
7th.	1,	½,	1,	1,	½,	1,	1

This distinction of species is important, because it formed *originally* the chief difference between the *modes* (τόνοι). Unfortunately there are no means of determining what was the real difference between *melodies* written in these several scales; and the difficulty of forming any probable hypothesis on this subject is increased by what is said of *μέση* in the passage quoted above from the Aristotelic Problemata. *Πάντα γὰρ τὰ χρηστὰ μέλη πολλάκις τῇ μέσῃ χρῆται, καὶ πάντες οἱ ἀγαθοὶ ποιηταὶ πυκνὰ πρὸς τὴν μέσην ἀπαντῶσι, κἂν ἀπέλθωσι, ταχὺ ἐπανέρχονται, πρὸς δὲ ἄλλην οὕτως οὐδεμίαν.* For since the position of *μέση* was determined (Euclid. p. 18) by the intervals adjacent to it, any series of sounds *beginning or ending with μέση* would give a system always of the same species. Possibly the author of the Problemata does not use the term *μέση* in the same sense as Euclid.

However it is certain that the seven species of the Octachord above described were anciently (*ὑπὸ τῶν ἀρχαίων*, Euclid. p. 15) denoted by the names Mixolydian, Lydian, Phrygian, Dorian, Hypolydian, Hypophrygian, and Hypodorian; and it seems likely that they always differed in pitch as well as species, the Mixolydian being the highest, and the Hypodorian the lowest. Hence it is conjectured that there were originally only three modes, corresponding to the three species of tetrachord, and that these were the Dorian, Phrygian, and Lydian; because the Octachord in each of these three modes is made up of two similar disjunct tetrachords, which are of the first species in the Dorian, the second in the Phrygian, and the third in the Lydian.

Aristides describes also six *enharmonic* modes of very ancient origin (*αἷς οἱ πάνυ παλαιότατοι πρὸς τὰς ἁρμονίας κέχρηνται*, p. 21) consisting of different species of octachords, and quotes the well known passage in Plato (*Rep.* iii. c. 10) as referring to them. The order of the intervals is given as follows (see the notes of Meibomius upon the passage): —

Lydian . .	¼,	2,	1,	¼,	¼,	2,	¼.	
Dorian . .	1,	¼,	¼,	2,	1,	¼,	¼,	2.
Phrygian .	1,	¼,	¼,	2,	1,	¼,	¼,	1.
Iastian . .	¼,	¼,	2,	1½,	1.			
Mixolydian .	¼,	¼,	1,	1,	¼,	¼,	3.	
Syntonolydian	¼,	¼,	2,	1½,	2.			

It will be observed that these scales do not all comprehend exactly an octave; and none of them except the Lydian is coincident with any part of the *σύστημα ἀμετάβολον*.* None of them is decidedly unnatural, except perhaps the Mixolydian. Of course it is impossible to recognise their characters as described by Plato, in the absence of examples of their application in actual melody. Their principal interest therefore consists in the evidence which they afford of the antiquity of *enharmonic* systems, *i. e.* of systems formed by omitting certain sounds of the diatonic scale. For unless we take this view of them, and consider the quarter tones as unessential additions, it seems quite impossible to understand how they could be used at all.

The difference of species, considered as the characteristic distinction of modes, is evidently spoken of as a thing antiquated and obsolete, not only by Aristides (who was certainly later than Cicero, see p. 70), but also by Euclid. As to Aristoxenus, the fragments which remain of his writings contain no allusion to such a distinction at all. In his time it appears that the number of modes was thirteen; and later writers reckon fifteen. (Euclid. p. 19; Aristid. pp. 23, 24.) The descriptions of these fifteen modern modes are very scanty, but they indicate pretty plainly that they were nothing more than transpositions of the *greater perfect system;* their names were Hypodorian, Hypoiastian, Hypophrygian, Hypoaeolian, Hypolydian, Dorian, Iastian, Phrygian, Aeolian, Lydian, Mixolydian, Hyperiastian, Hyperphrygian, Hyperaeolian, Hyperlydian. The Hypodorian was the lowest in pitch, and the *προσλαμβανόμενοι* of the others were successively higher by a semitone; and only that part of each scale was used which was within the compass of the voice. It seems likely that the ancient modes mentioned by Euclid, and described above, consisting of octachords taken, as regards their *species*, from different parts of the *σύστημα ἀμετάβολον*, would, as regards *pitch*, be each so placed as to lie between *ὑπάτη μέσων* and *νήτη διεζευγμένων* of the modern mode of the same name. For they certainly did always differ in pitch, as the name *τόνος* shows; and there is no reason to believe that their relative position was ever changed: the system of notation, moreover, confirms this supposition. But for details on this subject we must refer to the dissertation of Böckh (iii. 8), where it is treated at length. The only important results, however, are, first, that the modes did anciently differ in *species;* secondly, that in process of time this difference either disappeared entirely, or ceased to be their distinguishing mark; and, thirdly, that their general *pitch* was always different. The ideas conveyed by these general assertions of the real character and effect of the Greek music are excessively vague and unsatisfactory; but an examination into particulars does not tend to make them at all more definite or clear.

There can be little doubt that different rhythms and degrees of slowness or quickness, as well as different metres and styles of poetry, would soon be appropriated to the modes, so as to accord with their original musical character; and these differences would in time naturally supersede the old distinction of species, and come to be looked on as their characteristic marks; so that at length all the species might even be used in each mode, for the sake of additional variety. With regard to the poetry, indeed, it is certain that particular measures were considered appropriate to different modes (Plat. *Leg.* ii. p. 670), and it has even been attempted to divide Pindar's Odes into Dorian, Aeolian, and Lydian. (Böckh, iii. 15.) The rhythm of the music must have depended chiefly, if not entirely, upon that of the words, or else have been of a very simple and uniform character, since there is no mention of a notation for it as distinct from the metre of the poetry. Probably, therefore, nothing like the modern system of *musical* rhythm existed; and if so, this must have formed one of the most essential points of difference between the ancient and modern music. How the rhythm of mere *instrumental* music was regulated, or what variety it admitted, does not appear. There is no reason, however, to believe that music without words was practised to any extent, though it was certainly known; for Plato speaks with disapprobation of those who used *μέλος καὶ ῥυθμὸν ἄνευ ῥημάτων, ψίλῃ κιθαρίσει τε καὶ αὐλήσει προσχρώμενοι* (*Leg.* ii. p. 669), and others mention it. (Böckh, iii. 11.)

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* That systems were not *always* restricted to the *immutable* form is proved by what Euclid says of *compound* systems, with more than one *μέση*.

On the two last of the heads enumerated in dividing the whole subject, very little real information can be obtained. In fact they could not be intelligibly discussed without *examples*, a method of illustration which unfortunately is never employed by the ancient writers. Μεταβολή was the transition from one genus to another, from one system to another (as from disjunct to conjunct or *vice versâ*), from one mode to another, or from one style of melody to another (Euclid. 20), and the change was made in the same way as in modern *modulation* (to which *μεταβολή* partly corresponds), viz. by passing through an intermediate stage, or using an element common to the two extremes between which the transition was to take place. (See Euclid. 21.)

Μελοποιΐα, or composition, was the application or use of all that has been described under the preceding heads. This subject, which ought to have been the most interesting of all, is treated of in such a very unsatisfactory way that one is almost forced to suspect that only an *exoteric* doctrine is contained in the works which have come down to us. On composition *properly* so called, there is nothing but an enumeration of different kinds of *sequence* of notes, viz.: — 1. ἀγωγή, in which the sounds followed one another in a regular ascending or descending order; 2. πλοκή, in which intervals were taken alternately ascending and descending; 3. πεττεία, or the repetition of the same sound several times successively; 4. τονή, in which the same sound was sustained continuously for a considerable time. (Eucl. 22.) Besides this division, there are several classifications of melodies, made on different principles. Thus they are divided according to *genus*, into Diatonic, &c.; according to *mode*, into Dorian, Phrygian, &c.; according to *system*, into grave, acute, and intermediate (ὑπατοειδής, νητοειδής, μεσοειδής). This last division seems merely to refer to the general pitch of the melody; yet each of the three classes is said to have a distinct *turn* (τρόπος), the grave being *tragic*, the acute *nomic* (νομικός), and the intermediate *dithyrambic.* Again melody is distinguished by its *character* (ἦθος), of which three principal kinds are mentioned, διασταλτικόν, συσταλτικόν, and ἡσυχαστικόν, and these terms are respectively explained to mean aptitude for expressing a magnaminous and heroic, or low and effeminate, or calm and refined character of mind. Other subordinate classes are named, as the erotic, epithalamian, comic, and encomiastic. (Euclid. 21; Aristid. 29.) No account is given of the *formal* peculiarities of the melodies distinguished by these different characters, so that what is said of them merely excites our curiosity without tending in the least to satisfy it.

The most ancient system of notation appears to have consisted merely in the appropriation of the letters of the alphabet to denote the different sounds of the scale; and the only alteration made in it was the introduction of new signs formed by accenting letters, or inverting, distorting, and mutilating them in various ways, as the compass of the scale was enlarged. A great, and seemingly unnecessary, complexity was caused by the use of two different signs for each sound; one for the voice, and the other for the instrument. These two signs were written one above the other immediately over the syllable to which they belonged. They are given by several of the Greek writers, but most fully by Alypius. The instrumental signs appear to have been chosen arbitrarily; at least no law is now discoverable in them: but the vocal (which were probably more ancient) follow an evident order. The sounds of the middle part of the scale are denoted by the letters of the Ionian alphabet (attributed to Simonides) taken in their natural order; and it is remarkable that these signs would be just sufficient for the sounds comprised in the six modes supposed to be the most ancient, if the compass of each were an octave and they were pitched at intervals of a semitone above one another. Accented or otherwise altered letters are given to the higher and lower sounds. To learn the system perfectly must have required considerable labour, though its difficulty has been much exaggerated by some modern writers. (See Böckh, iii. 9.) A few specimens of Greek melody expressed in the ancient notation have come down to us. An account of them may be found in Burney (vol. i. p. 83), where they are given in modern notes with a conjectural rhythm. The best of them may also be seen in Böckh (iii. 12) with a different rhythm. It is composed to the words of the first Pythian, and is supposed by Böckh to be certainly genuine, and to belong to a time earlier than the fifteen modes. Its merits have been very variously estimated; probably the best that can be said of it is that no certain notion can now be obtained of its real effect as anciently performed.

It has long been a matter of dispute whether the ancients practised *harmony*, or music in parts. We believe there are no sufficient grounds for supposing that they did. The following are the facts usually appealed to on each side of the question. In the first place, the writers who professedly treat of music make no mention whatever of such a practice; this omission constitutes such a very strong primâ facie evidence against it, that it must have settled the question at once but for supposed positive evidence from other sources on the other side. It is true that *μελοποιΐα*, which might have been expected to hold a prominent place in a theoretical work, is dismissed very summarily; but still when the subjects which *ought* to be explained are enumerated, *μελοποιΐα* is mentioned with as much respect as any other, whilst *harmony* is entirely omitted. In fact there seems to be no Greek word to express it; for ἁρμονία signifies a well ordered *succession* of sounds (see Burney, i. 131), and συμφωνία only implies the concord between a single pair of sounds, without reference to succession. That the Greek musicians were acquainted with συμφωνία is proved by many passages, though we are not aware that they ever mention the concord of *more* than two sounds. But the subject of concord, so long as succession is not introduced, belongs rather to acoustics than to music. There is, however, a passage (Arist. *Probl.* xix. 18), where succession of concords is mentioned: — Διὰ τί ἡ διὰ πασῶν συμφωνία ᾄδεται μόνη; μαγαδίζουσι *γὰρ ταύτην, ἄλλην δὲ οὐδεμίαν.* Μαγαδίζειν signified the singing or playing in two parts at an interval of an octave; and the word is derived from *μάγαδις*, the name of a stringed instrument which had sufficient compass to allow a succession of octaves to be played on it. (This practice of *magadizing* could not fail, of course, to arise as soon as men and women attempted to sing the same melody at once.) The obvious meaning of the passage then is, that since no interval except the octave could be *magadized* (the effect of any other is well known to be intolerable), *therefore* no other interval was employed at all; implying that no other kind of counterpoint than magadizing was thought of. But the words are certainly capable of a somewhat milder interpretation.

In the next place, the constitution of the scale was, as has been seen, very unfit for harmony, the beauty of which depends so essentially upon the use of *thirds*. The true major third was either not discovered or not admitted to be consonant till a very late period, Ptolemy being the earliest extant author who speaks of the *minor tone* (Burney, vol. i. p. 448); a fact which is so extraordinary and so contrary to all that could have been anticipated, as to destroy all confidence in any *a priori* reasonings on the subject, and to exclude all but actual evidence on either side. The positive evidence *in favour* of the existence of counterpoint consists chiefly in certain indications of two modes having been sometimes used at once. Thus the expression in Horace (*Epod.* ix. 5),

> "Sonante mistum tibiis carmen lyra
> Hac Dorium, illis barbarum,"

is interpreted to mean that the lyre was played in the Dorian mode, and the *tibiae* in the *Lydian;* so that if the *ancient* Dorian and Lydian octave were employed, the former being of the fourth species, while the latter was of the second, and pitched two tones higher, the series of intervals heard would consist of fourths and major thirds, or rather double tones.

Again, there are passages such as —

> *Αἰολεὺς ἔβαινε Δωρίαν κέλευθον ὕμνων*

(quoted from Pindar by the Scholiast on *Pyth.* ii. 127), which are supposed to indicate that poetry written in one mode and sung accordingly, was accompanied by instruments in another. For a view of the most that can be made of such arguments, see Böckh, iii. 10. Our knowledge of the real use of the modes is so very imperfect, that not much reliance can be placed on them; and at any rate they would only prove the existence of a kind of *magadizing*, modified by taking scales of different (instead of the same) species for the two parts, so as to avoid the succession of intervals absolutely the same. This would certainly be the very lowest kind of counterpoint; but if any thing more had been practised, it would be absolutely impossible to account for the utter silence of the theoretical writers, which is all but fatal even to such a limited hypothesis. It is only necessary to add that the influence of *instruments* upon the development of the art ought to be kept in view in considering this question. The Greeks had only two kinds of instrumental music, *αὔλησις* and *κιθάρισις*. The *αὐλὸς* was always a pipe pierced with holes, so as to have an artificial scale. The simple tube or trumpet does not appear to have been used as a musical instrument, so that the scale of natural harmonics was probably unknown; and this may partly account for the major third escaping observation. And anything like the *modern* system of harmony could probably no more have been invented without the assistance of keyed instruments than the Elements of Euclid could have been composed in the total absence of drawing materials. For a fuller account of ancient musical instruments see Böckh, iii. 11.

The chief authorities on the subject of this article are the "Antiquae Musicae Auctores Septem," viz.: Aristoxenus, Euclid, Nicomachus, Alypius, Gaudentius, Bacchius, Aristides, Quintilianus, and Martianus Capella, edited by Meibomius, in one volume (Amsterdam, 1652), to the pages of which the preceding quotations refer; the Harmonics of Ptolemy (with an Appendix by Wallis, *Op. Mathemat.* vol. iii.); the Dialogue of Plutarch; and a section of the Aristotelic Problemata; Burney, *History of Music;* Böckh, *de Metris Pindari;* Drieberg, *Musikalische Wissenschaften der Griechen;* and *Aufschlüsse über die Musik der Griechen;* Bode, *Gesch. der Lyrisch. Dichtkunst der Hellenen;* Fortlage, *Das Musikalische System der Griechen*, Leipzig, 1847. [W. F. D.]

2. ROMAN. It may well be believed that in music as in the other arts, the genius of Greece had left little for Romans to do, but admire and imitate. Yet we must not forget that another element had been introduced into the arts of Rome, as well as into her language and government; one which was derived from Etruria, and partook of an Oriental character. Every species of musical instrument found on Greek works of art is found also on Etruscan. No doubt the early Roman music was rude and coarse, still from the most ancient times mention is made of hymns and flutes in their triumphal processions: so Servius Tullius in his comitia made two whole centuries of *cornicines* and *tibicines;* and the Twelve Tables allowed at funerals ten players on the flute, and enjoined that "the praises of great men should be sung in mournful songs (*neniae*) accompanied by the flute."

The year B. C. 365 marks an era in Roman music by its adaptation to theatrical amusements. It is in this year we find mention of a *lectisternium*, at which actors were first brought from Etruria, who, without verses, danced in dumb show to the sound of the flute. Some time later Livy (ix. 30) mentions a curious tale of the desertion of certain Roman flute-players, who were only brought back by an amusing stratagem. We learn from Valerius Maximus (ii. 5) that the Roman flute-players were incorporated into a college, and Ovid (*Fast.* vi. 657), speaking of their ancient importance, says —

> "Temporibus veterum tibicinis usus avorum
> Magnus, et in magno semper honore fuit:
> Cantabat fanis, cantabat tibia ludis,
> Cantabat moestis tibia funeribus."

Nero, as Suetonius (*Nero*, 24) tells us, played on the flute, and came in a sort of triumphal procession through Italy, bearing the spoils he had won in 1800 musical contests. The same writer informs us that the emperor, to preserve his voice, used to lie on his back with a thin plate of lead on his stomach; that he took frequent emetics and cathartics, and at last transacted all business in writing.

There does not appear to be any trace of a

Roman musical system entirely distinct from the Greek. A passage in Cicero would lead us to suppose that the laws of contrast, of light and shade, of loud and soft, of swelling and diminishing, were understood by the Romans (*de Orat.* iii. 44), and another passage from Apuleius decidedly proves that the Romans had instrumental music distinct from their vocal; on both of which points there is not the same clear evidence to decide the question with reference to the Greeks. Still the Roman musical writers, as St. Augustin, Macrobius, Martianus Capella, Cassiodorus, and Boethius (all of whom flourished between the fourth and sixth centuries of the Christian era), did nothing to improve the science of music, and were little more than copyists of their Greek predecessors. The great improvement which the Romans introduced (rather a practical than a theoretical one) was a simplification of the musical nomenclature, effected by rejecting the arbitrary signs in use among the Greeks, and substituting for them the first fifteen letters of the Roman alphabet. (Hawkins, vol. i. p. 279.) This simplification they were enabled to make by a reduction of the modes: indeed it seems very probable that this complicated system had in practice entirely fallen into disuse, as we know that the diatonic *genus* had usurped the place of the two other *genera*.

Of all Latin authors Boethius gives the most profound account of the subject. His work is a carrying out of the old Pythagorean system, and is a mere abstract speculation on the nature of music, which, viewed as one of the *quadrivium* or four mathematical sciences, has its foundation in number and proportion. A full analysis of the work may be seen in Hawkins (i. p. 338). It contains, 1st, an investigation into the ratios of consonances; 2nd, a treatise on several kinds of proportion; 3rd, a declaration of the opinions of different sects with respect to the division of the monochord and the general laws of harmony.

Before this time St. Ambrose had introduced the practice of antiphonal singing in the church at Milan. Of the nature of the Ambrosian chant we only know that it consisted in certain progressions, corresponding with different species of the diapason. It is described as a kind of recitation, more like reading than singing.

It was by St. Gregory the Great that the octave was substituted for the tetrachord as the fundamental division of the scale. The first octave he denoted by capital letters A, B, C, &c., the second by small letters a, b, c, &c., and when it became necessary to extend the system, marked the third by small letters doubled, aa, bb, &c. There is no proof that the Romans, any more than the Greeks, had any notation with reference to time. Where vocal music was united with instrumental, the time was marked by the metre of the song: the want of a notation of time would make us doubt whether any but a very simple style of merely instrumental music prevailed among them. (Hawkins's *History of Music*, vol. i.; Burney's *History of Music*, vol. i.)

For a general account of ancient music the reader is referred to the previous article. [B. J.]

MUSI'VUM OPUS. [Domus, p. 431; Pictura, No. XV.]

MUSTAX (*μύσταξ*), moustaches. The different parts of the beard [Barba] had different names, which also varied with its age and appearance. The young beard, first appearing on the upper lip, was called ὑπήνη or ὑπήνη πρώτη (Diod. v. 28; Philostr. Sen. *Imag.* i. 30, ii. 7, 9), and the youth just arrived at puberty, who was graced with it, was πρῶτον ὑπηνήτης. (Hom. *Il.* xxiv. 348, *Od.* x. 279; Schol. *in loc.*; Brunck, *Anal.* iii. 44; Aelian, *V. H.* x. 18.) By its growth and development it produced the moustaches, which the Greeks generally cherished as a manly ornament. (Theocrit. xiv. 4; Antiphanes, *ap. Athen.* iv. 21; Pollux, ii. 80, x. 120.) To this practice, however, there seems to have been one exception. The Spartan Ephori, when they were inducted, made a proclamation requiring the people "to shave their moustaches and obey the laws." For what reason they gave the former command does not appear. (Plut. *de Sera Num. Vind.* p. 976, ed. Steph.; Proclus *in Hes. Op. et Dies*, 722; Müller, *Dor.* iii. 7. § 7, iv. 2. § 5; Becker, *Charikles*, vol. ii. p. 391.) [J. Y.]

MUSTUM. [Vinum.]

MUTATIO'NES. [Mansio.]

MU'TUUM. The Mutui datio is mentioned by Gaius as an instance of an obligatio "quae re contrahitur." It exists when things "quae pondere, numero, mensurave constant," as coined money, wine, oil, corn, aes, silver, gold, are given by one man to another so as to become his, but on the condition that an equal quantity of the same kind shall be returned. The difference in the thing which is lent constitutes one of the differences between this contract and commodatum. In the mutui datio, inasmuch as the thing became the property of the receiver, the Roman jurists were led to the absurdity of saying that *mutuum* was so called for this reason (*quod ex meo tuum fit*). This contract gave the lender the action called condictio, provided he was the owner of the things, and had the power of alienation: otherwise he had no action till the things were consumed. If the borrower lost the things by any accident as fire, shipwreck, &c., he was still bound: the reason of which clearly was, that by the Mutui datio the things became his own. It was a stricti juris actio, and the lender could have no interest for a loan of money, unless interest had been agreed on. The borrowing by way of Mutuum and at interest are opposed by Plautus (*Asin.* i. 3. 95). The Senatusconsultum Macedonianum did not allow a right of action to a lender against a filiusfamilias to whom he had given money "mutua," even after the death of the father. [Senatusconsultum Macedonianum.] (Gaius, iii. 90; Inst. 3. tit. 14; Dig. 12. tit. 1. *De Rebus Creditis*; Cod. 4. tit. 1; Vangerow, *Pandekten*, &c. iii. § 623.) [G. L.]

MY'RII (*μυρίοι*), the name given to the popular assembly of the Arcadians, which was established after the overthrow of the Spartan supremacy by the battle of Leuctra, and which used to meet at Megalopolis in order to determine upon matters affecting the whole people. (Xen. *Hell.* vi. 5. § 6, vii. 1. § 38, vii. 4. § 2; Diod. xv. 59; Dem. *de Fals. Leg.* p. 344; Aeschin. *de Fals. Leg.* p. 257; Paus. viii. 32. § 1; Harpocrat. Suid. Phot. *s. v.*; Schömann, *Antiq. Jur. Publ. Gr.* p. 410.)

MY'SIA (*μύσια*), a festival celebrated by the inhabitants of Pellene in Achaia, in honour of Demeter Mysia. The worship of this goddess was introduced at Pellene from a place called Mysia in the neighbourhood of Argos. (Paus. ii. 18. § 3.) The festival of the Mysia near Pellene lasted for seven days, and the religious solemnities took place in a temple surrounded by a beautiful grove. The first two days men and women took part in the celebration together; on the third day the men left the sanctuary, and the women remaining in it performed during the night certain mysterious rites, during which not even male dogs were allowed to remain within the sacred precincts. On the fourth day the men returned to the temple, and men and women now received each other with shouts of laughter and assailed each other with various railleries. (Paus. vii. 27. § 4; Cornutus, *de Nat. Deor.* 28.) Other particulars are not known. [L. S.]

MYSTAE, MYSTAGO'GUS (μύσται, μυσταγωγός). [Eleusinia.]

MYSTE'RIA (μυστήρια). As each mystery or mystic festival is described in a separate article, a few general observations only will be required under this head. The names by which they were designated in Greece, are μυστήρια, τελεταί, and ὄργια. The name ὄργια (from ἔοργα) originally signified only sacrifices accompanied by certain ceremonies, but it was afterwards applied especially to the ceremonies observed in the worship of Dionysus, and at a still later period to mysteries in general. (Lobeck, *Aglaopham.* i. p. 305.) Τελετή signifies in general a religious festival (Aristot. *Rhet.* ii. 24; Pind. *Nem.* x. 63), but more particularly a lustration or ceremony performed in order to avert some calamity either public or private. (Plato, *de Rep.* ii. p. 264, E.) Μυστήριον signifies, properly speaking, the secret part of the worship, but it was also used generally in the same sense as τελετή, and for mystic worship.

Mysteries in general may be defined as sacrifices and ceremonies which took place at night or in secret within some sanctuary, which the uninitiated were not allowed to enter. What was essential to them, were objects of worship, sacred utensils, and traditions with their interpretations, which were withheld from all persons not initiated. We must however distinguish between mysteries properly so called, that is, such in which no one was allowed to partake unless he had undergone a formal initiation, and the mystic ceremonies of certain festivals, the performance of which, though confined to particular classes of persons, or to a particular sex, yet did not require a regular initiation. Our attention in this article will be confined to the mysteries properly so called.

It appears to have been the desire of all nations of antiquity to withhold certain parts of their religious worship from the eyes of the multitude in order to render them the more venerable. (Strabo, p. 717.) But that the ancient mysteries were nothing but impositions of priests, who played upon the superstitious and ignorant, is an opinion, which, although entertained by Limburg-Brouwer, the latest writer on the subject (*Histoire de la Civilisation Morale et Rélig. des Grecs*, vol. iv. p. 199), certainly cannot satisfy those who are accustomed to seek a more solid and vital principle in all religious institutions that have ever had any lasting influence upon mankind. The persons united and initiated to celebrate the mysteries in Greece were neither all priests, nor did they belong to the ignorant and superstitious classes of society, but they were on the contrary frequently the most distinguished statesmen and philosophers. It has been remarked under Eleusinia (p. 454, b) that it is far more probable that the mysteries in the various parts of Greece were remains of the ancient Pelasgian religion. The associations of persons for the purpose of celebrating them must therefore have been formed at the time when the overwhelming influence of the Hellenic religion began to gain the upper hand in Greece, and when persons who still entertained a reverence for the worship of former times, united together with the intention of preserving and upholding among themselves, as much as possible of the religion of their forefathers. It is natural enough that they formed themselves for this purpose into societies, analogous to the brotherhoods in the church of Rome (Porphyr. *de Abstin.* iv. 5), and endeavoured to preserve against the profanation of the multitude that which was most dear to them. Hence the secrecy of all the Greek mysteries, and hence the fact that they were almost invariably connected with the worship of the ancient Pelasgian divinities. The time when mysteries were established as such, must have been after the great changes and disturbances produced by the Dorian migration, although tradition referred their institution to Orpheus, the Curetes, the Idaean Dactyles, Dionysus, &c., who belong to a much earlier period. These traditions, however, may in so far be regarded as true, as the mysteries were only a continuation and propagation of the ancient religion. But it must be admitted that in subsequent times new elements were added to the mysteries, which were originally foreign to them. The development of philosophy, and more especially the intercourse with the East and with Egypt, appear to have exercised a considerable influence upon their character.

The most celebrated mysteries in Greece were those of Samothrace and Eleusis. [Cabeiria; Eleusinia.] But several other places and divinities had their peculiar mysteries, *e. g.* the island of Crete those of Zeus (Strabo, p. 718; Athen. ix. 18); Argolis those of Hera (Paus. ii. 38. § 2); Athens those of Athena and Dionysus (Plut *Alcib.* 34; Dionysia); Arcadia those of Artemis (Paus. viii. 23. § 3), and Aegina those of Hecate. (Paus. ii. 30. § 2). But not only the worship of the great gods, but also that of some ancient heroes was connected with mysteries. (Paus. iv. 34. § 6, ii. 1, ii. 30. § 5; Herod. v. 83.)

The benefits which the initiated hoped to obtain were security against the vicissitudes of fortune, and protection from dangers both in this life and in the life to come. The principal part of the initiation, and that which was thought to be most efficacious in producing the desired effects, were the lustrations and purifications, whence the mysteries themselves are sometimes called καθάρσια or καθαρμοί.

Offences against and violations of the mysteries were at Athens under the jurisdiction of the archon king, and the court in such cases only consisted of persons who were themselves initiated (μεμυημένοι), and were selected from the heliastae for the purpose. (Pollux, viii. 141.) Even in cases which were brought before an ordinary court, the judges were only initiated persons, if the case had any connection with the mysteries. (Andocid. *de Myst.* p. 14.) That no one but the initiated might hear the transactions in such a case, the court was surrounded by public slaves to keep all profane persons at a distance. (Pollux, viii. 123.)

The Roman religion had no such mysteries as that of the Greeks, but only mystic rites and ceremonies connected with the celebration of certain festivals. The Bacchanalia were of foreign origin, and of short duration. [Dionysia.]

A very full account of the Greek mysteries is given by Limburg-Brouwer, *Hist. de la Civilisat. Mor. et Rélig. des Grecs*, vol. iv. p. 180—415, and chapter xxvi. of the same work contains a useful survey of the various opinions upon the subject which have been entertained by modern scholars and philosophers. [L. S.]

MYSTILE (*μυστίλη*). [Coena, p. 305, a].

MYSTRUM (*μύστρον*), a Greek liquid measure, of which there were two sizes, called the large and small mystrum. The small, which was the more common of the two, was $\frac{1}{24}$ of the cotyla, and $\frac{1}{4}$ of the cyathus, and therefore contained about 1-50th of an English pint. (Galen, *Frag.* c. 15.) Galen adds that the smaller mystrum contained $2\frac{1}{2}$ drachms, that the larger was $\frac{1}{18}$ of the cotyla, and contained $3\frac{1}{3}$ drachms; but that the most exact mystrum (*τὸ δικαιότατον μύστρον*) held 8 scruples, that is, $2\frac{2}{3}$ drachms. According to this, the small mystrum would be $\frac{3}{4}$ of the larger. But in the 13th chapter of the same fragment he makes the large mystrum = $\frac{1}{8}$ of the cotyla and the small mystrum $\frac{1}{4}$ of the large. In c. 4 he makes the large mystrum = 3 oxybapha, and the small = $1\frac{1}{3}$. Cleopatra makes the large = $\frac{1}{18}$ of the cotyla, the small= $\frac{1}{24}$. (Wurm, *de Pond.* p. 130.) [P. S.]

N.

NAE'NIA. [Funus, p. 559, a.]

NAOS. [Templum.]

NATALI'TII LUDI. [Ludi Natalitii.]

NATA'LIBUS RESTITU'TIO. [Ingenui.]

NATA'TIO, NATATO'RIUM. [Balneae, p. 189, b.]

NATU'RA, NATURA'LIS RA'TIO. [Jus.]

NAVA'LES DUU'MVIRI. [Duumviri.]

NAVA'LES SO'CII. [Exercitus, p. 509, b.]

NAVA'LIA, were docks at Rome where ships were built, laid up, and refitted. They were attached to the emporium outside of the Porta Trigemina, and were connected with the Tiber. (Liv. xxxv. 10, xl. 51, xlv. 2.) The emporium and navalia were first included within the walls of the city by Aurelian. (Vopisc. *Aurel.* 21.)

The docks (*νεώσοικοι* or *νεώρια*) in the Peiraeeus at Athens cost 1000 talents, and having been destroyed in the anarchy were again restored and finally completed by Lycurgus. (Isocr. *Areopag.* 25; Böckh, *Publ. Econ.* p. 201, 2nd ed.) They were under the superintendence of regular officers called *ἐπιμεληταὶ τῶν νεωρίων*. [Epimeletae, No. 5.]

NAVA'LIS CORO'NA. [Corona, p. 360.]

NAVARCHUS (*ναύαρχος*) is the name by which the Greeks designated both the captain of a single ship, and the admiral of a fleet. The office itself was called *ναυαρχία*. The admiral of the Athenian fleet was always one of the ten generals (*στρατηγοί*) elected every year, and he had either the whole or at least the principal command of the fleet. (Plut. *Themist.* 18.) The chief officers who served under him were the trierarchs and the pentecontarchs, each of whom commanded one vessel; the inferior officers in the vessels were the *κυβερνῆται* or helmsmen, the *κελευσταί* or commanders of the rowers, and the *πρωρᾶται* who must have been employed at the prow of the vessels. (Xenoph. *de Republ. Ath.* 1, 2. § 20; compare Strategus.)

Other Greek states who kept a navy had likewise their navarchs. A Spartan navarchus is mentioned by Xenophon (*Hellen.* ii. 1. § 7), and under him served an officer called *ἐπιστολεύς*. (Pollux, i. 96; Sturz, *Lex. Xenoph.* ii. p. 321.) The navarchia of Sparta however was an innovation of later times, when the Spartans had acquired a fleet and possessions in foreign countries. The office was distinct from that of the kings, and Aristotle (*Polit.* ii. 6. p. 69, ed. Göttling) calls it *σχεδὸν ἑτέρα βασιλεία*. (See Weber, *De Gytheo et Lacedaemoniorum Reb. Navalib.* p. 73, &c.)

The navarchus in Rhodes seems to have been their chief military officer. We find him authorized to conclude treaties with foreign nations (Polyb. xvii. 1), and sent on embassies in the name of the republic. (Polyb. xxx. 8; Liv. xlv. 25.) [L. S.]

NAUCRA'RIA (*ναυκραρία*) is the name of a division of the inhabitants of Attica. The four Attic phylae were each divided into three phratries, and each of these twelve phratries into four naucraries, of which there were thus forty-eight. This division is ascribed to Solon (Photius, *s. v. Ναυκραρία*), but Herodotus (v. 71) in relating the insurrection of Cylon mentions magistrates at Athens called *πρυτάνις τῶν ναυκράρων*, so that the naucraries must have existed long before Solon. There is, however, some difficulty connected with this passage of Herodotus, inasmuch as Thucydides (i. 126) in relating the same event mentions the nine archons instead of the prytanes of the naucraries. Wachsmuth (*Hellen. Alt.* vol. i. p. 366, 2d ed.) endeavours very ingeniously to reconcile Herodotus and Thucydides, by supposing that the prytanes of the naucraries were the same as the trittyarchs, the assessors of the first archon, and were thus identified by Thucydides with the archons themselves. What the naucraries were previous to the legislation of Solon is not stated anywhere, but it is not improbable that they were political divisions similar to the demes in the constitution of Cleisthenes, and were made perhaps at the time of the institution of the nine archons for the purpose of regulating the liturgies, taxes, or financial and military affairs in general. (Böckh, *Publ. Econ.* ii. § 21.) Tittmann (*Griech. Staatsv.* p. 269) moreover supposes with some probability, that they were, like the demes of Attica, local divisions. Hence the grammarians inform us that *ναύκραρος*, or the chief officer of every naucrary, was the same as the demarch. At any rate, however, the naucraries before the time of Solon can have had no connection with the navy, for the Athenians then had no navy, and the word *ναύκραρος* cannot be derived from *ναῦς*, a ship, but from *ναίω*, and *ναύκραρος* is only another form for *ναύκληρος* in the sense of a householder, as *ναῦλον* was used for the rent of a house. (Pollux, x. 20; Wachsmuth, *Hellen. Alt.* vol. i. p. 367; Thirlwall, *Hist. of Gr.* vol. ii. p. 52.)

Solon in his legislation thus only retained the old institution of the naucraries. His innovation probably was that he charged each of them with the equipment of one trireme and with the mounting of two horsemen. (Pollux, viii. 108.) All military affairs, as far as regards the defraying of expences, probably continued as before to be regulated according to naucraries. Cleisthenes in his change of the Solonian constitution retained the division into naucraries for military and financial purposes (Phot. *l. c.*), but he increased their number to fifty, making five of each of his ten tribes, so that now the number of their ships was increased from forty-eight to fifty, and that of horsemen from ninety-six to one hundred. The statement of Herodotus (vi. 89) that the Athenians in their war against Aegina had only fifty ships of their own, is thus perfectly in accordance with the fifty naucraries of Cleisthenes. The functions of the former *ναύκραροι*, as the heads of their respective naucraries, were now transferred to the demarchs. [DEMARCHI.] (Harpocrat. *s. v.* Δήμαρχος.) The obligation of each naucrary to equip a ship of war for the service of the republic may be regarded as the first form of trierarchy. (Lex. Rhetor. p. 283.) As the system of trierarchy became developed and established, this obligation of the naucraries appears to have gradually ceased and to have fallen into disuse. (Compare TRIERARCHIA.) [L. S.]

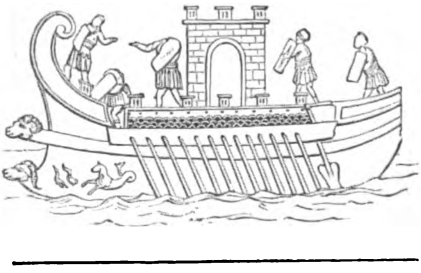
NAUCRARUS. [NAUCRARIA.]

NAVIS (*ναῦς*). The beginning of the art of ship-building and of navigation among the Greeks must be referred to a time much anterior to the ages of which we have any record. Even in the earliest mythical stories long voyages are mentioned, which are certainly not altogether poetical fabrications, and we have every reason to suppose that at that early age ships were used which were far superior to a simple canoe, and of a much more complicated structure. The time, therefore, when boats consisted of one hollow tree (*Monoxyla*), or when ships were merely rafts (*Rates*, *σχεδίαι*) tied together with leathern thongs, ropes, and other substances (Plin. *H. N.* vii. 57), belongs to a period of which not the slightest record has reached us, although such rude and simple boats or rafts continued occasionally to be used down to the latest times, and appear to have been very common among several of the barbarous nations with which the Romans came in contact. (CODEX; compare Quintil. x. 2; Flor. iv. 2; Fest. *s. v.* *Schedia;* Liv. xxi. 26.) Passing over the story of the ship Argo and the expedition of the Argonauts, we shall proceed to consider the ships as described in the Homeric poems.

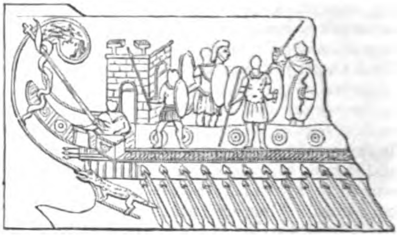
The numerous fleet, with which the Greeks are said to have sailed to the coast of Asia Minor, must on the whole be regarded as sufficient evidence of the extent to which navigation was carried on in those times, however much of the detail in the Homeric description may have arisen from the poet's own imagination. In the Homeric catalogue it is stated that each of the fifty Boeotian ships carried 120 warriors (*Il.* ii. 510), and a ship which carried so many cannot have been of very small dimensions. What Homer states of the Boeotian vessels applies more or less to the ships of other Greeks. These boats were provided with a mast (*ἱστός*) which was fastened by two ropes (*πρότονοι*) to the two ends of the ship, so that when the rope connecting it with the prow broke, the mast would fall towards the stern, where it might kill the helmsman. (*Od.* xii. 409, &c.) The mast could be erected or taken down as necessity required. They also had sails (*ἱστία*), but no deck; each vessel however appears to have had only one sail, which was used in favourable wind; and the principal means of propelling the vessel lay in the rowers, who sat upon benches (*κληῗδες*). The oars were fastened to the side of the ship with leathern thongs (*τροποὶ δερμάτινοι*, *Od.* iv. 782), in which they were turned as a key in its hole. The ships in Homer are mostly called black (*μέλαιναι*), probably because they were painted or covered with a black substance, such as pitch, to protect the wood against the influence of the water and the air; sometimes other colours, such as *μίλτος*, *minium* (a red colour), were used to adorn the sides of the ships near the prow, whence Homer occasionally calls ships *μιλτοπάρῃοι*, *i. e.* red-cheeked (*Il.* ii. 637, *Od.* ix. 125); they were also painted occasionally with a purple colour (*φοινικοπάρῃοι*, *Od.* xi. 124). Herodotus says (iii. 58) that all ships were painted with *μίλτος*. When the Greeks had landed on the coast of Troy, the ships were drawn on land, and fastened at the poop to large stones with a rope which served as anchors (*Il.* i. 436, xiv. 77, *Od.* ix. 137, xv. 498; Moschopul. *ad Il.* i. 436). The Greeks then surrounded the fleet with a fortification to secure it against the attacks of the enemy. This custom of drawing the ships upon the shore, when they were not used, was followed in later times also, as every one will remember from the accounts in Caesar's Commentaries. There is a celebrated but difficult passage in the Odyssey (v. 243, &c.), in which the building of a boat is described, although not with the minuteness which an actual ship-builder might wish for. Odysseus first cuts down with his axe twenty trees, and prepares the wood for his purpose by cutting it smooth and giving it the proper shape. He then bores the holes for nails and hooks, and fits the planks together and fastens them with nails. He rounds the bottom of the ship like that of a broad transport vessel, and raises the bulwark (*ἴκρια*), fitting it upon the numerous ribs of the ship. He afterwards covers the whole of the outside with planks, which are laid across the ribs from the keel upwards to the bulwark; next the mast is made, and the sail-yard attached to it, and lastly the rudder. When the ship is thus far completed, he raises the bulwark still higher by wickerwork which goes all around the vessel, as a protection against the waves. This raised bulwark of wickerwork and the like was used in later times also. (Eustath. *ad Od.* v. 256.) For ballast Odysseus throws into the ship *ὕλη*, which according to the Scholiast consisted of wood, stones, and sand. Calypso then brings him materials to make a sail of, and he fastens the *ὑπέραι* or ropes which run from the top of the mast to the two ends of the yard, and also the *κάλοι* with which the sail is drawn up or let down. The *πόδες* mentioned in this passage were undoubtedly, as in the later times, the ropes attached to the two lower corners of the square sail. (Comp. Nitzsch. *Anmerk. z. Odyss.* vol. ii. p. 35, &c.; Ukert, *Bemerk. über Hom. Geogr.* p. 20.) The ship of which the building is thus described was a small boat, a *σχεδία* as Homer calls it; but it had like all the Homeric ships a round or flat bottom. Greater ships must have been of a more complicated structure, as ship-builders are praised as artists. (*Il.* v. 60, &c.) Below, under *Cerucki*, a representation of two boats is given which appear to bear great resemblance to the one of which the building is described in the Odyssey. (Comp. Thirlwall, *Hist. of Greece*, vol. i. p. 219.)

It is a general opinion that in the Homeric age sailors did not venture out into the open sea, but that such was really done is clear from the fact, that Homer makes Odysseus say that he had lost sight of land, and saw nothing but the sky and water (*Od.* xii. 403 ; comp. xiv. 302 ; Virg. *Aen.* iii. 192, &c.), although on the whole it may be admitted, that even down to the historical times the navigation of the ancients was confined to coasting along the shore. Homer never mentions engagements at sea. The Greeks most renowned in the heroic ages as sailors were the Cretans, whose king Minos is said to have possessed a large fleet, and also the Phaeacians. (Thucyd. i. 4 ; Hom. *Od.* viii. 110, &c.)

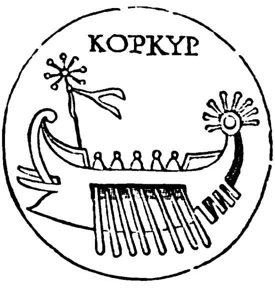
After the times of the Trojan war, navigation, and with it the art of ship-building, must have become greatly improved, on account of the establishment of the numerous colonies on foreign coasts, and the increased commercial intercourse with these colonies and other foreign countries. The practice of piracy, which was during this period carried on to a great extent not only between Greeks and foreigners, but also among the Greeks themselves, must likewise have contributed to the improvement of ships and of navigation, although no particulars are mentioned. In Greece itself the Corinthians were the first who brought the art of ship-building nearest to the point at which we find it in the time of Thucydides, and they were the first who introduced ships with three ranks of rowers (*τριήρεις*, *Triremes*). About the year 700 B.C. Ameinocles the Corinthian, to whom this invention is ascribed, made the Samians acquainted with it (Thucyd. i. 13 ; Plin. *H. N.* vii. 57) ; but it must have been preceded by that of the *Biremes*, that is, ships with two ranks of rowers, which Pliny attributes to the Erythraeans.* These innovations however do not seem to have been generally adopted for a long time ; for we read that about the time of Cyrus the Phocaeans introduced long sharp-keeled ships called *πεντηκόντοροι*. (Herod. i. 163.) These belonged to the class of long war-ships (*νῆες μακραί*), and had fifty rowers, twenty-five on each side of the ship, who sat in one row. It is further stated that before this time vessels called *στρογγύλαι*, with large round or rather flat bottoms, had been used exclusively by all the Ionians in Asia. At this period most Greeks seem to have adopted the long ships with only one rank of rowers on each side ; their name varied accordingly as they had fifty (*πεντηκόντοροι*), or thirty (*τριακόντοροι*), or even a smaller number of rowers. A ship of war of this class is represented in the previous woodcut, which is taken from Montfaucon, *l'Antiq. Expliq.* vol. iv. part 2. pl. 142.



The following woodcut contains a beautiful fragment of a Bireme with a complete deck. (Winckelmann, *Monum. Antich. inedit.* pl. 207.) Another specimen of a small Bireme is given further on.



The first Greek people whom we know to have acquired a navy of importance were the Corinthians, Samians, and Phocaeans. About the time of Cyrus and Cambyses the Corinthian Triremes were generally adopted by the Sicilian tyrants and by the Corcyraeans, who soon acquired the most powerful navies among the Greeks. In other parts of Greece and even at Athens and in Aegina the most common vessels about this time were long ships with only one rank of rowers on each side. Athens, although the foundation of its maritime power had been laid by Solon [Naucraria], did not obtain a fleet of any importance until the time of Themistocles, who persuaded them to build 200 Triremes for the purpose of carrying on the war against Aegina. But even then ships were not provided with complete decks (*καταστρώματα*) covering the whole of the vessel. (Thucyd. i. 14 ; Herod. vii. 144.) Ships with only a partial deck or with no deck at all, were called *ἄφρακτοι νῆες*, and in Latin *naves apertae*. A fine representation of such a one is figured above from a coin of Corcyra. The ships described in Homer had no decks, and were all *ἄφρακτοι* (Thucyd. i. 10), and the only protection for the men consisted of the *ἴκρια* or bulwark. (Hom. *Od.* xii. 229.) Even at the time of the Persian war, the Athenian ships were without a complete deck. (Thucyd. i. 14.) Ships which had a complete deck were called *κατάφρακτοι*, and the deck itself *κατάστρωμα*. Their invention is ascribed by Pliny to the Thasians. At the time when Themistocles induced the Athenians to build



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* Biremes are sometimes called by the Greeks *δίκροτα* (Cic. *ad Att.* xvi. 4 ; Hirt. *Bell. Alex.* 47.) The name biremis is also applied to a little boat managed by only two oars. (Horat. iii. 29. 62 ; Lucan, viii. 562, x. 56.)

a fleet of 200 sails, he also carried a decree, that every year twenty new Triremes should be built from the produce of the mines of Laurium. (Polyaen. i. 30; Plut. *Themist.* 4; comp. Böckh, *Publ. Econ.* p. 249, 2d edit.) After the time of Themistocles as many as twenty Triremes must have been built every year both in times of war and of peace, as the average number of Triremes which was always ready amounted to between three and four hundred. Such an annual addition was the more necessary, as the vessels were of a light structure and did not last long. The whole superintendence of the building of new Triremes was in the hands of the senate of the Five Hundred (Demosth. *c. Androt.* p. 598), but the actual business was entrusted to a committee called the τριηροποιοί, one of whom acted as their treasurer, and had in his keeping the money set apart for the purpose. In the time of Demosthenes a treasurer of the τριηροποιοί ran away with the money, which amounted to two talents and a half. During the period after Alexander the Great the Attic navy appears to have become considerably diminished, as in 307 B. C. Demetrius Poliorcetes promised the Athenians timber for 100 new Triremes. (Diod. xx. 46; Plut. *Demetr.* 10.) After this time the Rhodians became the greatest maritime power in Greece. The navy of Sparta was never of great importance.

Navigation remained for the most part what it had been before: the Greeks seldom ventured out into the open sea, and it was generally considered necessary to remain in sight of the coast or of some island, which also served as guides in daytime: in the night the position, rising and setting of the different stars answered the same purpose. In winter navigation generally ceased altogether. In cases where it would have been necessary to coast around a considerable extent of country, which was connected with the main land by a narrow neck, the ships were sometimes drawn across the neck of land from one sea to the other, by machines called ὁλκοί. This was done most frequently across the isthmus of Corinth. (Herod. vii. 24; Thucyd. viii. 1, iii. 15, with the Schol.; Strab. viii. p. 380; Polyb. iv. 19, v. 101.)

Now as regards the various kinds of ships used by the Greeks, we might divide them with Pliny according to the number of ranks of rowers employed in them, into Moneres, Biremes, Triremes, Quadriremes, Quinqueremes, &c., up to the enormous ship with forty ranks of rowers, built by Ptolemaeus Philopator (Plin. *l. c.*; Athen. v. p. 203, &c.) But all these appear to have been constructed on the same principle, and it is more convenient to divide them into *ships of war* and *ships of burden* (φορτικὰ, φορτηγοὶ, ὁλκάδες, πλοῖα, στρογγύλαι, *naves onerariae, naves actuariae*). Ships of the latter kind were not calculated for quick movement or rapid sailing, but to carry the greatest possible quantity of goods. Hence their structure was bulky, their bottom round, and although they were not without rowers, yet the chief means by which they were propelled were their sails.

The most common ships of war in the earlier times were the pentecontori (πεντηκόντοροι), but afterwards they were chiefly Triremes, and the latter are frequently designated only by the name νῆες, while all the others are called by the name indicating their peculiar character. Triremes however were again divided into two classes: the one consisting of real men-of-war, which were quick-sailing vessels (ταχεῖαι), and the other of transports either for soldiers (στρατιώτιδες or ὁπλιταγωγοί) or for horses (ἱππηγοί, ἱππαγωγοί). Ships of this class were more heavy and awkward, and were therefore not used in battle except in cases of necessity. (Thucyd. i. 116.) It seems to have been a common practice to use as transports for soldiers and horses such Triremes as had become useless as men-of-war. The ordinary size of a war galley may be inferred from the fact that the average number of men engaged in it, including the crew and marines, was two hundred, to whom on some occasions as much as thirty epibatae were added. (Herod. viii. 17, vii. 184; comp. EPIBATAE and Böckh, *Publ. Econ.* p. 278, &c.) The rapidity with which these war galleys sailed may be gathered from various statements in ancient writers, and appears to have been so great, that even we cannot help looking upon it without astonishment, when we find that the quickness of an ancient trireme nearly equalled that of a modern steamboat. Among the war-ships of the Athenians their sacred state-vessels were always included (PARALUS; comp. Böckh, *Urkunden über d. Seewesen des Att. Staats*, p. 76, &c.); but smaller vessels, such as the πεντηκόντοροι or τριακόντοροι, are never included when the sum of men-of-war is mentioned, and their use for military purposes appears gradually to have ceased.

Vessels with more than three ranks of rowers on each side were not constructed in Greece till about the year 400 B. C., when Dionysius I., tyrant of Syracuse, who bestowed great care upon his navy, built the first Quadriremes (τετρήρεις), with which he had probably become acquainted through the Carthaginians, since the invention of these vessels is ascribed to them. (Plin. *H. N.* vii. 57; Diodor. xiv. 41, 42.) Up to this time no Quinqueremes (πεντήρεις) had been built, and the invention of them is likewise ascribed to the reign of Dionysius. Mnesigeiton (*ap. Plin. l. c.*) ascribes the invention of Quinqueremes to the Salaminians, and if this statement is correct, Dionysius had his Quinqueremes probably built by a Salaminian ship-builder. In the reign of Dionysius II. Hexeres (ἑξήρεις) are also mentioned, the invention of which was ascribed to the Syracusans. (Aelian, *V. H.* vi. 12, with the note of Perizonius; Plin. *l. c.*) After the time of Alexander the Great the use of vessels with four, five, and more ranks of rowers became very general, and it is well known from Polybius (i. 63, &c.) that the first Punic war was chiefly carried on with Quinqueremes. Ships with twelve, thirty, or even forty ranks of rowers (Plin. *l. c.*; Athen. v. p. 204, &c.), such as they were built by Alexander and the Ptolemies, appear to have been mere curiosities, and did not come into common use. The Athenians at first did not adopt vessels larger than Triremes, probably because they thought that with rapidity and skill they could do more than with large and unwieldy ships. In the year B. C. 356 they continued to use nothing but Triremes; but in 330 B. C. the republic had already a number of Quadriremes, which was afterwards increased. The first Quinqueremes at Athens are mentioned in a document (in Böckh's *Urkunden*, N. xiv. litt. K.) belonging to the year B. C. 325. Herodotus (vi. 87), according to the common reading, calls the theoris, which in Ol. 72 the Aeginetans took from the Athenians, a πεντήρης:

but the reading in this passage is corrupt, and πεντετηρὶς should be written instead of πεντήρης. (Böckh, *Urkunden*, p. 76.) After the year 330 the Athenians appear to have gradually ceased building Triremes, and to have constructed Quadriremes instead.

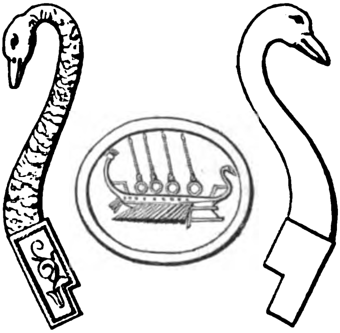
Among the smaller vessels we may mention the ἄκατος or ἀκάτιον, which seems to have been sometimes used as a ship of burden. (Herod. vii. 186; comp. Pind. *Pyth.* xi. 62, *Nem.* v. 5.) The acatus must generally have been very small, and the same as a *scapha*, for Suetonius (*Caes.* 64) in describing Caesar's escape from Alexandria, says that he jumped into a scapha, which Plutarch, in narrating the same event, calls an acation. From Thucydides (iv. 67) with the remark of the Scholiast, we must infer that it was a small boat in which every person sailing in it managed two oars, one with each hand. The name Scapha (σκάφη) denotes a small skiff or life-boat, which was commonly attached to merchantmen for the purpose of saving the crew in danger. (*Act. Apost.* xxvii. 30.)

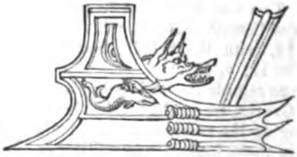
Liburna, or *Liburnica*, in Greek λιβυρνὶς or λιβυρνόν, is a name given apparently to every war-ship, from a bireme up to those with six lines of rowers on each side (Lucian, vol. v. p. 262, ed. Bip.; Flor. iv. 2; Sueton. *Aug.* 17); but in the time of Augustus, liburnae even with six lines of rowers were considered small and swift in comparison with the unwieldy ships of Antony at Actium. (Horat. *Epod.* i. 1.) Pliny (x. 32) informs us that they were constructed sharp in the bows to offer the least possible resistance to the water. They were usually provided with a beak, whence a *navis rostrata* is generally the same as a Liburna. They were first constructed by the Liburnians (whence they derived their name), and first used by the Romans in the battle of Actium. (Comp. Gell. xvii. 3; Plin. *H. N.* ix. 5, xvii. 3; Appian, *de Bell. Illyr.* 3; Juven. iii. 240.)

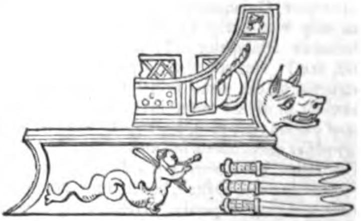
Every vessel at Athens, as in modern times, had a name given to it, which was generally of the feminine gender, whence Aristophanes (*Eq.* 1313) calls the Triremes παρθένους, and one vessel, the name of which was Nauphante, he calls the daughter of Nauso. (Böckh, *Urk.* p. 81, &c.; and a list of names in p. 84, &c.) The Romans sometimes gave to their ships masculine names. The Greek names were either taken from ancient heroines such as Nausicaa, or they were abstract words such as Εὔπλοια, Θεραπεία, Πρόνοια, Σώζουσα, Ἡγεμόνη, &c. In many cases the name of the builder also was added.

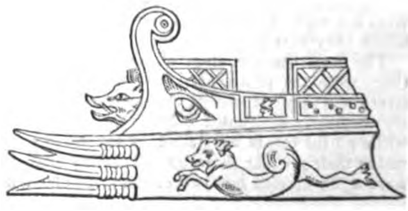
We now proceed to describe the principal parts of ancient vessels.

1. *The prow* (πρῶρα or μέτωπον, *prora*) was generally ornamented on both sides with figures, which were either painted upon the sides or laid in. It seems to have been very common to represent an eye on each side of the prow. (Böckh, *Urk.* p. 102; Becker, *Charikles*, vol. ii. p. 60.) Upon the prow or fore-deck there was always some emblem (παράσημον, *insigne*, *figura*) by which the ship was distinguished from others. At the head of the prow there projected the στόλος, and its extremity was termed ἀκροστόλιον, which was frequently made in the shape of an animal or a helmet. It appears to have been sometimes covered with brass and to have served as an embole (ἐμβολή) against the enemy's vessels. (Aeschyl. *Pers.* 414.) The ἀκροστόλιον is sometimes designated by the name of χηνίσκος (from χὴν, a goose), because it was formed in the shape of the head or neck of a goose or swan, as in the accompanying woodcut. (*Etym. Magn.* s. v.) The cheniscus was often gilt and made of bronze. (Lucian, *Ver. Hist.* 41, *Jup. Trag.* 14.) A cheniscus of bronze is preserved in the Royal Library at Paris. (Millin, *Dict. des beaux Arts.*) [Insigne.] Just below the prow and projecting a little above the keel was the *Rostrum* (ἔμβολος, ἔμβολον) or beak, which consisted of a beam, to which were attached sharp and pointed irons, or the head of a ram and the like. This ἔμβολος was used for the purpose of attacking another vessel and of breaking its sides. It is said to have been invented by the Tyrrhenian Pisaeus. (Plin. *l. c.*) These beaks were at first always above the water and visible; afterwards they were attached lower, so that they were invisible, and thus became still more dangerous to other ships. (Diodor. xi. 27, xiv. 60, 75; Polyb. i. 26, xvi. 5, viii. 6.) The annexed woodcuts, taken from Montfaucon (*L'Antiq. Expliq.* iv. 2. tab. 133), represent three different beaks of ships.



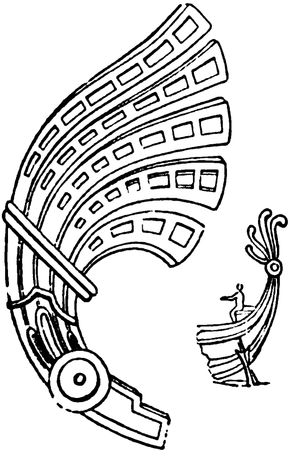


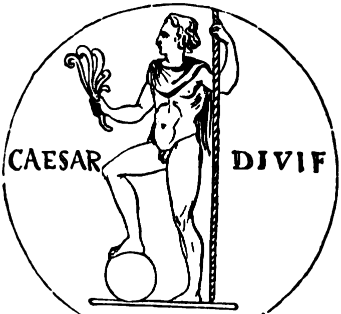




Connected with the ἔμβολος was the προεμβολίς, which according to Pollux (i. 85) must have been a wooden part of the vessel in the prow above the beak, and was probably the same as the ἐπωτίδες, and intended to ward off the attack of the ἔμβολος of a hostile ship. The command in the prow of a vessel was exercised by an officer called πρωρεύς, who seems to have been next in rank to the steersman, and to have had the care of the gear, and the command over the rowers. (Xenoph. *Oecon.* vii. 14.)

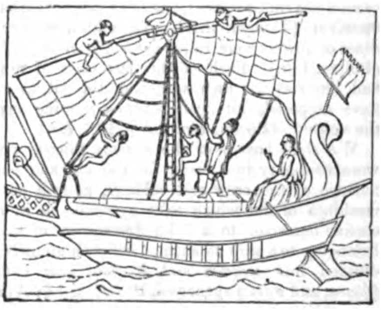
2. *The stern* (πρύμνη, *puppis*) was generally above the other parts of the deck, and in it the helmsman had his elevated seat. It is seen in the representations of ancient vessels to be rounder than the prow, though its extremity is likewise sharp. The stern was, like the prow, adorned in various ways, but especially with the image of the tutelary deity of the vessel (*tutela*). In some representations a kind of roof is formed over the head of the steersman, and the upper part of the stern frequently has an elegant ornament called *aplustre*, and in Greek ἄφλαστον, which constituted the highest part of the poop. It formed a corresponding ornament to the ἀκροστόλιον at the prow. At the junction of the aplustre with the stern on which it was based, we commonly observe an ornament resembling a circular shield: this was called ἀσπιδεῖον or ἀσπιδίσκη. It is seen on the two aplustria here represented. (Comp. Apollon. Rhod. i. 1089, ii. 601; Apollod. i. 9. § 22; Hom. *Il.* xv. 716; Herod. vi. 114.) The aplustre rose immediately behind the gubernator, and served in some degree to protect him from wind and rain. Sometimes there appears, beside the aplustre, a pole, to which a fillet or pennon (ταινία) was attached, which served both to distinguish and adorn the vessel, and also to show the direction of the wind. In the column of Trajan, a lantern is suspended from the aplustre so as to hang over the deck before the helmsman. The aplustre commonly consisted of thin planks, and presented a broad surface to the sky. In consequence of its conspicuous place and beautiful form, the aplustre was often taken as the emblem of maritime affairs: it was carried off in triumph by the victor in a naval engagement (Juven. x. 135), and Neptune is sometimes represented on medals holding the aplustre in his right hand, as in the annexed woodcut; and in the celebrated Apotheosis of Homer, now in the British Museum, the female personating the Odyssey exhibits the same emblem in reference to the voyages of Odysseus.





3. The τράφηξ is the bulwark of the vessel, or rather the uppermost edge of it. (Hesych. *s. v.*) In small boats the pegs (σκαλμοί, *scalmi*) between which the oars move, and to which they are fastened by a thong (τροπωτήρ), were upon the τράφηξ. (Böckh, *Urkund.* p. 103.) In all other vessels the oars passed through holes in the side of the vessel (ὀφθαλμοί, τρήματα, or τρυπήματα). (Schol. *Aristoph. Acharn.* 97, &c.)

4. The middle part of the deck in most ships of war appears to have been raised above the bulwark or at least to a level with its upper edge, and thus enabled the soldiers to occupy a position from which they could see far around and hurl their darts against the enemy. Such an elevated deck appears in the annexed woodcut representing a *Moneris.* In this instance the flag is standing upon the hind-deck. (Mazois, *Pomp.* Part I. tab. xxii. fig. 2.)



5. One of the most interesting, as well as important parts in the arrangements of the Biremes, Triremes, &c., is the position of the ranks of rowers, from which the ships themselves derive their names. Various opinions have been entertained by those who have written upon this subject, as the information which ancient writers give upon it is extremely scanty. Thus much, however, is certain, that the different ranks of rowers, who sat along the sides of a vessel, were placed one above the other. This seems at first sight

very improbable, as the common ships in later times must have had five ordines of rowers on each side, and since even the lowest of them must have been somewhat raised above the surface of the water, the highest ordo must have been at a considerable height above it, and consequently required very long oars: the apparent improbability is still more increased, when we hear of vessels with thirty or forty ordines of rowers above one another. But that such must have been the arrangement is proved by the following facts: First, In works of art, in which more than one ordo of rowers is represented, they appear above one another, as in the biremes given on pp. 784, a, 791, a, and in several others figured by Montfaucon. Secondly, The Scholiast on Aristophanes (*Acharn.* 1106; compare Aristoph. *Ran.* 1105) states that the lowest rank of rowers having the shortest oars and consequently the easiest work, received the smallest pay, while the highest ordo had the longest oars, and consequently had the heaviest work and received the highest pay. Thirdly, In the monstrous *τεσσαρακοντήρης* of Ptolemaeus Philopator, the description of which by Callixenus (*ap. Athen.* v. p. 203, &c.) is as authentic as it well can be, the height of the ship from the surface of the water to the top of the prow (*ἀκροστόλιον*) was 48 cubits, and from the water to the top of the stern (*ἄφλαστα*) 53 cubits. This height afforded sufficient room for forty ranks of rowers, especially as they did not sit perpendicularly above one another, but one rower, as may be seen in the above representation of a Bireme, sat behind the other, only somewhat elevated above him. The oars of the uppermost ordo of rowers in this huge vessel were 38 cubits long.

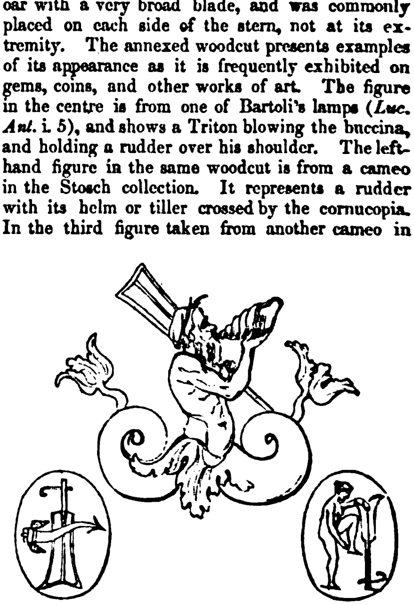
In ordinary vessels from the Moneris up to the Quinqueremis each oar was managed by one man, which cannot have been the case where each oar was 38 cubits long. The rowers sat upon little benches attached to the ribs of the vessel, and called *ἑδώλια*, and in Latin *fori* and *transtra*. The lowest row of rowers was called *θαλάμος*, the rowers themselves, *θαλαμῖται* or *θαλάμιοι*. (Schol. *ad Aristoph. Acharn.* 1106.) The uppermost ordo of rowers was called *θράνος*, and the rowers themselves *θρανῖται*. (Thucyd. vi. 31.) The middle ordo or ordines of rowers were called *ζυγὰ*, *ζύγιοι* or *ζυγῖται*. (Pollux, i. 9.) Each of this last class of rowers had likewise his own seat, and did not, as some have supposed, sit upon benches running across the vessel. (Böckh, *Urkund.* p. 103, &c.)

We shall pass over the various things, which were necessary in a vessel for the use and maintenance of the crew and soldiers, as well as the machines of war which were conveyed in it, and confine ourselves to a brief description of things belonging to a ship as such. All such utensils are divided into *wooden* and *hanging gear* (*σκεύη ξύλινα*, and *σκεύη κρεμαστά*, Pollux, x. 13; Athen. i. p. 27). Xenophon (*Oecon.* viii. 12) adds to these the *σκεύη πλεκτά*, or the various kinds of wickerwork, but these are more properly comprehended among the *κρεμαστά*.

I. *Σκεύη ξύλινα.*

1. *Oars* (*κῶπαι*, *remi*). The collective term for oars is *ταῤῥός*, which properly signified nothing but the blade or flat part of the oar (Herod. viii. 12; Pollux, i. 90), but was afterwards used as a collective expression for all the oars with the exception of the rudder. (Eurip. *Iph. Taur.* 1346, *Hel.* 1554; Polyb. xvi. 3.) The oars varied in size accordingly as they were used by a lower or higher ordo of rowers, and from the name of the ordo by which they were used, they also received their special names, viz. *κῶπαι*, *θαλάμιαι*, *ζύγιαι*, and *θρανίτιδες*. Böckh (*Urk.* p. 119) has calculated, that each Trireme on an average had 170 rowers. In a Quinquereme during the first Punic war, the average number of rowers was 300 (Polyb. i. 26); in later times we even find as many as 400. (Plin. xxxii. 1.) The great vessel of Ptolemaeus Philopator had 4000 rowers (Athen. v. p. 204), and the handle of each oar (*ἐγχειρίδιον*) was partly made of lead, that the shorter part in the vessel might balance in weight the outer part, and thus render the long oars manageable. The lower part of the holes through which the oars passed, appear to have been covered with leather (*ἄσκωμα*), which also extended a little way outside the hole. (Aristoph. *Acharn.* 97, with the Schol.; *Schol. ad Ran.* 367; Suidas, *s. v.* Ἀσκώματα and *διφθέρα*: compare Böckh, *Urk.* 106, &c.) The *ταῤῥός* also contained the *περίνεῳ*, which must consequently be a particular kind of oars. They must have derived their name, like other oars, from the class of rowers by whom they were used. Böckh supposes that they were oars which were not regularly used, but only in case of need, and then by the Epibatae. Their length in a Trireme is stated at from 9 to 9½ cubits, but in what part of the vessel they were used is unknown. Respecting oars in general see the Appendix in Arnold's *Thucyd.* vol. ii. p. 461, &c.

2. *The rudder* (*πηδάλιον*, *gubernaculum*). Before the invention of the rudder, which Pliny (*H. N.* vii. 57) ascribes to Tiphys, the pilot of the ship Argo, vessels must have been propelled and guided by the oars alone. This circumstance may account for the form of the ancient rudder, as well as for the mode of using it. It was like an oar with a very broad blade, and was commonly placed on each side of the stern, not at its extremity. The annexed woodcut presents examples of its appearance as it is frequently exhibited on gems, coins, and other works of art. The figure in the centre is from one of Bartoli's lamps (*Luc. Ant.* i. 5), and shows a Triton blowing the buccina, and holding a rudder over his shoulder. The left-hand figure in the same woodcut is from a cameo in the Stosch collection. It represents a rudder with its helm or tiller crossed by the cornucopia. In the third figure taken from another cameo in



the same collection, Venus leans with her left arm upon a rudder to indicate her origin from the sea. The rudder was managed by the gubernator (κυϐερνήτης), who is also called the *rector navis* as distinguished from the *magister*. A ship had sometimes one, but more commonly two rudders (Aelian, *V. H.* ix. 40; Heliod. *Aethiop.* v. p. 241, ed. Comm.; *Acts* xxvii. 40), and they were distinguished as the right and left rudder (Hygin. *Fab.* 14); but they were managed by the same steersman to prevent confusion. (Bartoli, *l. c.* iii. 31.) In larger ships the two rudders were joined by a pole which was moved by the gubernator and kept the rudders parallel. The contrivances for attaching the two rudders to one another and to the sides of the ship, are called ζεῦγλαι (Eurip. *Helen.* 1556) or ζευκτηρίαι (*Acts*, xxvii. 40). The famous ship of Ptolemaeus Philopator had four rudders, each 30 cubits in length. (Athen. v. p. 204; comp. Tac. *Ann.* ii. 6.)

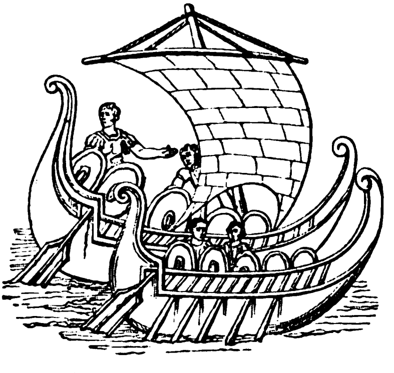
3. *Ladders* (κλιμακίδες, *scalae*). Each Trireme had two wooden ladders, and the same seems to have been the case in τριακόντοροι. (Böckh, p. 125.)

4. *Poles* or punt poles (κοντοί, *conti*). Three of these belonged to every Trireme, which were of different lengths, and were accordingly distinguished as κοντὸς μέγας, κοντὸς μικρὸς, and κοντὸς μέσος. Triacontores had probably always four punt poles. (CONTUS; Böckh, p. 125, &c.)

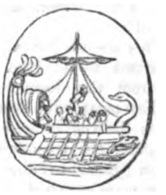
5. Παραστάται or supports for the masts. They seem to have been a kind of props placed at the foot of the masts. (Isidor. *Orig.* xix. 2. 11.) The mast of a Trireme, as long as such props were used, was supported by two. In later times they do not occur any longer in Triremes, and must have been supplanted by something else. The Triacontores on the other hand retained their παραστάται. (Böckh, p. 126, &c.)

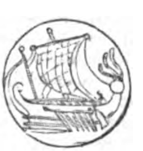
6. The *mast* (ἱστός, *malus*). The ancients had vessels with one, two or three masts. From Böckh's *Urkunden* we learn that two masts were issued at Athens from the νεώριον for every trireme. The foremast was called ἀκάτειος, while the mainmast was called ἱστὸς μέγας. A triaconter, or a vessel with 30 rowers, had likewise two masts, and the smaller mast here as well as in a trireme was near the prow. In three-masted vessels the largest mast was nearest the stern. The masts as well as the yards were usually of fir. (Plin. *H. N.* xvi. 76.) The invention of masts in navigation is attributed to Daedalus (Plin. *H. N.* vii. 56.) The part of the mast immediately above the yard (*antenna*), formed a structure similar to a drinking cup, and bore the name of *carchesium* (καρχήσιον). Into it the mariners ascended in order to manage the sail, to obtain a distant view, or to discharge missiles. (Eurip. *Hecub.* 1237, with the Schol.; Lucil. *Sat.* 3.) The ceruchi or other tackle may have been fastened to its lateral projections which corresponded to the hands of a cup. (Comp. Pind. *Nem.* v. 94.) The carchesia of the three-masted ship built for Hiero II. by Archimedes were of bronze. Three men were placed in the largest, two in the next, and one in the smallest. Breastworks (θωράκια) were fixed to these structures, so as to supply the place of defensive armour; and pulleys (τροχηλίαι, *trochleae*) for hoisting up stones and weapons from below. (Athen. v. 43.) The continuation of the mast above the carchesium was called the "distaff" (ἠλακάτη), corresponding to our top-mast or top-gallant mast. (Apollon. Rhod. i. 565; Athen. xi. 49.) The carchesium was sometimes made to turn upon its axis, so that by means of its apparatus of pulleys, it served the purpose of a crane. (Vitruv. x. 2, 10, with Schneider's note.)

7. The *yards* (κέρας, κεραῖα, *antenna*). The mainyard was fastened to the top of the mast by ropes termed *ceruchi*, as seen in the annexed woodcut.



To the mainyard was attached the mainsail, which was hoisted or let down as the occasion might require. For this purpose a wooden hoop was made to slide up and down the mast, as we see it represented in an antique lamp, made in the form of a ship. (Bartoli, *l. c.* iii. 31; comp. Isid. *Orig.* xx. 15.) In the two extremities of the yard (*cornua*, ἀκροκέραιαι), ropes (*ceruchi*, κηροῦχοι) were attached, which passed to the top of the mast; and by means of these ropes and the pulleys connected with them, the yard and sail, guided by the hoop, were hoisted to the height required. (Caes. *de Bell. Gall.* iii. 14; Lucan, viii. 177; Val. Flacc. i. 469.) There are numerous representations of ancient ships in which the antenna is seen, as in the two woodcuts here appended. In the second of them, there are ropes hanging down from the antenna, the object of which was to enable the sailors to turn the antenna and the sail according to the wind.





II. Σκεύη κρεμαστά.

1. Ὑποζώματα. This part of an ancient vessel was formerly quite misunderstood, as it was believed to be the boards or planks covering the outside of a ship and running along it in the direction from poop to prow. But Schneider (*ad Vitruv.* x. 15. 6) has proved that the word means cordage or tackling, and this opinion, which is supported by many ancient authors, is confirmed by the documents published by Böckh, where it is reckoned among the σκεύη κρεμαστά. The ὑποζώματα were thick and broad ropes which ran in a horizontal direction around the ship from the stern to the prow, and were intended to keep the whole fabric

together. They ran round the vessel in several circles, and at certain distances from one another. The Latin name for *ὑπόζωμα* is *tormentum*. (Isidor. *Orig*. xix. 4. 4; Plato, *de Re Publ*. x. p. 616.) The length of these tormenta varied accordingly as they ran around the higher or lower part of the ship, the latter being naturally shorter than the former. Their number varied according to the size of the ship. The Tessaracontores of Ptolemaeus Philopator had twelve *ὑποζώματα*, each 600 cubits long. (Athen. v. p. 204.) Such *ὑποζώματα* were always ready in the Attic arsenals, and were only put on a vessel when it was taken into use. Sometimes also they were taken on board when a vessel sailed, and not put on till it was thought necessary. (*Act. Apost*. xxvii. 17.) The act of putting them on was called *ὑποζωννύναι* or *διαζωννύναι*, or *ζῶσαι*. (Polyb. xxvii. 3; Appian, *B. C.* v. 91; Apoll. Rhod. *Argon*. i. 368.) A Trireme required four *ὑποζώματα*, and sometimes this number was even increased, especially when the vessel had to sail to a stormy part of the sea. (Böckh, pp. 133—138.)

2. *Ἱστίον* (*velum*), sail. Most ancient ships had only one sail, which was attached with the yard to the great mast. In a Trireme too one sail might be sufficient, but the trierarch might nevertheless add a second. As each of the two masts of a Trireme had two sail-yards, it further follows that each mast might have two sails, one of which was placed lower than the other. The two belonging to the main-mast were called *ἱστία μεγάλα*, and those of the fore-mast *ἱστία ἀκάτεια*. (Xenoph. *Hellen*. vi. 2. § 27; Bekker, *Anecdot*. pp. 19, 10.) The former were used on ordinary occasions, but the latter probably only in cases when it was necessary to sail with extraordinary speed. The sails of the Attic war-galleys, and of most ancient ships in general, were of a square form, as is seen in numerous representations on works of art. Whether triangular sails were ever used by the Greeks, as has been frequently supposed, is very doubtful. The Romans, however, used triangular sails, which they called *Suppara*, and which had the shape of an inverted Greek Δ (∇), the upper side of which was attached to the yard. Such a sail had of course only one *πούς* (*pes*) at its lower extremity. (Schol. *ad Lucan. Phars*. v. 429; Isidor. *Orig*. xix. 3, 4; Böckh, pp. 138—143.)

3. **Τοπεῖα**, cordage. This word is generally explained by the grammarians as identical with *σχοινία* or *κάλοι*: but from the documents in Böckh it is clear that they must have been two distinct classes of ropes, as the *τοπεῖα* are always mentioned after the sails, and the *σχοινία* before the anchors. The *σχοινία* (*funes*) are the strong ropes to which the anchors were attached, and by which a ship was fastened to the land; while the *τοπεῖα* were a lighter kind of ropes and made with greater care, which were attached to the masts, yards, and sails. Each rope of this kind was made for a distinct purpose and place (*τόπος*, whence the name *τοπεῖα*). The following kinds are most worthy of notice:—*a*. *καλῴδια* or *κάλοι*. What they were is not quite clear, though Böckh thinks it probable that they belonged to the standing tackle, *i. e.* that they were the ropes by which the mast was fastened to both sides of the ship, so that the *πρότονοι* in the Homeric ships were only an especial kind of *καλῴδια*, or the *καλῴδια* themselves differently placed. In later times the *πρότονος* was the rope which went from the top of the mainmast (*καρχήσιον*) to the prow of the ship, and thus was what is now called the main-stay. *b*. *ἱμάντες* and *κεροῦχοι* are probably names for the same ropes which ran from the two ends of the sail-yard to the top of the mast. In more ancient vessels the *ἱμὰς* consisted of only one rope; in later times it consisted of two, and sometimes four, which uniting at the top of the mast, and there passing through a ring, descended on the other side, where it formed the *ἐπίτονος*, by means of which the sail was drawn up or let down. (Böckh, pp. 148—152.) Compare the lower woodcut at p. 789, which shows a vessel with two ceruchi, and the upper woodcut p. 789, which shows one with four ceruchi. *c*. *ἄγκοινα*, Latin *anquina* (Isid. *Orig*. xix. 4. 7), was the rope which went from the middle of a yard to the top of the mast, and was intended to facilitate the drawing up and letting down of the sail. The *ἄγκοινα διπλῆ* of Quadriremes undoubtedly consisted of two ropes. Whether Triremes also had them double, is uncertain. (Pollux, *l. c.*; Böckh, p. 152.) *d*. *Πόδες* (*pedes*) were in later times as in the poems of Homer the ropes attached to the two lower corners of a square sail. These *πόδες* ran from the ends of the sail to the sides of the vessel towards the stern, where they were fastened with rings attached to the outer side of the bulwark. (Herod. ii. 36.) Another rope is called *πρόπους*, *propes* (Isidor. *Orig*. xix. 4. 3), which was probably nothing else than the lower and thinner end of the *πούς*, which was fastened to the ring. *e*. *Ὑπέραι* were the two ropes attached to the two ends of the sail-yard, and thence came down to a part of the ship near the stern. Their object was to move the yard according to the wind. In Latin they are called *opifera*, which is, perhaps, only a corruption of *hypera*. (Isidor. *Orig*. xix. 4. 6.) The last among the *τοπεῖα* is the *χαλινός*, or bridle, the nature of which is quite unknown. (Böckh, p. 154, &c.)

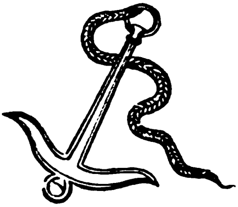
4. **Παραῤῥύματα**. The ancients as early as the time of Homer had various preparations raised above the edge of a vessel, which were made of skins and wicker-work, and which were intended as a protection against high waves, and also to serve as a kind of breast-work behind which the men might be safe against the darts of the enemy. These elevations of the bulwark are called *παραῤῥύματα*, and in the documents in Böckh they are either called *τρίχινα*, made of hair, or *λευκά*, white. They were probably fixed upon the edge on both sides of the vessel, and were taken off when not wanted. Each galley appears to have had several *παραῤῥύματα*, two made of hair and two white ones, these four being regularly mentioned as belonging to one ship. (Xenoph. *Hellen*. i. 6. § 19; Böckh, p. 159, &c.)

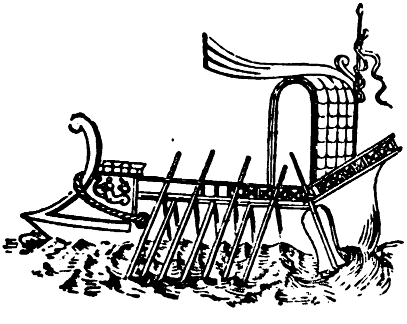
5. **Κατάβλημα** and **ὑπόβλημα**. The former of these occurs in Quadriremes as well as in Triremes, the latter only in Triremes. Their object and nature are very obscure, but they appear to have been a lighter kind of *παράῤῥυμα*. (Polyaen. *Strat*. iv. 11, 13; Böckh, p. 160, &c.)

6. **Σχοινία** are the stronger and heavier kinds of ropes. There were two kinds of these, viz. the *σχοινία ἀγκύρεια*, to which the anchor was attached, and *σχοινία ἐπίγυα* or *ἐπίγεια* (*retinacula*), by which the ship was fastened to the shore or drawn upon the shore. Four ropes of each of these two kinds is the highest number that is mentioned as belonging to one ship. The thick ropes were made

of several thinner ones. (Aristoph. *Pax*, 36; Varro, *de Re Rust.* i. 135; Böckh, pp. 161—166.)

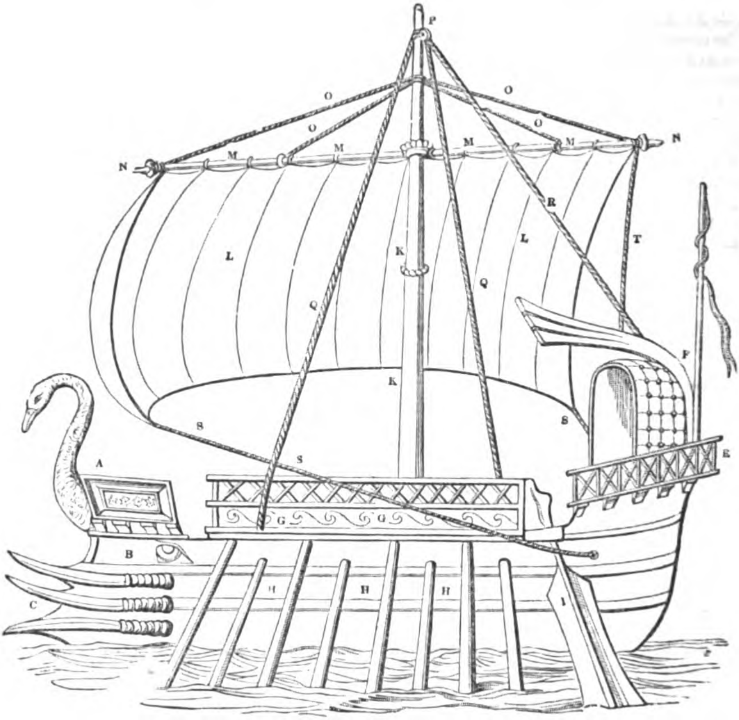
7. The *anchor* (*ἀγκύρα*, *ancora.*) We have already remarked that in the Homeric age, anchors were not known, and large stones (*εὐναί*, *sleepers*) used in their stead. (Hom. *Il.* i. 436, xiv. 77, *Od.* ix. 137, xv. 498.) According to Pliny (*H. N.* 57), the anchor was first invented by Eupalamus and afterwards improved by Anacharsis. Afterwards, when anchors were used, they were generally made of iron, and their form, as may be seen from the annexed figure, taken from a coin, resembled that of a modern anchor. (Comp. Virg. *Aen.* i. 169, vi. 3.) Such an anchor was often termed *bidens*, *διπλῆ*, *ἀμφίβολος* or *ἀμφίστομος*, because it had two teeth or flukes; but sometimes it had only one, and was then called *ἑτεροστόμος*. The technical expressions in the use of the anchor are: *ancoram solvere*, *ἀγκύραν χαλᾷν*, to loose the anchor; *ancoram jacere*, *ἀγκύραν βάλλειν* or *ῥίπτειν*, to cast anchor; and *ancoram tollere*, *ἀγκύραν αἴρειν* or *ἀναίρεσθαι*, to weigh anchor, whence *αἴρειν* by itself means "to set sail," *ἀγκύραν* being understood. The following figure, taken from a marble at Rome, shows the cable (*funis*), passing through a hole in the prow (*oculus*). Each ship of course had several anchors; the one in which St. Paul sailed had four (*Acts*, xxvii. 29), and others had eight. (Athen. v. 43.) The last or most powerful anchor, "the last hope," was called *ἱερά*, *sacra*, and persons trying their last hope were said *sacram solvere*. To indicate where the anchor lay, a bundle of cork floated over it on the surface of the waters. (Paus. viii. 12; Plin. *H. N.* xvi. 8.)





The preceding account of the different parts of the ship will be rendered still clearer by the drawing on the following page, in which it is attempted to give a restoration of an ancient ship.

The Romans in the earlier period of their history never conceived the idea of increasing their power by the formation of a fleet. The time when they first appear to have become aware of the importance of a fleet, was during the second Samnite war, in the year B. C. 311. Livy (ix. 30), where he mentions this event, says: *duumviri navales classis ornandae reficiendaeque causa* were then for the first time appointed by the people. This expression suggests that a fleet had been in existence before, and that the duumviri navales had been previously appointed by some other power. [DUUMVIRI.] But Niebuhr (*Hist. of Rome*, iii. p. 282) thinks that the expression of Livy only means, that at this time the Romans resolved to build their first fleet. The idea of founding a navy was probably connected with the establishment of a colony in the Pontian islands, as the Romans at this time must have felt that they ought not to be defenceless at sea. The ships which the Romans now built were undoubtedly Triremes, which were then very common among the Greeks of Italy, and most of them were perhaps furnished by the Italian towns subject to Rome. This fleet, however insignificant it may have been, continued to be kept up until the time when Rome became a real maritime power. This was the time of the first Punic war. That their naval power until then was of no importance, is clear from Polybius (i. 20), who speaks as if the Romans had been totally unacquainted with the sea up to that time. In the year B. C. 260, when the Romans saw that without a navy they could not carry on the war against Carthage with any advantage, the senate ordained that a fleet should be built. Triremes would now have been of no avail against the high-bulwarked vessels (Quinqueremes) of the Carthaginians. But the Romans would have been unable to build others had not fortunately a Carthaginian Quinquereme been wrecked on the coast of Bruttium, and fallen into their hands. This wreck the Romans took as their model, and after it built 120 (Polyb. *l. c.*), or according to others (Oros. iv. 7) 130 ships. According to Polybius one hundred of them were *πεντήρεις*, and the remaining twenty *τριήρεις*, or, as Niebuhr proposes to read, *τετρήρεις*. This large fleet was completed within sixty days after the trees had been cut down. (Plin. *H. N.* xvi. 74.) The ships, built of green timber in this hurried way, were very clumsily made, and not likely to last for any time; and the Romans themselves, for want of practice in naval affairs, proved very unsuccessful in their first maritime undertaking, for seventeen ships were taken and destroyed by the Carthaginians off Messina. (Polyb. i. 21; Polyaen. *Strat.* vi. 16; Oros. iv. 7.) C. Duilius, who perceived the disadvantage with which his countrymen had to struggle at sea, devised a plan which enabled them to change a sea fight, as it were, into a fight on land. The machine, by which this was effected, was afterwards called *corvus*, and is described by Polybius (i. 22; comp. Niebuhr, iii. p. 678, &c.; CORVUS). From this time forward the Romans continued to keep up a powerful navy. Towards the end of the Republic they also increased the size of their ships, and built war vessels of from six to ten ordines of rowers. (Florus, iv. 11; Virg. *Aen.* viii. 691.) The construction of their ships, however, scarcely differed from that of Greek vessels; the only great difference was that the Roman galleys were provided with a greater variety of destructive engines of war than those of the Greeks. They even erected turres and tabulata upon the decks of their great men-of-



BIREMIS.

A. *Prora*, πρῴρα.
B. *Oculus*, ὀφθαλμός.
C. *Rostrum*, ἔμβολος.
D. *Cheniscus*, χηνίσκος.
E. *Puppis*, πρύμνη.
F. *Aplustre*, ἄφλαστον, with the pole containing the *fascia* or *taenia*.
G. τράφηξ.
H. *Remi*, κῶπαι.
I. *Gubernaculum*, πηδάλιον.

K. *Malus*, ἱστός.
L. *Velum*, ἱστός.
M. *Antenna*, κεραία, κέρας.
N. *Cornua*, ἀκροκέραιαι.
O. *Ceruchi*, κεροῦχοι.
P. *Carchesium*, καρχήσιον.
Q. κάλοι, καλῴδια.
R. πρότονος.
S. *Pedes*, πόδες.
T. *Opifera*, ὑπέραι.

war (*naves turritae*), and fought upon them in the same manner as if they were standing upon the walls of a fortress. Some of such naves turritae occur in the woodcuts given above. (Flor. *l. c.*; Plut. *Anton.* 33; Dion Cass. xxxii. 33; Plin. *H. N.* xxxii. 1; comp. Caes. *de Bell. Gall.* iii. 14; Dion Cass. xxxix. 43; Veget. *de Re Milit.* v. 14, &c.)

For a more detailed account of the ships and navigation of the ancients, see Scheffer, *De Militia Navali*, Upsala, 1654; Berghaus, *Geschichte der Schiffahrtskunde der vornehmsten Völker des Alterthums;* Benedict, *Gesch. der Schiffahrt und des Handels der Alten;* Howell, *On the War-galleys of the Ancients*; A. Jal, *Archéologie Navale*, Paris, 1840; and for the Attic navy especially, Böckh's *Urkunden über das Seewesen des Atischen Staates*, Berlin, 1840; K. Haltaus, *Geschichte Roms im Zeitalter der Punischen Kriege*, Leipzig, 1846, p. 607, &c.) [L. S.]

NAUMA'CHIA, was the name given to the representation of a sea-fight among the Romans, and also to the place where such engagements took place. These fights were sometimes exhibited in the Circus or Amphitheatre, sufficient water being introduced to float ships, but more generally in buildings especially devoted to this purpose. The first representation of a sea-fight on an extensive scale was exhibited by Julius Caesar, who caused a lake to be dug for the purpose in a part of the Campus Martius, called by Suetonius the "Lesser Codeta" (Dion Cass. xliii. 23; Suet. *Jul. Caes.* 39); this lake was afterwards filled up in the time of Augustus on account of the malaria arising from the stagnant water in it. (Dion Cass. xlv. 17.) Augustus also dug a lake (*stagnum*) near the Tiber for the same purpose, and planted around it a grove of trees (*nemus*). (Suet. *Aug.* 43; Tacit. *Ann.* xii. 56, xiv. 15.) This naumachia was the first permanent one; it continued to be used after others had been made, and was subsequently called the "vetus naumachia." (Suet. *Tit.* 7; Dion Cass. lxvi. 25; Ernesti, *ad Suet. Tib.* 72.) Claudius exhibited a magnificent sea-fight on the lake Fucinus. (Tacit. *Ann.* xii. 56; Suet. *Claud.* 21; Dion Cass. lx. 33.) Nero appears to have preferred the amphitheatre for these exhibitions. (Dion Cass. lxi. 9, lxii. 15.) Domitian made a new naumachia, and erected a building of stone around it, in which the spectators might sit to see the engagement. (Dion Cass. lxvi. 8; Suet. *Dom.* 4, 5.) Representations of naumachiae are sometimes given on the coins of the emperors. (Scheffer, *de Militia Navali*, iii. 2. pp. 189, 191.)

The combatants in these sea-fights, called *Naumachiarii* (Suet. *Claud.* 21), were usually captives (Dion Cass. xlviii. 19) or criminals condemned to death (Dion Cass. lx. 33), who fought as in gladiatorial combats, until one party was killed, unless preserved by the clemency of the emperor. The ships engaged in the sea-fights were divided into two parties, called respectively by the names of different maritime nations, as Tyrians and Egyptians (Suet. *Jul.* 31), Rhodians and Sicilians (Suet. *Claud.* 21; Dion Cass. lx. 33), Persians and Athenians (Dion Cass. lxi. 9), Corcyraeans and Corinthians, Athenians and Syracusans, &c. (Id. lxvi. 25.) These sea-fights were exhibited with the same magnificence and lavish expenditure of human life as characterised the gladiatorial combats and other public games of the Romans. In Nero's naumachia there were sea-monsters swimming about in the artificial lake (Suet. *Nero*, 12; Dion Cass. lxi. 9), and Claudius had a silver Triton placed in the middle of the lake Fucinus, who was made by machinery to give the signal for attack with a trumpet. (Suet. *Claud.* 21.) Troops of Nereids were also represented swimming about. (Martial, *de Spect.* 26.) In the sea-fight exhibited by Titus there were 3000 men engaged (Dion Cass. lxvi. 25), and in that exhibited by Domitian the ships were almost equal in number to two real fleets (*paene justae classes*, Suet. *Dom.* 4). In the battle on the lake Fucinus there were 19,000 combatants (Tacit. *Ann.* xii. 56), and fifty ships on each side. (Dion Cass. lx. 33.)

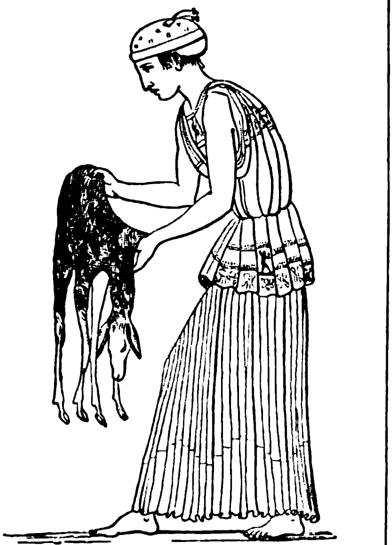
NAUTA. [Exercitoria Actio.]

NAU'TICON (*ναυτικόν*). [Fenus, p. 525, b.]

NAUTO'DICAE (*ναυτόδικαι*), are called *ἀρχαί* or magistrates by most of the ancient grammarians (Harpocrat. Suidas, Lex. Rhet. *s. v.* *Ναυτοδίκαι*), while a few others call them *δικασταί*. (Hesych. *s. v.*) The concurrent authority of most of them, together with a passage of Lysias (*de Pecun. Publ.* p. 189, Bremi), the only Attic orator who mentions the nautodicae, renders it more than probable that they were a magistracy. This can be the less doubtful as the words *δικάζειν* and *δικαστής* are sometimes used of magistrates in their capacity of *εἰσαγωγεῖς*. (Meier, *Att. Proc.* p. 28; see Eisagogeis.) All testimonies of the ancients moreover agree that the nautodicae had the jurisdiction in matters belonging to navigation and commerce, and in matters concerning such persons as had entered their names as members of a phratria without both their parents being citizens of Athens, or in other words, in the *δίκαι ἐμπόρων* and *δίκαι ξενίας*. The time when nautodicae were first instituted is not mentioned, but the fact that they had the jurisdiction in cases where a person had assumed the rights of a phrator without his father and mother being citizens, shows that their institution must belong to a time when it was sufficient for a man to be a citizen if only his father was a citizen, whatever his mother might be, that is, previous to the time of Pericles (Plut. *Pericl.* 37; compare Civitas, p. 289), and perhaps as early as the time of Cleisthenes. The nautodicae were appointed every year by lot in the month of Gamelion, and probably attended to the *δίκαι ἐμπόρων* only during the winter, when navigation ceased, whereas the *δίκαι ξενίας* might be brought before them all the year round.

It is a well known fact that the two actions (*δίκαι ἐμπόρων* and *δίκαι ξενίας*) which we have here assigned to the nautodicae, belonged, at least at one time, to the thesmothetae. (Meier, *Att. Proc.* p. 64, &c.) Several modern writers, such as Böckh, Baumstark, and others, have therefore been led to suppose that all the grammarians who call the nautodicae *ἀρχαί* are mistaken, and that the nautodicae were not *εἰσαγωγεῖς* in the cases above mentioned, but *δικασταί*. But this mode of settling the question does not appear to us to be as satisfactory as that adopted by Meier and Schömann. (*Att. Proc.* p. 85, &c.) In all the speeches of Demosthenes no trace occurs of the nautodicae, and in the oration against Lacritus (p. 940), where all the authorities are mentioned before whom such a case as that of Lacritus might be brought, the orator could scarcely have failed to mention the nautodicae, if they had still existed at the time. It is therefore natural to suppose that the *δίκαι ἐμπόρων* at the time of Philip of Macedonia, when they became *δίκαι ἔμμηνοι* [Emmeni Dikai], were taken from the nautodicae and transferred to the thesmothetae. And as the republic could not now think it any longer necessary to continue the office of nautodicae, merely on account of the *δίκαι ξενίας*, these latter were likewise transferred to the thesmothetae, and the office of the nautodicae was abolished. The whole period during which nautodicae existed at Athens would thus comprehend the time from the legislation of Cleisthenes or soon after, to Philip of Macedonia. One difficulty however yet remains, for nautodicae are mentioned by Lucian (ii. p. 203, ed. Bip.) in a dialogue which the author represents as having taken place after the death of Alexander. Those who are unwilling to believe that Lucian here, as in other places, has been guilty of an anachronism, must suppose that the nautodicae were after their abolition restored for a time, of which however there is no other evidence. (Compare Böckh, *Publ. Econ.* i. § 9; Baumstark, *De Curatoribus Emporii et Nautodicis apud Athenienses*, pp. 65—78.) [L. S.]

NEBRIS, a fawn's skin (from *νεβρός*, a fawn; see Aegis), worn originally by hunters and others as an appropriate part of their dress, and afterwards attributed to Dionysus (Eurip. *Bacch.* 99, 125, 157, 790, ed. Matt.; Aristoph. *Ranae*, 1209; Dionys. *Perieg.* 702, 946; Rufus Festus Avien. 1129), and consequently assumed by his votaries in the processions and ceremonies which they observed in honour of him. [Dionysia.] The annexed woodcut, taken from Sir Wm. Hamilton's *Vases* (i. 37), shows a priestess of Bacchus in the attitude of offering a nebris to him or to one of his ministers. The works of ancient art often show it as worn not only by male and female bacchanals, but also by Pans and Satyrs. It was



commonly put on in the same manner as the aegis, or goat-skin, by tying the two fore legs over the right shoulder so as to allow the body of the skin to cover the left side of the wearer. (Ovid. *Met.* vi. 593.) [J. Y.]

NECRODEIPNON (*νεκρόδειπνον*). [Funus, p. 557, b.)

NECY'SIA (*νεκύσια*). [Funus, p. 558, a.]

NEFASTI DIES. [Dies.]

NEGATI'VA, NEGATO'RIA ACTIO. [Confessoria Actio.]

NEGLIGE'NTIA. [Culpa.]

NEGOTIO'RUM GESTO'RUM A'CTIO. This was an action which a man might have against another who had managed his affairs for him in his absence, without being commissioned to do so (*sine mandato*). The action was not founded either on contract or delict, but was allowed for convenience sake (*utilitatis causa*). The person whose business was transacted by another, and the person who transacted the business, might severally have an action against one another in respect of that which "ex bona fide alterum alteri praestare oportet." The dominus negotii had a negotiorum gestorum actio directa. The action of the self-constituted agent (gestor) was sometimes called Contraria, by analogy to similar actions in other cases. He was bound to make good any loss that was incurred during his administration by dolus or culpa, and in some instances even loss that had been incurred by casus. On the other hand, he had his action for all expenses properly incurred, and in some cases, even if the result was unfortunate to the absent person; as if he paid for medical attendance on a sick slave, and the slave died notwithstanding all his care: but various difficulties might easily be suggested as to such cases as these (Dig. 3. tit. 5. s. 10), and the rule must be qualified by the condition of the thing undertaken being a thing necessary (to the owner) to be undertaken, though the result might be unprofitable. It was also necessary that the gestor should have undertaken the business not with the view of doing it for nothing, but with the intention of establishing a right against the negotii dominus, though that might not be the *immediate* motive to undertaking the thing (Savigny, *System*, &c. iii. p. 6, note 9.) There was, however, no negotiorum gestorum actio contraria, if the gestor had done the acts that he did, with the clear intention of doing an act of Liberalitas or Pietas. The edict allowed a man to recover the expenses that he had been put to about another man's interment, though he had no direct authority for looking after it. The reason of the rule was, that persons might not be prevented from attending to so necessary a matter as the interment of a corpse, if there was no person present to whom the duty belonged. (Dig. 11. tit. 7. De Relig. et Sumptibus funerum.)

It was a much disputed question what was the effect of Ratihabitio on the negotiorum gestio, whether it was thereby turned into a Mandatum. (See Vangerow, *Pandekten*, &c., iii. p. 483.) The dominus was not bound by the negotiorum gestio, except when the acts done were such as were necessary to prevent some imminent loss or damage to his property, as already observed. But he might, if he pleased, confirm the negotium, though it was male gestum.

(Inst. 3. tit. 27. s. 3, &c.; Dig. 44. tit. 7. s. 5; Dig. 3. tit. 5. *De Negotiis Gestis*; Cod. 2. tit. 19; Vangerow, *Pandekten*, &c. iii. p. 479.) [G. L.]

NEGOTIATO'RES, signified specially during the later times of the republic Roman citizens settled in the provinces, who lent money upon interest or bought up corn on speculation, which they sent to Rome as well as to other places. Their chief business however was lending money upon interest, and hence we find the words *negotia*, *negotiatio*, and *negotiari* used in this sense. The *negotiatores* are distinguished from the *publicani* (Cic. *ad Att.* ii. 16, "malo *negotiatoribus* satisfacere, quam *publicanis*;" comp. Cic. *Verr.* ii. 3, *pro Flacc.* 16, *pro Leg. Manil.* 7), and from the *mercatores* (Cic. *pro Planc.* 26, "*negotiatoribus* comis, *mercatoribus* justus"). That the word negotiatores was, during the later times of the republic, always used in the signification above given is amply proved by Ernesti in the treatise quoted below, and is also sufficiently clear from the following passages (Cic. *pro Flacc.* 29, *Verr.* iii. 60, *ad Q. Fr.* i. 1, *pro Flacc.* 36; Hirt. *B. Afr.* 36). Hence the *negotiatores* in the provinces corresponded to the *argentarii* and *feneratores* at Rome; and accordingly we find Cicero giving the name of *feneratores* to certain persons at Rome, and afterwards calling the very same persons *negotiatores* when they are in the provinces (Cic. *ad Att.* v. 21, vi. 1—3). Compare Ernesti, *De Negotiatoribus* in his *Opuscula Philologica*.

NEMEA (*νέμεα, νεμεῖα* or *νεμαῖα*), one of the four great national festivals of the Greeks. It was held at Nemea, a place near Cleonae in Argolis. The various legends respecting its origin are related in the argumenta of the Scholiasts to the Nemea of Pindar, with which may be compared Pausanias (ii. 15. § 2, &c.), and Apollodorus (iii. 6. § 4). All these legends, however, agree in stating that the Nemea were originally instituted by the Seven against Thebes in commemoration of the death of Opheltes, afterwards called Archemorus. When the Seven arrived at Nemea, and were very thirsty, they met Hypsipile, who was carrying Opheltes, the child of the priest of Zeus and of Eurydice. While she showed to the heroes the way to the nearest well, she left the child behind lying in a meadow, which during her absence was killed by a dragon. When the Seven on their return saw the accident, they slew the dragon and instituted funeral games (ἀγὼν ἐπιτάφιος) to be held every third year (τριετηρικός). Other legends attribute the institution of the Nemean games to Heracles, after he had slain the Nemean lion; but the more genuine tradition was that he had either revived the ancient games, or at least introduced the alteration by which they were from this time celebrated in honour of Zeus. That Zeus was the god in honour of whom the games were afterwards celebrated is stated by Pindar (*Nem.* iii. 114, &c.). The games were at first of a warlike character, and only warriors and their sons were allowed to take part in them; subsequently, however, they were thrown open to all the Greeks (δημοτικὸν πλῆθος συνέδραμε). The games took place in a grove between Cleonae and Phlius. (Strabo, viii. p. 377.) The various games, according to the enumeration of Apollodorus (*l. c.*), were horse-racing, running in armour in the stadium (Paus. ii. 15. § 2), wrestling, chariot-racing and discus, boxing, throwing the spear and shooting with the bow, to which we may add musical contests. (Paus. viii. 50. § 3; Plut. *Philop.* 11.) The Scholiasts on Pindar describe the agon very imperfectly as ἱππικὸς and γυμνικός. The prize given to the victors was at first a chaplet of olive-branches, but afterwards a chaplet of green parsley. When this alteration was introduced is not certain, though it may be inferred from an expression of Pindar (*Nem.* vi. 71), who calls the parsley (σέλινον) the βοτάνα λέοντος, that the new prize was believed to have been introduced by Heracles. The presidency at these games and the management of them belonged at different times to Cleonae, Corinth, and Argos, and from the first of these places they are sometimes called ἀγὼν Κλεώναιος. The judges who awarded the prizes were dressed in black robes, and an instance of their justice, when the Argives presided, is recorded by Pausanias (viii. 40. § 3).

Respecting the season of the year at which the Nemean games were celebrated, the Scholiast on Pindar (*Argum. ad Nem.*) merely states that they were held on the 12th of the month of Panemus, though in another passage he makes a statement which upsets this assertion. Pausanias (ii. 15. § 2) speaks of winter Nemea, and manifestly distinguishes them from others which were held in summer. It seems that for a time the celebration of the Nemea was neglected, and that they were revived in Ol. 53. 2, from which time Eusebius dates the first Nemead. Henceforth it is certain that they were for a long time celebrated regularly twice in every Olympiad, viz. at the commencement of every second Olympic year in the winter, and soon after the commencement of every fourth Olympic year in the summer. This has been shown by Böckh in an essay *über die Zeitverhältnisse der Demosth. Rede gegen Midias*, in the transactions of the Berlin Acad. 1818, 1819. *Histor. Philol. Klasse*, p. 92, &c.; compare Ideler, *Handb. der Chronol.* ii. p. 606, &c. About the time of the battle of Marathon it became customary in Argolis to reckon according to Nemeads.

In 208 B. C. Philip of Macedonia was honoured by the Argives with the presidency at the Nemean games (Liv. xxvii. 30, &c.; Polyb. x. 26), and Quintius Flamininus proclaimed at the Nemea the freedom of the Argives. (Liv. xxxiv. 41; Polyb. x. 26.) The emperor Hadrian restored the horse-racing of boys at the Nemea, which had fallen into disuse. But after his time they do not seem to have been much longer celebrated, as they are no longer mentioned by any of the writers of the subsequent period. (See Villoison, *Histoire de l'Acad. des Inscript. et Bell. Lett.* vol. xxxviii. p. 29, &c.; Schömann, *Plutarchi Agis et Cleomenes*, &c. § x.) [L. S.]

NE'NIA. [Funus, p. 559, a.]

NEO'CORI (νεωκόροι), signified originally temple-sweepers (Hesych. and Suid. *s. v.*), but was applied even in early times to priestly officers of high rank, who had the supreme superintendence of temples and their treasures. (Plat. vi. p. 759; Xen. *Anab.* v. 3. § 6.) Under the Roman emperors the word was especially applied to those cities in Asia, which erected temples to the Roman emperors, since the whole city in every such case was regarded as the guardian of the worship of the emperor. Accordingly we frequently find on the coins of Ephesus, Smyrna, and other cities, the epithet Νεωκόρος, which also occurs on the inscriptions of these cities. None of these cities, however, was allowed to assume this honour without obtaining the permission of the Roman senate, as we learn from inscriptions. (Comp. also Tac. *Ann.* iv. 55, 56.) For further information on this subject, see Krause, ΝΕΩΚΟΡΟΣ, *Civitates Neocorae sive Aedituae*, Lips. 1844. [Aeditui.]

NEODAMO'DEIS (νεοδαμώδεις). [Helotes, p. 592.]

NEPTUNA'LIA, a festival of Neptune, celebrated at Rome, of which very little is known. (Varro, *de Ling. Lat.* vi. 19.) The day on which it was held, was probably the 23d of July. In the ancient calendaria this day is marked as *Nept. ludi et feriae*, or *Nept. ludi*, from which we see that the festival was celebrated with games. Respecting the ceremonies of this festival nothing is known, except that the people used to build huts of branches and foliage (*umbrae*, Fest. *s. v. Umbrae*), in which they probably feasted, drank, and amused themselves. (Horat. *Carm.* iii. 28. 1, &c.; Tertull. *De Spect.* 6.) [L. S.]

NERO'NIA. [Quinquennalia.]

NEXI. [Nexum.]

NEXUM is defined by Manilius to be "omne quod per libram et aes geritur, in quo sint Mancipia." Mucius Scaevola has a different definition: "quae per aes et libram fiant ut obligentur, praeter quae mancipio dentur." Varro (*de Ling. Lat.* vii. 105, ed. Müller) who has preserved both these definitions, prefers the latter, as being consistent with the etymology of the word: "quod obligatur per libram, neque suum sit, inde Nexum dictum." As an illustration he adds: "Liber qui suas operas in servitutem pro pecunia quadam debebat, dum solveret, nexus vocatur, ut ab aere obaeratus." The difference in these definitions arises solely from the different aspect under which the Nexum is viewed. Every Nexum was in the form of a sale, and consequently, viewed as to its formal part, Nexum comprehended Mancipium. The Testamenti factio was also included under Nexum. Viewed as to its object and legal effect, Nexum was either the transfer of the ownership of a thing, or the transfer of a thing to a creditor as a security: accordingly in one sense Nexum included Mancipium, as explained in Mancipium; in another sense, Mancipium and Nexum are opposed in the same way in which Sale and Mortgage or Pledge are opposed. The formal part of both transactions consisted in a transfer per aes et libram. This explanation is consistent with the definitions of the jurists, and the uses of these two words.

The person who became Nexus by the effect of a Nexum or Nexus (for this form of the word also is used) was said Nexum inire. (Liv. vii. 19.) The phrases Nexi datio, Nexi liberatio respectively express the contracting and the release from the obligation.

The Roman law as to the payment of borrowed money (*pecunia certa credita;* see Lex Gall. Cisalp. 21, 22) was very strict. A curious passage of Gellius (xx. 1) gives us the ancient mode of legal procedure in the case of debt, as fixed by the Twelve Tables. If the debtor admitted the debt, or had been condemned in the amount of the debt by a judex, he had thirty days allowed him for payment. At the expiration of this time, he was liable to the Manus Injectio [Manus Injectio], and ultimately to be assigned over to the creditor (*addictus*) by the sentence of the praetor. The creditor was required to keep him for sixty days in chains, during which time he publicly exposed the debtor on three nundinae, and proclaimed the amount of his debt. If no person released the prisoner by paying the debt, the creditor might sell him as a slave or put him to death. If there were several creditors, the letter of the law allowed them to cut the debtor in pieces, and to take their share of his body in proportion to their debt. Gellius says that there was no instance of a creditor ever having adopted this extreme mode of satisfying his debt. But the creditor might treat the debtor, who was addictus, as a slave, and compel him to work out his debt; and the treatment was often very severe.

In this passage Gellius does not speak of Nexi, but only of Addicti; which is sometimes alleged as evidence of the identity of nexus and addictus, but it proves no such identity. If a Nexus is what he is here supposed to be, the Law of the Twelve Tables could not apply; for when a man had once become Nexus with respect to one creditor, he could not become Nexus to another; and if he became Nexus to several at once, in this case the creditors must abide by their contract in taking a joint security. This Law of the Twelve Tables only applied to the case of a debtor being assigned over by a judicial sentence to several debtors, and it provided for the settlement of their conflicting claims. The distinction between a nexum and a res judicata is obvious enough, though some writers have missed it.

The precise condition of a Nexus has however been a subject of much discussion among scholars, and it is not easy to reconcile all the passages in which the term occurs so as to deduce from them a consistent view of the matter. Sometimes indeed Nexus appears to be used in the same sense as Addictus, which cannot cause any difficulty if we consider that the effect of being Nexus and Addictus was the same, as will presently be made probable.

As a Nexum was effected per aes et libram, it was in the form of a sale, and of course there was an object of sale; and this object of sale might be a thing or a person. We need not assume that "per aes et libram se obligare," and for a man to make himself Nexus are the same. In the case of Nexum aes, it is more consistent to consider the aes as the object of the obligatio per aes et libram, and in the case when a man made himself Nexus to consider the man as the object. It does not follow then that an obligatio per aes et libram always made a man Nexus; but there is no difficulty in assuming that a man only became Nexus with reference to an obligatio per aes et libram, so that a man could contract an obligatio per aes et libram, and at the same time could make himself Nexus. A free man could not properly be the object of a sale, but it requires only a slight acquaintance with Roman law to perceive that this difficulty could be got over by a fiction. As in the case of Manumission Per Vindictam there was a fiction that the slave was free; so there might here be a fiction that the freeman was a slave. And if this is not admitted as a probable solution, it cannot be denied that there is as much difficulty in understanding the co-emtio of a female, who was sui juris, which as a legal fact is quite certain, as the formal sale of a freeman with his consent. The notion of a freeman giving himself into the power of another, so far from being foreign to the notions of Roman law, as some writers have asserted, is perfectly consistent with them, as we see in the instance of adrogation. The Nexum then being in the form of a sale, the Nexus was in a servile condition as a necessary consequence of the Nexum, and the opinion that there must be an addictio to give effect to the Nexum, is inconsistent with the notion of the Nexum. According to this view, a Nexus, as soon as the contract of Nexum was made, was in the condition of an Addictus, and both were treated as slaves. But it has been urged, that "one cannot discover any reason for this self-pledging (*nexum*), since every insolvent, even when there was no nexum, must become his creditor's slave (*addictus*), and how can we understand that the abolition of the nexum was such an advantage gained by the Plebeians (Liv. viii. 28), if the addictio still remained, which might be obtained when there was no nexum; and it cannot be denied that it did remain?" The advantage consists precisely in the difference between a contract which cannot be enforced against a person without the forms of legal proceeding, and a contract which at once gives a man a power over his debtor without any application to a court of justice. The effect of the abolition of the Nexum, in this its special sense, while the Addictio still existed, may be illustrated by the supposed case of a landlord's remedy for the recovery of his rent by distress being abolished, while his other remedies under the contract for letting and hiring remained.

It is remarked by Goettling (*Geschichte der Röm. Staatsverfassung*) that "the comparison of the Adrogatio and the Adoptio gives the clearest proof of the correctness of Savigny's view, who rejects the notion of a freeman pledging himself. In the case of the Adrogatio of a Roman, who is sui juris, there was no mancipatio which such person could effect as to himself: but in the case of adoption, a mancipatio occurs, and it is effected by the living father and the son together. In the case of coemtio it certainly appears, as if the woman of herself effected a self-mancipation; she, however, is not herself *auctor*, but her guardian is auctor." There may be some weight in this observation, the point of which appears to be this: there was mancipatio in the case of adoption, where the adopted person was in the power of another, but no mancipatio in the case of Adrogation, where the adopted person was not in the power of another. The tacit conclusion then seems to be, that if in one case there was no mancipatio and yet a person was brought into the power of another with his own consent, there could be no mancipatio when a person consented to put himself into a servile relation to another; for it is here assumed that a nexum was voluntary. But this is not a legitimate conclusion. It is easy to see that mancipatio in the case of adoption, where the son was in the power of the father, was a sufficient form, considering that the person adopted was only a filius familias; and that Adrogation, which was of a person who was sui juris, was a very different matter, and required other forms to be observed, because the person adrogated was not a filiusfamilias. [ADOPTION.] A nexum effected no change of familia like an adoption or adrogation, and while its object was different from that of both of these ceremonies, it is quite consistent for its form to have been the same as the form of the one, and different from the form of the other.

The mode in which Goettling (p. 123) explains this matter of the nexum is as follows: "A free citizen can come into a mancipii causa when he cannot pay a loan (*aes confessum*) out of his own means. What in such case he has to give security for, that to which he has bound himself, is called nexum (namely aes); hence the phrases nexi datio, nexi liberatio. The person who does such an act is called *nexum* (from nexus nexûs) *iniens*, *nexum faciens*, but after he has received the loan in the above solemn manner, he is nexu obligatus, nexu vinctus: as soon as he has failed to fulfil his obligation, and in consequence of such failure has been addicted (*addictus*), and given in mancipium by the magistrate, he is called nexus (adjective), qui se nexum dedit"—a more confused account of the thing, or one more remote from legal precision, cannot be imagined. The passage of Livy (ii. 27) is not easy to explain. (Compare Liv. ii. 23.)

The Lex Poetelia (B. C. 326) alleviated the condition of the nexi. So far as we can understand its provisions, it set all the nexi free or made them soluti (Liv. viii. 28, *nexi soluti*), and it enacted that for the future there should be no nexum (*cautumque in posterum ne necterentur*), and that no debtor should for the future be put in chains. Addictio however still continued in force after the Lex Poetelia, as we see in several instances. (Liv. xxiii. 14; Sall. *Cat.* 33; Cic. *pro Flacco*, 20.) It appears from the Lex Galliae Cisalpinae (c. 21, 22), that in the case of other actions there was only a Possessio Bonorum, but in the case of pecunia certa credita there was personal execution. The enactment of the Lex Julia which introduced the Bonorum Cessio, and gradual changes in society, must have diminished the frequency of the Addictio. [BONORUM CESSIO.] In the system of Justinian, Nexum did not exist, for the use of aes et libra in legal transactions had ceased.

Neither the Addictus nor the Nexus was a slave, and his ingenuitas was only in suspense. As to the Nexum, it must have been necessary that the effect of the legal act by which the ingenuus was made a nexus should be done away with by another legal act; and this seems to be the Nexi liberatio which was done per aes et libram. It also appears from a passage in Livy (vi. 14), that a certain person, who was judicatus pecuniae, and is not described as nexus, was released from his obligation per aes et libram. In the time of Gaius an imaginary form of payment per aes et libram was retained in cases where the obligation was contracted either per aes et libram or was due ex judicati causa. (Gaius, iii. 173—175.) There seems indeed no reason why this ceremony should have been used in the case of an addictus who wished to be restored to his former state, for the Addictio was by implication only to have an effect till the debt was paid. It might be contended that such was the effect of the Nexum also, but we must distinguish between the effect of a sentence of the Praetor and a solemn act like that of the Nexum, which was in form a transfer of ownership. The addictus was protected against injuria from his master (Gaius. i. 141), and it is said that he retained his name and tribe; but it is somewhat difficult to understand how he retained his tribe, since he had sustained Infamia. Upon the discharge of his obligations the addictus, it seems, returned to his former status.

It was Niebuhr's opinion that the Nexum, when it became a form of giving security, had not its complete effect until the debtor was unable to pay and was brought into the condition of a debtor-slave by the addictio. An answer to this has been already given. If it required an addictio to make a person nexus, what was the use of a Nexum when a man might become addictus, even when there was no Nexum? The only intelligible solution of all these difficulties is that a Nexum, in which there was a mancipatio personae, had an immediate effect.

It seems to be a legal consequence of a Nexum and an Addictio that the children, if they were in the power of the parent, must follow his condition, as in the case of adrogation.

In the case mentioned in Livy (viii. 28), where the son is said to have been nexus for his father's debt (*cum se nexum dedisset*), it may be that the father bound his son only, which he could certainly do just in the same way as he could mancipate him. If the son was not in his father's power, he could still bind himself on behalf of his father. The expression in Livy does not enable us to determine which of the two possible cases was the real case, but it seems probable that the son was in the power of the father. Unterholzner observes (*Lehre des Röm. Rechts von den Schuldverhältnissen*, i. p. 31. note g): "The legal condition of the nexi is one of the most obscure points in the old Roman law. It is here assumed that a man by the personae mancipatio came into this condition. Persons who were in the Patria Potestas could for the noxae causa, which was long maintained in practice, and also on account of the debts of him who had the Potestas, consequently in a sense after the nature of a pawn, and by virtue of the so-called paternal power of sale, be mancipated. Further, we must assume that persons who were sui juris could also mancipate themselves by way of pawn, though no evidence of that has been preserved. This is made the less incredible, since we cannot doubt, that women who were sui juris could make a coemtio, and consequently could mancipate themselves either matrimonii causa or fiduciae causa, whereby however they did not, like the nexi, come into a condition similar to that of slaves, but only into a state of dependence similar to that of a child. The nexi were, as a matter of course, in mancipio, and consequently alieni juris, but for that very reason greatly different from the addicti. However, they could, like them, be put in chains, until the power of putting debtors in chains was altogether abolished."

The meaning of the provision in the Twelve Tables, cited by Gellius, as to cutting the debtor in pieces has been a subject of much discussion. Taylor in his essay (*Comment. ad L. Decemviralem de Inope Debitore in partis dissecando*) attempts to prove that Gellius misunderstood the old law, and that the words of the Twelve Tables "partis secanto: si plus minusve secuerint se fraude esto," mean that the several creditors are intitled to have the "partis," that is, the "operae" of the addictus divided or distributed among them; and he goes on to explain the rest of the law in these terms: "Communis sit servus eorum, qui quidem adfuerint; et sine fraude esto, si ceteri toties procitati suas quoque partis in Debitore non vindicaverint." But the arguments of Taylor are by no means satisfactory. The conjecture that the "partis" are the shares of the creditors arising from the sale of the debtor, is also unsupported by any proof. This monstrous enactment, if we take it literally, shocks all our notions of humanity, but it has been well observed that it is by no means inconsistent with the spirit of the old Roman law; and the fact of an actual division of a debtor's body not being on record, is no proof against, and hardly furnishes a presumption against the existence of such a law. The Romans had no prisons for debtors. The creditor was the debtor's jailer, and we know that in the oldest time he was often a cruel keeper. When there were several creditors who claimed the body of a debtor, he might be kept by any one for the benefit of himself and the rest till the sixty days were over; but after that time, if the creditors could not agree among themselves, there was no possible mode of settling their conflicting claims than that which the law of the Decemviri gave them, and which they might adopt if they chose. Such a law could never be carried into effect in any country, as the legislators must have well known, and thus while its terms fully satisfied the claims of the creditors, in practice it may have turned out really favourable to the debtor. (See the remarks of Gellius on this part of the law, xx. 1.) But the solution of the difficulty is quite a different matter from the fact of its existence, which is in no way to be questioned because we cannot explain it.

The various authorities on the subject of the Nexum and Addictio are referred to by Rein, *Das Röm. Privatrecht*, p. 313, &c. The writer of this article has not had the advantage of seeing the essay of Savigny, *Ueber das altrömische Schuldrecht*, Berlin, 1834. The whole subject is still encumbered with difficulty, as will appear from a reference to the various writers on this subject. The note of Walter (*Geschichte des Röm. Rechts*, p. 642. n. 6) appears to contain the true statement as to the difference between the effect of a Nexum and a Res Judicata; but he rejects the notion of a man selling or pledging himself. [G. L.]

NO'BILES, NOBI'LITAS. In the early periods of the Roman state the Patricians were the Nobles as opposed to the Plebs. The Patricians possessed the chief political power and the distinction which power gives. Livius, who wrote in the age of Augustus, and is not very careful in the use of terms, often designates the Patricians by the term Nobilis (vi. 42); and yet Nobilis, in its proper historic sense, has a different meaning.

In B. C. 366, the plebeians obtained the right of being eligible to the consulship, and finally they obtained access to all the curule magistracies. Thus the two classes were put on the same footing as to political capacity. Those plebeians who had obtained a curule magistracy were thus elevated above their own body, and the personal distinction of a father would confer distinction on his descendants. It is in the nature of aristocratical institutions to perish if they are exclusive; but they perpetuate themselves by giving a plebeian class the power of entering within their narrow limits. Those who are received within the body of nobles are pleased at being separated from their former companions, and are at least as exclusive in their notions as the original members of the class which they have joined.

This was the history of Nobilitas at Rome. The descendants of plebeians who had filled curule magistracies formed a class called Nobiles or men "known," who were so called by way of distinction from "Ignobiles" or people who were not known. The Nobiles had no legal privileges as such; but they were bound together by a common distinction derived from a legal title and by a common interest; and their common interest was to endeavour to confine the election to all the high magistracies to the members of their body, to the Nobilitas. Thus the descendants of those Plebeians who had won their way to distinction combined to exclude other Plebeians from the distinction which their own ancestors had transmitted to them.

The external distinction of the Nobiles was the Jus Imaginum, a right or privilege which was apparently established on usage only, and not on any positive enactments. These Imagines were figures with painted masks of wax, made to resemble the person whom they represented (Plin. *H. N.* xxxv. 2. *expressi cera vultus*); and they were placed in the Atrium of the house, apparently in small wooden receptacles or cases somewhat in the form of temples (ξύλινα ναΐδια, Polyb. vi. 53). The Imagines were accompanied with the tituli or names of distinction which the deceased had acquired; and the tituli were connected in some way by lines or branches so as to exhibit the pedigree (stemma) of the family. (Compare the passages quoted in Becker, p. 222, note 53.) These Imagines were generally enclosed in their cases, but they were opened on festival days and other great ceremonials, and crowned with bay (laureatae): they also formed part of a solemn funeral procession. The most complete account of these Imagines is in the passage of Polybius, which has been already referred to; but there is frequent mention of them in the Roman writers.

These were the external marks or signs of a Nobilis Familia; a kind of heraldic distinction in substance. The origin of this use of Imagines from which the notion of a Roman Nobilitas must not be separated, is uncertain. The term Nobilitas, as already observed, is applied by Livius to a period of Roman history before the consulship was opened to the Plebeians; and it is possible that the Patricians may have had the use of Imagines, which those Plebeians afterwards adopted, when the curule magistracies were opened to them. The Patricians carried back their pedigrees (stemmata) to the remotest historical period and even beyond it. (Tacit. *Ann.* iv. 9.) It seems probable that the Roman Nobilitas, in the strict sense of that term, and the Jus Imaginum, originated with the admission of the Plebeians to the consulship B.C. 366. The practice of having Imagines, as already observed, may have existed and probably did exist before the notion of the Jus Imaginum was established. Indeed, as the object of the Patricians, who were all of equal rank so far as respected their class, would be to attach to themselves such Plebeians as were elected to Curule magistracies, it seems conformable to the nature of the thing that the family of such plebeians should be allowed or invited to adopt some existing distinction which should separate them from the body to which they properly belonged. Usage would soon give to such a practice the notion of legality; and thus the Jus Imaginum would be established, as many Roman institutions were, by some general conviction of utility or upon some prevailing notion, and it would be perpetuated by custom.

A plebeian who first attained a Curule office was the founder of his family's Nobilitas (princeps nobilitatis; auctor generis). Such a person could have no imagines of his ancestors; and he could have none of his own, for such imagines of a man were not made till after he was dead. (Polyb. vi. 53.) Such a person then was not nobilis in the full sense of the term, nor yet was he ignobilis. He was called by the Romans a "novus homo" or a new man; and his status or condition was called Novitas. (Sall. *Jug.* 85; the speech which is put in the mouth of C. Marius.) The term novus homo was never applied to a Patrician. The first novus homo of Rome was the first Plebeian Consul, L. Sextius; and the two most distinguished "novi homines" were C. Marius and and M. Tullius Cicero, both natives of an Italian municipium.

The Patricians would of course be jealous of the new nobility; but this new nobility once formed would easily unite with the old aristocracy of Rome to keep the political power in their hands, and to prevent more novi homines from polluting this exclusive class. (Sall. *Jug.* 63.) As early as the second Punic war this new class, compounded of Patricians or original aristocrats, and Nobiles or newly-engrafted aristocrats, was able to exclude novi homines from the consulship. (Liv. xxii. 34.) They maintained this power to the end of the republican period, and the consulship continued almost in the exclusive possession of the Nobilitas. The testimony of Cicero, himself a novus homo, on this point is full and distinct.

The mode in which the Nobilitas continued to keep possession of the great offices in the state, is neither difficult to conjecture, nor to establish by evidence; but the inquiry does not belong to this place.

As to the persons who would be included in the stemma of a noble family, it appears that all the ascendants of a man up to the ancestor who first attained a curule office would be comprehended, and of course all the intermediate ancestors who had attained a like distinction. The kinsfolks on the mother's side were also included, so that a stemma would contain both Agnati and Cognati. Adoption would also increase the number of persons who would be comprised within a stemma; and if Affines were occasionally included, as they appear to have been, the stemma would become an enormous pedigree.

The word Optimates, as explained by Cicero (*pro Sest.* 45) is opposed to Populares: he describes the Optimates to be all those "qui neque nocentes sunt nec natura improbi nec furiosi nec malis domesticis impediti." This is no political definition: it is nothing more than such a name as Conservative or any other like name. The use of it in Livius (iii. 39) shows how he understood it; but Livius is blameable for using the term with reference to those early times. Velleius (ii. 3) describes the Optimates, as the Senatus, the better and larger part of the equestris ordo, and such part of the Plebs as were unaffected by pernicious counsels: all these joined in the attack on Gracchus. This opens our eyes to the real meaning of Optimates: they were the Nobilitas and the chief part of the Equites, a rich middle class, and also all others whose support the Nobilitas and Equites could command, in fact all who were opposed to change that might affect the power of the Nobilitas and the interests of those whom the Nobilitas allied with themselves. Optimates in this sense are opposed to Plebs, to the mass of the people; and Optimates is a wider term than Nobilitas, inasmuch as it would comprehend the Nobilitas and all who adhered to them.

The term Populares is vague. It could be used to signify the opponents of the Nobilitas, whether the motives of these opponents were pure and honest, or whether the motives were self-aggrandizement through popular favour. Of Caesar, who sought to gain the popular favour, it was truly said, that it was not so much what he gave to the people which made him formidable, as what he would expect to get from them in return. A Popularis might be of the class of the Nobilitas, and very often was. He might even be a Patrician like Caesar: his object might be either to humble the nobles, or to promote the interest of the people, or to promote his own; or he might have all the objects, as Caesar had.

The Nobilitas is discussed by Becker, *Handbuch der Römischen Alterthümer*, ii. 1ste Abth.; and there is probably little to add to what he has said, and little to correct in it. There are also some remarks on the Roman Nobiles in Zachariae, *Sulla* (i. 5). He observes of Sulla that though his family was Patrician, he could hardly be considered as belonging to the Nobiles in the strict sense, as the term Nobilitas implied that some one of a man's ancestors had filled a curule magistracy, and it also implied the possession of wealth. But this is a confused view of the matter. Sulla's ancestors had filled curule magistracies; and though his family was poor, it was still Nobilis. A Nobilis, though poor, as Sulla was, was still Nobilis. Want of wealth might deprive a man of influence, but not of the Jus Imaginum. If there was any Patrician whose ancestors had never filled a curule magistracy, he would not be Nobilis in the strict sense. But when the Nobilitas had been formed into a powerful body, which was long before the reforms of the Gracchi, the distinction of

Patrician was of secondary importance. It would seem unlikely that there was any patrician gens existing in the year B. C. 133, or, indeed, long before that time, the families of which had not enjoyed the highest honours of the state many times. The exceptions, if any, would be few.

In reading the Greek writers on Roman history, it is useful to attend to the meaning of the political terms which they use. The δυνατοί of Plutarch (*Tib. Gracch.* 13, 20), and the πλούσιοι, are the Nobilitas and their partisans; or as Cicero, after he was made consul, would call them the Optimates. In such passages as Dion Cassius (xxxviii. 2), the meaning of δυνατοί may be collected from the context. [G. L.]

NODUS, in a special sense, was applied to the following parts of dress: — I. The knot used in tying on the scarf [CHLAMYS] or other article constituting the AMICTUS. This was often effected by the aid of a brooch [FIBULA], a ring, or some jewel (Virg. *Aen.* i. 320, vi. 301, xi. 776; Claud. *de Rapt. Pros.* ii. 40); but frequently in the method shown in the woodcut of Diana at p. 276. II. The knot of hair (κόρυμβος, κρωβύλος), either at the top or at the back of the head adopted by both sexes in fastening their long hair, which was turned upwards or backwards for the purpose (*crine rursus adducto revocare nodo*, Seneca, *Oedip.* ii.; Virg. *Aen.* iv. 138; Hor. *Epod.* xi. 28). Examples may be seen in the woodcuts at pp. 329, 597. III. The knot of leather worn by boys of the poorer classes at Rome instead of the golden BULLA. [J. Y.]

NOMEN (ὄνομα), name. 1. GREEK. The Greeks, as is well known, bore only one name (Paus. vii. 7. § 4), and it was one of the especial rights of a father to choose the names for his children, and to alter them if he pleased. (Demosth. *c. Boeot.* i. p. 1002, 1006, *c. Macart.* p. 1075, &c.) It was customary to give to the eldest son the name of the grandfather on his father's side. The history of Greece contains many instances of this custom, and Sositheus (*ap. Demosth. c. Macart. l. c.*) says, "I gave to my eldest son, as is just (ὥσπερ καὶ δίκαιόν ἐστι), the name of my father." (Compare Eustath. *ad Il.* v. 546.) What custom was generally followed in regard to the other children may be inferred from the same passage, for Sositheus goes on to say, that he called his second son after the name of his wife's father, the third after a relation of his wife, and the fourth son after his own grandfather on his mother's side. Mothers seem also sometimes to have assumed the right of giving the names to their children (Eurip. *Phoen.* 58), and it may be that, as in the case described by Aristophanes (*Nub.* 60, &c.), sometimes a quarrel arose between the parents, if they could not agree upon the name to be given to a child. A boy also sometimes received the name of his father, as in the cases of Demosthenes and Demades, or one similar to that of his father. Nausinicus thus called his son Nausiphilus, and Callicrates called his son Callistratus. (Böckh, *ad Pind. Pyth.* iv. p. 265.) A similar method was sometimes adopted in the names of several brothers; thus two brothers in the speech of Lysias against Diagiton are called Diodotus and Diogiton. In some cases lastly, the name of a son was a patronymicon, formed from the name of the father, as Phocion, the son of Phocos.

The day on which children received their names was the tenth after their birth. (Aristoph. *Av.* 922, &c.) According to some accounts a child received its name as early as the seventh or even fifth day after its birth. [AMPHIDROMIA.] The tenth day, called δεκάτη, however, was a festive day, and friends and relations were invited to take part in a sacrifice and a repast, whence the expressions δεκάτην θύειν and δεκάτην ἑστιᾷν. If in a court of justice proofs could be adduced that a father had held the δεκάτη, it was sufficient evidence that he had recognised the child as his own. (Demosth. *c. Boeot.* i. p. 1001, *c. Boeot.* ii. p. 1017; Isaeus, *de Pyrrh. hered.* p. 60.)

The fact that every Greek had only one name rendered it necessary to have an innumerable variety of names, and never has a nation shown more taste, ingenuity, and invention in devising them than the ancient Greeks. But however great the number of names might be, ambiguity and confusion could not be avoided; and in reading the works of the Greeks we are not always certain whether the same name in different passages or writers belongs to one or to several persons. The Greeks themselves were aware of this, and where accuracy was of importance they used various means to prevent mistakes. Sometimes they added the name of the father in the genitive case, as Ἀλκιβιάδης ὁ Κλεινίου, Πλειστοάναξ ὁ Παυσανίου: sometimes they added the name of the place or country in which a person was born, in the form of an adjective, as Θουκυδίδης ὁ Ἀθηναῖος, Ἡρόδοτος Ἁλικαρνασσεύς, Χαρμαντίδης Παιανιεύς, Δικαίαρχος ὁ Μεσσήνιος, &c.; sometimes they added an epithet to the name, expressing either the occupation or profession which a person followed, or indicating the school to which he belonged. Instances are of such frequent occurrence that it is superfluous to quote any. The custom of adding the father's name was called πατρόθεν ὀνομάζεσθαι. (Paus. vii. 7. § 4; Xenoph. *Oeconom.* 7. § 3.)

In common life the Greeks had yet another means of avoiding ambiguity, and this was the frequent use of nicknames, expressive of mental or bodily peculiarities and defects. Thus Demosthenes was from his childhood called Βάταλος. (Aeschin. *c. Timarch.* pp. 139, 142; Demosth. *de Coron.* p. 288.) Aristophanes (*Av.* 1291, &c.) mentions several names of birds which were used as nicknames; other nicknames are preserved in Athenaeus (vi. p. 242).

(Compare Becker, *Charikles*, vol. i. p. 23, &c.)

2. ROMAN. In the earliest history of Rome there occur persons who are designated by only one name, such as Romulus, Remus, and others, while there are many also who bear two names. The Romans of a later age were themselves uncertain as to the legitimate number of names borne by the earliest Romans; and while Varro (*ap. Val. Max., Epitome de Nominum Ratione*), Appian (*Rom. Hist. Praef.* 13), and others, stated that the earliest Romans used only to have one name, their opponents adduced a great many instances in which persons had two. This question will perhaps be placed in a more proper light, and become more satisfactorily settled, if we consider separately the three distinct elements of which the Roman nation was composed in its origin, and it will then be found that both Varro and his opponents are right or wrong according as their assertions are applied to one or to all of the three tribes.

The Sabines, from the earliest times down to the end of their existence, had two names (Val. Max. *de Nominum Ratione*), one indicating the individual as such (*praenomen*), *e.g.* Albus, Volesus, Pompus (Val. Max. *l.c.*), Talus (Fest. *s.v.*), Caius, Titus, Quintus, Appius, &c., and the second the gens to which the individual belonged, which terminated like the Roman nomina gentilicia in *ius* or *eius*, *e. g.* Tatius, Pompilius, Claudius, &c. It is moreover a feature peculiar to the Sabines that a person sometimes, instead of a praenomen and a nomen gentilicium, had two nomina gentilicia, one indicating the gens of his father and the other that of his mother. The latter sometimes preceded and sometimes followed the former. This custom is clear from Livy (xxxix. 13, 17), who mentions a Campanian (Sabine) woman, Paculla Minia, who was married to a man who bore the name of Cerrinius from his gens, and one of the sons of these parents was called Minius Cerrinius. Another instance is the name of the Sabine augur Attius Navius, where, according to Dionysius (iii. p. 70), Attius is the ὄνομα συγγενετικόν. Dionysius, however, must be mistaken in making Navius an ὄνομα προσηγορικὸν, if he meant this to be the same as the Roman praenomen, which the name Navius never was. In all probability therefore both Attius and Navius are nomina gentilicia. A third instance seems to be Minatius Magius (Vell. Pat. ii. 16), the son of Decius Magius. This practice must have been very common among the Sabines, for in most cases in which the two names of a person have come down to us, both have the termination *ius*, as Marius Egnatius, Herius Asinius (Appian. *B. C.* i. 40), Statius Gellius (Liv. ix. 44), Ofilius Calavius. A more complete list of such Sabine names is given by Göttling (*Gesch. d. Röm. Staatsv.* p. 6. note 3), who supposes that a son bore the two nomina gentilicia of his father and mother only as long as he was unmarried, and that at his marriage he only retained the nomen gentilicium of his father, and, instead of that of his mother, took that of his wife. Of this, however, there is not sufficient evidence. Thus much is certain, that the Sabines at all times had two names, one a real praenomen, or a nomen gentilicium serving as a praenomen, and the second a real nomen gentilicium, derived from the gens of the father. The Sabine women bore, as we have seen in the case of Paculla Minia, likewise two names, *e. g.* Vestia Oppia, Faucula Cluvia (Liv. xxvi. 33), but whether in case they both terminate in *ia* they are nomina gentilicia, and whether the one, as Göttling thinks, is derived from the gens of the woman's father, and the other from that of her husband, cannot be decided. Many Sabines also appear to have had a cognomen, besides their praenomen and nomen gentilicium; but wherever this occurs, the praenomen is generally omitted, *e.g.* Herennius Bassus (Liv. xxiii. 43), Calavius Perolla (Liv. xxiii. 8), Vettius Cato (Appian. *B. C.* i. 40), Insteius Cato, Popaedius Silo, Papius Mutilus (Vell. Pat. ii. 16). Such a cognomen must, as among the Romans, have distinguished the several familiae contained in one gens.

The Latins in the earliest times had generally only one name, as is seen in the instances adduced by Varro (*ap. Val. Max. l. c.*), Romulus, Remus, Faustulus, to which we may add the names of the kings of the Aborigines (Latins), Latinus, Ascanius, Capetus, Capys, Procas, Numitor, Amulius, and others. When, therefore, Varro and Appian say that the earliest Romans had only one name, they were probably thinking of the Latins. There occur, indeed, even at an early period, Latins with two names, such as Geminus Metius, Metius Suffetius, Vitruvius Vaccus, Turnus Herdonius, &c.; but these names seem to be either two nomina gentilicia, or one a nomen gentilicium and the other a cognomen, and the Latins do not appear to have had genuine praenomina such as occur among the Sabines and afterwards among the Romans.

The Etruscans in the Roman historians generally bear only one name, as Porsenna, Spurinna, which apparently confirms the opinion of Varro; but on many urns in the tombs of Etruria such names terminating in *na* are frequently preceded by a praenomen. Müller (*Etrusk.* i. p. 413, &c.), and Göttling (*l. c.* p. 31), who follows him, are of opinion that no Etruscan ever bore a nomen gentilicium, and that the names terminating in *na* are mere cognomina or agnomina. Niebuhr (*Hist. of Rome*, i. p. 381, note 922, and p. 500, note 1107), on the other hand, thinks, and with more probability, that the Etruscan *na* corresponds to the Sabine and Roman *ius*, and that accordingly such names as Porsenna, Spurinna, Caecina, Perperna, Vibenna, Ergenna, Mastarna, &c. are real nomina gentilicia.

From this comparison of the three original tribes, it is clear that when the Romans became united into one nation, they chiefly followed the custom of the Sabines, and perhaps that of the Latins. (Val. Max. *l. c.*) Originally every Roman citizen belonged to a gens, and derived his name (*nomen* or *nomen gentilicium*) from his gens. This nomen gentilicium generally terminated in *ius*, or with a preceding *e*, in *eius*, which in later times was often changed into *aeus*, as Annius, Anneius, and Annaeus; Appuleius and Appulaeus. Nomina gentilicia terminating in *ilius* or *elius*, sometimes change their termination into the diminutive *illus* and *ellus*, as Opillus, Hostillus, Quintillus, and Ofellus, instead of Opilius, Hostilius, Quintilius, and Ofelius. (Horat. *Sat.* ii. 2. 3, et passim.) Besides this nomen gentilicium every Roman had a name, called praenomen, which preceded the nomen gentilicium, and which was peculiar to him as an individual, *e. g.* Caius, Lucius, Marcus, Cneius, Sextus, &c. In early times this name was given to boys when they attained the age of pubertas, that is, at the age of fourteen, or, according to others, at the age of seventeen (Gellius, x. 28), when they received the toga virilis. (Fest. *s. v. Pubes*; Scaevola *ap. Val. Max. l. c.*) At a later time it was customary to give to boys a praenomen on the ninth day after their birth, and to girls on the eighth day. This solemnity was preceded by a lustratio of the child, whence the day was called *dies lustricus*, *dies nominum*, or *nominalia*. (Macrob. *Sat.* i. 16; Tertull. *de Idolol.* 6.) The praenomen given to a boy was in most cases that of the father, but sometimes that of the grandfather or great-grandfather. Hence we frequently meet with instances like M. Tullius, M. F., that is, Marcus Tullius, Marci filius, or C. Octavius, C. F., C. N., C. P., that is, Caius Octavius, Caii filius, Caii nepos, Caii pronepos. Sometimes, however, the praenomen was given without any reference to father or grandfather, &c. There existed, according to Varro, about thirty praenomina, while nomina gentilicia were very numerous. These two names, a praenomen and a nomen gentilicium or simply nomen, were indispensable to a Roman, and they were at the same time sufficient to designate him; hence the numerous instances of Romans being designated only by these two names, even in cases where a third or fourth name was possessed by the person. Plebeians, however, in many cases only possessed two names, as C. Marius, Q. Sertorius, Cn. Pompeius, &c. The praenomen characterised a Roman citizen as an individual, and gave him, as it were, his caput [CAPUT] at the time when he received it. As women had not the full caput of men, they only bore the feminine form of the nomen gentilicium, as Cornelia, Sempronia, Tullia, Terentia, Porcia, &c. In later times, however, we find that women also sometimes had a praenomen, which they received when they married, and which was the feminine form of the praenomen of their husbands; such as Caia, Lucia, Publia. (Scaevol. *ap. Val. Max. l. c.*) Caia Caecilia, the wife of L. Tarquinius, if the name be historical, is an exception to this rule. (Val. Max. *l. c.*; see Cic. *pro Muren.* 12.) When Macrobius (*l. c.*) states that girls received their name (he evidently means the praenomen) on the eighth day after their birth, he alludes, as in the case of boys receiving theirs on the ninth day, to an innovation of later times, and among the female praenomina given at such an early age we may reckon Prima, Secunda, Tertia, Quarta, Postuma, &c. (Varro, *de Ling. Lat.* ix. 60; Suet. *Caes.* 50; Capitol. *Max. et Balb.* 5.) Vestal Virgins, at the appointment to their priesthood (*captio*), when they left the patria potestas, received, like married women, a praenomen, *e. g.* Caia Tarratia, or Caia Suffetia. (Plin. *H. N.* xxxiv. 11.)

Every Roman citizen, besides belonging to a gens, was also a member of a familia, contained in a gens, and, as a member of such a familia, he had or might have a third name or cognomen. Such cognomina were derived by the Romans from a variety of mental or bodily peculiarities, or from some remarkable event in the life of the person who was considered as the founder of the familia. Such cognomina are, Asper, Imperiosus, Magnus, Maximus, Publicola, Brutus, Capito, Cato, Naso, Labeo, Caecus, Cicero, Scipio, Sulla, Torquatus, &c. These names were in most cases hereditary, and descended to the latest members of a familia; in some cases they ceased with the death of the person to whom they were given for special reasons. Many Romans had a second cognomen (*cognomen secundum* or *agnomen*), which was given to them as an honorary distinction, and in commemoration of some memorable deed or event of their life, *e. g.* Africanus, Asiaticus, Hispallus, Cretensis, Macedonicus, Numantianus, &c. Such agnomina were sometimes given by one general to another, sometimes by the army and confirmed by the chief-general, sometimes by the people in the comitia, and sometimes they were assumed by the person himself, as in the case of L. Cornelius Scipio Asiaticus. Sometimes also a person adopted a second cognomen which was derived from the name of his mother, as M. Porcius Cato Salonianus or Saloninus, who was the son of M. Cato Censorius and of Salonia. (Gellius, xiii. 19; Plut. *Cat. Maj.* 24.)

The regular order in which these names followed one another was this: — 1. praenomen; 2. nomen gentilicium; 3. cognomen primum; 4. cognomen secundum or agnomen. Sometimes the name of the tribe to which a person belonged, was added to his name, in the ablative case, as Q. Verres Romilia (Cic. *c. Verr.* i. 8), C. Claudius Palatina (Cic. *c. Verr.* ii. 43), Ser. Sulpicius Lemonia (Cic. *Philip.* ix. 7). No one was allowed to assume a nomen gentilicium or a cognomen which did not belong to him, and he who did so was guilty of falsum. (Dig. 48. tit. 11. s. 13.)

It must have been in comparatively few cases that persons had a fourth name or agnomen, but the three others were, at least at a late period, when the plebeian aristocracy had become established, thought indispensable to any one who claimed to belong to an ancient family. (Juvenal, v. 127.) In the intercourse of common life, however, and especially among friends and relatives, it was customary to address one another only by the praenomen or cognomen, as may be seen in the letters of Cicero. It was but very seldom that persons were addressed by their nomen gentilicium. The most common mode of stating the name of a person in cases where legal accuracy was not the object, was that of mentioning the praenomen and cognomen, with the omission of the nomen gentilicium, which was easily understood. Thus Caius Julius Caesar would during the better ages of the republic and in familiar address be called Caius, otherwise Caius Caesar, or even Caius Julius, but never Julius Caesar, which was only done during the latter period of the republic and under the empire, as in Albius Tibullus, Cornelius Nepos, Menenius Agrippa, &c. A very common mode of stating the name of a person during these latter times, was that of merely mentioning the cognomen, provided the person bearing it was sufficiently known or notorious, as we speak of Milton and Johnson, without adding any other distinction, although there are many persons bearing the same name. The most common of these cases among the Romans are Verres, Carbo, Cato, Caepio, Cicero, Caesar, Sulla, &c. In the time of Augustus and Tiberius it became very common to invert the ancient order of nomen and cognomen, and to say, *e. g.* Drusus Claudius, or Silvanus Plautius, instead of Claudius Drusus and Plautius Silvanus. (Vell. Pat. ii. 97, 112.)

Roman women had likewise sometimes a cognomen, although instances of it are very rare. It was sometimes, like that of men, derived from personal peculiarities, such as Rufa and Pusilla (Horat. *Sat.* ii. 3. 216); sometimes from the nomen gentilicium of their husbands, as Junia Claudilla, Ennia Naevia (Suet. *Calig.* 12), Livia Ocellina (Suet. *Galb.* 3), and sometimes from the cognomen of their husbands, as Caecilia Metella.

During the latter part of the republic, and the early period of the empire, when the Roman franchise was given to whole countries and provinces, the persons who thus acquired the civitas frequently adopted the praenomen and nomen of the person through whose interest they had obtained the distinction, or of the emperor himself. After the time of Caracalla (A. D. 212), when all the free inhabitants of the empire had obtained the Roman franchise, and when the gentilician relations which had already gradually fallen into oblivion were totally forgotten, any person might adopt what name he pleased, either ancient or newly invented, and even change his name, if he did not like it (Cod. 9. tit. 25); and henceforth the ancient Roman names disappear from the history of the empire with incredible rapidity.

If a person by adoption passed from one gens into another, he assumed the praenomen, nomen, and cognomen of his adoptive father, and added to these the name of his former gens, with the termination *anus*. Thus C. Octavius, after being adopted by his great-uncle C. Julius Caesar, was called C. Julius Caesar Octavianus, and the son of L. Aemilius Paullus, when adopted by P. Cornelius Scipio, was called P. Cornelius Scipio Aemilianus. [ADOPTIO (ROMAN).] There were, however, two gentes, viz., the gens Antonia and the gens Flaminia, which, in case of any of their gentiles being adopted into another gens, took the termination *inus* instead of *anus*, as Antoninus and Flamininus, instead of Antonianus and Flaminianus. Sometimes also the cognomen of the former family was retained and added without any alteration to the name of the adoptive father, as in the case of Q. Servilius Caepio Brutus. (Eckhel, *Doctr. Num.* vol. v. p. 59.) This was done only in case the cognomen was of great celebrity; but it sometimes underwent a change in the termination. Thus Claudius Marcellus, when adopted by Cornelius Lentulus, was called Cornelius Lentulus Marcellinus. (Eckhel, *Doctr. Num.* vol. v. p. 59 and p. 187.) If one man adopted two brothers, the adoptive father might choose any praenomina at his discretion in order to distinguish his adoptive sons from each other. Thus when Augustus adopted the two sons of Agrippa, he gave to the one the praenomen Caius, and to the other the praenomen Lucius. (Vell. Pat. ii. 96.) During the early period of the empire it appears to have sometimes occurred that a person, when adopted into another gens, added his own nomen gentilicium without any alteration to that of his adoptive father, as in the cases of C. Plinius Caecilius Secundus, and L. Aelius Aurelius Commodus. (Dion Cass. *Excerpt.* lib. lxxii. c. 15.) Besides this, many other irregularities occurred in cases of adoption during the period of the empire, but it is not necessary for our purpose to enumerate them here.

Slaves had only one name, and usually retained that which they had borne before they came into slavery. If a slave was restored to freedom, he received the praenomen and nomen gentilicium of his former master, and to these was added the name which he had had as a slave. He became thus in some measure the gentilis of his former master, in as far as he had the same nomen gentilicium, but he had none of the other claims which a freeborn gentilis had. (Cic. *Top.* 6.) Instances of such freedom are, Titus Ampius Menander, a freedman of T. Ampius Balbus (Cic. *ad Fam.* xiii. 70); L. Cornelius Chrysogonus, a freedman of L. Cornelius Sulla (Cic. *pro Rosc. Am.* 2, &c.), M. Tullius Laurea, and M. Tullius Tiro, freedmen of M. Tullius Cicero. If the state emancipated a servus publicus, and gave him the franchise at the same time, any praenomen and nomen were given to him, or he took these names from the magistrate who performed the act of emancipation in the name of the state, and then received a cognomen derived from the name of the city, as Romanus or Romanensis. (Varro, *de Ling. Lat.* viii. 83; Liv. iv. 61.) [L. S.]

NOMEN. [FENUS, p. 527, a; OBLIGATIONES.]

NOMENCLA'TOR. [AMBITUS, p. 77, a.]

NOMISMATOS DIAPHORAS GRAPHE (*νομίσματος διαφορᾶς γραφή*) is the name of the public action which might, at Athens, be brought against any one who coined money either too light in weight or not consisting of the pure metal prescribed by the law. The lawful punishment inflicted upon a person in case he was convicted was death. (Demosth. *c. Lept.* p. 508, *c. Timocrat.* p. 765, &c.) What action might be brought against those who coined money without the sanction of the republic, and how such persons were punished, is not known. (See Petitus, *Legg. Att.* p. 510.) [L. S.]

NOMOPHY'LACES (*νομοφύλακες*), were certain magistrates or official persons of high authority, who exercised a control over other magistrates, and indeed over the whole body of the people, it being their duty to see that the laws were duly administered and obeyed. Mention is made of such officers at Sparta and elsewhere, and some of the Greek philosophers who wrote on legislation appear to have thought, that such a body of men was essential to the well-being of a social community. (Schömann, *Ant. Jur. Pub. Gr.* p. 130; Plat. *Leg.* vi. p. 252; Xen. *Oecon.* ix. 14.) No such body existed at Athens, for they must have had a power too great for the existence of a democracy. The Senate of 500, or the Areopagitic council, performed in some measure the office of law-guardians (Arist. *Pol.* vi. 5, *sub fin.*; Andoc. *De Myst.* 11); but the only persons designated by this name appear to have been inferior functionaries (a sort of police), whose business it was to prevent irregularities and disturbances in the public assemblies. Even their existence has been doubted by modern writers; some think they have been confounded with the *θεσμοθέται*. Another hypothesis is, that the office was never introduced until the time of Demetrius Phalereus, who, when he was invested with the authority of lawgiver by Cassander, gave to the Eleven the additional duty of watching the conduct of all the other magistrates, with a view to introduce a more aristocratical government. In favour of this opinion it has been observed, that the office of *νομοφύλακες* is only mentioned by grammarians, and they refer to Deinarchus, who was the friend and contemporary of Demetrius. (See Schneider's note to Arist. *Pol.* vi. 5. § 10; Wachsm. vol. i. pt. i. p. 209; Meier, *Att. Proc.* pp. 68—73.) [C. R. K.]

NOMOS (*νόμος*). This word comprehends the notion not only of established or statute law, but likewise of all customs and opinions to which long prescription or natural feeling gives the force of law; as Euripides (*Bacch.* 893) expresses it, *τὸ ἐν χρόνῳ μακρῷ νόμιμον ἀεὶ φύσει τε πεφυκός*. In the heroic ages, before the period of authentic history begins, we find in the Homeric and other poems traces of a general belief among the Greeks that government ought to be controlled by law. As even the supreme God was supposed to be subject to a higher power, Fate or *Ἀναγκή*, so the *Διοτρεφὴς βασιλεὺς* was bound to govern according to the rules of justice, *δίκη*, *νόμος*, *εὐνομίη*. (Hom. *Od.* xvii. 487; Pind. *Pyth.* 2. 157; Herod. iii. 38; Hes. *Op. et Dies*, 274.) Government, though monarchical and hereditary, was nevertheless limited, *ἐπὶ ῥητοῖς γέρασι* (Thuc. i. 13). The monarchs were *ἡγήτορες ἠδὲ μέδοντες*, bound to consult for the good of their people, and to listen to the advice of their counsellors, or the chief men of the state (*γέροντες*, *ἄνακτες*, &c.), and also to administer justice, *δίκας*, *θέμιστας*, *εὐδικίας*. (*Il.* ii. 660, xvi. 542, *Od.* xix. 3, iv. 689.)

These notions of law and justice were necessarily vague. The regal power, though limited in practice, appears to have been absolute in theory, and, as such, was easily liable to be abused. We find complaints of the abuse of power in Hesiod (*Op. et Dies*, 39. 258); and Wachsmuth (*Hell. Alt.* vol. i. pt. i. c. 18) remarks that the Odyssey contains indications of a struggle of the nobility against the sovereign. That many beneficial concessions were made by the kings to their people before the age of authentic history, is not improbable. The changes introduced by Theseus may be considered in this light. But the first great step towards the establishment of *constitutional law* appears to have been taken by the Athenians, when they abridged the power of the Medontidae, and rendered government *responsible*, *τὴν βασιλείαν μετέστησαν εἰς ἀρχὴν ὑπεύθυνον*. (Paus. iv. 5. § 10.)

The transition from customary or traditionary law to fixed civil ordinances must have taken place gradually. When people came to unite in cities (*συνῳκίζοντο*), and form compact societies, they began to feel the necessity of having permanent laws to define and secure their civil rights. The notion soon sprang up that society was formed for the good of all classes. The expression *τὸ κοινόν*, formerly applied to national leagues and confederacies (Herod. v. 109), came to denote a united body of citizens; and equal laws were claimed for all. From this body indeed were excluded all such persons as came under the definition of *περίοικοι*, provincials (Herod. vi. 58, ix. 11), or serfs, like the Helots; and all slaves of every kind. It was only the townsman (*πολίτης*) and the freeman who could enjoy the privileges of a citizen. The emigrant (*ἀτίμητος μετανάστης*) though, if he became a resident (*μέτοικος*), he was upon certain conditions admitted to the protection of the law, was never placed on the same footing as the native.

Before any written codes appeared, law was promulgated by the poets or wise men, who sang the great deeds of their ancestors, and delivered their moral and political lessons in verse. Such was the *ῥήτρα* (declared law) of Sparta and Tarentum. The laws of Charondas were sung as *σκόλια* at Athens. (Aelian, ii. 39; Arist. *Probl.* xix. 28; Athenaeus, xiv. p. 619; Wachsm. *Hell. Alt.* vol. i. pt. i. pp. 201, 208.) The influence exercised by these men arose in a great measure from the belief that they were divinely inspired; a power which was ascribed to most of the ancient law-makers. Thus, the laws of Minos were said to be a revelation from Jupiter (Pausan. iii. 2. § 4); Lycurgus was the confidant of the Delphic god; Zaleucus of Pallas. (Wachsm. vol. i. pt. i. p. 204.) Some have supposed that the use of *νόμος*, in the sense of *law*, was derived from the circumstance of laws having first been in verse, as the same word denotes *measure* or *tune*. But this is not surprising, when we consider that principles of harmony are necessary not only to music and poetry, but to the adjustment of the various relations of civil society; and both meanings may well be derived from *νέμειν* (*distribuere suum cuique*).

As civilisation advanced, laws were reduced to writing, in the shape either of regular codes or distinct ordinances, and afterwards publicly exhibited, engraved on tablets, or hewn on columns. (Lyc. c. *Leoc.* p. 165, ed. Steph.; Arist. *Pol.* v. 9. § 2; Plato, *Leg.* v. p. 738.) The first written laws we hear of are those of Zaleucus. (Wachsm. vol. i. pt. i. p. 208.) The first at Athens were those of Draco, called *θεσμοί*, and by that name distinguished from the *νόμοι* of Solon. (Andoc. *de Myst.* p. 11, ed. Steph.) From the origin of this word one would suppose that it signified ordained or statute law, *τεθεὶς νόμος*: but it is frequently used like *θέμις*, in the sense of natural right or social usage. (Hom. *Il.* ix. 134, xi. 778, *Od.* xxiii. 296.) The six inferior archons were called *θεσμοθέται*, because a great variety of causes fell under their cognizance, and, in the absence of a written code, those who declare and interpret the laws may be properly said to make them. (Thirlwall, *Gr. Hist.* vol. ii. p. 17.)

The laws of Lycurgus were not written. He enjoined that they should never be inscribed on any other tablet than the hearts of his countrymen. (Thirlwall, vol. i. p. 336.) Those of Solon were inscribed on wooden tablets, arranged in pyramidal blocks turning on an axis, called *ἄξονες* and *κύρβεις*. (Harpocration and Suidas, *s. v.*; Plut. *Solon.* 25.) They were first hung in the Acropolis, but afterwards brought down to the Prytaneum. (Harpocr. *s. v.* Ὁ *κάτωθεν νόμος*: Pausan. i. 18. § 3.) Archives were established for the custody of Athenian laws in the temple of the mother of the gods (*ἐν τῷ μητρῴῳ*) with a public servant (*δημόσιος*) to take care of them. (Demosth. *de Fals. Leg.* 381, c. *Aristog.* 799.) Others were hung up in various public places, so that any citizen might have access to them, to read or take extracts. For instance, laws which concerned the jurisdiction of the archon were hung up in his office; those which concerned the senate (*βουλευτικοὶ νόμοι*) in their council-room, and so on. (Demosth. c. *Aristoc.* 627, 643, c. *Timoc.* 706; Wachsm. vol. i. pt. i. p. 266; Meier and Schöm. *Att. Proc.* pp. 170, 660.) After the expulsion of the thirty tyrants, in the archonship of Euclides, a decree was passed by the assembly to restore the ancient laws, and appoint a committee to revise them, and propose any alterations or additions that might seem necessary. The new and old laws were all to be written out in the enlarged Ionian alphabet, which had not come into use in Solon's time; and the whole code thus revised was transcribed on the walls of the portico (*εἰς τὴν στοὰν ἀνέγραψαν*). At the same it was enacted that no magistrate should be allowed to use an unwritten law (*ἀγράφῳ δὲ νόμῳ τὰς ἀρχὰς μὴ χρῆσθαι μηδὲ περὶ ἑνός*, Andoc. *de Myst.* 11—13, ed. Steph.)

According to these statutes of Solon, and those which were subsequently enacted at various times, the magistrates and the judges at Athens were bound to administer the law, executive and judicial. The Heliastic body, acting in their capacity of judges or jurors (as to their legislative sec Nomothetes), were sworn *περὶ μὲν ὧν νόμοι εἰσὶ, κατὰ τοὺς νομοὺς ψηφιεῖσθαι, περὶ δὲ ὧν μὴ εἰσὶ, γνώμῃ τῇ δικαιοτάτῃ*. (Meier and Schöm. *Att. Proc.* p. 128.) In all causes, whether civil or criminal, the parties procured copies or extracts of such laws as were material to the questions to be tried, and brought them before the *ἡγεμὼν δικαστηρίου* at the *ἀνάκρισις*, by whom they were consigned to the *ἐχῖνος*, and produced at the trial, to be read to the *δικασταὶ* by the *γραμματεύς*. If any man produced before the judges a fictitious law (*οὐκ ὄντα νόμον*), he was punishable with death. (Demosth. *c. Arist.* 807.)

As the *δικασταί* (chosen as explained under DICASTAE) performed the functions both of judge and jury, it is evident that the important question, how the laws of Athens worked, depends on the discretion which *in practice* they exercised in the interpretation of the written law. This is only to be discovered by a careful perusal of the Attic orators, and is too wide a question to be discussed here. Much light is thrown on the subject by Aristotle (*Rhet.* i. 15), who, in treating of judicial matters, always has in view the practice of the Athenian courts. He reckons the *νόμοι* among the *ἄτεχνοι πίστεις*, and advises the orator, when the law of the country is against him (*ἐὰν ἐνάντιος ᾖ ὁ γεγραμμένος τῷ πράγματι*) to appeal to the universal law of justice or equity (*τῷ κοινῷ νόμῳ καὶ τοῖς ἐπιεικέσιν, ὡς δικαιοτέροις*). For (says he) if the written law is contrary to justice, it is not a law, *οὐ γὰρ ποιεῖ τὸ ἔργον τοῦ νόμου.* From this it may be seen, that the notions entertained by the Athenians of the discretion to be exercised by a judge were somewhat different from our own. There existed at Athens no class of persons corresponding to our counsel or attorneys, whose business or profession it was to expound the laws. The office of the *ἐξηγηταί* related only to religious observances. [EXEGETAE.] According to the principle of the constitution, every citizen was bound to watch over the preservation of the laws, and to inform against and prosecute any persons who transgressed them. The people, either on the bench or in the assembly, were the ultimate judges. (Lycurg. *c. Leoc.* 148, ed. Steph.)

As to the difference between *νόμος* and *ψήφισμα*, and as to the manner in which laws were enacted or repealed, see NOMOTHETES. [C. R. K.]

NOMO'THETES (*νομοθέτης*), legislator, is a word which may be applied to any person who causes laws to be enacted. Thus, Pericles and Themistocles are called *νομοθέται*, movers or proposers of laws. (Lys. *c. Nicom.* 186, ed. Steph.) It is, however, more commonly given to those eminent men whose laws have been celebrated for their intrinsic merit, or for the important influence which they exercised over the destinies of their country. Such were Minos of Crete, Draco at Athens, Zaleucus at Locri and Charondas, whose laws were distinguished for their *ἀκρίβεια*, and were received at Rhegium, Catana, and other Chalcidian states. (Aristot. *Pol.* ii. 9. § 8 ; Hermann, *Pol. Ant.* § 88, 89.) Many other men have been honoured with this title, either for having improved the laws of their countrymen, or as having by their writings, their counsel, and good example, led to the introduction of a sound moral discipline among them. These were the sages or wise men, called by Diogenes Laërtius (i. 40) *συνετοί τινες καὶ νομοθετικοί.* Pittacus of Lesbos, Phidon of Argos, Thales of Miletus, Bias of Priene, Chilon, who improved the laws of Lycurgus, and Pythagoras, may be reckoned in this class. (Wachsm. vol. i. pt. i. p. 212.) But the name of *νομοθέτης* is given *κατ' ἐξοχὴν* to Solon and Lycurgus ; for they not only introduced codes of laws, but were the founders of *constitutions* (*πολιτεῖαι*), which, though from time to time modified and altered, and sometimes even suspended, remained more or less in force, so long as Athens and Sparta existed as republics. (Aristot. *Pol.* ii. 9. § 1.) So high was the esteem in which Solon was held by the Athenians, as the founder of their social polity, that although many important reforms were effected at various periods, he still continued to be regarded as *the lawgiver* (*ὁ νομοθέτης*), and the whole body of laws passed under his name. Wachsmuth (vol. i. pt. i. p. 268) remarks that on this account, whenever a law of Solon is cited, we may suspect that it contains interpolation. On the other hand, we should bear in mind that in all the changes which took place in the Athenian constitution, the reformers aimed at preserving the main principles of Solon's policy. Cleisthenes, who established the *δῆμοι*, remodelled the *φυλαί*, and made other changes, is characterised by Aristotle (*Pol.* ii. 6. § 11) as having for his object *αὐξῆσαι τὴν δημοκρατίαν.*

There is this remarkable difference between the legislation of Solon and that of other Greek lawgivers, that he did not (as they did) endeavour to secure fixity and finality for his institutions. Zaleucus and Charondas are said to have made it a capital crime to propose new laws. Lycurgus forbade young men to censure the laws ; and when he went on his last journey, from which he never returned (the story says), he bound his countrymen by an oath to observe all his laws till his return. Solon exacted a similar oath of the Athenians for only ten years. (Herod. i. 29 ; Wachsm. vol. i. pt. i. p. 211 ; Thirlwall, *Gr. Hist.* vol. i. p. 295.)

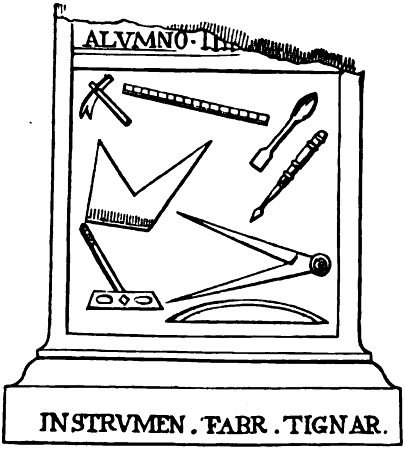
But Solon also devised regulations by which the laws might undergo periodical revision, and be amended as occasion required. At the first *κυρία ἐκκλησία* in every year, any person was at liberty to point out defects in the existing code or propose alterations. If his motion was deemed worthy of attention, the third assembly might refer the matter to a legislative committee, called *νομοθέται*. This committee was selected by lot from the Heliastic body ; it being the intention of Solon to limit the power of the popular assembly by means of a superior board emanating from itself, composed of citizens of mature age, bound by a stricter oath, and accustomed to weigh legal principles by the exercise of their judicial functions. The number of the committee, so appointed, varied according to the exigency of the occasion. The people appointed five advocates (*σύνδικοι*) to attend before the board and maintain the policy of the existing institution. If the proposed measure met the approval of the committee, it passed into law forthwith. Besides this, the Thesmothetae were officially authorised to review the whole code, and refer all statutes which they considered unworthy of being retained to the *νομοθέται.* (Hermann, *Pol. Ant.* § 131 ; Wachsm. vol. i. pt. i. p. 260 ; Thirlwall, vol. ii. p. 46 ; Demosth. *c. Timocr.* 706.)

Hence appears the difference between *ψήφισμα* and *νόμος.* The mere resolution of the people in assembly was a *ψήφισμα*, and only remained in force a year, like a decree of the senate. Nothing was a *law* that did not pass the ordeal of the *νομοθέται.* The democracy of Solon was therefore one of that kind, in which (as Aristotle says), *κύριος ἦν ὁ νόμος, ἀλλ' οὐ τὸ πλῆθος.* (*Pol.* iv. 4. § 3 ; Hermann, *Pol. Ant.* § 67. n. 8 ; Demosth. *c. Aristoc.* 649, 651.) *Privilegia* required to be passed by six thousand of the people in assembly, giving their votes secretly. The naturalization of a foreigner is an example of a *privilegium ;* for which two votes of different assemblies were necessary. (Demosth. c. *Neaer.* 1375.)

Propositions to be submitted to the people were first approved by the senate of 500, and then called *προβουλεύματα.* The mover of a law was said *θεῖναι* or *γράφειν νόμον*, the people who passed it *θέσθαι.* To indict a man for proposing illegal measures was called *γράφεσθαί τινα παρανόμων.* As to the proceedings in such a case, see PARANOMON GRAPHE. [C. R. K.]

NONAE. [CALENDARIUM.]

NORMA (*γνώμων*), a square, used by carpenters, masons, and other artificers, to make their work rectangular. (Philo *de* 7 *Orb. Spect.* 2; Vitruv. vii. 3; Plin. *H. N.* xxxvi. 22. s. 51; Prudent. *Psychom.* 828.) It was made by taking three flat wooden rulers [REGULA] of equal thickness, one of them being two feet ten inches long, the others each two feet long, and joining them together by their extremities so as to assume the form of a right-angled triangle. (Isid. *Orig.* xix. 19.) This method, though only a close approximation, must have been quite sufficient for all common purposes. For the sake of convenience, the longest side, *i. e.* the hypotenuse of the triangle, was discarded, and the instrument then assumed the form, in which it is exhibited among other tools in woodcut at p. 283. A square of a still more simple fashion, made by merely cutting a rectangular piece out of a board, is shown on another sepulchral monument, found at Rome and published by Gruter (*l. c.* p. 229), and copied in the woodcut which is here introduced. The square was used in making the semicircular striae of Ionic columns [COLUMNA], a method founded on the proposition in Euclid, that the angle contained in a semicircle is a right angle (Vitruv. iii. 5. § 14).



From the use of this instrument a right angle was also called a *normal* angle. (Quintil. xi. 3. p. 446, ed. Spalding.) Any thing mis-shapen was called *abnormis.* (Hor. *Sat.* ii. 2. 3.) [J. Y.]

NOTA, which signified a mark or sign of any kind, was also employed for an abbreviation. Hence *notae* signified the marks or signs used in taking down the words of a speaker, and was equivalent to our short-hand writing, or stenography; and *notarii* signified short-hand writers. It must be borne in mind, however, that *notae* also signified writing in cipher; and many passages in the ancient reciters which are supposed to refer to short-hand, refer in reality to writing in cipher. Thus both Julius Caesar and Augustus wrote many of their letters in cipher (*per notas*, Suet. *Jul. Caes.* 56, *Aug.* 88; comp. Gell. xvii. 9). Still short-hand was well known and extensively employed. Among the Greeks it is said to have been invented by Xenophon (Diog. Laërt. ii. 48), and their short-hand writers were called *ταχυγράφοι*, *ὀξυγράφοι* and *σημειογράφοι.* The first introduction of the art among the Romans is ascribed to Cicero. Plutarch, in speaking of the speech of Cato in the senate on the punishment of the Catilinarian conspirators, relates, "They say that this is the only speech of Cato which is preserved, and that it was owing to Cicero the consul who had previously instructed those clerks, who surpassed the rest in quick writing, in the use of certain signs which comprehended in their small and brief marks the force of many characters, and had placed them in different parts of the senate-house. For the Romans at this time were not used to employ nor did they possess what are called note-writers (*σημειογράφοι*), but it was on this occasion, as they say, that they were first established in a certain form." (*Cat. min.* c. 23, Long's transl.) Cicero himself sometimes wrote in short-hand for the sake of brevity or secrecy (*διὰ σημείων scripseram*, Cic. *ad Att.* xiii. 32). Dion Cassius (lv. 7) attributes the invention of stenography to Maecenas. Eusebius, in his Chronicon, ascribes it to Tiro, the freedman of Cicero, and hence the system of abbreviated writing, in which some manuscripts are written, has received the name of *Notae Tironianae;* but there is no evidence to show whether this species of short-hand was really the invention of Tiro. It would appear, moreover, from several passages in ancient writers, that the system of short-hand employed in the time of the Roman empire must have been of a much simpler and more expeditious kind than the *Notae Tironianae.* Thus Seneca says (*Ep.* 90): "Quid verborum notas, quibus quamvis citata excipitur oratio, et celeritatem linguae manus sequitur." Manilius speaks to the same effect (iv. 197): —

> "Hic et scriptor erit velox, cui litera verbum est,
> Quique notis linguam superet, cursimque loquentis
> Excipiet longas nova per compendia voces."

And likewise Martial (xiv. 208): —

> "Currant verba licet; manus est velocior illis:
> Nondum lingua suum, dextra peregit opus."

Many of the wealthy Romans kept slaves, who were trained in the art. (Senec. *Ep. l. c.*) Thus the elder Pliny, when travelling, used to carry a *notarius* with him, that the slave might be ready to take down any thing that he wished. (Plin. *Ep.* iii. 5.) The art was also learnt even by the Roman nobles, and the emperor Titus was a great proficient in it. (Suet. *Tit.* 3.) At a later time, it seems to have been generally taught in the schools, and hence Fulgentius (*Mytholog.* iii. 10) divides the writing taught in schools into two kinds, the *Abecedaria* and *Notaria;* the former being the regular letters of the alphabet, A, B, C, D, &c., and the latter, stenography. There were, moreover, short-hand writers (*notarii*) by profession, who were chiefly employed in taking down (*notare, excipere*) the proceedings in the courts of justice. At a later period, they were called *exceptores* (Dig. 19. tit. 2. s. 19. § 9). These short-hand writers were also employed on some occasions to take down a person's will (Dig. 29. tit. 1. s. 40).

This is the chief information we have respecting the use of stenography by contemporary writers. But Isidorus, who lived in the seventh century of the Christian era, gives a more detailed account of the history of the art (*Orig.* i. 21. p. 836, ed. Gothofred). He ascribes the invention of the art to Ennius (?), who he says invented 1100 marks (*notae*); but the first person who practised it at Rome he states to have been Tiro, the freedman of Cicero, who, however, according to Isidore's account, used only notae for prepositions. Isidore then goes on to say that additional notae were invented by Tertius Persannius, Philargius, and Aquila, a freedman of Maecenas, till at length Seneca reduced the whole to a regular system, and increased the number of notae to 5000. What truth there may be in this account, it is impossible to say; but the view which it gives of the gradual improvement of the system by successive persons is, from the nature of the case, most probable.

The system of short hand called *Notae Tironianae* is explained in a work printed by Gruter in his *Thesaurus Inscriptionum.* This work is ascribed in the manuscripts to Tiro and Seneca, but contains many words, which were only used at a much later age. It appears from this work, that the Notae Tironianae were very different from our system of stenography, and were simple abbreviations of the words, such as were used, only to a smaller extent, in ordinary writing. We likewise have some manuscripts written in Notae Tironianae, of which an account is given in the work of Kopp quoted below (Carpentier, *Alphabetum Tironianum*, Paris, 1747; Kopp, *Palaeographica Critica*, 1817, vol. i.; Becker, *Gallus*, vol. i. pp. 197, 198).

NOTA CENSO′RIA. [Census.]

NOTA′RII, short-hand writers, were generally slaves or freedmen, and are spoken of under Nota. They were likewise called *Actuarii.* They were also employed by the emperors (Lamprid. *Alex. Sev.* 28, *Aurel.* 36; Trebell. *Claud.* 14), and in course of time the title of *Notarii* was exclusively applied to the private secretaries of the emperors, who, of course, were no longer slaves, but persons of high rank. The short-hand writers were now called *exceptores*, as is remarked under Nota. On the reorganisation of the empire by Constantine, the *Notarii* were constituted into a kind of imperial chancery, who, in addition to their regular duties, were frequently employed by the emperor on important public missions. The first of them in rank was called *Primicerius Notariorum*, and the second, *Secundicerius Notariorum*. Others were called *tribuni et notarii*, and another class *domestici et notarii*, who probably acted specially as private secretaries of the emperors. Others again who served under the Praefecti Praetorii, were called *Notarii Praetoriani* (Cod. Theod. 6. tit. 10; Cassiod. *Var.* vi. 16; Walter, *Geschichte des Römischen Rechts*, § 345, 2d ed.)

NOVA′LE. [Aratrum.]

NOVA′TIO. [Obligationes.]

NOVELLAE or NOVELLAE CONSTITU′TIONES form a part of the Corpus Juris. Most of them were published in Greek, and their Greek title is Αὐτοκρατορος Ἰουστινιανου Αὐγουστου Νεαραι Διαταξεις. Some of them were published in Latin and some in both languages. The first of these Novellae of Justinian belongs to the year A. D. 535 (Nov. 1), and the latest to the year A.D. 565 (Nov. 137); but most of them were published between the years 535 and 539. These Constitutiones were published after the completion of the second edition of the Code, for the purpose of supplying what was deficient in that work. Indeed it appears that on the completion of his second edition of the Code the Emperor designed to form any new constitutions, which he might publish, into a body by themselves so as to render a third revision of the Code unnecessary, and that he contemplated giving to this body of law the name of Novellae Constitutiones. (Const. *Cordi.* s. 4.) It does not however appear that any official compilation of these new constitutions appeared in the lifetime of Justinian. The Greek text of the Novellae, as we now have them, consists of 165 Novellae at the least, or 168 as some make it, of which 159 belong to Justinian, and the rest to Justin the Second and to Tiberius: they are generally divided into chapters.

A large part of these Novellae relate to the administration of the state and to ecclesiastical affairs, but a considerable number relate to Privatum Jus, and they modified or altered many rules of law.

There is a Latin Epitome of these Novellae by Julian, a teacher of law at Constantinople, which contains 125 Novellae. The Epitome was probably made in the time of Justinian, and the author was probably Antecessor at Constantinople.

There is also another collection of 134 Novellae, in a Latin version made from the Greek text. This collection is generally called Authenticum or Liber Authenticorum: the compiler and the time of the compilation are unknown. This collection has been made independently of the Greek compilation. It is divided into nine Collationes, and the Collationes are divided into tituli. This was the collection which the Glossatores considered as having the authority of law.

The most complete work on the history of the Novellae is by Biener, *Geschichte der Novellen.* See also *Beytrag zur Litterar-Geschichte des Novellen-Auszugs von Julian*, Von Haubold, *Zeitschrift*, &c. vol. iv. The history of the collections of the Novellae is very confused, and it is impossible to state it correctly in a short space. (Puchta, *Inst.* i. § 147.)

After the publication of his Codex, Theodosius made various new enactments under the name of Novellae Constitutiones, or Novellae Leges, as to which see Codex Theodosianus. [G. L.]

NOVENDIA′LE (sc. *sacrum*) was the name given to two different festivals. 1. Of a festival lasting nine days, which was celebrated as often as stones rained from heaven. It was originally instituted by Tullus Hostilius, when there was a shower of stones upon the Mons Albanus, and was frequently celebrated in later times. (Liv. i. 31, xxi. 62, xxv. 7, xxvi. 23, xxvii. 37, xxix. 34.) 2. Of the sacrifice performed nine days after a funeral. [Funus, p. 562, a.]

NOVI HO′MINES. [Nobiles.]

NOVI O′PERIS NUNTIA′TIO. [Operis Novi Nuntiatio.]

NOXA. [Noxalis Actio.]

NOXA′LIS ACTIO. If a filiusfamilias or a slave committed theft or injuria, the person injured had a Noxalis Actio, or a legal remedy for the Noxa or wrong done to him, against the father (*paterfamilias*) or the owner of the slave, as the case might be; but he had no action against the son or the slave. The word Noxa (from noceo) properly signified injury done; in its legal sense it comprehended every delictum. (Dig. 50. tit. 16. s. 238.) The father or the master might either pay damages to the injured person, or surrender the offender to him. The surrender of the offender was expressed by the phrase "noxae dare or dedere;" and the acceptance of the offender in satisfaction of the injury was expressed by the phrase "noxae accipere:" in these expressions "noxa" does not mean "punishment," as is sometimes supposed, but the meaning of the expression is that the person was surrendered in respect of or as a compensation for his Noxa. In the Institutes (4. tit. 8) Noxa is defined to be the person that does the mischief, that is, the slave, and Noxia the mischief that is done.

Noxales Actiones were given both by Leges and by the Edict. In the case of Furtum they were given by the Twelve Tables; and in the case of Damni Injuria by the Lex Aquilia. In the case of Injuriae and of Vi Bonorum Raptorum, they were given by the Edict. This action was said "caput sequi," which is thus explained by instances: if a son or slave committed Noxa, the action was against the father or owner, so long as the offender was in his power; if the offender became sui juris, the injured party had a directa actio against him; and if he came into the power of another person, that other person was liable to the action. If a paterfamilias committed a Noxa, and was adopted (adrogated), the actio which was originally against him (*directa*), became an action against the adopting person. A paterfamilias or master could have no action against a son or slave in respect of a Noxa done to himself, the ground of which was that no obligatio could be contracted between such parties; and as the foundation of all obligatio was wanting in such case, it followed that there could be no action against such son or slave, if he became sui juris, nor against another person into whose power he might come. If another person's slave or son committed Noxa, and then came into the power of the injured person, it was a question between the two schools whether the right of action was extinguished, or only suspended so as to revive in case the offending party was released from the power of the injured person. The opinion of the Proculiani, which was in favour of the suspension only, appears more consistent with the principles on which this right of action was founded.

The mode of the "noxae deditio" was by mancipatio. The Proculiani contended that three mancipationes were required by the Law of the Twelve Tables [EMANCIPATIO]; but the Sabiniani contended that the Law only applied to the case of voluntary mancipations, and that one mancipatio was sufficient.

If the father or owner made no defence to a noxalis actio, the offender was given up by a decree of the praetor to the injured person, and thus became his praetorian property (*in bonis*). If several slaves committed theft, the Edict required the master to pay only the amount of damage which would be payable, in case a single freeman had committed the theft.

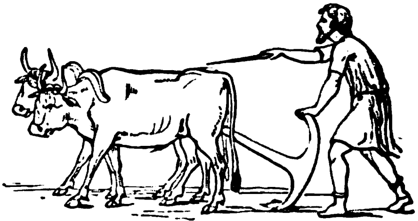
Justinian abolished the noxae datio in the case of children; observing that it appeared from the ancient jurists, that there might be an action against a filiusfamilias in respect of his own delicta.

As to damage done by an animal, see PAUPERIES.

(Gaius, iv. 75—79; *Instit.* 4. tit. 8; Dig. 9. tit. 4.) [G. L.]

NUDIPEDA'LIA. [CALCEUS, p. 221, a.]

NUDUS (*γυμνός*). These words, besides denoting absolute nakedness, which was to be *ἀναμπέχονος καὶ ἀχίτων* (compare Moschus, iv. 98), were applied to any one who, being without an AMICTUS, wore only his tunic or indutus. (Aristoph. *Eccles.* 409; John xxi. 7.) In this state of nudity, the ancients performed the operations of ploughing, sowing, and reaping. (Hes. *Op. et Dies,* 391; Proclus *ad loc.;* Virg. *Georg.* i. 299; Servius *ad loc.;* Aelian, *V. H.* vi. 11, xiii. 27; Matt. xxiv. 18.) Thus Cincinnatus was found naked at the plough when he was called to be dictator, and sent for his *toga*, that he might appear before the senate. (Plin. *H. N.* xviii. 4; Aur. Vict. *de Vir. Illust.* 17; Liv. iii. 26.) The accompanying woodcut is taken from an antique gem in the Florentine Collection, and shows a man ploughing in his tunic only. The light and thin clothing of Hetaerae, was denoted by the use of the same epithets. (Athen. xiii. 24, 25.) [COA VESTIS.]



This term applied to the warrior expressed the absence of some part of his armour. (Hom. *Il.* xxi. 50; Jos. *Ant. Jud.* vi. 2. § 2; Gell. ix. 13; Xen. *de Rep. Lac.* xi. 9.) Hence the light-armed were called *γυμνῆτες*. [J. Y.]

NU'MERUS, the name of a body of troops in the imperial period. [EXERCITUS, p. 500, b.]

NUMMULA'RII or **NUMULA'RII.** [MENSARII.]

NUMMUS or **NUMUS**, coined money. — I. *The chief terms used in Greek and Latin for money* are *ἀργύριον*, *χρήματα*, *νόμισμα*, *aes*, *pecunia*, *moneta*, *nummus* (or *numus*), and *numisma*. It was called *ἀργύριον* from *ἄργυρος*, because the prevailing coinages in Greece were of silver [ARGENTUM], (so at a later period we have *χρύσιον* and *χάλκιον*, which, however, are seldom used, except in their specific senses,) and *aes*, because that of Rome and Italy was of copper [AES]; *χρήματα*, simply as the representative of value; *pecunia*, from the same cause, in connection with *pecus*, which either meant originally *cattle*, and thence, in an early age, *valuable property in general*, or, perhaps, *vice versa**; and *νόμισμα* (sc. ἀργύ-

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* There is no probability whatever in the other reason given for the origin of the word, namely, because the early coins had the image of cattle stamped upon them. (See AES.)

ριον), from *νόμος*, because it was a medium of exchange established by custom and law, *current coin* (Demosth. *adv. Timocr.* p. 805; Aristoph. *Nub.* 246; Aristot. *Eth.* v. 8). These last terms, *nummus* and *numisma*, were transferred into the Latin language through the Greeks of Sicily and southern Italy, who applied the word *νόμος* (or, as it is also written, *νοῦμμος*), not only to money in general, but specifically to the chief silver coin of their system; and thus, in Latin, the word is used both in the specific sense, as equivalent to *sestertius* [SESTERTIUS], and in the generic meaning of any sort of money. (Varro, *L. L.* v. 37. § 173, ed. Müller; Pollux, ix. 79; Müller, *Etrusk.* vol. i. p. 315; Böckh, *Metrol. Untersuch.* p. 310; Eckhel, *Prolegom. General.* c. 1; and the Greek and Latin Lexicons.) Some writers give the ridiculous derivation of *nummus* from *Numa*, who, they say, first coined money: here the process has been, first, to fancy the connection of the words, and then to invent the fact to account for it. (Suid. *s. v.* *Ἀσσάρια*; Isid. *Orig.* xvi. 17.) The word *moneta*, from which, through the French, we get our word *money*, was a surname of Juno, in whose temple the standards of weight, measure, and money were preserved: the epithet itself seems to correspond in meaning and derivation (from *moneo*) to the name of the Greek deity **Μνημοσύνη**. [MONETA.]

II. *Origin of Money.* — Aristotle (*Polit.* i. 3) defines *νόμισμα* as *στοιχεῖον καὶ πέρας τῆς ἀλλαγῆς*, and traces its invention to the early felt necessity of a common medium of exchange, to obviate the inconveniences of barter. At first, he tells us, it consisted of masses of metal and other convenient substance, determined by size and weight, and, lastly, with marks stamped upon them, to save the trouble of always weighing them. It is unnecessary to quote other authorities in confirmation of this statement. (Eckhel, *Proleg.* c. 2.) The things which are essential to money are the *material* and the *stamp* — the former giving it the reality of value, the latter its assurance. In the early state of commerce, described in the Homeric poems and other ancient works, when the transfer of commodities was effected by means of quantities of unstamped gold, silver, or copper, which were determined by weight, *money*, properly speaking, did not exist. On the other hand, a mere stamp, on a material of little intrinsic value, does not make it money, but a mere token of credit, which is sometimes loosely and inaccurately called money. This sort of so-called money was sometimes, though rarely, employed by the ancients, and that chiefly by the barbarous nations; the civilised states preferred the subterfuge of debasing their coinage to any attempt to introduce the element of credit avowedly into their monetary system. They had nothing like our paper money or bills of exchange.

III. *Materials of ancient Money.* — The conditions which any material used for money must of necessity answer are obviously the following: — it must exist in sufficient abundance; it must be of intrinsic, that is, universally acknowledged value, and, as nearly as possible, of uniform value; it must be capable of resisting wear and corrosion; it must be portable, easily divisible, and not difficult to work into those sizes and to mark with those stamps, which determine and certify its quantity and quality. These conditions are best fulfilled by the metals gold, silver, and copper, which therefore have formed, either separately or in combination with each other, the materials of nearly every system of money which has ever existed. The history of their use by the Greeks and Romans will be noticed presently; but it is necessary first to say a few words respecting some other substances, which were anciently employed for money.

Iron was used by the Lacedaemonians and Byzantines, probably on account of the abundance of the metal in Laconia and on the shores of the Euxine. (Pollux vii. 106; besides numerous other testimonies.) Aristotle, who in the passage already quoted, mentions iron and silver as examples of the materials of money, tells us elsewhere (*Oecon.* ii. 2) that the people of Clazomenae had iron money; and there are some obscure testimonies respecting the use of iron money in the earliest age of Rome (Suid. *s. v.* *Ἀσσάρια*). Not a specimen of iron money is now extant, a fact easily accounted for by the liability of the metal to rust. (Eckhel, *Proleg.* 6.)

Tin was coined by Dionysius at Syracuse (Aristot. *Oecon.* ii. 2; Pollux, ix. 79); but this is the only notice of such money, except a law in the Digest, which refers merely to spurious coins. (48. tit. 10.) No specimens are extant. (See further, Eckhel, *l. c.*)

Leaden money is not unfrequently mentioned by the poets, and not a few coins or medals of it are preserved; but it is doubtful whether they were true money. (Eckhel, *l. c.*)

Leather, *wood*, and *shells* are also referred to as materials of money; but such monies could only have been tokens, not true coin. Leather money is said to have been used by the Carthaginians, Spartans, and Romans. (Eckhel, *l. c.*)

IV. *Distinction between ancient Money and Medals.* — It is no longer necessary to examine the paradoxical assertion of Sebastian Erizzo, that all the ancient coins which have come down to us are mere medals, and were never current money. (See Eckhel, *Proleg.* c. 5.) But the question is very important, whether any among them were mere medals, and if so, how they are to be distinguished from the coins which were used as money. This question is fully discussed by Eckhel (*l. c.*), who lays down the following as the chief criteria for distinguishing between them.

When we find a continuous series of coins, having the same, or nearly the same weight, stamp, and style of workmanship (allowing for the decline or improvement of the art); or when we find a multitude of specimens of the same coins, and that too in different places; when the stamp upon a coin expresses its weight or its denomination; in these cases there can be no doubt that the coins, if genuine, were real money. These tests are answered by the general series of Roman copper, silver, and gold coins; by most of those of the Greek states; by the gold and silver coins of Philip, Alexander, and his successors; and by the *cistophori* of proconsular Asia. On the other hand, those appear to be medals, and not coins, which very much exceed in size the ordinary coins, such as the celebrated and beautiful gold medals of Lysimachus, many gold medals of the Roman Empire, and some silver medals which occur only under the later emperors. The question of the copper or bronze medals is more difficult to decide by this test, on account of the large size of the ancient copper money of Rome. (See Eckhel, *l. c.* p. xv.) Another test of a medal is its being of an unusual or very elaborate device or workmanship. Respecting the occasions on which medals appear to have been struck, see Eckhel, *l. c.* pp. xvi—xviii.

V. *Tests of the genuineness of ancient Coins.* — As this work is intended for the general classical student, and makes no pretension to be a perfectly adequate guide for the special study of each branch of antiquity, and as this branch of numismatic science, although of primary importance for one who wishes to examine the ancient coins themselves, is yet one of the most intricate, and is comparatively unimportant for the mere explanation of the Greek and Roman writers, it must suffice to refer to the chief writers, quoted at the end of this article, with only the observation that the abundance of ancient false money and modern forged coins is one chief cause of the great difficulties of the subject.

VI. *History of Greek and Roman Coins.* — It has already been observed that the general definition of money is a certain weight of metal of a certain value, that is, of a certain fineness; the weight and the fineness being attested by a stamp upon the coin. The latter condition was not introduced until the first had long been acted upon; and, on the other hand, there are many occasions on which the stamp upon a coin is altogether neglected, and it passes current merely according to its real weight and fineness: one interesting example of this has been noticed under As, p. 140. The primitive stage in the invention of money is illustrated by various passages in the historical books of the Old Testament, and in Homer. Coined money is never once mentioned in the Homeric poems; but the instrument of all the traffic referred to in them is either simple barter, or quantities of gold, silver, and copper. Gold alone is referred to as measured by a definite weight, the *τάλαντον*, which in Homer appears to be quite a different quantity from the common *talent* of the historical period. This word was originally a generic term for *weight*, and signified *a pair of scales*, and *any thing weighed out*, as well as *a definite weight*. The same is true of the Latin word *libra:* the original meaning of the equivalent word *as* was merely *unity*, or *a unit*, whether of weight or of anything else. The other principal Greek word, *μνᾶ*, which is later than the Homeric poems, is, undoubtedly, of Oriental origin, and probably means anything divided, apportioned, or determined, akin to the Hebrew *maneh*, and to *μνάομαι*, *monere*, *moneta*, &c. These words concur with all the other information we have upon the subject, and with the very necessity of the case, to prove that *every system of money is founded upon a previously existing system of weight.* It is, however, of the utmost importance to observe, that a word denoting a certain weight does not, of necessity, when applied to money, indicate a quantity of metal of the same weight. For, first, the word *talent* or *pound* may be applied to an *equivalent value* of gold, silver, or copper, although, *in weight*, its meaning must be restricted to one of these metals: secondly, there may be, in the formation of a monetary system, an intentional deviation from the existing standard of weight, while the names of that standard are preserved: and, lastly, the progressive deterioration, to which history informs us that most coinages have been subjected, destroys the meaning of the terms of weight, which are still applied to the coins. Examples of the first cause of disagreement occur of necessity in every monetary system which contains more than one metal; of the second, an interesting illustration will be found in the Attic weights and money; and of the third, we have a striking instance in the progressive diminution of the Roman as. [As.] Still, however, where we have no historical evidence of such discrepancies between the weights and monies of a people, especially in early periods, we assume their correspondence. If we did not, the attempt to reconstruct any ancient system of weight and money, and to express it in terms of our own, would be hopeless, as there would be no basis whatever for the investigation. Unless then we know anything to the contrary, we assume a *talent* of money to mean a *talent's weight* of the metal, which was chiefly used for money, namely, among the Greeks, silver; and, conversely, that the weight of the silver coins, which make up the value of a talent, gives us the amount of *talent-weight*.

In order that what follows may be better understood, we give here the chief denominations of weight and money among the Greeks and Romans. Among all the Greeks, the unit was the *talent*, which was thus divided (comp. PONDERA and the tables): —

1 Talent*	contained	60 Minae.*
1 Mina	„	100 Drachmae.
1 Drachma	„	6 Oboli.

In this system we have a combination of the decimal and duodecimal systems.

Among the Romans, the unit of weight and money was the As or LIBRA, which was divided on the duodecimal system, its twelfth part being called *uncia*, and the intermediate parts being named according to the number of *unciae* they contained, or according to the fractional part of the *As* which each was. In some parts of Italy, however, (namely, Central Italy, north of the Apennines,) the decimal division of the *As* was used, the *uncia* being its tenth part. (Comp. As, PONDERA, UNCIA, and the Tables.)

i. *History of Greek Money.* — The invention of coined money among the Greeks is ascribed by tradition to two sources, not to mention the merely mythical stories of its origin (Pollux, ix. 83). According to one account, the Lydians were the first of mankind who coined and used gold and silver money (Herod. i. 94; Xenoph. *ap. Poll. l. c.*). The other and prevailing tradition is, that Pheidon, king of Argos, first coined both copper and silver money at Aegina, and first established a system of weights and measures. (Herod. vi. 127; Ephor. *ap. Strab.* viii. p. 376; Ael. *V. H.* xii. 10; Poll. *l. c.*; *Marm. Par.* 45, 46; Grote, *History of Greece*, vol. ii. p. 424: the date of Pheidon, according to the Parian Marble, is B. C. 895; but Grote, Clinton, Böckh, and Müller all agree in placing him about the middle of the eighth century, between 783 or 770 and 744 or 730, B. C.; see Grote, *l. c.* p. 419.) These traditions are not altogether inconsistent; only we must understand the former as implying nothing more than that a system of money existed in Asia Minor in very early times;

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* These were not coined, but were monies of account.

which was adopted by the Ionian colonists, from whom it passed over into the Ionian States of Greece Proper, especially Athens, under the name of the Euboïc system; a name which it probably obtained from an early coinage in the island of Euboea, which was rich in copper and silver ores.[*] The other tradition, in all probability, expresses an historical fact, except as to the circumstance of Pheidon's executing his coinage in Aegina[†], which is almost certainly an invention of the later writers, made for the purpose of explaining the name *Aeginetan*, applied to the system which was established by Pheidon and adopted by most of the Dorian states. This system, as well as the former, was derived from the East, and was identical with the Babylonian; and, moreover, both systems existed together in Asia Minor, where the larger (Babylonian) talent was used for silver, and the smaller (Euboïc) for gold. Thus it appears that these two systems of weight and money, both derived originally from the Chaldaeans, may be distinguished as the *larger Babylonian* or *Argive* or (generally, but less properly) *Aeginetan*, and the *smaller Babylonian* or *Lydian* or *Ionian* or *Euboïc* or *larger Attic*. The last term is used to distinguish the old Attic scale, which was identical with the Euboïc, from the scale which Solon introduced, and which was considerably less; the latter alone was used for money, although the former continued in use as a scale of weight under the name of the *commercial standard*. The talents of the three systems of money, which have been mentioned, are known respectively as the *Aeginetan*, the *Euboïc*, and the *Attic* or *Solonian*. Their numerical ratios to one another were as follows: —

Aeginetan : Euboïc :: 6 : 5
Aeginetan : Solonian :: 5 : 3
Euboïc : Solonian :: 138$\frac{8}{9}$: 100
i. e. :: 100 : 72
:: 25 : 18
or nearly :: 4 : 3

(Respecting the details of these matters comp. PONDERA).

(1.) *Money of the Aeginetan Standard.* — Although, according to the tradition, Pheidon coined copper as well as silver, and although we have indications of a copper currency among the Greek states of Sicily and Magna Graecia, which followed the Aeginetan standard, yet in Greece Proper copper money was altogether exceptional. [CHALCUS.] The ordinary currency in all the states was silver, the principal coins being the *drachma*, and its double (δίδραχμον), and quadruple (τετράδραχμον), the didrachm prevailing in the older coinages, and the tetradrachm in the later. Didrachms are the prevailing coin among the extant specimens of Aeginetan money: tetradrachms among the Attic. The didrachm, from its prevalence in the early coinages, obtained the name of stater (στατῆρ, i. e. *standard*), which was afterwards used specifically as the name of the chief gold coins, because they were of the same weight as the silver didrachm [STATER]. There still exist numerous Aeginetan drachms, didrachms, and tetradrachms of undoubted genuineness; many of the highest antiquity. The earliest of these coins are very thick, and of rude workmanship: they are stamped with the figure of a turtle, the reverse having no device, but only an indented mark, as if the coin, at the time of striking, had been laid upon a puncheon, the impress of which has been transferred to it by the weight of the blow. In the later coins of Aegina, the turtle is changed into a tortoise, and the other side bears a device. (See the woodcut on p. 439.)

In calculating the weight of the Aeginetan coins, we are at once met with one of the great sources of uncertainty in numismatics, namely, the doubt whether the existing coins of any system are of full weight, which doubt, in the great majority of cases, experience converts into the certainty that they are not. The chief exception to the general debasement of ancient money was the silver money of Athens, which, at least until some time after the Peloponnesian War, was proverbial for its full weight and purity. One method, therefore, is to take the best Attic coins as the standard of computation, not only for the Attic system, but also for any other system which bore a known determined ratio to the Attic. Now, taking Hussey's value for the Attic drachma, 66·5 grains (which, if there be any error, is a little below the mark), the Aeginetan drachma ought to weigh between 110 and 111 grains.[‡] Its actual average weight, however, as obtained by Mr. Hussey from the coins of Aegina and Boeotia, is only 96 grains. There is, of course, the alternative of using this discrepancy as an argument against the ratio of 5 : 3 for the systems of Aegina and Athens; and this course Mr. Hussey has adopted. But Böckh has shown most conclusively that this explanation is totally inadmissible. We have not space to discuss the question at length. It must suffice to observe that, if any one fact in ancient metrology is to be accepted as established by testimony, it is the fact of this ratio of 5 : 3; — that the fact of the prevailing debasement of ancient coinages, by which the discrepancy above noticed may be explained, is also one of the most certain facts in the whole subject; — that coins are actually found of the Aeginetan system, which come very nearly up to the full theoretical weight, those, namely, of Melos and Byzantium, both Dorian settlements, and those of the Macedonian kings before Alexander the Great.[§] To these positive arguments it may be added, that Mr. Hussey's attempt to explain away the statement of Pollux, that the Aeginetan talent contained 10,000 Attic drachmae, as not referring to the genuine ancient money, but to the coins which passed as drachmae under the Roman empire, and which either were, or were equal to denarii, — is not only unsupported by any actual evidence, but is easily proved to be fallacious. Some minor, but important, arguments are satisfactorily disposed of by Böckh. (*Metrol. Untersuch.* pp. 77, foll.; comp. Grote's Review in the *Classical Museum*, 1844, vol. i. pp. 10, 11; Hussey, *Ancient Weights*, pp. 31, foll., 61, foll.) For the actual value of the Aeginetan silver money, as compared with ours, see Drachma and the Tables.

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[*] Mr. Grote's derivation of the names *Euboïc* and *Aeginetan*, "from the people whose commercial activity tended to make the scales most generally known — in the one case, the Aeginetans; in the other case, the inhabitants of Chalcis and Eretria" (vol. ii. p. 432) — is at least as probable as that suggested in the text.

[†] The statement (*Etym. Mag.* s. v. Εὐβοϊκὸν νόμισμα) that Pheidon's coinage was struck in *a place of Argos called Euboea*, obviously arose from a confusion, in the head of the compiler, between the Aeginetan and Euboïc standards; and then, after the frequent fashion of the grammarians, attempting to set right a blunder by a wilful misstatement, he invented the Argolic Euboea.

[‡] Böckh, from a rather higher value of the Attic drachma, gives the following theoretical weights for the Aeginetan coins: the didrachm 224·59 grains, the drachm 112·295 grains, the obolus 18·716 grains (p. 77).

[§] These Mr. Hussey is compelled by his theory to erect into a distinct standard.

The Aeginetan system of money was adopted throughout the Peloponnesus (except perhaps in Achaea) in Boeotia, and Northern Greece generally, up to Thessaly, in Macedonia, in Crete, and generally in the Dorian settlements in the Aegean and on the coast of Asia Minor; and also in the Dorian states of Italy and Sicily, where, however, it assumed a peculiar form though coming into connection with the native Italian system (see below). In Egypt also, the coins of the Ptolemies appear to have been at first conformed to the Aeginetan system; but they were soon very much debased. One state, in which the Aeginetan system was adopted, demands special notice. At Corinth, as being a Dorian state, and from its proximity to Argos, there can be no doubt that the Aeginetan system was adopted, to which in fact some of the oldest extant Corinthian coins approach very near. But we also find a smaller Corinthian stater or didrachm of 10 Aeginetan obols, which, according to the fixed ratio of the Aeginetan to the Euboïc scale (6 : 5, *i. e.* 12 : 10) would be 12 Euboïc obols, or a didrachm. This coin seems also to be equivalent to that found in Sicily as the *piece of* 10 *litrae* (δεκάλιτρον or δεκάλιτρος στατήρ). Hence it would seem that the Euboïc scale was early introduced at Corinth, a fact which might easily have been anticipated from the position and commercial activity of that state. This Corinthian stater or didrachm seems to have passed at a later period, at a depression of 1-10th of its value, that is, as 9 Aeginetan obols. The Attic (Solonian) scale seems also to have been introduced at an early period into Corinth, and afterwards to have been used there in preference to the Aeginetan and Euboïc. Through Corinth, the Attic standard was introduced into Sicily and several states of Western Greece, such as Ambracia, Anactorium, Leucas, Amphilochia, Aetolia, and the Locrians.

Respecting the gold money of Aegina and the other Greek states, see Stater.

(2.) *Money of the Euboïc Standard.* — In Asia Minor, under the Persian empire, the tribute in gold was paid in Euboïc talents: but we must here understand weight alone to be referred to: for the weight of the existing darics shows clearly that the Persian money was conformed to the Babylonian standard. That there were in some parts of Greece, current coins of the Euboïc standard of weight, is proved by the very term Εὐβοϊκὸν νόμισμα, and such coins are found among the extant money of the Euboean cities and their colonies, especially those of Chalcis. First, however, the standard may be obtained theoretically from the Attic and the Aeginetan; and in this manner, from Hussey's value of the Attic drachma, we obtain about 92 grains for the Euboïc drachma, or, from Böckh's value, rather more than 93½ (or 93·5792, Böckh, p. 109). There exist several coins of Chalcis itself, of Rhegium in Italy, Naxos in Sicily, and other Chalcidian cities, which come quite as near to this standard as could be expected. (See Böckh, *l. c.* and foll.) The Euboïc gold money is singularly scarce, and the few pieces that exist only give rise to new difficulties. (Böckh, *l. c.* § 5.)

(3.) *Money of the Attic* (*Solonian*) *Standard.* — Before the time of Solon, the standard of weight used at Athens was the Euboïc; and there still exist coins, evidently from their form and workmanship among the most ancient we possess, which appear to be didrachms of the Euboïc scale. These coins are stamped with the figure of an ox, which we know from several ancient writers to have been the regular impress upon the oldest Attic coins. (*Schol. A. B. L. ad Hom. Il.* vi. 236; *Etym. Mag.* *s. v.* ἑκατόμβη; Pollux, ix. 60; Diogenian. iii. 48; Hesych. *s. vv.* βοῦς ἐπὶ γλώσσῃ, δεκάβοιον; Zenob. ii. 70; Suid. *s. v.* βοῦς ἐπὶ γλώττης). This coin was called βοῦς, and its origin was carried back mythically to the time of Theseus, who was said to have first coined it, and to have stamped it with the figure of an ox, in allusion either to the Marathonian bull, or to the Minotaur; reasons which are mere guess-work.* (Plut. *Thes.* 25.) This didrachm or βοῦς was the chief coin of the old Attic system: in the Solonian system the chief coin was the tetradrachm stamped with the head of Athena and the owl, and this also received a name from its impress, and was called γλαύξ. (Philoch. *ap. Schol. ad Aristoph. Av.* 1106.) The latter device continued to be the prevailing one throughout the whole history of the Athenian coinage. (See the wood-cut on p. 438.) Böckh supposes that the didrachms of the old Attic system passed for tetradrachms in the later (or Solonian) currency.

The politico-economical history of Solon's alteration of the Athenian currency does not belong to the present subject. (See Grote's *History of Greece*, vol. iii. pp. 131, foll.) That legislator is known to have lowered the standard of money in order to relieve debtors, and Plutarch (*Solon*, 15) informs us, on the testimony of Androtion, that "Solon made the mina of 100 drachmae, which had formerly contained 73." It is incredible that a large prime number, such as 73, should have been used as a multiplier in any system of weights; but what Plutarch meant to say was, that Solon made a mina or 100 drachmae *out of the same quantity of silver* which was formerly used for 73 drachmae. The value, therefore, of the Solonian money to that of the old standard was as 73 : 100. Now this was very nearly the proportion of the old or commercial weight to the new silver weight, namely, 100 : 138, $=72\frac{32}{69}$: 100, or, more exactly, as Böckh has shown, as 100 : $138\frac{8}{9}$ = 72 : 100 = 18 : 25. [Pondera.] But why should Solon have adopted so singular a proportion? Böckh suggested in his *Public Economy of Athens* that it was probably an accident; that Solon intended to reduce the mina one-fourth, that is, to make 100 drachmae of the new coinage equal to 75 of the old, but that by some inaccuracy of manufacture the new coins were found to be a little too light; and as Solon's coinage furnished the standard for all subsequent ones, the error was retained; and that, in fixing upon one-fourth as the amount of the reduction, Solon was guided by the wish of assimilating the Attic system to the Euboïc, which, according to this view, would be different from the old Attic. A more complete investigation of the subject has, however, convinced that distinguished scholar that he was mistaken in supposing the Euboïc standard to be distinct from the old Attic, and that *the true reason of the precise amount of debasement adopted by Solon was in order to bring his new system into a simple definite ratio, namely* 3 : 5 *to the Aeginetan*, which the Pheidonian institutions had established throughout the greater part of Greece. (For the full development of the argument, see Böckh, *Metrologische Untersuchungen*, c. ix., and for the denominations and values of the Attic silver money, see DRACHMA).

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* The ox on the coins of Euboea is supposed to be in allusion to the name of the island, and possibly the Attic coins may have borrowed the type from the coins of Euboea.

It was the boast of the Athenians that their coinage was finer than all other money in Greece, and Xenophon says that they exchanged it with profit in any market (Aristoph. *Ran.* 732; Xen. *Vect.* iii. 2): there is, however, a distinction to be made in this respect between the Attic coins of different ages, which are easily distinguished by their form and workmanship. The most ancient are very thick and extremely rude. The second kind, which appear to belong to the age of Pericles and Xenophon, are also of a thick form, but not so clumsy in appearance. The third, which belong to a later period, are broad and thin. Most of the extant specimens are of very fine silver. Some writers have supposed that they are quite free from baser metal; but the experiments which have been made show that the finest possess a small quantity of alloy. Mr. Hussey found upon trial (*Ancient Weights and Money*, p. 45), that the most ancient Athenian coins contained about $\frac{1}{36}$ of the weight alloy, the second kind about $\frac{1}{60}$, and the more modern about $\frac{1}{13}$; the last of which is nearly the same alloy as in our own silver coin.

The purity and full standard of the Attic silver money, and the commercial character of the people, will account easily for its wide diffusion throughout the Grecian states. It was adopted at an early period by Corinth and her colonies; and thus was introduced into Sicily and Italy, where we find it, not only in the coins of Rhegium and Tarentum, but even in those of Populonia; but in most of these cases, it existed side by side with the Aeginetan standard. It is also found in the later coins of Euboea and of Crete, and in those of Thasos and Acanthus. It is probable that it prevailed extensively in the Ionian islands and cities of the Aegean Sea, but there are great difficulties connected with the coins of many of these states, and some of them (Chios, for example) seem to have had standards altogether distinct and peculiar. The Attic standard prevailed in Western Greece. The Thessalian confederacy had, at a late period, coins on the Attic scale; and the money of some of the barbarian nations of Eastern Europe appears to belong to the same standard. It also formed the basis of the later Macedonian coinage, having been adopted by Philip for gold [AURUM, STATER], and by Alexander for silver. It was followed likewise by the Seleucidae in Syria, and by Philetaerus in Pergamus.

There are many other points connected with Greek money in general, and with the systems of particular states, which cannot be comprised within the limits of this article, but which are fully treated of in the works referred to at the end of it. The details of the minting of the money and the laws affecting it will be found under MONETA.

ii. *History of Roman and Italian Money.* — The earliest coinage at Rome was of copper. Its history has been already given under AS.

Silver was not coined at Rome till B. C. 269, five years before the first Punic war (Plin. *H. N.* xxxiii. 3. s. 13); but the Roman coinage of silver never appears to have been so free from baser metal as the best Athenian coinage. Under the Emperor Gallienus, the coinage was so much debased that it contained $\frac{1}{6}$ silver and $\frac{5}{6}$ alloy. In the time of the republic the impression on silver coins was usually, on the obverse, the head of Rome with a helmet, the Dioscuri, or the head of Jupiter; and on the reverse, carriages drawn by two or four animals (*bigae*, *quadrigae*), whence they were called respectively *bigati* and *quadrigati*, *sc. nummi*. The principal silver coins among the Romans were the denarius and sestertius. [DENARIUS, SESTERTIUS.] Respecting the Roman gold money, see AURUM.

Among the interesting matters which are here passed over for want of space, and as not of great importance for the ordinary classical student, are the fuller discussion of the early systems of the other states of Italy besides Rome, and the description of the coins of the later empire. On the former subject, the reader is referred to Müller's *Etrusker*, and Abeken's *Mittelitalien*, on the latter to Eckhel.

iii. *Connection of the Greek and Roman Systems in Sicily and Lower Italy.* — For the reasons just assigned, some very brief remarks must suffice for this part of the subject, though it is one of the most interesting in the whole range of numismatics. It is also, however, one of the most difficult, and its full discussion would require a separate work of no small dimensions. We find in Sicily and Lower Italy all the three chief systems which prevailed in Greece, and also the Italian system, not kept distinct, but brought into connection; besides a system which may be called specifically Sikelian, as it is not found elsewhere, and besides also the Carthaginian system. Of the three systems imported from Greece, the Aeginetan was naturally brought by the colonists from Corinth and Rhodes, who were the chief Dorian settlers in Sicily; the Euboïc was similarly introduced by the Chalcidian colonists, and also from Corinth; and the Attic was imported through commerce, both directly and by way of Corinth. The Italian is supposed by Böckh to have been introduced by the commercial activity of the Etruscans at a very early period. Undoubted evidence of the existence of the last system is furnished by the very words λίτρα and οὐγκία, which it is impossible to explain otherwise than as being the Italian *libra* and *uncia*. It is important to observe that we have here a mixture, not only of different standards of weight and money, but also of different systems of arithmetical computation, the mixed decimal and duodecimal system of the Greeks coming into collision with the purely duodecimal system of the Italians.

In adapting these systems to one another, it would seem that the *pound* of the Italian system (*libra*, λίτρα) was identified, not, as some have supposed, with the *mina*, but with the *half mina* of the Aeginetan scale; and, consequently, that 120 *pounds* went to the *talent*, as we are expressly informed by the Tauromenian inscription; and that copper money was coined in conformity with this standard.

Pollux (ix. 80—82) refers to Aristotle's *Polity of the Himeraeans*, for an account of several denominations of Sicilian coins, and of these he mentions the οὐγκία, as equal in value to one *chalcus;* the διξᾶς, equal to two *chalci*; the τριξᾶς to three; the ἡμίλιτρον to six; and *the* λίτρα, *which is an obol; the* δεκάλιτρον, he adds, still quoting Aristotle, *is worth ten obols, and is the Corinthian stater.* He then proceeds to state that there were many passages of the Attic, as well as the Dorian, comedians, in which these coins were alluded to, and he quotes lines from Diphilus, and from Epicharmus, in which mention is made of the λίτρα, the ἡμίλιτρον, the ἑξάντιον (a diminution of ἑξᾶς), the πεντώγκιον, and the δεκάλιτρος στατὴρ, *as silver coins.* A little before this, he quotes from Aristotle's *Polity of the Agrigentines* the statement, that *the litra was equal in value to an Aeginetan obol.* (Compare, to the same effect, Pollux, iv. 174, 175.)

From these statements, it appears that, in the Sicilian silver money, the Euboïc and Aeginetan scales were connected just as we have seen that they already were in one of the systems, from which the Sicilian money was derived, namely, in the Corinthian didrachm or stater of ten Aeginetan obols, which may be regarded as forming the στατήρ, or chief coin, of the Sicilian system also: that then, the obol, being identified with the λίτρα, was subdivided, just like the Italian pound, from which its name was derived, into twelve parts or *ounces* (ὀγκίαι, οὐγκίαι, i. e. *unciae*), each of which was a *chalcus* (χαλκοῦς: what this *chalcus* really was, we shall presently endeavour to show).

As to the intermediate parts of the pound or λίτρα, it is evident, from the explanation which Pollux gives of διξᾶς and τριξᾶς, that he supposed them to be named from the number of ounces they contained, as was clearly the case with the πεντώγκιον, according to the analogy of which, if the idea of Pollux had been right, διξᾶς and τριξᾶς would have been respectively διώγκιον and τριώγκιον (like *teruncius*). Bentley has conclusively shown (quoted by Böckh, p. 293) that, in this matter, the Greek grammarians fell into a very natural error, through not understanding a system foreign to that of their language, and that, in fact, the parts of the *litra* were named, as the general rule, not from the number of ounces they contained (except in the case of the πεντώγκιον, like the Latin *quincunx*, an exception easily accounted for by the difficulty of expressing the fraction 5-12ths by a single word), but from the fractional part of the *litra* which each of them was equal to, just as in the Latin system. The following table shows the whole scale, with the corresponding Latin names, and with the values of the coins in silver obols of the Aeginetan standard and in the copper coins called *chalci*:—

Denominations.						Values.		
στατὴρ or δεκάλιτρον	=	10 λίτραι	=	10 *asses, decussis* afterwards *denarius*	=	10 obols Aegin.	=	12 obols or 1 didrachm Euboïc.
λίτρα	=	12 οὐγκίαι	=	*as* or *libra*	=	1 obol	=	12 *chalci*
ἡμίλιτρον	=	6 "	=	*semis*	=	$\frac{1}{2}$ "	=	6 "
πεντώγκιον	=	5 "	=	*quincunx*	=	$\frac{5}{12}$ "	=	5 "
τριᾶς	=	4 "	=	*triens*	=	$\frac{1}{3}$ "	=	4 "
τετρᾶς	=	3 "	=	*quadrans* or *teruncius*	=	$\frac{1}{4}$ "	=	3 "
ἑξᾶς	=	2 "	=	*sextans*	=	$\frac{1}{6}$ "	=	2 "
οὐγκία	=	1 "	=	*uncia*	=	$\frac{1}{12}$ "	=	1 "

Just as in the Latin system, so in the Graeco-Sicilian, there seem to have been no coins between the half and whole λίτρα. Thus, in the second passage quoted by Pollux from Epicharmus, a sum of money is expressed as consisting of λίτρα καὶ δεκάλιτρος στατὴρ, ἑξάντιόν τε καὶ πεντώγκιον. Even as denominations of weight we have (so far as we know) no terms corresponding to the Latin *septunx*, *bes*, *dodrans*, *dextans*, and *deunx*. Böckh supposes that this system was introduced in Sicily about Ol. 40 or 50, B. C. 620 or 580.

The worth of the chief coin in this system, the *silver litra*, or *Aeginetan silver obol*, must evidently be assumed to have been, like the Italian *libra*, *the value of a pound-weight of copper*.

The gold money of this scale has already been spoken of under DAMARETION.

For further details on the whole subject, see Böckh, *Metrol. Untersuch.* c. xix.

Besides the *litra*, we find the word *nummus* (νοῦμμος) itself in the Sicilian system as the name of a particular coin. The Greek origin of the word is attested by several of the grammarians. (Varro, *L. L.* v. 36. s. 67, ed. Müller; Pollux, ix. 79; Festus, *s. v.*; Suid. *s. v.* νόμος.) Pollux (*l.c.*) quotes two passages from Epicharmus, in which the word is used in the specific sense, for a particular coin; and he adds the statement, from Aristotle's *Polity of the Tarentines*, that νοῦμμος is the name applied by them to a coin, on which Taras was represented carried on a dolphin. The grammarians gave the value of the Sicilian *nummus* as 1¼ Attic obols, in connection with a small talent, peculiar to Sicily, or rather two such talents, the older containing 24 *nummi* and the later 12. From a careful criticism of these statements, and from an examination of the extant coins, Böckh comes to the conclusion, that the *nummus* was originally the same as the *litra*, but that, when the Attic standard came into common use, this *nummus* or *litra* was diminished by 1-10th, in order to bring it into conformity with that scale; and by this change it became $\frac{9}{10}$ of the Aeginetan obol, which is equal to 1¼ Attic obols, or the fourth part of an Attic drachma. Thus we get the simple law by which the Sicilian money was connected with the Attic, namely, 4 *nummi* = 1 *drachm.* Hence, also, we see how the *ounce* of the Sicilian system came to be identified by the Greek writers with the *chalcus*, in its specific sense. The Attic *chalcus* was $\frac{1}{8}$ of the obol [CHALCUS]; hence 12 *chalci* would make up $1\frac{1}{2}$ Attic obols, that is (restoring the 1-10th of depreciation), an Aeginetan obol, or a Sicilian litra. The *nummus* of the Tarentines, mentioned in the above passage from Pollux, and which was also used at *Heracleia*, was a much larger coin, and is probably the same as the full-weighted Aeginetan drachma (δραχμὴ παχεῖα), which came near enough to the Attic didrachm to be identified with it when the currencies came to be mixed. In fact the word *nummus* was evidently applied (like στατὴρ in Greece) to the chief current coin in any system, and it may therefore have had very different values: Plautus actually uses it for the didrachm.

For a further account of the Sicilian *nummus* and *small talent*, and the Attico-Sicilian system, see Böckh, cc. xxi. xxii.

iv. *On the Value of Ancient Money in terms of our own.*— When we endeavour to express the value of ancient coins in terms of our own, we meet with certain difficulties which require particular consideration. If we take for example, a drachma, and a shilling, and make a comparison of their weight and of the fineness of the silver in each, we at once obtain a determinate ratio for the value of the one to the other; and it might appear to a thoughtless person that, having thus found what fractional part of a shilling a drachma is, we might substitute that value for the drachma, its multiples and parts, wherever they are mentioned by ancient authors; and so of the other coins; and that thus we might express all ancient money in terms of our own. Of course we *might* do so; but it does not follow that, after doing so, we should at all obtain what we are seeking, *a true idea of the value of ancient money*, in any sense which can throw light on the numerous social, and economical, and political questions, which the determination of its value may affect. Even the coins themselves give different results according as we compare the gold or the silver with our gold or silver, and also according as we compare them with the true value of the metal in the coin and the value at which the coin is current; our shilling, for example, is current at rather more than its real value. Another source of disagreement, in comparing the gold and the silver coins with ours, is the different ratios of the value of gold to that of silver in ancient and in modern times. (See ARGENTUM, AURUM.) The only course left is to express the value of the ancient coins in terms of the *current value* of our coins, choosing the sovereign or shilling as the standard just as we may prefer, but in making use of the values so obtained, to remember that *they are comparatively worthless, until by other investigations we have ascertained the value of money as compared with commodities* at different periods of ancient history. Such investigations form no part of our present subject. The reader is referred for them to Böckh's *Public Economy of Athens*, and to Jacob's *History of the Precious Metals.* The Tables appended to this work are constructed on the principle we have described.

It is unnecessary to make any attempt to give a complete list even of the chief books on numismatics. All the earlier works are referred to in one or other of the few books which we now proceed to mention as those which are most important for the student who wishes to pursue the subject further: — Eckhel, *Doctrina Numorum Veterum*, 8 vols. 4to., Vindobon. 1792—1839, some of the volumes being second editions; Rasche, *Lexicon Universae Rei Numariae*, 7 vols. 8vo., Lips. 1785—1805; Wurm, *de Ponderum, Numorum, Mensurarum, ac de Anni ordinandi Rationibus, apud Romanos et Graecos.* Stutg. 1831, 8vo.; Hussey, *Essay on the Ancient Weights and Money*, Oxf., 1836, 8vo.; Böckh, *Metrologische Untersuchungen über Gewichte, Münzfüsse, und Masse des Alterthums in ihrem Zusammenhange*, Berlin, 1838, 8vo; Grote's Review of Böckh's work, in the *Classical Museum*, vol. i. [P. S.]

NUNCUPA'TIO. [TESTAMENTUM.]

NU'NDINAE is invariably and justly derived by all the ancient writers from *novem* and *dies*, so that it literally signifies the ninth day. (Dionys. *Ant. Rom.* ii. 28, vii. 58; Macrob. *Sat.* i. 16; Festus, *s. v. Nundinalem Cocum.*) In ancient Calendaria all the days of the year, beginning with the first of January, are divided into what we may call weeks, each containing eight days which are marked by the letters A, B, C, D, E, F, G, H. Now it is admitted on all hands that this division is made to mark the nundinae, for every eighth day, according to our mode of speaking, was a nundinae. There were thus always seven ordinary days between two nundinae. The Romans in their peculiar mode of reckoning added these two nundinae to the seven ordinary days, and consequently said that the nundinae recurred every ninth day, and called them *nundinae*, as it were *novemdinae.* A similar mode of stating the number of days in a week is still customary in Germany, where, in common life, the expression *eight days* is used for a week, and the French and Italians in the same manner call a fortnight *quinze jours* and *quindici giorni.*

The number of nundinae in the ancient year of ten months was 38; and care was always taken that they should not fall on the calends of January nor upon the nones of any month (Macrob. *Sat.* i. 13; Dion Cass. xl. 47, xlviii. 33), and in order to effect this, the 355th day of the lunar year (*dies intercalaris*) was inserted in such a manner as to avoid the coincidence of the nundinae with the primae calendae or the nones. Macrobius says that it was generally believed that if the nundinae fell upon the primae calendae, the whole year would be signalised by misfortunes; the nones were avoided because the birthday of king Servius Tullius was celebrated on the nones of every month, as it was known that he was born on the nones of some month, though the month itself was not known. Now, as on the nundines, the country-folk assembled in the city, the patricians feared lest the plebeians gathered at Rome on the nones might become excited and endanger the peace of the republic. These reasons are indeed very unsatisfactory, as Göttling (*Gesch. der Röm. Staatsv.* p. 183) has shown, and it is more probable that the calends of January were ill suited to be nundinae, because this day was generally spent by every father in the bosom of his own family, and that the nones were avoided, because, as Ovid (*Fast.* i. 58) says, *Nonarum tutela* *deo caret.* But at the time when the Julian calendar was introduced, these scruples, whatever they may have been, were neglected, and in several ancient calendaria the nundinae fall on the first of January as well as on the nones. (See Graevius, *Thesaur.* vol. viii. p. 7, and the various ancient Calendaria. Both before and after the time of Caesar it was sometimes thought necessary, for religious reasons, to transfer the nundinae from the day on which they should have fallen to another one. (Dion Cass. lx. 24.) The nundinae themselves were, according to Plutarch (*Quaest. Rom.* p. 275, b), sacred to Saturn, and, according to Granius Licinianus (*ap. Macrob. Sat.* i. 16) the Flaminica offered at all nundinae a sacrifice of a ram to Jupiter.

It is uncertain to whom the institution of the nundinae is to be ascribed, for some say that it was Romulus (Dionys. ii. 28 ; Tuditanus, *ap. Macrob. Sat. l. c.*), and others that it was Servius Tullius (Cassius Hemina, *ap. Macrob. l. c.*), who instituted them, while the nature of the things for which they were originally set apart seems to show that their institution was as old as the Romulian year of ten months, or at least that they were instituted at the time when the Roman population extended beyond the precincts of the city itself. For the nundinae were originally market-days for the country-folk, on which they came to Rome to sell the produce of their labour, and on which the king settled the legal disputes among them. When, therefore, we read that the nundinae were feriae, or dies nefasti, and that no comitia were allowed to be held, we have to understand this of the populus, and not of the plebs ; and while for the populus the nundinae were feriae, they were real days of business (*dies fasti* or *comitiales*) for the plebeians, who on these occasions pleaded their causes with members of their own order, and held their public meetings (the ancient comitia of the plebeians) and debates on such matters as concerned their own order, or to discuss which they were invited by the senate. (Dionys. vii. 58 ; Macrob. *l. c. ;* Plin. *H. N.* xviii. 3 ; Festus, *s. v. Nundinas ;* compare Niebuhr, *Hist. of Rome*, vol. ii. p. 213.) How long this distinction existed that the nundinae were nefasti for the patricians and fasti for the plebeians, is not quite clear. In the law of the Twelve Tables they appear to have been regarded as fasti for both orders (Gellius, xx. 1. § 49), though, according to Granius Licinianus *ap. Macrob. l. c.*), this change was introduced at a later time by the Lex Hortensia, 286 b. c. This innovation, whenever it was introduced, facilitated the attendance of the plebeians at the comitia centuriata. In the ancient calendaria, therefore, the nundinae and dies fasti coincide. The subjects to be laid before the comitia, whether they were proposals for new laws or the appointment of officers, were announced to the people three nundinae beforehand (*trinundino die proponere*, Macrob. *l. c. ;* Cic. *ad Fam.* xvi. 12, *Philip.* v. 3, *pro Domo*, 16 ; Liv. iii. 35.)

The nundinae being thus at all times days of business for the plebeians (at first exclusively for them, and afterwards for the patricians also), the proceedings of the tribunes of the people were confined to these days, and it was necessary that they should be terminated in one day, that is, if a proposition did not come to a decision in one day it was lost, and if it was to be brought again before the people, the tribunes were obliged to announce it three nundines beforehand, as if it were quite a new subject.

Instead of *nundinae* the form *nundinum* is sometimes used, but only when it is preceded by a numeral, as in *trinundinum*, or *trinum nundinum.* (See the passages above referred to.) It is also used in the expression *internundinum* or *inter nundinum*, that is, the time which elapses between two nundinae. (Varro and Lucil. *apud Nonium*, iii. 145.) The word nundinae is sometimes used to designate a market-place or a time for marketing in general. (Cic. *de Leg. Agr.* ii. 33, *Philip.* v. 4.) [L. S.]

NU'NDINUM. [Nundinae.]

NUNTIA'TIO. [Operis Novi Nuntiatio.]

NU'PTIAE. [Matrimonium.]

O.

OBAE. [Tribus.]

OBELISCUS (ὀβελίσκος) is a diminutive of *Obelus* (ὀβελός), which properly signifies a *sharpened thing*, a *skewer* or *spit*, and is the name given to certain works of Egyptian art.* A detailed description of such works would be inconsistent with the plan of this work, but some notice of them is required by the fact that several of them were transported to Rome under the emperors. Ammianus Marcellinus (xvii. 4) says "that an obelisk is a very rough stone in the shape of a kind of land-mark or boundary stone, rising with a small inclination on all sides to a great height ; and in order that it may imitate a solar ray by a gradual diminution of its bulk, it terminates in a prolongation of four faces united in a sharp point. It is very carefully smoothed." Most ancient writers consider obelisks as emblematic of the sun's rays. (Comp. Plin. *H. N.* xxxvi. 14.)

An obelisk is properly a single block of stone, cut into a quadrilateral form, the sides of which diminish gradually, but almost imperceptibly from the base to the top of the shaft, but do not terminate in an apex upon the top, which is crowned by a small pyramid, consisting of four sides terminating in a point. The Egyptian obelisks were mostly made of the red granite of Syene, from which place they were carried to the different parts of Egypt. They were generally placed in pairs at the entrance to a temple, and occasionally in the interior, and were usually covered with hieroglyphical inscriptions.

Obelisks were first transported to Rome under Augustus, who caused one to be erected in the Circus and another in the Campus Martius. (Plin. xxxvi. 14.) The former was restored in 1589, and is called at present the Flaminian obelisk. Its whole height is about 116 feet, and without the base about 78 feet. The obelisk in the Campus Martius was set up by Augustus as a sun-dial. It stands at present on the Monte Citorio, where it was placed in 1792. Its whole height is about 110 feet, and without the base about 71 feet. Another obelisk was brought to Rome by Caligula, and placed on the Vatican in the Circus of Caligula. (Plin. xxxvi. 15, xvi. 76. § 2.) It stands at present in front of St. Peter's, where it was placed in 1586, and its whole height is about 132 feet, and without the base and modern ornaments at top about 83 feet. But the largest obelisk at Rome is that which was originally transported from Heliopolis to Alexandria by Constantine, and conveyed to Rome by his son Constantius, who placed it in the Circus Maximus. (Amm. Marc. xvii. 4.) Its present position is before the north portico of the Lateran church, where it was placed in 1588. Its whole height is about 149 feet, and without the base about 105 feet.

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* Herodotus (ii. 111) uses ὀβελός in the sense of an obelisk.

There are eight other obelisks at Rome besides those mentioned above, but none of them are of historical importance. There are also obelisks in various other places, as at Constantinople, Arles, Florence, Catana in Sicily, &c., some of which are works of Egyptian art, and others only imitations.

There are two small obelisks in the British Museum, which were brought by the French from Cairo. The preceding brief account is chiefly taken from Long's *Egyptian Antiquities*, vol. i. cc. 14, 15. London, 12mo. 1832.

OBLIGATIO'NES. Obligatio is defined (Inst. 3. tit. 13) to be "a bond of law by which we are under a necessity of releasing (*solvendae*) something according to the laws of our state." According to Paulus (Dig. 44. tit. 7. s. 3) the substance of an obligatio does not consist in this, that its object is to make any corporeal thing (corpus) or servitus ours, but that it shall bind another person to give us something, or to do something, or to secure or make good something (*ad dandum aliquid*, *vel faciendum*, *vel praestandum*). This "binding" is a "legal binding," that is, the party who fails to perform what he has engaged to do, is liable to legal compulsion; in other words, the duty which he owes may be enforced by suit or action. The duty must consist in something that has a pecuniary value, or may be estimated in money (Dig. 40. tit. 7. s. 9. § 2): if the duty is not capable of such estimation, it is not a duty which can be enforced by legal process. An agreement which cannot be enforced because it is not conformable to the principles of Roman Law, is not properly an obligatio, but still the Romans gave such agreement the name of Obligatio, when it was conformable to the principles of the Jus Gentium, and added the term Naturalis, by which it is opposed to Civilis and Praetoria or Honoraria. Obligationes Civiles were those which produced a right of action according to the Jus Civile; Praetoriae or Honorariae were those which owed their force to the jurisdiction of the Praetor. In the wider sense Civiles Obligationes comprehend Honorariae, inasmuch as the Edicta magistratuum belong to Jus Civile in its wider sense. [Jus.] This is the sense of Civiles when opposed to Naturales Obligationes: Civiles Obligationes have the narrower sense when Civiles, Honorariae, and Naturales are opposed among one another. Those obligationes, which were viewed as based on the Naturalis Ratio, were peculiarly considered as bonae fidei; and such obligationes were the foundation of bonae fidei actiones, of which the Roman Law recognised a limited number, as emti et venditi actiones; locati et conducti actio; mandati, negotiorum gestorum, tutelae actiones; commodati actio, and some others. The term *strictum jus* (Cod. 5. tit. 13) is opposed to bona fides; and stricti juris actiones are opposed to bonae fidei actiones. Viewed with reference to the facts on which the law operated to give Obligationes a binding force, Obligationes arose from Contract and Quasi Contract, and Delict (*maleficium*, *delictum*), and Quasi delict. (Inst. 3. tit. 13.) This division of Obligationes with respect to their origin was apparently viewed as exhaustive; though it is doubtful whether the Roman jurists really viewed every obligatio as included with one of these four divisions. For instance, it is doubtful whether the actio ad exhibendum was considered as an obligatio quasi ex contractu, or an obligatio quasi ex delicto. Gaius divides Obligationes into these: ex contractu and ex delicto; but he intends to comprehend the obligationes quasi ex contractu under those ex contractu, and obligationes quasi ex delicto under those ex delicto. In his Aurea (Dig. 44. tit. 7. s. 1) he distributes obligationes as to their origin into obligationes ex contractu, ex delicto, and ex variis causarum figuris; and the ex variis causarum figuris comprehends the obligationes quasi ex contractu and quasi ex delicto; indeed the term is comprehensive enough to comprehend all others, whatever they may be.

Contract (*contractus*) was made in four ways — Re, Verbis, Litteris, and Consensu.

As an example of an obligatio Re, Gaius mentions Mutuum [Mutuum]. Also, if a man received what was not due from a person who payed by mistake, the payer had his remedy for the recovery (condictio indebiti) just as if it were a case of Mutuum. But "this kind of obligation," observes Gaius (iii. 91), "does not appear to arise from contract, because he who gives with the intention of payment, rather intends to dissolve or put an end to (*distrahere*) a transaction (*negotium*), than to commence or to constitute (*contrahere*) a transaction."

To the contracts made Re, there also belong Commodatum, Depositum, and Pignus.

The Obligatio Verbis was contracted by oral question and answer between the parties. The form of words might be: — Dare Spondes? Spondeo (Sponden' tu istud? Spondeo. Plaut. *Capt.* iv. 2. 117.) Dabis? Dabo; Promittis? Promitto; Fidepromittis? Fidepromitto; Fidejubes? Fidejubeo; Facies? Faciam. The words Dare Spondes? Spondeo, were so peculiarly Roman that their legal effect could not be preserved, if their meaning was transferred into another language: nor could a valid obligatio with a peregrinus be made by the use of the word Spondeo. (Gaius, iii. 93, 179.) The evidence of such an obligatio must have been the presence of witnesses. (Cic. *pro Rosc. Com.* 5.)

It is to this form of contract by question and answer (*ex interrogatione et responsione*) that the terms "stipulari" and "stipulatio" refer. The word "stipulari" properly refers to him who asks the question: si quis ita dari stipuletur; Post mortem meam dari spondes; vel ita, Cum morieris, spondes? The person who asked the question was Stipulator; he who answered the question was Promissor, and he was said Spondere. (Gaius, iii. 100, 105; Dig. 45. tit. 1. s. 113. *De Verborum Obligationibus.*) Sometimes the whole form of words which comprises the question and the answer, is comprehended in the term Stipulatio (Dig. 45. tit. 1. s. 5. § 1), and the participle "Stipulata" is sometimes used in a passive sense. (Cic. *pro Rosc. Com.* 5.)

A stipulatio which contained an impossible condition was invalid (*inutilis*). As the Stipulatio was effected by words, it was a necessary consequence that the parties should have power to speak and hear, and on this ground was founded the rule of law that a mutus and a surdus could not be parties to a Stipulatio. As to the ability of Pupilli and Infantes with respect to Obligationes, see IMPUBES and INFANS. The Stipulator might have another party to the contract on his behalf, who was called Adstipulator. The Adstipulator had the same right of action as the Stipulator, and therefore a payment in respect of the Stipulatio could be made to him as well as to the Stipulator; and the Stipulator had an actio Mandati against the Adstipulator for the recovery of any thing that he had received.

There were some peculiarities in the Adstipulatio. The right of action did not pass to the heres of the Adstipulator, and the adstipulatio of a slave for his master had no effect, though in all cases he could acquire for his master by stipulatio. The same rule of law appeared to apply to him who was In Mancipio, for he was servi loco. If a son who was in the power of his father, became his Adstipulator, he did not acquire any thing for his father, though he acquired for him by stipulatio. Still his adstipulatio gave the son a right of action, provided he was released from the father's power without a capitis deminutio, as for instance by the father's death or by being inaugurated Flamen Dialis. The same rule of law applied to a filiafamilias and to a wife in manu.

Those who were bound for the Promissor were called Sponsores, Fidepromissores, Fidejussores [INTERCESSIO].

The Obligatio Literis is illustrated by Gaius (iii. 128) by the instance of Nomina transcripticia, as when a creditor who has a debt due from a person in respect of a sale, or a letting, or a partnership, enters it in his book (*codices*, or *tabulae expensi et accepti*) as a debt (*expensum illi fert:* compare Cic. *pro Rosc. Com.* 4, 5; *expensum tulisse non dicit, cum tabulas non recitat*). This was called Nomen transcripticium a re in personam. It was called transcriptio a persona in personam, when, for instance, "I have entered as due from you the debt which Titius owes to me, that is, if Titius has transferred or assigned (*delegavit*) you to me."

Cicero clearly alludes to this Literarum Obligatio in his Oration *pro Roscio Comoedo.* He says (c. 5), speaking of the plaintiff's demand: "his claim is for a certain sum of money (*pecunia certa*), and this must be either 'data' (a case of obligatio re), or 'expensa lata' (the Literarum Obligatio), or stipulata (an obligatio Verbis)."

Some difficulty arises about the mode of converting an obligation of a different kind into an Obligatio Literis. The subject is discussed by Unterholzner (*Ueber die Rede des Cicero für den Schauspieler Q. Roscius*, Zeitschrift, vol. i. p. 248) in an ingenious essay, which, however, was written before the publication of the MS. of Gaius; and it has since been discussed by himself and by other writers. Unterholzner conjectured that a third party, with the consent of the debtor and creditor, made the entry in his own books; but there is no evidence in support of this assumption. Theophilus (Ad. tit. 1. *De Lit. Oblig.*) represents the Literarum Obligatio as a Novatio or a change of an obligation of one kind into an obligation of another kind, and this he says was effected both by words and writing (*ῥήμασι καὶ γράμμασι*). It was effected, according to him, by the creditor writing to the debtor (*γράφειν ῥήματα πρὸς αὐτὸν*) to ask his consent to the old obligation being made into a new one of a different kind, and by the debtor consenting. As stated by him the Obligatio Literis might be an obligatio contracted by a letter of the creditor to the debtor and the debtor's reply. In principle there would be no objection to its being contracted by the debtor's consent expressed by a subscription in the creditor's books. The Literarum Obligatio of Theophilus, however, rather seems to correspond to the other kinds of Literarum Obligatio referred to by Gaius (iii. 134), where he says "this obligation can be contracted by chirographa and syngrapha, that is, if a man writes that he owes a sum of money or will pay it; provided, however, there be no stipulatio on the same account." It is not impossible that Gaius means that the creditor might convert an obligation of another kind into that of pecunia expensa by the bare entry of it in his book; for it is no objection to this, as Unterholzner has it, "that a unilateral writing on the part of the creditor should have the effect of putting another person under an obligatio," for an obligatio was already contracted, which the creditor would have to prove, but if he could prove it, the law gave him all the advantage of a creditor for pecunia certa, if he had complied with certain forms. Gaius (iii. 137) certainly may be understood as asserting that this obligatio was contracted simply "expensum ferendo:" but it seems to be the general opinion that this Literarum Obligatio required the consent of the debtor either orally in the presence of witnesses or by letter (Cic. *pro Rosc. Com.* 5; Val. Max. viii. 2. § 2); and this is not inconsistent with Gaius, for though he says that the debtor is bound by the "expensum ferendo," that does not exclude his consent, but merely shows what is necessary in order to make the consent an obligatio literis.

The Obligationes Consensu were Emtio and Venditio, Locatio Conductio, Societas, Mandatum. All Obligationes by contract of course required consent and the evidence of consent; but "these obligationes," says Gaius (iii. 135), "are said to be contracted *consensu*, because no peculiar form of words or writing was required, but the consent of the parties to the transaction was sufficient." Accordingly such transactions could take place between persons at a distance from one another, but a verborum obligatio required the presence of the parties. The actions founded on these Obligationes consensu were Bonae fidei.

An Obligatio Civilis implies a right of action against the person who owes the duty (*qui obligatur*). This right of action (*ex contractu*) might be acquired by any person who was sui juris. It might also be acquired for him by those who were in his Potestas, Manus, and Mancipium; and by free men and slaves whom a man possessed bona fide, with certain exceptions. This right of action might also be acquired by a man through the acts of a free man who was his agent, so far that he could require the cession of the obligatio so acquired.

An Obligatio was terminated (*tollitur*) in various ways. The most common way was by payment (*solutio*) of what was due. A man with the consent of the creditor might pay another's debt, but the two schools differed as to the legal consequence of such payment. The Proculiani as usual adhering strictly to fundamental principles maintained that the debtor was still under his obligatio, but if the money was demanded of him by the creditor he had a good plea of dolus malus (*exceptio doli mali*).

An obligatio might be terminated by Acceptilatio. An obligatio contracted per aes et libram might be determined in the same way, and also one arising, "ex judicati causa." [Nexum.] An obligatio might also be determined by Novatio, which is the change of an existing duty (*debitum*) into another obligation, and the determination of the former obligation. (Dig. 46. tit. 2. *De Novationibus et Delegationibus.*) This is explained by the following instance (Gaius, iii. 176): — If I stipulate that Titius shall give me what is due from you, a new obligatio arises by the intervention of a new person, and the former obligation is determined by being replaced by the latter; and sometimes a former obligatio may be determined by a subsequent stipulatio, though the subsequent stipulatio may be invalid. — If the stipulation was from the same person, it required the addition of something to effect a Novatio, as the addition of a condition, or a sponsor, or the circumstance of adding to or subtracting from the time contained in the terms of the covenant. As to the case of a condition, it was the law in the time of Gaius that there was no Novatio until the condition was fulfilled, and till that time the former obligatio continued. The opinion of the great jurist Servius Sulpicius as to the addition of a condition immediately effecting a Novatio, was not law in the time of Gaius (*alio jure utimur*).

An obligatio was also determined by the Litis contestatio, if the proceedings had taken place in a Legitimum judicium. It is stated generally under the articles Litis contestatio and Legitimum judicium, what is the import of these terms respectively. The original obligation (*principalis obligatio*) was determined by the Litis contestatio, and the defendant (*reus*) was then bound (*tenetur*) by the Litis contestatio. If he was condemned, the Litis contestatio ceased to have any effect, and he was bound by the judgment (*ex causa judicati*). It was a consequence of these doctrines that after a Litis contestatio in a Legitimum judicium, a man could not bring his action on the original contract, for if his declaration or demand was Dari mihi oportere, it was bad (*inutilis*), for after the Litis contestatio the Dari oportere had ceased. In the case of a Judicium quod imperio continetur, the obligatio existed and the action could be brought, but the demand might be answered by a plea (*exceptio*) of a res judicata or in judicium deducta. In the judicia quae imperio, &c., the exceptio rei judicatae corresponds to the condemnatio in the Legitima judicia, and the Exceptio rei in judicium deductae to the Litis contestatio. (Keller, *Ueber Litis Contestation*, p. 11, &c.; Gaius, iii. 180.)

Obligationes arising from Contract passed by universal succession to the heres. There were no means of transferring Obligationes from the creditor to another person, except by a Novatio, which was effected by the assignee stipulating with the debitor with the consent of the creditor, the effect of which was to release the debitor from his former Obligatio and to bind him by a new one. If this novatio was not effected, the assignee could only sue as the cognitor or procurator of the assignor, and not in his own name. (Gaius, ii. 38, &c.)

From the consideration of Obligationes arising from Contracts, Gaius (iii. 182) passes to the consideration of Obligationes "quae ex delicto oriuntur;" and these delicts which are the foundation of these obligationes, are Furtum, Bona Rapta or Rapina, Damnum and Injuria. All these obligationes he considers to be comprised in one genus, whereas the obligationes ex contractu are distributed into four genera.

The arrangement by the Roman jurists of Obligationes ex delicto with Obligationes ex contractu, was founded on the circumstance that both classes of Obligationes were the foundation of rights against a determinate individual or determinate individuals; but there is an important difference in the origin of the two rights. The rights ex contractu are rights founded on lawful acts; and rights ex delicto are rights founded on infringements of other rights.

The Obligationes quasi ex contractu are not enumerated by Gaius, but they are discussed in the Institutes of Justinian (3. tit. 27). These Obligationes do not properly arise either from contract or delict, but inasmuch as they are founded on acts, which are not delicts, they were considered as belonging to contract rather than to delict. Instances of these quasi contracts, enumerated in the Institutes, are "absentis negotiorum gestio" [Negotiorum Gestorum Actio], the "tutelae judicium," a "communis res sine societate," as when a thing has been bequeathed and given to several persons; and some other instances.

These quasi contracts are arranged in the Institutes of Justinian after Obligationes ex contractu; and the Obligationes quasi ex delicto are placed immediately after the Obligationes ex delicto. Instances of these Obligationes quasi ex delicto, enumerated in the Institutes (4. tit. 5), are, "si judex litem suam fecerit," and the case of "dejectum effusumve," and others. [Dejecti, &c.]

The nature of an Obligatio may now be more clearly understood. An Obligatio implies two subjects or persons at least, *creditor*, or he who has the right, and *debitor*, or he who owes the duty: these two terms, which strictly apply to creditor and debtor in the common sense, are also used to express generally the relation of the parties to an Obligatio. Obligatio (literally a binding) primarily denotes the facts by which the legal relation between the parties is established. It also denotes the duty or obligation owing by one of the parties to the contract (*debitor*) to the other party (*creditor*), if the obligatio is unilateral; and the duties mutually owing from the one to the other, if the obligatio is bilateral. The word, which, as opposed to obligatio or "binding," expresses the determination of such binding, is "solutio;" and generally some form of the word "solvo" is the appropriate term to express the legal termination of the obligatio. But inasmuch as duties owing by one party to the contract, or duties mutually owing by the parties to the contract, imply a right in the other party to the contract, or imply mutual rights in the parties to the contract, the word obligatio is often used to express also the right which is established by the obligatio: and it is also used to express the whole relation between debitor and creditor. Thus, the right of the Creditor is spoken of as his Obligatio, and the duty of the Debitor as his Obligatio. There is no special name in the Roman law for a right against a determinate person or determinate persons. The name for ownership is Dominium, to which is opposed the name Obligationes as descriptive of rights against determinate persons.

It is correctly remarked (Austin, *An Outline of a course of Lectures on General Jurisprudence*) "that in the writings of the Roman lawyers, the term obligatio is never applied to a duty which answers to a right *in rem*," that is, a right which is good against all the world. But as the duty answering to a right *in rem* is only the duty of forbearance, that is, of not doing anything to interfere with the right, there is no inconvenience in the want of a name: the right to the exclusive enjoyment of any thing (corpus) is ownership; all other people are not owners: as soon as an act is done which is an infringement of an owner's right, or in other words a delictum (in one sense in which the Romans use this word) an obligation arises by force of such act (*obligatio ex delicto*) and gives the injured person a right of action against the wrong-doer.

A contractus required the consent of all the parties to it. Those Obligationes which were said to be founded on "consent" (*consensus*) were said to be so founded only because consent was sufficient (Gaius, iii. 136), and no peculiar form of words or expression was required; whereas in the Obligationes contracted "re," "verbis," and "literis," certain acts, words, or writing were required. In those contracts where particular forms were not required in order to convert them into Obligationes, any words or acts were sufficient, which were evidence of consent. Constraint by force or threats (*vis*, *metus*), and fraud (*dolus*), and in many cases error (*error*, *ignorantia*), either render an agreement absolutely null, or give the party who has been constrained, deceived, or in error, various modes of defence against the claims of the other party.

An Obligatio, as already observed, supposes two persons at least. But there may be more than two parties to an Obligatio, either as creditores or debitores or both, all of whom are comprehended under the general name of Rei. (Cic. *de Or.* ii. 43.) With reference to a person who is under the same obligatio, a person may be called Correus. But when there are several parties to an obligatio, there are properly several Obligationes, and this is the case whether the creditor is one and the debitores are several, or the creditores are several and the debitor is one, or both the creditores and debitores are several. In the obligatio pro rata, the claims of the several creditores, or the duties of the several debitores, are determinate parts of a whole, which is made up by the parts being united in one formal obligatio. There are cases when several creditores may claim the whole (*solidum*), or several debitores may owe the whole (*solidum*): where a creditor claims the whole against several debitores, there are in fact several obligationes binding on the several debitores. But if one creditor has recovered the whole, or one debtor has paid the whole, the entire Obligatio is at an end. (Inst. 3. tit. 16 (17).)

If an obligatio is unilateral, it only gives a right of action to one of the parties to it, as in the case of Mutuum, Stipulatio, and others; if it is bilateral, it gives a right to each party against the other, as emtio venditio, and locatio conductio.

The most general name for any agreement, the object of which was to establish legal relations between the parties, is Conventio, Pactio, Pactum Conventum, and its essence is consent: "conventionis verbum generale est, ad omnia pertinens, de quibus negotii contrahendi transigendique causa consentiunt, qui inter se agunt." (Dig. 2. tit. 14.) Conventiones were juris gentium, and as a genus were divisible into species. Those Conventiones which were reducible to certain classes were called Contractus, of which the Jus Civile acknowledged the four kinds already mentioned, Re, Verbis, Literis and Consensu. Of those Obligationes which were established Re, the four which have been already mentioned, had special names, Mutuum, Commodatum, Depositum and Pignus; and accordingly they have been called by modern writers Contractus Nominati. But there were other Obligationes which were established Re, for which the Romans had no particular name, and accordingly they have been called by modern writers Contractus Innominati.

These obligationes are founded upon something that has been given or done by one party, which gives him a claim against the other for something to be given or done in return. If the matter of the conventio was a civile negotium or had a civilis causa, it formed an obligatio, and was a foundation of an action "praescriptis verbis" or "in factum;" or as it is clearly expressed by Julian (Dig. 19. tit. 5. *De praescriptis verbis*, &c.), this is the actio "ad quam necesse est confugere, quoties contractus existunt, quorum appellationes nullae jure civili proditae sunt." All the events upon which these actions could arise were reduced to the four following heads: "aut do tibi ut des, aut do ut facias, aut facio ut des, aut facio ut facias." (Paulus, Dig. 19. tit. 5. s. 5. § 1—4.) The bare agreement (pactum) both in nominate and innominate contracts is not sufficient to establish an obligatio: in both cases some act must be done to make the agreement become a contract, and to establish an obligatio. The nominate contracts have their particular names. The innominate contracts take the name of contracts from their resemblance to nominate contracts; but as they are not referable to any one of such contracts, they are formed into a separate class: still some of them have special names. These contracts, as it will appear from the description just given of them, have their foundation in an act (a giving or doing) by one of the parties, and so far resemble contracts Re. The transaction is not completed so long as a thing remains to be given or done by the debitor; and the creditor may have his action (*condictio*) for the recovery of a thing which he has given, and for which the debtor has not made the return (a giving or an act) agreed upon. The creditor has also his action generally (*praescriptis verbis*) for the performance of the contract, if he prefers that, or for compensation to the amount of the injury sustained by its non-performance.

All other conventiones were simply Pacta, the characteristic of which is that they were not originally the foundation of actions, but only of pleas or answers (*exceptiones*); that is, if an agreement (*conventio*, *pactio*) could not be referred to some class of contracts, it did not give a right of action. When there was no civilis causa, there was no civilis obligatio created by such conventio, and it is added (Dig. 2. tit. 14. s. 7. § 4), "therefore a nuda pactio does not produce an obligatio but an exceptio;" whence it follows that a nuda pactio is a pactio sine causa. Sometimes Nuda conventio is used as equivalent to Nuda pactio. (Dig. 15. tit. 5. s. 15.) It is a mistake to say that Pactum by itself means a one-sided contract. Pactum is a term as general as conventio (*pactum a pactione — est autem pactio duorum pluriumve in idem placitum consensus*, Dig. 2. tit. 14. s. 1), and is a part of all contracts as conventio is. There might be a Pactum or Pactio relating to marriage, the establishment of a servitus in provincial lands (Gaius, ii. 31), and other matters. But Pactum as included in the law of Obligationes, obtained a limited signification; and it was used to signify agreements not included among the Contractus, but still binding agreements as being founded on some causa. A pactum therefore might produce a naturalis obligatio. Some of these pacta were in course of time made the foundation of an actio civilis, and some were protected by the Praetor: ait Praetor: "Pacta conventa quae neque dolo malo neque adversus leges plebiscita senatus-consulta edicta decreta principum neque quo fraus cui eorum fiat facta erunt servabo." (Dig. 2. tit. 14. s. 7.) The parties to a Pactum were said "pacisci." Anything might be the subject of a "pactum" which did not involve an illegality. If an illegal pactum was made, it was still illegal, though it had been confirmed by a stipulatio or any other form. The matter relating to Pacta is not arranged in the Digest under the head of Obligationes et Actiones (Dig. 44. tit. 7), but in the same book with the titles De Jurisdictione, &c.

Savigny shows that the notion of Agreement, (*vertrag*), is too narrowly conceived by jurists in general. He defines agreement to be the "union of several persons in one concordant declaration of will whereby their legal relations are determined." Consequently the notion of agreement must be extended to other things than to contracts which produce obligationes: for instance Traditio or delivery is characterized by all the marks of an agreement; and the fact that the declaration of their will by the parties to the traditio, is insufficient to effect Traditio without the external act by which possession is acquired, does not in the least affect the essence of the agreement. The imperfect conception of an agreement has arisen from not separating in some cases the obligatory agreement from those acts for which such obligatory agreement is generally a preparation and of which it is an accompaniment. This becomes more apparent if we consider the case of a gift, which is a real agreement but without any obligation: it is merely a giving and receiving by mutual consent. This general notion of agreement is contained in the words of Ulpian already quoted, in which he defines Pactio to be "duorum pluriumve," &c. It does not seem however that the Romans applied the terms Pactio, Pactum, and Conventio to any agreements except those which were the foundation of Obligationes of some kind. (Savigny, *System des Heut. Röm. Rechts*, iii. § 140, &c.)

Pollicitatio is a proffer or offer on the part of a person who is willing to agree (*pollicitatio offerentis solius promissum*, Dig. 50. tit. 12. s. 3). A pollicitatio of course created no obligatio until the proffer or offer was accepted. The word is frequently used with reference to promises made by a person to a state, city, or other body politic, such as the promise to erect a building, to exhibit public shows, &c. Such pollicitationes were binding, when there was a causa, as a promise made with reference to a dignity (*honor*) conferred or to be conferred. A pollicitatio sine causa was also obligatory, if the person began to do what he had promised, as if he laid the foundation of a building or cleared the ground. (See Plin. *Ep.* x. 48. *Huic theatro ex privatorum pollicitationibus multa debentur;* and v. 12.)

A person who vowed anything, was also bound (*voto obligatus*).

(Gaius, iii. 88, &c.; Inst. 3. tit. 12 (13), 4. 6; Dig. 47. tit. 7, Cod. 4. tit. 10, *De Obligationibus et Actionibus;* Mühlenbruch, *Doctrina Pandectarum*, lib. iii. *De Obligationibus.* The most complete work on Roman Obligationes is by Unterholzner, *Quellenmässige zusammenstellung der lehre des Römischen Rechts von den Schuldverhältnissen*, Leipzig, 1840, 2 vols. 8vo.; see also Thibaut, *Pandektenrecht;* Vangerow, *Pandekten*, &c.; Puchta, *Inst.* vol. iii.) [G. L.]

O'BOLUS (ὀβολός), the smallest of the four principal denominations of weight and money among the Greeks, was 1-6th of the drachma, 1-600th of the mina, and 1-36,000th of the talent. As a coin, the obolus was of silver; and connected with it, at least in the Attic system, were silver coins weighing respectively 5, 4, 3, 2, 1½ obols, and ¾, ½, and ¼ of an obol; all which are found in collections of coins. The 1½ obol piece was a quarter of a drachm. The Attic obol was also divided into 8 (or according to others 10) χαλκοῖ. (See PONDERA; NUMMUS; DRACHMA; CHALCUS; and the Tables.) [P. S.]

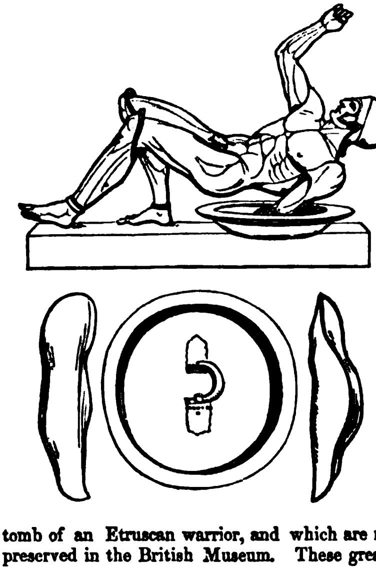
OBSIDIONA'LIS CORONA. [CORONA.]

OBSO'NIUM. [OPSONIUM.]

OCCUPA'TIO. The word is used by Cicero (*de Off.* i. 7) to express the acquisition of ownership by occupation or the taking possession of that which has no owner, and with the intention of keeping it as one's own. Among the modes of acquiring ownership "naturali ratione," that is, by such means as are in all nations acknowledged to be lawful means of acquiring ownership, Gaius (ii. 66, &c.) enumerates the taking possession of those things quae nullius sunt, as animals of the chace, birds and fishes, and such things are said "occupantis fieri." The same applies to the finding of things which have no owner; but there were particular rules as to thesaurus, treasure found in the ground. (Inst. 2. tit. 1. s. 39; Dig. 49. tit. 14. s. 3. § 10; and Gaius, ii. 7). The latest legislation about Thesaurus is in Cod. 10. tit. 15. Things which were lost or thrown out of a ship in case of necessity were not subject to Occupatio. Things taken in war were subject to Occupatio. (Inst. 2. tit. 1. s. 17; Dig. 41. tit. 1. *de acquirendo rerum dominio.*) [G. L.]

OCHLOCRA'TIA (ὀχλοκρατία), the dominion of the rabble, a name of later origin than the time of Aristotle, and applied to that perversion of a democracy, in which, through the introduction of devices for removing or counteracting the natural and wholesome inequalities of society (such as paying citizens for attendance in the popular assembly and on other occasions on which their civic functions might be exercised, increasing the number and restricting the duration and authority of public offices), the exercise of all the highest functions of government came to be practically in the hands of a mere faction, consisting of the lowest and poorest, though most numerous, class of citizens, who were thus tempted to adopt as one of their ordinary avocations, that which they would otherwise have left in more suitable hands. (Polyb. vi. 4; Plut. *de Monarch.* &c., c. 3; Thirlwall, *Hist. of Greece*, c. x. vol. i. p. 410.) [C. P. M.]

O'CREA (κνημὶς), a greave, a leggin. A pair of greaves (κνημῖδες) was one of the six articles of armour which formed the complete equipment of a Greek or Etruscan warrior [Arma], and likewise of a Roman soldier as fixed by Servius Tullius. (Liv. i. 43.) They were made of bronze (Alcaeus, *Frag.* i. ed. Matthiae), of brass (Hes. *Scut.* 122), of tin (Hom. *Il.* xviii. 612, xxi. 592), or of silver and gold (Virg. *Aen.* vii. 634, viii. 624, xi. 488), with a lining probably of leather, felt, or cloth. Another method of fitting them to the leg so as not to hurt it, was by the interposition of that kind of sponge which was also used for the lining of helmets [Galea], and which Aristotle describes as being remarkable for thinness, density, and firmness. The greaves, lined with these materials, as they were fitted with great exactness to the leg, probably required, in many cases, no other fastening than their own elasticity. Often, nevertheless, they were further secured by two straps, as may be seen in the woodcut at p. 135. Their form and appearance will be best understood from the accompanying woodcut. The upper figure is that of a fallen warrior represented among the sculptures, now at Munich, belonging to the temple in Aegina. In consequence of the bending of the knees, the greaves are seen to project a little above them. This statue also shows very distinctly the ankle-rings (ἐπισφύρια), which were used to fasten the greaves immediately above the feet. The lower portion of the same woodcut represents the interior view of a bronze shield and a pair of bronze greaves, which were found by Signor Campanari in the tomb of an Etruscan warrior, and which are now preserved in the British Museum. These greaves are made right and left.



That the Greeks took great delight in handsome and convenient greaves may be inferred from the epithet εὐκνήμιδες, as used by Homer, and from his minuteness in describing some of their parts, especially the ankle-rings, which were sometimes of silver. (Hom. *Il.* iii. 331, xi. 18.) The modern Greeks and Albanians wear greaves, in form resembling those of their ancestors, but made of softer materials, such as velvet, ornamented with gold, and fastened with hooks and eyes.

Among the Romans, greaves made of bronze, and richly embossed, were worn by the gladiators. Some such have been found at Pompeii. [See woodcut, p. 576.] It appears that in the time of the emperors, greaves were not entirely laid aside as part of the armour of the soldiers. (Lamprid. *Al. Sever.* 40.) At an earlier period, the heavy-armed wore a single greave on the right leg. (Veget. *de Re Mil.* i. 20.) Leggins of ox-hide or strong leather, probably of the form already described and designated by the same names both in Greek and Latin, were worn by agricultural labourers (Hom. *Od.* xxiv. 228; Plin. *H. N.* xix. 7; Pallad. *de Re Rust.* i. 43) and by huntsmen. (Hor. *Sat.* ii. 3. 234.) [J. Y.]

OCTASTY'LOS. [Templum.]

OCTA'VAE. [Vectigalia.]

OCTOBER EQUUS. [Palilia.]

OCTO'PHORON. [Lectica.]

ODE'UM (ᾠδεῖον), a species of public building, which was first erected during the flourishing epoch of Greek art in the fifth century B.C., for contests in vocal and instrumental music (*τόπος ἐν ᾧ οἱ ῥαψῳδοὶ καὶ οἱ κιθαρῳδοὶ ἠγωνίζοντο*, Hesych. *s. v.*, comp. Suid. *s. v.*). In its general form and arrangements it was very similar to the theatre; and it is sometimes called *ϑέατρον*.* (Paus. i. 8, ii. 3; Philostr. *Vit. Soph.* ii. 1. p. 549.) There were, however, some characteristic differences: the Odeum was much smaller than the theatre; and it was roofed over, in order to retain the sound. (Vitruv. v. 9.) The comparatively small size of the Odeum is easily accounted for, not only because the space required in the theatre for the evolutions of the Chorus was not wanted here; but also because it appears to have been originally designed chiefly for musical rehearsals, in subordination to the great choral performances in the theatre, and consequently a much smaller space was required for the audience.

Unfortunately we have no detailed description of this class of buildings. Vitruvius (*l. c.*) makes a passing mention of the Odeum of Pericles, but states no particulars respecting its construction, except that it was adorned with stone pillars, and roofed over with the masts and yards of the captured Persian ships, a statement which has led some writers into the mistake of referring the building to the time of Themistocles. From the statement of Pausanias (i. 20. § 4) that, when the Odeum was rebuilt, after its burning in the capture of Athens by Sulla, it was made of a form which was said to be in imitation of the tent of Xerxes, it may perhaps be inferred that the original building was actually covered with that tent. At all events, this statement proves that the roof must have been conical. Accordingly Plutarch, who states that the original building † was an imitation of the king's tent, describes its roof as

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* See, respecting the precise meaning of the words, the note on p. 83, a.

† Perhaps he confounded it with the one which was standing in his time.

sloping all round, and inclined from one summit (Peric. 13). He also says that, in its internal arrangement, the building had many seats and many pillars. From a few other passages, and from the scanty remains of such edifices, we may conclude further that the Odeum had an orchestra for the chorus and a stage for the musicians (of less depth than the stage of the theatre), behind which were rooms, which were probably used for keeping the dresses and vessels, and ornaments required for religious processions. Of course the Odeum required no shifting scenes; but the wall at the back of the stage seems to have been permanently decorated with paintings. For example, Vitruvius tells us (vii. 5. § 5), that, in the small theatre at Tralles (which was doubtless an Odeum), Apaturius of Alabanda painted the *scena* with a composition so fantastic that he was compelled to remove it, and to correct it according to the truth of natural objects. Among the paintings in the Odeum at Smyrna was a *Grace*, ascribed to Apelles. (Paus. ix. 35. § 6.) The Odea of later times were richly decorated. That of Herodes Atticus had its roof of beams of cedar adorned with carvings, and contained numerous works of art. (Philost. ii. 1. p. 551.)

The earliest building of this kind was that already mentioned as erected by Pericles at Athens, for the purpose, according to Plutarch (*l. c.*) of celebrating the musical contests at the Panathenaea. It lay on the left hand to persons coming out of the great theatre, and therefore at the foot of the south-eastern part of the Acropolis. (Vitruv. v. 9.) Its proximity to the theatre suggested some of the uses made of it, namely, as a refuge for the audience when driven out of the theatre by rain, and also as a place in which the chorus could be prepared. (Vitruv. *l. c.*) It was burnt when Athens was taken by Sulla, B.C. 85, and was restored by Ariobarzanes II. king of Cappadocia; who employed C. and M. Stallius and Menalippus as the architects of the work. Ariobarzanes reigned from B.C. 63 to about B.C. 51. (Vitruv. *l. c.*; Paus. i. 20. § 4; Appian. *Bell. Mithr.* 38; Böckh, *Corp. Inscr.* vol. i. No. 357.) The building is now entirely destroyed.

This was not the only Odeum at Athens in the time of Hadrian and the Antonines. Pausanias, who in the passage referred to, does not apply the name of Odeum to the building, speaks of an Odeum at Athens in two other passages (i. 8. § 6, 14. § 1), from a close examination of which it appears more than doubtful whether this Odeum is the same as the former. Stieglitz (p. 228, foll.) identifies it with the Pnyx, which he supposes to have been fitted up as an Odeum, while that of Pericles was in ruins. It is remarkable that Pausanias nowhere mentions the Pnyx, unless this Odeum be the same as it.

Another Odeum was built at Athens by Herodes Atticus, and was the most magnificent edifice of the sort in the whole empire. It stood, as compared with the Odeum of Pericles, on the opposite side of the great theatre, under the south-western part of the Acropolis; where large ruins of it are still seen. The length of its largest diameter was 248 feet, and it is calculated to have furnished accommodation for about 8000 persons. (Leake, *Topogr. of Athens*, p. 61.) This building was erected after Pausanias wrote his first book, and before he wrote his seventh. (Paus. vii. 20. § 3.) The other principal Odea were that of Corinth, also built by Herodes (Paus. ii. 3. § 6; Philost. *l. c.*); that of Patrae, which was next in magnificence to that of Herodes at Athens, and contained, among other works of art, a celebrated statue of Apollo (Paus. vii. 20. § 6); those of Smyrna and Tralles already mentioned; that of Messene, 112 feet long, and 93 feet in its inner diameter; that of Nicopolis, with an inner diameter equal to the last, but with an outer diameter of 193 feet: there are also ruins of Odea at Laodicea, Ephesus, Anemurium, and other places in Asia Minor. (See Chandler, Pococke, Beaufort's *Caramania*, Leake, and other topographers.)

The first Odeum, properly so called, at Rome, was built by Domitian (Suet. *Dom.* 5; Eutrop. viii. 15), and the second by Trajan. (Amm. Marc. xvi. 10.) There are ruins of such buildings in the villa of Hadrian at Tivoli, at Pompeii, and at Catana.

As a general fact, the Odea were less strictly reserved for their special use than the theatres. Some of the extra uses, to which the Odeum of Pericles was applied, have been already mentioned. It was also used sometimes as a court of justice (Aristoph. *Vesp.* 1104, *c. Schol.*, comp. Pollux, viii. 6); and philosophical disputations were held in the Odea. (Plut. de *Exsil.* p. 604.) Further details will be found in the following works. (Martini, *Ueber die Odeen;* Stieglitz, *Archäol. d. Baukunst*, vol. ii. sect. 3; Hirt, *Lehre d. Gebäude*, pp. 111—113; Rose, *über die Odeen in Athen, Rom, u. Karthago*, Soest, 1831, 4to; Müller, *Arch. d. Kunst*, § 289; Klausen, in Ersch and Gruber's *Encyklopädie;* Baumstark, in the *Real Encyclop. d. class. Alterthum.*) [P. S.]

OECUS. [Domus, p. 428, b.]

OENOMELUM. [Vinum.]

OENO'PHORUM (*οἰνόφορον*), a basket, or other contrivance for carrying bottles of wine; a wine-basket. This was sometimes used by those who took their own wine with them in travelling in order to avoid the necessity of purchasing it on the road. (Hor. *Sat.* i. 6. 109; Juv. *Sat.* vii. 11; Pers. *Sat.* v. 140; Mart. vi. 88.) A slave, called the wine-bearer (*oenophorus*, Plin. *H. N.* xxxiv. 8. s. 19), carried it probably on his back. [J. Y.]

OFFENDIX. [Apex.]

OFFICIA'LES. [Exercitus, p. 508, b.]

OFFI'CIUM ADMISSIO'NUM. [Admissionalis.]

OI'KIAS DIKE (*οἰκίας δίκη*), an action to recover a house, in which (as in any other action where property was the subject of litigation) the dicasts decided (*διεδίκασεν*) to which of the parties the house belonged, and adjudged it to him (*ἐπεδίκασεν*). Nothing further being requisite, the suit was an *ἀτίμητος ἀγών*. Certain speeches of Lysias, Isaeus, and Hyperides, which are now lost, were upon this subject. The *οἰκίας δίκη* was only to recover the house itself; the by-gone rents, or mesne profits, were recoverable in an action called *ἐνοικίου δίκη*. [See Enoikiou Dike.] (Meier, *Att. Proc.* p. 492.) [C. R. K.]

O'LEA, OLI'VA (*ἐλαία*); O'LEUM, OLI'VUM (*ἔλαιον*); OLE'TUM, OLIVE'TUM (*ἐλαιών*).

The importance of the olive was recognised from the most remote period of antiquity, in all civilised countries where the temperature admitted of its cultivation; and it was widely adopted as an emblem of industry and peace. While it yields a large supply of palatable and highly nutritious food, it requires less outlay and less attention than almost any other fruit tree, is subject to few casualties, and, even if altogether neglected, does not suffer serious injury, but may be quickly restored to fertility by moderate care. Hence, the honour paid to it at Athens, and hence the title of "prima omnium arborum" bestowed upon it by Columella.

Varieties. The *Olea Europea* is the only species of the natural family of *Oleaceae*, which yields the highly valued olive oil, but many varieties are produced by different modes of culture, and by peculiarities of soil and climate. Columella enumerates ten, and this number may be considerably increased from the works of other ancient writers. The following seem to have been the most important: — 1. *Pausia* s. *Posea*; 2. *Regia*; 3. *Orchis* s. *Orchitis* s. *Orchita* s. *Orchas*; 4. *Radius*; 5. *Licinia* s. *Liciniana*; 6. *Sergia* s. *Sergiana*. Of these the *Pausia*, according to Columella, was the most pleasant in flavour (*jucundissimus*), although upon this point he is apparently contradicted by Virgil (*amara Pausia bacca*); the *Regia* was the handsomest in appearance; while both of these together with the *Orchis* and the *Radius*, and in general, all the larger varieties, were better suited for eating than for oil. The *Licinia*, on the other hand, yielded the finest oil, the *Sergia*, the greatest quantity. (Cat. *R. R.* 7; Varr. *R. R.* 7; Columell. v. 8, *de Arbor.* 17; Plin. *H. N.* xv. 6.)

Soil and Climate. The soil considered most congenial was a rich tenacious clay, or a mixture of clay and sand, a gravelly subsoil being essential in either case to carry off the water. Deep fat mould was found to be not unsuitable, but any land which retained moisture was avoided, and also light, stony ground, for, although the trees did not die in the latter, they never became vigorous. Here again, however, Columella and Virgil are at variance, for while the former observes "inimicus est ager sabulo macer et nuda glarea," the poet declares

> Difficiles primum terrae collesque maligni,
> Tenuis ubi argilla et dumosis calculus arvis
> Palladia gaudent silva vivacis olivae.

The olive is very impatient of frost, and scarcely any of the varieties known to the ancients would flourish in very hot or very cold situations. In hot localities, it was expedient to form the plantations on the side of a hill facing the north, in cold localities upon a southern slope. Neither a very lofty nor a very low position was appropriate, but gentle rolling eminences such as characterised the country of the Sabines in Italy, and the district of Baetica in Spain. Under ordinary circumstances, a western exposure lying well open to the sun was preferred. It is asserted by several classical authors that the olive will not live, or, at least, not prove fruitful at a distance from the sea coast greater than from thirty to fifty miles, and although exceptions did and do exist to this rule it will be found to accord with general experience. (Cat. *R. R.* 7; Varr. i. 24; Columella, v. 8; Plin. *H. N.* xvii. 3; Pallad. iii. 18; Theophr. π. φ. α. ii. 5; Geopon. ix. 4.)

Propagation and Culture. Previous to the formation of an olive yard (*oletum*, *olivetum*) it was necessary to lay out a nursery (*seminarium*) for the reception of the young plants. A piece of ground was selected for this purpose, freely exposed to the sun and air, and in which the soil was a rich black mould. It was the practice to trench (*pastinare*) this to the depth of three feet, and then to leave it to crumble down under the influence of the atmosphere.

The propagation of the olive was effected in various ways.

1. The method generally adopted was to fix upon the most productive trees, and to select from these long, young, healthy branches (*ramos novellos*) of such a thickness as to be easily embraced by the hand. The branches immediately after being detached from the parent stem, were sawed into lengths of a foot and a half each, great care being taken not to injure the bark; these segments, which were called *taleas* or *clavolas* or *trunci*, were then tapered to a point at each end with a knife, the two extremities were smeared with dung and ashes, they were buried upright in the ground, so that the tops were a few fingers' breadth below the surface, and each *talea* was placed as nearly as possible in the same position, both vertically and laterally, as the branch had occupied upon the tree. During the first year, the ground was frequently loosened by the sarculum; when the young roots (*radiculae seminum*) had taken a firm hold, heavy hand-rakes (*rastra*) were employed for the same purpose, and in the heat of summer water was regularly supplied. For two years no pruning was resorted to, but in the third year the whole of the shoots (*ramuli*), with the exception of two, were lopped off; in the fourth year, the weaker of the remaining two was detached, and in the fifth year the young trees (*arbusculae*) were fit for being transplanted (*habiles translationi*). This latter operation was best performed in autumn where the ground to which they were conveyed was dry, but if it was moist and rich, in spring, a short time before the buds were formed. In the field which they were to occupy permanently, pits (*scrobes*) four feet every way were prepared, if practicable, a year beforehand, so that the earth might be thoroughly pulverised; small stones and gravel mixed with mould were placed at the bottom to the depth of a few inches, and some grains of barley were scattered over all. The young tree was lifted with as large a ball of earth as possible attached to the roots, placed in the pit surrounded with a little manure, and planted so as to occupy precisely the same position, in relation to the cardinal points, as in the nursery. In rich corn land, the space left between each row was at least sixty feet, and between each tree in the row forty feet, in order that the branches and roots might have full space to spread, but in poorer soil twenty-five feet, each way, were considered sufficient. The rows were arranged so as to run from east to west, in order that the cool breezes might sweep freely down the open spaces in summer. After the trees had become firmly fixed, and had been pruned up into a proper shape, that is, into a single stem kept without branches to the height of the tallest ox, the labour attending upon an olive yard was comparatively trifling. Every year, the soil around the roots was loosened with hoes (*bidens*), or with the plough, the roots themselves laid bare (*ablaqueare*, *ablaqueatio*), the young suckers cut away, and the lichens scraped from the bark; every third year, in autumn, manure was thrown in; every eighth year the trees were

pruned. The system of culture here indicated was followed so generally that it had become embodied in a proverb "Veteris proverbii meminisse convenit, eum qui aret olivetum, rogare fructum; qui stercoret, exorare; qui caedat, cogere." (Columell. v. 9. § 15.) Besides this, the whole surface of the ground was regularly ploughed at the usual seasons, and cropped in alternate years, the manure applied for these crops being altogether independent of that supplied to the trees specially. Moreover, since olives bore fruit, in abundance at least, only once in two years, matters were so arranged that the land should yield a crop in those years when the trees were unproductive.

2. A second method of propagation was to cut the roots of wild olives into small pieces in such a manner that each should contain an eye or rudiment of a lateral fibre (*radicum oculis silvestrium olearum hortulos excolere*), and these pieces were treated precisely in the same manner as the *taleae* described above.

3. A third method is indicated by Virgil in the lines

> Quin et caudicibus sectis, mirabile dictu,
> Truditur e sicco radix oleagina ligno,

and is still pursued in some parts of Italy, where, as we are told, "an old tree is hewn down and the stock cut into pieces of nearly the size and shape of a mushroom, and which from that circumstance are called *novoli*; care at the same time is taken that a small portion of bark shall belong to each novolo. These, after having been dipped in manure, are put into the earth, soon throw up shoots, are transplanted at the end of one year, and in three years are fit to form an olive yard."

Grafting or budding (*inserere*, *insitio*, *oculos inserere*) were also resorted to for the purpose of introducing fine varieties or of rendering barren trees fruitful. (Cat. *R. R.* 40, 42, 43, 45; Varr. *R. R.* i. 40; Columell. v. 9, *De Arbor.* 17; Plin. *H. N.* xviii. 19. s. 30; Pallad. iii. 8, 18, x. 1, xi. 8; Geopon. ix. 5, 6, &c.; Blunt's *Vestiges of Ancient Manners, &c., in Italy*, p. 215.)

OLIVE GATHERING (*Oleitas*, *Olivitas*). The olive usually comes to maturity, in Italy, about the middle or latter end of December, but, according to the views of the proprietors, it was gathered in various stages of its progress, either while yet green (*alba*), or when changing colour (*varia*), or when fully ripe (*nigra*), but it was considered highly desirable that it should never be allowed to remain so long as to fall of its own accord. The fruit was picked as far as possible with the bare hand, but such as could not be reached from the ground or by the aid of ladders was beaten down with long reeds, which were preferred to sticks as less likely to injure the bark of the branches and the young bearers, a want of attention to this precaution on the part of the gatherers (*leguli*) being in the opinion of Varro the cause why olive trees so seldom yielded a full crop for two years consecutively. (Varr. *R. R.* i. 55; Plin. *H. N.* xv. 3. s. 6; Geopon. ix. 17.)

DIFFERENT USES. The fruit (*bacca*) of the olive was for the most part employed for one of two purposes.

1. It was eaten as a fruit, either fresh, pickled, or preserved in various ways.

2. It was pressed so as to yield the oil and other juices which it contained. And again, the oil was employed for a variety of purposes, but chiefly

α. As an article of food.

β. For anointing the body, and in this case was frequently made a vehicle for perfumes (*unguenta*).

γ. For burning in lamps.

PRESERVING OLIVES. (*Condere oleas*, *olivarum conditura*, *conditio*.)

Olives might be preserved in various ways, either when unripe (*albae*, *acerbae*), or ripe (*nigrae*), or half-ripe (*variae*, *fuscae*).

Green olives, the *Pausia* being used principally for this purpose, were preserved in strong brine (*muria*), according to the modern practice, or they were beaten together into a mass, steeped in water which was frequently changed, then pressed and thrown with salt into a jar of vinegar, to which various spices or flavouring condiments were added, especially the seeds of the Pistachia Lentiscus, or Gum Mastich tree, and fennel. Sometimes, instead of vinegar, inspissated must (*sapa*, *defrutum*), or sweet wine (*passum*) or honey were employed, in which case the olives were preserved sweet, and sometimes salt pickle, vinegar, must and oil, seem to have been all mixed together.

Half-ripe olives (and here again the *Pausia* was the favourite) were picked with their stalks and covered over in a jar with the best oil. In this manner they retained the flavour of the fresh fruit for more than a year.

Ripe olives, especially the *orchitis*, were sprinkled with salt, and left untouched for five days, the salt was then shaken off, and they were dried in the sun. Or they were preserved sweet in defrutum without salt.

The peculiar preparation called *Epityrum* was made by taking olives in any of the three stages, extracting the stones, chopping up the pulp and throwing the fragments into a jar with oil, vinegar, coriander seeds, cumin, fennel, rue and mint, the quantity of oil being sufficient to cover up the compound and exclude the air. In fact, it was an olive salad, and, as the name imports, eaten with cheese. (Cat. *R. R.* 117, 118, 119; Varr. *R. R.* i. 60; Columell. xii. 49; Geopon. ix. 3, 32.)

OIL MAKING (*Oleum conficere*). The fruit of the olive tree consists of two parts, the pulpy pericarp (*caro*), and the stone (*nucleus*).

The *caro* or pulp yielded two fluids: one of these of a watery consistence, dark in colour, bitter to the taste, flowed from the olive upon very slight pressure; it was called ἀμόργη by the Greeks, *Amurca* by the Latins, and was extensively used as a manure and for a great number of purposes connected with domestic economy. The other fluid which flowed from the pulp, when subjected to more forcible pressure, was the oil (*oleum*, *olivum*), mingled however to a certain extent with amurca and other impurities (*fraces*, *faeces*), and this was of different qualities, according to the state of the fruit, and the amount of pressure. The finest oil was made from the fruit before it was fully ripe, and from this circumstance, or from its greenish colour, was termed *Oleum viride*, and by the Greeks ὀμφάκινον: the quantity given out was however small, and hence the remark of Cato, *Quam acerbissima olea oleum facies tam oleum optimum erit: domino de matura olea oleum fieri maxime expediet.*

A distinction is made by Columella, between the oil obtained from the fruit when green (*oleum acerbum s. aestivum*), when half ripe (*oleum viride*), and when fully ripe (*oleum maturum*), and while he considers the manufacture of the first as inexpedient, in consequence of the scanty produce, he strongly recommends the proprietor to make as much as possible of the second, because the quantity yielded was considerable, and the price so high, as almost to double his receipts.

Under ordinary circumstances, the ripe fruit when gathered was carefully cleaned, and conveyed in baskets to the farm house, where it was placed in heaps upon sloping wooden floors (*in tabulato*), in order that a portion of the *amurca* might flow out, and a slight fermentation takes place (*ut ibi mediocriter fracescat*), which rendered them more tender and more productive, and exactly the same system is pursued for the same reason in modern times. The gatherings of each day (*coactura uniuscujusque diei*) were kept separate, and great care was taken to leave them in this state for a very limited period, for if the masses heated, the oil soon became rancid (*Olea lecta si nimium diu fuit in acervis, caldore fracescit, et oleum foetidum fit*). If, therefore, circumstances did not allow of the oil being made soon after the fruit was gathered, the olives were spread out and exposed to the air so as to check any tendency towards decomposition. It is the neglect of these rules and precautions which renders the oil now made in Spain so offensive, for there the olives are frequently allowed to remain in cellars for months before they are used. Although both ancient and modern experience are upon the whole in favour of a slight fermentation, Cato, whose great practical knowledge entitles him to respect, strongly recommends that it should be altogether dispensed with, and affirms that the oil would be both more abundant in quantity and superior in quality: "Quam citissime conficies maxime expediet."

The olives when considered to be in a proper state were placed in bags or flexible baskets (*fiscis*), and were then subjected to the action of a machine consisting partly of a bruising and partly of a squeezing apparatus, which was constructed in various ways, and designated by various names: *Trapetum*, *Mola olearia*, *Canalis et Solea*, *Torcular*, *Prelum*, *Tudicula*. The oil as it issued forth was received in a leaden pot (*cortina plumbea*), placed in the cistern (*lacus*) below the press. From the cortina it was ladled out by an assistant (*capulator*), with a large flat spoon (*concha*), first into one vat (*labrum fictile*), and then into another, thirty being placed in a row for this purpose. It was allowed to rest for a while in each, and the operation was repeated again and again (*oleum frequenter capiant*) until the amurca and all impurities had been completely removed. In cold weather when the oil remained in union with the amurca notwithstanding these transferences, the separation was effected by mixing a little parched salt with the combined fluids, but when the cold was very intense, dry carbonate of soda (*nitrum*) was found to answer better. The oil was finally poured into jars (*dolia olearia*), which had been previously thoroughly cleaned and seasoned, and glazed with wax or gum to prevent absorption, the lids (*opercula*) were carefully secured, and they were then delivered to the overseer (*custos*) by whom they were stored up in the vault reserved for their reception (*cella olearia*).

After a moderate force had been applied to the press, and a considerable quantity of oil had flowed forth, the bruised cake (*sampsa*) was taken out of the bags, mixed with a little salt, replaced and subjected to the action of the press a second, and again a third time. The oil first obtained (*oleum primae pressurae*) was the finest, and in proportion as additional force was applied by the press-men (*factores, torcularii*), the quality became gradually worse (*longe melioris saporis quod minore vi preli quasi lixivium defluxerit*). Hence, the product of each pressing was kept distinct, the marketable value of each being very different (*plurimum refert non miscere iterationes multoque minus tertiationem cum prima pressura*). The lowest quality of all (*oleum cibarium*) was made from olives which had been partially damaged by vermin, or which had fallen from the trees in bad weather into the mud, so that it became necessary to wash them in warm water before they could be used.

The quantity of fruit thrown at one time into the press varied from 120 to 160 modii, according to the capacity of the vessels: this quantity was termed *Factus*, the amount of oil obtained from one factus was called *Hostus*, but these words are not unfrequently confounded. (Cat. *R. R.* 7, 64, 65, 66; Varr. *R. R.* i. 24, 55; Columell. xii. 52; Plin. *H. N.* xv. 3, 6, 7; Geopon. ix. 17.) [W. R.]

OLIGA'RCHIA (ὀλιγαρχία), *the government of a few*, is a term, the application of which by writers on political science is less wide than its etymological signification might have warranted. (See Polyb. vi. 4; Arist. *Pol.* iv. 3, from whom we learn that some writers used Oligarchia as a generic name, including Aristocratia as one of its species.) It is shown elsewhere [ARISTOCRATIA] under what conditions the limitation of political power to a portion of the community was regarded as a proper and regular constitution (ὀρθὴ πολιτεία, Arist. *Pol.* iii. 4, iv. 2.) The term *Oligarchia* was applied to that perversion (παρέκβασις) of an *Aristocratia* into which the latter passed, when, owing to the rise of the *demus* [DEMOCRATIA], and the vanishing of those substantial grounds of pre-eminence which rendered an Aristocratia not unjust, the rule of the dominant portion of the community ceased to be the exponent of the general interests of the state, and became the ascendancy of a faction, whose efforts were directed chiefly towards their own aggrandisement and the maintenance of their own power and privileges (Arist. *l. c.* *Eth. Nicom.* viii. 12; Polyb. vi. 8. § 4). The preservation of power under such circumstances of course depended chiefly upon the possession of superior wealth and the other appliances of wealth which were its concomitants. Thus it came to be regarded as essentially characteristic of an oligarchy, that the main distinction between the dominant faction and the subject portion of the community was the possession of greater wealth on the part of the former. Hence the term *Oligarchia* would not have been applied, if a small section of the community, consisting of *poor* persons, by any means got the reins of government into their hands. (Arist. *Pol.* iv. 3, δῆμος μέν ἐστιν ὅταν οἱ ἐλεύθεροι κύριοι ὦσιν, ὀλιγαρχία δὲ ὅταν οἱ πλούσιοι. A little further on he says: ὀλιγαρχίαι δὲ ὅταν οἱ πλούσιοι καὶ εὐγενέστεροι, ὀλίγοι ὄντες, κύριοι τῆς ἀρχῆς ὦσιν. Comp. iv. 6; Plat. *de Rep.* viii. pp. 550, c. 553, a.) The case of the wealthy portion being also the more numerous would be a very rare exception. Their dominion, of course, would not be an oligarchy; but neither would it be a democracy (Arist. *Pol.* iv. 3). When an aristocracy passed in the natural development of society into an oligarchy, the oligarchs would, of course, be high born as well as rich. But high birth was not an essential condition. It very commonly happened that the oligarchs were themselves only a section of the old nobility, having excluded the poorer members of their order from the possession of power.

Aristotle (*Pol.* iv. 5) distinguishes various species of oligarchy: — 1. Where a certain large amount of property is the only requisite for being a member of the ruling class: 2. Where the property qualification is not large, but the members of the government themselves supply any vacancies that may occur in their ranks by electing others to fill them: 3. Where the son succeeds to the power of his father: 4. Where, besides this being the case, the rulers govern according to no fixed laws, but arbitrarily. (Comp. Plat. *Polit.* pp. 301, 302.) The first kind, especially when the τίμημα was not extravagantly high, so that a considerable number shared political power, though only a few of them might be eligible to the highest offices, was sometimes called τιμοκρατία (Arist. *Eth. Nic.* viii. 12; Xenophon, *Mem.* iv. 6. § 12, uses the term πλουτοκρατία; Plato, *de Rep.* viii. p. 547, d., uses the term τιμοκρατία in a different sense). It approximates closely to the πολιτεία, and hence Aristotle (*Pol.* iv. 11) calls it ὀλιγαρχία πολιτική. Elsewhere (*Eth. Nic. l. c.*) he identifies it with the πολιτεία.

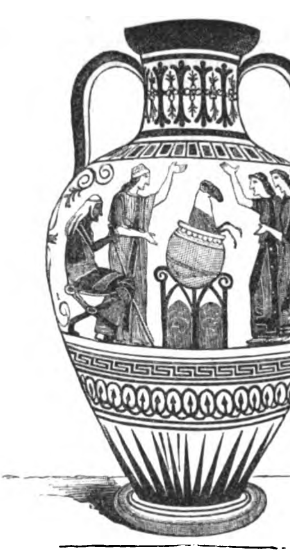
These general divisions of course admitted of various modifications; and the distribution of the functions of government might be such as to create an oligarchy within an oligarchy. To this species of oligarchy, the name δυναστεία was sometimes applied. (Arist. *Pol.* v. 2. 5; Thuc. iii. 62, iv. 78; Xen. *Hellen.* v. 4. § 46.)

The term *Aristocratia* is not unfrequently applied to what the more careful distinctions of the writers on political science would term *Oligarchia*. (Comp. Thuc. iii. 82; Xen. *Hellen.* v. 2. § 7; Aristoph. *Av.* 125.)

Besides the authorities quoted above, the reader may consult Wachsmuth, *Hellenische Alterthumskunde*, §§ 36, 44, 47, 63, 64; Hermann, *Lehrbuch der Griech. Staatsalterthümer*, §§ 58—61; Thirlwall, *Hist. of Greece*, vol. i. ch. 10. [C. P. M.]

OLLA, *ant.* **AULA** (Plaut. *Aulul. passim*), *dim.* **OLLULA** (λέβης; χύτρος, χύτρα, *dim.* χυτρίς), a vessel of any material, round and plain, and having a wide mouth; a pot; a jar.

Besides being made of earthenware (Antiphanes *ap. Athen.* x. 70; ὀστρακίνη, *testacea*) and bronze (χαλκῆ, *aenea*, Aesop. *Fab.* 329; Cato, *de Re Rust.* 81; *aenum*, Ovid. *Met.* vii. 318—321; λέβης χάλκεος, Herod. i. 48), the ancients also made these vessels of different kinds of stone, which were turned upon the lathe. At Pleurs, a village near Chiavenna to the north of the Lake of Como, the manufacture of vessels from the potstone found in a neighbouring mountain is still carried on, and has probably existed there from the time of Pliny, who makes express mention of it (*H. N.* xxxvi. 22. s. 44). Some of these vessels are nearly two feet in diameter, and, being adapted to bear the fire, are used for cooking. (*Oculis observare ollam pultis, ne aduratur*, Varro, *ap. Non. Marcell.* p. 543. ed. Merceri; Festus, *s. v. Aulas.*)



The preceding woodcut is taken from a vase in the British Museum, which was found at Canino in Etruria. The painting upon it represents the story of Medea boiling an old ram with a view to persuade the daughters of Pelias to put him to death. (Ovid, *Met.* vii. 318—321; Hygin. *Fab.* 24.) The pot has a round bottom, and is supported by a tripod under which is a large fire. The ram, restored to youth, is just in the act of leaping out of the pot. Instead of being supported by a separate tripod, the vessel was sometimes made with the feet all in one piece, and it was then called in Greek τρίπους [Tripos], χυτρόπους (Hes. *Op. et Dies*, 748; Schol. *in Soph. Aj.* 1405), and πυρίστατης.

Besides being placed upon the fire in order to boil water or cook victuals, the ancients used pots to carry fire, just as is now done by the modern inhabitants of Greece, Italy, and Sicily. (Xen. *Hellen.* iv. 5. § 4.) They also used small pots containing fire and pitch to annoy the enemy in sieges by throwing them from slings and military engines.

Ollae were also used to hold solids and keep them in store, while amphorae rendered the same service in regard to liquids. [Amphora.] Thus grapes were kept in jars as at present. (Columell. *R. R.* xii. 43.) Although pots were commonly made solely with a view to utility, and were therefore destitute of ornament and without handles, yet they were sometimes made with two handles (δίωτοι) like amphorae; and, when they were well turned upon the wheel, well baked, smooth and neat, and so large as to hold six congii (=4¼ gallons nearly), they were, as we learn from Plato (*Hipp. Maj.* pp. 153, 154, ed. Heindorf), considered very beautiful.

Pots were used, as with us, in gardening. (Cato, *de Re Rust.* 51.) The custom of placing flower-pots in windows is mentioned by Martial (xi. 19. 1, 2). A flower-pot, about six inches high and suited to this application, was found among the ruins of Aldborough, the ancient Isurium, and is preserved by A. Lawson Esq., the owner of that place.

Another very remarkable use of these vessels of earthenware among the Greeks was to put infants into them to be exposed (Apistoph. *Ran.* 1188; Schol. *ad loc.*; Moeris, *s. v.* Ἐγκυτρισμὸς), or to be carried anywhere. (Aristoph. *Thesm.* 512—516; Schol. *ad loc.*) Hence the exposure of children was called ἐγχυτρίζειν (Hesych. *s. v.*), and the miserable women who practised it ἐγχυτρίστριαι. (Suidas, *s. v.*)

In monumental inscriptions the term *olla* is frequently applied to the pots which were used to receive the ashes of the slaves or inferior members of a family, and which were either exposed to view in the niches of the columbarium, or immured in such a manner as to show the lid only. Some good specimens of cinerary ollae are preserved in the British Museum in a small apartment so constructed as to exhibit accurately the manner of arranging them. (See above, p. 561; and numerous plates in Bartoli's *Antichi Sepolcri.*)

The lid of the olla was called ἐπίθημα and *operculum*. It generally corresponded in the material and the style of ornament with the olla itself. (Herod. i. 48; Col. *l. c.*) [J. Y.]

OLY'MPIA (ὀλύμπια), usually called the Olympic games, the greatest of the national festivals of the Greeks. It was celebrated at Olympia in Elis, the name given to a small plain to the west of Pisa, which was bounded on the north and north-east by the mountains Cronius and Olympus, on the south by the river Alpheus, and on the west by the Cladeus, which flows into the Alpheus. Olympia does not appear to have been a town, but rather a collection of temples and public buildings, the description of which does not come within the plan of this work.

The origin of the Olympic Games is buried in obscurity. The legends of the Elean priests attributed the institution of the festival to the Idaean Heracles, and referred it to the time of Cronos. According to their account, Rhea committed her newborn Zeus to the Idaean Dactyli, also called Curetes, of whom five brothers, Heracles, Paeonaeus, Epimedes, Iasius, and Idas, came from Ida in Crete, to Olympia, where a temple had been erected to Cronos by the men of the golden age; and Heracles the eldest conquered his brothers in a foot-race, and was crowned with the wild olive-tree. Heracles hereupon established a contest, which was to be celebrated every five years, because he and his brothers were five in number. (Paus. v. 7. § 4.) Fifty years after Deucalion's flood they said that Clymenus, the son of Cardis, a descendant of the Idaean Heracles, came from Crete, and celebrated the festival; but that Endymion, the son of Aethlius, deprived Clymenus of the sovereignty, and offered the kingdom as a prize to his sons in the foot-race; that a generation after Endymion the festival was celebrated by Pelops to the honour of the Olympian Zeus; that when the sons of Pelops were scattered through Peloponnesus, Amythaon, the son of Cretheus and a relation of Endymion, celebrated it; that to him succeeded Pelias and Neleus in conjunction, then Augeas, and at last Heracles, the son of Amphitryon, after the taking of Elis. Afterwards Oxylus is mentioned as presiding over the games, and then they are said to have been discontinued till their revival by Iphitus. (Paus. v. 8. § 1, 2.) Most ancient writers, however, attribute the institution of the games to Heracles, the son of Amphitryon (Apollod. ii. 7. § 2; Diod. iv. 14; compare Strabo, viii. p. 355), while others represent Atreus as their founder. (Vell. Pat. i. 8; Hermann, *Pol. Ant.* § 23. n. 10.)

Strabo (viii. pp. 354, 355) rejects all these legends, and says that the festival was first instituted after the return of the Heraclidae to the Peloponnesus by the Aetolians, who united themselves with the Eleans. It is impossible to say what credit is to be given to the ancient traditions respecting the institution of the festival; but they appear to show that religious festivals had been celebrated at Olympia from the earliest times, and it is difficult to conceive that the Peloponnesians and the other Greeks would have attached such importance to this festival, unless Olympia had long been regarded as a hallowed site. The first historical fact connected with the Olympian Games is their revival by Iphitus, king of Elis, who is said to have accomplished it with the assistance of Lycurgus, the Spartan lawgiver, and Cleosthenes of Pisa; and the names of Iphitus and Lycurgus were inscribed on a disc in commemoration of the event; which disc Pausanias saw in the temple of Hera at Olympia. (Paus. v. 4. § 4, v. 20. § 1; Plut. *Lyc.* 1. 23.) It would appear from this tradition, as Thirlwall (*Hist. of Greece*, ii. p. 386) has remarked, that Sparta concurred with the two states most interested in the establishment of the festival, and mainly contributed to procure the consent of the other Peloponnesians. The celebration of the festival may have been discontinued in consequence of the troubles consequent upon the Dorian invasion, and we are told that Iphitus was commanded by the Delphic oracle to revive it as a remedy for intestine commotions and for pestilence, with which Greece was then afflicted. Iphitus thereupon induced the Eleans to sacrifice to Heracles, whom they had formerly regarded as an enemy, and from this time the games were regularly celebrated. (Paus. *l. c.*) Different dates are assigned to Iphitus by ancient writers, some placing his revival of the Olympiad at B. C. 884, and others, as Callimachus, at B. C. 828. (Clinton, *Fast. Hell.* p. 409. t.) The interval of four years between each celebration of the festival was called an Olympiad; but the Olympiads were not employed as a chronological aera till the victory of Coroebus in the foot-race B. C. 776. [OLYMPIAS.]

The most important point in the renewal of the festival by Iphitus was the establishment of the ἐκεχειρία, or sacred armistice, the formula for proclaiming which was inscribed in a circle on the disc mentioned above. The proclamation was made by peace-heralds (σπονδοφόροι), first in Elis and afterwards in the other parts of Greece; it put a stop to all warfare for the month in which the games were celebrated, and which was called ἱερομηνία. The territory of Elis itself was considered especially sacred during its continuance, and no armed force could enter it without incurring the guilt of sacrilege. When the Spartans on one occasion sent forces against the fortress Phyrcum and Lepreum during the existence of the Olympic truce (ἐν ταῖς Ὀλυμπιακαῖς σπονδαῖς), they were fined by the Eleans, according to the Olympic law, 2000 minae, being two for each Hoplite. (Thucyd. v. 49.) The Eleans, however, pretended not only that their lands were inviolable during the existence of the truce, but that by the original agreement with the other states of Peloponnesus their lands were made sacred for ever, and were never to be attacked by any hostile force (Strabo, viii. p. 358); and they further stated that the first violation of their territory was made by Pheidon of Argos. But the Eleans themselves did not abstain from arms, and it is not probable that such a privilege would have existed without imposing on them the corresponding duty of refraining from attacking the territory of their neighbours. The later Greeks do not appear to have admitted this claim of the Eleans, as we find many cases in which their country was made the scene of war. (Xen. *Hell.* iii. 2. § 23, &c., vii. 4, &c.)

The Olympic festival was probably confined at first to the Peloponnesians; but as its celebrity extended, the other Greeks took part in it, till at length it became a festival for the whole nation. No one was allowed to contend in the games but persons of pure Hellenic blood: barbarians might be spectators, but slaves were entirely excluded. All persons who had been branded by their own states with Atimia, or had been guilty of any offence against the divine laws were not permitted to contend. (Compare Demosth. *c. Aristocrat.* pp. 631, 632.) When the Hellenic race had been extended by colonies to Asia, Africa, and other parts of Europe, persons contended in the games from very distant places; and in later times a greater number of conquerors came from the colonies than from the mother country. After the conquest of Greece by the Romans, the latter were allowed to take part in the games. The emperors Tiberius and Nero were both conquerors, and Pausanias (v. 20. § 4) speaks of a Roman senator who gained the victory. During the freedom of Greece, even Greeks were sometimes excluded, when they had been guilty of a crime which appeared to the Eleans to deserve this punishment. The horses of Hieron of Syracuse were excluded from the chariot-race through the influence of Themistocles, because he had not taken part with the other Greeks against the Persians. (Plut. *Them.* 25; Aelian, *V. H.* ix. 5.) All the Lacedaemonians were excluded in the 90th Olympiad, because they had not paid the fine for violating the Elean territory, as mentioned above (Thuc. v. 49, 50; Paus. iii. 8. § 2); and similar cases of exclusion are mentioned by the ancient writers.

No women were allowed to be present or even to cross the Alpheus during the celebration of the games under penalty of being hurled down from the Typaean rock. Only one instance is recorded of a woman having ventured to be present, and she, although detected, was pardoned in consideration of her father, brothers, and son having been victors in the games. (Paus. v. 6. § 5[*]; Ael. *V. H.* x. 1.) An exception was made to this law in favour of the priestess of Demeter Chamyne, who sat on an altar of white marble opposite to the Hellanodicae. (Paus. vi. 20. § 6; compare Suet. *Ner.* c. 12.) Women were, however, allowed to send chariots to the races; and the first woman, whose horses won the prize, was Cynisca, the daughter of Archidamus, and sister of Agesilaus. (Paus. iii. 8. § 1.) The number of spectators at the festival was very great; and these were drawn together not merely by the desire of seeing the games, but partly through the opportunity it afforded them of carrying on commercial transactions with persons from distant places (Vell. i. 8; *mercatus Olympiacus*, Justin, xiii. 5), as is the case with the Mohammedan festivals at Mecca and Medina. Many of the persons present were also deputies (ϑεωροί) sent to represent the various states of Greece; and we find that these embassies vied with one another in the number of their offerings, and the splendour of their general appearance, in order to support the honour of their native cities. The most illustrious citizens of a state were frequently sent as ϑεωροί. (Thuc. vi. 16; Andoc. c. *Alc.* pp. 126, 127. Reiske.)

The Olympic festival was a Pentaeteris (πενταετηρίς), that is, according to the ancient mode of reckoning, a space of four years elapsed between each festival, in the same way as there was only a space of two years between a τριετηρίς. According to the Scholiast on Pindar (*ad Ol.* iii. 35, Böckh), the Olympic festival was celebrated at an interval sometimes of 49, sometimes of 50 months; in the former case in the month of Apollonius, in the latter in that of Parthenius. This statement has given rise to much difference of opinion from the time of J. Scaliger; but the explanation of Böckh in his commentary on Pindar is the most satisfactory, that the festival was celebrated on the first full moon after the summer solstice, which sometimes fell in the month of Apollonius, and sometimes in Parthenius, both of which he considers to be the names of Elean or Olympian months: consequently the festival was usually celebrated in the Attic month of Hecatombaeon. It lasted, after all the contests had been introduced, five days, from the 11th to the 15th days of the month inclusive. (Schol. *ad Pind. Ol.* v. 6.) The fourth day of the festival was the 14th of the month, which was the day of the full-moon and which divided the month into two equal parts (διχόμηνις μῆνα, Pind. *Ol.* iii. 19; Schol. *ad loc.*).

The festival was under the immediate superintendence of the Olympian Zeus, whose temple at Olympia, adorned with the statue of the god made by Phidias, was one of the most splendid works of Grecian art. (Paus. v. 10, &c.) There were also temples and altars to most of the other gods. The festival itself may be divided into two parts, the games or contests (ἀγὼν Ὀλυμπιακός, ἀέθλων ἅμιλλαι, κρίσις ἀέθλων, τεθμὸς ἀέθλων, νικαφορίαι), and the festive rites (ἑορτή) connected with the sacrifices, with the processions and with the public banquets in honour of the conquerors. Thus Pausanias distinguishes between the two parts of the festival, when he speaks of τὸν ἀγῶνα ἐν Ὀλυμπίᾳ πανήγυρίν τε Ὀλυμπιακήν (v. 4. § 4). The conquerors in the games, and private individuals, as well as the theori or deputies from the various states, offered sacrifices to the different gods; but the chief sacrifices were offered by the Eleans in the name of the Elean state. The order in which the Eleans offered their sacrifices to the different gods is given in a passage of Pausanias (v. 14. § 5). There has been considerable dispute among modern writers, whether the sacrifices were offered by the Eleans and the Theori at the commencement or at the termination of the contests; our limits do not allow us to enter into the controversy, but it appears most probable that certain sacrifices were offered by the Eleans as introductory to the games, but that the majority were not offered till the conclusion, when the flesh of the victims was required for the public banquets given to the victors.

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[*] It would appear from another passage of Pausanias that *virgins* were allowed to be present, though *married* women were not (παρθένους δὲ οὐκ εἴργουσι ϑεασᾶσθαι, vi. 20. § 6); but this statement is opposed to all others on the subject, and the reading of the passage seems to be doubtful. (See Valckenaer, *ad Theocr. Adon.* pp. 196, 197.)

The contests consisted of various trials of strength and skill, which were increased in number from time to time. There were in all twenty-four contests, eighteen in which men took part, and six in which boys engaged, though they were never all exhibited at one festival, since some were abolished almost immediately after their institution, and others after they had been in use only a short time. We subjoin a list of these from Pausanias (v. 8. § 2, 3, 9. § 1, 2; compare Plut. *Symp.* v. 2), with the date of the introduction of each, commencing from the Olympiad of Coroebus:—1. The foot-race (*δρόμος*), which was the only contest during the first 13 Olympiads. 2. The *δίαυλος*, or foot-race, in which the stadium was traversed twice, first introduced in Ol. 14. 3. The *δόλιχος*, a still longer foot-race than the *δίαυλος*, introduced in Ol. 15.* For a more particular account of the *δίαυλος* and *δόλιχος* see STADIUM. 4. Wrestling (*πάλη*) [LUCTA], and 5. The Pentathlum (*πένταθλον*), which consisted of five exercises [PENTATHLUM], both introduced in Ol. 18. 6. Boxing (*πυγμή*), introduced in Ol. 23. [PUGILATUS.] 7. The chariot-race, with four full-grown horses (*ἵππων τελείων δρόμος, ἅρμα*), introduced in Ol. 25. 8. The Pancratium (*παγκράτιον*) [PANCRATIUM], and 9. The horse-race (*ἵππος κέλης*), both introduced in Ol. 33. 10 and 11. The foot-race and wrestling for boys, both introduced in Ol. 37. 12. The Pentathlum for boys, introduced in Ol. 38, but immediately afterwards abolished. 13. Boxing for boys, introduced in Ol. 41. 14. The foot-race, in which men ran with the equipments of heavy-armed soldiers (*τῶν ὁπλιτῶν δρόμος*), introduced in Ol. 65, on account of its training men for actual service in war. 15. The chariot-race with mules (*ἀπήνη*), introduced in Ol. 70; and 16. The horse-race with mares (*κάλπη*), described by Pausanias (v. 9. § 1, 2), introduced in Ol. 71, both of which were abolished in Ol. 84. 17. The chariot-race with two full-grown horses (*ἵππων τελείων συνωρίς*), introduced in Ol. 93. 18, 19. The contest of heralds (*κήρυκες*) and trumpeters (*σαλπιγκταί*), introduced in Ol. 96. (African. *ap. Euseb.* *χρον.* ι. Ἑλλ. *ὀλ.* p. 41; Paus. v. 22. § 1; compare Cic. *ad Fam.* v. 12.) 20. The chariot-race with four foals (*πώλων ἅρμασιν*), introduced in Ol. 99. 21. The chariot-race with two foals (*πώλων συνωρίς*), introduced in Ol. 128. 22. The horse-race with foals (*πῶλος κέλης*), introduced in Ol. 131. 23. The Pancratium for boys, introduced in Ol. 145. 24. There was also a horse-race (*ἵππος κέλης*) in which boys rode (Paus. vi. 2. § 4, 12. § 1, 13. § 6), but we do not know the time of its introduction. Of these contests, the greater number were in existence in the heroic age, but the following were introduced for the first time by the Eleans:—all the contests in which boys took part, the foot-race of Hoplites, the races in which foals were employed, the chariot-race in which mules were used, and the horse-race with mares (*κάλπη*). The contests of heralds and trumpeters were also probably introduced after the heroic age.

Pausanias (v. 9. § 3) says that up to the 77th Olympiad, all the contests took place in one day; but as it was found impossible in that Olympiad to finish them all in so short a time, a new arrangement was made. The number of days in the whole festival, which were henceforth devoted to the games, and the order in which they were celebrated, has been a subject of much dispute among modern writers, and in many particulars can be only matter of conjecture. The following arrangement is proposed by Krause (*Olympia*, p. 106):—On the first day, the initiatory sacrifices were offered, and all the competitors classed and arranged by the judges. On the same day, the contest between the trumpeters took place; and to this succeeded on the same day and the next the contests of the boys, somewhat in the following order:—the Foot-Race, Wrestling, Boxing, the Pentathlum, the Pancratium, and lastly, the Horse-Race. On the third day, which appears to have been the principal one, the contests of the men took place, somewhat in the following order:—the simple Foot-Race, the Diaulos, the Dolichos, Wrestling, Boxing, the Pancratium, and the Race of Hoplites. On the fourth day the Pentathlum, either before or after the Chariot and Horse-Races, which were celebrated on this day. On the same day or on the fifth, the contests of the Heralds may have taken place. The fifth day appears to have been devoted to processions and sacrifices, and to the banquets given by the Eleans to the conquerors in the Games.

The judges in the Olympic Games, called Hellanodicae (Ἑλλανοδίκαι), were appointed by the Eleans, who had the regulation of the whole festival. It appears to have been originally under the superintendence of Pisa, in the neighbourhood of which Olympia was situated, and accordingly we find in the ancient legends the names of Oenomaus, Pelops, and Augeas as presidents of the Games. But after the conquest of Peloponnesus by the Dorians on the return of the Heraclidae, the Aetolians, who had been of great assistance to the Heraclidae, settled in Elis, and from this time the Aetolian Eleans obtained the regulation of the festival, and appointed the presiding officers. (Strabo, viii. pp. 357, 358.) Pisa, however, did not quietly relinquish its claim to the superintendence of the festival, and it is not improbable that at first it had an equal share with the Eleans in its administration. The Eleans themselves only reckoned three festivals in which they had not had the presidency, namely, the 8th, in which Pheidon and the Piseans obtained it; the 34th, which was celebrated under the superintendence of Pantaleon, king of Pisa; and the 104th, celebrated under the superintendence of the Piseans and Arcadians. These Olympiads the Eleans called *ἀνολυμπιάδες*, as celebrated contrary to law. (Paus. vi. 22. § 2, 4. § 2.)

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* Some words appear to have dropped out of the passage of Pausanias. In every other case he mentions the name of the first conqueror in each new contest, but never the name of the conqueror in the same contest in the following Ol. In this passage, however, after giving the name of the first conqueror in the Diaulos, he adds, *τῇ δὲ ἑξῆς* Ἄκανθος. There can be little doubt that this must be the name of the conqueror in the Dolichos; which is also expressly stated by Africanus (apud Eus. *χρον* ι. Ἑλλ. ὀλ. p. 39).

The Hellanodicae were chosen by lot from the whole body of the Eleans. Pausanias (v. 9. § 4, 5) has given an account of their numbers at different periods; but the commencement of the passage is unfortunately corrupt. At first, he says, there were only two judges chosen from all the Eleans, but that in the 25th Ol. (75th Ol.?) nine Hellanodicae were appointed, three of whom had the superintendence of the horse-races, three of the Pentathlum, and three of the other contests. Two Olympiads after, a tenth judge was added. In the 103rd Ol. the number was increased to 12, as at that time there were 12 Elean Phylae, and a judge was chosen from each tribe; but as the Eleans afterwards lost part of their lands in war with the Arcadians, the number of Phylae was reduced to eight in the 104th Ol., and accordingly there were then only eight Hellanodicae. But in the 108th Ol. the number of Hellanodicae was increased to 10, and remained the same to the time of Pausanias. (Paus. *l.c.*)

The Hellanodicae were instructed for ten months before the festival by certain of the Elean magistrates, called Νομοφύλακες, in a building devoted to the purpose near the market-place, which was called Ἑλλανοδικαιών. (Paus. vi. 24. § 3.) Their office probably only lasted for one festival. They had to see that all the laws relating to the games were observed by the competitors and others, to determine the prizes, and to give them to the conquerors. An appeal lay from their decision to the Elean senate. (Paus. vi. 3. § 3.) Their office was considered most honourable. They wore a purple robe (πορφυρίς), and had in the Stadium special seats appropriated to them. (Paus. vi. 20. § 5, 6, 7; Bekker, *Anecd.* p. 249. 4.) Under the direction of the Hellanodicae was a certain number of ἀλύται with an ἀλυτάρχης at their head, who formed a kind of police, and carried into execution the commands of the Hellanodicae. (Lucian, *Herm.* c. 40. vol. i. p. 738, Reitz; Etym. Mag. p. 72. 13.) There were also various other minor officers under the control of the Hellanodicae.

All free Greeks were allowed to contend in the games, who had complied with the rules prescribed to candidates. The equestrian contests were necessarily confined to the wealthy; but the poorest citizens could contend in the athletic contests, of which Pausanias (vi. 10. § 1) mentions an example. This, however, was far from degrading the games in public opinion; and some of the noblest as well as meanest citizens of the state took part in these contests. The owners of the chariots and horses were not obliged to contend in person; and the wealthy vied with one another in the number and magnificence of the chariots and horses which they sent to the games. Alcibiades sent seven chariots to one festival, a greater number than had ever been entered by a private person (Thuc. vi. 16), and the Greek kings in Sicily, Macedon, and other parts of the Hellenic world contended with one another for the prize in the equestrian contests.

All persons, who were about to contend, had to prove to the Hellanodicae that they were freemen, of pure Hellenic blood, had not been branded with Atimia, nor guilty of any sacrilegious act. They further had to prove that they had undergone the preparatory training (προγυμνάσματα) for ten months previously, and the truth of this they were obliged to swear to in the Βουλευτήριον at Olympia before the statue of Zeus Ὅρκιος. The fathers, brothers, and gymnastic teachers of the competitors, as well as the competitors themselves, had also to swear that they would be guilty of no crime (κακούργημα) in reference to the contests. (Paus. v. 24. § 2.) All competitors were obliged, thirty days previous to the festival, to undergo certain exercises in the Gymnasium at Elis, under the superintendence of the Hellanodicae. (Paus. vi. 26. § 1—3, 24. § 1.) The different contests, and the order in which they would follow one another, were written by the Hellanodicae upon a tablet (λεύκωμα) exposed to public view. (Compare Dion Cass. lxxix. 10.)

The competitors took their places by lot, and were of course differently arranged according to the different contests in which they were to be engaged. The herald then proclaimed the name and country of each competitor. (Compare Plato, *Leg.* viii. p. 833.) When they were all ready to begin the contest, the judges exhorted them to acquit themselves nobly, and then gave the signal to commence. Any one detected in bribing a competitor to give the victory to his antagonist was heavily fined; the practice appears to have been not uncommon from the many instances recorded by Pausanias (v. 21).

The only prize given to the conqueror was a garland of wild olive (κότινος), which according to the Elean legends was the prize originally instituted by the Idaean Heracles. (Paus. v. 7. § 4.) But according to Phlegon's account (Περὶ τῶν Ὀλυμπίων, p. 140), the olive crown was not given as a prize upon the revival of the games by Iphitus, and was first bestowed in the seventh Olympiad with the approbation of the oracle at Delphi. This garland was cut from a sacred olive tree, called ἐλαία καλλιστέφανος, which grew in the sacred grove of Altis in Olympia, near the altars of Aphrodite and the Hours. (Paus. v. 15. § 3.) Heracles is said to have brought it from the country of the Hyperboreans, and to have planted it himself in the Altis. (Pind. *Ol.* iii. 14; Müller, *Dor.* ii. 12. § 3.) A boy, both of whose parents were still alive (ἀμφιθαλής παῖς) cut it with a golden sickle (χρυσῷ δρεπάνῳ). The victor was originally crowned upon a tripod covered over with bronze (τρίπους ἐπίχαλκος), but afterwards, and in the time of Pausanias, upon a table made of ivory and gold. (Paus. v. 12. § 3, 20. § 1, 2.) Palm branches, the common tokens of victory on other occasions, were placed in their hands. The name of the victor, and that of his father and of his country, were then proclaimed by a herald before the representatives of assembled Greece. The festival ended with processions and sacrifices, and with a public banquet given by the Eleans to the conquerors in the Prytaneum. (Paus. v. 15. § 8.)

The most powerful states considered an Olympic victory, gained by one of their citizens, to confer honour upon the state to which he belonged; and a conqueror usually had immunities and privileges conferred upon him by the gratitude of his fellow-citizens. The Eleans allowed his statue to be placed in the Altis, or sacred grove of Zeus, which was adorned with numerous such statues erected by the conquerors or their families, or at the expence of the states of which they were citizens. On his return home, the victor entered the city in a triumphal procession, in which his praises were celebrated frequently in the loftiest strains of poetry. (Compare Athletae, p. 167.)

Sometimes the victory was obtained without a contest, in which case it was said to be ἀκονιτί. This happened either when the antagonist, who was assigned, neglected to come or came too late, or when an Athletes had obtained such celebrity by former conquests or possessed such strength and skill that no one dared to oppose him. (Paus. vi. 7. § 2.) When one state conferred a crown upon another state, a proclamation to this effect was frequently made at the great national festivals of the Greeks. (Demosth. *de Cor.* p. 265.)

As persons from all parts of the Hellenic world were assembled together at the Olympic Games, it was the best opportunity which the artist and the writer possessed of making their works known. In fact, it answered to some extent the same purpose as the press does in modern times. Before the invention of printing, the reading of an author's works to as large an assembly as could be obtained, was one of the easiest and surest modes of publishing them; and this was a favourite practice of the Greeks and Romans. Accordingly, we find many instances of literary works thus published at the Olympic festival. Herodotus is said to have read his history at this festival; but though there are some reasons for doubting the correctness of this statement, there are numerous other writers who thus published their works, as the sophist Hippias, Prodicus of Ceos, Anaximenes, the orator Lysias, Dion Chrysostom, &c. (Compare Lucian, *Herod.* c. 3, 4. vol. i. p. 834, Reitz.) It must be borne in mind that these recitations were not contests, and that they formed properly no part of the festival. In the same way painters and other artists exhibited their works at Olympia. (Lucian, *l. c.*)

The Olympic Games continued to be celebrated with much splendour under the Roman emperors, by many of whom great privileges were awarded to the conquerors. [Athletae, p. 167.] In the sixteenth year of the reign of Theodosius, A. D. 394 (Ol. 293), the Olympic festival was for ever abolished; but we have no account of the names of the victors from Ol. 249.

Our limits do not allow us to enter into the question of the influence of the Olympic Games upon the national character; but the reader will find some useful remarks on this subject in Thirlwall's *Hist. of Greece*, vol. i. p. 390, &c.

There were many ancient works on the subject of the Olympic Games and the conquerors therein. One of the chief sources from which the writers obtained their materials, must have been the registers of conquerors in the games, which were diligently preserved by the Eleans. (Ἠλείων ἐς τοὺς Ὀλυμπιονίκας γράμματα, Paus. iii. 21. § 1, v. 21. § 5, vi. 2. § 1; τὰ Ἠλείων γράμματα ἀρχαῖα, v. 4. § 4.) One of the most ancient works on this subject was by the Elean Hippias, a contemporary of Plato, and was entitled ἀναγραφὴ Ὀλυμπιονικῶν. (Plut. *Numa*, 1.) Aristotle also appears to have written a work on the same subject. (Diog. Laërt. v. 26.) There was a work by Timaeus of Sicily, entitled Ὀλυμπιονῖκαι ἢ χρονικὰ πραξίδια, and another by Eratosthenes (born B. C. 275) also called Ὀλυμπιονῖκαι. (Diog. Laërt. viii. 51.) The Athenian Stesicleides is mentioned as the author of an ἀναγραφὴ τῶν ἀρχόντων καὶ Ὀλυμπιονικῶν (Diog. Laërt. ii. 56), and Pliny (*H. N.* viii. 34) speaks of Agriopas as a writer of *Olympionicae*.

There were also many ancient works on the Greek festivals in general, in which the Olympic Games were of course treated of. Thus the work of Dicaearchus Περὶ Ἀγώνων (Diog. Laërt. v. 47), contained a division entitled ὁ Ὀλυμπικός. (Athen. xiv. p. 620, d.)

One of the most important works on the Olympic Games was by Phlegon of Tralles, who lived in the reign of Hadrian; it was entitled Περὶ τῶν Ὀλυμπίων or Ὀλυμπίων καὶ Χρονικῶν Συναγωγή, was comprised in 16 books, and extended from the first Olympiad to Ol. 229. We still possess two considerable fragments of it. The important work of Julius Africanus, Ἑλλήνων Ὀλυμπιάδες ἀπὸ τῆς πρώτης, &c., is preserved to us by Eusebius; it comes down to Ol. 249. Dexippus of Athens, in his χρονικὴ ἱστορία, carried down the Olympic conquerors to Ol. 262.

In modern works much useful information on the Olympic games is given in Corsini's *Dissert. Agonisticae*, and in Böckh's and Dissen's editions of Pindar. See also Meier's article on the Olympic Games, and Rathgeber's articles on Olympia, Olympieion, and Olympischer Jupiter in Ersch and Gruber's *Encyclopädie*; Dissen, *Ueber die Anordnung der Olympischen Spiele*, in his *Kleine Schriften*, p. 185; and Krause, *Olympia oder Darstellung der grossen Olympischen Spiele*, Wien, 1838.

In course of time festivals were established in several Greek states in imitation of the one at Olympia, to which the same name was given. Some of these are only known to us by inscriptions and coins; but others, as the Olympic festival at Antioch, obtained great celebrity. After these Olympic festivals had been established in several places, the great Olympic festival is sometimes designated in inscriptions by the addition of "in Pisa," ἐν Πείσῃ. (Compare Böckh, *Inscr.* n. 247. pp. 361, 362. n. 1068. p. 564.) We subjoin from Krause an alphabetical list of these smaller Olympic festivals. They were celebrated at: —

Aegae in Macedonia. This festival was in existence in the time of Alexander the Great. (Arrian, *Anab.* i. 11.)

Alexandria. (Gruter, *Inscr.* p. cccxiv. n. 240.) In later times, the number of Alexandrian conquerors in the great Olympic Games was greater than from any other state.

Anazarbus in Cilicia. This festival was not introduced till a late period. (Eckhel, *Doctr. Num.* iii. p. 44.)

Antioch in Syria. This festival was celebrated at Daphne, a small place, 40 stadia from Antioch, where there was a large sacred grove watered by many fountains. The festival was originally called Daphnea, and was sacred to Apollo and Artemis (Strabo, xvi. p. 750; Athen. v. p. 194), but was called Olympia, after the inhabitants of Antioch had purchased from the Eleans, in A. D. 44, the privilege of celebrating Olympic games. It was not, however, regularly celebrated as an Olympic festival till the time of the emperor Commodus. It commenced on the first day of the month Hyperberetaeus (October), with which the year of Antioch began. It was under the presidency of an Alytarches. The celebration of it was abolished by Justin, A. D. 521. The writings of Libanius, and of Chrysostom, the Christian Father, who lived many years at Antioch, gave various particulars respecting this festival.

Athens. There were two festivals of the name of Olympia celebrated at Athens, one of which was in existence in the time of Pindar (Pind. *Nem.* ii. 23, &c.; Schol. *ad loc.*), who celebrates the ancestors of the Athenian Timodemus as conquerors in it, and perhaps much earlier (Schol. *ad Thuc.* i. 126). It was celebrated to the honour of Zeus, in the spring between the great Dionysia and the Bendidia. (Böckh, *Inscr.* pp. 53, 250—252.) The other Olympic festival at Athens was instituted by Hadrian A. D. 131; from which time a new Olympic aera commenced. (Corsini, *Fast. Att.* vol. ii. pp. 105, 110, &c.; Spartian. *Hadr.* 13.) [OLYMPIAS.]

Attalia in Pamphylia. This festival is only known to us by coins. (Rathgeber, *l. c.* p. 326.)

Cyzicus. (Böckh, *Inscr.* n. 2810.)

Cyrene. (Böckh, *Explicat. Pind.* p. 328.)

Dium in Macedonia. These games were instituted by Archelaus, and lasted nine days, corresponding to the number of the nine Muses. They were celebrated with great splendour by Philip II. and Alexander the Great. (Diodor. xvii. 16; Dion Chrysost. vol. i. p. 73, Reiske; Suidas, *s. v.* Ἀναξανδρίδης.)

Ephesus. This festival appears by inscriptions, in which it is sometimes called Ἀδριανὰ Ὀλύμπια ἐν Ἐφέσῳ, to have been instituted by Hadrian. (Böckh, *Inscr.* n. 2810; compare n. 2987, 3000.)

Elis. Besides the great Olympic Games, there appear to have been smaller ones celebrated yearly. (*Anecdot. Gr.* ed. Siebenk. p. 95.)

Magnesia in Lydia. (Rathgeber, *l. c.* pp. 326, 327.)

Neapolis. (Corsini, *Diss. Agon.* iv. 14. p. 103.)

Nicaea in Bithynia. (Eustath. *ad Dionys. Perieg.* pp. 172, 173, in Geogr. Min. ed. Bernhardy.)

Nicopolis in Epeirus. Augustus, after the conquest of Antony, off Actium, founded Nicopolis, and instituted games to be celebrated every five years (ἀγὼν πεντετηρικός) in commemoration of his victory. These games are sometimes called Olympic, but more frequently bear the name of Actia. They were sacred to Apollo, and were under the care of the Lacedaemonians. (Strabo, vii. p. 325.) [ACTIA.]

Olympus in Thessaly, on the mountain of that name. (Schol. *ad Apoll. Rhod. Argonaut.* i. 599.)

Pergamos in Mysia. (Böckh, *Inscr.* n. 2810; Mionnet, ii. 610. n. 626.)

Side in Pamphylia. (Rathgeber, p. 129.)

Smyrna. Pausanias (vi. 14. § 1) mentions an Agon of the Smyrnaeans, which Corsini (*Diss. Agon.* i. 12. p. 20) supposes to be an Olympic festival. The Marmor Oxoniense expressly mentions Olympia at Smyrna, and they also occur in inscriptions.. (Gruter, *Inscr.* p. 314. 1; Böckh, *Inscr. ad* n. 1720.)

Tarsus in Cilicia. This festival is only known to us by coins. (Krause, p. 228.)

Tegea in Arcadia. (Böckh, *Inscr.* n. 1513. p. 700.)

Thessalonica in Macedonia. (Krause, p. 230.)

Thyatira in Lydia. (Rathgeber, p. 328.)

Tralles in Lydia. (Krause, p. 233.)

Tyrus in Phoenicia. (Rathgeber, p. 328.)

OLY'MPIAS (Ὀλυμπιάς), the most celebrated chronological aera among the Greeks, was the period of four years, which elapsed between each celebration of the Olympic Games. The Olympiads began to be reckoned from the victory of Coroebus in the foot-race, which happened in the year B. C. 776. (Paus. v. 8. § 3, viii. 26. § 3; Strab. viii. p. 355.) Timaeus of Sicily, however, who flourished B. C. 264, was the first writer who regularly arranged events according to the conquerors in each Olympiad, with which aera he compared the years of the Attic Archons, the Spartan Ephors, and that of the Argive priestesses. (Polyb. xii. 12. § 1.) His practice of recording events by Olympiads was followed by Polybius, Diodorus Siculus, Dionysius of Halicarnassus, and sometimes by Pausanias, Aelian, Diogenes Laërtius, Arrian, &c. It is twice adopted by Thucydides (iii. 8, v. 49) and Xenophon (*Hell.* i. 2. § 1, ii. 3. § 1). The names of the conquerors in the foot-race were only used to designate the Olympiad, not the conquerors in the other contests. Thucydides (*ll. cc.*), however, designates two Olympiads by the name of the conquerors in the Pancratium; but this appears only to have been done on account of the celebrity of these victors, both of whom conquered twice in the Pancratium. Other writers, however, adhere so strictly to the practice of designating the Olympiad only by the conqueror in the foot-race, that even when the same person had obtained the prize in other contests as well as in the foot-race, they only mention the latter. Thus Diodorus (xi. 70) and Pausanias (iv. 24. § 2) only record the conquest of Xenophon of Corinth in the foot-race, although he had also conquered at the same festival in the Pentathlum.

The writers, who make use of the aeras of the Olympiads, usually give the number of the Olympiad (the first corresponding to B. C. 776), and then the name of the conqueror in the foot-race. Some writers also speak of events as happening in the first, second, third, or fourth year, as the case may be, of a certain Olympiad; but others do not give the separate years of each Olympiad. The rules for converting Olympiads into the year B. C., and *vice versa*, are given under CHRONOLOGIA, p. 281; but as this is troublesome, we subjoin for the use of the student a list of the Olympiads with the years of the Christian aera corresponding to them from the beginning of the Olympiads to A. D. 301. To save space the separate years of each Olympiad, with the corresponding years B. C., are only given from the 47th to the 126th Olympiad, as this is the most important period of Grecian history; in the other Olympiads the first year only is given. In consulting the following table it must be borne in mind that the Olympic Games were celebrated about Midsummer [OLYMPIA], and that the Attic year commenced at about the same time. If, therefore, an event happened in the second half of the Attic year, the year B. C. must be reduced by 1. Thus Socrates was put to death in the 1st year of the 95th Olympiad, which corresponds in the following table to B. C. 400; but as his death happened in Thargelion, the 11th month of the Attic year, the year B. C. must be reduced by 1, which gives us B. C. 399, the true date of his death.

B. C.	Ol.		B. C.	Ol.		B. C.	Ol.	
776.	1.	1.	736.	11.	1.	696.	21.	1.
772.	2.	1.	732.	12.	1.	692.	22.	1.
768.	3.	1.	728.	13.	1.	688.	23.	1.
764.	4.	1.	724.	14.	1.	684.	24.	1.
760.	5.	1.	720.	15.	1.	680.	25.	1.
756.	6.	1.	716.	16.	1.	676.	26.	1.
752.	7.	1.	712.	17.	1.	672.	27.	1.
748.	8.	1.	708.	18.	1.	668.	28.	1.
744.	9.	1.	704.	19.	1.	664.	29.	1.
740.	10.	1.	700.	20.	1.	660.	30.	1.

B. C.	Ol.		B. C.	Ol.		B. C.	Ol.		B. C.	Ol.		B. C.	Ol.		B. C.	Ol.	
656.	31.	1.	538.		3.	468.	78.	1.	398.		3.	328.	113.	1.	216.	141.	1.
652.	32.	1.	537.		4.	467.		2.	397.		4.	327.		2.	212.	142.	1.
648.	33.	1.	536.	61.	1.	466.		3.	396.	96.	1.	326.		3.	208.	143.	1.
644.	34.	1.	535.		2.	465.		4.	395.		2.	325.		4.	204.	144.	1.
640.	35.	1.	534.		3.	464.	79.	1.	394.		3.	324.	114.	1.	200.	145.	1.
636.	36.	1.	533.		4.	463.		2.	393.		4.	323.		2.	196.	146.	1.
632.	37.	1.	532.	62.	1.	462.		3.	392.	97.	1.	322.		3.	192.	147.	1.
628.	38.	1.	531.		2.	461.		4.	391.		2.	321.		4.	188.	148.	1.
624.	39.	1.	530.		3.	460.	80.	1.	390.		3.	320.	115.	1.	184.	149.	1.
620.	40.	1.	529.		4.	459.		2.	389.		4.	319.		2.	180.	150.	1.
616.	41.	1.	528.	63.	1.	458.		3.	388.	98.	1.	318.		3.	176.	151.	1.
612.	42.	1.	527.		2.	457.		4.	387.		2.	317.		4.	172.	152.	1.
608.	43.	1.	526.		3.	456.	81.	1.	386.		3.	316.	116.	1.	168.	153.	1.
604.	44.	1.	525.		4.	455.		2.	385.		4.	315.		2.	164.	154.	1.
600.	45.	1.	524.	64.	1.	454.		3.	384.	99.	1.	314.		3.	160.	155.	1.
596.	46.	1.	523.		2.	453.		4.	383.		2.	313.		4.	156.	156.	1.
592.	47.	1.	522.		3.	452.	82.	1.	382.		3.	312.	117.	1.	152.	157.	1.
591.		2.	521.		4.	451.		2.	381.		4.	311.		2.	148.	158.	1.
590.		3.	520.	65.	1.	450.		3.	380.	100.	1.	310.		3.	144.	159.	1.
589.		4.	519.		2.	449.		4.	379.		2.	309.		4.	140.	160.	1.
588.	48.	1.	518.		3.	448.	83.	1.	378.		3.	308.	118.	1.	136.	161.	1.
587.		2.	517.		4.	447.		2.	377.		4.	307.		2.	132.	162.	1.
586.		3.	516.	66.	1.	446.		3.	376.	101.	1.	306.		3.	128.	163.	1.
585.		4.	515.		2.	445.		4.	375.		2.	305.		4.	124.	164.	1.
584.	49.	1.	514.		3.	444.	84.	1.	374.		3.	304.	119.	1.	120.	165.	1.
583.		2.	513.		4.	443.		2.	373.		4.	303.		2.	116.	166.	1.
582.		3.	512.	67.	1.	442.		3.	372.	102.	1.	302.		3.	112.	167.	1.
581.		4.	511.		2.	441.		4.	371.		2.	301.		4.	108.	168.	1.
580.	50.	1.	510.		3.	440.	85.	1.	370.		3.	300.	120.	1.	104.	169.	1.
579.		2.	509.		4.	439.		2.	369.		4.	299.		2.	100.	170.	1.
578.		3.	508.	68.	1.	438.		3.	368.	103.	1.	298.		3.	96.	171.	1.
577.		4.	507.		2.	437.		4.	367.		2.	297.		4.	92.	172.	1.
576.	51.	1.	506.		3.	436.	86.	1.	366.		3.	296.	121.	1.	88.	173.	1.
575.		2.	505.		4.	435.		2.	365.		4.	295.		2.	84.	174.	1.
574.		3.	504.	69.	1.	434.		3.	364.	104.	1.	294.		3.	80.	175.	1.
573.		4.	503.		2.	433.		4.	363.		2.	293.		4.	76.	176.	1.
572.	52.	1.	502.		3.	432.	87.	1.	362.		3.	292.	122.	1.	72.	177.	1.
571.		2.	501.		4.	431.		2.	361.		4.	291.		2.	68.	178.	1.
570.		3.	500.	70.	1.	430.		3.	360.	105.	1.	290.		3.	64.	179.	1.
569.		4.	499.		2.	429.		4.	359.		2.	289.		4.	60.	180.	1.
568.	53.	1.	498.		3.	428.	88.	1.	358.		3.	288.	123.	1.	56.	181.	1.
567.		2.	497.		4.	427.		2.	357.		4.	287.		2.	52.	182.	1.
566.		3.	496.	71.	1.	426.		3.	356.	106.	1.	286.		3.	48.	183.	1.
565.		4.	495.		2.	425.		4.	355.		2.	285.		4.	44.	184.	1.
564.	54.	1.	494.		3.	424.	89.	1.	354.		3.	284.	124.	1.	40.	185.	1.
563.		2.	493.		4.	423.		2.	353.		4.	283.		2.	36.	186.	1.
562.		3.	492.	72.	1.	422.		3.	352.	107.	1.	282.		3.	32.	187.	1.
561.		4.	491.		2.	421.		4.	351.		2.	281.		4.	28.	188.	1.
560.	55.	1.	490.		3.	420.	90.	1.	350.		3.	280.	125.	1.	24.	189.	1.
559.		2.	489.		4.	419.		2.	349.		4.	279.		2.	20.	190.	1.
558.		3.	488.	73.	1.	418.		3.	348.	108.	1.	278.		3.	16.	191.	1.
557.		4.	487.		2.	417.		4.	347.		2.	277.		4.	12.	192.	1.
556.	56.	1.	486.		3.	416.	91.	1.	346.		3.	276.	126.	1.	8.	193.	1.
555.		2.	485.		4.	415.		2.	345.		4.	275.		2.	4.	194.	1.
554.		3.	484.	74.	1.	414.		3.	344.	109.	1.	274.		3.			
553.		4.	483.		2.	413.		4.	343.		2.	273.		4.	A. D.	Ol.	
552.	57.	1.	482.		3.	412.	92.	1.	342.		3.	272.	127.	1.	1.	195.	1.
551.		2.	481.		4.	411.		2.	341.		4.	268.	128.	1.	5.	196.	1.
550.		3.	480.	75.	1.	410.		3.	340.	110.	1.	264.	129.	1.	9.	197.	1.
549.		4.	479.		2.	409.		4.	339.		2.	260.	130.	1.	13.	198.	1.
548.	58.	1.	478.		3.	408.	93.	1.	338.		3.	256.	131.	1.	17.	199.	1.
547.		2.	477.		4.	407.		2.	337.		4.	252.	132.	1.	21.	200.	1.
546.		3.	476.	76.	1.	406.		3.	336.	111.	1.	248.	133.	1.	25.	201.	1.
545.		4.	475.		2.	405.		4.	335.		2.	244.	134.	1.	29.	202.	1.
544.	59.	1.	474.		3.	404.	94.	1.	334.		3.	240.	135.	1.	33.	203.	1.
543.		2.	473.		4.	403.		2.	333.		4.	236.	136.	1.	37.	204.	1.
542.		3.	472.	77.	1.	402.		3.	332.	112.	1.	232.	137.	1.	41.	205.	1.
541.		4.	471.		2.	401.		4.	331.		2.	228.	138.	1.	45.	206.	1.
540.	60.	1.	470.		3.	400.	95.	1.	330.		3.	224.	139.	1.	49.	207.	1.
539.		2.	469.		4.	399.		2	329.		4.	220.	140.	1.	53.	208	1.

A. D.	Ol.		A. D.	Ol.		A. D.	Ol.	
57.	209.	1.	141.	230.	1.	225.	251.	1.
61.	210.	1.	145.	231.	1.	229.	252.	1.
65.	211.	1.	149.	232.	1.	233.	253.	1.
69.	212.	1.	153.	233.	1.	237.	254.	1.
73.	213.	1.	157.	234.	1.	241.	255.	1.
77.	214.	1.	161.	235.	1.	245.	256.	1.
81.	215.	1.	165.	236.	1.	249.	257.	1.
85.	216.	1.	169.	237.	1.	253.	258.	1.
89.	217.	1.	173.	238.	1.	257.	259.	1.
93.	218.	1.	177.	239.	1.	261.	260.	1.
97.	219.	1.	181.	240.	1.	265.	261.	1.
101.	220.	1.	185.	241.	1.	269.	262.	1.
105.	221.	1.	189.	242.	1.	273.	263.	1.
109.	222.	1.	193.	243.	1.	277.	264.	1.
113.	223.	1.	197.	244.	1.	281.	265.	1.
117.	224.	1.	201.	245.	1.	285.	266.	1.
121.	225.	1.	205.	246.	1.	289.	267.	1.
125.	226.	1.	209.	247.	1.	293.	268.	1.
129.	227.	1.	213.	248.	1.	297.	269.	1.
133.	228.	1.	217.	249.	1.	301.	270.	1.
137.	229.	1.	221.	250.	1.			

Many of the ancient writers did not consider history to begin till the Olympiad of Corocbus, and regarded as fabulous the events said to have occurred in preceding times. (Censorinus, *De Die Natal.* c. 21 ; African. *apud Euseb. Praep.* x. 10. p. 487, d ; Clinton, *Fast. Hell.* vol. ii. Introd. p. ii.)

The old Olympiad aera appears only to have been used by writers, and especially by historians. It does not seem to have been ever adopted by any state in public documents. It is never found on any coins, and scarcely ever on inscriptions. There are only two inscriptions published by Böckh in which it appears to be used. (*Corp. Inscr.* n. 2682, 2999.) A new Olympiad aera, however, came into use under the Roman emperors, which is found in inscriptions and was used in public documents. This aera begins in Ol 227. 3. (A. D. 131), in which year Hadrian dedicated the Olympieion at Athens ; and accordingly we find Ol. 227. 3. spoken of as the first Olympiad, Ol. 228. 3. (A. D. 135) as the second Olympiad, &c. (Böckh, *Corp. Inscr.* n. 342, 446, 1345.)

(Krause, *Olympia*, p. 60, &c. ; Wurm *de Pond.*, &c., § 94, &c.)

ONYX. [Scalptura.]

OPA. [Metopa.]

OPA'LIA, a Roman festival in honour of Opis, which was celebrated on the 14th day before the Calends of January (Dec. 19th), being the third day of the Saturnalia, which was also originally celebrated on the same day, when only one day was devoted to the latter festival. It was believed that Opis was the wife of Saturnus, and for this reason the festivals were celebrated at the same time. (Macrob. *Sat.* i. 12 ; Varr. *de Ling. Lat.* vi. 22, ed. Müller ; Festus, *s. v. Opalia.*) The worshippers of Opis paid their vows sitting, and touched the earth on purpose, of which she was the goddess. (Macrob. *l. c.*)

O'PERIS NOVI NUNTIA'TIO was a summary remedy provided by the Edict against a person who was making an Opus Novum. An Opus Novum consisted in either adding something in the way of building (*aedificando*) or taking away something so as to alter the appearance of a thing (*facies operis*). The object of the nuntiatio was either the maintenance of a right (*jus*), or to prevent damage (*damnum*), or to protect the public interest (*publicum jus*). The owner of the property which was threatened with damage by the Opus Novum, or he who had an easement (*servitus*) in such property, had the Jus nuntiandi (Dig. 43. tit. 25). Nuntiatio consisted in protesting against and forbidding the progress of the Opus Novum, on the spot where the work was proceeding and in the presence of the owner or of some person who was there present on his account. The Nuntiatio did not require any application to or interference on the part of the Praetor. It was a rule of law that the Nuntiatio must take place before the work was completed: after it was completed, the Operis Novi Nuntiatio had no effect, and redress could only be obtained by the Interdict Quod vi aut clam.

If the Opus Novum consisted in building on the complainant's ground, or inserting or causing any thing to project into his premises, it was better to apply at once to the praetor, or to prevent it per manum, that is, as it is explained "jactu lapilli," which was a symbol of the use of force for self-protection.

The Edict declared that after a Nuntiatio nothing should be done, until the Nuntiatio was declared illegal (*nuntiatio missa* or *remissa fiat*) or a security (*satisdatio de opere restituendo*) was given. If the person to whom the notice was given persevered, even if he had a right to do what he was doing ; yet as he was acting against the praetor's edict, he might be compelled to undo what he had done. By the Nuntiatio, the parties were brought within the jurisdiction of the praetor. In cases where there was danger from the interruption of the work, or the person who was making the Opus Novum denied the right of the nuntians, he was allowed to go on upon giving a cautio or security for demolition or restoration, in case the law was against him. When the cautio was given or the nuntians waived it, the party was intitled to an interdictum prohibitorium for his protection in prosecuting the work.

The effect of the nuntiatio ceased, when the cautio was given ; when the nuntians died ; when he alienated the property in respect of which he claimed the Jus nuntiandi ; or when the praetor permitted the work to go on (*operis novi nuntiationem .... remeisserit, Lex Gall. Cis.* x. ; Dig. 39. tit. 1. s. 22, *ante remissam nuntiationem ;* Dig. 39. tit. 1 ; Mackeldey, *Lehrbuch*, &c., 12th ed. § 237, &c.). [G. L.]

OPI'MA SPO'LIA. [Spolia.]

OPINATO'RES were officers under the Roman emperors, who were sent into the provinces to obtain provisions for the army. The provisions had to be supplied to them within a year. The etymology of the name is uncertain. (Cod. 12. tit. 38. s. 11 ; Cod. Theod. 7. tit. 4. s. 26 ; 11. tit. 7. s. 16.)

OPISTHODOMUS. [Templum.]

OPISTOGRAPHI. [Liber.]

OPSO'NIUM, or OBSO'NIUM (ὄψον, *dim.* ὀψάριον ; ὄψημα, Plut. *Sympos. Prob.* iv. 1), denoted every thing which was eaten with bread. Among the ancients loaves, at least preparations of corn in some form or other, constituted the principal substance of every meal. But together with this, which was the staff of their life, they partook of numerous articles of diet called *opsonia* or *pulmentaria* (Cat. *de Re Rust.* 58 ; Hor. *Sat.* ii. 2. 20), designed also to give nutriment, but still more to add a relish to their food. Some of these articles were taken from the vegetable kingdom, but were much more pungent and savoury than bread, such as olives, either fresh or pickled, radishes, and sesamum. (Plato, *de Repub.* ii. p. 85, ed. Bekker; Xen. *Oecon.* viii. 9.) Of animal food by much the most common kind was fish, whence the terms under explanation were in the course of time used in a confined and special sense to denote fish only, but fish variously prepared, and more especially salt fish, which was most extensively employed to give a relish to the vegetable diet either at breakfast (Menander, p. 70, ed. Meineke), or at the principal meal. (Plaut. *Aulul.* ii. 6. 3.) For the same reason *ὀψοφάγος* meant a gourmand or epicure, and *ὀψοφαγία* gluttony. (Athen. ix. 24—37.) In maritime cities the time of opening the fish-market was signified by ringing a bell, so that all might have an equal opportunity for the purchase of delicacies. (Strab. xiv. 1. § 21; Plut. *Sympos. Prob.* p. 1187, ed. Steph.)

Of the different parts of fishes the roe was the most esteemed for this purpose. It is still prepared from the fish in the very same waters adjoining Myus in Ionia, which were given to Themistocles by the King of Persia. (Thuc. i. 138; Corn. Nepos. *Them.* x. 3; Diod. xi. 57.) A jar was found at Pompeii, containing caviare made from the roe of the tunny. (Gell, *Pompeiana*, 1832, vol. i. p. 178.)

Some of the principal *ταριχεῖαι*, or establishments for curing fish, were on the southern coast of Spain (Strab. iii. 4): but the Greeks obtained their chief supply from the Hellespont (Hermippus *ap. Athen.* i. 49, p. 27, e); and more especially Byzantium first rose into importance after its establishment by the Milesians in consequence of the active prosecution of this branch of industry. Of all seas the Euxine was accounted by the ancients the most abundant in fish, and the catching of them was aided by their migratory habits, as in the autumn they passed through the Bosporus towards the South, and in spring returned to the Euxine, in order to deposit their spawn in its tributary rivers. At these two seasons they were caught in the greatest quantity, and, having been cured, were shipped in Milesian bottoms, and sent to all parts of Greece and the Levant. The principal ports on the Euxine engaged in this traffic were Sinope and Panticapaeum. (Hegewisch, *Colonieen der Griechen*, p. 80.)

Among the fish used for curing were different kinds of sturgeon (*ἀντακαῖος*, Herod. iv. 53; Schneider, *Ecl. Phys.* i. p. 65, ii. p. 48), tunny (*σκομβρὸς*, Hermippus, *l. c.*; *scomber; πηλαμὺς*, a name still in use with some modification among the descendants of the ancient Phocaeans at Marseilles, Passow, *Handwörterbuch*, *s. v.*), and mullet. A minute discussion of their qualities, illustrated by quotations, may be seen in Athenaeus. (iii. 84—93.)

Plato mentions the practice of salting eggs, which was no doubt intended to convert them into a kind of opsonium (*Symp.* p. 404, ed. Bekker). The treatise of Apicius, *de Opsoniis*, is still extant in ten books.

The Athenians were in the habit of going to markets (*εἰς τοὔψον*) themselves in order to purchase their opsonia (*ὀψωνεῖν*, Theophrast. *Char.* 28; *opsonare*). [Macellum.] But the opulent Romans had a slave, called *opsonator* (*ὀψώνης*), whose office it was to purchase for his master. It was his duty, by learning what flavours were most acceptable to him, by observing what most delighted his eyes, stimulated his appetite, and even overcame his nausea, to satisfy as much as possible all the cravings of a luxurious palate. (Sen. *Epist.* 47; compare Hor. *Sat.* i. 2. 9, ii. 7. 106; Plaut. *Menaech.* ii. 2. 1, *Mil.* iii. 2. 73.) We may also infer, from an epigram of Martial (xiv. 217), that there were *opsonatores*, or purveyors, who furnished dinners and other entertainments at so much per head, according to the means and wishes of their employers. Spon (*Misc. Erud. Ant.* p. 214) has published two inscriptions from monuments raised to the memory of Romans who held the office of purveyors to the Imperial family. At Athens both the sale and the use of all kinds of opsonia were superintended by two or three special officers, appointed by the senate, and called *ὀψονόμοι*. (Athen. vi. 12.) [J. Y.]

O'PTIO. [Exercitus, p. 506, a.]

OPTIMA'TES. [Nobiles.]

ORA'CULUM (*μαντεῖον, χρηστήριον*) was used by the ancients to designate the revelations made by the deity to man, as well as the place in which such revelations were made. The deity was in none of these places believed to appear in person to man, and to communicate to him his will or knowledge of the future; but all oracular revelations were made through some kind of medium, which, as we shall see hereafter, was different in the different places where oracles existed. It may, on first sight, seem strange that there were, comparatively speaking, so few oracles of Zeus, the father and ruler of gods and men. But although, according to the belief of the ancients, Zeus himself was the first source of all oracular revelations, yet he was too far above men to enter with them into any close relation; other gods therefore, especially Apollo, and even heroes, acted as mediators between Zeus and men, and formed as it were the organs through which he communicated his will. (Soph. *Oed. Col.* 629; Aesch. *Eum.* 19, 611, &c.) The fact that the ancients consulted the will of the gods on all important occasions of public and private life, arose partly from the universal desire of men to know the issue of what they are going to undertake, and partly from the great reverence for the gods, so peculiar to the ancients, by which they were led not to undertake anything of importance without their sanction; for it should be borne in mind that an oracle was not merely a revelation to satisfy the curiosity of man, but at the same time a sanction or authorisation by the deity of what man was intending to do or not to do. We subjoin a list of the Greek oracles, classed according to the deities to whom they belonged.

I. Oracles of Apollo.

1. *The oracle of Delphi* was the most celebrated of all the oracles of Apollo. Its ancient name was Pytho, which is either of the same root as *πυθέσθαι*, to consult, or, according to the Homeric hymn on Apollo (185, &c.) derived from *πύθεσθαι*, to putrefy, with reference to the nature of the locality. Respecting the topography of the temple of Apollo see Pausanias (x. 14. § 7) and Müller (*in Dissen's Pindar*, ii. p. 628). In the innermost sanctuary (the *μύχος ἄδυτον* or *μέγαρον*), there was the statue of Apollo, which was, at least, in later times, of gold; and before it there burnt upon

an altar an eternal fire, which was fed only with fir-wood. (Aesch. *Choeph.* 1036; Plut. *De Ei ap. Delph.*) The inner roof of the temple was covered all over with laurel garlands (Aesch. *Eum.* 39), and upon the altar laurel was burnt as incense. In the centre of this temple there was a small opening (χάσμα) in the ground from which, from time to time, an intoxicating smoke arose, which was believed to come from the well of Cassotis, which vanished into the ground close by the sanctuary. (Paus. x. 24. § 5.) Over this chasm there stood a high tripod, on which the Pythia, led into the temple by the prophetes (προφήτης), took her seat whenever the oracle was to be consulted. The smoke rising from under the tripod affected her brain in such a manner that she fell into a state of delirious intoxication, and the sounds which she uttered in this state were believed to contain the revelations of Apollo. These sounds were carefully written down by the prophetes, and afterwards communicated to the persons who had come to consult the oracle. (Diod. xvi. 26; Strabo, ix. p. 419, &c.; Plut. *de Orac. Def.*)

The Pythia (the προφῆτις) was always a native of Delphi (Eurip. *Ion*, 92), and when she had once entered the service of the god she never left it, and was never allowed to marry. In early times she was always a young girl; but after one had been seduced by Echecrates the Thessalian, the Delphians made a law that in future no one should be elected as prophetess who had not attained the age of fifty years; but in remembrance of former days the old woman was always dressed as a maiden. (Diod. *l. c.*) The Pythia was generally taken from some family of poor country-people. At first there was only one Pythia at a time; but when Greece was in its most flourishing state, and when the number of those who came to consult the oracle was very great, there were always two Pythias who took their seat on the tripod alternately, and a third was kept in readiness in case some accident should happen to either of the two others. (Plut. *Quaest. Graec.* c. 9.) The effect of the smoke on the whole mental and physical constitution is said to have sometimes been so great, that in her delirium she leaped from the tripod, was thrown into convulsions, and after a few days died. (Plut. *de Orac. Def.* c. 51.)

At first oracles were given only once every year, on the seventh of the month of Bysius (probably the same as Πύθιος, or the month for consulting), which was believed to be the birthday of Apollo (Plut. *Quaest. Gr.* c. 9), but as this one day in the course of time was not found sufficient, certain days in every month were set apart for the purpose. (Plut. *Alex.* 14.) The order, in which the persons who came to consult were admitted, was determined by lot (Aesch. *Eum.* 32; Eurip. *Ion*, 422); but the Delphian magistrates had the power of granting the right of Προμαντεία, *i. e.* the right of consulting first, and without the order being determined by lot, to such individuals or states as had acquired claims on the gratitude of the Delphians, or whose political ascendancy seemed to give them higher claims than others. Such was the case with Croesus and the Lydians (Herod. i. 54), with the Lacedaemonians (Plut. *Per.* 21), and Philip of Macedonia. (Demosth. *c. Phil.* iii. p. 119.) It appears that those who consulted the oracle had to pay a certain fee, for Herodotus states that the Lydians were honoured with ἀτέλεια by the Delphians. The Pythia always spent three days, before she ascended the tripod, in preparing herself for the solemn act, and during this time she fasted, and bathed in the Castalian well, and dressed in a simple manner; she also burnt in the temple laurel leaves and flour of barley upon the altar of the god. (Schol. *ad Eurip. Phoen.* 230; Plut. *de Pyth. Or.* c. 6.) Those who consulted the oracle had to sacrifice a goat, or an ox, or a sheep, and it was necessary that these victims should be healthy in body and soul, and to ascertain this they had to undergo a peculiar scrutiny. An ox received barley, and a sheep chick-peas, to see whether they ate them with appetite; water was poured over the goats, and if this put them into a thorough tremble the victim was good. (Plut. *de Or. Def.* 49.) The victim which was thus found eligible was called ὁσιωτήρ. (Plut. *Quaest. Gr.* 9.) Wachsmuth (*Hellen. Alt.* ii. p. 588, 2d ed.) states that all who came to consult the oracle wore laurel-garlands surrounded with ribands of wool; but the passages from which this opinion is derived, only speak of such persons as came to the temple as suppliants. (Herod. vii. 14; Aesch. *Choeph.* 1035.)

The Delphians, or more properly speaking the noble families of Delphi, had the superintendence of the oracle. Among the Delphian aristocracy, however, there were five families which traced their origin to Deucalion, and from each of these one of the five priests, called ὅσιοι, was taken. (Eurip. *Ion*, 411; Plut. *Quaest. Gr.* c. 9.) Three of the names of these families only are known, viz. the Cleomantids, the Thracids (Diod. xvi. 24; Lycurg. *c. Leocrat.* p. 158), and the Laphriads. (Hesych. *s. v.*)

The ὅσιοι, together with the high priest or prophetes, held their offices for life, and had the control of all the affairs of the sanctuary and of the sacrifices. (Herod. viii. 136.) That these noble families had an immense influence upon the oracle is manifest from numerous instances, and it is not improbable that they were its very soul, and that it was they who dictated the pretended revelations of the god. (See especially, Lycurg. *c. Leocrat.* p. 158; Herod. vii. 141, vi. 66; Plut. *Pericl.* 21; Eurip. *Ion*, 1219, 1222, 1110.)

Most of the oracular answers which are extant, are in hexameters, and in the Ionic dialect. Sometimes, however, Doric forms also were used. (Herod. iv. 157, 159.) The hexameter was, according to some accounts, invented by Phemonoë, the first Pythia. This metrical form was chosen, partly because the words of the god were thus rendered more venerable, and partly because it was easier to remember verse than prose. (Plut. *de Pyth. Or.* 19.) Some of the oracular verses had metrical defects, which the faithful among the Greeks accounted for in an ingenious manner. (Plut. *l. c.* c. 5.) In the times of Theopompus, however, the custom of giving the oracles in verse seems to have gradually ceased; they were henceforth generally in prose, and in the Doric dialect spoken at Delphi. For when the Greek states had lost their political liberty, there was little or no occasion to consult the oracle on matters of a national or political nature, and the affairs of ordinary life, such as the sale of slaves, the cultivation of a field, marriages, voyages, loans of money, and the like, on which the oracle was then mostly consulted, were little calculated to be spoken of in lofty poetical strains.

(Plut. *de Pyth. Or.* 28.) When the oracle of Delphi lost its importance in the eyes of the ancients, the number of persons who consulted it naturally decreased, and in the days of Plutarch one Pythia was, as of old, sufficient to do all the work, and oracles were only given on one day in every month.

The divine agency in Pytho is said to have first been discovered by shepherds who tended their flocks in the neighbourhood of the chasm, and whose sheep, when approaching the place, were seized with convulsions. (Diod. xvi. 26; Plut. *de Defect. Or.* c. 42.) Persons who came near the place showed the same symptoms, and received the power of prophecy. This at last induced the people to build a temple over the sacred spot. According to the Homeric hymn on Apollo, this god was himself the founder of the Delphic oracle, but the local legends of Delphi stated that originally it was in the possession of other deities, such as Gaea, Themis, Phoebe, Poseidon, Night, Cronos, and that it was given to Apollo as a present. (Aeschyl. *Eum.* 3, &c.; compare Paus. x. 5; Ovid. *Metam.* i. 321; Argum. *ad Pind. Pyth.;* Tzetz. *ad Lycophr.* 202.) Other traditions again, and these perhaps the most ancient and genuine, represented Apollo as having gained possession of the oracle by a struggle, which is generally described as a fight, with Python, a dragon, who guarded the oracle of Gaea or Themis.

The oracle of Delphi, during its best period, was believed to give its answers and advice to every one who came with a pure heart, and had no evil designs; if he had committed a crime, the answer was refused until he had atoned for it (Herod. i. 19, 22), and he who consulted the god for bad purposes was sure to accelerate his own ruin. (Herod. iv. 86; Paus. ii. 18. § 2.) No religious institution in all antiquity obtained such a paramount influence, not only in Greece, but in all countries around the Mediterranean, in all matters of importance, whether relating to religion or to politics, to private or to public life, as the oracle of Delphi. When consulted on a subject of a religious nature, the answer was invariably of a kind calculated not only to protect and preserve religious institutions, but to command new ones to be established (Demosth. *c. Mid.* 15; Herod. v. 82, i. 165, &c.), so that it was the preserver and promoter of religion throughout the ancient world. Colonies were seldom or never founded without having obtained the advice and the directions of the Delphic god. (Cic. *de Div.* i. 1.) Hence the oracle was consulted in all disputes between a colony and its metropolis, as well as in cases where several states claimed to be the metropolis of a colony. (Thucyd. i. 25, 28; Diod. xv. 18.)

The Delphic oracle had at all times a leaning in favour of the Greeks of the Doric race; but the time when it began to lose its influence must be dated from the period when Athens and Sparta entered upon their struggle for the supremacy in Greece; for at this time the partiality for Sparta became so manifest, that the Athenians and their party began to lose all reverence and esteem for it (Plut. *Demosth.* 20), and the oracle became a mere instrument in the hands of a political party. In the times of Cicero and Plutarch many believed that the oracle had lost the powers which it had possessed in former days; but it still continued to be consulted down to the times of the emperor Julian, until at last it was entirely done away with by Theodosius.

Notwithstanding the general obscurity and ambiguity of most of the oracles given at Delphi, there are many also which convey so clear and distinct a meaning, that they could not possibly be misunderstood, so that a wise agency at the bottom of the oracles cannot be denied. The manner in which this agency has been explained at different times, varies greatly according to the spirit of the age. During the best period of their history the Greeks, generally speaking, had undoubtedly a sincere faith in the oracle, its counsels and directions. When the sphere in which it had most benefitted Greece became narrowed and confined to matters of a private nature, the oracle could no longer command the veneration with which it had been looked upon before. The pious and believing heathens, however, thought that the god no longer bestowed his former care upon the oracle, and that he was beginning to withdraw from it; while freethinkers and unbelievers looked upon the oracle as a skilful contrivance of priestcraft which had then outgrown itself. This latter opinion has also been adopted by many modern writers. The early Christians, seeing that some extraordinary power must in several cases have been at work, represented it as an institution of the evil spirit. In modern times opinions are very much divided. Hüllmann, for example, has endeavoured to show that the oracle of Delphi was entirely managed and conducted by the aristocratic families of Delphi, which are thus described as forming a sort of hierarchical senate for all Greece. If so, the Delphic senate surely was the wisest of all in the history of the ancient world. Klausen, on the other hand, seems to be inclined to allow some truly divine influence, and at all events thinks that even in so far as it was merely managed by men, it acted in most cases according to lofty and pure moral principles.

The modern literature on the Delphic oracle is very rich; the most important works are:—C. F. Wilster, *De Religione et Oraculo Apollinis Delphici*, Hafniae, 1827; H. Piotrowski, *De Gravitate Oraculi Delphici*, Lipsiae, 1829; R. H. Klausen, *in Ersch und Gruber's Encyclopädie, s. v. Orakel;* K. D. Hüllmann, *Würdigung des Delphischen Orakels*, Bonn, 1837; W. Götte, *Das Delphische Orakel, in seinem politischen, religiösen und sittlichen Einfluss auf die alte Welt*, Leipzig, 1839.

2. *Oracle at Abae in Phocis.* An oracle was believed to have existed there from very early times (Paus. x. 35. § 2), and was held in high esteem by the Phocians. (Soph. *Oed. Tyr.* 899; Herod. viii. 33.) Some years before the Persian invasion, the Phocians gained a victory over the Thessalians, in which they obtained, among other spoils, four thousand shields, half of which they dedicated in the temple of Apollo at Abae, and half in that of Delphi. (Herod. viii. 27.) The oracle was like many others consulted by Croesus; but he does not seem to have found it agreeing with his wishes. (Herod. i. 46.) In the Persian invasion of Xerxes, the temple of Abae was burnt down, and, like all other temples destroyed in this invasion, it was never rebuilt. The oracle itself, however, remained, and before the battle of Leuctra it promised victory to the Thebans; but in the Phocian or sacred war, when some Phocian fugitives had taken refuge in the ruins, they were entirely destroyed by the Thebans. (Paus. *l. c.*) But even after this calamity the

oracle seems to have been consulted, for the Romans, from reverence for it, allowed the inhabitants of Abae to govern themselves. Hadrian built a small temple by the side of the old one, some walls of which were still standing as ruins in the time of Pausanias (x. 35. § 2, 3).

3. *Oracle on the hill of Ptoon*, in the territory of Thebes. The oracle was here given through the medium of a man called *πρόμαντις*, and the first promantis was said to have been Teneros, a son of Apollo. (Strab. ix. p. 413; Paus. ix. 33. § 3.) The oracles were usually given in the Aeolian dialect, but when Mys, the Carian, consulted the god, the answer was given in the Carian language (Paus. *l. c.*), so that instead of the three Thebans who generally wrote down the oracles, the Carian was obliged to do it himself. (Herod. viii. 135.) When Alexander the Great destroyed Thebes, this oracle also perished. (Paus. ix. 33. § 3.) In the time of Plutarch the whole district was completely desolate. (*De Orac. Def.* c. 8.)

4. *Oracle of Apollo at Ismenion*, in Boeotia, south of Thebes. The temple of Apollo Ismenios was the national sanctuary of the Thebans. The oracle was here not given by inspiration, as in other places, but from the inspection of the victims. (Herod. viii. 134.) On one occasion it gave its prophecy from a huge cobweb in the temple of Demeter. (Diod. xvii. 10; compare Paus. ix. 10. § 2, &c.)

5. *Oracle of Apollo at Hysiae*, on the frontiers of Attica. This place contained an oracle of Apollo with a sacred well, from which those drank who wished to become inspired. In the time of Pausanias the oracle had become extinct. (Paus. ix. 2. § 1.)

6. *Oracle of Apollo at Tegyra*, was an ancient and much frequented oracle in Boeotia, which was conducted by prophets. The Pythia herself on one occasion declared this to be the birth-place of Apollo. In the time of Plutarch the whole district was a wilderness. (Plut. *de Orac. Def.* c. 8, *Pelop.* 16; Steph. Byz. *s. v.* Τέγυρα.)

7. *Oracle of Apollo in the village of Eutresis*, in the neighbourhood of Leuctra. (Steph. Byz. *s. v.* Εὔτρησις; Eustath. *ad Iliad.* ii. 502.) This oracle became extinct during the Macedonian period. (Plut. *de Orac. Def.* c. 5.)

8. *Oracle of Apollo at Orobiae*, in Euboea. Apollo here bore the surname of the Selinuntian. (Strab. x. p. 445.)

9. *Oracle of Apollo in the Lyceum at Argos.* The oracle was here given by a prophetess. (Plut. *Pyrrh.* 31.)

10. *Oracle of Apollo Deiradiotes*, on the acropolis of Argos. The oracle was given by a prophetess, who was obliged to abstain from matrimonial connections once in every month. She was believed to become inspired by tasting of the blood of a lamb which was sacrificed during the night. This oracle continued to be consulted in the days of Pausanias (ii. 24. § 1).

11. *Oracle of Apollo at Didyma*, usually called the oracle of the Branchidae, in the territory of Miletus. This was the oracle most generally consulted by the Ionians and Aeolians. (Herod. i. 158.) The temple, however, was said to have been founded previously to the arrival of the Ionians on the coast of Asia (Paus. vii. 2. § 4), and the altar was said to have been built by Heracles, and the temple by Branchus, a son of Apollo, who had come from Delphi as a purifying priest. (Paus. v. 13. § 6; Strab. xiv. p. 634.) Hence this oracle, like that of Delphi, combined purifying or atoning rites with the practice of prophesying. (Müller, *Dor.* ii. 2. § 6.) The real antiquity of the oracle, however, cannot be traced further back than the latter half of the 7th century before our aera. (Soldan, p. 553, &c.) The priests called Branchidae, who had the whole administration of the oracle, were said to be the descendants of Branchus. The high priest bore the name Stephanephorus. Among them was one family which possessed the hereditary gift of prophecy, and was called the family of the Euangelidae. (Conon, 44.) The oracle was under the especial management of a prophet, whose office did not last for life. The oracles were probably inspired in a manner similar to that at Delphi. (Paus. v. 7. § 3.) Croesus made to this oracle as munificent presents as to that of Delphi. (Herod. i. 46, &c.) The principles which it followed in its counsels and directions were also the same as those followed by the Delphians. The Persians burnt and plundered the temple as had been predicted by the Pythia of Delphi (Herod. vi. 19); but it was soon restored and adorned with a fine brazen statue of Apollo (Paus. ii. 10. § 4, ix. 10. § 2; compare Müller, *Ancient Art and its Remains*, § 86), which Xerxes on his retreat carried with him to Ecbatana. A part of the Branchidae had surrendered to Xerxes the treasures of the temple, and were at their own request transplanted to Bactriana (Strabo, *l. c.*), where their descendants are said to have been severely punished by Alexander for their treachery. (Curt. vii. 5.) Seleucus sent the statue of Apollo back to Didyma, because the oracle had saluted him as king. (Paus. i. 16. § 3; Diod. ix. 90.) The oracle continued to be consulted after the faithlessness of its ministers. Some ruins of the temple at Didyma are still extant. (Compare the Commentators on Herod. i. 92; Suid. *s. v.* Βραγχίδαι; Droysen, *Gesch. Alex. des Grossen*, p. 307; and an excellent essay by W. G. Soldan, *Das Orakel der Branchiden*, in *Zimmermann's Zeitschrift für die Alterthumswissenschaft*, 1841. No. 66, &c.)

12. *Oracle of Apollo at Claros*, in the territory of Colophon. It was said to have been founded by Cretans under Rhacius, previous to the settlement of the Ionians in Asia Minor. The early legends put this oracle in connection with Delphi, from whence Manto, the daughter of Teiresias, came to Claros, married Rhacius and gave birth to Mopsus, from whom the prophets of Claros were probably believed to be descended. (Paus. vii. 3. §§ 1, 2.) This oracle was of great celebrity, and continued to be consulted even at the time of the Roman emperors. (Paus. vii. 5. § 1, &c.; Strab. xiv. p. 642; Tacit. *Annal.* xii. 22.) The oracles were given through an inspired prophet, who was taken from certain Milesian families. He was generally a man without any refined education, had only the names and the number of the persons who consulted the oracle stated to him, and then descended into a cavern, drank of the water from a secret well, and afterwards pronounced the oracle in verse. (Tacit. *Annal.* ii. 54.)

13. *Oracle of Apollo at Grynea*, in the territory of the Myrinaeans. (Hecat. *Fragm.* 211.)

14. *Oracle of Apollo Gonnapaeus*, in Lesbos. (Schol. *Aristoph. Nub.* 145.)

15. *Oracle of Apollo at Abdera.* (Pindar, *ap. Tzetzes, Lycophr.* 445.)

16. *Oracle of Apollo in Delos*, which was only consulted in summer. (Callim. *Hymn. in Del.* i.; Serv. *ad Virg. Aen.* iv. 143.)

17. *Oracle of Apollo at Patara*, in Lycia, was only consulted in winter. The prophetess (πρόμαντις) spent a night in the temple to wait for the communications which the god might make to her. (Herod. i. 182; Serv. *ad Virg. Aen.* iv. 143.)

18. *Oracle of Apollo at Telmessus*. The priests of this institution did not give their answers by inspiration, but occupied themselves chiefly with the interpretation of dreams, whence Herodotus (i. 78; compare Cic. *de Div.* i. 41; Arrian, ii. 3) calls them ἐξηγηταί. But they also interpreted other marvellous occurrences. Near Telmessus there was another oracle of Apollo, where those who consulted it had to look into a well, which showed them in an image the answer to their questions. (Paus. vii. 21. § 6.)

19. *Oracle of Apollo at Mallos*, in Cilicia. (Strab. xiv. p. 675, &c.; Arrian, ii. 5.)

20. *Oracle of the Sarpedonian Apollo*, in Cilicia. (Diod. *Exc.* xxxviii. 12.)

21. *Oracle of Apollo at Hybla*, in Caria. (Athen. xv. p. 672.)

22. *Oracle of Apollo at Hiera Kome*, on the Maeander, a celebrated oracle which spoke in good verses. (Liv. xxxviii. 13; Steph. Byz. *s. v.*)

II. ORACLES OF ZEUS.

1. *Oracle of Zeus at Olympia*. In this as in the other oracles of Zeus the god did not reveal himself by inspiration, as Apollo did in almost all of his oracles, but he merely sent signs which men had to interpret. Those who came to consult the oracle of Olympia offered a victim, and the priest gave his answers from the nature of the several parts of the victim, or from accidental circumstances accompanying the sacrifice. (Herod. viii. 134; Strab. viii. p. 353.) The prophets or interpreters here belonged to the family of the Iamids. In early times the oracle was much resorted to, and Sophocles (*Oed. Tyr.* 900) mentions it along with the most celebrated oracles; but in later times it was almost entirely neglected, probably because oracles from the inspection of victims might be obtained anywhere. The spot, where the oracles were given at Olympia, was before the altar of Zeus. (Pind. *Ol.* vi. 70.) It was especially those who intended to take part in the Olympic games that consulted the oracle about their success (Pind. *Ol.* viii. 2), but other subjects also were brought before it.

2. *Oracle of Zeus at Dodona*. Here the oracle was given from sounds produced by the wind. The sanctuary was situated on an eminence. (Aeschyl. *Prom.* 830.) Although in a barbarous country, the oracle was in close connection with Greece, and in the earliest times apparently much more so than afterwards. (Hom. *Il.* xvi. 233.) Zeus himself, as well as the Dodonaeans, were reckoned among the Pelasgians, which is a proof of the ante-hellenic existence of the worship of Zeus in these parts, and perhaps of the oracle also. (Hesiod. and Ephor. *ap. Strab.* vii. p. 327, &c.) The oracle was given from lofty oaks covered with foliage (Hom. *Od.* xiv. 328, xix. 297), whence Aeschylus (*Prom.* 832; compare Soph. *Trach.* 1170) mentions the speaking oaks of Dodona as great wonders. Beech-trees, however, are also mentioned in connection with the Dodonaean oracle, which, as Hesiod (*Fragm.* 39; Soph. *Trach.* 169; Herod. ii. 55) said, dwelt in the stem of a beech-tree. Hence we may infer that the oracle was not thought to dwell in any particular or single tree, but in a grove of oaks and beeches. The will of the god was made manifest by the rustling of the wind through the leaves of the trees, which are therefore represented as eloquent tongues. In order to render the sounds produced by the winds more distinct, brazen vessels were suspended on the branches of the trees, which being moved by the wind came in contact with one another, and thus sounded till they were stopped. (Suid. *s. v.* Δωδώνη; Philostrat. *Imag.* ii.) Another mode of producing the sounds was this: — There were two columns at Dodona, one of which bore a metal basin, and the other a boy with a scourge in his hand; the ends of the scourge consisted of little bones, and as they were moved by the wind they knocked against the metal basin on the other column. (Steph. Byz. *s. v.* Δωδώνη: Suid. *s. v.* Δωδωναῖον χαλκεῖον; Strabo, *Excerpt. ex lib.* vii. vol. ii. p. 73, ed. Kramer.) According to other accounts oracles were also obtained at Dodona through pigeons, which sitting upon oak-trees pronounced the will of Zeus. (Dionys. Hal. i. 15.) The sounds were in early times interpreted by men, but afterwards, when the worship of Dione became connected with that of Zeus, by two or three old women who were called πελειάδες or πέλαιαι, because pigeons were said to have brought the command to found the oracle. (Soph. *Trach.* 169, with the Schol.; Herod. *l. c.*; Paus. x. 12. § 5.) In the time of Herodotus (*l. c.*) the names of the three prophetesses were Promeneia, Timarete and Nicandra. They were taken from certain Dodonaean families, who traced their pedigree back to the mythical ages. There were, however, at all times priests called τόμουροι (Strab. *l. c.*) connected with the oracle, who on certain occasions interpreted the sounds; but how the functions were divided between them and the Peleae is not clear. In the historical times the oracle of Dodona had less influence than it appears to have had at an earlier period, but it was at all times inaccessible to bribes and refused to lend its assistance to the Doric interest. (Corn. Nep. *Lysand.* 3.) It was chiefly consulted by the neighbouring tribes, the Aetolians, Acarnanians, and Epirots (Paus. vii. 21. § 1; Herod. ix. 93), and by those who would not go to Delphi on account of its partiality for the Dorians. There appears to have been a very ancient connection between Dodona and the Boeotian Ismenion. (Strab. ix. p. 402; compare Müller, *Orchom.* p. 378, 2d edit.)

The usual form in which the oracles were given at Dodona was in hexameters; but some of the oracles yet remaining are in prose. In 219 B. C. the temple was destroyed by the Aetolians, and the sacred oaks were cut down (Polyb. iv. 67), but the oracle continued to exist and to be consulted, and does not seem to have become totally extinct until the third century of our aera. In the time of Strabo the Dodonaean prophetesses are expressly mentioned, though the oracle was already decaying like all the others. (Strab. vii. p. 329.)

Compare Cordes, *De Oraculo Dodonaeo*, Groningen, 1826; J. Arneth, *Ueber das Taubenorakel von Dodona*, Wien, 1840; L. von Lasaulx, *Das Pelasgische Orakel des Zeus zu Dodona, ein Beitrag zur Religionsphilosophie*, Würzburg, 1840.

3. *Oracle of Zeus Ammon*, in an oasis in Libya, in the north-west of Egypt. According to the traditions current at Dodona and Thebes in Egypt, it was founded by the latter city (Herod. ii. 42, 54, &c.), and the form in which the god was represented at Thebes and in the Ammonium was the same; he had in both places the head of a ram. (Herod. iv. 181.) The Greeks became acquainted with this oracle through the Cyreneans, and Sparta was the first city of Greece which formed connections with it. (Paus. iii. 18. § 2.) Its example was followed by the Thebans, Olympians, Dodonaeans, Eleans, and others, and the Athenians sent frequent theories to the Ammonium even before Ol. 91 (Böckh, *Publ. Econ.* p. 240, 2d edit.), and called one of their sacred vessels Ammonis. (Hesych. and Suid. *s. v.* Ἄμμων; Harpocrat. *s. v.* Ἀμμωνίς.) Temples of Zeus Ammon were now erected in several parts of Greece. His oracle in Libya was conducted by men who also gave the answers. (Diod. xvii. 51.) Their number appears to have been very great, for on some occasions when they carried the statue about in a procession, their number is said to have been eighty. (Diod. iii. 50.) In the time of Strabo (xvii. p. 813) the oracle was very much neglected, and in a state of decay. The Greek writers, who are accustomed to call the greatest god of a barbarous nation Zeus, mention several oracles of this divinity in foreign countries. (Herod. ii. 29; Diod. iii. 6.)

III. Oracles of other Gods.

The other gods who possessed oracles were consulted only concerning those particular departments of the world and human life over which they presided. *Demeter* thus gave oracles at Patrae in Achaia, but only concerning sick persons, whether their sufferings would end in death or recovery. Before the sanctuary of the goddess there was a well surrounded by a wall. Into this well a mirror was let down by means of a rope, so as to swim upon the surface. Prayers were then performed and incense offered, whereupon the image of the sick person was seen in the mirror either as a corpse or in a state of recovery. (Paus. vii. 21. § 5.) At Pharae in Achaia, there was an oracle of *Hermes*. His altar stood in the middle of the market-place. Incense was offered there, oil-lamps were lighted before it, a copper coin was placed upon the altar, and after this the question was put to the god by a whisper in his ear. The person who consulted him shut his own ears, and immediately left the market-place. The first remark that he heard made by any one after leaving the market-place was believed to imply the answer of Hermes. (Paus. vii. 22. § 2.)

There was an *Oracle of Pluto and Cora* at Charax, or Acharaca, not far from Nysa, in Caria. The two deities had here a temple and a grove, and near the latter there was a subterraneous cave of a miraculous nature, called the cave of Charon; for persons suffering from illness, and placing confidence in the power of the gods, travelled to this place, and stayed for some time with experienced priests who lived in a place near the cave. These priests then slept a night in the cavern, and afterwards prescribed to their patients the remedies revealed to them in their dreams. Often, however, they took their patients with them into the cave, where they had to stay for several days in quiet and without taking any food, and were sometimes allowed to fall into the prophetic sleep, but were prepared for it, and received the advice of the priests; for to all other persons the place was inaccessible and fatal. There was an annual panegyris in this place, probably of sick persons who sought relief from their sufferings. On the middle of the festive day the young men of the gymnasium, naked and anointed, used to drive a bull into the cave, which, as soon as it had entered, fell down dead. (Strab. xiv. p. 649; compare xii. p. 579.)

At Epidaurus Limera oracles were given at the festival of *Ino*. [Inoa]. The same goddess had an oracle at Oetylon, in which she made revelations in dreams to persons who slept a night in her sanctuary. (Paus. iii. 26. § 1.) *Hera Acraea* had an oracle between Lechaeon and Pagae. (Strab. viii. p. 380.)

IV. Oracles of Heroes.

1. *Oracle of Amphiaraus*, between Potniae and Thebes, where the hero was said to have been swallowed up by the earth. His sanctuary was surrounded by a wall and adorned with columns, upon which birds never settled, and birds or cattle never took any food in the neighbourhood. (Paus. ix. 3. § 2.) The oracles were given to persons in their dreams, for they had to sleep in the temple (Herod. viii. 134) after they had prepared themselves for this *incubatio* by fasting one day, and by abstaining from wine for three days. (Philostrat. *Vit. Apoll.* ii. 37.) The Thebans were not allowed to consult this oracle, having chosen to take the hero as their ally rather than as their prophet. (Herod. *l. c.*) Another oracle of Amphiaraus was at Oropus, between Boeotia and Attica, which was most frequently consulted by the sick about the means of their recovery. Those who consulted it had to undergo lustrations, and to sacrifice a ram, on the skin of which they slept a night in the temple, where in their dreams they expected the means of their recovery to be revealed to them. (Paus. i. 34. § 2, &c.) If they recovered, they had to throw some pieces of money into the well of Amphiaraus in his sanctuary. The oracle was said to have been founded by the Thebans. (Strab. ix. p. 399.)

2. *Oracle of Amphilochus.* He was the son of Amphiaraus, and had an oracle at Mallos in Cilicia, which Pausanias calls the most trustworthy of his time. (Paus. i. 34. § 2; Dion Cass. lxxii. 7.)

3. *Oracle of Trophonius* at Lebadeia in Boeotia. (Paus. ix. 37. § 3.) Those who wished to consult this oracle had first to purify themselves by spending some days in the sanctuary of the good spirit and good luck (ἀγαθοῦ Δαίμονος καὶ ἀγαθῆς Τύχης), to live sober and pure, to abstain from warm baths, but to bathe in the river Hercyna, to offer sacrifices to Trophonius and his children, to Apollo, Cronos, king Zeus, Hera Heniocha, and to Demeter Europe, who was said to have nursed Trophonius; and during these sacrifices a soothsayer explained from the intestines of the victims whether Trophonius would be pleased to admit the consultor. In the night in which the consultor was to be allowed to descend into the cave of Trophonius, he had to sacrifice a ram to Agamedes, and only in case the signs of the sacrifice were favourable, the hero was thought to be pleased to admit the person into his cave. What took place

after this was as follows: — Two boys, 13 years old, led him again to the river Hercyna, and bathed and anointed him. The priests then made him drink from the well of oblivion (Λήθη) that he might forget all his former thoughts, and from the well of recollection (Μνημοσύνη) that he might remember the visions which he was going to have. They then showed him a mysterious representation of Trophonius, made him worship it, and led him into the sanctuary, dressed in linen garments with girdles around his body, and wearing a peculiar kind of shoes (κρηπῖδες) which were customary at Lebadeia. Within the sanctuary which stood on an eminence, there was a cave, into which the person was now allowed to descend by means of a ladder. Close to the bottom, in the side of the cave, there was an opening into which he put his feet, whereupon the other parts of the body were likewise drawn into the opening by some invisible power. What the persons here saw was different at different times. They returned through the same opening by which they had entered, and the priests now placed them on the throne of Mnemosyne, asked them what they had seen, and led them back to the sanctuary of the good spirit and good luck. As soon as they had recovered from their fear, they were obliged to write down their vision on a little tablet which was dedicated in the temple. This is the account given by Pausanias, who had himself descended into the cave, and writes as an eye-witness. (Paus. ix. 39. § 3, &c.; compare Philostr. *Vit. Apoll.* viii. 19.) The answers were probably given by the priests according to the report of what persons had seen in the cave. This oracle was held in very great esteem, and did not become extinct until a very late period: and though the army of Sulla had plundered the temple, the oracle was much consulted by the Romans (Orig. *c. Cels.* vii. p. 355), and in the time of Plutarch it was the only one among the numerous Boeotian oracles, that had not become silent. (Plut. *de Orac. Def.* c. 5.)

4. *Oracle of Calchas*, in Daunia in southern Italy. Here answers were given in dreams, for those who consulted the oracle had to sacrifice a black ram, and slept a night in the temple, lying on the skin of the victim. (Strab. vi. p. 284.)

5. *Oracles of Asclepius* (Aesculapius). The oracles of Asclepius were very numerous. But the most important and most celebrated was that of Epidaurus. His temple there was literally covered with votive tablets, on which persons had recorded their recovery by spending a night in the temple. In the temples of Aesculapius and Serapis at Rome, recovery was likewise sought by incubatio in his temple. (Suet. *Claud.* 25.) F. A. Wolf has written an essay, *Beitrag zur Gesch. des Somnambulismus aus dem Alterthum* (*Vermischte Schriften*, p. 382, &c.), in which he endeavours to show that what is now called Mesmerism, or animal magnetism, was known to the priests of those temples where sick persons spent one or more nights for the purpose of recovering their health. Other oracles of the same kind are mentioned in that essay, together with some of the votive tablets still extant.

6. *Oracle of Heracles* at Bura in Achaia. Those who consulted it, prayed and put their questions to the god, and then cast four dice painted with figures, and the answer was given according to the position of these figures. (Paus. vii. 25. § 6.)

7. *Oracle of Pasiphaë*, at Thalamiae in Laconia, where answers were given in dreams while persons spent the night in the temple. (Plut. *Cleom.* 7, *Agis*, 9; Cic. *de Div.* i. 43.)

8. *Oracle of Phrixus*, in Iberia near Mount Caucasus, where no rams were allowed to be sacrificed. (Strab. xi. p. 498; Tacit. *Annal.* vi. 34.)

V. ORACLES OF THE DEAD.

Another class of oracles are the *oracles of the dead* (νεκυομαντεῖον or ψυχοπομπεῖον), in which those who consulted called up the spirits of the dead, and offered sacrifices to the gods of the lower world. One of the most ancient and most celebrated places of this kind was in the country of the Thesprotians near lake Aornos. (Diod. iv. 22; Herod. v. 92. § 7; Paus. ix. 30. § 3.) Another oracle of this kind was at Heraclea on the Propontis. (Plut. *Cim.* 6.)

Respecting the Greek oracles in general see Wachsmuth, *Hellen. Alterth.* ii. p. 585, &c.; Klausen, *in Ersch und Gruber's Encyclop. s. v. Orakel.*

VI. ITALIAN ORACLES.

Oracles, in which a god revealed his will through the mouth of an inspired individual, did not exist in Italy. The oracles of Calchas and Aesculapius mentioned above were of Greek origin, and the former was in a Greek heroum on mount Garganus. The Romans, in the ordinary course of things, did not feel the want of such oracles as those of Greece, for they had numerous other means to discover the will of the gods, such as the Sibylline books, augury, haruspices, signs in the heavens, and the like, which are partly described in separate articles and partly in DIVINATIO. The only Italian oracles known to us are the following: —

1. *Oracle of Faunus.* His oracles are said to have been given in the Saturnian verse, and collections of his vaticinia seem to have existed at an early period. (Aurel. Vict. *De Orig. gent. Rom.* c. 4.) The places where his oracles were given were two groves, the one in the neighbourhood of Tibur, round the well of Albunea, and the other on the Aventine. (Virg. *Aen.* vii. 81, &c.; Ovid, *Fast.* iv. 650, &c.) Those who consulted the god in the grove of Albunea, which is said to have been resorted to by all the Italians, had to observe the following points: — The priest first offered a sheep and other sacrifices to the god. The skin of the victim was spread on the ground, and the consultor was obliged to sleep upon it during the night, after his head had been thrice sprinkled with pure water from the well, and touched with the branch of a sacred beech tree. He was, moreover, obliged several days before this night to abstain from animal food and from matrimonial connections, to be clothed in simple garments, and not to wear a ring on his fingers. After he fell asleep on the sheep skin he was believed to receive his answer in wonderful visions and in converse with the god himself. (Virg. *l. c.*; Isidor. viii. 11. 87.) Ovid (*l. c.*) transfers some of the points to be observed in order to obtain the oracle on the Albunea, to the oracle on the Aventine. Both may have had much in common, but from the story which he relates of Numa it seems to be clear that on the Aventine certain different ceremonies also were observed.

2. *Oracles of Fortuna* existed in several Italian towns, especially in Latium, as at Antium and Praeneste. In the former of these towns two

sisters Fortunae were worshipped, and their statues used to bend forward when oracles were given. (Macrob. *Sat.* i. 23; compare Horat. *Carm.* i. 35. 1; Suet. *Calig.* 57 with Ernesti's note; *Domit.* 15.) At Praeneste the oracles were derived from lots (*sortes*), consisting of sticks of oak with ancient characters graven upon them. These lots were said to have been found by a noble Praenestine of the name of Numerius Suffucius, inside of a rock which he had cleft open at the command of a dream by which he had been haunted. The lots, when an oracle was to be given, were shaken up together by a boy, after which one was drawn for the person who consulted the goddess. (Cic. *de Divin.* ii. 41.) The lots of Praeneste were, at least with the vulgar, in great esteem as late as the time of Cicero, while in other places of Latium they were mostly neglected. The Etruscan Caere in early times had likewise its sortes. (Liv. xxi. 62.)

3. *An Oracle of Mars* was in very ancient times, according to Dionysius (i. 15), at Tiora Matiena, not far from Reate. The manner in which oracles were here given resembled that of the pigeon-oracle at Dodona, for a woodpecker (*picus*), a bird sacred to Mars, was sent by the god, and settled upon a wooden column, whence he pronounced the oracle.

On Roman oracles in general see Niebuhr, *Hist. of Rome*, vol. i. p. 508, &c.; Hartung, *Die Relig. der Römer*, vol. i. p. 96, &c. [L. S.]

ORA'RIUM was a small handkerchief used for wiping the face, and appears to have been employed for much the same purposes as our pocket-handkerchief. It was made of silk or linen. In the *Etym. Mag.* (p. 804. 27, ed. Sylb.) it is explained by *προσώπου ἐκμαγεῖον*. Aurelian introduced the practice of giving *Oraria* to the Roman people to use *ad favorem*, which appears to mean for the purpose of waving in the public games in token of applause, as we use our hats and handkerchiefs for the same purpose. (Vopisc. *Aurel.* 48; Casaubon *ad loc.*; Augustin. *de Civ. Dei*, xxii. 8; Prudent. *Περὶ Στεφ.* i. 86; Hieron. *ad Nepotian. Ep.* 2.)

ORATIO'NES PRI'NCIPUM. The Orationes Principum are frequently mentioned by the Roman writers under the Empire; but those which are discussed under this head have reference to legislation only, and were addressed to the Senate. Under the Christian Emperors particularly, these Orationes were only a mode of promulgating Law as constituted by the Emperor; and we have an instance of this even in the reign of Probus ("Leges, quas Probus ederet, Senatusconsultis propriis consecrarent," Prob. Imp. *ap. Flav. Vopisc.* 13.); and in a passage of the Institutes of Justinian (2. tit. 17. s. 7), the expression "Divi Pertinacis oratione cautum est." Under the earlier Emperors, the Orationes were in the form of propositions for laws addressed to the Senate, who had still in appearance, though not in reality, the legislative power. This second kind of Orationes is often cited by the Classical Jurists, as in the following instance from Gaius (ii. 285) — "ex oratione Divi Hadriani Senatusconsultum factum est." — "Oratione Divi Marci . . quam S. C. secutum est" (Paulus, Dig. 23. tit. 2 s. 16.)

Many of the Orationes of the Roman emperors, such as are quoted by the Augustae Historiae Scriptores, are merely communications to the Senate; such for instance as the announcement of a victory. (Maxim. Duo, *ap. J. Capitol.* 12, 13.) These Orationes are sometimes called Litterae or Epistolae by the non-juristical writers; but the juristical writers appear to have generally avoided the use of Epistola in this sense, in order not to confound the Imperial Orationes with the Rescripta which were often called Epistolae. It appears that the Roman jurists used the terms Libellus and Oratio Principis as equivalent, for the passages which have been referred to in support of the opinion that these two words had a different sense (Dig. 5. tit. 3. s. 20, 22), show that Libellus and Oratio Principis are the same, for the Oratio is here spoken of by both names. These Orationes were sometimes pronounced by the Emperor himself, but apparently they were commonly in the form of a written message, which was read by the Quaestors (Dig. 1. tit. 13): in the passage last referred to, these Imperial messages are called indifferently Libri and Epistolae. Suetonius (*Titus*, 6) says, that Titus sometimes read his father's orationes in the senate "quaestoris vice." We frequently read of Litterae and Orationes being sent by the Emperor to the Senate. (Tacit. *Ann.* iii. 52, xvi. 7.) The mode of proceeding upon the receipt of one of these Orationes may be collected from the preamble of the Senatusconsultum contained in the Digest (5. tit. 3). These Orationes were the foundation of the Senatusconsulta which were framed upon them, and when the Orationes were drawn up with much regard to detail, they contained in fact the provisions of the subsequent Senatusconsultum. This appears from the fact that the Oratio and the Senatusconsultum are often cited indifferently by the classical jurists, as appears from numerous passages. (Dig. 2. tit. 15. s. 8; 5. tit. 3. s. 20, 22, 40; 11. tit. 4. s. 3, &c.) The Oratio is cited as containing the reasons or grounds of the law, and the Senatusconsultum for the particular provisions and words of the law. To the time of Septimius Severus and his son Caracalla, numerous Senatusconsulta, founded on Orationes, are mentioned; and numerous Orationes of these two Emperors are cited. But after this time they seem to have fallen into disuse, and the form of making and promulgating Laws by Imperial constitutiones was the ordinary mode of legislation.

There has been much discussion on the amount of the influence exercised by the Orationes Principum on the legislation of the Senate. But it seems to be tolerably clear, from the evidence that we have, and from the nature of the case, that the Oratio might either recommend generally some legislative measure, and leave the details to the Senate; or it might contain all the details of the proposed measure, and so be in substance, though not in form, a Senatusconsultum; and it would become a Senatusconsultum on being adopted by the Senate, which, in the case supposed, would be merely a matter of form. In the case of an Oratio, expressed in more general terms, there is no reason to suppose that the recommendation of the Emperor was less of a command; it was merely a command in more general terms.

(Zimmern, *Geschichte des Röm. Privatrechts*, i. p. 79; and Dirksen, *Ueber die Reden der Röm. Kaiser und deren Einfluss auf die Gesetzgebung*, in *Rhein. Mus. für Jurisprudenz*, vol. ii.) [G. L.]

ORA'TOR. Cicero remarks (*Or. Part.* c. 28) that a "certain kind of causes belong to Jus Civile, and that Jus Civile is conversant about Laws (*Lex*) and Custom (*mos*) appertaining to things public and private, the knowledge of which, though neglected by most orators, seems to me to be necessary for the purposes of oratory." In his treatise on the Orator, and particularly in the first book, Cicero has given his opinion of the duties of an orator and his requisite qualifications, in the form of a dialogue, in which Lucius Licinius Crassus and M. Antonius are the chief speakers. Crassus was himself a model of the highest excellence in oratory: and the opinions attributed to him as to the qualifications of an orator were those of Cicero himself, who in the introductory part of the first book (c. 6) declares that "in his opinion no man can deserve the title of a perfect orator, unless he has acquired a knowledge of all important things and of all arts: for it is out of knowledge that oratory must blossom and expand, and if it is not founded on matter which the orator has fully mastered and understood, it is idle talk, and may almost be called puerile." According to Crassus the province of the Orator embraces everything: he must be enabled to speak well on all subjects. Consequently he must have a knowledge of the Jus Civile (i. 44, &c.), the necessity for which Crassus illustrates by instances; and he should not only know the Jus Civile, as being necessary when he has to speak in causes relating to private matters and to privata Judicia, but he should also have a knowledge of the Jus Publicum which is conversant about a State as such, and he should be familiar with the events of history and instances derived from the experience of the past. Antonius (i. 49) limits the qualifications of the orator to the command of language pleasant to the ear and of arguments adapted to convince in causes in the forum and on ordinary occasions. He further requires the orator to have competent voice and action and sufficient grace and ease. Antonius (i. 58) contends that an orator does not require a knowledge of the Jus Civile, and he instances the case of himself, for Crassus allowed that Antonius could satisfactorily conduct a cause, though Antonius, according to his own admission, had never learned the Jus Civile, and had never felt the want of it in such causes as he had defended (*in jure*).

The profession then of the orator, who with reference to his undertaking a client's case is also called patronus (*de Or.* i. 56, *Brut.* 38) was quite distinct from that of the Jurisconsultus [JURISCONSULTI], and also from that of the Advocatus, at least in the time of Cicero (ii. 74), and even later (*de Orat. Dial.* 34). An orator, who possessed a competent knowledge of the Jus Civile, would however have an advantage in it, as Antonius admits (i. 59); but as there were many essentials to an orator, which were of difficult attainment, he says that it would be unwise to distract him with other things. Some requisites of oratory, such as voice and gesture, could only be acquired by discipline; whereas a competent knowledge of the law of a case (*juris utilitas*) could be got at any time from the jurisconsulti (*periti*) or from books. Antonius thinks that the Roman orators in this matter acted more wisely than the Greek orators, who being ignorant of law had the assistance of low fellows, who worked for hire, and were called Pragmatici (i. 45): the Roman orators entrusted the maintenance of the law to the high character of their professed Jurists.

So far as the profession of an advocate consists in the skilful conduct of a cause, and in the supporting of his own side of the question by proper argument, it must be admitted with Antonius that a very moderate knowledge of law is sufficient; and indeed even a purely legal argument requires not so much the accumulation of a vast store of legal knowledge as the power of handling the matter when it has been collected. The method in which this consummate master of his art managed a cause is stated by himself (*de Or.* ii. 72); and Cicero in another passage (*Brutus*, 37) has recorded his merits as an orator. Servius Sulpicius, who was the greatest lawyer of his age, had a good practical knowledge of the law, but others had this also, and it was something else which distinguished Sulpicius from all his contemporaries — "Many others as well as Sulpicius had a great knowledge of the law; he alone possessed it as an art. But the knowledge of law by itself would never have helped him to this without the possession of that art which teaches us to divide the whole of a thing into its parts, by exact definition to develope what is imperfectly seen, by explanation to clear up what is obscure; first of all to see ambiguities, then to disentangle them, lastly to have a rule by which truth and falsehood are distinguished, and by which it shall appear what consequences follow from premises and what do not." (*Brut.* 41.) With such a power Sulpicius combined a knowledge of letters and a pleasing style of speaking. As a forensic orator then he must have been one of the first that ever lived; but still among the Romans his reputation was that of a jurist, while Antonius, who had no knowledge of the law, is put on a level as an orator (*patronus*) with L. Crassus, who of all the eloquent men of Rome had the best acquaintance with the law.

Oratory was a serious study among the Romans. Cicero tells us by what painful labour he attained to excellence. (*Brut.* 91, &c.) Roman oratory reached its perfection in the century which preceded the Christian aera. Its decline dates from the establishment of the Imperial power under Augustus and his successors; for though there were many good speakers, and more skilful rhetoricians under the empire, the oratory of the republic was rendered by circumstances unsuitable for the senate, for the popular assemblies, or for cases of crimes and high misdemeanours.

In the Dialogue De Oratoribus, which is attributed to Tacitus, Messala, one of the speakers, attempts (c. 28, &c.) to assign the reasons for the low state of oratory in the time of Vespasian, when the Dialogue was written, compared with its condition in the age of Cicero and of Cicero's predecessors. He attributes its decline to the neglect of the discipline under which children were formerly brought up, and to the practice of resorting to rhetoricians (*rhetores*) who professed to teach the oratorical art. This gives occasion to speak more at length of the early discipline of the old orators and of Cicero's course of study as described in the *Brutus*. The old orators (c. 34) learned their art by constant attendance on some eminent orator and by actual experience of business: the orators of Messala's time were formed in the schools of Rhetoric, and their powers were developed in exercises on fictitious matters. These however, it is obvious, were only secondary causes. The immediate causes of the decline of eloquence appear to be indicated by Maternus, another speaker in the Dialogue, who attributes the former flourishing condition of eloquence to the political power which oratory conferred on the orator under the Republic, and to the party struggles and even the violence that are incident to such a state of society. The allusion to the effect produced by the establishment of the Imperial power is clear enough in the following words, which refer both to the Imperial and the Republican periods: "cum mixtis omnibus et moderatore uno carentibus, tantum quisque orator saperet, quantum erranti populo persuaderi poterat."

The memorials of Roman oratory are the orations of Cicero; but they are only a small portion of the great mass of oratorical literature. The fragments of the Roman orators from Appius Caecus and M. Porcius Cato to Q. Aurelius Symmachus, have been collected by H. Meyer, Zürich, 1 vol. 8vo. 2d ed. 1842. [G. L.]

ORBUS. [Leges Juliae, p. 692, b.]

ORCA. [Sitella.]

ORCHE'SIS (ὄρχησις). [Saltatio.]

ORCHESTRA. [Theatrum.]

ORCINUS LIBERTUS. [Manumissio.]

ORCINUS SENATOR. [Senatus.]

ORDINA'RIUS JUDEX. [Judex Pedaneus.]

ORDINA'RIUS SERVUS. [Servus.]

ORDO is applied to any body of men, who form a distinct class in the community, either by possessing distinct privileges, pursuing certain trades or professions, or in any other way. Thus Cicero (*Verr.* ii. 6) speaks of the "Ordo aratorum, sive pecuariorum, sive mercatorum." In the same way the whole body of sacerdotes at Rome is spoken of as an ordo (Festus, *s. v. Ordo Sacerdotum*), and separate ecclesiastical corporations are called by the same title. (*Ordo collegii nostri*, Orelli, *Inscr.* n. 2417; *Ordo Seviralium*, Id. n. 2229.) The libertini and scribae also formed separate ordines. (Suet. *de Grammat.* 18; Cic. *Verr.* i. 47, iii. 79.) The Senate and the Equites are also spoken of respectively as the Ordo Senatorius and Ordo Equestris [Senatus; Equites]; but this name is never applied to the Plebes. Accordingly, we find the expression "Uterque Ordo" used without any further explanation to designate the Senatorial and Equestrian ordines. (Suet. *Aug.* 15; Vell. Pat. ii. 100.) The Senatorial Ordo, as the highest, is sometimes distinguished as "amplissimus Ordo." (Plin. *Ep.* x. 3; Suet. *Otho*, 8, *Vesp.* 2.)

The senate in colonies and municipia was called Ordo Decurionum (Dig. 59. tit. 2. s. 2. § 7; Orelli, *Inscr.* n. 1167; Colonia, p. 318, a), and sometimes simply Ordo (Tacit. *Hist.* ii. 52; Dig. 50. tit. 2. s. 2. § 3; Orelli, n. 3734), Ordo amplissimus (Cic. *pro Cael.* 2), or Ordo splendidissimus (Orelli, n. 1180, 1181).

The term Ordo is also applied to a company or troop of soldiers, and is used as equivalent to Centuria: thus centurions are sometimes called "qui ordines duxerunt" (Cic. *Phil.* i. 8; Caes. *Bell. Civ.* i. 13), and the first centuries in a legion "primi ordines." (Caes. *Bell. Gall.* v. 28, 44.) Even the centurions of the first centuries are occasionally called "Primi Ordines." (Caes. *Bell. Gall.* v. 30, vi. 7; Liv. xxx. 4; Gronov. *ad loc.*) [Comp. Exercitus, p. 501, b.]

OR'GANON. [Hydraula; Machina.]

O'RGIA. [Mysteria.]

ORGYIA (ὀργυιά), a Greek measure of length, derived from the human body, was the distance from extremity to extremity of the outstretched arms, whence the name, from ὀρέγω. (Xen. *Mem.* ii. 3. § 19; Pollux, ii. 158.) It was equal to 6 feet or to 4 cubits, and was 1-100th of the stadium. (Herod. ii. 149.) It may be expressed nearly enough in English by the word *fathom*. (Comp. Mensura and the Tables.) [P. S.]

ORICHALCUM (ὀρείχαλκος), a metallic compound, akin to copper and bronze, which was highly prized by the ancients. (See the passages in Forcellini, and the other Latin Lexicons.) The word has given rise to much doubt; but the truth seems to be that it denotes *brass*, with which the ancients became acquainted by fusing zinc ore (*cadmium*, calamine) with copper, although they appear to have had scarcely any knowledge of zinc as a metal. They appear to have regarded orichalcum as a sort of bronze. How little acquainted they were with its true formation is shown by the fact that, deceived by its colour, they supposed gold to be one of its constituents, and then perpetuated their error by a false orthography, *aurichalcum*. The true derivation is no doubt from ὄρος and χαλκός, that is, *mountain-bronze*, so called probably because it was obtained by fusing copper with an ore (metal as found in the mountain), and not with an already reduced metal. (See especially Strabo, with Groskurd's note, and Beckman, as quoted in the article Metallum.) [P. S.]

ORIGINA'RII. [Colonatus, p. 311, b.]

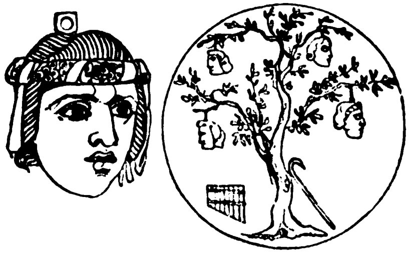
ORNAME'NTA TRIUMPHA'LIA. [Triumphus.]

ORNA'TRIX [Coma, p. 330, b].

ORTHODO'RON. [Mensura.]

OSCHOPHO'RIA (ὀσχοφόρια or ὠσχοφόρια), an Attic festival, which according to some writers was celebrated in honour of Athena and Dionysus (Phot. p. 322, Bekk.), and according to others in honour of Dionysus and Ariadne. (Plut. *Thes.* 23.) The time of its celebration is not mentioned by any ancient writer, but Corsini (*Fast. Att.* ii. p. 354) supposes with great probability that it was held at the commencement of the Attic month Pyanepsion. It is said to have been instituted by Theseus. Its name is derived from ὦσχος, ὄσχος, or ὄσχη, a branch of vines with grapes, for it was a vintage festival, and on the day of its celebration two youths, called ὀσχοφόροι, whose parents were alive, and who were elected from among the noblest and wealthiest citizens (Schol. *ad Nicand. Alexiph.* 109), carried, in the disguise of women, branches of vines with fresh grapes from the temple of Dionysus in Athens, to the ancient temple of Athena Sciras in Phalerus. These youths were followed by a procession of persons who likewise carried vine-branches, and a chorus sang hymns called ὠσχοφορικὰ μέλη, which were accompanied by dances. (Athen. xiv. p. 681.) In the sacrifice which was offered on this occasion, women also took part; they were called δειπνοφόροι, for they represented the mothers of the youths, carried the provisions (ὄψα καὶ σιτία) for them, and related stories to them. During the sacrifice the staff of the herald was adorned with garlands, and when the libation was performed the spectators cried out ἐλελεῦ, ἰοὺ, ἰού. (Plut. *Thes.* 22.) The ephebi taken from all the tribes had on this day a contest in racing from the city to the temple of Athena Sciras, during which they also carried the ὄσχη, and the victor received a cup filled with five different things (πεντάπλοος, πενταπλόα, or πενταπλῆ), viz. wine, honey, cheese, flour, and a little oil. (Athen. xi. p. 495.) According to other accounts the victor only drank from this cup. The story which was symbolically represented in the rites and ceremonies of this festival, and which was said to have given rise to it, is related by Plutarch (*Thes.* 22, 23) and by Proclus (p. 388, ed. Gaisford). (Compare Bekker's *Anecdot.* p. 318; Etymol. Magn. and Hesych. *s. v.* Ὦσχοι; Suidas, *s. v.* Ὠσχοφόρια and ὠσχοφόρος.) [L. S.]

OSCILLUM, a diminutive through *osculum* from *os*, meaning "a little face," was the term applied to faces or heads of Bacchus, which were suspended in the vineyards to be turned in every direction by the wind. Whichsoever way they looked, they were supposed to make the vines in that quarter fruitful. (Virg. *Georg.* ii. 388—392.) The left-hand figure in the annexed woodcut is taken from an oscillum of white marble in the British Museum. The back of the head is wanting, and it is concave within. The mouth and pupils of the eyes are perforated. It represents the countenance of Bacchus with a beautiful, mild, and propitious expression (*molle*, *honestum*, Virg. *l. c.*). A fillet, spirally twisted about a kind of wreath, surrounds the head, and descends by the ears towards the neck. The metallic ring, by which the marble was suspended, still remains. The other figure is from an ancient gem (Maffei, *Gem. Ant.* iii. 64), representing a tree with four oscilla hung upon its branches. A Syrinx and a Pedum are placed at the root of the tree.



From this noun came the verb *oscillo*, meaning "to swing." Swinging (*oscillatio*) was among the bodily exercises practised by the Romans, and was one of the amusements at the Feriae Latinae. (Festus, *s. v.*; Hygin. *Fab.* 130; Wunder, *Comment. ad Cic. pro Planc.* p. 93; Feriae, p. 530, a.) [J. Y.]

O'SCINES. [Augur, p. 175, b.]

OSTIA'RIUM was a tax upon the doors of houses, which was probably imposed along with the *Columnarium* by the *lex sumtuaria* of Julius Caesar. It was levied by Metellus Scipio in Syria, together with the Columnarium, on which see Columnarium (Caes. *B. C.* iii. 32; Cic. *ad Fam.* iii. 8).

OSTIA'RIUS. [Domus, p. 427, b.]

O'STIUM. [Janua.]

OSTRACISMUS. [Exsilium, p. 514.]

O'STRACON (ὄστρακον). [Fictile.]

OVA'TIO, a lesser triumph, ; the terms employed by the Greek writers on Roman history are εὖα, εὐαστής, πεζὸς θρίαμβος. The circumstances by which it was distinguished from the more imposing solemnity [Triumphus] were the following:—The general did not enter the city in a chariot drawn by four horses, but on foot; he was not arrayed in the gorgeous gold embroidered robe, but in the simple toga praetexta of a magistrate; his brows were encircled with a wreath not of laurel but of myrtle; he bore no sceptre in his hand; the procession was not heralded by trumpets, headed by the senate and thronged with victorious troops, but was enlivened by a crowd of flute-players, attended chiefly by knights and plebeians, frequently without soldiers; the ceremonies were concluded by the sacrifice not of a bull but of a sheep. (Plut. *Marcell.* c. 22; Dionys. v. 47; Gell. v. 6; Liv. iii. 10, xxvi. 21.) The word *ovatio* seems clearly to be derived from the kind of victim offered, and we need pay little respect to the opinion of Festus (*s. v. Ovantes*), who supposes it to have been formed from the glad shout O! O! frequently reiterated, nor to that of Dionysius, whose system required him to trace every custom to a Grecian origin, and who therefore maintains that it is corrupted from the Bacchanalian εὐοῖ. Dionysius makes another mistake in assigning a laurel chaplet to the conqueror on these occasions, since all the Roman writers agree with Plutarch in representing that the myrtle crown, hence called *Ovalis Corona*, was a characteristic of the ovation. (Festus, *s. v. Ovalis Corona;* Plin. *H. N.* xv. 29; Plut.; Gell. *ll. cc.*) Compare Corona, p. 361.

In later times, the victor entered upon horseback (Serv. *in Virg. Aen.* iv. 543), and the ovations celebrated by Octavianus, Drusus, Tiberius, &c., are usually recorded by Dion Cassius by a reference to this circumstance. (Dion Cass. xlviii. 31, xlix. 15, liv. 8, 33, lv. 2.)

An ovation was granted when the advantage gained, although considerable, was not sufficient to constitute a legitimate claim to the higher distinction of a triumph, or when the victory had been achieved with little bloodshed, as in the case of Postumius Tubertus, who first received this honour (Plin. *H. N.* xv. 29); or when hostilities had not been regularly proclaimed (Festus, Gell. *ll. cc.*); or when the war had not been completely terminated, which was one of the ostensible reasons for refusing a triumph to Marcellus on his return from Sicily (Plut. *l. c.;* Liv. xxvi. 21); or when the contest had been carried on against base and unworthy foes, and hence when the servile bands of Athenion and Spartacus were destroyed by Perperna and Crassus, these leaders celebrated ovations only (Florus, iii. 19; Plin. Gell. *l. c.*), although the latter by a special resolution of the senate was permitted to wear a laurel crown. [W. R.]

OVI'LE. [Comitia, p. 336, b.]

OU'SIAS DIKE. [Enoikiou Dike.]

OXYBAPHUM. [Acetabulum.]

P.

PA'CTIO, PACTUM. [Obligationes.]

PAEAN (παιήων, παιάν, παιών), a hymn or song which was originally sung in honour of Apollo, and seems to be as old as the worship of this deity. The etymology of the word is doubtful. Some suppose that it obtained its name from Paeon, the god of healing; but in the Homeric poems Paeon is always spoken of as a separate divinity, distinct from Apollo. Other writers, with still less probability, connect it with παίω, to strike.

The paean was always of a joyous nature, and its tune and sounds expressed hope and confidence. The sound of ἰὴ appears to have been invariably connected with it. (Athen. xv. pp. 696, e. f. 701, b.c.) It was sung by several persons, one of whom probably led the others, and the singers either marched onwards or sat together at table. Thus Achilles after the death of Hector calls upon his companions to return to the ships, singing a paean on account of the glory they had gained (*Il.* xxiii. 391); and the Achaeans, after restoring Chryseis to her father, are represented as singing a paean to Apollo at the end of the sacrificial feast, in order to appease his wrath. (*Il.* i. 473.) From these passages it is clear that the paean was a song of thanksgiving, when danger was passed, and also a hymn to propitiate the god. It was sung at the solemn festivals of Apollo, especially at the Hyacinthia (εἰς τὰ Ὑακίνθια ἐπὶ τὸν παιᾶνα, Xen. *Hell.* iv. 5. § 11, *Ages.* ii. 17), and was also sung from very early times in the temples of the god. (Hom. *Hymn. ad Apoll.* 514 ; Eurip. *Ion*, 125, &c.)

The paean was also sung as a battle song, both before an attack on the enemy and after the battle was finished. (Thucyd. i. 50, iv. 43, ii. 91, vii. 44 ; Xen. *Anab.* i. 8. § 17, &c.) This practice seems to have chiefly prevailed among the Dorians, but it was also common among the other Greek states. The origin of it is said to have arisen from the fact, that Apollo sang it after his victory over the Pythian dragon. The paean sung previous to an engagement was called by the Spartans παιὰν ἐμβατήριος. (Plut. *Lyc.* 22.) The Scholiast on Thucydides (i. 50) says, that the paean which was sung before the battle was sacred to Ares, and the one sung after to Apollo ; but there are strong reasons for believing that the paean as a battle-song was in later times not particularly connected with the worship of Apollo. (Bode, *Gesch. der lyrisch. Dichtkunst der Hellenen*, vol. i. pp. 9, 10, &c.) It is certain that the paean was in later times sung to the honour of other gods besides Apollo. Thus Xenophon relates that the Lacedaemonians on one occasion sang a paean to Poseidon, to propitiate him after an earthquake (*Hell.* iv. 7. § 4), and also that the Greek army in Asia sang a paean to Zeus. (*Anab.* iii. 2. § 9.)

In still later times, paeans were sung in honour of mortals. Thus Aratus sang paeans to the honour of the Macedonian Antigonus (Plut. *Cleom.* 16) ; a paean composed by Alexinus was sung at Delphi in honour of the Macedonian Craterus ; and the Rhodians celebrated Ptolemaeus I., king of Egypt, in the same manner. (Athen. xv. p. 696, e. f.) The Chalcidians, in Plutarch's time, still continued to celebrate in a paean the praises of their benefactor, Titus Flaminius. (Plut. *Flam.* 16.)

The practice of singing the paean at banquets, and especially at the end of the feast, when libations were poured out to the gods, was very ancient. It is mentioned by Alcman, who lived in the seventh century B. C. (Strab. x. p. 482.) The paean continued to be sung on such occasions till a late period. (Xen. *Symp.* ii. 1 ; Plut. *Symp.* vii. 8. § 4.)

(Müller, *Hist. of Greek Literature*, pp. 19, 20, *Dorians*, ii. 6. § 4 ; Bode, *Gesch. der lyrisch.*, &c. vol. i. pp. 7—77.)

PAEDAGO'GIA. [PAEDAGOGUS.]

PAEDAGO'GUS (παιδαγωγός), a tutor. The office of tutor in a Grecian family of rank and opulence (Plato, *de Repub.* i. p. 87, ed. Bekker, *de Leg.* vii. pp. 41, 42) was assigned to one of the most trustworthy of the slaves. The sons of his master were committed to his care on attaining their sixth or seventh year, their previous education having been conducted by females. They remained with the tutor (*magister*) until they attained the age of puberty. (Ter. *Andr.* i. 1. 24.) His duty was rather to guard them from evil, both physical and moral, than to communicate instruction, to cultivate their minds, or to impart accomplishments. He went with them to and from the school or the GYMNASIUM (Plato, *Lysis*, p. 118) ; he accompanied them out of doors on all occasions ; he was responsible for their personal safety, and for their avoidance of bad company. (Bato, *ap. Athen.* vii. p. 279.) The formation of their morals by direct superintendence belonged to the παιδονόμοι as public officers, and their instruction in the various branches of learning, *i. e.* in grammar, music, and gymnastics, to the διδάσκαλοι or *praeceptores*, whom Plato (*ll. cc.*), Xenophon (*de Lac. Rep.* ii. 1, iii. 2), Plutarch (*de Lib. Ed.* 7), and Quintilian (*Inst. Or.* i. 1. 8, 9) expressly distinguish from the *paedagogi.* These latter even carried the books and instruments which were requisite for their young masters in studying under the sophists and professors.

This account of the office is sufficient to explain why the παιδαγωγός so often appears on the Greek stage, both in tragedy, as in the *Medea*, *Phoenissae*, and *Ion* of Euripides, and in comedy, as in the *Bacchides* of Plautus. The condition of slavery accounts for the circumstance, that the tutor was often a Thracian (Plato, *Alcib.* i. p. 341, ed. Bekker), an Asiatic, as is indicated by such names as Lydus (Plaut. *l. c.*), and sometimes an eunuch. (Herod. viii. 75 ; Corn. Nep. *Themist.* iv. 3 ; Polyaen. i. 30. § 2.) Hence also we see why these persons spoke Greek with a foreign accent (ὑποβαρβαρίζοντες, Plato, *Lysis*, p. 145, ed. Bekker). On rare occasions, the tutor was admitted to the presence of the daughters, as when the slave, sustaining this office in the royal palace at Thebes, accompanies Antigone while she surveys the besieging army from the tower. (Eurip. *Phoen.* 87—210.)

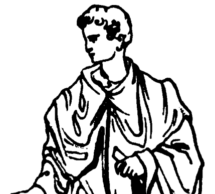
Among the Romans the attendance of the tutor on girls as well as boys was much more frequent, as they were not confined at home according to the Grecian custom. (Val. Max. vi. 1. § 3.) As luxury advanced under the emperors, it was strikingly manifested in the dress and training of the beautiful young slaves who were destined to become *paedagogi*, or, as they were also termed, *paedagogia* and *pueri paedagogiani.* (Plin. *H. N.* xxxiii. 12. s. 54 ; Sen. *Epist.* 124, *De Vita beata*, 17 ; Tertull. *Apol.* 13.) Augustus assigned to them a separate place, near his own, at the public spectacles. (Sueton. *Aug.* 44.) Nero gave offence by causing free boys to be brought up in the delicate habits of paedagogi. (Sueton. *Ner.* 28.) After this period numbers of them were attached to the imperial family for the sake of state and ornament, and not only is the modern word *page* a corruption of the ancient appellation, but it aptly expresses the nature of the service which the paedagogia at this later era afforded.

In palaces and other great houses the pages slept and lived in a separate apartment, which was also called *paedagogium.* (Plin. *Epist.* vii. 27.) [J. Y.]

PAEDO'NOMUS (παιδονόμος), was a magistrate at Sparta, who had the general superintendence of the education of the boys. His office was considered very honourable, and he was always chosen from the noblest citizens. He had to make a general inspection of the boys, and to punish severely all those who had been negligent or idle; for which purpose μαστιγοφόροι were assigned to him by Lycurgus. Those who were refractory he might bring before the Ephors. The more immediate inspection of the gymnastic exercises of the boys belonged to magistrates called βιδιαῖοι. [Bidiaei.] (Xen. *Rep. Lac.* ii. 2, iii. 10, iv. 6; Plut. *Lyc.* 17; Hesychius, *s. v.*; Krause, *Gymnastik und Agon. der Hellenen*, pp. 254, 677.)

PAEDOTRI'BAE (παιδοτριβαί), [Gymnasium, p. 581, b.]

PAE'NULA was a thick cloak, chiefly used by the Romans in travelling instead of the toga, as a protection against the cold and rain. (Cic. *pro Mil.* 20; Quintil. vi. 3. § 66.) Hence we find the expression of *scindere paenulam* (Cic. *ad Att.* xiii. 33) used in the sense of greatly pressing a traveller to stay at one's house. The paenula was worn by women as well as by men in travelling. (Dig. 34. tit. 2. s. 23.) It appears to have been a long cloak without sleeves, and with only an opening for the head, as is shown in the following figure taken from Bartholini. If this is a real example of a paenula, it would seem that the dress was sewed in front about half way down, and was divided into two parts, which might be thrown back by the wearer so as to leave the arms comparatively free: it must have been put on over the head. This figure explains the expression of Cicero (*pro Mil. l. c.*), "paenula irretitus;" and of the author of the Dialogus de Oratoribus (c. 39), "paenulis adstricti et velut inclusi."



Under the emperors the paenula was worn in the city as a protection against the rain and cold (Juv. v. 79), but women were forbidden by Alexander Severus to wear it in the city. (Lamprid. *Alex. Sev.* 27.) At one time, however, the paenula appears to have been commonly worn in the city instead of the toga, as we even find mention of orators wearing it when pleading causes (*Dial. de Orat.* 39), but this fashion was probably of short duration.

The paenula was usually made of wool (Plin. *H. N.* viii. 48. s. 73), and particularly of that kind which was called Gausapa [Gausapa] (*paenula gausapina*, Mart. xiv. 145). It was also sometimes made of leather (*paenula scortea*, Mart. xiv. 130). Seneca (*Quaest. Nat.* iv. 6) speaks of "paenulae aut scorteae," but he appears only to use this expression because paenulae were usually made of wool. (Bartholini, *de Paenula;* Becker, *Gallus*, vol. ii. p. 93.)

PAGANA'LIA. [Pagi.]

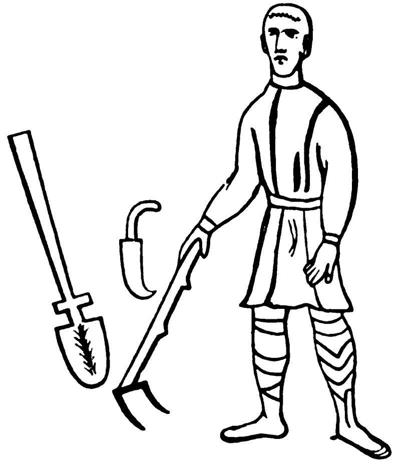
PAGA'NI. [Pagi.]

PAGA'NICA. [Pila.]

PAGI, were fortified places, to which the country-people might retreat in case of an hostile inroad, and are said to have been instituted by Servius Tullius (Dionys. iv. 15); though the division of the country-people into pagi is as old as the time of Numa (Dionys. ii. 76.) Each of the country-tribes was divided into a certain number of pagi; which name was given to the country adjoining the fortified village, as well as to the village itself. There was a magistrate at the head of each pagus, who kept a register of the names and of the property of all persons in the pagus, raised the taxes, and summoned the people, when necessary, to war. Each pagus had its own sacred rites, and an annual festival called *Paganalia.* (Dionys. iv. 15; Varro, *de Ling. Lat.* vi. 24, 26, ed. Müller; Macrob. *Saturn.* i. 16; Ovid, *Fast.* i. 669.) The *Pagani*, or inhabitants of the pagi, had their regular meetings, at which they passed resolutions, many of which have come down to us. (Orelli, *Inscr.* n. 3793, 4083, 106, 202, 2177.) The division of the country-people into pagi continued to the latest times of the Roman empire, and we find frequent mention of the magistrates of the pagi under the names of Magistri, Praefecti or Praepositi pagorum. (Orelli, *Inscr.* n. 121, 3795, 3796; Cod. Theod. 2. tit. 30. s. 1; 8. tit. 15. s. 1; Walter, *Geschichte des Röm. Rechts*, §§ 26, 164, 247, 366, 2d ed.)

The term Pagani is often used in opposition to milites, and is applied to all who were not soldiers, even though they did not live in the country. (*Milites et pagani*, Plin. *Ep.* x. 18; Juv. xvi. 32; Suet. *Aug.* 27, *Galb.* 19; Dig. 11. tit. 4. s. 1; 48. tit. 19. s. 14, &c.). Hence we find Pagani or citizens applied as a term of reproach to soldiers who did not perform their duty (Tacit. *Hist.* iii. 24), in the same way as Julius Caesar addressed his rebellious soldiers on one occasion as Quirites. The Christian writers gave the name of Pagani to those persons who adhered to the old Roman religion, because the latter continued to be generally believed by the country-people, after Christianity became the prevailing religion of the inhabitants of the towns. (Isidorus, viii. 10; Cod. Theod. 16. tit. 10; Cod. Just. 1. tit. 11.)

PALA (πτύον, σκαπάνη, σκαφίον, μακέλλα), a spade. (Cato *de Re Rust.* 10; Plin. *H. N.* xvii. 17. s. 27, xvii. 22. s. 35.) The spade was but little used in ancient husbandry, the ground having been broken and turned over by the plough, and also by the use of large hoes and rakes. [Ligo; Rastrum.] But in some cases a broad cutting edg was necessary for this purpose, as, for example when the ground was full of the roots of rushes or other plants. (Plin. *H. N.* xviii. 8.) Also in gardening it was an indispensable instrument, and it was then made on the same principle as the plough-share, viz. by casing its extremity with iron. (Colum. x. 45.) The annexed woodcut, taken from a funeral monument at Rome (Fabretti, *Inscrip. Ant.* p. 574), exhibits a deceased countryman with his falx and bidens, and also with a pala, modified by the addition of a strong cross-bar, by the use of which he was enabled to drive it nearly twice as deep into the ground as he could have done without it. In this form the instrument was called *bipalium*, being employed in trenching (*pastinatio*), or, when the ground was full of roots to a considerable depth, in loosening them, turning them over, and extirpating them, so as to prepare the soil for planting vines and other trees. By means of this implement, which is still used in Italy and called *vanga*, the ground was dug to the depth of two spades or nearly two feet. (Plin. *H. N.* xviii. 26. s. 62; Cat. *de Re Rust.* 6, 45, 151; Varr. *de Re Rust.* i. 37; Col. *de Re Rust.* v. 6. p. 214, xi. 3. p. 450, ed. Bip.)



Cato (*Ibid.* 11) mentions wooden spades (*palas ligneas*) among the implements necessary to the husbandman. One principal application of them was in winnowing. The winnowing-shovel, also called in Latin *ventilabrum*, is still generally used in Greece, and the mode of employing it is exhibited by Stuart in his "Antiquities of Athens." The corn which has been threshed lies in a heap upon the floor, and the labourer throws it to a distance with the shovel, whilst the wind, blowing strongly across the direction in which it is thrown, drives the chaff and refuse to one side. (Theocrit. vii. 156; Matt. iii. 12; Luke, iii. 17.) The fruit of leguminous plants was purified and adapted to be used for food in the same manner. (Hom. *Il.* v. 499—502, xiii. 588—592.)

The term *pala* was applied anciently, as it is in modern Italian, to the blade or broad part of an oar. [Remus.] In a ring the broad part, which held the gem, was called by the name of *pala* [Annulus.] [J. Y.]

PALAESTE. [Palmus; Mensura, p. 751, b.]

PALAESTRA (*παλαίστρα*) properly means a place for wrestling (*παλαίειν*, *πάλη*), and appears to have originally formed a part of the gymnasium. The word was, however, used in different senses at various periods, and its exact meaning, especially in relation to the gymnasium, has occasioned much controversy among modern writers. It first occurs in Herodotus (vi. 126, 128), who says that Cleisthenes of Sicyon built a dromos and a palaestra, both of which he calls by the general name of palaestra. At Athens, however, there was a considerable number of palaestrae, quite distinct from the gymnasia, which were called by the names either of their founders, or of the teachers who gave instruction there; thus, for example, we read of the palaestra of Taureas. (Plat. *Charmid.* init.) Krause (*Gymnastik und Agonistik der Hellenen*, p. 117, &c.) contends that the palaestrae at Athens were appropriated to the gymnastic exercises of boys and youths (*παῖδες* and *μειράκια*), and the gymnasia to those of men; but Becker (*Charikles*, vol. i. pp. 311, 335, &c.) has shown that this cannot be the true distinction, although it appears that certain places were, for obvious reasons, appropriated to the exclusive use of boys. (Aesch. *c. Timarch.* p. 35, Reiske.) But that the boys exercised in the gymnasia as well, is plain from many passages (Antiph. *de Caed. invol.* p. 661, Reiske; *παῖς ὡραῖος ἀπὸ γυμνασίου*, Aristoph. *Av.* 138, 140); while, on the other hand, we read of men visiting the palaestrae. (Lucian, *Navig.* 4. vol. iii. p. 251, Reitz.)

It appears most probable that the Palaestrae were, during the flourishing times of the Greek republics, chiefly appropriated to the exercises of wrestling and of the pancratium, and were principally intended for the athletae, who, it must be recollected, were persons that contended in the public games, and therefore needed special training. This is expressly stated by Plutarch (*Symp.* ii. 4), who says, "that the place in which all the athletae exercise is called a palaestra;" and we also learn from Pausanias (v. 15. § 5, vi. 21. § 2), that there were at Olympia palaestrae especially devoted to the athletes. In Athenaeus (x. p. 417, f.) we read of the great athletes Damippus coming out of the palaestra; and Galen (*περὶ τοῦ διὰ μικρᾶς σφαίρας γυμνασίου*, c. 5) places the athletae in the palaestra. (Krause, *Ibid.* p. 115.)

The Romans had originally no places corresponding to the Greek gymnasia and palaestrae; and when towards the close of the republic, wealthy Romans, in imitation of the Greeks, began to build places for exercise in their villas, they called them indifferently gymnasia and palaestrae. (Cic. *ad Att.* i. 4, 8, 9, 10, *ad Qu. Fr.* iii. 1. § 2, *Verr.* v. 72.) The words were thus used by the Romans as synonymous; and accordingly we find that Vitruvius (v. 11) gives a description of a Greek gymnasium ander the name of palaestra.

PALA'RIA. [Palus.]

PALATI'NI LUDI. [Ludi Palatini.]

PALE (*πάλη*). [Lucta.]

PALI'LIA, a festival celebrated at Rome every year on the 21st of April, in honour of Pales, the tutelary divinity of shepherds. Some of the ancient writers called this festival *Parilia*, deriving the name from *pario*, because sacrifices were offered on that day *pro partu pecoris*. (Fest. *s. v. Pales;* compare *Popularia sacra;* Varro, *de Ling. Lat.* vi. 15; Dionys. i. 88.) The 21st of April was the day on which, according to the early traditions of Rome, Romulus had commenced the building of the city, so that the festival was at the same time solemnised as the dies natalitius of Rome (Fest.

s. v. Parilibus; Cic. *de Divin.* ii. 47; Varro, *de Re Rust.* ii. 1; Plin. *H. N.* xviii. 66); and some of the rites customary in later times were said to have been first performed by Romulus when he fixed the pomoerium. (Dionys. *l. c.*) Ovid (*Fast.* iv. 731, &c.) gives a description of the rites of the Palilia, which clearly shows that he regarded it as a shepherd-festival, such as it must originally have been when the Romans were real shepherds and husbandmen, and as it must have continued to be among country-people in his own time, as is expressly stated by Dionysius; for in the city itself it must have lost its original character, and have been regarded only as the dies natalitius of Rome. The connection, however, between these two characters of the festival is manifest, as the founders of the city were, as it were, the kings of shepherds, and the founders of a religion suited to shepherds.

The first part of the solemnities, as described by Ovid, was a public purification by fire and smoke. The things burnt in order to produce this purifying smoke were the blood of the *October-horse*, the ashes of the calves sacrificed at the festival of Ceres, and the shells of beans. The people were also sprinkled with water; they washed their hands in spring-water, and drank milk mixed with must. (Ovid. *Fast. l. c.*; compare Propert. iv. 1. 20.) As regards the *October horse* (*equus October*) it must be observed that in early times no bloody sacrifice was allowed to be offered at the Palilia, and the blood of the October-horse, mentioned above, was the blood which had dropped from the tail of the horse sacrificed in the month of October to Mars in the Campus Martius. This blood was preserved by the Vestal virgins in the temple of Vesta for the purpose of being used at the Palilia. (Solin. p. 2, d; Fest. *s. v. October equus;* Plut. *Romul.* 12.) When towards the evening the shepherds had fed their flocks, laurel-branches were used as brooms for cleaning the stables, and for sprinkling water through them, and lastly the stables were adorned with laurel-boughs. Hereupon the shepherds burnt sulphur, rosemary, fir-wood, and incense, and made the smoke pass through the stables to purify them; the flocks themselves were likewise purified by this smoke. The sacrifices which were offered on this day consisted of cakes, millet, milk, and other kinds of eatables. The shepherds then offered a prayer to Pales. After these solemn rites were over, the cheerful part of the festival began: bonfires were made of heaps of hay and straw, and under the sounds of cymbals and flutes the sheep were again purified by being compelled to run three times through the fire, and the shepherds themselves did the same. The festival was concluded by a feast in the open air, at which the people sat or lay upon benches of turf, and drank plentifully. (Tibull. ii. 5. 87, &c.; compare Propert. iv. 4. 75.)

In the city of Rome the festival must, at least in later times, have been celebrated in a different manner; its character of a shepherd-festival was forgotten, and it was merely looked upon as the day on which Rome had been built, and was celebrated as such with great rejoicings. (Athen. viii. p. 361.) In the reign of Caligula it was decreed that the day, on which this emperor had come to the throne, should be celebrated under the name of Palilia, as if the empire had been revived by him, and had commenced its second existence. (Suet. *Calig.* 16.) Athenaeus (*l. c.*) says, that before his time the name *Palilia* had been changed into *Romana* (Ῥωμαΐα). Whether this change of name was occasioned by the decree in the reign of Caligula just mentioned, is unknown. (Comp. Hartung, *Die Relig. der Römer*, vol. ii. p. 150, &c.) [L. S.]

PALIMPSESTUS. [Liber.]

PALLA. [Pallium.]

PALLACE (παλλακή). [Concubina.]

PALLIA'TA FA'BULA. [Comoedia, p. 346.]

PA'LLIUM, *dim.* PALLIOLUM, *poet.* PALLA (Plaut. *Men.* ii. 3. 41—47; Ovid. *Amor.* iii. 1. 12, iii. 2. 25) (*ἱμάτιον*, *dim.* *ἱματίδιον*; *Ion.* and *poet.* φᾶρος). The English *cloak*, though commonly adopted as the proper translation of these terms, conveys no accurate conception of the form, material, or use of that which they denoted. The article designated by them was always a rectangular piece of cloth, exactly, or at least nearly, square (*τετράγωνα ἱμάτια*, Posidonius *ap. Athen.* v. p. 213; *quadrangulus*, Tertull. *de Pallio*, 1). Hence it could easily be divided without loss or waste into four parts. (John, xix. 23.) It was indeed used in the very form in which it was taken from the loom [Tela], being made entirely by the weaver (*τὸ ἱμάτιον ὑφῆναι*, Plat. *Charm.* pp. 86, 98. ed. Heindorf; *Hipp. Min.* p. 210, ed. Bekker), without any aid from the tailor except to repair (*sarcire*, *ἀκεῖσθαι*) the injuries which it sustained by time. Although it was often ornamented, more especially among the northern nations of Europe, with a fringe [Fimbriae], yet this was commonly of the same piece with the pallium itself. Also whatever additional richness and beauty it received from the art of the dyer, was bestowed upon it before its materials were woven into cloth or even spun into thread. Most commonly it was used without having undergone any process of this kind. The raw material, such as wool, flax, or cotton, was manufactured in its natural state, and hence blankets and sheets were commonly white (*λευκὰ ἱμάτια*, Artemidor. ii. 3), although from the same cause brown, drab, and grey were also prevailing colours. The more splendid and elegant tints were produced by the application of the murex (*muricata, conchyliata, purpurea, vestis; πορφυροῦν, ἁλουργῆ ἱμάτια*, Heraclides Pont. *ap. Athen.* xii. p. 512), the kermes (*coccineus, κόκκινον*), the argol (*fucatus*), and the saffron (*croceus, κροκωτόν*). [Crocota.] Pale green was also worn (*ὀμφάκινον*, Pollux, *Onom.* vii. 56). Black and grey pallia were either made from the wool of black sheep (Theocrit. v. 98) or were the result of the art of the dyer. They were worn in mourning (*μέλανα ἱμάτια*, Xen. *Hist. Gr.* i. 7. § 8; Artemidor. *l. c.; φαιὰν ἐσθῆτα, Inscription in* Fellows's *Journal*, 1838, p. 31), and by sorceresses. (Hor. *Sat.* i. 8. 23.) The pallium of one colour (*ἰδιόχροον ἱμάτιον*, literally "the self-coloured," Artem. *l. c.*) was distinguished from the variegated (*ποικίλον*); and of this latter class the simplest kinds were the striped (*ῥαβδωτόν*, Xen. *Cyrop.* viii. 8. § 8), in which the effect was produced by inserting alternately a woof of different colours, and the check or plaid (*scutulatum, tesselatum*), in which the same colours were made to alternate in the warp also. Zeuxis, the painter, exhibited at the Olympic games a plaid having his name woven in the squares (*tesserae*, πλινθία) in golden letters. (Plin. *H. N.* xxxv. 9. s. 36. 2.) An endless variety was produced by interweaving sprigs or flowers in the woof (ἄνθεσι πεποικιλμένον, Plat. *Republ.* viii. p. 401, ed. Bekker). By the same process carried to a higher degree of complexity and refinement, whole figures and even historical or mythological subjects were introduced, and in this state of advancement the weaving of pallia was the elegant and worthy employment of females of the first distinction (Hom. *Il.* iii. 125—128, xxii. 440, 441), and of Athena, the inventress of the art, herself. (Apollon. Rhod. i. 721—768.) The greatest splendour was imparted by the use of gold thread. (Virg. *Aen.* iv. 262—264 ; Plin. *H. N.* viii. 48, xxxiii. 19 ; Auson. *Epig.* 37 ; Themist. *Orat.* 21 ; Q. Curt. iii. 3. 17.) Homer represents Penelope weaving a purple blanket for Ulysses, which also displayed a beautiful hunting-piece wrought in gold. (*Od.* xix. 225—235.) The epithet δίπλαξ, which is commonly applied by the poets to these figured palls, probably denoted that they were made on the principle of a quilt or a Scotch carpet, in which two cloths of different colours are so interlaced as to form one double cloth, which displays a pattern of any kind according to the fancy of the artist.

Although pallia were finished for use without the intervention of the tailor, they were submitted to the embroiderer (*Phrygio ;* ποικιλτής, πλουμαριός : Aesch. *c. Timarch.* p. 118, ed. Reiske ; Schol. *ad loc.*) ; and still more commonly to the fuller [Fullo], who received them both when they were new from the loom, and when they were sullied through use. Hence it was a recommendation of this article of attire to be well-trodden (ἐΰστιπτον, Apollon. Rhod. ii. 30) and well washed (ἐϋπλυνὲς, Hom. *Od.* viii. 425). The men who performed the operation are called οἱ πλυνῆς, *i. e.* the washers, in an inscription found in the stadium at Athens. Another appellation which they bore, viz. οἱ στιβεῖς, the treaders (Schol. *in Apoll. Rhod. l. c.*), is well illustrated by the woodcut, representing them at their work, in p. 552.

Considering *pallium* and *palla*, ἱμάτιον and φᾶρος, as generic terms, we find specific terms included under them, and denoting distinctions which depended on the materials of which the cloth was made. Among the Greeks and Romans by far the most common material was wool. (Plant. *Mil.* iii. 1. 93 ; Xen. *Oecon.* vii. 36 ; Theocrit. *l. c.*) The garment made of it (*laneum pallium*, Cic. *de Nat. Deor.* iii. 35) was called (from the root of *lana*, wool), in Latin Laena, in Greek χλαῖνα : and as the garment varied, not only in colour and ornament, but also in fineness, in closeness of texture (ἱματίων λεπτότητας, Aelian, *V. H.* iv. 3), and in size, some of these differences were expressed by the diminutives of χλαῖνα, such as χλαίνιον, χλανὶς (Herod. iii. 139 ; Athen. xii. pp. 545, a, 548, a, 553, a), χλανίδιον (Herod. i. 195, compared with Strabo, xvi. 1. § 20 ; Plut. *Symp. Probl.* vi. 6 ; Dionys. *Ant. Rom.* vii. 9), χλανίσκιον (Aristoph. *Acharn.* 518 ; Aesch. *c. Timarch.* p. 142 ; Alciphron, i. 38), and χλανισκίδιον. (Aristoph. *Pae*, 1002.) In like manner we find the pallium not only designated by epithets added to the general terms in order to denote that it was made of flax, *e. g.* ἱμάτιον λινοῦν, λίνοιο νεόπλυτα φάρεα (Orpheus, *de Lapid.* 702), *pallium lineum* (Isid. Hisp. *Orig.* xix. 25), but also distinguished by the specific terms *linteum*, *linteamen ; sindon* (Mart. *Epig.* iv. 12) ; σινδών (Herod. ii. 86. ; Mark, xiv. 51, 52) ; and its diminutive σινδονίον. (Palladii, *Vita Serap.*) A coarse linen pallium was also called φώσσων (Pollux, vii. c. 16), and a fine one ὀθόνη, *dim.* ὀθόνιον. (Hom. *Il.* iii. 141, xviii. 595 ; Brunck, *Anal.* iii. 81.) These specific terms are no doubt of Egyptian origin, having been introduced among the Hebrews, the Greeks, and the Romans, together with the articles of merchandize to which they were applied. On the same principle a cotton pallium is called *palla carbaseu* (Prudent. *Psychom.* 186, 187), and a silk shawl is denominated *pallium Sericum* (Stat. *Sylv.* iii. 4. 89), and ὀθόνιον Σηρικόν. (Arrian, *Per. Mar. Eryth.* pp. 164, 170, 173, 177, ed. Blancardi.)

The following instances of the application of pallia to the purposes of common life, show that it is an error to translate the word in all cases by "cloak" or "garment," and although in some of these cases the application may have been accidental, it serves not the less on that account to demonstrate the form and properties of the thing spoken of, and the true meaning of the various names by which it was called.

I. They were used to spread over beds and couches, and to cover the body during sleep (ἱμάτιον, Aelian, *V. H.* viii. 7, xii. 1 ; *Deut.* xxiv. 13 ; ἱματισμὸς, Theophrast. *Char.* 23 ; φάρος, Soph. *Trach.* 916, compare 537 ; χλαῖνα, Theocrit. xviii. 19, xxiv. 25 ; Hom. *Od.* xiv. 500—521, xvii. 86, 179, xx. 4, 95, 143 ; *Hymn. in Ven.* 159—184 ; χλανίσκιον, Alciphron, *l. c. ; pallium*, Juv. vi. 202 ; Spartian, *Hadr.* 22). In many of these cases it is to be observed, that the same pallium which was worn as a garment by day served to sleep in at night, in exact agreement with the practice which to the present day prevails among the Bedouin Arabs, who constantly use their large hykes for both purposes. [Lectus ; Lodix ; Tapes.]

II. They were spread on the ground and used for carpets. Clitus, the friend of Alexander, when he held a levee, appeared walking ἐπὶ πορφυρῶν ἱματίων. (Athen. xii. p. 539, c.) This was an affectation of Eastern luxury. When the people at Jerusalem spread their hykes upon the ground (as recorded in St. Matt. xxi. 8 ; St. Mark, xi. 8 ; St. Luke, xix. 36) they intended thereby to recognise Jesus as a king. [Tapes.]

III. They were hung over doors (Prudent. *adv. Sym.* ii. 726), and used as awnings or curtains. (Athen. xii. p. 518, a.)

IV. At the bath, persons wiped and rubbed themselves not only with linen sheets (*linteis*), but with very soft blankets (*palliis ex mollissima lana factis*, Petron. *Sat.* 28). The coarse linen cloth used for this purpose was called *sabanum* (σάβανον).

V. Agamemnon (Hom. *Il.* viii. 221) holds in his hand "a great purple φᾶρος" to serve as a banner floating in the air.

VI. Pallia, especially of linen and cotton, were used for sails (φώσσωνες, Lycophron, v. 26 ; λινόκροκον φάρος, Eurip. *Hec.* 1080 ; Hom. *Od.* v. 258).

VII. When Antony's ships were on fire, his soldiers, having failed to extinguish it by water, which they could not obtain in sufficient quantity, threw upon it their thick blankets (ἱμάτια αὐτῶν τὰ παχέα, Dion Cass. 1. 34).

VIII. Thick coarse blankets, which had not been to the fuller (*ἱμάτια ἀγνάπτα*, Plut. *Symp. Probl.* vi. 6), were wrapped round ice and snow to keep them from melting.

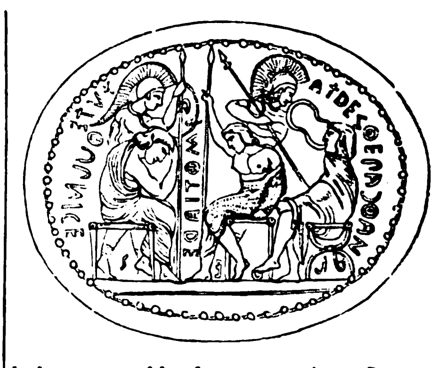
IX. A fine white blanket was sometimes used as a shroud (*φᾶρος ταφήϊον*, Hom. *Il.* xviii. 353 ; *Od.* ii. 94—100 ; *ἱμάτιον*, Xen. *Cyrop.* vii. 3. § 13).

X. In Asia, horses and other animals used to ride upon, were covered with beautiful pallia, especially upon occasions of ceremony or of rejoicing. Cyrus had 200 horses covered with striped cloths. (Xen. *Cyrop.* viii. 3. § 16.) When the Persian ambassador, a few years ago, went to the levee in London, his horses were in like manner covered *ῥαβδωτοῖς ἱματίοις.* Compare St. Matt. xxi. 7 ; St. Mark, xi. 7 ; St. Luke, xix. 35. [Tapes.]

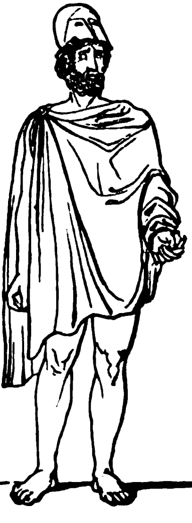
XI. The newly-born infant was wrapped in a blanket (*φάρος*, Hom. *Hymn. in Apoll.* 121). [Incunabula.]

XII. Lastly, the pallium was the most common article of the Amictus. [Chlamys.] Hence we find it continually mentioned in conjunction with the Tunica, which constituted the indutus. Such phrases as "coat and waistcoat," or "shoes and stockings," are not more common with us than such as those which follow, in ancient authors: *tunica palliumque* (Cic. *in Verr.* v. 52 ; Plaut. *Epid.* v. 2. 61) ; *ἱμάτιον καὶ χιτὼν* in the will of a certain philosopher (Diog. Laërt. v. 72) ; *τὸ ἱμάτιον καὶ τὸν χιτωνίσκον* ; *φᾶρος ἠδὲ χιτὼν* (Hom. *Il.* xxiv. 588, *Od.* viii. 425) ; *χλαῖναν τ' ἠδὲ χιτῶνα* (Hom. *Il.* ii. 262, *Od.* iv. 50, v. 229, viii. 455, x. 365, 451, xiv. 132, 154, 320, 341, xv. 330, xvii. 89) ; *χλανὶς καὶ χιτωνίσκος.* (Antiphanes, *ap. Athen.* xii. p. 545, a.) The following passages also exemplify the practice of naming these two articles of dress together: A. Gell. vi. 10 ; Plaut. *Trin.* v. 2. 30 ; Athen. v. p. 198, c, d, f ; Theophrast. *Char.* 21 ; St. Matt. v. 40 ; St. John, xix. 23—25.

But although the pallium and tunica were always regarded as essential parts of an entire dress, yet each of them might be worn without the other. Cases in which the tunic was retained and the blanket laid aside, are explained under the article Nudus. It is also evident that the pallium would not be the most convenient kind of dress when the wearer of it had occasion to run ; and we find that in such circumstances he either put it away entirely (Hom. *Il.* ii. 183, *Od.* xiv. 500) or folded it up as a Scottish Highlander folds his plaid, and threw it round his neck or over his shoulder. (Plaut. *Capt.* iv. 1. 12, iv. 2. 9 ; Ter. *Phor.* v. 6. 4.) On the other hand, to wear the pallium without the under-clothing indicated poverty or severity of manners, as in the case of Socrates (Xen. *Mem.* i. 6. § 2), Agesilaus (Aelian, *V. H.* vii. 13), and Gelon, king of Syracuse. (Diod. Sic. xi. 26.)



The pallium was no doubt often folded about the body simply with a view to defend it from cold, and without any regard to gracefulness of appearance. It is thus seen on the persons of Polynices and Parthenopaeus in the celebrated intaglio, now preserved at Berlin, representing five of the heroes who fought against Thebes, and copied on an enlarged scale in the annexed woodcut. The names of the several heroes are placed beside them in Etruscan letters. This precious relic was found at Perugia. (Winckelmann, *Déscript. des Pierres gravées de Stosch*, p. 344—347). By a slight adaptation, the mode of wearing it was rendered both more graceful and more convenient. It was first passed over the left shoulder, then drawn behind the back and under the right arm, leaving it bare, and then thrown again over the left shoulder. Of this we see an example in a bas-relief engraved by Dodwell. (*Tour through Greece*, vol. i. p. 243.) Another very common method was to fasten the pallium with a brooch [Fibula] over the right shoulder (*ἀμφιπεροναᾶσθαι*, Hom. *Il.* x. 131—136 ; Stat. *Theb.* vii. 658, 659 ; Apul. *Flor.* ii. 1), leaving the right arm at liberty, and to pass the middle of it either under the left arm so as to leave that arm at liberty also, or over the left shoulder so as to cover the left arm. We see Phocion attired in the last-mentioned fashion in the admired statue of him preserved in the Vatican at Rome. (*Mus. Pio-Clement.* vol. i. tav. 43.) (See woodcut.) The attachment of the pallium by means of the brooch caused it to depend in a graceful manner (*demissa ex humeris*, Virg. *Aen.* iv. 263), and contributed mainly to the production of those dignified and elegant forms which we so much admire in ancient sculptures. When a person sat, he often allowed his pallium to fall from his shoulder, so as to envelope the lower part of his body only.



The sagum of the northern nations of Europe (see woodcut, p. 213) was a woollen pallium, fastened, like that of the Greeks, by means of a brooch, or with a large thorn as a substitute for a brooch. (Tacit. *Germ.* 17; Strabo, iv. 4. 3.) The Gauls wore in summer one which was striped and chequered, so as to agree exactly with the plaid which still distinguishes their Scottish descendants; in winter it was thick and much more simple in colour and pattern. (Diod. Sic. v. 30.) The Greeks and Romans also wore different pallia in summer and in winter. The thin pallium made for summer wear was called λῆδος, *dim.* ληδάριον (Aristoph. *Aves*, 713—717) and σπεῖρον *dim.* σπειρίον (Hom. *Od.* ii. 102, vi. 179; Xen. *Hist. Gr.* iv. 5. § 4) in contradistinction from the warm pallium with a long nap, which was worn in winter (*laena*, Mart. xiv. 136; χλαῖνα, Moeris, *s. v.;* Hom. *Il.* xvi. 224, *Od.* xiv. 529; Plut. *de Aud.* p. 73, ed. Steph.; ἀχλαινοὶ, Callim. *Hymn. in Dian.* 115). This distinction in dress was, however, practised only by those who could afford it. Socrates wore the same pallium both in summer and winter. (Xen. *Mem.* i. 6. § 2.)

One kind of blanket was worn by boys, another by men (τὸ παιδικὸν, τὸ ἀνδρεῖον ἱμάτιον, Plut. *de Aud.* init.). Women wore this garment as well as men. "Phocion's wife," says Aelian (*V. H.* vii. 9), "wore Phocion's pallium:" but Xanthippe, as related by the same author (vii. 10), would not wear that of her husband Socrates. (See also Hom. *Od.* v. 229, 230, x. 542, 543; Plaut. *Men.* iv. 2. 36; Herod. v. 87.) When the means were not wanting, women wore pallia, which were in general smaller, finer, and of more splendid and beautiful colours than those of men (θοιμάτια ἀνδρεῖα, Aristoph. *Eccles.* 26, 75, 333), although men also sometimes displayed their fondness for dress by adopting in these respects the female costume. Thus Alcibiades was distinguished by his purple pallium which trailed upon the ground (Plut. *Alcib.* pp. 350, 362, ed. Steph.); for a train was one of the ornaments of Grecian as well as Oriental dress (ἱματίων ἕλξεις, Plato, *Alcib.* i. p. 341, ed. Bekker; Ovid. *Met.* xi. 166; Quintil. xi. 3), the general rule being that the upper garment should reach the knee, but not the ground. (Aelian, *V. H.* xi. 10; Theophrast. *Char.* 4.)

Philosophers wore a coarse and cheap pallium, which from being exposed to much wear was called τρίβων and τριβώνιον. (Aristoph. *Plut.* 897; Athen. v. p. 211, e; Themist. *Orat.* x. p. 155, ed. Dindorf; *palliastrum*, Apul. *Florid.* i.) The same was worn also by poor persons (Isaeus, *de Dic.* p. 94, ed. Reiske; Polyaen. *Strat.* vii. 35), by the Spartans (Athen. xii. p. 535, e; Aelian, *V. H.* vii. 13), and in a later age by monks and hermits (φαιὸν τριβώνιον, Synes. *Epist.* 147; *sagum rusticum*, Hieron. *Vita Hilar.*). These blanketeers (τριβωνοφόροι, Palladii, *Hist. Laus. in vita Serap.*) often went without a tunic, and they sometimes supplied its place by the greater size of their pallium. It is recorded of the philosopher Antisthenes, that "he first doubled his pallium" (Diog. Laërt. vi. 6, 13), in which contrivance he was followed by his brother Cynics (Brunck, *Anal.* ii. 22; Hor. *Epist.* i. 7. 25), and especially by Diogenes, who also slept and died in it, and who according to some was the first inventor of this fashion. (Diog. Laërt. vi. 22, 77.) The large pallium, thus used, was called διπλοΐς (*diplois*, Isid. Hisp. *Orig.* xix. 24), and also EXOMIS, because, being worn without the fibula, it left the right shoulder bare, as seen in the preceding figure of Polynices, and in the bas-relief in Dodwell's Tour already referred to (Plaut. *Mil.* iv. 4. 43; Aelian, *V. H.* ix. 34); and, when a girdle was added round the waist, it approached still more to the appearance of the single-sleeved tunic, the use of which it superseded.

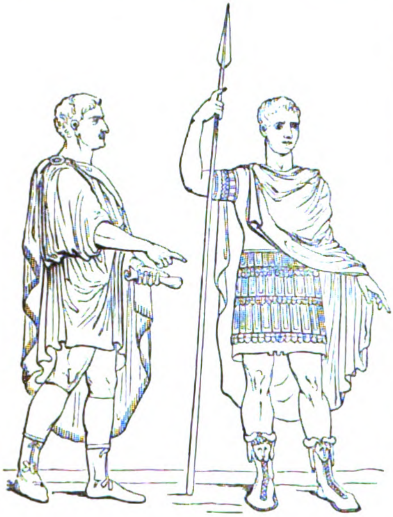
Under the Roman republic and the early Emperors, the TOGA was worn by men instead of the pallium. They were proud of this distinction, and therefore considered that to be *palliatus* or *sagatus* instead of being *togatus* indicated an affectation of Grecian or even barbarian manners. (*Graeco pallio amictus*, Plin. *Epist.* iv. 11; *Graeci palliati*, Plaut. *Curc.* ii. 3. 9; Cic. *Phil.* v. 5, xiv. 1; Sueton. *Jul.* 48; Val. Max. ii. 6. § 10.) Caecina, on his return from the north of Europe, offended the Romans (*togatos*) by addressing them in a plaid (*versicolore sagulo*) and trowsers. [BRACCAE.] (Tacit. *Hist.* ii. 20.) [J. Y.]

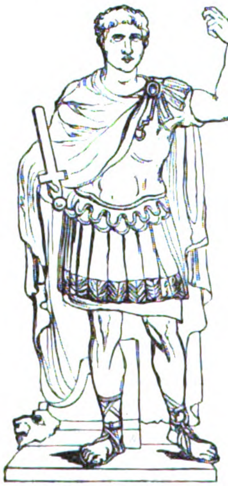
PA'LMIPES, i. e. *pes et palmus*, a Roman measure of length, equal to a foot and a palm; or a foot and a quarter, or 15 inches, or 20 digits. (Plin. *H. N.* xvii. 20. s. 32; Vitruv. v. 6). [P. S.]

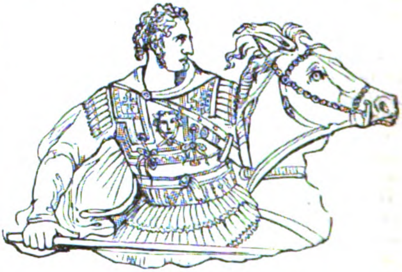
PALMUS, properly the width of the open hand, or, more exactly, of the four fingers, was used by the Romans for two different measures of length, namely, as the translation of the Greek παλαιστή, or δῶρον in old Greek, and σπιθαμή respectively. In the former sense it is equal to 4 digits, or 3 inches, or 1-4th of a foot, or 1-6th of the cubit. [MENSURA, p. 751, b.] Jerome (*in Ezech.* 40) expressly states that this was its proper meaning, but that the Greek σπιθαμή was also called by some *palmus;* or, for the sake of distinction, *palma;* in which sense it would be 3-4ths of a foot. Hence some writers distinguish, in the old Roman metrical system, a *palmus major* of 9 inches, and a *palmus minor* of 3 inches, and they suppose that the former is referred to by Varro (*R. R.* iii. 7). Ideler has, however, shown that this supposition is groundless, that Varro refers to the common palm of 4 digits (3 inches), and the larger palm only occurs in later Roman writers. (*Ueber die Längen und Flachenmasse der Alten*, p. 129). From this large *palmus* of 9 inches the modern Roman *palmo* is derived. [P. S.]

PALUDAMENTUM, according to Varro (*L. L.* vii. 37) and Festus (*s. v.*), originally signified any military decoration; but the word is always used to denote the cloak worn by a Roman general commanding an army, his principal officers and personal attendants, in contradistinction to the sagum [SAGUM] of the common soldiers and the toga or garb of peace. It was the practice for a Roman magistrate after he had received the *imperium* from the Comitia Curiata and offered up his vows in the Capitol, to march out of the city arrayed in the paludamentum (*exire paludatus*, Cic. *ad Fam.* viii. 10) attended by his lictors in similar attire (*paludatis lictoribus*, Liv. xli. 10, xlv. 39), nor could he again enter the gates until he had formally divested himself of this emblem of military power, a ceremony considered so solemn and so indispensable that even the emperors observed it. (Tacit. *Hist.* ii. 89; compare Sueton. *Vitell.* c. 11.) Hence Cicero declared that Verres had sinned "contra auspicia, contra omnes divinas et humanas religiones," because, after leaving the city in his paludamentum (*cum paludatus exisset*), he stole back in a litter to visit his mistress. (*In Verr.* v. 13.)

The paludamentum was open in front, reached down to the knees or a little lower, and hung loosely over the shoulders, being fastened across the chest by a clasp. A foolish controversy has arisen among antiquaries with regard to the position of this clasp, some asserting that it rested on the right shoulder, others on the left, both parties appealing to ancient statues and sculptures in support of their several opinions. It is evident from the nature of the garment, as represented in the annexed illustrations, that the buckle must have shifted from place to place according to the movements of the wearer; accordingly, in the following cut, which contains two figures from Trajan's column, one representing an officer, the other the emperor with a tunic and fringed paludamentum, we observe the clasp on the right shoulder, and this would manifestly be its usual position when the cloak was not used for warmth, for thus the right hand and arm would be free and unembarrassed; but in the preceding cut, copied from the Raccolta Maffei, representing also a Roman emperor, we perceive that the clasp is on the left shoulder; while in the cut below, the noble head of a warrior from the great Mosaic of Pompeii, we see the paludamentum flying back in the charge, and the clasp nearly in front. It may be said that the last is a Grecian figure; but this, if true, is of no importance, since the chlamys and the paludamentum were essentially, if not absolutely, the same. Nonius Marcellus considers the two terms synonymous, and Tacitus (*Ann.* xii. 56) tells how the splendid naumachia exhibited by Claudius was viewed by Agrippina dressed *chlamyde aurata*, while Pliny (*H. N.* xxxiii. 3) and Dion Cassius (lx. 33) in narrating the same story use respectively the expressions *paludamento aurotextili*, and χλαμύδι διαχρύσῳ.







The colour of the paludamentum was commonly white or purple, and hence it was marked and remembered that Crassus on the morning of the fatal battle of Carrhae went forth in a dark-coloured mantle. (Val. Max. i. 6. § 11; compare Plin. *H. N.* xxii. 1; Hirtius, *de bello Africano*, c. 57.) [W. R.]

PALUS, a pole or stake, was used in the military exercises of the Romans. It was stuck into the ground, and the tirones had to attack it as if it had been a real enemy; hence this kind of exercise is sometimes called *Palaria*. (Veget. i. 11). Juvenal (vi. 247) alludes to it when he says, "Quis non vidit vulnera pali?" and Martial (vii. 32. 8) speaks of it under the name of *stipes*, "Aut nudi stipitis ictus hebes." (Becker, *Gallus*, i. p. 278.)

PAMBOEO'TIA (παμβοιώτια), a festive panegyris of all the Boeotians, which the grammarians compare with the Panathenaea of the Atticans, and the Panionia of the Ionians. The principal object of the meeting was the common worship of Athena Itonia, who had a temple in the neighbourhood of Coronea, near which the panegyris was held. (Strabo, ix. p. 411; Paus. ix. 34. § 1.) From Polybius (iv. 3, ix. 34) it appears that during this national festival no war was allowed to be carried on, and that in case of a war a truce was always concluded. This panegyris is also mentioned by Plutarch. (*Amat. Narrat.* p. 774, f.) It is a disputed point whether the Pamboeotia had anything to do with the political constitution of Boeotia, or with the relation of its several towns to Thebes; but if so, it can have been only previous to the time when Thebes had obtained the undisputed supremacy in Boeotia. The question is discussed in Sainte Croix, *Des Gouvernements fédérat.* p. 211, &c.; Raoul-Rochette, *Sur la Forme* *et l'Administr. de l'Etat fédératif des Béotiens*, in the *Mém. de l'Acad. des Inscript.* vol. viii. (1827) p. 214, &c.; Wachsmuth, *Hell. Alt.* vol. i. p. 176. 2d edit. [L. S.]

PANATHENAEA (Παναθήναια), the greatest and most splendid of the festivals celebrated in Attica in honour of Athena, in the character of Athena Polias, or the protectress of the city. It was said to have been instituted by Erichthonius (Harpocrat. *s. v.* Παναθήναια; Marm. Par. *Ep.* 10), and its original name, until the time of Theseus, was believed to have been Athenaea; but when Theseus united all the Atticans into one body, this festival, which then became the common festival of all Atticans, was called Panathenaea. (Paus. viii. 2. § 1; Plut. *Thes.* 24; Apollod. iii. 14. § 6; Hygin. *Poet. Astron.* ii. 13; Suid. *s. v.* Παναθήναια.) According to this account it would seem as if the name of the festival were derived from that of the city; but the original name Athenaea was undoubtedly derived from that of the goddess, and the subsequent appellation Panathenaea merely signifies the festival of Athena, common to or celebrated by all the Attic tribes conjointly. Panathenaea are indeed mentioned as having been celebrated previous to the reign of Theseus (Apollod. iii. 15. § 7; Diod. iv. 60), but these writers merely transfer a name common in their own days to a time when it was not yet applicable. The Panathenaea, which, as far as the character implied in the name is concerned, must be regarded as an institution of Theseus, were celebrated once in every year. (Harpocrat. Suid. *s. v.*) All writers who have occasion to speak of this festival agree in distinguishing two kinds of Panathenaea, the greater and the lesser, and in stating that the former was held every fourth year (πενταετηρίς), while the latter was celebrated once in every year. Libanius (*Argum. ad Demosth. Mid.* p. 510), by mistake calls the lesser Panathenaea a τριετηρίς.

The time, when the lesser Panathenaea (which are mostly called Panathenaea, without any epithet, while the greater are generally distinguished by the adjective μεγάλα) were celebrated, is described by Proclus (*ad Plat. Tim.* p. 26, &c.) in a vague manner as following the celebration of the Bendideia; from which Meursius infers that the Panathenaea were held on the day after the Bendideia, that is, on the 20th of Thargelion. Petitus (*Leg. Att.* p. 18), on the other hand, has shown from Demosthenes (*c. Timocrat.* p. 708), that the Panathenaea must have fallen in the month of Hecatombaeon, and Corsini (*Fast. Att.* ii. 357, &c.) has further proved from the same passage of Demosthenes, that the festival must have commenced before the 20th of this month, and we may add that it was probably on the 17th. Clinton (*Fast. Hell.* ii. p. 332, &c.) has revived the opinion of Meursius. (Compare H. A. Müller, *Panathenaica*, c. 3.)

The great Panathenaea were, according to the unanimous accounts of the ancients, a pentaeteris, and were held in the third year of every Olympiad. (Böckh, *Staatsh.* ii. p. 165, &c.) Proclus (*ad Plat. Tim.* p. 9) says that the great Panathenaea were held on the 28th of Hecatombaeon. This statement, however, must not lead us to suppose that the great Panathenaea only lasted for one day; but Proclus in mentioning this particular day was probably thinking of the most solemn day of the festival on which the great procession took place (Thucyd. vi. 56), and which was in all probability the last day of the festival, for it is expressly stated that the festival lasted for several days. (Schol. *ad Eurip. Hecub.* 464; Aristid. *Panath.* p. 147.) We have, moreover, every reason to suppose with Böckh, that the great Panathenaea took place on the same days of the month of Hecatombaeon, on which the lesser Panathenaea were held, and that the latter were not celebrated at all in those years in which the former fell. Now if, as we have supposed, the lesser Panathenaea commenced on the 17th, and the last day of the greater festival fell on the 28th of Hecatombaeon, we may perhaps be justified in believing that the lesser as well as the greater Panathenaea lasted for twelve days, that is, from the 17th to the 28th of Hecatombaeon. This time is not too long, if we consider that the ancients themselves call the Panathenaea the longest of all festivals (Schol. *ad Aristoph. Nub.* 385), and if we bear in mind the great variety of games and ceremonies that took place during the season. When the distinction between the greater and lesser Panathenaea was introduced, is not certain, but the former are not mentioned before Ol. 66. 3 (Thucyd. vi. 56, i. 20; Herod. v. 56), and it may therefore be supposed that they were instituted a short time before Ol. 66, perhaps by Peisistratus, for about his time certain innovations were made in the celebration of the Panathenaea, as is mentioned below. The principal difference between the two festivals was, that the greater one was more solemn, and that on this occasion the peplus of Athena was carried to her temple in a most magnificent procession which was not held at the lesser Panathenaea.

The solemnities, games, and amusements of the Panathenaea were: rich sacrifices of bulls, foot, horse, and chariot races, gymnastic and musical contests, and the lampadephoria; rhapsodists recited the poems of Homer and other epic poets, philosophers disputed, cock-fights were exhibited, and the people indulged in a variety of other amusements and entertainments. It is, however, not to be supposed that all these solemnities and games took place at the Panathenaea from the earliest times. Gymnastic contests, horse and chariot races and sacrifices are mentioned in the legends belonging to the period anterior to the reign of Theseus. (Apollod. and Diod. *ll. cc.*; Plut. *Thes.* 24.) The prize in these contests was a vase with some oil from the ancient and sacred olive tree of Athena on the Acropolis. (Pind. *Nem.* x. 35, &c.; Schol. *ad Soph. Oed. Col.* 698.) A great many of such vases, called Panathenaic vases (ἀμφορεῖς Παναθηναικοί, Athen. v. p. 199), have in late years been found in Etruria, southern Italy, Sicily, and Greece. They represent on one side the figure of Athena, and on the other the various contests and games in which these vases were given as prizes to the victors. The contests themselves have been accurately described from these vases by Ambrosch (*Annal. dell' Instit.* 1833. p. 64—89), and the probable order in which they took place has been defined by Müller (*l. c.* p. 80, &c.).

The poems of Homer were read by rhapsodists only at the great Panathenaea (Lycurg. *c. Leocrat.* p. 161), and this custom commenced in the time of Pisistratus or of his son Hipparchus, after these poems had been collected. Afterwards the works of other epic poets also were recited on this occasion. (Plat. *Hipparch.* p. 228, b; Aelian, *V. H.*

viii. 2.) Songs in praise of Harmodius and Aristogiton appear to have been among the standing customs at the Panathenaea. Musical contests in singing and in playing the flute and the cithara were not introduced until the time of Pericles; they were held in the Odeum. (Plut. *Pericl.* 13.) The first who gained the victory in these contests was Phrynis, in Ol. 81. 1. (Schol. *ad Aristoph. Nub.* 971; Marm. Par. *Ep.* 64.) The prize for the victors in the musical contests was, as in the gymnastic contests, a vase, but with an additional chaplet of olive branches. (Suid. *s. v.* Παναθήναια.) Cyclic choruses and other kinds of dances were also performed at the Panathenaea (Lys. *de Muner. accept.* p. 161), and the pyrrhic dance in armour is expressly mentioned. (Aristoph. *Nub.* 988, with the Schol.) Of the discussions of philosophers and orators at the Panathenaea we still possess two specimens, the *λόγος Παναθηναικός* of Isocrates, and that of Aristides. Herodotus is said to have recited his history to the Athenians at the Panathenaea. The management of the games and contests was entrusted to persons called *ἀθλοθέται*, whose number was ten, one being taken from every tribe. Their office lasted from one great Panathenaic festival to the other. (Pollux, viii. 8. 6.) It was formerly believed, on the statement of Diogenes Laërtius (iii. 56; compare Suidas, *s. v.* *Τετραλογία*), that dramatic representations also took place at the Panathenaea, but this mistake has been clearly refuted by Böckh. (*Graec. Trag. Princip.* p. 207.)

The lampadephoria or torch-race of the Panathenaea has been confounded by many writers, and even by Wachsmuth (*Hell. Alt.* ii. 2. p. 246; ii. p. 573, 2d ed.), with that of the Bendideia. On what day it was held, and in what relation it stood to the other contests, is unknown, though it is clear that it must have taken place in the evening. It has been supposed by some writers that the lampadephoria took place only at the great Panathenaea, but this rests upon the feeble testimony of Libanius (*Argum. ad Demosth. Mid.* p. 510), while all other writers who mention this lampadephoria, speak of it as a part of the Panathenaea in general, without the epithet *μεγάλα*, which is itself a sufficient proof that it was common to both festivals. The same is implied in a statement of the author of the Etymologicum Magnum (*s. v.* *Κεραμεικός*). The prize of the victor in the lampadephoria was probably the lampas itself, which he dedicated to Hermes. (Böckh, *Corp. Inscript.* i. n. 243, 250.)

It is impossible to determine the exact order in which the solemnities took place. We may, however, believe that those parts which were the most ancient preceded those which were of later introduction. Another assistance in this respect are the sculptures of the Parthenon (now in the British Museum), in which a series of the solemnities of the Panathenaea is represented in the great procession. But they neither represent all the solemnities — for the lampadephoria and the gymnastic contests are not represented — nor can it be supposed that the artists should have sacrificed beauty and symmetry merely to give the solemnities in precisely the same order as they succeeded one another at the festival. In fact we see in these sculptures the flute and cithara players represented as preceding the chariots and men on horseback, though the contests in chariot and horse racing probably preceded the musical contests. But we may infer from the analogy of other great festivals that the solemnities commenced with sacrifices. The sacrifices at the Panathenaea were very munificent; for each town of Attica, as well as every colony of Athens, and, during the time of her greatness, every subject town, had to contribute to this sacrifice by sending one bull each. (Schol. *Aristoph. Nub.* 385.) The meat of the victims appears to have been distributed among the people; but before the feasting commenced, the public herald prayed for the welfare and prosperity of the republic. After the battle of Marathon the Plataeans were included in this prayer. (Herod. vi. 111.)

The chief solemnity of the great Panathenaea was the magnificent procession to the temple of Athena Polias, which, as stated above, probably took place on the last day of the festive season. The opinion of Creuzer (*Symbol.* ii. p. 810) that this procession also took place at the lesser Panathenaea, is opposed to all ancient authorities with the exception of the Scholiasts on Plato (*Republ.* init.) and on Aristophanes (*Equit.* 566), and these scholiasts are evidently in utter confusion about the whole matter. The whole of this procession is represented in the frieze of the Parthenon, the work of Phidias and his disciples. The description and explanation of this magnificent work of art, and of the procession it represents, would lead us too far. (See Stuart, *Antiq. of Athens*, vol. ii.; Leake, *Topogr. of Athens*, p. 215, &c.; C. O. Müller, *Ancient Art and its Rem.* § 118; H. A. Müller, *Panath.* p. 98, &c.) The chief object of this procession was to carry the peplus of the goddess to her temple. It was a crocus-coloured garment for the goddess, and made by maidens, called *ἐργαστῖναι*. (Hesych. *s. v.*; compare ARRHEPHORIA.) In it were woven Enceladus and the giants, as they were conquered by the goddess. (Eurip. *Hecub.* 466; Schol. *ad Aristoph. Equit.* 566; Suid. *s. v.* *Πέπλος*; Virg. *Cir.* 29, &c.; compare Plat. *Euthyd.* p. 6.) Proclus (*ad Plat. Tim.*) says that the figures on the peplus represented the Olympic gods conquering the giants, and this indeed is the subject represented on a peplus worn by an Athena preserved in the Museum of Dresden. On one occasion in later times, when the Athenians overwhelmed Demetrius and Antigonus with their flatteries, they also decreed that their images, along with those of the gods, should be woven into the peplus. (Plut. *Demetr.* 10.) The peplus was not carried to the temple by men but was suspended from the mast of a ship (Schol. *Hom. Il.* v. 734; Philostr. *Vit. Soph.* i. 5. p. 550; compare Böckh, *Graec. Trag. Princ.* p. 193; Schol. *ad Aristoph. Pax*, 418); and this ship, which was at other times kept near the Areiopagus (Paus. i. 29. § 1), was moved along on land, it is said, by *subterraneous machines.* What these machines may have been is involved in utter obscurity. The procession proceeded from the Cerameicus, near a monument called Leocorium (Thucyd. i. 20), to the temple of Demeter at Eleusis, and thence along the Pelasgic wall and the temple of Apollo Pythius to the Pnyx, and thence to the Acropolis, where the statue of Minerva Polias was adorned with the peplus.

In this procession nearly the whole population of Attica appears to have taken part, either on foot, on horseback, or in chariots, as may be seen in the frieze of the Parthenon. Aged men carried olive branches, and were called *ϑαλλοφόροι* (Etym. M. and Hesych. *s. v.*); young men attended, at least in earlier times, in armour (Thucyd. vi. 56), and maidens who belonged to the noblest families of Athens carried baskets, containing offerings for the goddess, whence they were called *κανηφόροι*. (Harpocrat. *s. v. Κανηφόρος*; compare Thucyd. *l. c.*) Respecting the part which aliens took in this procession, and the duties they had to perform, see HYDRIAPHORIA.

Men who had deserved well of the republic were rewarded with a gold crown at the great Panathenaea, and the herald had to announce the event during the gymnastic contests. (Demosth. *de Coron.* p. 265; compare Meurs. *Panath.* p. 43.) Prisoners also were allowed to enjoy freedom during the great Panathenaea. (Ulpian, *ad Demosth. c. Timocrat.* p. 740; compare Demosth. *de Fals. Leg.* p. 394.)

(Compare J. Meursii, *Panathenaea, liber singularis*, Lugd. Bat. 1619; C. Hoffmann, *Panathenaikos*, Cassel, 1835, 8vo.; H. A. Müller, *Panathenaica*, Bonn, 1837, 8vo.; C. O. Müller's Dissertation, *Quo anni tempore Panathenaea minora celebrata sint*, which is reprinted in the Philological Museum, vol. ii. pp. 227—235.) [L. S.]

PANCRATIASTAE. [PANCRATIUM.]

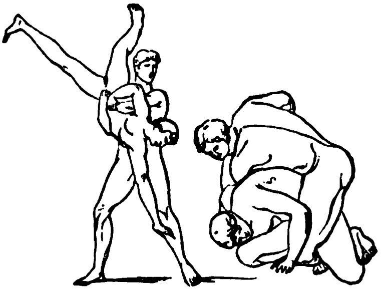
PANCRA'TIUM (*παγκράτιον*) is composed of *πᾶν* and *κράτος*, and accordingly signifies an athletic game, in which all the powers of the fighter were called into action. The pancratium was one of the games or gymnastic contests which were exhibited at all the great festivals of Greece; it consisted of boxing and wrestling (*πυγμὴ* and *πάλη*), and was reckoned to be one of the heavy or hard exercises (*ἀγωνίσματα βαρέα* or *βαρύτερα*), on account of the violent exertions it required, and for this reason it was not much practised in the gymnasia; and where it was practised, it was probably not without modifications to render it easier for the boys. According to the ancient physicians it had very rarely a beneficial influence upon health. (H. Mercurial. *De Art. Gymnast.* v. 7.)

At Sparta the regular pancratium was forbidden, but the name was there applied to a fierce and irregular fight not controlled by any rules, in which even biting and scratching were not uncommon, and in which, in short, every thing was allowed by which one of the parties might hope to overcome the other. In Homer we neither find the game nor the name of the pancratium mentioned, and as it was not introduced at the Olympic games until Ol. 33 (Paus. v. 8. § 3), we may presume that the game, though it may have existed long before in a rude state, was not brought to any degree of perfection until a short time before that event. It is scarcely possible to speak of an inventor of the pancratium, as it must have gradually arisen out of a rude mode of fighting, which is customary among all uncivilized nations, and which was kept up at Sparta in its original state. But the Greeks regarded Theseus as the inventor of the pancratium, who for want of a sword was said to have used this mode of fighting against the Minotaurus. (Schol. *ad Pind. Nem.* v. 89.) Other legends represented Heracles as having been victor in the pancratium (Paus. v. 8. § 1; Hygin. *Fab.* 273), and later writers make other heroes also fight the pancratium (Lucan, *Pharsal.* iv. 613, &c.); but these are mere fictions. After the pancratium was once introduced at Olympia, it soon found its way also into the other great games of Greece, and in the times of the Roman emperors we also find it practised in Italy. In Ol. 145 the pancratium for boys was introduced at the Olympic games, and the first boy who gained the victory was Phaedimus, a native of a town in Troas. (Paus. v. 8, in fin.) This innovation had been adopted before in others of the national games, and in the 61st Pythiad (Ol. 108), we find a Theban boy of the name of Olaides as victor in the pancratium in the Pythian games. (Paus. x. 7. § 3.) At the Isthmian games the pancratium for boys is not mentioned till the reign of Domitian (Corsini, *Dissert. Agon.* p. 101); but this may be merely accidental, and the game may have been practised long before that time.

Philostratus (*Imag.* ii. 6) says that the pancratium of men was the most beautiful of all athletic contests; and the combatants must certainly have shown to the spectators a variety of beautiful and exciting spectacles, as all the arts of boxing and wrestling appeared here united. (Aristot. *Rhet.* i. 5; Plut. *Sympos.* ii. p. 638, c.) The combatants in the pancratium did not use the cestus, or if they did, it was the *ἵμαντες μαλακώτεροι* [CESTUS], so that the hands remained free, and wounds were not easily inflicted.

The name of these combatants was pancratiastae (*παγκρατιασταί*) or *πάμμαχοι*. (Pollux iii. 30. 5.) They fought naked, and had their bodies anointed and covered with sand, by which they were enabled to take hold of one another. (Philostr. *l. c.*; Aristoph. *Pax*, 848.) In cases where the contests of the pancratiastae were not regulated by strict rules, it might, as at Sparta, sometimes happen, that the fighters made use of their teeth and nails (Philostr. *l. c.*; Lucian, *Demonax*, c. 49; Plut. *Lac. Apophth.* p. 234, d.); but such irregularities probably did not occur at any of the great public games.

When two pancratiastae began their contest, the first object which each of them endeavoured to accomplish, was to gain a favourable position, each trying to make the other stand so that the sun might shine in his face, or that other inconveniences might prevent his fighting with success. This struggle (*ἀγὼν περὶ τῆς στάσεως*, Aeschin. *c. Ctesiph.* p. 83, ed. Steph.) was only the introduction to the real contest, though in certain cases this preparatory struggle might terminate the whole game, as one of the parties might wear out the other by a series of stratagems, and compel him to give up further resistance. Sostratus of Sicyon had gained many a victory by such tricks. (Paus. vi. 4. § 1.) When the real contest began, each of the fighters might commence by boxing or by wrestling, accordingly as he thought he should be more successful in the one than in the other. The victory was not decided until one of the parties was killed, or lifted up a finger, thereby declaring that he was unable to continue the contest either from pain or fatigue. (Faber, *Agonist.* i. 8.) It usually happened that one of the combatants, by some trick or other, made his antagonist fall to the ground, and the wrestling, which then commenced, was called *ἀνακλινοπάλη*, and continued until one of the parties declared himself conquered or was strangled, as was the case at Olympia with Arrhichion or Arrachion of Phigalia, in Ol. 54. (Paus. viii. 40. § 1, &c.; Euseb. *Chron.* p. 150, Scalig.) A lively description of a struggle of this kind is given by Philostratus (*l. c.*). Sometimes one of the fighters fell down on his back on purpose that he might thus ward off the attacks of his antagonist more easily, and this is perhaps the trick called *ὑπτιασμός*. The usual mode of making a person fall was to put one foot behind his, and then to push him backward, or to seize him round his body in such a manner that the upper part being the heavier the person lost his balance and fell. Hence the expressions *μέσον λαμβάνειν*, *μεσολαβεῖν*, *μέσον αἱρεῖν*, *τὰ μέσα ἔχειν*, *διὰ μηρῶν σπᾷν*, &c. (Scalig. *ad Euseb. Chron.* p. 48.) The annexed woodcut represents two pairs of Pancratiastae; the one on the right hand is an example of the *ἀνακλινοπάλη*, and that on the left of the *μεσολαβεῖν*. They are taken from Krause's *Gymnastik und Agonistik d. Hellen.* Taf. xxi. b. Fig. 35, b. 31, b., where they are copied respectively from Grivaud, *Rec. d. Mon. Ant.* vol. i. pl. 20, 21, and Krause, *Signorum vet. icones*, tab. 10.



At Rome the pancratium is first mentioned in the games which Caligula gave to the people. (Dion Cass. lix. 13.) After this time it seems to have become extremely popular, and Justinian (*Novell.* cv. c. 1, provided *πάγκαρπον* be, as some suppose, a mistake for *παγκράτιον*) made it one of the seven solemnities (*πρόοδοι*) which the consuls had to provide for the amusement of the people.

Several of the Greek pancratiastae have been immortalised in the epinician odes of Pindar, namely Timodemus of Athens (*Nem.* ii.), Melissus and Strepsiades of Thebes (*Isth.* iii. and vi.), Aristoclides, Cleander and Phylacides of Aegina (*Nem.* iii., *Isth.* iv. v. and vi.), and a boy Pytheas of Aegina. (*Nem.* v.) But besides these the names of a great many other victors in the pancratium are known. (Compare Fellows, *Discoveries in Lycia*, p. 313, Lond. 1841.)

The diet and training of the pancratiastae was the same as that of other Athletae. [ATHLETAE.] (Compare Hieron. Mercurialis, *de Arte Gymnastica;* J. H. Krause, *Die Gymnastik und Agonistik der Hellenen*, vol. i. pp. 534—556.) [L. S.]

PANDECTAE or DIGESTA. In the last month of the year A. D. 530, Justinian by a Constitution addressed to Tribonian empowered him to name a commission for the purpose of forming a Code out of the writings of those Jurists who had enjoyed the Jus Respondendi, or, as it is expressed by the Emperor, "antiquorum prudentium quibus auctoritatem conscribendarum interpretandarumque legum sacratissimi principes praebuerunt." The compilation however comprises extracts from some writers of the Republican period (*Const.* Deo Auctore), and from Arcadius Charisius and Hermogenianus. Ten years were allowed for the completion of the work. The instructions of the Emperor were, to select what was useful, to omit what was antiquated or superfluous, to avoid unnecessary repetitions, to get rid of contradictions, and to make such other changes as should produce out of the mass of ancient Juristical writings a useful and complete body of law (*jus antiquum*). The compilation was to be distributed into Fifty Books and the Books were to be subdivided into Titles (*Tituli*). The work was to be named Digesta, a Latin term indicating an arrangement of materials, or Pandectae, a Greek word expressive of the comprehensiveness of the work. The name Digesta had been already used by Salvius Julianus for the title of his chief work. The term Pandectae had also been applied to compilations which contained various kinds of matter. (A. Gell. *Praef.*) It was also declared that no commentaries should be written on this compilation, but permission was given to make Paratitla or references to parallel passages with a short statement of their contents. (*Const.* Deo Auctore, s. 12.) It was also declared that abbreviations (*sigla*) should not be used in forming the text of the Digest. The work was completed in three years (17 Cal. Jan. 533) as appears by a Constitution both in Greek and Latin which confirmed the work and gave to it legal authority. (*Const.* Tanta, &c., and Δέδωκεν.)

Besides Tribonian, who had the general conduct of the undertaking, sixteen other persons are mentioned as having been employed on the work, among whom were the Professors Dorotheus and Anatolius, who for that purpose had been invited from the law-school of Berytus, and Theophilus and Cratinus who resided at Constantinople. The compilers made use of about two thousand different treatises, which contained above 3,000,000 lines (*versus*, *στίχοι*), but the amount retained in the compilation was only 150,000 lines. Tribonian procured this large collection of treatises, many of which had entirely fallen into oblivion, and a list of them was prefixed to the work, pursuant to the instructions of Justinian. (*Const.* Tanta, &c. s. 16.) Such a list is at present only found in the Florentine MS. of the Digest, but it is far from being accurate. Still it is probably the Index mentioned in the Constitution, Tanta, &c. (Puchta, *Bemerkungen ueber den Index Florentinus*, in *Rhein. Mus.* vol. iii. pp. 365—370.)

The work is thus distributed into Fifty Books, which, with the exception of three books, are subdivided into Titles, of which there are said to be 422. The books 30, 31, 32, are not divided into Titles, but have one common Title, De Legatis et Fideicommissis; and the first Title of the 45th book, De Verborum Obligationibus, is really divided into three parts, though they have not separate Rubricae. Under each Title are placed the extracts from the several jurists, numbered 1, 2, 3, and so on, with the writer's name and the name and division of the work from which the extract is made. These extracts are said to amount to 9123. No name, corresponding to Liber or Titulus, is given to these subdivisions of Tituli which are formed by the extracts from the several writers, but Justinian (*Const.* Tanta, &c. s. 7) has called them "leges," and though not "laws" in the strict sense of the term, they were in fact "law;" and in the same sense the Emperor calls the jurists "legislatores." (*Const.* Tanta, &c. s. 16.) The Fifty

Books differ materially both in bulk, number of titles, and number of extracts. The Glossatores and their followers, in referring to the Digest, sometimes indicate the work by P, p, or Π, and sometimes by D or ff, which according to some writers represents D, and according to others represents Π. The oldest printed English work in which the Digest is cited is Bracton's *Treatise on the Law of England*, and his mode of citation is that of the Glossatores. (*Two Discourses* by G. Long, London, 1847, p. 107.)

There was also a division of the whole Fifty Books into Seven larger masses, called Partes, which corresponded to the seven main divisions of the works on the Edict, and had also a special reference to the course of instruction then established. Thus the first Pars comprises Four Books, the second Pars comprises seven Books, and so on. (*Const.* Tanta, &c. s. 2. "Igitur prima quidem pars," &c.)

The number of writers from whose works extracts were made is thirty-nine, comprehending those Jurists from whom extracts were made at second hand, as Q. Mucius Scaevola, the Pontifex, from whom four fragments, and Aelius Gallus from whom one fragment is taken; but omitting Servius Sulpicius Rufus, who is represented by Alfenus, distinguishing Aelius Gallus from Julius Aquila, Venuleius from Claudius Saturninus; assuming that there is only one Pomponius, and omitting Sabinus whose name is erroneously inserted in the Florentine Index. (Zimmern, *Geschichte des Röm. Privatrechts*, p. 224.)

The following is the list of Jurists from whose writings the Digest was constructed, as it is given in the Palingenesia of Hommelius, who has arranged the matter taken from each writer under his name, and placed the names in alphabetical order. The dates of the Jurists are chiefly founded on the authority of Zimmern. The figures in the third column indicate the proportions contributed to the Digest by each Jurist, estimated in the pages of Hommelius: (*a*) denotes that the contribution is under one page of the Palingenesia. This list includes Sabinus. The extracts from many of the writers are few and short: those from Ulpian are more than a third of the whole; and next to these the extracts from Paulus, Papinian, Julianus, Pomponius, Q. Cervidius Scaevola, and Gaius, are the largest.

		DATE.	
Sextus Caecilius	*Africanus*	Hadrian and the Antonini	24
	Alfenus Varus	a pupil of Servius Sulpicius Rufus and contemporary with Cicero	9
Furius	*Anthianus*	Unknown	(*a*)
Julius	*Aquila*	perhaps about the time of Sep. Severus	(*a*)
Aurelius	*Arcadius* Charisius	Constantine the Great	2½
	Callistratus	Caracalla	17½
Juventius	*Celsus*	Domitian and Hadrian	23
	Florentinus	Alex. Severus	4
	Gaius	Hadrian and the Antonini	72
C. Aelius*	*Gallus*	a contemporary of Cicero	(*a*)
Claudius	*Hermogenianus*	Constantine the Great	9½
Priscus	*Javolenus*	Nerva and Hadrian	23½
Salvius	*Julianus*	a pupil of Javolenus	90
M. Antistius	*Labeo*	Augustus	12
Aemilius	*Macer*	Alex. Severus	10
Lucius Volusius	*Maecianus*	Antoninus Pius	8
Lucius Ulpius	*Marcellus*	The Antonini	32½
Aelius	*Marcianus*	Caracalla and Alex. Severus	38
Junius	*Mauricianus*	Antoninus Pius	1½
Rutilius	*Maximus*	Unknown	(*a*)
Arrius	*Menander*	Caracalla	3
Herennius	*Modestinus*	a pupil of D. Ulpianus	41½
Quintus	*Mucius* Scaevola	Pontifex Maximus, consul B. C. 95	1
Priscus	*Neratius*	Trajan	10
Lucius Aemilius	*Papinianus*	S. Severus and Caracalla	104
Justus	*Papirius*	M. Aurelius	2½
Julius	*Paulus*	Alex. Severus	297
	Pomponius	Antoninus Pius	80
Licinius?	*Proculus*	Otho?	6
Licinius	*Rufinus*	Caracalla	1½
Massurius	*Sabinus*	Tiberius	1½
Claudius	*Saturninus*	The Antonini	1
Qu. Cervidius	*Scaevola*	The Antonini	78½
Paternus	*Tarrentenus*	Commodus	(*a*)
Clemens	*Terentius*	Hadrian and the Antonini	3½
Q. Sep. Florens	*Tertullianus*	S. Severus and Caracalla	1½
Claudius	*Tryphoninus*	S. Severus and Caracalla	22
Salvius Aburnus	*Valens*	Hadrian and Antoninus Pius	3
	Venuleius	The Antonini	10
Domitius	*Ulpianus*	S. Severus and Alex. Severus	610

It follows from the instructions of the Emperor and the plan of the work that the extracts from the Jurists are not always given in their exact words. It is probable that many short passages were interpolated, or altered, as a matter of necessity, though there seems to be no reason for supposing that these changes were carried farther than the nature of the case required. Still there is no doubt that the changes are such that the extracts from the old Jurists cannot be used for many purposes without some caution and judgment.

The distribution of the matter of the Digest into Books and Titles has evidently been made according to a plan, as will be obvious on inspecting the list of Tituli prefixed to the editions. Thus the 28th book treats of testaments, of the institution of a heres, &c., and the 29th of military testaments, and of codicils, &c.; in fact of matters appertaining to universal succession by testament: the 30th, 31st, and 32d books treat of legacies and fiduciary bequests. There is a method of arrangement therefore so far as generally to bring things of the same kind together, but the compilation has no claims to being considered as a scientific arrangement of the matter of law. And indeed the compilers were evidently fettered in this respect by the Emperor's instructions, which required them to arrange (*digerere*) the whole body of the law comprised in the Digest, according to the Code and the Edictum Perpetuum.

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* He must not be confounded with C. Aquilius Gallus, one of the masters of Servius Sulpicius, from whom there is no extract in the Digest.

It has long been a matter of dispute whether the compilers of the Digest were guided by any, and if any, by what principle in the arrangement of the several extracts under the respective Titles. This subject is examined in a very learned essay by Bluhme, entitled "Die Ordnung der Fragmente in den Pandektentiteln." (*Zeitschrift*, vol. iv.) The investigation is of course founded on the titles of the several works of the Jurists, which as already observed are given at the head of each extract: thus, for instance, in the beginning of the 3d book, the first seven extracts are headed as follows: "Ulpianus Libro sexagesimo quarto ad Edictum;" "Idem Libro primo Fideicommissorum;" "Idem Libro quarto ad Sabinum;" "Idem Libro quinto ad Sabinum;" "Paulus Libro primo ad Sabinum;" "Julianus Libro trigesimo tertio Digestorum;" "Paulus Libro secundo ad Sabinum." These will serve as samples of the whole and will explain the following remarks from Bluhme, whose conclusions are these: "The compilers separated all the writings from which extracts were to be made, into three parts, and formed themselves into three committees. Each committee read through in order the books that had fallen to its lot, yet so that books which were closely related as to their contents, were extracted at the same time. The books were compared with the Code of Justinian, and what was selected for the new compilation, was placed under a Title taken either from the Code, the Edict, or in case of necessity from the work itself which was extracted. What came under the same title was compared; repetitions were erased, contradictions were got rid of, and alterations were made, when the contents of the extracts seemed to require it. When the three committees had finished their labours, the present Digest was formed out of the three collections of extracts. In order to accomplish this, they made that collection the foundation of each Title which contained the most numerous or at least the longest extracts. With these they compared the smaller collections, striking out, as they had done before, repetitions and contradictions, making the necessary additions, and giving more exact definitions and general principles. What remained over of the smaller collections without having had an appropriate place assigned to it, was placed after the first collection, and its place in the series after the first collection was generally determined by the number of extracts."

"The Digest does not seem to have been subjected to any further revision."

Bluhme remarks that, although the Constitutions, *Deo Auctore*, *Imperatoriam*, *Tanta*, and *Cordi*, contain much information on the economy of the Digest and the mode of proceeding of the compilers, only the two following facts are distinctly stated: 1. That the extracts from the writings of the Jurists were arranged according to the titles of the Code and the Edict. 2. That the extracts were compared with the Code. Accordingly everything else must be proved from an examination of the work itself, and this is the object of Bluhme's laborious essay. He observes that if a person will examine the extracts in the titles De Verborum Significatione and De Regulis Juris (50. tit. 16, 17) he will find a regular order observable in the titles of the juristical works from which the extracts are taken. Generally, the series of the books quoted shows that the original order of the works from which the extracts were to be made, has not been altered; and the several works generally follow in both these titles in the same order. A similar remark applies to the title De Verborum Obligationibus (Dig. 45. tit. 1), though there is a variation in all the three titles as to the relative order of the three masses, which are presently to be mentioned. "In the remaining titles of the Digest," adds Bluhme, "at first sight it appears as if one could find no other distinction in the titles of the extracts than this, that one part of them has a certain kind of connection, and another part merely indicates a motley assemblage of books out of which the extracts have been made. But on a closer comparison not only are three masses clearly distinguishable, but this comparison leads to the certain conclusion, that all the writings which were used in the compilation of the Digest, may be referred to three classes. The Commentaries on Sabinus (Ad Sabinum), on the Edict (Ad Edictum), and Papinian's writings are at the head of these three classes. We may accordingly denote these three masses respectively by the names Sabinian, the Edict, and Papinian. In each of these classes the several works from which extracts are made, always follow in regular order." This order is shown by a table which Bluhme has inserted in his essay.

This article, if read in connection with the articles CODEX and INSTITUTIONES, will give some general notion of the Legislation of Justinian, the objects of which cannot be expressed better than in the following words: —

"Justinian's plan embraced two principal works, one of which was to be a selection from the Jurists and the other from the Constitutiones. The first, the Pandect, was very appropriately intended to contain the foundation of the law: it was the first work since the date of the Twelve Tables, which in itself and without supposing the existence of any other, might serve as a central point of the whole body of the law. It may be properly called a Code, and the first complete Code since the time of the Twelve Tables, though a large part of its contents is not Law, but consists of Dogmatic and the investigation of particular cases. Instead of the insufficient rules of Valentinian III., the excerpts in the Pandect are taken immediately from the writings of the Jurists in great numbers, and arranged according to their matter. The Code also has a more comprehensive plan than the earlier codes, since it comprises both Rescripts and Edicts. These two works, the Pandect and the Code, ought properly to be considered as the completion of Justinian's design. The Institutiones cannot be viewed as a third work, independent of both: it serves as an introduction to them or as a manual. Lastly, the Novellae are single and subsequent additions and alterations, and it is merely an accidental circumstance that a third edition of the Code was not made at the end of Justinian's reign, which would have comprised the Novellae which had a permanent application." (Savigny, *Geschichte des Röm. Rechts im Mittelalter*, i. p. 14.)

There are numerous manuscripts of the Digest, both in libraries of the Continent and of Great Britain. A list of the MSS. of the Corpus Juris in the libraries of this country, which are principally in the Colleges of Oxford and Cambridge, is given by Dr. Hach in the Zeitschrift (vol. v.). But the MSS. of the Digest generally contain only parts of the work, and are not older than the twelfth century. The MS. called the Florentine is complete and probably as old as the seventh century. It is generally said that it had been kept at Amalfi time out of mind, and was given to the Pisans by Lotharius the Second, after the capture of Amalfi A. D. 1137, as a memorial of his gratitude to them for their aid against Roger the Norman. The Pisans kept it till their city was taken by the Florentines under Gino Caponi A. D. 1406, who carried this precious MS. to Florence where it is still preserved. There is however pretty good evidence that the MS. was not found at Amalfi. Odofredus says, that it was transmitted to Pisa by Justinian, and Bartolus adds, that it always had been, and then was at Pisa. At any rate it is the oldest MS. of the Pandectae. An exact copy of this MS. was published at Florence in 1553, folio, with the title "Digestorum seu Pandectarum Libri Quinquaginta Ex Florentinis Pandectis repraesentati; Florentiae In Officina Laurentii Tarrentini Ducalis Typographi MDLIII Cum Summi Pontif. Car. V. Imp. Henrici II Gallorum Regis, Eduardi VI Angliae regis, Cosmi Medicis Ducis Florent. II Privilegio." The facts relating to the history of the MS. appear from the dedication of Franciscus Taurellius to Cosmo I., Duke of Florence. Laelio Torelli and his son Francisco superintended the printing of the edition of this splendid work, which is invaluable to a scholar. The orthography of the MS. has been scrupulously observed. Those who cannot consult this work may be satisfied with the edition of the Corpus Juris by Charondas, which the distinguished printer of that edition, Christopher Plantinus, affirms to be as exact a copy of the Florentine edition as it could be made. (Antwerp, 1575). As to the other editions of the Digest, see CORPUS JURIS. [G. L.]

PA'NDIA (πάνδια), an Attic festival, the real character of which seems to have been a subject of dispute among the ancients themselves; for according to the Etymologicum M. (*s. v.* Πάνδια; comp. Phot. *s. v.*), some derived it from Pandia, who is said to have been a goddess of the moon (this is also Wachsmuth's opinion, ii. p. 485); others from the Attic king Pandion; others again from the Attic tribe Dias, so that the Pandia would have been in the same relation to this tribe as the Panathenaea to Athens: and others from Διός, and call it a festival of Zeus. Welcker (*Aeschyl. Trilog.* p. 303) considers it to have been originally a festival of Zeus celebrated by all the Attic tribes, analogous to the Panathenaea, and thinks that when the confederacy, of which this festival was as it were the central point, became dissolved, the old festival remained, though its character was changed. It was celebrated at Athens in the time of Demosthenes (*c. Mid.* p. 517). Taylor in his note on this passage strangely confounds it with the Diasia, though it is well known that this festival was held on the 19th of Munychion, while the Pandia took place on the 14th of Elaphebolion. (Compare Suidas and Hesych. *s. v.* Πάνδια; Böckh, *Abhandl. der Berlin. Akademie*, 1818, p. 65, &c.) [L. S.]

PANE'GYRIS (πανήγυρις) signifies a meeting or assembly of a whole people for the purpose of worshipping at a common sanctuary. But the word is used in three ways:—1. For a meeting of the inhabitants of one particular town and its vicinity [EPHESIA]; 2. For a meeting of the inhabitants of a whole district, a province, or of the whole body of people belonging to a particular tribe [DELIA, PAMBOEOTIA, PANIONIA]; and 3. For great national meetings, as at the Olympic, Pythian, Isthmian, and Nemean games. Although in all panegyreis which we know, the religious character forms the most prominent feature, other subjects, political discussions and resolutions, as well as a variety of amusements, were not excluded, though they were perhaps more a consequence of the presence of many persons than objects of the meeting. As regards their religious character, the panegyreis were real festivals in which prayers were performed, sacrifices offered, processions held, &c. The amusements comprehended the whole variety of games, gymnastic and musical contests, and entertainments. Every panegyris, moreover, was made by tradespeople a source of gain, and it may be presumed that such a meeting was never held without a fair, at which all sorts of things were exhibited for sale. (Paus. x. 32. § 9; Strab. x. p. 486; Dio Chrysost. *Orat.* xxvii. p. 528.) In later times, when the love of gain had become stronger than religious feeling, the fairs appear to have become a more prominent characteristic of a panegyris than before; hence the Olympic games are called *mercatus Olympiacus* or *ludi et mercatus Olympiorum*. (Justin. xiii. 5; Vell. Pat. i. 8.) Festive orations were also frequently addressed to a panegyris, whence they are called λόγοι πανηγυρικοί. The Panegyricus of Isocrates, though it was never delivered, is an imaginary discourse of this kind. In later times any oration in praise of a person was called panegyricus, as that of Pliny on the emperor Trajan.

Each panegyris is treated of in a separate article. For a general account see Wachsmuth, *Hell. Alt.* i. p. 149, &c.; Böckh, *ad Pind. Ol.* vii. p. 175, &c.; Hermann, *Polit. Ant.* § 10. [L. S.]

PANELLE'NIA (πανελλήνια), a festival, or perhaps rather a panegyris of all the Greeks, which seems to have been instituted by the emperor Hadrian, with the well-meant but impracticable view of reviving a national spirit among the Greeks. (Philostr. *Vit. Soph.* ii. 1. 5; Böckh, *Corp. Inscrip.* i. p. 789, ii. p. 580.) [L. S.]

PANIO'NIA (πανιώνια), the great national panegyris of the Ionians on mount Mycale, where their national god Poseidon Heliconius had his sanctuary, called the Panionium. (Herod. i. 148; Strab. viii. p. 384; Paus. vii. 24. § 4.) One of the principal objects of this national meeting was the common worship of Poseidon, to whom splendid sacrifices were offered on the occasion. (Diodor. xv. 49.) As chief-priest for the conduct of the sacrifices, they always appointed a young man of Priene, with the title of king, and it is mentioned as one of the peculiar superstitions of the Ionians on this occasion, that they thought the bull which they sacrificed to be pleasing to the god if it roared at the moment it was killed. (Strab. *l. c.*) But religious worship was not the only object for which they assembled at the Panionium; on certain emergencies, especially in case of any danger threatening their country, the Ionians discussed at these meetings political questions, and passed resolutions which were binding upon all. (Herod. i. 141, 170.) But the political union among the Ionians appears nevertheless to have been very loose, and their confederacy to have been without any regular internal organization, for the Lydians conquered one Ionian town after another, without there appearing anything like the spirit of a political confederacy; and we also find that single cities concluded separate treaties for themselves, and abandoned their confederates to their fate. (Herod. i. 169.)

Diodorus (xv. 49) says that in later times the Ionians used to hold their meeting in the neighbourhood of Ephesus instead of at Mycale. Strabo, on the other hand, who speaks of the Panionic panegyris as still held in his own time, does not only not mention any such change, but appears to imply that the panegyris was at all times held on the same spot, viz. on mount Mycale. Diodorus therefore seems to consider the Ephesian panegyris [Ephesia] as having been instituted instead of the Panionia. But both panegyreis existed simultaneously, and were connected with the worship of two distinct divinities, as is clear from a comparison of two passages of Strabo, viii. p. 384, xiv. p. 639.

(Compare Tittmann's *Griech. Staatsv.* p. 668, &c.; Thirlwall, *Hist. of Greece*, ii. p. 102; C. F. Hermann, *Lehrb. der Gottesd. Alterth.* § 66. n. 2, 3.) [L. S.]

PANO'PLIA. [Arma.]

PANTOMI'MUS is the name of a kind of actors peculiar to the Romans, who very nearly resembled in their mode of acting the modern dancers in the ballet. They did not speak on the stage, but merely acted by gestures, movements, and attitudes. All movements, however, were rhythmical like those in the ballet, whence the general term for them is *saltatio*, *saltare;* the whole art was called *musica muta* (Cassiodor. *Var.* i. 20); and to represent Niobe or Leda was expressed by *saltare Nioben* and *saltare Ledam.*

Mimic dancers of this kind are common to all nations, and hence we find them in Greece and Italy; in the former country they acquired a degree of perfection of which we can scarcely form an idea. But pantomimes in a narrower sense were peculiar to the Romans, to whom we shall therefore confine ourselves. During the time of the republic the name pantomimus does not occur, though the art itself was known to the Romans at an early period; for the first histriones said to have been introduced from Etruria were in fact nothing but pantomimic dancers [Histrio, p. 612], whence we find that under the empire the names histrio and pantomimus were used as synonymous. The pantomimic art, however, was not carried to any degree of perfection until the time of Augustus; whence some writers ascribe its invention to Augustus himself, or to the great artists who flourished in his reign. (Suidas, *s. v.* *Ὄρχησις παντόμιμος.*) The greatest pantomimes of this time were Bathyllus, a freedman and favourite of Maecenas, and Pylades and Hylas. (Juv. vi. 63; Suet. *Aug.* 45; Macrob. *Sat.* ii. 7; Athen. i. p. 70.) The great popularity which the pantomimes acquired at Rome in the time of Augustus through these distinguished actors, was the cause of their spreading not only in Italy but also in the provinces, and Tiberius found it necessary to put a check upon the great partiality for them: he forbade all senators to frequent the houses of such pantomimes, and the equites were not allowed to be seen walking with them in the streets of Rome, or to attend their performances in any other place than the public theatres, for wealthy Romans frequently engaged male and female pantomimes to amuse their guests at their repasts. (Tacit. *Annal.* i. 77.) But Caligula was so fond of pantomimes that one of them, M. Lepidus Mnester, became his favourite; and through his influence the whole class of pantomimes again recovered their ascendancy. (Suet. *Calig.* 36, 55, 57; Tacit. *Annal.* xiv. 21.) Nero not only patronised them, but acted himself as pantomime (Suet. *Nero*, 16, 26), and from this time they retained the highest degree of popularity at Rome down to the latest period of the empire.

As regards their mode of acting, we must first state that all pantomimes wore masks, so that the features of the countenance were lost in their acting. All the other parts of their body, however, were called into action, and especially the arms and hands, whence the expressions *manus loquacissimae, digiti clamosi, χεῖρες παμφῶνοι*, &c. Notwithstanding their acting with masks, the ancients agree that the pantomimes expressed actions, feelings, passions, &c., more beautifully, correctly, and intelligibly than it would be possible to do by speaking or writing. They were, however, assisted in their acting by the circumstance that they only represented mythological characters, which were known to every spectator. (Juv. vi. 63, v. 121; Horat. *Epist.* ii. 2. 125; Sueton. *Nero*, 54; Vell. Pat. ii. 83.) There were, moreover, certain conventional gestures and movements which every body understood. Their costume appears to have been like that of the dancers in a ballet, so as to show the beauty of the human form to the greatest advantage; though the costume of course varied according to the various characters which were represented. See the manner in which Plancus is described by Velleius (ii. 83) to have danced the character of Glaucus. In the time of Augustus there was never more than one dancer at a time on the stage, and he represented all the characters of the story, both male and female, in succession. (Lucian, *de Saltat.* c. 67; Jacobs, *ad Anthol.* ii. 1, p. 308.) This remained the custom till towards the end of the second century of our aera, when the several parts of a story began to be acted by several pantomimes dancing together. Women, during the earlier period of the empire, never appeared as pantomimes on the stage, though they did not scruple to act as such at the private parties of the great. During the latter time of the empire women acted as pantomimes in public, and in some cases they threw aside all regard to decency, and appeared naked before the public. The Christian writers therefore represent the pantomimic exhibitions as the school of every vice and licentiousness. (Tertull. *de Spect.* p. 269, ed. Paris; see also Senec. *Quaest. Nat.* vii. 32; Plin. *Epist.* v. 24; Ammian. Marc. xiv. 6; Procop. *Anecdot.* 9.)

Mythological love stories were from the first the favourite subjects of the pantomimes (Ovid. *Remed. Am.* 753), and the evil effects of such sensual representations upon women are described in strong colours by Juvenal (vi. 63, &c.). Every representation was based upon a text written for the purpose. This text was called the *Canticum* (Macrob. *Sat.* ii. 7; Plin. *Epist.* vii. 24), and was mostly written in the Greek language. Some of them may have represented scenes from, or the whole subjects of Greek dramas; but when Arnobius (*adv. Gent.* 4, compare Antholog. i. p. 249) states, that whole tragedies of Sophocles and Euripides were used as texts for pantomimic representations, he perhaps only means to say that a pantomimus sometimes represented the same story contained in such a tragedy, without being obliged to act or dance every sentiment expressed in it. The texts of the pantomimes or cantica were sung by a chorus standing in the background of the stage, and the sentiments and feelings expressed by this chorus were represented by the pantomimus in his dance and gesticulation. The time was indicated by the *scabellum*, a peculiar kind of *sole* made of wood or metal, which either the dancer or one of the chorus wore. The whole performance was accompanied by musical instruments, but in most cases by the flute. In Sicily pantomimic dances were called *βαλλισμοί*, whence perhaps the modern words ball and ballet. (Compare Lessing, *Abhandlung von den Pantomimen der Alten;* Grysar, *in Ersch and Gruber's Encyclop. s. v. Pantomimische Kunst des Alterthums;* Welcker, *Die griechischen Tragödien*, pp. 1317, 1409, 1443, 1477.) [L. S.]

PAPY'RUS. [Liber.]

PAR IMPAR LUDERE (*ἀρτιασμός, ἀρτιάζειν, ἄρτια ἢ περιττὰ παίζειν*), the game at odd and even, was a favourite game among the Greeks and Romans. A person held in his hand a certain number of astragali or other things, and his opponent had to guess whether the number was odd or even. (Pollux, ix. 101; Plato, *Lys.* p. 207; Hor. *Sat.* ii. 3. 248; Suet. *Aug.* 71; *Nux Eleg.* 79; Becker, *Gallus*, vol. ii. p. 233.)

PARA'BASIS. [Comoedia.]

PARA'BOLON (*παράβολον* or *παραβόλιον*), a small fee paid by the appellant party, on an appeal (*ἔφεσις*) from an inferior to a superior tribunal; as for instance, from an arbitrator or a magistrate, or from the court of the *δημόται*, or from the Senate of Five Hundred, to the jury or Heliastic court. As to the sum to be paid, and other particulars, we are uninformed. (Pollux, viii. 62, 63; Meier, *Att. Proc.* pp. 767, 772.) [C. R. K.]

PARACATA'BOLE (*παρακαταβολή*), a sum of money required of a plaintiff or petitioner in certain cases, as a security that his complaint or demand was not frivolous, or made on slight and insufficient grounds. Such was the deposit made in certain inheritance causes, viz. a tenth part of the value of the property sought to be recovered. [Heres.] So also in the proceeding termed *ἐνεπίσκημμα*, which was a suit instituted against the public treasury by a creditor to obtain payment out of his debtor's confiscated goods, a fifth part of the value was deposited. It was returned to the petitioner, if successful; otherwise it went to the state. (Suidas, *s. v.* *Ἐνεπίσκημμα.*) The money was deposited either at the *ἀνάκρισις*, or on the commencement of the cause. The word *παρακαταβολή* signifies both the paying of the deposit, and the money deposited; and, being a word of more general import, we find it used to denote other kinds of deposits, as the *πρυτανεῖα* and *παράστασις*. (Pollux, viii. 32; Meier, *Att. Proc.* pp. 604, 616—621.) [C. R. K.]

PARACATATHE'CE (*παρακαταθήκη*), generally signifies a deposit of something valuable with a friend or other person, for the benefit of the owner. Thus, if I deliver my goods to a friend, to be taken care of for me; or if I deposit money with a banker; such delivery or *bailment*, or the goods bailed or delivered, or the money deposited, may be called *παρακαταθήκη* (Herod. vi. 86; Demosth. *pro Phorm.* 946); and the word is often applied metaphorically to any important trust committed by one person to another. (Demosth. *c. Aphob.* 840; Aesch. *c. Timarch.* 26, ed. Steph., *de Fals. Leg.* 47.) As every bailee is bound to restore to the bailor the thing deposited; either on demand (in case of a simple bailment), or on performance of the conditions on which it was received; the Athenians gave a *παρακαταθήκης δίκη* against a bailee who unjustly withheld his property from the owner, *ἀπεστέρησε τὴν παρακαταθήκην*. (Pollux, vi. 154.) An example of such an action against a banker is the *τραπεζιτικὸς λόγος* of Isocrates. A pledge given to a creditor could not be recovered, except on payment of the money owed to him; but, after selling the article, and satisfying his debt out of the proceeds, he would of course be bound to restore the surplus (if any) to the pledgor. It follows from the nature of the *παρακ. δίκη* that it was *ἀτίμητος*, but it is not improbable that the additional penalty of *ἀτιμία* might be inflicted on a defendant who fraudulently denied that he had ever received the deposit.

The difficulty of procuring safe custody for money, and the general insecurity of movable property in Greece, induced many rich persons to make valuable deposits in the principal temples, such as that of Apollo at Delphi, Jupiter at Olympia, and others. (Meier, *Att. Proc.* pp. 512—515.) It may be observed that *τίθεσθαι, παρακατατίθεσθαι, in the middle voice*, are always used of a person making a deposit *for his own benefit*, with the intention of taking it up again. Hence the expression *ϑέσθαι χάριν*, to confer an obligation, which gives the right (as it were) of drawing upon the obliged party for a return of the favour at some future time. *Κομίζεσθαι* is to recover your property or right. (Isocrat. *c. Euthyn.* 400, ed. Steph.) [C. R. K.]

PARADI'SUS (*παράδεισος*), was the name given by the Greeks to the parks or pleasure-grounds, which surrounded the country residences of the Persian kings and satraps. They were generally stocked with animals for the chace, were full of all kinds of trees, watered by numerous streams, and enclosed with walls. (Xen. *Anab.* i. 4. § 10, *Cyr.* i. 3. § 14, 4. § 5, *Hell.* iv. 1. § 33, *Oec.* iv. 13; Diod. Sic. xvi. 41; Curt. viii. i. § 11, 12; Gell. ii. 20.) These paradises were frequently of great extent; thus Cyrus on one occasion reviewed the Greek army in his paradise at Celaenae (Xen. *Anab.* i. 2. § 9), and on another occasion the Greeks were alarmed by a report that there was a great army in a neighbouring paradise. (*Id.* ii. 4. § 16.)

Pollux (ix. 13) says that *παράδεισοι* was a Persian word, and there can be no doubt that the Greeks obtained it from the Persians. The word, however, seems to have been used by other Eastern nations, and not to have been peculiar to the Persians. Gesenius (*Lexicon Hebraicum*, p. 838, Lips. 1833) and other writers suppose it to be the same as the Sanskrit *paradêsa*, but this word does not mean a *land elevated and cultivated*, as Gesenius and others state, but merely a *foreign country*, whence is derived *paradêsini*, *a foreigner*. The word occurs in Hebrew (פַּרְדֵּס, *paredês*) as early as the time of Solomon (*Eccles.* ii. 5; *Cant.* iv. 13), and is also found in Arabic (*firdaus*), and Armenian (*pardes*, Schroeder, *Dissert. Thesaur. Ling. Armen. praemiss.* p. 56).

PARAGAUDA (παραγαύδης), the border of a tunic [LIMBUS], enriched with gold thread, worn by ladies, but not allowed to men except as one of the insignia of office. These borders were among the rich presents given by Furius Placidus A. D. 343, when he was made consul (*lineae paragaudae*, Vopisc. *Aurel.* 15). Under the later emperors the manufacture of them was forbidden except in their own gynaecea. (Cod. 11. tit. 8. s. 1, 2.) The term *paragauda*, which is probably of Oriental origin, seems also to have been converted into an adjective, and thus to have become the denomination of the tunic, which was decorated with such borders. (Lydus *de Mag.* i. 17, ii. 4. 13.) [J. Y.]

PARAGRAPHE (παραγραφή). This word does not exactly correspond with any term in our language, but may without much impropriety be called *a plea*. It is an objection raised by the defendant to the admissibility of the plaintiff's action: "exceptio rei adversus actorem, actionemve, querentis aut de foro haud competente, aut de tempore, modove procedendi illegitimo." (Reiske, *Index Gr. in Orat.*) Sir William Jones, in the preface to his translation of Isaeus, compares it with a *demurrer*. But this is not so correct; because a demurrer is an objection arising out of the adversary's own statement of his case; whereas the παραγραφή was an objection depending on facts stated by the defendant himself, and therefore rather resembles a plea, or (more strictly) a special plea. This appears from the παραγραφικοὶ λόγοι of Demosthenes, in which we find the defendant introducing new allegations into the cause, and supporting them by proof. Thus, in the speech against Nausimachus and Xenopithes, the ground of objection is, that the father of the defendants having obtained a release from the plaintiffs, it was no longer open to the plaintiffs to bring an action for the same cause. But the first mention of this release is made by the defendants in their plea. In the speech against Zenothemis the defendant objects, that the ἐμπορικὴ δίκη does not lie, because there was no written contract between him and the plaintiff on a voyage to or from Athens; and this (says he) appears from the declaration itself (ἐν τῷ ἐγκλήματι). As parties could not be defeated at Athens by a technical objection to the pleadings, the defendant in the above case, notwithstanding the defective statement of the plaintiff in the declaration, was compelled to bring forward his objection by plea, and to support it before the jury. In the speech against Phormio, the plaintiff says that as the defendant only denies that he has committed a breach of the contract, there was no occasion for a παραγραφή: the question merely was, whether the plaintiff's charge was true. It seems that a παραγραφή might be put in, not only when the defendant could show that the cause of action was discharged, or that it was not maintainable in point of law; but also when the form of action was misconceived, or when it was commenced at a wrong time, or brought before the wrong magistrate (ἡγεμὼν δικαστηρίου.) In the last case the παραγραφή would answer to our *plea to the jurisdiction*. (Demosth. *c. Pantaen.* 976; Suidas, *s. v.* Παραγραφή and εὐθυδικία.)

The παραγραφή, like every other answer (ἀντιγραφή) made by the defendant to the plaintiff's charge, was given in writing; as the word itself implies. (Demosth. *c. Phorm.* 912.) If the defendant merely denied the plaintiff's allegations, or (as we might say) *pleaded the general issue*, he was said εὐθυδικίαν or τὴν εὐθεῖαν εἰσιέναι, or ἀπολογεῖσθαι τὴν εὐθυδικίαν εἰσιών. In this case a court was at once held for the trial of the cause. If, however, he put in a παραγραφή, he maintained that the cause was not εἰσαγώγιμος (παρεγράψατο μὴ εἰσαγώγιμον εἶναι τὴν δίκην), and in that case a court was to be held to try the preliminary question, whether the cause could be brought into court or not. Upon this previous trial the defendant was considered the *actor*, and hence is said by Demosthenes (*c. Phorm.* 908) κατηγορεῖν τοῦ διώκοντος. He began, and had to maintain the ground of objection which he relied upon. (Demosth. c. *Steph.* 1103.) If he succeeded, the whole cause was at an end; unless the objection was only to the form of action, or some other such technicality, in which case it might be recommenced in the proper manner. If, however, the plaintiff succeeded, the jury merely decided εἰσαγώγιμον εἶναι τὴν δίκην, and then the original action, which in the meantime had been suspended, was proceeded with. (Demosth. *c. Zenoth.* 888; Lys. *de Publ. Pec.* 148, ed. Steph.) Both parties on the trial of the παραγραφή were liable to the ἐπωβελία, on failure to obtain a fifth part of the votes.

The course of proceeding on a παραγραφή was obviously calculated to delay the progress of the cause, and was therefore not looked on with favour by the dicasts. Προφάσεις, ὑπωμοσίαι, παραγραφαί, τὰ ἐκ τῶν νόμων, *excuses*, *delays*, *pleas*, *legal objections*, are classed together by the orator as being the manœuvres of defendants to defeat justice. Hence we find in the extant παραγραφικοὶ λόγοι, that the defendant, in order to remove the prejudice of the dicasts against himself, not only supports the ground of the παραγραφή, but discusses the general merits of the cause, and endeavours to show that there is no foundation for the plaintiff's complaint. And there is no doubt that the dicasts were materially influenced by such discussion, however in strictness irrelevant. (Demosth. *c. Mid.* 541, *c. Lacr.* 924, c. *Steph.* 1117, *pro Phorm.* 944, *Argum. Or. c. Zenoth.*) The same observation applies to the διαμαρτυρία. [See HERES.] (Isaeus, *de Philoct. her.* 60, *de Apoll. her.* 63. ed. Steph.; Demosth. *c. Leoch.* 1097.)

There was no such thing as this proceeding by παραγραφή, until after the expulsion of the thirty tyrants, when a law was passed on the proposal of Archinus, ἄν τις δικάζηται παρὰ τοὺς ὅρκους, ἐξεῖναι τῷ φεύγοντι παραγράψασθαι, τοὺς δὲ ἄρχοντας περὶ τούτου πρῶτον εἰσάγειν, λέγειν δὲ πρότερον τὸν παραγραψάμενον, ὁπότερος δ' ἂν ἡττηθῇ, τὴν ἐπωβελίαν ὀφείλειν. The object of this law appears to have been, to enable any person against whom an information or prosecution might be brought, or action commenced, for any matter arising out of the late political troubles, to obtain the benefit of the general amnesty, by specially pleading the same, and so bringing his defence in a more solemn manner before the court. The same privilege was afterwards extended to other grounds of defence. (See the opening of the speech of Isocrates against Callimachus.) Before this time all special objections to the adversary's course of proceeding seem to have been called *ἀντιγραφαί*, and sometimes *ἐξωμοσίαι*, because an oath was taken by the party who tendered them. (Lysias, *c. Pancl.* 166, ed. Steph.; Aristoph. *Eccles.* 1026; Schol. *ad loc.*; Suidas, *s. v.* Ἐξωμοσία; Meier, *Att. Proc.* pp. 644—650.) [C. R. K.]

PA′RALUS (*πάραλος*), and SALAMI′NIA (*σαλαμινία*). The Athenians from very early times kept for public purposes two sacred or state vessels, the one of which was called *Paralus* and the other *Salaminia*: the crew of the one bore the name of *παραλῖται* or *πάραλοι*, and that of the other *σαλαμίνιοι*. (Phot. *s. v.* Πάραλος and *πάραλοι*.) In the former of these two articles Photius erroneously regards the two names as belonging to one and the same ship. (Pollux, vii. 116; Hesych. *s. v.* Παραλίτης.) The Salaminia was also called Δηλία or Θεωρίς, because it was used to convey the θεωροί to Delos, on which occasion the ship was adorned with garlands by the priest of Apollo. (Plat. *Phaed.* p. 58, c.) Both these vessels were quick-sailing triremes, and were used for a variety of state purposes: they conveyed theories, despatches, &c. from Athens, carried treasures from subject countries to Athens, fetched state criminals from foreign parts to Athens, and the like. (Thucyd. vi. 53, 61.) In battles they were frequently used as the ships in which the admirals sailed. These vessels and their crew were always kept in readiness to act, in case of any necessity arising; and the crew, although they could not for the greater part of the year be in actual service, received their regular pay of four oboli per day all the year round. This is expressly stated only of the Paralus (Harpocrat. and Phot. *s. v.* Πάραλος), but may be safely said of the Salaminia also. The statement of the scholiast on Aristophanes (*Av.* 147; comp. Suidas, *s. v.* Σαλαμινία ναῦς), that the Salaminia was only used to convey criminals to Athens, and the Paralus for theories, is incorrect, at least if applied to the earlier times. When Athens had become a great maritime power, and when other ships were employed for purposes for which before either the Salaminia or the Paralus had been used, it is natural to suppose that these two vessels were chiefly employed in matters connected with religion, as theories, and in extraordinary cases, such as when a state criminal like Alcibiades was to be solemnly conveyed to Athens. The names of the two ships seem to point to a very early period of the history of Attica, when there was no navigation except between Attica and Salamis, for which the Salaminia was used, and around the coast of Attica, for which purpose the Paralus was destined. In later times the names were retained, although the destination of the ships was principally to serve the purposes of religion, whence they are frequently called the sacred ships. (Böckh, *Publ. Econ. of Athens*, p. 240, 2d ed.; Göller, *ad Thucyd.* iii. 33; Schömann, *ad Isaeum*, p. 296.) [L. S.]

PARANOIAS GRAPHE (*παρανοίας γραφή*). This proceeding may be compared to our commission of lunacy, or writ *de lunatico inquirendo*. It was a suit at Athens that might be instituted by a son or other relation against one who, by reason of madness or mental imbecility, had become incapable of managing his own affairs. If the complaint was well grounded, the court decreed that the next heir should take possession of the lunatic's property, and probably also made some provision for his being put in confinement, or under proper care and guardianship. (Suidas, *s. v.* Παρανοία: Xen. *Mem.* i. 2. § 49; Aristoph. *Nub.* 844; Aesch. *c. Ctes.* 89, ed. Steph.) It is related of Sophocles, that having continued to write tragedies to an advanced age, and by reason thereof neglected his family affairs, he was brought before the court by his sons, and accused of lunacy; that he then read to the judges his Oedipus Coloneus, which he had just composed, and asked them if a man out of his mind could write such a poem as that; whereupon they acquitted him. (Cic. *de Senect.* 7.) The story is told differently by the anonymous author of the life of Sophocles; who speaks of the suit as taking place between Iophon and his father, and seems to intimate that it was preferred before the *φράτορες*. In this last point he is supported by the Scholiast on Aristophanes, but it can hardly be correct; as we have no other authority for supposing that the *φράτορες* had such a jurisdiction, and Pollux (viii. 89) expressly says that the *παρανοίας γραφή* came before the archon; to whom indeed it peculiarly belonged, as being a matter connected with family rights; and, if so, we are to understand that it came before the archon in the regular way, as *ἡγεμὼν δικαστηρίου*. (Meier, *Att. Proc.* pp. 296—298.) It is highly probable that there was some foundation for this anecdote of Sophocles. He might perhaps have given offence to his sons by that penuriousness which is said to have crept upon him in his old age; and Iophon being a poet, and lying under the suspicion of being assisted by his father, might possibly be induced by a mean jealousy to bring this charge against him. (See Aristoph. *Ran.* 78, *Pax*, 697.) The play of Oed. Col. appears to exhibit the wounded feelings of the writer. (See more especially 337, 441.) [C. R. K.]

PARANÓMON GRÁPHE (*παρανόμων γραφή*). An indictment for propounding an illegal, or rather unconstitutional measure or law. We have seen [NOMOTHETES] that any Athenian citizen was at liberty to make a motion in the popular assembly, to pass a new law, or amend an old one. In order to check rash and hasty legislation, the mover of any law or decree, though he succeeded in causing it to be passed, was still amenable to criminal justice, if his enactment was found to be inconsistent with other laws that remained in force, or with the public interest. (Demosth. *c. Timoc.* 710, 711.) Any person might institute against him the *γραφὴ παρανόμων* within a year from the passing of the law. If he was convicted, not only did the law become void, but any punishment might be inflicted on him, at the discretion of the judges before whom he was tried; for it was a *τιμητὸς ἀγών*. A person thrice so convicted lost the right of proposing laws in future. The cognizance of the cause belonged to the Thesmothetae. (Schömann, *Ant. Jur. Pub. Gr.* p. 244.) The prosecutor was compelled to take an oath, called by the same name as that taken to obtain delay in courts of justice (*ὑπωμοσία*), because it had the effect of delaying the operation of the proposed measure, which otherwise might have come into force immediately. (Schömann, *Id.* p. 224.) Examples of such prosecutions are the speech of Demosthenes against Timocrates, and that of Aeschines against Ctesiphon. They both comment on the importance of the prosecution, as tending to preserve the existing laws, and maintain constitutional liberty. (Demosth. *c. Tim.* 748, 749 ; Aesch. *c. Ctes.* 54, 82, ed. Steph.) Notwithstanding this check, the mania for legislation appears to have increased so greatly at Athens in later times, that Demosthenes (*c. Leptin.* 485) declares that *ψηφισμάτων οὐδ' ὁτιοῦν διαφέρουσιν οἱ νόμοι.* This arose from the relaxation of that precautionary law of Solon, which required every measure to be approved by the *νομοθέται*, before it could pass into law. (NOMOTHETES, and Schömann, *Id.* p. 229.) It is obvious that, while the people in assembly had the power of making decrees which could remain in force for a year, if they wished to evade the law of Solon, all they had to do was to renew their decree from year to year, and thus in practice the *ψήφισμα* became *νόμος.*

If the year had elapsed, the propounder of the law could not be punished, though the law itself might be repealed in the ordinary way by the institution of proceedings before the *νομοθέται*, before whom it was defended by the five *σύνδικοι.* The speech against Leptines was made in a proceeding against the law itself, and not against the mover. As the author of the second argument says, *παρελθόντος τοῦ χρόνου, ἐν ᾧ ὑπεύθυνος ἦν κρίσει καὶ τιμωρίᾳ γράφων τις νόμον, ἐφαίνετο Λεπτίνης ἀκίνδυνος. ὅθεν πρὸς αὐτὸν, ἀλλ' οὐ κατ' αὐτοῦ ὁ λόγος.* (Hermann, *Pol. Ant.* § 132.) [C. R. K.]

PARANYMPHUS (*παράνυμφος*). [MATRIMONIUM, p. 737, a.]

PARAPETASMA. [VELUM.]

PARAPHERNA. [DOS.]

PARAPRESBEIA (*παραπρεσβεία*), signifies any corrupt conduct, misfeasance, or neglect of duty on the part of an ambassador ; for which he was liable to be called to account and prosecuted on his return home. (Demosth. *c. Mid.* 515, *de Fals. Leg.* 342.) Ambassadors were usually elected by the people in assembly ; they either had instructions given to them, or not ; in the latter case they were called *αὐτοκράτορες*, envoys with full powers, or plenipotentiary. (Thucyd. v. 45 ; Aesch. *c. Ctes.* 62, ed. Steph.) To act contrary to their instructions (*παρὰ τὸ ψήφισμα πρεσβεύειν*) was a high misdemeanour. (Demosth. *de Fals. Leg.* 346.) On their return home they were required immediately to make a report of their proceedings (*ἀπαγγέλλειν τὴν πρεσβείαν*) first to the Senate of Five Hundred, and afterwards to the people in assembly. (Aesch. *de Fals. Leg.* 30, ed. Steph. ; Aristoph. *Ach.* 61 ; Schömann, *Ant. jur. pub. Gr.* p. 234.) This done, they were *functi officio ;* but still, like all other persons who had held an office of trust, they were liable to render an account (*εὐθύνας*) of the manner in which they had discharged their duty. (Demosth. *de Fals. Leg.* 367, 406.) The persons to whom such account was to be rendered were the *λογισταί*, and the officers associated with them, called *εὔθυνοι.* A *pecuniary* account was only rendered in cases where money had passed through the hands of the party ; in other cases, after stating that he had neither spent nor received any of the public money, the accounting party was discharged, unless there was reason for thinking that he deserved to be proceeded against for misconduct. The *λογισταί* themselves had power to summon the party at once to appear as a criminal, and undergo the *ἀνάκρισις* in their office (*λογιστήριον*), upon which they would direct the *συνήγοροι* to prosecute ; and this probably was the ordinary course in case of any pecuniary malversation. Accusations, however, of a more general nature were commonly preferred by individuals, giving information to the *λογισταί*, who, for the purpose of giving any citizen an opportunity of so doing, caused their *κῆρυξ* to make proclamation in public assembly, that such a person was about to render his account, and to ask if any one intended to accuse him. If an accuser appeared, his charge would be reduced to the form of a *γραφή*, and the prosecution would be conducted in the usual way, the *λογισταί* being the superintending magistrates. (Pollux, viii. 40, 45 ; Schömann, *Id.* p. 240 ; Meier, *Att. Proc.* pp. 214—224.) Magistrates, who were annually elected, rendered their accounts at the end of the official year ; but ambassadors, who were extraordinary functionaries, had no time limited for this purpose. Aeschines delayed giving an account of his embassy to Philip for three years. (Demosth. *de Fals. Leg.* 374 ; Thirlwall, *Gr. Hist.* vol. vi. p. 26.) We can hardly suppose, however (as Thirlwall states), that the time of rendering the account was optional with the ambassador himself ; since, not to mention the power of the *λογισταί*, it was open to any man to move for a special decree of the people, that the party should be called to account immediately. The *γραφὴ παραπρεσβείας* was a *τιμητὸς ἀγών* (Meier, *Att. Proc.* p. 193) ; and as it might comprise charges of the most serious kind, such as treachery and treason against the state, the defendant might have to apprehend the heaviest punishment. Aeschines (*de Fals. Leg.* 28, 52) reminds the dicasts of the great peril to which he is exposed, and makes a merit of submitting to his trial without fear. Besides the *γραφὴ*, an *εἰσαγγελία* might be brought against an ambassador; upon which the accused would be committed to prison, or compelled to give bail for his appearance. This course was taken by Hyperides against Philocrates, who avoided his trial by voluntary exile. (Aeschin. *c. Ctes.* 65, ed. Steph.) [C. R. K.]

PARASANGA (*ὁ παρασάγγης*), a Persian measure of length, frequently mentioned by the Greek writers. It is still used by the Persians, who call it *ferseng*, which has been changed in Arabic into *farsakh.*

According to Herodotus (ii. 6, v. 53, vi. 42) the parasang was the half of the Egyptian schoenus, and was equal to 30 Greek stadia. Suidas (*s. v.*) and Hesychius (*s. v.*) assign it the same length ; and Xenophon must also have calculated it at the same, as he says (*Anab.* ii. 2. § 6) that 16,050 stadia are equal to 535 parasangs (16,050 ÷ 535 = 30.) Agathias (ii. 21), however, who quotes the testimony of Herodotus and Xenophon to the parasang being 30 stadia, says that in his time the Iberi and Persians made it only 21 stadia. Strabo (xi. p. 518) also states, that some writers reckoned it at 60, others at 40, and others at 30 stadia ; and Pliny (*H. N.* vi. 26. s. 30) informs us, that the Persians themselves assigned different lengths to it. Modern English travellers estimate it variously at from $3\frac{1}{4}$ to 4 English miles, which nearly agrees with the calculation of Herodotus. These variations may probably be accounted for by the fact, to which attention has been called under MENSURA, that itinerary distances were originally indefinite, and therefore that the values of the parasang, at least those given by the earlier Greek writers, were only *computed values.* This view is confirmed by the opinion of the best Oriental scholars respecting the etymology of the word. (Comp. Ukert, *Geogr. d. Griech. u. Röm.* vol. i. pt. 2, p. 77, and *über die Art d. Gr. u. R. die Entfernungen zu bestimmen.*) Its true etymology is doubtful. Rödiger (*in Ersch und Gruber's Encyclopädie, s. v. Paras.*) supposes the latter part of the word to be the same as the Persian *seng*, "a stone," and the former part to be connected with the Sanskrit *páru*, "end," and thinks that it may have derived its name from the stones placed at the end of certain distances on the public roads of Persia.

PARASE'MON (παράσημον). [Insigne.]

PARASI'TI (παράσιτοι) properly denotes persons who dine with others. In the early history of Greece the word had a very different meaning from that in which it was used in later times. Τὸ δὲ τοῦ παρασίτου ὄνομα πάλαι μὲν ἦν σεμνὸν καὶ ἱερόν, says Athenaeus (vi. p. 234), and he proves from various decrees (ψηφίσματα) and other authorities that anciently the name παράσιτος was given to distinguished persons, who were appointed as assistants to certain priests and to the highest magistrates. As regards the priestly and civil parasites, the accounts of their office are so obscure that we are scarcely able to form any definite notion of it. An ancient law (Athen. *l. c.*) ordained that each of the priestly parasites should select from the βουκολία the sixth part of a medimnus of barley, and supply with it the Athenians who were present in the temple, according to the custom of their fathers; and this sixth of a medimnus was to be given by the parasites of Acharnae. The meaning of this very obscure law is discussed by Preller. (*Polemonis Fragm.* p. 115, &c.) Thus much, however, is clear, that the parasites were elected in the demes of Attica from among the most distinguished and most ancient families. We find their number to have been twelve, so that it did not coincide with that of the demes. This may be accounted for by supposing that in one demos two or more gods were worshipped, whose service required a parasite; while in another there was no such divinity. The gods in whose service parasites are mentioned, are Heracles, Apollo, the Anaces, and Athena of Pallene. Their services appear to have been rewarded with a third of the victims sacrificed to their respective gods. Such officers existed down to a late period of Greek history, for Clearchus, a disciple of Aristotle, said that parasites in his own days continued to be appointed in most Grecian states to the most distinguished magistrates. (Athen. vi. p. 235.) These, however, must have been different from the priestly parasites. Solon in his legislation called the act of giving public meals to certain magistrates and foreign ambassadors in the prytaneum, παρασιτεῖν (Plut. *Sol.* 24), and it may be that the parasites were connected with this institution. (Compare Pollux, vi. c. 7.)

The class of persons whom we call parasites was very numerous in ancient Greece, and appears to have existed from early times, though they were not designated by this name. The comedies of Aristophanes contain various allusions to them, and Philippus, who is introduced in the Symposium of Xenophon, as well as a person described in some verses of Epicharmus preserved in Athenaeus, are perfect specimens of parasites. But the first writer who designated these persons by the name of παράσιτοι was Alexis in one of his comedies. (Athen. vi. p. 235.) In the so called middle and new Attic comedy, and in their Roman imitations, the parasites are standing characters, and although they are described in very strong colours in these comedies, yet the description does not seem to be much exaggerated, if we may judge from other accounts of real parasites. We shall not therefore be much mistaken in borrowing our description of parasites chiefly from these comedies.

The characteristic features common to all parasites are importunity, love of sensual pleasures, and above all the desire of getting a good dinner without paying for it. According to the various means they employed to obtain this object, they may be divided into three classes. The first are the γελωτοποιοί or jesters; who, in order to get some invitation, not only tried to amuse persons with their jokes, but even exposed their own person to ridicule, and would bear all kinds of insult and abuse if they could only hope to gain the desired object. Among these we may class Philippus in the Symposium of Xenophon, Ergastilus in the Captivi, and Gelasimus in the Stichus of Plautus. The second class are the κόλακες or flatterers (*assentatores*), who, by praising and admiring vain persons, endeavoured to obtain an invitation to their house. Gnatho in the Eunuchus of Terence, and the Artotrogus in the Miles Gloriosus of Plautus, are admirable delineations of such characters. The third class are the θεραπευτικοί or the officious, who by a variety of services even of the lowest and most degrading description endeavoured to acquire claims to invitations. (Plut. *de Adul.* 23, *de Educat.* 17.) Characters of this class are the parasites in the Asinaria and Menaechmi of Plautus, and more especially the Curculio and Saturio in the Persae of Plautus, and the Phormio of Terence. From the various statements in comedies and the treatise of Plutarch, *De Adulatoris et Amici Discrimine*, we see that parasites always tried to discover where a good dinner was to be had, and for this purpose they lounged about in the market, the palaestrae, the baths, and other public places of resort. After they had fixed upon a person, who was in most cases probably an inexperienced young man, they used every possible means to induce him to invite them. No humiliation and no abuse could deter them from pursuing their plans. Some examples of the most disgusting humiliations which parasites endured, and even rejoiced in, are mentioned by Athenaeus (vi. p. 249) and Plutarch. (*De Occult. viv.* 1, *Sympos.* vii. 6; compare Diog. Laërt. ii. 67.) During the time of the Roman emperors a parasite seems to have been a constant guest at the tables of the wealthy. (Lucian, *de Parasit.* 58.)

(Compare Becker, *Charikles*, vol. i. p. 490; Le Beau, in the *Histoire de l'Acad. des Inscript.* vol. xxxi. p. 51, &c.; M. H. E. Meyer, in *Ersch und Gruber's Encyclopädie, s. v. Parasiten.*) [L. S.]

PARASTADES. [Antae.]

PARA'STASIS (παράστασις), a fee of one drachm paid to an arbitrator by the plaintiff, on bringing his cause before him; and by the defendant, on putting in his answer. The same name was given to the fee (perhaps a drachm) paid by the prosecutor in most public causes. (Harpocr. *s. v.* Παράστασις; Meier, *Att. Proc.* pp. 614, 615.) [Compare Diaetetae, p. 397, b.] [C. R. K.]

PARASTATAE. [Hendeca.]

PARAZO'NIUM. [Zona.]

PAREDRI (πάρεδροι). Each of the three

superior archons was at liberty to have two assessors (*πάρεδροι*) chosen by himself, to assist him by advice and otherwise in the performance of his various duties. The assessor, like the magistrate himself, had to undergo a *δοκιμασία* in the Senate of Five Hundred and before a judicial tribunal, before he could be permitted to enter upon his labours. He was also to render an account (*εὐθύνη*) at the end of the year. The office is called an *ἀρχὴ* by Demosthenes (*c. Neaer.* 1369). The duties of the archon, magisterial and judicial, were so numerous, that one of the principal objects of having assessors must have been to enable them to get through their business. We find the *πάρεδρος* assisting the archon at the *λῆξις δίκης*. (Demosth. *c. Theoc.* 1332.) He had authority to keep order at public festivals and theatres, and to impose a fine on the disorderly. (Demosth. *c. Mid.* 572.) As the archons were chosen by lot (*κληρωτοί*), and might be persons of inferior capacity, and not very well fitted for their station, it might often be useful, or even necessary for them, to procure the assistance of clever men of business. (Demosth. *c. Neaer.* 1372.) And perhaps it was intended that the *πάρεδροι* should not only assist, but in some measure check and control the power of their principals. They are spoken of as being *βοηθοὶ, σύμβουλοι καὶ φύλακες*. Demosthenes accuses Stephanus of buying his place of the *Ἄρχων βασιλεύς* (*c. Neaer.* 1369). It was usual to choose relations and friends to be assessors; but they might at any time be dismissed, at least for good cause. (Demosth. *c. Neaer.* 1373.) The Thesmothetae, though they had no regular *πάρεδροι*, used to have counsellors (*σύμβουλοι*), who answered the same purpose. (Demosth. *c. Theoc.* 1330; Schömann, *Ant. Jur. Pub. Gr.* p. 245; Meier, *Att. Proc.* pp. 57—59.) The office of *πάρεδρος* was called *παρεδρία*, and to exercise it *παρεδρεύειν*.

From the *πάρεδροι* of the archons, we must distinguish those who assisted the *εὔθυνοι* in examining and auditing magistrates' accounts. The *εὔθυνοι* were a board of ten, and each of them chose two assessors. (Schömann, *Ant. Jur. Pub. Gr.* p. 240; Meier, *Att. Proc.* p. 102.) [Euthyne.] [C.R.K.]

PAREISGRAPHE (*παρεισγραφή*), signifies a fraudulent enrolment in the register of citizens. For this an indictment lay at Athens called *ξενίας γραφή*: and, besides, the *δημόται* might by their *διαψήφισις* eject any person who was illegally enrolled among them. From their decision there might be an appeal to a court of dicasts; of which the speech of Demosthenes against Eubulides furnishes an example. If the dicasts confirmed the decision of the *δημόται*, the appellant party was sold for a slave. Spurious citizens are sometimes called *παρέγγραπτοι, παρεγγεγραμμένοι*. (Aesch. *de Fals. Leg.* 38, 51, ed. Steph.) The expression *παρεισγραφῆς γραφὴ* is not Attic. (Schömann, *Ant. Jur. Pub. Gr.* p. 206; Meier, *Att. Proc.* pp. 347—349.) [C. R. K.]

PARENTA'LIA. [Funus, p. 562, b.]

PA'RIES (*τοῖχος*), the wall of a house, in contradistinction to Murus (*τεῖχος*), the wall of a city, and *maceries* (*τείχιον*), a small enclosure, such as a court-yard; sometimes *τείχιον* is used for the wall of a house. (See Liddell and Scott.) Among the numerous methods employed by the ancients in constructing walls we find mention of the following: —

I. The *paries cratitius*, *i. e.* the wattled or the lath-and-plaster wall, made of canes or hurdles [Crates], covered with clay. (Plin. *H. N.* xxxv. 14. s. 48; Festus, *s. v. Solea.*) These were used in the original city of Rome to form entire houses (Ovid. *Fast.* iii. 183, vi. 261; Vitruv. ii. 1); afterwards they were coated with mortar instead of clay, and introduced like our lath-and-plaster walls in the interior of houses.

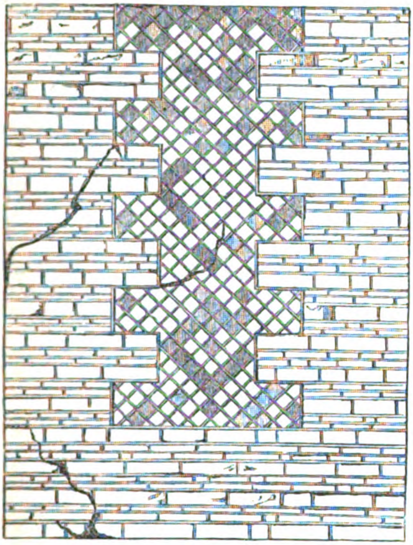
II. Vitruvius (*l. c.*) mentions as the next step, the practice, common in his time among the Gauls, and continued to our own in Devonshire, of drying square lumps of clay and building them into walls, which were strengthened by means of horizontal bond-timbers (*jugamenta*) laid at intervals, and which were then covered with thatch.

III. The *paries formaceus*, *i. e.* the *pisé* wall, made of rammed earth. [Forma.]

IV. In districts abounding with wood, log-houses were common, constructed, like those of the Siberians and of the modern Americans in the back settlements, of the trunks of trees, which, having been more or less squared, were then laid upon one another in an horizontal position, and had their interstices filled with chips (*schidiis*), moss, and clay. After this manner the Colchians erected houses several stories high. (Vitruv. *l. c.;* compare Herod. iv. 108; Vitruv. ii. 9.)

V. The *paries lateritius*, *i. e.* the brick wall. [Later.] Among the Romans the ordinary thickness of an outside wall was 18 inches (*sesquipes*), being the length of the common or Lydian brick; but, if the building was more than one story high, the walls at the bottom were either two or three bricks thick (*diplinthii aut triplinthii*) according to circumstances. The Egyptians sometimes exhibited a chequered pattern, and perhaps other devices, upon the walls of their houses by the alternation of white and black bricks. (Ath. v. p. 208, c.) The Romans, probably in imitation of the Etrurians, often cased the highest part of a brick wall with a range of terra cottas (*structura* and *lorica testacea*, Vitruv, ii. 8; Pallad. *de Re Rust.* i. 11), eighteen inches high, with projecting cornices, and spouts for discharging the water from the roof. [Antefixa.]

VI. The *reticulata structura* (Plin. *H. N.* xxxvi. 22. s. 51), *i. e.* the reticulated, or resembling network. This structure consists in placing square or lozenge-shaped stones side by side upon their edges, the stones being of small dimensions and cemented by mortar (*materia ex calce et arena*). In many cases the mortar has proved more durable than the stone, especially where volcanic tufa is the material employed, as at Baiae in the Bay of Naples, and in the villa of Hadrian near Tivoli. This kind of building is very common in the ancient edifices of Italy. Vitruvius says (ii. 8), that it was universally adopted in his time. Walls thus constructed were considered more pleasing to the eye, but less secure than those in which the stones lay upon their flat surfaces. The front of the wall was the only part in which the structure was regular, or the stones cut into a certain form, the interior being rubble-work or concrete (*furtura*), *i. e.* fragments and chippings of stone (*caementa, χάλιξ*) imbedded in mortar. Only part of the wall was reticulated: to give it firmness and durability the sides and base were built of brick or of squared stones, and horizontal courses of bricks were laid at intervals, extending through the length and thickness of the wall. These circumstances are well exemplified in the annexed woodcut, which is copied from the drawing of a wall at Pompeii, executed on the spot by Mr. Mocatta.

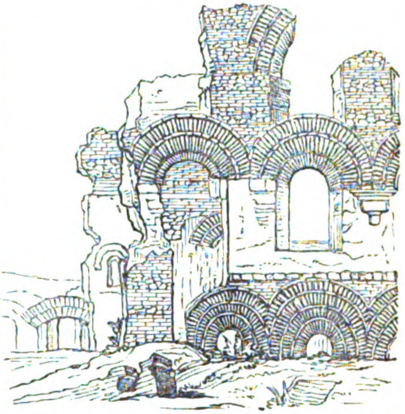


VII. The *structura antiqua* or *incerta*, *i. e.* the wall of irregular masonry, built of stones, which were not squared or cut into any exact form. The necessary consequence of this method of construction was, that a great part of the wall consisted of mortar and rubble-work. (Vitruv. *l. c.*)

VIII. The *emplecton*, *i. e.* the complicated wall, consisting in fact of three walls joined together. Each side presented regular masonry or brickwork; but the interior was filled with rubble (*furtura*). To bind together the two outside walls, and thus render the whole firm and durable, large stones or courses of brickwork (*coagmenta*) were placed at intervals, extending through the whole thickness of the wall, as was done also in the Structura Reticulata. Walls of this description are not uncommon, especially in buildings of considerable size.

IX. The *paries e lapide quadrato*, *i. e.* the ashlar wall, consisting entirely of stones cut and squared by the chisel. [Dolabra.] This was the most perfect kind of wall, especially when built of marble. The construction of such walls was carried to the highest perfection by the architects of Greece; the temples of Athens, Corinth, and many cities of Asia Minor still attesting in their ruins the extreme skill bestowed upon the erection of walls. Considerable excellence in this art must have been attained by the Greeks even as early as the age of Homer, who derives one of his similes from the "nicely fitted stones" of the wall of a house. (*Il.* xvi. 212.) But probably in this the Greeks only copied the Asiatics; for Xenophon came to a deserted city in Mesopotamia, the brick walls of which were capped by a parapet of "polished shell marble." (*Anab.* iii. 4. § 10.) Besides conferring the highest degree of beauty and solidity, another important recommendation of ashlar walls was, that they were the most secure against fire, an advantage, to which St. Paul alludes, when he contrasts the stones, valuable both for material and for workmanship (λίθους τιμίους), and the gold and silver, which were exhibited in the walls of such a temple as that just mentioned, with the logs of wood, the thatch, the straw and cane, employed in building walls of the four first kinds. (1 *Cor.* iii. 10—15.) Vitruvius also strongly objects to the *paries cratitius* on account of its great combustibility (ii. 8. *ad fin.*). Respecting walls of this kind see further under Murus.

Cicero, in a single passage of his Topica (§ 4), uses four epithets which were applied to walls. He opposes the *paries solidus* to the *fornicatus*, and the *communis* to the *directus*. The passage at the same time shows that the Romans inserted arches [Fornix] into their "common" or party walls. The annexed woodcut, representing a portion of the supposed Thermae at Trêves (Wyttenbach's *Guide*, p. 60), exemplifies the frequent occurrence of arches in all Roman buildings, not only when they were intended for windows or doorways, but also when they could serve no other use than to strengthen the wall. In this "paries fornicatus" each arch is a combination of two or more concentric arches, all built of brick. This specimen also shows the alternation of courses of brick and stone, which is a common characteristic of Roman masonry.



The "*paries solidus*," *i. e.* the wall without openings for windows or doorways, was also called "a blind wall" (Virg. *Aen.* v. 589); and the *paries communis* (Ovid. *Met.* iv. 66; κοινὸς τοῖχος, Thucyd. ii. 3), which was the boundary between two tenements and common to them both, was called *intergerinus*, al. *intergerivus* (Festus, *s. v.*; Plin. *H. N.* xxxv. 14. s. 49), and in Greek μεσότοιχος (Athen. vii. p. 281, d), or μεσότοιχον. (*Eph.* ii. 14.) The walls, built at right angles to the party-wall for the convenience of the respective families, were the *parietes directi*.

Walls were adorned, especially in the interior of buildings, in a great variety of ways. Their plane surface was broken by panels. [Abacus.] However coarse and rough their construction might be, every unevenness was removed by a coating, two or three inches thick, of mortar or of plaster with rough-cast, consisting of sand together with stone, brick, and marble, broken and ground to various degrees of fineness. (Vitruv. vii. 3; *Acts*, xxiii. 3.) Gypsum also, in the state which we call plaster of Paris, was much used in the more splendid edifices, and was decorated with an endless variety of tasteful devices in bas-relief. Of these ornaments, wrought in stucco (*opus albarium*), specimens remain in the "Baths of Titus" at Rome. When the plasterer (*tector*, κονιάτης) had finished his work (*trullissatio*, *i. e.* trowelling; *opus tectorium*), in all of which he was directed by the use of the square [Norma], the rule, and the line and plummet [Perpendiculum], and in which he aimed at producing a surface not only smooth and shining, but as little as possible liable to crack or decay (Vitruv. vii. 3), he was often succeeded by the painter in fresco (*udo tectorio*, Vitruv. *l. c.*). In many cases the plaster or stucco was left without any additional ornament; and its whiteness and freshness were occasionally restored by washing it with certain fine calcareous or aluminous earths dissolved in milk (*paraetonium*, Plin. *H. N.* xxxv. 6. s. 18; *terra Selinusia*, 16. s. 56). A painted wall was commonly divided by the artist into rectangular compartments, which he filled according to his taste and fancy with an endless variety of landscapes, buildings, gardens, animals, &c. (Vitruv. vii. 5.)

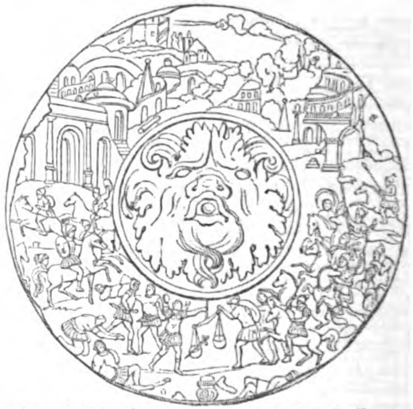
Another method of decorating walls was by encrusting them with slabs of marble (*crustae*). The blocks, designed for this purpose, were cut into thin slabs by the aid of saw-mills. [Mola.] Various kinds of sand were used in the operation, according to the hardness of the stone; emery (*naxia*, Plin. *H. N.* xxxvi. 6. s. 9) being used for the hardest. This art was of high antiquity, and probably Oriental in its origin. The brick walls of the Mausoleum at Halicarnassus, built as early as 355 B. C., were covered with slabs of Proconnesian marble (Plin. *H. N.* xxxvi. 6); and this is the most ancient example upon record. In the time of Pliny (*H. N.* xxxv. 1) slabs of a uniform colour were sometimes inlaid with variously coloured materials in such a way as to represent animals and other objects. In short the beautiful invention now called Florentine Mosaic was then in use for the decoration of the walls of apartments. [Emblema.] The common kind of Mosaic was also sometimes used in walls as well as in floors and ceilings. The greatest refinement was the attempt to produce the effect of mirrors, which was done by inserting into the wall pieces of black glass manufactured in imitation of obsidian. (Plin. *H. N.* xxxvi. 26. s. 67.) [Domus p. 431; Pictura, § XV.] [J. Y.]

PARILI'LIA. [Palilia.]

PARMA. *dim.* PARMULA (Hor. *Carm.* ii. 7. 10), a round shield, three feet in diameter, carried by the *velites* in the Roman army. Though small, compared with the Clipeus, it was so strongly made as to be a very effectual protection. (Polyb. vi. 20.) This was probably owing to the use of iron in its frame-work. In the Pyrrhic dance it was raised above the head and struck with a sword so as to emit a loud ringing noise. (Claud. *de* VI. *Cons. Honor.* 628.) The parma was also worn by the Equites (Sallust, *Frag. Hist.* IV.); and for the sake of state and fashion it was sometimes adorned with precious stones. (Propert. iv. 2. 21.)

We find the term *parma* often applied to the target [Cetra], which was also a small round shield, and therefore very similar to the parma. (Propert. iv. 2. 40; Mela, i. 5. § 1; Virg. *Aen.* x. 817.) Virgil, in like manner, applies the term to the clipeus of the Palladium, because, the statue being small, the shield was small in proportion. (*Aen.* ii. 175.)

The annexed woodcut represents a votive parma, embossed (σφυρήλατον) [Malleus] and gilt, representing on its border, as is supposed, the taking of Rome by the Gauls under Brennus and its recovery by Camillus. It belonged formerly to the Woodwardian Museum, and is supposed by antiquaries to have been made in the time of Claudius or Nero. The boss (*umbo*) is a grotesque face, surrounded with ram's horns, foliage, and a twisted beard. (Dodwell, *de Parma Woodwardiana*, Oxon. 1713.) Compare Bernd, *Das Wappenwesen der Griechen und Römer*, Bonn, 1841. [J. Y.]



PA'ROCHI, were certain people who were paid by the state to supply the Roman magistrates, ambassadors, and other official persons, when they were travelling, with those necessaries which they could not conveniently carry with them. They existed on all the principal stations on the Roman roads in Italy and the provinces, where persons were accustomed to pass the night. But as many magistrates frequently made extortionate demands from the parochi, the lex Julia de Repetundis of Julius Caesar, B. C. 59, defined the things which the parochi were bound to supply, of which hay, fire-wood, salt, and a certain number of beds appear to have been the most important (Hor. *Sat.* i. 5. 46; Cic. *ad Att.* v. 16, xiii. 2; Heindorf, *ad Hor. l. c.*)

PAROPSIS (παροψίς). Two different meanings are given to this word by the Greek grammarians; some interpret it as meaning any food eaten with the ὄψον [Opsonium], as the μάζα, a kind of frumenty or soft cake, broth, or any kind of condiment or sauce (Pollux, vi. 56, x. 87; Hemsterh. *ad loc.*); and others a saucer, plate, or small dish. (Hesych. and Suidas, *s. v.*) It is plain, however, from the numerous passages collected by Athenaeus (ix. pp. 367, 368), that the word was used in both significations, and was the name of the dish or plate as well as of its contents. (Compare Xen. *Cyr.* i. 3. § 4; Plut. *de Adul. et Amic.* 9; St. Matth. xxiii. 26.) The Roman writers seem always to use it in the sense of a dish or plate (Juv. iii. 142; Mart. xi. 27. 5); and according to Charisius it was so called, "quia in eo reponuntur obsonia, et ex eo in mensa comeduntur." The word is also written Parapsis. (Hesych. *s. v.*; Suet. *Galb.* 12; Petron. 34; Dig. 34. tit. 2. s. 19. § 9.)

PARRICI'DA, PARRICI'DIUM. [Lex Cornelia, p. 687.]

PARTHE'NIAE (*παρθενίαι* or *παρθενεῖαι*), are, according to the literal meaning of the word, children born by unmarried women (*παρθένοι*, Hom. *Il.* xvi. 180). Some writers also designated by this name those legitimate children at Sparta who were born before the mother was introduced into the house of her husband. (Hesych. *s. v.;* Müller, *Dor.* iv. 4. § 2.) The partheniae, however, as a distinct class of citizens, appear at Sparta after the first Messenian war and in connection with the foundation of Tarentum; but the legends as to who they were differ from one another. Hesychius says that they were the children of Spartan citizens and female slaves; Antiochus (*ap. Strab.* vi. p. 278, &c.) states, that they were the sons of those Spartans who took no part in the war against the Messenians. These Spartans were made Helots, and their children were called partheniae, and declared *ἄτιμοι*. When they grew up, and were unable to bear their degrading position at home, they emigrated, and became the founders of Tarentum. Ephorus (*ap. Strab.* vi. p. 279) again related the story in a different manner. When the Messenian war had lasted for a considerable number of years, the Spartan women sent an embassy to the camp of their husbands, complained of their long absence, and stated that the republic would suffer for want of an increase in the number of citizens if the war should continue much longer. Their husbands, who were bound by an oath not to leave the field until the Messenians were conquered, sent home all the young men in the camp, who were not bound by that oath, and requested them to cohabit with the maidens at Sparta. The children thus produced were called partheniae. On the return of the Spartans from Messenia, these partheniae were not treated as citizens, and accordingly united with the Helots to wage war against the Spartans. But when this plan was found impracticable, they emigrated and founded the colony of Tarentum. (Compare Theopomp. *ap. Athen.* vi. p. 271; Epeunactae.) These stories seem to be nothing but distortions of some historical fact. The Spartans at a time of great distress had perhaps allowed marriages between Spartans and slaves or Laconians, or had admitted a number of persons to the franchise, but afterwards endeavoured to curtail the privileges of these new citizens, which led to insurrection and emigration. (See Thirlwall, *Hist. of Greece*, vol. i. p. 352, &c.) [L. S.]

PA'SCUA PU'BLICA. [Scriptura.]

PASSUS (from *pando*), a measure of length, which consisted of five Roman feet. (Colum. v. 1; Vitruv. x. 14.) [Mensura.] The *passus* was not the single step (*gradus*), but the double step; or, more exactly, it was not the distance from heel to heel, when the feet were at their utmost ordinary extension, but the distance from the point which the heel leaves to that in which it is set down. The *mille passuum*, or thousand paces, was the common name of the Roman mile. [Milliare.] In connecting the Greek and Roman measures, the word *passus* was sometimes applied to the *extension of the arms*, that is, the Greek *ὀργυιά*, which, however, differed from the true *passus* by half-a-foot; and, conversely, the *gradus* was called by Greek writers *βῆμα*, or *τὸ βῆμα τὸ ἁπλοῦν*, and the *passus* *τὸ βῆμα τὸ διπλοῦν*. [P.S.]

PASTO'PHORUS (*παστοφόρος*). The shawl, richly interwoven with gold (*χρυσόπαστος*), and displaying various symbolical or mythological figures, was much used in religious ceremonies to conduce to their splendour, to explain their signification, and also to veil their solemnity. The maidens, who carried the figured peplus in the Panathenaea at Athens, were called *ἀῤῥηφόροι*. In Egypt, the priests of Isis and Osiris, who probably fulfilled a similar office, were denominated *παστοφόροι*, and were incorporated. (Diod. i. 29; Porphyr. *de Abstin.* iv. 8; Apul. *Met.* xi. pp. 124, 128, ed. Aldi.) They appear to have extended themselves together with the extension of the Egyptian worship over parts of Greece and Italy, so that "the College of the Pastophori of Industria," a city of Liguria, is mentioned in an inscription found near Turin. (Maffei, *Mus. Veron.* p. 230.) The Egyptian college was divided into minor companies, each containing ten pastophori, and each having at its head a leader who was called *decurio quinquennalis*, because he was appointed for five years. (Apul. *Met.* xi. ad fin.) Besides carrying the *παστός*, or sacred ornamental shawl, they performed other duties in connection with the worship of the temple. It was the office of this class of priests to raise the shawl with the performance of an appropriate chaunt, so as to discover the god seated or standing in the adytum (Clem. Alex. *Paedag.* iii. 2), and generally to show the temple with its sacred utensils, of which, like modern sacristans, they had the custody. (Horapollo, *Hier.* i. 41.) In consequence of the supposed influence of Isis and her priesthood in healing diseases, the pastophori obtained a high rank as physicians. (Clem. Alex. *Strom.* vi. 4. p. 758, ed. Potter.)

It must be observed, that according to another interpretation of *παστός*, the pastophori were so denominated from carrying, not a shawl, but a shrine or small chapel, containing the image of the god. Supposing this etymology to be correct, it is no less true that the pastophori sustained the various offices which have here been assigned to them.

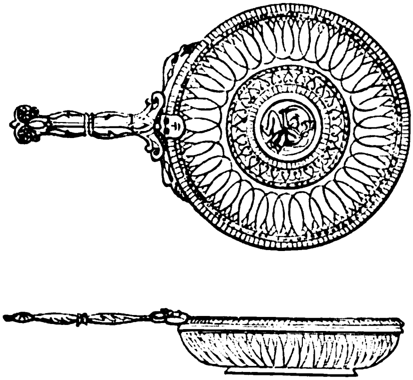
It was indispensably requisite, that so numerous and important a body of men should have a residence appropriated to them in the temple to which they belonged. This residence was called *παστοφόριον*. The common use of the term, as applied by the Greeks to Egyptian temples, led to its application to the corresponding part of the temple at Jerusalem by Josephus (*Bell. Jud.* iv. 12), and by the authors of the Alexandrine version of the Old Testament. (1 *Chron.* ix. 26, 33, xxiii. 28; *Jer.* xxxv. 4; 1 *Macc.* iv. 38, 57.) [J. Y.]

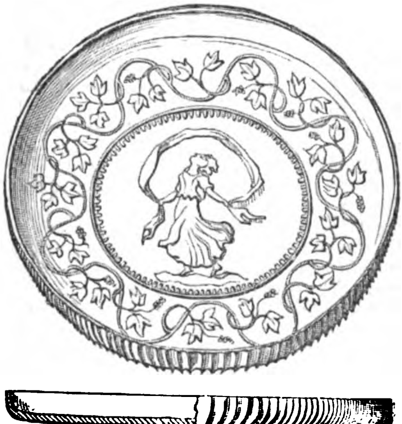
PATER FAMI'LIAE. [Familia; Matrimonium; Patria Potestas.]

PATER PATRA'TUS. [Fetiales.]

PA'TERA, *dim.* **PATELLA** (*φιάλη*), a round dish; a plate; a saucer. Macrobius (*Sat.* v. 21), explaining the difference between the patera and the Carchesium, says that the former received its name from its flat expanded form (*planum ac patens*). The paterae of the most common kind are thus described by Festus (*s. v. Patellae*), "Vasa picata parva, sacrificiis faciendis apta." (*Nigra patella*, Mart. v. 120; *Rubicunda testa*, xiv. 114.) They were small plates of the common red earthenware, on which an ornamental pattern was drawn in the manner described under the article of Fictile, and which were sometimes entirely black. Numerous specimens of them may be seen in the

British Museum, and in other collections of ancient fictile vases. The more valuable paterae were metallic, being chiefly of bronze: but every family, raised above poverty, possessed one of silver (*ἀργυρίς*), together with a silver salt-cellar. [SALINUM.] (Plin. *H. N.* xxxiii. 12. s. 54.) In opulent houses there was a plate of gold (*χρυσίς*, Athen. xi. pp. 497, 502; Pind. *Ol.* vii. 1—3; Virg. *Georg.* ii. 192). These metallic plates were often adorned with figures, engraved or embossed upon them. (Cic. *Verr.* iv. 21; Xen. *Anab.* iv. 7. § 27, vii. 3. § 27.) A beautiful specimen is presented in the woodcut to the article LIBRA; and the accompanying woodcut exhibits a highly ornamented dish, also of bronze, designed to be used in the worship of Mars, and found at Pompeii. (Donaldson's *Pomp.* vol. ii. pl. 78.) The view of the upper surface is accompanied by a side-view, showing the form and depth of the vessel. The ornamental paterae sometimes represented leaves of fern, which probably diverged from the centre (*filicatae*, Cic. *Parad.* i. § 2). Gems were set in others. (Cic. *Verr.* iv. 24; Virg. *Aen.* i. 728, 739.) We read also of an amber dish (*electrinam*), having in the centre the countenance of Alexander the Great, and his history represented on the border. (Treb. Poll. *Trig. Tyr.* 13.) The annexed woodcut contains a view and section of a plate of white marble in the British Museum, which was found in the ruins of Hadrian's Villa, and purchased by Mr. Townley. It is 14 inches in diameter, and 1¾ high. It is cut with skill and delicacy, the marble not being much more than a quarter of an inch thick. In the centre is sculptured a female bacchante in a long tunic and with a scarf [CHLAMYS] floating over her head. This centre-piece is encircled by a wreath of ivy. The decorations indicate the appropriation of the plate to the worship of Bacchus.





Plates were sometimes made so as to be used with either side downward, and were then distinguished by the epithet *ἀμφίθετος*. (Hom. *Il.* xxiii. 270, 616.) In these the under surface was ornamented as well as the upper. The Massilians and other Ionic Greeks commonly placed the under surface uppermost. Plates were further distinguished from one another by being either with or without a base (*πυθμήν*), a boss in the middle (*ὀμφαλωτή*, *μεσόμφαλος*, *φθοῖς*), feet (*βαλανωτή*), and handles. (Athen. xi. pp. 501, 502.) In the preceding woodcuts the bronze patera has one handle: both the paterae are made to stand upon a low base.

Small plates were sometimes used in cooking (Plin. *H. N.* xxx. 8. s. 21), an operation more commonly performed in pots [OLLA] and basins or bowls. [PATINA.] They were used at meals to eat upon as we use them (Varro, *Eumen. ap. Non. Marc.* xv. 6; Hor. *Epist.* i. 5. 2), although it appears that very religious persons abstained from this practice on account of the customary employment of them in sacrificing to the gods. (Cic. *de Fin.* ii. 7.) A larger plate, in fact, a round dish, was used to bring to table such an article of food as a flat fish. (Mart. xiii. 81.) Mustard (Plin. *H. N.* xix. 8. s. 54) and ointments (Xenophanes, p. 68, ed. Karsten) were brought in saucers. The Greeks also drank wine out of plates or saucers (Xen. *Conv.* ii. 23), as we see in the woodcut under SYMPOSIUM, which represents a symposium, and in which the second and third figures from the right hand have each a saucer.

The use of paterae at meals no doubt gave origin to the employment of them in sacrifices. On these occasions they held either solid food (*μικρὸν κρέας*, Varro, *Man. ap. Non. Marc. l. c.*; *cibos*, Ovid, *Fast.* vi. 310), or any liquid intended to be poured out as a libation. (Virg. *Aen.* iii. 67, iv. 60, v. 98, vi. 249, vii. 133, xii. 174; Ovid. *Met.* ix. 160, *Fast.* ii. 634, iv. 934; Val. Flacc. v. 192; Juv. iii. 26; Heliodor. *Aethiop.* ii. p. 98; Athen. xi. p. 482.) We find them continually represented in conjunction with the other instruments of sacrifice upon coins, gems, altars, bas-reliefs, and the friezes of temples. In the ancient Doric temple at Rome, now dedicated to St. Adrian, the tasteful patera and the cranium of the bull are alternately sculptured on the metopes. (Labacco, *Ant. di Roma*, 16, 17.)

Plates of the most precious materials and of the finest workmanship were sometimes given as prizes at the public games. (Hom. *Il.* xxiii. 270; Pind. *Isth.* i. 20; Schol. *in Pind. Nem.* ix. 121, 123.) [J. Y.]

PATI'BULUM. [FURCA.]

PA'TINA (*λεκάνη*, *dim.* *λεκάνιον al.* *λεκάριον*, *λεκανίσκη*, Athen. vi. p. 268, *λεκανίς*, *second dim.* *λεκανίδιον*, Bekker, *Anec.* 794), a basin or bowl of earthenware, rarely of bronze (Pallad. *de Re Rust.*

i. 40 ; Plin. *H. N.* xxxiv. 11. s. 25) or silver. (Treb. Poll. *Claud.* p. 208, c.)

A patina, covered with a lid (*operculum*), was sometimes used to keep grapes instead of a jar (Col. *de Re Rust.* xii. 43), a proof that this vessel was of a form intermediate between the PATERA and the OLLA, not so flat as the former, nor so deep as the latter. Hence it is compared to the crater. (Schol. *in Aristoph. Acharn.* 1109.) [CRATER.] This account of its shape accords with a variety of uses to which it was applied, viz., to hold water and a sponge for washing (Aristoph. *Vesp.* 598), and clay for making bricks (*Aves*, 1143, 1146), in vomiting (*Nub.* 904), and in smelting the ore of quicksilver. (Plin. *H. N.* xxxiii. 8. s. 41.) But its most frequent use was in cookery and pharmacy. (Plin. *H. N.* xxiii. 2. s. 33.) Although the patera and the olla were also used, the articles of diet were commonly prepared, sometimes over a fire (Plaut. *Pseud.* iii. 2. 51 ; Plin. *H. N.* xviii. 11. s. 26, xxii. 25. s. 80), and sometimes without fire, in a patina, and more especially when they were accompanied with sauce or fluid. (Hor. *Sat.* i. 3. 80.) Hence the word occurs in almost every page of Apicius *De Opsoniis* [OPSONIUM] ; and hence came its synonym, ὀψοδόκη. (Photius, *Lex. s. v.*) In the same bowl the food was commonly brought to table (Xen. *Cyrop.* i. 3. § 4 ; Athen. iv. p. 149, f. ; Plaut. *Mil.* iii. 1. 164 ; Ter. *Eun.* iv. 7. 46 ; Hor. *Sat.* ii. 8. 43), an example of which is λεκάνιον τῶν λαγῴων κρεῶν, i. e. "a basin of stewed hare." (Aristoph. *Acharn.* 1109.) But it is to be observed, that dishes [LANX, PATERA] were used to bring to table those articles of food, the form and solidity of which were adapted to such vessels.

The silver bowl was sometimes ornamented, as with ivy-leaves (*hederata*, Treb. Poll. *l. c.*), or by the insertion of mirrors (*specillata*, Fl. Vopisc. *Probus*, p. 234, ed. Salmasii). These bowls weighed from 10 to 20 lbs. each. Vitellius, wishing to obtain an earthenware bowl of immense size, had a furnace constructed on purpose to bake it. (Plin. *H. N.* xxxv. 12. s. 46 ; Juv. iv. 130—134.)

A method of divination by the use of a basin (λεκανομαντεία) is mentioned by Tzetzes on Lycophron, v. 813. [J. Y.]

PATRES. [PATRICII ; SENATUS.]

PA'TRIA POTESTAS. Potestas signifies generally a power or faculty of any kind by which we do any thing. "Potestas," says Paulus (Dig. 50. tit. 16. s. 215), "has several significations: when applied to Magistratus, it is Imperium ; in the case of Children, it is the Patria Potestas ; in the case of Slaves, it is Dominium." According to Paulus then, Potestas, as applied to Magistratus, is equivalent to Imperium. Thus we find Potestas associated with the adjectives Praetoria, Consularis. But Potestas is applied to Magistratus who had not the Imperium, as for instance to Quaestors and Tribuni Plebis (Cic. *pro Cluent.* c. 27) ; and Potestas and Imperium are often opposed in Cicero. Both the expressions Tribunicium Jus and Tribunicia Potestas are used (Tacit. *Ann.* i. 2, 3). Thus it seems that this word Potestas, like many other Roman terms, had both a wider signification and a narrower one. In its wider signification it might mean all the power that was delegated to any person by the State, whatever might be the extent of that power. In its narrower significations, it was on the one hand equivalent to Imperium ; and on the other, it expressed the power of those functionaries who had not the Imperium. Sometimes it was used to express a Magistratus, as a person (Sueton. *Claud.* 13 ; Juv. *Sat.* x. 100) ; and hence in the Italian language the word Podestà signifies a Magistrate.

Potestas is also one of the words by which is expressed the power that one private person has over another, the other two being Manus and Mancipium. The Potestas is either Dominica, that is, ownership as exhibited in the relation of Master and Slave [SERVUS] ; or Patria as exhibited in the relation of Father and Child. The Mancipium was framed after the analogy of the Potestas Dominica. [MANCIPIUM.]

Patria Potestas then signifies the power which a Roman father had over the persons of his children, grandchildren, and other descendants (*filiifamilias*, *filiaefamilias*), and generally all the rights which he had by virtue of his paternity. The foundation of the Patria Potestas was a Roman marriage, and the birth of a child gave it full effect. [MATRIMONIUM.]

It does not seem that the Patria Potestas was ever viewed among the Romans as absolutely equivalent to the Dominica Potestas, or as involving ownership of the child ; and yet the original notion of the Patria came very near to that of the Dominica Potestas. Originally the father had the power of life and death over his son as a member of his familia : he could sell him and so bring him into the mancipii causa ; and he had the jus noxae dandi as a necessary consequence of his being liable for the delicts of his child. He could also give his child in adoption, and emancipate a child at his pleasure.

The father could exheredate his son, he could substitute another person as heir to him [HERES], and he could by his will appoint him a tutor.

The general rights and disabilities of a filiusfamilias may be thus briefly expressed — "The child is incapable, in his private rights, of any power or dominion ; in every other respect he is capable of legal rights." (Savigny, *System*, &c. ii. 52.) The incapacity of the child is not really an incapacity of acquiring legal rights, for the child could acquire by contract, for instance ; but every thing that he acquired, was acquired for his father.

As to matters that belonged to the Jus Publicum, the son laboured under no incapacities : he could vote at the Comitia Tributa, he could fill a magistratus ; and he could be a tutor : for the Tutela was considered a part of Jus Publicum. (Dig. 1. tit. 6. s. 9 ; Liv. xxiv. 44 ; Gell. ii. 2.)

The child had Connubium and Commercium, like any Roman citizen who was sui juris, but these legal capacities brought to him no present power or ownership. His marriage with his father's consent was legal (*justum*), but if it was accompanied with the In Manum conventio, his wife came into the power of his father, and not into the power of the son. The son's children were in all cases in the power of their grandfather, when the son was. The son could also divorce his wife with his father's consent.

Inasmuch as he had Commercium, he could be a witness to Mancipationes and Testaments ; but he could not have property nor servitutes. He had the testamenti factio, as already stated, so far as to be a witness to a testament; but he could not make a testament, for he had nothing to dispose of; and he could not have a heres.

He could, as already observed, acquire rights for his father by contract, but none for himself, except in the case of an Adstipulatio, an instance which shows the difference between a son and a slave. [OBLIGATIONES.] But a filius pubes could incur obligationes and could be sued, like a paterfamilias. (Dig. 45. tit. 1. s. 141. § 2; 44. tit. 7. s. 39.) The foundation of these rules of law was the maxim that the condition of a master could be improved by the acts of his slaves, but not made worse; and this maxim applied equally to a son and a slave. Between the father and the son no civiles obligationes could exist; neither of them consequently could have a right of action against the other. But naturales obligationes might be established between them. Some writers have supposed that there was a difference between the capacities and incapacities of a filiusfamilias and a filiafamilias as to obligationes; but the reasons alleged by Savigny seem conclusively to show that there was no difference at all. (*System*, &c. ii. Beylage, v.)

In the case of delict by a filiusfamilias noxales actiones were allowed against the father. (Gaius, iv. 75.) But Justinian abolished the noxae deditio in the case of a filius or filiafamilias, "cum apud veteres legum commentatores invenimus saepius dictum, ipsos filiosfamilias pro suis delictis posse conveniri." (Inst. 4. tit. 8. s. 7; Dig. 43. tit. 29. s. 1. 3. § 4.) [NOXALIS ACTIO; FILIUSFAMILIAS.]

The incapacity of the child to acquire for himself and his capacity to acquire for his father, as well as their mutual incapacity of acquiring rights of action against one another, are viewed by some modern writers as a consequence of a legal unity of person, while others affirm that there is no trace of such a fiction in the Roman law, and that the assumption is by no means necessary to explain the rule of law. (Böcking, *Inst.* i. 228, n. 20.) Indeed the fiction of such a unity is quite unnecessary, for the fundamental maxim, already referred to, that a man may be made richer but not poorer by his slaves and children is a simple positive rule. Though the child could not acquire for himself, yet all that he did acquire for his father, might become his own in the event of his father's death, a circumstance which materially distinguished the acquisitions of a son from those of a slave; and accordingly the son is sometimes, though not with strict propriety, considered as a kind of joint owner with his father.

The rule as to the incapacity of a filiusfamilias for acquiring property was first varied about the time of Augustus, when the son was empowered to acquire for himself and to treat as his own whatever he got in military service. This was the Castrense Peculium, with respect to which the son was considered as a person sui juris. (Juv. *Sat.* xvi. 51; Gaius, ii. 106.) But if the filiusfamilias died without having made any disposition of this peculium, it came to the father, and this continued to be the law till Justinian altered it; but in this case the property came as Peculium, not as Hereditas. The privileges of a filiusfamilias as to the acquisition of property were extended under Constantine to his acquisitions made during the discharge of civil offices, and as this new privilege was framed after the analogy of the Castrense Peculium, it was designated by the name Quasi Castrense Peculium. Further privileges of the same kind were also given by Constantine and extended under subsequent emperors (*bona quae patri non adquiruntur*).

The Patria Potestas began with the birth of a child in a Roman marriage. If a Roman had by mistake married a woman with whom he had no connubium, thinking that connubium existed, he was allowed to prove his case (*causae erroris probatio*), upon doing which the child that had been born and the wife also became Roman citizens, and from that time the son was in the power of the father. This causae probatio was allowed by a Senatus-consultum (Gaius, i. 67), which, as it appears from the context, and a comparison with Ulpian's Fragments (vii. 4), was an amendment of the Lex Aelia Sentia. Other instances of the causae probatio are mentioned by Gaius.

It was a condition of the Patria Potestas that the child should be begotten in matrimonium legitimum. (Gaius, i. 55—107; Inst. 1. tit. 9—11.) By the old law, the subsequent marriage of the parents did not legitimate a child born before the marriage. But it seems to have early become the fashion for the Emperor, as an act of grace, to place such child on the same footing as legitimate children. The legitimation per subsequens matrimonium only became an established rule of law under Constantine, and was introduced for the advantage of children who were born in concubinage. [CONCUBINA.] In the time of Theodosius II., the rule was established by which a child was legitimated per oblationem curiae. To these two modes of legitimation, Justinian added that per rescriptum principis. The child thus legitimated came into the familia and the potestas of his father, as if he had been born in lawful marriage.

The Patria Potestas could also be acquired by either of the modes of Adoption. [ADOPTIO, p. 15, b.]

The Patria Potestas was dissolved in various ways. It was dissolved by the death of the father, upon which event, the grandchildren, if there were any, who had hitherto been in the power of their grandfather, came into the power of their father who was now sui juris. It could also be dissolved in various ways during the lifetime of the father. A maxima or media capitis diminutio either of the parent or child dissolved the Patria Potestas; though in the case of either party sustaining a capitis diminutio by falling into the hands of an enemy, the relation might be revived by Postliminium. A father who was adrogated, and consequently sustained a minima capitis diminutio, came together with his children, who had hitherto been in his power, into the power of his adoptive father. The emancipation of the child by the father was a common mode of dissolving the Patria Potestas, and was accompanied by the Minima Capitis diminutio. If a son was elected Flamen Dialis or a daughter was chosen a Vestal, the Patria Potestas ceased; and in the later period, it was also dissolved by the son's attaining certain civil or ecclesiastical honours. The Potestas of the father might cease without the son becoming sui juris, as in the case of the son being given in adoption.

The term Patria Potestas strictly expresses the power of the father, as such, which arises from the paternal relation; but the term also imports the rights of the child as a filiusfamilias or filiafamilias. Of these rights, the most important was the capacity of being the suus heres of the father. Generally, the parent could emancipate his child at his pleasure, and thus deprive him of the rights of agnation; but the law in this respect was altered by Justinian (*Nov.* 89. c. 11), who made the consent of the child necessary. (Savigny, *System*, &c., ii. 49, &c.; Puchta, *Inst.* iii. 142; Böcking, *Inst.* i. 224.) [G. L.]

PATRI'CII. This word is a derivative from *pater*, which in the early times invariably denoted a patrician, and in the later times of the republic frequently occurs in the Roman writers as equivalent to senator. Patricii therefore signifies those who belonged to the patres "rex patres eos (*senatores*) voluit nominari, patriciosque eorum liberos." (Cic. *de Re Publ.* ii. 12; Liv. i. 8; Dionys. ii. 8.) It is a mistake in these writers to suppose that the patricii were only the offspring of the patres in the sense of senators, and necessarily connected with them by blood. Patres and patricii were originally convertible terms. (Plut. *Romul.* 13; Lydus, *de Mens.* i. 20, *de Mag.* i. 16; Niebuhr, *Hist. of Rome*, i. p. 336.) The words *patres* and *patricii* have radically and essentially the same meaning, and some of the ancients believed that the name patres was given to that particular class of the Roman population from the fact that they were fathers of families (Plut. *Dionys. l. c.*); others, that they were called so from their age (Sallust, *Catil.* 6); or because they distributed land among the poorer citizens, as fathers did among their children. (Fest. *s. v. Patres Senatores;* Lyd. *de Mens.* iv. 50.) But most writers justly refer the name to the patrocinium which the patricians exercised over the whole state, and over all classes of persons of whom it was composed. (Plut. and Sallust, *l. c.*; Zonaras, vii. 8; Suidas, *s. v.* Πατρίκιοι.)

In considering who the patricians were, we have to distinguish three periods in the history of Rome. The first extends from the foundation of the city down to the establishment of the plebeians as a second order; the second, from this event down to the time of Constantine, during which time the patricians were a real aristocracy of birth, and as such formed a distinct class of Roman citizens opposed to the plebeians, and afterwards to the new plebeian aristocracy of the nobiles: the third period extends from Constantine down to the middle ages, during which the patricians were no longer an aristocracy of birth, but were persons who merely enjoyed a title, first granted by the emperors and afterwards by the popes also.

First Period: from the foundation of the city, to the establishment of the plebeian order. Niebuhr's researches into the early history of Rome have established it as a fact beyond all doubt, that during this period the patricians comprised the whole body of Romans who enjoyed the full franchise, that they were the *populus Romanus*, and that there were no other real citizens besides them. (Niebuhr, *Hist. of Rome*, ii. pp. 224, 225. note 507; Cic. *pro Caecin.* 35.) The patricians must be regarded as conquerors who reduced the earlier inhabitants of the places they occupied to a state of servitude, which in our authorities is designated by the terms *cliens* and *plebs*. The other parts of the Roman population, namely clients and slaves, did not belong to the populus Romanus, or sovereign people, and were not burghers or patricians. The senators were a select body of the populus or patricians, which acted as their representative. The burghers or patricians consisted originally of three distinct tribes, which gradually became united into the sovereign populus. These tribes had founded settlements upon several of the hills which were subsequently included within the precincts of the city of Rome. Their names were Ramnes, Tities, and Luceres, or Ramnenses, Titienses, and Lucerenses. Each of these tribes consisted of ten curiae, and each curia of ten decuries, which were established for representative and military purposes. [Senatus.] The first tribe, or the Ramnes, were a Latin colony on the Palatine hill, said to have been founded by Romulus. As long as it stood alone, it contained only one hundred gentes, and had a senate of one hundred members. When the Tities, or Sabine settlers on the Quirinal and Viminal hills, under king Tatius, became united with the Ramnes, the number of gentes as well as that of senators was increased to 200. These two tribes after their union continued probably for a considerable time to be the patricians of Rome, until the third tribe, the Luceres, which chiefly consisted of Etruscans, who had settled on the Caelian Hill, also became united with the other two as a third tribe. When this settlement was made is not certain: some say that it was in the time of Romulus (Fest. *s. v. Caelius Mons* and *Luceres;* Varro, *de Ling. Lat.* v. 55); others that it took place at a later time. (Tacit. *Annal.* iv. 65; Fest. *s. v. Tuscum vicum.*) But the Etruscan settlement was in all probability older than that of the Sabines (see Göttling, *Gesch. der Röm. Staatsverf.* p. 54, &c.), though it seems occasionally to have received new bands of Etruscan settlers even as late as the time of the republic.

The amalgamation of these three tribes did not take place at once: the union between Latins and Sabines is ascribed to the reign of Romulus, though it does not appear to have been quite perfect, since the Latins on some occasions claimed a superiority over the Sabines. (Dionys. ii. 62.) The Luceres existed for a long time as a separate tribe without enjoying the same rights as the two others until Tarquinius Priscus, himself an Etruscan, caused them to be placed on a footing of equality with the others. For this reason he is said to have increased the number of senators to 300 (Dionys. iii. 67; Liv. i. 35; Cic. *de Re Publ.* ii. 20; compare Senatus), and to have added two Vestal virgins to the existing number of four. (Dionys. *l. c.*; Fest. *s. v. Sex Vestae sacerdotes;* Niebuhr, *Hist. of Rome*, i. p. 302, &c.) The Luceres, however, are, notwithstanding this equalisation, sometimes distinguished from the other tribes by the name *patres minorum gentium;* though this name is also applied to other members of the patricians, *e. g.* to those plebeian families who were admitted by Tarquinius Priscus into the three tribes, and in comparison with these, the Luceres are again called *patres majorum gentium.* (Compare Niebuhr, i. p. 304, and Göttling, p. 226, &c.) That this distinction between patres majorum and minorum gentium was kept up in private life, at a time when it had no value whatever in a political point of view, is clear from Cicero (*ad Fam.* ix. 21). Tullus Hostilius admitted several of the noble gentes of Alba among the patricians (*in* *patres legit*, Liv. i. 30), viz., the Tullii (Julii?), Servilii, Quinctii, Geganii, Curiatii, and Cloelii, to which Dionysius (iii. 29) adds the gens Metilia. Ancus Marcius admitted the Tarquinii (Dionys. iii. 48), Tarquinius Priscus the Tullii (Dionys. iv. 3), Servius Tullius the Octavii (Sueton. *Aug.* 1, &c.), and even Tarquinius Superbus seems to have had similar intentions. (Dionys. iv. 57; Sueton. *Vitell.* 1.) We do not hear that the number of gentes was increased by these admissions, and must therefore suppose that some of them had already become extinct, and that the vacancies which thus arose were filled up with these new burghers. (Göttling, p. 222.) During the time of the republic, distinguished strangers and wealthy plebeians were occasionally made Roman patricians, *e. g.* Appius Claudius and his gens (Liv. x. 8; compare ii. 16; Dionys. v. 40; Sueton. *Tib.* 1), and Domitius Ahenobarbus. (Suet. *Nero*, 1.) As regards the kingly period the Roman historians speak as if the kings had had the power of raising a gens or an individual to the rank of a patrician; but it is evident that the king could not do this withouf the consent of the patres in their curies; and hence Livy (iv. 4) makes Canuleius say, "per cooptationem in patres, aut ab regibus lecti," which lectio, of course, required the sanction of the body of patricians. In the time of the republic such an elevation to the rank of patrician could only be granted by the senate and the populus. (Liv. iv. 4, x. 8, compare especially Becker, *Handb. der Röm. Alterth.* ii. 1. p. 26. &c.)

Since there were no other Roman citizens but the patricians during this period, we cannot speak of any rights or privileges belonging to them exclusively; they are all comprehended under Civitas (Roman) and Gens. Respecting their relations to the kings see Comitia Curiata and Senatus. During this early period we can scarcely speak of the patricians as an aristocracy, unless we regard their relation to the clients in this light. [Cliens.]

Second Period: from the establishment of the plebeian order to the time of Constantine. When the plebeians became a distinct class of citizens, who shared certain rights with the patricians, the latter lost in so far as these rights no longer belonged to them exclusively. But by far the greater number of rights, and those the most important ones, still remained in the exclusive possession of the patricians, who alone were *cives optimo jure*, and were the patres of the nation in the same sense as before. All civil and religious offices were in their possession, and they continued as before to be the populus, the nation now consisting of the populus and the plebes. This distinction, which Livy found in ancient documents (xxv. 12), seems however in the course of time to have fallen into oblivion, so that the historian seems to be scarcely aware of it, and uses populus for the whole body of citizens including the plebeians. Under the Antonines the term populus signified all the citizens, with the exception of the patricii. (Gaius, i. 3.) In their relation to the plebeians or the commonalty, the patricians now were a real aristocracy of birth. A person born of a patrician family was and remained a patrician, whether he was rich or poor, whether he was a member of the senate, or an eques, or held any of the great offices of the state, or not: there was no power that could make a patrician a plebeian, except his own free will, for every patrician might by adoption into a plebeian family, or by a solemn transition from his own order to the plebs, become a plebeian, leaving his gens and curia and renouncing the sacra. As regards the census, he might indeed not belong to the wealthy classes, but his rank remained the same. Instances of reduced patricians in the latter period of the republic are, the father of M. Aemilius Scaurus and the family of the Sullas previous to the time of the dictator of that name. (Suet. *Aug.* 2; Liv. iv. 16; Plin. *H. N.* xviii. 4; Zonar. vii. 15; Ascon. Ped. *in Scaur.* p. 25, ed. Orelli.) A plebeian, on the other hand, or even a stranger, might, as we stated above, be made a patrician by a lex curiata. But this appears to have been done very seldom; and the consequence was, that in the course of a few centuries the number of patrician families became so rapidly diminished, that towards the close of the republic there were not more than fifty such families. (Dionys. i. 85.) Julius Caesar by the lex Cassia raised several plebeian families to the rank of patricians, in order that they might be able to continue to hold the ancient priestly offices which still belonged to their order. (Suet. *Caes.* 41; Tacit. *Annal.* xi. 25; Dion Cass. xliii. 47, xlv. 2.) Augustus soon after found it necessary to do the same by a lex Saenia. (Tacit. *l. c.*; Dion Cass. xlix. 43, lii. 42.) Other emperors followed these examples: Claudius raised a number of senators and such persons as were born of illustrious parents to the rank of patricians (Tacit. *l. c.*; Suet. *Oth.* 1); Vespasian, Titus, and other emperors did the same. (Tacit. *Agric.* 9; Capitol. *M. Antonin.* 1; Lamprid. *Commod.* 6.) The expression for this act of raising persons to the rank of patricians was *in patricios* or *in familiam patriciam adligere*.

Although the patricians throughout this whole period had the character of an aristocracy of birth, yet their political rights were not the same at all times. The first centuries of this period are an almost uninterrupted struggle between patricians and plebeians, in which the former exerted every means to retain their exclusive rights, but which ended in the establishment of the political equality of the two orders. [Plebs.] Only a few insignificant priestly offices, and the performance of certain ancient religious rites and ceremonies, remained the exclusive privilege of the patricians; of which they were the prouder, as in former days their religious power and significance were the basis of their political superiority. (See Ambrosch, *Studien und Andeutungen*, &c. p. 58, &c.) At the time when the struggle between patricians and plebeians ceased, a new kind of aristocracy began to arise at Rome, which was partly based upon wealth and partly upon the great offices of the republic, and the term Nobiles was given to all persons whose ancestors had held any of the curule offices. (Compare Nobiles.) This aristocracy of nobiles threw the old patricians as a body still more into the shade, though both classes of aristocrats united as far as was possible to monopolise all the great offices of the state (Liv. xxii. 34, xxxix. 41); but although the old patricians were obliged in many cases to make common cause with the nobiles, yet they could never suppress the feeling of their own superiority; and the veneration which historical antiquity alone can bestow, always distinguished them as individuals from the nobiles. How much wealth gradually gained the upper hand, is seen from the measure adopted about the time of the first Punic war, by which the expenses for the public games were no longer given from the aerarium, but were defrayed by the aediles; and as their office was the first step to the great offices of the republic, that measure was a tacit exclusion of the poorer citizens from those offices. Under the emperors the position of the patricians as a body was not improved; the filling up of the vacancies in their order by the emperors began more and more to assume the character of an especial honour, conferred upon a person for his good services or merely as a personal favour, so that the transition from this period to the third had been gradually preparing.

Respecting the great political and religious privileges which the patricians at first possessed alone, but afterwards were compelled to share with the plebeians, see Plebs and the articles treating of the several Roman magistracies and priestly offices. Compare also Gens; Curia; Senatus.

In their dress and appearance the patricians were scarcely distinguished from the rest of the citizens, unless they were senators, curule magistrates, or equites, in which case they wore like others the ensigns peculiar to these dignities. The only thing by which they appear to have been distinguished in their appearance from other citizens, was a peculiar kind of shoes, which covered the whole foot and part of the leg, though they were not as high as the shoes of senators and curule magistrates. These shoes were fastened with four strings (*corrigiae* or *lora patricia*) and adorned with a lunula on the top. (Senec. *De Tranquil. Anim.* 11; Plut. *Quaest. Rom.* 75; Stat. *Silv.* v. 2. 27; Martial, i. 50, ii. 29.) Festus (*s. v. Mulleos*) states that mulleus was the name of the shoes worn by the patricians; but the passage of Varro which he adduces only shows that the mullei (shoes of a purple colour) were worn by the curule magistrates. (Compare Dion Cass. xliii. 43.)

Third Period: from the time of Constantine to the middle ages. From the time of Constantine the dignity of patricius was a personal title, which conferred on the person, to whom it was granted, a very high rank and certain privileges. Hitherto patricians had been only genuine Roman citizens, and the dignity had descended from the father to his children; but the new dignity was created at Constantinople, and was not bestowed on old Roman families; it was given, without any regard to persons, to such men as had for a long time distinguished themselves by good and faithful services to the empire or the emperor. This new dignity was not hereditary, but became extinct with the death of the person on whom it was conferred; and when during this period we read of patrician families, the meaning is only that the head of such a family was a patricius. (Zosim. ii. 40; Cassiodor. *Variar.* vi. 2.) The name patricius during this period assumed the conventional meaning of father of the emperor (Ammian. Marcellin. xxix. 2; Cod. 12. tit. 3. § 5), and those who were thus distinguished occupied the highest rank among the illustres; the consuls alone ranked higher than a patricius. (Isidor. ix. 4. 1. 3; Cod. 3. tit. 24. s. 3; 12. tit. 3. s. 3.) The titles by which a patricius was distinguished were magnificentia, celsitudo, eminentia, and magnitudo. They were either engaged in actual service (for they generally held the highest offices in the state, at the court and in the provinces), and were then called *patricii praesentales*, or they had only the title and were called *patricii codicillares* or *honorarii*. (Cassiod. viii. 9; Savaron *ad Sidon. Apoll.* i. 3.) All of them, however, were distinguished in their appearance and dress from ordinary persons, and seldom appeared before the public otherwise than in a carriage. The emperors were generally very cautious in bestowing this great distinction, though some of the most arbitrary despots conferred the honour upon young men and even on eunuchs. Zeno decreed that no one should be made patricius who had not been consul, praefect, or magister militum. (Cod. 3. tit. 24. s. 3.) Justinian, however, did away with some of these restrictions. The elevation to the rank of patricius was testified to the person by a writ called diploma. (Sidon. Apollin. v. 16; Suidas, *s. v.* Γραμματείδιον; compare Cassiodor. vi. 2, viii. 21, &c.)

This new dignity was not confined to Romans or subjects of the empire, but was sometimes granted to foreign princes, such as Odoacer, the chief of the Heruli, and others. When the popes of Rome had established their authority, they also assumed the right of bestowing the title of patricius on eminent persons and princes, and many of the German emperors were thus distinguished by the popes. In several of the Germanic kingdoms the sovereigns imitated the Roman emperors and popes by giving to their most distinguished subjects the title of patricius, but these patricii were at all times much lower in rank than the Roman patricii, a title of which kings and emperors themselves were proud.

(Rein, *in Ersch und Gruber's Encyclopädie*, *s. v. Patricier*, and for the early period of Roman History, Göttling's *Gesch. der Röm. Staatsverf.* p. 51, &c., Becker's *Handbuch. l. c.*, and p. 133, &c.) [L. S.]

PATRIMI ET MATRIMI, also called *Patrimes et Matrimes*, were those children whose parents were both alive (Festus, *s. v. Flaminia; Matrimes;* called by Dionysius, ii. 22, ἀμφιθαλεῖς); in the same way as *pater patrimus* signifies a father, whose own father is still alive. (Festus, *s. v. Pater Patr.*) Servius (*ad Virg. Georg.* 31), however, confines the term *patrimi et matrimi* to children born of parents who had been married by the religious ceremony called confarreatio: it appears probable that this is the correct use of the term, and that it was only applied to such children so long as their parents were alive. We know that the flamines majores were obliged to have been born of parents who had been married by confarreatio (Tac. *Ann.* iv. 16; Gaius, i. 112); and as the children called *patrimi et matrimi* are almost always mentioned in connection with religious rites and ceremonies (Cic. *de Har. resp.* 11; Liv. xxxvii. 3; Gell. i. 12; Tacit. *Hist.* iv. 53; Macrob. *Saturn.* 6; Vopisc. *Aurel.* 19; Orelli, *Inscr.* n. 2270), the statement of Servius is rendered more probable, since the same reason, which confined the office of the flamines majores to those born of parents who had been married by confarreatio, would also apply to the children of such marriages, who would probably be thought more suitable for the service of the gods than the offspring of other marriages. (Rein, *Das Röm. Privatrecht.* p. 177; Göttling, *Gesch. d. Röm. Staatsv.* p. 90.)

PATRO'NOMI (πατρονόμοι), were magistrates at Sparta, who exercised, as it were, a paternal power over the whole state. Pausanias (ii. 9. § 1) says, that they were instituted by Cleomenes III.

(B. C. 236—221), who destroyed the power of the γερουσία by establishing patronomi in their place. The γερουσία, however, was not abolished by Cleomenes, as it is again spoken of by Pausanias (iii. 11. § 2), and also in inscriptions. The patronomi are mentioned by Philostratus (*Vit. Apollon.* iv. 32) among the principal magistrates along with the gymnasiarchs and ephori; and their office is also spoken of by Plutarch. (*An seni sit resp. ger.* c. 24.) Their number is uncertain; but Böckh (*Corp. Inscrip.* vol. i. p. 605) has shown that they succeeded to the powers which the ephori formerly possessed, and that the first patronomus was the ἐπώνυμος of the state, that is, gave his name to the year as the first ephor had formerly done. (Compare Müller, *Dor.* iii. 7. § 8.)

PATRO'NUS. The act of manumission created a new relation between the manumissor and the slave, which was analogous to that between father and son. The manumissor became with respect to the manumitted person his Patronus, and the manumitted person became the Libertus of the manumissor. The word Patronus (from Pater) indicates the nature of the relation. If the manumissor was a woman, she became Patrona; and the use of this word instead of Matrona appears to be explained by the nature of the patronal rights. Viewed with reference to the early ages of Rome, this patronal relation must be considered a part of the ancient Clientela; but from the time of the Twelve Tables at least, which contained legislative provisions generally on the subject of patronal rights, we may consider the relation of Patronus and Libertus as the same both in the case of Patrician and Plebeian manumissores.

The Libertus adopted the gentile name of the Manumissor. Cicero's freedman Tiro was called M. Tullius Tiro.

The Libertus owed respect and gratitude to his patron, and in ancient times the patron might punish him in a summary way for neglecting those duties. This obligation extended to the children of the Libertus, and the duty was due to the children of the patron. In later times, the patron had the power of relegating an ungrateful freedman to a certain distance from Rome, under a law probably passed in the time of Augustus. (Tacit. *Ann.* xiii. 26; Dion Cass. lv. 13.) In the time of Nero it was proposed to pass a Senatusconsultum which should give a patron the power of reducing his freedman to slavery, if he misconducted himself towards his patron. The measure was not enacted, but this power was given to the patron under the later emperors. The Lex Aelia Sentia gave the patron a right of prosecuting his freedman for ingratitude (*ut ingratum accusare*). (Dig. 40. tit. 9. s. 30.) An ingratus was also called Libertus Impius, as being deficient in Pietas.

If the Libertus brought an action against the Patronus (*in jus vocavit*), he was himself liable to a special action on the case (Gaius, iv. 46); and he could not, as a general rule, institute a capital charge against his patron. The Libertus was bound to support the patron and his children in case of necessity, and to undertake the management of his property and the tutela of his children: if he refused, he was ingratus. (Dig. 37. tit. 14. s. 19.)

If a slave were the property of several masters and were manumitted by all of them, and became a Roman citizen, all of them were his Patroni.

The manumissor could secure to himself further rights over his libertus by a stipulatio or by taking an oath from him. The subjects of such agreements were gifts from the libertus to the patronus (*dona et munera*) and services (*operae*). The oath was not valid, unless the person was a libertus when he took it. If then he took the oath as a slave, he had to repeat it as a freeman, which seems to be the meaning of the passage of Cicero in which he speaks of his freedman Chrysogonus. (*Ad Att.* vii. 2; compare Dig. 38. tit. 1. s. 7.) These Operae were of two kinds, Officiales which consisted in respect and affection; and Fabriles which are explained by the term itself. The officiales determined by the death of the Patronus, unless there was an agreement to the contrary; but the fabriles being of the nature of money or money's worth passed to the heredes of the Patronus, like any other property. The Patronus, when he commanded the operae of his libertus, was said "ei operas indicere or imponere." (Gaius, iv. 162; Dig. 38. tit. 2. s. 29.)

The Patron could not command any services which were disgraceful (*turpes*) or dangerous to life, such as prostitution or fighting in the amphitheatre; but if the libertus exercised any art or calling (*artificium*), even if he learned it after his manumission, the operae in respect of it were due to the patron.

The Lex Julia et Papia Poppaea released freedmen (except those who followed the ars ludicra or hired themselves to fight with beasts) from all obligation as to gifts or operae, who had begotten two children and had them in their power, or one child five years old. (Dig. 38. tit. 1. *De Operis Libertorum*, s. 37.)

If liberty was given directly by a testament, the testator was the manumissor, and his patronal rights would consequently belong to his children: if it was given indirectly, that is, per fideicommissum, the person who performed the act of manumission was the patronus. In those cases where a slave obtained his freedom under the Senatusconsultum Silanianum, the Praetor could assign him a Patronus; and if this was not done, that person was the Patron of whom the libertus had last been the slave. (Dig. 38. tit. 16. s. 3.)

The patronal rights were somewhat restricted, when the act of manumission was not altogether the free act of the manumissor. For instance, the Manumissor per fideicommissum had all the patronal rights, except the power to prosecute for ingratitude, the right to be supported by the libertus, and to stipulate for munera and operae: his rights against the property of the libertus were however the same as those of any other manumissor. (Frag. Vat. § 225; Dig. 38. tit. 2. s. 29.) If a slave had given money to another person in order that this other person might purchase and manumit him, the manumissor had no patronal rights, and he lost even the name of patron, if he refused to perform the act for which he had received the money and allowed the slave to compel him to perform his agreement, which the slave could do by a constitution of M. Aurelius and L. Verus. (Dig. 40. tit. 1. s. 4, 5.) If a master manumitted his slave in consideration of a sum of money, he retained all patronal rights, but he could not stipulate for operae. A person who purchased a slave, and on the occasion of the purchase agreed to manumit him, had all patronal rights, except the right of prosecuting for ingratitude, in case the slave compelled him to manumit pursuant to the constitution of M. Aurelius and L. Verus. (Dig. 40. tit. 9. s. 30.)

It was the duty of the patron to support his freedman in case of necessity, and if he did not, he lost his patronal rights: the consequence was the same if he brought a capital charge against him. The Lex Aelia Sentia, among its various provisions, contained several that related to the rights and duties of the patron.

A capitis diminutio, either of the Patron or the Libertus, dissolved the relation between them. (See Tacit. *Hist.* ii. 92, where "jura libertorum" means "jura patronorum," or "jura in libertos.") The relation was dissolved when the Libertus obtained Ingenuitas by the Natalium Restitutio, but not when he merely obtained the jus aureorum annulorum. [INGENUUS.]

The most important of the Patronal rights related to the property of Liberti who died intestate or having made a testament.

The subject, so far as concerns the Ante-Justinian period, may be distributed under the two following heads: — 1. the ordinary rules of law, and 2. the extraordinary: the former comprehend the rules of the old civil law, and the Edict on the Bonorum Possessio; and the latter, the Bonorum Possessio contra tabulas liberti and contra suos non naturales, the Bonorum Possessio contra tabulas libertae, and the right to a virilis pars which was given by the Lex Papia Poppaea.

By the law of the Twelve Tables, if a freedman died intestate, without sui heredes, the patronus was his heir. This right was viewed as a right of Agnation. The Legitima patronorum tutela was not expressly mentioned in the Twelve Tables, but it was a legal consequence of the rule as to inheritance. (Ulp. *Frag.* xi. 3.) In the case of an intestate liberta, who could not have a suus heres, the patron was heres. The Senatusconsultum Orfitianum, which was passed after Gaius wrote (iii. 51), and in the last year but one of the reign of M. Aurelius, made an alteration in this respect. The passage of Ulpian (*Frag.* xxix. 2), which was written when this Senatusconsultum was in force, says, that if a liberta died intestate, the patron succeeded to her property, because a mother could not have sui heredes; yet Ulpian himself (lib. 12, *ad Sabinum;* Dig. 38. tit. 17. s. 1) says, that whether the mother was Ingenua or Libertina, the children could succeed to her inheritance by the Senatusconsultum Orfitianum. This apparent contradiction is removed by the supposition that the Senatusconsultum gave the children in such cases an equal right with the patron.

These patronal rights belonged both to a Patronus and a Patrona, and to the liberi of a Patronus. (Ulp. *Frag.* xxvii.) The male children of the patronus had the same rights as the patronus himself; but the females had only the rights which the Twelve Tables gave to the males, and they had not the Bonorum Possessio contra tabulas testamenti liberti aut ab intestato contra suos heredes non naturales, until these rights were given them by the Lex Papia Poppaea. (Ulp. *Frag.* xxix. 4, 5.) A difficulty which is raised by a passage in Justinian's legislation on the patronal rights is discussed by Unterholzner. (*Zeitschrift*, v. p. 37.) It seems that the children of a Patrona had not by the Twelve Tables the same rights as the children of a Patronus, but the Lex Papia Poppaea probably made some change in this respect. (*Zeitschrift*, v. p. 43, &c.)

In order that these patronal rights should exist, it was necessary that the libertus must have been made free by a Roman citizen, and have become a Roman citizen by the act of manumission. Accordingly, if a person obtained the citizenship, it was necessary that he should have a special grant of the jus patronatus, in order that he might have patronal rights against his then freedmen, who must also at the same time become Roman citizens. (Plin. *Ep.* x. 6.) A capitis diminutio, as already observed, either of the patron or the libertus, destroyed the patronal rights to the inheritance. (Gaius, iii. 51.)

If there were several patroni or patronae, they divided the inheritance equally, though their shares in the libertus when a slave might have been unequal. These patronal rights resembled a joint-tenancy in English Law, for the survivor or survivors of the patroni had all the patronal rights to the exclusion of any children of a deceased patronus. A son of a patron also claimed the inheritance to the exclusion of the grandson of a patron. If the patroni were all dead, leaving several children, the hereditas was divided among all the children equally (*in capita*), pursuant to the law of succession in the case of Agnation. (Gaius, iii. 16, 59, &c.)

A Senatusconsultum, which was passed in the time of Claudius, allowed a patron to assign his patronal rights to the inheritance of a libertus, to any of his children whom he had in his power, to the exclusion of the rest. (Dig. 38. tit. 4.)

The Edict extended the Bonorum Possessio to Patroni. The Patronal rights of the Civil Law were founded on an assumed Agnatio: those of the Edict were founded on an assumed Cognatio. The Edict called to the Bonorum Possessio of Liberti, 1. their children; 2. their heredes legitimi; 3. their cognati, who must of course be descendants; 4. the familia of the Patronus; 5. the patronus and patrona, and their children and parents, by which provision was made in case the Patronus or Patrona had sustained a capitis diminutio, and so could not be called in the fourth order; 6. the husband or wife of the freedwoman or freedman; 7. the cognati of the manumissor.

Originally, if the freedman made a will, he could pass over (*praeterire*) the patron. But by the Edict, unless he left him as much as one half of his property, the patron or his male children could obtain the Bonorum possessio contra tabulas of one half of the property. If the libertus died intestate, leaving no suus heres, except an adopted child, or a wife in manu, or a nurus in the manus of his son, the patron had a bonorum possessio of one half against these sui heredes. But if the libertus had children of his own blood (*naturales*) either in his power at the time of his death or emancipated or given in adoption, and if these children were made heredes by his testament or being praeteriti claimed the Bonorum possessio contra tabulas, the patron had no claim on the freedman's property. The patron was not excluded, if the children of the freedman were exheredated. (Gaius, iii. 40; Dion Cass. li. 15, and the note of Reimarus.)

By the Lex Papia Poppaea, if a freedman had a property amounting to a hundred thousand sestertii and fewer than three children, the patronus had an equal share (*virilis pars*) with the children, whether the freedman died testate or intestate; and a patrona ingenua, who had three children, enjoyed the same privilege. Before the Lex Papia, Patronae had only the rights which the Twelve Tables gave them; but this Lex put Ingenuae patronae who had two children, and Libertinae patronae who had three children, on the same footing with respect to the Bonorum possessio contra tabulas and with respect to an adopted son, a wife in manu, or a nurus in manu filii, as the Edict had placed Patroni. The Lex did the same for daughters of the Patronus who had three children. The Lex also gave to a Patrona ingenua, but not to a Libertina, who had three children, the same rights that it gave to a Patronus.

According to the old law, as the liberta was in the legitima tutela of her patron, she could make no disposition of her property without his consent (*patrono auctore*). The Lex Papia freed a liberta from this tutela, if she had four children, and she could consequently then make a will without the consent of her patronus, but the law provided that the patronus should have an equal share with her surviving children.

In the case of a liberta dying intestate, the Lex Papia gave no further rights to a Patrona, who had children (*liberis honoratae*) than she had before; and therefore if there had been no capitis diminutio of the Patrona or the Liberta, the Patrona inherited the property, even if she had no children, to the exclusion of the children of the liberta. If the liberta made a will, the Lex Papia gave to the Patrona, who had the number of children required by that law, the same rights which the Edict gave to the Patronus contra tabulas liberti. The same Lex gave to the daughter of a patrona, who had a single child, the same rights that the patronus had contra tabulas liberti. (Gaius, iii. 53; a passage which Unterholzner proposes to correct, but on very insufficient grounds, *Zeitschrift*, v. p. 45.)

The rules of law as to the succession of the Patronus to the property of Latini Liberti differed in various respects from those that have been explained. Being viewed as a peculium, it had the incidents of such property. It came to the extranei heredes of the manumissor, but not to his exheredated children, in both which respects it differed from the property of a Libertus who was a Civis Romanus. If there were several patrons, it came to them in proportion to their interests in the former slave, and it was consistent with this doctrine that the share of a deceased patronus should go to his heres. The Senatusconsultum Largianum, which was passed in the time of Claudius, enacted that the property of Latini should go first to those who had manumitted them, then to their liberi who were not expressly exheredated, according to proximity, and then according to the old law, to the heredes of the manumissor. The only effect of this Senatusconsultum was to prefer liberi, who were not expressly exheredated, to extranei heredes. Accordingly, an emancipated son of the patronus, who was praeteritus, and who could not claim the Bonorum possessio of his father's property contra tabulas testamenti, had a claim to the property of a Latinus prior to the extranei heredes.

As to the Dediticii under the Lex Aelia Sentia, there were two rules. The property of those who on their manumission would have become Roman citizens, but for the impediments thereto, came to their patroni as if they had been Roman citizens: they had not however the testamenti factio. The property of those, who on their manumission would have become Latini, but for the impediments thereto, came to their patroni as if they had been Latini: on this Gaius remarks that in this matter the legislator had not very clearly expressed his intentions. He had already made a similar remark as to a provision of the Lex Papia (iii. 47).

As to the other meanings of the word Patronus, see Cliens and Orator.

The subject of the Patronatus is one of considerable importance towards a right understanding of many parts of the Roman polity. This imperfect outline may be filled up by referring to the following authorities. (Gaius, iii. 39—76; Ulpian, *Frag.* tit. xxvii. xxix.; Dig. 37. tit. 14, 15; 38. tit. 1, 2, 3, &c.; the Index to Paulus, *Sent. Recept.*; and for Justinian's legislation, Inst. 3. tit. 8, &c.; Unterholzner, *Ueber das patronatische Erbrecht*, *Zeitschrift*, v., and the article Gens, with the references in Rein, *Das Röm. Privatrecht*, p. 285, and in Walter, *Geschichte des Röm. Rechts*, pp. 507—516, and 684—689.) [G. L.]

PAVIMENTUM. [Domus, p. 431, a; Viae.]

PAVONACEUM. [Tegula.]

PAUPE'RIE, ACTIO DE. [Pauperies.]

PAUPE'RIES was the legal term for mischief done by an animal (*quadrupes*) contrary to the nature of the animal, as if a man's ox gored another man. In such cases, the law of the Twelve Tables gave the injured person an action against the owner of the animal for the amount of the damage sustained. The owner was bound either to pay the full amount of damages or to give up the animal to the injured person (*noxae dare*). Pauperies excluded the notion of Injuria; it is defined to be "damnum sine injuria facientis factum," for an animal could not be said to have done a thing "injuria, quod sensu caret." The actio de pauperie belonged to the class of Noxales Actiones. According to the old law, if a bear got away from his master, he was not liable; because when the animal got away, it ceased to be the master's property. But the Aedile's edict declared that it was not lawful to keep a dog, boar, wild boar, bear, or lion, in any place which was a place of public resort. If this rule was violated, and any damage was done by one of these beasts to a freeman, the judex might condemn the owner in such sum as he should think to be "bonum et aequum." If damage was done to any thing else, the judex might condemn the owner in double the amount of the damage. There might also be an actio de pauperie in addition to the aedilitiae actiones. (Dig. 9. tit. 1; Inst. 4. tit. 9.) [G. L.]

PAUSA'RII, was the name given to the priests of Isis at Rome, because they were accustomed in the processions in honour of Isis to make pauses (*pausae*) at certain chapels or places, called *mansiones*, by the road's side, to sing hymns and perform other sacred rites. (Orelli, *Inscr.* n. 1885; Spartian. *Pescen. Nig.* 6, *Caracall.* 9; Salm. ad *loc.*)

The *portisculus*, or commander of the rowers in a vessel, was sometimes called *pausarius* (Sen. *Ep.* 56), because the rowers began and ceased (*pausa*) their strokes according to his commands. [Portisculus.]

PECHUS (πῆχυς). [Cubitus; Mensura.]

PECTEN (*κτείς*), a comb. The Greeks and Romans used combs made of box-wood (Brunck, *Anal.* i. 221; Ovid. *Fast.* vi. 23; Mart. xiv. 25), which they obtained, as we do, from the shores of the Euxine sea. The mountain ridge of Cytorus in Galatia was particularly celebrated for this product. (Ovid. *Met.* iv. 311.) The Egyptians had ivory combs (Apul. *Met.* xi. p. 121, ed. Aldi), which also came into use by degrees among the Romans. (Claudian, *de Nupt. Honor.* 102.) The golden comb, ascribed to the goddesses, is of course imaginary. (Callim. *in Lav. Pall.* 31.) The wooden combs, found in Egyptian tombs, are toothed on one side only; but the Greeks used them with teeth on both sides, as appears from the remains of combs found at Pompeii (Donaldson's *Pompeii*, vol. ii. pl. 78), and from the representation of three combs, exactly like our small-tooth combs, on the Amyclaean marbles. (*Memoirs relating to Turkey*, edited by Walpole, p. 452.)

The principal use of the comb was for dressing the hair (Ovid. *Amor.* i. 14. 15, *Met.* xii. 409), in doing which the Greeks of both sexes were remarkably careful and diligent. (Herod. vii. 208.) To go with uncombed hair was a sign of affliction. (Soph. *Oed. Col.* 1257.)

A comb with iron teeth was used in corn-fields to separate the grain from the straw, whilst it was yet standing. (Col. *de Re Rust.* ii. 21.) This method of reaping was called *pectinare segetem.* A painting in the sepulchral grotto of El Kab in Egypt represents a man combing flax for the purpose of separating the linseed from the stem. The rake used in making hay is called *rarus pecten* (Ovid. *Rem. Amor.* 192), because its teeth are far apart; but this may be only a poetical use of the term.

Two portions of the Greek lyre were called the combs (Eratosth. *Cataster.* 24); they may have been two rows of pegs, to which the strings were tied. The use of the comb in weaving, and the transference of its name to the plectrum, are explained under Tela. [J. Y.]

PECUA'RII, the name given to persons who pastured their cattle on the public lands (*pascua*), for which they were bound to pay a tax to the state, called Scriptura. But in the earlier times of the republic many persons supported their cattle on the public pastures without paying this tax at all, or paying less than was legally due; and hence the word *pecuarii* was frequently employed to signify those persons who thus illegally made use of the public pastures. They were often prosecuted by the aediles and fined (Ov. *Fast.* v. 283—294; Liv. x. 23, 47, xxxiii. 42, xxxv. 10; Festus, p. 238, ed. Müller.)

PECULA'TUS is properly the misappropriation or theft of public property (pecunia publica), whether it was done by a functionary or by a private person. Labeo defines it thus, "pecuniae publicae aut sacrae furtum, non ab eo factum, cujus periculo est." The person guilty of this offence was Peculator. Cicero (*de Off.* iii. 18) enumerates Peculatores with sicarii, venefici, testamentarii and fures. The origin of the word appears to be Pecus, a term which originally denoted that kind of movable property which was the chief sign of wealth. Originally trials for Peculatus were before the Populus, or before the Senate. (Liv. v. 32, xxxvii. 57, xxxviii. 54.) In the time of Cicero matters of peculatus were one of the Quaestiones perpetuae, which imply some Lex de Peculatu, and such a Lex is by some writers enumerated among the Leges Sullanae, but without stating the authority for this assertion. Two Leges relating to Peculatus are cited in the Digest, Lex Julia Peculatus and Lex Julia de Residuis (Dig. 48. tit. 13); but these may be the same Lex, though quoted as two Leges, just as the Lex Julia de Adulteriis comprised a provision De Fundo Dotali, which chapter is often quoted as if it were a separate Lex. Matters relating to sacrilege were also comprised in the Lex Julia Peculatus (*ne quis ex pecunia sacra, religiosa publicave auferat*, &c.); matters relating to the debasement of the coinage; the erasing or cancelling of tabulae publicae, &c. The Lex de Residuis applied to those who had received public money for public purposes and had retained it (*apud quem pecunia publica resedit*). The penalty under this Lex, on conviction, was a third part of the sum retained. The punishment which was originally aquae et ignis interdictio, was changed into Deportatio under the Empire: the offender lost all his rights, and his property was forfeited. (Inst. 4. tit. 18. § 9.) Under the Empire sacrilege was punished with death. A "Sacrilegus" is one who plunders public sacred places. (Rein, *Das Criminalrecht der Römer*, p. 672.) [G. L.]

PECU'LIO, ACTIO DE. [Servus.]

PECU'LIUM. [Servus.]

PECU'LIUM CASTRENSE. [Patria Potestas.]

PECU'NIA. [Nummus.]

PECU'NIA. [Heres, p. 598, a.]

PECU'NIA CERTA. [Obligationes, p. 818.]

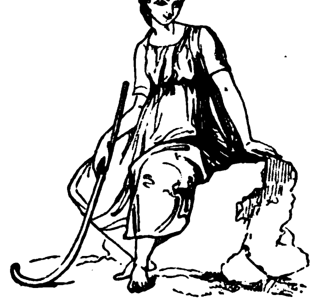
PECU'NIAE REPETUNDAE. [Repetundae.]

PEDA'NEUS JUDEX. [Judex Pedaneus.]

PEDA'RII. [Senatus.]

PEDI'SEQUI, a class of slaves, whose duty was to follow their master when he went out of his house. This name does not appear to have been given to any slave, who accompanied his master; but the pedisequi seem to have formed a special class, which was almost the lowest of all. (Nep. *Attic.* 13; Plaut. *Mil. Glor.* iv. 2. 18.) There was a similar class of female slaves, called *pedisequae.* (Plaut. *Asin.* i. 3. 31.) Compare Becker, *Gallus*, vol. i. p. 101.

PEDUM (*κορύνη, λαγωβόλος*, Theocrit. vii. 43, 128), a crook. The accompanying woodcut is taken from a painting found at Civita Vecchia. (*Ant. d'Ercolano*, vol. iii. tav. 53.) It shows the



crook in the hand of a shepherdess, who sits upon a rock, tending sheep and other cattle. (See also woodcut to Oscillum.)

On account of its connection with pastoral life the crook is continually seen in works of ancient art in the hands of Pan (Sil. Ital. *Pun.* xiii. 334), and of satyrs, fauns, and shepherds. It was also the usual attribute of Thalia, as the Muse of Pastoral poetry. (Combe, *Anc. Marbles of Br. Museum*, Part iii. pl. 5.) [J. Y.]

PEGMA (πῆγμα), a pageant, *i. e.* an edifice of wood, consisting of two or more stages (*tabulata*), which were raised or depressed at pleasure by means of balance-weights (*ponderibus reductis*, Claudian, *de Mallii Theod. Cons.* 323—328; Sen. *Epist.* 89). These great machines were used in the Roman amphitheatres (Juv. iv. 121; Mart. i. 2. 2; Sueton. *Claud.* 34), the gladiators who fought upon them being called *pegmares*. (*Calig.* 26.) They were supported upon wheels so as to be drawn into the circus, glittering with silver and a profusion of wealth. (Plin. *H. N.* xxxiii. 3. s. 16.) At other times they exhibited a magnificent though dangerous (Vopisc. *Carin.* 15) display of fireworks. (Claudian, *l. c.*) Accidents sometimes happened to the musicians and other performers who were carried upon them. (Phaedr. v. 7. 7.)

The pegmata mentioned by Cicero (*ad Att.* iv. 8) may have been movable book-cases. [J. Y.]

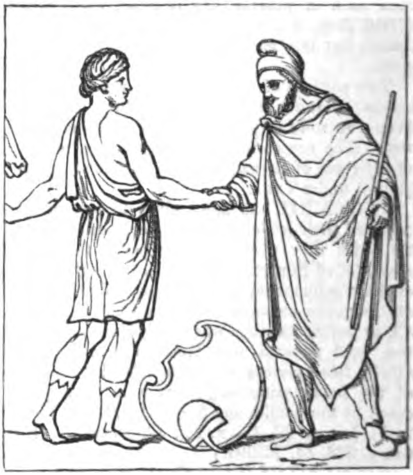
PEGMARES. [Pegma.]

PELATAE (πελάται), are defined by Pollux (iii. 82) and other authorities to be free labourers working for hire, like the θῆτες, in contradistinction to the Helots and Penestae, who were bondsmen or serfs, having lost their freedom by conquest or otherwise. Aristotle (*ap. Phot. s. v.* Πελάται) thus connects their name with πέλας: Πελάται, he says, from *πέλας, οἷον ἔγγιστα διὰ πενίαν προσιόντες*: *i. e.* persons who are obliged by poverty to attach themselves to others. Timaeus (*Lex Plat. s. v.*) gives the same explanation. Πελάτης, *ὁ ἀντὶ τροφῶν ὑπηρετῶν καὶ προσπελάζων.* In the later Greek writers, such as Dionysius of Halicarnassus, and Plutarch, the word is used for the Latin cliens, though the relations expressed by the two terms are by no means similar. Plutarch (*Ages.* c. 6) also uses the word rather loosely for Helots, and we are told of a nation of Illyrians (the Ardiaei) who possessed 300,000 Prospelatae, compared by Theopompus (*ap. Ath.* vi. p. 271, d. e.) with the Helots of Laconia. (Müller, *Dor.* iii. 4. § 7; Wachsmuth, *Hellen. Alterthumsk.* vol. i. pp. 361, 811, 2d ed.; Hermann, *Griech. Staatsalterth.* § 101, n. 9.) [R. W.]

PELLEX. [Concubina.]

PELLIS (δέρμα, δορά), the hide or skin of a quadruped. Before weaving was introduced into Europe there is reason to believe that its inhabitants were universally clothed in skins. The practice continued among the less civilised nations (Virg. *Georg.* iii. 383; Tacit. *Germ.* 17, 46; Ovid, *Trist.* iii. 10. 19), and is often ascribed by the poets to heroes and imaginary beings [Comp. Aegis; Nebris.] The term *σισύρα* or *σισύρνα*, denoted an article of domestic furniture, which was made by sewing together several goat-skins with the hair on. (Schol. *in Aristoph. Aves*, 122.) The sheep-skin (*ὂϊα, νάκος, διφθέρα*) was worn not only by the Lacedaemonian helots, but frequently by the laborious poor, as is still the case in many parts of Europe. The lamb-skin was called *ἀρνακίς*, and a dress, supposed to have had a sheepskin sewed to it below, *κατωνάκη*.

PELTA (πέλτη), a small shield. Iphicrates, observing that the ancient Clipeus was cumbrous and inconvenient, introduced among the Greeks a much smaller and lighter shield, from which those who bore it took the name of *peltastae*. [Exercitus, p. 487, b.] It consisted principally of a frame of wood or wickerwork (Xen. *Anab.* ii. 1. § 6), covered with skin or leather, without the metallic rim. [Antyx.] (Timaeus, *Lex. Plat. s. v.*) Light and small shields of a great variety of shapes were used by numerous nations before the adoption of them by the Greeks. The round target or *cetra* was a species of the Pelta, and was used especially by the people of Spain and Mauritania. [Cetra.] The Pelta is also said to have been quadrangular. (Schol. *in Thucyd.* ii. 29.) A light shield of similar construction was part of the national armour of Thrace (Thucyd. ii. 29; Eurip. *Alces.* 516, *Rhes.* 407; Max. Tyr. *Diss.* vii.) and of various parts of Asia, and was on this account attributed to the Amazons, in whose hands it appears on the works of ancient art sometimes elliptic, as in the bronzes of Siris (woodcut, p. 712), and at other times variously sinuated on the margin, but most commonly with a semicircular indentation on one side (*lunatis peltis*, Virg. *Aen.* i. 490, xi. 663). An elegant form of the pelta is exhibited in the annexed woodcut, taken from a sepulchral urn in the Capitoline Museum at Rome, and representing Penthesileia, Queen of the Amazons, in the act of offering aid to Priam.



PELTASTAE. [Exercitus, p. 487, b.; Pelta.]

PENATES. See *Dict. of Gr. and Rom. Biogr. and Myth.*

PENESTAE (πενέσται), probably from *πένεσθαι*, *operari*. (Dionys. ii. 9.) The Penestae of Thessaly are generally conceived to have stood in nearly the same relation to their Thessalian lords as the Helots of Laconia did to the Dorian Spartans, although their condition seems to have been on the whole superior. (Plat. *Leg.* vi. p. 776.) They were the descendants of the old Pelasgic or Aeolian inhabitants of Thessaly proper, and the following account is given of them by an author called Archemachus, in his Euboica. (Athen. vi. p. 264.) "The Aeolian Boeotians who did not emigrate when their country Thessaly was conquered by the Thessalians (compare Thuc. i. 12), surrendered themselves to the victors on condition that they should not be carried out of the country (whence, he adds, they were formerly called *Μενέσται*, but afterwards *Πενέσται*), nor be put to death, but should cultivate the land for the new owners of the soil, paying by way of rent a portion of the produce of it: and many of them are richer than their masters." They were also called *Λάτρεις*. It appears then that they occupied an intermediate position between freemen and purchased slaves, being reduced to servitude by conquest, and resembling, in their fixed payments, the *'Εκτημόριοι* of Attica. Moreover, they were not subject to the whole community, but belonged to particular houses, whence also they were called *Θεσσαλοικέται*. They were very numerous, for instance, in the families of the Aleuadae and Scopadae. (Theocr. xvi. 35; Müller, *Dor.* iii. 4. § 6.) We may add that amongst the Thessalian Penestae Theopompus includes the descendants of the conquered Magnesians and Perrhaebians (Athen. vi. p. 265), a statement which can only apply to a part of these nations, as, though reduced to dependence, they were not made entirely subject. (Herod. viii. 132; Müll. *l. c.*)

From a passage in Demosthenes (*c. Arist.* 687, 1) it appears that the Penestae sometimes accompanied their masters to battle, and fought on horseback, as their knights or vassals: a circumstance which need not excite surprise, as Thessaly was so famous for cavalry. The Penestae of Thessaly also resembled the Laconian Helots in another respect; for they often rose up in arms against their lords. (Arist. *Pol.* ii. 6.) There were Penestae amongst the Macedonians also. (Müller, *l. c.*; Wachsmuth, *Alterthumsk. Hellen.* vol. i. pp. 177, 402, 403, 642, 2d ed.; Thirlwall, *Hist. of Greece*, vol. i. p. 437; Clinton, *Fast. Hell.* Appendix, c. 22.) [R. W.]

PENICILLUS. [Pictura, No. VI.]

PENTACOSIOMEDIMNI. [Census, p. 266, a.]

PENTADORON. [Later.]

PENTAETE'RIS (*πενταετηρίς*). [Olympia, p. 829, b.]

PENTALITHUS (*πεντάλιθος*). [Gymnasium, p. 582, a; Talus.]

PENTASPASTON. [Machina.]

PENTATHLON (*πένταθλον*, *quinquertium*) was next to the pancratium the most beautiful of all athletic performances. (Herod. ix. 33; Paus. iii. 11. § 6.) It does not appear to have been known in the heroic ages of Greece, although Apollodorus (ii. 4. § 4), according to the usual practice of later times, describes Perseus as killing Acrisius in the pentathlon, and although its invention was attributed to Peleus. (Schol. *ad Pind. Nem.* vii. 11.) These accounts are fabulous; the pentathlon was not practised until the time when the great national games of Greece began to flourish. The persons engaged in it were called pentathli (*πένταθλοι*, Herod. ix. 75; Paus. i. 29. § 4). The pentathlon consisted of five distinct kinds of games, viz. leaping (*ἅλμα*), the foot-race (*δρόμος*), the throwing of the discus (*δίσκος*), the throwing of the spear (*σίγυννος* or *ἀκόντιον*), and wrestling (*πάλη*) (Schol. *ad Plat. Amat.* p. 135; Simonides *in Anthol. Palat.* vol. ii. p. 626, ed. Jacobs), which were all performed in one day and in a certain order, one after the other, by the same athletae. (Schol. *ad Soph. El.* 691; Paus. iii. 11. § 6.) The pentathlon was introduced in the Olympic games in Ol. 18, and we may presume that soon after this it was also introduced at the other national games, as well as at some of the less important festivals, such as the Erotidia in Thespiae. (Böckh, *Corp. Inscript.* n. 1590.)

The order in which the different games of the pentathlon followed one another has been the subject of much discussion in modern times. The most probable opinion, however, is Böckh's (*Comment. ad Pind. Nem.* vii. 71, &c.), which has been adopted by Dissen, Krause, and others, although G. Hermann has combated it in a little work called *De Sogenis Aeginetae victoria quinquert.* Lipsiae 1822. The order adopted by Böckh is as follows: — 1. The *ἅλμα*. This was the most prominent part of the pentathlon, and was sometimes used to designate the whole game. It was accompanied by flute-music. (Paus. v. 7. § 4, v. 17. § 4.) Other writers, as Pausanias himself (vi. 14. § 5) and Plutarch (*De Mus.* c. 26) speak as if the whole pentathlon had been accompanied by the flute, but in these passages the whole game seems to be mentioned instead of that particular one which formed the chief part of it. 2. The foot-race. 3. The discus. 4. The throwing of the spear. 5. Wrestling. In later times, probably after Ol. 77, the foot-race may have been the fourth game instead of the second, so that the three games which gave to the pentathlon its peculiar character, viz. leaping, discus, and the spear, preceded the foot-race and wrestling, and thus formed the so-called *τριαγμός*. The foot-race of the pentathlon was probably the simple stadion or the diaulos, and not a race in armour as has been supposed by some; for the statues of the victors in the pentathlon are never seen with a shield but only with the halteres, besides which it should be remembered that the race in armour was not introduced at Olympia until Ol. 65 (Paus. v. 8. § 3), while the pentathlon had been performed long before that time. It is moreover highly improbable that even after Ol. 65 the race in armour should have formed a part of the pentathlon. In Ol. 38 the pentathlon for boys was introduced at Olympia, but it was only exhibited this one time and afterwards abolished. (Paus. v. 9. § 1.)

In leaping, racing, and in throwing the discus or spear, it was easy enough to decide who won the victory, even if several athletae took part in it and contended for the prize simultaneously. In wrestling, however, no more than two persons could be engaged together at a time, and it is not clear how the victory was decided, if there were several pairs of wrestlers. The arrangement probably was, that if a man had conquered his antagonist, he might begin a fresh contest with a second, third, &c., and he who thus conquered the greatest number of adversaries was the victor. It is difficult to conceive in what manner the prize was awarded to the victor in the whole pentathlon; for an athlete might be conquered in one or two games and be victorious in the others, whereas it can have occurred but seldom that one and the same man gained the victory in all the five. Who of the pentathli then was the victor? Modern writers have said that the prize was either awarded to him who had been victorious in all the five games, or to the person who had conquered his antagonist in at least three of the games; but nothing can be determined on this point with any certainty. That the decision as to who was to be rewarded was considered difficult by the Greeks themselves, seems to be implied by the fact that at Olympia there were three hellanodicae for the pentathlon alone. (Paus. v. 9. § 5.)

As regards the *τριαγμός* mentioned above, several statements of ancient writers suggest, that the whole of the pentathlon was not always performed regularly and from beginning to end; and the words by which they designate the abridged game, *τριαγμός*, *ἀποτριάζειν*, and *τρισὶ περιεῖναι*, lead us to suppose that the abridged contest only consisted of three games, and most probably of those three which gave to the pentathlon its peculiar character, viz. leaping and throwing the discus and the spear. (Dion Chrysost. Διογ. i. p. 279, ed. Reiske; Schol. *ad Aristid. ap. Phot. Cod.* p. 409, Bekker; Müller, *Ancient Art and its Rem.* § 423. 3.) The reason for abridging the pentathlon in this manner may have been the wish to save time, or the circumstance that athletae who had been conquered in the first three games were frequently discouraged, and declined continuing the contest. When the triagmos was introduced at Olympia is not mentioned any where, but Krause infers with great probability from Pausanias (v. 9. § 3) that it was in Ol. 77.

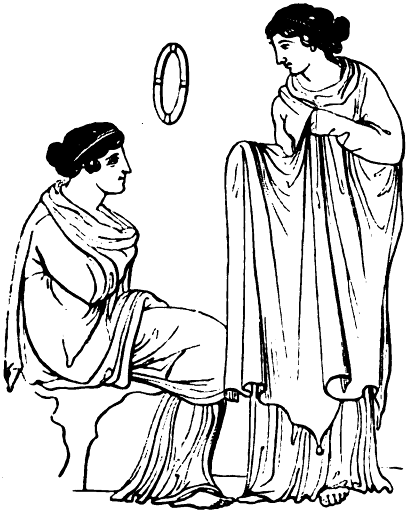
The pentathlon required and developed very great elasticity of all parts of the body, whence it was principally performed by young men (Schol. *ad Plat. Amat.* p. 135, d, &c.); and it is probably owing to the fact, that this game gave to all parts of the body their harmonious development, that Aristotle (*Rhet.* i. 5) calls the pentathli the most handsome of all athletae. The pentathlon was for the same reason also regarded as very beneficial in a medical point of view, and the Elean Hysmon, who had from his childhood suffered from rheumatism, was cured by practising the pentathlon, and became one of the most distinguished athletae. (Paus. vi. 3. § 4.) (Compare G. Fr. Philipp, *De Pentathlo sive Quinquertio Commentatio*, Berlin, 1827; Krause, *Gymnastik und Agonistik der Hellenen*, pp. 476—497.) [L. S.]

PENTECO′NTERUS (*πεντηκόντορος*). [Navis, p. 784, a.]

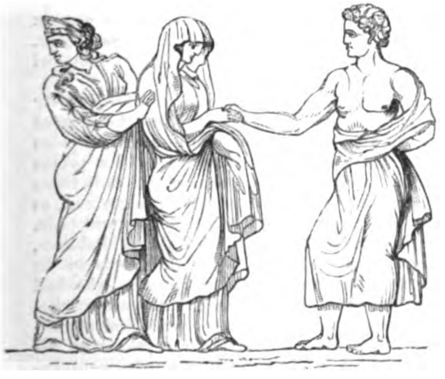
PENTECOSTE (*πεντηκοστή*), a duty of two per cent. levied upon all exports and imports at Athens. (Harpocr. *s. v.* Πεντηκοστή.) Thus, it was levied on corn (Demosth. *c. Neaer.* 1353); which, however, could only be imported, exportation being prohibited by law (Demosth. *c. Lacr.* 941); and also on woollen cloth, and other manufactured goods. (Demosth. *c. Mid.* 558.) On imports the duty was payable on the unloading (Demosth. *c. Lacr.* 932); on exports, probably, when they were put on board. The money was collected by persons called *πεντηκοστολόγοι*, who kept a book in which they entered all customs received. Demosthenes refers to their entry (*ἀπογραφή*), to prove that a ship was not laden with more than a certain quantity of goods. (*c. Phorm.* 909.) The merchant who paid the duty was said *πεντηκοντεύεσθαι*. All the customs appear to have been let to farm, and probably from year to year. They were let to the highest bidders by the ten *πωληταί*, acting under the authority of the senate. The farmers were called *τελῶναι*, and were said *ὠνεῖσθαι τὴν πεντηκοστήν*. They might either collect the duty themselves, or employ others for that purpose. Several persons often joined together in the speculation, in which case the principal, in whose name the bidding took place, and who was responsible to the state, was called *ἀρχώνης* or *τελωνάρχης*. Sureties were usually required. (Demosth. *c. Timocr.* 713; Andoc. *de Myst.* 17, ed. Steph.) Whether the customs on different articles of merchandise were farmed altogether, or separately, does not appear. The corn-duty at least was kept distinct (Demosth. *c. Neaer.* 1353): and this was the case with another tax. (Aesch. *c. Timarch.* 16.) With respect to the amount of the revenue derived from this source, the reader may consult Böckh (*Publ. Econ. of Athens*, p. 315, &c., 2d ed.). The *πεντηκοστή* has been thought by some to be the same with the *ἐλλιμένιον*, mentioned by Pollux (viii. 132, ix. 30), but this was more probably a duty paid for the use of the harbour, whether goods were unladen or not; and was perhaps the same as the *ἑκατοστή*, mentioned by Xenophon (*de Rep. Ath.* i. 17) as being paid by foreign ships entering the Peiraeeus, and alluded to by Aristophanes. (*Vesp.* 658.) Böckh's conjecture, that, besides a personal harbour due, a duty was levied of one per cent. on all the goods on board, appears less probable; for it would be unreasonable to exact a customs duty on goods not landed; and, if they were to be landed, why should the *πεντηκοστή* be required in addition to the *ἑκατοστή*. [C. R. K.]

PENTECOSTYS (*πεντηκοστύς*). [Exercitus, p. 483, a.]

PEPLUM (*πέπλος*), a shawl, differing from the Chlamys in being much larger, and from the Pallium in being finer and thinner and also considerably larger. It was sometimes used as a cover to protect valuable articles of furniture (Hom. *Il.* v. 194) or to adorn a throne (*Od.* vii. 96), but most commonly as a part of the dress of females (Hom. *Il.* v. 315, 734, 735, viii. 384, *Od.* xv, 123—128, *ἑανός*, *Il.* xiv. 178; Eurip. *Hec.* 1013, *Med.* 791; Theocrit. i. 33); although instances occur, even among the Greeks, in which it is worn by the other sex, unless we suppose the term to be in these instances improperly put for *φᾶρος*. (Eurip. *Ion*, 1033; Theocrit. vii. 17.) In Persia and other Eastern countries the shawl was no doubt worn anciently, as it is at the present day, by both sexes. (Aeschyl. *Pers.* 204, 474, 1030, 1061.) Also in Bacchanalian processions it was worn by men both in allusion to Oriental habits, and because they then avowedly assumed the dress of females. (Eurip. *Bacch.* 783—791.) Women of high rank wore their shawls so long as to trail upon the ground. (*Τρωάδας ἑλκεσιπέπλους*, Hom. *Il.* vi. 442; *Ἑλένη τανύπεπλος*, *Od.* iv. 305.) Like all other pieces of cloth used for the Amictus, it was often fastened by means of a brooch [Fibula] (Soph. *Trach.* 920; Callim. *Lav. Pall.* 70; Apollon. Rhod. iii. 833), and was thus displayed upon the statues of female divinities, such as Diana (Brunck, *Anal.* iii. 206) and the goddess Rome. (Sidon. Apollin. *Carm.* v. 18.) It was, however, frequently worn without a brooch in the manner represented in the annexed woodcut, which is copied from one of Sir Wm. Hamilton's vases (vol. iii. pl. 58). Each of the females in this group wears a shift falling down to her feet [Tunica],



and over it an ample shawl, which she passes entirely round her body and then throws the loose extremity of it over her left shoulder and behind her back, as is distinctly seen in the sitting figure. The shawl was also often worn so as to cover the head while it enveloped the body, and more especially on occasion of a funeral (see woodcuts, p. 557), or of a marriage, when a very splendid shawl (*παστός*, 1 *Maccab.* i. 27) was worn by the bride. The following woodcut (from Bartoli, *Admir. Rom. Ant.* pl. 57) may be supposed to represent the moment when the bride, so veiled, is delivered to her husband at the door of the nuptial chamber. He wears the PALLIUM only; she has a long shift beneath her shawl, and is supported by the pronuba.



Thus veiled the poets represented Aurora and Night, but with this difference, that the one arose expanding a shawl dyed with saffron (*κροκόπεπλος Ἠὼς*, Hom. *Il.* viii. 1, xxiii. 227), whereas a black one enveloped the other (*μελάμπεπλος Νὺξ*, Eurip. *Ion*, 1150).

Of all the productions of the loom shawls were those on which the greatest skill and labour were bestowed. So various and tasteful were the subjects which they represented, that poets delighted to describe them. The art of weaving them was entirely Oriental (*βαρϐάρων ὑφάσματα*, Eurip. *Ion*, 1159); those of the most splendid dyes and curious workmanship were imported from Tyre and Sidon (Hom. *Il.* vi. 289—294): a whole book was written by Polemo "*Concerning the Shawls at Carthage.*" (Athen. xii. p. 541.) Hence "Shawls" (*πέπλοι*, Clem. Alex. *Strom.* vi. 1. p. 736, ed. Potter) was one of the titles of works of an imaginative or descriptive character, and was adopted to intimate the variety of their subjects and the beautiful mode of displaying them. A book, intended to depict some of the characters in the Iliad, and denominated "The Shawl," was ascribed to Aristotle. (Eustath. *in Il.* ii. 557.) Varro also wrote a *Peplography* (*πεπλογραφία*, Cic. *ad Att.* xvi. 11.) As a specimen of the subjects delineated a shawl may be mentioned, which exhibited the frame of the world. (Mart. Capella, L. vi. in Mattaire's *Corpus Poetarum*, vol. ii. p. 1446.) Euripides describes one which represented the sun, moon, and stars, and which, with various others containing hunting-pieces and a great variety of subjects, belonged to the temple of Apollo at Delphi, and was used to form a magnificent tent for the purpose of an entertainment (*Ion*, 1141—1162); for it is to be observed, that stores of shawls were not only kept by wealthy individuals (Hom. *Od.* xv. 104—108), but often constituted a very important part of the treasures of a temple (Eurip. *Ion*, 329, 330), having been presented to the divinity on numerous occasions by suppliants and devotees. (Hom. *Il.* vi. 271—304; Virg. *Aen.* i. 480, *Cir.* 21—35.) [Compare DONARIA; PANATHENAEA; PASTOPHORUS.] [J. Y.]

PER CONDICTIO'NEM. This Legis Actio, says Gaius, was so called because the plaintiff gave notice to the defendant to be present on the thirtieth day after the notice in order that a judex might be appointed. (Comp. Gell. x. 24.) It was an actio in personam and applicable to those cases in which the plaintiff required the defendant to give something (*qua intendit dari oportere*). This Legis Actio was introduced by a Lex Silia in the case of a fixed sum of money (*certa pecunia*), and by a Lex Calpurnia in the case of any definite thing. Gaius observes that it does not appear why this form of action was needed, for in a case of "dari oportere" there was the Sacramentum, and the Per Judicis postulationem. The name Condictio was applied to actiones in personam, after the legis actiones fell into disuse, though improperly, for the notice (*denuntiatio*) whence the legis actio took its name was discontinued. (Gaius, iv. 18, &c.) [G. L.]

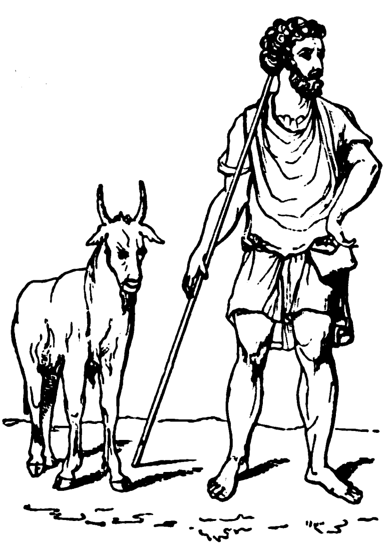
PER JUDICIS POSTULATIO'NEM was one of the Legis Actiones. The passage in Gaius is wanting in which this form of action is described. There are some remarks on this Actio by Puchta, *Inst.* ii. § 154, 162. [G. L.]

PER MANUS INJECTIO'NEM. [MANUS INJECTIO.]

PER PI'GNORIS CAPIO'NEM or CAPTIO'NEM. This was one of the Legis Actiones or old Forms of procedure, which in some cases was founded on custom (*mos*), in others on enactments (*lex*). It was founded on military usage in the following cases. A soldier might seize as a pledge (*pignus capere*) anything belonging to the person who had to furnish the aes militare, in case he did not make the proper payments; he might also make a seizure in respect of the money due to him for the purchase of a horse (*aes equestre*), and also in respect of the allowance for the food of his horse (*aes hordearium*), upon what belonged to the person whose duty it was to make the payment. Originally, such payments were fixed upon particular persons, and not made out of the Aerarium (Liv. i. 43; Gaius, iv. 27). The Law of the Twelve Tables allowed a pignoris capio in respect of pay due for the hire of a beast, when the hire money was intended for a sacrifice. By a special law (the name is not legible in the MS. of Gaius) the publicani had the right pignoris capionis in respect of vectigalia publica which were due by any lex. The thing was seized (*pignus capiebatur*) with certain formal words, and for this reason it was by some considered to be a legis actio. Others did not allow it to be a legis actio, because the proceeding was extra jus, that is, not before the Praetor, and generally also in the absence of the person whose property was seized. The pignus could also be seized on a dies nefastus, or one on which a legis actio was not permitted.

It appears from a passage of Gaius, in which he speaks of the legal fiction that was afterwards introduced into the Formula by which the publicani recovered the vectigalia, that the thing seized was only taken as a security and was redeemed by payment of the sum of money in respect of which it was seized. In case of non-payment, there must however have been a power of sale, and accordingly this pignoris capio resembled in all respects a pignus proper, except as to the want of consent on the part of the person whose property was seized. It does not appear whether this legis actio was the origin of the law of pledge, as subsequently developed; but it seems not improbable. (Gaius, iv. 26, &c.; Cic. *Verr.* iii. 11; *Pignoris capio*, Gell. vii. 10.) [G. L.]

PERA, dim. PE'RULA (πήρα), a wallet, made of leather, worn suspended at the side by rustics and by travellers to carry their provisions (Mart. xiv. 81) and adopted in imitation of them by the Cynic philosophers. (Diog. Laert. vi. 13; Brunck, *Anal.* i. 223, ii. 22, 28; Auson. *Epig.* 53.) The preceding woodcut is the representation of a goatherd with his staff and wallet from the column of Theodosius, formerly at Constantinople. (Menestrier, *Description de la Col. Hist. Par.* 1702. pl. 16.) [J. Y.]



PERDUE'LLIO. [Majestas, p. 725.]

PERDUELLIO'NIS DUU'MVIRI were two officers or judges appointed for the purpose of trying persons who were accused of the crime of perduellio. Niebuhr believes that they were the same as the quaestores parricidii, and Walter (*Gesch. des Röm. Rechts*, p. 24. note 19) agrees with him, though in a later part of his work (p. 855. note 20) he admits that they were distinct. It appears from a comparison of the following passages, — Liv. i. 26; Dig. i. tit. 2. s. 2. § 23; Fest. *s. v. Parici* and *Sororium*, — either that some of the ancient writers confound the duumviri perduellionis and the quaestores parricidii, or that, at least during the kingly period, they were the same persons; for in giving an account of the same occurrence, some writers call the judges quaestores parricidii, while others call them duumviri perduellionis. After the establishment of the republic, however, there can be no doubt that they were two distinct offices, for the quaestores were appointed regularly every year, whereas the duumviri were appointed very rarely and only in cases of emergency, as had been the case during the kingly period. (Liv. ii. 41, vi. 20; Dion Cass. xxxvii. 27.) Livy (i. 26) represents the duumviri perduellionis as being appointed by the kings, but from Junius Gracchanus (Dig. 1. tit. 13. s. 1; compare Tacit. *Annal.* xi. 22) it appears that they were proposed by the king and appointed by the populus (*reges populi suffragio creabant*). During the early part of the republic they were appointed by the comitia curiata, and afterwards by the comitia centuriata, on the proposal of the consuls. (Dig. 1. tit. 2. s. 2. § 23; Cic. *pro Rabir.* 4, &c.) In the case of Rabirius (B. C. 63), however, this custom was violated, as the duumviri were appointed by the praetor instead of by the comitia centuriata. (Dion Cass. *l. c.*; Cic. *l. c.*; Suet. *Caes.* 12.) In the time of the emperors no duumviri perduellionis were ever appointed.

The punishment for those who were found guilty of perduellio was death; they were either hanged on the *arbor infelix* or thrown from the Tarpeian rock. But when the duumviri found a person guilty, he might appeal to the people (in early times the populus, afterwards the comitia centuriata), as was done in the first case which is on record (Liv. i. 26), and in the last, which is that of Rabirius, whom Cicero defended before the people in an oration still extant. Marcus Horatius who had slain his sister, was acquitted, but was nevertheless obliged to undergo some symbolical punishment, as he had to pass under a yoke with his head covered. The house of those who were executed for perduellio, was razed to the ground, and their relatives were not allowed to mourn for them. (Dig. 3. tit. 2. s. 11. § 3; comp. Becker, *Handbuch der Röm. Alterth.* ii. 2. p. 329, &c.) [L. S.]

PEREGRI'NUS. [Civitas (Roman.)]

PE'RGULA, appears to have been a kind of booth or small house, which afforded scarcely any protection except by its roof, so that those who passed by could easily look into it. It served both as a workshop (Dig. 5. tit. 1. s. 19) and a stall where things were exhibited for sale. We find, for instance, that painters exhibited their works in a pergula that they might be seen by those who passed by (Lucil. *ap. Lactant.* i. 22), and Apelles is said to have concealed himself in his pergula behind his pictures that he might overhear the remarks of those who looked at them. (Plin. *H. N.* xxxv. 36. § 12.) Such places were occupied by persons, who, either by working or sitting in them, wished to attract the attention of the public. (Salmas. *ad Script. Hist. Aug.* pp. 458, 459.) Hence we find them inhabited by poor philosophers and grammarians who gave instruction and wished to attract notice in order to obtain pupils. (Suet. *Aug.* 94, *de Illustr. Grammat.* 18; Flav. Vopisc. *Saturnin.* 10; Juven. xi. 137.)

It should be observed that scholars do not agree as to the real meaning of pergula: Scaliger (*ad Plaut. Pseud.* i. 2. 79) describes it as a part of a house built out into the street, as in some old houses of modern times; Ernesti (*ad Suet. Aug.* 94) thinks that a pergula is a little room in the upper part of a house which was occasionally used by poor philosophers as an observatory. But neither of these two definitions is so applicable to all the passages in which the word occurs as that which we have proposed. [L. S.]

PERIACTOS (*περίακτος*), a theatrical machine, consisting of three scenes, placed in the form of a triangle (or rather, triangular prism) on a revolving platform, so that, by simply turning the machine, the scene could be changed. It was chiefly used when a god was to be introduced with the accompaniment of thunder. The name was also applied to the space which was provided for the machine in the erection of the theatre. (Vitruv. v. 7; Pollux, iv. 126.) [P. S.]

PERIDEIPNON (*περίδειπνον*). [FUNUS, p. 557, b.]

PERIDRO'MIDES. [XYSTUS.]

PERIOECI (*περίοικοι*). This word properly denotes the inhabitants of a district lying around some particular locality, but is generally used to describe a dependent population, living without the walls or in the country provinces of a dominant city, and although personally free, deprived of the enjoyment of citizenship, and the political rights conferred by it. The words *σύνοικοι* and *μέτοικοι* have an analogous meaning.

A political condition such as that of the Perioeci of Greece, and like the vassalage of the Germanic nations, could hardly have originated in anything else than foreign conquest, and the Perioeci of Laconia furnish a striking illustration of this. Their origin dates from the Dorian conquest of the Peloponnesus, when the old inhabitants of the country, the Achaians, submitted to their conquerors on certain conditions, by which, according to Ephorus (Strab. viii. p. 364), they were left in possession of their private rights of citizenship (*ἰσοτιμία*), such as the right of intermarriage with the Dorians, and also of their political franchise. They suffered indeed a partial deprivation of their lands, and were obliged to submit to a king of foreign race, but still they remained equal in law to their conquerors, and were eligible to all offices of state except the sovereignty. *Ἰσόνομοι μετέχοντες καὶ πολιτείας καὶ ἀρχείων.* (Arnold. *Thucyd.* vol. i. p. 641.) But this state of things did not last long: in the next generation after the conquest, either from the lust of increased dominion on the part of the Dorians, or from an unsuccessful attempt by the Achaians to regain their independence, the relation between the two parties was changed. The Achaians were reduced from citizens to vassals; they were made tributary to Sparta (*συντελεῖς*), and their lands were subjected to a tax, perhaps not so much for the sake of revenue as in token of their dependence (Ephor. *l. c.*); they lost their rights of citizenship (*ἰσοτιμία*), such as that of intermarriage with the Dorians, the right of voting in the general assembly, and their eligibility to important offices in the state, such as that of a senator, &c. It does not, however, appear that the Perioeci (especially in the Historic times) were generally an oppressed people, though kept in a state of political inferiority to their conquerors. On the contrary, the most distinguished amongst them were admitted to offices of trust (Thucyd. viii. 61), and sometimes invested with naval command (Id. viii. 22), but probably only because they were better suited for it than the Spartans themselves, who did not set a high value on good sailorship. Moreover, the Perioeci sometimes served as heavy-armed soldiers or troops of the line: at the battle of Plataeae, for instance, they supplied 10,000 men, 5000 hoplites and 5000 light-armed (Herod. ix. 61), a circumstance which seems to imply a difference of rank connected with a difference of occupation amongst the Perioeci themselves. Again, at Sphacteria 292 prisoners were taken, of whom 120 were Spartans and the rest *περίοικοι*. (Müller, iii. 2. § 3.) We also read of *καλοὶ κἀγαθοί*, "or accomplished and well-born" gentlemen, amongst the Perioeci serving as volunteers in the Spartan service. (Xen. *Hell.* v. 3. § 9.) But still it is not to be expected, it is not natural, that men competent to the discharge of high functions in a state, and bearing its burdens, should patiently submit to an exclusion from all political rights. Accordingly we find, that on the rising of the Helots in B. C. 464, some of the Perioeci joined them. (Thucyd. i. 101.) When the Thebans invaded Laconia (B. C. 369), the Perioeci were ready to help them. (Xen. *Hell.* vi. 5. § 25.) In connection with the insurrection of Cinadon we are told that the Perioeci were most bitter against the ruling Spartans. (Id. iii. 3. § 6.) From these and other facts (Clin. *F. H.* Append. xxii.) it appears that the Perioeci of Laconia, if not an oppressed, were sometimes a disaffected and discontented class; though in cases of strong excitement, or of general danger to the whole of Greece, they identified themselves with their conquerors. The very relation indeed which subsisted between them was sufficient to produce in Sparta a jealousy of her subjects, with corresponding feelings on their part. Nor can we suppose that the Dorians would willingly permit the Perioeci to acquire strength and opulence, or even to settle in large towns. (Thirlwall, *Hist. of Greece*, vol. i. p. 307.) In fact it is stated by Isocrates (*Panath.* p. 307), that the Dorians intentionally weakened the Achaians by dispersing them over a great number of hamlets, which they called *πόλεις*, though they were less powerful than the country parishes of Attica, and were situated in the most unproductive parts of Laconia, the best land of which was reserved for the Spartans. It is not, however, necessary to understand the orator as speaking of a uniform practice; and another of his statements, to the effect that the Ephori could put any of the Perioeci to death (p. 271) without trial, is either a perversion of the truth, or arose from his confounding the Perioeci with the Helots.

Still the grievances of the Perioeci were not after all intolerable, nor do they seem to have been treated with wantonness or insolence. The distance at which many of them lived from Sparta, must have rendered it impossible for them to share in the administration of the state, or to attend the public assemblies; a circumstance which must in some measure have blunted their sense of their political inferiority. Nor were they subjected to the restraints and severe discipline which the necessity of maintaining their political supremacy imposed upon the Spartans, making them more like an "army of occupation in a conquered country," or a "beleagured garrison," than a society of men united for civil government and mutual advantage. By way of compensation, too, the Perioeci enjoyed many advantages (though not considered as privileges) which the Spartans did not. The trade and manufactures of the country were exclusively in their hands, and carried on by them with the more facility and profit as they occupied maritime towns. The cultivation of the arts also, as well in the higher as in the lower departments, was confined to the Perioeci, the Spartans considering it beneath themselves; and many distinguished artists, such as embossers and brass-founders, were found in the Laconian schools, all of whom were probably Perioeci. (Müller, *Dor.* iii. 2. § 3.) Nor is there wanting other evidence, though not altogether free from doubts, to show that the Spartan provincials were not in the least checked or shackled in the development of their intellectual powers. (Thirlwall and Müller, *ll. cc.*) Moreover, it seems natural to suppose that they enjoyed civil rights in the communities to which they belonged, and which otherwise would scarcely have been called *πόλεις*; but whether or no these cities had the power of electing their own chief magistrate is a matter of conjecture. Ephorus, indeed (*l. c.*), informs us that on the conquest of the Peloponnesus by the Dorians, they divided the country of Laconia into six districts, four of which were left in the possession of the Achaians, and governed by magistrates sent from Sparta; but we do not know how long this practice lasted, nor can we draw any conclusions with respect to the government of Laconia in general from the example of Cythera, to which a Spartan officer was annually sent under the peculiar title of Κυθηροδίκης, or the "Justice of Cythera."

The number of Laconian (as they are called) or subject cities, is said to have formerly amounted to 100. (Strab. viii. p. 362.) Several of them lay on the coast, as Gythium, the port of Sparta; whence the whole coast of Laconia is called *ἡ περιοικίς*. (Thucyd. iii. 16.) Many, however, lay more inland, as Thuria (Thucyd. i. 101) and Cardamyle, which seems to have belonged to the old Messenia. The inhabitants of the district of Sciros (*ἡ Σκιρῖτις*), on the confines of Arcadia, seem to have been distinct from the other Perioeci (Xen. *Hell.* v. 2. § 24), and in battle were posted by themselves on the left wing. (Thucyd. v. 67.) An enumeration of the principal of these cities is given in Clinton. (*Fast. Hell.* App. c. 22.) The Perioeci also occupied the island of Cythera, at the port of which the Lacedaemonian merchants usually put in, on their voyages home from Egypt and Libye. (Thucyd. iv. 53, vii. 57.) We have said that the Perioeci living in these towns were the descendants of the old inhabitants of the country, but we must not suppose they were exclusively so. Some of them on the contrary were foreigners, who had either accompanied the Dorians on their invasion of Laconia, or been afterwards invited by them to supply the place of the dispossessed Achaians. One of these cities, Boia, is even said to have been founded by a Heracleid chief (Strab. p. 364); and another, Geronthrae, was peopled by colonists sent from Sparta, after it was evacuated by the old inhabitants. (Paus. iii. 22. § 5.)

The number of Perioeci in the Persian war is thus determined by Clinton (*l. c.*): — "At the battle of Plataeae in B. C. 479, the Perioeci supplied 10,000 men. If we assume this proportion to be the same as that which the Spartan force bore to the whole number on the same occasion, or five-eighths of the whole number of citizens, this would give 16,000 for the males of full age, and the total population of this class of the inhabitants of Laconia would amount to about 66,000 persons."

In the later times of Spartan history, the Perioecian towns of the coast (Laconicae orae castella et vici) were detached from Sparta by T. Quintius Flamininus, and placed under the protection of the Achaian league. (Müller, iii. 2. § 1; Liv. xxxiv. 29, 30, xxxviii. 31.) Subsequently to this the emperor Augustus released 24 towns from their subjection to Sparta, and formed them into separate communities, under laws of their own. They were consequently called Eleuthero-Lacones. (Paus. iii. 21. § 6.) But even in the time of Pausanias some of the Laconian towns were not *αὐτονόμοι*, but dependent upon Sparta (*συντελοῦσαι ἐς Σπάρτην*).

A class of Perioeci, and also of Helots, has been said by Müller to be the basis of the Dorian form of government: we may therefore expect to find Perioeci amongst other Dorian communities, as well as at Sparta, as, for instance, Elis and Argos, and the Boeotian Thebes: the dependent towns of which states formed separate communities, as Thespiae under Thebes, the Tryphylian cities in Elis, and Orneae under Argos, though they could not be called *αὐτονόμοι*. (Wachsmuth, i. 1. p. 161.) From the last mentioned town, which was long independent, but reduced about B. C. 580, all the Argive Perioeci derived their name of Orneatae. About the time of the Persian war, however, the inhabitants of the towns surrounding Argos were received into the city as *σύνοικοι*, and admitted to the rights of citizenship; a change which was attended with a revolution in the constitution of Argos, and gave additional force to its democracy. (Müller, iii. 4. § 2.) The Dorian cities of Crete also had their Perioeci (Arist. *Pol.* ii. 7), as well as the colonies of Cyrene and Thera. (Herod. iv. 161.)

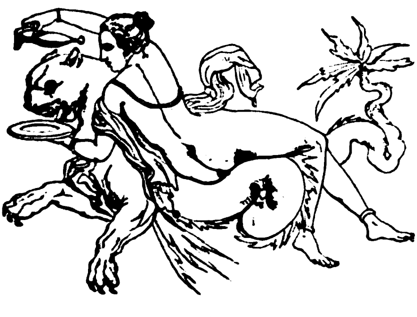
The Perioeci of antiquity have been compared to other bodies, such as the plebs of Rome, and the communities of the Athenian demi or parishes. But the only resemblance they bore to the latter was in the similarity of their position relative to the chief city of their country, nor did the former body stand in the same relation to the Patricians as the Laconian provincials did to the Spartan citizens. Modern history furnishes fitter objects of comparison in the Norman conquest of England and the city of Augsburg. (Arnold, *Thucyd.* vol. i. App. 1 and 2.) The burghers or free citizens of Augsburg lived in the city, while there grew up about them a distinct and large community living without the city, chiefly formed of the emancipated vassals of the dominant class, and called "Pfahlbürger," or citizens of the "pale," the suburbs in which they lived being surrounded by palisades. The Norman conquest of England presents a striking parallel to the Dorian conquest of Laconia, both in its achievement and consequences. The Saxons, like the old Achaians, were deprived of their lands, excluded from all offices of trust and dignity, and reduced, though personally free, to a state of political slavery. The Normans on the contrary, of whatever rank in their own country, were all nobles and warriors, compared with the conquered Saxons, and for a long time enjoyed exclusively the civil and ecclesiastical administration of the land.

For further details see Arnold, *Thucyd.* lib. i. c. 101, and Appendix ii.; Thierry, *Histoire de la Conquête de l'Angleterre par les Normands*, Livres iv.—vii. [R. W.]

PERI'POLI (περίπολοι). [EPHEBUS.]

PERI'PTEROS. [TEMPLUM.]

PERI'SCELIS (περισκελίς, Long. *Past.* i. 2; Menander, *ap. Polluc.* ii. 194, v. 100, Hor. *Ep.* i. 17. 56; Petron. 67). Much controversy has arisen with regard to the true meaning of this word. The etymology points out merely that it was something worn round the leg (περὶ σκέλος), but from the context of the passage in Horace where it is found we must at once infer that it was a trinket. The Scholiast explains it as "ornamentum pedis circum crura," and hence we can scarcely doubt that it denotes an anklet or bangle, especially since we know that these were commonly worn not only by the Orientals, the Egyptians, and the Greeks, but by the Roman ladies also. (Plin. *H. N.* xxxiii. 3. s. 12; compare Wilkinson's *Ancient Egyptians*, vol. iii. p. 374.) This explanation perfectly accords with the expressions of Tertullian (*de Cultu Feminarum*, ii. sub fin.), where the *periscelium* is spoken of as decorating the leg in the same manner as the bracelet adorns the wrist and the necklace the throat. The anklet is frequently represented in the paintings of Greek figures on the walls of Pompeii, as in the following representation of a Nereid. (*Museo Borbonico*, vol. vi. tav. xxxiv.)



It must be observed, however, that the Greek lexicographers Hesychius, Photius, and Suidas, interpret περισκελῆ and περισκέλια by βρακκία, φεμινάλια, and St. Jerome (*Epist. ad Fabiol.*) expressly states that the Greek περισκελῆ were the same with the Latin *feminalia*, that is, drawers reaching from the navel to the knees. In the Septuagint we find περισκελὲς (*sc.* ἔνδυμα) in Exod. xxviii. 42, xxxix. 28, Levit. vi. 10, and περισκέλιον in Levit. xvi. 4, which our translators uniformly render, and apparently with accuracy, *linen breeches.* [W. R.]

PERISTIARCHUS (περιστίαρχος). [ECCLESIA, p. 441, b.]

PERISTRO'MA. [TAPES; VELUM.]

PERISTY'LIUM (περιστύλιον), as its name implies, was a continued row or series of rows of columns all round a court or building, in contradistinction to PORTICUS (στόα), in which the pillars did not surround a space, but were arranged in one or more parallel lines. The enclosed court was also called *peristylium.* The chief specific use of the word is in relation to the ancient dwelling-houses. [DOMUS, p. 428, a.] [P. S.]

PERJU'RIUM. [JUSJURANDUM.]

PERIZO'MA (περίζωμα). [SUBLIGACULUM.]

PERO (ἀρβύλη, dim. ἀρβυλίς; καρβατίνη, Xen. *Anab.* iv. 5. § 14), a low boot of untanned hide (*crudus*, Virg. *Aen.* vii. 690; Brunck, *Anal.* i. 230), worn by ploughmen (*peronatus arator*, Pers. v. 102) and shepherds, as exemplified in the woodcut, at p. 808, and by others employed in rural occupations. (Juv. xiv. 186.) It had a strong sole (Theocrit. vii. 26), and was adapted to the foot with great exactness. (Galen. *in Hippoc.* Lib. iv.) It was also called πηλοπάτις on account of its adaptation for walking through clay and mire. In the Greek mythology Perseus was represented wearing boots of this description with wings attached to them. (Lycophron, 839.) Diana wore them, when accoutred for the chace. (Brunck, *Anal.* iii. 206.) [COTHURNUS.]

The term ἀρβύλη is applied to an appendage to the Greek chariot. (Eurip. *Hippol.* 1179, *Herc. Fur.* 1275.) It seems to have been a shoe fastened to the bottom of the chariot, into which the driver inserted his foot to assist him in driving and to prevent him from being thrown out. [J. Y.]

PERPE'TUA ACTIO. [ACTIO.]

PERSAE or STATUAE PERSICAE were figures which were used in place of columns, like the Caryatides, Atlantes, and Telamones. The tradition respecting their invention is that they were first used in the *Porticus Persica* which was built at Sparta out of the spoils of the battle of Plataeae (Vitruv. i. 1. § 6). Pausanias, however, (iii. 2) describes the statues of the conquered Persians, as being ἐπὶ τῶν κιόνων. [P.S.]

PERSECUTO'RIA ACTIO. [ACTIO.]

PERSO'NA (*larva*, πρόσωπον or προσωπεῖον), a mask. Masks were worn by Greek and Roman actors in nearly all dramatic representations. This custom arose undoubtedly from the practice of smearing the face with certain juices and colours, and of appearing in disguise, at the festivals of Dionysus. [DIONYSIA.] Now as the Greek drama arose out of these festivals, it is highly probable that some mode of disguising the face was as old as the drama itself. Choerilus of Samos, however, is said to have been the first who introduced regular masks. (Suid. *s. v.* Χοιρίλλος.) Other writers attribute the invention of masks to Thespis or Aeschylus (Horat. *ad Pis.* 278), though the latter had probably only the merit of perfecting and completing the whole theatrical apparatus and costume. Phrynichus is said to have first introduced female masks. (Suid. *s. v.* Φρύνιχος.) Aristotle (*Poët.* ii. 22) was unable to discover who had first introduced the use of masks in comedy. Some masks covered, like the masks of modern times, only the face, but they appear more generally to have covered the whole head down to the shoulders, for we find always the hair belonging to a mask described as being a part of it; and this must have been the case in tragedy more especially, as it was necessary to make the head correspond to the stature of an actor which was heightened by the cothurnus.

I. Tragic Masks. It may at first seem strange to us, that the ancients, with their refined taste in the perception of the beautiful in form and expression, should by the use of masks have deprived the spectators in their theatres of the possibility of observing the various expressions, of which the human face is capable, and which with us contribute so much to theatrical illusion. But it must be remembered, that in the large theatres of the ancients it would have been impossible for the greater part of the audience to distinguish the natural features of an actor. The features of the masks were for this same reason very strong and marked. Again, the dramatis personae of most of the ancient tragedies were heroes or gods, and their characters were so well known to the spectators, that they were perfectly typical. Every one therefore knew immediately on the appearance of such a character on the stage, who it was, and it would have been difficult for a Greek audience to imagine that a god or hero should have had a face like that of an ordinary actor. The use of the cothurnus also rendered a proportionate enlargement of the countenance absolutely necessary, or else the figure of an actor would have been ridiculously disproportionate. Lastly, the solemn character of ancient tragedy did not admit of such a variety of expressions of the countenance as modern tragedies; the object of which seems to be to exhibit the whole range of human passions in all their wild and self-devouring play. How widely different are the characters of ancient tragedy! It is, as Müller (*Hist. of the Lit. of Anc. Greece*, i. p. 298) justly remarks, perfectly possible to imagine, for example, the Orestes of Aeschylus, the Ajax of Sophocles, or the Medea of Euripides, throughout the whole tragedy with the same countenance, though it would be difficult to assert the same of a character in any modern drama. But there is no necessity for supposing that the actors appeared throughout a whole piece with the same countenance, for if circumstances required it, they might surely change masks during the intervals between the acts of a piece. Whether the open or half-open mouth of a tragic mask also contributed to raise the voice of the actor, as Gellius (v. 7) thinks, cannot be decided here, though we know that all circumstances united to compel a tragic actor to acquire a loud and sonorous voice.

The masks used in ancient tragedies were thus, for the most part, typical of certain characters, and consequently differed according to the age, sex, rank, and other peculiarities of the beings who were represented. Pollux, from whom we derive most of our information on this subject, enumerates (iv. 133, &c.) 25 typical or standing masks of tragedy, six for old men, seven for young men, nine for females, and three for slaves. The number of masks which were not typical, but represented certain individuals with their personal peculiarities, such as the blind Thamyris, the hundred-eyed Argus, &c., must have been much more numerous, for Pollux by way of example mentions thirty of such peculiar masks. The standing masks of tragedy are divided by Pollux into five classes.

I. *Tragic masks for old men.* The mask for the oldest man on the stage was called *ξυρίας ἀνήρ*, from the circumstance of the beard being smoothly shaved. The hair, which was in most cases attached to the masks, was white, and hung down with the exception of a part above the forehead, which rose in an acute angle, or in a round shape, and left the temples uncovered. This rising part of the hair was called *ὄγκος*. The cheeks of this mask were flat and hanging downwards. A second mask for old men, called *λευκὸς ἀνήρ*, had grey hair, floating around the head in locks, a full beard and a prominent forehead, above which the hair formed a small *ὄγκος*. The countenance was probably pale, as the adjective *λευκός* seems to indicate. A third mask, called *σπαρτοπόλιος*, had black hair interspersed with grey, and was somewhat pale. It probably represented a hero of from 40 to 50 years of age, and in a suffering condition. The fourth mask, *μέλας ἀνήρ*, represented a hero in his full vigour, with black and curly hair and beard, strong features and a high *ὄγκος*. This was probably the mask for most of the tragic heroes who were not very much advanced in age. For a secondary class of heroes there were two other masks, the *ξανθὸς* and the *ξανθότερος ἀνήρ*: the former represented a fair man with floating locks, a low *ὄγκος*, and a good colour in his countenance; the second or fairer man, was pale and of a sickly appearance.

2. *Tragic masks for young men.* Among these are mentioned, 1. The *νεανίσκος πάγχρηστος*, a mask intended to represent a man who had just entered the age of manhood, and was yet unbearded, but of a blooming and brownish complexion, and with a rich head of hair. The name *πάγχρηστος* probably indicates that the mask might be used in a great variety of parts. 2. The *νεανίσκος οὖλος*, or *ξανθὸς* or *ὑπέρογκος*, a fair youth of a haughty or impudent character; his hair was curly and formed a high *ὄγκος*; his character was indicated by his raised eye-brows. 3. *Νεανίσκος πάρουλος*, resembled the preceding mask, but was somewhat younger. The counterpart of these two was, 4. The *ἁπαλός*, a young man of a delicate and white complexion, with fair locks and a cheerful countenance like that of a youthful god. 5. *Πιναρός*. There were two masks of this name, both representing young men of an irascible appearance, of yellow complexion and fair hair; the one, however, was taller and younger, and his hair was more curly than that of the other. 6. *Ὠχρός*, a mask quite pale, with hollow cheeks and fair floating hair. It was used to represent sick or wounded persons. 7. The *πάρωχρος* might be used for the *πάγχρηστος* if this character was to be represented in a suffering or melancholy situation.

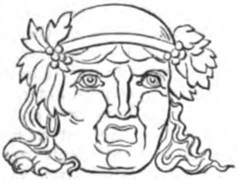
3. *Tragic masks for male slaves.* Pollux mentions three, viz. the *διφθερίας*, which had no *ὄγκος* and wore a band round the smooth white hair. The countenance was pale, the beard gray, the nose sharp, and the expression of the eyes melancholy. The *σφηνοπώγων*, or the pointed beard, represented a man in his best years, with a high and broad forehead, a high *ὄγκος*, hardened features, and a red face. The *ἀνάσιμος*, or the pug-nose, was an impudent face with fair rising hair, of a red colour and without beard.

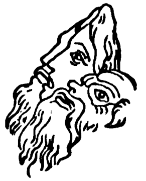
4. *Tragic masks for female slaves.* Of these five specimens are mentioned, viz. the *πολιὰ κατάκομος*,

in earlier times called *παράχρωμος*, represented an old woman with long white hair, with noble but pale features, to indicate a person who had seen better days; the *γραΐδιον ἐλεύθερον*, an old freedwoman; the *γραΐδιον οἰκετικόν*, the old domestic slave; the *οἰκετικὸν μεσόκουρον*, a domestic slave of middle age; and lastly the *διφθερίτις*, a young female slave.

5. *Tragic masks for free women.* The first of these, called *κατάκομος*, represented a pale lady, with long black hair and a sad expression in her countenance. She generally shared the sufferings of the principal hero in a play. The second, called *μεσόκουρος ὠχρά*, resembled the former, with the exception that her hair was half shorn. She was a woman of middle age, and was probably intended to represent the wife of the chief hero, if he was not too advanced in age. The third is the *μεσόκουρος πρόσφατος*, representing a newly married woman in full bloom with long and floating hair. The fourth is the *κούριμος παρθένος*, a maiden of mature age, with short hair divided on the middle of the forehead, and lying smoothly around the head. The colour of her countenance was rather pale. There was another mask of the same name, but it differed from the former by the following circumstances:—the hair was not divided on the forehead or curled, but wildly floating, to indicate that she had had much suffering to go through. The last is the *κόρη*, or young girl. This mask represented the beauties of a maiden's face in their full bloom, such as the face of Danaë, or any other great beauty was conceived to have been.

The account which Pollux gives of the tragic masks comprehends a great number, but it is small in comparison with the great variety of masks which the Greeks must have used in their various tragedies, for every hero and every god who was known to the Greeks as being of a particular character, must have been represented by a particular mask, so that the spectators were enabled to recognise him immediately on his appearance. For this very reason the countenances of the gods, heroes, and heroines, must, in point of beauty, have been as similar as possible to their representations in statues and paintings, to which the eyes of the Greeks were accustomed; and the distorted masks with widely open mouths, which are seen in great numbers among the paintings of Herculaneum and Pompeii (see the annexed woodcut from *Museo Borbon.* vol. i. tab. 20) would give but a very inadequate notion of the masks used at Athens during the most flourishing period of the arts. All the representations of tragic masks belonging to this period, do not show the slightest trace of exaggeration or distortion in the features of the countenance, and the mouth is not opened wider than would be necessary to enable a person to pronounce such sounds as *oh* or *ha*. In later times, however, distortions and exaggerations were carried to a very great extent, but more particularly in comic masks, so that they in some degree were more caricatures than representations of ideal or real countenances. (Apollon. *Vit. Apollon.* v. 9. p. 195, ed. Olear.; Lucian, *de Saltat.* 27, *Anach.* 23, *Nigrin.* 11, *Somn.* *s. Gall.* 26.)



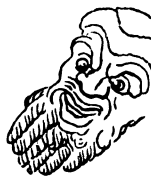


The annexed woodcut represents some masks, one apparently comic and the other tragic, which are placed at the feet of the choragus in the celebrated mosaic found at Pompeii. (*Museo Borbon.* vol. ii. tab. 56; Gell, *Pomp.* vol. i. pl. 45.)

II. Comic Masks.—In the old Attic comedy, in which living and distinguished persons were so often brought upon the stage, it was necessary that the masks, though to some extent they may have been caricatures, should in the main points be faithful portraits of the individuals whom they were intended to represent, as otherwise the object of the comic poets could not have been attained. The chorus on the other hand, as well as certain phantastic dramatis personae, rendered sometimes a complete masquerade necessary; as in those cases when the choreutae appeared with the heads of birds or of frogs, &c. We may remark here, by the way, that the chorus of tragedy appeared generally without masks, the Eumenides of Aeschylus being probably only an exception to the general rule. The masks of the characters in the old Attic comedy were therefore, on the whole, faithful to life, and free from the burlesque exaggerations which we see in the masks of later times. A change was made in the comic masks, when it was forbidden to represent in comedy the archon by imitating his person upon the stage (Schol. *ad Aristoph. Nub.* 31), and still more, shortly after, by the extension of this law to all Athenian citizens. (Schol. *ad Aristoph. Ach.* 1149, *Av.* 1297; Suid. *s. v.* Ἀντίμαχος.) The consequence of such laws was, that the masks henceforth, instead of individuals, represented classes of men, *i. e.* they were masks typical of men of certain professions or trades, of a particular age or station in life, and some were grotesque caricatures. A number of standing characters or masks was thus introduced in comedy. Pollux gives a list of such standing masks, which are divided, like those of tragedy, into five classes.

1. *Comic masks for old men.* Nine masks of this class are mentioned. The mask representing the oldest man was called *πάππος πρῶτος*: his head was shaved to the skin, he had a mild expression about his eyebrows, his beard was thick, his cheeks hollow, and his eyes melancholy. His complexion was pale, and the whole expression of the countenance was mild. 2. The *πάππος ἕτερος* was of a more emaciated and more vehement appearance, sad and pale; he had hair on his head and a beard, but the hair was red and his ears broken. 3. The *ἡγεμὼν*, likewise an old man, with a thin crown of hair round his head, an aquiline nose, and a flat countenance. His right eyebrow was higher than the left. 4. The *πρεσβύτης* had a long and floating beard, and likewise a crown of hair round his head; his eyebrows were raised, but his whole aspect was that of an idle man. 5. The *ἑρμώνειος* was bald-headed, but had a beard and raised eyebrows, and was of angry appearance. 6. The *πορνοβοσκός* resembled the mask called *λυκομήδειος*, but his lips were contorted, the eyebrows contracted, and the head without any hair. 7. The *ἑρμώνειος δεύτερος* had a pointed beard, but was otherwise without hair. 8. The *σφηνο-*

πώγων, or pointed beard, was likewise bald-headed, had extended eye-brows, and was looking ill-tempered. 9. The λυκομήδειος had a thick beard, was conspicuous on account of his long chin, and the form of his eyebrows expressed great curiosity.



The annexed comic mask, representing an old man, is taken from the *Museo Borbon.* vol. i. tab. A.

2. *Comic masks for young men.* Pollux enumerates ten masks of this kind. 1. The πάγχρηστος formed the transition from the old to the young men; he had but few wrinkles on his forehead, showed a muscular constitution (γυμναστικός), was rather red in the face, the upper part of his head was bald, his hair was red, and his eyebrows raised. 2. The νεανίσκος μέλας was younger than the preceding one, and with low eyebrows. He represented a young man of good education and fond of gymnastic exercises. 8. The νεανίσκος οὖλος, or the thick-haired young man, was young and handsome, and of a blooming countenance, his eyebrows were extended, and there was only one wrinkle upon his forehead. 4. The νεανίσκος ἁπαλός, his hair was like that of the πάγχρηστος, but he was the youngest of all, and represented a tender youth brought up in seclusion from the world. 5. The ἀγροῖκος or rustic young man, had a dark complexion, broad lips, a pug-nose, and a crown of hair round his head. 6. The ἐπίσειστος στρατιώτης or the formidable soldier, with black hair hanging over his forehead. 7. The ἐπίσειστος δεύτερος was the same as the preceding, only younger and of a fair complexion. 8. The κόλαξ or the flatterer, and 9. The παράσιτος or parasite were dark (compare Athen. vi. p. 237), and had aquiline noses. Both were apparently of a sympathising nature; the parasite, however, had broken ears, was merry-looking, and had a wicked expression about his eyebrows. 10. The εἰκονικός represented a stranger in splendid attire, his beard was shaved and his cheeks pierced through. The σικελικός was another parasite.

3. *Comic masks for male slaves.* Of this class seven masks are mentioned. 1. The mask representing a very old man was called πάππος, and had grey hair to indicate that he had obtained his liberty. 2. The ἡγεμὼν θεράπων had his red hair platted, raised eyebrows, and a contracted forehead. He was among slaves the same character as the πρεσβύτης among freemen. 3. The κάτω τριχίας, or κάτω τετριχωμένος, was half bald-headed, had red hair and raised eyebrows. 4. The οὖλος θεράπων, or the thick-haired slave, had red hair and a red countenance; he was without eyebrows, and had a distorted countenance. 5. The θεράπων μέσος was bald-headed and had red hair. 6. The θεράπων τέττιξ was bald-headed and dark, but had two or three slips of hair on his head and on his chin, and his countenance was distorted. 7. The ἐπίσειστος ἡγεμών, or the fierce-looking slave, resembled the ἡγεμὼν θεράπων with the exception of the hair.

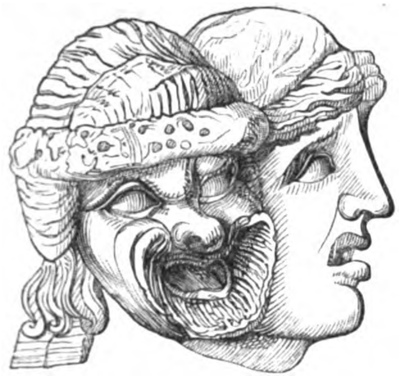
4. *Comic masks for old women.* Pollux mentions three, viz. the γραΐδιον ἰσχνὸν or λυκαίνιον, a tall woman with many but small wrinkles, and pale but with animated eyes; the παχεῖα γραῦς, or the fat old woman with large wrinkles, and a band round her head keeping the hair together; and the γραΐδιον οἰκουρόν, or the domestic old woman. Her cheeks were hollow, and she had only two teeth on each side of her mouth.

5. *Comic masks for young women.* Pollux mentions fourteen, viz.—1. The γυνὴ λεκτική, or the talkative woman; her hair was smoothly combed down, the eyebrows rather raised, and the complexion white. 2. The γυνὴ οὔλη was only distinguished for her fine head of hair. 3. The κόρη had her hair combed smoothly, had high and black eyebrows, and a white complexion. 4. The ψευδοκόρη had a whiter complexion than the former, her hair was bound up above the forehead, and she was intended to represent a young woman who had not been married more than once. 5. Another mask of the same name was only distinguished from the former by the irregular manner in which the hair was represented. 6. The σπαρτοπόλιος λεκτική, an elderly woman who had once been a prostitute, and whose hair was partly grey. 7. The παλλακή resembled the former, but had a better head of hair. 8. The τέλειον ἑταιρικὸν was more red in the face than the ψευδοκόρη, and had locks about her ears. 9. The ἑταιρίδιον was of a less good appearance, and wore a band round the head. 10. The διάχρυσος ἑταίρα derived the name from the gold with which her hair was adorned. 11. The διάμιτρος ἑταίρα, from the variegated band wound around her head. 12. The λαμπάδιον, from the circumstance of her hair being dressed in such a manner that it stood upright upon the head in the form of a lampas. 13. The ἅβρα περίκουρος represented a female slave newly bought and wearing only a white chiton. 14. The παραψηφιστόν was a slave distinguished by a pug-nose and her hair; she attended upon hetaerae, and wore a crocus-coloured chiton.

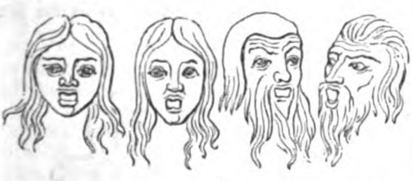
Numerous as these masks are, the list cannot by any means be considered as complete, for we know that there were other standing masks for persons following particular kinds of trade, which are not mentioned in Pollux. Maeson of Megara, for example, is said to have invented a peculiar mask called after his own name μαίσων, another for a slave, and a third to represent a cook. (Athen. xiv. p. 659.) From this passage of Athenaeus we also learn that Stephanus of Byzantium wrote a work περὶ προσώπων.

III. Masks used in the Satyric Drama. The masks used in this species of the Greek drama were intended to represent Satyrs, Silenus, and similar companions of Dionysus, whence the expressions of the countenances and the form of their heads may easily be imagined. Pollux only mentions the grey-headed Satyr, the unbearded Satyr, Silenus, and the πάππος, and adds that the characters of all the other Satyric masks either resembled these, or were sufficiently expressed in their names, *e. g.* the Papposilenus was an old man with a very predominant animal character. (Compare Eichstädt, *de Dramate Comico-Satyrico*, p. 81.) A grotesque mask of a Satyr, together with one of the finest specimens of a tragic mask, is contained in the Townly Gallery in the British Museum, and is represented on the following page.

As regards the earliest representations of the regular drama among the Romans, it is expressly stated by Diomedes (iii. p. 486, ed. Putsch.), that masks were not used, but merely the galerus or



wig, and that Roscius Gallus, about the year 100 B. C., was the first who introduced the use of masks. It should, however, be remembered that masks had been used long before that time in the Atellanae (Fest. *s. v. Personata*), so that the innovation of Roscius must have been confined to the regular drama, that is, to tragedy and comedy. As for the forms of Roman masks, it may be presumed that, being introduced from Greece at so late a period, they had the same defects as those used in Greece at the time when the arts were in their decline, and this supposition is confirmed by all works of art, and the paintings of Herculaneum and Pompeii, in which masks are represented; for the masks appear unnaturally distorted and the mouth always wide open. The expressions of Roman writers also support this supposition. (Gellius, v. 7; Juv. iii. 175.) We may mention here that some of the oldest MSS. of Terence contain representations of Roman masks, and from these MSS. they have been copied in several modern editions of that poet, as in the edition published at Urbino in 1726, fol., and in that of Dacier. The cut annexed contains representations of four of these masks prefixed to the Andria.



When actors at Rome displeased their audience and were hissed, they were obliged to take off their masks; but those who acted in the Atellanae were not obliged to do so. (Fest. *s. v. Personata fabula*; Macrob. *Sat.* ii. 7.) The Roman mimes never wore masks. [Mimus.] (Compare Fr. De Ficoroni, *Dissertatio de Larvis scenicis et Figuris comicis ant. Rom.*, Rome 1736 and 1750, 4to; Fr. Stieve, *Dissertatio de rei scenicae apud Romanos Origine.*) [L. S.]

PE'RTICA, the pole, used by the Agrimensores, was also called Decempeda because it was ten feet long. On account of its use in assigning lands to the members of a colony, it is sometimes represented on medals by the side of the augurial plough. (Propert. iv. 1. 30.) [J. Y.]

PES (πούς), a foot, the standard measure of length among the Greeks and Romans, as well as among nearly all other nations, both ancient and modern. Very little needs to be added to what has been said of the Greek and Roman feet under Mensura.

The Romans applied the uncial division [As] to the foot, which thus contained 12 *unciae*, whence our *inches*; and many of the words used to express certain numbers of unciae are applied to the parts of the foot. (Veget. *de Re Milit.* i. 5; Plin. *H. N.* xxvii. 5. s. 11, xiii. 15.) It was also divided into 16 *digiti* (finger-breadths): this mode of division was used especially by architects and land-surveyors, and is found on all the foot-measures that have come down to us. *Pollex* (the thumb), which is used in modern Latin for *an inch*, is not found in the ancient writers, but Pliny (*H. N.* xxvii. 9, xv. 24, xiii. 23) uses the adjective *pollicaris* (of a thumb's breadth or thickness).

From the analogy of the as, we have also *dupondium* for 2 feet (Colum. iii. 15, &c.), and *pes sestertius* for 2½ feet. (Leg. XII. Tab., *Tab.* viii.) The chief subdivisions and multiples of the foot will be found mentioned under Mensura, and more fully described in their proper places. (See also the Tables.) One itinerary measure, which has been omitted in its proper place, is the *Leuga*, or *Leuca*, which was a Gallic measure = 1500 passus or 1½ mile. (Ammian. Marc. xvi. 12; *Itin. Antonin.*) Stones are still found on the roads in France with distances marked on them in *Leugae*. [Milliare.]

The square foot (*pes quadratus*) is called by Frontinus *constratus*, and by Boëthius *contractus*. Frontinus applies the term *quadratus* to the cubic foot, and the same, as a measure of capacity, was called Quadrantal.

Certain peculiar foot-measures, differing from the ordinary ones, are mentioned by ancient writers. The Samian, which was the same as the Egyptian foot, is known from the length of the Egyptian cubit as derived from the Nilometer (namely, 17·742785 76 inches) to have contained 11·82852384 inches, or more than 11¾ inches. A larger foot than the common standard seems to have been used in Asia Minor. Heron (*de Mens.* p. 368) names the Royal or Philaeterian foot as being 16 finger-breadths, and the Italian as 13⅓, and he also mentions a mile (*μίλιον*) of 5400 Italian or 4500 royal feet. Ideler supposes that the Italian foot means the common Roman, and the royal a Greek foot larger than the common standard, corresponding to the stadium of 7 to the mile, which had been introduced before Heron's time, namely, the tenth century. The *Pes Drusianus* or foot of Drusus, contained 13½ Roman inches = 13·1058 English inches. It was used beyond the boundaries of Italy for measuring land, and was the standard among the Tungri in Lower Germany.

(Hussey, *on Ancient Weights*, &c., Appendix; Wurm, *de Pond.* chaps. 6 and 7; Böckh's *Metrolog. Untersuch.* pp. 196, &c.; Ideler, *Längen und Flächenmasse*; Fréret, *Observations sur le Rapport des Mésures Grecques et des Mésures Romaines*, Mém. de l'Acad. d'Inscrip. t. xxiv. pp. 551, &c. [P. S.]

PESSI (πεσσοί). [Latrunculi.]

PE'SSULUS. [Janua, p. 626, b.]

PETALISMUS (πεταλισμός). [Exsilium, p. 515, a.]

PE'TASUS. [Pileus.]

PETAURISTAE. [Petaurum.]

PETAURUM (πέταυρον, πέτευρον) is said by the Greek grammarians to have been a pole or board, on which fowls roosted. (Hesych. *s. v.*; Pollux, x.

156.) We also find the name of *Petaurum* in the Roman games, and considerable doubt has arisen respecting its meaning. It seems, however, to have been a board moving up and down, with a person at each end, and supported in the middle, something like our see-saw; only it appears to have been much longer, and consequently went to a greater height than is common amongst us. Some writers describe it as a machine, from which those who exhibited were raised to a great height and then seemed to fly to the ground; but this interpretation does not agree so well with the passages of the ancient authors as the one previously mentioned. (Lucil. *ap. Fest. s. v. Petaurist.*; Juv. xiv. 265; Mart. xi. 21. 3; Manil. v. 433.) The persons, who took part in this game, were called *Petauristae* or *Petauristarii;* but this name seems to have been also applied in rather a wider signification. (Compare Petron. 53.)

PETI'TOR. [Actor.]

PETO'RRITUM, a four-wheeled carriage, which, like the Essedum, was adopted by the Romans in imitation of the Gauls. (Hor. *Sat.* i. 6. 104.) It differed from the Harmamaxa in being uncovered. Its name is obviously compounded of *petor*, four, and *rit*, a wheel. Festus (*s. v.*) in explaining this etymology observes that *petor* meant four in Oscan and in Aeolic Greek. There is no reason to question the truth of this remark; but, since Petor meant four in many other European languages, it is more probable that the Romans derived the name, together with the fashion of this vehicle, from the Gauls. Gellius (xv. 30) expressly says that it is a Gallic word. [J. Y.]

PEZETAERI (πεζέταιροι). [Exercitus, p. 488, b.]

PHALANGAE or PALANGAE (φάλαγγες), any long cylindrical pieces of wood, such as trunks or branches of trees (Herod. iii. 97; Plin. *H. N.* xii. 4. s. 8), truncheons (Plin. *H. N.* vii. 56. s. 57), and poles used to carry burthens. The carriers who used these poles were called *phalangarii* (*Gloss. Ant. s. v.*), and also *hexaphori*, *tetraphori*, &c., according as they worked in parties of six, four, or two persons.

The word was especially used to signify rollers placed under ships to move them on dry land, so as to draw them upon shore or into the water (δουρατέοι κυλίνδροι, Brunck, *Anal.* iii. 89; Apoll. Rhod. i. 375—389). This was effected either by making use of the oars as levers, and at the same time fastening to the stern of the ship cables with a noose (μηρίνθος), against which the sailors pressed with their breasts, as we see in our canal navigation (Orph. *Argon.* 239—249, 270—273), or by the use of machines. (Hor. *Carm.* i. 4. 2.) Rollers were employed in the same manner to move military engines (Caesar, *Bell. Civ.* ii. 10).

PHALANX (φάλαγξ). [Exercitus, pp. 482, b, 488.]

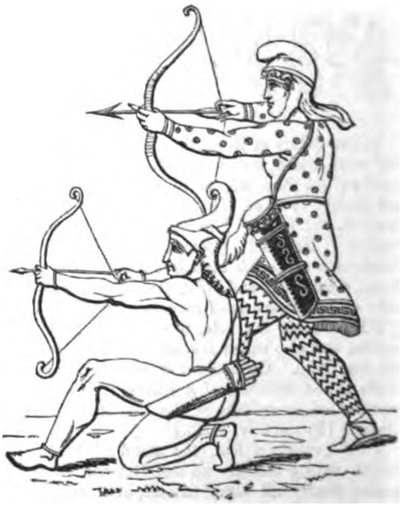
PHALA'RICA. [Hasta, p. 589, a.]

PHA'LERA (φάλαρον), a boss, disc, or crescent of metal, in many cases of gold (Herod. i. 215; Athen. xii. p. 550; Claudian, *Epig.* 34) and beautifully wrought so as to be highly prized. (Cic. *Verr.* iv. 12.) Ornaments of this description, being used in pairs, are scarcely ever mentioned except in the plural number. The names for them are evidently formed from the term φάλος, which is explained under Galea. (Compare Hom. *Il.* xvi. 106.) Besides the metallic ornaments of the helmet similar decorations were sometimes, though very rarely, worn by warriors on other parts of their dress or armour, probably upon the breast. (Virg. *Aen.* ix. 359, 458.) The negro slaves who were kept by opulent Romans wore them suspended round their necks. (Sueton. *Nero*, 30.) Also the tiara of the king of Persia was thus adorned. (Aeschyl. *Pers.* 668.) But we most commonly read of phalerae as ornaments attached to the harness of horses (Xen. *Hellen.* iv. 1. § 39; Virg. *Aen.* v. 310; Gell. v. 5; Claudian, *Epig.* 36), especially about the head (ἀμπυκτήρια φάλαρα, Soph. *Oed. Col.* 1069; Eurip. *Suppl.* 586; Greg. Cor. *de Dialect.* p. 508, ed. Schäfer), and often worn as pendants (*pensilia*, Plin. *H. N.* xxxvii. 12. s. 74), so as to produce a terrific effect when shaken by the rapid motions of the horse (*turbantur phalerae*, Claudian, *in* iv. *Cons. Honor.* 548). These ornaments were often bestowed upon horsemen by the Roman generals in the same manner as the Armilla, the Torques, the hasta pura [Hasta], and the crown of gold [Corona], in order to make a public and permanent acknowledgment of bravery and merit. (Juv. xvi. 60; Gell. ii. 11.) [J.Y.]

PHALLUS. [Dionysia, p. 411, a.]

PHALOS (φάλος). [Galea.]

PHARETRA (φαρέτρα, *ap. Herod.* φαρετρεών), a quiver. A quiver, full of arrows, was the usual accompaniment of the bow. [Arcus.] It was consequently part of the attire of every nation addicted to archery. Virgil applies to it the epithets *Cressa*, *Lycia*, *Threïssa* (*Georg.* iii. 345, *Aen.* vii. 816, xi. 858); Ovid mentions the *pharetratus Geta* (*De Ponto*, i. 8. 6); Herodotus represents it as part of the ordinary armour of the Persians (vii. 61). The quiver, like the bow-case (*corytus*), was principally made of hide or leather (Herod. ii. 141), and was adorned with gold (Anacr. xiv. 6; *aurata*, Virg. *Aen.* iv. 138, xi. 858), painting (Ovid, *Epist. Her.* xxi. 173), and braiding (πολύῤῥαπτον, Theocrit. xxv. 265). It had a lid (πῶμα, Hom. *Il.* iv. 116, *Od.* ix. 314), and was suspended from the right shoulder by a belt [Balteus], passing over the breast and behind the back. (Hes. *l. c.*) Its most common position was on the left



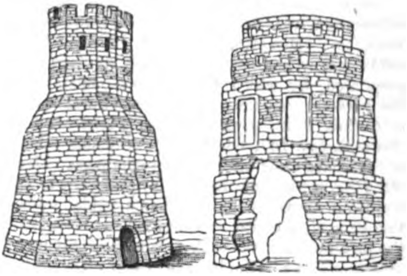
hip, in the usual place of the sword [Gladius], and consequently, as Pindar says, "under the elbow" (*Ol.* ii. 150. s. 91) or "under the arm" (ὑπωλένιον, Theocrit. xvii. 30). It was worn thus by the Scythians (Schol. *in Pind. l. c.*) and by the Egyptians (Wilkinson, *Man. and Cust.* vol. i. pp. 311, 391), and is so represented in the preceding figure of the Amazon Dinomache, copied from a Greek vase. (Hope, *Costume of the Ancients*, i. 22.) The left-hand figure in the same woodcut is from one of the Aegina marbles. It is the statue of an Asiatic archer, whose quiver (fractured in the original) is suspended equally low, but with the opening towards his right elbow, so that it would be necessary for him in taking the arrows to pass his hand behind his body instead of before it. To this fashion was opposed the Cretan method of carrying the quiver, which is exemplified in the woodcut, p. 276, and is uniformly seen in the ancient statues of Diana. [J. Y.]

PHARMACON GRAPHE (*φαρμάκων* or *φαρμακείας γραφή*), an indictment against one who caused the death of another by poison, whether given with intent to kill or to obtain undue influence. (Pollux, viii. 40, 117; Demosth. *c. Aristocr.* 627; *Argum. in Or. Antiph.* Κατηγ. φαρμ.) It was tried by the court of Areiopagus. That the malicious intent was a necessary ingredient in the crime, may be gathered from the expressions *ἐκ προνοίας, ἐξ ἐπιβουλῆς καὶ προβουλῆς*, in Antiphon (*l. c.* iii. 112, ed. Steph.). The punishment was death, but might (no doubt) be mitigated by the court under palliating circumstances. We have examples of such *γραφαὶ* in the speech of Antiphon already cited, and that entitled *περὶ τοῦ χορευτοῦ*. (Meier, *Att. Proc.* p. 311.) Among the Greeks, women appear to have been most addicted to this crime, as we learn from various passages in ancient authors. Such women are called *φαρμακίδες* and *φαρμακεύτριαι*. Poisonous drugs were frequently administered as love potions, or for other purposes of a similar nature. Men whose minds were affected by them were said *φαρμακᾷν*. Wills made by a man under the influence of drugs (*ὑπὸ φαρμάκων*) were void at Athens. (Demosth. *c. Steph.* 1133.) [C. R. K.]

PHAROS or PHARUS (*φάρος*), a light-house. The most celebrated light-house of antiquity was that situated at the entrance to the port of Alexandria. It was built by Sostratus of Cnidos on an island, which bore the same name, by command of one of the Ptolemies, and at an expense of 800 talents. (Plin. *H. N.* xxxvi. 12; Steph. Byz. *s. v.* *Φάρος*; Achill. Tat. v. 6.) It was square, constructed of white stone, and with admirable art; exceedingly lofty, and in all respects of great dimensions. (Caesar, *Bell. Civ.* iii. 112.) It contained many stories (*πολυόροφον*, Strabo, xvii. 1. § 6), which diminished in width from below upwards. (Herodian, iv. 3.) The upper stories had windows looking seawards, and torches or fires were kept burning in them by night in order to guide vessels into the harbour. (Val. Flacc. vii. 84; see Bartoli, *Luc. Ant.* iii. 12.)

Pliny (*l. c.*) mentions the light-houses of Ostia and Ravenna, and says that there were similar towers at many other places. They are represented on the medals of Apamea and other maritime cities. The name of Pharos was given to them in allusion to that at Alexandria, which was the model for their construction. (Herodian, *l. c.*; Sueton. *Claud.* 20; Brunck, *Anal.* ii. 186.) The Pharos of Brundusium, for example, was, like that of Alexandria, an island with a light-house upon it. (Mela, ii. 7. § 13; Steph. Byz. *l. c.*) Suetonius (*Tiber.* 74) mentions another pharos at Capreae.

The annexed woodcut shows two phari remaining in Britain. The first is within the precincts of Dover Castle. It is about 40 feet high, octagonal externally, tapering from below upwards, and built with narrow courses of brick and much wider courses of stone in alternate portions. The space within the tower is square, the sides of the octagon without and of the square within being equal, viz., each 15 Roman feet. The door is seen at the bottom. (Stukely, *Itin. Curios.* p. 129.) A similar pharos formerly existed at Boulogne, and is supposed to have been built by Caligula. (Sueton. *Calig.* 46; Montfaucon, *Supplem.* vol. iv. L. vi. 3, 4.) The round tower here introduced is on the summit of a hill on the coast of Flintshire. (Pennant, *Par. of Whiteford and Holywell*, p. 112.) [J. Y.]



PHAROS (*φᾶρος*). [Pallium.]

PHASE'LUS (*φάσηλος*), was a vessel rather long and narrow, apparently so called from its resemblance to the shape of a phaselus or kidney-bean. It was chiefly used by the Egyptians, and was of various sizes, from a mere boat to a vessel adapted for long voyages. (Virg. *Georg.* iv. 289; Catull. 4; Martial, x. 30. 13; Cic. *ad Att.* i. 13.) Octavia sent ten triremes of this kind, which she had obtained from Antony, to assist her brother Octavianus; and Appian (*Bell. Civ.* v. 95) describes them as a kind of medium between the ships of war and the common transport or merchant vessels. The phaselus was built for speed (Catull. *l. c. phaselus ille—navium celerrimus*), to which more attention seems to have been paid than to its strength; whence the epithet *fragilis* is given to it by Horace. (*Carm.* iii. 2. 27, 28.) These vessels were sometimes made of clay (*fictilibus phaselis*, Juv. xv. 127), to which the epithet of Horace may perhaps also refer.

PHASIS (*φάσις*), was one of the various methods by which public offenders at Athens might be prosecuted; but the word is often used to denote any kind of information; as Pollux (viii. 47) says, *κοινῶς φάσεις ἐκαλοῦντο πᾶσαι αἱ μηνύσεις τῶν λανθανόντων ἀδικημάτων*. (See Aristoph. *Eq.* 300, and *Acharn.* 823, 826, where the word *φαντάζω* is used in the same sense as *φαίνω*.) The word *συκοφάντης* is derived from the practice of laying information against those who exported figs. [Sycophantes.]

Though it is certain that the *φάσις* was distinguished from other methods of prosecution (Demosth. *c. Aristog.* 793; Isocr. *c. Callim.* 375, ed.

Steph.), we are not informed in what its peculiarities consisted. According to Pollux (*l. c.*), it might be brought against those who committed offences against the mine laws, or the customs, or any other part of the revenue ; against any persons who brought false accusations against others for such offences ; and against guardians who injured their wards. The charge, as in the *γραφή*, was made in writing (*ἐν γραμματείῳ*), with the name of the prosecutor, and the proposed penalty (*τίμημα*) affixed, and also the names of the *κλητῆρες*. The same author says, *ἐφαίνοντο δὲ πρὸς τὸν ἄρχοντα.* Here we must either understand the word *ἄρχοντα* to be used in a more general sense, as denoting any magistrate to whom a jurisdiction belonged, or read with Schömann (*de Comit.* 178) *τοὺς ἄρχοντας.* For it is clear that the archon was not the only person before whom a *φάσις* might be preferred. In cases where corn had been carried to a foreign port, or money lent on a ship which did not bring a return cargo to Athens, and probably in all cases of offence against the export and import laws, the information was laid before the *ἐπιμεληταὶ τοῦ ἐμπορίου.* (Demosth. *c. Theocr.* 1323.) Where public money had been embezzled, or illegally appropriated, for which a *φάσις* was maintainable, the *σύνδικοι* were the presiding magistrates. (Isocr. *c. Callim.* 372 ; Lys. *de Publ. Pecun.* 149, *de Aristoph. bon.* 154, ed. Steph.) Offences relating to the mines came before the thesmothetae. (Meier, *Att. Proc.* p. 64.) Injuries done by guardians to their wards or wards' estate, whether a public prosecution or a civil action was resorted to, belonged to the jurisdiction of the archon, whose duty it was to protect orphans. (Suidas. *s. v.* *Φάσις* ; Demosth. *c. Onet.* 865, *c. Lacr.* 940, *c. Nausim.* 991.) All *φάσεις* were *τιμητοὶ ἀγῶνες*, according to Pollux (viii. 48), and he says *τὸ τιμηθὲν ἐγίγνετο τῶν ἀδικουμένων, εἰ καὶ ἄλλος ὑπὲρ αὐτῶν φήνειεν.* By this we are to understand that the *τίμημα* went to the state, if the prosecution was one of a purely public nature, that is, where the offence immediately affected the state ; but where it was of a mixed nature, as where a private person was injured, and the state only indirectly, in such case compensation was awarded to the private person. This was the case in prosecutions against fraudulent guardians. On the same ground, wherever the prosecutor had an interest in the cause, beyond that which he might feel as the vindicator of public justice ; as where he, or some third person on whose behalf he interposed, was the party directly injured, and might reap advantage from the result ; he was liable to the *ἐπωβελία*, and also to the payment of the *πρυτανεῖα*, just as he would be in a private action. Probably this liability attached upon informations for carrying corn to a foreign port, as the informer there got half the penalty if successful. (Demosth. *c. Theocr.* 1325.) Where the *φάσις* was of a purely public nature, the prosecutor would be subject only to the payment of the *παράστασις*, and to the thousand drachms, if he failed to obtain a fifth part of the votes, according to the common practice in criminal causes. (Demosth. *c. Theocr.* 1323.) Whether in those of a mixed nature he was liable to these payments, as well as to the *πρυτανεία* and *ἐπωβελία*, is a question which has been much discussed, but cannot be settled. We have no speech left us by the orators on the subject of a *φάσις*, but only mention of a lost speech of Lysias *πρὸς τὴν φάσιν τοῦ ὀρφανικοῦ οἴκου.* (See Böckh, *Publ. Econ. of Athens*, p. 368, &c. 2d ed. ; Meier, *Att. Proc.* pp. 247—252, 732 ; Platner, *Proc. und Kl.* vol. ii. pp. 9—17.) [C. R. K.]

PHEIDITIA (*φειδίτια*). [Syssitia.]

PHENACE (*φενάκη*). [Coma, p. 330, a.]

PHERNE (*φερνή*). [Dos.]

PHIALA. [Patera.]

PHONOS (*φόνος*), *Homicide*, was either *ἑκούσιος* or *ἀκούσιος*, a distinction which corresponds in some measure, but not exactly, with our *murder* and *manslaughter ;* for the *φόνος ἑκούσιος* might fall within the description of justifiable homicide, while *φόνος ἀκούσιος* might be excusable homicide. According to the different circumstances under which the homicide was committed, the tribunal to which the case was referred, and the modes of proceeding at Athens, varied. All cases of murder (with one exception, to be hereafter noticed) were tried by the court of Areiopagus ; other cases of homicide were (by the statutes of Draco) to be tried by the *ἐφέται.* All *φονικαὶ δίκαι* belonged to the jurisdiction of the *ἄρχων βασιλεὺς* as *ἡγεμὼν δικαστηρίου.* He was anciently the sole judge in cases of unintentional homicide ; for such an act was considered in a religious point of view, as being a pollution of the city ; and it became his duty, as guardian of religion, to take care that the pollution (*ἄγος*) was duly expiated. Draco, however, established the *ἐφέται*, first as a court of appeal from the *ἄρχων βασιλεύς* ; and soon after they began to perform the office of *δικασταί*, he being the presiding magistrate. (Suidas, *s. v.* *Ἡγεμονία δικαστηρίου* ; Pollux, viii. 90, 125.) In discussing this subject we have to consider the various courts established at Athens for the trial of homicide, the different species of crime therein respectively prosecuted, the manner of proceeding against the criminal, and the nature of the punishment to which he was liable. All these points are fully discussed by Matthiae in his treatise *de Judiciis Athen.* in the *Miscellanea Philologica*, vol. i., to which more particular references are given in this article.

Solon, who seems to have remodelled the court of Areiopagus, enacted that this court should try cases of murder and malicious wounding, besides arson and poisoning. (Demosth. *c. Aristocr.* 627.) One would be deemed a murderer, who instigated another to commit the deed, provided the purpose were accomplished. (Demosth. *c. Conon.* 1264, 1265 ; Matth. p. 148.) Besides the court of Areiopagus, there were four other courts, of which the *ἐφέται* were judges ; *τὸ ἐπὶ Παλλαδίῳ, τὸ ἐπὶ Δελφινίῳ, τὸ ἐπὶ Πρυτανείῳ*, and *τὸ ἐν Φρεαττοῖ.* (Harpocr. et Suid. *s. v.* *Ἐφέται.*) To the court *ἐπὶ Παλλαδίῳ* belonged cases of accidental homicide, manslaughter, and attempts to commit murder (*βουλεύσεις*). Such a case as that mentioned by Demosthenes (*c. Neaer.* 1348) of an unlawful blow followed by death, would be manslaughter. It seems also that this court had a concurrent jurisdiction with the Areiopagus in charges of murderous conspiracy, which was carried into effect. The law perhaps allowed the prosecutor to waive the heavier charge, and proceed against the offender for the conspiracy only. (Harpocr. *s. v.* *Βουλεύσεως* ; Antiph. *τετραλ.* 126, ed. Steph. ; Matth. p. 150.) As to the supposed origin of this court, see Harpocr. *s. v.* *Ἐπὶ Παλλαδίῳ* ; Pollux, viii. 118. To the court *ἐπὶ Δελφινίῳ* were referred cases where the party confessed the deed, but justified it; ἄν τις ὁμολογῇ μὲν κτεῖναι, ἐννόμως δὲ φῇ δεδρακέναι. Demosthenes calls it ἁγιώτατον καὶ φρικωδέστατον (c. *Aristocr.* 644; Harpocr. *s. v.* Ἐπὶ Δελφινίῳ; Pollux, viii. 119). As to the origin of this court see Matth. p. 152. In the τὸ ἐπὶ Πρυτανείῳ the objects of prosecution were inanimate things, as wood, stone, or iron, which had caused the death of a man by falling on him. (Harpocr. *s. v.* Ἐπὶ Πρυτανείῳ; Pollux, viii. 120; Demosth. *c. Aristocr.* 645.) Draco enacted that the cause of death should be cast out of the boundaries of the land (ὑπερορίζεσθαι), in which ceremony the ἄρχων βασιλεὺς was assisted by the φυλοβασιλεῖς. (Meier, *Att. Proc.* p. 117; Suidas, *s. v.* Νίκων; Aesch. *c. Ctesiph.* 88, ed. Steph.) This was a relic of very rude times, and may be not inaptly compared with our custom of giving deodands. Matthiae (p. 154) thinks there was an ulterior object in the investigation, viz., that by the production of the instrument by which death was inflicted, a clue might be found to the discovery of the real murderer, if any. The court ἐν φρεαττοῖ was reserved for a peculiar case; where a man, after going into exile for an unintentional homicide, and before he had appeased the relations of the deceased, was charged with having committed murder. He was brought in a ship to a place in the harbour called ἐν φρεαττοῖ, and there pleaded his cause on board ship, while the judges remained on land. If he was convicted, he suffered the punishment of murder; if acquitted, he suffered the remainder of his former punishment. The object of this contrivance was to avoid pollution (for the crime of the first act had not yet been expiated), and at the same time to bring the second offence to trial. (Demosth. *c. Aristocr.* 646; Harpocr. *s. v.* Ἐν φρεαττοῖ; Pollux, viii. 120; Matth. p. 155.)

To one or other of these courts all φονικαὶ δίκαι were sent for trial; and it was the business of the ἄρχων βασιλεὺς to decide which. The task of prosecution devolved upon the nearest relatives of the deceased; and in case of a slave, upon the master. To neglect to prosecute, without good cause, was deemed an offence against religion, that is, in any relation not further removed than a first cousin's son (ἀνεψιαδοῦς). Within that degree the law enjoined the relations to prosecute, under penalty of an ἀσεβείας γραφὴ, if they failed to do so. (Demosth. *c. Androt.* 593, *c. Macart.* 1069, *c. Euerg. et Mnes.* 1160, 1161; Antiph. *de Her. caed.* 135, ed. Steph.) They might, however (without incurring any censure), forbear to prosecute, where the murdered man had forgiven the murderer before he died (Demosth. *c. Pantaen.* 983); or, in cases of involuntary homicide, where the offender gave the satisfaction which the law required; unless the deceased had given a special injunction to avenge him. (Lysias, *c. Agor.* 133, 138, ed. Steph.; Matth. p. 170.)

The first step taken by the prosecutor was, to give notice to the accused to keep away from all public places and sacrifices. This was called πρόῤῥησις, and was given at the funeral of the deceased. (Antiph. *de Her. caed.* 130, 139, *de Chor.* 141, ed. Steph.; Demosth. *c. Leptin.* 505, *c. Aristocr.* 632, *c. Euerg.* 1160.) After this, he gave a public notice in the market-place, warning the accused to appear and answer to the charge: here he was said προειπεῖν or προαγορεύειν φόνου. (Demosth. *c. Macart.* 1068, *c. Neaer.* 1348.) The next thing was, to prefer the charge before the king-archon. To such charge the term ἐπισκήπτεσθαι or ἐπεξιέναι was peculiarly applied. (Pollux, viii. 33, 118; Harpocr. *s. v.* Ἐπεσκήψατο; Antiph. κατηγ. φαρμ. 111, ed. Steph.) The charge was delivered in writing; the prosecutor was said ἀπογράφεσθαι δίκην φόνου. (Antiph. *de Chor.* 145, ed. Steph.) The king-archon having received it, after first warning the defendant ἀπέχεσθαι τῶν μυστηρίων καὶ τῶν ἄλλων νομίμων (Pollux, viii. 66, 90), proceeded in due form to the ἀνάκρισις. The main thing to be inquired into was the nature of the offence, and the court to which the cognizance appertained. The evidence and other matters were to be prepared in the usual way. Three months were allowed for this preliminary inquiry, and there were three special hearings, one in each month, called διαδικασίαι, or (according to Bekker's reading) προδικασίαι (Antiph. *de Chor.* 146, ed. Steph.); after which, in the fourth month, the king-archon εἰσῆγε τὴν δίκην. (Matth. p. 160.) The defendant was allowed to put in a παραγραφὴ, if he contended that the charge ought to be tried in one of the minor courts. (Pollux, viii. 57.)

All the φονικὰ δικαστήρια were held in the open air, in order that the judges might not be under the same roof with one suspected of impurity; nor the prosecutor with his adversary. (Antiph. *de Her. caed.* 130, ed. Steph.) The king-archon presided, with his crown taken off. (Pollux, viii. 90.) The parties were bound by the most solemn oaths; the one swearing that the charge was true, that he bore such a relationship to the deceased, and that he would in conducting his case confine himself to the question at issue; the other declaring the charge to be false. (Antiph. *de Her. caed.* 130, 140, *de Chor.* 143, ed. Steph.; Demosth. *c. Euerg.* 1161; Matth. p. 163.) The witnesses on both sides were sworn in like manner (Antiph. *de Her. caed.* 130, 131, ed. Steph.; Meier, *Att. Proc.* p. 675); and slaves were allowed to appear as witnesses. (Meier, *Att. Proc.* p. 667.) Either party was at liberty to make two speeches, the prosecutor beginning, as may be seen from the τετραλογία of Antiphon; but both were obliged to confine themselves to the point at issue. (Lys. *c. Simon.* 100; Antiph. *de Chor.* 143, ed. Steph.) Advocates (συνήγοροι) were not admitted to speak for the parties anciently, but in later times they were. (Matth. p. 164.) Two days were occupied in the trial. After the first day the defendant, if fearful of the result, was at liberty to fly the country, except in the case of parricide. Such flight could not be prevented by the adversary, but the property of the exile was confiscated. (Pollux, viii. 117; Demosth. *c. Aristocr.* 634, 643; Matth. p. 167.) On the third day the judges proceeded to give their votes; for which two boxes or urns were provided (ὑδρίαι or ἀμφορεῖς), one of brass, the other of wood; the former for the condemning ballots, the latter for those of acquittal. An equal number of votes was an acquittal; a point first established (according to the old tradition) upon the trial of Orestes. (Aeschyl. *Eumen.* 753; Matth. p. 165.)

As the defence might consist either in a simple denial of the killing, or of the intention to kill, or in a justification of the act, it is necessary to inquire what circumstances amounted to a legal justification or excuse. We learn from Demosthenes (*c. Aristocr.* 637) that it was excusable to kill another unintentionally in a gymnastic combat, or to kill a friend in battle or ambuscade, mistaking him for an enemy; that it was justifiable to slay an adulterer if caught *in ipso delicto*, or a paramour caught in the same way with a sister or daughter, or even with a concubine, if her children would be free. (As to an adulterer, see Lys. *de Eratosth. caed.* 94, ed. Steph.) It was lawful to kill a robber at the time when he made his attack (εὐθὺς ἀμυνόμενον) but not after. (Demosth. *c. Aristocr.* 629.) By a special decree of the people, made after the expulsion of the thirty tyrants, it was lawful to kill any man who attempted to establish a tyranny, or put down the democracy, or committed treason against the state. (Lycurg. *c. Leocr.* 165; Andoc. *de Myst.* 13, ed. Steph.) A physician was excused who caused the death of a patient by mistake or professional ignorance. (Antiph. τετραλ. 127, ed. Steph.) This distinction, however, must be observed. Justifiable homicide left the perpetrator entirely free from pollution (καθαρόν). That which, though unintentional, was not perfectly free from blame, required to be expiated. See the remarks of Antiphon in the Τετραλογία, B. 123.

It remains to speak of the punishment.

The courts were not invested with a discretionary power in awarding punishment; the law determined this according to the nature of the crime. (Demosth. *c. Neaer.* 1372.) Wilful murder was punished with death. (Antiph. *de Her. caed.* 130, ed. Steph.; Demosth. *c. Mid.* 528.) It was the duty of the Thesmothetae to see that the sentence was executed, and of the Eleven to execute it. (Demosth. *c. Aristocr.* 630; Meier, *Att. Proc.* p. 74; Schömann, *Ant. Jur. Publ. Gr.* p. 246.) We have seen that the criminal might avoid it by flying before the sentence was passed. Malicious wounding was punished with banishment and confiscation of goods. (Lys. *c. Simon.* 100; Matth. p. 148.) So were attempts to murder (βουλεύσεις). But where the design was followed by the death of him whose life was plotted against, and the crime was treated as a murder, it might be punished with death, at least if it was tried in the Areiopagus; for it is doubtful whether the minor courts (except that ἐν φρεαττοῖ) had the power of inflicting capital punishment. (Matth. p. 150; Schömann, *Ant. Jur. Publ. Gr.* p. 294; Meier, *Att. Proc.* p. 313.) If the criminal who was banished, or who avoided his sentence by voluntary exile, returned to the country, an ἔνδειξις might forthwith be laid against him, or he might be arrested and taken before the Thesmothetae, or even slain on the spot. (Suidas, *s. v.* Ἔνδειξις; Matth. p. 168.) The proceeding by ἀπαγωγή (arrest) might perhaps be taken against a murderer in the first instance, if the murder was attended with robbery, in which case the prosecutor was liable to the penalty of a thousand drachms if he failed to get a fifth of the votes. (Demosth. *c. Aristocr.* 647; Meier, *Att. Proc.* p. 231.) But no murderer, even after conviction, could lawfully be killed, or even arrested, in a foreign country. (Demosth. *c. Aristocr.* 631, 632.) The humanity of the Greeks forbade such a practice. It was a principle of international law, that the exile had a safe asylum in a foreign land. If an Athenian was killed by a foreigner abroad, the only method by which his relations could obtain redress, was to seize natives of the murderer's country (not more than three), and keep them until the murderer was given up for judgment. (Demosth. *c. Aristocr.* 647; Pollux, viii. 50; Harpocr. and Suidas, *s. v.* Ἀνδρολήψιον.)

Those who were convicted of unintentional homicide, not perfectly excusable, were condemned to leave the country for a year. They were obliged to go out (ἐξέρχεσθαι) by a certain time, and by a certain route (τακτὴν ὁδόν), and to expiate their offence by certain rites. Their term of absence was called ἀπενιαυτισμός. It was their duty also to appease (αἰδεῖσθαι) the relations of the deceased, or if he had none within a certain degree, the members of his clan, either by presents or by humble entreaty and submission. If the convict could prevail on them, he might even return before the year had expired. The word αἰδεῖσθαι is used not only of the criminal humbling himself to the relations, but also of their forgiving him. (Harpocr. *s. v.* Ὑποφόνια; Demosth. *c. Pantaen.* 983, *c. Macart.* 1069, *c. Aristocr.* 643; Matth. p. 170.) The property of such a criminal was not forfeited, and it was unlawful to do any injury to him either on his leaving the country or during his absence. (Demosth. *c. Aristocr.* 634.)

Such was the constitution of the courts, and the state of the law, as established by Solon, and mostly indeed by Draco; for Solon retained most of Draco's φονικοὶ νόμοι. (Demosth. *c. Euerg.* 1161, *c. Aristocr.* 636.) But it appears that the jurisdiction of the ἐφέται in later times, if not soon after the legislation of Solon, was greatly abridged; and that most of the φονικαὶ δίκαι were tried by a common jury. It is probable that the people preferred the ordinary method of trial, to which they were accustomed in other causes, criminal as well as civil, to the more aristocratical constitution of the court of ἐφέται. Their jurisdiction in the courts ἐν φρεαττοῖ and ἐπὶ Πρυτανείῳ, was, no doubt, still retained; and there seem to have been other peculiar cases reserved for their cognizance. (Pollux, viii. 125; Matth. p. 158; Schömann, *Ant. Jur. Pub.* p. 296.) Whether the powers of the Areiopagus, as a *criminal court*, were curtailed by the proceedings of Pericles and Ephialtes, or only their administrative and censorial authority as a *council*, is a question which has been much discussed. The strong language of Demosthenes (*c. Aristocr.* 641) inclines one to the latter opinion. See also Dinarchus (*c. Aristog.* init.), from which it appears there was no appeal from the decision of that court. (Matth. 166; Platner, *Proc. und Klag.* vol. i. p. 27; Schömann, *Ant. Jur. Pub.* p. 301; Thirlwall, *Gr. Hist.* vol. iii. c. 17. p. 24.)

No extraordinary punishment was imposed by the Athenian legislator on parricide. Suicide was not considered a crime in point of law, though it seems to have been deemed an offence against religion; for by the custom of the country the hand of the suicide was buried apart from his body. (Aesch. *c. Ctes.* 88, ed. Steph.) [C. R. K.]

PHORBEIA (φορβεία). [Capistrum.]

PHORMINX (φόρμιγξ). [Lyra.]

PHOROS (φόρος), literally *that which is brought in*, was specially used to signify the tribute paid by the Attic states to Athens, which is spoken of under Telos.

PHRATRIA. [Civitas, pp. 289, 290; Tribus (Greek).]

PHRYGIO. [Pallium, p. 851, a.]

PHTHORA TON ELEUTHERON (φθορὰ τῶν ἐλευθέρων), was one of the offences that might be criminally prosecuted at Athens. The word *φθορά* may signify any sort of corruption, bodily or mental; but the expression *φθ. τ. ε.* comprehends, if it is not limited to, a crime too common among the Greeks, as appears from a law cited by Aeschines (*c. Timarch.* 2, ed. Steph.). On this subject see PROAGOGEIAS GRAPHE, and Schömann, *Ant. Jur. Pub. Gr.* pp. 335, 338. [C. R. K.]

PHYGE (*φυγή*). [EXSILIUM.]

PHYLARCHI (*φύλαρχοι*), generally the prefects of the tribes in any state, as at Epidamnus, where the government was formerly vested in the *φύλαρχοι*, but afterwards in a senate. (Arist. *Polit.* v. 1.) At Athens the officers so called were (after the age of Cleisthenes) ten in number, one for each of the tribes, and were specially charged with the command and superintendence of the cavalry. (Harpocr. *s. v.*; Pollux, viii. 94.) There can be but little doubt, that each of the Phylarchs commanded the cavalry of his own tribe, and they were themselves collectively and individually under the control of the two Hipparchs, just as the Taxiarchs were subject to the two Strategi. According to Pollux (viii. 94), they were elected one from each tribe by the Archons collectively; but his authority can hardly be considered as conclusive on this point. Herodotus (v. 19) informs us that when Cleisthenes increased the number of the tribes from four to ten, he also made ten Phylarchs instead of four. It has been thought, however (Titmann, *Staatsv.* pp. 274, 275), that the historian should have said ten Phylarchs in the place of the old *φυλοβασιλεῖς*, who were four in number, one for each of the old tribes. (See Wachsmuth, *Hellen. Alterthumsk.* vol. i. pp. 425, 543, vol. ii. p. 326, 2d ed.) [R. W.]

PHYLOBASILEIS (*φυλοβασιλεῖς*). The origin and duties of the Athenian magistrates, so called, are involved in much obscurity, and the little knowledge we possess on the subject is derived almost entirely from the grammarians. In the earliest times they were four in number, representing each one of the four tribes, and probably elected (but not for life) from and by them. (Hesych. *s. v.*) They were nominated from the Eupatridae, and during the continuance of royalty at Athens, these "kings of the tribes" were the constant assessors of the sovereign, and rather as his colleagues than counsellors. (Thirlwall, *Hist. of Greece*, vol. ii. p. 11.) From an expression in one of the laws of Solon (Plut. *Solon*, 19), it appears that before his time the kings of the tribes exercised a criminal jurisdiction in cases of murder or high treason; in which respect, and as connected with the four tribes of the city, they may be compared with the "duumviri perduellionis" at Rome, who appeared to have represented the two ancient tribes of the Ramnes and Tities. (Niebuhr, *Hist. of Rome*, vol. i. p. 304.) They were also intrusted (but perhaps in later times) with the performance of certain religious rites, and as they sat in the *βασίλειον* (Poll. viii. 111), they probably acted as assessors of the *ἄρχων βασιλεύς*, or "Rex sacrificulus," as they had formerly done of the king. Though they were originally connected with the four ancient tribes, still they were not abolished by Cleisthenes when he increased the number of tribes and otherwise altered the constitution of Athens; probably because their duties were mainly of a religious character. (Wachsmuth, *Hellen. Alterthumsk.* vol. ii. p. 426, 2d ed.) They appear to have existed even after his time, and acted as judges, but in unimportant or merely formal matters. They presided, we are told (Poll. viii. 120), over the court of the Ephetae, held at the Prytaneium, in the mock trials over instruments of homicide (*αἱ τῶν ἀψύχων δίκαι*), and it was part of their duty to remove these instruments beyond the limits of their country (*τὸ ἐμπεσὸν ἄψυχον ὑπερορίσαι*). We may reasonably conclude that this jurisdiction was a relic of more important functions, such as those described by Plutarch (*Solon*, 19), from which, and their connection with the Prytaneium, it has been conjectured that they were identical with the old Prytanes. (Müller, *Eumen.* § 67.) Plutarch (*l. c.*) speaks of them both as *βασιλεῖς* and *πρυτανεῖς*. In a *ψήφισμα*, quoted by Andocides (*de Myst.* p. 11), the title of *βασιλεῖς* seems to be applied to them. [R. W.]

PHYLON (*φῦλον*). [TRIBUS.]

PICTU'RA (*γραφή, γραφική, ζωγραφία*), painting. I. The art of imitating the appearances of bodies upon an even surface, by means of light and shade or colour, was an art most extensively cultivated by the ancients, but especially by the Greeks, amongst whom it was certainly carried to the highest degree of technical development.

II. *Authorities.* The principal original sources of information upon the history of ancient art, are Pausanias, the elder Pliny, and Quintilian; the writings also of Cicero, Lucian, Aelian, Aristotle, Athenaeus, Plutarch, the elder and younger Philostratus, contain many hints and maxims invaluable to the historian of art. The best modern works on the subject are: Junius, *De Pictura Veterum* and *Catalogus Artificum*, Roter. 1694, folio, which contain almost all the passages in ancient authors relating to the arts; but the Catalogue is the more valuable portion of the work; Sillig, *Catalogus Artificum*, Dresden 1827, 8vo., an indispensable supplement to the Catalogue of Junius; this excellent work, written equally for the scholar and the artist, has been translated into English under the title of a *Dictionary of the Artists of Antiquity*, 1837 *; a further supplement to Sillig, of great importance, is the work of M. Raoul-Rochette, *Lettre à M. Schorn, Supplément au Catalogue des Artistes de l'Antiquité Grecque et Romaine*, Paris 1845; Müller, *Handbuch der Archäologie der Kunst*, Breslau 1848, 8vo., 3rd ed. by Welcker, a most useful work, but written more for the antiquary than the artist; the 2nd edition has recently been translated by Mr. Leitch; Böttiger, *Ideen zur Archäologie der Malerei*, Dresden 1811, 8vo., first part, from the earliest times until Polygnotus and his contemporaries, inclusive; Durand, *Histoire de la Peinture Ancienne*, London 1725, folio, a translation of book xxxv. of Pliny, with copious notes; Carlo Dati, *Vite dei Pittori Antichi*, Florence 1667, 4to., the lives of Zeuxis, Parrhasius, Apelles, and Protogenes; Thiersch, *Ueber die Epochen der bildenden Kunst unter den Griechen*, München 1829, 8vo., 2nd ed.; Raoul-Rochette, *Recherches sur l'Emploi de la Peinture*, &c., Paris 1836, 4to.; John, *Malerei der Alten*, Berlin 1836, 8vo.; Letronne, *Lettres d'un Antiquaire à un Artiste*, Paris 1840, 8vo.; Nagler, *Neues allgemeines Künst-*

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* An important error, however, among many others, in this translation, demands notice; the term *enamel* is throughout erroneously used in the place of *encaustic*.

ler-Lexicon, München, 17 vols. 8vo., not yet completed; and the lectures of Fuseli upon ancient painting, and of Flaxman upon sculpture. Other works have been written upon general and particular subjects bearing more or less upon painting, such as those of Heyne, Meyer, Hirt, Hermann, Kugler, Völkel, Jacobs, Creuzer, Grund, Caylus, Levesque, Millin, D'Hancarville, Quatremère de Quincy, Inghirami, Visconti, Millingen, and others, too numerous to mention here. Of the celebrated work of Winckelmann, *Geschichte der Kunst des Alterthums*, only a very small portion is devoted to painting.

III. *Painting in its earliest state.* The legends relating to the origin of painting in Greece, though they may have no real historical value, are at least interesting to the lovers of art. One legend, which is recorded by Pliny (*H. N.* xxxv. 12. s. 43) and is adverted to by Athenagoras (*Legat. pro Christ.* 14. p. 59, ed. Dechair), relates the origin of the delineation of a shadow (*σκία*, *σκιαγραφή*, Pollux, vii. 128), which is the essential principle of design, the basis of the imitative and plastic arts. The legend runs as follows: — The daughter of a certain Dibutades, a potter of Sicyon, at Corinth, struck with the shadow of her lover who was about to leave her, cast by her lamp upon the wall, drew its outline (*umbram ex facie lineis circumscripsit*) with such force and fidelity, that her father cut away the plaster within the outline, and took an impression from the wall in clay, which he baked with the rest of his pottery. (*Dict. of Biog. s. v.*) There seem to be, however, other claimants to the honour of having invented skiagraphy (*σκιαγραφία*). Athenagoras (*l. c.*) mentions Saurias of Samos, who traced his horse's shadow in the sun with the point of his spear, and Crato of Sicyon, whom he styles the inventor of drawing or outline (*γραφική*), for he was the first to practise the art upon tablets with prepared grounds (*ἐν πίνακι λελευκωμένῳ*). Pliny (*H. N.* vii. 57) mentions upon the testimony of Aristotle, that Eucheir (*Εὔχειρ*), a relation of Daedalus, invented painting in Greece. (*Dict. of Biog. s.v.*) Although Pliny's account (*H. N.* xxxv. 5) of the origin and progress of painting in Greece is somewhat circumstantial, his information can still not be considered as authentic matter of history; and the existence of several of the most ancient artists, mentioned by Pliny and many Greek writers, is very questionable. Besides those already spoken of, we find mention made of Philocles of Egypt; Cleanthes, Ardices, and Cleophantus, of Corinth; Telephanes of Sicyon, Eugrammus, and others. (Upon the meanings of some of these names see Böttiger, *Ideen zur Archäologie*, p. 138, and Thiersch, *Epoch.* &c., note 22, and *Dict. of Biog.* art. *Cheirisophus.*)

Sculpture is generally supposed to be a more ancient art than *painting;* but this arises from an imperfect comprehension of the nature of the two arts, which are *one* in origin, end, and principle, and differ only in their development. Design is the basis of both, colour is essential to neither, nor can it be said to belong more particularly to the latter (*γραφική*) than to the former (*πλαστική*). Coloured works in plastic, in imitation of nature, were in ancient times as common, and probably more so, than coloured designs: the majority of the illustrations upon the vases are colourless. The staining of the human body, or the colouring of images, is the common notion of the origin of painting; but simple *colouring*, and *painting*, strictly speaking, are quite distinct; the distinction between "to colour," *χρώζειν*, *colorem inducere*, and "to paint," *ζωγραφεῖν*, *pingere*, *delineare*. (Pollux, vii. 126.) The colouring of the early wooden images, the ancient *ξόανα*, or the *ἑρμαῖ*, the *παλλάδια*, and the *δαίδαλα*, must certainly have preceded any important essays in painting, or the representation of forms upon an even surface by means of colour and light and shade combined. But this is no stage in the art of painting, and these figures were most probably coloured by the artists who made them, by the old *πλάσται* or *ἑρμογλύφαι*, themselves; the existence, however, of the art of design is established by the existence of the plastic art.

We will now as briefly as possible consider the gradual development of painting, and the information relating to its progressive steps, preserved in ancient writers. The simplest form of design or drawing (*γραφική*) is the outline of a shadow, without any intermediate markings, or the shape of a shadow itself (*a silhouette*), in black, white, or in colour (*umbra hominis lineis circumducta*); this kind of drawing was termed *σκιαγραφία*. But this simple figure or shade, *σκία* (*σκιαγράμμα*), when in colour was also essentially a monochrom (*μονοχρώματον*). The next step was the outline, the "pictura linearis," the monogram (*μονόγραμμον*); this is said to have been invented by Philocles of Egypt or Cleanthes of Corinth, but first developed in practice by Ardices of Corinth and Telephanes of Sicyon: it was the complete outline with the inner markings, still without colour; such as we find upon the ancient vases, or such as the celebrated designs of Flaxman, which are perfect monograms. These outlines were most probably originally practised upon a white ground (*ἐν πίνακι λελευκωμένῳ*), for Pliny remarks that they were first coloured by Cleophantus of Corinth, who used "testa trita," by which we should perhaps understand that he was the first to draw them upon a coloured or red ground, such as that of the vases. (Plin. *H. N.* xxxv. 5.)

The next step is the more perfect form of the monochrom, alluded to above; in this, light and shade were introduced, and in its most perfect state it was, in everything that is essential, a perfect picture. These "monochromata" were practised in all times, and by the greatest masters. Pliny, speaking of Zeuxis (*H. N.* xxxv. 36), says, "pinxit et monochromata ex albo;" *ex albo*, that is, in gray and gray, similar to the *chiariscuri* of the Italians. They are described by Quintilian (xi. 3. § 46), "qui singulis pinxerunt coloribus, *alia tamen eminentiora, alia reductiora* fecerunt." They were painted also red in red. Pliny (*H. N.* xxxiii. 39) tells us that the old masters painted them in vermilion, "Cinnabari veteres, *quae etiam nunc vocant monochromata*, pingebant," and also in red lead, but that afterwards the rubrica or red ochre was substituted for these colours, being of a more delicate and more agreeable tint.

Hygiemon, Dinias, and Charmadas, are mentioned by Pliny (*H. N.* xxxv. 34) as having been famous ancient monochromists; their age is not known, but they most probably practised the simpler form, such as we find upon the most ancient vases. Four monochroms in the latter style, red in red, were discovered in Herculaneum. (*Le*

Antichità d'Ercolano, vol. i. plates 1, 2, 3, 4.) They are paintings of a late date and are of considerable merit in every respect, but the colours have been nearly destroyed by the heat, and the pictures are in some places defaced; they are painted upon marble. They were probably all executed by the same artist, Alexander of Athens. ΑΛΕΞΑΝΔΡΟΣ ΑΘΗΝΑΙΟΣ ΕΓΡΑΦΕΝ, is an inscription upon one of them (pl. 1), which represents five females, with their names attached, two of whom are playing at the ancient game of the *tali* (ἀστραγαλισμός). These tablets are in the collection of ancient paintings of the Museo-Borbonico at Naples, Nos. 408, 409, 410, 411.

The next and last essential step towards the full development or establishment of the art of painting (ζωγραφία) was the proper application of local colours in accordance with nature. This is, however, quite a distinct process from the simple application of a variety of colours before light and shade were properly understood, although each object may have had its own absolute colour. The local colour of an object is the colour or appearance it assumes in a particular light or position, which colour depends upon, and changes with, the light and the surrounding objects; this was not thoroughly understood until a very late period, but there will be occasion to speak of this hereafter. Probably Eumarus of Athens, and certainly Cimon * of Cleonae, belonged to the class of ancient tetrachromists or polychromists, for painting in a variety of colours, without a due or at least a partial observance of the laws of light and shade, is simply polychromy; and a picture of this latter description is a much more simple effort than the rudest forms of the monochrom in chiaroscuro. There are a few examples of this kind of polychrom upon the most ancient vases. In the works of Eumarus of Athens, however, there must have been some attention to light and shade, and in those of Cimon of Cleonae still more.

IV. ***Painting in Asia Minor and in Magna Graecia.*** It is singular that the poems of Homer do not contain any mention of painting as an imitative art, nor is there mention of any artist, similar to Hephaestus, who might represent the class of painters. This is the more remarkable, since Homer speaks of rich and elaborate embroidery as a thing not uncommon; it is sufficient to mention the splendid Diplax of Helen (*Il.* iii. 126), in which were worked many battles of the Greeks and Trojans fought on her account. This embroidery is actual painting in principle, and is a species of painting in practice, and it was considered such by the Romans, who termed it "pictura textilis" (Cic. *Verr.* ii. 4. 1), "textili stragulo, magnificis operibus picto" (Id. *Tusc.* v. 21); that is, painted with the needle, embroidered, *acu picto.* (Ovid. *Met.* vi. 23; Virg. *Aen.* ix. 582.) The various allusions also to other arts, similar in nature to painting, are sufficient to prove that painting must have existed in some degree in Homer's time, although the only kind of painting he notices is the "red-cheeked" and "purple-cheeked ships" (νῆες μιλτοπάρῃοι, *Il.* ii. 637; νέας φοινικοπαρῄους, *Od.* xi. 123), and an ivory ornament for the faces of horses, which a Maeonian or Carian woman colours with purple. (*Il.* iv. 141.) The description of the shield of Achilles, worked by Hephaestus in various-coloured metals, satisfactorily establishes the fact that the plastic art must have attained a considerable degree of development in the time of Homer, and therefore determines also the existence of the art of design. (*Ars delineandi;* γραφική.)

Painting seems to have made considerable progress in Asia Minor, while it was still in its infancy in Greece, for Candaules, king of Lydia (B. C. 716), is said to have purchased at a high price a painting of Bularchus, which represented a battle of the Magnetes. (Plin. *H. N.* xxxv. 34.) It would appear from the expression of Pliny (*H. N.* vii. 39) that Candaules paid the painter as much gold coin as would cover the picture. It must be confessed that the tradition is very doubtful (see *Dict. of Biog.* art. *Bularchus*); but this painting of Bularchus is not an isolated fact in evidence of the early cultivation of painting in Asia; there is a remarkable passage in Ezekiel, who prophesied about 600 B. C., relating to pictures of the Assyrians (xxiii. 14, 15): "Men pourtrayed upon the wall, the images of the Chaldeans *pourtrayed with vermilion*, girded with girdles upon their loins, exceeding in *dyed attire* upon their heads, all of them princes to look to, after the manner of the Babylonians of Chaldea, the land of their nativity."

The old Ionic or Asiatic painting, the "genus picturae Asiaticum," as Pliny (*H. N.* xxxv. 10. s. 36) terms it, most probably flourished at the same time with the Ionian architecture, and continued as an independent school until the sixth century B. C., when the Ionians lost their liberty, and with their liberty their art. Herodotus (i. 164) mentions that when Harpagus besieged the town of Phocaea (B. C. 544), the inhabitants collected all their valuables, their statues and votive offerings from the temples, leaving only their *paintings*, and such works in metal or of stone as could not easily be removed, and fled with them to the island of Chios; from which we may conclude that paintings were not only valued by the Phocaeans, but also common among them. Herodotus (iv. 88) also informs us that Mandrocles of Samos, who constructed for Dareius Hystaspis the bridge of boats across the Bosporus (B. C. 508), had a picture painted, representing the passage of Dareius's army, and the king seated on a throne reviewing the troops as they passed, which he dedicated in the temple of Hera at Samos.

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* These two names are generally connected with each other, but Eumarus must have preceded Cimon some time. He was the first, according to Pliny (*H. N.* xxxv. 34), who distinguished the male from the female in painting: "qui primus in pictura marem feminamque discreverit, . . . figuras omnes imitari ausum." The most obvious distinction which here suggests itself can scarcely be alluded to by Pliny, or Eumarus must belong to a very early period, for we find that distinction very decidedly given on even the most ancient vases, whenever the figure is naked. That Eumarus dared or ventured to imitate all figures, may imply that he made every distinction between the male and the female, giving also to each sex a characteristic style of design, and even in the compositions, draperies, attitudes, and complexions of his figures, clearly illustrating the dispositions and attributes of each, exhibiting a robust and vigorous form in the males, and making the females slighter and more delicate. These qualities are all perfectly compatible with the imperfect state of the art of even so early a period, and they may also be very evident, notwithstanding ill-arranged composition, defective design, crude colour, and a hard and tasteless execution.

After the conquest of Ionia, Samos became the seat of the arts. (Herod. iii. 60.) The Heraeum at Samos, in which the picture of Mandrocles was placed, was a general depository for works of art, and in the time of Strabo appears to have been particularly rich in paintings, for he terms it a "picture-gallery" (*πινακοθήκη*, xiv. p. 637). Consecrated or votive pictures on panels or tablets (*πίνακες ἀνακειμένοι*, or *γραφαὶ ἀνακειμέναι*) constituted a considerable portion of the *ἀναθήματα* or votive offerings in the temples of Greece, most of which in a later period had a distinct building or gallery (*οἴκημα*) attached to them disposed for the reception of pictures and works of this class. (Paus. i. 22. § 4, x. 25. § 1, 2; Ath. xiii. p. 606, b.; Strab. ix. p. 396.)

After the decline of the Ionian art, painting flourished amongst the Greeks in Italy and Sicily, and especially in Crotona, Sybaris, and Tarentum. Aristotle (*de Mirab. Auscult.* c. 99) speaks of a magnificent cloth or pallium (*ἱμάτιον*) of Alcisthenes of Sybaris, which measured 15 cubits, was of the richest purple, and in it were worked the representations of cities, of gods, and of men. It came afterwards into the possession of the tyrant Dionysius the elder, who sold it to the Carthaginians for 120 talents. This is sufficient evidence of the existence of painting among the Italiots, and even of painting of a high degree.

Pliny would induce us to believe that painting was established throughout Italy as early as the time of Tarquinius Priscus (*H. N.* xxxv. 6). He mentions some most ancient paintings at Caere; and a naked group of Helen and Atalanta, of beautiful forms, painted upon the wall of a temple at Lanuvium, and some paintings by the same artist in the temple of Juno at Ardea, accompanied with an inscription in ancient Latin characters, recording the name of the artist and the gratitude of Ardea. (*H. N.* xxxv. 6, 37.)

V. *Painting in Greece.* Cimon of Cleonae is the first important personage we meet with in the history of painting in Greece. His exact period is very uncertain, but he was probably a contemporary of Solon, and lived at least a century before Polygnotus. It is not at all necessary, as Pliny supposes, that he must have preceded Bularchus, which would place him very much earlier; as he may easily have acquired the art in one of the Ionian cities, for in the time of Solon there was a very extensive intercourse between Greece and the Asiatic colonies. The superior quality of the works of Cimon, to which Pliny and Aelian bear sufficient testimony, is a strong reason for assigning him a later date; but his having been contemporary with Dionysius of Colophon, who imitated the works of Polygnotus, is quite out of the question. This has been inferred from the occurrence of the name Cimon in connection with that of Dionysius in Simonides (*Anthol. Pal.* ix. 758, and in *Append.* ii. p. 648); but as Müller (*Archäologie*, § 99. 1) has observed, *Μίκων* ought to be there most probably substituted for *Κίμων*.

Cimon improved upon the inventions of Eumarus; he was the first who made foreshortenings (*catagrapha*), and drew the figure in a variety of attitudes; he first made muscular articulations, indicated the veins, and gave natural folds to drapery. (Plin. *H. N.* xxxv. 34.) The term "catagrapha," which Pliny uses, evidently signifies any oblique view of the figure or countenance whatever, whether in profile or otherwise; in technical language, *foreshortenings*.

We learn from Aelian (*V. H.* viii. 8) that Cimon was much better paid for his works than any of his predecessors. This alone implies a great superiority in his works. He appears to have emancipated painting from its archaic rigidity; and his works probably occupied a middle place between the productions of the earlier school and those of Polygnotus of Thasos.

At the time of Polygnotus (B. C. 460), partly on account of the changes which took place in the Greek character subsequent to the Persian invasion, and partly in consequence of his own great works in Athens and at Delphi, painting attracted the attention of all Greece; but previous to this time, the only cities that had paid any considerable attention to it, were Aegina, Sicyon, Corinth, and Athens. Sicyon and Corinth had long been famous for their paintings upon vases and upon articles of furniture; the school of Athens was of much later date than the others, and had attained no celebrity whatever, until the arrival of Polygnotus from Thasos raised it to that pre-eminence which, through various circumstances, it continued to maintain for more than two centuries, although very few of the great painters of Greece were natives of Athens.

It has been attempted hitherto, as far as our space would admit of, to trace the progressive steps of Grecian painting from its infancy, until it attained that degree of development requisite to entitle it to the name of an independent art; but before entering upon the consideration of the painting of the Greeks in its complete development, it will be well to examine both their technic systems and their mechanical means.

VI. *Technic.* — *Vehicles, Materials, &c.* (*φάρμακα*, *ὕλαι*, &c., Pollux, vii. 128). The Greeks painted with wax, resins, and in water colours, to which they gave a proper consistency, according to the material upon which they painted, with gum (*gummi*), glue (*glutinum*), and the white of egg (*ovi albumen*); gum and glue were the most common. It does not appear that they ever painted in oil; the only mention of oil in ancient writers in connection with painting, is the small quantity which entered into the composition of encaustic varnish, to temper it. (Vitruvius, vii. 9; Plin. *H. N.* xxxiii. 40.) They painted upon wood, clay, plaster, stone, parchment, and canvas; the last was, according to one account (Plin. *H. N.* xxxv. 33), not used till the time of Nero; and though this statement appears to be doubtful ("depictam in tabula *sipariove* imaginem rei," (Quint. *Inst. Or.* vi. 1. § 32; see Raoul-Rochette, p. 331), the use of canvas must have been of late introduction, as there is no mention of it having been employed by the Greek painters of the best periods. They generally painted upon panels or tablets (*πίνακες*, *πινάκια*, *tabulae*, *tabellae*), and very rarely upon walls; and an easel similar to what is now used, was common among the ancients, who called it *ὀκρίβας* or *καλύβας*. (Pollux, vii. 129.) Even in the time of Pliny, when wall-painting was common, those only who painted easel-pictures (*tabulas*) were held in esteem: "sed nulla gloria artificum est nis: eorum qui tabulas pinxere" (*H.N.* xxxv. 37); that is, those who painted history or fable upon panels, in what is termed the historic or great style, the *megalographia* of Vitruvius (vii. 4, 5), and the *χρηστογραφία* of Plutarch. (*Arat.* 13.) These panels, when finished, were fixed into frames of various descriptions and materials (Plin. *H. N.* xxxv. 45), and encased in walls. (Plin. *H. N.* xxxv. 10; Cic. *in Verr.* iv. 55; Dig 19. tit. 1. s. 17. § 3; Müller, *Arch.* § 319. 5; see Raoul-Rochette, *Sur l'Emploi de la Peinture, &c.*, and Letronne, *Lettres d'un Antiquaire, &c.*, works devoted to the discussion of this subject.) The ornamental panel-painting in the houses of Pompeii is evidently an imitation of this more ancient and more costly system of decorating walls. The wood of which these panels or tablets were generally made was Larch (*Abies Larix*, *Larix femina*, Ἐλάτη, Theophr. *H. Pl.* iii. 9. 7; Plin. *H. N.* xvi. 73), and they were grounded or prepared for painting with chalk or white plaster; this prepared ground was termed *λεύκωμα*, which term was applied also to the tablet itself when thus prepared. (Suidas, *s. v.*; *ἐν πίνακι λελευκωμένῳ*, Athenag. *l. c.*)

The style or cestrum used in drawing, and for spreading the wax colours, pointed at one end and broad and flat at the other, was termed *γραφίς* by the Greeks and cestrum by the Romans; it was generally made of metal. There is a representation of an instrument of this description in one of the paintings of Herculaneum. (*Antichita d'Ercolano*, vol. iii. pl. 45.) The hair pencil (*penicillus*, *penicillum*) was termed *ὑπογραφίς*, and apparently also *ῥαβδίον* (*χρώζειν διὰ τοῦ ῥαβδίου*, Timaeus, *Lex. Plat. s. v.* Χραίνειν: see Letronne, *Encaustic*, *Journ. des Sav.* Sept. 1835, on the meaning of *ῥαβδίον*).

The ancients used also a palette very similar to that used by the moderns, although it appears that there is no absolute mention of the palette in any ancient author. The fact, however, is sufficiently attested by the figure of Painting discovered in the so-called Pantheon at Pompeii, which holds the palette and brushes in her left hand. (Zahn, *Die schönsten ornamente und merkwürdigsten gemälde aus Pompeii Herkulanum und Stabiae*, Berlin 1828.) In the same work (plate 98) a female who is painting is represented holding something in her left hand which appears to be a palette, but it is not well defined even in the original. (Museum of Naples, No. 383. "La femme Peintre," Pompéi. In the *Antichità d'Ercolano*, it is given as a female copying a Hermes, vol. vii. pl. 1.) In the grotesque drawing of a portrait-painter at work, copied by Mazois (*Les Ruines de Pompéi*, part ii. p. 68) from a picture in the Casa Carolina at Pompeii, a small table serves as a palette and stands close to his right hand; it appears to have seventeen different tints upon it. It is most probable that the "tabella" of Pliny and the *πινάκιον* of Pollux (or even the *πυξίον*, x. 59) signified also palette as well as tablet.

The ancient authors have left us less information concerning the media or vehicles (*φάρμακα*) used by the painters of antiquity than on any other matter connected with ancient painting. Gum and glue, commis, gummi, glutinum, glutinum taurinum, were evidently in common use. (Plin. *H. N.* xxxv. 25; Vitruv. vii. 10.) Pliny (*H. N.* xiii. 20) speaks of sarcocolla (*Penaea Sarcocolla*, Linnaeus) as a gum most useful to painters. The Greeks received it from Persia. (Diosc. iii. 99.) Its substance has been analyzed by M. Pelletier. (See Merat, *Dict. Méd. Scien.*)

Mastich, a resin of the Pistacia Lentiscus, now much used by painters, is also mentioned by Greek and Roman writers (Plin. *H. N.* xii. 36, xxiv. 28; Diosc. i. 96; Theophr. *H. Pl.* vi. 4); the best was produced in the island of Chios. It was termed *ῥητίνη σχινίνη* and *μαστίχη*, also *ἀκανθινὴ μαστίχη*, *resina lentiscina*, *mastiche*. There were various kinds; Pliny mentions a kind from Pontus which resembled bitumen. This resin was not improbably mixed with the Punic wax prepared for painting in encaustic, for the Abate Requeno, who made many experiments in encaustic (*Saggi sul ristabilimento dell' antica arte dei Greci e Romani pittori*, Parma 1787), asserts that it amalgamates well with wax; the same writer is also of opinion that the ancient encaustic painters used also amber (*succinum*) and frankincense or olibanum (*Thus masculum*) in the preparation of their colours. Pliny (*H. N.* xxxiv. 26), speaking of verdigris, remarks that it was sometimes mixed with frankincense. He also mentions (xiv. 25) other resins and substances which are useful to painters, and (xxiv. 22) particularly turpentine (*Terebinthina*), of which, as now, there were formerly various kinds. (See Geoffroy, *Mater. Med.*; and Excurs. vi. ad Plin. *H. N.* xxiv. 22, ed. Lemaire.)

The method of preparing wax, or Punic wax (*cera Punica*), as it was termed, is preserved in Pliny (*H. N.* xxi. 49) and Dioscorides (ii. 105). It was the ordinary yellow wax, purified and bleached, by being boiled three distinct times in sea-water, with a small quantity of nitre, applying fresh water each time. When taken out of the water the third time, it was covered with a thin cloth and placed in the sun to dry. Wax thus purified was mixed with all species of colours and prepared for painting; but it was applied also to many other uses, as polishing statues, walls, &c.

Pliny speaks of two kinds of bitumen or asphaltum (*ἄσφαλτος*), the ordinary, and a white Babylonian bitumen (*H. N.* xxxv. 51). It was used as a varnish for bronze statues. For an account of the colours used by the ancient painters, see the article COLORES, and John, *Malerei der Alten, &c.*

VII. *Methods of Painting.* There were two distinct classes of painting practised by the ancients; in water colours, and in wax; both of which were practised in various ways. Of the former the principal were fresco, al fresco; and the various kinds of distemper (a tempera), with glue, with the white of egg, or with gums (a guazzo); and with wax or resins when these were rendered by any means vehicles that could be worked with water.* Of the latter the principal was through fire (*διὰ πυρὸς*) termed encaustic (*ἐγκαυστική*, *encaustica*). The painting in wax, *κηρογραφία*, or ship painting, *inceramenta navium* (Liv. xxviii. 45), was distinct from encaustic. Compare Athenaeus,

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* Wax becomes a water colour medium, when boiled with sarcocolla or mastich, according to the Abate Requeno, who mixed five ounces of mastich with two of wax, which when boiled he cooled in a basin of cold water; turpentine becomes such when well mixed with the white of egg and water. The yolk of egg, when mixed with vinegar, also makes a good working vehicle for this species of painting, but it does not require water.

v. p. 204, b. ; *κηρογραφίᾳ κατεπεποίκιλτο*, which is distinct from *εἴκονες . . . . ἐν ἐγκαύμασι γραφόμεναι διὰ πυρὸς*, Plut. *Mor. Amator.* 16.)

Fresco was probably little employed by the ancients for works of imitative art, but it appears to have been the ordinary method of simply colouring walls, especially amongst the Romans. The walls were divided into compartments or panels, which were termed abaci, ἄβακες ; the composition of the stucco and the method of preparing the walls for painting is described by Vitruvius (vii. 3). They first covered the wall with a layer of ordinary plaster, over which, when dry, were successively added three other layers of a finer quality, mixed with sand ; above these were placed still three layers of a composition of chalk and marble dust, the upper one being laid on before the under one was quite dry, and each succeeding coat being of a finer quality than the preceding. By this process the different layers were so bound together, that the whole mass formed one solid and beautiful slab, resembling marble, and was capable of being detached from the wall and transported in a wooden frame to any distance. (Vitruv. ii. 8 ; Plin. *H. N.* xxxv. 49.) Vitruvius remarks that the composition of the ancient Greek walls was so excellent, that persons were in the habit of cutting away slabs from them and converting them into tables, which had a very beautiful appearance. This colouring al fresco, in which the colours were mixed simply in water, as the term implies, was applied when the composition was still wet (*udo tectorio*), and on that account was limited to certain colours, for no colours except earths can be employed in this way, that have not already stood the test of fire. Pliny (*H. N.* xxxv. 31) mentions those colours which could not be so employed : Purpurissum, Indicum, Caeruleum, Melinum, Auripigmentum, Appianum, and Cerussa ; instead of Melinum they used Paraetonium, a white from Egypt, which was by the Romans considered the best of whites. [COLORES.]

The care and skill required to execute a work in fresco, and the tedious and expensive process of preparing the walls, must have effectually excluded it from ordinary places. The majority of the walls in Pompeii are in common distemper ; but those of the better houses, not only in Pompeii but in Rome and elsewhere, especially those which constitute the grounds of pictures, are in fresco. All the pictures, however, are apparently in distemper of a superior kind, or a guazzo, but the impasto is of various qualities ; in some it appears to have the consistency of oil painting without its defects, in others it is very inferior.

Ordinary distemper, that is, with glue or size, is probably the most ancient species of painting ; many of the ancient ornamental friezes and painted bassi-relievi in the temples and ruins in Egypt, and also many of the most ancient remains in Italy, are painted in this manner.

The fresco walls, when painted, were covered with an encaustic varnish, both to heighten the colours and to preserve them from the injurious effects of the sun or the weather. Vitruvius (vii. 9) describes the process as a Greek practice, which they termed *καῦσις*. When the wall was coloured and dry, Punic wax, melted and tempered with a little oil, was rubbed over it with a hard brush (*seta*) ; this was made smooth and even by applying a *cauterium* (*καυτήριον*), or an iron pan, filled with live coals, over the surface, as near to it as was just necessary to melt the wax : it was then rubbed with a candle (wax ?) and a clean linen cloth, in the way that naked marble statues were done. (Compare Plin. *H. N.* xxxiii. 40.) The Abate Requeno supposes that the candles were used as a species of delicate cauterium, simply to keep the wax soft, that it might receive a polish from the friction of the linen ; but it is a subject that presents considerable difficulty.

This kind of varnish was applied apparently to plain walls only, for Sir Humphry Davy discovered no remains whatever in the Baths of Titus, of an encaustic varnish upon paintings, although the plain walls had generally traces of a red varnish of this description. Neither Pliny nor Vitruvius mention anything about colour, but this is evidently a most simple addition, and does not interfere at all either with the principle or the application of the varnish. Paintings may have possibly been executed upon the walls after they were thus varnished.

A method apparently very generally practised by the Roman and later Greek painters was Encaustic, which, according to Plutarch (*l. c.*), was the most durable of all methods ; it was in very little use by the earlier painters, and was not generally adopted until after the time of Alexander. Pliny (*H. N.* xxxv. 39) defines the term thus : " ceris pingere ac picturam inurere," to paint with wax or wax colours, and to *burn in* the picture afterwards with the cauterium ; it appears therefore to have been the simple addition of the process of *burning in* to the ordinary method of painting with wax colours.* Cerae (waxes) was the ordinary term for painters' colours amongst the Romans, but more especially encaustic colours and they kept them in partitioned boxes, as painters do at present. (" Pictores loculatas magnas habent arculas, ubi discolores sint cerae," Varro, *de Re Rust.* iii. 17.) They were most probably kept dry in these boxes, and the wet brush or pencil was rubbed upon them when colour was required, or they were moistened by the artist previous to commencing work. From the term cerae, it would appear that wax constituted the principal ingredient of the colouring vehicle used, but this does not necessarily follow, and it is very improbable that it did ; there must have been a great portion of gum or resin in the colours, or they could not have hardened. Wax was undoubtedly a most essential ingredient, since it apparently prevents the colours from cracking : cerae therefore might originally simply mean colours which contained wax, in contradistinction to those which did not, but was afterwards applied generally by the Romans to the colours of painters, as for instance by Statius (*Sylv.* i. 1. 100), "Apellene cuperent te scribere cerae." The sponge (*σπογγία*, *spongia*), spoken of by Pliny and other writers in connection with painting, affords some proof that painting in water colours was the method generally practised by the ancient painters; which is also corroborated by the small vessel placed close to the palette or table of the portrait-painter of the Casa Carolina of Pompeii, evidently for the purpose of washing his single brush in. Seneca (*Ep.* 121. 5) notices the facility and rapidity with which a painter takes and lays on his colours. That wax or resins may be used as vehicles in water-colours has been already mentioned.

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* There were various kinds of encaustic, with the pencil and with the cestrum ; but the difference between them and the common process in which the cauterium or heater was not applied cannot have been very great, for Pausias, whose style was in encaustic with the cestrum, nevertheless undertook to repair the paintings of Polygnotus at Thespiae, which were painted in the ordinary manner in water colours with the pencil. Pliny (*H. N.* xxxv.) in enumerating the most celebrated painters of antiquity speaks separately of those who excelled in either class ; chap. 36 is devoted to those who painted in the ordinary method with the pencil, and chap. 40 principally to those who painted in encaustic.

The origin of encaustic painting is unknown. It was practised in two ways with the cestrum, namely, in wax and on ivory; and in a third manner with the pencil. The last method, according to Pliny, was applied chiefly to ship-painting; the colours were laid on hot. His words are,—"Encausto pingendi duo fuisse antiquitus genera constat, cera, et in ebore, cestro id est viriculo, donec classes pingi coepere. Hoc tertium accessit, resolutis igni ceris penicillo utendi, quae pictura in navibus nec sole nec sale ventisque corrumpitur." (*H. N.* xxxv. 41.) This passage, from its conciseness, presents many difficulties. "Cera, cestro," that is, in wax with the cestrum; this was the method of Pausias: "in ebore, cestro;" this must have been a species of drawing with a hot point, upon ivory, for it was, as is distinctly said, without wax, "cera, *et* in ebore." The third method, "resolutis igni ceris penicillo utendi," though first employed on ships, was not necessarily confined to ship-painting; and if the assertion of Pliny is correct, it must have been a very different style of painting from the ship-colouring of Homer, since he says it was of a later date than the preceding methods. The "inceramenta navium" of Livy, and the *κηρογραφία* of Athenaeus, mentioned above, may have been executed in this third method of Pliny; the use of the cauterium, or process of burning *in*, is here not alluded to, but since he defined encaustic to be "ceris pingere ac picturam inurere" (*H. N.* xxxv. 39), its employment may be understood in this case also. It is difficult, however, to understand what effect the action of the cauterium could have in the second method (*in ebore, cestro*), which was without wax. It would appear, therefore, that the definition alluded to is the explanation of the first mentioned method only; and it is probable that the ancient methods of painting in encaustic were not only three, but several; the *καῦσις* of Vitruvius, mentioned also by himself, is a fourth, and the various modes of ship painting add others to the number. Pliny (*H. N.* xvi. 23) himself speaks of "zopissa," a composition of wax and pitch, which was scraped from ships; and it is difficult to suppose that the higher class of encaustic was practised with the cestrum only, since the pencil is such an infinitely more efficient instrument for the proper mixing and application of colours. (*Κεράσασθαι τὰ χρώματα, καὶ εὔκαιρον ποιεῖσθαι τὴν ἐπιβολὴν αὐτῶν*, Lucian, *Imag.* 7. vol. ii. p. 465, R.) The wax painting on the fictile vases, mentioned by Athenaeus (v. p. 200. 6), can have been scarcely executed with the cestrum; and it is also unlikely that it was done with hot colours, as the painting of the "figlinum opus" mentioned by Pliny (*H. N.* xxxvi. 64) may have been. But as there were various methods of painting in encaustic, it follows that the colours designed for this species of painting were also variously prepared, and those which were suited for one style may have been quite unfit for another. All these styles, however, are comparatively simple, compared with that of Pausias, in wax with the cestrum, "cera, cestro;" and it is difficult for a modern practitioner to understand how a large and valuable picture could be produced by such a method; unless these colours or cerae, which painters of this class, according to Varro (*l. c.*), kept in partitioned boxes, were a species of wax crayons, which were worked upon the panel with the broad end of the cestrum (which may have had a rough edge) within an outline or monogram, previously drawn or cut in, with the pointed end, and were afterwards fixed, and toned or blended by the action of the cauterium. Painters were in the habit of inscribing the word *ἐνέκαυσεν*, "burnt it in," upon pictures executed in encaustic, as *Νικίας ἐνέκαυσεν*, *Λυσίππος ἐνέκαυσεν*. (Plin. *H. N.* xxxv. 10, 39.)

VIII. *Polychromy.* The practice of varnishing and polishing marble statues has been already incidentally noticed. The custom was very general; ancient statues were also often painted, and what is now termed polychrome sculpture was very common in Greece, for the acrolithic and the chryselephantine statues were both of this description. Many works of the latter class, which were of extraordinary magnificence and costliness, are described by Pausanias. The term polychromy, thus applied, was apparently unknown to the ancients; this species of painting is called by Plutarch (*De Glor. Athen.* 6) *ἀγαλμάτων ἔγκαυσις*, and appears to have been executed by a distinct class of artists (*ἀγαλμάτων ἐγκαυσταί*). They are mentioned also by Plato (*De Republ.* iv. 420. c.), *οἱ ἀνδριάντας γράφοντες*: and if it is certain that Plato here alludes to painting statues, it is clear that they were occasionally entirely painted, in exact imitation of nature; for he expressly remarks, that it is not by applying a rich or beautiful colour to any particular part, but by giving its local colour to each part, that the whole is made beautiful (*ἀλλ' ἄθρει εἰ τὰ προσήκοντα ἑκάστοις ἀποδιδόντες, τὸ ὅλον καλὸν ποιοῦμεν*). That this was, however, not a general practice, is evident from the dialogue between Lycinus and Polystratus, in Lucian (*Imag.* 5—8), where it is clearly, though indirectly, stated, that the Venus of Cnidus by Praxiteles, and other celebrated statues, were not coloured, although they may have been ornamented in parts and covered with an encaustic varnish.

The practice of colouring statues is undoubtedly as ancient as the art of statuary itself; although they were perhaps originally coloured more from a love of colour than from any design of improving the resemblance of the representation. The Jupiter of the Capitol, placed by Tarquinius Priscus, was coloured with minium. (Plin. *H. N.* xxxv. 45.) In later times the custom seems to have been reduced to a system, and was practised with more reserve. Considerable attention also seems to have been paid to the effect of the object as a work of art. Praxiteles being asked which of his marble works he most admired, answered, those which Nicias had had a hand in, "quibus Nicias manum admovisset," so much, says Pliny (*H. N.* xxxv. 40), did he attribute to his circumlitio. Nicias, therefore, who painted in encaustic, seems *in his youth* to have been an ἀγαλμάτων ἐγκαυστής, or painter of statues, and from the approval of Praxiteles, excelled apparently in this description of painting or colouring.

This view differs very materially from those which have been hitherto advanced upon this subject, but it has not been adopted without mature consideration.

In the "circumlitio" of Nicias, the naked form was most probably merely varnished, the colouring being applied only to the eyes, eyebrows, lips, and hair, to the draperies, and the various ornaments of dress; and there can be little doubt that fine statues, especially of females, when carefully and tastefully coloured in this way, must have been extremely beautiful; the encaustic varnish upon the white marble must have had very much the effect of a pale transparent flesh. Gold was also abundantly employed upon ancient statues; the hair of the Venus de Medicis was gilded, and in some, glass eyes and eyelashes of copper were inserted, examples of which are still extant.

The practice also of colouring architecture seems to have been universal amongst the Greeks, and very general amongst the Romans. It is difficult to define exactly what the system was, for there is scarcely any notice of it in ancient writers; a few casual remarks in Vitruvius and Pausanias are all we possess of any value. Our information is drawn chiefly from the observations of modern travellers; for traces of colour have been found upon most of the architectural ruins of Greece, and upon the ancient monuments of Italy and Sicily; but with the exception of the Doric ruins at Corinth and the temple of Aegina, which are not of marble, the colouring was confined to the mouldings and other ornaments, the friezes, the metopes, and the tympana of the pediments. The exterior of the wall of the cella of the Aegina temple, and the columns of the Corinthian ruins, were covered with stucco and coloured red. It does not appear that the exterior walls when of marble were ever coloured, for no traces of colour have been found upon them. At an early age, before the use of marble, when the temples and public edifices were constructed mostly of wood, the use of colour must have been much more considerable and less systematic; but during the most refined ages, the colouring, otherwise quite arbitrary, appears to have been strictly confined to the ornamental parts. From the traces found upon ancient monuments we are enabled to form a very tolerable idea of the ancient system of decorating mouldings. They were painted in various ways and in a great variety of colours, and a tasteful combination of colours must have added greatly to the effect of even the richest mouldings. The ordinary decorations were foliage, ova, and beads; but upon the larger mouldings on which foliage was painted, the outlines of the leaves were first engraved in the stone. Gilding and metal work were also introduced, particularly in the Doric order; the architrave of the Parthenon at Athens was decorated with gilded shields. Friezes that were adorned with sculpture appear to have been invariably coloured, as also the tympana of the pediments; in the Parthenon these parts were of a pale blue, in some of the Sicilian monuments red has been found. Some interior polychrome cornices of Pompeii are given in the work of Zahn (*Die schönsten Ornamente, &c.*, pl. 91).

In later times, amongst the Romans, the practice of colouring buildings seems to have degenerated into a mere taste for gaudy colours. Pliny and Vitruvius both repeatedly deplore the corrupt taste of their own times. Vitruvius (vii. 5) observes that the decorations of the ancients were tastelessly laid aside, and that strong and gaudy colouring and prodigal expense were substituted for the beautiful effects produced by the skill of the ancient artists. Pompeii, with much that is chaste and beautiful, has many traces also of what Vitruvius and Pliny complain of. Plate 99 of Zahn affords a beautiful specimen of the ancient wall-painting of Pompeii, in courts and interiors. For a further account of this subject, see Kugler, "Ueber die Polychromie der Griechischen Architectur und Sculptur und ihre Grenzen," Berlin, 1835.

IX. *Vase Painting.* The fictile-vase painting of the Greeks was an art of itself, and was practised by a distinct class of artists (Aristoph. *Eccl.* 995, 996, Bekker), who must have required a peculiar instruction, and probably exercised their art according to a prescribed system. It is, however, impossible to say anything positive regarding the history of this branch of ancient painting, as scarcely anything is known. The designs upon these vases (which the Greeks termed λήκυθοι) have been variously interpreted, but they have been generally considered to be in some way connected with the initiation into the Eleusinian and other mysteries. (Lanzi, *De' Vasi Antichi dipinti;* Christie, *Disquisitions upon the painted Greek Vases;* Böttiger, *Ideen, &c.*) They were given as prizes to the victors at the Panathenaea and other games, and seem to have been always buried with their owners at their death, for they have been discovered only in tombs.

Vase painting cannot be adduced to determine the general nature or character of ancient painting as a liberal or imitative art; though the rude designs upon the vases throw considerable light upon the progressive development of the art, as relates to style of design, and in some degree upon the principles of Grecian composition of the early times; but their chief interest and value consist in the faithful pictures they afford of the traditions, customs, and habits of the ancients.

The ancient vase-painters were probably attached to the potteries, or the establishments in which the vases were made; or themselves constituted distinct bodies, which from the general similarity of style and execution of the designs upon the vases, is not improbable. They do not seem to have been held in any esteem, for their names have not been preserved by any ancient writer; and we only know the names of very few, from their being inscribed upon the vases themselves, as Taleides, Assteas, Lasimos, Calliphon, and a few others. (Millin, *Peintures de Vases Antiques*, vol. i. pl. 3. pl. 44. vol. ii. pl. 37. pl. 61; Millingen, *Anc. Uned. Mon.* pl. 27.)

The words καλός and καλή, found frequently upon the ancient vases, are explained to be simple acclamations of praise or approval, supposed to be addressed to the person to whom the vase was presented; the words are frequently preceded or followed by a name, evidently that of the person for whom the vase was designed. The inscription also ἡ παῖς καλὴ has been found on some vases, which have probably been designed as presents for young females. D'Hancarville (*Collection of Vases, &c.* Introd.) supposes that vase painting had entirely ceased about the time of the destruction of Corinth, and that the art of manufacturing vases began to decline towards the reign of Trajan, and arrived at its last period about the time of the Antonines and Septimius Severus. Vase painting had evidently ceased long before the time of Pliny, for in his time the painted vases were of immense value and were much sought after; but the manufacture of the vases themselves appears to have been still extensive, for he himself mentions sixteen celebrated potteries of his own time, eight in Italy and six elsewhere. The vases, however, appear to have been merely remarkable for the fineness or durability of the clay and the elegance of their shapes. (*H. N.* xxxv. 46.) For the composition of the clay, with which these fictilia were made, see Fictile.

Even in the time of the empire painted vases were termed "operis antiqui," and were then sought for in the ancient tombs of Campania and other parts of Magna Graecia. Suetonius (*Jul. Caes.* 81) mentions the discovery of some vases of this description in the time of Julius Caesar, in clearing away some very ancient tombs at Capua. It is also remarkable that not a single painted vase has been yet discovered in either Pompeii, Herculaneum, or Stabiae, which is of itself almost sufficient to prove that vase painting was not practised, and also that painted vases were extremely scarce. We may form some idea of their immense value from the statement of Pliny (*H. N.* xxxv. 46), that they were more valuable than the Murrhine vases. [Murrhina Vasa.] The paintings on the vases, considered as works of art, vary exceedingly in the detail of the execution, although in style of design they may be arranged in two principal classes, the black and the yellow; for those which do not come strictly under either of these heads, are either too few or vary too slightly to require a distinct classification. The majority of the vases that have been as yet discovered have been found, in ancient tombs, about Capua and Nola.

The black vases, or those with the black figures upon the stained reddish-yellow terra cotta, the best of which were found at Nola, are the most ancient, and their illustrations consist principally of representations from the early mythological traditions; but the style of these vases was sometimes imitated by later artists. (Plate 56, vol. iv. of D'Hancarville is an example.) The inferior examples of this class have some of them traces of the graphis or cestrum upon them, which appear to have been made when the clay was still soft; some also have lines or scratches upon the figures, which have been added when the painting was completed. The style of the design of these black figures, or skiagrams, is what has been termed the Egyptian or Daedalian style. The varieties in this style are, occasionally a purple tint instead of the black; or the addition of a red sash, or white vest, and sometimes a white face and white hands and feet. A curious and interesting example of this kind of polychrom, in black, red, and white, was discovered near Athens in 1813, representing on one side a Minerva with a spear and shield, in the Daedalian style; and on the reverse, in a somewhat better style, a young man driving a biga of most ancient construction; it is supposed to represent Erichthonius. Near the Minerva is the following inscription, written from right to left: ΤΟΝ ΑΘΕΝΕΟΝ ΑΘΛΟΝ ΕΜΙ, *τῶν 'Αθηνέων ἆθλον εἰμί*, "I am the prize of the Athenaea" (Panathenaea). It is supposed to be of the time of Solon. (Millingen, *Anc. Uned. Mon.* pl. 1.)

The vases with the yellow monograms, or rather the black monograms upon the yellow grounds, constitute the mass of ancient vases. Their illustrations are executed with various degrees of merit: those of inferior execution, also of this class, have traces of the graphis upon them, which appear to have been drawn upon the soft clay; the only colour upon these, independent of that of the clay, is the dark back-ground, generally black, which renders the figures very prominent. The designs upon the better vases are also merely monograms, with the usual dark back-grounds, but there is a very great difference between the execution of these and that of those just alluded to; there are no traces whatever of the graphis upon them, their outlines are drawn with the hair pencil, in colour, similar to that of the back-ground, which is a species of black varnish, probably asphaltum; or perhaps rather prepared with the gagates lapis (jet?) (*γαγάτης*) of Pliny, for he remarks that it is indelible when used on this kind of earthenware. (*H. N.* xxxvi. 34.)

The best of these vases, which probably belong to about the time of Alexander, are conspicuous for a very correct style of design, although they are invariably carelessly executed, especially in the extremities, but exhibit at the same time a surprising facility of hand. The celebrated vase of Sir W. Hamilton's collection, now in the British Museum, the paintings of which represent Hercules and his companions in the gardens of the Hesperides, and the race of Atalanta and Hippomenes, exhibits, for design, composition, and execution, perhaps the finest specimen of ancient vase painting that has been yet discovered: the style of design is perfect, but the execution, though on the whole laborious, is in many parts very careless. (D'Hancarville, plates 127, 128, 129, 130.)

There appears to be no example of the more perfect monochrom (see No. III.) upon ancient vases, and examples of the polychrom are very rare. In Sir W. Hamilton's collection there are a few examples in which various colours have been added after the ordinary monogram has been completed, for they are not incorporated with the vase, as the black and ground tints are, but are subject to scale and are easily rubbed off. They consist of white, red, yellow, and blue colours. These vases are apparently of a later date than the above; for the style of design is very inferior.

The Museums of Naples, Paris, London, and other cities afford abundant examples of these ancient vases; the Museo Borbonico at Naples contains alone upwards of 2500 specimens. The subjects of the illustrations are almost always connected with ancient mythology, and the execution is generally inferior to the composition.

No opinion of the style of the designs upon ancient vases can be formed from the generality of the great works purporting to illustrate them, which have been published of late years. Very few are at all accurate in the lines and proportions, especially of the extremities; and in some, even the composition is not faithfully imitated. This is particularly the case with the splendid works published by Dubois-Maissonneuve, Laborde, and some others, in which the illustrations are drawn with a care, precision, and uniformity of character quite foreign to the paintings on the vases. They all appear to be drawn rather according to common and perfect standards of the different styles, than to be the faithful imitations of distinct original designs. Plates 25 and 26 of the first volume of Maissonneuve, purporting to be faithful imitations of the design upon the celebrated Nola vase, (in the Museum at Naples, No. 1846,) representing a scene from the destruction of Troy, bear but little resemblance to the original. This remark is applicable also to the work of D'Hancarville and other earlier productions, but in a less degree. Perhaps the work which illustrates most faithfully the style of the designs upon ancient vases, as far as it goes, is that in course of publication by Gerhard (*Auserlesene Griechische Vasenbilder*, Berlin 1839). The specimens also of ancient paintings, published by Raoul-Rochette (*Peintures Antiques*), have every appearance of being faithful imitations of the originals.

X. *Remains of Ancient Painting.* There is a general prejudice against the opinion that the painting of the Greeks equalled their sculpture; and the earlier discoveries of the remains of ancient paintings at Pompeii and Herculaneum tended rather to increase this prejudice than to correct it. The style of the paintings discovered in these cities was condemned both by Pliny and Vitruvius, and yet almost every species of merit may be discovered in them. What therefore must have been the productions which the ancients themselves esteemed their immortal works, and which singly were estimated equal to the wealth of cities? (Plin. *H.N.* xxxv. 32.)

These remains of Pompeii and Herculaneum induced Sir Joshua Reynolds to form a decided opinion upon ancient painting. He remarks (*Notes to Fresn.* 37), "From the various ancient paintings which have come down to us we may form a judgment with tolerable accuracy of the excellencies and the defects of the arts amongst the ancients. There can be no doubt but that the same correctness of design was required from the painter as from the sculptor; and if what has happened in the case of sculpture, had likewise happened in regard to their paintings, and we had the good fortune to possess what the ancients themselves esteemed their masterpieces, I have no doubt but we should find their figures as correctly drawn as the Laocoon, and probably coloured like Titian." This opinion has been further confirmed by later discoveries at Pompeii; especially by the great mosaic of the Casa del Fauno discovered in 1831, supposed to represent the battle of Issus. (*Mosaic*, No. XV.) But the beauty of ancient sculpture alone is itself a powerful advocate in favour of this opinion; for when art has once attained such a degree of excellence as the Greek sculpture evinces, it is evident that nothing mediocre or even inferior could be tolerated. The principles, which guide the practice of both arts, are in design and proportion the same; and the style of design in painting cannot have been inferior to that of sculpture. Several of the most celebrated ancient artists were both sculptors and painters; Pheidias and Euphranor were both; Zeuxis and Protogenes were both modellers; Polygnotus devoted some attention to statuary; and Lysippus consulted Eupompus upon style in sculpture. The design of Pheidias and Euphranor in painting cannot have been inferior in style to that of their sculpture; nor can Eupompus have been an inferior critic in his own art than in that of Lysippus. We have besides the testimony of nearly all the Greek and Roman writers of every period, who in general speak more frequently and in higher terms of painting than of sculpture. "Si quid generis istius modi me delectat, pictura delectat," says Cicero (*ad Fam.* vii. 23).

The occasional errors in perspective, detected in some of the architectural decorations in Pompeii, have been assumed as evidence that the Greek painters generally were deficient in perspective. This conclusion by no means follows, and is entirely confuted by the mosaic of the battle of Issus, in which the perspective is admirable; in many other works also of minor importance the perspective has been carefully attended to. We know, moreover, that the Greeks were acquainted with perspective at a very early period; for Vitruvius (vii. praef.) says, that when Aeschylus was exhibiting tragedies at Athens, Agatharchus made a scene, and left a treatise upon it. By the assistance of this, Democritus and Anaxagoras wrote upon the same subject. (See *Dict. of Biog.* art. *Agatharchus.*) This class of painting was termed scenography (*σκηνογραφία*) by the Greeks, and appears to have been sometimes practised by architects. Cleisthenes of Eretria is mentioned as architect and scenograph (*σκηνογράφος*). (Diog. ii. 125.) Serapion, Eudorus, and others, were celebrated as scene-painters. (Plin. *H.N.* xxxv. 37. 40.) Scene-painting was not perhaps generally practised until after the time of Aeschylus, for Aristotle (*Poet.* 4) attributes its introduction to Sophocles.

The most valuable and the most considerable of the ancient paintings, that have been yet discovered, are:—The so-called Aldobrandini Marriage, Nozze Aldobrandine, originally the property of the Aldobrandini family, which was found on the Esquiline Mount during the pontificate of Clement VIII., Ippolito Aldobrandini, and was placed by Pius VII. in the Vatican; this painting, which is on stucco and contains ten rather small figures in three groups, is a work of considerable merit in composition, drawing, and colour, and is executed with great freedom (Böttiger and Meyer, *Die Aldobrandinische Hochzeit*, Dresden 1810); and the following paintings of the Museo Borbonico at Naples, which are conspicuous for freedom of execution and general technical excellence: the two Nereids found in Stabiae, Nos. 561 and 562, Cat.; Telephus nourished by the roe, &c., from Herculaneum, No. 495; Chiron and Achilles, also from Herculaneum, No. 730; Briseis delivered to the heralds of Agamemnon, from Pompeii (Sir W. Gell, *Pompeiana*, pl. 39 and 40), No. 684; and the nine Funambuli or Rope-dancers, which are executed with remarkable skill and facility. (Mus. Borb., Ant. d'Ercol., and Zahn contain engravings from these works; for facsimiles of ancient paintings, see "Recueil de Peintures antiques, imitées fidèlement pour les couleurs et pour le trait, d'après les desseins coloriés faits par P. S. Bartoli," &c. Paris 1757, folio.)

XI. *Period of Development.—Essential Style.* With Polygnotus of Thasos (B. C. 463) painting was fully developed in all the essential principles of imitation, and was established as an independent art in practice. The works of Polygnotus were conspicuous for expression, character, and design; the more minute discriminations of tone and local colour, united with dramatic composition and effect, were not accomplished until a later period. The limited space of this article necessarily precludes anything like a general notice of all the various productions of Greek painters incidentally mentioned in ancient writers. With the exception, therefore, of occasionally mentioning works of extraordinary celebrity, the notices of the various Greek painters of whom we have any satisfactory knowledge will be restricted to those who, by the quality or peculiar character of their works, have contributed towards the establishment of any of the various styles of painting practised by the ancients. A fuller account of each artist will be found under the respective names in the *Dictionary of Greek and Roman Biography.*

Polygnotus is frequently mentioned by ancient writers, but the passages of most importance relating to his style are in the *Poetica* of Aristotle (c. 2 and 6) and the *Imagines* of Lucian (c. 7). The notice in Pliny (*H. N.* xxxv. 35) is very cursory; he mentions him amongst the many before Olymp. 90, from which time he dates the commencement of his history, and simply states that he added much to the art of painting, such as opening the mouth, showing the teeth, improving the folds of draperies, painting transparent vests for women, or giving them various coloured head-dresses. Aristotle speaks of the general character of the design and expression of Polygnotus, Lucian of the colour; in which respects both writers award him the highest praise. Aristotle (c. 2), speaking of imitation, remarks that it must be either superior, inferior, or equal to its model, which he illustrates by the cases of three painters: "Polygnotus," he says, "paints men better than they are, Pauson worse, and Dionysius as they are." This passage alludes evidently to the general quality of the design of Polygnotus, which appears to have been of an exalted and ideal character. In another passage (c. 6) he speaks of him as an ἀγαθὸς ἠθογράφος, or an excellent delineator of moral character and expression, and assigns him in this respect a complete superiority over Zeuxis. From the passage in Lucian, we may infer that Polygnotus, Euphranor, Apelles, and Aëtion, were the best colourists among the ancients according to the general opinion (ἄριστοι ἐγένοντο κεράσασθαι τὰ χρώματα, καὶ εὔκαιρον ποιεῖσθαι τὴν ἐπιβολὴν αὐτῶν). He notices also in the same passage the truth, the elegance, and the flowing lightness of the draperies of Polygnotus.

Pausanias mentions several of the works of Polygnotus, but the most important were his two great paintings, or series of paintings, in the Lesche of the temple of Apollo at Delphi, to a description of which Pausanias devotes seven chapters. (x. 25—31, *Dict. of Biog. s. v.*)

The painting of the destruction of Troy (and the other was similar in style) seems to have contained three rows of figures, with the names of each written near them, in distinct groups, covering the whole wall, each telling its own story, but all contributing to relate the tale of the destruction of Troy. It is evident from this description that we cannot decide upon either the merits or the demerits of the composition, from the principles of art which guide the rules of composition of modern times. Neither perspective nor composition, as a whole, are to be expected in such works as these, for they did not constitute single compositions, nor was any unity of time or action aimed at; they were painted histories, and each group was no further connected with its contiguous groups, than that they all tended to illustrate different facts of the same story.

Polygnotus has been termed the Michel Angelo of antiquity. His style was strictly ethic, for his whole art seems to have been employed in illustrating the human character; and that he did it well, the surname of Ethograph ('Ηθογράφος) given to him by Aristotle and others sufficiently testifies. His principles of imitation may be defined to be those of individual representation independently of any accidental combination of accessories; neither the picturesque, nor a general and indiscriminate picture of nature, formed any part of the art of Polygnotus or of the period. Whatever, therefore, was not absolutely necessary to illustrate the principal object, was indicated merely by symbol: two or three warriors represented an army; a single hut, an encampment; a ship, a fleet; and a single house, a city: and, generally, the laws of basso-rilievo appear to have been the laws of painting, and both were still to a great extent subservient to architecture.

The principal contemporaries of Polygnotus were Dionysius of Colophon, Pleistaenetus and Panaenus, of Athens, brothers (or the latter, perhaps, a nephew) of Pheidias, and Micon, also of Athens.

Dionysius was apparently an excellent portrait-painter, the Holbein of antiquity; for besides the testimony of Aristotle, quoted above, Plutarch (*Timol.* 36) remarks that the works of Dionysius wanted neither force nor spirit, but that they had the appearance of being too much laboured. Polygnotus also painted portraits. (Plut. *Cimon*, 4.)

Panaenus assisted Pheidias in decorating the statue and throne of the Olympian Jupiter. Micon was particularly distinguished for the skill with which he painted horses. (*Dict. of Biog. s. vv.*)

Prize contests also were already established, in this early period, at Corinth and at Delphi. Pliny (*H. N.* xxxv. 35) mentions that Panaenus was defeated in one of these at the Pythian games, by Timagoras of Chalcis, who himself celebrated his own victory in verse.

The remarks of Quintilian (*Inst. Orator.* xii. 10) respecting the style of this period are very curious and interesting, although they do not accord entirely with the testimonies from Greek writers quoted above. He says, that notwithstanding the simple colouring of Polygnotus, which was little more than a rude foundation of what was afterwards accomplished, there were those who even preferred his style to the styles of the greatest painters who succeeded him; not, as Quintilian thinks, without a certain degree of affectation.

XII. *Establishment of Painting.—Dramatic style.* In the succeeding generation, about 420 B. C., through the efforts of Apollodorus of Athens and Zeuxis of Heraclea, dramatic effect was added to the essential style of Polygnotus, causing an epoch in the art of painting, which henceforth comprehended a unity of sentiment and action, and the imitation of the local and accidental appearances of objects, combined with the historic and generic representation of Polygnotus. The contemporaries of Apollodorus and Zeuxis, and those who carried out their principles, were, Parrhasius of Ephesus, Eupompus of Sicyon, and Timanthes of Cythnus, all painters of the greatest fame. Athens and

Scyon were the principal seats of the art at this period.

Apollodorus, says Plutarch, invented *tone* (*φθορὰν καὶ ἀπόχρωσιν σκιᾶς*), which is well defined by Fuseli (*Lec.* 1) as "the element of the ancient 'Αρμογή, that imperceptible transition, which, without opacity, confusion, or hardness, united local colour, demitint, shade, and reflexes." This must, however, not be altogether denied to the earlier painters; for Plutarch himself (*Timol.* 36) attributes the same property to the works of Dionysius (*ἰσχὺν ἔχοντα καὶ τόνον*), though in a less degree. The distinction is, that what in the works of Dionysius was really merely a gradation of *light and shade*, or gradual diminution of light, was in those of Apollodorus a gradation *also of tints*, the tint gradually changing according to the degree of light. The former was termed *τόνος*, the latter *ἁρμογή*; but the English term *tone*, when applied to a coloured picture, comprehends both; it is equivalent to the "splendor" of Pliny. (*H. N.* xxxv. 11.)

Apollodorus first painted men and things as they really appeared; this is what Pliny (*H. N.* xxxv. 36) means by "Hic primus species exprimere instituit." The rich effect of the combination of light and shade with colour is also clearly expressed in the words which follow: "primusque gloriam *penicillo* jure contulit;" also, "neque ante eum tabula ullius ostenditur, quae teneat oculos." We may almost imagine the works of a Rembrandt to be spoken of; his pictures rivetted the eye. Through this striking quality of his works, he was surnamed the *shadower*, *σκιαγράφος*. (Hesychius, *s. v.* Comp. further *Dict. of Biog*, *s. v.*)

Zeuxis combined a certain degree of ideal form with the rich effect of Apollodorus. Quintilian (*l. c.*) says that he followed Homer, and was pleased with powerful forms even in women. Cicero (*Brut.* 18) also praises his design. Zeuxis painted many celebrated works, but the Helen of Croton, which was painted from five of the most beautiful virgins in the city, was the most renowned, and under which he inscribed three verses (156—158) in the third book of the Iliad. (Valer. Max. iii. 7. § 3; Cic. *de Invent.* ii. 1; Aelian, *V. H.* iv. 12, &c.) Stobaeus (*Serm.* 61) relates an anecdote of the painter Nicomachus and this Helen, where the painter is reported to have observed to one who did not understand why the picture was so much admired, "Take my eyes and you will see a goddess." We learn from another anecdote, recorded by Plutarch (*Pericl.* 13), that Zeuxis painted very slowly.

Parrhasius is spoken of by ancient writers in terms of the very highest praise. He appears to have combined the magic tone of Apollodorus, and the exquisite design of Zeuxis, with the classic invention and expression of Polygnotus; and he so defined all the powers and ends of art, says Quintilian (*l. c.*), that he was called the "Legislator." He was himself not less aware of his ability, for he termed himself the prince of painters. (*'Ελλήνων πρῶτα φέροντα τέχνης*, Athen. xii. p. 543, c.) He was, says Pliny (*H. N.* xxxv. 36), the most insolent and most arrogant of artists. (Compare Athen. xv. p. 687, b.; and Aelian, *V. H.* ix. 11.)

Timanthes of Cythnus or Sicyon, was distinguished for invention and expression; the particular charm of his invention was, that he left much to be supplied by the spectator's own fancy; and although his productions were always admirable works of art, still the execution was surpassed by the invention. As an instance of the ingenuity of his invention, Pliny (*H. N.* xxxv. 36. § 6) mentions a sleeping Cyclops that he painted upon a small panel, yet conveyed an idea of his gigantic form by means of some small satyrs who were painted measuring his thumb with a thyrsus. He was celebrated also for a picture of the sacrifice of Iphigenia. (See the admirable remarks of Fuseli upon this picture, *Lecture* i.) Timanthes defeated Parrhasius in a professional competition, in which the subject was the contest of Ulysses and Ajax for the arms of Achilles. (Aelian, *l. c.*; Plin. *l. c.*)

Eupompus of Sicyon was the founder of the celebrated Sicyonian school of painting which was afterwards established by Pamphilus. Such was the influence of Eupompus's style, that he added a third, the Sicyonic, to the only two distinct styles of painting then recognized, the Helladic or Grecian and the Asiatic, but subsequently to Eupompus distinguished as the Attic and the Ionic; which with his own style, the Sicyonic, henceforth constituted the three characteristic styles of Grecian painting. (Plin. *H. N.* xxxv. 36. s. 7.) We may judge, from the advice which Eupompus gave Lysippus, that the predominant characteristic of this style was individuality; for upon being consulted by Lysippus whom of his predecessors he should imitate, he is reported to have said, pointing to the surrounding crowd, "Let nature be your model, not an artist." (Plin. *H. N.* xxxiv. 19. s. 6.) This celebrated maxim, which eventually had so much influence upon the arts of Greece, was the first professed deviation from the principles of the generic style of Polygnotus and Pheidias.

XIII. *Period of Refinement.* The art of this period, which has been termed the Alexandrian, because the most celebrated artists of this period lived about the time of Alexander the Great, was the last of progression or acquisition; but it only added variety of effect to the tones it could not improve, and was principally characterised by the diversity of the styles of so many contemporary artists. The decadence of the art immediately succeeded; the necessary consequence, when, instead of excellence, variety and originality became the end of the artist. "Floruit circa Philippum, et usque ad successores Alexandri," says Quintilian (*l. c.*), "pictura praecipue, sed diversis virtutibus;" and he then enumerates some of the principal painters of this time, with the excellencies for which each was distinguished. Protogenes was distinguished for high finish; Pamphilus and Melanthius for composition; Antiphilus for facility; Theon of Samos for his prolific fancy; and for grace Apelles was unrivalled; Euphranor was in all things excellent; Pausias and Nicias were remarkable for chiaroscuro of various kinds; Nicomachus was celebrated for a bold and rapid pencil; and his brother Aristeides surpassed all in the depth of expression. There were also other painters of great celebrity during this period: Philoxenus of Eretria, Asclepiodorus of Athens, Athenion of Maronea, Echion, Cydias, Philochares, Theomnestus, Pyreicus, &c.

This general revolution in the theories and practice of painting appears to have been greatly owing to the principles taught by Eupompus at Sicyon. Pamphilus of Amphipolis succeeded Eupompus in the school of Sicyon, which from that time became the most celebrated school of art in Greece. Pamphilus had the reputation of being the most scientific artist of his time; and such was his authority, says Pliny (*H. N.* xxxv. 36), that chiefly through his influence, first in Sicyon, then throughout all Greece, noble youths were taught the art of drawing before all others: the first exercise was probably to draw a simple line. (*Γραμμὴν ἑλκύσαι*, Pollux, vii. 128; see further, respecting the school of Pamphilus, *Dict. of Biog. s. v.*)

Nicomachus of Thebes was, according to Pliny (*l. c.*), the most rapid painter of his time; but he was as conspicuous for the force and power of his pencil as for its rapidity; Plutarch (*Timol.* 36) compares his paintings with the verses of Homer. Nicomachus had many scholars, of whom Philoxenus of Eretria was celebrated as a painter of battles; a battle of Alexander and Dareius by him is mentioned by Pliny (*H. N.* xxxv. 36) as one of the most celebrated paintings of antiquity; but they were all surpassed by his own brother Aristeides, who appears to have been the greatest master of expression among the Greeks. We must, however, apply some modification to the expression of Pliny (*l. c.*), that Aristeides first painted the mind and expressed the feelings and passions of man, since *ἤθη*, as it is explained by Pliny in this passage, cannot be denied to Polygnotus, Apollodorus, Parrhasius, Timanthes, and many others. (See further *Dict. of Biog.* art. *Aristeides.*)

Pausias of Sicyon painted in encaustic, with the cestrum, and seems to have surpassed all others in this method of painting; he was the pupil of Pamphilus, and the contemporary of Apelles. Pausias was conspicuous for a bold and powerful effect of light and shade, which he enhanced by contrasts and strong foreshortenings. (*Dict. of Biog. s. v.*)

Apelles was a native of Ephesus or of Colophon (Suidas, *s. v.*), according to the general testimony of Greek writers, although Pliny (*l. c.*) terms him of Cos. Pliny asserts that he surpassed all who either preceded or succeeded him; the quality, however, in which he surpassed all other painters will scarcely bear a definition; it has been termed grace, elegance, beauty, *χάρις*, *venustas*. Fuseli (*Lec.* 1) defines the style of it. Apelles thus: — "His great prerogative consisted more in the unison than the extent of his powers; he knew better what he could do, what ought to be done, at what point he could arrive, and what lay beyond his reach, than any other artist. Grace of conception and refinement of taste were his elements, and went hand in hand with grace of execution and taste in finish; powerful and seldom, possessed singly, irresistible when united."

The most celebrated work of Apelles was perhaps his Venus Anadyomene, Venus rising out of the waters. (*Dict. of Biog.* art. *Apelles.*)

He excelled in portrait, and indeed all his works appear to have been portraits in an extended sense; for his pictures, both historical and allegorical, consisted nearly all of single figures. He enjoyed the exclusive privilege of painting the portraits of Alexander. (Hor. *Ep.* ii. 1. 239.) One of these, which represented Alexander wielding the thunderbolts of Jupiter, termed the Alexander *Κεραυνοφόρος* appears to have been a masterpiece of effect; the hand and lightning, says Pliny, seemed to start from the picture, and Plutarch (*Alex.* 4) informs us that the complexion was browner than Alexander's, thus making a finer contrast with the fire in his hand, which apparently constituted the light of the picture. Pliny (*l. c.*) tells us that Apelles glazed his pictures in a manner peculiar to himself, and in which no one could imitate him. When his works were finished he covered them with a dark transparent varnish (most probably containing asphaltum), which had a remarkable effect in harmonizing and toning the colours, and in giving brilliancy to the shadows. Sir J. Reynolds discovered in this account of Pliny "an artist-like description of the effect of glazing or scumbling, such as was practised by Titian and the rest of the Venetian painters." (*Notes to Fresn.* 37.) There is a valuable though incidental remark in Cicero (*de Nat. Deor.* i. 27), relating to the colouring of Apelles, where he says, that the tints of the Venus Anadyomene were not blood, but a resemblance of blood. The females, and the pictures generally, of Apelles, were most probably simple and unadorned; their absolute merits, and not their *effect*, constituting their chief attraction. See further *Dict. of Biog. s. v.*

Protogenes of Caunus, a contemporary of Apelles, was both statuary and painter; he was remarkable for the high finish of his works, for a detailed account of which, as well as of his life and his relations with Apelles, see *Dict. of Biog.* art *Protogenes.*

Euphranor, the Isthmian, was celebrated equally as painter and statuary; he was, says Pliny (*H. N.* xxxv. 40), in all things excellent, and at all times equal to himself. He was distinguished for a peculiarity of style of design; he was fond of a muscular limb, and adopted a more decided anatomical display generally, but he kept the body light, in proportion to the head and limbs. Pliny says that Euphranor first represented heroes with dignity. Parrhasius was said to have established the canon of art for heroes; but the heroes of Parrhasius were apparently more divine, those of Euphranor more human. We have examples of both these styles, in the kindred art of sculpture, in the Apollo and the Laocoön, and in the Meleager and the Gladiator, or the Antinous and the Discobolus. It was to this distinction of style which Euphranor apparently alluded, when he said that the Theseus of Parrhasius had been fed upon roses, but his own upon beef. (Plut. *de Glor. Athen.* 2; Plin. *l. c.*) Euphranor painted in encaustic, and executed many famous works; the principal were a battle of Mantineia, and a picture of the twelve gods. (Plin. *l. c.*; Plut. *l. c.*; Paus. i. 3; Lucian, *Imag.* 7; Valer. Max. viii. 11. § 5; Eustath. *ad Il.* i. 529, &c.)

Nicias of Athens was celebrated for the delicacy with which he painted females, and for the rich tone of chiaroscuro which distinguished his paintings. He also painted in encaustic. His most celebrated work was the *νεκυία*, or the region of the shades, of Homer (*necromantia Homeri*), which he declined to sell to Ptolemy I. of Egypt, who had offered 60 talents for it, and preferred presenting to his native city, Athens, as he was then sufficiently wealthy. Nicias also painted some of the marble statues of Praxiteles. (Plin. *H. N.* xxxv. 40; Plut. *Mor. Epicur.* 11; see No. VIII.)

Athenion of Maronea, who painted also in encaustic, was, according to Pliny (*l. c.*), compared with, and even preferred by some to Nicias; he was more austere in colouring, but in his austerity more pleasing, and if he had not died young, says Pliny, he would have surpassed all men in painting. He appears to have looked upon colours as a mere means, to have neglected pictorial effect, and, retaining individuality and much of the refinement of design of his contemporaries, to have endeavoured to combine them with the generic style of Polygnotus and Pheidias (*ut in ipsa pictura eruditio eluceat*). His picture of a groom with a horse is mentioned by Pliny as a remarkable painting.

Philochares, the brother of the orator Aeschines, was also a painter of the greatest merit, according to Pliny (*H. N.* xxxv. 10), although he is contemptuously termed by Demosthenes (*Fals. Legat.* p. 415, Reiske) "a painter of perfume-pots and tambours" (ἀλαβαστροθήκας καὶ τύμπανα).

Echion also, of uncertain country, is mentioned by Cicero (*Brut.* 18) and Pliny (*H. N.* xxxv. 36) as a famous painter. Pliny speaks of a picture of a bride by him as a noble painting, distinguished for its expression of modesty. A great compliment is also incidentally paid to the works of Echion by Cicero (*Parad.* v. 2), where he is apparently ranked with Polycletus.

Theon of Samos was distinguished for what the Greeks termed φαντασίαι, according to Quintilian (*l. c.*), who also ranks him with the painters of the highest class. Pliny (*H. N.* xxxv. 40), however, classes him with those of the second degree. Aelian gives a spirited description of a young warrior painted by Theon. (*V. H.* ii. 44.)

XIV. *Decline.* The causes of the decline of painting in Greece are very evident. The political revolutions with which it was convulsed, and the various dynastic changes which took place after the death of Alexander, were perhaps the principal obstacles to any important efforts of art; the intelligent and higher classes of the population, upon whom painters chiefly depend, being to a great extent engrossed by politics or engaged in war. Another influential cause was, that the public buildings were already rich in works of art, almost even to the exhaustion of the national mythology and history; and the new rulers found the transfer of works already renowned a more sure and a more expeditious method of adorning their public halls and palaces, than the more tardy and hazardous alternative of requiring original productions from contemporary artists.

The consequence was, that the artists of those times were under the necessity of trying other fields of art; of attracting attention by novelty and variety: thus rhyparography (ῥυπαρογραφία), pornography, and all the lower classes of art, attained the ascendancy and became the characteristic styles of the period. Yet during the early part of this period of decline, from about B. C. 300, until the destruction of Corinth by Mummius, B. C. 146, there were still several names which upheld the ancient glory of Grecian painting, but subsequent to the conquest of Greece by the Romans, what was previously but a gradual and scarcely sensible decline, then became a rapid and a total decay.

In the lower descriptions of painting which prevailed in this period, Pyreicus was pre-eminent; he was termed Rhyparographos (ῥυπαρογράφος), on account of the mean quality of his subjects. He belonged to the class of genre-painters, or "peintres de genre bas," as the French term them. The Greek ῥυπαρογραφία therefore is apparently equivalent to our expression, the Dutch style. (See *Dict. of Biog.* art *Pyreicus.*)

Pornography, or obscene painting, which, in the time of the Romans, was practised with the grossest licence (Propert. ii. 6; Sueton. *Tib.* 43; and *Vit. Hor.*), prevailed especially at no particular period in Greece, but was apparently tolerated to a considerable extent at all times. Parrhasius, Aristeides, Pausanias, Nicophanes, Chaerephanes, Arellius, and a few other πορνογράφοι are mentioned as having made themselves notorious for this species of licence. (Athen. xiii. p. 567, b; Plut. *de aud. Poët.* 3; Plin. *H. N.* xxxv. 37.)

Of the few painters who still maintained the dignity of the dying art, the following may be mentioned: Mydon of Soli; Nealces, Leontiscus, and Timanthes, of Sicyon; Arcesilaus, Erigonus, and Pasias, of uncertain country; and Metrodorus of Athens, equally eminent as a painter and as a philosopher. The school of Sicyon, to which the majority of the distinguished painters of this period belonged, is expressly mentioned by Plutarch (*Arat.* 12) as the only one which still retained any traces of the purity and the greatness of style of the art of the renowned ages. It appears to have been still active in the time of Aratus, about 250 B. C., who seems to have instilled some of his own enterprising spirit into the artists of his time. Aratus was a great lover of the arts, but this did not hinder him from destroying the portraits of the Tyrants of Sicyon; one only, and that but partially, was saved. (Plut. *Arat.* 13.)

It was already the fashion in this age to talk of the inimitable works of the great masters; and the artists generally, instead of exerting themselves to imitate the masterpieces of past ages, seem to have been content to admire them. All works bearing great names were of the very highest value, and were sold at enormous prices. Plutarch mentions that Aratus bought up some old pictures, but particularly those of Melanthus and Pamphilus, and sent them as presents to Ptolemy III. of Egypt, to conciliate his favour, and to induce him to join the Achaean league. Ptolemy, who was a great admirer of the arts, was gratified with these presents, and presented Aratus with 150 talents in consideration of them. (Plut. *Arat.* 12.) These were, however, by no means the first works of the great painters of Greece, which had found their way into Egypt. Ptolemy Soter had employed agents in Greece to purchase the works of celebrated masters. (Plut. *Mor. Epicur.* c. 11.) Athenaeus also (v. p. 196, e.) expressly mentions the pictures of Sicyonian masters which contributed to add to the pomp and display of the celebrated festival of Ptolemy Philadelphus at Alexandria.

From the time of Alexander the spirit of the Greeks animated Egyptian artists, who adopted the standard of Grecian beauty in proportion and character. Antiphilus, one of the most celebrated painters of antiquity, was a native of Egypt, perhaps of Naucratis. (*Dict. of Biog.* s. v.) Many other Greek painters also were established in Egypt, and both the population and arts of Alexandria were more Greek than Egyptian. (Quint. xii. 10; Plin. *H. N.* xxxv. 37 and 40; Athen. v. p. 196.)

Amongst the most remarkable productions of this period were, the celebrated ship of Hiero II. of Syracuse, which had Mosaic floors, in which the whole history of the fall of Troy was worked with admirable skill (Athen. v. p. 207, c.), and the immense ship of Ptolemy Philopator, on the prow and stern of which were carved colossal figures, eighteen feet in height; and the whole vessel, both interior and exterior, was decorated with painting of various descriptions. (Athen. v. p. 204, a.)

Nearly a century later than Aratus we have still mention of two painters at Athens of more than ordinary distinction, Heracleides a Macedonian, and Metrodorus an Athenian. The names of several painters, however, of these times are preserved in Pliny, but he notices them only in a cursory manner. When Aemilius Paulus had conquered Perseus, B. C. 168, he commanded the Athenians to send him their most distinguished painter to perpetuate his triumph, and their most approved philosopher to educate his sons. The Athenians selected Metrodorus the painter, professing that he was pre-eminent in both respects. Heracleides was a Macedonian, and originally a ship-painter; he repaired to Athens after the defeat of Perseus. (Plin. *H. N.* xxxv. 40.) Plutarch in his description of the triumph of Aemilius Paulus (*in Vit.* 32) says, that the paintings and statues brought by him from Greece were so numerous that they required 250 waggons to carry them in procession, and that the spectacle lasted the entire day. Aemilius appears at all times to have been a great admirer of the arts, for Plutarch (*Aemil. Paul.* 6) mentions that after his first consulship he took especial care to have his sons educated in the arts of Greece, and amongst others in painting and sculpture; and that he accordingly entertained masters of those arts (πλάσται καὶ ζωγράφοι) in his family. From which it is evident that the migration of Greek artists to Rome had already commenced before the general spoliations of Greece. Indeed Livy (xxxix. 22) expressly mentions, that many artists came from Greece to Rome upon the occasion of the ten days games appointed by Fulvius Nobilior, B. C. 186. But Rome must have had its Greek painters even before this time; for the picture of the feast of Gracchus's soldiers after the battle of Beneventum, consecrated by him in the temple of Liberty on the Aventine, B. C. 213 (Liv. xxiv. 16), was in all probability the work of a Greek artist.

The system adopted by the Romans of plundering Greece of its works of art, reprobated by Polybius (ix. 3), was not without a precedent. The Carthaginians before them had plundered all the coast towns of Sicily; and the Persians, and even the Macedonians, carried off all works of art as the lawful prize of conquest. (Diodor. xiii. 90; Polyb. ix. 6. § 1; Liv. xxxi. 26; Plin. *H. N.* xxxiv. 19, xxxv. 36.) The Roman conquerors, however, at first plundered with a certain degree of moderation (Cic. *in Verr.* v. 4); as Marcellus at Syracuse, and Fabius Maximus at Tarentum, who carried away no more works of art than were necessary to adorn their triumphs, or decorate some of the public buildings. (Cic. *in Verr.* v. 52, &c.; Plut. *Fab. Max.* 22, *Marcel.* 30.) The works of Greek art brought from Sicily by Marcellus, were the first to inspire the Romans with the desire of adorning their public edifices with statues and paintings; which taste was converted into a passion when they became acquainted with the great treasures and almost inexhaustible resources of Greece; and their rapacity knew no bounds. Plutarch says that Marcellus (*in Vit.* 21) was accused of having corrupted the public morals through the introduction of works of art into Rome; since from that period the people wasted much of their time in disputing about arts and artists. But Marcellus gloried in the fact, and boasted even before Greeks, that he was the first to teach the Romans to esteem and to admire the exquisite productions of Greek art. We learn from Livy (xxvi. 21) that one of the ornaments of the triumph of Marcellus, 214 B. C., was a picture of the capture of Syracuse.

These spoliations of Greece, of the Grecian kingdoms of Asia, and of Sicily, continued uninterruptedly for about two centuries; yet, according to Mucianus, says Pliny (*H. N.* xxxiv. 17), such was the inconceivable wealth of Greece in works of art, that Rhodes alone still contained upwards of 3000 statues, and that there could not have been less at Athens, at Olympia, or at Delphi. The men who contributed principally to fill the public edifices and temples of Rome with the works of Grecian art, were Cn. Manlius, Fulvius Nobilior, who plundered the temples of Ambracia (Liv. xxxviii. 44), Mummius, Sulla, Lucullus, Scaurus, and Verres. (Liv. xxxix. 5, 6, 7; Plin. *H. N.* xxxiii. 53, xxxiv. 17, xxxvii. 6.)

Mummius, after the destruction of Corinth, B. C. 146, carried off or destroyed more works of art than all his predecessors put together. Some of his soldiers were found by Polybius playing at dice upon the celebrated picture of Dionysus by Aristeides. (Strab. viii. p. 381.) Many valuable works also were purchased upon this occasion by Attalus III., and sent to Pergamus; but they all found their way to Rome on his death, B. C. 133, as he bequeathed all his property to the Roman people. (Plin. *H. N.* xxxiii. 53.) Scaurus, in his aedileship, B. C. 58, had all the public pictures still remaining in Sicyon transported to Rome on account of the debts of the former city, and he adorned the great temporary theatre which he erected upon that occasion with 3000 bronze statues. (Plin. *H. N.* xxxv. 40, xxxvi. 24.) Verres ransacked Asia and Achaia, and plundered almost every temple and public edifice in Sicily of whatever was valuable in it. Amongst the numerous robberies of Verres, Cicero (*in Verr.* iv. 55) mentions particularly twenty-seven beautiful pictures taken from the temple of Minerva at Syracuse, consisting of portraits of the kings and tyrants of Sicily.

From the destruction of Corinth by Mummius, and the spoliation of Athens by Sulla, the higher branches of art, especially in painting, experienced so sensible a decay in Greece, that only two painters are mentioned who can be classed with the great masters of former times: Timomachus of Byzantium, contemporary with Caesar (Plin. *H. N.* xxxv. 40, &c.), and Aëtion, mentioned by Lucian (*Imag.* 7; Herod. 5), who lived apparently about the time of Hadrian. (Müller, *Archäol.* § 211. 1.) Yet Rome was, about the end of the republic, full of painters, who appear, however, to have been chiefly occupied in portrait, or decorative and arabesque painting: painters must also have been very numerous in Egypt and in Asia. Paintings of various descriptions still continued to perform a conspicuous part in the triumphs of the Roman conquerors. In the triumph of Pompey over Mithridates the portraits of the children and family of that monarch were carried in the procession (Appian, *de Bell. Mithrid.* 117); and in one of Caesar's triumphs the portraits of his principal enemies in the civil war were displayed, with the exception of that of Pompey. (Id. *de Bell. Civil.* ii. 101.)

The school of art at Rhodes appears to have been the only one that had experienced no great change; for works of the highest class in sculpture were still produced there. The course of painting seems to have been much more capricious than that of sculpture; in which masterpieces, exhibiting various beauties, appear to have been produced in nearly every age, from that of Pheidias to that of Hadrian. A decided decay in painting, on the other hand, is repeatedly acknowledged in the later Greek and in the best Roman writers. One of the causes of this decay may be, that the highest excellence in painting requires the combination of a much greater variety of qualities; whereas invention and design, identical in both arts, are the sole elements of sculpture. Painters also are addicted to the pernicious, though lucrative, practice of dashing off or despatching their works, from which sculptors, from the very nature of their materials, are exempt: to paint quickly was all that was required from some of the Roman painters. (Juv. ix. 146.) Works in sculpture also, through the durability of their material, are more easily preserved than paintings, and they serve therefore as models and incentives to the artists of after ages. Artists, therefore, who may have had ability to excel in sculpture, would naturally choose that art in preference to painting. It is only thus that we can account for the production of such works as the Antinous, the Laocoon, the Torso of Apollonius, and many others of surpassing excellence, at a period when the art of painting was comparatively extinct, or at least principally practised as mere decorative colouring, such as the majority of the paintings of Rome, Herculaneum, and Pompeii, now extant; though it must be remembered that these were the inferior works of an inferior age.

XV. *Roman Painting.* The early painting of Italy and Magna Graecia has been already noticed, and we know nothing of a Roman painting independent of that of Greece, though Pliny (*H. N.* xxxv. 7) tells us that it was cultivated at an early period by the Romans. The head of the noble house of the Fabii received the surname of Pictor, which remained in his family, through some paintings which he executed in the temple of Salus at Rome, B. C. 304, which lasted till the time of the emperor Claudius, when they were destroyed by the fire that consumed that temple. Pacuvius also the tragic poet, and nephew of Ennius, distinguished himself by some paintings in the temple of Hercules in the Forum Boarium, about 180 B. C. Afterwards, says Pliny (*l. c.*), painting was not practised by *polite hands* (*honestis manibus*) amongst the Romans, except perhaps in the case of Turpilius, a Roman knight of his own times, who executed some beautiful works with his left hand at Verona. Yet Q. Pedius, nephew of Q. Pedius, coheir of Caesar with Augustus, was instructed in painting, and became a great proficient in the art, though he died when young. Antistius Labeo also amused himself with painting small pictures.

Julius Caesar, Agrippa, and Augustus were among the earliest great patrons of artists. Suetonius (*Jul. Caes.* 47) informs us that Caesar expended great sums in the purchase of pictures by the old masters; and Pliny (*H. N.* xxxv. 40) mentions that he gave as much as 80 talents for two pictures by his contemporary Timomachus of Byzantium, one an Ajax, and the other a Medea meditating the murder of her children. These pictures, which were painted in encaustic, were very celebrated works; they are alluded to by Ovid (*Trist.* ii. 525), and are mentioned by many other ancient writers.

There are two circumstances connected with the earlier history of painting in Rome which deserve mention. One is recorded by Livy (xli. 28), who informs us that the Consul Tib. Sempronius Gracchus, dedicated in the temple of Mater Matuta, upon his return from Sardinia, B. C. 174, a picture of apparently a singular description; it consisted of a plan of the island of Sardinia, with representations of various battles he had fought there, painted upon it. The other is mentioned by Pliny (*H. N.* xxxv. 7), who says that L. Hostilius Mancinus, B. C. 147, exposed to view in the forum a picture of the taking of Carthage, in which he had performed a conspicuous part, and explained its various incidents to the people. Whether these pictures were the productions of Greek or of Roman artists is doubtful; nor have we any guide as to their rank as works of art.

The Romans generally have not the slightest claims to the merit of having promoted the fine arts. We have seen that before the spoliations of Greece and Sicily, the arts were held in no consideration in Rome; and even afterwards, until the time of the emperors, painting and sculpture seem to have been practised very rarely by Romans; and the works which were then produced were chiefly characterised by their bad taste, being mere military records and gaudy displays of colour, although the city was crowded with the finest productions of ancient Greece.

There are three distinct periods observable in the history of painting in Rome. The first, or great period of Graeco-Roman art, may be dated from the conquest of Greece until the time of Augustus, when the artists were chiefly Greeks. The second, from the time of Augustus to the so-called Thirty Tyrants and Diocletian, or from the beginning of the Christian era until about the latter end of the third century; during which time the great majority of Roman works of art were produced. The third comprehends the state of the arts during the exarchate; when Rome, in consequence of the foundation of Constantinople, and the changes it involved, suffered similar spoliations to those which it had previously inflicted upon Greece. This was the period of the total decay of the imitative arts amongst the ancients.

The establishment of Christianity, the division of the empire, and the incursions of barbarians, were the first great causes of the important revolution experienced by the imitative arts, and the serious check they received; but it was reserved for the fanatic fury of the iconoclasts effectually to destroy all traces of their former splendour.

Of the first of these three periods sufficient has been already said; of the second there remain still a few observations to be made. About the beginning of the second period is the earliest age in which we have any notice of portrait painters (*imaginum pictores*), as a distinct class. Pliny mentions particularly Dionysius and Sopolis, as the most celebrated at about the time of Augustus, or perhaps earlier, who filled picture galleries with their works. About the same age also Lala of Cyzicus was very celebrated; she painted, however, chiefly female portraits, but received greater prices than the other two. (Plin. *H. N.* xxxv. 37, 40.)

Portraits must have been exceedingly numerous amongst the Romans; Varro made a collection of the portraits of 700 eminent men. (Plin. *H. N.* xxxv. 2.) The portraits or statues of men who had performed any public service were placed in the temples and other public places; and several edicts were passed by the emperors of Rome respecting the placing of them. (Sueton. *Tiber.* 26, *Calig.* 34.) The portraits of authors also were placed in the public libraries; they were apparently fixed above the cases which contained their writings, below which chairs were placed for the convenience of readers. (Cic. *ad Attic.* iv. 10; Sueton. *Tiber.* 70, *Calig.* 34.) They were painted also at the beginning of manuscripts. (Martial, xiv. 186.) Respecting the imagines or wax portraits, which were preserved in "armaria" in the atria of private houses (Plin. *H. N.* xxxv. 2; Senec. *de Benef.* iii. 28), there is an interesting account in Polybius (vi. 53). With the exception of Aëtion, as already mentioned, not a single painter of this period rose to eminence: although some were of course more distinguished than others; as the profligate Arellius; Fabullus, who painted Nero's golden house; Dorotheus, who copied for Nero the Venus Anadyomene of Apelles; Cornelius Pinus, Accius Priscus, Marcus Ludius, Mallius, and others. (Plin. *H. N.* xxxv. 37, &c.) Portrait, decorative, and scene painting seem to have engrossed the art. Pliny and Vitruvius regret in strong terms the deplorable state of painting in their times, which was but the commencement of the decay; Vitruvius has devoted an entire chapter (vii. 5) to a lamentation over its fallen state; and Pliny speaks of it as a dying art. (*H. N.* xxxv. 11.) The latter writer instances (*H. N.* xxxv. 33) as a sign of the madness of his time (*nostrae aetatis insaniam*), the colossal portrait of Nero, 120 feet high, which was painted upon canvas, a thing unknown till that time.

Marcus Ludius, in the time of Augustus, became very celebrated for his landscape decorations, which were illustrated with figures actively employed in occupations suited to the scenes; the artist's name, however, is doubtful. (See *Dict. of Biog. s. v.*) This kind of painting became universal after his time, and apparently with every species of licence. Vitruvius contrasts the state of decorative painting in his own age with what it was formerly, and he enumerates the various kinds of wall painting in use amongst the ancients. They first imitated the arrangement and varieties of slabs of marble, then the variegated frames and cornices of panels, to which were afterwards added architectural decorations; and finally in the exedrae were painted tragic, comic, or satyric scenes, and in the long galleries and corridors, various kinds of landscapes, or even subjects from the poets and the higher walks of history. But these things were in the time of Vitruvius tastelessly laid aside, and had given place to mere gaudy display, or the most phantastic and wild conceptions, such as many of the paintings which have been discovered in Pompeii.

Painting now came to be practised by slaves, and painters as a body were held in little or no esteem. Respecting the depraved application of the arts at this period see Plin. *H. N.* xxxv. 33; Petron. *Sat.* 88; Propert. ii. 6; Sueton. *Tib.* 43; Juven. ix. 145, xii. 28.

Mosaic, or *pictura de musivo*, *opus musivum*, was very general in Rome in the time of the early emperors. It was also common in Greece and Asia Minor at an earlier period, but at the time of which we are now treating it began to a great extent even to supersede painting. It was used chiefly for floors, but walls and also ceilings were sometimes ornamented in the same way. (Plin. *H. N.* xxxvi. 60, 64; Athen. xii. p. 542, d.; Senec. *Ep.* 86; Lucan, x. 116.) There were various kinds of mosaic; the *lithostrota* were distinct from the *picturae de musivo*. There were several kinds of the former, as the *sectile*, the *tessellatum*, and the *vermiculatum*, which are all mechanical and ornamental styles, unapplicable to painting, as they were worked in regular figures. As a general distinction between musivum and lithostrotum, it may be observed that the picture itself was *de musivo* or *opus musivum*, and its frame, which was often very large and beautiful, was *lithostrotum*. The former was made of various coloured small cubes (*tesserae* or *tessellae*), of different materials, and the latter of small thin slabs, *crustae*, of various marbles, &c.; the artists were termed *musivarii*, and *quadratarii* or *tessellarii* respectively. Pliny (*H. N.* xxxvi. 60) attributes the origin of mosaic pavements to the Greeks. He mentions the "asarotus oecus" at Pergamum, by Sosus, the most celebrated of the Greek musivarii, the pavement of which represented the remnants of a supper. He mentions also at Pergamum the famous Cantharus with the doves, of which the 'Doves of the Capitol' is supposed to be a copy. (*Mus. Cap.* iv. 69.) Another musivarius of antiquity was Dioscorides of Samos, whose name is found upon two mosaics of Pompeii. (*Mus. Borb.* iv. 34.) Five others are mentioned by Müller. (*Archäol.* § 322. 4.) There are still many great mosaics of the ancients extant. (See the works of Ciampini, Furietti, and Laborde.) The most interesting and most valuable is the one lately discovered in Pompeii, which is supposed to represent the battle of Issus. This mosaic is certainly one of the most valuable relics of ancient art, and the design and composition of the work are so superior to its execution, that the original has evidently been the production of an age long anterior to the degenerate period of the mosaic itself. The composition is simple, forcible, and beautiful, and the design exhibits in many respects merits of the highest order. (See Nicolini, *Quadro in musaico scoperto in Pompeii;* Mazois, *Pompéi*, iv. 48 and 49; and Müller, *Denkmäler der alten Kunst*, i. 55.) [R.N.W.]

PIGNORATI'CIA ACTIO. [Pignus.]

PI'GNORIS CA'PIO. [Per Pignoris Capionem.]

PIGNUS, a pledge or security for a debt or demand, is derived, says Gaius (Dig. 50. tit. 16. s. 238), from *pugnus* "quia quae pignori dantur, manu traduntur." This is one of several instances of the failure of the Roman Jurists when they attempted etymological explanation of words. [Mutuum.] The element of pignus (*pig*) is contained in the word *pa(n)g-o*, and its cognate forms.

A thing is said to be pledged to a man when it is made a security to him for some debt or demand. It is called, says Ulpian, Pignus when the possession of the thing is given to him to whom it is made a security, and Hypotheca, when it is made a security without being put in his possession. (Dig. 13. tit. 7. s. 9. § 2; Isidor. *Orig.* v. 25; see also Cic. *ad Fam.* xiii. 56.) The agreement for pledge which was made without delivery of the thing by bare agreement (nuda conventio) is properly Hypotheca. (Inst. 4. tit. 6. § 7.) The law relating to Pignus and Hypotheca was in all essentials the same. The object of the pledging is that the pledgee shall in case of necessity sell the pledge and pay himself his demand out of the proceeds. The original nature of pledge perhaps was simply the power of holding a debtor's property as a means of compelling him to pay; and a power of sale would be a matter of agreement: but the later Roman jurists viewed a power of sale as a part of the contract of pledge.

A pledge may be given (*res hypothecae dari potest*) for any obligation, whether money borrowed (*mutua pecunia*), dos, in a case of buying and selling, letting and hiring, or mandatum; whether the obligatio is conditional or unconditional; for part of a sum of money, as well as for the whole. (Dig. 20. tit. 1. s. 5.) Any thing could be the object of pledge which could be an object of sale (Dig. 20. tit. 1. s. 9; Dig. 20. tit. 3. Quae res pignori vel hypothecae datae obligari non possunt), and it might be a thing corporeal or incorporeal; a single thing or a university of things. If a single thing was pledged, the thing with all its increase was the security, as in the case of a piece of land which was increased by alluvio. If a shop (*taberna*) was pledged, all the goods in it were pledged, and if some of them were sold and others brought in, and the pledger died, the pledgee's security was the shop and all that it contained at the time of the pledger's death. (Dig. 20. tit. 1. s. 34.) If all a man's property was pledged, the pledge comprehended also his future property, unless such property was clearly excepted. A man might also pledge any claim or demand that he had against another, whether it was a debt (nomen) or a thing (corpus). (Dig. 13. tit. 7. s. 18.)

The act of pledging required no particular form, in which respect it resembled contracts made by consensus. Nothing more was requisite to establish the validity of a pledge than proof of the agreement of the parties to it. It was called Contractus pigneratitius, when it was a case of Pignus; and Pactum hypothecae, when it was a case of Hypotheca: in the former case, tradition was necessary. A man might also by his testament make a Pignus (Dig. 13. tit. 7. s. 26); for the Romans applied the notion of pignus to an annual payment left by way of legacy, and charged or secured on land. (Dig. 34. tit. 1. s. 12.) The intention of a man to pledge could in any case be deduced either from his words or from any acts which admitted of no other interpretation than an intention to pledge.

A man could only pledge a thing when he was the owner and had full power of disposing of it; but a part owner of a thing could pledge his share. A man could pledge another man's property, if the other consented to the pledge at the time or afterwards; but in either case this must properly be considered the pledge of the owner for the debt of another. If a man pledged a thing, which was not his, and afterwards became the owner of it, the pledge was valid. (Dig. 13. tit. 7. s. 20; 20. tit. 2. s. 5.)

The amount for which a pledge was security depended on the agreement: it might be for principal and interest, or for either; or it might comprehend principal and interest, and all costs and expenses which the pledgee might be put to on account of the thing pledged. (Dig. 13. tit. 17. s. 8, 25.) For instance a creditor would be entitled to his necessary expenses concerning a slave or an estate which had been pignerated.

Pignus might be created by a judicial sentence, as for instance by the decree of the praetor giving to a creditor power to take possession of his debtor's property (*missio creditoris in bona debitoris*), either a single thing, or all his property, as the case might be. But the permission or command of the magistratus did not effect a pledge, unless the person actually took possession of the thing. The following are instances: — the immissio damni infecti causa [Damnum Infectum]: legatorum servandorum causa, which had for its object the securing of a legacy which had been left sub conditione or die (Dig. 36. tit. 4): missio ventris in possessionem, when the pregnant widow was allowed to take possession of the inheritance for the protection of a postumus: and the missio rei servandae causa. The right which a person obtained by such Immissio was called Pignus Praetorium. It was called Pignoris capio, when the Praetor allowed the goods of a person to be taken who was in contempt of the court, or allowed his person to be seized after a judgment given against him (*ex causa judicati*).

There was also among the Romans a tacita hypotheca, which existed not by consent of the parties, but by rule of law (*ipso jure*), as a consequence of certain acts or agreements, which were not acts or agreements pertaining to pledging. (Dig. 20. tit. 2. *In quibus causis pignus vel hypotheca tacite contrahitur.*) These Hypothecae were general or special. The following are instances of what were General Hypothecae. The Fiscus had a general hypotheca in respect of its claims on the property of the subject, and on the property of its agents or officers: the husband, on the property of him who promised a Dos: and legatees and fideicommissarii in respect of their legacies or fideicommissa, on that portion of the hereditas of him who had to pay the legacies or fideicommissa. There were other cases of general hypothecae.

The following are instances of Special hypothecae: — The lessor of a Praedium urbanum had an hypotheca, in respect of his claims arising out of the contract of hiring, on every thing which the lessee (*inquilinus*) brought upon the premises for constant use (*invecta et illata*). The lessor of a Praedium rusticum had an hypotheca on the fruits of the farm as soon as they were collected by the lessee (*colonus*). (Dig. 20. tit. 2. s. 7; 19. tit. 2. s. 24.) A person who lent money to repair a ruinous house, had an hypotheca on the house and the ground on which it stood, provided the money were laid out on it; but there was no hypotheca, if the money was lent to build a house with or to enlarge it or ornament it. Pupilli and minores had an hypotheca on things which were bought with their money.

The person who had given a pledge, was still the owner of the thing that was pledged. He could therefore use the thing, and enjoy its fruits, if he had not given up the possession. But the agreement might be that the creditor should have the use or profit of the thing instead of interest, which kind of contract was called Antichresis or mutual use: and if there was no agreement as to use, the creditor could not use the thing, even if it was in his possession. The pledger could also sell the thing pledged, unless there were some agreement to the contrary, but such sale did not affect the right of the pledgee. (Dig. 13. tit. 7. s. 18. §. 2.) If the pledger sold a movable thing that was pignerated, or that was specially hypothecated, without the knowledge and consent of the creditor, he was guilty of furtum. (Dig. 47. tit. 2. s. 19. § 6, and s. 68. pr.) If the pledger at the time of a pignus being given was not the owner of the thing, but had the possession of it, he could still acquire the property of the thing by usucapion, for the pledging was not an interruption of the usucapio. [POSSESSIO.]

The creditor could keep possession of a pignerated thing till his demand was fully satisfied, and he could maintain his right to the possession against any other person who obtained possession of the thing. He could also pledge the thing that was pledged to him; that is, he could transfer the pledge. (Dig. 20. tit. 1. s. 13. § 2.) He had also the right, in case his demand was not satisfied at the time agreed on, to sell the thing and satisfy his demands out of the proceeds (*jus distrahendi sive vendendi pignus*). (Cod. 8. tit. 27 (28).) This power of sale might be qualified by the terms of the agreement; but a creditor could not be deprived of all power of sale; nor could he be compelled to exercise his power of sale. Gaius (ii. 64) illustrates the maxim that he who was not the owner of a thing, could in some cases sell it, by the example of the pledgee selling a thing pledged; but he properly refers the act of sale to the will of the debtor, as expressed in the agreement of pledging; and thus in legal effect, it is the debtor who sells by means of his agent, the creditor. An agreement that a pledge should be forfeited in case the demand was not paid at the time agreed on, was originally very common; but it was declared by Constantine, A. D. 326, to be illegal. [COMMISSORIA LEX.] In case of a sale the creditor, according to the later law, must give the debtor notice of his intention to sell, and after such notice he must wait two years before he could legally make a sale. If any thing remained over after satisfying the creditor, it was his duty to give it to the debtor; and if the price was insufficient to satisfy the creditor's demand, his debtor was still his debtor for the remainder. If no purchaser at a reasonable price could be found, the creditor might become the purchaser, but still the debtor had a right to redeem the thing within two years on condition of fully satisfying the creditor. (Cod. 8. tit. 34. s. 3.)

If there were several creditors to whom a thing was pledged which was insufficient to satisfy them all, he whose pledge was prior in time had a preference over the rest (*potior est in pignore qui prius credidit pecuniam et accepit hypothecam*, Dig. 20. tit. 4. s. 11). There were some exceptions to this rule; for instance, when a subsequent pledgee had lent his money to save the pledged thing from destruction, he had a preference over a prior pledgee. (Dig. 20. tit. 4. s. 5, 6.) This rule has been adopted in the English Law as to money lent on ships and secured by bottomry bonds.

Certain hypothecae, both tacitae and founded on contract, had a preference or priority (*privilegium*) over all other claims. The Fiscus had a preference in respect of its claims; the wife in respect of her dos; the lender of money for the repair or restoration of a building; a pupillus with whose money a thing had been bought. Of those hypothecae which were founded on contract, the following were privileged: the hypothecae of those who had lent money for the purchase of an immovable thing, or of a shop, or for the building, maintaining, or improving of a house, &c., and had contracted for an hypotheca on the thing; there was also the hypotheca which the seller of an immovable thing reserved by contract until he was paid the purchase-money. Of these claimants, the Fiscus came first; then the wife in respect of her dos; and then the other privileged creditors, according to their priority in point of time.

In the case of unprivileged creditors, the general rule as already observed was, that priority in time gave priority of right. But an hypotheca which could be proved by a writing executed in a certain public form (*instrumentum publice confectum*), or which was proved by the signatures of three reputable persons (*instrumentum quasi publice confectum*), had a priority over all those which could not be so proved. If several hypothecae of the same kind were of the same date, he who was in possession of the thing had a priority.

The creditor who had for any reason the priority over the rest, was intitled to be satisfied to the full amount of his claim out of the proceeds of the thing pledged. A subsequent creditor could obtain the rights of a prior creditor in several ways. If he furnished the debtor with money to pay off the debt, on the condition of standing in his place, and the money was actually paid to the prior creditor, the subsequent creditor stepped into the place of the prior creditor. (Dig. 20. tit. 3. s. 3.) Also, if he purchased the thing on the condition that the purchase-money should go to satisfy a prior creditor, he thereby stepped into his place. A subsequent creditor could also, without the consent either of a prior creditor or of the debtor, pay off a prior creditor, and stand in his place to the amount of the sum so paid. This arrangement, however, did not affect the rights of an intermediate pledgee. (Dig. 20. tit. 4. s. 16.)

The creditor had an actio hypothecaria or pignoraticia in respect of the pledge against every person who was in possession of it and had not a better right than himself. This right of action existed indifferently in the case of Pignus and Hypotheca. The hypothecaria actio was designed to give effect to the right of the pledgee, and consequently for the delivery of the hypothecated thing or the payment of the debt. A creditor who had a Pignus, had also a right to the Interdictum retinendae et recuperandae possessionis, if he was disturbed in his possession.

The pledgee was bound to restore a pignus on payment of the debt for which it had been given; and up to that time he was bound to take proper care of it. On payment of the debt, he might be sued in an actio pignoraticia by the pledger, for the restoration of the thing, and for any damage that it had sustained through his neglect. The remedy of the pledgee against the pledger for his proper costs and charges in respect of the pledge, and for any dolus or culpa on the part of the pledger relating thereto, was by an actio pignoraticia contraria.

The pledge was extinguished if the thing perished, for the loss was the owner's; it was also extinguished if the thing was changed so as no longer to be the same, as if a man should have all the timber in a merchant's yard as a security, and the timber should be used in building a ship (Dig. 13. tit. 7. s. 18. § 3); if there was confusio, as when the pledgee became the owner of the thing that was pledged. It was also extinguished by the payment of the debt; and in some other ways.

The law of pledge at Rome was principally founded on the Edict. Originally the only mode of giving security was by a transfer of the Quiritarian ownership of the thing by Mancipatio or In jure cessio, if it was a Res Mancipi, on the condition of its being re-conveyed, when the debt was paid (*sub lege remancipationis* or *sub fiducia*). [FIDUCIA.] Afterwards a thing was given to the creditor with the condition that he might sell it in case his demand was not satisfied: there was no transfer of the ownership. But so long as the creditor could not protect his possession by legal means, this was a very insufficient security. Ultimately the Praetor gave a creditor a right of action (*actio in rem*) under the name Serviana actio for the recovery of the property of a colonus which was his security for his rent (*pro mercedibus fundi*); and this right of action was extended under the name of quasi Serviana or hypothecaria generally to creditors who had things pignerated or hypothecated to them. (Inst. 4. tit. 6. s. 7.) As to the Interdictum Salvianum, see INTERDICTUM.

The progress of pledge in the Roman system was from the clumsy contrivance of a conveyance and reconveyance of the ownership, to the delivery (traditio) of a thing without a conveyance and upon an agreement that it should be a security (pignus), and finally to the simple Pactum hypothecae, in which case there was no delivery, and all that the creditor got, was a right to have some particular thing of the debtor subject to be sold to pay his debt. The hypotheca was the last stage in the development of the Roman law of Pledge. It gave facilities for pledging beyond what existed when the Pignus was only in use, because things could be hypothecated without a transfer of ownership or a giving of possession, such as mere rights of action, debts, and the like. In fact, Pawn or Pledge under the form of Hypotheca was perfected by the Romans, and there is nothing to add to it.

The Roman Law of Pledge has many points of resemblance to the English Law, but more is comprehended under the Roman Law of Pledge than the English Law of Pledge, including in that term Mortgage. Many of the things comprehended in the Roman Law of Pledge belong to the English Law of Lien and to other divisions of English Law which are not included under Pledge or Mortgage.

(Dig. 20. tit. 1, 2, 3, &c.; Cod. 8. tit. 14—35; Gaius, ii. 59—61; Dig. 13. tit. 7, and Cod. 4. tit. 24. De Pignoraticia Actione vel contra; Puchta, *Inst.* i. § 246, &c.; there is an English treatise intitled "The Law of Pledges or Pawns as it was in use among the Romans, &c., by John Ayliffe, London, 1732," which appears to contain all that can be said, but the author's method of treating the subject is not perspicuous.) [G. L.]

PILA (*σφαῖρα*), a ball. The game at ball (*σφαιριστική*) was one of the most favourite gymnastic exercises of the Greeks and Romans from the earliest times to the fall of the Roman empire. As the ancients were fond of attributing the invention of all games to particular persons or occasions, we find the same to be the case with respect to the origin of this game (Herod. i. 94; Athen. i. p. 14, d. e.; Plin. vii. 56), but such statements do not deserve attention. What is more to the purpose in reference to its antiquity is, that we find it mentioned in the Odyssee (vi. 100, &c. viii. 370, &c.), where it is played by the Phaeacian damsels to the sound of music, and also by two celebrated performers at the court of Alcinous in a most artistic manner accompanied with dancing.

The various movements of the body required in the game of ball gave elasticity and grace to the figure; whence it was highly esteemed by the Greeks. The Athenians set so high a value on it, that they conferred upon Aristonicus of Carystus the right of citizenship, and erected a statue to his honour, on account of his skill in this game. (Athen. i. p. 19, a.; compare Suidas, *s. v.* Ὅρχησ.) It was equally esteemed by the other states of Greece; the young Spartans, when they were leaving the condition of ephebi, were called *σφαιρεῖς* (Paus. iii. 14. § 6; Böckh, *Corp. Inscr.* n. 1386, 1432), probably because their chief exercise was the game at ball. Every complete Gymnasium had a room (*σφαιριστήριον*, *σφαίριστρα*) devoted to this exercise [GYMNASIUM], where a special teacher (*σφαιριστικῆς*) gave instruction in the art; for it required no small skill and practice to play it well and gracefully.

The game at ball was as great a favourite with the Romans as the Greeks, and was played at Rome by persons of all ages. Augustus used to play at ball. (Suet. *Aug.* 83.) Pliny (*Ep.* iii. 1) relates how much his aged friend Spurinna exercised himself in this game for the purpose of warding off old age; and under the empire it was generally played before taking the bath, in a room (*sphaeristerium*) attached to the baths for the purpose; in which we read of the *pilicrepus* or player at tennis. (Sen. *Ep.* 57; Orelli, *Inscr.* n. 2591.)

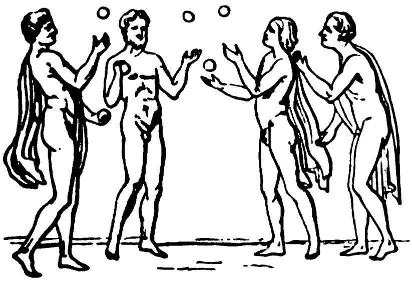
The game at ball was played at in various ways: the later Greek writers mention five different modes, *οὐρανία*, *ἐπίσκυρος*, *φαινίνδα*, *ἁρπαστόν*, *ἀπόῤῥαξις*, and there were probably many other varieties. 1. *Οὐρανία* was a game, in which the ball was thrown up into the air, and each of the persons who played strove to catch it, before it fell to the ground. (Pollux, ix. 106; Hesych. and Phot. *s. v.*; Eustath. *ad Od.* viii. 372. p. 1601.) 2. *Ἐπίσκυρος*, also called *ἐφηβική* and *ἐπίκοινος*, was the game at foot-ball, played in much the same way as with us, by a great number of persons divided into two parties opposed to one another. (Pollux, ix. 104.) This was a favourite game at Sparta, where it was played with great emulation. (Siebelis, *ad Paus.* iii. 14. § 6.) 3. *Φαινίνδα*, called *ἐφετίνδα* by Hesychius (*s. v.*), was played by a number of persons, who threw the ball from one to another, but its peculiarity consisted in the person who had the ball pretending to throw it to a certain individual, and while the latter was expecting it, suddenly turning, and throwing it to another. Various etymologies of this word are given by the grammarians. (Pollux, ix. 105; Etym. Mag. *s. v.* *Φεννίς*; Athen. i. p. 15, a.) 4. *Ἁρπαστόν*, which was also played at by the Romans, is spoken of under HARPASTUM. 5. *Ἀπόῤῥαξις*, was a game in which the player threw the ball to the ground with such force as to cause it to rebound, when he struck it down again with the palm of his hand and so went on doing many times: the number of times was counted.

(Pollux, ix. 103.) We learn from Plato (*Theaet.* p. 146) that in one game of ball, played at by boys, though we do not know what kind it was, the boy who was conquered was called ass (ὄνος); and the one who conquered was named king (βασιλεύς).

Among the Romans the game at ball was also played at in various ways. Pila was used in a general sense for any kind of ball: but the balls among the Romans seem to have been of three kinds; the *pila* in its narrower sense, a small ball; the *follis*, a great ball filled with air [Follis]; and the *paganica*, of which we know scarcely anything, as it is only mentioned in two passages by Martial (vii. 32. 7, xiv. 43), but from the latter of which we may conclude that it was smaller than the follis and larger than the pila. Most of the games at ball among the Romans seem to have been played at with the pila or small ball. One of the simplest modes of playing the ball, where two persons standing opposite to one another threw the ball from one to the other, was called *datatim ludere*. (Plaut. *Curc.* ii. 3. 17.) But the most favourite game at ball seems to have been the *trigon* or *pila trigonalis*, which was played at by three persons, who stood in the form of a triangle, ἐν τριγώνῳ. We have no particulars respecting it, but we are told that skilful players prided themselves upon catching and throwing the ball with their left hand. (Mart. xiv. 46, vii. 72. 9).

The ancient physicians prescribed the game at ball, as well as other kinds of exercise, to their patients; Antyllus (*ap. Oribas.* vi. 32) gives some interesting information on this subject.

The persons playing with the pila or small ball in the annexed woodcut are taken from a painting in the baths of Titus (*Descr. des Bains de Titus*, pl. 17); but it is difficult to say what particular kind of game they are playing at. Three of the players have two balls each.



(Bürette, *De la Sphéristique*, p. 214, &c., *in Mém. de l'Acad. des Inscr.* vol. i.; Krause, *Gymnastik u. Agon. d. Hell.* p. 299, &c.; Becker, *Gallus*, vol. i. p. 268, &c.)

PILA. [Mortarium.]

PILA'NI. [Exercitus, p. 501, b.]

PILENTUM, a splendid four-wheeled carriage, furnished with soft cushions, which conveyed the Roman matrons in sacred processions, and in going to the Circensian and other games. (Virg. *Aen.* viii. 666; Hor. *Epist.* ii. 1. 192; Claudian, *De Nupt. Honor.* 285; Isid. *Orig.* xx. 12.) This distinction was granted to them by the Senate on account of their generosity in giving their gold and jewels on a particular occasion for the service of the state. (Liv. v. 25.) The Vestal virgins were conveyed in the same manner. (Prudentius *contra Sym.* ii. *sub fin.*) The pilentum was probably very like the Harmamaxa and Carpentum, but open at the sides, so that those who sat in it might both see and be seen. [J. Y.]

PI'LEUS or **PI'LEUM** (Non. Marc. iii.; *pilea virorum sunt*, Serv. *in Virg. Aen.* ix. 616). *dim.* **PILE'OLUS** or **PILE'OLUM** (Colum. *de Arbor.* 25); (πῖλος, dim. πίλιον, second dim. πιλίδιον; πίλημα, πιλωτόν), any piece of felt; more especially, a skull-cap of felt, a hat.

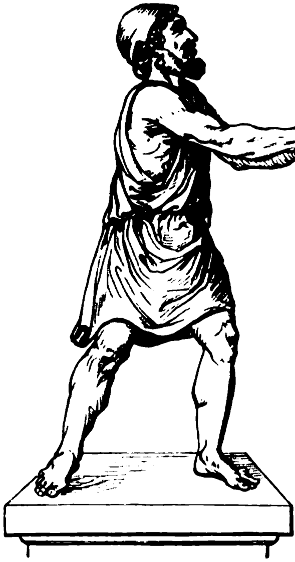
There seems no reason to doubt that felting (ἡ πιλητική, Plat. *Polit.* ii. 2. p. 296, ed. Bekker) is a more ancient invention than weaving [Tela], nor that both of these arts came into Europe from Asia.

From the Greeks, who were acquainted with this article as early as the age of Homer (*Il.* x. 265) and Hesiod (*Op. et Dies*, 542, 546), the use of felt passed together with its name to the Romans. Among them the employment of it was always far less extended than among the Greeks. Nevertheless Pliny in one sentence, "Lanae et per se coactae vestem faciunt," gives a very exact account of the process of felting. (*H. N.* viii. 48. s. 73.) A Latin sepulchral inscription (Gruter, p. 648. n. 4) mentions "a manufacturer of woollen felt" (*lanarius coactilarius*), at the same time indicating that he was not a native of Italy (*Lariseus*).

The principal use of felt among the Greeks and Romans was to make coverings of the head for the male sex, and the most common kind was a simple skull-cap. It was often more elevated, though still round at the top. In this shape it appears on coins, especially on those of Sparta, or such as exhibit the symbols of the Dioscuri; and it is thus represented, with that addition on its summit, which distinguished the Roman flamines and salii, in three figures of the woodcut to the article Apex. But the apex, according to Dionysius of Halicarnassus, was sometimes conical; and conical or pointed caps were certainly very common.

In the Greek and Roman mythology different kinds of caps were symbolically assigned to indicate the occupations of the wearers. The painter Nicomachus first represented Ulysses in a cap, no doubt to indicate his sea-faring life. (Plin. *H. N.* xxxvi. § 22.) The woodcut on the following page shows him clothed in the Exomis, and in the act of offering wine to the Cyclops. (Winckelmann, *Mon. Ined.* ii. 154; Homer, *Od.* ix. 345—347.) He here wears the round cap; but more commonly both he and the boatman Charon (see woodcut, p. 512) have it pointed. Vulcan (see woodcut, p. 726) and Daedalus wear the caps of common artificers.

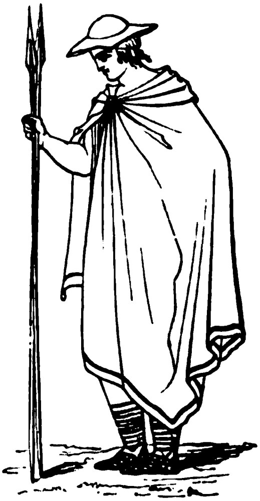
A cap of very frequent occurrence in the works of ancient art is that now generally known by the name of "the Phrygian bonnet." The Mysian pileus, mentioned by Aristophanes (*Acharn.* 429), must have been one of this kind. For we find it continually introduced as the characteristic symbol of Asiatic life in paintings and sculptures of Priam (see woodcut, p. 882) and Mithras (woodcut on title-page), and in short in all the representations, not only of Trojans and Phrygians, but of Amazons (woodcut, p. 894), and of all the inhabitants of Asia Minor, and even of nations dwelling still further east. The representations of this Phrygian, or Mysian, cap in sculptured marble show that it was made of a strong and stiff material and of a



conical form, though bent forwards and downwards. By some Asiatic nations it was worn erect, as by the Sacae, whose stiff peaked caps Herodotus describes under the name of *κυρβασίαι*. The form of those worn by the Armenians (*πιλοφόροι Ἀρμενίοι*, Brunck, *Anal.* ii. 146) is shown on various coins, which were struck in the reign of Verus on occasion of the successes of the Roman army in Armenia, A. D. 161. It is sometimes erect, but sometimes bent downwards or truncated. The truncated conical hat is most distinctly seen on two of the Sarmatians in the group at page 213.

Among the Romans the cap of felt was the emblem of liberty. When a slave obtained his freedom he had his head shaved, and wore instead of his hair an undyed pileus (*πίλεον λευκόν*, Diod. Sic. *Exc. Leg.* 22. p. 625, ed. Wess.; Plaut. *Amphit.* i. 1. 306; Persius, v. 82). Hence the phrase *servos ad pileum vocare* is a summons to liberty, by which slaves were frequently called upon to take up arms with a promise of liberty. (Liv. xxiv. 32.) The figure of Liberty on some of the coins of Antoninus Pius, struck A. D. 145, holds this cap in the right hand.

In contradistinction to the various forms of the felt cap now described, we have to consider others more nearly corresponding with the hats worn by Europeans in modern times. The Greek word *πέτασος, dim. πετάσιον*, derived from *πετάννυμι*, "to expand," and adopted by the Latins in the form *petasus*, dim. *petasunculus*, well expressed the distinctive shape of these hats. What was taken from their height was added to their width. Those already described had no brim: the petasus of every variety had a brim, which was either exactly or nearly circular, and which varied greatly in its width. In some cases it is a circular disk without any crown at all, and often there is only a depression or slight concavity in this disk fitted to the top of the head. Of this a beautiful example is presented in a recumbent statue of Endymion, habited as a hunter, and sleeping on his scarf: this statue belongs to the Townley Collection in the British Museum, and shows the mode of wearing the petasus tied under the chin. In other instances, it is tied behind the neck instead of being tied before it. (See the next woodcut.) Very frequently we observe a boss on the top of the petasus, in the situation in which it appears in the woodcuts, pages 259, 379. In these woodcuts and in that here introduced the brim of the petasus is surmounted by a crown. Frequently the crown is in the form of a skull-cap; we also find it surrounded with a very narrow brim. The Greek petasus in its most common form agreed with the cheapest hats of undyed felt, now made in England. On the heads of rustics and artificers in our streets and lanes we often see forms the exact counterpart of those which we most admire in the works of ancient art. The petasus is also still commonly worn by agricultural labourers in Greece and Asia Minor. In ancient times it was preferred to the skull-cap as a protection from the sun (Sueton. *Aug.* 82), and on this account Caligula permitted the Roman senators to wear it at the theatres. (Dion Cass. lix. 7.) It was used by shepherds (Callim. *Frag.* 125), hunters, and travellers. (Plaut. *Amphitr.* Prol. 143, i. 1. 287, *Pseud.* ii. 4. 45, iv. 7. 90; Brunck, *Anal.* ii. 170.) The annexed woodcut is from a fictile vase belonging to Mr. Hope (*Costume*, i. 71), and it represents a Greek soldier in his hat and pallium. The ordinary dress of the Athenian ephebi, well exhibited in the Panathenaic Frieze of the Parthenon, now preserved in the British Museum, was the hat and scarf. [CHLAMYS.] (Brunck, *Anal.* i. 5, ii. 41; Philemon, p. 367, ed. Meineke; Pollux, x. 164.) Among imaginary beings the same costume was commonly attributed to Mercury (Arnob. *adv. Gent.* vi.; Martianus Capella, ii. 176; Ephippus *ap. Athen.* xii. p. 537. f), and sometimes to the Dioscuri.



Ancient authors mention three varieties of the petasus, the Thessalian (Dion Cass. *l. c.*; Callim. *Frag.* 124; Schol. *in Soph. Oed. Col.* 316), the Arcadian (Brunck, *Anal.* ii. 384; Diog. Laërt. vi. 102), and the Laconian (Arrian. *Tact.* p. 12, ed. Blancardi); but they do not say in what the difference consisted. In like manner it is by no means clear in what respects the Causia differed from the petasus, although they are distinctly opposed to one another by a writer in Athenaeus (xii. p. 537, e). Moreover in the later Greek authors we find πῖλος used to denote a hat of other materials besides felt. (Athen. vi. p. 274.)

On the use of felt in covering the feet see Udo.

Felt was likewise used for the lining of helmets. [Galea.] For further illustrations of this subject, see Yates's *Textrinum Antiquorum, P. I. Appendix B.* [J. Y.]

PILI'CREPUS. [Pila.]

PILUM. [Hasta.]

PINACOTHE'CA (πίναξ, θήκη), a picture-gallery. Marcellus, after the capture of Syracuse, first displayed the works of Greek painters and sculptors to his countrymen, whose taste for the fine arts was gradually matured by the conquests of L. Scipio, Flamininus, and L. Paullus, and grew into a passion after the spoils of Achaia had been transported by Mummius to Rome. Objects of this description were at first employed exclusively for the decoration of temples and places of public resort, but private collections were soon formed; and towards the close of the republic we find that in the houses of the more opulent a room was devoted to the reception of paintings and statues. (Varro, *R. R.* i. 2. 59; Cic. *in Verr.* i. 21.) In the time of Augustus, Vitruvius includes the pinacotheca among the ordinary apartments of a complete mansion, and gives directions that it should be of ample size and facing the north, in order that the light might be equable and not too strong. (Vitruv. i. 2, vi. 5. 7; compare Plin. *H. N.* xxxv. 2. 7. 11; Mazois, *Le Palais de Scaurus*, cap. ix.; Becker, *Gallus*, vol. i. p. 92.) [W. R.]

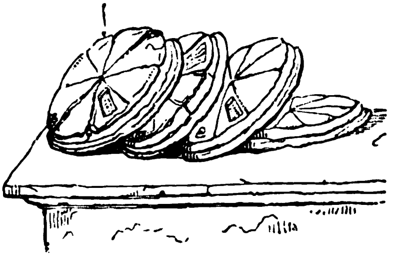
PISCATO'RII LUDI. [Ludi Piscatorii.]

PISCI'NA, properly a fish-pond, either of salt-water or of fresh (see the passages in Forcellini and Freund) denotes also any kind of reservoir, especially those connected with the aqueducts and the baths. (Aquaeductus, p. 114, a; Balneae, pp. 189, b., 19. a.) [P. S.]

PISTILLUM. [Mortarium.]

PISTOR (ἀρτοποιός), a baker, from *pinsere* to pound, since corn was pounded in mortars before the invention of mills. [Mola.] At Rome bread was originally made at home by the women of the house; and there were no persons at Rome who made baking a trade, or any slaves specially kept for this purpose in private houses, till B. C. 173. (Plin. *H. N.* xviii. 11. s. 28.) In Varro's time, however, good bakers were highly prized, and great sums were paid for slaves who excelled in this art. (Gell. xv. 19.) The name was not confined to those who made bread only, but was also given to pastry-cooks and confectioners, in which case however they were usually called *pistores dulciarii* or *candidarii*. (Mart. xiv. 222; Orelli, *Inscr.* n. 4263.) The bakers at Rome, like most other tradespeople, formed a collegium. (Dig. 3. tit. 4. s. 1; 27. tit. 1. s. 46.)

Bread was often baked in moulds called *artoptae*, and the loaves thus baked were termed *artopticii*. (Plin. *H. N.* xviii. 11. s. 27, 28; Plaut. *Aulul.* ii. 9. 4.) In one of the bakehouses discovered at Pompeii, several loaves have been found apparently baked in moulds, which may therefore be regarded as *artopticii*; they are represented below. They are flat and about eight inches in diameter.



Bread was not generally made at home at Athens, but was sold in the market-place chiefly by women, called ἀρτοπώλιδες. (Compare Aristoph. *Vesp.* 1389, &c.) These women seem to have been what the fish-women of London are at present; they excelled in abuse, whence Aristophanes (*Ran.* 856) says, λοιδορεῖσθαι ὥσπερ ἀρτοπώλιδας. (Becker, *Charikles*, vol. i. p. 284.)

PISTRI'NUM. [Mola; Mortarium.]

PLAGA. [Rete.]

PLAGIA'RIUS. [Plagium.]

PLA'GIUM. This offence was the subject of a Fabia Lex, which is mentioned by Cicero (*Pro Rabirio*, c. 3), and is assigned to the consulship of Quintus Fabius and M. Claudius Marcellus, B. C. 183; but without sufficient reason. The chief provisions of the Lex are collected from the Digest (48. tit. 15. s. 6): "if a freeman concealed, kept confined, or knowingly with dolus malus purchased an ingenuus or libertinus against his will, or participated in any such acts; or if he persuaded another person's male or female slave to run away from a master or mistress, or without the consent or knowledge of the master or mistress concealed, kept confined, or purchased knowingly with dolus malus such male or female slave, or participated in any such acts, he was liable to the penalties of the Lex Fabia." The penalty of the Lex was pecuniary, and the consequence was Infamia; but this fell into disuse, and persons who offended against the lex were punished, either by being sent to work in the mines or by crucifixion, if they were humiliores, or with confiscation of half of their property or perpetual relegation, if they were honestiores. The crime of kidnapping men became a common practice and required vigilant pursuit (Suetonius, *Octavian.* c. 32). A Senatusconsultum ad Legem Fabiam did not allow a master to give or sell a runaway slave, which was technically called "fugam vendere;" but the provision did not apply to a slave who was merely absent, nor to the case of a runaway slave when the master had commissioned any one to go after him and sell him: it was the object of the provision to encourage the recovery of runaway slaves. The name of the Senatusconsultum, by which the Lex Fabia was amended, does not appear. The word Plagium is said to come from the Greek πλάγιος, oblique, indirect, dolosus. But this is doubtful. Schrader (Inst. 4. tit. 18. § 10) thinks that the derivation from plaga (a net) is more probable. He who committed plagium was plagiarius, a word which Martial (*Ep.* i. 53) applies to a person who falsely gave himself out as the author of a book; and in this sense the word has come into common use in our language. (Dig. 48. tit. 15; Cod. 9. tit. 20; Paulus, *S. R.* i. tit. 6 A.; Rein, *Das Criminalrecht der Römer*, p. 386.) [G. L.]

PLANE'TAE, s. STELLAE ERRANTES (*πλανῆται* s. *πλανωμένοι ἀστέρες* as opposed to *τὰ ἀπλανῆ τῶν ἄστρων*). The popular astronomy of the early Greeks was chiefly confined, as is pointed out elsewhere [ASTRONOMIA], to a knowledge of the morning and evening risings and settings of the brightest stars and most remarkable constellations, since upon these observations the formation and regulation of the primitive kalendars in a great measure depended. No single star was more likely to attract attention under such circumstances than the planet Venus, and accordingly *The Morning Star* (Ἑωσφόρος) is placed first among the stellar progeny of Erigeneia in the *Theogony* (381) —

> τοὺς δὲ μέτ' (sc. ἀνέμους) ἀστέρα τίκτεν Ἑωσφόρον Ἠριγένεια
> ἄστρα τε λαμπετόωντα τά τ' οὐρανὸς ἐστεφάνωται,

while both the *Morning Star* (Ἑωσφόρος), and the *Evening Star* (Ἕσπερος), are named in the Homeric poems (*Il.* xxii. 317, xxiii. 226, comp. *Od.* xiii. 93), where they are evidently regarded as distinct from one another. According to Apollodorus, in the second book of his work Περὶ θεῶν, Pythagoras was the first who surmised that Φωσφόρος and Ἕσπερος were one and the same, but by Phavorinus the honour of this discovery is ascribed to Parmenides. The latter certainly looked upon this body, which he called both Ἑῷος and Ἕσπερος, as altogether different in its nature from the fixed stars, for he placed it in his highest region or aether; below it, but also in the aether, was the sun, and below the sun, in the fiery region (*ἐν τῷ πυρώδει*), which he calls *οὐρανὸς*, were the fixed stars. The term *πλανῆται* seems, if we can trust Plutarch and Stobaeus, to have been recognised as early as the epoch of Anaximander, according to whom the sun stood highest in the universe, next below was the moon, and then the fixed stars and the planets (*ὑπὸ δὲ αὐτοὺς τὰ ἀπλανῆ τῶν ἄστρων καὶ τοὺς πλανήτας*). Empedocles supposed the fixed stars to be imbedded in the crystalline sphere, which, according to his system, enveloped all things, but the planets to be detached from it, thus implying the necessity felt for some theory, which should account for their erratic course. Democritus wrote a treatise Περὶ τῶν πλανητῶν, among which he reckoned the Sun, the Moon, and Φωσφόρος, but, as yet, their number had not been determined. This is expressly affirmed by Seneca (*Quaest. Nat.* vii. 3), "Democritus subtilissimus antiquorum omnium suspicari ait se plures stellas esse quae currant; sed nec numerum illarum posuit, nec nomina, nondum comprehensis quinque siderum cursibus. Eudoxus ab Ægypto hos motus in Graeciam transtulit." But although Eudoxus may have been the first to communicate scientific details with respect to the orbits and movements of the planets, Philolaus, a Pythagorean, who flourished more than a century earlier, was certainly acquainted with the whole five, for he maintained that there was a central fire around which the ten heavenly bodies (*δέκα σώματα θεῖα*) revolved. Of these, the most remote from the centre was *οὐρανὸς*, that is, the sphere containing the fixed stars, next in order were the planets, then the sun, then the moon, then the earth, and, below the earth, the Anticthon (*ἀντίχθων*, see Arist. *de Coelo*, ii. 13), thus completing the number ten if we reckon the planets as five. In the Timaeus of Plato, the planets are mentioned specifically as five in number (*ἥλιος καὶ σελήνη καὶ πέντε ἄλλα ἄστρα ἐπίκλην ἔχοντα πλανῆται*), and in the same passage, we for the first time meet with the name *Hermes* as connected with one of these (*ἑωσφόρον δὲ καὶ τὸν ἱερὸν Ἑρμοῦ λεγόμενον*). It is not, however, until we come down to the Epinomis, the work of some disciple of Plato, that the whole five are enumerated, each with a distinguishing appellation derived from a god: τὸν τοῦ Κρόνου, τὸν τοῦ Διὸς, τὸν τοῦ Ἄρεος, τὴν τῆς Ἀφροδίτης, τὸν τοῦ Ἑρμοῦ. In the tract, Περὶ κόσμου, found among the writings of Aristotle, although probably not from his pen, we are furnished with a second set of names — Φαίνων for the star of Kronus; Φαέθων, for that of Zeus; Πυρόεις, for that of Ares; Φωσφόρος, for that of Aphrodite; Στίλβων, for that of Hermes; and these seem to have been the ordinary designations employed by men of science. It is here stated also, that Πυρόεις was by some termed the star of Herakles, and that Στίλβων was by some termed the star of Apollo. Pliny gives additional variations, for in his list they are catalogued as SIDUS SATURNI, JOVIS, MARTIS s. HERCULIS, VENERIS s. JUNONIS s. ISIDIS s. MATRIS DEUM (*Lucifer*, *Vesper*), MERCURI s. APOLLINIS; and these may be still farther increased from Achilles Tatius, the grammarians and the lexicographers.

The Earth being generally regarded as the centre of the Universe, the Moon was believed to be nearest to it, then the Sun, Venus, and Mercury; beyond these was Mars, beyond Mars was Jupiter, beyond Jupiter was Saturnus, the fixed stars being the most remote of all. But while astronomers for the most part agreed in placing the Sun, Venus, and Mercury between the Moon and Mars, the greatest diversity of opinion obtained with regard to their relative position. According to some, the Sun was the nearest of the three to the Earth, according to others the most distant, while a third set of philosophers assigned to it the middle place between Venus and Mercury. In like manner, some supposed that Mercury was nearer to the Earth than Venus, others the reverse, and every possible combination of the three bodies was exhausted.

Saturnus was believed to perform a complete revolution in thirty solar years, Jupiter in twelve, calculations approaching very nearly to the truth. The period of Mars was fixed at two years, a determination less accurate than the two former, but not very wide of the truth. As to Venus and Mercury, not even an approximation was made, for they were both believed to perform their revolution in exactly, or very nearly the same time as the Sun: Pliny, who affects great precision in this matter, fixes 348 days for Venus, and 339 days for Mercury.

Saturnus being thus removed to a great distance from the source of heat was naturally viewed as possessing a cold and icy character (*gelidae ac rigentis naturae — frigida stella Saturni*), Mars, on the other hand, as of a hot and fiery nature, while Jupiter which lay between them enjoyed a temperature made up by the combination of the extremes. The astrologers caught up these notions, and uniting them with the legends of mythology, adapted them to their own purpose, uniformly representing the influence of Saturnus as malign, and that of Jupiter as propitious.

> Haec tamen ignorat, quid sidus triste minetur
> Saturni. Juv. vi. 569.

Saturnumque gravem nostro Jove frangimus una.
Pers. v. 48.

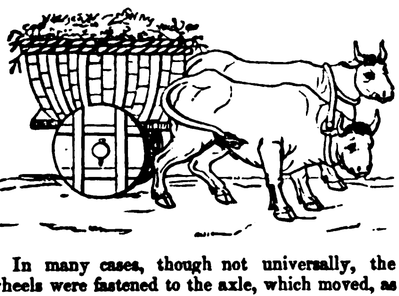
Te Jovis impio
Tutela Saturno refulgens
Eripuit.
Hor. *Carm.* ii. 16. 22.

It must be understood that in the above remarks, we have confined ourselves entirely to the popular notions which prevailed among the ancients without attempting to trace the progress of scientific observation, a subject which belongs to a formal history of astronomy, but does not fall within our limits. (Plut. *de Placitis Philos.* ii. 14, 15, 16; Stob. *Ecl. Phys.* i. 23. § 1, 25. § 1; Diogen. Laërt. viii. 14, ix. 23; Arat. *Phaen.* 454; Gemini *Elementa Astron.* c. 1; Achill. Tat. *Isag. ad Arat. Phaen.* xvii.; Lydus, *De Mens.* v. &c.; Cic. *de Nat. Deor.* ii. 20; Plin. *H. N.* ii. 6. 8; Tac. *Hist.* v. 4; Macrob. *Somn. Scip.* 4.) [W. R.]

PLA'STICA. [STATUARIA.]

PLAUSTRUM or **PLOSTRUM,** *dim.* **PLOSTELLUM** (*ἅμαξα, dim. ἁμαξις*), a cart or waggon. This vehicle had commonly two wheels, but sometimes four, and it was then called the *plaustrum majus.* The invention of four-wheeled waggons is attributed to the Phrygians. (Plin. *H. N.* vii. 56.)

Besides the wheels and axle the plaustrum consisted of a strong pole (*temo*), to the hinder part of which was fastened a table of wooden planks. The blocks of stone, or other things to be carried, were either laid upon this table without any other support, or an additional security was obtained by the use either of boards at the sides (*ὑπερτερία*, Hom. *Od.* vi. 70; Plato, *Theaet.* p. 467, Heindorf.) or of a large wicker basket tied upon the cart (*πείρινς*, Hom. *Il.* xxiv. 267, *Od.* xv. 131). The annexed woodcut, taken from a bas-relief at Rome, exhibits a cart, the body of which is supplied by a basket. Similar vehicles are still used in many parts of Europe, being employed more especially to carry charcoal.



In many cases, though not universally, the wheels were fastened to the axle, which moved, as in our children's carts, within wooden rings adapted for its reception and fastened to the body. These rings were called in Greek *ἁμαξόποδες*, in Latin *arbusculae.* The parts of the axis, which revolved within them, were sometimes cased with iron. (Vitruv. x. 20. § 14.) The commonest kind of cart-wheel was that called *tympanum,* "the drum," from its resemblance to the musical instrument of the same name. (Varro, *de Re Rust.* iii. 5; Virg. *Georg.* ii. 444.) It was nearly a foot in thickness, and was made either by sawing the trunk of a tree across in an horizontal direction, or by nailing together boards of the requisite shape and size. It is exemplified in the preceding woodcut, and in the sculptures on the arch of Septimius Severus at Rome. Although these wheels were excellent for keeping the roads in repair and did not cut up the fields, yet they rendered it necessary to take a long circuit in turning. They advanced slowly. (Virg. *Georg.* i. 138.) They also made a loud creaking, which was heard to a great distance (*stridentia plaustra*, Virg. *Georg.* iii. 536; *gementia, Aen.* xi. 138). Their rude construction made them liable to be overturned with their load of stone, timber, manure, or skins of wine (Juv. iii. 241—243), whence the Emperor Hadrian prohibited heavily loaded waggons from entering the city of Rome. (Spartian. *Hadr.* 22.) The waggoner was sometimes required to aid the team with his shoulder. Accidents of this kind gave origin to the proverb "Plaustrum perculi," meaning "I have had a misfortune." (Plaut. *Epid.* iv. 2. 22.) Carts of this description, having solid wheels without spokes, are still used in Greece (Dodwell's *Tour*, vol. ii. pp. 102, 103) and in some parts of Asia. (Sir R. K. Porter's *Travels*, vol. ii. p. 533.) [J. Y.]

PLEBE'II LUDI. [LUDI PLEBEII.]

PLEBES or **PLEBS. PLEBEII.** This word contains the same root as *im-pleo*, *com-pleo*, &c., and is therefore etymologically connected with *πλῆθος*, a term which was applied to the plebeians by the more correct Greek writers on Roman history, while others wrongly called them *δῆμος* or *οἱ δημοτικοί.*

The plebeians were the body of commons or the commonalty of Rome, and thus constituted one of the two great elements of which the Roman nation consisted, and which has given to the earlier periods of Roman history its peculiar character and interest. Before the time of Niebuhr the most inconsistent notions were entertained by scholars with regard to the plebeians and their relations to the patricians; and it is one of his peculiar merits to have pointed out the real position which they occupied in the history of Rome.

The ancients themselves do not agree respecting the time when the plebeians began to form a part of the Roman population. Dionysius and Livy represent them as having formed a part of the Romans as early as the time of Romulus, and seem to consider them as the clients of the patricians, or as the low multitude of outcasts who flocked to Rome at the time when Romulus opened the asylum. (Dionys. i. 8; Liv. i. 8.) If there is any truth at all in these accounts of the early existence of the plebeians, we can only conceive them to have been the original inhabitants of the districts occupied by the new settlers (Ramnes or Romans), who, after their territory was conquered, were kept in that state of submission in which conquered nations were so frequently held in early times. There are also some other statements referring to such an early existence of the plebeians; for the clients, in the time of Romulus, are said to have been formed out of the plebeians. (Dionys. ii. 9; Plut. *Romul.* 13; Cic. *de Re Publ.* ii. 9; Fest. *s. v. Patrocinia.*) In the early times of Rome the position of a client was in many respects undoubtedly far more favourable than that of a plebeian, and it is not improbable that some of the plebeians may for this reason have entered into the relation of clientela to some patricians, and have given up the rights which they had as free plebeians; and occurrences of this kind may have given rise to the story mentioned by the writers just referred to. A recent writer, Dr. W. Ihne (*Forschungen auf dem Gebiete der Röm. Verfassungsgeschichte*, Frankf. 1847) has undertaken with very plausible arguments to prove that originally plebeians and clients were the same people, and that originally all the plebeians were clients of the patricians, from which dependent relation they gradually emancipated themselves.

Whatever may be thought of the existence of plebeians at Rome in the earliest times, their number at all events cannot have been very great. The time when they first appear as a distinct class of Roman citizens in contradistinction to the patricians, is in the reign of Tullus Hostilius. Alba, the head of the Latin confederacy, was in his reign taken by the Romans and razed to the ground. The most distinguished of its inhabitants were transplanted to Rome and received among the patricians; but the great bulk of Alban citizens, some of whom were likewise transferred to Rome, and received settlements on the Caelian hill, were kept in a state of submission to the populus Romanus or the patricians. This new population in and about Rome, combined, perhaps, with the subdued original inhabitants of the place, which in number is said to have been equal to the old inhabitants of the city or the patricians, were the plebeians. They were Latins, and consequently of the same blood as the Ramnes, the noblest of the three patrician tribes. (Liv. i. 30; Dionys. iii. 29, 31; Val. Max. iii. 4. § 1.) After the conquest of Alba, Rome, in the reign of Ancus Marcius, acquired possession of a considerable extent of country containing a number of dependent Latin towns, as Medullia, Fidenae, Politorium, Tellenae, and Ficana. Numbers of the inhabitants of these towns were again transplanted to Rome, and incorporated with the plebeians already settled there, and the Aventine was assigned to them as their habitation. (Liv. i. 33; Dionys. iii. 31, 37.) Many, however, remained in their original homes, and their lands were given back to them by the Romans, so that they remained free land-owners as much as the conquerors themselves, and thus were distinct from the clients.

The order of plebeians or the commonalty, which had thus gradually been formed by the side of the patricians, and which far exceeded the populus in number, lived partly in Rome itself in the districts above mentioned, and partly on their former estates in the country subject to Rome, in towns, villages, or scattered farms. The plebeians were citizens, but not optimo jure; they were perfectly distinct from the patricians, and were neither contained in the three tribes, nor in the curiae nor in the patrician gentes. They were consequently excluded from the comitia, the senate, and all civil and priestly offices of the state. Dionysius is greatly mistaken in stating that all the new citizens were distributed among the patrician curies, and under this error he labours throughout his history, for he conceives the patricians and plebeians as having been united in the comitia curiata (iv. 12, ix. 41). That the plebeians were not contained in the curies, is evident from the following facts: — Dionysius himself (iv. 76, 78) calls the curies a patrician assembly; Livy (v. 46) speaks of a lex curiata, which was made without any co-operation on the part of the plebeians; and those, who confirm the election of kings or magistrates and confer the imperium, are in some passages called patricians, and in others curiae (Dionys. ii. 60, vi. 90, x. 4; Liv. vi. 42; compare Niebuhr, *Hist. of Rome*, ii. p. 120; Becker, *Handbuch der Röm. Alterth.* ii. 1. p. 133, &c.), which shows that both were synonymous. That the plebeians did not belong to the patrician gentes, is expressly stated by Livy (x. 8). The only point of contact between the two estates was the army, for after the conquest of Alba, Tullus Hostilius doubled the number of legions of the Roman army. (Liv. i. 30.) Livy also states that Tullus Hostilius formed ten new turmae of equites, but whether these new turmae consisted of Albans, as Livy says, or whether they were taken from the three old tribes, as Göttling (*Gesch. d. Röm. Staatsv.* p. 225) thinks, is only matter of speculation. The plebeians were thus obliged to fight and shed their blood in the defence and support of their new fellow-citizens without being allowed to share any of their rights or privileges, and without even the right of intermarriage (*connubium*). In all judicial matters they were entirely at the mercy of the patricians, and had no right of appeal against any unjust sentence, though they were not, like the clients, bound to have a patronus. They continued to have their own sacra which they had had before the conquest, but they were regulated by the patrician pontiffs. (Fest. *s. v. Municipalia sacra.*) Lastly, they were free land-owners, and had their own gentes. That a plebeian, when married to a plebeian woman, had the patria potestas over his children, and that if he belonged to a plebeian gens, he shared in the jura and sacra gentilicia of that gens, are points which appear to be self-evident.

The population of the Roman state thus consisted of two opposite elements; a ruling class or an aristocracy, and the commonalty, which, though of the same stock as the noblest among the rulers, and exceeding them in numbers, yet enjoyed none of the rights which might enable them to take a part in the management of public affairs, religious or civil. Their citizenship resembled the relation of aliens to a state, in which they are merely tolerated on condition of performing certain services, and they are, in fact, sometimes called peregrini. While the order of the patricians was perfectly organized by its division into curiae, decuriae, and gentes, the commonalty had no such organization, except its division into gentes; its relations to the patricians also were in no way defined, and it consequently had no means of protecting itself against any arbitrary proceedings of the rulers. That such a state of things could not last, is a truth which must have been felt by every one who was not blinded by his own selfishness and love of dominion. Tarquinius Priscus was the first who conceived the idea of placing the plebeians on a footing of equality with the old burghers, by dividing them into three tribes, which he intended to call after his own name and those of his friends. (Verrius Flaccus, *ap. Fest. s. v. Navia*; Liv. i. 36, &c.; Dionys. iii. 71; Cic. *de Re Publ.* ii. 20.) But this noble plan was frustrated by the opposition of the augur Attus Navius, who probably acted the part of a representative of the patricians. All that Tarquinius could do was to effect the admission of the noblest plebeian families into the three old tribes, who, however, were distinguished from the old patrician families by the names of Ramnes, Tities, and Luceres secundi, and their gentes are sometimes distinguished by the epithet minores, as they entered into the same relation in which the

Luceres had been to the first two tribes, before the time of Tarquinius. (Fest. *s. v. Sex Vestae Sacerdotes;* Cic. *de Re Publ.* ii. 20; Liv. i. 35, 47.) This measure, although an advantage to the most distinguished plebeian families, did not benefit the plebeians as an order, for the new patricians must have become alienated from the commonalty, while the patricians as a body were considerably strengthened by the accession of the new families.

It was reserved to his successor, Servius Tullius, to give to the commonalty a regular internal organization and to determine their relations to the patricians. The intention of this king was not to upset the old constitution, but only to enlarge it so as to render it capable of receiving within itself the new elements of the state. He first divided the city into four, and then the subject country around, which was inhabited by plebeians, into twenty-six regions or local tribes (Liv. i. 43; Dionys. iv. 14, &c.), and in these regions he assigned lots of land to those plebeians who were yet without landed property. Niebuhr (ii. p. 162) thinks that these allotments consisted of seven jugera each, an opinion which is controverted by Göttling (p. 239, &c.). As regards the four city-tribes, it should be observed that the Aventine and the Capitol were not contained in them: the former forming a part of the country tribes, and the latter being, as it were, the city of the gods. (Varro, *de Ling. Lat.* v. 56, ed. Müller.) The twenty-six country tribes are not mentioned by Livy in his account of the Servian constitution, and where he first speaks of the whole number of tribes (ii. 21; compare Dionys. vii. 64), he only mentions twenty-one instead of thirty. Niebuhr (i. p. 418) is undoubtedly right in reconciling this number with the thirty tribes of Servius by the supposition, that in the war with Porsenna Rome lost one third of her territory, *i. e.* ten tribes, so that there were only twenty left. As, therefore, after the immigration of the Claudii and their clients, a new tribe was formed (Liv. ii. 16), Livy is right in mentioning only twenty-one tribes. These thirty Servian tribes did not, at least originally, contain any patricians, and even after the Claudii had come to Rome, it is not necessary to suppose that the gens Claudia, which was raised to the rank of patrician, was contained in the new tribe, but the new tribe probably consisted of their clients to whom lands were assigned beyond the Anio. (Liv. *l. c.;* compare TRIBUS.) Some of the clients of the patricians, however, were probably contained in the Servian tribes. (Dionys. iv. 22, &c.) Each tribe had its praefect called tribunus. (Dionys. iv. 14; Appian, *B. C.* iii. 23; TRIBUNUS.) The tribes had also their own sacra, festivals, and meetings (*comitia tributa*), which were convoked by their tribunes.

This division into tribes with tribunes at their heads was no more than an internal organization of the plebeians, analogous to the division of the patricians into thirty curiae, without conferring upon them the right to interfere in any way in the management of public affairs, or in the elections, which were left entirely to the senate and the curiae. These rights, however, they obtained by another regulation of Servius Tullius, which was made wholly independent of the thirty tribes. For this purpose he instituted a census, and divided the whole body of Roman citizens, plebeians as well as patricians, into five classes, according to the amount of their property. Taxation and the military duties were arranged according to these classes in such a manner, that the heavier burdens fell upon the wealthier classes. The whole body of citizens thus divided was formed into a great national assembly called comitiatus maximus or comitia centuriata. [COMITIA, p. 333, &c.] In this assembly the plebeians now met the patricians apparently on a footing of equality, but the votes were distributed in such a way that it was always in the power of the wealthiest classes, to which the patricians naturally belonged, to decide a question before it was put to the vote of the poorer classes. A great number of such noble plebeian families, as after the subjugation of the Latin towns had not been admitted into the curies by Tarquinius Priscus, were now constituted by Servius into a number of equites, with twelve suffragia in the comitia centuriata. [EQUITES, p. 471.] Lastly, Servius Tullius is said to have regulated the commercium between the two orders by about fifty laws. (Dionys. iv. 13; *Νόμους τοὺς μὲν συναλλακτικοὺς καὶ τοὺς περὶ τῶν ἀδικημάτων*; compare v. 2, vi. 22; Göttling, p. 240; Becker, *l. c.* p. 156.)

In this constitution the plebeians, as such, did not obtain admission to the senate, nor to the highest magistracy, nor to any of the priestly offices. To all these offices the patricians alone thought themselves entitled by divine right. The plebeians also continued to be excluded from occupying any portion of the public land, which as yet was only possessed by the patricians, and were only allowed to keep their cattle upon the common pasture, for which they had to pay to the state a certain sum. It is true that by the acquisition of wealth plebeians might become members of the first property class, and that thus their votes in the comitia might become of the same weight as those of the wealthy patricians, but the possibility of acquiring such wealth was diminished by their being excluded from the use of the ager publicus. Niebuhr (i. p. 430, &c.) infers from the nature of the Servian constitution that it must have granted to the plebeians greater advantages than those mentioned by our historians: he conceives that it gave to them the right of appeal to their own assembly, and to pass sentence upon such as grossly infringed their liberties, in short that the Servian constitution placed them on the same footing in regard to the patricians, as was afterwards permanently effected by the laws of C. Licinius and L. Sextius. There is no doubt that such might and should have been the case, but the arguments which he brings forward in support of his hypothesis do not appear to be convincing, as has been pointed out by Göttling (p. 265, &c.). All that we know for certain is, that Servius gave to the body of the plebeians an internal organization by the establishment of the thirty plebeian tribes, and that in the comitia centuriata he placed them, at least apparently, on a footing of equality with the populus. Whether he intended to do more, or would have done more if it had been in his power, is a different question. But facts, like those stated above, were sufficient at a later period, when the benefits actually conferred upon the plebeians were taken away from them, to make the grateful commonalty look upon that king as its great patron, and even regard him as having granted all those rights which subsequently they acquired after many years of hard struggle. Thus what he actually had done, was exaggerated to what he possibly might have done, or would have wished to do. In this light we have to regard the story that he intended to lay down his royal dignity and to establish the government of two consuls, one of whom was to have been a plebeian.

During the reign of the last king the plebeians not only lost all they had gained by the legislation of his predecessor (Dionys. iv. 43, 44); but the tyrant also compelled them to work like slaves in his great architectural works, such as the cloacae and the circus.

On the establishment of the republic, the comitia centuriata, and perhaps the whole constitution, such as it had been before the reign of the last Tarquinius, were restored, so that the patricians alone continued to be eligible to all the public offices. (Liv. iv. 6, vi. 40, &c., x. 8.) That the comitia centuriata were restored immediately after the banishment of the Tarquins, may be inferred from the words of Livy (i. 60), who says, that the first consuls were elected *ex commentariis Servii Tullii*, for these words probably refer to the comitia centuriata, in which, according to the regulations of king Servius, the elections were to be held. There was still no connubium between the two orders, and the populus was still in every respect distinct from the plebs. Considering the fact that the patricians reserved for themselves all the powers which had formerly been concentrated in the king, and that these powers were now given to a number of patrician officers, we must admit that the plebeians at the commencement of the republic were worse off than if the kingly rule had continued under the institutions introduced by Servius. They, however, soon gained some advantages. The vacancies which had occurred in the senate during the reign of the last king were filled up with the most distinguished among the plebeian equites (*patres conscripti*, Liv. ii. 1; Dionys. v. 13; Fest. *s. v. Qui patres;* Plut. *Public.* 11; Senatus), and Valerius Publicola carried a number of *laws* by which the relations between patricians and plebeians were more accurately defined than they had hitherto been, and which also afforded some protection to the plebeians. [Leges Valeriae.] Both orders acted in common only in the army and the comitia centuriata, in which, however, the patricians exercised an overwhelming influence through the number of their clients who voted in them; and in addition to this all decrees of the centuries still required the sanction of the curiae. Notwithstanding these disadvantages, the plebeians occupied a position which might soon have enabled them to rise to a perfect equality with the patricians, had not a great calamity thrown them back, and put an end to their political progress. This was the unfortunate war with Porsenna, in which a great number (a third) of the plebeians lost their estates, became impoverished, and perhaps for a time subject to the Etruscans.

In the meanwhile, the patricians, not satisfied with the exercise of all the authority in the state, appear not seldom to have encroached upon the rights granted to the plebeians by the Valerian laws. (Liv. ii. 27.) Such proceedings, and the merciless harshness and oppression on the part of the rulers, could not fail to rouse the indignation and call forth the resistance of the plebeians, who gradually became convinced that it was impossible to retain what they possessed without acquiring more. The struggle which thus originated between the two parties, is, as far as the commonalty is concerned, one of the noblest that has ever been carried on between oppressors and oppressed. On the one hand we see a haughty and faithless oligarchy applying all means that the love of dominion and selfishness can devise; on the other hand, a commonalty forbearing to the last in its opposition and resistance, ever keeping within the bounds of the existing laws, and striving after power, not for the mere gratification of ambition, but in order to obtain the means of protecting itself against fraud and tyranny. The details of this struggle belong to a history of Rome and cannot be given here; we can only point out in what manner the plebeians gradually gained access to all the civil and religious offices, until at last the two hostile elements became united into one great body of Roman citizens with equal rights, and a state of things arose totally different from what had existed before.

After the first secession, in B. C. 494, the plebeians gained several great advantages. First, a law was passed to prevent the patricians from taking usurious interest of money which they frequently lent to impoverished plebeians (Dionys. vi. 83); secondly, tribunes were appointed for the protection of the plebeians [Tribuni]; and lastly, plebeian aediles were appointed. [Aediles.] Shortly after, they gained the right to summon before their own comitia tributa any one who had violated the rights of their order (Fest. *s. v. Sacer mons;* Göttling, p. 300, &c.), and to make decrees (*plebiscita*), which, however, did not become binding upon the whole nation until the year B. C. 449. [Plebiscitum.] A few years after this (445, B. C.), the tribune Canuleius established, by his rogations, the connubium between patricians and plebeians. (Liv. iv. 44, v. 11, 12; Dionys. x. 60, xi. 28; Cic. *de Re Publ.* ii. 37.) He also attempted to divide the consulship between the two orders, but the patricians frustrated the realisation of this plan by the appointment of six military tribunes, who were to be elected from both orders. [Tribuni.] But that the plebeians might have no share in the censorial power, with which the consuls had been invested, the military tribunes did not obtain that power, and a new curule dignity, the censorship, was established, with which patricians alone were to be invested. [Censor.] Shortly after the taking of Rome by the Gauls, we find the plebeians again in a state little better than that in which they had been before their first secession to the mons sacer. In B. C. 421, however, they were admitted to the quaestorship, which opened to them the way into the senate, where henceforth their number continued to increase. [Quaestor; Senatus.] In B. C. 367, the tribunes L. Licinius Stolo and L. Sextius placed themselves at the head of the commonalty, and resumed the contest against the patricians. After a fierce struggle, which lasted for several years, they at length carried a rogation, according to which decemvirs were to be appointed for keeping the Sibylline books instead of duumvirs, of whom half were to be plebeians. (Liv. vi. 37, 42.) The next great step was the restoration of the consulship, on condition that one consul should always be a plebeian. A third rogation of Licinius, which was only intended to afford momentary relief to the poor plebeians, regulated the rate of interest. From this time forward the plebeians also appear in the possession of the right to occupy parts of the ager publicus. (Livy, vii. 16; Niebuhr, iii. p. 1, &c.) In B. C. 366, L. Sextius Lateranus was the first plebeian consul. The patricians, however, who always contrived to yield no more than what it was absolutely impossible for them to retain, stripped the consulship of a considerable part of its power and transferred it to two new curule offices, viz., that of praetor and of curule aedile. [AEDILES; PRAETOR.] But after such great advantages had been once gained by the plebeians, it was impossible to stop them in their progress towards a perfect equality of political rights with the patricians. In B. C. 356 C. Marcius Rutilus was the first plebeian dictator; in B. C. 351, the censorship was thrown open to the plebeians, and in B. C. 336 the praetorship. The Ogulnian law, in B. C. 300, also opened to them the offices of pontifex and augur. These advantages were, as might be supposed, not gained without the fiercest opposition of the patricians and even after they were gained and sanctioned by law, the patricians exerted every means to obstruct the operation of the law. Such fraudulent attempts led, in B. C. 286, to the last secession of the plebeians, after which, however, the dictator Q. Hortensius successfully and permanently reconciled the two orders, secured to the plebeians all the rights they had acquired until then, and procured for their plebiscita the full power of leges binding upon the whole nation.

In a political point of view the distinction between patricians and plebeians now ceased, and Rome, internally strengthened and united, entered upon the happiest period of her history. How completely the old distinction was now forgotten, is evident from the fact that henceforth both consuls were frequently plebeians. The government of Rome had thus gradually changed from an oppressive oligarchy into a moderate democracy, in which each party had its proper influence and the power of checking the other, if it should venture to assume more than it could legally claim. It was this constitution, the work of many generations, that excited the admiration of the great statesman Polybius.

We stated above that the plebeians during their struggle with the patricians did not seek power for the mere gratification of their ambition, but as a necessary means to protect themselves from oppression. The abuse which they, or rather their tribunes, made of their power, belongs to a much later time, and no traces of it appear until more than half a century after the Hortensian law; and even then, this power was only abused by individuals, and not on behalf of the real plebeians, but of a degenerating democratical party, which is unfortunately designated by later writers by the name of plebeians, and thus has become identified with them. Those who know the immense influence which religion and its public ministers had upon the whole management of the state, will not wonder that the plebeians in their contest with the aristocracy exerted themselves as much to gain access to the priestly offices as to those of a purely political character; as the latter in reality would have been of little avail without the former. The office of curio maximus, which the plebeians sought and obtained nearly a century after the Ogulnian law (Liv. xxvii. 6, 8), seems indeed to afford ground for supposing that in this instance the plebeians sought a distinction merely for the purpose of extending their privileges; but Ambrosch (*Studien u. Andeutungen*, p. 95) has rendered it more than probable that the office of curio maximus was at that time of greater political importance than is generally believed. It is also well known that such priestly offices as had little or no connection with the management of public affairs, such as that of the rex sacrorum, the flamines, salii, and others, were never coveted by the plebeians, and continued to be held by the patricians down to the latest times. (Dionys. v. 1; Cic. *pro Dom.* 14; Fest. *s. v. Major. flam.*)

After the passing of the Hortensian law, the political distinction between patricians and plebeians ceased, and with a few unimportant exceptions, both orders were placed on a footing of perfect equality. Henceforth the name populus is sometimes applied to the plebeians alone, and sometimes to the whole body of Roman citizens, as assembled in the comitia centuriata or tributa. (Liv. xxvii. 5; Cic. *ad Att.* iv. 2; Gell. x. 20.) The term plebs or plebecula, on the other hand, was applied in a loose manner of speaking to the multitude or populace in opposition to the nobiles or the senatorial party. (Sallust, *Jug.* 63; Cic. *ad Att.* i. 16; Hor. *Epist.* ii. 1. 158; Hirt. *Bell. Alex.* 5, &c.)

A person who was born a plebeian, could only be raised to the rank of a patrician by a lex curiata, as was sometimes done during the kingly period, and in the early times of the republic. Caesar was the first who ventured in his own name to raise plebeians to the rank of patricians, and his example was followed by the emperors. [PATRICII.]

It frequently occurs in the history of Rome that one and the same gens contain plebeian as well as patrician families. In the gens Cornelia, for instance, we find the plebeian families of the Balbi, Mammulae, Merulae, &c., along with the patrician Scipiones, Sullae, Lentuli, &c. The occurrence of this phenomenon may be accounted for in different ways. It may have been, that one branch of a plebeian family was made patrician, while the others remained plebeians. (Cic. *Brut.* 16, *de Leg.* ii. 3; Sueton, *Ner.* 1.) It may also have happened that two families had the same nomen gentilicium without being actual members of the same gens. (Cic. *Brut.* 16; Tacit. *Annal.* iii. 48.) Again, a patrician family might go over to the plebeians, and as such a family continued to bear the name of its patrician gens, this gens apparently contained a plebeian family. (Liv. iv. 16; Plin. *H. N.* xviii. 4.) At the time when no connubium existed between the two orders, a marriage between a patrician and a plebeian had the consequence, that the same nomen gentilicium belonged to persons of the two orders. (Niebuhr, ii. p. 337, n. 756; Suet. *Aug.* 2.) When a peregrinus obtained the civitas through the influence of a patrician, or when a slave was emancipated by his patrician master, they generally adopted the nomen gentilicium of their benefactor (Cic. *ad Fam.* xiii. 35, 36, *c. Verr.* iv. 17; Appian, *Civil.* 100), and thus appear to belong to the same gens with him. (Comp. Becker, *l. c.* p. 133, &c.; Ihne, *l. c.*) [L. S.]

PLEBISCI'TUM, a name properly applied to a law passed at the Comitia Tributa on the rogation of a Tribune. According to Laelius Felix (Gellius, xv. 27, and the note in the edition of Gronovius), he who had authority to convene not the universus populus, but only a part, could hold a Concilium, but not Comitia; and as the Tribunes could not summon the Patricii nor refer any matter to them, what was voted upon the proposal of the tribunes was not a Lex, but a Scitum. But in course of time Plebiscita obtained the force of Leges, properly so called, and accordingly they are sometimes included in the term Leges. [Lex.]

The progress of change as to this matter appears from the following passages. A Lex Valeria, passed in the Comitia Centuriata B. C. 449 (Liv. iii. 55, 67) enacted that the Populus should be bound (*teneretur*) by that which the Plebs voted tributim; and the same thing is expressed in other words thus: "Scita plebis injuncta patribus." A Lex Publilia, 339 B. C. (Liv. viii. 12), was passed to the effect that Plebiscita should bind all the Quirites; and a Lex Hortensia B. C. 286, to the effect that Plebiscita should bind all the populus (*universus populus*) as Gaius (i. 3) expresses it; or, "ut eo jure, quod plebes statuisset, omnes Quirites tenerentur," according to Laelius Felix, as quoted by Gellius; and this latter is also the expression of Pliny (*Hist. Nat.* xv. 10). The Lex Hortensia is referred to as the Lex which put Plebiscita as to their binding force exactly on the same footing as Leges. The effect of these Leges is discussed in Lex under the several heads of Valeriae, Publiliae, Hortensia.

The principal Plebiscita are mentioned under Lex. [G. L.]

PLECTRUM. [Lyra.]

PLEMO'CHOAE (πλημοχόαι.) [Eleusinia, p. 454, a.]

PLETHRON (πλέθρον) was originally a measure of surface, which is the only sense of the word πέλεθρον in Homer. (*Il.* xxi. 407, *Od.* xi. 577.) It seems to have been the fundamental land measure in the Greek system, being the square of 100 feet, that is, 10,000 square feet. The later Greek writers use it as the translation of the Roman *jugerum*, probably because the latter was the standard land measure in the Roman system; but, in size, the *plethron* answered more nearly to the Roman *actus*, or half-jugerum, which was the older unit of land measures. The *plethron* would answer exactly to the *actus*, but for the difference caused by the former being decimal (100 × 100), and the other partly duodecimal (120 × 120). The *plethron* contained 4 *arurae* of 2500 square feet each.

2. As frequently happened with the ancient land measures, the side of the *plethron* was taken as a measure of length, with the same name. This *plethron* was equal to 100 feet (or about 101 English feet) = 66⅔ πήχεις = 10 ἄκαιναι or κάλαμοι. It was also introduced into the system of itinerary measures, being 1-6th of the *stadium*. (Herod. ii. 124; comp. Mensura, p. 753, b., and the Tables). [P. S.]

PLINTHUS (πλίνθος), any rectangular parallelopiped. 1. A brick or tile. [Later]. 2. The quadrangular piece of stone which should properly form the lowest member of the base of a column, and which may be supposed to have originated in the use of a tile or a flat piece of wood to prevent the shaft from sinking into the ground; although very frequently the plinth is wanting, the highest step or other basement forming a sort of continuous plinth or *podium*. [Spira]. [P. S.]

PLUMA'RII, a class of persons, mentioned by Vitruvius (vi. 7, p. 177, ed. Bip.), Varro (*ap. Nonium*, ii. p. 716), and in inscriptions. It cannot be decided with certainty what their exact occupation was: their name would lead us to suppose that it had something to do with feathers (*plumae*). Salmasius (*ad Vopisc. Carin.* c. 20) supposes that they were persons who wove in garments golden or purple figures made like feathers. The word, however, probably signifies all those who work in feathers, as *lanarii* those who work in wool, and *argentarii* those who work in silver. Seneca (*Ep.* 90) speaks of dresses made of the feathers of birds. (Becker, *Gallus*, vol. i. pp. 44—48.)

PLU'TEUS, appears to have signified in general any kind of protection or shelter, and was hence used in the following special significations: — 1. A kind of shed made of hurdles and covered with raw hides, which could be moved forward by small wheels attached to it, and under which the besiegers of a town made their approaches. (Festus, *s. v.*; Veget. iv. 15; Liv. xxxiv. 17.) 2. A parapet or breastwork made of boards and similar materials, placed on the vallum of a camp, on moveable towers or other military engines, on rafts, the decks of ships, &c. (Festus, *s. v.*; Caes. *Bell. Gall.* vii. 25, 41, 72, *Bell. Civ.* i. 25.) 3. The board at the side of a bed. The side at which a person entered the bed was open and called *sponda*: the other side, which was protected by a board, was called pluteus. (Suet. *Cal.* 26; Martial. iii. 91.) [Lectus, p. 674, b.] 4. Cases of some kind upon the walls of houses on which small statues and busts were placed. (Dig. 29. tit. 1. s. 17; Juv. ii. 7.)

PLYNTE'RIA (πλυντήρια), from πλύνειν, to wash, was a festival celebrated at Athens every year, on the 22nd of Thargelion, in honour of Athena, surnamed Aglauros (Phot. *Lex.* *s. v.*; Plut. *Alcib.* 34; Harpocrat. Suid. *s. v.*), whose temple stood on the Acropolis. (Herod. viii. 53; Hesych. *s. v.* Πλυντήρια.) Plutarch states that the festival took place on the 25th, but probably only because it lasted for several days. (Dodwell, de *Cyclis*, p. 349; comp. *Philol. Mus.* ii. p. 234.) The day of this festival was at Athens among the ἀποφράδες or *dies nefasti*; for the temple of the goddess was surrounded by a rope to preclude all communication with it (Pollux, viii. 141); her statue was stripped of its garments and ornaments for the purpose of cleaning them, and was in the meanwhile covered over to conceal it from the sight of man. (Plut. *l. c.*; Xen. *Hellen.* i. 4. § 12.) The persons who performed this service were called πραξιεργίδαι. (Plut. *l. c.*; Hesych. *s. v.*) The city was therefore, so to speak, on this day without its protecting divinity, and any undertaking commenced on it was believed to be necessarily unsuccessful. A procession was also held on the day of the Plynteria, in which a quantity of dried figs, called ἡγητορία, was carried about. (Etymol. Magn.; Hesych. *s. v.* Ἡγητορία; Phot. *Lex.* *s. v.*) [L. S.]

PNYX. [Ecclesia, p. 440, a.]

PO'CULUM was any kind of drinking-cup. It must be distinguished from the *Crater* or vessel in which the wine was mixed [Crater], and from the *Cyathus*, a kind of ladle or small cup, which was used to convey the wine from the Crater to the Poculum or drinking-cup. [Cyathus.] Thus Horace (*Carm.* iii. 19. 11)—

"tribus aut novem
Miscentur cyathis pocula commodis."

PO'DIUM, in architecture, is a continued pedestal, for supporting a row of columns, or serving for a parapet, or forming a sort of terrace, as the *podium* in the theatre and amphitheatre. (Vitruv. iii. 3, v. 7, vii. 4; Amphitheatrum.) [P. S.]

POENA (Greek, ποινή). The Roman sense of this word is explained by Ulpian (Dig. 50. tit. 16. s. 13) at the same time that he explains Fraus and Multa. Fraus is generally an offence, Noxa; and Poena is the punishment of an offence, Noxae vindicta. Poena is a general name for any punishment of any offence: Multa is the penalty of a particular offence, which is now (in Ulpian's time) pecuniary. Ulpian says in his time because by the Law of the Twelve Tables, the Multa was pecuaria or a certain number of oxen and sheep. (Plin. xviii. 3; Festus, *s. vv. Multam*, *Peculatus*.) [Lex Aternia Tarpeia.] Ulpian proceeds to say that Poena may affect a person's caput and existimatio, that is, Poena may be loss of citizenship and Infamia. A Multa was imposed according to circumstances, and its amount was determined by the pleasure of him who imposed it. A Poena was only inflicted when it was imposed by some lex or some other legal authority (*quo alio jure*). When no poena was imposed, then a multa or penalty might be inflicted. Every person who had jurisdictio (this seems to be the right reading instead of judicatio) could impose a multa; and these were magistratus and praesides provinciarum. A Poena might be inflicted by any one who was intrusted with the judicial prosecution of the offence to which it was affixed. The legal distinction between Poena and Multa is not always observed by the Roman writers. [G. L.]

POLEMARCHUS (πολέμαρχος). An account of the functions of the Athenian magistrate of this name is given under Archon. Athens, however, was not the only state of Greece which had officers so called. We read of them at Sparta, and in various cities of Boeotia. As their name denotes, they were originally and properly connected with military affairs, being entrusted either with the command of armies abroad, or the superintendence of the war department at home: sometimes with both. The polemarchs of Sparta appear to have ranked next to the king, when on actual service abroad, and were generally of the royal kindred or house (γένος). (Herod. vii. 173.) They commanded single morae (Xen. *Rep. Lac.* xi. 4), so that they would appear to have been six in number (Müller, *Dor.* iii. 12. § 4), and sometimes whole armies. (Herod. *l. c.*) They also formed part of the king's council in war, and of the royal escort called δαμοσία (Xen. *Hell.* vi. 4. § 14), and were supported or represented by the officers called συμφορεῖς. (Müller, iii. 12. § 5.) The polemarchs of Sparta had also the superintendence of the public tables: a circumstance which admits of explanation from the fact that Lycurgus is said to have instituted the syssitia for the purposes of war, and therefore as military divisions; so that the Lacedaemonians would eat and fight in the same company. (Müller, iii. 12. § 4.) But in addition to their military functions, and the duties connected therewith, the polemarchs of Sparta had a civil as well as a certain extent of judicial power (Id. iii. 7. § 8), in which respect they resembled the ἄρχων πολέμαρχος at Athens. In Boeotia also there were magistrates of this name. At Thebes, for instance, there appears to have been two, perhaps elected annually, and from what happened when Phoebidas, the Lacedaemonian commander, seized the Cadmeia or citadel of Thebes (B. C. 382), we may infer that in times of peace they were invested with the chief executive power of the state, and the command of the city, having its military force under their orders. (Xen. *Hell.* v. 2. § 30.) They are not, however, to be confounded with the Boeotarchs. At Thespiae also (Plut. *Demetr.* c. 39) there were officers of this name, and likewise in Aetolia (Polyb. iv. 79) and Arcadia. At Cynaetha in the latter country the gates of the city were entrusted to the special care of the Polemarchs: they had to keep guard by them in the day-time, and to close them at night, and the keys were always kept in their custody. (Id. iv. 18.) [R. W.]

POLE'TAE (πωλῆται), a board of ten officers, or magistrates (for they are called ἀρχή by Harpocration), whose duty it was to grant leases of the public lands and mines, and also to let the revenues arising from the customs, taxes, confiscations, and forfeitures. Of such letting the word πωλεῖν (not μισθοῦν) was generally used, and also the correlative words ὠνεῖσθαι and πρίασθαι. Their official place of business was called πωλητήριον. One was chosen from each tribe. A chairman presided at their meetings (ἐπρυτάνευε). In the letting of the revenue they were assisted by the managers of the theoric fund (τὸ θεωρικόν), and they acted under the authority of the Senate of Five Hundred, who exercised a general control over the financial department of the administration. Resident aliens, who did not pay their residence-tax (μετοίκιον), were summoned before them, and if found to have committed default, were sold in a room called πωλητήριον τοῦ μετοικίου. (Demosth. *c. Aristog.* 787.) Other persons who had forfeited their freedom to the state were also sold by the πωλῆται, as foreigners who had been convicted of usurping the rights of citizenship. (Harpoc. and Suid. *s. vv.* Πωληταὶ and μετοίκιον; Pollux, viii. 99; Böckh, *Publ. Econ. of Athens*, p. 155, 2d ed.; Meier, *de bon. damn.* p. 41.) [C. R. K.]

POLITEIA, POLI'TES (πολιτεία, πολίτης). [Civitas (Greek).]

POLITOPHY'LACES (πολιτοφύλακες). [Tagus.]

POLLICA'RIS. [Pes.]

POLLICITA'TIO. [Obligationes, p. 821.]

POLLINCTO'RES. [Funus, p. 558, a.]

POLUS (πόλος), in astronomy, is a very difficult word to explain in a perfectly satisfactory manner, on account of the various senses in which it is used. In such a case, the only safe guide to the original meaning of a word is to determine, if possible, its sense in the earliest passage in which it occurs, and to compare that sense with what is known of the etymology of the word. Now it is evident that πόλος contains the root ΠΕΛ, which we find in πέλομαι and other words, and the fundamental idea attached to which appears to be that of *motion*. Then, turning to the Greek authors, we find the word first occurring in the well-known passage in which Aeschylus (*Prom.* 427) speaks of Atlas as supporting on his shoulders the *pole of heaven*, that is, the *vault of the sky*, which was called πόλος in accordance with the notion, which prevailed from the time of Thales, that the sky was a hollow sphere, which moved continually round the earth, carrying the heavenly bodies with it. (Comp. Eurip. *Or.* 1685; Pseudo-Plat. *Axioch.*

p. 371, b; Aristoph. *Av.* 179; Alex. *ap. Ath.* p. 60, a; Ukert, *Geog. d. Griech. u. Röm.* vol. i. pt. ii. p. 115; Grote, *History of Greece*, vol. ii. pp. 154, 155.) The next passage, in order of time, is that in which Herodotus (ii. 109) says that the Greeks learnt from the Babylonians *πόλον καὶ γνώμονα καὶ τὰ δυωκαίδεκα μέρεα τῆς ἡμέρης*, where the later commentators and lexicographers for the most part explain the word as meaning an astronomical instrument, different from the *γνώμων* or sun dial. Mr. Grote (*l. c.*) interprets the passage as signifying that the Greeks "acquired from the Babylonians the conception of *the pole*, or of the heavens as a complete hollow sphere, revolving round and enclosing the earth." But Herodotus certainly seems to be speaking of something more definite and specific than a mere conception respecting the sky; and, on the whole, the most probable explanation is that of Scaliger and Salmasius, as modified by recent astronomers and scholars (see Bailly, Delambre, Letronne, and Creuzer, as quoted by Bähr, *ad loc.*), namely, that the word signifies *the concave hemispherical sun-dial*, made in imitation of the heavenly sphere, and hence called by the same name, *πόλος*, which was the earliest form of the sun-dial, inasmuch as it required less skill than the delineation of a sun-dial on a plane surface. The *γνώμων* was not another different sort of sun-dial, but the *index*, or, as we still say, *gnomon* of the dial itself, the shadow of which, falling upon the meridian lines of the sun-dial, indicated the hours of the day as marked by the motion of the sun in the true heavenly *πόλος*; so that, in fact, the words *πόλον καὶ γνώμονα together* describe the instrument. Pollux (ix. 46) explains *πόλος* as meaning *ὡρολόγιον*, in a passage which he quotes from the *Gerytades* of Aristophanes; and Lucian (*Lexiph.* 4) speaks of the *γνώμων overshadowing the middle of the πόλος*, — a striking confirmation of the explanation we have given. The *γνώμων* alone was, in fact, not originally a sun-dial, but a mere upright stile, the length of the shadow of which was measured, to obtain a rough notion of the altitude of the sun and thence of the time of the day: afterwards, a dial was added with lines marked upon it, so as to form a true sun-dial, which was still called *γνώμων*. The simple *gnomon* was used by the Greek geographers to determine the latitude of places. (Comp. HOROLOGIUM.*)

For the other meanings of *πόλος*, see the Greek Lexicons. [P. S.]

POLY'MITA. [TELA.]

POMOE'RIUM. This word is compounded of *post* and *moerium* (*murus*), in the same manner as *pomeridiem* of *post* and *meridiem*, and thus signifies a line running by the walls of a town (*pone* or *post muros*). The pomoerium, however, did not consist of the actual walls or fortifications of a place, but was a symbolical wall, and the course of the pomoerium itself was marked by stone pillars (*cippi pomoerii*, Varro, *de Ling. Lat.* v. 143, ed. Müller), erected at certain intervals. The custom of making a pomoerium was common to the Latins and Etruscans, and the manner in which it was done in the earliest times, when a town was to be founded, was as follows: — A bullock and a heifer were yoked to a plough, and a furrow was drawn around the place which was to be occupied by the new town, in such a manner that all the clods fell inward. The little mound thus formed was the symbolical wall, and along it ran the pomoerium, within the compass of which alone the city-auspices (*auspicia urbana*) could be taken. (Varro, *de Ling. Lat. l. c.*) That the actual walls or fortifications of a town ran near it, may naturally be supposed, though the pomoerium might either be within or without them. This custom was also followed in the building of Rome, and the Romans afterwards observed it in the establishment of their colonies. The sacred line of the Roman pomoerium did not prevent the inhabitants from building upon or taking into use any place beyond it, but it was necessary to leave a certain space on each side of it unoccupied so as not to unhallow it by profane use. (Liv. i. 44.) Thus we find that the Aventine, although inhabited from early times, was for many centuries not included within the pomoerium. (Gell. xiii. 14.) The whole space included in it was called *ager effatus* or *fines effati*. The pomoerium of Rome was not the same at all times; as the city increased the pomoerium also was extended, but this extension could, according to ancient usage, be made only by such men as had by their victories over foreign nations increased the boundaries of the empire (Tacit. *Annal.* xii. 23), and neither could a pomoerium be formed nor altered without the augurs previously consulting the will of the gods by augury, whence the *jus pomoerii* of the augurs. (Dionys. iv. 13; Cic. *de Div.* ii. 35.) The formula of the prayer which the augurs performed on such occasions, and which was repeated after them by the people who attended, is preserved in Festus (*s. v. Prosimurium*).

The original pomoerium of Romulus ran, according to Gellius (*l. c.*), around the foot of the Palatine, but the one which Tacitus (*Annal.* xii. 24) describes as the pomoerium of Romulus comprised a much wider space, and was, as Niebuhr thinks (*Hist. of Rom.* i. p. 288; compare Bunsen, *Beschreib. d. Stadt Rom*, i. p. 138; Sachse, *Beschreib. von Rom.* i. p. 50), an enlargement of the original compass, taking in a suburb or borough. Niebuhr also believes that pomoerium properly denotes a suburb taken into the city. The Romulian pomoerium, according to Tacitus, ran from the Forum Boarium (the arch of Septimius Severus) through the valley of the Circus so as to include the ara maxima Herculis; then along the foot of the Palatine to the ara Consi, and thence from the Septizonium to the curiae veteres (a little below the baths of Trajan), along the top of the Velia to the Sacellum Larium, and lastly by the via sacra to the Forum. From the eastern side of the Forum to the Velabrum there was a swamp, so that Tacitus does not mention the line of the pomoerium here. Servius Tullius again extended the pomoerium (Liv. i. 44; Dionys. iv. 13), but the Aventine was not included, either because the auspices here taken by Remus had been unfavourable, or, which is more probable, because there stood on this hill the temple of Diana, the common sanctuary of the Latins and Romans. (Gell. *l. c.*; Varro, *de Ling. Lat.* v. 43.) The Aventine did not become included within the pomoerium until the time of the Emperor Claudius. (Gell. *l. c.*; Tacit. *Annal.* xii. 23.) Dionysius (*l. c.*) states that down to his time nobody had extended the pomoerium since the time of King Servius, although we know from authentic sources that at least Augustus enlarged the pomoerium (Bunsen, *l. c.* p. 139), and the same is said of Sulla and J. Caesar. (Tacit. *Annal. l. c.*; Gell. *l. c.*; Fest. *s. v. Prosimurium;* Cic. *ad Att.* xiii. 20; Dion Cass. xliii. 50, xliv. 49.) The last who extended the pomoerium of Rome was the Emperor Aurelian, after he had enlarged the walls of the city. (Fl. Vopisc. *Div. Aurel.* 21; comp. Becker, *Handbuch der Röm. Alterth.* i. p. 92, &c.) [L. S.]

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* In the article HOROLOGIUM will be found statements differing in some minor points from those in this article: such differences are unavoidable when a difficult subject is discussed by different writers; and they may even be useful to the reader who wishes to examine the question thoroughly. [ED.]

POMPA (πομπή), a solemn procession, as on the occasion of a funeral, triumph, &c. (Cic. *pro Mil.* 13; Suet. *Jul. Caes.* 37, &c.) It is, however, more particularly applied to the grand procession with which the games of the Circus commenced (*Pompa Circensis*). [CIRCUS.]

PONDERA (σταθμοί). The considerations. which lie at the basis of the whole subject of weights and measures, both generally, and with special reference to the ancient Greek and Roman systems, have already been mentioned in the introductory part of the article MENSURA. In the present article it is proposed to give a brief general account of the Greek and Roman *systems of weights*.

1. *Early Greek Weights.* — It has been already stated, in the article MENSURA, that all the knowledge we have upon the subject goes to prove that, in the Greek and Roman metrical systems, *weights* preceded *measures;* that the latter were derived from the former; and both from a system which had prevailed, from a period of unknown antiquity, among the Chaldaeans at Babylon. This system was introduced into Greece, after the epoch of the Homeric poems; for, of the two chief denominations used in the Greek system, namely, τάλαντον (*talentum*) and μνᾶ (*mina*), Homer uses only the former, which is a genuine Greek word, meaning *weight*, the other being an Oriental word of the same meaning. (See NUMMUS, p. 810; where some things, which more properly belong to this article, have been necessarily anticipated.) Homer uses τάλαντον, like μέτρον, in a specific sense (*Il.* xxiii. 260—270); and indeed in all languages the earliest words used for weight are merely *generic terms specifically applied;* such are τάλαντον, *maneh* (μνᾶ), *libra*, and our own *pound*, from *pondus*. Hence the introduction of the foreign word *maneh* (μνᾶ) by the side of the native word τάλαντον indicates the introduction of a new standard of weight; which new standard soon superseded the old; and then the old word τάλαντον was used as a denomination of weight in the new system, quite different from the weight which it signified before. This last point is manifest from the passages in Homer, in which the word is used in a specific sense, especially in the description of the funeral games (*l. c.*), where the order of the prizes proves that the *talent* must have been a very much smaller weight than the later talent of 60 minae, or about 82 pounds avoirdupois; and traces of this ancient small talent are still found at a very much later period. Thus we arrive at the first position in the subject, that *the Greek system of weight was post-Homeric.*

2. *The Greek System in the Historical Period.* — Of course, by the Greek system here is meant the system which prevailed throughout Greece in the historical times, and which contained four principal denominations, which, though different at different times and places, and even at the same place for different substances, always bore the same relation *to each other*. These were the *Talent* (τάλαντον), which was the largest, then the *Mina* (μνᾶ), the *Drachma* (δραχμή), and the *Obol* (ὀβολός). The two latter terms are, in all probability, genuine Greek words, introduced for the purpose of making convenient subdivisions of the standard, δραχμή signifying a *handful*, and ὀβολός being perhaps the same as ὀβελός, and signifying a small wedge of silver; so that these words again fall under the description of *generic terms specifically applied.*

These weights were related to one another as follows: —

1 *Talent* contained - - 60 *Minae.*
1 *Mina* „ - - 100 *Drachmae.*
1 *Drachma* „ - - 6 *Obols.*

Their relative values are exhibited more fully in the following table: —

Obol			
6	Drachma		
600	100	Mina	
36,000	6000	60	Talent.

3. *Derivation of this System from Babylon.* — Now, in this system, the unhellenic word μνᾶ indicates, as already observed, *the source from which the standard was derived.* This word is undoubtedly of Semitic origin; and it seems to belong more especially to the Chaldee dialect, in which it signifies *number* or *measure* in its widest sense, the proper word for *weight* being *tekel* or *shekel.*[*] (See Dan. v. 25, 26, where both words occur). In Hebrew it is used as a specific weight, equal to 50 or 60 shekels[†] (1 Kings, x. 17; Ezra, ii. 69; Nehem. vii. 71, 72; Ezek. xlv. 12). The word was also used in Egypt, in the sense of a *fluid measure* and also of a *weight of water.* (See Böckh, *Metrol. Untersuch.* c. iv.) From an examination of several passages of the Greek writers, by the light of the etymological signification of the word μνᾶ, Böckh arrives at the following conclusions, which, if not strictly demonstrated, are established on as strong grounds as we can probably ever hope to obtain in so difficult a subject: (1) that in the astronomical observations of the Chaldees and Egyptians, time was measured by the running out of the water through an orifice: — (2) that the quantity of the water which so ran out was estimated both by measure and by weight: — (4) that this mode of measuring time led naturally to *the determination of a connected system both of weights and measures*, the unit of which was the *maneh* (μνᾶ), which originally signified *a definite quantity of water, determined either by weight or measure*, and was afterwards used especially in the sense of *a definite weight:* — (5) that this system passed from Assyria to Phoenicia, and thence to

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[*] The *t* and *sh* are merely dialect variations.

[†] Which is the true value is doubtful. Perhaps the two values were used at different places, according as the duodecimal or decimal system prevailed.

the Greeks, who are expressly stated to have derived from Babylon their method of dividing the day and measuring time, and other important usages, and whose most ancient talent (the Aeginetan) was still, in the historical times, identical with the Babylonian.

4. *The Babylonian Talent.*—The Babylonian talent itself was current in the Persian Empire as the standard weight for silver. Under Dareius the son of Hystaspes, the silver tribute of the provinces was estimated by the Babylonian talent, their gold tribute by the Euboïc; and coined silver was also paid from the royal treasury according to the Babylonian talent. (Herod. iii. 89, foll.; Aelian. *V. H.* i. 22.) Now the two standards here mentioned are connected by Herodotus by the statement that the *Babylonian talent is equal to* 70 *Euboïc minae*, which, since every talent contained 60 minae, gives 70 : 60 for the ratio of the Babylonian talent to the Euboïc. There are, however, very sufficient reasons for concluding that 70 is here a round number, not an exact one. (See Böckh, c. v.) Pollux gives the same ratio (70 : 60) for that of the Babylonian to the *Attic* talent; for he says that the Babylonian talent contained 70 Attic minae and 7000 Attic drachmae (ix. 86): and it is probable that this statement is founded on the testimony of Herodotus, but that Pollux substituted the familiar Attic standard for the less known Euboïc, which two standards he knew to have some close connection with each other, and so he fell into the error of making them precisely equal. The same correction must be applied to the testimony of Aelian (*l. c.*), who makes the Babylonian talent equal to 72 Attic minae; and in this statement, so corrected, we have probably the true ratio of the Babylonian talent to the Euboïc, namely 72 : 60 or 6 : 5. In such arguments as these, it is extremely important to remember that the evidence is not that of Pollux and Aelian, who could not possibly give any independent testimony on such a subject, but that of the ancient authorities whom they followed, and by whom the term *Attic* may have been used *truly* as equivalent to *Euboïc;* for the Attic standard before the legislation of Solon was the same as the Euboïc, and this standard was still retained in commerce after Solon's alterations.* In this sense there can be little doubt that, in the statement of Aelian, we have the testimony of some ancient writer, who gave a more exact value than the round number which Herodotus deemed sufficient for his purpose as an historian; and the truth of his testimony is confirmed, not only by the greater exactness of the number, but by its very nature; for, not only do we find in 70 (=7 × 10) a prime factor which is most unlikely to have entered into a system of weights, namely 7, but in 72 (=6 × 12) as well as in 60 (5 × 12) we have the duodecimal computation which we know to have prevailed most extensively in the early metrical systems. The division of the day into 12 hours, which Herodotus expressly ascribes to the Babylonians, is not only a striking example of this, but a fact peculiarly important in connection with the idea that the measurement of time by water led to the invention of the Babylonian system of weights. It is also important to observe that these two ancient systems, the Babylonian and the Euboïc, differ from one another in a proportion which is expressed by multiplying 12 by the numbers which form the bases of the decimal and duodecimal systems respectively, namely, 6 and 5. In connection with this fact, it is interesting to observe that the Hebrew talent, which was no doubt essentially the same as the Babylonian, is made, by different computations, to consist of 60 or 50 *maneh.*

Indeed, the whole of the Hebrew system throws important light on the Babylonian, and on its connection with the Greek. The outline of this system is as follows: —

Gerah				
10	Bekah			
20	2	Shekel		
1000	100	50	**Maneh**	
60,000	6000	3000	60	Kikkar

where the principal unit is the *Shekel*, which can be identified with the principal unit of the old Greek system (in its chief application to coined money), namely, the *didrachm* or old *stater*. Hence we have the

Kikkar	equivalent to the	*talent*
Maneh	„	*mina*
Shekel	„	*didrachm* or *stater*
Bekah	„	*drachma.*

To this part of the subject, which we have not space to pursue further, Böckh devotes a long and elaborate chapter (c. vi. *Hebräisches, Phönicisches, und Syrisches Gewicht und Geld*).

5. *The Aeginetan Talent.* — Returning to the connection between the Babylonian and Greek talent, we have seen that the Babylonian talent contained 72 Euboïc minae. It will presently appear that the Euboïc talent and mina were the same as the great Attic talent and mina, which were in use before the reduction effected in them by Solon; and further that the nature of that reduction was such that the Old Attic (Euboïc) talent was equivalent to $8333\frac{1}{3}$ New Attic (Solonian) drachmae, *and the Euboïc mina to* $138\frac{8}{9}$ *Solonian drachmae.* Now the Babylonian talent contained 72 Euboïc minae, that is ($138\frac{8}{9}$ × 72 =) 10,000 Solonian drachmae. But 10,000 Solonian drachmae were equivalent to an Aeginetan talent. (Pollux, ix. 76, 86; comp. NUMMUS, p. 810, a.) Therefore, *the Aeginetan Talent was equivalent to the Babylonian.* What is meant precisely by the *Aeginetan talent*, and how this talent was established in Greece by the legislation of Pheidon, has already been explained under NUMMUS. The only step remaining to complete the exposition of the outline of the sub-

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* It is necessary here to caution the student against an error, which he might mistake for an ingenious discovery; into which Böckh himself fell in his *Public Economy of Athens;* and which Mr. Hussey has adopted; and to which therefore the English student is much exposed. This error consists in assuming that both Herodotus and Aelian may be right; and thus that the Babylonian talent was equal to 70 *Euboïc* or 72 *Attic* minae; and therefore that the ratio of the Euboïc talent to the Attic was 72 : 70. It will presently be shown that this ratio *was not* 72 : 70, but 100 : 72, i. e. 72 : 51·84.

ject is the obvious remark that Pheidon must have arranged his standard of weights by that which had already been introduced into Greece by the commerce of the Phoenicians, namely, the Babylonian.

6. *The Euboïc Talent.* — In the foregoing remarks, *the Euboïc talent* has been continually referred to as a standard with which to compare the Babylonian. We have now to investigate independently its origin and value. The name *Euboïc*, like the name *Aeginetan*, is calculated to mislead, as we see in the absurd explanations by which some of the grammarians attempt to account for its origin. (See NUMMUS, p. 810.) That the name comes from the island of Euboea, and that the Euboïc standard was not only used there, but was widely diffused thence by the Chalcidic colonies, admits of no reasonable doubt; but it is not very probable that the standard originated there. The most important testimony respecting it is the statement already quoted, that Dareius reckoned the gold tribute of his satrapies in Euboïc talents. (Herod. iii. 89, 95.) Böckh (c. viii.) thinks it incredible that the Persian king should have made this use of a Greek standard; and, before him, the best of all the writers on metrology, Raper, had acknowledged the Oriental origin of the standard. (*Philos. Trans.* vol. lxi. p. 486.) This view derives also some support from the curious numerical relation already noticed between the Babylonian and Euboïc scales; which suggests the idea that the *minae* of the two scales may have been derived from the subdivision of the same primary unit, in the one, into parts both decimal and duodecimal, that is, sexagesimal (60), in the other, into parts purely duodecimal (72); and then, for the sake of uniformity, a talent of the latter scale was introduced, containing, like the other, 60 minae. Be this as it may, it can be affirmed with tolerable safety that the Euboïc talent is derived from a standard of weight used for gold, which existed in the East, in the earliest historical period, by the side of the Babylonian standard, which was used chiefly for silver: that, at an early period, it was introduced by commerce into Euboea, from which island it derived the name by which it was known to the Greeks, on account of its diffusion by the commercial activity of the Euboeans, just as the Babylonian standard obtained its Greek name from the commercial activity of the Aeginetans. (Comp. NUMMUS, *l. c.*)

The examination of the testimonies respecting the value of this standard involves a discussion too intricate to be entered upon here, although it is one of the most interesting points of the whole subject. We must be content to refer the reader to the masterly argument of Böckh (c. viii.), who comes to the following conclusions: — that the Euboïc standard was not, as some have thought, the same as the Aeginetan; nor the same, or but slightly different from, the Solonian Attic; but the same as the old (ante-Solonian) Attic: — that its true ratio to the Babylonian, or Aeginetan, was that given in round numbers by Herodotus, as 60 : 70, and in exact numbers by Aelian (who by *Attic* means *old Attic*) as 60 : 72, that is, 5 : 6; and that its ratio to the Solonian was, as will presently be shown, 25 : 18. These views are confirmed, not only by the consistency of the results to which they lead, but by the decisive evidence of the existing coins of the Euboïc standard. [NUMMUS.]

These two standards form the foundation of the whole system of Greek weights. But the second received an important modification by the legislation of Solon; and this modification became, under the name of *the Attic silver talent*, the chief standard of weight throughout the East of Europe, and the West of Asia. We proceed to notice both of the Attic standards.

7. *The Old Attic Talent, and the Solonian Talent.* — We have already noticed, under NUMMUS (p. 812, b.), Plutarch's account of the reduction effected by Solon in the Attic system of weights and money, according to which the old weights were to the new in the proportion of 100 : 73. An important additional light is thrown on this matter by an extant Athenian inscription, from which we obtain a more exact statement of the ratio than in Plutarch's account, and from which we also learn that the old system continued in use, long after the Solonian reduction, for all commodities, except such as were required by law to be weighed according to the other standard, which was also the one always used for money, and is therefore called the silver standard, the old system being called *the commercial standard*, and its mina *the commercial mina* (ἡ μνᾶ ἡ ἐμπορική). The inscription, which is a decree of uncertain date (about Ol. 155, B. C. 160, according to Böckh, *C. I.* No. 123, § 4, vol. i. p. 164), mentions *the commercial mina* as weighing "138 drachmae Στεφανηφόρου, according to the standard weights in the mint" [ARGYROCOPEION], that is, of course, 138 drachmae of the silver, or Solonian, standard. This would give the ratio of the old to the new Attic weights as 138 : 100, or 100 : $72\frac{32}{69}$, certainly a very curious proportion. It appears, however, on closer research, that this ratio is still not quite exact. It often happens that, in some obscure passage of a grammarian, we find a statement involving minute details, so curious and so inexplicable, till the clue is found, that the few scholars who notice the passage reject it as unintelligible, without considering that those strange minutiae are the best evidence that the statement is no invention; and that the grammarian, who copied the statement, without troubling himself to understand it, has preserved a fact, which more systematic writers have lost or perverted. Such passages are grains of pure gold amidst the mud which forms the bulk of the deposit brought down to us by those writers. A striking instance is now before us, in a passage of Priscian (*de Re Numm.*) in which, following a certain Dardanus, he says: "Talentum Atheniense *parvum* minae sexaginta. *magnum* minae octingenta tres et unciae quattuor." Taking the last words to be the Roman mode of expressing $83\frac{1}{3}$, and assuming, what is obvious, that the *minae* meant in the two clauses are of the same standard, namely, the common Attic or Solonian (for, as a general rule, this standard is to be understood, where no other is specified), and understanding by the *great Attic talent* that of the *commercial* standard, and by the *small*, the *silver*, or *Solonian*, we obtain this result, — that *the ratio of the old Attic or commercial talent to the new Attic or Solonian*, was as $83\frac{1}{3}$: 60, or as $138\frac{8}{9}$: 100, or as 100 : 72. For the masterly argument by which Böckh sustains the truth of this statement, we must refer to his own work (c. viii.). It is easy to understand how, in process of time, the fraction came to be neglected, so that, in the decree quoted, the commercial mina of 100

commercial drachmae was spoken of as containing 138 silver drachmae instead of $138\frac{8}{9}$, and how, further, when Plutarch came to calculate how many drachmae of the old scale were contained in the Solonian mina, he gave an integral number 73, instead of $72\frac{32}{69}$, and thus, by these two rejections of fractions, the true ratio of 100 : 72 was altered to 100 : 73.*

8. *Ratios of the three Greek Systems to each other.* —The importance of this calculation is made manifest, and its truth is confirmed, by comparing the result with the statements which we have of the ratio of the Aeginetan standard to the Solonian. That ratio was 5 : 3, according to the statement of Pollux, that the Aeginetan talent contained 10,000 Attic drachmae, and the drachma 10 Attic obols. (Poll. ix. 76, 86.) Mr. Hussey (who was the first, and, after the reply of Böckh, ought to be the last, to call this statement in question) observes that this value would give an Aeginetan drachma of 110 grains, whereas the existing coins give an average of only 96; and he explains the statement of Pollux as referring not to the Attic silver drachmae of the full weight, but to the lighter drachma which was current in and after the reign of Augustus, and which was about equal to the Roman denarius. [DRACHMA.]

On the other hand, Böckh adheres to the proportion of 5 : 3, as given by Pollux, who could not (he contends) have meant by drachmae those equal to the denarii, because he is not making a calculation of his own, suited to the value of the drachma in his time, but repeating the statement of some ancient writer who lived when the Attic and Aeginetan currencies were in their best condition. Mr. Hussey himself states (p. 34), and for a similar reason to that urged by Böckh, that when Pollux speaks of the value of the Babylonian talent in relation to the Attic, he is to be understood as referring to Attic money of the full weight: and Böckh adds the important remark, that where Pollux reckons by the lighter drachmae, as in the case of the Syrian and small Egyptian talents, this only proves that those talents had but recently come into circulation. Böckh thinks it very probable that Pollux followed the authority of Aristotle, whom he used much, to which he makes frequent references in his statements respecting measures and money, and who had frequent occasions for speaking of the values of money in his political works.

Again, as the Aeginetan standard was that which prevailed over the greater part of Greece in early times, we should expect to find some definite proportion between it and the old Attic before Solon: and, if we take the statement of Pollux, we do get such a proportion, namely, that of 6 : 5, the same which has been obtained from the foregoing investigation.

Böckh supports his view by the evidence of existing coins, especially the old Macedonian, before the adoption of the Attic standard by Philip and Alexander, which give a drachma of about 110 grains, which is to the Attic as 5 : 3. The identity of the old Macedonian standard with the Aeginetan is proved by Böckh (*Metrol.* p. 89; compare Müller, *Dor.* iii. 10. § 12. and *Aeginet.* pp. 54—58). There are also other very ancient Greek coins of this standard, which had their origin, in all probability, in the Aeginetan system. [NUMMUS, p. 812, a.]

The lightness of the existing coins referred to by Hussey is explained by Böckh from the well-known tendency of the ancient mints to depart from the full standard.

Mr. Hussey quotes a passage where Herodotus (iii. 131) states that Democedes, a physician, after receiving a talent in one year at Aegina, obtained at Athens the next year a salary of 100 minae, which Herodotus clearly means was more than what he had before. But, according to Pollux's statement, says Mr. Hussey, the two sums were exactly equal, and therefore there was no gain. But Herodotus says nothing of different standards; surely then he meant the same standard to be applied in both cases.

From comparing statements made respecting the pay of soldiers, Hussey (p. 61) obtains 4 : 3 as about the ratio of the Aeginetan to the Attic standard. Böckh accounts for this by supposing that the pay of soldiers varied, and by the fact that the Aeginetan money was actually lighter than the proper standard, while the Attic at the same period was very little below the full weight.

There are other arguments on both sides, but what has been said will give a sufficiently complete view of the question.

As the result of the whole investigation, we get the following definite ratios between the three chief systems of Greek weights:

Aeginetan : Euboïc : : 6 : 5
Aeginetan : Solonian : : 5 : 3
Euboïc : Solonian : : $138\frac{8}{9}$: 100
i. e. : : 100 : 72
: : 25 : 18
or nearly : : 4 : 3

The reason of the strange ratio between the Solonian and old Attic (Euboïc) system seems to have been the desire of the legislator to establish a simple ratio between his new system and the Aeginetan. Respecting the diffusion of the three systems throughout Greece, see NUMMUS.

9. *Other Grecian Systems.*—Our information respecting the other standards used in Greece and the neighbouring countries is very scanty and confused. Respecting the *Egyptian*, *Alexandrian*, or *Ptolemaic Talent*, the reader is referred to Böckh, c. x. The *Tyrian Talent* appears to have been exactly equal to the Attic. A *Rhodian Talent* is mentioned by Festus in a passage which is manifestly corrupt (*s. v. Talentum*). The most probable emendation of the passage gives 4000 cistophori or 7500 denarii as the value of this talent. A *Syrian Talent* is mentioned, the value of which is very uncertain. There were two sizes of it. The larger, which was six times that used for money, was used at Antioch for weighing wood. A *Cilician Talent* of 3000 drachmae, or half the Attic, is mentioned by Pollux (ix. 6).

A much smaller talent was in use for gold. It was equal to 6 Attic drachmae, or about ¾ oz. It was called the *gold talent*, or the *Sicilian talent* from its being much used by the Greeks of Italy and Sicily. This talent is perhaps connected with the small talent which is the only one that occurs in Homer. The Italian Greeks divided it into 24 *nummi*, and afterwards into 12 (Pollux, ix. 6; Festus, *s. v. Talentum*). [Compare NUMMUS, p. 814.]

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* The commercial weights underwent a change by the decree mentioned above, which orders that 12 drachmae of the silver standard shall be added to the mina of 138 drachmae; that to every five commercial minae one commercial mina shall be added; and to every commercial talent five commercial minae. Thus we shall have —
the mina = 150 drachmae (silver),
5 minae = 6 minae (commercial),
the talent = 65 minae (commercial).

This small talent explains the use of the term *great talent* (magnum talentum), which we find in Latin authors, for the silver Attic talent was *great* in comparison with this. But the use of the term by the Romans is altogether very inexact; and in some cases, where they follow old Greek writers, they use it to signify the old Attic or Euboïc Talent.

There are other talents barely mentioned by ancient writers. Hesychius (*s. v.*) mentions one of 100 pounds (λίτρων), Vitruvius (x. 21) one of 120; Suidas (*s. v.*), Hesychius, and Epiphanius (*de Mens. et Pond.*) of 125; Dionysius of Halicarnassus (ix. 27) one of 125 asses, and Hesychius three of 165, 400, and 1125 pounds respectively.

Where talents are mentioned in the classical writers without any specification of the standard, we must generally understand the Attic.

10. *Comparison of Grecian Weights with our own.* — In calculating the value of Greek weights in terms of our own, the only safe course is to follow the existing coins; and among these (for the reasons stated under NUMMUS, p. 811, b.), it is only the best Attic coins that can be relied on with any certainty, although there are many other coins which afford valuable confirmatory evidence, after the standards to which they belong have been fixed.

Mr. Hussey's computation of the Attic drachma, from the coins, is perhaps a little too low, but it is so very near the truth that we may safely follow it, for the sake of the advantage of using his numbers without alteration. He makes the *drachma* 66·5 grains. [DRACHMA: comp. NUMMUS, p. 811, b.: for the other weights see the Tables.]

11. *Roman Weights.* — The outline of the Roman and Italian system of weights, which was the same as the ancient system of copper money, has been already given under AS. The system is extremely simple, but its conversion into our own standard is a question of very considerable difficulty. The following are the different methods of computing it: —

(1) *The Roman coins* furnish a mode of calculating the weight of the *libra*, which has been more relied on than any other by most modern writers. The As will scarcely help us in this calculation, because its weight, though originally a pound, was very early diminished, and the existing specimens differ from each other very greatly [AS], but specimens, which we may suppose to be *asses librales*, may of course be used as confirmatory evidence. We must therefore look chiefly to the silver and gold coins. Now the average weight of the extant specimens of the denarius is about 60 grains, and in the early ages of the coinage 84 denarii went to the pound. [DENARIUS.] The pound then, by this calculation, would contain 5040 grains. Again, the *aurei* of the early gold coinage were equal in weight to a *scrupulum* and its multiples. [AURUM.] Now the scrupulum was the 288th part of the pound [UNCIA], and the average of the scrupular aurei has been found by Letronne to be about 17½ grains. Hence the pound will be 288 × 17½ = 5040 grains, as before. The next aurei coined were, according to Pliny, 40 to the pound, and therefore, if the above calculation be right, = 126 grains; and we do find many of this weight. But, well as these results hang together, there is great doubt of their truth. For, besides the uncertainty which always attends the process of calculating a larger quantity from a smaller on account of the multiplication of a small error, we have every reason to believe that the existing coins do not come up to their nominal weight, for there was an early tendency in the Roman mint to make money below weight (Plin. *H. N.* xxxiii. 13. s. 46; compare AS, AURUM, DENARIUS), and we have no proof that any extant coins belonged to the *very earliest* coinage, and therefore no security that they may not have been depreciated. In fact, there are many specimens of the denarius extant, which weigh more than the above average of 60 grains. It is therefore probable that the weight of 5040 grains, obtained from this source, is too little. Hence, Wurm and Böckh, who also follow the coins, give it a somewhat higher value, the former making it 5053·635 grains, and the latter 5053·28. (Hussey, c. 9; Wurm, c. 2; Böckh, c. 11).

(2) Another mode of determining the pound is from *the relation between the Roman weights and measures*. The chief measures which aid us in this inquiry are the amphora or quadrantal, and the congius. The solid content of the amphora was equal to that of a cube, of which the side was one Roman foot, and the weight of water it contained was 80 pounds. [QUADRANTAL.] Hence, if we can ascertain the length of the Roman foot independently, it will give us the solid content of the amphora, from which we can deduce the weight of the Roman pound. Taking the Roman foot at 11·65 inches, its cube is 1581·167 cubic inches = 5·7025 imperial gallons = 57·025 pounds avoirdupois, the 80th part of which is ·7128 of a pound, or 4989 grains. But there are many disturbing elements in this calculation, of which the chief is our ignorance of the precise density of the fluid, 80 pounds of which filled the amphora.

It might, at first thought, appear that the result might be obtained at once from the congius of Vespasian, which professes to hold 10 Roman pounds [CONGIUS], and the content of which has been twice examined. In 1630, Auzout found it to contain 51463·2 grains of distilled water, which would give 5146·32 grains for the Roman pound. In 1721, Dr. Hase found it to contain 52037·69 grains, giving 5203·77 grains for the Roman pound. Both these results are probably too high, on account of the enlargement which the vessel has undergone by the corrosion of its inner surface; and this view is confirmed by the fact, that the earlier of the two experiments gave it the smaller content. (See Wurm, p. 78; Böckh, pp. 166, 167.) Again, the nature of the fluid employed in the experiment, its temperature, and the height of the barometer, would all influence the result, and the error from these sources must occur twice, namely, at the original making of the congius and at the recent weighing of its contents. We can, therefore, by no means agree with Mr. Hussey in taking the weight of 5204 grains, as obtained from this experiment, to be the nearest approximation to the weight of the Roman pound. On the contrary, if this method were followed at all, we should be compelled to prefer the theoretical calculation from the *quadrantal* already given, and to say that the value of 5053·28 (or 5053·635) grains, obtained from the coins is too high, rather than too low.

(3) Another method is from *existing Roman weights*, of which we possess many, but differing so greatly among themselves, that they can give no safe independent result, and their examination is little more than a matter of curiosity. A full account of them will be found in Böckh, pp. 168—196.

(4) The determination of the Roman pound from its *ratio to the Attic talent*, namely, as 1 : 80 (see Böckh, c. 9) is not to be much relied on; since we do not know whether that ratio was exact, or only approximate.

On the whole, the result obtained from the coins is probably nearest to the truth.

12. *Connection between Weights and Measures.* — Upon the interesting, but very difficult, subjects of the connection of the Greek and Roman weights with one another, and of both with the Greek measures, our space does not permit us to add anything to the passages quoted from Böckh and Grote under Mensura, p. 754; and to what is said under Quadrantal.

13. *Authorities.* — The following are the chief authorities on the subject of ancient weights, money, and measures.

i. *Ancient Authorities.* — In addition to the classic writers in general, especially the historians and geographers, (1) the *Ancient Grammarians* and lexicographers contain many scattered notices, some of which are preserved from the last metrological treatises of Dardanus, Diodorus, Polemarchus, and others. (2) We possess a number of *small metrological treatises*, which are printed in the fifth volume of Stephanus's *Thesaurus Linguae Graecae*, and with the works of Galen, vol. xix. ed. Kühn. The most important of them are, that ascribed to Dioscorides, the piece entitled *περὶ μέτρων ὑγρῶν*, and the extract from the Κοσμητικά of Cleopatra. Besides these, we have a good treatise on the subject, printed in the Benedictine *Analecta Graeca*, pp. 393, foll., and in Montfaucon's *Paléographie Grecque*, pp. 369, foll.: — two works, of but little value, ascribed to Epiphanius, entitled *περὶ μέτρων καὶ σταθμῶν* and *περὶ πηλικότητος μέτρων*, printed in the *Varia Sacra* of Steph. Le Moyne, vol. i. pp. 470, foll.: — various writings of Heron (see *Dict. of Biog. s. v.*): — and a treatise by Didymus of Alexandria, *μέτρα μαρμάρων καὶ παντοίων ξύλων*, published by Angelo Mai from a MS. in the Ambrosian Library at Milan, 1817, 8vo. Certain difficulties respecting the authorship of some of these works are discussed by Böckh, c. 2. In Latin, we have two works by Priscian; the one in prose, entitled, *De Figuris et Nominibus Numerorum et de Nummis ac Ponderibus ad Symmachum Liber*; the other is the poem *De Ponderibus et Mensuris*, in 208 hexameter verses, which is commonly ascribed to Rhemnius Fannius, and which is printed in Wernsdorf's *Poetae Latini Minores*, vol. v. pt. 1. pp. 212, foll., and in Weber's *Corpus Poetarum Latinorum*, pp. 1369, 1370. The statements of all these metrological writers must be used with great caution on account of their late age. (3) The chief *Existing Monuments* such as buildings, measures, vessels, weights, and coins, have been mentioned in the articles Mensura, and Nummus. Further information respecting them will be found in Böckh.

ii. *Modern Works:* see the list given at the end of the article Nummus. The present position of our knowledge is marked by the work of Böckh, so often referred to, with Mr. Grote's review of it. There is no satisfactory English work on the subject. The best, so far as it goes, is the treatise of Raper, in the *Philosophical Transactions*, vol. lxi. Mr. Hussey's work is very useful, but its value is much impaired by the want of more of that criticism, at once ingenious and sound, which has guided Böckh to so many new and firm results amidst intricacies which were before deemed hopeless.

For a general view of the value of the several weights, measures, and money in terms of our own, see the Tables at the end of this work. [P. S.]

PONDO. [Libra.]

PONS (γέφυρα), a bridge. The most ancient bridge upon record, of which the construction has been described, is the one erected by Nitocris over the Euphrates at Babylon. (Herod. i. 186.) It was in the nature of a drawbridge; and consisted merely of stone piers without arches, but connected with one another by a framework of planking, which was removed at night to prevent the inhabitants from passing over from the different sides of the river to commit mutual depredations. The stones were fastened together by iron cramps soldered with lead; and the piers were built whilst the bed of the river was free from water, its course having been diverted into a large lake, which was again restored to the usual channel when the work had been completed. (Herod. *l. c.*) Compare the description given by Diodorus Siculus (ii. 8, vol. i. p. 121, ed. Wesseling), who ascribes the work to Semiramis.

Temporary bridges constructed upon boats, called *σχεδίαι* (Hesych. *s. v.*; Herod. vii. 36; Aesch. *Pers.* 69, ed. Blomf., et Gloss.), were also of very early invention. Dareius is mentioned as having thrown a bridge of this kind over the Thracian Bosporus (Herod. iv. 83, 85); but we have no details respecting it, beyond the name of its architect, Mandrocles of Samos. (Herod. iv. 87, 88.) The one constructed by order of Xerxes across the Hellespont is more celebrated, and has been minutely described by Herodotus (vii. 36). It was built at the place where the Chersonese forms almost a right angle, between the towns of Sestos and Madytus on the one side, and Abydos on the other. The first bridge, which was constructed at this spot, was washed away by a storm almost immediately after it was completed (Herod. vii. 34), and of this no details are given. The subsequent one was executed under the directions of a different set of architects. (*Id.* 36.) Both of them appear to have partaken of the nature of *suspension* bridges, the platform which formed the passage-way being secured upon enormous cables formed by ropes of flax (*λευκολίνου*) and papyrus (*βυβλίνων*) twisted together, and then stretched tight by means of windlasses (*ὄνοι*) on each side.

The bridges hitherto mentioned cannot be strictly denominated Greek, although the architects by whom the two last were constructed were natives of the Greek islands. But the frequent mention of the word in Homer proves that bridges were not uncommon in the Greek states, or at least in the western part of Asia Minor, during his time.

The Greek term for a permanent bridge is γέφυρα, which the ancient etymologists connected with the Gephyraei (Γεφυραῖοι), a people whom Herodotus (v. 57) states to have been Phoenicians, though they pretended to have come from Eretria; and the etymologists accordingly tell us that the first bridge in Greece was built by this people across the Cephissus; but such an explanation is opposed to sound etymology and common sense. As the rivers of Greece were small, and the use of the arch known to them only to a limited extent [ARCUS], it is probable that their bridges were built entirely of wood, or, at best, were nothing more than a wooden platform supported upon stone piers at each extremity, like that of Nitocris described above. Pliny (*H. N.* iv. 1) mentions a bridge over the Acheron 1000 feet in length; and also says (iv. 21) that the island Euboea was joined to Boeotia by a bridge; but it is probable that both these works were executed after the Roman conquest.

In Greece also, as well as in Italy, the term *bridge* was used to signify a roadway raised upon piers or arches to connect the opposite sides of a ravine, even where no water flowed through it (τὴν γέφυραν, ἣ ἐπὶ τῷ νάπει ἦν, Xen. *Anab.* vi. 5. § 22).

The Romans were undoubtedly the first people who applied the arch to the construction of bridges, by which they were enabled to erect structures of great beauty and solidity, as well as utility; for by this means the openings between the piers for the convenience of navigation, which in the bridges of Babylon and Greece must have been very narrow, could be extended to any necessary span.

The width of the passage-way in a Roman bridge was commonly narrow, as compared with modern structures of the same kind, and corresponded with the road (*via*) leading to and from it. It was divided into three parts. The centre one, for horses and carriages, was denominated *agger* or *iter;* and the raised footpaths on each side (*decursoria*), which were enclosed by parapet walls similar in use and appearance to the *pluteus* in the basilica. [BASILICA, p. 199, b.]

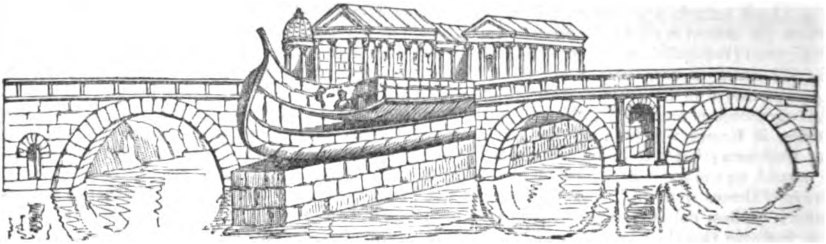
Eight bridges across the Tiber are enumerated by P. Victor as belonging to the city of Rome. I. Of these the most celebrated, as well as the most ancient, was the PONS SUBLICIUS, so called because it was built of wood; *sublices*, in the language of the Formiani, meaning wooden beams. (Festus, *s. v. Sublicium.*) It was built by Ancus Martius, when he united the Janiculum to the city (Liv. i. 33; Dionys. iii. p. 183), and became renowned from the well-known feat of Horatius Cocles in the war with Porsenna. (Liv. ii. 10; Val. Max. iii. 2. § 1; Dionys. v. pp. 295, 296.) In consequence of the delay and difficulty then experienced in breaking it down, it was reconstructed without nails, in such a manner that each beam could be removed and replaced at pleasure. (Plin. *H. N.* xxxvi. 23.) It was so rebuilt by the pontifices (Dionys. iii. p. 183), from which fact, according to Varro (*De Ling. Lat.* v. 83), they derived their name; and it was afterwards considered so sacred, that no repairs could be made in it without previous sacrifice conducted by the pontifex in person. (Dionys. ii. *l. c.*) In the age of Augustus it was still a wooden bridge, as is manifest from the epithet *roboreo*, used by Ovid (*Fast.* v. 621); in which state it appears to have remained at the time of Otho, when it was carried away by an inundation of the Tiber. (Tacit. *Hist.* i. 86, who calls it *pons sublicius.*) In later ages it was also called *pons Aemilius*, probably from the name of the person by whom it was rebuilt; but who this Aemilius was is uncertain. It may have been Aemilius Lepidus the triumvir, or probably the Aemilius Lepidus who was censor with Munatius Plancus, under Augustus, ten years after the *pons sublicius* fell down, as related by Dion Cassius (p. 423, c.) We learn from P. Victor, in his description of the Regio xi., that these two bridges were one and the same — "Aemilius qui ante sublicius." It is called Aemilian by Juvenal (*Sat.* vi. 32) and Lampridius (*Heliog.* c. 17), but it is mentioned by Capitolinus (*Antonin Pius*, c. 8) as the *pons Sublicius*; which passage is alone sufficient to refute the assertion of some writers that it was built of stone at the period when the name of Aemilius was given to it. (Nardini, *Rom. Ant.* viii. 3.)

This bridge was a favourite resort for beggars, who used to sit upon it and demand alms. (Senec. *De Vit. Beat.* 25.) Hence the expression of Juvenal (xiv. 134), *aliquis de ponte*, for a beggar. (Compare also Juv. iv. 116.)

It was situated at the foot of the Aventine, and was the bridge over which C. Gracchus directed his flight when he was overtaken by his opponents. (Plut. *Gracch.* p. 842, c.; compare Val. Max. iv. 7. § 2; Ovid. *Fast.* vi. 477.)

II. PONS PALATINUS formed the communication between the Palatine and its vicinities and the Janiculum, and stood at the spot now occupied by the "ponte Rotto." It is thought that the words of Livy (xl. 51) have reference to this bridge. It was repaired by Augustus. (*Inscrip. ap.* Grut. p. 160. n. 1.)

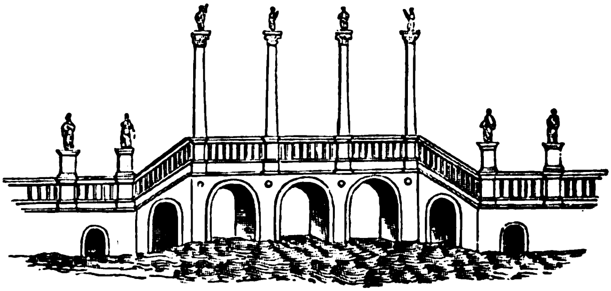
III. IV. PONS FABRICIUS and PONS CESTIUS were the two which connected the Insula Tiberina with the opposite sides of the river; the first with the city, and the latter with the Janiculum. Both are still remaining. The pons Fabricius was originally of wood, but was rebuilt by L. Fabricius, the *curator viarum*, as the inscription testifies, a short time previous to the conspiracy of Catiline (Dion Cass. xxxvii. p. 50); which passage of Dion Cassius, as well as the words of the Scholiast on Horace (*Sat.* ii. 3. 36), warrant the assumption that it was then first built of stone. It is now called "Ponte quattro capi." The pons Cestius is, by some authors, supposed to have been built during the reign of Tiberius by Cestius Gallus, the person mentioned by Pliny (x. 60; Tacit. *Ann.* vi. 31), though it is more reasonable to conclude that it was constructed before the termination of the republic, as no private individual would have been permitted to give his own name to a public work under the empire. (Nardini, *l. c.*) The inscriptions now remaining are in commemoration of Valentinianus, Valens, and Gratianus, the emperors by whom it was restored. Both these bridges are represented in the following woodcut: that on the right hand is the pons Fabricius, and is curious as being one of the very few remaining works which bear a date during the republic; the pons Cestius on the left represents the efforts of a much later age; and, instead of the buildings now seen upon the island, the temples which originally stood there, as well as the island itself, have been restored.



V. **Pons Janiculensis**, which led direct to the Janiculum. The name of its founder and the period of its construction are unknown; but it occupied the site of the present "ponte Sisto," which was built by Sixtus IV. upon the ruins of the old bridge.

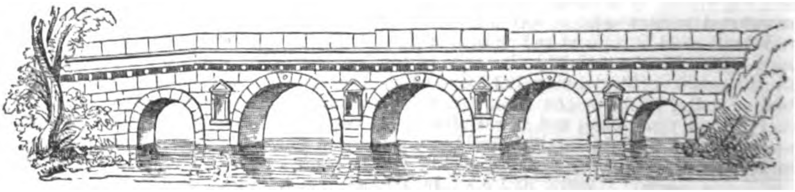
VI. **Pons Vaticanus**, so called because it formed the communication between the Campus Martius and Campus Vaticanus. When the waters of the Tiber are very low, vestiges of the piers are still discernible at the back of the Hospital of San Spirito. By modern topographists this bridge is often called "Pons Triumphalis," but without any classical authority; the inference, however, is not improbable, because it led directly from the Campus to the Clivus Cinnae (now Monte Mario), from which the triumphal processions descended.

VII. **Pons Aelius**, built by Hadrian, which led from the city to the Mausoleum [Mausoleum] of that emperor, now the bridge and castle of St. Angelo. (Spart. *Hadr.* c. 19; Dion Cass. lxix. p. 797, e.) A representation of this bridge is given in the following woodcut, taken from a medal still extant. It affords a specimen of the style employed at the period when the fine arts are considered to have been at their greatest perfection at Rome.



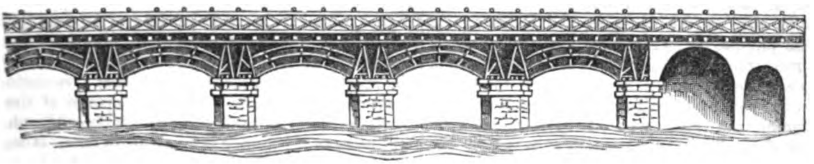
VIII. **Pons Milvius**, on the Via Flaminia, now ponte Molle, was built by Aemilius Scaurus the censor (Aur. Vict. *De Viris Illustr.* c. 27. § 8), and is mentioned by Cicero about forty-five years after its formation. Upon this bridge the ambassadors of the Allobroges were arrested by Cicero's retainers during the conspiracy of Catiline. (Cic. *in Cat.* iii. 2.) Catulus and Pompey encamped here against Lepidus when he attempted to annul the acts of Sulla. (Florus, iii. 23.) Its vicinity was a favourite place of resort for pleasure and debauchery in the licentious reign of Nero. (Tacit. *Ann.* xiii. 47.) And finally, it was at this spot that the battle between Maxentius and Constantine, which decided the fate of the Roman empire, took place. (a. d. 312.)

The Roman bridges without the city were far too many to be enumerated here. They formed one of the chief embellishments in all the public roads; and their numerous and stupendous remains, still existing in Italy, Portugal, and Spain, attest, even to the present day, the scale of grandeur with which their works of national utility were always carried on. Subjoined is a representation of the bridge at Ariminum (*Rimini*), which remains entire: it was commenced by Augustus and terminated by Tiberius, as we learn from the inscription, which is still extant. It is introduced in order to give the reader an idea of the style of art during the age of Vitruvius, that peculiar period of transition between the austere simplicity of the republic and the profuse magnificence of the empire.



The bridge thrown across the bay of Baiae by Caligula (Dion Cass. lix. p. 652, e; Suet. *Cal.* 19), the useless undertaking of a profligate prince, does not require any further notice; but the bridge which Trajan built across the Danube, which is one of the greatest efforts of human ingenuity, must not pass unmentioned. A full account of its construction is given by Dion Cassius (lxviii. p. 776, B.); and it is also mentioned by the younger Pliny (*Ep.* viii. 4; compare Procopius, *De Aedificiis*). The form of it is given in the annexed woodcut, from a representation of it on the column of Trajan at Rome; which has given rise to much controversy, as it does not agree in many respects with the description of Dion Cassius. The inscription, supposed to have belonged to this bridge, is quoted by Leunclav. p. 1041. 6, and by Gruter, 448. 3.

Sub jugum ecce rapitur et Danuvius.



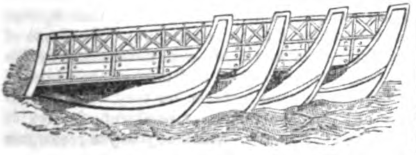
It will be observed that the piers only are of stone, and the superstructure of wood.

The Conte Marsigli, in a letter to Montfaucon (*Giornale de' Letterati d' Italia*, vol. xxii. p. 116), gives the probable measurements of this structure, from observations made upon the spot, which will serve as a faithful commentary upon the text of Dion. He considers that the whole line consisted of 23 piers and 22 arches (making the whole bridge about 3010 feet long, and 48 in height), which are much more than the number displayed upon the column. But this is easily accounted for without impairing the authority of the artist's work. A few arches were sufficient to show the general features of the bridge, without continuing the monotonous uniformity of the whole line, which would have produced an effect ill adapted to the purposes of sculpture. It was destroyed by Hadrian (Dion Cass. *l. c.*), under the pretence that it would facilitate the incursions of the barbarians into the Roman territories, but in reality, it is said, from jealousy and despair of being able himself to accomplish any equally great undertaking; which is supposed to be confirmed by the fact that he afterwards put to death the architect, Artemidorus, under whose directions it was constructed.

The Romans also denominated by the name of *pontes* the causeways which in modern language are termed "viaducts." Of these the *Pons ad Nonam*, now called ponte Nono, near the ninth mile from Rome on the *Via Praenestina* is a fine specimen.

Amongst the bridges of temporary use, which were made for the immediate purposes of a campaign, the most celebrated is that constructed by Julius Caesar over the Rhine within the short period of ten days. It was built entirely of wood, and the whole process of its construction is minutely detailed by its author (*De Bell. Gall.* iv. 17). An elevation of it is given by Palladio, constructed in conformity with the account of Caesar, which has been copied in the edition of Oudendorp and in the Delphin edition.

Vegetius (iii. 7), Herodian (viii. 4, 8), and Lucan (iv. 420) mention the use of casks (*dolia, cupae*) by the Romans to support rafts for the passage of an army; and Vegetius (*l. c.*) says that it was customary for the Roman army to carry with them small boats (*monoxuli*) hollowed out from the trunk of a tree, together with planks and nails, so that a bridge could be constructed and bound together with ropes upon any emergency without loss of time. Pompey passed the Euphrates by a similar device during the Mithridatic war. (Florus, iii. 5.) The preceding woodcut, taken from a bas-relief on the column of Trajan, will afford an idea of the general method of construction and form of these bridges, of which there are several designs upon the same monument, all of which greatly resemble each other.

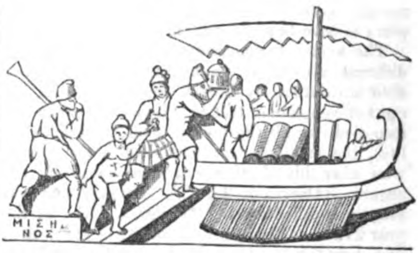


When the Comitia were held, the voters, in order to reach the enclosure called *septum* and *ŏvile*, passed over a wooden platform, elevated above the ground, which was called *pons suffragiorum*, in order that they might be able to give their votes without confusion or collusion.

Pons is also used to signify the platform (*ἐπιβάθρα, ἀποβάθρα*) used for embarking in or disembarking from, a ship.

> "Interea Aeneas socios de puppibus altis
> Pontibus exponit." Virg. *Aen.* x. 288.

The method of using these *pontes* is represented in the annexed woodcut, taken from a very curious intaglio representing the history of the Trojan war, discovered at Bovillae towards the latter end of the 17th century; which is given by Fabretti, *Syntagma de Column. Trajani*, p. 315. (See further, Hirt, *Lehre der Gebäude*, § x.) [A. R.]



PO'NTIFEX (*ἱεροδιδάσκαλος, ἱερονόμος, ἱεροφύλαξ, ἱεροφάντης*). The origin of this word is explained in various ways. Q. Scaevola, who was himself pontifex maximus, derived it from *posse* and *facere*, and Varro from *pons*, because the pontiffs, he says, had built the pons sublicius, and afterwards frequently restored it, that it might be possible to perform sacrifices on each side of the Tiber. (Varro, *de Ling. Lat.* v. 83, ed. Müller; Dionys. ii. 73.) This statement is, however, contradicted by the tradition which ascribes the building of the pons sublicius to Ancus Martius (Liv. i. 33), at a time when the pontiffs had long existed and borne this name. Göttling (*Gesch. d. Röm. Staatsv.* p. 173) thinks that *pontifex* is only another form for *pompifex*, which would characterise the pontiffs only as the managers and conductors of public processions and solemnities. But it seems far more probable that the word is formed from *pons* and *facere* (in the signification of the Greek *ῥέζειν*, to perform a sacrifice), and that consequently it signifies the priests who offered sacrifices upon the bridge. The ancient sacrifice to which the name thus alludes, is that of the Argeans on the sacred or sublician bridge, which is described by Dionysius (i. 38; compare Argei). Greek writers, moreover, sometimes translate the word pontiffs by *γεφυροποιοί*.

The Roman pontiffs formed the most illustrious among the great colleges of priests. Their institution, like that of all important matters of religion, was ascribed to Numa. (Liv. i. 20; Dionys. ii. 73.) The number of pontiffs appointed by this king was four (Liv. x. 6), and at their head was the pontifex maximus, who is generally not included when the number of pontiffs is mentioned. Cicero (*de Re Publ.* ii. 14), however, includes the pontifex maximus when he says that Numa appointed five pontiffs. Niebuhr (*Hist. of Rome*, i. p. 302, &c.; compare iii. p. 410; Liv. x. 6; Cic. *de Re Publ.* ii. 9) supposes with great probability, that the original number of four pontiffs (not including the pontifex maximus) had reference to the two earliest tribes of the Romans, the Ramnes and Tities, so that each tribe was represented by two pontiffs. In the year B. C. 300, the Ogulnian law raised the number of pontiffs to eight, or, including the pontifex maximus, to nine, and four of them were to be plebeians. (Liv. x. 6.) The pontifex maximus, however, continued to be a patrician down to the year B. C. 254, when Tib. Coruncanius was the first plebeian who was invested with this dignity. (Liv. *Epit.* 18.) This number of pontiffs remained for a long time unaltered, until in 81 B. C. the dictator Sulla increased it to fifteen (Liv. *Epit.* 89), and J. Caesar to sixteen. (Dion Cass. xlii. 51.) In both these changes the pontifex maximus is included in the number. During the empire the number varied, though on the whole fifteen appears to have been the regular number.

The mode of appointing the pontiffs was also different at different times. It appears that after their institution by Numa, the college had the right of co-optation, that is, if a member of the college died (for all the pontiffs held their office for life), the members met and elected a successor, who after his election was inaugurated by the augurs. (Dionys. ii. 22, 73.) This election was sometimes called *captio*. (Gellius, i. 12.) In the year 212 B. C. Livy (xxv. 5) speaks of the election of a pontifex maximus in the comitia (probably the comitia tributa) as the ordinary mode of appointing this high-priest. But in relating the events of the year 181 B. C. he again states that the appointment of the chief pontiff took place by the co-optation of the college. (Liv. xl. 42.) How these anomalies arose (unless Livy expresses himself carelessly) is uncertain (see Göttling, *l. c.* p. 375); for, as far as we know, the first attempt to deprive the college of its right of co-optation, and to transfer the power of election to the people, was not made until the year B. C. 145, by the tribune C. Licinius Crassus; but it was frustrated by the praetor C. Laelius. (Cic. *de Am.* 25, *Brut.* 21, *de Nat. Deor.* iii. 2.) In 104 B. C. the attempt was successfully repeated by the tribune Cn. Domitius Ahenobarbus: and a law (Lex Domitia) was then passed, which transferred the right of electing the members of the great colleges of priests to the people (probably in the comitia tributa); that is, the people elected a candidate, who was then made a member of the college by the co-optatio of the priests themselves, so that the co-optatio, although still necessary, became a mere matter of form. (Cic. *de Leg. Agr.* ii. 7, *Epist. ad Brut.* i. 5; Vell. Pat. ii. 12; Sueton. *Nero*, 2.) The lex Domitia was repealed by Sulla in a lex Cornelia de Sacerdotiis (81 B. C.), which restored to the great priestly colleges their full right of co-optatio. (Liv. *Epit.* 89; Pseudo-Ascon. *in Divinat.* p. 102, ed. Orelli; Dion Cass. xxxvii. 37.) In the year 63 B. C. the law of Sulla was abolished, and the Domitian law was restored, but not in its full extent; for it was now determined, that in case of a vacancy the college itself should nominate two candidates, and the people elect one of them. This mode of proceeding is expressly mentioned in regard to the appointment of augurs, and was, no doubt, the same in that of the pontiffs. (Cic. *Philip.* ii. 2.) Julius Caesar did not alter this modified lex Domitia, but M. Antonius again restored the right of co-optatio to the college. (Dion Cass. xliv. 53.)

The college of pontiffs had the supreme superintendence of all matters of religion, and of things and persons connected with public as well as private worship. A general outline of their rights and functions is given by Livy (i. 20) and Dionysius (ii. 73). This power is said to have been given to them by Numa; and he also entrusted to their keeping the books containing the ritual ordinances, together with the obligation to give information to any one who might consult them on matters of religion. They had to guard against any irregularity in the observance of religious rites that might arise from a neglect of the ancient customs, or from the introduction of foreign rites. They had not only to determine in what manner the heavenly gods should be worshipped, but also the proper form of burials, and how the souls of the departed (manes) were to be appeased; in like manner what signs either in lightning or other phenomena were to be received and attended to. They had the judicial decision in all matters of religion, whether private persons, magistrates, or priests were concerned, and in cases where the existing laws or customs were found defective or insufficient, they made new laws and regulations (*decreta pontificum*) in which they always followed their own judgment as to what was consistent with the existing customs and usages. (Gell. ii. 28, x. 15.) They watched over the conduct of all persons who had anything to do with the sacrifices or the worship of the gods, that is, over all the priests and their servants. The forms of worship and of sacrificing were determined by the pontiffs, and whoever refused to obey their injunctions was punished by them, for they were "rerum quae ad sacra et religiones pertinent, judices et vindices." (Fest. *s. v. Maximus pontifex*; compare

Cic. *de Leg.* ii. 8, 12.) The pontiffs themselves were not subject to any court of law or punishment, and were not responsible either to the senate or to the people. The details of these duties and functions were contained in books called libri pontificii or pontificales, commentarii sacrorum or sacrorum pontificalium (Fest. *s. v. Aliuta* and *Occisum*), which they were said to have received from Numa, and which were sanctioned by Ancus Martius. This king is said to have made public that part of these regulations which had reference to the sacra publica (Liv. i. 32) ; and when at the commencement of the republic the wooden tables on which these published regulations were written had fallen into decay, they were restored by the pontifex maximus C. Papirius. (Dionys. iii. 36.) One part of these libri pontificales was called Indigitamenta, and contained the names of the gods as well as the manner in which these names were to be used in public worship. (Serv. *ad Virg. Georg.* i. 21.) A second part must have contained the formulas of the jus pontificium. (Cic. *de Re Publ.* ii. 31.) The original laws and regulations contained in these books were in the course of time increased and more accurately defined by the decrees of the pontiffs, whence perhaps their name commentarii. (Plin. *H. N.* xviii. 3 ; Liv. iv. 3 ; Cic. *Brut.* 14.) Another tradition concerning these books stated that Numa communicated to the pontiffs their duties and rights merely by word of mouth, and that he had buried the books in a stone chest on the Janiculum. (Plut. *Num.* 22 ; Plin. *H. N.* xiii. 27 ; Val. Max. i. 1. 12 ; August. *de Civit. Dei*, vii. 34.) These books were found in 181 B. C., and one half of them contained ritual regulations and the jus pontificium, and the other half philosophical inquiries on the same subjects, and were written in the Greek language. The books were brought to the praetor urbanus Q. Petilius, and the senate ordered the latter half to be burnt, while the former was carefully preserved. Respecting the nature and authenticity of this story, see Hartung, *Die Relig. d. Röm.* i. p. 214. The annales maximi were records of the events of each year kept by the pontifex maximus, from the commencement of the state to the time of the pontifex maximus, P. Mucius Scaevola, B. C. 133.

As to the rights and duties of the pontiffs, it must first of all be borne in mind that the pontiffs were not priests of any particular divinity, but a college which stood above all other priests, and superintended the whole external worship of the gods. (Cic. *de Leg.* ii. 8.) One of their principal duties was the regulation of the sacra both publica and privata, and to watch that they were observed at the proper times (for which purpose the pontiffs originally had the whole regulation of the calendar, see Calendarium, p. 230, &c.), and in their proper form. In the management of the sacra publica they were in later times assisted in certain performances by the triumviri epulones [Epulones], and had in their keeping the funds from which the expences of the sacra publica were defrayed. [Sacra.]

The pontiffs convoked the assembly of the curies (comitia calata or curiata) in cases where priests were to be appointed, and flamines or a rex sacrorum were to be inaugurated ; also when wills were to be received, and when a detestatio sacrorum and adoption by adrogatio took place. (Gell. v. 19, xv. 27 ; Adoptio.) Whether the presence of the pontiffs together with that of the augurs and two flamines was necessary in the comitia curiata also in cases when other matters were transacted, as Niebuhr thinks (i. p. 342, ii. p. 223), does not appear to be quite certain. The curious circumstance that on one occasion the pontifex maximus was commanded by the senate to preside at the election of tribunes of the people, is explained by Niebuhr (ii. p. 359, &c.).

As regards the jurisdiction of the pontiffs, magistrates and priests as well as private individuals were bound to submit to their sentence, provided it had the sanction of three members of the college. (Cic. *de Harusp. Resp.* 6.) In most cases the sentence of the pontiffs only inflicted a fine upon the offenders (Cic. *Philip.* xi. 8 ; Liv. xxxvii. 51, xl. 42), but the person fined had a right to appeal to the people, who might release him from the fine. In regard to the Vestal virgins and the persons who committed incest with them, the pontiffs had criminal jurisdiction and might pronounce the sentence of death. (Dionys. ix. 40 ; Liv. xxii. 57 ; Fest. *s. v. Probrum.*) A man who had violated a Vestal virgin was according to an ancient law scourged to death by the pontifex maximus in the comitium, and it appears that originally neither the Vestal virgins nor the male offenders in such a case had any right of appeal. Göttling (p. 185) considers that they had the right of appeal, but the passage of Cicero (*de Re Publ.* ii. 31) to which he refers, does not support his opinion. Incest in general belonged to the jurisdiction of the pontiffs, and might be punished with death. (Cic. *de Leg.* ii. 19.) In later times we find that even in the case of the pontiffs having passed sentence upon Vestal virgins, a tribune interfered and induced the people to appoint a quaestor for the purpose of making a fresh inquiry into the case ; and it sometimes happened that after this new trial the sentence of the pontiffs was modified or annulled. (Ascon. *ad Milon.* p. 46, ed. Orelli.) Such cases, however, seem to have been mere irregularities founded upon an abuse of the tribunitian power. In the early times the pontiffs were in the exclusive possession of the civil as well as religious law, until the former was made public by C. Flavius. [Actio.] The regulations which served as a guide to the pontiffs in their judicial proceedings, formed a large collection of laws, which was called the jus pontificium, and formed part of the libri pontificii. (Cic. *de Orat.* i. 43, iii. 33, *pro Domo*, 13 ; compare Jus, pp. 656, 657.) The new decrees which the pontiffs made either on the proposal of the senate, or in cases belonging to the sacra privata, or that of private individuals, were, as Livy (xxxix. 16) says, innumerable. (Compare Cic. *de Leg.* ii. 23 ; Macrob. *Sat.* iii. 3 ; Dionys. ii. 73.)

The meetings of the college of pontiffs, to which in some instances the flamines and the rex sacrorum were summoned (Cic. *de Harusp. Resp.* 6), were held in the curia regia on the Via Sacra, to which was attached the residence of the pontifex maximus and of the rex sacrorum. (Suet. *Caes.* 46 ; Serv. *ad Aen.* viii. 363 ; Plin. *Epist.* iv. 11.) As the chief pontiff was obliged to live in a domus publica, Augustus, when he assumed this dignity, changed part of his own house into a domus publica. (Dion Cass. liv. 27.) All the pontiffs were in their appearance distinguished by the conic cap called tutulus or galerus, with an apex upon it, and the toga praetexta.

The pontifex maximus was the president of the college and acted in its name, whence he alone is frequently mentioned in cases in which he must be considered only as the organ of the college. He was generally chosen from among the most distinguished persons, and such as had held a curule magistracy, or were already members of the college. (Liv. xxxv. 5, xl. 42.) Two of his especial duties were to appoint (*capere*) the Vestal virgins and the flamines [Vestales; Flamen], and to be present at every marriage by confarreatio. When festive games were vowed or a dedication made, the chief pontiff had to repeat over before the persons who made the vow or the dedication, the formula with which it was to be performed (*praeire verba*, Liv. v. 40, ix. 46, iv. 27). During the period of the republic, when the people exercised sovereign power in every respect, we find that if the pontiff on constitutional or religious grounds refused to perform this solemnity, he might be compelled by the people.

A pontifex might, like all the members of the great priestly colleges, hold any other military, civil or priestly office, provided the different offices did not interfere with one another. Thus we find one and the same person being pontiff, augur, and decemvir sacrorum (Liv. xl. 42); instances of a pontifex maximus being at the same time consul, are very numerous. (Liv. xxviii. 38; Cic. *de Harusp. Resp.* 6; compare Ambrosch, *Studien und Andeutungen*, p. 229, note 105.) But whatever might be the civil or military office which a pontifex maximus held beside his pontificate, he was not allowed to leave Italy. The first who violated this law was P. Licinius Crassus, in B. C. 131 (Liv. *Epit.* 59; Val. Max. viii. 7. 6; Oros. v. 10); but after this precedent, pontiffs seem to have frequently transgressed the law, and Caesar, though pontifex maximus, went to his province of Gaul.

The college of pontiffs continued to exist until the overthrow of paganism (Arnob. iv. 35; Symmach. *Epit.* ix. 128, 129); but its power and influence were considerably weakened as the emperors, according to the example of Caesar, had the right to appoint as many members of the great colleges of priests as they pleased. (Dion Cass. xlii. 51, xliii. 51, li. 20, liii. 17; Suet. *Caes.* 31.) In addition to this, the emperors themselves were always chief pontiffs, and as such the presidents of the college; hence the title of pontifex maximus (P. M. or PON. M.) appears on several coins of the emperors. If there were several emperors at a time, only one bore the title of pontifex maximus; but in the year A. D. 238, we find that each of the two emperors Maximus and Balbinus assumed this dignity. (Capitol. *Maxim. et Balb.* 8.) The last traces of emperors being at the same time chief pontiffs are found in inscriptions of Valentinian, Valens, and Gratianus. (Orelli, *Inscript.* n. 1117, 1118.) From the time of Theodosius the emperors no longer appear in the dignity of pontiff; but at last the title was assumed by the Christian bishop of Rome.

There were other pontiffs at Rome who were distinguished by the epithet minores. Various opinions have been entertained as to what these pontifices minores were. Niebuhr (i. p. 302. n. 775) thinks that they were originally the pontiffs of the Luceres; that they stood in the same relation to the other pontiffs as the patres minorum gentium to the patres majorum gentium; and that subsequently, when the meaning of the name was forgotten, it was applied to the secretaries of the great college of pontiffs. In another passage (iii. p. 411) Niebuhr himself demonstrates that the Luceres were never represented in the college of pontiffs, and his earlier supposition is contradicted by all the statements of ancient writers who mention the pontifices minores. Livy (xxii. 57; compare Jul. Capitol. *Opil. Macrin.* 7), in speaking of the secretaries of the college of pontiffs, adds, "quos nunc minores pontifices appellant;" from which it is evident that the name pontifices minores was of later introduction, and that it was given to persons who originally had no claims to it, that is, to the secretaries of the pontiffs. The only natural solution of the question seems to be this. At the time when the real pontiffs began to neglect their duties, and to leave the principal business to be done by their secretaries, it became customary to designate these scribes by the name of pontifices minores. Macrobius (*Sat.* i. 15), in speaking of minor pontiffs previous to the time of Cn. Flavius, makes an anachronism, as he transfers a name customary in his own days to a time when it could not possibly exist. The number of these secretaries is uncertain; Cicero (*de Harusp. Resp.* 6) mentions the name of three minor pontiffs. The name cannot have been used long before the end of the republic, when even chief pontiffs began to show a disregard for their sacred duties, as in the case of P. Licinius Crassus and Julius Caesar. Another proof of their falling off in comparison with former days, is that about the same time the good and luxurious living of the pontiffs became proverbial at Rome. (Horat. *Carm.* ii. 14. 26, &c.; Mart. xii. 48. 12; Macrob. *Sat.* ii. 9.) [L. S.]

PONTIFICA'LES LUDI. [Ludi Pontificales.]

PONTIFI'CIUM JUS. [Jus, pp. 656, 657.]

POPA. [Caupona; Sacrificium.]

POPI'NA. [Caupona.]

POPULA'RES. [Nobiles, p. 799, b.]

POPULA'RIA. [Amphitheatrum, p. 88, b.]

POPULIFU'GIA or POPLIFU'GIA, the day of the people's flight, was celebrated on the Nones of July, according to an ancient tradition preserved by Varro (*De Ling. Lat.* vi. 18, ed. Müller), in commemoration of the flight of the people, when the inhabitants of Ficulea, Fidenae, and other places round about, appeared in arms against Rome shortly after the departure of the Gauls, and produced such a panic that the Romans suddenly fled before them. Macrobius (*Saturn.* iii. 2), however, says that the Populifugia was celebrated in commemoration of the flight of the people before the Tuscans, while Dionysius (ii. 76) refers its origin to the flight of the people on the death of Romulus. Niebuhr (*Hist. of Rome*, vol. ii. p. 573) seems disposed to accept the tradition preserved by Varro; but the different accounts of its origin given by Macrobius and Dionysius render the story uncertain.

PO'PULUS. [Patricii.]

PORISTAE (ποϱισταί), were magistrates at Athens, who probably levied the extraordinary supplies. (Ποϱισταί εἰσιν ἀρχή τις Ἀθήνησιν, ἥτις πόρους ἐζήτει, Bekker, *Anec.* p. 294. 19.) Antiphon (*De Chor.* p. 791, Reiske) classes them with the Poletae and Practores; and Demosthenes (*Philip.* i. p. 49. 15) joins *τῶν χρημάτων ταμίαι καὶ πορισταί*, from which it would appear that they were public officers in his time, although the words do not necessarily prove this. (Böckh, *Publ. Econ. of Athens*, p. 166, 2d ed.)

PORNAE (*πόρναι*). [Hetaerae.]

PORPE (*πόρπη*). [Fibula.]

PORTA (*πύλη*, *dim.* *πυλίς*), the gate of a city, citadel, or other open space inclosed by a wall, in contradistinction to Janua, which was the door of a house or any covered edifice. The terms *porta* and *πύλη* are often found in the plural, even when applied to a single gate, because it consisted of two leaves. (Thucyd. ii. 4; Virg. *Aen.* ii. 330.)

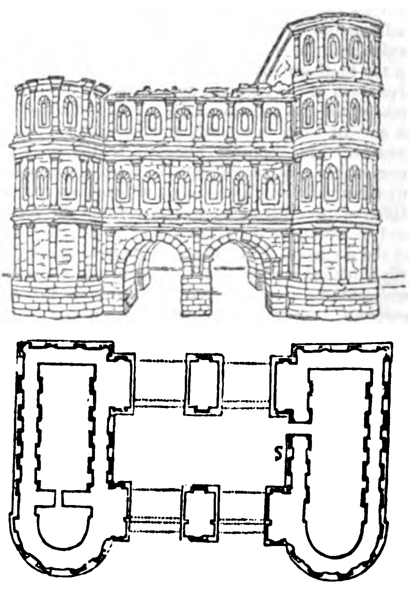
The gates of a city were of course various in their number and position. The ancient walls of Paestum, Sepianum, and Aosta, still remain and inclose a square: in the centre of each of the four walls was a gate. If, instead of being situated on a plain, a city was built on the summit of a precipitous hill, there was a gate on the sloping declivity which afforded the easiest access. If, in consequence of the unevenness of the ground, the form of the walls was irregular, the number and situation of the gates varied according to the circumstances. Thus Megara had 5 gates (Reinganum, *Megaris*, pp. 125, 126); Thebes, in Boeotia, had 7; Athens had 8 (Ersch u. Gruber, *Encyc. s. v. Attica*, pp. 240, 241); and Rome 20, or perhaps even more.

The jambs of the gate were surmounted, 1. by a lintel, which was large and strong in proportion to the width of the gate: examples of extremely massive jambs and lintels are presented by the gates in the so-called Cyclopean Walls; see, for instance, the engraving of the celebrated Lion-Gate at Mycenae, under Murus, p. 770, b. The lintel of the centre gate leading into the Athenian Acropolis, is 17 feet long. 2. by an arch, as we see exemplified at Pompeii, Paestum, Sepianum, Volterra, Suza, Autun, Bezançon, and Treves. 3. At Arpinum, one of the gates now remaining is arched, whilst another is constructed with the stones projecting one beyond another, after the manner represented in the wood-cut, at p. 125. (Keppel Craven, *Excursions in the Abruzzi*, vol. i. p. 108.)

At Como, Verona, and other ancient cities of Lombardy, the gate contains two passages close together, the one designed for carriages entering, and the other for carriages leaving the city. The same provision is observed in the magnificent ruin of a gate at Treves. (See the following woodcut, showing a view of it, together with its plan.) In other instances we find only one gate for carriages, but a smaller one on each side of it (*παραπυλίς*, Heliodor. viii. p. 394) for foot-passengers. (See the plan of the gate of Pompeii, p. 256.) Each of the fine gates which remain at Autun has not only two carriage-ways, but exterior to them two sideways for pedestrians. (Millin, *Voyage dans les Départemens*, &c. vol. i. ch. 22. Atlas, Pl. 18. Figs. 3, 4.) When there were no sideways, one of the valves of the large gate sometimes contained a wicket (*portula*, *πυλὶς*: *ῥινοπύλη*), large enough to admit a single person. The porter opened it when any one wished to go in or out by night. (Polyb. viii. 20, 24; Liv. xxv. 9.)

The contrivances for fastening gates were in general the same as those used for doors [Janua], but larger in proportion. The wooden bar placed across them in the inside (*μοχλός*) was kept in its position by the following method. A hole, passing through it perpendicularly (*βαλανοδόκη*, Aen. Tact. 18), admitted a cylindrical piece of iron, called *βάλανος*, which also entered a hole in the gate, so that, until it was taken out, the bar could not be removed either to the one side or the other. (Thucyd. ii. 4; Aristoph. *Vesp.* 200; *βεβαλάνωται*, *Aves*, 1159.) Another piece of iron, fitted to the *βάλανος* and called *βαλανάγρα*, was used to extract it. (Aen. Tact. *l. c.*) When the besiegers, for want of this key, the *βαλανάγρα*, were unable to remove the bar, they cut it through with a hatchet (Thucyd. iv. 111; Polyb. viii. 23, 24), or set it on fire. (Aen. Tact. 19.)

The gateway had commonly a chamber, either on one side or on both, which served as the residence of the porter or guard. It was called *πυλών* (Polyb. viii. 20, 23, 24). Its situation is shown in the following plan. (See wood-cut.) But the gate-way was also, in many cases, surmounted by a tower, adapted either for defence (*portis turres imposuit*, Caes. *B. G.* viii. 9; Virg. *Aen.* vi. 552—554) or for conducting the general business of government. In the gates of Como and Verona this edifice is 3 stories high. At Treves it was 4 stories high in the flanks, although the 4 stories remain standing in one of them only, as may be observed in the annexed wood-cut. The length of this building is 115 feet; its depth 47 in the middle, 67 in the flanks; its greatest height, 92. All the 4 stories are ornamented in every direction with rows of Tuscan columns. The gateways are each 14 feet wide. The entrance of each appears to have been guarded, as at Pompeii (see p. 256), first by a portcullis, and then by gates of wood and iron. The barbican, between the double portcullis and the pair of gates, was no doubt open to the sky, as in the gates of Pompeii. This edifice was probably erected by Constantine.



(Wyttenbach's *Roman Ant. of Treves*, pp. 9—39.) Its rows of ornamental windows and the general style of its architecture, afford sufficient indications, that although very strong, it was not intended solely, nor principally, for the purposes of defence, but to be applied in time of peace to the various objects of civil government. To these latter purposes the gate house (*πυλών*) was commonly devoted, more especially in Eastern countries. Hence Polybius (xv. 29) calls a building at Alexandria *τὸν χρηματιστικὸν πυλῶνα τῶν βασιλείων*, *i. e.* "the gate-house of the palace, used for the transaction of public business." In the Old Testament the references to this custom are very frequent. By metonymy "the gates" meant those who administered justice at the gates and wielded the powers of government. (Hom. *Il.* ix. 312; Matt. xvi. 18.)

Statues of the gods were often placed near the gate, or even within it in the barbican, so as to be ready to receive the adoration of those who entered the city. (Paus. iv. 33. § 4; Lucret. i. 314; *Acts*, xiv. 13.) The probable position of the statue was the point S in the above plan. The gate was sometimes much ornamented. Sculptured elephants, for example, were placed upon the Porta Aurea at Constantinople. [J. Y.]

PORTENTUM. [Prodigium.]

PO'RTICUS (*στοά*), a walk covered with a roof, which is supported by columns, at least on one side. A porticus was either attached to temples and other public buildings, or it was built independent of any other edifice. Such shaded walks and places of resort are almost indispensable in the southern countries of Europe, where people live much in the open air, as a protection from the heat of the sun and from rain. This was the case in ancient times to a much greater extent than at present. The porticoes attached to the temples were either constructed only in front of them, or went round the whole building, and temples received different names according to these different porticoes, and according to the arrangement of the columns of the porticoes. [Templum.] They were originally intended as places for those persons to assemble and converse in who visited the temple for various purposes. As such temple-porticoes, however, were found too small or not suited for the various purposes of private and public life, most of the Greek towns had independent porticoes, some of which were very extensive, especially in their places of public assembly [Agora]; and as the Greeks, in all their public works, soon went beyond the limits of mere utility, these public walks were not only built in the most magnificent style, but were adorned with pictures and statues by the best masters. Of this kind were the *Poecile* (*στοὰ ποικίλη*) and *στοὰ βασίλειος* at Athens (Athen. xiii. p. 577; Paus. i. 3. § 1, &c.), and the *στοὰ Περσική* at Sparta. (Paus. iii. 11. § 3.) The *Skias* at Sparta, where the popular assemblies were held, seems to have been a building of the same kind. (Paus. iii. 12. § 8.) In most of these stoae, seats [Exedrae] were placed, that those who were tired might sit down. They were frequented not only by idle loungers, but also by philosophers, rhetoricians, and other persons fond of intellectual conversation. The Stoic school of philosophy derived its name from the circumstance, that the founder of it used to converse with his disciples in a stoa. The Romans derived their great fondness for such covered walks from the Greeks; and as luxuries among them were carried in everything to a greater extent than in Greece, wealthy Romans had their private porticoes, sometimes in the city itself, and sometimes in their country-seats. In the public porticoes of Rome, which were exceedingly numerous and very extensive (as that around the Forum and the Campus Martius), a variety of business was occasionally transacted: we find that law-suits were conducted here, meetings of the senate held, goods exhibited for sale, &c. (See Pitiscus, *Lexicon*, *s. v. Porticus*, who has given a complete list of all the porticoes of Rome.) [L. S.]

PORTI'SCULUS (*κελευστής*), an officer in a ship, who gave the signal to the rowers, that they might keep time in rowing. The same name was also given to the pole or hammer, by the striking of which he regulated the motion of the oars. (Festus, *s. v.*) The duties of this officer are thus described by Silius Italicus (vi. 360, &c.):—

> "Mediae stat margine puppis,
> Qui voce alternos nautarum temperet ictus,
> Et remis dictet sonitum, pariterque relatis
> Ad sonitum plaudat resonantia caerula tonsis."

This officer is sometimes called *Hortator* (Ovid, *Met.* iii. 618; Plaut. *Merc.* iv. 2. 5; Virg. *Aen.* iii. 128) or Pausarius. (Compare Blomfield, *ad Aesch. Pers.* 403.)

PORTITO'RES. [Portorium; Publicani.]

PORTO'RIUM was one branch of the regular revenues of the Roman state, consisting of the duties paid on imported and exported goods: sometimes, however, the name portorium is also applied to the duties raised upon goods for being carried through a country or over bridges. (Plin. *H. N.* xii. 31; Sueton. *Vitell.* 14.) A portorium, or duty upon imported goods, appears to have been paid at a very early period, for it is said that Valerius Publicola exempted the plebes from the portoria at the time when the republic was threatened with an invasion by Porsenna. (Liv. ii. 9; compare Dionys. v. 22.) The time of its introduction is uncertain; but the abolition of it ascribed to Publicola can only have been a temporary measure; and as the expenditure of the republic increased, new portoria must have been introduced. Thus the censors M. Aemilius Lepidus and M. Fulvius Nobilior instituted *portoria et vectigalia multa* (Liv. xl. 51), and C. Gracchus again increased the number of articles which had to pay portoria. (Vell. Pat. ii. 6.) In conquered places and in the provinces the import and export duties, which had been paid there before, were generally not only retained, but increased, and appropriated to the aerarium. Thus we read of portoria being paid at Capua and Puteoli on goods which were imported by merchants. (Liv. xxxii. 7.) Sicily, and above all, Asia furnished to the Roman treasury large sums which were raised as portoria. (Cic. *c. Verr.* ii. 75, *pro Leg. Manil.* 6.) In some cases, however, the Romans allowed a subject nation, as a particular favour, to raise for themselves whatever portoria they pleased in their ports, and only stipulated that Roman citizens and socii Latini should be exempted from them. (Liv. xxxviii. 44; Gruter, *Inscript.* p. 500.) In the year 60 B. C. all the portoria in the ports of Italy were done away with, by a lex Caecilia carried by the praetor Q. Metellus Nepos. (Dion

Cass. xxxvii. 51 ; Cic. *ad Att.* ii. 16.) It appears, however, that the cause of this abolition was not any complaint by the people of the tax itself, but of the portitores, *i. e.* the persons who collected it, and who greatly annoyed the merchants by their unfair conduct and vexatious proceedings. [PUBLICANI.] Thus the republic for a time only levied import and export duties in the provinces, until Julius Caesar restored the duties on commodities imported from foreign countries. (Suet. *Caes.* 43.) During the triumvirate new portoria were introduced (Dion Cass. xlviii. 34), and Augustus partly increased the old import duties and partly instituted new ones. The subsequent emperors increased or diminished this branch of the revenue as necessity required, or as their own discretion dictated.

As regards the articles subject to an import duty, it may be stated in general terms, that all commodities, including slaves, which were imported by merchants for the purpose of selling them again, were subject to the portorium; whereas things which a person brought with him for his own use, were exempted from it. A long list of such taxable articles is given in the Digest (39. tit. 4. s. 16 ; compare Cic. *c. Verr.* ii. 72, 74). Many things, however, which belonged more to the luxuries than to the necessaries of life, such as eunuchs and handsome youths, had to pay an import duty, even though they were imported by persons for their own use. (Suet. *De clar. Rhet.* 1 ; Cod. 4. tit. 42. s. 2.) Things which were imported for the use of the state were also exempt from the portorium. But the governors of provinces (*praesides*), when they sent persons to purchase things for the use of the public, had to write a list of such things for the publicani (*portitores*) to enable the latter to see whether more things were imported than what were ordered (Dig. 39. tit. 4. s. 4); for the practice of smuggling appears to have been as common among the Romans as in modern times. Respecting the right of the portitores to search travellers and merchants, see PUBLICANI. Such goods as were duly stated to the portitores were called *scripta*, and those which were not, *inscripta*. If goods subject to a duty were concealed, they were, on their discovery, confiscated. (Dig. 39. tit. 4. s. 16.)

Respecting the amount of the import or export duties we have but very few statements in the ancient writers. In the time of Cicero the portorium in the ports of Sicily was one-twentieth (*vicesima*) of the value of taxable articles (Cic. *c. Verr.* ii. 75); and as this was the customary rate in Greece (Böckh, *Publ. Econ.* p. 325, 2d edit.), it is probable that this was the average sum raised in all the other provinces. In the times of the emperors the ordinary rate of the portorium appears to have been the fortieth part (*quadragesima*) of the value of imported goods. (Suet. *Vespas.* 1 ; Quintil. *Declam.* 359 ; Symmach. *Epist.* v. 62, 65.) At a late period the exorbitant sum of one-eighth (*octava*, Cod. 4. tit. 61. s. 7) is mentioned as the ordinary import duty; but it is uncertain whether this is the duty for all articles of commerce, or merely for certain things.

The portorium was, like all other vectigalia, farmed out by the censors to the publicani, who collected it through the portitores. [VECTIGALIA; PUBLICANI.] (Burmann, *De Vectigalibus Populi Rom.* pp. 50—77 ; R. Bosse, *Grundzüge des Finanzwesens im Röm. Staat*, Braunschweig 1803, 2 vols. ; Hegewisch, *Versuch über die Röm. Finanzen*, Altona, 1804.) [L. S.]

PORTUMNA'LIA, or **PORTUNA'LIA**, a festival celebrated in honour of Portumnus, or Portunus, the god of harbours. (Varro, *De Ling. Lat.* vii. 19, ed. Müller.) It was celebrated on the 17th day before the Kalends of September. (*Calendarium Maff.*)

POSCA, vinegar mixed with water, was the common drink of the lower orders among the Romans, as of soldiers when on service (Spart. *Hadr.* 10), slaves (Plaut. *Mil.* iii. 2. 23), &c.

POSEIDO'NIA (ποσειδώνια), a festival held every year in Aegina in honour of Poseidon. (Athen. xiii. p. 588 ; Plut. *Quaest. Gr.* 44.) It seems to have been celebrated by all the inhabitants of the island, as Athenaeus (xiii. p. 590) calls it a panegyris, and mentions that during one celebration Phryne, the celebrated hetaera, walked naked into the sea in the presence of the assembled Greeks. The festival is also mentioned by Theodoretus (*Therap.* 7), but no particulars are recorded respecting the way in which it was celebrated. (Comp. Müller, *Aeginet.* p. 148.) [L. S.]

POSSE'SSIO. Paulus (Dig. 41. tit. 2. s. 1) observes, "Possessio appellata est, ut et Labeo ait, a pedibus *, quasi positio: quia naturaliter tenetur ab eo qui insistit." The absurdity of the etymology and of the reason are equal. The elements of Possidere are either *pot* (pot-is), and *sedere*; or the first part of the word is related to *apud*, and the cognate Greek form of ποτὶ (πρός).

Possessio, in its primary sense, is the power by virtue of which a man has such a mastery over a corporeal thing as to deal with it at his pleasure and to exclude other persons from meddling with it. This condition or power is called Detention, and it lies at the bottom of all legal senses of the word Possession. This Possession is no legal state or condition, but it may be the source of rights, and it then becomes Possessio in a juristical or legal sense. Still even in this sense, it is not in any way to be confounded with Property (*proprietas*). A man may have the juristical possession of a thing without being the proprietor; and a man may be the proprietor of a thing without having the Detention of it, or even the juristical possession. (Dig. 41. tit. 2. s. 12.) Ownership is the legal capacity to operate on a thing according to a man's pleasure and to exclude everybody else from doing so. Possession, in the sense of Detention, is the actual exercise of such a power as the owner has a right to exercise.

Detention becomes juristical possession and the foundation of certain rights, when the Detainer has the intention (*animus*) to deal with the thing as his own. If he deal with it as the property of another, as exercising over it the rights of another, he is not said "possidere" in a juristical sense; but he is said "alieno nomine possidere." This is the case with the Commodatarius and with him who holds a deposit. (Dig. 41. tit. 2. s. 18, 30.)

When the Detention is made a juristical Possessio by virtue of the animus, it lays the foundation of a right to the Interdicts, and by virtue of Usucapion it may become ownership. The right to the Interdicts is simply founded on a juristical possession, in whatever way it may have originated, except that it must not have originated illegally with respect to the person against whom the Interdict is claimed. [INTERDICTUM.] Simply by virtue of being possessor, the possessor has a better right than any person who is not possessor. (Dig. 43. tit. 17. s. 1, 2.) Usucapion requires not only a juristical possessio, but in its orgin it must have been bona fide and founded on a justa causa, that is, on some legal transaction. He who buys a thing from a man who is not the owner, but whom he believes to be the owner, and obtains possession of the thing, is a bona fide possessor with a justa causa. [USUCAPIO.]

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* "Sedibus." — Ed. Flor..

The right which is founded on a juristical possessio is a Jus possessionis, or right of possession, that is, a right arising from a juristical possession. The expression Jus possessionis is used by the Roman Jurists. The right to possess, called by modern Jurists, Jus possidendi, belongs to the theory of Ownership.

All Juristical Possessio then, that is, Possessio in the Roman Law, as a source of rights, has reference only to Usucapion and Interdicts; and all the rules of law which treat Possession as a thing of a juristical nature have no other object than to determine the possibility of Usucapion and of the Interdicts. (Savigny, *Das Recht des Besitzes*, p. 24, &c.)

In answer to the question to which class of Rights Possession belongs, Savigny observes (§ 6), — So far as concerns Usucapion, one cannot suppose the thing to be the subject of a question. No one thinks of asking, to what class of rights a justa causa belongs, without which tradition cannot give ownership. It is no right, but it is a part of the whole transaction by which ownership is acquired. So is it with Possession in respect to Usucapion.

The right to Possessorial Interdicts belongs to the Law of Obligationes ex maleficiis. "The right to possessorial Interdicts then belongs to the Law of Obligationes, and therein possession is only so far considered, as containing the condition without which the Interdicts cannot be supposed possible. The Jus Possessionis consequently, that is the right, which mere possession gives, consists simply in the claim which the Possessor has to the Interdicts, as soon as his possession is disturbed in a definite form. Independent of this disturbance, bare possession gives no rights, neither a Jus Obligationis, as is self-evident, nor yet a right to the thing, for no dealing with a thing is to be considered as a legal act simply because the person so dealing has the possession of the thing." (Savigny, p. 34.)

The term Possessio occurs in the Roman jurists in various senses. There is Possessio generally, and Possessio Civilis, and Possessio Naturalis.

Possessio denoted originally bare Detention. But this Detention under certain conditions becomes a legal state, inasmuch as it leads to ownership through Usucapion. Accordingly the word Possessio, which required no qualification so long as there was no other notion attached to Possessio, requires such qualification when Detention becomes a legal state. This Detention then, when it has the conditions necessary to Usucapion, is called Possessio Civilis; and all other Possessio as opposed to Civilis is Naturalis. But Detention may also be the foundation of Interdicts, which notion of possession is always expressed by Possessio simply; and this is the meaning of Possessio, when it is used alone, and yet in a technical sense. As opposed to this sense of Possessio all other kinds of Detention are also called Naturalis Possessio, the opposition between the Natural and the Juristical Possession (*possessio*) being here expressed just in the same way as this opposition is denoted in the case of the Civilis Possessio. There is therefore a twofold Juristical Possessio: *Possessio Civilis* or Possession for the purpose of Usucapion; and *Possessio* or Possession for the purpose of the Interdicts. It follows that Possessio is included in Possessio Civilis, which only requires more conditions than Possessio. If then a man has Possessio Civilis, he has also Possessio, that is the right to the Interdicts; but the converse is not true. Possessio Naturalis, as above observed, has two significations, but they are both negative, and merely express in each case a logical opposition, that is, they are respectively not Possessio Civilis, or Possessio (ad Interdicta). The various expressions used to denote bare Detention are "tenere," "corporaliter possidere," "esse in possessione." (Savigny, p. 109.)

In the case of a thing being pignorated, the person who pledges it has still the possessio ad usucapionem, but the pledgee alone has the possessio ad interdicta. It is not a Possessio Civilis which is the foundation of the pledger's title by usucapion; but by a special fiction he is considered to have such Possession, and so the case is a special exception to the general rule, "sine possessione usucapio contingere non potest."

Possessio Justa is every Possessio that is not illegal in its origin, whether such Possessio be mere Detention or Juristical Possessio. The word Justa is here used, not in that acceptation in which it has reference to Jus Civile and is equivalent to Civilis or Legitima; but in another sense, which is more indefinite and means "rightful" generally, that is, not wrongful. The creditor who is in possession of a pledge, has a Justa Possessio, but not a Civilis Possessio: he has, however, a Juristical Possessio, that is, *Possessio*, and consequently a right to the Interdicts. The Missio in Possessionem is the foundation of a Justa Possessio, but, as a general rule, not of a Juristical Possessio. Possessio Injusta is the logical opposite of Justa, and in the case of Possessio Injusta there are three special Vitia possessionis, that is when the Possession has originated Vi, Clam, or Precario. (Terentius, *Eunuch*. ii. 3. *Hanc tu mihi vel vi, vel clam, vel precario fac tradas*: Dig. 43, tit. 17. s. 1, 2.)

With respect to the causa Possessionis, there was a legal maxim: Nemo sibi ipse causam possessionis mutare potest, which applies both to Civilis and Naturalis Possessio. This rule is explained by Savigny by means of Gaius (ii. 52, &c.) as having reference to the old usucapio pro herede, and the meaning of it was that if a person had once begun to possess with any particular causa, he could not at his pleasure change such Possessio into a Possessio pro herede. (Savigny, p. 56.)

A Possessor bonae fidei is he who believes that no person has a better right to possess than himself. A Possessor malae fidei is he who knows that he has no right to possess the thing. (Savigny, p. 84.)

Besides these various meanings of Possessio, Possessor, Possidere, at the bottom of all which lies the notion of Possession in the sense of Detention, there are some other meanings. "To have ownership" is sometimes expressed by Possidere, the thing, which is the object of ownership, is sometimes Possessio, and the owner is Possessor. This use of the word occurs frequently in the Code and Pandect, and also in Cicero, Quintilian, Horace, and other writers. But it is remarked by Savigny that these meanings of Possidere, Possessio, &c., always refer to land as their object. The phrase "Possessio populi Romani," is applied by Cicero to public land, and it is translated by Plutarch (*Pomp.* 39), *κτῆμα τοῦ δήμου Ῥωμαίων*.

Possessio also denotes the relation of a defendant with respect to a plaintiff. For instance, when ownership is claimed, the demand must be against a person in possession; but this does not mean that such person must have a juristical possession. In a Vindicatio accordingly the plaintiff is called Petitor, and the defendant is named Possessor, because in fact he has the possession of that which the plaintiff claims. The procedure by the Vindicatio was also adapted to the case of an hereditas; and here also the term possessor was applied to the defendant. In many cases the possessor was really such, and one object of the hereditatis petitio was to recover single things which the defendant possessed pro herede or pro possessore. But the term possessor was not limited to such cases, for the defendant is called possessor when the petitio is not about a matter of possession. He is called Juris possessor, because he refuses to do something which the heres claims of him to do, or because he asserts his right to a portion of the hereditas. (Savigny, p. 87.)

The juristical notion of Possession implies a thing which can be the object of ownership: it also implies that the Possessor can be no other than a person who has a capacity for ownership.

The notion of possession is such that only one person at a time can possess the whole of a thing (*plures eandem rem in solidum possidere non possunt*). When several persons possess a thing in common, so that their possession is mutually limited, each in fact possesses only a fractional part of the thing, but does not possess the other parts, and though the division into parts is only ideal, this does not affect the legal consideration of the matter. Persons may also possess the same thing in different senses, as in the case of the debtor and his creditor who has received from him a pignus.

Though things incorporeal are not strictly objects of possession, yet there is a Juris quasi possessio of them, as for instance in the case of servitutes. The exercise of a right of this kind is analogous to the possession of a corporeal thing: in other words, as real possession consists in the exercise of ownership, so this kind of possession, which is fashioned from analogy to the other, consists in the exercise of a jus in re or a right which is not ownership. In the case of Possession, it is the thing (*corpus*) which is possessed, and not the property: by analogy then we should not say that the servitus or the jus in re is possessed. But as in the case of a jus in re there is nothing to which the notion of possession can be attached, while in the case of ownership there is the thing to which we apply the notion of possession, we are compelled to resort to the expression Juris Quasi Possessio, by which nothing more is meant than the exercise of a jus in re, which exercise has the same relation to the jus in re, that proper possession has to ownership. (Savigny, p. 166.)

In order to the acquisition of juristical Possessio, apprehension and animus are necessary. The apprehension of a corporeal thing is such a dealing with it as empowers the person who intends to acquire the possession to operate on the thing to the exclusion of all other persons. Actual corporeal contact with the thing is not necessary to apprehension: it is enough if there is some act on the part of the person who intends to acquire possession, which gives him the physical capacity to operate on the thing at his pleasure. Thus in the case of a piece of ground, he who enters upon part is considered to have entered upon the whole. A man may acquire possession of what is contained in a thing by delivery of the key which gives him access to the contents, in the presence of (*apud*) the thing. The case mentioned in the Digest (Dig. 18. tit. 1. s. 74) is that of the key of a granary being delivered in sight of the granary (*apud horrea*). The delivery of the key is not a symbolical delivery, as some have supposed, but it is the delivery of the means of getting at the thing. (Compare Lord Hardwicke's remarks on this matter, Ward v. Turner, 2 Vez.)

The animus consists in the will to treat as one's own the thing that is the object of our apprehension. All persons therefore who are legally incompetent to will, are incompetent to acquire a juristical possession. Infantes and furiosi are examples of such persons. If a man has the detention of a thing, he can acquire the Possessio by the animus alone; for the other condition has been already complied with.

In order that juristical possession may be acquired, there must always be the animus on the part of him who intends to acquire the possession; but the act of apprehension (*corpus*) may be effected by another as his representative, if that other does the necessary acts, and with the intention of acquiring the possession for the other, and not for himself. (Paulus, *S. R.* v. tit. 2. s. 1.) There must be a certain relation between the person for whom possession is thus acquired and the person who acquires it for him, either of legal power (*potestas*), or of agency: the former is the case of a slave or filius familias who obeys a command, and the latter is the case of an agent who follows instructions (*mandatum*). A person, who is already the representative of another, and has the Possessio of a thing, may by the animus alone cease to have the Possessio for himself and have it for that other, retaining only the bare detention.

Possessio, that is the Right of Possession, can be transferred, without the transfer of ownership. In this case of derivative Possessio the apprehension is the same as in the case of acquiring a juristical possessio; but the animus with which the thing is apprehended, cannot be the "animus domini," but merely the "animus possidendi," that is, the will to acquire the Jus Possessionis, which the Possessor transfers, and nothing more. The Detention of a thing may be transferred without the ownership, but the transfer of the detention is not always accompanied by a transfer of the Jus Possessionis. There are three classes into which all acts may be distributed which are accompanied with a transfer of Detention: 1, those which are never the foundation of a derivative Possessio, 2, those which always are, and 3, those which are sometimes. The First class comprehends such cases as those when the detention of a thing is transferred to an agent (*procurator*), and the case of a Commodatum. [COMMODATUM.] The Second class comprehends the case of the Emphyteuta, which is a Possessio, but only a derivative one, as the Emphyteuta has not the animus domini; it also comprehends the case of the creditor who receives the detention of a pignus by a contractus pignoris, and with the detention, the Jus Possessionis; but it does not comprehend the case of a Pignus praetorium, Pignus in causa judicati captum, nor a Pactum hypothecae. In the case of a contractus Pignoris, when the thing was delivered to the creditor, he had *Possessio*, that is, a right to the Interdicts, but not *Possessio Civilis*, that is, the Right of Usucapion. The debtor had no *Possessio* at all, but by virtue of an exception to a general rule, the usucapion that had been commenced, still continued. The Third class comprehends Depositum and Precarium.

The Right of Possession consists in the right to the protection of the Interdict [INTERDICTUM], and this protection is also extended to Jura in re. The relation of the Juris quasi possessio to Possessio has been already explained. The objects of this Juris quasi possessio are Personal servitutes, Real servitutes, and Jura in re which do not belong to the class of Servitutes, of which Superficies is the only proper instance. (Savigny, p. 525.) In all the cases of Juris quasi possessio, the acquisition and the continuance of the right of possession depend on the corpus and animus; and the animus is to be viewed exactly in the same way as in the case of possession of a corporeal thing. The exercise of Personal servitutes (particularly usus and ususfructus) is inseparable from the natural possession of the thing; and the possession of them is consequently acquired in the same way as the possession of a corporeal thing. As to the Juris quasi possessio of Real Servitutes, there are two cases: either he who has a right to the Servitus, must do some act, which if he had not the right, he might be forbidden to do (*servitus quae in patiendo consisit*); or the owner of property has no right to do some particular thing, which, if the right did not exist, he might do (*servitus quae in non faciendo consistit*). As to the first class, which may be called Positive Servitutes, the acquisition of the Juris quasi possessio consists merely in doing some act, which is the object of the right, and the doing of this act must be for the purpose of exercising the right. (Dig. 8. tit. 6. s. 25.) This rule applies to the Jus Itineris, Actus, Viae, and others, which are independent of the possession of any other property by the person who claims the Jus. Such an act as the Jus tigni immittendi, or the driving a beam into the wall of one's neighbour's house, is a right connected with the possession of another piece of property, and the possession of this right consists in the exercise of it. As to the second class which may be called Negative Servitutes, the Juris quasi possessio is acquired in consequence of the person whose right is thereby limited, attempting to do some act contrary to the right of the person who claims the servitus, and meeting with opposition to such act and acquiescing in the opposition. (Dig. 8. tit. 5. s. 6.) This Juris quasi possessio may also be founded on a legal title, that is, on any juristical transaction which can give such right.

Every possession continues so long as the corpus and the animus continue. (Savigny, p. 339.) If both cease or either of them ceases, the possession is gone. (Dig. 41. tit. 2. s. 3. 46.) As to the corpus, the possession is lost, when in consequence of any event the possessor cannot operate on the thing at his pleasure, as before. In the case of moveable things, the possession is lost, when another person has got hold of them, either by force or secretly: in the case of immoveable things, it is lost when a man has turned another out of the possession; but if in the absence of the possessor, another occupies his land without his knowledge, he does not lose the possession till he attempts to exercise ownership over the land and is prevented by the person then in possession of it, or through fear does not attempt to recover his possession. The possession thus acquired by the new possessor is a violenta possessio. If the former possessor knows the fact and acquiesces by doing nothing, he loses the possession by the animus alone. In the case of possession being lost by animus alone, it may be effected either expressly or tacitly; the only thing necessary is that there must be an intention to give up the possession. The possession is lost corpore et animo, when the possessor gives up a thing to another to possess as his own. In the case of a Juris quasi possessio, as well as in that of Possessio proper, the continuance of the possessio depends on the corpus and animus together. There can be no Juris quasi possessio without the animus possidendi; and if there be merely the animus possidendi, the Juris quasi possessio must cease.

Possessio can be lost by means of a person who represents the Possessor. Such person may himself acquire the possession by exercising the animus possidendi, when it is accompanied with a sufficient corporeal act: in the case of moveable things, this is furtum; in the case of immoveable things, it is violent dispossession. The possession can be lost through the representative, in all cases in which it would have been lost by the possessor, if there had been no representation.

In many of the systematic expositions of Roman Law, the theory of Possessio is treated as introductory to the theory of Ownership (*Dominium*). The view which has been here given of it, is also not universally acquiesced in, but it is the correct view. For instance, Gans in his chapter on Possession (*System des Röm. Civilrechts im Grundrisse, &c.*) begins with the two following sections: —

§ 103. Darstellung der verschiedenen herschenden Meinungen über den Besitz. — Der Besitz ist kein blosses Factum, und ensteht nicht als Recht, durch den umweg des Unrechts.

§ 104. Der Besitz als das Eigenthum nach der Seite des bloss besonderen willens. — Anfangendes, präsumtives Eigenthum.

Savigny's view on the contrary is briefly this: "Possession is a Fact (*Factum*), so far as a mere factish (*unjuristical*) relation (*detention*) is the foundation of it. But Possession is also a Right, so far as rights are connected with the bare existence of the relation of Fact. Consequently Possession is both Fact and Right."

Also — "The only Right arising from bare Possession is a Right to the Interdicts" — and "the Right to the Interdicts is founded on the fact of the Exercise of Ownership being obstructed wrongfully, as for instance, by force."

On what ground is bare Possession to be maintained, if it is not a Right? The answer is, that Possession cannot be disturbed except by force, and force is not allowed. The fundamental notion then is this; a violent disturbance of Possession is an attack on a man's personality, on his freedom.

It is shown in the article AGRARIAE LEGES that the origin of the Roman doctrine of Possession may probably be traced to the Possessio of the Ager Publicus. Possessio, Possessor, and Possidere are the proper technical terms used by the Roman writers to express the possession and the enjoyment of the Public Lands. These terms did not express ownership (*ex jure Quiritium*): they had in fact no more relation to ownership than the Possessio of which this article treats. Still the notion of this kind of use and enjoyment was such, that one may easily conceive how the term Possessio became applicable to various cases in which there was no Quiritarian ownership, but something that had an analogy to it. Thus in the case of Damnum infectum, with reference to the second missio in possessionem (*ex secundo decreto*), the Praetor says "possidere jubebo," which is equivalent to giving bonitarian ownership with the power of usucapion. A ususfructus which could only be maintained by the Jus Praetorium, was a Possessio ususfructus as opposed to Dominium ususfructus. The expressions Hereditatis or bonorum possessio do not mean the actual possession of the things, but the peculiar character of the Praetoria hereditas: for this Bonorum possessio has the same relation to the Hereditas that Bonitarian has to Quiritarian ownership. [DOMINIUM; HERES.] Now there is a clear analogy in all these instances to the Possessio of the Ager Publicus, which consists in this, that in both cases an actual exclusive enjoyment of a particular person to a particular thing is recognized. This will also explain how property in provincial ground came to be called Possessio: such property was not Quiritarian ownership, but it was a right to the exclusive enjoyment of the land, a right which the word Possessio sufficiently expressed. Thus the name Possessio was transferred from the Right to its Object; and Ager and Possessio were thus opposed: Ager was a piece of land which was the object of Quiritarian ownership, and Possessio a piece of land which was either accidentally an object only of Bonitarian ownership, as a fundus Italicus of which there had been merely tradition; or it was land that could not be the object of Quiritarian ownership, such as Provincial land (Javolenus, Dig. 50. tit. 16. s. 115), and the old Ager Publicus.

Other matters relating to Possessio appear to be explained by this view of its historical origin. The Interdictum recuperandae possessionis relates only to land, a circumstance which is consistent with the hypothesis of the origin of Possessio. The nature of the Precarium also is explained, when we know that it expressed originally the relation between the Patronus and the Cliens who occupied the Possessio of the Patronus as a tenant at will and could be ejected by the Interdictum de precario, if he did not quit on notice. Further, we may thus explain the apparent inconsistency in the case of a lessee of Ager Vectigalis, who though he had only a jus in re, had yet juristical Possessio: the Ager Vectigalis was in fact fashioned according to the analogy of the old Ager Publicus, and it was a simple process to transfer it to that notion of Possessio which had existed in the case of the Ager Publicus. [EMPHYTEUSIS.]

This article read in connection with the article on the Agrariae Leges, and the Licinian Rogations [LEX, pp. 693, 694], will give the reader an outline of the law of Possession both in relation to the Ager Publicus and Privatus.

The preceding view of possession is from Savigny, *Das Recht des Besitzes*, fifth ed. 1827. There is an analysis of this excellent work by Warnkönig, "Analyse du traité de la possession par M. de Savigny, Liège 1824;" and a summary view of Savigny's Theory is given by Mackeldey, *Lehrbuch*, *&c.* ii. p. 7. See also Puchta, *Inst.* ii. § 224; Gaius, iv. 138—170; Inst. 4. tit. 15; Dig. 41. tit. 2, 3; 43. tit. 16—23, 26, 31; Cod. 7. tit. 32; 8. tit. 4, 5, 6, 9; Cod. Theod. 4. tit. 22, 23. [G. L.]

POSSE'SSIO BONORUM. [BONORUM POSSESSIO.]

POSSE'SSIO CLANDESTI'NA. [INTERDICTUM.]

POSTI'CUM. [JANUA.]

POSTLIMI'NIUM, JUS POSTLIMI'NII. "There are," says Pomponius (Dig. 49. tit. 15. s. 14), "two kinds of Postliminium, for a man may either return himself or recover something." Postliminium is further defined by Paulus (Dig. 49. tit. 15. s. 19) to be the "right of recovering a lost thing from an extraneus and of its being restored to its former status, which right has been established between us (the Romans) and free people and kings by usage and laws (*moribus ac legibus*); for what we have lost in war or even out of war, if we recover it, we are said to recover postliminio; and this usage has been introduced by natural equity, in order that he who was wrongfully detained by strangers, should recover his former rights on returning into his own territories (*in fines suos*)." Again Paulus says, "a man seems to have returned Postliminio, when he has entered our territory (*in fines nostros intraverit*); as a foundation is laid for a Postliminium (*sicuti admittitur**) (?) when he has gone beyond our territories (*ubi fines nostros excessit*). But if a man has come into a state in alliance (*socia*) or friendship with Rome, or has come to a King in alliance or friendship with Rome, he appears to have forthwith returned by Postliminium, because he then first begins to be safe under the name of the Roman state." These extracts are made for the purpose of clearing up the Etymology of this word, as to which there was a difference of opinion. (Cic. *Top.* 8.) The explanation of Scaevola, as given by Cicero, has reference to the etymology of the word, *post* and *limen*: "what has been lost by us and has come to an enemy and as it were has gone from its own limen, and then has afterwards (*post*) returned to the same limen, seems to have returned by Postliminium." According to this explanation, the limen was the boundary or limit within which the thing was under the authority of Rome and an object of Roman law. A recent writer (Goettling, *Geschichte der Röm. Staatsverfassung*, p. 117) suggests that Postliminium must be viewed in a sense analogous to Pomoerium. There is a fanciful explanation of the matter by Plutarch (*Quaest. Rom.* 5) in his answer to the question, Why are those who have been falsely reported to have died in a foreign land, not received into the house through the door, in case of their return, but let down through an opening in the roof?

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* "Sicuti amittitur," Flor., Geb. et Spang.

If a Roman citizen during war came into the power of an enemy, he sustained a diminutio capitis maxima, and all his civil rights were in abeyance. Being captured by the enemy, he became a slave; but his rights over his children, if he had any, were not destroyed, but were said to be in abeyance (*pendere*) by virtue of the Jus Postliminii: when he returned, his children were again in his power: and if he died in captivity, they became sui juris. Whether their condition as sui juris dated from the time of the captivity or of the death, was a disputed matter (Gaius, i. 129); but Ulpian, who wrote after Gaius, declares that in such case he must be considered to have died, when he was made captive; and this is certainly the true deduction from the premises. In the case of a filius or nepos being made a captive, the parental power was suspended (*in suspenso*). If the son returned, he obtained his civic rights and the father resumed his parental power; which is the case mentioned in the Digest (49. tit. 15. s. 14). As to a wife, the matter was different: the husband did not recover his wife jure postliminii, but the marriage was renewed by consent. This rule of law involves the doctrine, that if a husband was captured by the enemy, his marriage, if any then existed, was dissolved. If a Roman was ransomed by another person, he became free, but he was in the nature of a pledge to the ransomer, and the Jus Postliminii had no effect till he had paid the ransom money.

Sometimes by an act of the state a man was given up bound to an enemy; and if the enemy would not receive him, it was a question whether he had the Jus Postliminii. This was the case with Sp. Postumius who was given up to the Samnites, and with C. Hostilius Mancinus who was given up to the Numantines; but the better opinion was that they had no Jus Postliminii (Cic. *De Or.* i. 40, *De Off.* iii. 30, *Top.* 8, *Pro Caecina*, c. 34; Dig. 49. tit. 15. s. 4; 50. tit. 7. s. 17): and Mancinus was restored to his civic rights by a Lex. (Dig. 50. tit. 7. s. 17.)

Cicero (*Pro Balbo*, c. 12) uses the word Postliminium in a different sense; for he applies it to the case of a man who had, by his own voluntary act, ceased to be a citizen of a state, and subsequently resumed his original civic rights by Postliminium.

It appears that the Jus Postliminii was founded on the fiction of the captive having never been absent from home; a fiction which was of easy application, for as the captive during his absence could not do any legal act, the interval of captivity was a period of legal non-activity, which was terminated by his showing himself again.

The Romans acknowledged capture in war as the source of ownership in other nations, as they claimed it in their own case. Accordingly things taken by the enemy lost their Roman owners; but when they were recovered, they reverted to their original owners. This was the case with land that had been occupied by the enemy, and with the following moveables, which are enumerated by Cicero as Res Postliminii (*Top.* 8), "homo (that is slaves), navis, mulus clitellarius, equus, equa quae fraena recipere solet." (Compare Festus, *s.v. Postliminium.*) Arms were not Res Postliminii, for it was a maxim that they could not be honourably lost.

The recovery above referred to seems to mean the recovery by the Roman state or by the original owner. If an individual recaptured from an enemy what had belonged to a Roman citizen, it would be consistent that we should suppose that the thing recaptured was made his own by the act of capture; but if it was a res postliminii, this might not be the case. If a thing, as a slave, was ransomed by a person not the owner, the owner could not have it till he had paid the ransom: but it does not appear to be stated how the matter was settled, if a Roman citizen recaptured property (of the class res postliminii) that had belonged to another Roman citizen. This apparent difficulty may perhaps be solved thus: in time of war no Roman citizen could individually be considered as acting on his own behalf under any circumstances, and therefore whatever he did was the act of the State. It is a remark of Labeo (Dig. 49. tit. 15. s. 28), "Si quid bello captum est, in praeda est, non postliminio redit;" and Pomponius (Dig. 49. tit. 15. s. 20) states, that if the enemy is expelled from Roman lands, the lands return to their former owners, being neither considered public land nor praeda; in making which remark he evidently assumes the *general* doctrine laid down by Labeo. Paulus also, in his remark on Labeo's rule of law, merely mentions an exception to the rule, which is of a peculiar kind. If then anything taken in war was booty (*praeda*), to what did the Jus Postliminii apply? It applied at least to all that was restored by treaty or was included in the terms of surrender, and slaves no doubt were a very important part of all such things as were captured or lost in time of war; and they were things that could be easily identified, and restored to their owners. It also applied to a slave who escaped from the enemy and returned to his master. The maxim "quae res hostiles apud nos sunt, occupantium fiunt" (Dig. 40. tit. 1. s. 51) has no reference to capture from the enemy, as it sometimes seems to be supposed. (Mühlenbruch, *Doct. Pand.* p. 242.)

It may be objected that the explanation of one difficulty, that has been already suggested, raises another. According to this explanation, if a man in time of war recaptured his own slave, it would be praeda, and he would not at once recover the ownership, as above supposed. The answer is, that it may be so, and that this matter of Postliminium, particularly as regards things, waits for a careful investigation. As a general rule all moveables belonging to an enemy, which were captured by a Roman army, were Praeda, apparently not the property of the individual soldier who happened to lay his hands on them, but the property of the state or at least of the army. Now the difficulty is to ascertain whether all moveables so taken were Praeda, *except* Res Postliminii; or whether all things so taken were Praeda, Res Postliminii included. In the former case, the Res Postliminii would be the property of the owner when he could prove them to have been his, as in the case mentioned by Livy (v. 16): in the latter, when a thing had become Praeda, it had lost its capacity (if we may so speak) of being a Res Postliminii. The distinction here made is a fundamental one. The difficulty partly arises from the expression of Labeo above quoted, Si quid &c., where the Florentine reading has been followed. But Bynkershoek (*Op. Omn.* i. p. 76) amends the reading into Si quod, &c., the propriety of which may be doubted. [PRAEDA.]

If a man made a will before he was taken captive, and afterwards returned, the will was good jure postliminii. If he died in captivity, the will was good by the Lex Cornelia. The law of Postliminium applied to time of peace as well as war, when the circumstances were such that the person or the thing could become the property of another nation (Dig. 49. tit. 15. s. 5), as for instance of a nation that had neither an amicitia, hospitium, nor a foedus with Rome; for such might be the relation of a nation to Rome, and yet it might not be Hostis. A nation was not Hostis, in the later acceptation of that term, till the Romans had declared war against it, or the nation had declared war against Rome. Robbers and Pirates were not hostes, and a person who was captured by them did not become a slave, and therefore had no need of the Jus Postliminii. There are some remarks on Postliminium in Walter, *Geschichte des Röm. Rechts*, p. 50, and the notes, 1st ed. [G. L.]

POSTSIGNA'NI. [EXERCITUS, p. 502, b.]

PO'STUMUS. [HERES, p. 601, a.]

POTESTAS. [PATRIA POTESTAS.]

PRA'CTORES (*πράκτορες*), subordinate officers (*ὄνομα ὑπηρεσίας*, says Pollux, viii. 114) who collected the fines and penalties (*ἐπιβολὰς* and *τιμήματα*) imposed by magistrates and courts of justice, and payable to the state. The magistrate who imposed the fine, or the *ἡγεμὼν δικαστηρίου*, gave notice thereof in writing to the *πράκτορες*. He was then said *ἐπιγράφειν τὸ τίμημα τοῖς πράκτορσιν*, and the debtor's name *παραδοθῆναι τοῖς πράκτορσιν*. If the fine, or any part thereof was to go to a temple, the like notice was sent to the *ταμίαι* of the god or goddess to whom the temple belonged. (Aesch. *c. Timarch.* 5; Andoc. *de Myst.* 11, ed. Steph.; Demosth. *c. Theocr.* 1328.) The name of the debtor, with the sum which he was condemned to pay, was entered by the *πράκτορες* in a tablet in the Acropolis. Hence the debtor was said to be *ἐγγεγραμμένος τῷ δημοσίῳ*, or *ἐν τῇ ἀκροπόλει*. It was the business of the *πράκτορες* to demand payment of this sum, and, if they received it, to pay it over to the *ἀποδέκται*, and also to erase the name of the debtor in the register (*ἐξαλείφειν* or *ἀπαλείφειν*). Such erasure usually took place in the presence of some members of the senate. An *ἔνδειξις* lay against any man who made or caused to be made a fraudulent entry or erasure of a debt. (Harpoc. and Suidas, *s. v.* *Ἀγραφίον*, *ἀποδέκται*, *ψευδεγγραφή*: Andoc. *de Myst.* 11, ed. Steph.; Demosth. *c. Aristog.* 778, *c. Theoc.* 1338.) The collectors took no steps to enforce payment; but after the expiration of the ninth *πρυτανεία* from the registering of the debt, (or in case of a penalty imposed on a *γραφὴ ὕβρεως*, after the expiration of eleven days), if it still remained unpaid, it was doubled, and an entry made accordingly. (Aesch. *c. Timarch.* 3, ed. Steph.; Demosth. *c. Pant.* 973, *c. Theocr.* 1322, *c. Neaer.* 1347.) Thereupon immediate measures might be taken for seizure and confiscation of the debtor's goods; but here the *πράκτορες* had no further duty to perform, except perhaps to give information of the default to the senate. [C. R. K.]

PRAECI'NCTIO. [AMPHITHEATRUM, p. 87.]

PRAECO'NES, criers, were employed for various purposes: 1. In sales by auction, they frequently advertised the time, place, and conditions of sale: they seem also to have acted the part of the modern auctioneer, so far as calling out the biddings and amusing the company, though the property was knocked down by the magister auctionis. (Hor. *Ars Poët.* 419; Cic. *ad Att.* xii. 40, *de Off.* ii. 23.) [AUCTIO.] 2. In all public assemblies they ordered silence. (Liv. iii. 47; Plaut. *Poen.* prol. 11.) 3. In the comitia they called the centuries one by one to give their votes, pronounced the vote of each century, and called out the names of those who were elected. (Cic. *c. Verr.* v. 15, *pro Mil.* 35.) They also recited the laws that were to be passed. 4. In trials, they summoned the accuser and the accused, the plaintiff and defendant. (Suet. *Tib.* 11.) 5. In the public games, they invited the people to attend, and proclaimed the victors. (Cic. *ad Fam.* v. 12.) 6. In solemn funerals they also invited people to attend by a certain form; hence these funerals were called Funera Indictiva. (Festus, *s. v. Quirites;* Suet. *Jul.* 84.) 7. When things were lost, they cried them and searched for them. (Plaut. *Merc.* iii. 4. 78; Petron. 57.) 8. In the infliction of capital punishment, they sometimes conveyed the commands of the magistrates to the lictors. (Liv. xxvi. 15.)

Their office, called *praeconium*, appears to have been regarded as rather disreputable: in the time of Cicero a law was passed preventing all persons who had been praecones from becoming decuriones in the municipia. (Cic. *ad Fam.* vi. 18.) Under the early emperors, however, it became very profitable (Juv. iii. 157, vii. 6; Martial, v. 56. 11, vi. 8. 5), which was no doubt partly owing to fees, to which they were entitled in the courts of justice and on other occasions, and partly to the bribes which they received from the suitors, &c.

PRAECO'NIUM. [PRAECONES.]

PRAEDA signifies moveable things taken by an enemy in war. Such things were either distributed by the Imperator among the soldiers (Liv. ii. 42, vi. 13; Sall. *Jug.* 68), or sold by the quaestors, and the produce was brought into the Aerarium: —

"istos captivos duos,
Here quos emi de praeda de Quaestoribus."
(Plaut. *Capt.* i. 2. 1.)

The difference between Praeda and Manubiae is explained by Gellius (xiii. 24) to be this: — Praeda is the things themselves that are taken in war, and Manubiae is "pecunia per quaestorem populi Romani ex praeda vendita contracta:" nor can any objection to this explanation be derived from the words of Cicero (*de Leg. Agr.* ii. 22). When prisoners were sold, they were said to be sold "sub corona," the true explanation of which expression is probably that given by Gellius (*est autem alia, &c.* vii. 4). The mode of sale of other things than slaves was at first probably in detail, but afterwards in the lump, that is, the whole praeda might be sold to the highest bidder, or it might be sold in large masses which contained a great number of separate things, in which cases the whole or the mass would pass to the purchaser as a universitas, and he might retail it if he chose. This mode of sale in the lump was called "sectionem venire," and the purchaser was called sector. It was the practice to set up a spear at such sales, which was afterwards used at all sales of things by a magistratus in the name of the people. [Sectio.]

Corresponding to the acquisition of moveable things in warfare, and their being made private property, is the transfer of Ager publicus, which was acquired in war, to individuals by a Lex Agraria or de coloniis deducendis or by a sale by the quaestors (ager quaestorius). [Postliminium.] [G. L.]

PRAEDIA'TOR. [Praes.]

PRAEDIATO'RIUM JUS. [Praes.]

PRAE'DIUM. This word originally signified according to Varro (*L. L.* v. 40, ed. Müller) any property which was made a security to the State by a Praes: “Praedia dicta, item ut praedes, a praestando, quod ea pignori data publice mancupis fidem praestent.” Subsequently the word was limited to signify land generally. In this sense Praedia were divided into Rustica and Urbana, of which the following definition has been given: Rustica are those on which there are no aedes or which are in the country (*in agro*); and Urbana are those which are in the city and comprise buildings. Those incorporeal things which consisted not in the ownership of Praedia, but in certain rights with respect to them, were called Jura Praediorum. As to a difference in the mode of transferring such Jura in the case of Praedia Rustica and Urbana see Gaius (ii. 29). A Praedium which was liable to a servitus was said “servire,” and was “a praedium serviens.”

Provincialia Praedia were either stipendiaria or tributaria: the former were in those provinces which were considered to belong to the Populus Romanus; and the latter in those provinces which were considered to belong to the Caesar. (Gaius, ii. 21.) [G. L.]

PRAEFECTU'RA. [Colonia, pp. 318, b, 319, a.]

PRAEFECTUS AERA'RII. [Aerarium.]

PRAEFECTUS ANNO'NAE, the praefect of the provisions, especially of the corn-market, was not a regular magistrate under the republic, but was only appointed in cases of extraordinary scarcity, when he had the entire charge of supplying the capital with provisions, especially with corn, and fixed the price at which the latter was to be sold. This magistrate was appointed for the first time in B. C. 439. (Liv. iv. 12; Niebuhr, *Hist. of Rome*, ii. p. 418.) The superintendence of the corn-market throughout the whole republic was at a later period entrusted to Pompey for a period of five years (Dion Cass. xxxix. 9; Cic. *ad Att.* iv. 1; Liv. *Epit.* 104); and in accordance with this example Augustus took the same superintendence upon himself, and commanded that two persons, who had been praetors five years before, should be appointed every year for the distribution of the corn. (Dion Cass. liv. 1; *curam frumenti populo dividundi*, Suet. *Aug.* 37.) Subsequently Augustus assigned this duty to two persons of consular rank (Dion Cass. lv. 26, 31); but he also created an officer under the title of *Praefectus Annonae*, who must be distinguished from the above-mentioned officers. This office was a permanent one, and appears to have been only held by one person at a time: he had jurisdiction over all matters appertaining to the corn-market, and, like the *Praefectus Vigilum*, was chosen from the Equites, and was not reckoned among the ordinary magistrates. (Dion Cass. lii. 24; Dig. 1. tit. 2. s. 2. § 33; 14. tit. 1. s. 1. § 18. tit. 5. s. 8; 48. tit. 2. s. 13.) The Praefectus Annonae continued to exist till the latest times of the empire: respecting his duties in later times see Walter, *Gesch. des Röm. Rechts*, § 360, 2d ed. Comp. Frumentariae Leges.

PRAEFECTUS AQUA'RUM. [Aquae Ductus, p. 115, b.]

PRAEFECTUS CASTRO'RUM, praefect of the camp, is first mentioned in the reign of Augustus. There was one to each legion. (Vell. Pat. ii. 119; Tac. *Ann.* i. 20, xiv. 37.) We learn from Vegetius (ii. 10) that it was his duty to attend to all matters connected with the making of a camp, such as the vallum, fossa, &c., and also to the internal economy of it.

PRAEFECTUS CLASSIS, the commander of a fleet. This title was frequently given in the times of the republic to the commander of a fleet (Liv. xxvi. 48, xxxvi. 42); but Augustus appointed two permanent officers with this title, one of whom was stationed at Ravenna on the Hadriatic and the other at Misenum on the Tuscan sea, each having the command of a fleet. (Suet. *Aug.* 49; Veget. iv. 32; Tac. *Hist.* iii. 12.)

PRAEFECTUS FABRUM. [Fabri.]

PRAEFECTUS JURI DICUNDO. [Colonia, p. 318, b.]

PRAEFECTUS PRAETO'RIO, was the commander of the troops who guarded the emperor's person. [Praetoriani.] This office was instituted by Augustus, and was at first only military, and had comparatively small power attached to it (Dion Cass. lii. 24, lv. 10; Suet. *Aug.* 49); but under Tiberius, who made Sejanus commander of the praetorian troops, it became of much greater importance, till at length the power of these praefects became second only to that of the emperors. (Tac. *Ann.* iv. 1, 2; Aurel. Vict. *de Caes.* 9.) The relation of the praefectus praetorio to the emperor is compared to that of the magister equitum to the dictator under the republic. (Dig. 1. tit. 11.) From the reign of Severus to that of Diocletian, the praefects, like the vizirs of the East, had the superintendence of all departments of the state, the palace, the army, the finances, and the law: they also had a court in which they decided cases. (Dig. 12. tit. 1. s. 40.) The office of praefect of the praetorium was not confined to military officers; it was filled by Ulpian and Papinian, and other distinguished jurists.

Originally there were two praefects; afterwards sometimes one and sometimes two; from the time of Commodus sometimes three (Lamprid. *Commod.* 6), and even four. They were as a regular rule chosen only from the equites (Dion Cass. lii. 24; Suet. *Tit.* 6; Lamprid. *Commod.* 4); but from the time of Alexander Severus the dignity of senator was always joined with their office. (Lamprid. *Alex. Sev.* 21.)

Under Constantine the praefects were deprived of all military command, and changed into governors of provinces. He appointed four such praefects: the one, who commonly attended on the imperial court, had the command of Thrace, the whole of the East, and Egypt; the second had the command of Illyricum, Macedonia, and Greece, and usually resided first at Sirmium, afterwards at Thessalonica; the third of Italy and Africa; the fourth, who resided at Trèves, of Gaul, Spain, and

Britain. (Zosimus, ii. 33.) These praefects were the proper representatives of the emperor, and their power extended over all departments of the state: the army alone was not subject to their jurisdiction. (Walter, *Gesch. des Röm. Rechts*, §§ 269, 341; Gibbon, *Decline and Fall*, c. 17.)

PRAEFECTUS SOCIO'RUM. [EXERCITUS, p. 497, b.]

PRAEFECTUS VI'GILUM. [EXERCITUS, p. 510, a.]

PRAEFECTUS URBI, praefect or warden of the city, was originally called *Custos Urbis*. (Lydus, *De Magistr.* i. 34, 38.) The name *Praefectus Urbi* does not seem to have been used till after the time of the Decemvirs. The dignity of Custos Urbis, being combined with that of Princeps Senatus, was conferred by the king, as he had to appoint one of the decem primi as princeps senatus. (Liv. i. 59, 60; Dionys. ii. 12.) The functions of the custos urbis, however, were not exercised except in the absence of the king from Rome; and then he acted as the representative of the king; but whether he also had the right to convoke the assembly of the populus, is doubtful, but on any emergency he might take such measures as he thought proper; for he had the imperium in the city. (Tacit. *Annal.* vi. 11.; Liv. i. 59, iii. 24.) Romulus is said to have conferred this dignity upon Denter Romulius, Tullus Hostilius upon Numa Martius, and Tarquinius Superbus upon Sp. Lucretius. During the kingly period the office of warden of the city was probably for life. Under the republic the office and its name of custos urbis remained unaltered; but in 487 B. C. it was elevated into a magistracy, to be bestowed by election. (Lydus, *De Magistr.* i. 38.) The custos urbis was, in all probability, elected by the curiae, instead of whom Dionysius (viii. 64) mentions the senate. Persons of consular rank were alone eligible; and down to the time of the Decemvirate every praefect that is mentioned occurs previously as consul. The only exception is P. Lucretius in Livy (iii. 24), whose name, however, is probably wrong. (Niebuhr, ii. p. 120, note 255.) In the early period of the republic the warden exercised within the city all the powers of the consuls, if they were absent: he convoked the senate (Liv. iii. 9; Gell. xiv. 7. § 4), held the comitia (Liv. iii. 24), and, in times of war, even levied civic legions, which were commanded by him.

When the office of praetor urbanus was instituted, the wardenship of the city was swallowed up in it (Lydus, *De Mens.* 19, *De Magistr.* ii. 6); but as the Romans were at all times averse to dropping altogether any of their old institutions, a praefectus urbi, though a mere shadow of the former office, was henceforth appointed every year, only for the time that the consuls were absent from Rome for the purpose of celebrating the Feriae Latinae. This praefectus had neither the power of convoking the senate nor the right of speaking in it; as in most cases he was a person below the senatorial age, and was not appointed by the people, but by the consuls. (Gell. xiv. 8.) When Varro, in the passage of Gellius here referred to, claims for the praefectus urbi the right of convoking the senate, he is probably speaking of the power of the praefect such as it was previously to the institution of the office of praetor urbanus. Of how little importance the office of praefect of the city had gradually become, may be inferred from the facts, that it was always given to young men of illustrious families (Tacit. *Annal.* iv. 36), and that Julius Caesar even appointed to it several youths of equestrian rank under age. (Dion Cass. xlix. 42, xliii. 29, 48.) During the empire such praefects of the city continued to be appointed so long as the Feriae Latinae were celebrated, and were even invested with some kind of jurisdiction. (Tacit. *Annal.* vi. 11; Suet. *Nero*, 7, *Claud.* 4; Dion Cass. liv. 17; J. Capitol. *Antonin. Phil.* 4.) On some occasions, however, no praefectus urbi was appointed at all; and then his duties were performed by the praetor urbanus. (Dion Cass. xli. 14, xlix. 16; comp. Becker, *Handb. der Röm. Alterth.* vol. ii. pt. ii. p. 146.)

An office very different from this, though bearing the same name, was instituted by Augustus on the suggestion of Maecenas. (Dion Cass. lii. 21; Tacit. *l. c.*; Suet. *Aug.* 37.) This new praefectus urbi was a regular and permanent magistrate, whom Augustus invested with all the powers necessary to maintain peace and order in the city. He had the superintendence of butchers, bankers, guardians, theatres, &c.; and to enable him to exercise his power, he had distributed throughout the city a number of milites stationarii, whom we may compare to a modern police. He also had jurisdiction in cases between slaves and their masters, between patrons and their freed men, and over sons who had violated the pietas towards their parents. (Dig. 1. tit. 12. s. 1. § 5—14; 37. tit. 15. s. 1. § 2.) His jurisdiction, however, became gradually extended; and as the powers of the ancient republican praefectus urbi had been swallowed up by the office of the praetor urbanus, so now the power of the praetor urbanus was gradually absorbed by that of the praefectus urbi; and at last there was no appeal from his sentence, except to the person of the princeps himself, while anybody might appeal from a sentence of any other city magistrate, and, at a later period, even from that of a governor of a province, to the tribunal of the praefectus urbi. (Vopisc. *Florian.* 5, 6; Suet. *Aug.* 33; Dion Cass. lii. 21, 33; Dig. 4. tit. 4. s. 38.) His jurisdiction in criminal matters was at first connected with the quaestiones (Tacit. *Annal.* xiv. 41, with the note of Lipsius); but from the third century he exercised it alone, and not only in the city of Rome, but at a distance of one hundred miles from it, and he might sentence a person to deportatio in insulam. (Dig. 1. tit. 12. s. 1. § 3 and 4.) During the first period of the empire and under good emperors, the office was generally held for a number of years, and in many cases for life (Dion Cass. lii. 21, 24, lxxviii. 14; J. Capitol. *Antonin. Pius*, 8; Lamprid. *Commod.* 14; Vopisc. *Carin.* 16); but from the time of Valerian a new praefect of the city occurs almost every year.

At the time when Constantinople was made the second capital of the empire, this city also received its praefectus urbi. The praefects at this time were the direct representatives of the emperors, and all the other officers of the administration of the city, all corporations, and all public institutions, were under their control. (Cod. 1. tit. 28. s. 4; Symmach. *Epist.* x. 37, 43; Cassiod. *Variar.* vi. 4.) They also exercised a superintendence over the importation and the prices of provisions, though these subjects were under the more immediate regulation of other officers. (Cod. 1.

tit. 28. s. 1; Orelli, *Inscript.* n. 3116.) The praefects of the city had every month to make a report to the emperor of the transactions of the senate (Symmach. *Epist.* x. 44), where they gave their vote before the consulares. They were the medium through which the emperors received the petitions and presents from their capital. (Symmach. *Epist.* x. 26, 29, 35; Cod. 12. tit. 49.) At the election of a pope the praefect of Rome had the care of all the external regulations. (Symmach. *Epist.* x. 71—83.) [L. S.]

PRAE'FICAE. [Funus, p. 558, b.]

PRAEFU'RNIUM. [Balneae, p. 192, b; Fornax.]

PRAEJUDI'CIUM. This word, as appears from its etymology, has a certain relation to Judicium, to which it is opposed by Cicero (*Divinat.* 4): "de quo non praejudicium, sed plane jam judicium factum." The commentator, who goes under the name of Asconius, observes on this passage, that a praejudicium is something, which when established becomes an *exemplum* for the judices (*judicaturi*) to follow; but this leaves us in doubt whether he means something established in the same cause, by way of preliminary inquiry, or something established in a different, but a like cause, which would be what we call a precedent. Quintilian (*Inst. Orat.* v. 1. 2) states that it is used both in the sense of a precedent, in which case it is rather *exemplum* than *praejudicium* (*res ex paribus causis judicatae*); and also in the sense of a preliminary inquiry and determination about something which belongs to the matter in dispute (*judiciis ad ipsam causam pertinentibus*), from whence also comes the name Praejudicium. This latter sense is in conformity with the meaning of Praejudiciales Actiones or Praejudicia in which there is an Intentio only and nothing else. (Gaius, iv. 44.) These accordingly were called Praejudiciales Actiones which had for their object the determination of some matter, which was not accompanied by a condemnatio. "A praejudicium is an actio, which has not any condemnatio as a consequence, but only a judicial declaration as to the existence of a legal relation. The name of this kind of actions comes from the circumstance that they serve as preliminary to other and future actions. All these Actiones are *in rem*, that is, they avail not exclusively against a determinate person who owes a duty, like actions which are founded on Obligationes." (Savigny, *System*, &c. vol. i. p. 356.) For instance, the question might be, Whether a man is a father or not, or Whether he has a Potestas over his child: these were the subject of Praejudiciales Actiones. If a father denied that the child who was born of his wife, or with which she was then pregnant, was his child, this was the subject of a "Praejudicium cum patre de partu agnoscendo." If a Judex should have declared that the child must be maintained by the reputed father, there must still be the Praejudicium to ascertain whether the reputed father is the true father. If it was doubtful whether the mother was his wife, there must be a praejudicium on this matter before the praejudicium de partu agnoscendo. These praejudical actions then, were, as it appears, actions respecting Status; and they were either Civiles or Praetoriae. It was a Civilis Actio when the question was as to libertas; the rest seem to have been Praetoriae Actiones. Quintilian makes a third class of Praejudicia, "cum de eadem causa pronuntiatum est," &c.

Sometimes Praejudicium means inconvenience, damage, injury, which sense appears to arise from the notion of a thing being prejudged, or decided without being fairly heard; and this sense of the word seems to be very nearly the same in which it occurs in our law in the phrase "without prejudice to other matters in the cause."

(Gaius, iii. 123, iv. 44; Dig. 25. tit. 3; Dig. 22. tit. 3. s. 8; Dig. 43. tit. 30. De liberis exhibendis; Inst. 4. tit. 6. s. 13; and Theophilus, *Paraphr.* ad Inst. 4. tit. 6. s. 13.) [G. L.]

PRAELU'SIO. [Gladiatores, p. 575, a.]

PRAENO'MEN. [Nomen.]

PRAEPETES. [Augur, p. 175, b.]

PRAEPO'SITUS, which means a person placed over, was given as a title in the later times of the Roman empire to many officers: of these the most important was the *Praepositus Sacri Cubiculi*, or chief chamberlain in the emperor's palace. (Cod. 12. tit. 5; Cod. Theod. 6. tit. 8.) Under him was the Primicerius, together with the Cubicularii and the corps of Silentiarii, commanded by three decuriones, who preserved silence in the interior of the palace. (Cod. 12. tit. 16; Walter, *Gesch. des Röm. Rechts*, § 340, 2d ed.)

PRAEROGATI'VA. [Comitia, pp. 338, b, 339, b.]

PRAES. If we might trust a definition by Ausonius (*Idyll.* xii. 9), he was called Vas who gave security for another in a Causa Capitalis; and he who gave security for another in a civil action was Praes. But this authority cannot be trusted, and the usage of the words Vas and Praes was certainly not always conformable to this definition. According to Varro (*Ling. Lat.* vi. 74, ed. Müller), any person was Vas, who promised Vadimonium for another, that is, gave security for another in any legal proceeding. Festus (*s. v. Vadem*) says that Vas is a Sponsor in a res capitalis. If Vas is genus, of which Vas in its special sense, and Praes are species, these definitions will be consistent. (Comp. Sallust. *Jug.* 35, 61; Horat. *Sat.* i. 1. 11, and Heindorf's note.) Under *Manceps* Festus remarks, that Manceps signifies him who buys or hires any public property (*qui a populo emit conducitve*), and that he is also called Praes because he is bound to make good his contract (*praestare quod promisit*), as well as he who is his Praes. (See also Varro, *l. c.*) According to this, Praes is a surety for one who buys of the state, and so called because of his liability (*praestare*). But the etymology at least is doubtful, and we are inclined to think, false. The passage of Festus explains a passage in the Life of Atticus (*C. Nep.* 6), in which it is said that he never bought anything at public auction (*ad hastam publicam*) and never was either Manceps or Praes. A case is mentioned by Gellius (vii. 19) in which a person was committed to prison who could not obtain Praedes. The goods of a Praes were called Praedia (Pseudo-Ascon. in *Verr.* ii. 1. 54), and in Cicero (*l. c.*) and Livy (xxii. 60) "praedibus et praediis" come together. The phrase "praedibus cavere," to give security, occurs in the Digest (10. tit. 3. s. 6), where some editions have "pro aedibus cavere." (See the various readings ed. Gebauer and Spangenberg.) The phrase "praedes vendere" means to sell, not the praedes properly so called, but the things which are given as a security.

Praediatores are supposed by Brissonius to be the same as Praedes (Cic. *pro Balb.* c. 20, *ad Att.* xii.

14, 17 ; Sueton. *Claud.* c. 9 ; Val. Max. viii. 12), at least so far as they were sureties to the State. But praediator is defined by Gaius (ii. 61) to be one "who buys from the people," and from the context it is clear that it is one who buys a Praedium, which is further defined to be a thing pledged to the populus "res obligata populo." The Praediator then is he who buys a Praedium, that is, a thing given to the populus as a security by a Praes ; and the whole law relating to such matters was called Jus Praediatorium. [G. L.]

PRAESCRI'PTIO, or rather TEMPORIS PRAESCRIPTIO, signifies the Exceptio or answer which a defendant has to the demand of a plaintiff, founded on the circumstance of the lapse of time. The word has properly no reference to the plaintiff's loss of right, but to the defendant's acquisition of a right by which he excludes the plaintiff from prosecuting his suit. This right of a defendant did not exist in the old Roman law. When the Praetors gave new actions by their Edict, they attached to them the condition that those actions must be brought within a year (*intra annum judicium dabo*), that is a year from the time when the right of action accrued. These actions then were exceptions from the old rule, that all actiones were perpetuae. This rule became extended by the Longi temporis praescriptio, which established that in actions about ownership, or jura in re, ten, or in some cases twenty years, would give a praescriptio, when the Possessor could show that he had complied with the main conditions of Usucapion, without having acquired ownership by Usucapion, for if he had, he had no need of any Exceptio. This rule was further extended by Constantine, and a period of 30 or 40 years, for it seems that the time was not quite settled, was to be considered as sufficient for a praescriptio, though the defendant had not complied with the conditions of Usucapion. A general constitution was made by Theodosius, A. D. 424, which with some variations appears in both the Codes (Cod. Theod. 4. tit. 14 ; Cod. 7. tit. 39. s. 3) ; and it enacted that, as in the case of the actiones already mentioned, there should be no hereditatis petitio after 30 years, and that after the same time no personal action should be brought. The actio finium regundorum was excepted, and also the action of a creditor for his pignus or hypotheca against the debtor, but not against others. Praejudiciales actiones as to Status are not enumerated among those against which there was a Praescriptio, but they seem to be included in the general words of the law. Justinian, by a constitution of the year 530 (Cod. 7. tit. 40. s. 1), established the general rule of 30 years for all actions, with the exception of the actio hypothecaria, for which he required 40 years. His constitution enumerates the following actions to which the praescriptio of 30 years would apply : Familiae herciscundae, Communi dividundo, Finium regundorum, Pro Socio, Furti et Vi Bonorum Raptorum ; and it adds, "neque alterius cujuscunque personalis actio vitam longiorem esse triginta annis, &c., sed ex quo ab initio competit, et semel nata est, &c., post memoratum tempus finiri." It thus appears that all actions were originally perpetuae, that is, the right of action continued without any interruption from the lapse of time ; then some were made subject to Praescriptio, and finally all were made so. In consequence of this change the term Perpetuae, originally applied to actions that were not subject to praescriptio, was used to signify an actio in which 30 years were necessary to give a Praescriptio, as opposed to actiones in which the right to a Praescriptio accrued in a shorter time. (Inst. 4. tit. 12.)

The conditions necessary to establish a Praescriptio were, 1. Actio Nata, for there must be a right of action in order that a praescriptio may have an origin, and the date of its origin must be fixed by the date of the right of action. 2. There must be a continuous neglect on the part of the person entitled to bring the action, in order that the time of the Praescriptio may be reckoned uninterruptedly. 3. Bona fides was not a necessary ingredient in a Praescriptio, as such, because it was the neglect of the plaintiff which laid the foundation of the Praescriptio. But the longi temporis praescriptio was made like to Usucapion as to its conditions, of which bona fides was one. Justinian (Cod. 7. tit. 39. s. 8) required a bona fides in the case of a thirty year Praescriptio, but this was no new rule except so far as the Possessor claimed the benefit of Usucapio ; and as the longi temporis praescriptio, as an independent rule of law, disappeared from the legislation of Justinian, the bona fides as a condition of praescriptio went with it. 4. The lapse of time, which was 30 years ; but to this there were many exceptions.

The sources on the subject of Praescriptio are referred to in Brinkmann's *Institutiones Juris Romani*, and Mühlenbruch's *Doctrina Pandectarum*, § 261, and § 481, on the distinction being ultimately abolished between Praescriptio and Usucapio ; Savigny, *System des heutigen Röm. Rechts*, vol. v., from whom this outline is taken. See also USUCAPIO.

Praescriptio had a special sense in Roman pleadings, which Gaius has explained as existing in his time (iv. 130). These Praescriptiones were pro actore, and not pro reo ; and an example will explain the term. It often happens that an obligatio is such that a man is bound to another to do certain acts at certain times, as for instance, yearly, half yearly, or monthly. The payment of interest on money would be an example. At the close of any of these certain periods, the party to whom the obligatio was due, might sue for what was due, but not for what was not due, though an obligatio was contracted as to future time. When a debt had become due in consequence of an obligatio, there was said to be a Praestatio, or it was said, "aliquid jam praestari oportet :" when the obligatio existed, but the Praestatio was not due, it was "futura praestatio," or it was said, "praestatio adhuc nulla est." If then the plaintiff wished to limit his demand to what was due, it was necessary to use the following Praescriptio : "Ea res agatur cujus rei dies fuit." (Compare Cic. *de Or.* i. 37.) The name of Praescriptiones, observes Gaius, is manifestly derived from the circumstance of their being prefixed (praescribuntur) to the formulae, that is, they came before the Intentio. In the time of Gaius the Praescriptiones were only used by the actor ; but formerly they were used also in favour of a defendant (reus), as in the following instance : "Ea res agatur quod praejudicium hereditati non fiat," which in the time of Gaius was turned into a kind of exceptio or answer, when the petitor hereditatis, by using a different kind of actio, was prejudging the question of the hereditas (*cum petitor, &c. . . . praejudicium hereditati faciat*): Compare Gaius Dig. 10. tit. 2. s. 1; and see PRAEJUDICIUM).

Savigny shows that in the legislation of Justinian, Praescriptio and Exceptio are identical and that either term can be used indifferently. He observes that the Praescriptiones which in the old form of procedure were introduced into the formula for the benefit of the defendant, were properly Exceptiones, and it was merely an accident that certain Exceptiones were placed before the intentio instead of being placed at the end of the formula, as was the usual practice. Subsequently, as appears from Gaius, only the Praescriptiones pro actore were prefixed to the formula; and those pro reo were placed at the end, and they retained, though improperly, the name of Praescriptiones. Thus Exceptio and Praescriptio came to be used as equivalent terms, a circumstance to which the disuse of the Ordo judiciorum contributed. Yet in the case of particular exceptiones, one or other of the names was most in use, and the indiscriminate employment of them was an exception to the general rule. The prevalence of one or the other name in particular cases is easily explained: thus, the Doli and Rei Judicatae Exceptiones were always at the end of the Formula, and the Temporis and Fori Praescriptiones in earlier times were placed at the beginning. Savigny adds that in modern times Praescriptio has acquired the sense of Usucapion, but this is never the sense of the word Praescriptio in the Roman law. Though Exceptio and Praescriptio came to be used as equivalent, yet neither Exceptio nor Praescriptio is used in the sense of Temporis praescriptio without the addition of the words Temporis, Temporalis, triginta annorum, &c. (Savigny, *System, &c.* iv. 309, v. 163.) [G. L.]

PRAESES. [PROVINCIA.]

PRAESUL. [SALII.]

PRAETE'RITI SENATO'RES. [SENATUS.]

PRAETEXTA. [TOGA.]

PRAETOR. According to Cicero (*de Leg.* iii. 3) Praetor was a title which designated the consuls as the leaders of the armies of the state; and he considers the word to contain the same elemental parts as the verb *praeire*. The period and office of the command of the consuls might appropriately be called Praetorium. (Liv. viii. 11.) Praetor was also a title of office among the Latins: and it is the name which Livy gives to the strategus of the Achaeans.

The first praetor specially so called was appointed in the year B. C. 366, and he was chosen only from the Patricians, who had this new office created as a kind of indemnification to themselves for being compelled to share the consulship with the Plebeians. (Liv. vi. 42, vii. 1.) No Plebeian praetor was appointed till the year B. C. 337. The Praetor was called collega consulibus, and was elected with the same auspices at the Comitia Centuriata. The consuls were elected first, and then the praetors. (Liv. xlv. 44.)

The Praetorship was originally a kind of third consulship, and the chief functions of the praetor (*jus in urbe dicere*, Liv. vi. 42; *jura reddere*, Liv. vii. 1) were a portion of the functions of the consuls, who according to the passage of Cicero above referred to, were also called judices a judicando. The praetor sometimes commanded the armies of the state; and while the consuls were absent with the armies, he exercised their functions within the city. He was a Magistratus Curulis and he had the Imperium, and consequently was one of the Magistratus Majores: but he owed respect and obedience to the consuls. (Polyb. xxxiii. 1.) His insignia of office were six lictors, whence he is called by Polybius ἡγεμὼν or στρατηγὸς ἑξαπέλεκυς, and sometimes simply ἑξαπέλεκυς. Plutarch (*Sulla*, 5) uses the expression στρατηγία πολιτική. At a later period the Praetor had only two lictors in Rome. (Censorinus, c. 24.) The praetorship was at first given to a consul of the preceding year as appears from Livy. L. Papirius was praetor after being consul. (Liv. x. 47.)

In the year B. C. 246 another Praetor was appointed, whose business was to administer justice in matters in dispute between peregrini, or peregrini and Roman citizens; and accordingly he was called Praetor Peregrinus. (Dig. 1. tit. 2. s. 28.) The other Praetor was then called Praetor Urbanus "qui jus inter cives dicit," and sometimes simply Praetor Urbanus and Praetor Urbis. The two Praetors determined by lot which functions they should respectively exercise. If either of them was at the head of the army, the other performed all the duties of both within the city. Sometimes the military imperium of a Praetor was prolonged for a second year. When the territories of the state were extended beyond the limits of Italy, new praetors were made. Thus two praetors were created B. C. 227, for the administration of Sicily and Sardinia, and two more were added when the two Spanish provinces were formed B. C. 197. When there were six praetors, two stayed in the city, and the other four went abroad. (Liv. xlv. 44). The Senate determined their provinces, which were distributed among them by lot. (Liv. xxxii. 27, 28.) After the discharge of his judicial functions in the city, a Praetor often had the administration of a province with the title of Propraetor, and sometimes with the title of Proconsul. Sulla increased the number of Praetors to eight, which Julius Caesar raised successively to ten, twelve, fourteen, and sixteen. (Dion Cassius, xlii. 51, xliii. 51, and the notes of Reimarus.) Augustus after several changes fixed the number at twelve. Under Tiberius there were sixteen. Two praetors were appointed by Claudius for matters relating to Fideicommissa, when the business in this department of the law had become considerable, but Titus reduced the number to one; and Nerva added a Praetor for the decision of matters between the Fiscus and individuals. "Thus," says Pomponius, speaking of his own time, "eighteen praetors administer justice (*jus dicunt*) in the State." (Dig. 1. tit. 2. s. 34.) M. Aurelius, according to Capitolinus (*M. Ant.* c. 10), appointed a Praetor for matters relating to tutela, which must have taken place after Pomponius wrote. [PANDECTAE.] The main duties of the Praetors were judicial, and it appears that it was found necessary from time to time to increase their number, and to assign to them special departments of the administration of justice.

Sometimes, extraordinary duties were imposed on them, as in the case of the Praetor Peregrinus (B. C. 144) who was commissioned by a Senatusconsultum to look after the repair of certain aqueducts and to prevent the improper use of the water. (Frontinus, *De Aquaeduct*, lib. 1.)

The Praetor Urbanus was specially named

Praetor, and he was the first in rank. His duties confined him to Rome, as is implied by the name, and he could only leave the city for ten days at a time. It was part of his duty to superintend the Ludi Apollinares. He was also the chief magistrate for the administration of justice, and to the Edicta of the successive praetors the Roman Law owes in a great degree its developement and improvement. Both the Praetor Urbanus and the Praetor Peregrinus had the Jus Edicendi (Gaius, i. 2), and their functions in this respect do not appear to have been limited on the establishment of the imperial power, though it must have been gradually restricted as the practice of Imperial Constitutions and Rescripts became common. [EDICTUM.] The limits of these two praetors' administration were expressed by the term Urbanae Provinciae.

The chief judicial functions of the Praetor in civil matters consisted in giving a judex. [JUDEX.] It was only in the case of Interdicts, that he decided in a summary way. [INTERDICTUM.] Proceedings before the praetor were technically said to be *in jure*.

The Praetors also presided at trials of criminal matters. These were the Quaestiones perpetuae (Cic. *Brut.* c. 27), or the trials for Repetundae, Ambitus, Majestas, and Peculatus, which, when there were six praetors, were assigned to four out of the number. Sulla added to these Quaestiones those of Falsum, De Sicariis et Veneficis, and De Parricidis, and for this purpose he added two or according to some accounts four praetors, for the accounts of Pomponius and of other writers do not agree on this point. (Sueton. *Caesar*, 41 ; Dion Cass. xlii. 51.) On these occasions the Praetor presided, but a body of judices determined by a majority of votes the condemnation or acquittal of the accused. [JUDICIUM.]

The Praetor when he administered justice sat on a sella Curulis in a Tribunal, which was that part of the Court which was appropriated to the Praetor and his assessors and friends, and is opposed to the Subsellia, or part occupied by the Judices, and others who were present. (Cic. *Brut.* 84.) But the Praetor could do many ministerial acts out of court, or as it was expressed *e plano*, or *ex aequo loco*, which terms are opposed to *e tribunali* or *ex superiore loco :* for instance, he could in certain cases give validity to the act of manumission when he was out of doors, as on his road to the bath or to the theatre. (Gaius, i. 20.)

A person who had been ejected from the senate could recover his rank by being made Praetor (Dion Cassius, xxxvii. 30 ; Plutarch, *Cicero*, 17). Sallustius was made praetor ἐπὶ τῷ τὴν βουλὴν ἀναλαβεῖν. (Dion Cassius, xlii. 52.)

The Praetors existed with varying numbers to a late period in the Empire, and they had still jurisdictio. (Cod. 7. tit. 62. s. 17; 5. tit. 71. s. 18.)

The functions of the Praetors, as above observed, were chiefly judicial, and this article should be completed by a reference to EDICTUM, IMPERIUM, JUDEX, JURISDICTIO, MAGISTRATUS, PROVINCIA. To the authorities referred to under Edictum may be added, "Die Prätorischen Edicte der Römer, &c., von D. Eduard Schrader, Weimar, 1815." [G. L.]

PRAETO'RIA A'CTIO. [ACTIO.]

PRAETO'RIA COHORS. [PRAETORIANI.]

PRAETORIA'NI, sc. *milites*, or *Praetoriae Cohortes*, a body of troops instituted by Augustus to protect his person and his power, and called by that name in imitation of the *Praetoria Cohors*, or select troop, which attended the person of the praetor or general of the Roman army. (Sallust, *Cat.* 60; Cic. *Cat.* ii. 11 ; Caes. *Bell. Gall.* i. 40.) This cohort is said to have been first formed by Scipio Africanus out of the bravest troops, whom he exempted from all other duties except guarding his person, and to whom he gave sixfold pay (Festus, *s. v.*) ; but even in the early times of the republic the Roman general seems to have been attended by a select troop. (Liv. ii. 20.) In the time of the civil wars the number of the praetorian cohorts was greatly increased (Appian, *Bell. Civ.* iii. 67, v. 3); but the establishment of them as a separate force was owing to the policy of Augustus. They originally consisted of nine (Tac. *Ann.* iv. 5; Suet. *Aug.* 49) or ten cohorts (Dion Cass. lv. 24), each consisting of a thousand men, horse and foot. They were chosen only from Italy, chiefly from Etruria and Umbria, or ancient Latium, and the old colonies (Tac. *l. c. Hist.* i. 84), but afterwards from Macedonia, Noricum, and Spain also. (Dion Cass. lxxiv. 2.) Augustus, in accordance with his general policy of avoiding the appearance of despotism, stationed only three of these cohorts in the capital, and dispersed the remainder in the adjacent towns of Italy. (Suet. *Aug.* 49.) Tiberius, however, under pretence of introducing a stricter discipline among them, assembled them all at Rome in a permanent camp, which was strongly fortified. (Tac. *Ann.* iv. 2; Suet. *Tiber.* 37; Dion Cass. lvii. 19.) Their number was increased by Vitellius to sixteen cohorts, or 16,000 men. (Tac. *Hist.* ii. 93.)

The Praetorians were distinguished by double pay and especial privileges. Their term of service was originally fixed by Augustus at twelve years (Dion Cass. liv. 25), but was afterwards increased to sixteen years ; and when they had served their time, each soldier received 20,000 sesterces. (Id. lv. 23 ; Tac. *Ann.* i. 17.) All the Praetorians seem to have had the same rank as the centurions in the regular legions, since we are told by Dion (lv. 24) that they had the privilege of carrying a vitis (ῥάβδος) like the centurions. The Praetorians, however, soon became the most powerful body in the state, and like the janissaries at Constantinople, frequently deposed and elevated emperors according to their pleasure. Even the most powerful of the emperors were obliged to court their favour ; and they always obtained a liberal donation upon the accession of each emperor. After the death of Pertinax (A. D. 193) they even offered the empire for sale, which was purchased by Didius Julianus (Dion Cass. lxxiii. 11 ; Spartian. *Julian.* 2, Herodian. ii. 7) ; but upon the accession of Severus in the same year they were disbanded, on account of the part they had taken in the death of Pertinax, and banished from the city. (Dion Cass. lxxiv. 1.) The emperors, however, could not dispense with guards, and accordingly the Praetorians were restored on a new model by Severus, and increased to four times their ancient number. Instead of being levied in Italy, Macedonia, Noricum, or Spain, as formerly, the best soldiers were now draughted from all the legions on the frontiers; so that the praetorian cohorts now formed the bravest troops of the empire. (Dion Cass. lxxiv. 2; Herodian. iii. 13.) Diocletian reduced their numbers and abolished their privileges (Aurel. Vict. *de Caes.* 39); they were still allowed to remain at Rome, but had no longer the guard of the emperor's person, as he never resided in the capital. Their numbers were again increased by Maxentius, but after his defeat by Constantine, A. D. 312, they were entirely suppressed by the latter, their fortified camp destroyed, and those who had not perished in the battle between Constantine and Maxentius were dispersed among the legions. (Zosimus, ii. 17; Aurel. Vict. *de Caes.* 40.) The new form of government established by Constantine did not require such a body of troops, and accordingly they were never revived. The emperor's body guards now only consisted of the Domestici, horse and foot under two comites, and of the Protectores. (Cod. 12. tit. 17; Cod. Theod. 6. tit. 24.)

The commanders of the Praetorians were called Praefecti Praetorio, whose duties, powers, &c. are mentioned in a separate article.

PRAETO'RIUM was the name of the general's tent in the camp, and was so called because the name of the chief Roman magistrate was originally praetor, and not consul. [Castra, p. 249.] The officers who attended on the general in the *Praetorium*, and formed his council of war, were called by the same name. (Liv. xxx. 5.) The word was also used in several other significations, which were derived from the original one. Thus the residence of a governor of a province was called the *Praetorium* (Cic. *c. Verr.* iv. 28, v. 35; St. John, xviii. 28, 33); and the same name was also given to any large house or palace. (Suet. *Aug.* 72, *Cal.* 37; Juv. i. 75; *praetoria voluptati tantum deservientia*, Dig. 50. tit. 16. s. 198.) The camp of the Praetorian troops at Rome, and frequently the Praetorian troops themselves, were called by this name. [Praetoriani.]

PRAEVARICA'TOR. [Senatusconsultum Turpilianum.]

PRA'NDIUM. [Coena, p. 306, b.]

PRECA'RIUM. [Interdictum.]

PRELUM, or PRAELUM, is a part of a press used by the ancients in making wine, olive-oil, and paper. The press itself was called *torcular;* and the prelum was that part which was either screwed or knocked down upon the things to be pressed, in order to squeeze out the last juices. (Serv. *ad Virg. Georg.* ii. 242; Vitruv. vi. 9.) Sometimes, however, prelum and torcular are used as convertible terms, a part being named instead of the whole. As regards the pressing of the grapes, it should be remembered that they were first trodden with the feet; but as this process did not press out all the juice of the grapes, they were afterwards, with their stalks and peels (*scopi et folliculi*), put under the prelum. (Varro, *de Re Rust.* i. 54; comp. Colum. xii. 38.) Cato (*de Re Rust.* 31) advised his countrymen always to make the prelum of the wood of black maple (*carpinus atra*). After all the juice was pressed out of the grapes, they were collected in casks, water was poured upon them, and after standing a night they were pressed again. The liquor thus obtained was called lora; it was preserved in casks, and was used as a drink for workmen during the winter. (Varro, *l. c.*) Respecting the use of the prelum in making olive-oil, and in the manufacture of paper, see Plin. *H. N.* xv. 1, xiii. 25; Colum. xii. 50. [L. S.]

PRIMICE'RIUS, a name given to various officers and dignitaries under the later Roman empire, is explained by Suidas (*s. v.*) to be the person who holds the first rank in any thing. The etymology of the word is doubtful: it is supposed that a person was called *Primicerius* because his name stood first in the wax (*cera*), that is, the tablet made of wax, which contained a list of persons of any rank.

The word Primicerius does not seem to have been always applied to the person who was at the head of any department of the state or army, but also to the one second in command or authority; as, for instance, the *Primicerius Sacri Cubiculi*, who was under the *Praepositus Sacri Cubiculi*. [Praepositus.] Various Primicerii are mentioned, as the *Primicerius Domesticorum* and *Protectorum* (Cod. 12. tit. 17. s. 2), *Fabricae* (Cod. 11. tit. 9. s. 2), *Mensorum* (Cod. 12. tit. 28. s. 1), *Notariorum* (Cod. 12. tit. 7), &c.

PRIMIPILA RES. [Exercitus, p. 508, b.]

PRIMIPI'LUS. [Exercitus, p. 505.]

PRINCEPS JUVENTU'TIS. [Equites.]

PRINCEPS SENATUS. [Senatus.]

PRINCIPA'LIS PORTA. [Castra, p. 249.]

PRI'NCIPES. [Exercitus, pp. 495—497.]

PRINCI'PIA. [Exercitus, p. 502, b.]

PRIVILE'GIUM. [Lex, p. 683, b.]

PROAGOGEIAS GRAPHE (*προαγωγείας γραφή*), a prosecution against those persons who performed the degrading office of pimps or procurers (*προαγωγοί*). By the law of Solon the heaviest punishment (*τὰ μέγιστα ἐπιτίμια*) was inflicted on such a person (*ἐάν τις ἐλεύθερον παῖδα ἢ γυναῖκα προαγωγεύσῃ*, Aesch. *c. Timarch.* 3. 26. ed. Steph.). According to Plutarch (*Sol.* 23), a penalty of twenty drachms was imposed for the same offence. To reconcile this statement with that of Aeschines, we may suppose with Platner (*Proc. und Klag.* vol. ii. p. 216) that the law mentioned by Plutarch applied only to prostitutes. An example of a man put to death for taking an Olynthian girl to a brothel (*στήσας ἐπ' οἰκήματος*) occurs in Dinarchus (*c. Demosth.* 93, ed. Steph.). A prosecution of a man by Hyperides *ἐπὶ προαγωγίᾳ* is mentioned by Pollux (iii. 27). A charge (probably false) was brought against Aspasia for getting freeborn women into her house for the use of Pericles. (Plut. *Pericl.* 32; Aristoph. *Acharn.* 527.) In connection with this subject see the Hetaireseos Graphe and Phthoras ton Eleutheron Graphe. (Meier, *Att. Proc.* p. 332.) [C. R. K.]

PRO'BOLE (*προβολή*), an accusation of a criminal nature, preferred before the people of Athens in assembly, with a view to obtain their sanction for bringing the charge before a judicial tribunal. It may be compared in this one respect (viz., that it was a preliminary step to a more formal trial) with our application for a criminal information; though in regard to the object and mode of proceeding there is not much resemblance. The *προβολή* was reserved for those cases where the public had sustained an injury, or where, from the station, power, or influence of the delinquent, the prosecutor might deem it hazardous to proceed in the ordinary way without being authorised by a vote of the sovereign assembly. In this point it differed from the *εἰσαγγελία*, that in the latter the people were called upon either to pronounce final judgment or to direct some peculiar method of trial; whereas in the *προβολῇ*, after the judgment of the assembly, the parties proceeded to trial in the usual manner. The court before whom they appeared, however influenced they might be by the *praejudicium* of the people, were under no legal compulsion to abide by their decision; and on the other hand it is not improbable that if the people refused to give judgment in favour of the complainant, he might still proceed against his adversary by a *γραφή*, or a private action, according to the nature of the case. (Platner, *Proc. und Kl.* vol. i. p. 382.)

The cases to which the *προβολή* was applied were complaints against magistrates for official misconduct or oppression; against those public informers and mischief-makers who were called *συκοφάνται*; against those who outraged public decency at the religious festivals; and against all such as by evil practices exhibited disaffection to the state. (Harpoc. and Suidas, *s. v.* *Καταχειροτονία*; Pollux, viii. 46; Aesch. *de Fals. Leg.* 47; Isocr. *περὶ ἀντιδ.* 344, ed. Steph.)

With respect to magistrates, Schömann (*de Comit.* p. 231) thinks that the *προβολαὶ* could only be brought against them at those *ἐπιχειροτονίαι* which were held at the first *κυρία ἐκκλησία* in every Prytaneia, when the people inquired into the conduct of magistrates, with a view to continue them in office or depose them, according to their deserts. An example of magistrates being so deposed occurs in Demosth. *c. Theocr.* 1330. The people (says Schömann) could not proceed to the *ἐπιχειροτονία* except on the complaint (*προβολή*) of some individual; the deposed magistrate was afterwards brought to trial, if the accuser thought proper to prosecute the matter further. There appears, however, to be no authority for limiting the *προβολαὶ* against magistrates to these particular occasions; and other writers have not agreed with Schömann on this point. (Platner, *Proc. und Kl.* vol. i. p. 385; Meier, *Att. Proc.* p. 273.)

An example of a *προβολή* against Sycophants is that which the people, discovering too late their error in putting to death the generals who gained the battle of Arginusae, directed to be brought against their accusers. (Xen. *Hell.* i. 7. § 39.) Another occurs in Lysias (*c. Agorat.* 135, ed. Steph.), where the words *συλλήβδην ἅπαντες καὶ ἐν τῷ δήμῳ καὶ ἐν τῷ δικαστηρίῳ συκοφαντίας κατέγνωτε*, describe the course of proceeding in this method of prosecution. (Schömann, *de Com.* p. 234.)

Those who worked the public mines clandestinely, and those who were guilty of peculation or embezzlement of the public money, were liable to a *προβολή*. A case of embezzlement is referred to by Demosthenes *c. Mid.* 584. (Schömann, *l. c.*; Platner, *Proc. und Kl.* vol. i. p. 381.)

But the *προβολή* which has become most celebrated, owing to the speech of Demosthenes against Meidias, is that which was brought for misbehaviour at public festivals. We learn from the laws cited in that speech (517, 518, 571) that *προβολαὶ* were enjoined against any persons who, at the Dionysian, Thargelian, or Eleusinian festival (and the same enactment was probably extended to other festivals), had been guilty of such an offence as would fall within the description of *ἀσέβεια περὶ ἑορτήν*. A riot or disturbance during the ceremony, an assault, or other gross insult or outrage, committed upon any of the performers or spectators of the games, whether citizen or foreigner, and even upon a slave, much more upon a magistrate or officer engaged in superintending the performance; an attempt to imprison by legal process, and even a levying of execution upon the goods of a debtor, during the continuance of the festival, was held to be a profanation of its sanctity, and to subject the offender to the penalties of these statutes. For any such offence complaint was to be made to the Prytanes (*i. e.* the Proedri), who were to bring forward the charge at an assembly to be held soon after the festival in the theatre of Dionysus. The defendant was to be produced before the assembly. Both parties were heard, and then the people proceeded to vote by show of hands. Those who voted in favour of the prosecution were said *καταχειροτονεῖν*, those who were against it *ἀποχειροτονεῖν*. The complainant was said *προβάλλεσθαι τὸν ἀδικοῦντα*, and the people, if they condemned him, *προκαταγνοῦναι*. (Demosth. *c. Mid.* 578, 583, 586.)

Some difficulty has arisen in explaining the following words in the law above referred to:—*τὰς προβολὰς παραδιδότωσαν ὅσαι ἂν μὴ ἐκτετισμέναι ὦσιν*. Platner (*Proc. und Kl.* vol. i. p. 384) and Schömann (*de Com.* p. 238) suppose that by these words the Prytanes are commanded to bring before the people those complaints, for which satisfaction has not been made by the offender to the prosecutor; and, to show that a compromise would be legal, Platner refers to Demosthenes, *c. Mid.* 563, 583; to which we may add the circumstance that Demosthenes is said to have compromised his charge against Meidias for a sum of money. Meier (*Att. Proc.* p. 275) explains it thus: that the Prytanes (or rather Proedri) were to bring before the people all the *προβολαί*, except those of a trifling character, for which they were themselves empowered to impose a fine. (As to the power of fining see *Att. Proc.* p. 34.) If we suppose the complaint to take the name of *προβολή* upon its being presented to the Proedri, the expression *ἐκτετισμένη προβολή* will cause no difficulty; for as *δίκην τίνειν* signifies to pay the damages awarded in an action, so *προβολὴν τίνειν* may signify, to pay the fine imposed by the magistrates before whom the charge was brought; and *προβολὴν* is not used improperly for *ἐπιβολήν*, any more than *δίκην* is for *τίμημα* in the other case. Perhaps there is more force in another objection urged by Platner, viz., that (according to this interpretation) the not bringing the case before the assembly is made to depend on the *non-payment*, and not (as might have been expected) on the *imposition* of the fine.

The people having given their sentence for the prosecution, the case was to be brought into the court of Heliaea. In certain cases of a serious nature the defendant might be required to give bail for his appearance, or (in default thereof) go to prison. (Meier, *Att. Proc.* p. 276.) The persons on whom devolved the *ἡγεμονία δικαστηρίου* were, according to Pollux (viii. 87), the Thesmothetae. Meier (*l. c.*) thinks this would depend on the nature of the cause, and that upon a charge for the profanation of a festival, the cognizance would belong to such of the three superior archons as had the superintendence thereof. This would (no doubt) follow from the ordinary principles of Athenian jurisprudence; but it may be conceived that the extraordinary nature of the complaint by *προβολή* might take it out of the common course of practice. (Platner, p. 385.) The dicasts had to pronounce their verdict on the guilt of the party, and to assess the penalty, which might be death, or only a pecuniary fine, according to their discretion. The trial (it seems) was attended with no risk to the prosecutor, who was considered to proceed under the authority of the popular decree. (Meier, *Att. Proc.* p. 277.) [C. R. K.]

PROBOULEUMA (*προβούλευμα*). [Boule, p. 210, b.]

PROBOULI (*πρόβουλοι*), a name applicable to any persons who are appointed to consult or take measures for the benefit of the people. Thus, the delegates who were sent by the twelve Ionian cities to attend the Panionian council, and deliberate on the affairs of the confederacy, were called *πρόβουλοι*. (Herod. vi. 7.) So were the deputies sent by the several Greek states to attend the congress at the Isthmus, on the occasion of the second Persian invasion (Herod. vii. 172); and also the envoys whom the Greeks agreed to send annually to Plataea. (Plutarch, *Arist.* 21.) The word is also used like *νομοφύλακες*, to denote an oligarchical body, in whom the government of a state was vested, or who at least exercised a controlling power over the senate and popular assemblies. Such were the sixty senators of Cnidus; and a similar body appears to have existed at Megara, where, although democracy prevailed at an earlier period, the government became oligarchical before the beginning of the Peloponnesian war. (Arist. *Pol.* iv. 12. § 8, vi. 5. § 13; Müller, *Dor.* iii. 9. § 10; Wachsmuth, *Alterth.* vol. i. pt. 2. p. 91; Schömann, *Antiq. jur. publ.* p. 82.) A body of men called *πρόβουλοι* were appointed at Athens, after the end of the Sicilian war, to act as a committee of public safety. Thucydides (viii. 1) calls them *ἀρχήν τινα πρεσβυτέρων ἀνδρῶν, οἵτινες περὶ τῶν παρόντων ὡς ἂν καιρὸς ᾖ προβουλεύσουσι.* They were ten in number. (Suidas, *s. v.* *Πρόβουλοι*.) Whether their appointment arose out of any concerted plan for overturning the constitution, is doubtful. The ostensible object at least was different; and the measures which they took for defending their country, and prosecuting the war, appear to have been prudent and vigorous. Their authority did not last much longer than a year; for a year and a half afterwards Pisander and his colleagues established the council of Four Hundred, by which the democracy was overthrown. (Thucyd. viii. 67; Wachsmuth, vol. i. pt. 2. p. 197.) The first step which had been taken by Pisander and his party, was to procure the election of a body of men, called *ξυγγραφεῖς αὐτοκράτορες*, who were to draw up a plan, to be submitted to the people, for remodelling the constitution. Thucydides says they were ten in number. Harpocration (*s. v.* *Συγγραφεῖς*) cites Androtion and Philochorus as having stated that thirty were chosen, and adds, *Ὁ δε Θουκυδίδης τῶν δέκα ἐμνημόνευσε μόνον τῶν προβούλων.* This and the language of Suidas (*s. v.* *Πρόβουλοι*) have led Schömann to conjecture that the *πρόβουλοι* were elected as *συγγραφεῖς*, and twenty more persons associated with them, making in all the thirty mentioned by Androtion and Philochorus. (*Ant. jur. publ.* 181.) Others have thought that the *συγγραφεῖς* of Thucydides have been confounded by grammarians with the thirty tyrants, who were first chosen *οἳ τοὺς πατρίους νόμους συγγράψωσι καθ' οὓς πολιτεύσουσι.* (Xen. *Hell.* ii. 3. § 2; Goeller, *ad Thuc.* viii. 67.) These Athenian *πρόβουλοι* are alluded to by Aristophanes in the *Lysistrata* (467), which was acted the year after the Sicilian defeat, and by Lysias, *c. Eratosth.* 126, ed. Steph. [C. R. K.]

PROCHEIROTO'NIA (*προχειροτονία*). [Boule, p. 211, a.]

PROCLE'SIS (*πρόκλησις*). [Diaetetae, p. 398, b.]

PROCONSUL is an officer who acts in the place of a consul without holding the office of consul itself; though the proconsul was generally one who had held the office of consul, so that the proconsulship was a continuation, though a modified one, of the consulship. The first time that we meet with a consul, whose imperium was prolonged after the year of his consulship, is at the commencement of the second Samnite war, at the end of the consular year 327 B. C., when it was thought advisable to prolong the imperium (*imperium prorogare*) of Q. Publilius Philo, whose return to Rome would have been followed by the loss of most of the advantages that had been gained in his campaign. (Liv. viii. 23, 26.) The power of proconsul was conferred by a senatusconsultum and plebiscitum, and was nearly equal to that of a regular consul, for he had the imperium and jurisdictio, but it differed inasmuch as it did not extend over the city and its immediate vicinity (see Niebuhr, *Hist. of Rome*, iii. p. 186, who infers it from Gaius, iv. 104, 105), and was conferred without the auspicia by a mere decree of the senate and people, and not in the comitia for elections. (Liv. ix. 42, x. 22, xxxii. 28, xxiv. 13.) Hence whenever a proconsul led his army back to Rome for the purpose of holding a triumph, the imperium (*in urbe*) was especially granted to him by the people, which was, of course, not necessary when a consul triumphed during the year of his office. Livy (iii. 4), it is true, mentions men appointed with proconsular power at a much earlier period than the time of Publilius Philo; but there is this difference, that in this earlier instance the proconsular power is not an *imperium prorogatum*, but a fresh appointment as commander of the reserve, and Niebuhr (*Hist. of Rome*, ii. p. 123) justly remarks that Livy here probably applies the phraseology of a much later time to the commander of the reserve; and this is the more probable as Dionysius (ix. 12) speaks of this *ἀντιστρατηγός* as having been appointed by the consuls. Nineteen years after the proconsulship of Publilius Philo, 308 B. C., Livy (ix. 42) relates that the senate alone, and without a plebiscitum, prolonged the imperium of the consul Q. Fabius Maximus Rullianus; but it is manifest that here again Livy transfers a later institution to a time when it did not yet exist; for it was only by the lex Maenia (236 B. C.) that the Senate obtained the right to prolong the imperium.

When the number of Roman provinces had become great, it was customary for the consuls, who during the latter period of the republic spent the year of their consulship at Rome, to undertake at its close the conduct of a war in a province, or its peaceful administration. (Cic. *de Nat. Deor.* ii. 3; Liv. xxxiii. 25; Cic. *ad Fam.* viii. 5. 13.) There are some extraordinary cases on record in which a man obtained a province with the title of proconsul without having held the consulship before. The first case of this kind occurred in B. C. 211, when young P. Cornelius Scipio was created proconsul of Spain in the comitia centuriata. (Liv. xxvi. 18.) During the last period of the republic such cases occurred more frequently. (Plut. *Aemil. Paul.* 4;

Cic. *de Leg.* i. 20.) Respecting the powers and jurisdiction of the proconsuls in the provinces, see Provincia.

After the administration of the empire was newly regulated by Constantine, parts of certain dioceses were under the administration of proconsuls. Thus a part of the diocese of Asia, called Asia in a narrower sense, Achaia in the diocese of Macedonia, and the consular province in the diocese of Africa, were governed by proconsuls. (Walter, *Geschichte des Römischen Rechts*, § 366, 2d edit.) [L. S.]

PROCUBITO'RES. [Exercitus, p. 503, a.]

PROCURA'TOR is the person who has the management of any business committed to him by another. Thus it is applied to a person who maintains or defends an action on behalf of another, or, as we should say, an attorney [Actio]: to a steward in a family [Calculator]: to an officer in the provinces belonging to the Caesar, who attended to the duties discharged by the quaestor in the other provinces [Provincia]: to an officer engaged in the administration of the Fiscus [Fiscus]: and to various other officers under the empire.

PRODI'GIUM in its widest acceptation denotes any sign by which the gods indicated to men a future event, whether good or evil, and thus includes omens and auguries of every description. (Virg. *Aen.* v. 638; Servius, *ad loc.*; Plin. *H. N.* xi. 37; Cic. *in Verr.* iv. 49.) It is, however, generally employed in a more restricted sense to signify some strange incident or wonderful appearance which was supposed to herald the approach of misfortune, and happened under such circumstances as to announce that the calamity was impending over a whole community or nation rather than private individuals. The word may be considered synonymous with *ostentum*, *monstrum*, *portentum*. "Quia enim ostendunt, portendunt, monstrant, praedicunt; ostenta, portenta, monstra, prodigia dicuntur." (Cic. *de Div.* i. 42.) It should be observed, however, that *prodigium* must be derived from *ago*, and not from *dico*, as Cicero would have it.

Since prodigies were viewed as direct manifestations of the wrath of heaven, and warnings of coming vengeance, it was believed that this wrath might be appeased, and consequently this vengeance averted, by prayers and sacrifices duly offered to the offended powers. This being a matter which deeply concerned the public welfare, the necessary rites were in ancient times regularly performed, under the direction of the pontifices, by the consuls before they left the city, the solemnities being called *procuratio prodigiorum*. Although from the very nature of the occurrences it was impossible to anticipate and provide for every contingency, we have reason to know that rules for expiation, applicable to a great variety of cases, were laid down in the *Ostentaria*, the *Libri Rituales*, and other sacred books of the Etrurians (Cic. *de Div.* i. 33; Müller, *Etrusker*, vol. i. pp. 33, 36, 343, vol. ii. pp. 30, 99, 122, 131, 146, 337), with the contents of which the Roman priests were well acquainted; and when the prodigy was of a very terrible or unprecedented nature it was usual to seek counsel from some renowned Tuscan seer, from the Sibylline books, or even from the Delphic oracle. Prodigies were frequently suffered to pass unheeded when they were considered to have no direct reference to public affairs, as, for example, when the marvel reported had been observed in a private mansion or in some town not closely connected with Rome, and in this case it was said *non suscipi*, but a regular record of the more important was carefully preserved in the Annals, as may be seen from the numerous details dispersed throughout the extant books of Livy. (See Liv. ii. 42, iii. 10, xxiv. 44, xxxvii. 3, xliii. 13; Müller, *die Etrusker*, vol. ii. p. 191; Hartung, *die Religion der Römer*, vol. i. p. 96; and for an interesting essay on the illustrations of Natural History to be derived from the records of ancient prodigies, Heyne, *Opusc. Acad.* vol. iii. pp. 198, 255.) [W. R.]

PRO'DOMUS. [Domus, p. 425, b; Templum.]

PRODO'SIA (*προδοσία*). Under this term was included not only every species of treason, but also every such crime as (in the opinion of the Greeks) would amount to a betraying or desertion of the interest of a man's country. The highest sort of treason was the attempt to establish a despotism (*τυραννίς*), or to subvert the constitution (*καταλύειν τὴν πολιτείαν*), and in democracies *καταλύειν τὸν δῆμον* or *τὸ πλῆθος*. Other kinds of treason were a secret correspondence with a foreign enemy; a betraying of an important trust, such as a fleet, army, or fortress; a desertion of post; a disobedience of orders, or any other act of treachery, or breach of duty in the public service. (Demosth. *pro Cor.* 242, *c. Lept.* 481, *c. Timoc.* 745, *c. Timoth.* 1204, *pro Cor. Trierarch.* 1230; Lys. *c. Agor.* 130, 131, ed. Steph.; Lycurg. *c. Leocr.* 155, ed. Steph.) It would be a betrayal of the state, to delude the people by false intelligence or promises; or to disobey any special decree, such as that (for instance) which prohibited the exportation of arms or naval stores to Philip, and that which (after Philip had taken possession of Phocis) forbade Athenian citizens to pass the night out of the city. (Demosth. *c. Lept.* 487, 498, *pro Cor.* 238, *de Fals. Leg.* 433.) But not only would *overt acts* of disobedience or treachery amount to the crime of *προδοσία*, but also the neglect to perform those active duties which the Greeks in general expected of every good citizen. Cowardice in battle (*δειλία*) would be an instance of this kind; so would any breach of the oath taken by the *ἔφηβοι* at Athens; or any line of conduct for which a charge of disaffection to the people (*μισοδημία*) might be successfully maintained. (Xen. *Cyrop.* vi. 4. § 14, vi. 3. § 27; Eurip. *Phoeniss.* 1003; Andoc. *c. Alcib.* 30, ed. Steph.; Lycurg. *c. Leoc.* 157, ed. Steph.; Demosth. *pro Cor.* 242.) Thus, we find persons, whose offence was the propounding unconstitutional laws, or advising bad measures, or the like, charged by their political opponents with an attempt to overthrow the constitution. (Demosth. *περὶ συνταξ.* 170; Aesch. *c. Timarch.* 1, *c. Ctes.* 82, ed. Steph.; Lys. *pro Polyst.* 159, ed. Steph.) Of the facility with which such charges might be made at Athens, especially in times of political excitement, when the most eminent citizens were liable to be suspected of plots against the state, history affords abundant proof; and Greek history, no less than modern, shows the danger of leaving the crime of treason undefined by the law, and to be interpreted by judges. (Aristoph. *Eq.* 236, 475, 862, *Vesp.* 483, 953; Wachsmuth, *Hell. Alt.* vol. i. pt. ii. p. 154, vol. ii. pt. i. p. 178.) One of the most remarkable trials for constructive treason at Athens was that of Leocrates, who left the city after the defeat at Chaeroneia, and was prosecuted by Lycurgus for desertion of his country. The speech of Lycurgus is preserved to us, and is a good specimen of his eloquence. The facts of the case are stated in p. 150, ed. Steph. The nature of the charge may be seen from various expressions of the orator, such as *προδοὺς τοὺς νεὼς καὶ τὰ ἕδη καὶ τὰς ἐν τοῖς νόμοις ϑυσίας* (147), *μὴ βοηθήσας τοῖς πατρίοις ἱεροῖς, ἐγκαταλιπὼν τὴν πόλιν* (148), *οὐ συμβεβλημένος οὐδὲν εἰς τὴν τῆς πόλεως σωτηρίαν* (153), *φεύγων τὸν ὑπὲρ τῆς πατρίδος κίνδυνον* (154), and the like. The defence of the accused was, that he did not leave Athens with a traitorous intention (*ἐπὶ προδοσίᾳ*), but for the purposes of trade (*ἐπὶ ἐμπορίᾳ*). (See Argument, and p. 155.)

The ordinary method of proceeding against those who were accused of treason or treasonable practices was by *εἰσαγγελία*, as in the case of Leocrates. (Pollux, viii. 52.) In some cases a *γραφή* might be laid before the Thesmothetae. (Demosth. *c. Steph.* 1137.) We read of an old law, by which the jurisdiction in trials for high treason was given to the archon *βασιλεύς*. (Meier, *Att. Proc.* p. 50.) But it could hardly be expected that in a Greek city state offences would always be prosecuted according to the forms of law; and we find various instances in which magistrates, generals, and others, took a summary method for bringing traitors and conspirators to justice. Thus a certain person, named Antiphon, who had promised Philip to burn the Athenian arsenal, was seized by the council of Areiopagus, and afterwards put to the torture, and condemned to death by the people. (Demosth. *pro Cor.* 271; Aesch. *c. Ctes.* 89, ed. Steph.) As to the power of the Areiopagus, see further Lycurg. *c. Leoc.* 154. The people in assembly might of course direct any extraordinary measures to be taken against suspected persons, as they did in the affair of the Hermes busts (Thucyd. vi. 60, 61), and by their *ψήφισμα* might supersede even the form of a trial. So fearful were the Athenians of any attempt to establish a tyranny or an oligarchy, that any person who conspired for such purpose, or any person who held an office under a government which had overthrown the constitution, might be slain with impunity. Every citizen indeed was under an obligation to kill such a person, and for so doing was entitled by law to honours and rewards. (Andoc. *de Myst.* 12, 13, ed. Steph.; Lys. *Δημ. καταλ. ἀπολ.* 172, ed. Steph.)

The regular punishment appointed by the law for most kinds of treason appears to have been death (Xen. *Hellen.* i. 7. § 22; Demosth. *pro Cor.* 238; Lycurg. *c. Leoc.* 148, 152, ed. Steph.), which, no doubt, might be mitigated by decree of the people, as in the case of Miltiades (Herod. vi. 136) and many others. The less heinous kinds of *προδοσία* were probably punished at the discretion of the court which tried them. (Demosth. *c. Timoc.* 740, *c. Theocr.* 1344.) The goods of traitors, who suffered death, were confiscated, and their houses razed to the ground; nor were they permitted to be buried in the country, but had their bodies cast out in some place on the confines of Attica and Megara. Therefore it was that the bones of Themistocles, who had been condemned for treason, were brought over and buried secretly by his friends. (Thucyd. i. 138.) The posterity of a traitor became *ἄτιμοι*, and those of a tyrant were liable to share the fate of their ancestor. (Meursius, *Them. Att.* ii. 2, 15; Platner, *Proc. und Klag.* vol. ii. p. 82; Meier, *Att. Proc.* p. 341, *De bon. damn.* pp. 11—13, 136.) Traitors might be proceeded against even after their death, as we have seen done in modern times. Thus, the Athenians resolved to prosecute Phrynichus, who had been most active in setting up the oligarchy of the Four Hundred (*τὸν νεκρὸν κρίνειν προδοσίας*), and also to subject his defenders to the punishment of traitors, in case of a conviction. This was done. Judgment of treason was passed against Phrynichus. His bones were dug up, and cast out of Attica; his defenders put to death; and his murderers honoured with the freedom of the city. (Thuc. viii. 92; Lysias, *c. Agor.* 136; Lycurg. *c. Leocr.* 164, ed. Steph.) [C. R. K.]

PROEDRI (*πρόεδροι*). [Boule, pp. 210, 212.]

PROEI'SPHORA [Eisphora.]

PROEISPHORAS DIKE (*προεισφορᾶς δίκη*), an action brought by a member of a Symmoria, to recover a rate paid on account of another. The Symmoriae being so arranged, that three hundred of the richest men were selected to form a superior board, responsible to the state in the first instance for the collection of a property tax; the people passed a decree, in case of need, commanding them to pay the whole tax in advance. These then were entitled to be reimbursed by the remaining nine hundred of the Symmoriae, and each of them probably had a certain number assigned to him by the Strategi for that purpose; against whom he might bring actions for contribution according to their respective assessments. To recover money so advanced was called *προεισφορὰν κομίζεσθαι*. (Demosth. *c. Pantaen.* 977, *c. Phaenipp.* 1046, *c. Polycl.* 1208.) This cause, like others relating to the property tax and the trierarchy, belonged to the jurisdiction of the Strategi. (Böckh, *Publ. Econ. of Athens*, pp. 450, 526, 533, 2d ed.; Meier, *Att. Proc.* pp. 107, 550.) [C. R. K.]

PROELIA'LES DIES. [Dies.]

PROERO'SIA or **PROERO'SIAE** (*προηρόσια* or *προηροσίαι*) were sacrifices (or, according to other writers, a festival) offered to Demeter at the time when the seeds were sown, for the purpose of obtaining a plentiful harvest. (Suidas, Hesych., Etymol. Mag. *s. v.*; Arrian *in Epictet.* iii. 21.) According to Suidas the Athenians performed this sacrifice in Ol. 5. on behalf of all the Greeks; but from all the other accounts it would appear that the Athenians did so at all times, and that the instance mentioned by Suidas is only the first time that proerosia were offered by the Athenians for all the Greeks. They are said to have been instituted by the command of some oracle at a time when all the world was suffering from scarcity or from a plague. (Suid. *s. v.* *Εἰρεσιώνη*; compare Lycurg. *Fragm. c. Menesaech.*) [L. S.]

PROFESTI DIES. [Dies.]

PROGAMEIA (*προγάμεια*). [Matrimonium, p. 737, a.]

PROIX (*προίξ*). [Dos, p. 436.]

PROLETA'RII. [Caput.]

PROMETHEIA (*προμήθεια*), a festival celebrated at Athens in honour of Prometheus. (Xenoph. *de Re Publ. Ath.* 3. § 4; Harpocrat. *s. v.* *Λαμπάς*.) The time at which it was solemnised is not known, but it was one of the five Attic festi vals, which were held with a torch-race in the Ceramicus (Harpocrat. *l. c.; Schol. ad Aristoph. Ran.* 131; comp. LAMPADEPHORIA), for which the gymnasiarchs had to supply the youths from the gymnasia. Prometheus himself was believed to have instituted this torch-race, whence he was called the torch-bearer. (Hygin. *Poet. Astr.* ii. 15; Eurip. *Phoeniss.* 1139; Philostrat. *Vit. Sophist.* ii. 20.) The torch-race of the Prometheia commenced at the so-called altar of Prometheus in the academia (Paus. i. 30. § 2; Schol. *ad Soph. Oed. Col.* 53), or in the Ceramicus, and thence the youths with their torches raced to the city. (Welcker, *Die Aeschyl. Trilog.* p. 120, &c.) [L. S.]

PROMISSOR. [OBLIGATIONES, p. 817, b.]

PROMNE'STRIAE (προμνήστριαι). [MATRIMONIUM, p. 736, b.]

PROMULSIS. [COENA, p. 307, a.]

PROMUS. [CELLA; SERVUS.]

PRONA'OS. [TEMPLUM.]

PRO'NUBAE, PRO'NUBI. [MATRIMONIUM, pp. 743, b, 744, a.]

PROPHE'TES, PROPHE'TIS. [ORACULUM, p. 837, a.]

PROPNIGE'UM. [BALNEAE, p. 192, b.]

PROPRAETOR. [PROVINCIA.]

PROPRI'ETAS. [DOMINIUM.]

PROPYLAEA (προπύλαια), the entrance to a temple, or sacred enclosure, consisted of a gateway flanked by buildings, whence the plural form of the word. The Egyptian temples generally had magnificent *propylaea*, consisting of a pair of oblong truncated pyramids of solid masonry, the faces of which were sculptured with hieroglyphics. (See Herod. ii. 63, 101, 121, and other passages; the modern works on Egyptian antiquities; the *Atlas* to Kugler's *Kunstgeschichte*, sect. 1. pl. 5. fig. 1.)

In Greek, except when the Egyptian temples are spoken of, the word is generally used to signify the entrance to the Acropolis of Athens, which was the last completed of the great works of architecture executed under the administration of Pericles. The building of the Propylaea occupied five years, B. C. 437—432, and cost 2012 talents. The name of the architect was Mnesicles. (Plut. *Per.* 13; Thuc. ii. 13, with Poppo's Notes; Aristoph. *Equit.* 1326; Demosth. *de Rep. Ord.* 28. p. 174. 23, ed. Bekker; Harpocrat. Suid. *s. v.;* Cic. *de Off.* ii. 17.) The edifice was of the Doric order, and presented in front the appearance of a hexastyle portico of white marble, with the central intercolumniation wider than the rest, and with two advanced wings, containing chambers, the northern one of which (that on the left hand) was adorned with pictures, which are fully described by Pausanias (i. 22. §§ 4—7), and among which were works by Polygnotus, and, probably, by Protogenes. (See *Dict. of Biog. s. vv.*) On the right hand, and in front of the Propylaea, stood the temple of *Nike Apteros*, and close to the entrance the statue of *Hermes Propylaeus;* and the *Propylaea* themselves were adorned with numerous statues. (Paus. *l. c.*) A broad road led straight from the *Agora* to the *Propylaea*, which formed the only entrance to the Acropolis, and the immediate approach to which was by a flight of steps, in the middle of which there was left an inclined plane, paved with Pentelic marble, as a carriage-way for the processions. Both ancient and modern writers have agreed in considering the *Propylaea* as one of the most perfect works of Grecian art. (For fuller descriptions and restored views, see Stuart, ii. 5; Leake, *Topog.* c. 8; Müller, *Archäol. d. Kunst*, § 109. n. 1, 3; and a beautiful elevation and plan in the *Atlas* to Kugler's *Kunstgeschichte*, sect. 2. pl. 3. figs. 12, 13.)

The great temple at Eleusis had two sets of *propylaea*, the smaller forming the entrance of the inner enclosure (περίβολος), and the greater, of the outer. The latter were an exact copy of the Athenian *propylaea*. (Müller, *l. c.* n. 5.) There were also *propylaea* at Corinth, surmounted by two chariots of gilt bronze, the one carrying Phaëthon, and the other the Sun himself. (Paus. ii. 3. § 2.) [P. S.]

PRORA. [NAVIS, p. 786, a.]

PROSCE'NIUM. [THEATRUM.]

PROSCLE'SIS (πρόσκλησις). [DIKE.]

PROSCRIPTIO. The verb *proscribere* properly signifies to exhibit a thing for sale by means of a bill or advertisement: in this sense it occurs in a great many passages. But in the time of Sulla it assumed a very different meaning, for he applied it to a measure of his own invention (Vell. Pat. ii. 28), namely, to the sale of the property of those who were put to death at his command, and who were themselves called *proscripti*. Towards the end of the year 82 B. C. Sulla, after his return from Praeneste, declared before the assembly of the people that he would improve their condition, and punish severely all those who had supported the party of Marius. (Appian. *B. C.* i. 95.) The people appear tacitly to have conceded to him all the power which he wanted for the execution of his design, for the lex Cornelia de proscriptione et proscriptis was sanctioned afterwards when he was made dictator. (Cic. *de Leg.* i. 15, *de Leg. Agr.* iii. 2, &c.; Appian. *B. C.* i. 98.) This law, which was proposed by the interrex L. Valerius Flaccus at the command of Sulla, is sometimes called lex Cornelia (Cic. *c. Verr.* i. 47), and sometimes lex Valeria. Cicero (*pro Rosc. Am.* 43) pretends not to know whether he should call it a lex Cornelia or Valeria. (Comp. Schol. Gronov. p. 435, ed. Orelli.)

Sulla drew up a list of the persons whom he wished to be killed; and this list was exhibited in the forum to public inspection. Every person contained in it was an outlaw, who might be killed by any one who met him with impunity, even by his slaves and his nearest relatives. All his property was taken and publicly sold. It may naturally be supposed that such property was sold at a very low price, and was in most cases purchased by the friends and favourites of Sulla; in some instances only a part of the price was paid at which it had been purchased. (Sallust, *Fragm.* p. 238, ed. Gerlach.) The property of those who had fallen in the ranks of his enemies was sold in the same manner. (Cic. *pro Rosc. Am.* 43.) Those who killed a proscribed person, or gave notice of his place of concealment, received two talents as a reward; and whoever concealed or gave shelter to a proscribed, was punished with death. (Cic. *c. Verr.* i. 47, Plut. *Sull.* 31; Suet. *Caes.* 11.) But this was not all; the proscription was regarded as a corruption of blood, and consequently the sons and grandsons of proscribed persons were for ever excluded from all public offices. (Plut. *l. c.*; Vell. Pat. ii. 28; Quinctil. xi. 1. 85.)

After this example of a proscription had once been set, it was readily adopted by those in power during the civil commotions of subsequent years. This was the case during the triumvirate of Antonius, Caesar, and Lepidus. (43 B. C.) Their proscription was even far more formidable than that of Sulla, for 2000 equites and 300 senators are said to have been murdered, and the motive of the triumvirs was nothing but a cold-blooded thirst for vengeance. Fortunately no more than these two cases of proscription occur in the history of Rome. (Appian, *B. C.* iv. 5 ; Vell. Pat. ii. 66 ; Suet. *Aug.* 27; Liv. *Epit.* lib. 120.) [L. S.]

PROSTAS. [Domus, p. 425, b.]

PRO'STATES (*προστάτης*). [Libertus, p. 705, a ; Metoeci.]

PRO'STATES TOU DEMOU (*προστάτης τοῦ δήμου*), a leader of the people, denoted at Athens and in other democratical states, a person who by his character and eloquence placed himself at the head of the people, and whose opinion had the greatest sway amongst them (Plato, *Rep.* viii. p. 565. c.) : such was Pericles. It appears, however, that *πρρστάτης τοῦ δήμου* was also the title of a public officer in those Dorian states in which the government was democratical. Thus we read of a *προστάτης τοῦ δήμου* at Corcyra (Thuc. iii. 70), at Syracuse (Thuc. vi. 35), at Elis (Xen. *Hell.* iii. 2. § 27), at Mantineia (Xen. *Hell.* v. 2. § 3), and at other places. (Müller, *Dor.* iii. 9. § 1 ; Wachsmuth, *Hell. Alterthumsk.* vol. i. p. 819, 2d ed. ; Arnold, *ad Thuc.* vi. 35 ; G. C. Müller, *de Corcyr. Rep.* p. 49 ; K. F. Hermann, *Lehrbuch*, &c. § 69. n. 3, 4.)

PROSTIME'MA (*προστίμημα*). [Timema.]

PROSTOON. [Domus, p. 425, a.]

PROSTY'LOS. [Templum.]

PROTELEIA GAMON (*προτέλεια γάμων*). [Matrimonium, p. 737, a.]

PRO'THESIS (*πρόθεσις*). [Funus, p. 555, a.]

PROTHE'SMIA (*προθεσμία*), the term limited for bringing actions and prosecutions at Athens. In all systems of jurisprudence some limitation of this sort has been prescribed, for the sake of quieting possession, and affording security against vexatious litigation. The Athenian expression *προθεσμίας νόμος* corresponds to our *statute of limitations*. The time for commencing actions to recover debts, or compensation for injuries, appears to have been limited to five years at Athens. *Τοῖς ἀδικουμένοις ὁ Σόλων τὰ πέντε ἔτη ἱκανὸν ἡγήσατ' εἶναι εἰσπράξασθαι.* (Demosth. *pro Phorm.* 952, *c. Nausim.* 989; Harpoc. *s. v.* *Προθεσμίας νόμος*.) Inheritance causes stood on a peculiar footing. When an estate had been adjudged to a party, he was still liable to an action at the suit of a new claimant for the whole period of his life ; and his heir for five years afterwards. This arose from the anxiety of the Athenians to transmit inheritance in the regular line of succession. [Heres (Greek).] The liability of bail continued only for a year (*ἐγγύαι ἐπέτειοι ἦσαν*), and of course no proceeding could be taken against them after the expiration of the year. (Demosth. *c. Apatur.* 901.) It is doubtful whether any period was prescribed for bringing criminal prosecutions, at least for offences of the more serious kind, though of course there would be an indisposition in the jury to convict, if a long time had elapsed since the offence was committed. (Lys. *c. Simon.* 98, *περὶ τοῦ σηκοῦ*, 109, *c. Agor.* 137, ed. Steph.) Certain cases, however, must be excepted. The *γραφὴ παρανόμων* could only be brought within a year after the propounding of the law. (*Παρανόμων γραφή*, and Schöm. *de Comit.* p. 278.) And the *εὔθυναι* against magistrates were limited to a certain period, according to Pollux (viii. 45). Amnesties or pardons, granted by special decrees of the people, scarcely belong to this subject. (See Aesch. *c. Timarch*, 6, ed. Steph.) The term *προθεσμία* is applied also to the time which was allowed to a defendant for paying damages, after the expiration of which, if he had not paid them, he was called *ὑπερήμερος*, *ὑπερπρόθεσμος*, or *ἐκπρόθεσμος*. (Meier, *Att. Proc.* pp. 636, 746.) [C. R. K.]

PRO'THYRON. [Aithousa ; Domus, p. 424, b ; Janua, p. 627, a.]

PROTRYGAEA (*προτρύγαια*), a festival celebrated in honour of Dionysus, surnamed Protryges, and of Poseidon. (Hesych. *s. v.*; Aelian. *V. H.* iii. 41.) The origin and mode of celebration of this festival at Tyre are described by Achilles Tatius (ii. init.). [L. S.]

PROVI'NCIA. The original meaning of this word seems to be "a duty" or "matter entrusted to a person," as we see in various passages. The word is an abbreviated form of Providentia, as Hugo has suggested. All other proposed derivations ought to be rejected. In the Medicean MS. of Livy (xxi. 17), the word is written Provintia, and also in Ulpian, *Frag.* xi. 20, ed. Böcking. That the word originally had not the signification of a territory merely appears from such expressions as Urbana Provincia (Liv. xxxi. 6); and the expression Urbana Provincia was still used, after the term Provincia was used to express a territory beyond Italy which had a regular organization and was under Roman administration. This is the ordinary sense of the word, that of a foreign territory in a certain relation of subordination to Rome. But the word was also used, before the establishment of any provincial governments, to denote a district or enemy's country which was assigned to a general as the field of his operations.

The Roman State in its complete development consisted of two parts with a distinct organization, Italia and the Provinciae. There were no Provinciae in this sense of the word till the Romans had extended their conquests beyond Italy ; and Sicily (Cic. *Verr.* ii. 2) was the first country that was made a Roman Province, B. C. 241 ; Sardinia was made a Province B. C. 235. The Roman province of Gallia Ulterior in the time of Caesar was sometimes designated simply by the term Provincia (Caesar, *Bell. Gall.* i. 1, 7, &c.)

A conquered country received its provincial organization either from the Roman commander, whose acts required the approval of the Senate ; or the government was organized by the commander and a body of commissioners appointed by the Senate out of their own number. (Plutarch, *Lucull.* 35, 36.) The mode of dealing with a conquered country was not uniform. When constituted a Provincia, it did not become to all purposes an integral part of the Roman State ; it retained its national existence, though it lost its sovereignty. The organization of Sicily was completed by P. Rupilius with the aid of ten legates, and his constitution is sometimes referred to under the name of Leges Rupiliae. The island was formed into two districts, with Syracusae for the chief town of the eastern and Lilybaeum of the western district : the whole island was administered by a governor annually sent from Rome. He was assisted by two Quaestors and was accompanied by a train of praecones, scribae, haruspices, and other persons, who formed his Cohors. The Quaestors received from the Roman aerarium the necessary sums for the administration of the island, and they also collected the taxes, except those which were let by the Censors at Rome. One quaestor resided at Lilybaeum, and the other with the governor or Praetor at Syracusae. The governor could dismiss the quaestors from the province, if they did not conform to his orders, and could appoint Legati to do their duties. The whole island was not treated exactly in the same way. Seventeen conquered towns forfeited their land, which was restored on condition of the payment of the decimae and the scriptura. But this restoration must not be understood as meaning that the ownership of the land was restored, for the Roman State became the owner of the land, and the occupiers had at most a Possessio. These taxes or dues were let to farm by the censors at Rome. Three cities, Messana, Tauromenium, and Netum, were made Foederatae Civitates and retained their land. [Foederatae Civitates.] Five other cities, among which were Panormus and Segesta, were Liberae et Immunes, that is, they paid no decimae; but it does not appear whether they were free from the burdens to which the Foederatae Civitates as such were subject by virtue of their Foedus with Rome. Before the Roman conquest of Sicily, the island had been subject to a payment of the tenth of wine, oil, and other products, the collecting of which had been determined with great precision by a law or regulation of King Hiero (*Lex Hieronica*). The regulations of Hiero were preserved and these tenths were let to farm by the Quaestors in Sicily to Sicilians and Romans settled in Sicily: the tenths of the first-mentioned towns were let to farm to Romans in Rome. The towns which paid the tenths were called by the general name of Stipendiariae.

For the administration of justice the island was divided into Fora or Conventus, which were territorial divisions. Sicilians who belonged to the same town had their disputes settled according to its laws; citizens of different towns had their disputes decided by judices appointed by the governor; in case of disputes between an individual and a community, the Senate of any Sicilian town might act as judices, if the parties did not choose to have as judices the Senate of their own towns; if a Roman citizen sued a Sicilian, a Sicilian was judex; if a Sicilian sued a Roman citizen, a Roman was judex; but no person belonging to the Cohors of a Praetor could be judex. These were the provisions of the Rupiliae Leges. Disputes between the lessees of the tenths and the Aratores were decided according to the rules of Hiero. (Cic. *Verr.* ii. 13.) The settlement of the Municipal constitution of the towns was generally left to the citizens; but in some instances, as in the case of C. Claudius Marcellus and the town of Alesa, a constitution was given by some Roman at the request, as it appears, of the town. The Senate and the People still continued as the component parts of the old Greek cities. Cicero mentions a body of 130 men called censors who were appointed to take the census of Sicily every five years, after the fashion of the Roman census (*in Verr.* ii. 55, &c.) The island was also bound to furnish and maintain soldiers and sailors for the service of Rome, and to pay tributum for the carrying on of wars. The governor could take provisions for the use of himself and his cohors on condition of paying for them. The Roman State had also the Portoria which were let to farm to Romans at Rome.

The governor had complete Jurisdictio in the island with the Imperium and Potestas. He could delegate these powers to his quaestors, but there was always an appeal to him, and for this and other purposes he made circuits through the different Conventus.

Such was the organization of Sicilia as a province, which may be taken as a sample of the general character of Roman provincial government. Sicily obtained the Latinitas from C. Julius Caesar, and the Civitas was given after his death (Cic. *ad Att.* xiv. 12); but notwithstanding this there remained some important distinctions between Sicily and Italy. The chief authority for this account of the Provincial organization of Sicily is the Verrine orations of Cicero.

Hispania was formed into two Provinces, Citerior or Tarraconensis between the Iberus and the Pyrenees, and Ulterior or Baetica south of the Iberus. Hispania Citerior was divided into seven Conventus, — Carthaginiensis, Tarraconensis, Caesaraugustanus, Cluniensis, Asturum, Lucensis, and Bracarum. The diversity of the condition of the several parts of the Province appears from the enumeration of Coloniae, Oppida Civium Romanorum, Latini veteres, Foederati, Oppida stipendiaria. Hispania Baetica was divided into four Juridici conventus, — Gaditanus, Cordubensis, Astigitanus, Hispalensis. The oppida consisted of Coloniae, Municipia, Latio antiquitus donata, which appear to be equivalent to Latini veteres, Libera, Foederata, Stipendiaria. (Plin. *H. N.* iii. 1, 3.) The Provincia of Lusitania was divided into three Conventus, — Emeritensis, Pacensis, and Scalobitanus. The classes of Oppida enumerated are Coloniae, Municipia Civium Romanorum, Oppida Latii antiqui or veteris, Stipendiaria. (Plin. *H. N.* iv. 22.) This example will give some idea of the Roman mode of administering a province for judicial purposes. All Hispania received the Latinitas from Vespasian. (Plin. *H. N.* ii. 3.) The province paid a fixed vectigal or land-tax in addition to the tributum which was collected by Praefecti, and in addition to being required to deliver a certain quantity of corn. And the Praetor had originally the right to purchase a twentieth part at what price he pleased. (Liv. xliii. 2; compare Tacit. *Agric.* 19; and Cic. *in Verr.* iii. 81, *de aestimato frumento.*)

This organization was not confined to the Western Provinces. In Asia, for instance, there was a Smyrnaeus Conventus which was frequented by a great part of Aeolia; the term conventus was applied both to the territorial division made for the administration of justice and also to the chief city or place "in quem conveniebant." Ephesus gave name to another Conventus. As the Conventus were mainly formed for judicial purposes, the term Jurisdictio is sometimas used as an equivalent. Thus Pliny (*H. N.* v. 29) speaks of the Sardiana Jurisdictio, which is the same as Sardianus conventus. The object of this division is further shown by such phrases as "eodem disceptant foro," "Tarracone disceptant populi xliii."

Strabo remarks (xiii. p. 629) that the boundaries of Phrygia, Lydia, Caria, and Mysia were confused, and that the Romans had added to the confusion, by not attending to the subsisting national divisions, but making the administrative divisions different (τὰς διοικήσεις), in which are the Fora (ἀγόρας MS.) and the administration of justice. The word ἀγόρα probably represents Conventus (as to the reading, see Casaubon's note). The Conventus, it appears, were sometimes held (*conventus acti*) in the winter (Caesar, *Bell. Gall.* i. 54, vi. 44); but in Caesar's case this might be a matter of convenience. Cicero proposed to do the same in his province (*ad Att.* v. 14). The expression "forum agere" is equivalent to "conventum agere." (Praetor Romanus conventus agit, Liv. xxxi. 29.)

The Conventus were attended by the Romans who were resident in the province, among whom were the publicani, and generally by all persons who had any business to settle there. The judices for the decision of suits were chosen from the persons who attended the conventus. Other acts were also done there, which were not matters of litigation but which required certain forms in order to be legal. In the case of manumission by persons under thirty years of age certain forms were required by the Lex Aelia Sentia, and in the provinces it was effected on the last day of the Conventus (Gaius, i. 20); from which it appears that Conventus means also the time during which business was transacted at the place "in quem conveniebant."

The governor upon entering on his duties published an edict, which was often framed upon the Edictum Urbanum. Cicero when Proconsul of Cilicia says that as to some matters he framed an edict of his own, and as to others he referred to the Edicta Urbana. (*Ad Att.* vi. 1.) Though the Romans did not formally introduce their law into the provinces, and so much of it as applied to land and the status of persons was inapplicable to Provincial land and Provincial persons, great changes were gradually introduced by the edictal power both as to the forms of procedure and all other matters to which the Roman Law was applicable; and also by special enactments. (Gaius, i. 183, 185, iii. 122.)

There was one great distinction between Italy and the Provinces as to the nature and property in land. Provincial land could not be an object of Quiritarian ownership, and it was accordingly appropriately called Possessio. The ownership of Provincial land was either in the Populus or the Caesar: at least this was the doctrine in the time of Gaius (ii. 7). Provincial land could be transferred without the forms required in the case of Italian land, but it was subject to the payment of a land-tax (vectigal). Sometimes the Jus Italicum was given to certain provincial towns, by which their lands were assimilated to Italian land, for all legal purposes. With the Jus Italicum such towns received a free constitution like that of the towns of Italy, with magistrates, as decemviri, quinquennales (censores) and aediles; and also a jurisdictio. It was a ground of complaint against Piso that he exercised jurisdictio in a Libera Civitas. (Cic. *de Prov. Cons.* 3.) Towns possessing the Jus Italicum in Hispania, Gallia and other countries are enumerated. The Latinitas or Jus Latii also, which was conferred on many provincial towns, appears to have carried with it a certain jurisdictio; and those who filled certain magistratus in these towns thereby obtained the Roman Civitas. (Strabo, p. 186, Casaub.) It is not easy to state what was the precise condition of the Coloniae Romanae and Latinae which were established in the Provinces: if the name is a certain indication of their political condition, that is pretty well ascertained.

It has been stated that the terms Italia and Provinciae are opposed to one another as the component parts of the Roman State, after it had received its complete developement. Under the Emperors we find Gallia Cisalpina or Citerior an integral part of Italy and without a governor, the Provincial organization having entirely disappeared there. In the year B. C. 49 when Caesar crossed the Rubicon on his march towards Rome, it was a Province of which he was Proconsul, a circumstance which gives a distinct meaning to this event. Cicero still calls it Provincia Gallia at the epoch of the battle of Mutina. In the autumn of B. C. 43 D. Brutus the Proconsul of the Provincia Gallia was murdered, and from that time we hear of no more Proconsuls of this Province, and it is a reasonable conjecture that those who then had all the political power were unwilling to allow any person to have the command of an army in a district so near to Rome. The name Italia was however applied to this part of Italia before it became an integral portion of the Peninsula by ceasing to be a Provincia. (Caesar, *Bell. Gall.* i. 54, v. 1, vi. 44, &c.; Cic. *Phil.* v. 12.) On the determination of the Provincial form of government in Gallia Cisalpina, it was necessary to give to this part of Italy a new organization suited to the change of circumstances, particularly as regarded the administration of justice, which was effected by the Lex Rubria de Gallia Cisalpina. The Proconsul of Gallia Cisalpina had the Imperium, but on his functions ceasing, the Jurisdictio was placed in the hands of local magistrates who had not the Imperium. These magistratus could give a judex; in some cases their jurisdiction was unlimited; in others it did not extend to cases above a certain amount of money; they could remit a novi operis nuntiatio, require a Cautio in case of Damnum Infectum, and if it was not given, they could grant an action for damages.

The Roman provinces up to the battle of Actium as enumerated by Sigonius are: Sicilia; Sardinia et Corsica; Hispania Citerior et Ulterior; Gallia Citerior; Gallia Narbonensis et Comata; Illyricum; Macedonia; Achaia; Asia; Cilicia; Syria; Bithynia et Pontus; Cyprus; Africa; Cyrenaica et Creta; Numidia; Mauritania. Those of a subsequent date which were either new, or arose from division are according to Sigonius: Rhaetia; Noricum; Pannonia; Moesia; Dacia; Britannia; Mauritania Caesariensis and Tingitana; Aegyptus; Cappadocia; Galatia; Rhodus; Lycia; Commagene; Judaea; Arabia; Mesopotamia; Armenia; Assyria. The accuracy of this enumeration is not warranted. It will appear that it does not contain Lusitania, which is one of the two divisions of Hispania Ulterior, the other being Baetica: Lusitania may however not have had a separate governor. Originally the whole of Spain, so far as it was organized, was divided into the two provinces Citerior and Ulterior; the division of Ulterior into Baetica and Lusitania belonged to a later period. Under Augustus Gallia was divided into four provinces: Narbonensis, Celtica or Lugdunensis, Belgica, and Aquitania. The Provincia of Caesar's Commentaries, from which term the modern name Provence is derived, appears to have corresponded to the subsequent province Narbonensis. He had also the Province of Gallia Cisalpina, or Citerior (Caesar, *Bell. Gall.* i. 54) which, as already explained, was subsequently incorporated with Italia as an integral part of it. Cicero speaks of the two Galliae, as then united in one Imperium under C. Julius Caesar, and he further distinguishes them by the names of Citerior and Ulterior. (*De Prov. Cons.* ii. 15, 16.) The same expressions are used by Caesar in his Commentaries. (*Bell. Gall.* i. 7, v. 1, 2.)

Strabo (xvii. p. 840, Casaub.) gives the division into Provinces (ἐπάρχιαι) as constituted by Augustus. The provinces of the Populus (δῆμος) were two consular provinces (ὑπατικαί), and ten praetorian provinces (στρατηγίαι). The rest of the eparchies, he says, belong to the Caesar. Lusitania is not enumerated among the eparchies of the Populus, and if it was a distinct eparchy, it must have belonged to the Caesar according to the principle of the division of the provinces, as stated by Strabo. The list of provinces in the "Demonstratio Provinciarum" (*Mythog. Vat.* Bode) mentions the Province of Asturia et Galloeca Lusitania. Dion Cassius (liii. 12) states the distribution of the Provinces by Augustus as follows: the Provinces of Africa, Numidia, Asia, Hellas (Achaea) with Epirus, Dalmatia, Macedonia, Sicilia, Creta with the Cyrenaica, Bithynia with the adjacent Pontus, Sardinia, and Baetica belonged to the Senate and the people (δῆμος and γερουσία). Tarraconensis, Lusitania, all Gallia, Coele Syria, Phoenice, Cilicia, Cyprus, and Aegyptus, belonged to Augustus. He afterwards took Dalmatia from the Senate, and gave to them Cyprus and Gallia Narbonensis, and other changes were made subsequently.

At first Praetors were appointed as governors of provinces, but afterwards they were appointed to the government of provinces, upon the expiration of their year of office at Rome, and with the title of Propraetores. In the later times of the republic, the consuls also, after the expiration of their year of office, received the government of a province with the title of Proconsules: such provinces were called Consulares. Cicero was Proconsul of Cilicia B. C. 55, and his colleague in the consulship, C. Antonius, obtained the proconsulship of Macedonia immediately on the expiration of his consular office. The provinces were generally distributed by lot, but the distribution was sometimes arranged by agreement among the persons entitled to them. By a Sempronia Lex the proconsular provinces were annually determined before the election of the consuls, the object of which was to prevent all disputes. A Senatusconsultum of the year 55 B. C., provided that no consul or praetor should have a province till after the expiration of five years from the time of his consulship or praetorship. A province was generally held for a year, but the time was often prolonged. When a new governor arrived in his province, his predecessor was required to leave it within thirty days. A Lex Julia passed in the time of C. Julius Caesar limited the holding of a Praetoria Provincia to one year, and a Consularis Provincia to two years. (Dion Cassius, xliii. 25; Cic. *Phil.* i. 8, v. 3.) The governors of provinces had no pay as such, but certain expenses were provided for out of the Aerarium. Augustus first attached pay to the office of provincial governor. (Dion Cassius, liii. 15; Sueton. *August.* 36.)

The governor of a province had originally to account at Rome (*ad urbem*) for his administration from his own books and those of his Quaestors; but after the passing of a Lex Julia B. C. 61, he was bound to deposit two copies of his accounts (*rationes*) in the two chief cities of his province and to forward one (*totidem verbis*) to the Aerarium. (Cic. *ad Fam.* ii. 17, v. 20, *ad Attic.* vi. 7.) If the governor misconducted himself in the administration of the province, the provincials applied to the Roman Senate, and to the powerful Romans who were their Patroni. The offences of Repetundae and Peculatus were the usual grounds of complaint by the provincials; and if a governor had betrayed the interests of the State, he was also liable to the penalties attached to Majestas. Quaestiones were established for inquiries into these offences; yet it was not always an easy matter to bring a guilty governor to the punishment that he deserved.

With the establishment of the Imperial power under Augustus, a considerable change was made in the administration of the provinces. Augustus took the charge of the provinces where a large military force was required; the rest were left to the care of the Senate and the Roman people. (Strabo, xvii. p. 840.) Accordingly we find in the older jurists (Gaius, ii. 21) the division of provinciae into those which were "propriae Populi Romani," and those which were "propriae Caesaris," and this division with some modifications continued to the third century. The Senatorian provinces were distributed among consulares and those who had filled the office of Praetor, two provinces being given to the consulares and the rest to the Praetorii: these governors were called Proconsules, or Praesides, which latter is the usual term employed by the old jurists for a provincial governor. The Praesides had the jurisdictio of the Praetor Urbanus and the Praetor Peregrinus; and their Quaestors had the same jurisdiction that the Curule Aediles had at Rome. (Gaius, i. 6.) The Imperial provinces were governed by Legati Caesaris with Praetorian power, the Proconsular power being in the Caesar himself, and the Legati being his deputies and representatives. The Legati were selected from those who had been consuls or praetors, or from the Senators. They held their office and their power at the pleasure of the Emperor; and he delegated to them both military command and jurisdictio, just as a Proconsul in the Republican period delegated these powers to his Legati. These Legati had also Legati under them. No quaestors were sent to the provinces of the Caesar, and for this reason observes Gaius, *this* edict (*hoc edictum*) is not published in those provinces, by which he appears, from the context, to mean the edict of the Curule Aediles. In place of the quaestors, there were Procuratores Caesaris, who were either Equites or freedmen of the Caesar. Egypt was governed by an Eques with the title of Praefectus. The Procuratores looked after the taxes, paid the troops, and generally were intrusted with the interests of the Fiscus. Judaea, which was a part of the province of Syria, was governed by a Procurator who had the powers of a Legatus. It appears that there were also Procuratores Caesaris in the Senatorian provinces, who collected certain dues of the Fiscus, which were independent of what was due to the Aerarium. The regular taxes, as in the Republican period, were the poll-tax and land-tax. The taxation was founded on a census of persons and property, which was established by Augustus. The Portoria and other dues were farmed by the Publicani, as in the Republican period.

The governors of the Senatorial provinces and the legati of the Caesar received their instructions from him, and in all cases not thus provided for they had to apply to the Caesar for special directions. The Rescripta of the Emperors to the provincial governors are numerous. Justice was administered in the provinces according to the laws of the Provinces, and such Roman laws as were specially enacted for them, and according to Imperial Constitutiones, Senatusconsulta and the Edict of the governors. In some instances the provisions of Roman laws were extended to the provinces. (Gaius, i. 47; Ulp. *Frag.* xi. 20.)

The organization of the Italian towns under the Empire has been already explained in the article COLONIA; and the same observations apply in general to the Senates of Provincial towns which have been made with respect to the functions of the Senates of Italian towns. Even in the provinces the names Senate and Senator occur in the sense respectively of Curia and Decuriones. But there was a great distinction between the Magistratus of Provincial and those of Italian towns. The functions of these personages in the Provincial towns were generally Munera (*burdens*) and not Honores. [HONORES.] Such Honores as have reference to religious functions they certainly had, and probably others also; but they had nothing corresponding to the Duumviri Juri dicundo of the Italian towns, that is, no functionary "qui jus dicebat." The only exception were such towns as had received the Jus Italicum, the effect of which, as elsewhere explained, appears to have been, in brief, to give to a certain city and district the same character that it would have had, if it had been a part of the Italic soil; but only so far as affected the whole district: it did not affect the status of individuals. Freedom from the land-tax, and a free constitution in Italian form, with Duumviri J. D., Quinquennales, Aediles, and Jurisdictio were essential ingredients of this Jus Italicum. Sicily received the Civitas after the death of C. Julius Caesar, and from the occurrence of the mention of Duumviri in the inscriptions of a Sicilian town, Savigny draws the probable inference that the Sicilian towns received the Jus Italicum also: at least if in any case, we can show that any provincial city had Duumviri, we may conclude that such city had the Jus Italicum and consequently Magistratus with Jurisdictio. The regular Jurisdictio in all the provinces was vested in the governor, who exercised it personally and by his legati: with reference to his circuits in the provincia the governor in the later ages of the Empire was called Judex Ordinarius and sometimes simply Judex. The towns which had the Jus Italicum were, as already observed, not under his immediate Jurisdictio, though a right of appeal to the governor from the judgment of the Duumviri must be considered as always existing. The provincial towns had the management of their own revenue; and some of the principal towns could coin money. It does not appear that the religion of the provincials was ever interfered with, nor had it been put under any restraint in the Republican period.

The constitution of Caracalla, which gave the Civitas to all the provinces and towns of the Empire, merely affected the personal status of the people. The land remained Provincial land, when the Jus Italicum had not been communicated to it, and the cities which had not received the Jus Italicum, were immediately under the Jurisdictio of the governors. This constitution however must have made considerable changes in the condition of the provincials, for when they all became Roman citizens, the Roman incidents of marriage, such as the Patria Potestas, and the Roman Law of succession in case of intestacy would seem to be inseparable consequents of this change, at least so far as the want of the Jus Italicum did not render it inapplicable.

The constitution of the provincial towns was materially affected by the establishment of Defensores, whose complete title is "Defensores Civitatis Plebis Loci." Until about the time of Constantine, so far as the Pandect shows, Defensor was the title of persons who were merely employed in certain municipal matters of a temporary kind. In the year A. D. 365, the Defensores appear as regularly established functionaries. (Cod. 1. tit. 55. *De Defensoribus.*) They were elected by the Decuriones and all the city; but, unlike the magistratus, they could not be elected out of the body of Decuriones. The office was originally for five years, but after the time of Justinian only for two years. The principal business of the Defensor was to protect his town against the oppression of the Governor. (Cod. 1. tit. 55. s. 4.) He had a limited Jurisdictio in civil matters, which Justinian extended from matters to the amount of 60 solidi to matters to the amount of 300 solidi. There was an appeal from him to the Governor. (Nov. 15. c. 5.) He could not impose a Multa; but he could appoint a Tutor. In criminal matters, he had only Jurisdictio in some of the less important cases.

The number of Senators both in the Italic and provincial towns seems to have been generally one hundred; and this was the number in Capua. (Cic. *in Rull.* ii. 35.) But the number was not in all places the same. Besides the actual members, the Album Decurionum comprised others who were merely honorary members. The Album of the town of Canusium, of the year A. D. 223, which has been preserved, consists of 148 members, of whom 30 were Patroni, Roman Senators, and 2 were Patroni, Roman Equites; the remainder were 7 quinquennalicii, a term which is easily explained by referring to the meaning of the term Quinquennales [COLONIA], 4 allecti inter quinquennales, 22 duumviralicii, 19 aedilicii, 21 pedani, 34 praetextati. The distinction between Pedani and Praetextati Savigny professes himself unable to explain. In many towns the first persons in the list of actual senators were distinguished from the rest, and generally the first Ten, as Decemprimi; of which there is an example in Livy (xxix. 15. magistratus denosque principes); and in the case of Ameria, and of Centuripae in Sicily (Cic. *pro. Ros. Amer.* c. 9, *In Verrem*, ii. 67).

It has been previously shown that at the time when the Roman Respublica had attained its complete developement, Italia and the Provinciae were the two great component parts of the Empire; and one great distinction between them was this, that in Italia the towns had magistratus with Jurisdictio; in the provinces, except in places which had received the Jus Italicum, the governor alone had Jurisdictio. But with the growth and developement of the Imperial power, a greater uniformity was introduced into the administration of all parts of the Empire; and ultimately Italy itself was under a Provincial form of government. [COLONIA.] As above shown, the relation of the Governor to the province was not the same, when a city had magistratus, and when it had not; and consequently it was in this respect not the same in Italy as in the Provinces.

The constitution of Constantine was based on a complete separation of the Civil and Military power, which were essentially united in the old system of provincial government: Justinian however ultimately re-united the civil and military power in the same person. The governor who had Civil power was called Rector, Judex, Judex Ordinarius; and of these governors there were three classes, Consulares, Correctores, Praesides, among whom the only distinction was in the extent and rank of their government. In the writings of the older jurists, which are excerpted in the Pandect, the Praeses is a general name for a Provincial governor. (Dig. 8. tit. 18.) The military power was given to Duces who were under the general superintendence of the Magistri Militum. Some of these Duces were called Comites, which was originally a title of rank given to various functionaries and among them to the Duces; and when the title of Comes was regularly given to certain Duces, who had important commands, the name Dux was dropped, and Comes became a title. This was more particularly the case with important commands on the frontier. (Cod. Theod. 7. tit. 1. s. 9.) The Comes is mentioned in Imperial Constitutions before the Dux, whence we infer his higher rank. (Cod. Theod. 8. tit. 7. s. 11. *Ad magistros militum, et comites, et duces omnes.*)

It remains to add a few remarks on the exercise of the Jurisdictio, so far as they have not been anticipated in speaking of the functionaries themselves. In Italy, and in the towns which had the privileges of Italian towns, all matters as a general rule came before the magistratus in the first instance; but in certain excepted matters, and in cases where the amount in question was above a certain sum (the precise amount of which is not known), the matter came before the governor of the province in the first instance, or in Italy before the Roman Praetor. Until the middle of the fourth century A. D. all matters in the Provincial towns, which had not magistratus, came before the governor in the first instance; but about this time the Defensor acquired a power, like that of the magistratus of the privileged towns, though more limited. The old form of proceeding in civil matters has been explained elsewhere [JUDEX]: the magistratus empowered the Judex to make a condemnatio; and this institution was the Ordo Judiciorum Privatorum. That which the magistratus did without the aid of a Judex was Extra Ordinem. [INTERDICTUM.] The same institution prevailed in those towns which had a magistratus, for it was of the essence of a Magistratus or of Jurisdictio to name a Judex. (*Lex Gall. Cisalp.* c. 20.) Under the emperors, it gradually became common for the magistratus to decide various cases without the aid of a Judex, and these are the Extraordinariae Cognitiones spoken of in the Digest (50. tit. 13). In the reign of Diocletian the Ordo Judiciorum, as a general rule, was abolished in the provinces and the pedanei judices (hoc est qui negotia humiliora disceptent) were only appointed by the praeses when he was very much occupied with business, or for some trifling matters [JUDEX PEDANEUS]; (Cod. 3. tit. 3. s. 2); and in the time of Justinian the institution had entirely disappeared (Inst. 4. tit. 15. s. 8), and, as it is conjectured, both in Rome and the Municipia.

By the aid of the Judices, two Praetors were able to conduct the whole judicial business between citizens and Peregrini at Rome; and by the aid of the same institution, the judicial business was conducted in the Jurisdictiones out of Rome. In no other way is it conceivable how the work could have been got through. But when the Ordo Judiciorum was abolished, the difficulty of transacting the business must have been apparent. How this was managed, is explained by Savigny, by referring to the growth of another institution. Even in the time of the Republic, the Praetors had their legal advisers, especially if they were not jurists themselves; and when all the power became concentrated in the Caesars, they were soon obliged to form a kind of college, for the dispatch of business of various kinds and particularly judicial matters which were referred to the Caesar. This college was the Caesar's Consistorium or Auditorium. The Provincial governors had their body of assessors, which were like the Caesar's Auditorium (Dig. 1. tit. 22); and it is a conjecture of Savigny, which has the highest probability in its favour, that the new institution was established in the municipal towns and in the provincial towns, so that here also the magistratus and the Defensor had their assessors.

Besides the Jurisdictio, which had reference to Litigation, the so-called Contentiosa Jurisdictio, there was the Voluntaria. Matters belonging to this Jurisdictio, as Manumission, Adoption, Emancipation, could only be transacted before the Magistratus Populi Romani, and, unless these powers were specially given to them, the Municipal Magistrates had no authority to give the legal sanction to such proceedings; though in the old Municipia it is probable that the power of the magistratus was as little limited in the Voluntaria as in the Contentiosa Jurisdictio. In the Imperial period it was usual to perform many acts before the public authorities, and in the three cases of large Gifts, the making of a Will, and the Opening of a Will, it was necessary for these acts to be done before a public authority. Such acts could be done before a provincial governor; and also before the Curia of a city in the presence of a Magistratus and other persons. (Compare the Constitution of Honorius, Cod. Theod. 12. tit. 1. s. 151, and a Novel of Valentinian, Nov. Theod. tit. 23, with Savigny's remarks on them.)

Though the general administration of the Roman provinces is adequately understood, there are differences of opinion as to some matters of detail; one cause of which lies in the differences which actually existed in the administration of the provinces and which had their origin in the different circumstances of their conquest and acquisition, and in the diversity of the native customary law in the different provinces, with a large part of which the Romans originally did not interfere. A general view of the Provinces should therefore be completed and corrected by a view of the several provinces.

The authorities for this view of the Provincial government have been generally referred to. They are, more particularly, Sigonius, *De Antiquo Jure Provinciarum*, Lib. i.—iii. ; Goettling, *Geschichte der Römischen Staatsverfassung ;* Walter, *Geschichte des Römischen Rechts*, where the authorities are very conveniently collected and arranged, and chap. xxxi. Notes 76, 79, wherein he differs from Savigny as to the Jus Italicum ; in chapter xxxvii. Walter has described the provincial divisions of the Empire, which existed about the middle of the fifth century A. D. ; Savigny, *Geschichte des Röm. R. im Mittelalter*, vol. i. ; Puchta, *Ueber den Inhalt der Lex Rubria*, Zeitschrift, &c., vol. x. [G. L.]

PROVOCA'TIO. [Appellatio, p. 107, a.]

PROVOCATO'RES. [Gladiatores, p. 575, b.]

PROXE'NIA, PRO'XENUS (*προξενία, πρόξενος*). [Hospitium.]

PRUDENTES. [Jurisconsulti.]

PRYTANEIUM (*πρυτανεῖον*). The *πρυτανεῖα* of the ancient Greek states and cities were to the communities living around them, the common houses of which they in some measure represented, what private houses were to the families which occupied them. Just as the house of each family was its home, so was the *πρυτανεῖον* of every state or city the common home of its members or inhabitants, and was consequently called the *ἑστία πόλεως*, the "focus" or "penetrale urbis." (Cic. *de Leg.* ii. 12 ; Liv. xli. 20 ; Dionys. ii. 23, 65.) This correspondence between the *πρυτανεῖον*, or home of the city, and the private home of a man's family, was at Athens very remarkable. A perpetual fire or *πῦρ ἄσβεστον* was kept continually burning on the public altar of the city in the Prytaneium, just as in private houses a fire was kept up on the domestic altar in the inner court of the house. (Pollux, i. 7 ; Arnold, *ad Thucyd.* ii. 15.)

The same custom was observed at the Prytaneium of the Eleans, where a fire was kept burning night and day. (Paus. v. 15. § 5.) Moreover the city of Athens exercised in its Prytaneium the duties of hospitality, both to its own citizens and strangers. Thus foreign ambassadors were entertained here, as well as Athenian envoys on their return home from a successful or well conducted mission. (Aristoph. *Acharn.* 125 ; Pollux, ix. 40.) Here, too, were entertained from day to day the successive Prytanes or Presidents of the Senate, together with those citizens who, whether from personal or ancestral services to the states, were honoured with what was called the *σίτησις ἐν Πρυτανείῳ*, the "victus quotidianus in Prytaneo" (Cic. *de Orat.* i. 54), or the privilege of taking their meals there at the public cost. This was granted sometimes for a limited period, sometimes for life, in which latter case the parties enjoying it were called *ἀείσιτοι*. The custom of conferring this honour on those who had been of signal service to the state and their descendants, was of so great antiquity that one instance of it was referred to the times of Codrus ; and in the case to which we allude the individual thus honoured was a foreigner, a native of Delphi. (Lycurg. *c. Leocr.* p. 158.) Another illustration of the uses to which the Prytaneium was dedicated, is found in the case of the daughters of Aristeides, who on the death of their father were considered as the adopted children of the state, and married from (*ἐκδοθεῖσαι*) that common home of the city, just as they would have been from their father's home had he been alive. (Plut. *Arist.* c. 27.) Moreover, from the ever-burning fire of the Prytaneium, or home of a mother state, was carried the sacred fire which was to be kept burning in the prytaneia of her colonies ; and if it happened that this was ever extinguished, the flame was rekindled from the prytaneium of the parent city. (Duker, *ad Thucyd.* i. 24.) Lastly, a Prytaneium was also a distinguishing mark of an independent state, and is mentioned as such by Thucydides (ii. 15), who informs us that before the time of Theseus, every city or state (*πόλις*) of Attica possessed a prytaneium. The Achaeans, we are told (Herod. vii. 197), called their prytaneium *λήϊτον* (from *λεώς*, populus), or the "town-hall," and exclusion from it seems to have been a sort of civil excommunication.

The Prytaneium of Athens lay under the Acropolis on its northern side (near the *ἀγορά*), and was, as its name denotes, originally the place of assembly of the *Πρυτανεῖς* : in the earliest times it probably stood on the Acropolis. Officers called *Πρυτανεῖς* were entrusted with the chief magistracy in several states of Greece, as Corcyra, Corinth, Miletus, and the title is sometimes synonymous with *βασιλεῖς*, or princes, having apparently the same root as *πρῶτος* or *πρότατος*. At Athens they were in early times probably a magistracy of the second rank in the state (next to the Archon), acting as judges in various cases (perhaps in conjunction with him), and sitting in the Prytaneium. That this was the case is rendered probable by the fact, that even in aftertimes the fees paid into court by plaintiff and defendant, before they could proceed to trial, and received by the dicasts, were called *πρυτανεῖα*. (Pollux, viii. 38.) This court of the Prytaneium, or the *τὸ ἐπὶ Πρυτανείῳ*, is said (Pollux, viii. 120) to have been presided over by the *φυλοβασιλεῖς*, who perhaps were the same as the *πρυτανεῖς*.

In later ages, however, and after the establishment of the courts of the Heliaea, the court of the Prytaneium had lost what is supposed to have been its original importance, and was made one of the courts of the Ephetae, who held there a species of mock trial over the instruments by which any individual had lost his life, as well as over persons who had committed murder, and were not forthcoming or detected.

The tablets or *ἄξονες* otherwise *κύρβεις*, on which Solon's laws were written (Plut. *Sol.* 25), were also deposited in the Prytaneium (Paus. i. 18. § 3) ; they were at first kept on the Acropolis, probably in the old Prytaneium, but afterwards removed to the Prytaneium in the *ἀγορᾷ*, that they might be open to public inspection. (Pollux, viii. 128.) Ephialtes is said to have been the author of this measure (Harpocrat. *s. v.* Ὁ *κάτωθεν νόμος*), but their removal may have been merely the consequence of the erection of a new Prytaneium on the lower site in the time of Pericles. (Thirlwall, *Hist. of Greece*, vol. ii. p. 54.) [R. W.]

PRYTANES (*πρυτανεῖς*). [Boule, pp. 210, 212 ; Prytaneium.]

PSEPHISMA (*ψήφισμα*). [Boule, pp. 210, 211 ; Nomothetes.]

PSEPHUS (ψῆφος). The Athenian dicasts, in giving their verdict, voted by ballot. For this purpose they used either sea-shells, χοιρίναι (Aristoph. *Vesp.* 333, 349, *Eq.* 1332), or beans (hence the δῆμος is called κυαμοτρώξ by Aristophanes, *Eq.* 41), or balls of metal (σπόνδυλοι) or stone (ψῆφοι). These last were the most common: hence ψηφίζεσθαι, and its various derivatives, are used so often to signify *voting*, *determining*, &c. The balls were either pierced (τετρυπημέναι) and whole (πληρεῖς), the former for condemnation, the latter for acquittal (Aesch. *c. Timarch.* 11, ed. Steph.; Harpoc. *s. v.* Τετρυπημένη); or they were black and white, for the same purposes, respectively, as the following lines show (Ovid. *Met.* xv. 41):—

> "Mos erat antiquus niveis atrisque lapillis,
> His damnare reos, illis absolvere culpa."

There might be three methods of voting. First, the secret method, called κρύβδην ψηφίζεσθαι, when each dicast had two balls given him (say a black and a white); two boxes (κάδοι, καδίσκοι, or ἀμφορεῖς) were prepared, one of brass, called the judgment-box (κύριος), into which the dicast put the ball by which he gave his vote, and the other of wood, called ἄκυρος, into which he put the other ball, and the only object of which was to enable him to conceal his vote. Each box had a neck or funnel (κημός, i. e. ἐπίθημα μιᾶς ψήφου χώραν ἔχον), into which a man could put his hand, but only one ball could pass through the lower part into the box. (Aristoph. *Vesp.* 99, 751.) Secondly, there might be only one box, in which the dicast put which of the two balls he pleased, and returned the other to the officer of the court. Thirdly, there might be two boxes, one for condemnation, the other for acquittal, aud only one ball. (Harpoc. *s. v.* Καδίσκος.) The first method was most commonly practised at Athens. Where, however, there were several parties before the court, as in inheritance causes, to one of whom an estate or other thing was to be adjudged, it was customary to have as many ballot-boxes as there were parties, or at least parties in distinct interests; and the dicast put the white or whole ball into the box of that person in whose favour he decided. [HERES (GREEK).] The same system of balloting was employed when the dicasts voted on the question of damages. Hence the verdict on the question, *guilty or not guilty*, or *for the plaintiff or defendant* (to distinguish it from the other), is called πρώτη ψῆφος. (Aesch. *c. Ctes.* 82, ed. Steph.; Demosth. *de Fals. Leg.* 434, *c. Aristocr.* 676, *c. Aristog.* 795, *c. Neaer.* 1347.) A curious custom was in vogue in the time of Aristophanes. Each dicast had a waxen tablet, on which, if the heavier penalty was awarded, he drew a long line (lengthway on the tablet); if the lighter penalty, he drew a short line (breadthway on the tablet). We must suppose, not that the voting took place in this way, but that, on the votes being counted, the jurors took a note of the result for their own satisfaction; unless we resort to this hypothesis, viz. that the drawing lines on the tablets was an act preliminary to the division, whereby the jury intimated to the parties how the matter was likely to go, unless they came to a compromise. Such intimation might be necessary in those cases, where, the estimates of the parties being widely different, the one proposing too high a penalty, the other too low a one, the jury wished to inform the more unreasonable party, that, unless he offered them some better alternative, they should adopt the estimate of his adversary. (As to this point, see Meier, *Att. Proc.* p. 181.) The tablet is called by Aristophanes πινάκιον τιμητικόν. In the expression τιμᾷν τὴν μακράν, we understand γραμμὴν or τίμησιν (*Vesp.* 106, 167, 850). See Pollux, viii. 16, 17, 123; Meier, *Att. Proc.* pp. 720, 726; Platner, *Proc. und Klag.* vol. i. p. 188; Wachsmuth, vol. ii. pt. i. p. 344.

In the popular assemblies the common method of voting was by show of hands. [CHEIROTONIA.] There were some occasions, however, when the ballot was employed; as where it was deemed important that the voting should be secret, or that the numbers should be accurately counted. Thus, to pass a law for the naturalization of a foreigner, or for the release of a state debtor, or for the restoration of a disfranchised citizen, and indeed in every case of a *privilegium*, it was necessary that six thousand persons should vote in the majority, and in secret. (Andoc. *de Myst.* 12, ed. Steph.; Demosth. *c. Timoc.* 715, 719, *c. Neaer.* 1375.) On the condemnation of the ten generals who gained the battle of Arginusae, the people voted by ballot, but openly, according to the second of the plans above mentioned. The voting was then by tribes, κατὰ φυλάς. (Xen. *Hell.* i. 7. § 9.) Secret voting by the Senate of Five Hundred is mentioned in Aeschines (*c. Timarch.* 5, ed. Steph.); and in ostracism the voting was conducted in secret. (Schömann, *De Comit.* pp. 121—128, 245.)

The people or jury were said ψηφίζεσθαι, ψῆφον φέρειν or θέσθαι, *to vote, or give their vote or judgment.* Ψῆφον τιθέναι, *to cast accounts*, is used with a different allusion. (Demosth. *pro Cor.* 304.) The presiding magistrate or officer, who called on the people to give their votes, was said ἐπιψηφίζειν, ψῆφον ἐπάγειν or διδόναι, though the last expression is also used in the sense of *voting in favour of a person.* Ψηφίζεσθαι, *to vote*, *to resolve*, ἀποψηφίζεσθαι, *to acquit*, and other derivations from ψῆφος, are often used metaphorically, where the method of voting was χειροτονία, and conversely. Χειροτονεῖν, however, is not used, like ψηφίζεσθαι, with the accusative of the thing voted. As to this see Schömann, *de Comitiis*, p. 123. [C. R. K.]

PSEUDENGRAPHES GRAPHE (ψευδεγγραφῆς γραφή). It is shown under PRACTORES that the name of every state debtor at Athens was entered in a register by the practores, whose duty it was to collect the debts, and erase the name of the party when he had paid it. The entry was usually made upon a return by some magistrate, to whom the incurring of the debt became officially known; as, for instance, on a return by the πωλῆται, that such a person had become a lessee of public lands, or farmer of taxes, at such a rent or on such terms. In case, however, the authorities neglected to make the proper return, any individual might, on his own responsibility, give information to the registering officers of the existence of the debt; and thereupon the officers, if they thought proper, might make an entry accordingly, though it would probably be their duty to make some inquiry before so doing. If they made a false entry, either wilfully, or upon the suggestion of another person, the aggrieved party might institute a prosecution against them, or against the person upon whose suggestion it was made. Such prosecution was called γραφὴ ψευ-

δεγγραφῆς. It would lie also, where a man was registered as debtor for more than was really due from him. And the reader must understand the like remedy to be open to one, who was falsely recorded as a debtor by the *ταμίαι τῶν ϑεῶν*. Whether this form of proceeding could be adopted against magistrates for making a false return, or whether the remedy against them could only be at the *ἐπιχειροτονίαι* or *εὐθύναι*, we cannot say. The *γραφὴ ψευδεγγραφῆς* was brought before the Thesmothetae. If the defendant was convicted, the name of the complainant was struck out of the register, and that of the defendant was entered in his stead, as debtor for the same amount. The *γραφὴ βουλεύσεως* was similar to this; only it lay in those cases where a man, who had been a state debtor, had paid all that was due, but his name was not erased, or having been erased, was re-entered. We may presume, that fraudulent or malicious motives were necessary to be proved on such a charge; but it is reasonable also to suppose that in any case of gross negligence, fraud or malice might (as matter of course) be presumed by the dicasts. (Pollux, viii. 40, 43; Harpoc. and Suid. *s. vv.* *Βουλεύσεως*, *ψευδεγγραφή*, *ψευδέγγραφος δίκη*; Böckh, *Publ. Econ. of Athens*, pp. 349, 390, 2d ed.; Meier, *Att. Proc.* p. 337; Platner, *Proc. und Klag.* vol. ii. p. 117.) [C. R. K.]

PSEUDOCLETEIAS GRAPHE (*ψευδοκλητείας γραφή*), a prosecution against one, who had appeared as a witness (*κλητήρ* or *κλήτωρ*) to prove that a defendant had been duly summoned, and thereby enabled the plaintiff to get a judgment by default. To prevent fraud, the Athenian law directed that the names of the witnesses who attended the summons should be subscribed to the bill of plaint or indictment (*ἔγκλημα*), so that the defendant, if he never had been summoned, and judgment had nevertheless been given against him by default, might know against whom to proceed. The false witness (*κλητήρ*) was liable to be criminally prosecuted, and punished at the discretion of the court. Even death might be inflicted in a case of gross conspiracy. (Demosth. *c. Nicost.* 1252.) A person thrice convicted of this offence was, as in the case of other false testimony, *ipso jure* disfranchised; and even for the first offence the jury might, if they pleased, by a *προστίμησις* inflict the penalty of disfranchisement upon him. (Andoc. *de Myst.* 10, ed. Steph.; Meier, *de Bon. Damn.* p. 125.) Here we may observe this distinction, that the proceeding against the false witness to a summons was of a criminal nature, while the witness in the cause (*μάρτυρ*) was liable only to a civil action. The cause might be that the former offence was more likely to do mischief. The magistrate, before whom the defendant neglected to appear, when by the evidence of the witness it was shown that he had been duly summoned, had no discretion but to pronounce judgment against him; whereas the dicasts, to whom the witness gave false evidence at the trial, might disbelieve him and find their verdict according to the truth. If the fraud was owing to a conspiracy between the plaintiff and the witness, it is probable that an action at the suit of the defendant would lie against the former, to recover compensation; for, though the conviction of the witness would lead to a reversal of the judgment, still he (the defendant) might have suffered damage in the meantime, which the setting aside of the judgment would not repair. Such action (it has been conjectured) might be a *δίκη συκοφαντίας*, or perhaps *κακοτεχνιῶν*. If the name of the witness had been fraudulently used by the plaintiff, and the witness had thereby been brought into trouble, we may conclude, by analogy to the case of other witnesses, that he had a *δίκη βλάβης* against the plaintiff. (Demosth. *c. Aphob.* 849.) The *γραφὴ ψευδοκλητείας* came before the Thesmothetae, and the question at the trial simply was, whether the defendant in the former cause had been summoned or not. (Platner, *Proc. und Klag.* vol. i. p. 417; Meier, *Att. Proc.* pp. 336, 577, 758.) [C. R. K.]

PSEUDODI'PTEROS. [Templum.]

PSEUDOMARTYRION GRAPHE (*ψευδομαρτυριῶν γραφή*). [Martyria, p. 734, b.]

PSILI (*ψιλοί*). [Arma.]

PSYCTER (*ψυκτήρ*, *dim.* *ψυκτηρίδιον*), a wine-cooler. (Plat. *Conviv.* p. 332, d; Tim. *Lex. Plat.* *s. v.*; Menander, p. 177, ed. Meineke; Athen. xi. pp. 469, 502, 503.) The vessel specially adapted for this operation, was sometimes made of bronze (Athen. iv. p. 142) or silver (v. p. 199). One of earthenware is preserved in the Museum of Antiquities at Copenhagen. It consists of one deep vessel for holding ice, which is fixed within another for holding wine. The wine was poured in at the top. It thus surrounded the vessel of ice and was cooled by the contact. It was drawn off so as to fill the drinking-cups by means of a cock at the bottom. Thus the *ψυκτήρ* was a kind of Crater; and accordingly, where Phylarchus (*ap. Athen.* iv. p. 142) in describing the mode of life of Cleomenes, King of Sparta, uses the former term, Plutarch (*Cleom.* p. 1486, ed. Steph.) adopts the latter.

The size of the *ψυκτήρ* was very various. It contained from 2 quarts (Plat. *l. c.*) to a great number of gallons. (Athen. v. p. 199, d. f.) It was sometimes given as a prize to the winners in the game of the Cottabos. [J. Y.]

PUBES, PUBERTAS. [Curator; Impubes; Infans.]

PUBLICA'NI, farmers of the public revenues of the Roman state (*vectigalia*). Their name is formed from *publicum*, which signifies all that belongs to the state, and is sometimes used as synonymous with vectigal. (Dig. 39. tit. 4. s. 1. § 1; 50. tit. 16. s. 16; Suet. *Nero*, 1; Cic. *pro Rabir. Post.* 2; Val. Max. vi. 9. § 7.) The revenues which Rome derived from conquered countries, consisting chiefly of tolls, tithes, harbour duties, the scriptura or the tax which was paid for the use of the public pasture lands, and the duties paid for the use of mines and salt-works (*salinae*), were let out, or, as the Romans expressed it, were sold by the censors in Rome itself to the highest bidder. (Cic. *de Leg. Agr.* ii. 21, *c. Verr.* iii. 7.) This sale generally took place in the month of Quinctilis and was made for a lustrum. (Macrob. *Sat.* i. 12.) The terms on which the revenues were let, were fixed by the censors in the so-called *leges censoriae*. (Cic. *ad Quint. Frat.* i. 1; Varro, *de Re Rust.* ii. 1; Fest. *s. v.* *Produit.*) The people or the senate however sometimes modified the terms fixed by the censors in order to raise the credit of the publicani (Plut. *Flamin.* 19; Polyb. vi. 17; Liv. xxxix. 44), and in some cases even the tribunes of the people interfered in this branch of the administration. (Liv. xliii. 16.) The tithes raised in the province of Sicily alone, with the exception of those of wine, oil, and garden produce, were not sold at Rome, but in the districts of Sicily itself, according to a practice established by Hiero. (Cic. *c. Verr.* ii. 3, 64, &c.) The persons who undertook the farming of the public revenue of course belonged to the wealthiest Romans. Their wealth and consequent influence may be seen from the fact, that as early as the second Punic war, after the battle of Cannae, when the aerarium was entirely exhausted, the publicani advanced large sums of money to the state, on condition of repayment after the end of the war. (Val. Max. v. 6. § 8; Liv. xxiv. 18; compare xxiii. 48, &c.) But what class of Romans the publicani were at this time is not stated; scarcely half a century later however we find that they were principally men of the equestrian order (Liv. xliii. 16); and down to the end of the republic, as well as during the early part of the empire, the farming of the public revenues was almost exclusively in the hands of the equites; whence the word equites and publicani are sometimes used as synonymous. (Cic. *c. Verr.* i. 51, ii. 71, *ad Att.* ii. 1; Suet. *Aug.* 24; Tacit. *Annal.* iv. 6.)

The publicani had to give security to the state for the sum at which they bought one or more branches of the revenue in a province; but as for this reason the property of even the wealthiest individual must have been inadequate, a number of equites generally united together and formed a company (socii, societas or corpus), which was recognized by the state (Dig. 3. tit. 4. s. 1), and by which they were enabled to carry on their undertakings upon a large scale. Such companies appear as early as the second Punic war. (Liv. xxiii. 48, 49.) The shares which each partner of such a company took in the business, were called partes, and if they were small, particulae. (Cic. *pro Rabir. Post.* 2; Val. Max. vi. 9. § 7.) The responsible person in each company, and the one who contracted with the state, was called manceps (Fest. *s. v. Manceps;* Pseudo-Ascon. *in Divinat.* p. 113, ed. Orelli.) [Manceps]; but there was also a magister to manage the business of each society, who resided at Rome, and kept an extensive correspondence with the agents in the provinces. (Cic. *ad Att.* v. 15, *c. Verr.* ii. 74.) He seems to have held his office only for one year; his representative in the provinces was called sub magistro, who had to travel about and superintend the actual business of collecting the revenues. The ἀρχιτελώνης in St. Luke (xix. 2) was probably such a sub magistro. The magister at Rome had also to keep the accounts which were sent in to him (*tabulae accepti et expensi*). The credit of these companies of publicani and the flourishing state of their finances were of the utmost importance to the state, and in fact its very foundation: of this the Romans were well aware (Cic. *pro Leg. Manil.* 6), and Cicero therefore calls them the "ornamentum civitatis et firmamentum reipublicae." (Comp. *pro Planc.* 9.) It has been already mentioned that the publicani, in case of need, acted as a kind of public bank and advanced sums of money to the state (compare Cic. *ad Fam.* v. 20), which therefore thought them worthy of its especial protection. But they abused their power at an early period, in the provinces as well as at Rome itself; and Livy (xlv. 18) says, "ubi publicanus est, ibi aut jus publicum vanum, aut libertas sociis nulla." (Compare Liv. xxv. 3, 4.)

Nobody but a Roman citizen was allowed to become a member of a company of publicani; freedmen and slaves were excluded. (Pseudo-Ascon. *in Divinat.* p. 113; Cic. *c. Verr.* iii. 39.) No Roman magistrate however, or governor of a province, was allowed to take any share whatever in a company of publicani (Cic. *c. Verr.* iii. 57), a regulation which was chiefly intended as a protection against the oppression of the provincials. During the later period of the empire various changes were introduced in the farming of the public revenues. Although it was, on the whole, a rule that no person should be compelled to take any share in a company of publicani, yet such cases sometimes occurred. (Burmann, *Vectig. Pop. Rom.* p. 138, &c.) From the time of Constantine the leases of the publicani were generally not longer than for three years. (Cod. 4. tit. 61. s. 4.) Several parts of the revenue which had before been let to publicani, were now raised by especial officers appointed by the emperors. (Burmann, *l. c.* p. 141, &c.)

All the persons hitherto mentioned as members of these companies, whether they held any office in such a company or not, and merely contributed their shares and received their portions of the profit (Cic. *ad Att.* i. 19; Nepos, *Att.* 6), did not themselves take any part in the actual levying or collecting of the taxes in the provinces. This part of the business was performed by an inferior class of men, who were said *operas publicanis dare*, or *esse in operis societatis.* (Val. Max. vi. 9. § 8; Cic. *c. Verr.* iii. 41, *ad Fam.* xiii. 9; compare *c. Verr.* ii. 70, *pro Planc.* 19.) They were engaged by the publicani, and consisted of freemen as well as slaves, Romans as well as provincials. (Cic. *c. Verr.* ii. 77, *de Prov. Cons.* 5.) This body of men is called *familia publicanorum*, and comprehended, according to the praetor's edict (Dig. 39. tit. 4. s. 1), all persons who assisted the publicani in collecting the vectigal. Various laws were enacted in the course of time, which were partly intended to support the servants of the publicani in the performance of their duty, and partly to prevent them from acts of oppression. (See Digest. 39. tit. 4: *De Publicanis et vectigalib. et commissis;* Gaius, iv. 28.)

The separate branches of the public revenue in the provinces (*decumae*, *portoria*, *scriptura*, and the revenues from the mines and saltworks) were mostly leased to separate companies of publicani; whence they were distinguished by names derived from that particular branch which they had taken in farm; *e. g.* decumani, pecuarii or scripturarii, salinarii or mancipes salinarum, &c. (Pseudo-Ascon. *l. c.;* compare Decumae, Portorium, Salinae, Scriptura.) On some occasions, however, one company of publicani farmed two or more branches at once; thus we have an instance of a societas farming the portorium and the scriptura at the same time. (Cic. *c. Verr.* ii. 70.) The commentator, who goes by the name of Asconius, asserts that the portitores were publicani who farmed the portorium; but from all the passages where they are mentioned in ancient writers, it is beyond all doubt that the portitores were not publicani properly so called, but only their servants engaged in examining the goods imported or exported, and levying the custom-duties upon them. They belonged to the same class as the publicans of the New Testament. (St. Luke, v. 27, 29.) Respecting the impudent way in which these inferior officers sometimes behaved towards travellers and merchants, see Plaut. *Menaech.* i. 2. 5, &c.; Cic. *ad Quint. Fr.* i. 1; Plut. *de Curiosit.* p. 518, e. (Compare Burmann, *de Vectig.* c. 9.) [L. S.]

PUBLICIA'NA IN REM ACTIO, was given to him who had obtained possession of a thing ex justa causa, and had lost the Possession before he had acquired the ownership by Usucapion. This was a Praetorian action, so called from a Praetor Publicius; and the fiction by which the Possessor was enabled to sue, was that he had obtained the ownership by Usucapion. (Gaius, iv. 36, where the intentio is given.) This actio was an incident to every kind of possessio which was susceptible of Usucapion (the thirty years' excepted). In the old Roman Law, this Actio resembled the Vindicatio, and in the newer Roman Law it was still more closely assimilated to it, and consequently in this actio, mere Possession was not the only thing considered, but the matter was likened to the case where ownership and Possession were acquired at the same time by Occupatio or Traditio. Accordingly Possessio for the purposes of Usucapion may be viewed in two ways: viewed with respect to the ownership of which it is the foundation, it is an object of jurisprudence as bare Possession; viewed with reference to the Publiciana Actio, which is incident to it, it is viewed as ownership. The owner of a thing might avail himself of this action, if he had any difficulty in proving his ownership.

This action was introduced for the protection of those who had a civilis possessio, but that only, and consequently could not recover a thing by the Rei vindicatio, an action which a man could only have, when he had the Quiritarian ownership of a thing. According to the definition a man could have this actio both for a thing which he had in bonis and for a thing of which he had a civilis possessio, without having it in bonis. When he had the thing in bonis his action was good against the Quiritarian owner, for if such owner pleaded his ownership, the plaintiff might reply that the thing had been sold and delivered and therefore was his in bonis. The Publiciana actio of the plaintiff who had a civilis possessio, without having the thing in bonis, was not good against the owner, who had the right of ownership, in fact, while the plaintiff had it only in fiction; nor was it valid against another who had a Civilis possessio as good as his own. His action was good against a Possessor who had not a civilis possessio. In this action the plaintiff had to prove that he possessed civiliter, before the time when he lost the possession. [POSSESSIO.]

The object of the action was the recovery of the thing and all that belonged to it (cum omni causa). In the legislation of Justinian, the distinction between Res Mancipi and Nec Mancipi was abolished, and ownership could in all cases be transferred by tradition. The Publiciana actio therefore became useless for any other purpose than a case of bonae fidei possessio, and this seems to explain why the words "non a domino" appear in the Edict as cited in the Digest (6. tit. 2. s. 1), while they do not appear in Gaius (iv. 36).

The Publiciana actio applied also to Servitutes, the right to which had not been transferred by Mancipatio or In jure cessio, but which had been enjoyed with the consent of the owner of the land. As the legislation of Justinian rendered the old forms of transfer of servitntes unnecessary, the Publiciana actio could then only apply to a case of Possessio.

(Dig. 6. tit. 2; Inst. 4. tit. 6; Savigny, *Das Recht des Besitzes*, p. 13, 5th ed.; Puchta, *Inst.* ii. § 233; Mackeldey, *Lehrbuch*, 12th ed. § 270, and the notes). [G. L.]

PU'BLICUM. [AERARIUM, p. 23, b.]

PUBLICUM, PRIVATUM JUS. [JUS, p. 657, b.]

PU'BLICUS AGER. [AGER.]

PUER. [SERVUS.]

PUGILA'TUS (πύξ, πυγμή, πυγμαχία, πυγμοσύνη), boxing. The fist (*pugnus*, πύξ) being the simplest and most natural weapon, it may be taken for granted that boxing was one of the earliest athletic games among the Greeks. Hence even gods and several of the earliest heroes are described either as victors in the πυγμή, or as distinguished boxers, such as Apollo, Heracles, Tydeus, Polydeuces, &c. (Paus. v. 7. § 4; Theocrit. xxiv. 113; Apollod. iii. 6. § 4; Paus. v. 8. § 2.) The Scholiast on Pindar (*Nem.* v. 89) says that Theseus was believed to have invented the art of boxing. The Homeric heroes are well acquainted with it. (Hom. *Il.* xxiii. 691, &c.; compare *Od.* viii. 103, &c.) The contest in boxing was one of the hardest and most dangerous, whence Homer gives it the attributo ἀλεγεινή. (*Il.* xxiii. 653.) Boxing for men was introduced at the Olympic games in Ol. 23, and for boys in Ol. 37. (Paus. v. 8. § 3.) Contests in boxing for boys are also mentioned in the Nemea and Isthmia. (Paus. vi. 4. § 6.)

In the earliest times boxers (pugiles, πύκται) fought naked, with the exception of a ζῶμα round their loins (Hom. *Il.* xxiii. 683; Virg. *Aen.* v. 421); but this was not used when boxing was introduced at Olympia, as the contests in wrestling and racing had been carried on here by persons entirely naked ever since Ol. 15. Respecting the leathern thongs with which pugilists surrounded their fists, see CESTUS, where its various forms are illustrated by wood-cuts.

The boxing of the ancients appears to have resembled the practice of modern times. Some particulars, however, deserve to be mentioned. A peculiar method, which required great skill, was not to attack the antagonist, but to remain on the defensive, and thus to wear out the opponent, until he was obliged to acknowledge himself to be conquered. (Dio Chrysost. *Melanc.* ii. *orat.* 29; Eustath. *ad Il.* p. 1322. 29.) It was considered a sign of the greatest skill in a boxer to conquer without *receiving* any wounds, so that the two great points in this game were to inflict blows, and at the same time not to expose oneself to any danger (πληγὴ καὶ φυλακή, J. Chrysost. *Serm.* vii. 1; Plut. *Sympos.* ii. 5; compare Paus. vi. 12. § 3). A pugilist used his right arm chiefly for fighting, and the left as a protection for his head, for all regular blows were directed against the upper parts of the body, and the wounds inflicted upon the head were often very severe and fatal. In some ancient representations of boxers the blood is seen streaming from their noses, and their teeth were frequently knocked out. (Apollon. Rhod. ii. 785; Theocrit. ii. 126; Virg. *Aen.* v. 469; Aelian. *V. H.* x. 19.) The ears especially were exposed to great danger, and with regular pugilists they were generally much mutilated and broken. (Plat. *Gorg.* p. 516; *Protag.* p. 342; Martial, vii. 32. 5.) Hence in works of art the ears of the pancratiasts always appear beaten flat, and although swollen in some parts, are yet smaller than ears usually are. In order to protect the ears from severe blows, little covers, called ἀμφωτίδες, were invented. (Pollux, ii. 82; Etymol. Mag. *s. v.*) But these ear-covers which, according to the Etymologist, were made of brass, were undoubtedly never used in the great public games, but only in the gymnasia and palaestrae, or at most in the public contests of boxing for boys; they are never seen in any ancient work of art.

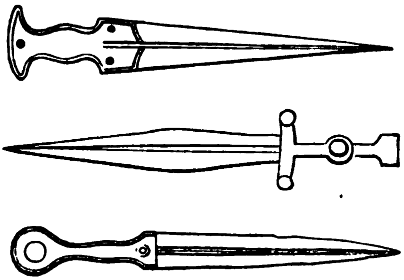
The game of boxing, like all the other gymnastic and athletic games, was regulated by certain rules. Thus pugilists were not allowed to take hold of one another, or to use their feet for the purpose of making one another fall, as was the case in the pancratium. (Plut. *Symp.* ii. 4; Lucian, *Anach.* 3.) Cases of death either during the fight itself or soon after, appear to have occurred rather frequently (Schol. *ad Pind. Ol.* v. 34), but if a fighter wilfully killed his antagonist, he was severely punished. (Paus. viii. 40. § 3, vi. 9. § 3.) If both the combatants were tired without wishing to give up the fight, they might pause a while to recover their strength; and in some cases they are described as resting on their knees. (Apollon. Rhod. ii. 86; Stat. *Theb.* vi. 796.) If the fight lasted too long, recourse was had to a plan called κλίμαξ, that is, both parties agreed not to move, but to stand still and receive the blows without using any means of defence, except a certain position of the hands. (Eustath. *ad Il.* xxiii. p. 1324; Paus. viii. 40. § 3.) The contest did not end until one of the combatants was compelled by fatigue, wounds or despair, to declare himself conquered (ἀπαγορεύειν, Paus. vi. 10. § 1), which was generally done by lifting up one hand. (Plut. *Lycurg.* 19.)

The Ionians, especially those of Samos, were at all times more distinguished pugilists than the Dorians, and at Sparta boxing is said to have been forbidden by the laws of Lycurgus. (Paus. vi. 2. § 4; Plut. *Lycurg.* 19.) But the ancients generally considered boxing as a useful training for military purposes, and a part of education no less important than any other gymnastic exercise. (Lucian, *Anach.* 3; Plut. *Cat. Maj.* 20.) Even in a medical point of view, boxing was recommended as a remedy against giddiness and chronic headaches. (Aretaeus, *De Morb. diut. cur.* i. 2.)

In Italy boxing appears likewise to have been practised from early times, especially among the Etruscans. (Liv. i. 35; Dionys. vii. 72.) It continued as a popular game during the whole period of the republic as well as of the empire. (Suet. *Aug.* 45; Cic. *De Leg.* ii. 15, 18; Tacit. *Annal.* xvi. 21; Suet. *Calig.* 18.) See Krause, *Die Gymnastik und Agon. d. Hellenen*, pp. 497—534. [L. S.]

PUGILLA'RES. [TABULAE.]

PU'GIO (μάχαιρα, *dim.* μαχαίριον; ἐγχειρίδιον), a dagger; a two-edged knife, commonly of bronze, with the handle in many cases variously ornamented or enriched, sometimes made of the hard black wood of the Syrian terebinth. (Theophr. *H. P.* v. 3. § 2.) The accompanying woodcut shows three ancient daggers. The two upper figures are copied from Beger (*Thes. Brand.* vol. iii. pp. 398, 419): the third represents a dagger about a foot long, which was found in an Egyptian tomb, and is preserved in the Museum at Leyden. The middle figure is entirely of metal. The handles of the two others were fitted to receive a plate of wood on each side. The lowermost has also two bosses of ivory or horn, and shows the remains of a thin plate of gilt metal, with which the wood was covered.



In the heroic ages the Greeks sometimes wore a dagger suspended by the sword on the left side of the body [GLADIUS], and used it on all occasions instead of a knife. (Hom. *Il.* iii. 271; Athen. vi. p. 232, c.) The custom is continued to the present day among the Arnauts, who are descended from the ancient Greeks. (Dodwell, *Tour*, vol. i. p. 133.) The Romans (see woodcuts, pp. 2, 554), wore the dagger as the Persians did [ACINACES] on the right side, and consequently drew it with the thumb at the upper part of the hilt, the position most effective for stabbing. The terms *pugio* and ἐγχειρίδιον denote both its smallness and the manner of grasping it in the hand (πύξ, *pugnus*). In the same way we must understand "the two swords" (*duos gladios*, Gell. ix. 13) worn by the Gallic chieftain, slain by Manlius Torquatus; and the monuments of the middle ages prove that the custom long continued in our own and in adjoining countries. (See Stothard, *Mon. Effigies of Gt. Britain.*) Among some of the northern nations of Europe, a dirk was constantly worn on the side, and was in readiness to be drawn on every occasion. (Ovid. *Trist.* v. 8. 19, 20.) The Chalybes employed the same weapon, stabbing their enemies in the neck. (Xen. *Anab.* iv. 7. § 16.) For the Greek horsemen the dagger was considered preferable to the long sword as a weapon of offence. (Xen. *de Re Equest.* xii. 11.) [J. Y.]

PULLA'RIUS. [AUGUR, p. 176, a.]

PU'LPITUM [THEATRUM.]

PULVI'NAR. A representation of the mode of using cushions or pillows (*pulvini*), to recline upon at entertainments, is given in the wood-cut under SYMPOSIUM. The most luxurious of such cushions were stuffed with swan's-down. (Mart. xiv. 161.) An ancient Egyptian cushion is preserved in the British Museum. In reference to this practice, the Romans were in the habit of placing the statues of the gods upon pillows at the lectisternia. [EPULONES; LECTISTERNIUM.] The couches provided for this purpose in the temples were called *pulvinaria*. (Hor. *Carm.* i. 37. 3; Ovid. *Met.* xiv. 827; Cic. *in Cat.* iii. 10, *Haruso.* 5, *Dom.* 53, *Tusc.* iv. 2; Val. Max. iii. 7. § 1;

Servius, *in Virg. Georg.* iii. 533.) There was also a pulvinar, on which the images of the gods were laid, in the Circus. (Sueton. *August.* 45, *Claud.* 4.) [J. Y.]

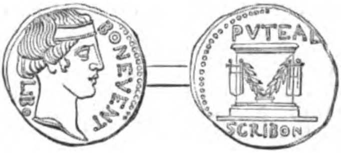
PULVI'NUS. [Pulvinar.]

PUPILLA, PUPILLUS. [Impubes; Infans; Tutela.]

PUPILLA'RIS SUBSTITU'TIO. [Heres, p. 599.]

PUPPIS. [Navis, p. 787, a.]

PU'TEAL, properly means the enclosure surrounding the opening of a well, to protect persons from falling into it. It was either round or square, and seems usually to have been of the height of three or four feet from the ground. There is a round one in the British Museum, made of marble, which was found among the ruins of one of Tiberius's villas in Capreae; it exhibits five groups of fauns and bacchanalian nymphs; and around the edge at the top may be seen the marks of the ropes used in drawing up water from the well. Such putealia seem to have been common in the Roman villas: the *putealia signata*, which Cicero (*ad Att.* i. 10) wanted for his Tusculan villa, must have been of the same kind as the one in the British Museum; the *signata* refers to its being adorned with figures. It was the practice in some cases to surround a sacred place with an enclosure open at the top, and such enclosures from the great similarity they bore to *Putealia* were called by this name. There was a *Puteal* of this kind at Rome, called *Puteal Scribonianum* or *Puteal Libonis*, which is often exhibited on coins of the Scribonia gens, and of which a specimen is given below. The puteal is on the reverse of the coin adorned with garlands and two lyres. It is generally stated that there were two putealia in the Roman forum; but C. F. Hermann, who has carefully examined all the passages in the ancient writers relating to this matter (*Ind. Lect. Marburg.* 1840), comes to the conclusion that there was only one such puteal at Rome. It was in the forum, near the Arcus Fabianus, and was dedicated in very ancient times either on account of the whetstone of the Augur Navius (comp. Liv. i. 36), or because the spot had been struck by lightning. It was subsequently repaired and re-dedicated by Scribonius Libo, who had been commanded to examine the state of the sacred places (Festus, *s. v. Scribonianum*). Libo erected in its neighbourhood a tribunal for the praetor, in consequence of which the place was, of course, frequented by persons who had law-suits, such as money-lenders and the like. (Comp. Hor. *Sat.* ii. 6. 35, *Epist.* i. 19. 8; Ov. *Remed. Amor.* 561; Cic. *pro Sex.* 8; C. F. Hermann, *l. c.*)



PUTI'CULAE, PUTI'CULI. [Funus, p. 560, b.]

PYANE'PSIA (πυανέψια), a festival celebrated at Athens every year on the seventh of Pyanepsion, in honour of Apollo. (Harpocrat. Hesych. Suidas. *s. v.* Πυανέψια.) It was said to have been instituted by Theseus after his return from Crete. (Plut. *Thes.* 22.) The festival as well as the month in which it took place, are said to have derived their names from πύαμος, another form for κύαμος, *i. e.* pulse or beans, which were cooked at this season and carried about. (Harp. and Suid. *l. c.*; Athen. ix. p. 408.) A procession appears to have taken place at the Pyanepsia, in which the εἰρεσιώνη was carried about. This εἰρεσιώνη was an olive-branch surrounded with wool and laden with the fruits of the year; for the festival was in reality a harvest feast. It was carried by a boy whose parents were still living, and those who followed him sang certain verses, which are preserved in Plutarch. (*l. c.*; compare Clem. Alex. *Strom.* iv. p. 474; Eustath. *ad Il.* xxii.; Suid. *s. v.* Εἰρεσιώνη; and Etymol. Mag. where a different account is given.) The procession went to a temple of Apollo, and the olive-branch was planted at its entrance. According to others, every Athenian planted, on the day of the Pyanepsia, such an olive branch before his own house, where it was left standing till the next celebration of the festival, when it was exchanged for a fresh one. (Schol. *ad Aristoph. Plut.* 1050.) [L. S.]

PYCNOSTY'LOS. [Templum.]

PYELUS (πύελος). [Funus, p. 555, b.]

PYGME. [Mensura, p. 752, a.]

PYGON. [Mensura, p. 752, a.]

PYLA'GORAE (πυλαγόραι). [Amphictyones, p. 80, b.]

PYRA. [Funus, p. 559, b.]

PYRGUS (πύργος), a tower. 1. The towers used in fortification and in war are spoken of under Turris. 2. An army drawn up in a deep oblong column. [Turris, No. VI.] 3. A dice-box, so called from its resemblance to a tower [Fritillus.]. 4. The territory of the town of Teos was distributed among a certain number of towers (πύργοι), to each of which corresponded a symmory or section of the citizens (Böckh, *Corp. Inscr.* No. 3064; and the elucidations of Grote, *Hist. of Greece*, vol. iii. pp. 247, 248).

PY'RRHICA. [Saltatio.]

PY'THIA (πύθια), one of the four great national festivals of the Greeks. It was celebrated in the neighbourhood of Delphi, anciently called Pytho, in honour of Apollo, Artemis, and Leto. The place of this solemnity was the Crissaean plain, which for this purpose contained a hippodromus or race-course (Paus. x. 37. § 4), a stadium of 1000 feet in length (Censorin. *de Die Nat.* 13), and a theatre, in which the musical contests took place. (Lucian, *adv. indoct.* 9.) A gymnasium, prytaneium, and other buildings of this kind, probably existed here, as at Olympia, although they are not mentioned. Once the Pythian games were held at Athens, on the advice of Demetrius Poliorcetes (Ol. 122. 3; see Plut. *Demetr.* 40; Corsini, *Fast. Att.* iv. p. 77), because the Aetolians were in possession of the passes around Delphi.

The Pythian games were, according to most legends, instituted by Apollo himself (Athen. xv. p. 701; Schol. *Argum. ad Pind. Pyth.*): other traditions referred them to ancient heroes, such as Amphictyon, Adrastus, Diomedes, and others. They were originally perhaps nothing more than a religious panegyris, occasioned by the oracle of Delphi, and the sacred games are said to have been at first only a musical contest, which consisted in singing a hymn to the honour of the

Pythian god with the accompaniment of the cithara. (Paus. x. 7. § 2 ; Strab. ix. p. 421.) Some of the poets, however, and mythographers represent even the gods and the early heroes as engaged in gymnastic and equestrian contests at the Pythian games. But such statements, numerous as they are, can prove nothing ; they are anachronisms in which late writers were fond of indulging. The description of the Pythian games in which Sophocles, in the Electra, makes Orestes take part, belongs to this class. The Pythian games must, on account of the celebrity of the Delphic oracle, have become a national festival for all the Greeks at a very early period ; and when Solon fixed pecuniary rewards for those Athenians who were victors in the great national festivals, the Pythian agon was undoubtedly included in the number, though it is not expressly mentioned. (Diog. Laërt. i. 55.)

Whether gymnastic contests had been performed at the Pythian games previous to Ol. 47, is uncertain. Böckh supposes that these two kinds of games had been connected at the Pythia from early times, but that afterwards the gymnastic games were neglected: but however this may be, it is certain that about Ol. 47 they did not exist at Delphi. Down to Ol. 48 the Delphians themselves had been the agonothetae at the Pythian games, but in the third year of this Olympiad, when after the Crissaean war the Amphictyons took the management under their care, they naturally became the agonothetae. (Strab. ix. p. 421 ; Paus. x. 7. § 3.) Some of the ancients date the institution of the Pythian games from this time (Phot. *Cod.* p. 533, ed. Bekker), and others say that henceforth they were called *Pythian games.* Owing to their being under the management of the Amphictyons they are sometimes called Ἀμφικτυονικὰ ἆθλα. (Heliod. *Aeth.* iv. 1.) From Ol. 48. 3, the Pythiads were occasionally used as an aera, and the first celebration under the Amphictyons was the first Pythiad. Pausanias (*l. c.*) expressly states that in this year the original musical contest in κιθαρῳδία was extended by the addition of αὐλῳδία, *i. e.* singing with the accompaniment of the flute, and by that of flute-playing alone. Strabo (*l. c.*) in speaking of these innovations does not mention the αὐλῳδία, but states that the contest of cithara-players (κιθαρισταί) was added, while Pausanias assigns the introduction of this contest to the eighth Pythiad. One of the musical contests at the Pythian games in which only flute and cithara-players took part, was the so-called νόμος Πύθικος, which, at least in subsequent times, consisted of five parts, viz. ἀνάκρουσις, ἄμπειρα, κατακελευσμός, ἴαμβοι καὶ δάκτυλοι, and σύριγγες. The whole of this νόμος was a musical description of the fight of Apollo with the dragon and of his victory over the monster. (Strabo, *l. c.*) A somewhat different account of the parts of this νόμος is given by the Scholiast on Pindar (*Argum. ad Pyth.*) and by Pollux (iv. 79, 81, 84).

Besides these innovations in the musical contests which were made in the first Pythiad, such gymnastic and equestrian games as were then customary at Olympia, were either revived at Delphi or introduced for the first time. The chariot-race with four horses was not introduced till the second Pythiad. (Paus. x. 7. § 3.) Some games on the other hand were adopted, which had not yet been practised at Olympia, viz. the δολιχός and the δίαυλος for boys. In the first Pythiad the victors received χρήματα as their prize, but in the second a chaplet was established as the reward for the victors. (Paus. and Schol. *ad Pind. l. c.*) The Scholiasts on Pindar reckon the first Pythiad from this introduction of the chaplet, and their system has been followed by most modern chronologers, though Pausanias expressly assigns this institution to the second Pythiad. (See Clinton, *F. H.* p. 195 ; Krause, *Die Pyth. Nem.*, &c. p. 21, &c.) The αὐλῳδία, which was introduced in the first Pythiad, was omitted at the second and ever after, as only elegies and ϑρῆνοι had been sung to the flute, which were thought too melancholy for this solemnity. The τεθρίππος or chariot-race with four horses however was added in the same Pythiad. In the eighth Pythiad (Ol. 55. 3) the contest in playing the cithara without singing was introduced ; in Pythiad 23 the foot-race in arms was added ; in Pythiad 48 the chariot-race with two full-grown horses (συνωρίδος δρόμος) was performed for the first time ; in Pythiad 53 the chariot-race with four foals was introduced. In Pythiad 61 the pancratium for boys, in Pythiad 63 the horse-race with foals, and in Pythiad 69 the chariot-race with two foals were introduced. (Paus. *l. c.*) Various musical contests were also added in the course of time, and contests in tragedy as well as in other kinds of poetry and in recitations of historical compositions are expressly mentioned. (Philostr. *Vit. Soph.* ii. 27. 2 ; Plut. *Sympos.* ii. 4.) Works of art, as paintings and sculptures, were exhibited to the assembled Greeks, and prizes were awarded to those who had produced the finest works. (Plin. xxxv. 35.) The musical and artistic contests were at all times the most prominent feature of the Pythian games, and in this respect they even excelled the Olympic games.

Previous to Ol. 48 the Pythian games had been an ἐνναετηρίς, that is, they had been celebrated at the end of every eighth year ; but in Ol. 48. 3, they became like the Olympia a πενταετηρίς, *i. e.* they were held at the end of every fourth year, and a Pythiad therefore ever since the time that it was used as an aera, comprehended a space of four years, commencing with the third year of every Olympiad. (Paus. *l. c.;* Diod. xv. 60 ; compare Clinton, *F. H.* p. 195.) Others have, in opposition to direct statements, inferred from Thucydides (iv. 117, v. 1) that the Pythian games were held towards the end of the second year of every Olympiad. Respecting this controversy, see Krause, *l. c.* p. 29, &c. As for the season of the Pythian games, they were in all probability held in the spring, and most writers believe that it was in the month of Bysius, which is supposed to be the same as the Attic Munychion. Böckh (*ad Corp. Inscript.* n. 1688) however has shown that the games took place in the month of Bucatius, which followed after the month of Bysius, and that this month must be considered as the same as the Attic Munychion. The games lasted for several days, as is expressly mentioned by Sophocles (*Elect.* 690, &c.), but we do not know how many. When ancient writers speak of *the day* of the Pythian agon, they are probably thinking of the musical agon alone, which was the most important part of the games, and probably took place on the 7th of Bucatius.

It is quite impossible to conceive that all the numerous games should have taken place on one day.

The concourse of strangers at the season of this panegyris, must have been very great, as undoubtedly all the Greeks were allowed to attend. The states belonging to the amphictyony of Delphi had to send their theori in the month of Bysius, some time before the commencement of the festival itself. (Böckh, *Corp. Inscr. l. c.*) All theori sent by the Greeks to Delphi on this occasion, were called Πυθαΐσταί (Strab. ix. p. 404), and the theories sent by the Athenians were always particularly brilliant. (Schol. *ad Aristoph. Av.* 1585.) As regards sacrifices, processions, and other solemnities, it may be presumed that they resembled in a great measure those of Olympia. A splendid, though probably in some degree fictitious, description of a theoria of Thessalians may be read in Heliodorus (*Aeth.* ii. 34).

As to the order in which the various games were performed, scarcely anything is known, with the exception of some allusions in Pindar and a few remarks of Plutarch. The latter (*Symp.* ii. 4; comp. Philostr. *Apoll. Tyan.* vi. 10) says that the musical contests preceded the gymnastic contests, and from Sophocles it is clear that the gymnastic contests preceded the horse and chariot races. Every game, moreover, which was performed by men and by boys, was always first performed by the latter. (Plut. *Symp.* ii. 5.)

We have stated above that, down to Ol. 48, the Delphians had the management of the Pythian games; but of the manner in which they were conducted previous to that time nothing is known. When they came under the care of the Amphictyons, especial persons were appointed for the purpose of conducting the games and of acting as judges. They were called 'Επιμεληταί (Plut. *Symp.* ii. 4, vii. 5) and answered to the Olympian Hellanodicae. Their number is unknown. (Krause, *l. c.* p. 44.) In later times it was decreed by the Amphictyons that king Philip with the Thessalians and Boeotians should undertake the management of the games (Diod. xvi. 60), but afterwards and even under the Roman emperors the Amphictyons again appear in the possession of this privilege. (Philostr. *Vit. Soph.* ii. 27.) The ἐπιμεληταί had to maintain peace and order, and were assisted by *μαστιγοφόροι*, who executed any punishment at their command, and thus answered to the Olympian ἀλύται. (Luc. *adv. indoct.* 9, &c.)

The prize given to the victors in the Pythian games was from the time of the second Pythiad a laurel chaplet; so that they then became an ἀγὼν στεφανίτης, while before they had been an ἀγὼν χρηματίτης. (Paus. x. 7. § 3; Schol. *in Argum. ad Pind. Pyth.*) In addition to this chaplet, the victor here, as at Olympia, received the symbolic palm-branch, and was allowed to have his own statue erected in the Crissaean plain. (Plut. *Symp.* viii. 4; Paus. vi. 15. § 3, 17. § 1; Justin. xxiv. 7, 10.)

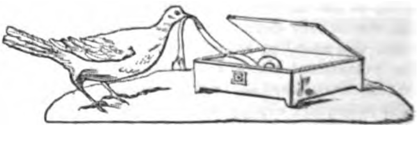
The time when the Pythian games ceased to be solemnised is not certain, but they probably lasted as long as the Olympic games, *i. e.* down to the year A. D. 394. In A. D. 191 a celebration of the Pythia is mentioned by Philostratus (*Vit. Soph.* ii. 27), and in the time of the emperor Julian they still continued to be held, as is manifest from his own words. (Jul. *Epist. pro Argiv.* p. 35, a.)

Pythian games of less importance were celebrated in a great many other places where the worship of Apollo was introduced; and the games of Delphi are sometimes distinguished from these lesser Pythia by the addition of the words ἐν Δελφοῖς. But as by far the greater number of the lesser Pythia are not mentioned in the extant ancient writers, and are only known from coins or inscriptions, we shall only give a list of the places where they were held:—Ancyra in Galatia, Aphrodisias in Caria, Antiochia, Carthaea in the island of Ceos (Athen. x. p. 456, 467), Carthage (Tertull. *Scorp.* 6), Cibyra in Phrygia, Delos (Dionys. *Perieg.* 527), Emisa in Syria, Hierapolis in Phrygia, Magnesia, Megara (Schol. *ad Pind. Nem.* v. 84, *Ol.* xiii. 155; Philostr. *Vit. Soph.* i. 3), Miletus, Neapolis in Italy, Nicaea in Bithynia, Nicomedia, Pergamus in Mysia, Perge in Pamphylia, Perinthus on the Propontis, Philippopolis in Thrace, Side in Pamphylia, Sicyon (Pind. *Ol.* xiii. 105, with the Schol.; *Nem.* ix. 51), Taba in Caria, Thessalonice in Macedonia, in Thrace, Thyatira, and Tralles in Lydia, Tripolis on the Maeander in Caria. (Krause, *Die Pythien, Nemeen und Isthmien*, pp. 1—106.) [L. S.]

PY'THIA. [ORACULUM, p. 837, a.]

PY'THII (πύθιοι), called Ποίθιοι in the Lacedaemonian dialect (Photius, *s. v.*), were four persons appointed by the Spartan kings, two by each, as messengers to the temple of Delphi (Θεοπρόποι ἐς Δελφούς). Their office was highly honourable and important: they were always the messmates of the Spartan kings. (Herod. vi. 57; Xen. *Rep. Lac.* xv. 5; Müller, *Dor.* iii. 1. § 9.)

PYXIS, *dim.* PYXIDULA (πύξις, *dim.* πυξίδιον), a casket; a jewel-box. (Mart. ix. 38.) Quintilian (viii. 6. § 35) produces this term as an example of catachresis, because it properly denoted that which was made of box (πύξος), but was applied to things of similar form and use made of any other material. In fact, the caskets in which the ladies of ancient times kept their jewels and other ornaments, were made of gold, silver, ivory, mother-of-pearl, tortoise-shell, &c. They were also much enriched with sculpture. A silver coffer, 2 feet long, 1½ wide, and 1 deep, most elaborately adorned with figures in bas-relief, is described by Böttiger. (*Sabina*, vol. i. pp. 64—80. plate iii.) The annexed woodcut (from *Ant. d'Ercolano*, vol. ii. tab. 7) represents a very plain jewel-box, out of which a dove is extracting a riband or fillet. Nero deposited his beard in a valuable pyxis, when he shaved for the first time. [BARBA.]



The same term is applied to boxes used to contain drugs or poison (Cic. *pro Caelio*, 25—29; Quintil. vi. 3. § 25); and to metallic rings employed in machinery. (Plin. *H. N.* xviii. 11. s. 29.) [J. Y.]

Q.

QUADRAGE'SIMA, the fortieth part of the imported goods, was the ordinary rate of the Portorium. (Suet. *Vespas.* 1.; Quintil. *Declam.* 359; Symmach. *Epist.* v. 62, 65.) Tacitus (*Ann.* xiii. 51) says that the Quadragesima was abolished by Nero and had not been imposed again (*manet abolitio quadragesimae*); but it appears most probable that this Quadragesima abolished by Nero was not the Portorium, but the tax imposed by Caligula (Suet. *Cal.* 40) of the fortieth part of the value of all property, respecting which there was any law-suit. That the latter is the more probable opinion appears from the fact, that we never read of this tax upon law-suits after the time of Nero, while the former one is mentioned to the latest times of the empire. Considerable difficulty, however, has arisen in consequence of some of the coins of Galba having *Quadragesima Remissa* upon them, which is supposed by some writers to contradict the passage of Tacitus, and by others to prove that Galba *abolished* the Quadragesima of the portorium. The words, however, do not necessarily imply this; it was common in seasons of scarcity and want, or as an act of special favour, for the emperors to *remit* certain taxes for a certain period, and it is probable that the coins of Galba were struck in commemoration of such a remission, and not of an abolition of the tax. (See Burmann, *de Vectigal.* p. 64, &c., who controverts the opinions of Spanheim, *de Praest. et Usu Numism.* vol. ii. p. 549.)

QUADRANS. [As, pp. 140, b, 141, a.]

QUADRANTAL, or AMPHORA QUADRANTAL, or AMPHORA only, was the principal Roman measure of capacity for fluids. All the Roman measures of capacity were founded on weight, and thus the *amphora* was originally the space occupied by eighty pounds of wine. (Festus, *s. v.*)

There is also preserved to us by Festus (*s. v. Publica Pondera*, p. 246, Müller), a plebiscitum (the Sillian) of unknown date, regulating the weights and measures, to the following effect: — *Ex ponderibus publicis, quibus hac tempestate populus oetier solet, uti coaequetur sedulum, uti quadrantal vini octoginta pondo siet: congius vini decem p.* (i. e. *pondo*) *siet: sex sextari congius siet vini; duodequinquaginta sextari quadrantal siet vini:* — that is, that the *quadrantal* should contain 80 pounds of wine*, and the *congius* 10; and that the sextarius should be 1-6th of the *congius*, and 1-48th of the *quadrantal*. The quadrantal was subdivided into 2 *urnae*, 8 *congii*, 48 *sextarii*, 96 *heminae*, 192 *quartarii*, 384 *acetabula*, 576 *cyathi*, and 2304 *ligulae*. As compared with the Roman dry measure, the *quadrantal* was three times the *modius*. The only measure larger than the *quadrantal* was the *culeus* of 20 amphorae, which was used, as well as the amphora itself, in estimating the produce of a vineyard. [CULEUS: comp. AMPHORA sub fin.]

The quadrantal was connected with the measures of length, by the law, that it was the cube of the foot, whence its name *quadrantal*, or, as other writers give it (using the Greek κύβος instead of the Latin *quadrantal*) *amphora cubus.* (Cato, *R. R.* 57; Gell. i. 20; Priscian. *Carm. de Mens. et Pond.* vv. 59—63: —

> "Pes longo in spatio latoque altoque notetur:
> Angulus ut par sit, quem claudit linea triplex,
> Quatuor et medium quadris cingatur inane:
> Amphora fit cubus, quam ne violare liceret,
> Sacravere Jovi Tarpeio in monte Quirites."

A standard model of the *Amphora* was kept with great care in the temple of Jupiter in the Capitol, and was called *amphora Capitolina* (Priscian. *l. c.;* Capitolin. *Maximin.* 4). There still exists a *congius* which professes to have been made according to this standard. [CONGIUS.] For a full account of this congius, see H. Hase, *Abhandl. d. Berl. Akad.* 1824.

There are two questions of very great interest connected with the Roman *quadrantal;* namely, (1), whether the equality to the cubic foot was originally exact, or only approximate, and (2), whether there was any exact ratio between the Roman and the Grecian measures. The full discussion of these questions would be inconsistent both with the limits and with the chief object of this work. A general statement of the matters in dispute will be found under MENSURA, p. 754. It may here be added that, whether there was or was not *originally* any precise ratio between the Greek and Roman measures of capacity, they were at least so nearly related to one another, that, when the two systems came to exist side by side, it was found easy to establish the following definite ratios. Of the liquid measures; the Roman *amphora*, or *quadrantal*, was 2-5ths of the Aeginetan, and 2-3rds of the Attic *amphora* or *metretes;* and the *congius* of the Roman system was equal to the χοῦς of the Attic. Again, comparing the Roman liquid with the Greek dry measures, the *quadrantal* was 1-3rd of the Aeginetan, and one half of the Attic, *medimnus*. Consequently, of the dry measures, the *modius* (which was 1-3rd of the *quadrantal*) was 1-9th of the Aeginetan, and 1-6th of the Attic, *medimnus*. The connecting subordinate unit in all these sets of measures is the Roman *sextarius*, or *sixth part of the congius*, which was introduced into the Greek system under the name of ξέστης, and which stands to the several measures now mentioned in the following relations: —

1. *Liquid Measures.*

The Roman *quadrantal*	=	48 sextarii
„ Attic *metretes*	=	72 „
„ Aeginetan „	=	120 „

2. *Dry Measures.*

The Roman *modius*	=	16 sextarii
„ Attic *medimnus*	=	96 „
„ Aeginetan „	=	144 „

The ξέστης, or Roman *sextarius*, is not to be confounded with the genuine Attic ἕκτευς or *sixth of the medimnus*, which was equal to the Roman modius. (On the whole of this part of the subject, see Böckh, cc. iii. xi. xv.—xvii.)

From the preceding remarks it will be seen that the only safe mode of computing the content of the amphora in terms of our own measures of capacity is by deducing it from the value already assigned to the Roman pound, on the authority chiefly of the coins. That value may be taken, in round numbers, at 5050 grains. Now the imperial gallon contains 70,000 grains. Therefore the Roman amphora $=\left(\frac{5050 \times 80}{70000}=\right)$ 5·77 imperial gallons, or a little more than 5¾ gallons, or than 5 gallons and 6 pints. If we were to make the computation directly from the congius of Vespasian, we should have a somewhat higher value; which, as has already been shown under Pondera, arises probably from a source of error. On the other hand, the computation from the Roman cubic foot gives a somewhat lower value [Pondera]; but, as already intimated, it is very doubtful whether the true content of the amphora was exactly a cubic foot, and in fact, if Böckh be right, it was a little more. At all events, the value of 5 gallons 6 pints is quite near enough to the truth for all the purposes of the classical student. (See the Tables.) On the other hand, if we were to reckon the *quadrantal* at exactly 6 gallons, and consequently the *sextarius*, which is the small unit of the system, at exactly 1 pint (instead of ·96) we should obtain a system so extremely simple, and with so small a limit of error (namely less than $\frac{4}{100}$ in a pint), that it would probably be allowable to adopt it in the ordinary reading of the classic authors; indicating, however, the small error, by prefixing in each case the words *a little less than;* and correcting it, when the numbers are large, by taking from the result 1-25th of itself. [P. S.]

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* The Romans were aware that there is a difference in the specific gravity of wine and of water, and in the different sorts of each, but, for the sake of simplicity, they regarded them as of the same specific gravity: when, however, they wished a very exact determination, they used rain water. (Böckh, c. 3.)

QUADRI'GAE. [Currus, p. 379.]

QUADRIGA'TUS. [Denarius.]

QUADRIRE'MES. [Navis, p. 785, b.]

QUA'DRUPES. [Pauperies.]

QUADRUPLATOR'ES, public informers or accusers, were so called, either because they received a fourth part of the criminal's property, or because those who were convicted were condemned to pay fourfold (*quadrupli damnari*), as in cases of violation of the laws respecting gambling, usury, &c. (Pseudo-Ascon, *in Cic. Divin.* p. 110, *in Verr.* ii. p. 208, ed. Orelli; Festus, *s. v.*) We know that on some occasions the accuser received a fourth part of the property of the accused (Tac. *Ann.* iv. 21); but the other explanation of the word may also be correct, because usurers, who violated the law, were subjected to a penalty of four times the amount of the loan. (Cato, *de Re Rust.* init.) When the general right of accusation was given, the abuse of which led to the springing up of the Quadruplatores, is uncertain; but originally all fines went into the common treasury, and while that was the case the accusations no doubt were brought on behalf of the state. (Niebuhr, *Hist. of Rome*, vol. iii. p. 37.) Even under the republic an accusation of a public officer, who had merited it by his crimes, was considered a service rendered to the state; the name of Quadruplatores seems to have been given by way of contempt to mercenary or false accusers. (Cic. *Div.* ii. 7, *c. Verr.* ii. 7; Plaut. *Pers.* i. 2. 10; Liv. iii. 72.) Seneca (*de Benef.* vii. 25) calls those who sought great returns for small favours, *Quadruplatores beneficiorum suorum.*

QUADRUPLICA'TIO. [Actio.]

QUADRUSSIS. [As.]

QUAESTIONES, QUAESTIONES PERPETUAE. [Judex, p. 648, b; Praetor, p. 957, a.]

QUAESTOR is a name which was given to two distinct classes of Roman officers. It is derived from *quaero*, and Varro (*De Ling. Lat.* v. 81 gives a definition which embraces the principal functions of both classes of officers: "Quaestores a quaerendo, qui conquirerent publicas pecunias et maleficia." The one class therefore had to do with the collecting and keeping of the public revenues, and the others were a kind of public accusers. The former bore the name of *quaestores classici*, the latter of *quaestores parricidii.* (Dig. 1. tit. 2. s. 2. § 22, 23.)

The *quaestores parricidii* were, as we have said, public accusers, two in number, who conducted the accusation of persons guilty of murder or any other capital offence, and carried the sentence into execution. (Festus, *s. v. Parici* and *Quaestores;* Liv. ii. 41; Dionys. viii. 77.) There are many points which might make us inclined to believe that the quaestores parricidii and the duumviri perduellionis were the same officers; but a closer examination shows that the former were a permanent magistracy, while the latter were appointed only on special emergencies. [See Perduellionis Duumviri.] All testimonies agree that these public accusers existed at Rome during the period of the kings, though it is impossible to ascertain by which king they were instituted (Fest. *l. c.;* Tacit. *Annal.* xi. 22; Dig. 1. tit. 13), as some mention them in the reign of Romulus and others in that of Numa. When Ulpian takes it for certain that they occurred in the time of Tullus Hostilius, he appears to confound them, like other writers, with the duumviri perduellionis, who in this reign acted as judges in the case of Horatius, who had slain his sister. During the kingly period there occurs no instance in which it could be said with any certainty, that the quaestores parricidii took a part. As thus everything is so uncertain, and as late writers are guilty of such manifest confusions, we can say no more than that such public accusers existed, and infer from the analogy of later times that they were appointed by the populus on the presentation of the king. In the early period of the republic the quaestores parricidii appear to have become a standing office, which, like others, was held only for one year. (Liv. iii. 24, 25.) They were appointed by the populus or the curies on the presentation of the consuls. (Dig. 1. tit. 2 s. 2. § 23; Tacit. *l. c.*) When these quaestores discovered that a capital offence had been committed, they had to bring the charge before the comitia for trial. (Liv. iii. 24; Dionys. viii. 75.) They convoked the comitia through the person of a trumpeter, who proclaimed the day of meeting from the capitol, at the gates of the city, and at the house of the accused. (Varro, *de Ling. Lat.* vi. 90, ed. Müller.) When the sentence had been pronounced by the people, the quaestores parricidii executed it; thus they threw Spurius Cassius from the Tarpeian rock. (Dionys. viii. 77; Liv. ii. 41; Cic. *de Re Publ.* ii. 35.) They were mentioned in the laws of the Twelve Tables, and after the time of the decemvirate they still continued to be appointed, though probably no longer by the curies, but either in the comitia centuriata or tributa, which they therefore must also have had the right to assemble in cases of emergency. (Varro, *de Ling. Lat.* vi. 9.) This appears to be implied in the statement of Tacitus, that in the year 447 B. C. they were created by the people without any presentation of the consuls. From the year 366 B. C. they are no longer mentioned in Roman history, as their functions were gradually transferred to the triumviri capitales. (Val. Max. v. 4. § 7, viii. 4. § 2; Sallust, *Cat.* 55; TRIUMVIRI CAPITALES), and partly to the aediles and tribunes. (AEDILES, TRIBUNI; Niebuhr, *Hist. of Rome*, vol. iii. p. 44; Zacharine, *Sulla, als Ordner*, &c. vol. ii. p. 147, &c.) The quaestores parricidii have not only been confounded with the duumviri perduellionis, but also with the quaestores classici (Tacit. *l. c.*; Zonar. vii. 13, &c.), and this probably owing to the fact, that they ceased to be appointed at such an early period, and that the two kinds of quaestors are seldom distinguished in ancient writings by their characteristic epithets. (Becker, *Handb. der Röm. Alterth.* vol. ii. pt. ii. p. 228, &c.)

The *quaestores classici* were officers entrusted with the care of the public money. It is established by the clearest possible evidence, that during the kingly period this magistracy did not exist (Liv. iv. 4; Plut. *Popl.* 12), and it would seem that a considerable time elapsed after the expulsion of the kings, before this magistracy was instituted. Their distinguishing epithet classici is not mentioned by any ancient writer, except Lydus (*De Mag.* i. 27), who however gives an absurd interpretation of it. Niebuhr (vol. ii. p. 430) refers it to their having been elected by the centuries ever since the time of Valerius Publicola, who is said to have first instituted the office. (Plut. *Publ.* 12.) They were at first only two in number, and of course taken only from the patricians. As the senate had the supreme administration of the finances, the quaestors were in some measure only its agents or paymasters, for they could not dispose of any part of the public money without being directed by the senate. Their duties consequently consisted in making the necessary payments from the aerarium, and receiving the public revenues. Of both they had to keep correct accounts in their *tabulae publicae*. (Polyb. vi. 13.) Demands which any one might have on the aerarium, and outstanding debts were likewise registered by them. (Pseudo-Ascon. *in Verrin.* p. 158, Orelli; Plut. *Cat. Min.* 27.) Fines to be paid to the public treasury were registered and exacted by them. (Liv. xxxviii. 60; Tacit. *Annal.* xiii. 28.) Another branch of their duties, which however was likewise connected with the treasury, was to provide the proper accommodations for foreign ambassadors and such persons as were connected with the republic by ties of public hospitality. Lastly they were charged with the care of the burials and monuments of distinguished men, the expenses for which had been decreed by the senate to be defrayed by the treasury. In the aerarium, and consequently under the superintendence of the quaestors, were kept the books in which the senatus-consulta were registered (Joseph. *Ant. Jud.* xiv. 10. 10; Plut. *Cat. Min.* 17), while the original documents were in the keeping of the aediles, until Augustus transferred the care of them also to the quaestors. (Dion Cass. liv. 36.)

In the year B. C. 421 the number of quaestors was doubled, and the tribunes tried to effect by an amendment of the law that a part (probably two) of the quaestores should be plebeians. (Liv. iv. 43; Niebuhr, vol. ii. p. 430, &c.) This attempt was indeed frustrated, but the interrex L. Papirius effected a compromise, that the election should not be restricted to either order. After this law was carried, eleven years passed without any plebeian being elected to the office of quaestor, until in B. C. 409, three of the four quaestors were plebeians. (Liv. iv. 54.) A person who had held the office of quaestor had undoubtedly, as in later times, the right to take his seat in the senate, unless he was excluded as unworthy by the next censors. And this was probably the reason why the patricians so determinately opposed the admission of plebeians to this office. [SENATUS.] Henceforth the consuls, whenever they took the field against an enemy, were accompanied by one quaestor each, who at first had only to superintend the sale of the booty, the produce of which was either divided among the legion, or was transferred to the aerarium. (Liv. iv. 53.) Subsequently however we find that these quaestors also kept the funds of the army, which they had received from the treasury at Rome, and gave the soldiers their pay; they were in fact the pay-masters in the army. (Polyb. vi. 39.) The two other quaestors, who remained at Rome, continued to discharge the same duties as before, and were distinguished from those who accompanied the consuls by the epithet *urbani*. In the year B. C. 265, after the Romans had made themselves masters of Italy, and when, in consequence, the administration of the treasury and the raising of the revenues became more laborious and important, the number of quaestors was again doubled to eight (Lyd. *de Mag.* i. 27; Liv. *Epit.* lib. 15; Niebuhr, vol. iii. p. 645); and it is probable that henceforth their number continued to be increased in proportion as the empire became extended. One of the eight quaestors was appointed by lot to the *quaestura ostiensis*, a most laborious and important post, as he had to provide Rome with corn. (Cic. *pro Muren.* 8, *pro Sext.* 17.) Besides the quaestor ostiensis, who resided at Ostia, three other quaestors were distributed in Italy to raise those parts of the revenue which were not farmed by the publicani, and to control the latter. One of them resided at Cales, and the two others probably in towns on the Upper Sea. (Cic. *in Vat.* 5.) The two remaining quaestors, who were sent to Sicily, are spoken of below.

Sulla in his dictatorship raised the number of quaestors to twenty, that he might have a large number of candidates for the senate (*senatui explendo*, Tacit. *Annal.* xi. 22), and Julius Caesar even to forty. (Dion Cass. xliii. 47, 51.) In the year B. C. 49 no quaestors were elected, and Caesar transferred the keeping of the aerarium to the aediles. From this time forward the treasury was sometimes entrusted to the praetors, sometimes to the praetorii, and sometimes again to quaestors. [AERARIUM.] Quaestors however, both in the city and in the provinces, occur down to the latest period of the empire. Some of them bore the title of *candidati principis*, and their only duty was to read in the senate the communications which the princeps had to make to this assembly (*libri principales*, *epistolae principis*, Dig. 1. tit. 13. § 2 and 4; Lyd. *de Mag.* i. 28; Lamprid. *Alex. Sev.* 43; Plin. *Epist.* vii. 16). From the time of the emperor Claudius all quaestors, on entering their office, were obliged to give gladiatorial games to the people, at their own expense, whereby the office became inaccessible to any one except the wealthiest individuals. (Suet. *Claud.* 24; Tacit. *Annal.* *l. c.* xiii. 5; Suet. *Domit.* 4; Lamprid. *Alex. Sev.* 43.) When Constantinople had become the second capital of the empire, it received like Rome its quaestors, who had to give games to the people on entering upon their office; but they were probably, like the praetors, elected by the senate and only announced to the emperor. (Becker, *Handb. der Röm. Alterth.* vol. ii. pt. ii. p. 332, &c.; Walter, *Gesch. des Röm. Rechts*, p. 371.)

The proconsul or praetor, who had the administration of a province, was attended by a quaestor. This quaestor had undoubtedly to perform the same functions as those who accompanied the armies into the field; they were in fact the same officers, with the exception that the former were stationary in their province during the time of their office, and had consequently rights and duties which those who accompanied the armies could not have. In Sicily, the earliest Roman province, there were two quaestors answering to the two former divisions of the island into the Carthaginian and Greek territory. The one resided at Lilybaeum, the other at Syracuse. Besides the duties which they had in common with the pay-masters of the armies, they had to levy those parts of the public revenue in the province which were not farmed by the publicani, to control the publicani, and to forward the sums raised, together with the accounts of them, to the aerarium. (Pseudo-Ascon. *in Verrin.* p. 167, Orelli.) In the provinces the quaestors had the same jurisdiction as the curule aediles at Rome. (Gaius, i. 6.) The relation existing between a praetor or proconsul of a province and his quaestor was according to ancient custom regarded as resembling that between a father and his son. (Cic. *Divin.* 19, *c. Verr.* ii. 1. 15, *pro Planc.* 11, *ad Fam.* iii. 10.) When a quaestor died in his province, the praetors had the right to appoint a proquaestor in his stead (Cic. *c. Verr. l. c.*), and when the praetor was absent, the quaestor supplied his place, and was then attended by lictors. (Cic. *ad Fam.* ii. 15, *pro Planc.* 41.) In what manner the provinces were assigned to the quaestors after their election at Rome, is not mentioned, though it was probably by lot, as in the case of the quaestor ostiensis. But in the consulship of Decimus Drusus and Porcina it was decreed that the provinces should be distributed among the quaestors by lot *ex senatus consulto*. (Dig. 1. tit. 13. § 2; Cic. *c. Verr.* ii. 1. 13.) During the time of the empire this practice continued, and if the number of quaestors elected was not sufficient for the number of provinces, those quaestors of the preceding year, who had had no province, might be sent out. This was, however, the case only in the provinces of the Roman people, for in those of the emperors there were no quaestors at all. In the time of Constantine the title of *quaestor sacri palatii* was given to a minister of great importance, whose office probably originated in that of the candidati principis. Respecting his power and influence see Walter, *Gesch. d. Röm. R.* p. 365. [L.S.]

QUAESTO'RII LUDI. [Ludi Quaestorii.]

QUAESTO'RIUM. [Castra, pp. 249, a, 253, b.]

QUALES-QUALES. [Servus.]

QUALUS. [Calathus.]

QUANTI MINO'RIS is an actio which a buyer had against the seller of a thing, in respect of any non-apparent faults or imperfections, at the time of the sale, even if the seller was not aware of them, or for any defects in the qualities of the thing which the seller had warranted: the object of the actio was to obtain an abatement in the purchase-money. This action was to be brought within a year or within six months, according as there was a Cautio or not. The actio quanti minoris might be brought as often as a new defect was discovered; but the purchaser could not recover the value of the same thing twice. [Emtio et Venditio.] (Dig. 21. tit. 1; 44. tit. 2. s. 25. § 1.) [G. L.]

QUARTA'RIUS, a Roman measure of capacity, one fourth of the *sextarius*, and consequently a little less than a quarter of a pint imperial. It is also found in the Greek system of liquid measures under the name of τέταρτον. [P. S.]

QUASILLA'RIAE. [Calathus.]

QUASILLUM. [Calathus.]

QUATUORVIRI JURI DICUNDO. [Colonia, p. 318, b.]

QUATUORVIRI VIARUM CURANDARUM. [Viae.]

QUERE'LA INOFFICIO'SI TESTAMENTI. [Testamentum.]

QUINA'RIUS. [Denarius.]

QUINCUNX. [As, p. 140, b.]

QUINDECIMVIRI. [Decemviri, p. 387, a.]

QUINQUAGE'SIMA, the fiftieth or a tax of two per cent. upon the value of all slaves that were sold, was instituted by Augustus according to Dion Cassius (lv. 31). Tacitus (xiii. 31), however, mentions the twenty-fifth or a tax of four per cent. upon the sale of slaves in the time of Nero: if both passages are correct, this tax must have been increased after the time of Augustus, probably by Caligula, who, we are told by Suetonius (*in vita*, c. 40), introduced many new taxes. (Burmann, *de Vectig.* p. 69, &c.)

We are also told by Tacitus (*Ann.* xiii. 51) that Nero abolished the Quinquagesima; this must have been a different tax from the above-mentioned one, and may have been similar to the Quinquagesima mentioned by Cicero (*c. Verr.* iii. 49) in connection with the Aratores of Sicily.

A duty of two per cent. was levied at Athens upon exports and imports. [Pentecoste.]

QUINQUATRUS or QUINQUA'TRIA, a festival sacred to Minerva, which was celebrated on the 19th of March (*a. d.* xiv. *Kal. Apr.*), and was so called according to Varro (*de Ling. Lat.* vi. 14, ed. Müller), because it was the fifth day after the Ides, in the same way as the Tusculans called a festival on the sixth day after the Ides *Sexatrus*, and one on the seventh *Septimatrus*. Gellius (ii. 21) and Festus (*s. v.*) also give the same etymology, and the latter states that the Faliscans too called a festival on the tenth day after the Ides *Decimatrus*. (Comp. Müller, *Etrusker*, vol. ii. p. 49.) Both Varro and Festus state that the Quinquatrus was celebrated for only one day, but Ovid (*Fast.* iii. 809, &c.) says that it was celebrated for five days, and was for this reason called by this name: that on the first day no blood was shed, but that on the last four there were contests of gladiators. It would appear however from the above-mentioned authorities that the first day was only the festival properly so called, and that the last four were merely an addition made perhaps in the time of Caesar to gratify the people, who became so passionately fond of gladiatorial combats. The ancient Calendars too assign only one day to the festival.

Ovid (*l. c.*) says that this festival was celebrated in commemoration of the birth-day of Minerva; but according to Festus it was sacred to Minerva because her temple on the Aventine was consecrated on that day. On the fifth day of the festival, according to Ovid (iii. 849), the trumpets used in sacred rites were purified; but this seems to have been originally a separate festival called *Tubilustrium* (Festus, *s. v.;* Varro, *l. c.*), which was celebrated as we know from the ancient Calendars on the 23d of March (*a. d.* x. *Cal. Apr.*), and would of course, when the Quinquatrus was extended to five days, fall on the last day of that festival.

As this festival was sacred to Minerva, it seems that women were accustomed to consult fortune-tellers and diviners upon this day. (Plaut. *Mil.* iii. 1. 98.) Domitian caused it to be celebrated every year in his Alban Villa, situated at the foot of the hills of Alba, and instituted a collegium to superintend the celebration, which consisted of the hunting of wild beasts, of the exhibition of plays, and of contests of orators and poets. (Suet. *Dom.* 4.)

There was also another festival of this name called *Quinquatrus Minusculae* or *Quinquatrus Minores*, celebrated on the Ides of June, on which the tibicines went through the city in procession to the temple of Minerva. (Varro, *de Ling. Lat.* vi. 17; Ovid. *Fast.* vi. 651, &c.; Festus, p. 149, ed. Müller.)

QUINQUENNA'LIA, were games instituted by Nero A. D. 60, in imitation of the Greek festivals, and celebrated like the Greek πενταετηρίδες at the end of every four years: they consisted of musical, gymnastic, and equestrian contests, and were called *Neronia.* (Suet. *Ner.* 12; Tac. *Ann.* xiv. 20; Dion Cass. lxi. 21.) Suetonius and Tacitus (*ll. cc.*) say that such games were first introduced at Rome by Nero. The *Quinquennalia*, which had previously been instituted both in honour of Julius Caesar (Dion Cass. xliv. 6) and of Augustus (*Id.* li. 19; Suet. *Aug.* 59, 98), were confined to the towns of Italy and the provinces. The Quinquennalia of Nero appear not to have been celebrated after his time, till they were revived again by Domitian in honour of the Capitoline Jupiter. (Suet. *Dom.* 4.)

QUINQUENNA'LIS. [Colonia, p. 318, b.]

QUINQUERE'MIS. [Navis, p. 785, b.]

QUINQUE'RTIUM. [Pentathlon.]

QUINQUEVIRI, or five commissioners, were frequently appointed under the republic as extraordinary magistrates to carry any measure into effect. Thus *Quinqueviri Mensarii*, or public bankers, were occasionally appointed in times of great distress [Mensarii]; the same number of commissioners was sometimes appointed to superintend the formation of a colony, though three (*triumviri*) was a more common number. [Colonia, p. 315, b.] We find too that Quinqueviri were created to superintend the repairs of the walls and of the towers of the city (Liv. xxv. 7), as well as for various other purposes.

Besides the extraordinary commissioners of this name, there were also permanent officers, called Quinqueviri, who were responsible for the safety of the city after sunset, as it was inconvenient for the regular magistrates to attend to this duty at that time: they were first appointed soon after the war with Pyrrhus. (Dig. 1. tit. 2. s. 2. § 31.)

QUINTA'NA. [Castra.]

QUIRINA'LIA, a festival sacred to Quirinus, which was celebrated on the 17th of February (*a. d.* XIII. *Cal. Mart.*), on which day Romulus (Quirinus) was said to have been carried up to heaven. (Ovid. *Fast.* ii. 475; Festus, *s. v.;* Varro, *de Ling. Lat.* vi. 13, ed. Müller.) This festival was also called *Stultorum feriae*, respecting the meaning of which see Fornacalia.

QUIRINA'LIS FLAMEN. [Flamen.]

QUIRI'TES, QUIRI'TIUM JUS. [Jus, p. 658, a.]

QUOD JUSSU, ACTIO. [Jussu, Quod, Actio.]

QUORUM BONORUM, INTERDICTUM. The object of this interdict is to give to the Praetorian heres the possession of anything belonging to the hereditas which another possesses pro herede or pro possessore. The name of this Interdict is derived from the introductory words, and it runs as follows: "Ait Praetor: Quorum bonorum ex edicto meo illi possessio data est: quod de his bonis pro herede aut pro possessore possides, possideresve si nihil usucaptum esset: quod quidem dolo malo fecisti, uti desineres possidere: id illi restituas." The plaintiff is entitled to this Interdict when he has obtained the Bonorum Possessio, and when any one of the four following conditions apply to the defendant.

1. Quod de his bonis pro herede,
2. Aut pro possessore possides,
3. Possideresve si nihil usucaptum esset,
4. Quod quidem dolo malo fecisti, uti desineres possidere.

The two first conditions are well understood, and apply also to the case of the hereditatis petitio. The fourth condition also applies to the case of the hereditatis petitio and the rei vindicatio; but instead of "quod quidem" the reading "quodque" has been proposed, which seems to be required, for No. 4 has no reference to No. 3, but is itself a new condition. The words of No. 3 have caused some difficulty, which may be explained as follows.

In establishing the Bonorum Possessio, the Praetor intended to give to many persons, such as emancipated children and Cognati, the same rights that the heres had; and his object was to accomplish this effectually. The Roman heres was the representative of the person who had died and left an hereditas, and by virtue of this representative or juristical fiction of the person of the dead having a continued existence in the person of the heres, the heres succeeded to his property and to all his rights and obligations. In the matter of rights and obligations the Praetor put the bonorum possessor in the same situation as the heres by allowing him to sue in respect of the claims that the deceased had, and allowing any person to sue him in respect of claims against the deceased, in an actio utilis or fictitia. (Ulp. *Frag.* tit. 28. s. 12; Gaius, iv. 34.) In respect to the property, according to the old law any person might take possession of a thing belonging to the hereditas, and acquire the ownership of it in a certain time by usucapion. (Gaius, ii. 52—58.) The persons in whose favour the Praetor's edict was made could do this as well as any other person; but if they found any other person in possession of anything belonging to the hereditas, they could neither claim it by the vindicatio, for they were not owners, nor by the hereditatis petitio, for they were not heredes. To meet this difficulty the Interdictum Quorum Bonorum was introduced, the object of which was to aid the Bonorum Possessor in getting the possession (whence the title of the Interdictum adipiscendae possessionis) and so commencing the usucapion.

If he lost the possession before the usucapion was complete, he could in most cases recover it by the Possessorial Interdicts, properly so called, or by other legal means. This, according to Savigny, is the origin of the Bonorum Possessio.

In course of time when Bonitarian ownership (in bonis) was fully established and co-existed with Quiritarian ownership, this new kind of ownership was attributed to the Bonorum Possessor, after he had acquired the Bonorum Possessio, and thus all that belonged to the deceased ex jure Quiritium became his in bonis and finally by Usucapion, ex jure Quiritium; though in the mean time he had most of the practical advantages of Quiritarian ownership. Ultimately the Bonorum Possessio came to be considered as a species of hereditas, and the like forms of procedure to those in the case of the real hereditas were applied to the case of the Bonorum Possessio: thus arose the possessoria hereditatis petitio, which is mentioned by Gaius, and cannot therefore be of later origin than the time of Marcus Aurelius. Thus the new form of procedure, which would have rendered the Interdict Quorum Bonorum unnecessary, if it had been introduced sooner, coexisted with the Interdict, and a person might avail himself of either mode of proceeding, as he found best. (Gaius, iii. 34.) In the legislation of Justinian, we find both forms of procedure mentioned, though that of the Interdict had altogether fallen into disuse. (Inst. 4. tit. 15.)

According to the old law, any possessor, without respect to his title, could by usucapion pro herede obtain the ownership of a thing belonging to the hereditas; and of course the Bonorum Possessor was exposed to this danger as much as the Heres. If the time of Usucapion of the possessor was not interrupted by the first claim, the heres had no title to the Interdict, as appears from its terms, for such a possessor was not included in No. 1 or 2. Hadrian (Gaius, ii. 57) by a senatusconsultum changed the law so far as to protect the heres against the complete usucapion of an Improbus Possessor, and to restore the thing to him. Though the words of Gaius are general, there can be no doubt that the Senatusconsultum of Hadrian did not apply to the Usucapion of the Bonorum Possessor nor to that of the Bonae fidei possessor. Now if we assume that the Senatusconsultum of Hadrian applied to the Bonorum Possessor also, its provisions must have been introduced into the formula of the Interdict, and thus the obscure passage No. 3 receives a clear meaning, which is this: You shall restore that also which you no longer possess pro possessore, but once so possessed, and the possession of which has only lost that quality in consequence of a lucrativa usucapio. According to this explanation the passage No. 3 applies only to the new rule of law established by the Senatusconsultum of Hadrian, which allowed the old usucapion of the improbus possessor to have its legal effect, but rendered it useless to him by compelling restitution. In the legislation of Justinian consequently these words have no meaning, since that old usucapion forms no part of it; yet the words have been retained in the compilation of Justinian, like many others belonging to an earlier age, though in their new place they are entirely devoid of meaning.

(Savigny, *Ueber das Interdict Quorum Bonorum, Zeitschrift*, &c. vol. v.; Dig. 43. tit. 2; Gaius, iv. 144.) [G. L.]

R.

RAMNES, RAMNENSES. [Patricii.]

RAPI'NA. [Bona Rapta; Furtum.]

RASTER or RASTRUM, *dim.* RASTELLUS, RALLUS, RALLUM (ξυστήρ), a spud (*κάτρινος*); a rake, a hoe. Agreeably to its derivation from *rado, to scrape*, "Raster" denoted a hoe which in its operation and in its simplest form resembled the scrapers used by our scavengers in cleansing the streets. By the division of its blade into tines or prongs, it assumed more of the form of our garden-rakes, and it was distinguished by the epithets *bidens* and *quadridens* (Cato *de Re Rust.* 10) according to the number of the divisions.

The *raster bidens* was by far the most common species, and hence we frequently find it mentioned under the simple name *bidens*. (Juv. iii. 228.) This term corresponds to the Greek δίκελλα, for which σμινύη was substituted in the Attic dialect. (Xen. *Cyrop.* vi. 2. § 34, 36; Aristoph. *Nub.* 1488, 1502, *Aves*, 601; Phryn. *Eclog.* p. 302, ed. Lobeck; Plato, *Repub.* p. 426, f; Tim. *Lex. Plat. s. v.*) The bidens was used to turn up the soil, and thus to perform on a small scale the part of a plough. (Plin. *H. N.* xvii. 9. s. 6.) But it was much more commonly used in the work called *occatio, i. e.* the breaking down of the clods after ploughing. (Virg. *Georg.* i. 94, 155.) [Agricultura, p. 52, a.] Hence it was heavy. (Ovid. *Met.* xi. 101.) The prongs of the bidens held by the rustic in the woodcut at p. 849 are curved, which agrees with the description of the same implement in Catullus (lvi. 39). Vine-dressers continually used the bidens in hacking and breaking the lumps of earth, stirring it, and collecting it about the roots of the vines. (Virg. *Georg.* ii. 355, 400; Col. *de Re Rust.* iii. 13, iv. 14, *Geopon.* v. 25.) In stony land it was adapted for digging trenches, whilst the spade was better suited to the purpose when the soil was full of the roots of rushes and other plants. (Plin. *H. N.* xviii. 6. s. 8; Suet. *Nero*, 19.) [Pala.] Wooden rakes were sometimes used. (Col. *de Re Rust.* ii. 13.) [J. Y.]

RATES. [Navis, p. 783, a.]

RATIO'NIBUS DISTRAHENDIS ACTIO. [Tutela.]

RECEPTA; DE RECEPTO, ACTIO. The Praetor declared that he would allow an action against Nautae, Caupones, and Stabularii, in respect of any property for the security of which they had undertaken (*receperint*, whence the name of the action) if they did not restore it. The meaning of the term Nauta has been explained [Exercitoria Actio]: the meaning of Caupo follows from the description of the business of a Caupo. (Dig. 4. tit. 9. s. 5.) "A Nauta, Caupo, and Stabularius are paid not for the care which they take of a thing; but the Nauta is paid for carrying passengers; the Caupo for permitting travellers to stay in his Caupona; the Stabularius for allowing beasts of burden to stay in his stables, and yet they are bound for the security of the thing also (*custodiae nomine tenentur*)." The two latter actions are similar to such actions as arise among us against innkeepers, and livery stable keepers, on whose premises loss or injury has been sustained with respect to the property of persons which they have by legal implication undertaken the care of. At first sight there seems no reason for these Praetoriae actiones, as the person who had sustained loss would either have an actio locati and conducti, in cases where payment had been agreed on, or an actio depositi, where no payment had been agreed on; but Pomponius suggests that the reason was this: in a matter of Locatum and Conductum, the receiver was only answerable for loss in case he was guilty of Culpa; and in a matter of Depositum, only in case he was guilty of Dolus Malus; but the receiver was liable to these Praetoriae actiones, if the thing was lost or injured even without any Culpa on his part, and he was only excused in case of Damnum fatale, such as shipwreck, piracy, and so forth.

These praetorian actions in factum were either "rei persecutoriae" for the recovery of the thing, or "poenales" for damages. The former action might be maintained against the heres of the Nauta, Caupo, or Stabularius. The Exercitor of a ship was answerable for any loss or damage caused to property, which he had received in the legal sense of this term, by any person in his employment. The actio against him was in duplum. The liability on the part of Caupones and Stabularii was the same: a caupo for instance was answerable for loss or damage to the goods of any traveller, if caused by those who were dwelling or employed in the caupona, but not if caused by a mere traveller. The actio for damages could not be maintained against the heres. (Dig. 4. tit. 9; Peckii In Titt. Dig. et Cod. Ad rem nauticam pertinentes Commentarii, &c. Amstel. 1668.)

As to the passages in the Digest (4. tit. 9. s. 1. § 1, and 47. tit. 5. § 6) see Vangerow, *Pandekten*, &c. iii. p. 436.

There is a title in the Digest (4. tit. 8), De Receptis, qui arbitrium receperunt ut sententiam dicant. When parties who had a matter to litigate, had agreed to refer it to an arbitrator, which reference was called Compromissum, and a person had accepted the office of arbitrator (*arbitrium receperit*), the praetor would compel him to pronounce a sentence, unless he had some legal excuse. The Praetor could compel a person of any rank, as a Consularis for instance, to pronounce a sentence after taking upon him the office of arbitrator; but he could not compel a person who held a Magistratus or Potestas, as a Consul or Praetor, for he had no Imperium over them. The parties were bound to submit to the award of the arbitrator; and if either party refused to abide by it, the other had against him a poenae petitio, if a poena was agreed on in the compromissum; and if there was no poena in the compromissum, he had an Incerti actio. (Dig. 4. tit. 8.) [G. L.]

RECI'NIUM. [Ricinium.]

RECISSO'RIA ACTIO. [Intercessio.]

RECUPERATO'RES. [Judex.]

REDEMPTOR, the general name for a contractor, who undertook the building and repairing of public works, private houses, &c., and in fact of any kind of work. (Festus, *s. v.*; Hor. *Carm.* iii. 1. 35, *Ep.* ii. 2 72; Cic. *de Div.* ii. 21.) The farmers of the public taxes were also called *Redemptores*. (Dig. 19. tit. 2. s. 60. § 8.)

REDHIBITO'RIA ACTIO was an actio which a buyer had against a seller for rescinding the bargain of sale on account of any non-apparent defect at the time of the purchase in the thing purchased, which the buyer was not acquainted with, and which according to the Edict of the Curule Aediles, he ought to have been acquainted with; or for any defect in the qualities of the thing which the seller had warranted. The seller was answerable even if he was not aware of the defects. "Redhibere," says Ulpian, "is so to act that the seller shall have back what he had, and because this is done by restoration, for that reason it is called 'Redhibitio,' which is as much as to say 'Redditio.'"

The effect of the redhibitio was to rescind the bargain and to put both parties in the same condition, as if the sale had never taken place. The time allowed for prosecuting the actio redhibitoria was "sex menses utiles," when a cautio had been given, which were reckoned from the day of sale or from the time when any statement or promise had been made relating to the matter (*dictum promissumve*, the words of the Edict). If there was no cautio, the time allowed was two months. (Dig. 21. tit. 1.) [G. L.]

REDIMI'CULUM (καθετήρ), a fillet attached to the Calantica, Diadema, Mitra, or other head-dress at the occiput, and passed over the shoulders, so as to hang on each side over the breast. (Virg. *Aen.* ix. 616; Ovid. *Met.* x. 265.) Redimicula were properly female ornaments (Festus, *s. v.*; Ovid. *Epist.* ix. 71; Juv. ii. 70; Prudent. *Psychom.* 448); and in the statues of Venus they were imitated in gold. (Ovid. *Fast.* iv. 135—137.) [J. Y.]

REGIA LEX. [Lex Regia.]

REGIFU'GIUM or FUGA'LIA, the king's flight, a festival which was celebrated by the Romans every year on the 24th of February, and according to Verrius (ap. Fest. *s. v. Regifugium*) and Ovid (*Fast.* ii. 685, &c.) in commemoration of the flight of king Tarquinius Superbus from Rome. The day is marked in the Fasti as nefastus. In some ancient calendaria the 24th of May is likewise called Regifugium, and in others it is described as Q. Rex. C. F., that is, "Quando Rex comitiavit, fas," or "Quando Rex comitio fugit." Several ancient as well as modern writers have denied that either of these days had anything to do with the flight of king Tarquinius (Cincius, *ap. Fest. l. c.*), and are of opinion that these two days derived their name from the symbolical flight of the Rex Sacrorum from the comitium; for this king-priest was generally not allowed to appear in the comitium, which was destined for the transaction of political matters in which he could not take part. But on certain days in the year, and certainly on the two days mentioned above, he had to go to the comitium for the purpose of offering certain sacrifices, and immediately after he had performed his functions there, he hastily fled from it; and this symbolical flight is said to have been called Regifugium. (Fest. *l. c.*; Plut. *Quaest. Rom.* 63; Ovid. *Fast.* v. 727.) [L. S.]

REGULA (κανὼν), the ruler used by scribes for drawing right lines with pen and ink (Brunck, *Anal.* iii. 69, 87); also the rule used by carpenters, masons, and other artificers, either for drawing straight lines or making plane surfaces. (Aristoph. *Ran.* 798; Vitruv. vii. 3. § 5.) That it was marked with equal divisions, like our carpenter's rules, is manifest from the representations of it among the "Instrumenta fabrorum tignariorum," in the woodcuts at pp. 287, 806. The substance, with which the lines were made, was raddle or red ochre (μίλτος, Brunck, *Anal.* i. 221; φοίνικι κανόνι, Eurip. *Herc. Fur.* 925.) [Linea.] The scale-beam is sometimes called *κανὼν* instead of *ζυγόν*. [Jugum.] [J. Y.]

REI UXO'RIAE or **DOTIS ACTIO.** [Dos.]

RELA'TIO. [Senatus.]

RELEGA'TIO. [Exsilium. p. 515, b.]

REMANCIPA'TIO. [Emancipatio.]

REMULCUM (*ῥυμουλκεῖν τὰς ναῦς*), a rope for towing a ship, and likewise a tow-barge ("*Remulcum*, funis, quo deligata navis magna trahitur vice remi," Isid. *Orig.* xix. 4. § 8; *Remulco* est, quum scaphae remis navis magna trahitur," Festus, *s. v.*; comp. Caes. *B. C.* ii. 23, iii. 40; Hirt. *B. Alex.* 11; Liv. xxv. 30, xxxii, 16; Polyb. i. 27, 28, iii. 46).

REMU'RIA. [Lemuria.]

REMUS. [Navis, pp. 787, b., 788, a.]

REPA'GULA. [Janua, p. 626, b.]

REPETUNDAE, or **PECUNIAE REPETUNDAE.** Repetundae Pecuniae in its widest sense was the term used to designate such sums of money as the Socii of the Roman State or individuals claimed to recover from Magistratus, Judices, or Publici Curatores, which they had improperly taken or received in the Provinciae, or in the Urbs Roma, either in the discharge of their Jurisdictio, or in their capacity of Judices, or in respect of any other public function. Sometimes the word Repetundae was used to express the illegal act for which compensation was sought, as in the phrase "Repetundarum insimulari, damnari;" and Pecuniae meant not only money, but anything that had value. The expression which the Greek writers sometimes use for Repetundae is *δίκη δώρων*. (Plut. *Sulla*, 5.)

It is stated by Livy (xlii. 1) that before the year B. C. 173, no complaints were made by the Socii of being put to any cost or charge by the Roman magistratus. When complaints of exactions were made, an inquiry was instituted into this offence extra ordinem ex Senatusconsulto as appears from the case of P. Furius Philus and M. Matienus, who were accused of this offence by the Hispani. (Liv. xliii. 2.) The first Lex on the subject was the Calpurnia, which was proposed and carried by the Tribunus Plebis, L. Calpurnius Piso (B. C. 149), who also distinguished himself as an historical writer. By this Lex a Praetor was appointed for trying persons charged with this crime. (Cic. *de Off.* ii. 21, *Brut.* 27.) This Lex only applied to Provincial Magistratus, because in the year B. C. 141 according to Cicero (*de Fin.* ii. 16) the like offence in a Magistratus Urbanus was the subject of a Quaestio extra ordinem. It seems that the penalties of the Lex Calpurnia were merely pecuniary, and at least did not comprise exsilium, for L. Cornelius Lentulus who was Censor B. C. 147, had been convicted on a charge of Repetundae in the previous year. The pecuniary penalty was ascertained by the litis aestimatio, or taking an account of all the sums of money which the convicted party had illegally received.

Various leges de repetundis were passed after the Lex Calpurnia, and the penalties were continually made heavier. The Lex Junia was passed probably about B. C. 126 on the proposal of M. Junius Pennus, Tribunus Plebis. It is probable that this was the Lex under which C. Cato, Proconsul of Macedonia, was living in exile at Tarraco (Cic. *pro Balbo*, 11; Vell. Pat. ii. 8); for at least exsilium was not a penalty imposed by the Calpurnia Lex, but was added by some later Lex. This Lex Junia and the Lex Calpurnia are mentioned in the Lex Servilia.

The Lex Servilia Glaucia was proposed and carried by C. Servilius Glaucia Praetor B. C. 100. This Lex applied to any magistratus who had improperly taken or received money from any private person; but a magistratus could not be accused during the term of office. The Lex enacted that the Praetor Peregrinus should annually appoint 450 judices for the trial of this offence: the judices were not to be senators. The penalties of the Lex were pecuniary and exsilium; the law allowed a comperendinatio. (Cic. *in Verr.* i. 9.) Before the Lex Servilia, the pecuniary penalty was simple restitution of what had been wrongfully taken; this Lex seems to have raised the penalty to double the amount of what had been wrongfully taken; and subsequently it was made quadruple. Exsilium was only the punishment in case a man did not abide his trial, but withdrew from Rome. (Savigny, *Von dem Schutz der Mind.*, *Zeitschrift*, x.) Under this Lex were tried M' Aquillius, P. Rutilius, M. Scaurus, and Q. Metellus Numidicus. The Lex gave the Civitas to any person on whose complaint a person was convicted of Repetundae. (Cic. *pro Balbo*, 23, 24.)

The Lex Acilia, which seems to be of uncertain date (probably B. C. 101), was proposed and carried by M' Acilius Glabrio, a Tribunus Plebis, which enacted that there should be neither ampliatio nor comperendinatio. It is conjectured that this is the Lex Caecilia mentioned by Valerius Maximus (vi. 9, 10), in which passage if the conjecture is correct, we should read Acilia for Caecilia. (Cic. *in Verr.* Act. i. 17, *in Verr.* i. 9.) It has sometimes been doubted whether the Acilia or Servilia was first enacted, but it appears that the Acilia took away the comperendinatio which the Servilia allowed.

The Lex Cornelia was passed in the dictatorship of Sulla B. C. 81, and continued in force to the time of C. Julius Caesar. It extended the penalties of Repetundae to other illegal acts committed in the provinces, and to judices who received bribes, to those to whose hands the money came, and to those who did not give into the Aerarium their Proconsular accounts (proconsulares rationes). The Praetor who presided over this quaestio chose the judges by lot from the Senators, whence it appears that the Servilia Lex was repealed by this Lex, at least so far as related to the constitution of the court. This Lex also allowed ampliatio and comperendinatio. The penalties were pecuniary (litis aestimatio) and the aquae et ignis interdictio. Under this Lex were tried L. Dolabella, Cn. Piso, C. Verres, C. Macer, M. Fonteius, and L. Flaccus, the two last of whom were defended by Cicero. In the Verrine Orations Cicero complains of the comperendinatio or double hearing of the cause, which the Lex Cornelia allowed, and refers to the practice under the Lex Acilia, according to which the case for the prosecution, the defence, and the evidence were only heard once, and so the matter was decided. (*In Verr.* i. 9.)

The last Lex de Repetundis was the Lex Julia passed in the first consulship of C. Julius Caesar B. C. 59. (Cic. *in Vat.* 12.) This Lex consisted of numerous heads (capita) which have been collected by Sigonius. (Cic. *ad Fam.* viii. 8.) This Lex repealed the penalty of exsilium, but in addition to the litis aestimatio, it enacted that persons convicted under this Lex should lose their rank, and be disqualified from being witnesses. judices, or senators. This is the Lex which was commented on by the Jurists, whose expositions are preserved in the Digest (48. tit. 11), and in the Code (9. tit. 27). This Lex adopted some provisions that existed in previous Leges, as for instance that by which the money that had been improperly retained could be recovered from those into whose hands it could be traced. (Cic. *pro C. Rubir. Post.* 4.) The Lex had been passed when Cicero made his oration against Piso, B. C. 55. (*In Pis.* 21.) A. Gabinius was convicted under this Lex. Many of its provisions may be collected from the oration of Cicero against Piso. Cicero boasts that in his proconsulship of Cilicia there was no cost caused to the people by himself, his legati, quaestor, nor any one else; he did not even demand from the people what the Lex (Julia) allowed him. (*Ad Att.* v. 16.)

Under the Empire the offence was punishable with exile. (Tacit. *Annal.* xiv. 28, and the note of Lipsius.)

In Clinton's *Fasti Hellenici*, the Lex Calpurnia is incorrectly stated to be the first law at Rome against Bribery at Elections. Bribery is AMBITUS.

(Sigonius *de Judiciis*, ii. c. 27; Rein, *Das Criminalrecht der Römer*, p. 604, &c.; Rudorff, *Ueber die Octavianische Formel*, *Zeitschrift für Geschicht. Rechtsw.* &c. xii. p. 136.) [G. L.]

REPLICA'TIO. [ACTIO, p. 10.]

REPOSITO'RIA. [COENA, p. 307, b.]

REPO'TIA. [MATRIMONIUM, p. 744, a.]

REPU'DIUM. [DIVORTIUM.]

RES. [DOMINIUM.]

RES JUDICA'TA. [JUDICATA ACTIO.]

RES MA'NCIPI. [DOMINIUM.]

RESCRIPTUM. [CONSTITUTIONES.]

RESPONSA. [JURISCONSULTI.]

RESTITU'TIO IN INTEGRUM, in the sense in which the term will here be used, signifies the rescinding of a contract or legal transaction so as to place the parties to it in the same position with respect to one another which they occupied before the contract was made or the transaction took place. The Restitutio here spoken of is founded on the Edict. If the contract or transaction is such as not to be valid according to the Jus Civile, this Restitutio is not needed; and it only applies to cases of contracts and transaction, which are not in their nature or form invalid. In order to entitle a person to the Restitutio, he must have sustained some injury capable of being estimated, in consequence of the contract or transaction, and not through any fault of his own; except in the case of one who is minor XXV annorum, who was protected by the Restitutio against the consequences of his own carelessness. The injury also must be one for which the injured person has no other remedy.

The Restitutio may either be effected on the complaint of the injured party, which would generally be made after the completion of the transaction, or when he is sued by the other party in respect of the transaction and defends himself by an Exceptio. The complaint as a general rule must be made within four years of the time of the injury being discovered, and of the party being capable of bringing his action; in the case of Minores the four years were reckoned from the time of their attaining their majority. In the case of an Exceptio there was no limitation of time. (Cod. 2. tit. 53. s. 7.) According to the old law the complaint must be made within one year.

The application for a Restitutio could only be made to one who had Jurisdictio, either original or delegated, which flowed from the possession of the Imperium; and it might, according to the circumstances, be decreed by the Magistratus extra ordinem, or the matter might be referred to a Judex. When a Restitutio was decreed, each party restored to the other what he had received from him with all its accessions and fruits, except so far as the fruits on one side might be set off against the interest of money to be returned on the other side. All proper costs and expenses incurred in respect of the thing to be restored were allowed. If the object of the Restitutio was a right, the injured party was restored to his right; or if he had incurred a duty, he was released from the duty.

The action for Restitutio might be maintained by the person injured, by his heredes, cessionarii, and sureties; but as a general rule it could only be maintained against the person with whom the contract had been made, and not against a third person who was in possession of the thing which was sought to be recovered, except when the actio for restitutio was an actio in rem scripta, or the injured party had an actio in rem, or when the right which he had lost was a right in rem.

The grounds of Restitutio were either those expressed in the Edict, or any good and sufficient cause: "item si qua alia mihi justa causa esse videbitur in integrum restituam, quod ejus per Leges, Plebiscita, Senatusconsulta, Edicta, Decreta Principum licebit." (Dig. 4. tit. 6. s. 1.)

The following are the chief cases in which a Restitutio might be decreed.

The case of Vis et Metus. If a man did an act that was injurious to himself, through vis or metus, the act was not for that reason invalid, nor was it considered that his assent was wanting (Dig. 4. tit. 2. s. 21. § 5): but it was contra bonos mores to allow such an act to have legal effect. When a man had acted under the influence of force, or reasonable fear caused by the acts of another party, he had an actio quod metus causa for restitution against the party who was the wrongdoer, and also against an innocent person who was in possession of any thing which had thus been got from him, and also against the heredes of the wrongdoer if they were enriched by being his heredes (*quantum ad eos pervenit*). If he was sued in respect of the transaction, he could defend himself by an exceptio quod metus causa. The actio Quod Metus was given by the Praetor L. Octavius, a contemporary of Cicero. (Compare Cic. *in Verr.* iii. 65, and Dig. 4. tit. 2. s. 1.)

The case of Dolus. When a man was fraudulently induced to become a party to a transaction, which was legal in all respects, saving the fraud, he had his actio de dolo malo against the guilty person and his heredes, so far as they were made richer by the fraud, for the restoration of the thing of which he had been defrauded, and if that was not possible, for compensation. Against a third party who was in bona fide possession of the thing, he had no action. If he was sued in respect of the transaction, he could defend himself by the exceptio doli mali. (Compare Dig. 4. tit. 3.)

The case of Minores XXV. annorum. A Minor could by himself do no legal act for which the assent of a Tutor or Curator was required, and therefore if he did such act by himself, no Restitutio was necessary. If the Tutor had given his Auctoritas, or the Curator his assent, the transaction was legally binding, but yet the Minor could claim Restitutio if he had sustained injury by the transaction. Gaius (iv. 57) gives an example, when he says that if too large an amount was inserted in the Condemnatio of the Formula, the matter is set right by the Praetor, or in other words "reus in integrum restituitur," but if too little was inserted in the formula, the Praetor would not make any alteration; "for," he adds, "the Praetor more readily relieves a defendant than a plaintiff; but we except the case of Minores xxv annorum, for the Praetor relieves persons of this class in all cases wherein they have committed error (in omnibus rebus lapsis)."

There were however cases in which Minores could obtain no Restitutio; for instance, when a Minor with fraudulent design gave himself out to be Major; when he confirmed the transaction after coming of age; and in other cases. The benefit of this Restitutio belonged to the heredes of the Minor, and generally also to sureties. The demand could only be made, as a general rule, against the person with whom the Minor had the transaction and his heredes. The Minor had four years after attaining his majority, in which he could sue. The older law allowed only one year. If the time had not elapsed when he died, his heres had the benefit of the remaining time, which was reckoned from the time adeundi hereditatem; and if the heres was a Minor, from the time of his attaining his majority. [Curator.]

The case of Absentia: which comprehends not merely absence in the ordinary sense of the word, but absence owing to madness or imprisonment, and the like causes. (Dig. 4. tit. 6. s. 28.) If a man had sustained injury by his own absentia, he was generally intitled to restitutio, if the absentia was unavoidable: if it was not unavoidable, he was intitled to Restitutio, either if he could have no redress from his Procurator, or was not blamable for not having appointed one. If a man found that he might sustain damage on account of the absence of his adversary, he might avoid that by entering a protestation in due form.

The case of Error, Mistake, comprehends such error as cannot be imputed as blame; and in such case, a man could always have restitutio when another was enriched by his loss. The erroris causae probatio somewhat resembles this case. (Gaius, i. 67—75.)

The case of Capitis diminutio through adrogatio or in manum conventio, which was legally followed by the extinction of all the obligationes of the person adrogated or in manu. The Praetor restored to the creditors of such persons their former rights. (Gaius, iii. 83, iv. 38.)

The case of alienatio judicii mutandi causa facta is hardly a case of restitutio, though sometimes considered such. It occurs when a man alienates a thing for the purpose of injuring a claimant by substituting for himself another against whom the claimant cannot so easily prosecute his right. In the case of a thing which the Possessor had thus alienated, the Praetor gave an actio in factum against the alienor to the full value of the thing. If a man assigned a claim or right with the view of injuring his adversary by giving him a harder claimant to deal with, the adversary could meet the assignee, when he sued, with an exceptio judicii mutandi causa.

The case of alienatio in fraudem creditorum facta. (Dig. 42. tit. 8.) When a man was insolvent (non solvendo), and alienated his property for the purpose of injuring his creditors, the Praetor's Edict gave the creditors a remedy. If for instance a debt was paid post bona possessa, it was absolutely void, for the effect of the Bonorum Possessio in the case of insolvency was to put all the creditors on the same footing. If any alienation was made before the Bonorum Possessio, it was valid in some cases. A debtor might reject any thing which was for his advantage, for the Praetor's edict related only to the diminution of his property, and not to its increase. If the act was such as to diminish his property (fraudationis causa) the creditors, as a general rule, were intitled to have the act undone. A creditor who exacted his just debt, was intitled to retain it. The actio by which the creditors destroyed the effect of an illegal alienation was called Pauliana, which was brought by the Curator bonorum in the name of the creditors, for the restoration of the thing which had been improperly aliened, and all its fruits. The creditors were also intitled to an Interdictum fraudatorium in order to get possession of the thing that had been improperly aliened. (Dig. 36. tit. 1. s. 67.)

In the Imperial times, Restitutio was also applied to the remission of a punishment (Tac. *Ann.* xiv. 12; Plin. *Ep.* x. 64, 65; Dig. 48. tit. 19. s. 27) which could only be done by the Imperial grace.

(Dig. 4. tit. 1—7; 44. tit. 4; Paulus, *S. R.* i. tit. 7—9; Cod. 2. tit. 20—55; Cod. Theod. 2. tit. 15, 16; Mühlenbruch, *Doct. Pandect.*; Mackeldey, *Lehrbuch*, &c. 12th ed.; Rein, *Das Römische Privatrecht;* Rudorff, *Zeitschrift für Geschicht. Rechtsw.* xii. 131, *Ueber die Octavianische Formel;* Puchta, *Inst.* ii. § 209.) [G. L.]

RESTITUTO'RIA ACTIO. [Intercessio.]

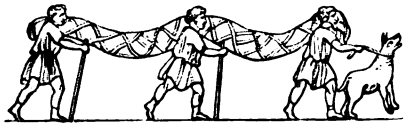
RETIA'RII. [Gladiatores, p. 575, b.]

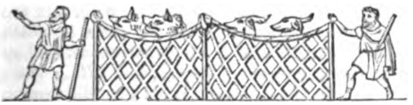
RETI'CULUM, a head-dress. [Coma, p. 329, a.]

RETIS and RETE; *dim.* RETI'CULUM (δίκτυον), a net. Nets were made most commonly of flax from Egypt, Colchis, the vicinity of the Cinyps in North Africa, and some other places. Occasionally they were of hemp. (Varro, *de Re Rust.* iii. 5.) They are sometimes called *lina* (λίνα) on account of the material of which they consisted. (Hom. *Il.* v. 487; Brunck, *Anal.* ii. 494, 495.) The meshes (*maculae*, Ovid. *Epist.* v. 19; Varro, *de Re Rust.* iii. 11; Nemesiani, *Cyneg.* 302; βρόχοι, *dim.* βροχίδες, Heliodor. vi. p. 231, ed. Commelin.) were great or small according to the purposes intended; and these purposes were very various. But by far the most important application of net-work was to the three kindred arts of fowling, hunting, and fishing: and besides the general terms used alike in reference to all these employments, there are special terms to be explained under each of these heads.

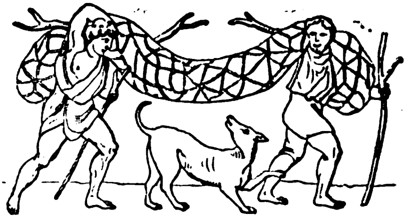
I. In fowling the use of nets was comparatively limited (Aristoph. *Av.* 528); nevertheless thrushes were caught in them (Hor. *Epod.* ii. 33, 34); and doves or pigeons with their limbs tied up or fastened to the ground, or with their eyes covered or put out, were confined in a net, in order that their cries might allure others into the snare. (Aristoph. *Av.* 1083.) The ancient Egyptians, as we learn from the paintings in their tombs, caught birds in clap-nets. (Wilkinson, *Man. and Cust.* vol. iii. pp. 35—38, 45.)

II. In hunting it was usual to extend nets in a curved line of considerable length, so as in part to surround a space into which the beasts of chace, such as the hare, the boar, the deer, the lion, and the bear, were driven through the opening left on one side. (Aelian, *H. A.* xii. 46 ; Tibullus, iv. 3. 12 ; Plin. *H. N.* xix. 2. § 2.) This range of nets was flanked by cords, to which feathers dyed scarlet and of other bright colours were tied, so as to flare and flutter in the wind. The hunters then sallied forth with their dogs, dislodged the animals from their coverts, and by shouts and barking drove them first within the *formido*, as the apparatus of string and feathers was called, and then, as they were scared with this appearance, within the circuit of the nets. Splendid descriptions of this scene are given in some of the following passages, all of which allude to the spacious enclosure of net-work. (Virg. *Georg.* iii. 411—413, *Aen.* iv. 121, 151—159, x. 707—715 ; Ovid. *Epist.* iv. 41, 42, v. 19, 20 ; Oppian, *Cyn.* iv. 120—123 ; Eurip. *Bacchae*, 821—832.) The accompanying woodcuts are taken from two bas-reliefs in the collection of ancient marbles at Ince-Blundell in Lancashire. In the uppermost figure three servants with staves carry on their shoulders a large net, which is intended to be set up as already described. (Tibullus, i. 4. 49, 50 ; Sen. *Hippol.* i. 1. 44 ; Propert. iv. 2. 32.) The foremost servant holds by a leash a dog, which is eager to pursue the game. In the middle figure the net is set up. At each end of it stands a watchman holding a staff. (Oppian, *Cyneg.* iv. 124.) Being intended to take such large quadrupeds as boars and deer (which are seen within it), the meshes are very wide (*retia rara*, Virg. *Aen.* iv. 131 ; Hor. *Epod.* ii. 33). The net is supported by three stakes (*στάλικες*, Oppian, *Cyneg.* iv. 67, &c. ; Pollux, v. 31 ; *ancones*, Gratius, *Cyneg.* 87 ; *vari*, Lucan, iv. 439). To dispose the nets in this manner was called *retia ponere* (Virg. *Georg.* i. 307), or *retia tendere* (Ovid. *Art. Amat.* i. 45). Comparing it with the stature of the attendants, we perceive the net to be between five and six feet high. The upper border of the net consists of a strong rope, which was called *σαρδών*. (Xen. *de Venat.* vi. 9.) The figures in the following woodcut represent two men carrying the net home after the chace ; the stakes for supporting it, two of which they hold in their hands, are forked at the top, as is expressed by the terms for them already quoted, *ancones* and *vari*.





Besides the nets used to inclose woods and coverts or other large tracts of country two additional kinds are mentioned by those authors who treat on hunting. All the three are mentioned together by Xenophon (*δίκτυα, ἐνόδια, ἄρκυες*, ii. 4), and by Nemesianus (*Cyneg.* 299, 300).



The two additional kinds were placed at intervals in the same circuit with the large hunting-net or haye. The road-net (*plaga*, *ἐνόδιον*) was much less than the others, and was placed across roads and narrow openings between bushes. The purse- or tunnel-net (*cassis*, *ἄρκυς*) was made with a bag (*κεκρύφαλος*, Xen. *de Venat.* vi. 7), intended to receive the animal when chased towards the extremity of the inclosure. Within this bag, if we may so call it, were placed branches of trees, to keep it expanded and to decoy the animals by making it invisible. The words *ἄρκυς* or *cassis* are used metaphorically to denote some certain method of destruction, and are more particularly applied, as well as *ἀμφίβληστρον*, which will be explained immediately, to the large shawl in which Clytemnestra enveloped her husband in order to murder him. (Aeschyl. *Agam.* 1085, 1346, 1353, *Choeph.* 485, *Eumen.* 112.)

III. Fishing-nets (*ἁλιευτικὰ δίκτυα*, Diod. Sic. xvii. 43, p. 193, Wess.) were of six different kinds, which are enumerated by Oppian (*Hal.* iii. 80—82) as follows : —

Τῶν τὰ μὲν ἀμφίβληστρα, τὰ δὲ γρῖφοι καλέονται,
Γάγγαμα τ', ἠδ' ὑποχαὶ περιηγέες, ἠδὲ σαγῆναι,
Ἄλλα δὲ κικλήσκουσι καλύμματα.

Of these by far the most common were the *ἀμφίβληστρον*, or casting-net (*funda*, *jaculum*, *retinaculum*) and the *σαγήνη*, *i. e.* the drag-net, or sean (*tragum*, Isid. Hisp. *Orig.* xix. 5 ; *tragula*, *verriculum*). Consequently these two are the only kinds mentioned by Virgil in *Georg.* i. 141, 142. and by Ovid. in *Ar. Amat.* i. 763, 764. Of the *καλύμμα* we find nowhere any further mention. We are also ignorant of the exact form and use of the *γρῖφος*, although its comparative utility may be inferred from the mention of it in conjunction with the sean and casting-net by Artemidorus (ii. 14) and Plutarch (*περὶ εὐθυμ.* vol. v. p. 838, ed. Steph.). We know no more of the *γάγγαμον*. (Hesych. *s. v.* ; Aeschyl. *Agam.* 352.) The *ὑποχὴ* was a landing-net, made with a hoop (*κύκλος*) fastened to a pole, and perhaps provided also with the means of closing the circular aperture at the top. (Oppian, *Hal.* iv. 251.) The metaphorical use of the term *ἀμφίβληστρον* has been already mentioned. That it denoted a casting-net may be concluded both from its etymology and from the circumstances in which it is mentioned by various authors. (Hesiod, *Scut. Herc.* 213—215 ; Herod. i. 141 ; Ps. cxli. 10 ; Is. xix. 8 ; Hab. i. 15—17 (LXX. and Vulgate versions) ; St. Matt. iv. 18 ; St. Mark, i. 16.) More especially the casting-net, being always pear-shaped or conical, was suited to the use mentioned under the article Conopeum.

Its Latin names are found in the passages of Virgil's Georgics, and of the Vulgate Bible above referred to, in Plautus, *Asinar.* i. 1. 87, *Truc.* i. 1. 14; and in Isid. Hisp. *Orig.* xix. 5.

The English term *sean* (which is also in the south of England pronounced and spelt *seine*, as in French), has been brought into our language by a corruption of the Greek σαγήνη through the Vulgate Bible (*sagena*) and the Anglo-Saxon. (Ezek. xxvi. 5, 14, xlvii. 10; St. Matt. xiii. 47, 48; St. John xxi. 6—11.) This net, which, as now used both by the Arabians and by our own fishermen in Cornwall, is sometimes half a mile long, was probably of equal dimensions among the ancients, for they speak of it as nearly taking in the compass of a whole bay. (Hom. *Od.* xxii. 384—387; Alciphron, i. 17, 18.) This circumstance well illustrates the application of the term to describe the besieging of a city: to encircle a city by an uninterrupted line of soldiers was called σαγηνεύειν. (Herod. iii. 145, vi. 31; Plato, *de Leg.* iii. *sub fin.*; Heliodorus, vii. p. 304, ed. Commelini.) The use of corks (φελλοί, *cortices suberini*, Sidon. Apollin. *Epist.* ii. 2; Plin. *H. N.* xvi. 8. s. 13) to support the top, and of leads (μολιβδίδες) to keep down the bottom, is frequently mentioned by ancient writers (Ovid. *Trist.* iii. 4. 11, 12; Aelian, *H. A.* xii. 43; Pausan. viii. 12. § 1), and is clearly exhibited in some of the paintings in Egyptian tombs. Leads, and pieces of wood serving as floats instead of corks, still remain on a sean which is preserved in the fine collection of Egyptian antiquities at Berlin. (See Yates, *Textrinum Antiquum*, Appendix C.) [J. Y.]

REUS. [Actor; Obligationes, p. 658.]

REX (βασιλεύς, ἄναξ), king. 1. Greek. In the earliest ages of Greece, of which we have any authentic records, we find the kingly form of government everywhere prevalent. On this point we may safely trust the pictures of society found in the Homeric poems; for whatever amount of historical truth there may be in the legends which form their subject, there cannot be the smallest question that the poems present a faithful reflection of the feelings, condition and manners of the society in the age of which they were composed.

Whether in early times *absolute* monarchies existed in Greece, we have no historical data for determining. The first of which we can trace the features are *hereditary monarchies with limited functions* (πρότερον δὲ ἦσαν ἐπὶ ῥητοῖς γέρασι πατρικαὶ βασιλεῖαι, Thuc. i. 13; ἡ περὶ τοὺς ἡρωϊκοὺς χρόνους [βασιλεία] ἦν ἑκόντων μὲν ἐπί τισι δ' ὡρισμένοις, Arist. *Pol.* iii. 10, ed. Göttl. 14, ed. Bekker; comp. Dionys. Halic. v. 74). By this we are to understand, not only that the kings were themselves under the control of law or custom, but that only a portion of the functions of political sovereignty were in their hands. This is the fourth species of βασιλεία which Aristotle recognises; the others being, *a.* the royalty of the Spartan kings; *b.* the royalty of barbarian kings (an hereditary despotism administered according to law); *c.* the government of an aesymnetes (Arist. *Pol.* iii. 9 or 14). It is not to be supposed, however, that the Grecian kings of the heroic age were *constitutional* kings, or were responsible to their subjects in any recognised sense. Their authority was founded purely on the personal feeling and reverence entertained for them by their subjects, and its limitations were derived not from any definite scheme, or written code, but from the force of traditionary usage, and the natural influence of the circumstances in which the kings were placed, surrounded as they were by a body of chiefs or nobles, whose power was but little inferior to that of the kings themselves. Even the title βασιλῆες is applied to them, as well as to the king (Hom. *Il.* ii. 86, *Od.* i. 394, vii. 55, viii. 391). The maintenance of regal authority doubtless depended greatly on the possession of personal superiority in bravery, military prowess, wisdom in council and eloquence in debate. When old age had blunted his powers and activity, a king ran a great chance of losing his influence. (*Od.* xi. 496; comp. *Il.* xii. 310, &c.) There was, however, an undefined notion of a sort of divine right connected with the kingly office (ἐκ δὲ Διὸς βασιλῆες, Hesiod. *Theog.* 96; comp. Hom. *Od.* xi. 255. Hence the epithet διοτρεφής, so commonly applied to kings in Homer). This, in most cases, was probably strengthened by a belief in the divine descent of kingly families.

Besides the more ordinary kingly accomplishments, there were various others, proficiency in which gave increased dignity and consideration even to a king. To be a skilful carpenter or ploughman was considered not unworthy of being made a matter of boast (Hom. *Od.* v. 246, xviii. 365, xxiii. 188). Prowess in boxing and other athletic exercises was more closely connected with superiority in the use of arms. (Od. viii. 180, &c. *Il.* xxiii. 257, &c.)

Aristotle (*l. c.*) mentions, as the functions of the kings in the heroic age, the leadership in war, the offering of such sacrifices as were not appropriated to particular priests, and the duty of deciding judicial causes. But both in the field and in the agora the king always appears in connection with the βουλή, or council of chiefs and elders, of which he acts as president. Even before Troy Agamemnon submits his plans to the assembled chieftains and soldiers (*Il.* ii. 53, &c. x. 195, &c.). The restrictive influence of these assemblies was, however, rather indirect than ostensible. The chieftains or princes merely offer their advice (*Il.* ix. 95, &c.), and the multitude assembled outside the circle in which they sit take no part in the deliberations. They only listen, and sometimes applaud (*Il.* ii. 100; Aristot. *ap. Schol. ad Il.* ix. 17). Still less is the matter in hand put in any formal way to the vote of either the βουλή, or the assembly of freemen. The assemblies described in the second book of the Iliad and the second book of the Odyssey will give a good idea of their nature. In judicial trials the council of elders seems always to have held a prominent place. (*Il.* xviii. 504; Hesiod. *Theog.* 85, *Op. et D.* 37.) Theoretically the government of the heroic age was in the strictest sense monarchical (see especially the remarkable passage *Il.* ii. 204). Here and there the poet represents kings as using language which would imply a power on the part of the king to deal with his dominions and subjects in a very summary manner (see the offer of Agamemnon to make over to Achilles seven cities, *Il.* ix. 153; and of Menelaus, to depopulate one of his towns to make room for Ulysses, *Od.* iv. 176). No doubt the power of different kings varied, and in the absence of definite constitutional restrictions the actual amount of power in the hands of each depended mainly on his individual qualifications and address. The cases, however, must have been extremely rare in which it approached to absolute power (παμβασιλεία). Even the voice of the commonalty carried a moral weight with it that ensured some degree of respect for it (χαλεπὴ δήμου φῆμις, *Od.* xiv. 239, vi. 273).

Besides such private property as the king might possess, he had the use of a domain attached to the regal office. (*Od.* xi. 185.) The τεμένη here spoken of are different from the κτήματα, or private property of the family, which Telemachus would retain, even if excluded from the throne, and so deprived of the use of the royal domain. (*Od.* i. 402.) There were also stated *dues* (θέμιστες), which formed an important item in the king's emoluments (hence termed λιπαραί, *Il.* ix. 156, 298). But besides these a large part of his revenues was derived from *presents* (δωτῖναι or δῶρα), which appear to have been given on most occasions on which his aid or protection was invoked (*Il.* ix. 155, xvii. 225). The characteristic emblem of the kingly office was the σκῆπτρον (*Il.* ii. 101, 206). [SCEPTRUM.]

It was doubtless seldom that the rule of hereditary succession was infringed upon, though the case of Telemachus (*Od.* i. 386, &c.) indicates that under peculiar circumstances the idea of departing from it might be entertained. But even here the presumptive right of Telemachus is admitted. Such a departure from the ordinary rule, however, marks a considerable decline in the kingly power, and advance on the part of the nobles. At a later period we find kings deprived of their throne for misconduct, as in the case of Thymoetes in Attica. At a later period than the Homeric age the fact of responsibility was regarded as constituting the difference between a king and a tyrant (Arist. *Pol.* iv. 8). Hence at Argos Pheidon is called a *tyrant*, though he was a legitimate successor to the throne, because he acquired for himself despotic authority.

Our information respecting the Grecian kings in the more historical age is not ample or minute enough to enable us to draw out a detailed scheme of their functions. The rising influence of the nobles gradually reduced these to narrower and narrower limits till at last the establishment of aristocratical or oligarchical governments became almost universal. Respecting the kings of Sparta the reader is referred to the article EPHORI. As an illustration of the gradual limitation of the prerogatives of the king or chief magistrate, the reader may consult the article ARCHON. The title *Basileus* was sometimes applied to an officer who discharged the priestly functions of the more ancient kings, as in Athens [ARCHON], Delphi (Plut. *Quaest. Gr.* 7. p. 177), Siphnos (Isocr. *ad Callim.* p. 685), Megara (Chandler, *Marm. Oxon.* 2, 82), Chalcedon (Caylus, *Recueil*, &c. ii. 55), Cyzicus (*id.* ii. 71, 72), and Samothrace (Liv. xlv. 5). (K. F. Hermann, *Lehrbuch der griech. Staatsalterthümer*, §§ 53—55; Wachsmuth, *Hellenische Alterthumskunde*, §§ 38, 43; Thirlwall, *Hist. of Greece*, cc. vi. x.; Grote, *Hist. of Greece*, c. xx. vol. ii. p. 79, &c.) [C. P. M.]

2. ROMAN. Rome was originally governed by kings. All the ancient writers agree in representing the king as elected by the people for life, and as voluntarily entrusted by them with the supreme power in the state. No reference is made to the hereditary principle in the election of the first four kings; and it is not until the fifth king Tarquinius Priscus obtained the sovereignty, that anything is said about the children of the deceased king. Consequently the ancient writers state that the king was chosen on account of his virtues and not his descent (Cic. *de Rep.* ii. 12; Appian, *B. C.* i. 98). It is true that in the case of Romulus the genuine legend makes no mention of his election to the royalty; and one of the acutest modern writers on the history of the Roman constitution has availed himself of this circumstance to support his theory, that the Roman king was not elected by the people, but derived his power immediately from the gods, and that this power devolved upon the senate at his death, and was transmitted in all its integrity to the next king by means of the interreges (Rubino, *Untersuchungen über Römische Verfassung*, p. 107, &c.). Our limits will not permit us to enter into an examination of this theory. It rests to a great extent upon the assumption that the Patres in the early Roman constitution were the senate; and it falls if it can be proved that the Patres in the earliest times were the same as the whole body of the patricians. We think that W. A. Becker (*Handbuch der Römischen Alterthümer*) has established beyond all doubt that the latter is the true meaning of the Patres, and that the common view is correct, which represents the king as voluntarily entrusted by the people with the supreme power.

Since the people had conferred the regal power, it returned to them upon the death of the king. As in modern states it is held that the king never dies, in like manner in Rome the vacant place was instantly filled up. But as a new king could not be immediately appointed, an Interrex forthwith stepped into his place. The necessity for an immediate successor to the king arose from the circumstance that he alone had had the power of taking the auspicia on behalf of the state; and as the auspicia devolved upon the people at his death, it was imperative upon them to create a magistrate, to whom they could delegate the auspicia and who would thus possess the power of mediating between the gods and the state. Originally the people consisted only of the patres or patricii; and accordingly, on the death of the king, we read *res ad patres redit* (Liv. i. 32), or, what is nearly the same thing, *auspicia ad patres redeunt.* [AUGUR, p. 177.] The interrex was elected by the whole body of the patricians, and he appointed (*prodebat*) his successor, as it was a rule that the first interrex could not hold the comitia for the election; but it frequently happened that the second interrex appointed a third, the third a fourth, and so on, till the election took place. This was the custom under the republic; and there would have been no reason to suppose that the practice was different during the kingly period, if it had not been for the account of the appointment of interreges after the death of Romulus, according to which the senate was divided into decuries for the purpose of sharing the interregnum between them. [INTERREX.]

The Interrex presided over the comitia curiata, which was assembled for the election of the king. He had previously agreed with the senate upon the person who was to be proposed to the comitia as king; for it is inconceivable that he had the absolute power of selecting whatever person he chose, as Dionysius states in some passages. The person whom the senate had selected was proposed by the interrex to the people in a regular *rogatio*, which the people could only accept or reject, for they had not the initiative and could not themselves propose any name. If the people voted in favour of the rogation, they were said *creare regem*, and their acceptance of him was called *jussus populi*. (Dionys. iv. 40, 80 ; Liv. i. 22, 32 ; Cic. *de Rep.* ii. 17, 21.) But the king did not immediately enter upon his office. Two other acts had still to take place before he was invested with the full regal authority and power. First, his *inauguratio* had to be performed, as it was necessary to obtain the divine will respecting his appointment by means of the auspices, since he was the high priest of the people. This ceremony was performed by an augur, who conducted the newly-elected king to the *arx*, or citadel, and there placed him on a stone seat with his face turned to the south, while the people waited below in anxious suspense until the augur announced that the gods had sent the favourable tokens confirming the king in his priestly character. (Liv. i. 18; Plut. *Num.* 7.) The inauguratio did not confer upon him the auspicia ; for these he obtained by his election to the royalty, as the comitia were held *auspicato*. It simply had reference to his priestly character, as already remarked, and consequently did not take place in the case of the republican magistrates, though the *rex sacrorum* and other priests were inaugurated. The passage of Dionysius (ii. 6), which is quoted in the article INAUGURATIO to prove that the republican magistrates were inaugurated, refers only to their taking the auspices on the morning of the day on which they entered upon their office. (Comp. Becker, *Ibid.* vol. ii. pt. i. p. 314.) The second act which had to be performed was the conferring of the imperium upon the king. The curiae had only determined by their previous vote who was to be king, and had not by that act bestowed the necessary power upon him ; they had, therefore, to grant him the imperium by a distinct vote. Accordingly the king himself proposed to the curiae a *lex curiata de imperio*, and the curiae by voting in favour of it gave him the imperium. (Cic. *de Rep.* ii. 13, 17, 18, 20, 21.) The reason of this double vote of the curiae is clear enough. The imperium could only be conferred upon a determinate person. It was necessary, therefore, first to determine who was to be the person who was capable of receiving the imperium ; and when this was determined, the imperium was granted to him by a special vote. Livy in his first book makes no mention of the *lex curiata de imperio*, but he uses the expressions *patres auctores fierent*, *patres auctores facti*. (Liv. i. 17, 22, 32.) That these expressions, however, are equivalent to the *lex curiata de imperio* in the kingly period is shown by Becker, an abstract of whose explanation is given under AUCTOR.

It is very difficult to determine the extent of the king's powers, as the ancient writers naturally judged of the kingly period by their own republican constitution, and frequently assigned to the king, the senate, and the comitia of the curiae, the respective powers and functions which were only true in reference to the consuls, the senate, and the comitia of their own time. Most modern writers have represented the supreme power as residing in the people, and have regarded the king, to a great extent, as the executive of the senate and the curiae; but this view of the limited nature of the king's powers is strongly attacked, and we may say disproved, by the masterly investigations of Rubino. For whatever exception may be taken to many of his propositions, no one can examine his arguments without feeling convinced that the king possessed the supreme power in the earliest times, and that the senate and the comitia of the curiae were very slight checks upon its exercise. In the first place, the king alone possessed the right of taking the auspices on behalf of the state ; and as no public business of any kind could be performed without the approbation of the gods expressed by the auspices, the king stood as mediator between the gods and the people, and in an early stage of society must necessarily have been regarded with religious awe. [AUGUR.] He was thus at the head of the national religion ; and the priests, who are in all nations most jealous of their exclusive rights and privileges, acknowledged that they were originally instituted by the king, and learnt from him their religious rites. Thus Romulus is not only said to have established the augurs, but to have been himself the best of all augurs (Cic. *de Div.* i. 2) ; and the institution of the pontiffs in like manner was not only attributed to Numa Pompilius, but they are said to have been taught by this king the whole doctrine of the public and private sacra, the arrangement of the calendar, the division of days into *fasti* and *nefasti*, in one word the *jus pontificium*. (Liv. i. 19, 20 ; Cic. *de Rep.* ii. 14 ; Dionys. ii. 72 ; Plut. *Num.* 12.)

Secondly, the people surrendered to the king the supreme military and judicial authority by conferring the *imperium* upon him. It is true that the imperium was granted to the consuls in like manner ; but the imperium, though the same nominally, was in reality limited in its exercise, as the consuls at the end of their year of office became private persons again, and might be brought to trial for acts which they had performed during their consulship. In addition to which various laws were passed for the protection of the citizens against the arbitrary use of their power, none of which existed in the kingly period. The *imperium* is usually defined to be the exercise of military authority (*imperium, sine quo res militaris administrari, teneri exercitus, bellum geri non potest*, Cic. *Phil.* v. 16 ; comp. Liv. v. 52 ; Cic. *de Leg. Agr.* ii. 12) ; but this definition simply arises from the fact that the writers are thinking of the imperium of the consuls, who were deprived of judicial power in the city of Rome, and within the first milestone from it, from the time of the institution of the praetorship. (Liv. iv. 42 ; Gaius, iv. 104.) But the praetors also had the imperium conferred upon them by a lex curiata, and it was by possession of the imperium that they were alone qualified to pronounce a *judicium legitimum*, at all events in criminal cases. It must, therefore, be recollected, that the king was not only the commander in war, but the supreme judge in peace. Seated on his throne in the comitium, he administered justice to all comers, and decided in all cases which were brought before him, civil as well as criminal. The opinion of Puchta (*Instit.* vol. i. p. 140, &c.), that private suits were not decided by the king, but came under the jurisdiction of the pontiffs, rests on no sufficient authority, and is refuted by the tale of the pretended dispute which was brought before Tarquinius Priscus by the murderers of that king. (Liv. i. 40.) If we are to place reliance upon Livy, the king did not administer justice alone, but was fettered by a *consilium*, since it is brought forward as a reproach against Tarquinius Superbus, *cognitiones capitalium rerum sine consiliis per se solus exercebat* (Liv. i. 47); but it is not easy to believe in the existence of such a consilium in the times of the early kings, or if it did exist, it must have been a body simply to advise the king, and could not have had the power of controlling him, as he administered justice in virtue of his possessing the imperium. There is moreover no case recorded in which the consilium had any share in the administration of justice. From the decision of the king there seems to have been no appeal (*provocatio*). This is indeed denied by Niebuhr, who maintains that in all cases affecting the caput of a Roman citizen, an appeal lay from the king to the people in the comitia of the curiae, and who further argues that this was an ancient right of the patricians, and was extended to the plebs by the Lex Valeria, enacted at the establishment of the republic. It is true that the ancient writers refer the institution of the *provocatio* to the kingly period (Liv. i. 26, viii. 33; Cic. *pro Mil.* 3; Val. Max. vi. 3. § 6, viii. 1. § 1; Festus, *s. v. sororium tigillum;* Cic. *de Rep.* ii. 31), but it by no means follows that the prpvocatio of that early time was the same as the right secured by the Lex Valeria, which was regarded as the great bulwark of the liberty of a Roman citizen. We have indeed the record of only one case of provocatio under the kings, namely, when the surviving Horatius, who murdered his sister, appealed from the duumviri to the people; and in this case it must be borne in mind that the appeal was not from the sentence of the king, but from the sentence of the duumviri. It appears, even from the narrative of Livy, that the king voluntarily surrendered his right of trying the criminal and passing sentence upon him, in order to avoid the odium of putting to death the hero who had rendered such signal services to the state, and that he appointed duumviri, from whose decision an appeal lay to the people, in order that the people might have the responsibility of pronouncing his acquittal or condemnation. (Liv. i. 26; comp. Dionys. iii. 22.) In addition to which it is expressly stated that the dictatorship was a restoration of the kingly power (Zonar. vii. 13; comp. Cic. *de Rep.* ii. 32); and it is certain that the great distinction between the power of the dictator and that of the consuls consisted in there being no provocatio from the decisions of the former, as there was from the decisions of the latter. Our limits do not allow us to enter further into an examination of this question; but the reader will find the arguments against Niebuhr's views stated at great length in Rubino. (*Ibid.* p. 430, &c.)

Again, all the magistrates in the kingly period appear to have been appointed by the king and not elected by the curiae. This is expressly stated of the two most important, the *Tribunus Celerum*, who occupied the second place in the state, and who stood in the same relation to the king as the magister equitum did in later times to the dictator (Lydus, *de Mag.* i. 14), and the *Custos* or *Praefectus urbi*, who was nominated by the king to supply his place when he was absent from the city (Tac. *Ann.* vi. 11). We may consequently infer that the *Quaestores* were in like manner nominated by the king, although the ancient authorities differ on the point, Tacitus ascribing their appointment to the king (Tac. *Ann.* xi. 22) and Junius Gracchanus to the people. (Dig. 1. tit. 13.) Livy expressly says (i. 26) that the *Duumviri Perduellionis* were appointed by the king; and if these were the same officers as the *Quaestores* during the kingly period, as many writers maintain, there can be no doubt that the latter were nominated by the king.

Further, the king was not dependent upon the people for his support; but a large portion of the ager publicus belonged to him, which was cultivated at the expense of the state on his behalf. (Cic. *de Rep.* v. 2.) He had also the absolute disposal of the booty taken in war and of the conquered lands. (Dionys. ii. 28, 62; Cic. *de Rep.* ii. 9, 14, 18.)

It must not, however, be supposed that the authority of the king was absolute. The senate and the assembly of the people must have formed some check upon his power; though, if the views we have been stating are correct, they were far from possessing the extensive privileges which Dionysius (ii. 14) assigns to them. The senate and the comitia of the curiae were not independent bodies possessing the right of meeting at certain times and discussing questions of state. They could only be called together when the king chose, and further could only determine upon matters which the king submitted to them. The senate was simply the consilium of the king, the members of which were all appointed by him (Liv. i. 8; Dionys. ii. 12; Festus, p. 246, ed. Müller; Cic. *de Rep.* ii. 8), and which only offered their advice to him, which he could follow or reject according to his pleasure. The comitia of the curiae seem to have been rarely assembled, and then probably more to hear the decisions of the king than to ratify his acts; and it is certain that they had no power of discussing any matter that was brought before them. The only public matter in which the king could not dispense with the co-operation of the senate and the curiae was in declarations of war against foreign nations, as appears clearly from the declaration of war against the Latins in the time of Ancus Marcius, as related by Livy (i. 32), who preserves the ancient formula. There is no trace of the people having had anything to do with the conclusion of treaties of peace; and Dionysius in this case as in many others has evidently transferred a later custom to the earlier times. The relation in which the senate and the curiae stood to the kings is spoken of more at length under Comitia, p. 331, and Senatus.

The insignia of the king were the fasces with the axes (*secures*), which twelve lictors carried before him as often as he appeared in public, the *trabea*, the *sella curulis*, and the *toga praetexta* and *picta*. The *trabea* appears to have been the most ancient official dress, and is assigned especially to Romulus: it was of Latin origin, and is therefore represented by the antiquarian Virgil as worn by the Latin kings. (Plin. *H. N.* viii. 48, ix. 39; Ov. *Fast.* ii. 501; Virg. *Aen.* vii. 187, xi. 334.) The *toga praetexta* and *picta* were borrowed, together with the *sella curulis*, from the Etruscans, and their introduction is variously ascribed to Tullus Hostilius or Tarquinius Priscus. (Cic. *de Rep.* ii. 17; Macrob. *Sat.* i. 6; Plin. *H. N.* ix. 39; Dionys. iii. 62.) Dionysius (*l. c.*) also mentions a diadem and a sceptre as insignia of the kings.

For further information respecting the Roman kings, see Niebuhr, *Hist. of Rome*, vol. i. p. 338, &c.; Walter, *Geschichte des Römischen Rechts*, § 17, 2d ed.; and especially Rubino, *Untersuchungen über Römische Verfassung*, passim; and Becker, *Handbuch der Römischen Alterthümer*, vol. ii. pt. i. p. 291, &c.

REX SACRIFI'CULUS, REX SACRI'FICUS, or REX SACRO'RUM. When the civil and military powers of the king were transferred to two praetors or consuls, upon the establishment of the republican government at Rome, these magistrates were not invested with that part of the royal dignity by virtue of which he had been the high priest of his nation and had conducted several of the sacra publica, but this priestly part of his office was transferred to a priest called Rex Sacrificulus or Rex Sacrorum. (Liv. ii. 2; Dionys. iv. 74, v. 1.) The first rex sacrorum was designated, at the command of the consuls, by the college of pontiffs, and inaugurated by the augurs. He was always elected and inaugurated in the comitia calata under the presidency of the pontiffs (Gell. xv. 27), and as long as a rex sacrificulus was appointed at Rome, he was always a patrician, for as he had no influence upon the management of political affairs, the plebeians never coveted this dignity. (Liv. vi. 41; Cic. *pro Dom.* 14.) But for the same reason the patricians too appear at last to have attributed little importance to the office; whence it sometimes occurs that for one, or even for two successive years no rex sacrorum was appointed, and during the civil wars in the last period of the republic, the office appears to have fallen altogether into disuse. Augustus however seems to have revived it, for we find frequent mention of it during the empire, until it was probably abolished in the time of Theodosius. (Orelli, *Inscr.* n. 2280, 2282, 2283.)

Considering that this priest was the religious representative of the kings, he ranked indeed higher than all other priests, and even higher than the pontifex maximus (Festus. *s. v. Ordo sacerdotum*), but in power and influence he was far inferior to him. (*Id sacerdotium pontifici subjecere*, Liv. ii. 2.) He held his office for life (Dionys. iv. 74), was not allowed to hold any civil or military dignity, and was at the same time exempted from all military and civil duties. (Dionys. *l. c.*; Plut. *Quaest. Rom.* 60; Liv. xl. 42.) His principal functions were: 1. To perform those sacra publica which had before been performed by the kings: and his wife, who bore the title of *regina sacrorum*, had like the queens of former days also to perform certain priestly functions. These sacra publica he or his wife had to perform on all the Calends, Ides, and the Nundines; he to Jupiter, and she to Juno, in the regia. (Varro, *de Ling. Lat.* vi. 12, 13; Macrob. *Sat.* i. 15.) 2. On the days called regifugium he had to offer a sacrifice in the comitium. [REGIFUGIUM.] 3. When extraordinary portenta seemed to announce some general calamity, it was his duty to try to propitiate the anger of the gods. (Fest. *s. v. Regiae feriae.*) 4. On the nundines when the people assembled in the city, the rex sacrorum announced (*edicebat*) to them the succession of the festivals for the month. This part of his functions however must have ceased after the time of Cn. Flavius. (Varro, *de Ling. Lat.* vi. 13; Serv. *ad Aen.* viii. 654.) He lived in a domus publica on the via sacra, near the regia and the house of the Vestal virgins. (Ambrosch, *Studien u. Andeutungen*, pp. 41—76.) [L. S.]

RHEDA or REDA was a travelling carriage with four wheels. Like the COVINUS and the ESSEDUM it was of Gallic origin (Quintil. *Inst. Orat.* i. 5. § 68; Caes. *Bell. Gall.* i. 51), and may perhaps contain the same root as the German *reiten* and our *ride*. It was the common carriage used by the Romans for travelling, and was frequently made large enough not only to contain many persons, but also baggage and utensils of various kinds. (Cic. *pro Mil.* 10, 20; Juven. iii. 10; Mart. iii. 47.) The word *Epirhedium*, which was formed by the Romans from the Greek preposition ἐπὶ and the Gallic *rheda* (Quint. *l. c.*), is explained by the Scholiast on Juvenal (viii. 66) as: "Ornamentum rhedarum aut plaustrum."

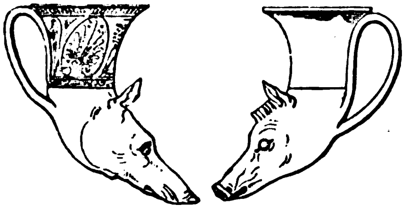
RHETOR. [RHETORICE GRAPHE.]

RHETO'RICE GRAPHE (ῥητορικὴ γραφή). The best interpretation of this expression is perhaps that given by Harpocration and Suidas, *s. v.* ἡ κατὰ ῥήτορος γενομένη, γράψαντός τι ἢ εἰπόντος ἢ πράξαντος παράνομον. There was not any particular class of persons called ῥήτορες, invested with a legal character, or intrusted with political duties, at Athens. For every citizen, who did not labour under some special disability, was entitled to address the people in assembly, make motions, propose laws, &c. The name of ῥήτορες, however, was given in common parlance to those orators and statesmen, who more especially devoted themselves to the business of public speaking; while those who kept aloof from, or took no part in, the business of popular assemblies, were called ἰδιῶται. Hence ῥήτωρ is explained by Suidas, *s. v.* Ὁ δήμῳ συμβουλεύων καὶ ὁ ἐν δήμῳ ἀγορεύων. The ῥητορικὴ γραφὴ might be either the same as the παρανόμων γραφὴ, or a more special prosecution, attended with heavier penalties, against practised demagogues, who exerted their talents and influence to deceive the people and recommend bad measures. Others have conjectured this to be a proceeding similar to the ἐπαγγελία δοκιμασίας, directed against those persons who ventured to speak in public, after having been guilty of some misdemeanour which would render them liable to ἀτιμία. Of this nature was the charge brought against Timarchus by Aeschines, whose object was to prevent the latter from appearing as prosecutor against him on the subject of the embassy to Philip. (Schömann, *de Comit.* p. 108; Meier, *Att. Proc.* p. 209.) [C. R. K.]

RHETRAE (ῥῆτραι), specially the name of the ordinances of Lycurgus. (Plut. *Lyc.* 6, 13.) The word is defined by the grammarians to signify a compact or treaty (ῥήτρη, ἡ ἐπὶ ῥητοῖς τισι συνθήκη, Apollon. *Lex. Hom.* p. 138. 30, ed. Bekker; ῥῆτραι, συνθῆκαι διὰ λόγων, Hesych.); and most modern writers adopt this interpretation, supposing the word to signify originally words (τὸ ῥητὸν), or a declaration, which bound parties. It is true that the etymology points simply to that which is spoken or declared; but Plutarch gives another meaning to the word in relation to the laws of Lycurgus, and says that they were divine ordinances (ῥήτρας ὠνόμασεν, ὡς παρὰ τοῦ θεοῦ νομιζόμενα καὶ χρησμοὺς ὄντα, Plut. *Lyc.* 13). The opinion of Mr. Grote, which reconciles these two accounts, seems the most probable. "The word *Rhetra* means a solemn compact, either originally emanating from, or subsequently sanctioned by the gods, who are always parties to such agreements:

see the old treaty between the Eleians and Heraeans—'Α Fράτρα, between the two, commemorated in the valuable inscription still preserved, — as ancient, according to Böckh, as Olym. 40—60 (Böckh, *Corp. Inscript.* No. ii. p. 26, part i.). The words of Tyrtaeus imply such a contract between the contracting parties: first the kings, then the senatus, lastly the people,—εὐθείας ῥήτραις ἀνταπαμειβομένους,—where the participle last occurring applies not to the people alone, but to all the three. The Rhetra of Lycurgus emanated from the Delphian god: but the kings, senators, and people all bound themselves, both to each other and to the gods to obey it." (Grote, *Hist. of Greece*, vol. ii. p. 462; for a different explanation of the word, see Thirlwall, *Hist. of Greece*, vol. i. p. 335, 2d ed.)

RHYTON (ῥυτόν), a drinking-horn (κέρας), by which name it was originally called, is said by Athenaeus (xi. p. 497, b) to have been first made under Ptolemy Philadelphus; but it is even mentioned in Demosthenes (*c. Mid.* p. 565. 29), as Athenaeus himself also remarks. The oldest and original form of this drinking-horn was probably the horn of the ox, but one end of it was afterwards ornamented with the heads of various animals and birds. We frequently find representations of the ῥυτὸν on ancient vases depicting symposia. Several specimens of these drinking-horns have also been discovered at Pompeii (*Museo Borbonico*, vol. viii. 14, v. 20): representations of two of these are given in the annexed cut.



The ῥυτὸν had a small opening at the bottom, which the person who drank put into his mouth, and allowed the wine to run in: hence it derived its name (ὀνομασθαί τε ἀπὸ τῆς ῥύσεως, Athen. xi. p. 497, e). We see persons using the ῥυτὸν in this way in ancient paintings. (Pitt. d'Ercol. v. t. 46; Zahn, *Ornam. und Wandgem.* t. 90.) Martial (ii. 35) speaks of it under the name of *Rhytium*. (Becker, *Charikles*, vol. i. p. 505.)

RICA. [Flamen.]

RICI'NIUM, RECI'NIUM or **RECINUS**, an article of dress. The name was according to Festus (*s. v.*) applied to any dress consisting of a square piece of cloth. It occurs in a fragment of the Twelve Tables (Cic. *de Leg.* ii. 23), and the ancient commentators according to Festus explained the word there as a toga for women (if the reading *Ver. togam* be right instead of *virilem togam*), with a purple stripe in front. That it was an article of female dress, and more especially a small and short kind of pallium, is stated by Nonius (xiv. 33) on the authority of Varro. It was worn in grief and mourning, and in such a manner that one half of it was thrown back (Varro, *de Ling. Lat.* v. 132; Serv. *ad Aen.* i. 286; Isidor. *Orig.* xix. 25), whence the ancient grammarians derive the word from *rejicere*, although it is manifestly a derivative from *rica*, which was a covering of the head used by females. (Varro, *l. c.*; Fest. *s. v. Rica.*) The grammarians appear themselves to have had no clear idea of the ricinium; but after careful examination of the passages above referred to, it appears to have been a kind of mantle, with a sort of cowl attached to it, in order to cover the head. It was also worn by mimes upon the stage (Fest. *l. c.* and *s. v. Orchestra*), and the mavortium, mavorte, or mavors of later times was thought to be only another name for what had formerly been called ricinium. [L. S.]

ROBIGA'LIA, a public festival in honour of the god Robigus to preserve the fields from mildew, is said to have been instituted by Numa, and was celebrated *a. d.* vii. *Kal. Mai.* (April 25th). (Plin. *H. N.* xviii. 29. s. 69; Varro, *Re Rust.* i. 1. p. 90, ed. Bip., *Ling. Lat.* vi. 16, ed. Müll.; Festus, *s. v.*) The sacrifices offered on this occasion consisted of the entrails of a dog and a sheep, accompanied with frankincense and wine: a prayer was presented by a flamen in the grove of the ancient deity, whom Ovid and Columella make a goddess. (Ovid. *Fast.* iv. 907—942; Colum. x. 342.) A god Robigus or a goddess Robigo is a mere invention from the name of this festival, for the Romans paid no divine honours to evil deities. (Hartung, *Die Religion der Römer*, vol. ii. p. 148.)

ROBUR. [Carcer, p. 241, a.]

ROGA'TIO. [Lex, p. 682.]

ROGATO'RES. [Diribitores.]

ROGUS. [Funus, p. 559, b.]

ROMPHEA. [Hasta, p. 589, a.]

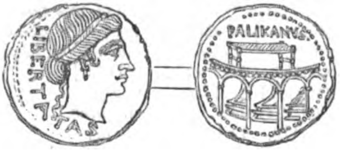
RORA'RII. [Exercitus, pp. 495, 502, b.]

ROSTRA, or The Beaks, was the name applied to the stage (*suggestus*) in the Forum, from which the orators addressed the people. This stage was originally called *templum* (Liv. ii. 56), because it was consecrated by the augurs, but it obtained its name of *Rostra* at the conclusion of the great Latin war, when it was adorned with the beaks (*rostra*) of the ships of the Antiates. (Liv. viii. 14; Flor. i. 11; Plin. *H. N.* xxxiv. 5. s. 11.) The Greeks also mutilated galleys in the same way for the purpose of trophies: this was called by them ἀκρωτηριάζειν. [Acroterium.]

The Rostra lay between the Comitium or place of meeting for the curies, and the Forum or place of meeting for the tribes, so that the speaker might turn either to the one or the other; but down to the time of C. Gracchus, even the tribunes in speaking used to front the Comitium; he first turned his back to it and spoke with his face towards the forum. (Niebuhr, *Hist. of Rome*, vol. i. p. 426, note 990.) The form of the Rostra has been well described by Niebuhr (vol. iii. p. 144, note 268) and Bunsen (quoted by Arnold, *Hist. of Rome*, vol. ii. p. 164): the latter supposes "that it was a circular building, raised on arches, with a stand or platform on the top bordered by a parapet; the access to it being by two flights of steps, one on each side. It fronted towards the comitium, and the rostra were affixed to the front of it, just under the arches. Its form has been in all the main points preserved in the ambones, or circular pulpits, of the most ancient churches, which also had two flights of steps leading up to them, one on the east side, by which the preacher ascended, and another on the west side, for his descent. Specimens of these old churches are still to be seen at Rome in the churches of St. Clement and S. Lorenzo fuori le mure." The speaker was thus enabled to walk to and fro, while addressing his audience.

The suggestus or Rostra was transferred by Julius Caesar to a corner of the Forum, but the spot, where the ancient Rostra had stood, still continued to be called *Rostra Vetera*, while the other was called *Rostra Nova* or *Rostra Julia*. (Ascon. *in Cic. Mil.* § 12. p. 43, ed. Orelli; Dion Cass. xliii. 49, lvi. 34; Suet. *Aug.* 100.) Both the Rostra contained statues of illustrious men (Cic. *Philip.* ii. 61); the new Rostra contained equestrian statues of Sulla, Pompey, Julius Caesar, and Augustus. (Vell. Pat. ii. 61.) Niebuhr (*l. c.*) discovered the new Rostra in the long wall, that runs in an angle towards the three columns, which have for a very long time borne the name of Jupiter Stator, but which belong to the Curia Julia. The substance of the new Rostra consists of bricks and casting-work, but it was of course cased with marble: the old Rostra Niebuhr supposes were constructed entirely of peperino.

The following coin of M. Lollius Palicanus contains a representation of the Rostra.



ROSTRA'TA COLUMNA. [Columna, p. 327, b.]

ROSTRA'TA CORO'NA. [Corona, p. 360.]

ROSTRUM. [Navis, p. 786, b.]

ROTA. [Currus, p. 378.]

RUDENS (κάλως), any rope used to move or fix the mast or sail of a vessel (Juv. vi. 102; Ovid. *Met.* iii. 616; Achilles Tatius, ii. 32.) The different ropes of an ancient ship are spoken of under Navis, p. 790.

RUDERA'TIO. [Domus, p. 431, a.]

RUDIA'RII. [Gladiatores, p. 575, a.]

RUDIS. [Gladiatores, p. 575, a.]

RU'FULI, the name of the tribunes of the soldiers chosen by the consul or other general. (Liv. vii. 5; Festus, *s. v.*) For further information see Exercitus, pp. 503, a. 504, b.

RUNCI'NA (ῥυκάνη), a plane (Tertull. *Apol.* 12; Brunck, *Anal.* i. 227), is delineated among joiner's tools (*Instrumen. Fabr. Tignar.*) in the woodcut at p. 806. The square hole in the right side of the stock seems intended for the passage of the shavings (*ramenta*). The Latin and Greek names for this instrument gave origin to the corresponding transitive verbs *runcino* and ῥυκανάω, meaning *to plane*. (Min. Felix, 23.) They seem to be allied etymologically with ῥύγχος, referring to the operation of those beasts and birds which use their snout or beak to plough up the ground. [J. Y.]

RUTILIA'NA ACTIO was a Praetorian actio introduced by the Praetor Publius Rutilius, by virtue of which the bonorum emptor could sue in the name of the person whose goods he had bought and claim the condemnatio to be made in his own favour and in his own name. (Gaius, iii. 80, 81, iv. 35.) [G. L.]

RUTRUM, *dim.* **RUTELLUM**, a kind of hoe, which had the handle fixed perpendicularly into the middle of the blade, thus differing from the Raster. It was used before sowing to level the ground, by breaking down any clods which adhered too long together. (Non. Marc. p. 18, ed. Merceri.) This operation is described by Virgil in the following terms, which also assign the derivation of the name: "Cumulosque *ruit* male pinguis arenae." (*Georg.* i. 105.) See Festus, *s. v.*; Varro, *de L. Lat.* v. p. 137, ed. Spengel. The same implement was used in mixing lime or clay with water and straw to make plaster for walls. (Cato, *de Re Rust.* 10, 128; Pallad. *de Re Rust.* i. 15; Plin. *H. N.* xxxvi. 23. s. 55.)

The word *rutabulum* ought to be considered as another form of *rutrum*. It denoted a hoe or rake of the same construction, which was used by the baker in stirring the hot ashes of his oven. (Festus, *s. v.*) A wooden rutabulum was employed to mix the contents of the vats in which wine was made. (Colum. *de Re Rust.* xii. 20.) [J. Y.]

S.

SACCUS (σάκκος), signified in general any kind of sack or bag, made of hair, cloth, or other materials. We have only to notice here its meaning as — 1. A head-dress. [Coma, p. 329.] 2. A sieve for straining wine [Vinum]. 3. A purse for holding money. Hence the phrase in Plautus *ire ad saccum*, "to go a begging." (Plaut. *Capt.* i. 1. 22.)

SACELLUM is a diminutive of sacer, and signifies a small place consecrated to a god, containing an altar, and sometimes also a statue of the god to whom it was dedicated. (Gellius, vi. 12.) Festus (*s. v.*) completes the definition by stating that a sacellum never had a roof. It was therefore a sacred enclosure surrounded by a fence or wall to separate it from the profane ground around it, and answers to the Greek περίβολος. The form of a sacellum was sometimes square and sometimes round. The ancient sacellum of Janus which was said to have been built by Romulus, was of a square form, contained a statue of the god, and had two gates. (Ovid. *Fast.* i. 275; Terent. Maur. in Wernsdorf's *Poet. Min.* ii. p. 279.) Many Romans had private sacella on their own estates; but the city of Rome contained a great number of public sacella such as that of Caca (Serv. *ad Aen.* viii. 190), of Hercules in the Forum Boarium (Solin. i.; Plin. *H. N.* x. 29), of the Lares (Solin. 2), of Naenia (Fest. *s. v. Naeniae deae*), of Pudicitia (Liv. x. 23), and others. [L. S.]

SACERDOS, SACERDO'TIUM. Cicero (*de Leg.* ii. 8) distinguishes two kinds of sacerdotes; those who had the superintendence of the forms of worship (*caerimoniae*) and of the sacra, and those who interpreted signs and what was uttered by seers and prophets. Another division is that into priests who were not devoted to the service of any particular deity, such as the pontiffs, augurs, fetiales, and those who were connected with the worship of particular divinities, such as the flamines. The priests of the ancient world did not consist of men alone, for in Greece as well as at Rome certain deities were attended only by priestesses. At Rome the wives of particular priests were regarded as priestesses, and had to perform certain sacred functions, as the regina sacrorum and the flaminica. [Flamen; Rex Sacrorum.] In other cases maidens were appointed priestesses, as the Vestal virgins, or boys, with regard to whom it was always requisite that their fathers and mothers should be alive (*patrimi et matrimi*). As all the different kinds of priests are treated of separately in this work, it is only necessary here to make some general remarks.

In comparison with the civil magistrates all priests at Rome were regarded as homines privati (Cic. *c. Catil.* i. 1, *de Off.* i. 22, *ad Att.* iv. 2, *Philip.* v. 17), though all of them as priests were sacerdotes publici, in as far as their office (*sacerdotium*) was connected with any worship recognised by the state. The appellation of *sacerdos publicus* was however given principally to the chief-pontiff and the flamen dialis (Cic. *de Leg.* ii. 9; Serv. *ad Aen.* xii. 534), who were at the same time the only priests who were members of the senate by virtue of their office. All priestly offices or sacerdotia were held for life without responsibility to any civil magistrate. A priest was generally allowed to hold any other civil or military office besides his priestly dignity (Liv. xxxviii. 47, xxxix. 45; *Epit.* 19, xl. 45, *Epit.* 59, &c.); some priests however formed an exception, for the duumviri, the rex sacrorum and the flamen dialis were not allowed to hold any state office, and were also exempt from service in the armies. (Dionys. iv. 8.) Their priestly character was, generally speaking, inseparable from their person, as long as they lived (Plin. *Epist.* iv. 8): hence the augurs and fratres arvales retained their character even when sent into exile, or when they were taken prisoners. (Plin. *H. N.* xviii. 2; Plut. *Quaest. Rom.* 99.) It also occurs that one and the same person held two or three priestly offices at a time. Thus we find the three dignities of pontifex maximus, augur, and decemvir sacrorum united in one individual. (Liv. xl. 42.) But two persons belonging to the same gens were not allowed to be members of the same college of priests. This regulation however was in later times often violated or evaded by adoptions. (Serv. *ad Aen.* vii. 303; Dion Cass. xxxix. 17.) Bodily defects rendered, at Rome as among all ancient nations, a person unfit for holding any priestly office. (Dionys. ii. 21; Senec. *Controv.* iv. 2; Plut. *Quaest. Rom.* 73; Plin. *H. N.* vii. 29.)

All priests were originally patricians, but from the year B. C. 367 the plebeians also began to take part in the sacerdotia [Plebes, p. 927], and those priestly offices which down to the latest times remained in the hands of the patricians alone, such as that of the rex sacrorum, the flamines, salii and others, had no influence upon the affairs of the state.

As regards the appointment of priests, the ancients unanimously state that at first they were appointed by the kings (Dionys. ii. 21, &c. 73; Liv. i. 20), but after the sacerdotia were once instituted, each college of priests — for nearly all priests constituted certain corporations called collegia — had the right of filling up the occurring vacancies by cooptatio. [Pontifex, p. 940.] Other priests, on the contrary, such as the Vestal virgins and the flamines, were appointed (*capiebantur*) by the pontifex maximus, a rule which appears to have been observed down to the latest times; others again, such as the duumviri sacrorum, were elected by the people (Dionys. iv. 62), or by the curiae, as the curiones. But in whatever manner they were appointed, all priests after their appointment required to be inaugurated by the pontiffs and the augurs, or by the latter alone. (Dionys. ii. 22.) Those priests who formed colleges had originally, as we have already observed, the right of cooptatio; but in the course of time they were deprived of this right, or at least the cooptatio was reduced to a mere form, by several leges, called leges de sacerdotiis, such as the lex Domitia, Cornelia, and Julia; their nature is described in the article Pontifex, p. 940, &c., and what is there said in regard to the appointment of pontiffs applies equally to all the other colleges. The leges annales, which fixed the age at which persons became eligible to the different magistracies, had no reference to priestly offices; and on the whole it seems that the pubertas was regarded as the time after which a person might be appointed to a sacerdotium. (Liv. xlii. 28; Plut. *Tib. Gracch.* 4.)

All priests had some external distinction, as the apex, tutulus, or galerus, the toga praetexta, as well as honorary seats in the theatres, circuses and amphitheatres. They appear however to have been obliged to pay taxes like all other citizens, but seem occasionally to have tried to obtain exemption. See the case related in Livy, xxxiii. 42.

Two interesting questions yet remain to be answered: first whether the priests at Rome were paid for their services, and secondly whether they instructed the young, or the people in general, in the principles of their religion. As regards the first question, we read that in the time of Romulus lands were assigned to each temple and college of priests (Dionys. ii. 7), and when Festus (*s. v. Oscum.*) states that the Roman augurs had the enjoyment (*frui solebant*) of a district in the territory of Veii, we may infer that all priests had the usus of the sacred lands belonging to their respective colleges or divinities. This supposition is strengthened by the fact that such was actually the case in the Roman colonies, where, besides the lots assigned to the coloni, pieces of land are mentioned which belonged to the colleges of priests, who made use of them by letting them out to farm. (Siculus Flaccus, *de condit. agror.* p. 23, ed. Goes.; Hyginus, *de Limit. Constit.* p. 205, ed. Goes.) It appears however that we must distinguish between such lands as were sacred to the gods themselves and could not be taken from them except by exauguratio, and such as were merely given to the priests as possessio and formed part of the ager publicus. Of the latter the state remained the owner, and might take them from the priests in any case of necessity. (Dion Cass. xliii. 47; Oros. v. 18; Appian, *de Bell. Mithr.* 22.) Besides the use of such sacred or public lands some priests also had a regular annual salary (*stipendium*), which was paid to them from the public treasury. This is expressly stated in regard to the Vestal virgins (Liv. i. 20), the augurs (Dionys. ii. 6), and the curiones (Fest. *s. v. Curionium*), and may therefore be supposed to have been the case with other priests also. The pontifex maximus, the rex sacrorum, and the Vestal virgins had moreover a domus publica as their place of residence. In the time of the emperors the income of the priests, especially of the Vestal virgins, was increased. (Suet. *Aug.* 31; Tacit. *Annal.* iv. 16.)

As regards the second question, we do not hear either in Greece or at Rome of any class of priests on whom it was incumbent to instruct the people respecting the nature and principles of religion. Of preaching there is not the slightest trace. Religion with the ancients was a thing which was handed down by tradition from father to son, and consisted in the proper performance of certain rites and ceremonies. It was respecting these external forms of worship alone that the pontiffs were obliged to give instructions to those who consulted them. [Pontifex.] [L.S.]

SACRA. This word in its widest sense expresses what we call divine worship. In ancient times the state as well as all its subdivisions had their own peculiar forms of worship, whence at Rome we find sacra of the whole Roman people, of the curies, gentes, families, and even of private individuals. All these sacra, however, were divided into two great classes, the public and private sacra (*sacra publica et privata*), that is, they were performed either on behalf of the whole nation and at the expense of the state, or on behalf of individuals, families, or gentes, which had also to defray their expenses. (Fest. *s. v. Publica sacra ;* Liv. i. 20, x. 7 ; Plut. *Num.* 9 ; Cic. *de Harusp. Resp.* 7.) This division is ascribed to Numa. All sacra, publica as well as privata, were superintended and regulated by the pontiffs. We shall first speak of the sacra publica.

Sacra Publica. Among the sacra publica the Romans reckoned not only those which were performed on behalf of the whole Roman people, but also those performed on behalf of the great subdivisions of the people, viz. the tribes and the curiae, which Festus (*l. c.*) expresses: *pro montanis, pagis, curiis, sacellis.* (See Dionys. ii. 21, 23; Appian, *Hist. Rom.* viii. 138, *de Bell. Civ.* ii. 106 ; Plut. *Quaest. Rom.* 89.) The sacra pro montibus et pagis are undoubtedly the sacra montanalia and paganalia, which although not sacra of the whole Roman people, were yet publica. (Varro, *de Ling. Lat.* vi. 24, &c.; comp. Fest. *s. v. Septimontium.*) The sacella in the expression of Festus, *sacra pro sacellis*, appear only to indicate the places where some sacra publica were performed. (Göttling, *Gesch. d. Röm. Staatsv.* p. 176.) What was common to all sacra publica, is that they were performed at the expense of certain public funds, which had to provide the money for victims, libations, incense, and for the building and maintenance of those places, where they were performed. (Fest. *l. c.*; Dionys. ii. 23 ; Liv. x. 23, xlii. 3.) The funds set apart for the sacra publica were in the keeping of the pontiffs, and the sacramentum formed a part of them. They were kept in the domus publica of the pontifex maximus, and were called aerarium pontificum. (Varro, *de Ling. Lat.* v. 180 ; Gruter, *Inscript.* 413. 8, 496. 6, 452. 6.) When these funds did not suffice, the state treasury supplied the deficiency. (Fest. *s. v. Sacramentum.*) In the solemnization of the sacra publica the senate and the whole people took part. (Plut. *Num.* 2.) This circumstance however is not what constitutes their character as sacra publica, for the sacra popularia (Fest. *s. v. Popul. sacr.*) in which the whole people took part, might nevertheless be sacra privata, if the expenses were not defrayed out of the public funds, but by one or more individuals, or by magistrates. The pontiffs in conducting the sacra publica were assisted by the epulones. [Epulones.]

Sacra privata embraced, as we have stated, those which were performed on behalf of a gens, a family, or an individual. The characteristic by which they were distinguished from the sacra publica, is that they were made at the expense of those persons or person on whose behalf they were performed. Respecting the sacra of a gens, called sacra gentilicia, see Gens, p. 568, b. The sacra connected with certain families were, like those of a gens, performed regularly at fixed times, and descended as an inheritance from father to son. As they were always connected with expenses, and were also troublesome in other respects, such an inheritance was regarded as a burden rather than anything else. (Macrob. *Sat.* i. 16.) They may generally have consisted in sacrifices to the Penates, but also to other divinities. They had usually been vowed by some member of a family on some particular occasion, and then continued for ever in that family, the welfare of which was thought to depend upon their regular and proper performance. Besides these periodical sacra of a family there were others, the performance of which must have depended upon the discretion of the heads of families, such as those on the birthday, or on the death of a member of a family. Savigny (*Zeitschrift*, vol. ii. p. 3) denies the existence of sacra familiarum.

An individual might perform sacra at any time, and whenever he thought it necessary; but if he vowed such sacra before the pontiffs and wished that they should be continued after his death, his heirs inherited with his property the obligation to perform them, and the pontiffs had to watch that they were performed duly and at their proper time. (Fest. *s. v. Sacer mons ;* Cic. *pro Dom.* 51 ; comp. *ad Att.* xii. 19, &c.) Such an obligation was in later times evaded in various ways.

Among the sacra privata were reckoned also the sacra municipalia, that is, such sacra as a community or town had been accustomed to perform before it had received the Roman franchise. After this event, the Roman pontiffs took care that they were continued in the same manner as before. (Fest. *s. v. Municipalia sacra ;* comp. Ambrosch, *Stud. u. Andeut.* p. 215.)

(See Göttling, p. 175, &c. ; Walter, *Gesch. d. Röm. Rechts*, p. 178 ; Hartung, *Die Relig. d. Röm.* vol. i. p. 226, &c. ; comp. Sacrificium.) [L. S.]

SACRAMENTUM. [Jusjurandum ; Vindiciae.]

SACRA'RIUM was, according to the definition of Ulpian (Dig. 1. tit. 8. s. 9. § 2), any place in which sacred things were deposited and kept, whether this place was a part of a temple or of a private house. (Comp. Cic. *c. Verr.* iv. 2, *pro Milon.* 31 ; Suet. *Tib.* 51.) A sacrarium therefore was that part of every house in which the images of the penates were kept. Respecting the sacrarium of the lares see Lararium. Public sacraria at Rome were: one attached to the temple of the Capitoline Jupiter, in which the tensae or chariots for public processions were kept (Suet. *Vesp.* 5 ; Grat. Falisc. 534); the place of the Salii in which the ancilia and the lituus of Romulus were kept (Val. Max. i. 8. 11; Serv. *ad Aen.* vii. 603), and others. In the time of the emperors, the name sacrarium was sometimes applied to a place in which a statue of an emperor was erected. (Tacit. *Annal.* ii. 41 ; Stat. *Silv.* v. 1. 240.) Livy (i. 21) uses it as a name for a sacred retired place in general. [L. S.]

SACRIFI'CIUM (*ἱερεῖον*). Sacrifices or offerings formed the chief part of the worship of the ancients. They were partly signs of gratitude, partly a means of propitiating the gods, and partly also intended to induce the deity to bestow some favour upon the sacrificer, or upon those on whose behalf the sacrifice was offered. Sacrifices in a wider sense would also embrace the DONARIA; in a narrower sense sacrificia were things offered to the gods, which merely afforded momentary gratification, which were burnt upon their altars, or were believed to be consumed by the gods. We shall divide all sacrifices into two great divisions, bloody sacrifices and unbloody sacrifices, and, where it is necessary, consider Greek and Roman sacrifices separately.

Bloody sacrifices. As regards sacrifices in the earliest times, the ancients themselves sometimes imagined that unbloody sacrifices, chiefly offerings of fruit, had been customary long before bloody sacrifices were introduced among them. (Plat. *de Leg.* vi. p. 782; Paus. viii. 2. § 1, i. 26. § 6; Macrob. *Sat.* i. 10, &c.) It cannot indeed be denied, that sacrifices of fruit, cakes, libations, and the like existed in very early times; but bloody sacrifices, and more than this, human sacrifices, are very frequently mentioned in early story; in fact the mythology of Greece is full of instances of human sacrifices being offered and of their pleasing the gods. Wachsmuth (*Hell. Alt.* ii. p. 549, &c. 2d edit.) has given a list of the most celebrated instances. It may be said that none of them has come down to us with any degree of historical evidence; but surely the spirit which gave origin to those legends is sufficient to prove that human sacrifices had nothing repulsive to the ancients, and must have existed to some extent. In the historical times of Greece we find various customs in the worship of several gods, and in several parts of Greece, which can only be accounted for by supposing that they were introduced as substitutes for human sacrifices. In other cases where civilisation had shown less of its softening influences, human sacrifices remained customary throughout the historical periods of Greece, and down to the time of the emperors. Thus in the worship of Zeus Lycaeus in Arcadia, where human sacrifices were said to have been introduced by Lycaon (Paus. viii. 2. § 1), they appear to have continued till the time of the Roman emperors. (Theophrast. *ap. Porphyr. de Abstin.* ii. 27; Plut. *Quaest. Gr.* 39.) In Leucas a person was every year at the festival of Apollo thrown from a rock into the sea (Strab. x. p. 452); and Themistocles before the battle of Salamis is said to have sacrificed three Persians to Dionysius. (Plut. *Them.* 13, *Arist.* 11, *Pelop.* 21.) Respecting an annual sacrifice of human beings at Athens, see THARGELIA. With these few exceptions however human sacrifices had ceased in the historical ages of Greece. Owing to the influences of civilisation, in many cases animals were substituted for human beings, in others a few drops of human blood were thought sufficient to propitiate the gods. (Paus. viii. 23. § 1, ix. 8. § 1.) The custom of sacrificing human life to the gods arose undoubtedly from the belief, which under different forms has manifested itself at all times and in all nations, that the nobler the sacrifice and the dearer to its possessor, the more pleasing it would be to the gods. Hence the frequent instances in Grecian story of persons sacrificing their own children, or of persons devoting themselves to the gods of the lower world. In later times, however, persons sacrificed to the gods were generally criminals who had been condemned to death, or such as had been taken prisoners in war.

That the Romans also believed human sacrifices to be pleasing to the gods, might be inferred from the story of Curtius and from the self-sacrifice of the Decii. The symbolic sacrifice of human figures made of rushes at the Lemuralia [LEMURALIA] also shows that in the early history of Italy human sacrifices were not uncommon. For another proof of this practice, see the article VER SACRUM. One awful instance also is known, which belongs to the latest period of the Roman republic. When the soldiers of Julius Caesar attempted an insurrection at Rome, two of them were sacrificed to Mars in the Campus Martius by the pontifices and the flamen Martialis, and their heads were stuck up at the regia. (Dion Cass. xlii. 24.)

A second kind of bloody sacrifices were those of animals of various kinds, according to the nature and character of the divinity. The sacrifices of animals were the most common among the Greeks and Romans. The victim was called ἱερεῖον, and in Latin *hostia* or *victima*. In the early times it appears to have been the general custom to burn the whole victim (ὁλοκαυτεῖν) upon the altars of the gods, and the same was in some cases also observed in later times (Xenoph. *Anab.* vii. 8. § 5), and more especially in sacrifices to the gods of the lower world, and such as were offered to atone for some crime that had been committed. (Apollon. Rhod. iii. 1030, 1209.) But as early as the time of Homer it was the almost general practice to burn only the legs (μηροί, μηρία, μῆρα) enclosed in fat, and certain parts of the intestines, while the remaining parts of the victim were consumed by men at a festive meal. The gods delighted chiefly in the smoke arising from the burning victims, and the greater the number of victims, the more pleasing was the sacrifice. Hence it was not uncommon to offer a sacrifice of one hundred bulls (ἑκατόμβη) at once, though it must not be supposed that a hecatomb always signifies a sacrifice of a hundred bulls, for the name was used in a general way to designate any great sacrifice. Such great sacrifices were not less pleasing to men than to the gods, for in regard to the former they were in reality a donation of meat. Hence at Athens the partiality for such sacrifices rose to the highest degree. (Athen. i. p. 3; comp. Böckh, *Publ. Econ.* p. 211, &c.) Sparta, on the other hand, was less extravagant in sacrifices, and while in other Greek states it was necessary that a victim should be healthy, beautiful, and uninjured, the Spartans were not very scrupulous in this respect. (Plat. *Alcib.* ii. p. 149.) The animals which were sacrificed were mostly of the domestic kind, as bulls, cows, sheep, rams, lambs, goats, pigs dogs, and horses; but fishes are also mentioned as pleasing to certain gods. (Athen. vii. p. 297.) Each god had his favourite animals which he liked best as sacrifices; but it may be considered as a general rule, that those animals which were sacred to a god were not sacrificed to him, though horses were sacrificed to Poseidon notwithstanding this usage. (Paus. viii. 7. § 2.) The head of the victim before it was killed was in most cases strewed with roasted barley meal (οὐλόχυτα or οὐλοχύται) mixed with salt (*mola salsa*). The Athenians used for this purpose only barley grown in the Rharian plain. (Paus. i. 38. § 6.) The persons who offered the sacrifice wore generally garlands round their heads and sometimes also carried them in their hands, and before they touched anything belonging to the sacrifice they washed their hands in water. The victim itself was likewise adorned with garlands, and its horns were sometimes gilt. Before the animal was killed, a bunch of hair was cut from its forehead, and thrown into the fire as primitiae: this preparatory rite was called *κατάρχεσθαι*. (Hom. *Il.* xix. 254, *Od.* xiv. 422; Herod. ii. 45, iv. 60; Eurip. *Iphig. Taur.* 40.) In the heroic ages the princes, as the high priests of their people, killed the victim; in later times this was done by the priests themselves. When the sacrifice was to be offered to the Olympic gods, the head of the animal was drawn heavenward (see the woodcut on the title page of this work: comp. Eustath. *ad Iliad.* i. 459); when to the gods of the lower world, to heroes, or to the dead, it was drawn downwards. While the flesh was burning upon the altar, wine and incense were thrown upon it (*Iliad*, i. 264, xi. 774, &c), and prayers and music accompanied the solemnity.

The most common animal sacrifices at Rome were the suovetaurilia, or solitaurilia, consisting of a pig, a sheep, and an ox. They were performed in all cases of a lustration, and the victims were carried around the thing to be lustrated, whether it was a city, a people, or a piece of land. [LUSTRATIO.] The Greek *τριττύα*, which likewise consisted of an ox, a sheep and a pig, was the same sacrifice as the Roman suovetaurilia. (Callimach. *ap. Phot. s. v.* Τριττύαν; Aristoph. *Plut.* 820.) The customs observed before and during the sacrifice of an animal were on the whole the same as those observed in Greece. (Virg. *Aen.* vi. 245; Serv. *ad Aen.* iv. 57; Fest. *s. v. Immolare;* Cato, *de Re Rust.* 134, 132.) But the victim was in most cases not killed by the priests who conducted the sacrifice, but by a person called *popa*, who struck the animal with a hammer before the knife was used. (Serv. *ad Aen.* xii. 120; Suet. *Calig.* 32.) The better parts of the intestines (*exta*) were strewed with barley meal, wine, and incense, and were burnt upon the altar. Those parts of the animal which were burnt were called *prosecta*, *prosiciae*, or *ablegmina*. When a sacrifice was offered to gods of rivers or the sea, these parts were not burnt, but thrown into the water. (Cato, *de Re Rust.* 134; Macrob. *Sat.* ii. 2; Liv. xxix. 27; Virg. *Aen.* v. 774.) Respecting the use which the ancients made of sacrifices to learn the will of the gods, see HARUSPEX and DIVINATIO.

Unbloody sacrifices. Among these we may first mention the libations (*libutiones*, λοιβαί or *σπονδαί*). We have seen above that bloody sacrifices were usually accompanied by libations, as wine was poured upon them. Libations always accompanied a sacrifice which was offered in concluding a treaty with a foreign nation, and that here they formed a prominent part of the solemnity, is clear from the fact that the treaty itself was called *σπονδαί*. But libations were also made independent of any other sacrifice, as in solemn prayers (*Iliad*, xvi. 233), and on many other occasions of public and private life, as before drinking at meals, and the like. Libations usually consisted of unmixed wine (*ἄσπονδος*, *merum*), but sometimes also of milk, honey, and other fluids, either pure or diluted with water. (Soph. *Oed. Col.* 159, 481; Plin. *H. N.* xiv. 19; Aeschyl. *Eum.* 107.) Incense was likewise an offering which usually accompanied bloody sacrifices, but it was also burned as an offering by itself. Real incense appears to have been used only in later times (Plin. *H. N.* xiii. 1), but in the early times, and afterwards also, various kinds of fragrant wood, such as cedar, fig, vine, and myrtlewood, were burnt upon the altars of the gods. (Suid. *s. v.* Νηφάλια ξύλα.)

A third class of unbloody sacrifices consisted of fruit and cakes. The former were mostly offered to the gods as primitiae or tithes of the harvest, and as a sign of gratitude. They were sometimes offered in their natural state, sometimes also adorned or prepared in various ways. Of this kind were the *εἰρεσιώνη*, an olive branch wound around with wool and hung with various kinds of fruits; the *χύτραι* or pots filled with cooked beans [PYANEPSIA]; the *κέρνον* or *κέρνα*, or dishes with fruit; the *ὄσχαι* or *ὄσχα* [OSCHOPHORIA]. Other instances may be found in the accounts of the various festivals. Cakes (*πέλανοι*, *πέμματα*, *πόπανα*, *libum*) were peculiar to the worship of certain deities, as to that of Apollo. They were either simple cakes of flour, sometimes also of wax, or they were made in the shape of some animal, and were then offered as symbolical sacrifices in the place of real animals, either because they could not easily be procured or were too expensive for the sacrificer. (Suid. *s. v.* Βοῦς ἕβδομος; Serv. *ad Aen.* ii. 116.) This appearance instead of reality in sacrifices was also manifest on other occasions, for we find that sheep were sacrificed instead of stags, and were then called stags; and in the temple of Isis at Rome the priests used water of the river Tiber instead of Nile water, and called the former water of the Nile. (Fest. *s. v. Cervaria ovis;* Serv. *l. c.*)

See Wachsmuth, *Hellen. Alterthumsk.* vol. ii. pp. 548—559, 2d ed.; Hartung, *Die Religion der Römer*, vol. i. p. 160, &c. [L. S.]

SACRILE'GIUM is the crime of stealing things consecrated to the gods, or things deposited in a consecrated place. (Quinctil. vii. 3. § 21, &c.; Cic. *de Leg.* ii. 16; Liv. xlii. 3.) A lex Julia referred to in the Digest (48. tit. 13. s. 4) appears to have placed the crime of sacrilegium on an equality with peculatus. [PECULATUS.] Several of the imperial constitutions made death the punishment for a sacrilegus, which consisted according to circumstances either in being given up to wild beasts, in being burned alive, or hanged. (Dig. 48. tit. 13. s. 6.) Paulus says in general that a sacrilegus was punished with death, but he distinguishes between such persons who robbed the sacra publica, and such as robbed the sacra privata, and he is of opinion that the latter, though more than a common thief, yet deserves less punishment than the former. In a wider sense, sacrilegium was used by the Romans to designate any violation of religion (Corn. Nep. *Alcib.* 6), or of anything which should be treated with religious reverence. (Ovid. *Met.* xiv. 539, *Rem. Am.* 367, *Fast.* iii. 700.) Hence a law in the Codex (9. tit. 29. s. 1) states that any person is guilty of sacrilegium who neglects or violates the sanctity of the divine law. Another law (Cod. 9. tit. 29. s. 2) decreed that even a doubt as to whether a person appointed by an emperor to some office was worthy of this office, was to be regarded as a crime equal to sacrilegium. [L. S.]

SACRO'RUM DETESTA'TIO. [GENS, p. 568, b.]

SAECULA'RES LUDI. [LUDI SAECULARES.]

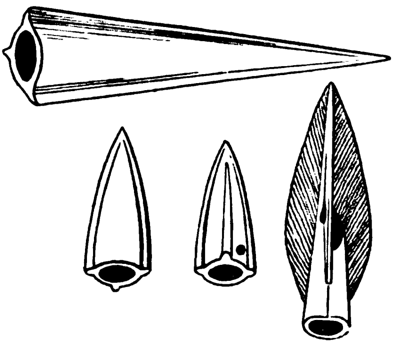
SAE'CULUM. A saeculum was of a twofold

nature, that is, either civil or natural. The civil saeculum, according to the calculation of the Etruscans, which was adopted by the Romans, was a space of time containing 110 lunar years. The natural saeculum, upon the calculation of which the former was founded, expressed the longest term of human life, and its duration or length was ascertained according to the ritual books of the Etruscans, in the following manner: the life of a person, which lasted the longest of all those who were born on the day of the foundation of a town, constituted the first saeculum of that town; and the longest liver of all who were born at the time when the second saeculum began, again determined the duration of the second saeculum, and so on. (Censorin. *de Die Nat.* 17.) In the same manner that the Etruscans thus called the longest life of a man a saeculum, so they called the longest existence of a state, or the space of 1100 years, a saecular day; the longest existence of one human race, or the space of 8800 years, a saecular week, &c. (Plut. *Sulla*, 7; Niebuhr, *Hist. of Rome*, i. p. 137.) It was believed that the return of a new saeculum was marked by various wonders and signs, which were recorded in the history of the Etruscans. The return of each saeculum at Rome was announced by the pontiffs, who also made the necessary intercalations in such a manner, that at the commencement of a new saeculum the beginning of the ten months' year, of the twelve months' year, and of the solar year coincided. But in these arrangements the greatest arbitrariness and irregularity appears to have prevailed at Rome, as may be seen from the unequal intervals at which the ludi saeculares were celebrated. [LUDI SAECULARES.] This also accounts for the various ways in which a saeculum was defined by the ancients: some believed that it contained thirty (Censorin. *l. c.*), and others that it contained a hundred years (Varro, *de Ling. Lat.* vi. 11; Fest. *s. v. Saeculares ludi*); the latter opinion appears to have been the most common in later times, so that saeculum answered to our century. (See Niebuhr, *Hist. of Rome*, i. p. 275, &c.) [L. S.]

SAGA'RII, the sellers or makers of the *saga* or soldiers' cloaks. [SAGUM.] They formed a collegium at Rome, and, like many of the other trade-corporations, worshipped the imperial family, as we see from inscriptions. (Dig. 14. tit. 4. s. 5. § 15; 17. tit. 2. s. 52. § 4; and the inscription in A. W. Zumpt, *De Augustalibus*, Berol. 1846, p. 17.)

SAGITTA (*ὀϊστός, ἰός*; Herod. *τόξευμα*), an arrow. The account of the arrows of Hercules (Hesiod, *Scut.* 130—135), enumerates and describes three parts, viz. the head or point, the shaft, and the feather.

I. The head was denominated ἄρδις (Herod. i. 215, iv. 81), whence the instrument, used to extract arrow-heads from the bodies of the wounded, was called ἀρδιοθήρα. [FORCEPS.] Great quantities of flint arrow heads are found in Celtic barrows throughout the north of Europe, in form exactly resembling those which are still used by the Indians of North America. (Hoare's *Anc. Wiltshire, South*, p. 183.) Nevertheless, the Scythians and Massagetae had them of bronze. (Herod. *ll. cc.*) Mr. Dodwell found flint arrow-heads on the plain of Marathon, and concludes that they had belonged to the Persian army. (*Tour through Greece*, vol. ii. p. 159.) Those used by the Greeks were commonly bronze, as is expressed by the epithet χαλκήρης, "fitted with bronze," which Homer applies to an arrow. (*Il.* xiii. 650, 662.) Another Homeric epithet, viz. "three-tongued" (*τριγλώχιν*, *Il.* v. 393), is illustrated by the forms of the arrow-heads, all of bronze, which are represented in the annexed woodcut. That which lies horizontally was found at Persepolis, and is drawn of the size of the original. The two smallest, one of which shows a rivet-hole at the side for fastening it to the shaft, are from the plain of Marathon. (Skelton, *Illust. of Armour at Goodrich Court*, i. pl. 44.) The fourth specimen was also found in Attica. (Dodwell, *l. c.*) Some of the northern nations, who could not obtain iron, barbed their arrow-heads with bone. (Tacit. *Germ.* 46.)



The use of barbed (*aduncae, hamatae*), and poisoned arrows (*venenatae sagittae*) is always represented by the Greek and Roman authors as the characteristic of barbarous nations. It is attributed to the Sauromatae and Getae (Ovid. *Trist.* iii. 10. 63, 64, *de Ponto*, iv. 7. 11, 12); to the Servii (Arnoldi, *Chron. Slav.* 4. § 8) and Scythians (Plin. *H. N.* x. 53. s. 115), and to the Arabs (Pollux, i. 10) and Moors. (Hor. *Carm.* i. 22. 3.) When Ulysses wishes to have recourse to this insidious practice, he is obliged to travel north of the country of the Thesprotians (Hom. *Od.* i. 261—263); and the classical authors who mention it do so in terms of condemnation. (Hom. Plin. *ll. cc.*; Aelian, *H. A.* v. 16.) The poison applied to the tips of arrows having been called *toxicum* (*τοξικὸν*), on account of its connection with the use of the bow (Plin. *H. N.* xvi. 10. s. 20; Festus, *s. v.*; Dioscor. vi. 20), the signification of this term was afterwards extended to poisons in general. (Plaut. *Merc.* ii. 4. 4; Hor. *Epod.* xvii. 61; Propert. i. 5. 6.)

II. The excellence of the shaft consisted in being long and at the same time straight, and, if it was of light wood, in being well polished. (Hes. *Scut.* 133.) But it often consisted of a smooth cane or reed (*Arundo donax* or *phragmites*, Linn.), and on this account the whole arrow was called either *arundo* in the one case (Virg. *Aen.* iv. 69—73, v. 525; Ovid. *Met.* i. 471, viii. 382), or *calamus* in the other. (Virg. *Buc.* iii. 12, 13; Ovid. *Met.* vii. 778; Hor. *Carm.* i. 15. 17; Juv. xiii. 80.) In the Egyptian tombs reed-arrows have been found, varying from 34 to 22 inches in length. They show the slit (γλυφίς, Hom. *Il.* iv. 122, *Od.* xxi. 419) cut in the reed for fixing it upon the string. (Wilkinson, *Man. and Cust. &c.* vol. i. p 309.)

III. The feathers are shown on ancient monuments of all kinds, and are indicated by the terms *alae* (Virg. *Aen.* ix. 578, xii. 319), *pennatae sagittae* (Prudentius, *Hamart.* 498), and πτερόεντες ὀϊστοί. (Hom. *Il.* v. 171.) The arrows of Hercules are said to have been feathered from the wings of a black eagle. (Hes. *l. c.*)

Besides the use of arrows in the ordinary way, they were sometimes employed to carry fire. Julius Caesar attempted to set Antony's ships on fire by sending βέλη πυρφόρα from the bows of his archers. (Dion Cass. l. 34.) A head-dress of small arrows is said to have been worn by the Indians (Prudentius, *l. c.*), the Nubians and Egyptians, and other Oriental nations. (Claudian, *de Nupt. Honor.* 222, *de* 3 *Cons. Honor.* 21, *de Laud. Stil.* i. 254.)

In the Greek and Roman armies the *sagittarii*, more anciently called *arquites*, *i. e.* archers, or bowmen (Festus, *s. v.*), formed an important part of the light-armed infantry. (Caesar, *Bell. Civ.* i. 81, iii. 44; Cic. *ad Fam.* xv. 4.) They belonged, for the most part, to the allies, and were principally Cretans. [ARCUS; CORYTUS; PHARETRA; TORMENTUM.] [J. Y.]

SA'GMINA were the same as the *Verbenae*, namely, herbs torn up by their roots from within the inclosure of the Capitol, which were always carried by the Fetiales or ambassadors, when they went to a foreign people to demand restitution for wrongs committed against the Romans, or to make a treaty. [FETIALES.] They served to mark the sacred character of the ambassadors, and answered the same purpose as the Greek κηρύκεια. (Plin. *H. N.* xxii. 2. s. 3; Liv. i. 24, xxx. 43; Dig. 1. tit. 8. s. 8.) Pliny (*l. c.*) also says that *sagmina* were used *in remediis publicis*, by which we must understand expiations and lustrations. The word *Verbena* seems to have been applied to any kind of herb, or to the boughs and leaves of any kind of tree, gathered from a pure or sacred place. (Serv. *ad Virg. Aen.* xii. 120.)

According to Festus (*s. v.*), the *verbenae* were called *sagmina*, that is, pure herbs, because they were taken by the consul or the praetor from a sacred (*sancto*) place, to give to legati when setting out to make a treaty or declare war. He connects it with the words *sanctus* and *sancire*, and it is not at all impossible that it may contain the same root, which appears in a simpler form in *sac-er* (*sag-men*, *sa*(*n*)*c-tus*): Marcian (Dig. *l. c.*) however makes a ridiculous mistake, when he derives sanctus from sagmina.

Müller (*ad Festum*, p. 320) thinks, that *samentum* is the same word as *sagmen*, although used respecting another thing by the Anagnienses. (M. Aurelius, *in Epist. ad Fronton.* iv. 4.)

SAGUM was the cloak worn by the Roman soldiers and inferior officers, in contradistinction to the Paludamentum of the general and superior officers. [PALUDAMENTUM.] It is used in opposition to the toga or garb of peace, and we accordingly find that when there was a war in Italy, all citizens put on the sagum even in the city, with the exception of those of consular rank (*saga sumere*, *ad saga ire*, *in sagis esse*, Cic. *Phil.* viii. 11, v. 12, xiv. 1): hence in the Social or Marsic war the sagum was worn for two years. (Liv. *Epit.* 72, 73; Vell. Pat. ii. 16.)

The sagum was open in the front, and usually fastened across the shoulders by a clasp, though not always (Trebell. Poll. *Trig. Tyrann.* 10): it resembled in form the Paludamentum (see woodcuts, p. 854), as we see from the specimens of it on the column of Trajan and other ancient monuments. It was thick and made of wool (Mart. xiv. 159), whence the name is sometimes given to the wool itself. (Varro, *L. L.* v. 167, ed. Müller.) The cloak worn by the general and superior officers is sometimes called sagum (*Punicum sagum*, Hor. *Ep.* ix. 28), but the diminutive *Sagulum* is more commonly used in such cases. (Compare Sil. Ital. iv. 519, xvii. 528; Liv. xxx. 17, xxvii. 19.)

The cloak worn by the northern nations of Europe is also called sagum: see woodcut, p. 213, where three Sarmatians are represented with saga, and compare PALLIUM, p. 852. The German sagum is mentioned by Tacitus (*Germ.* 17): that worn by the Gauls seems to have been a species of plaid (*versicolor sagulum*, Tac. *Hist.* ii. 20).

The outer garment worn by slaves and poor persons is also sometimes called sagum. (Columell. I. 8; compare Dig. 34. tit. 2. s. 23. § 2.)

SALAMI'NIA. [PARALUS.]

SALA'RIUM, a salary. The ancients derive the word from *sal*, *i. e.* salt (Plin. *H. N.* xxxi. 41); the most necessary thing to support human life being thus mentioned as a representative for all others. Salarium therefore comprised all the provisions with which the Roman officers were supplied, as well as their pay in money. In the time of the republic the name salarium does not appear to have been used; it was Augustus who in order to place the governors of provinces and other military officers in a greater state of dependence, gave salaries to them or certain sums of money, to which afterwards various supplies in kind were added. (Suet. *Aug.* 36; Tacit. *Agric.* 42; Treb. Poll. *Claud.* 14 and 15; Flav. Vopisc. *Prob.* 4.) Before the time of Augustus, the provincial magistrates had been provided in their provinces with everything they wanted, through the medium of redemptores (πάροχοι), who undertook, for a certain sum paid by the state, to provide the governors with all that was necessary to them. During the empire we find instances of the salarium being paid to a person who had obtained a province, but was nevertheless not allowed to govern it. In this case the salarium was a compensation for the honour and advantages which he might have derived from the actual government of a province, whence we can scarcely infer that the sum of 10,000 sesterces, which was offered on such an occasion (Dion Cass. lxxviii. 22), was the regular salarium for a proconsul.

Salaria were also given under the empire to other officers, as to military tribunes (Plin. *H. N.* xxxiv. 6; Juv. iii. 132), to assessores [ASSESSOR], to senators (Suet. *Nero*, 10), to the comites of the princeps on his expeditions (Suet. *Tib.* 46), and others. Antoninus Pius fixed the salaries of all the rhetoricians and philosophers throughout the empire (Capitol. *Ant. Pius*, 11), and when persons did not fulfil their duties, he punished them by deducting from their salaries. (Capitol. *ibid.* 7.) Alexander Severus instituted fixed salaries for rhetoricians, grammarians, physicians, haruspices, mathematicians, mechanicians and architects (Lamprid. *Alex. Sev.* 44); but to how much these salaries amounted we are not informed. Respecting the pay which certain classes of priests received, see SACERDOS. [L. S.]

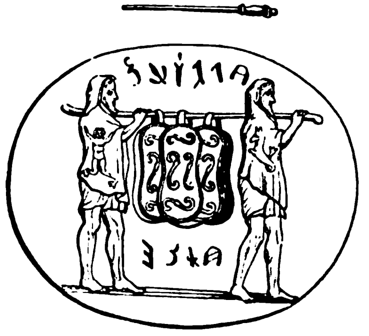
SALIENTES. [FONS, p. 544, b.]

SA'LII were priests of Mars Gradivus, and are said to have been instituted by Numa. They were twelve in number, chosen from the patricians even in the latest times, and formed an ecclesiastical corporation. (Liv. i. 20; Dionys. ii. 70; Cic. *Rep.* ii. 14; *lecta juventus patricia*, Lucan, ix. 478.) They had the care of the twelve Ancilia, which were kept in the temple of Mars on the Palatine hill, whence those priests were sometimes called Salii Palatini to distinguish them from the other Salii mentioned below. The distinguishing dress of the Salii was an embroidered tunic bound with a brazen belt, the trabea, and the Apex, also worn by the Flamines. [Apex.] Each had a sword by his side, and in his right hand a spear or staff. (Dionys. *l. c.*)

The festival of Mars was celebrated by the Salii on the 1st of March and for several successive days; on which occasion they were accustomed to go through the city in their official dress carrying the ancilia in their left hands or suspended from their shoulders, and at the same time singing and dancing. In the dance they struck the shields with rods so as to keep time with their voices and with the movements of the dance. (Liv. *l. c.*; Dionys. *l. c.*; Hor. *Carm.* i. 36. 1, iv. 1. 28). From their dancing Ovid, apparently with correctness, derives their name (*Fast.* iii. 387). The songs or hymns, which they sang on this occasion (*Saliaria carmina*, Hor. *Ep.* ii. 1. 86; Tac. *Ann.* ii. 83), were called ***Asamenta***, ***Assamenta***, or ***Axamenta***, of which the etymology is uncertain. Göttling (*Gesch. der Röm. Staatsv.* p. 192) thinks they were so called because they were sung without any musical accompaniment, *assa voce*; but this etymology is opposed to the express statement of Dionysius (iii. 32). Some idea of the subject of these songs may be obtained from a passage in Virgil (*Aen.* viii. 286), and a small fragment of them is preserved by Varro (*L. L.* vii. 26, ed. Müller). In later times they were scarcely understood even by the priests themselves. (Varro, *L. L.* vii. 2; Hor. *Ep.* ii. 1. 86; Quintil. i. 6. p. 54, Bipont.) The praises of Mamurius Veturius formed the principal subject of these songs, though who Mamurius Veturius was, the ancients themselves were not agreed upon. (Varro, *L. L.* vi. 45.) He is generally said to be the armourer, who made eleven ancilia like the one that was sent from heaven in the reign of Numa. (Festus, *s. v. Mam. Vet.*; Dionys. ii. 71; Ovid. *Fast.* iii. 384), but some modern writers suppose it to be merely another name of Mars. Besides, however, the praises of Mamurius, the verses, which the Salii sang, appear to have contained a kind of theogony, in which the praises of all the celestial deities were celebrated, with the exception of Venus. (Macrob. *Sat.* i. 12.) The verses in honour of each god were called by the respective names of each, as Januli, Junonii, Minervii. (Festus, *s. v. Axamenta.*) Divine honour was paid to some of the emperors by inserting their names in the songs of the Salii. This honour was first bestowed upon Augustus (Monum. Ancyr.), and afterwards upon Germanicus (Tac. *Ann.* ii. 83); and when Verus died, his name was inserted in the song of the Salii by command of M. Antoninus. (Capitol. *M. Ant. Phil.* 21.)

At the conclusion of the festival the Salii were accustomed to partake of a splendid entertainment in the temple of Mars, which was proverbial for its excellence. (Suet. *Claud.* 33; Cic. *ad Att.* v. 9; Hor. *Carm.* i. 37.) The members of the collegium were elected by co-optation. We read of the dignities of praesul, vates, and magister in the collegium. (Capitol. *Ibid.* 4.)

The shape of the ancile is exhibited in the annexed cut, taken from an ancient gem in the Florentine cabinet, which illustrates the accounts of the ancient writers that its form was oval, but with the two sides receding inwards with an even curvature, and so as to make it broader at the ends than in the middle. The persons engaged in carrying these ancilia on their shoulders, suspended from a pole, are probably servants of the Salii; and the representation agrees exactly with the statement of Dionysius (ii. 70) *πέλτας ὑπηρέται ἠρτημένας ἀπὸ κανόνων κομίζουσι.* At the top of the cut is represented one of the rods with which the Salii were accustomed to beat the shield in their dance, as already described. (Gruter, *Inscr.* p. ccccixiv. note 3.)



Tullus Hostilius established another collegium of Salii in fulfilment of a vow which he made in a war with the Sabines. These Salii were also twelve in number, chosen from the patricians, and appeared to have been dedicated to the service of Quirinus. They were called the Salii Collini, Agonales or Agonenses. (Liv. i. 27; Dionys. ii. 70, iii. 32; Varro, *L. L.* vi. 14.) Niebuhr (*Hist. of Rome*, vol. iii. p. 351) supposes, that the oldest and most illustrious college, the Palatine Salii, were chosen originally from the oldest tribe, the Ramnes, and the one instituted by Tullus Hostilius or the Quirinalian from the Tities alone: a third college for the Luceres was never established. (Compare Hartung, *Die Religion der Römer*, vol. ii. p. 163.)

SALI'NAE (ἁλαὶ, ἁλοπήγιον), a salt-work. (Varro, *de L. Lat.* viii. 25, ed. Spengel.) Although the ancients were well acquainted with rock-salt (Herod. iv. 181—185; ἅλες ὀρυκτοί, *i. e.* "fossil salt," Arrian, *Exped. Alex.* iii. 4. pp. 161, 162, ed. Blan.), and although they obtained salt likewise from certain inland lakes (Herod. vii. 30) and from natural springs or brine-pits (Cic. *Nat. Deor.* ii. 53; Plin. *H. N.* xxxi. 7. s. 39—42), and found no small quantity on certain shores where it was congealed by the heat of the sun without human labour (ἅλες αὐτόματοι, Herod. iv. 53; Plin. *l. c.*), yet they obtained by far the greatest quantity by the management of works constructed on the sea-shore, where it was naturally adapted for the purpose by being so low and flat as to be easily overflowed by the sea (*maritimae areae salinarum*, Col. *de Re Rust.* ii. 2), or even to be a brackish marsh (ἁλυκὶς) or a marine pool (λιμνοθάλαττα, Strabo, iv. 1. § 6, vii. 4. § 7; Caesar, *Bell. Civ.* ii. 37). In order to aid the natural evaporation, shallow rectangular ponds (*multifidi lacus*) were dug, divided from one another by earthen walls. The sea-water was admitted through canals, which were opened for the purpose, and closed again by sluices. [CATARACTA.] The water was more and more strongly impregnated with salt as it flowed from one pond to another. (Rutilii, *Itin.* i. 475—490.) When reduced to brine (*coacto humore*), it was called by the Greeks ἅλμη, by the Latins *salsugo* or *salsilago*, and by the Spaniards *muria*. (Plin. *l. c.*) In this state it was used by the Egyptians to pickle fish (Herod. ii. 77), and by the Romans to preserve olives, cheese, and flesh likewise. (Cato, *de Re Rust.* 7, 88, 105; Hor. *Sat.* ii. 8. 53.) From *muria*, which seems to be a corruption of ἁλμυρὸς, "briny," the victuals cured in it were called *salsa muriatica*. (Plaut. *Poen.* i. 2. 32, 39.) As the brine which was left in the ponds crystallized, a man entrusted with the care of them, and therefore called *salinator* (ἁλοπηγὸς), raked out the salt so that it lay in heaps (*tumuli*) upon the ground to drain. (Manilius, v. *prope fin.;* Nicander, *Alex.* 518, 519.) In Attica (Steph. Byz.), in Britain (Ptol.), and elsewhere, several places, in consequence of the works established in them, obtained the name of Ἁλαὶ or *Salinae*.

Throughout the Roman empire the salt-works were commonly public property, and were let by the government to the highest bidder. The first salt-works are said to have been established by Ancus Marcius at Ostia. (Liv. i. 33; Plin. *H. N.* xxxi. 41.) The publicani who farmed these works appear to have sold the salt, one of the most necessary of all commodities, at a very high price, whence the censors M. Livius and C. Claudius (B. C. 204) fixed the price at which those who took the lease of them were obliged to sell the salt to the people. At Rome the modius was according to this regulation sold for a sextans, while in other parts of Italy the price was higher and varied. (Liv. xxix. 37.) The salt-works in Italy and in the provinces were very numerous; in conquered countries however they were sometimes left in the possession of their former owners (persons or towns) who had to pay to Rome only a fixed rent, but most of them were farmed by the publicani. (Burmann, *Vectigal. Pop. Rom.* p. 90, &c.) [J. Y.]

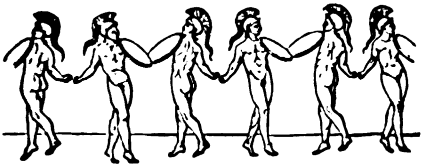
SALI'NUM, *dim.* SALILLUM, a salt-cellar. Among the poor a shell served for a salt-cellar (Hor. *Sat.* i. 3. 14; Schol. *ad loc.*): but all who were raised above poverty had one of silver, which descended from father to son (Hor. *Carm.* ii. 16. 13, 14), and was accompanied by a silver plate, which was used together with the salt-cellar in the domestic sacrifices. (Pers. iii. 24, 25.) [PATERA.] These two articles of silver were alone compatible with the simplicity of Roman manners in the early times of the republic. (Plin. *H. N.* xxxiii. 12. s. 54; Val. Max. iv. 4. § 3; Catull. xxiii. 19.) The salt-cellar was no doubt placed in the middle of the table, to which it communicated a sacred character, the meal partaking of the nature of a sacrifice. [FOCUS; MENSA.] These circumstances, together with the religious reverence paid to salt and the habitual comparison of it to wit and vivacity, explain the metaphor by which the soul of a man is called his *salillum*. (Plaut. *Trin.* ii. 4. 90, 91.) [J. Y.]

SALTA'TIO (ὄρχησις, ὀρχηστὺς), dancing. The dancing of the Greeks as well as of the Romans had very little in common with the exercise which goes by that name in modern times. It may be divided into two kinds, gymnastic and mimetic; that is, it was intended either to represent bodily activity, or to express by gestures, movements and attitudes certain ideas or feelings, and also single events or a series of events, as in the modern ballet. All these movements, however, were accompanied by music; but the terms ὄρχησις and *saltatio* were used in so much wider a sense than our word dancing, that they were applied to designate gestures, even when the body did not move at all. (Ovid. *Art. Am.* i. 595, ii. 305; *saltare solis oculis*, Apul. *Met.* x. p. 251, ed. Bip.; comp. Grote, *Hist. of Greece*, vol. iv. p. 114.)

We find dancing prevalent among the Greeks from the earliest times. It is frequently mentioned in the Homeric poems: the suitors of Penelope delight themselves with music and dancing (*Od.* i. 152, 421, xviii. 304): and Ulysses is entertained at the court of Alcinous with the exhibitions of very skilful dancers, the rapid movements of whose feet excite his admiration. (*Od.* viii. 265.) Skilful dancers were at all times highly prized by the Greeks: we read of some who were presented with golden crowns, and had statues erected to their honour, and their memory celebrated by inscriptions. (Plut. *de Pyth. Orac.* 8; Anthol. Plan. iv. n. 283, &c.)

The lively imagination and mimetic powers of the Greeks found abundant subjects for various kinds of dances, and accordingly the names of no less than 200 different dances have come down to us. (Meursius, *Orchestr.*; Athen. xiv. pp. 627—630; Pollux, iv. 95—111; Liban. ὑπὲρ τῶν ὀρχ.) It would be inconsistent with the nature of this work to give a description of all that are known: only the most important can be mentioned, and such as will give some idea of the dancing of the ancients.

Dancing was originally closely connected with religion: Plato (*Leg.* vii. pp. 798, 799) thought that all dancing should be based on religion, as it was, he says, among the Egyptians. The dances of the Chorus at Sparta and in other Doric states were intimately connected with the worship of Apollo, as has been shown at length elsewhere [CHORUS; HYPORCHEMA]; and in all the public festivals, which were so numerous among the Greeks, dancing formed a very prominent part. All the religious dances, with the exception of the Bacchic and the Corybantian, were very simple, and consisted of gentle movements of the body with various turnings and windings around the altar: such a dance was the γέρανος, which Theseus is said to have performed at Delos on his return from Crete. (Plut. *Thes.* 21.) The Dionysiac or Bacchic and the Corybantian were of a very different nature. In the former the life and adventures of the god were represented by mimetic dancing [DIONYSIA]: the dance called Βακχικὴ by Lucian (*de Salt.* 79), was a Satyric dance and chiefly prevailed in Ionia and Pontus; the most illustrious men in the state danced in it, representing Titans, Corybantians, Satyrs, and husbandmen; and the spectators were so delighted with the exhibition, that they remained sitting the whole day to witness it, forgetful of everything else. The Corybantian was of a very wild character: it was chiefly danced in Phrygia and in Crete; the dancers were armed, struck their swords against their shields, and displayed the most extravagant fury; it was accompanied chiefly by the flute. (Lucian, *Ib.* 8; Strab. x. p. 473; Plat. *Crit.* p. 54.) The preceding woodcut from the Museo Pio Clementino (vol. iv. pl. 2) is supposed to represent a Corybantian dance. Respecting the dances in the theatre, see CHORUS.

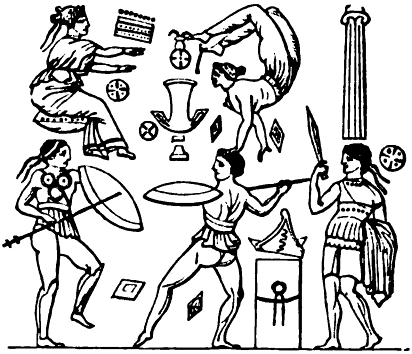


Dancing was applied to gymnastic purposes and to training for war, especially in the Doric states, and was believed to have contributed very much to the success of the Dorians in war, as it enabled them to perform their evolutions simultaneously and in order. Hence the poet Socrates (Athen. xiv. p. 629. f.) says,

> *οἱ δὲ χοροῖς κάλλιστα θεοὺς τιμῶσιν, ἄριστοι ἐν πολέμῳ.*

There were various dances in early times, which served as a preparation for war: hence Homer (*Il.* xi. 49, xii. 77) calls the Hoplites *πρυλέες*, a war-dance having been called *πρύλις* by the Cretans. (Müller, *Dor.* iii. 12. § 10.) Of such dances the most celebrated was the Pyrrhic (ἡ Πυῤῥίχη), of which the *πρύλις* was probably only another name: this Plato (*Leg.* vii. p. 815) takes as the representative of all war dances. The invention of this dance is placed in the mythical age, and is usually assigned to one Pyrrhicos, but most of the accounts agree in assigning it a Cretan or Spartan origin; though others refer it to Pyrrhus or Neoptolemus, the son of Achilles, apparently misled by the name, for it was undoubtedly of Doric origin. (Athen. xiv. p. 630, e; Strab. x. p. 466; Plat. *Leg.* p. 796; Lucian, *Ib.* 9.) It was danced to the sound of the flute, and its time was very quick and light, as is shown by the name of the Pyrrhic foot (⏑⏑), which must be connected with this dance: and from the same source came also the Proceleusmatic (⏑⏑⏑⏑) or challenging foot. (Müller, *Hist. of the Literat. of Greece*, p. 161.) The Pyrrhic dance was performed in different ways at various times and in various countries, for it was by no means confined to the Doric states. Plato (*Leg.* vii. p. 815) describes it as representing by rapid movements of the body the way in which missiles and blows from weapons were avoided, and also the mode in which the enemy were attacked. In the non-Doric states it was probably not practised as a training for war, but only as a mimetic dance: thus we read of its being danced by women to entertain a company. (Xen. *Anab.* vi. 1. § 12.) It was also performed at Athens at the greater and lesser Panathenaea by Ephebi, who were called Pyrrhichists (Πυῤῥιχισταί) and were trained at the expense of the Choragus. (Schol. *ad Aristoph. Nub.* 988; Lysias, ἀπολ. δωροδοκ. p. 698, Reiske.) In the mountainous parts of Thessaly and Macedon dances are performed at the present day by men armed with muskets and swords. (Dodwell, *Tour through Greece*, vol. ii. pp. 21, 22.)

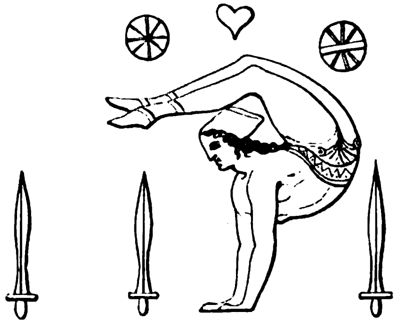
The following woodcut, taken from Sir W. Hamilton's vases (ed. Tischbein, vol. i. pl. 60), represents three Pyrrhicists, two of whom with shield and sword are engaged in the dance, while the third is standing with a sword. Above them is a female balancing herself on the head of one, and apparently in the act of performing a somerset; she no doubt is taking part in the dance, and performing a very artistic kind of *κυβίστησις* or tumbling, for the Greek performances of this kind surpass any thing we can imagine in modern times. Her danger is increased by the person below, who holds a sword pointing towards her. A female spectator sitting looks on astonished at the exhibition.



The Pyrrhic dance was introduced in the public games at Rome by Julius Caesar, when it was danced by the children of the leading men in Asia and Bithynia. (Suet. *Jul. Caes.* 39.) It seems to have been much liked by the Romans; it was exhibited both by Caligula and Nero (Dion Cass. lx. 7; Suet. *Ner.* 12), and also frequently by Hadrian. (Spartian. *Hadr.* 19.) Athenaeus (xiv. p. 631, a) says that the Pyrrhic dance was still practised in his time (the third century A. D.) at Sparta, where it was danced by boys from the age of fifteen, but that in other places it had become a species of Dionysiac dance, in which the history of Dionysus was represented, and where the dancers instead of arms carried the thyrsus and torches.

Another important gymnastic dance was performed at the festival of *γυμνοπαιδία* at Sparta in commemoration of the battle at Thyrea, where the chief object according to Müller (*Dor.* iv. 6. § 8) was to represent gymnastic exercises and dancing in intimate union: respecting the dance at this festival, see GYMNOPAEDIA.

There were other dances, besides the Pyrrhic, in which the performers had arms, but these seem to have been entirely mimetic, and not practised with any view to training for war. Such was the *Καρπαία* peculiar to the Aenianians and Magnetes, which was performed by two armed men in the following manner: one lays down his arms, sows the ground, and ploughs with a yoke of oxen, frequently looking around as if afraid; then comes a robber, whom as soon as the other sees, he snatches up his arms and fights with him for the oxen. All these movements are rhythmical, accompanied by the flute. At last the robber binds the man and drives away the oxen, but sometimes the husbandman conquers. (Xen. *Anab.* vi. 1. §§ 7, 8; Athen. i. pp. 15, f, 16, a; Maxim. Tyr. *Diss.* xxviii. 4.) Similar dances by persons with arms are mentioned by Xenophon on the same occasion. These dances were frequently performed at banquets for the entertainment of the guests (Athen. iv. p. 155, b.). At banquets likewise the *κυϐιστητῆρες* or tumblers were frequently introduced. These tumblers, in the course of their dance, flung themselves on their heads and alighted again on their feet (*ὥσπερ οἱ κυϐιστῶντες καὶ εἰς ὀρθὸν τὰ σκέλη περιφερόμενοι κυϐιστῶσι κύκλῳ*, Plato, *Symp.* c. 16, p. 190). We read of *κυϐιστητῆρες* as early as the time of Homer. (*Il.* xviii. 605, *Od.* iv. 18.) They were also accustomed to make their somerset over knives or swords, which was called *κυϐιστᾶν εἰς μαχαίρας.* (Plato, *Euthyd.* c. 55. p. 294; Xen. *Mem.* i. 3. § 9, *Symp.* ii. 14; Athen. iv. p. 129, d; Pollux, iii. 134.) The way in which this feat was performed is described by Xenophon, who says (*Symp.* ii. 11) that a circle was made quite full of upright swords, and that the dancer *εἰς ταῦτα ἐκυϐίστα τε καὶ ἐξεκυϐίστα ὑπὲρ αὐτῶν*; and it is well illustrated by the following cut taken from the *Museo Borbonico*, vol. vii. tav. 58. (Becker, *Charikles*, vol. i. p. 499, vol. ii. p. 287.) We learn from Tacitus (*Germ.* 24) that the German youths also used to dance among swords and spears pointed at them.



Other kinds of dances were frequently performed at entertainments, in Rome as well as in Greece, by courtezans, many of which were of a very indecent and lascivious nature. (Macrob. *Sat.* ii. 10; Plaut. *Stich.* v. 2. 11.) The dancers seem to have frequently represented Bacchanals: many such dancers occur in the paintings found at Herculaneum and Pompeii in a variety of graceful attitudes. (See *Museo Borbonico*, vol. vii. tav. 34—40, vol. ix. tav. 17, vol. x. tav. 5, 6, 54.)

Among the dances performed without arms one of the most important was the *ὅρμος*, which was danced at Sparta by youths and maidens together; the youth danced first some movements suited to his age, and of a military nature; the maiden followed in measured steps and with feminine gestures. Lucian (*de Salt.* 12) says that it was similar to the dance performed at the Gymnopaedia. (Compare Müller, *Dor.* iv. 6. § 5.) Another common dance at Sparta was the *Bibasis* (*βίϐασις*), which was much practised both by men and women. The dance consisted in springing rapidly from the ground, and striking the feet behind; a feat of which a Spartan woman in Aristophanes (*Lysistr.* 28) prides herself (*γυμναδδομαί γα καὶ ποτὶ πυγὰν ἅλλομαι*). The number of successful strokes was counted, and the most skilful received prizes. We are told by a verse which has been preserved by Pollux (iv. 102), that a Laconian girl had danced the bibasis a thousand times, which was more than had ever been done before. (Müller, *Dorians*, iv. 6. § 8.)

In many of the Greek states the art of dancing was carried to great perfection by females, who were frequently engaged to add to the pleasures and enjoyment of men at their symposia. These dancers always belonged to the hetaerae. Xenophon (*Symp.* ix. 2—7) describes a mimetic dance which was represented at a symposium, where Socrates was present. It was performed by a maiden and a youth, belonging to a Syracusian, who is called the *ὀρχηστοδιδάσκαλος*, and represented the loves of Dionysus and Ariadne.

Respecting the dancers on the tight-rope see FUNAMBULUS.

Dancing was common among the Romans in ancient times in connection with religious festivals and rites, and was practised according to Servius (*ad Virg. Ecl.* v. 73), because the ancients thought that no part of the body should be free from the influence of religion. The dances of the Salii, which were performed by men of patrician families, are spoken of elsewhere. [SALII.] Dionysius (vii. 72) mentions a dance with arms at the Ludi Magni, which, according to his usual plan of referring all old Roman usages to a Greek origin, he calls the Pyrrhic. There was another old Roman dance of a military nature, called *Bellicrepa Saltatio*, which is said to have been instituted by Romulus, after he had carried off the Sabine virgins, in order that a like misfortune might not befall his state. (Festus, *s. v.*) Dancing, however, was not performed by any Roman citizen except in connection with religion; and it is only in reference to such dancing that we are to understand the statements, that the ancient Romans did not consider dancing disgraceful, and that not only freemen, but the sons of senators and noble matrons practised it. (Quintil. *Inst. Orat.* i. 11. § 18; Macrob. *Sat.* ii. 10.) In the later times of the republic we know that it was considered highly disgraceful for a freeman to dance: Cicero reproaches Cato for calling Murena a dancer (*saltator*), and adds "nemo fere saltat sobrius, nisi forte insanit." (*Pro Muren.* 6; compare *in Pison.* 10.)

The mimetic dances of the Romans, which were carried to such perfection under the empire, are described under PANTOMIMUS. (Meursius, *Orchestra*; Bürette, *de la Danse des Anciens*; Krause, *Gymnastik und Agon. d. Hell.* p. 807, &c.)

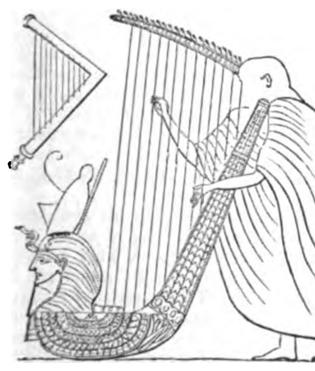
SALVIA'NUM INTERDICTUM. [INTERDICTUM.]

SALUTATO'RES, the name given in the later times of the republic and under the empire to a class of men who obtained their living by visiting the houses of the wealthy early in the morning to pay their respects to them (*salutare*), and to accompany them when they went abroad. This arose from the visits which the clients were accustomed to pay to their patrons, and degenerated in later times into the above-mentioned practice. Such persons seem to have obtained a good living among the great number of wealthy and vain persons at

Rome, who were gratified by this attention. (*Mercenarius Salutator*, Colum. *Praef.* i.; Martial, x. 74; Becker, *Gallus*, vol. i. p. 146.) [Sportula.]

SAMBUCA (*σαμβύκη*, or *σαβύκη*, Arcadius *de Accent.* p. 107), a harp. The preceding Latin and Greek names are with good reason represented by Bochart, Vossius, and other critics, to be the same with the Hebrew סַבְּכָא (sabeca), which occurs in Daniel (iii. 5, 7, 10). The performances of *sambucistriae* (σαμβυκίστριαι) were only known to the early Romans as luxuries brought over from Asia. (Plaut. *Stich.* ii. 3. 57; Liv. xxxix. 6.) The Athenians considered them as an exotic refinement (Philemon, p. 370, ed. Meineke); and the Rhodian women who played on the harp at the marriage-feast of Caranus in Macedonia, clothed in very thin tunics, were introduced with a view to give to the entertainment the highest degree of splendour. Some Greek authors expressly attributed the invention of this instrument to the Syrians or Phoenicians. (Athen. iv. p. 175, d.) The opinion of those who ascribed it to the Lyric poet, Ibycus, can only authorize the conclusion, that he had the merit of inventing some modification of it, the instrument as improved by him being called *Ἰβύκινον.* (Athen. *l. c.;* Suidas, *s. vv.* Ἰβύκινον: Ἰβυκός: Σαμβύκαι.) Strabo, moreover, represents *σαμβύκη* as a "barbarous" name (x. 3. § 17).

The sambuca is several times mentioned in conjunction with the small triangular harp (*τρίγωνον*), which it resembled in the principles of its construction, though it was much larger and more complicated. The *trigonum*, a representation of which from the Museum at Naples is given in the annexed woodcut, was held like the lyre in the hands of the performer (Spon, *Misc. Erud. Ant.* p. 21), whereas the harp was sometimes considerably higher than the stature of the performer, and was placed upon the ground. The harp of the Parthians and Troglodytae had only four strings. (Athen. xiv. p. 633, f.) Those which are painted on the walls of Egyptian tombs (see Denon, Wilkinson, &c.) have from 4 to 38. One of them, taken from Bruce's travels, is here introduced. From the allusions to this instrument in Vitruvius (vi. 1) we find that the longest string was called the "proslambanomenon," the next "hypate," the shortest but one "paranete," and the shortest, which had consequently the highest tone, was called "nete." [See Musica, p. 775.] Under the Roman Emperors the harp appears to have come into more general use (Pers. v. 95; Spartian. *Hadr.* 26), and was played by men (*σαμβυκισταί*) as well as women. (Athen. iv. p. 182, e.)



Sambuca was also the name of a military engine, used to scale the walls and towers of besieged cities. It was called by this name on account of its general resemblance to the form of the harp. Accordingly, we may conceive an idea of its construction by turning to the woodcut and supposing a mast or upright pole to be elevated in the place of the longest strings, and to have at its summit an apparatus of pulleys, from which ropes proceed in the direction of the top of the harp. We must suppose a strong ladder, 4 feet wide, and guarded at the sides with palisades, to occupy the place of the sounding-board, and to be capable of being lowered or raised at pleasure by means of the ropes and pulleys. At the siege of Syracuse Marcellus had engines of this description fixed upon vessels, which the rowers moved up to the walls so that the soldiers might enter the city by ascending the ladders. (Polyb. viii. 5; Plut. *Marc.* p. 558, ed. Steph.; Athen. xiv. p. 634, b; Onosandr. *Strat.* 42; Vitruv. x. 16. § 9; Festus, *s. v. Sambuca;* Athen. *de Mach. ap. Math. Vet.* p. 7.) When an inland city was beleaguered, the Sambuca was mounted upon wheels. (Bito, *ap. Math. Vet.* pp. 110, 111; Veget. iv. 21.) [J. Y.]

SAMNI′TES. [Gladiatores, p. 576, a.]

SANDA′LIUM (*σανδάλιον* or *σάνδαλον*), a kind of shoe worn only by women. In the Homeric age however it was not confined to either sex, and consisted of a wooden sole fastened to the foot with thongs. (Hom. *Hymn. in Merc.* 79, 83, 139.) In later times the sandalium must be distinguished from the *ὑπόδημα*, which was a simple sole bound under the foot (Pollux, viii. 84, with Kühn's emendation), whereas the sandalium, also called *βλαύτια* or *βλαύτη*, was a sole with a piece of leather covering the toes, so that it formed the transition from the *ὑπόδημα* to real shoes. The piece of leather under the toes was called *ζυγὸς* or *ζυγόν*. (Aristoph. *Lysistr.* 390, with the Schol.; Hesych. *s. v. Ζυγός;* Pollux, vii. 81; Phot. *Lex.* p. 54, ed. Dobr.) The *σανδάλια ἄζυγα* in Strabo (vi. p. 259) are however not sandalia without the *ζυγόν*, but, as Becker (*Charikles*, ii. p. 367, &c.) justly remarks, sandalia which did not belong to one another, or did not form a pair, and one of which was larger or higher than the other. The *ζυγόν* was frequently adorned with costly embroidery and gold (Cephisodor. *ap. Poll.* vii. 87; Clem. Alex. *Paedag.* ii. 11), and appears to have been one of the most luxurious articles of female dress. (Aelian, *V. H.* i. 18.) The small cover of the toes however was not sufficient to fasten the sandalium to the foot, wherefore thongs likewise beautifully adorned were attached to it. (Pollux, vii. 92.) Although sandalia, as we have stated, were in Greece and subsequently at Rome also worn by women only, yet there are traces that at least in the East they were also worn by men. (Herod. ii. 91; St. Mark, vi. 9.)

The Roman ladies, to whom this ornament of the foot was introduced from Greece, wore sandalia which appear to have been no less beautiful and costly than those worn by the Greeks and the Oriental nations. (Tarpilius, *ap. Non.* v. 24; Terent. *Eunuch.* v. 7. 4.) [L. S.]

SANDAPILA. [Funus, p. 559, a.]

SARCO′PHAGUS. [Funus, p. 559, b.]

SA'RCULUM (*a sarriendo*, Varro, *de L. Lat.* v. 31, *σκαλίς*, *σκαλιστήριον*), a hoe, chiefly used in weeding gardens, cornfields, and vineyards. (Hor. *Carm.* i. 1. 11; Ovid. *Met.* xi. 36, *Fast.* i. 699, iv. 930; Plaut. *Truc.* ii. 2. 21; Cato, *de Re Rust.* 10; Columella, x. 21; Pallad. i. 43.) It was also sometimes used to cover the seed when sown (Columella, ii. 11), and in mountainous countries it served instead of a plough. (Plin. *H. N.* xviii. 19. s. 49.) Directions for using it to clear the surface of the ground (*σκάλλειν*, Herod. ii. 14; *σκαλεύειν*, Schol. *in Theocrit.* x. 14) are given by Palladius (*de Re Rust.* ii. 9). [J. Y.]

SARISSA. [Exercitus, p. 488, a.]

SARRA'CUM, a kind of common cart or waggon, which was used by the country-people of Italy for conveying the produce of their fields, trees, and the like from one place to another. (Vitruv. x. 1; Juv. iii. 254.) Its name as well as the fact that it was used by several barbarous nations, shows that it was introduced from them into Italy. (Sidon. *Epist.* iv. 18; Amm. Marc. xxxi. 2.) That persons also sometimes rode in a sarracum, is clear from a passage of Cicero quoted by Quinctilian (viii. 3. § 21), who even regards the word sarracum as low and vulgar. Capitolinus (*Anton. Philos.* 13) states, that during a plague the mortality at Rome was so great, that it was found necessary to carry the dead bodies out of the city upon the common sarraca. Several of the barbarous nations with which the Romans came in contact used these waggons also in war, and placed them around their camps as a fortification (Sisenna, *ap. Non.* iii. 35), and the Scythians used them in their wanderings, and spent almost their whole lives upon them with their wives and children, whence Ammianus compares such a caravan of sarraca with all that was conveyed upon them to a wandering city. The Romans appear to have used the word sarracum as synonymous with plaustrum, and Juvenal (v. 22) goes even so far as to apply it to the constellation of stars which was generally called plaustrum. (Scheffer, *de Re Vehicul.* ii. 31.) [L. S.]

SARTA'GO (*τήγανον*), was a sort of pan which was used in the Roman kitchens for a variety of purposes, such as roasting, melting fat or butter, cooking, &c. (Plin. *H. N.* xvi. 22; Juv. x. 63.) Frequently also dishes consisting of a variety of ingredients seem to have been prepared in such a sartago, as Persius (i. 79) speaks of a *sartago loquendi*, that is, of a mixture of proper and improper expressions. Some commentators on this passage, and perhaps with more justice, understand the sartago loquendi as a mode of speaking in which hissing sounds are employed, similar to the noise produced when meat is fried in a pan. [L. S.]

SATISDA'TIO. [Actio.]

SA'TURA, or in the softened form SATIRA, is the name of a species of poetry, which we call satire. In the history of Roman literature we have to distinguish two different kinds of satires, viz. the early satura, and the later satira which received its perfect development from the poet C. Lucilius (148—103 B.C.). Both species of poetry, however, are altogether peculiar to the Romans. The literal meaning of satura, the root of which is *sat*, comes nearest to what the French call *pot-pourri*, or to the Latin *farrago*, a mixture of all sorts of things. The name was accordingly applied by the Romans in many ways, but always to things consisting of various parts or ingredients, *e. g. lanx satura*, an offering consisting of various fruits, such as were offered at harvest festivals and to Ceres (Acron, *ad Horat. Sat.* i. 1; Diomed. iii. p. 483, ed. Putsch.); *lex per saturam lata*, a law which contained several distinct regulations at once. (Fest. *s. v. Satura.*) It would appear from the etymology of the word, that the earliest Roman satura, of which we otherwise scarcely know anything, must have treated in one work on a variety of subjects just as they occurred to the writer, and perhaps, as was the case with the satires of Varro, half in prose and half in verse, or in verses of different metre. Another feature of the earliest satura, as we learn from the celebrated passage in Livy (vii. 2.), is that it was scenic, that is, an improvisatory and irregular kind of dramatic performance, of the same class as the versus Fescennini. [Fescennina.] When Livius Andronicus introduced the regular drama at Rome, the people, on account of their fondness for such extempore jokes and railleries, still continued to keep up their former amusements, and it is not improbable that the exodia of later times were the old saturae merely under another name. [Exodia.]

Ennius and Pacuvius are mentioned as the first writers of satires, but we are entirely unable to judge whether their works were dramatic like the satura of old, or whether they resembled the satires of Lucilius and Horace. At any rate, however, neither Ennius nor Pacuvius can have made any great improvement in this species of poetry, as Quinctilian (x. 1. § 93) does not mention either of them, and describes C. Lucilius as the first great writer of satires. It is Lucilius who is universally regarded by the ancients as the inventor of the new kind of satira, which resembled on the whole that species of poetry which is in modern times designated by the same name, and which was no longer scenic or dramatic. The character of this new satira was afterwards emphatically called *character Lucilianus*. (Varro, *de Re Rust.* iii. 2.) These new satires were written in hexameters, which metre was subsequently adopted by all the other satirists, as Horace, Persius, and Juvenal, who followed the path opened by Lucilius. Their character was essentially ethical or practical, and as the stage at Rome was not so free as at Athens, the satires of the former had a similar object to that of the ancient comedy at the latter place. The poets in their satires attacked not only the follies and vices of mankind in general, but also of such living and distinguished individuals as had any influence upon their contemporaries. Such a species of poetry must necessarily be subject to great modifications, arising partly from the character of the time in which the poet lives, and partly from the personal character and temperament of the poet himself, and it is from these circumstances that we have to explain the differences between the satires of Lucilius, Horace, Persius, and Juvenal.

After Lucilius had already by his own example established the artistic principles of satire, Terentius Varro in his youth wrote a kind of satires, which were neither like the old satura nor like the satira of Lucilius. They consisted of a mixture of verse and prose, and of verses of different metres, but were not scenic like the old saturae. They were altogether of a peculiar character, and were therefore called satirae Varronianae, or Menippeae or Cynicae, the latter because he was said to have imitated the works of the Cynic philosopher Menippus. (Gellius, ii. 18.)

(See Casaubon, *de Satyrica Graecorum Poesi et Romanorum Satira*, libri ii. Halae 1774, with notes by Rambach.) [L. S.]

SATURNA'LIA, the festival of Saturnus, to whom the inhabitants of Latium attributed the introduction of agriculture and the arts of civilized life. Falling towards the end of December, at the season when the agricultural labours of the year were fully completed, it was celebrated in ancient times by the rustic population as a sort of joyous harvest-home, and in every age was viewed by all classes of the community as a period of absolute relaxation and unrestrained merriment. During its continuance no public business could be transacted, the law courts were closed, the schools kept holiday, to commence a war was impious, to punish a malefactor involved pollution. (Macrob. *Sat.* i. 10. 16; Martial, i. 86; Suet. *Aug.* 32; Plin. *Ep.* viii. 7.) Special indulgences were granted to the slaves of each domestic establishment; they were relieved from all ordinary toils, were permitted to wear the *pileus* the badge of freedom, were granted full freedom of speech, partook of a banquet attired in the clothes of their masters, and were waited upon by them at table. (Macrob. *Sat.* i. 7; Dion Cass. lx. 19; Hor. *Sat.* ii. 7. 5; Martial, xi. 6, xiv. 1; Athen. xiv. 44.)

All ranks devoted themselves to feasting and mirth, presents were interchanged among friends, *cerei* or wax tapers being the common offering of the more humble to their superiors, and crowds thronged the streets, shouting *Io Saturnalia* (this was termed *clamare Saturnalia*), while sacrifices were offered with uncovered head, from a conviction that no ill-omened sight would interrupt the rites of such a happy day. (Catull. 14; Senec. *Ep.* 18; Suet. *Aug.* 75; Martial, v. 18, 19, vii. 53, xiv. 1; Plin. *Ep.* iv. 9; Macrob. *Sat.* i. 8, 10; Serv. *ad Virg. Aen.* iii. 407.)

Many of the peculiar customs exhibited a remarkable resemblance to the sports of our own Christmas and of the Italian Carnival. Thus on the Saturnalia public gambling was allowed by the aediles (Martial, v. 84, xiv. 1, xi. 6), just as in the days of our ancestors the most rigid were wont to countenance card-playing on Christmas-eve; the whole population threw off the toga, wore a loose gown, called *synthesis*, and walked about with the pileus on their heads (Martial, xiv. 141, vi. 24, xiv. 1, xi. 6; Senec. *Ep.* 18), which reminds us of the dominoes, the peaked caps, and other disguises worn by masques and mummers; the *cerei* were probably employed as the *moccoli* now are on the last night of the Carnival; and lastly, one of the amusements in private society was the election of a mock king (Tacit. *Ann.* xiii. 15; Arrian, *Diss. Epictet.* i. 25; Lucian. *Saturn.* 4), which at once calls to recollection the characteristic ceremony of Twelfth-night.

Saturnus being an ancient national god of Latium, the institution of the Saturnalia is lost in the most remote antiquity. In one legend it was ascribed to Janus, who, after the sudden disappearance of his guest and benefactor from the abodes of men, reared an altar to him, as a deity, in the forum, and ordained annual sacrifices; in another, as related by Varro, it was attributed to the wandering Pelasgi, upon their first settlement in Italy, and Hercules, on his return from Spain, was said to have reformed the worship, and abolished the practice of immolating human victims; while a third tradition represented certain followers of the last named hero, whom he had left behind on his return to Greece, as the authors of the Saturnalia. (Macrob. *Sat.* i. 7.) Records approaching more nearly to history referred the erection of temples and altars, and the first celebration of the festival, to epochs comparatively recent, to the reign of Tatius (Dionys. ii. 50), of Tullus Hostilius (Dionys. iii. 32; Macrob. *Sat.* i. 8), of Tarquinius Superbus (Dionys. vi. 1; Macrob. *l. c.*), to the consulship of A. Sempronius and M. Minucius, B. C. 497, or to that of T. Larcius in the preceding year. (Dionys. vi. 1; Liv. ii. 21.) These conflicting statements may be easily reconciled, by supposing that the appointed ceremonies were in these rude ages neglected from time to time, or corrupted, and again at different periods revived, purified, extended, and performed with fresh splendour and greater regularity. (Compare Liv. xxiii. 1. *sub fin.*)

During the republic, although the whole month of December was considered as dedicated to Saturn (Macrob. i. 7), only one day, the xiv. Kal. Jan. was set apart for the sacred rites of the divinity: when the month was lengthened by the addition of two days upon the adoption of the Julian Calendar, the Saturnalia fell on the xvi. Kal. Jan., which gave rise to confusion and mistakes among the more ignorant portion of the people. To obviate this inconvenience, and allay all religious scruples, Augustus enacted that three whole days, the 17th, 18th, and 19th of December, should in all time coming be hallowed, thus embracing both the old and new style. (Macrob. i. 10.) A fourth day was added, we know not when or by whom, and a fifth, with the title *Juvenalis*, by Caligula (Dion Cass. lix. 6; Sueton. *Cal.* 17), an arrangement which, after it had fallen into disuse for some years, was restored and confirmed by Claudius. (Dion Cass. lx. 2.)

But although, strictly speaking, one day only, during the republic, was consecrated to religious observances, the festivities were spread over a much longer space. Thus while Livy speaks of the first day of the Saturnalia (*Saturnalibus primis*, Liv. xxx. 36), Cicero mentions the second and third (*secundis Saturnalibus*, *ad Att.* xv. 32; *Saturnalibus tertiis*, *ad Att.* v. 20); and it would seem that the merry-making lasted during seven days, for Novius, the writer of Atellanae, employed the expression *septem Saturnalia*, a phrase copied in later times by Memmius (Macrob. i. 10), and even Martial speaks of *Saturni septem dies* (xiv. 72), although in many other passages he alludes to the five days observed in accordance with the edicts of Caligula and Claudius (ii. 89, xiv. 79, 141). In reality, under the empire, three different festivals were celebrated during the period of seven days. First came the *Saturnalia* proper, commencing on xvi. Kal. Dec., followed by the *Opalia*, anciently coincident with the Saturnalia (Macrob. i. 10), on xiv. Kal. Jan.; these two together lasted for five days, and the sixth and seventh were occupied with the *Sigillaria*, so called from little earthenware figures (*sigilla*, *oscilla*) exposed for sale at this season, and given as toys to children. [W. R.]

SCALAE (κλίμαξ), a ladder. The general construction and use of ladders was the same among the ancients as in modern times, and therefore requires no explanation, with the exception of those used in besieging a fortified place and in making an assault upon it. The ladders were erected against the walls (*admovere*, *ponere*, *apponere*, or *erigere scalas*), and the besiegers ascended them under showers of darts and stones thrown upon them by the besieged. (Sallust. *Jug.* 6, 64; Caes. *de Bell. Civ.* i. 28, 63; Tacit. *Hist.* iv. 29, &c.; Veget. *de Re Milit.* iv. 21; Polyb. ix. 18.) Some of these ladders were formed like our common ones; others consisted of several parts (*κλίμακες πηκταί* or *διαλυταί*) which might be put together so as to form one large ladder, and were taken to pieces when they were not used. Sometimes also they were made of ropes or leather with large iron hooks at the top, by which they were fastened to the walls to be ascended. The ladders made wholly of leather consisted of tubes sowed up airtight, and when they were wanted, these tubes were filled with air. (Heron, c. 2.) Heron also mentions a ladder which was constructed in such a manner, that it might be erected with a man standing on the top, whose object was to observe what was going on in the besieged town. (Heron, c. 12.) Others again were provided at the top with a small bridge, which might be let down upon the wall. (Heron, 19.) In ships small ladders or steps were likewise used for the purpose of ascending into or descending from them. (Virg. *Aen.* x. 654; Heron, c. 11.)

In the houses of the Romans the name Scalae was applied to the stairs or staircase, leading from the lower to the upper parts of a house. The steps were either of wood or stone, and, as in modern times, fixed on one side in the wall. (Vitruv. ix. 1. § 7, &c.) It appears that the staircases in Roman houses were as dark as those of old houses in modern times, for it is very often mentioned, that a person concealed himself *in scalis* or *in scalarum tenebris* (Cic. *pro Mil.* 15, *Philip.* ii. 9; Horat. *Epist.* ii. 2. 15), and passages like these need not be interpreted, as some commentators have done, by the supposition that *in scalis* is the same as *sub scalis*. The Roman houses had two kinds of staircases: the one were the common scalae, which were open on one side; the others were called scalae Graecae or κλίμακες, which were closed on both sides. Massurius Sabinus (*ap. Gell.* x. 15. § 29) states, that the Flaminica was not allowed to ascend higher than three steps on a common scala, but that she might make use of a climax like every other person, as here she was concealed when going up. (Serv. *ad Aen.* iv. 664.) [L. S.]

SCALPTU'RA or SCULPTU'RA. There are two different forms of this word both in Greek and Latin, viz. *scalpo*, *scalptura*, and *sculpo*, *sculptura* (in Greek γλάφω and γλύφω), and there is much doubt respecting their precise meaning. The original meaning, common to them, is undoubtedly the cutting figures out of a solid material. The general opinion is, that both *scalpo* and *sculpo*, with their derivatives, signify the same thing, only different in degree of perfection, so that *scalptura* would signify a coarse or rude, *sculptura* an elaborate and perfect engraving. This opinion is chiefly based upon the following passages: Horat. *Sat.* ii. 3. 22; Ovid, *Met.* x. 248; Vitruv. iv. 6. (Compare the commentators on Suet. *Galb.* 10.) Others again believe that *scalpo* (γλάφω) signifies to cut figures into the material (intaglio), and *sculpo* (γλύφω) to produce raised figures, as in cameos. But it is very doubtful whether the ancients themselves made or observed such a distinction. From the passages in which the words occur, both in Greek and Latin writers, it seems that, in their widest sense, they were used, almost indifferently, for what we call *sculpture*, in its various forms, in wood, marble, ivory, or other materials, more particularly for reliefs, for *carving*, that is, the execution of small works by cutting, and for *engraving precious stones*; but, of these senses, the last was the most specific and usual; the first, in which modern writers use the word *sculpture*, was the most unusual. [STATUARIA.] (See the Greek and Latin Lexicons).

It may be expedient, however, in accordance with the above distinction to divide the art into two departments: 1. the art of cutting figures into the material (intaglios), which was chiefly applied to producing seals and matrices for the mints; and 2. the art of producing raised figures (cameos), which served for the most part as ornaments.

The former of these two branches was much more extensively practised among the ancients than in modern times, which arose chiefly from the general custom of every free man wearing a seal-ring. [ANNULUS.] The first engravings in metal or stone, which served as seals, were simple and rude signs without any meaning, sometimes merely consisting of a round or square hole. (Meyer, *Kunstgeschichte*, i. 10.) In the second stage of the art, certain symbolical or conventional forms, as in the worship of the gods, were introduced, until at last, about the age of Pheidias and Praxiteles, this, like the other branches of the fine arts, had completed its free and unrestrained career of developement, and was carried to such a degree of perfection that, in the beauty of design as well as of execution, the works of the ancients remain unrivalled down to the present day. But few of the names of the artists, who excelled in this art, have come down to us. Some intaglios, as well as cameos, have a name engraved upon them, but it is in many cases more probable that such are the names of the owners than of the artists. The first artist who is mentioned as an engraver of stones is Theodorus, the son of Telecles, the Samian, who engraved the stone in the ring of Polycrates. (Herod. iii. 41.) The most celebrated among them was Pyrgoteles, who engraved the seal-rings for Alexander the Great. (Winckelmann, vi. p. 107, &c.; see the articles in the *Dict. of Biog.*) The art continued for a long time after Pyrgoteles in a very high state of perfection, and it appears to have been applied about this period to ornamental works. For several of the successors of Alexander and other wealthy persons adopted the custom, which was and is still very prevalent in the East, of adorning their gold and silver vessels, craters, candelabra, and the like, with precious stones on which raised figures (cameos) were worked. (Ath. xi. p. 781; Cic. *c. Verr.* ii. 4. 27, &c.) Among the same class of ornamental works we may reckon such vessels and paterae as consisted of one stone, upon which there was in many cases a whole series of raised figures of the most exquisite workmanship. (Appian. *Mithrid.* 115; Cic. *l. c.*; Plin. *H. N.* xxxvii. 3.) The art was in a particularly flourishing state at Rome under Augustus and his successors, in the hands of Dioscarides and other artists, many of whose works are still preserved. Respecting the various precious and other stones which the ancient artists used in these works, see Müller, *Archäol.* § 313.

As regards the technical part of the art of working in precious stones, we only know the following particulars. The stone was first polished by the *politor*, and received either a plane or convex surface; the latter was especially preferred, when the stone was intended to serve as a seal. The *scalptor* himself used iron or steel instruments moistened with oil, and sometimes also a diamond framed in iron. These metal instruments were either sharp and pointed, or round. The ancients understood the use of diamond dust in this work. (Plin. *H. N.* xxxvii. 76; Müller, *Arch.* § 314. 2.) The stones which were destined to be framed in rings, as well as those which were to be inlaid in gold or silver vessels, then passed from the hands of the *scalptor* into those of the goldsmith (*annularius*, *compositor*).

Numerous specimens of intaglios and cameos are still preserved in the various museums of Europe, and are described in numerous works. For the literature of the subject, and an account of these gems and their engravers, see Winckelmann, *Gesch. d. Kunst*, and other works; Müller, *Archäol.* § 315, &c.; and Raoul-Rochette, *Lettre à M. Schorn*, 2d ed. [L. S.]

SCALPTURA'TUM. [Domus, p. 431, a.]

SCAMNUM, *dim.* SCABELLUM, a step which was placed before the beds of the ancients in order to assist persons in getting into them, as some were very high: others which were lower required also lower steps, which were called *scabella*. (Varro, *de Ling. Lat.* v. 168; Isidor. xx. 11; Ovid, *Ars Am.* ii. 211.) A scamnum was sometimes also used as a foot-stool. (Ovid, *Ar. Am.* i. 162.) A scamnum extended in length becomes a bench, and in this sense the word is frequently used. The early Romans, before couches were introduced among them, used to sit upon benches (*scamna*) before the hearth when they took their meals. (Ovid. *Fast.* vi. 305.) The benches in ships were also sometimes called scamna. In the technical language of the agrimensores a scamnum was a field which was broader than it was long, and one that was longer than broad was called *striga*. (Varii Auctor. Rei Agr. pp. 46, 125, 198, ed. Goes.) In the language of the Roman peasantry a scamnum was a large clod of earth which had not been broken by the plough. (Colum. ii. 2.) [L. S.]

SCAPHA. [Navis, p. 786, a.]

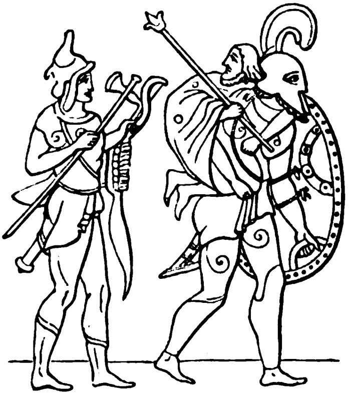
SCAPHEPHO'RIA. [Hydriaphoria.]

SCENA. [Theatrum.]

SCEPTRUM is a latinised form of the Greek *σκῆπτρον*, which originally denoted a simple staff or walking-stick. (Hom. *Il.* xviii. 416; Aeschyl. *Agam.* 74; Herod. i. 195.) The corresponding Latin term is *scipio*, springing from the same root and having the same signification, but of less frequent occurrence.

As the staff was used not merely to support the steps of the aged and infirm, but as a weapon of defence and assault, the privilege of habitually carrying it became emblematic of station and authority. The straight staves which are held by two of the four sitting figures in the woodcut at p. 98, while a third holds the curved staff, or Lituus, indicate no less than their attitude and position, that they are exercising judicial functions. In ancient authors the sceptre is represented as belonging more especially to kings, princes, and leaders of tribes (Hom. *Il.* ii. 186, 199, 265, 268, 279, xviii. 557, *Od.* ii. 37, 80, iii. 412): but it is also borne by judges (Hom. *Od.* xi. 568), by heralds (*Il.* iii. 218, vii. 277, xviii. 505), and by priests and seers. (Hom. *Il.* i. 15, *Od.* xi. 91; Aeschyl. *Agam.* 1236.) It was more especially characteristic of Asiatic manners, so that among the Persians whole classes of those who held high rank and were invested with authority, including eunuchs, were distinguished as the sceptre-bearing classes (*οἱ σκηπτοῦχοι*, Xen. *Cyr.* vii. 3. § 17, viii. 1. § 38, 3. § 15). The sceptre descended from father to son (Hom. *Il.* ii. 46, 100—109), and might be committed to any one in order to express the transfer of authority. (Herod. vii. 52.) Those who bore the sceptre swore by it (Hom. *Il.* i. 234—239), solemnly taking it in the right hand and raising it towards heaven. (Hom. *Il.* vii. 412, x. 321, 328.)

The original wooden staff, in consequence of its application to the uses now described, received a variety of ornaments or emblems. It early became a truncheon, pierced with golden or silver studs. (*Il.* i. 246, ii. 46.) It was enriched with gems (Ovid. *Met.* iii. 264), and made of precious metals or of ivory (i. 178, *Fast.* vi. 38.) The annexed woodcut, taken from one of Sir Wm. Hamilton's fictile vases, and representing Aeneas followed by Ascanius and carrying off his father Anchises, who holds the sceptre in his right hand, shows its form as worn by kings. The ivory sceptre (*eburneus scipio*, Val. Max. iv. 4. § 5) of the kings of Rome, which descended to the consuls, was surmounted by an eagle. (Virg. *Aen.* xi. 238; Serv. *ad loc.*; Juv. x. 43; Isid. *Orig.* xviii. 2.) [Insigne.] Jupiter and Juno, as sovereigns of the gods, were represented with a sceptre. (Ovid, *ll. cc.*) [J. Y.]



SCHOENUS (ὁ, ἡ, σχοῖνος), literally, *a rope of rushes*, an Egyptian and Persian itinerary and land measure (Herod. i. 66). Its length is stated by Herodotus (ii. 6, 9) at 60 stadia, or 2 parasangs; by Eratosthenes at 40 stadia, and by others at 32 or 30. (Plin. *H. N.* v. 9. s. 10, xii. 14. s. 30.) Strabo and Pliny both state that the schoenus varied in different parts of Egypt and Persia. (Strabo, p. 803; Plin. *H. N.* vi. 26. s. 30; comp Athen. iii. p. 122, a.) [P S.]

SCHOLA [Balneae, p. 189, b.]

SCIADEPHO'RIA. [Hydriaphoria.]

SCIOTHE'RICUM. [Horologium.]

SCI'PIO. [Sceptrum.]

SCIRI'TAE. [Exercitus, p. 485, b.]

SCO'RPIO. [Tormentum.]

SCRIBAE. The Scribae at Rome were public notaries or clerks, in the pay of the state. They were chiefly employed in making up the public accounts, copying out laws, and recording the proceedings of the different functionaries of the state. The phrase *scriptum facere* (Liv. ix. 46 ; Gellius, vi. 9) was used to denote their occupation. Being very numerous, they were divided into companies or classes (*decuriae*), and were assigned by lot to different magistrates, whence they were named Quaestorii, Aedilicii, or Praetorii, from the officers of state to whom they were attached. (Cic. *Verr.* iii. 79, *c. Cat.* iv. 7, *pro Cluent.* 45 ; Plin. *H. N.* xxvi. 1. s. 3.) We also read of a Navalis Scriba, whose occupation was of a very inferior order. (Festus, *s. v. Navalis.*) The appointment to the office of a scriba seems to have been either made on the nominatio of the magistrate, or purchased. Thus Livy (xl. 29) tells us that a scriba was appointed by a quaestor: and we meet with the phrase *decuriam emere* to "purchase a company," *i. e.* to buy a clerk's place. Horace, for instance, bought for himself a "patent place as clerk in the treasury" (*scriptum quaestorium comparavit*, Tate's *Horace*, ed. i. p. 58). In Cicero's time, indeed, it seems that any one might become a scriba or public clerk, by purchase (Cic. *Verr.* iii. 79), and consequently, as freedmen and their sons were eligible, and constituted a great portion of the public clerks at Rome (Tacit. *Ann.* xiii. 27), the office was not highly esteemed, though frequently held by ingenui or freeborn citizens. Cicero (*l. c.*) however informs us that the Scribae formed a respectable class of men, but he thinks it necessary to assign a reason for calling them such, as if he were conscious that he was combating a popular prejudice. Very few instances are recorded of the Scribae being raised to the higher dignities of the state: Cn. Flavius, the scribe of Ap. Claudius, was raised to the office of curule aedile in gratitude for his making public the various forms of actions, which had previously been the exclusive property of the patricians [Actio], but the returning officer refused to acquiesce in his election till he had given up his books (*tabulas posuit*) and left his profession. (Gellius, *l. c.*) The private secretaries of individuals were called Librarii, and sometimes Scribae ab epistolis. In ancient times, as Festus (*s. v.*) informs us, scriba was used for a poet. (Ernesti, *Clavis Ciceron. s. v.*; Göttling, *Gesch. der Röm. Staatsverf.* p. 374.) [R. W.]

SCRI'NIUM. [Capsa.]

SCRIPLUM. [Scrupulum.]

SCRIPTA DUO'DECIM. [Latrunculi.]

SCRIPTU'RA was that part of the revenue of the Roman republic which was derived from letting out those portions of the ager publicus which were not or could not be taken into cultivation as pasture land. (Fest. *s. v. Saltum.*) The name for such parts of the ager publicus was: *pascua publica*, *saltus*, or *silvae*. They were let by the censors to the publicani, like all other vectigalia ; and the persons who sent their cattle to graze on such public pastures had to pay a certain tax or duty to the publicani, which of course varied according to the number and quality of the cattle which they kept upon them. To how much this duty amounted is nowhere stated, but the revenue which the state derived from it appears to have been very considerable. The publicani had to keep the lists of the persons who sent their cattle upon the public pastures, together with the number and quality of the cattle. From this registering (*scribere*) the duty itself was called *scriptura*, the public pasture land *ager scripturarius* (Fest. *s. v. Scripturarius ager*), and the publicani or their agents who raised the tax, *scripturarii*. Cattle, not registered by the publicani, were called *pecudes inscriptae*, and those who sent such cattle upon the public pasture were punished according to the lex censoria (Varro, *de Re Rust.* ii. 1), and the cattle was taken by the publicani and forfeited. (Plaut. *Trucul.* i. 2. 42, &c.) The lex Thoria (Appian, *de Bell. Civ.* i. 27; Cic. *Brut.* 36) did away with the scriptura in Italy, where the public pastures were very numerous and extensive, especially in Apulia (Varro, *de Re Rust. l. c.*; Liv. xxxix. 29), and the lands themselves were now sold or distributed. In the provinces, where the public pastures were also let out in the same manner (Cic. *c. Verr.* ii. 2, 3, *pro Leg. Man.* 6, *ad Fam.* xiii. 65 ; Plin. *H. N.* xix. 15), the practice continued until the time of the empire ; but afterwards the scriptura is no longer mentioned. (Compare Niebuhr, *Hist. of Rome*, vol. iii. p. 15, &c. ; Burmann, *Vectig. Pop. Rom.* c. 4.) [L. S.]

SCRU'PULUM, or more properly Scripulum or Scriplum (*γράμμα*), the smallest denomination of weight among the Romans. It was the 24th part of the Uncia, or the 288th of the Libra, and therefore about 18 grains English, which is about the average weight of the scrupular aurei still in existence. [Aurum.]

As a square measure, it was the smallest division of the Jugerum, which contained 288 scrupula. [Jugerum.] Pliny (*H. N.* ii. 7) uses the word to denote small divisions of a degree. It was in fact to be applicable, according to the use of the As and its parts, to the 288th part of any unit.

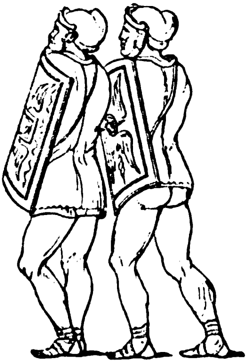
Though the scrupulum was the smallest weight in common use, we find divisions of it sometimes mentioned, as the *obolus* = $\frac{1}{2}$ of a scruple, the *semiobolus* = $\frac{1}{2}$ of an obolus, and the *siliqua* = $\frac{1}{3}$ of an obolus, = $\frac{1}{6}$ of a scruple, which is thus shown to have been originally the weight of a certain number of seeds. (Priscian. *de Pond.* v. 8—13: —

> "Semioboli duplum est obolus, quem pondere duplo
> Gramma vocant, scriplum nostri dixere priores.
> Semina sex alii siliquis latitantia curvis
> Attribuunt scriplo, lentisve grana bis octo,
> Aut totidem speltas numerant, tristesve lupinos
> Bis duo.") [P. S.]

SCULPTURA. [Scalptura.]

SCU'TICA. [Flagrum.]

SCUTUM (*ϑυρεός*), the Roman shield, worn by the heavy-armed infantry, instead of being round like the Greek Clipeus, was adapted to the form of the human body, by being made either oval or of the shape of a door (*ϑύρα*) which it also resembled in being made of wood or wicker-work, and from which consequently its Greek name was derived. Two of its forms are shown in the woodcut at p. 711. That which is here exhibited is also of frequent occurrence, and is given on the same authority: in this case the shield is curved so as in part to encircle the body. The terms *clipeus* and *scutum* are often confounded; but that they properly denoted different kinds of shields is manifest from the passages of several ancient writers. (Liv. viii. 8; Plut. *Rom.* 21; Diod. Eclog. xxiii. 3.) In like manner Plutarch distinguishes the Roman *ϑυρεός* from the Greek *ἀσπίς* in his life of T. Flaminius (p. 688, ed. Steph.) In *Eph.* vi. 16 St. Paul uses the term *ϑυρεός* rather than *ἀσπίς* or *σακός*, because he is describing the equipment of a Roman soldier. These Roman shields are called *scuta longa.* (Virg. *Aen.* viii. 662; Ovid. *Fast.* vi. 393; *ϑυρεοὺς ἐπιμήκεις*, Joseph. *Ant. Jud.* viii. 7. § 2.) Polybius (vi. 21) says their dimensions were 4 feet by 2½. The shield was held on the left arm by means of a handle, and covered the left shoulder. [Comp. EXERCITUS, p. 496, b.] [J. Y.]

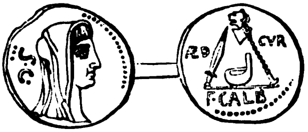


SCY'RIA DIKE (*σκυρία δίκη*) is thus explained by Pollux: *Σκυρίαν δίκην ὀνομάζουσιν οἱ κωμῳδοδιδάσκαλοι τὴν τραχεῖαν· οἱ γὰρ φυγοδικοῦντες ἐσκήπτοντο εἰς Σκῦρον ἢ εἰς Λῆμνον ἀποδημεῖν.* By *τραχεῖα δίκη* is meant one beset with difficulties, in which the plaintiff had to encounter every sort of trickery and evasion on the part of the defendant. On the appointed day of trial both parties were required to be present in court, and if either of them did not appear, judgment was pronounced against him, unless he had some good excuse to offer, such as illness or inevitable absence abroad. Cause was shown by some friend on his behalf, supported by an affidavit called *ὑπωμοσία*, in answer to which the opponent was allowed to put in a counter affidavit (*ἀνθυπωμοσία*), and the court decided whether the excuse was valid. It seems to have become a practice with persons who wished to put off or shirk a trial, to pretend that they had gone to some island in the Aegean sea, either on business or on the public service; and the isles of Scyrus (one of the Cyclades), Lemnos, and Imbrus were particularly selected for that purpose. Shammers of this kind were therefore nicknamed Lemnians and Imbrians. (Pollux, viii. 60, 81; Kühn, *ad loc.*; Suidas, *s. v.* *Σκυρίαν δίκην*: Hesych. *s. v.* *Ἴμβριος*; Steph. *Thesaur.* 8484. *c. s. v.* *Σκύρος*: Demosth. *c. Olympiod.* 1174; Meier, *Att. Proc.* p. 696.) [C. R. K.]

SCY'TALE (*σκύταλη*) is the name applied to a secret mode of writing by which the Spartan ephors communicated with their kings and generals when abroad. (Plut. *Lysand.* 19; Schol. *ad Thucyd.* i. 131; Suidas, *s. v.*) When a king or general left Sparta, the ephors gave to him a staff of a definite length and thickness, and retained for themselves another of precisely the same size. When they had any communicaton to make to him, they cut the material upon which they intended to write into the shape of a narrow riband, wound it round their staff, and then wrote upon it the message which they had to send to him. When the strip of writing material was taken from the staff, nothing but single or broken letters appeared, and in this state the strip was sent to the general, who after having wound it around his staff, was able to read the communication. This rude and imperfect mode of sending a secret message must have come down from early times, although no instance of it is recorded previous to the time of Pausanias. (Corn. Nep. *Paus.* 3.) In later times, the Spartans used the scytale sometimes also as a medium through which they sent their commands to subject and allied towns. (Xenoph. *Hell.* v. 2. § 37.) [L. S.]

SCYTHAE (*Σκύθαι*). [DEMOSII.]

SECE'SPITA, an instrument used by the Roman priests in killing the victims at sacrifices. (Suet. *Tib.* 25.) According to the definition of Antistius Labeo, preserved by Festus (p. 348, ed. Müller) and Servius (*ad Virg. Aen.* iv. 262), it was a long iron knife (*culter*) with an ivory handle, used by the Flamines, Flaminicae Virgines, and Pontifices. Paulus, however, in his epitome of Festus (p. 336) says that some think it to be an axe (*securis*), others a *dolabra*, and others again a knife (*culter*). On Roman coins representing sacrificial emblems we see an axe, which modern writers call a secespita, though we do not know on what authority, except the doubtful statement of Paulus. See the annexed coin of the Sulpicia Gens, the obverse of which is supposed to represent a culter, a simpuvium, and a secespita.



SECRETA'RIUM. [AUDITORIUM.]

SE'CTIO. "Those are called Sectores who buy property *publice.*" (Gaius, iv. 146; Festus, *s. v.* *Sectores.*) Property was said to be sold *publice* (*venire publice*), when a man's property was sold by the state in consequence of a condemnatio and for the purpose of repayment to the State of such sums of money as the condemned person had improperly appropriated; or in consequence of a proscriptio. (Liv. xxxviii. 60; Cic. *in Verr.* i. 20.) Such a sale of all a man's property was a Sectio (Cic. *pro Roscio Amer.* 36, 43, &c.); and sometimes the things sold were called Sectio. (Tacit. *Hist.* i. 90.) The sale was effected by the Praetor giving to the Quaestors the Bonorum Possessio, in reference to which the phrase "bona publice possideri" is used. The property was sold sub hasta and the sale transferred Quiritarian ownership, to which Gaius probably alludes in a mutilated passage (iii. 80; compare Varro, *de Re Rust.* ii. 10. s. 4; Tacit. *Hist.* i. 20). The Sector was intitled to the Interdictum Sectorium for the purpose of obtaining possession of the property (Gaius, iv. 146); but he took the property with all its liabilities. An hereditas that had fallen to the Fiscus was sold in this way, and the Sector acquired the hereditatis petitio. [Praeda.] [G. L.]

SECTOR. [Sectio.]

SECTO'RIUM INTERDICTUM. [Interdictum; Sectio.]

SECU'RIS, *dim.* SECURICULA (ἀξίνη, πέλεκυς), an axe or hatchet. The axe was either made with a single edge, or with a blade or head on each side of the haft, the latter kind being denominated *bipennis* (πελέκυς διστόμος, or ἀμφιστόμος, Agathias, *Hist.* ii. 5. pp. 73, 74). As the axe was not only an instrument of constant use in the hands of the carpenter and the husbandman, but was moreover one of the earliest weapons of attack (Hom. *Il.* xv. 711; Suet. *Galba*, 18), a constituent portion of the Roman fasces, and a part of the apparatus when animals were slain in sacrifice, we find it continually recurring under a great variety of forms upon coins, gems, and bas-reliefs. In the woodcut to the article Sceptrum, the young Ascanius holds a battle-axe in his hand. Also real axe-heads, both of stone and metal, are to be seen in many collections of antiquities. Besides being made of bronze and iron, and more rarely of silver (Virg. *Aen.* v. 307; Wilkinson, *Man. and Cust. of Egypt.* vol. i. p. 324), axe-heads have from the earliest times and among all nations been made of stone. They are often found in sepulchral tumuli, and are arranged in our museums together with chisels, both of stone and of bronze, under the name of *celts* [Dolabra].

The prevalent use of the axe on the field of battle was generally characteristic of the Asiatic nations (Curt. iii. 4), whose troops are therefore called *securigerae catervae.* (Val. Flacc. *Argon.* v. 138.) As usual, we find the Asiatic custom propagating itself over the north of Europe. The bipennis and the spear were the chief weapons of the Franks. (Agathias, *l. c.*) [J. Y.]

SECUTO'RES. [Gladiatores, p. 576, a.]

SEISACHTHEIA (σεισάχθεια), a disburdening ordinance, was the first and preliminary step in the legislation of Solon. (Plut. *Sol.* 15; Diog. Laërt. i. 45.) The real nature of this measure was a subject of doubt even among the ancients themselves, for while some state that Solon thereby cancelled all debts, others describe it as a mere reduction of the rate of interest. But from the various accounts in Plutarch and the grammarians it seems to be clear that the σεισάχθεια consisted of four distinct measures. The first of these was the reduction of the rate of interest, and if this was, as it appears, retrospective, it would naturally in many cases wipe off a considerable part of the debt. The second part of the measure consisted in lowering the standard of the silver coinage, that is, Solon made 73 old drachmas to be worth 100 new ones; so that the debtor, in paying off his debt, gained rather more than one fourth. Böckh (*Publ. Econ.* p. 16) supposes that it was Solon's intention to lower the standard of the coinage only by one fourth, that is, to make 75 old drachmas equal to 100 new ones, but that the new coin proved to be lighter than he had expected. The third part consisted in the release of mortgaged lands from their incumbrances and the restoration of them to their owners as full property. How this was effected is not clear. Lastly, Solon abolished the law which gave to the creditor a right to the person of his insolvent debtor, and he restored to their full liberty those who had been enslaved for debt. For further information on this measure, see *Dict. of Biogr.* art. *Solon.*

This great measure, when carried into effect, gave general satisfaction, for it conferred the greatest benefits upon the poor, without depriving the rich of too much, and the Athenians expressed their thankfulness by a public sacrifice, which they called σεισάχθεια, and by appointing Solon to legislate for them with unlimited power. (Plut. *Sol.* 16; compare Suidas, Hesych. Etym. Mag. *s. v.*; Cic. *de Re Publ.* ii. 34; Wachsmuth, *Hellen. Alt.* vol. i. p. 472.) [L. S.]

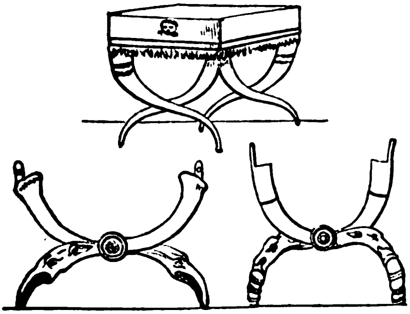
SELIQUASTRUM. [Sella, No. IV.]

SELLA. The general term for a seat or chair of any description. The varieties most deserving of notice are: —

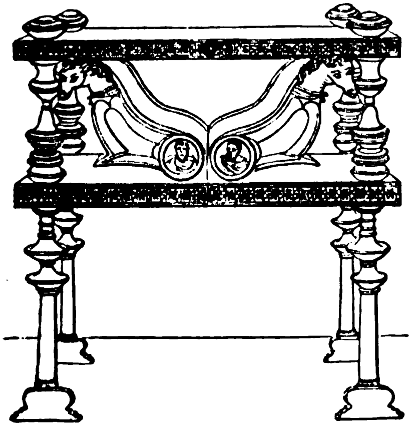
I. Sella Curulis, the chair of state. *Curulis* is derived by the ancient writers from *currus* (Aul. Gell. iii. 18; Festus, *s. v. Curules;* Servius, *ad Virg. Aen.* xi. 334; Isidor. xx. 11. § 11); but it is more probably connected with *curvus.* The sella curulis is said to have been used at Rome from a very remote period as an emblem of kingly power (hence *curuli regia sella adornavit*, Liv. i. 20), having been imported, along with various other insignia of royalty, from Etruria (Liv. i. 8), according to one account by Tullus Hostilius (Macrob. *Sat.* i. 6); according to another by the elder Tarquinius (Flor. i. 5); while Silius names Vetulonii as the city from which it was immediately derived (viii. 487). Under the republic the right of sitting upon this chair belonged to the consuls, praetors, curule aediles, and censors (Liv. ii. 54, vii. 1, ix. 46, x. 7, xl. 45; Aul. Gell. vi. 9, &c.); to the Flamen Dialis (Liv. i. 20, xxvii. 8) [Flamen]; to the dictator, and to those whom he deputed to act under himself, as the *magister equitum*, since he might be said to comprehend all magistracies within himself. (Dion Cass. xliii. 48; Liv. ii. 31; Festus, *s. v. Sellae curulis*). After the downfal of the constitution it was assigned to the emperors also, or to their statues in their absence (Tacit. *Ann.* xv. 29, *Hist.* ii. 59; Servius, *l. c.*); to the Augustales (Tacit. *Ann.* ii. 83), and, perhaps, to the praefectus urbi. (Spanheim, *de Praest. et Usu Numism.* x. 3. § 1.) It was displayed upon all great public occasions, especially in the circus and theatre (Liv. ii. 31; Suet. *Octav.* 43; Dion Cass. lviii. 4), sometimes, even after the death of the person to whom it belonged, a mark of special honour, bestowed on Marcellus, Germanicus, and Pertinax (Dion Cass. liii. 30, lxxiv. 4; Tacit. *Ann.* ii. 83, and Comm. of Lips.; Spanheim, x. 2. § 1); and it was the seat of the praetor when he administered justice. (Cic. *Verr.* ii. 38; Val. Max. iii. 5. § 1; Tacit. *Ann.* i. 75; Martial, xi. 98. 18.) In the provinces it was assumed by inferior magistrates, when they exercised proconsular or propraetorian authority, as we infer from its appearing along with fasces on a coin of the Gens Pupia, struck at Nicaea in Bithynia, and bearing the name ΑVΛΟC ΠΟVΠΙΟC ΤΑΜΙΑC. We find it occasionally exhibited on the medals of foreign monarchs likewise, on those of Ariobarzanes II. of Cappadocia, for it was the practice of the Romans to present a curule chair, an ivory sceptre, a toga praetexta, and such like ornaments, as tokens of respect and confidence to those rulers whose friendship they desired to cultivate. (Liv. xxx. 11, xlii. 14; Polyb. *Exc. Leg.* cxxi.; Cic. *ad Fam.* xv. 2; Spanheim, *Ibid.* x. 4.)

The sella curulis appears from the first to have been ornamented with ivory, and this is commonly indicated by such expressions as *curule ebur; Numidae sculptile dentis opus;* and *ἐλαφαντίνος δίφρος* (Hor. *Ep.* i. 6. 53; Ovid. *ex Pont.* iv. 9. 27); at a later period it was overlaid with gold, and consequently we find *δίφρους ἐπιχρύσους, θρόνους καταχρύσους, τὸν δίφρον τὸν κεχρυσωμένον*, recurring constantly in Dion Cassius, who frequently, however, employs the simple form *δίφροι ἀρχικοί*. In shape it long remained extremely plain, closely resembling a common folding (*plicatilis*) camp stool with crooked legs. These last gave rise to the name *ἀγκυλόπους δίφρος*, found in Plutarch (*Marius*, 5); they strongly remind us of elephants' teeth, which they may have been intended to imitate, and the emperor Aurelian proposed to construct one in which each foot was to consist of an enormous tusk entire. (Vopiscus, *Firm.* 3.)

The form of the sella curulis, as it is commonly represented upon the denarii of the Roman families, is given in p. 520. In the following cut are represented two pair of bronze legs, belonging to sellae curules, preserved in the museum at Naples (*Museo Borbonico*, vol. vi. tav. 28); and a sella curulis, copied from the Vatican collection.



II. Bisellium. The word is found in no classical author except Varro (*L. L.* v. 128, ed. Müller), according to whom it means a seat large enough to contain two persons. We learn from various inscriptions that the right of using a seat of this kind, upon public occasions, was granted as a mark of honour to distinguished persons by the magistrates and people in provincial towns. There are examples of this in an inscription found at Pisa, which called forth the long, learned, rambling dissertation of Chimentelli (Graev. *Thes. Antiq. Rom.* vol. vii. p. 2030), and in two others found at Pompeii. (Orell. *Inscr.* n. 4048, 4044.) In another inscription we have Bisellliatus Honor (Orell. 4043); in another (Orell. 4055), containing the roll of an incorporation of carpenters, one of the office-bearers is styled COLLEGI BISELLEARIUS. (Compare Orell. 4046, 4047.)

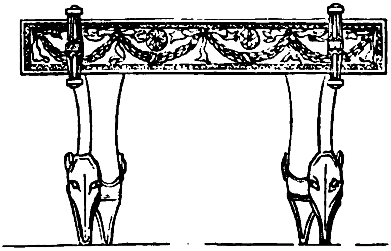


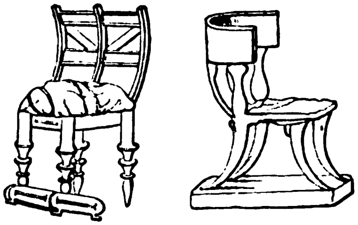
Two bronze bisellia were discovered at Pompeii, and thus all uncertainty with regard to the form of the seat has been removed. One of these is engraved above. (*Mus. Borbon.* vol. ii. tav. 31.)

III. Sella Gestatoria (Suet. *Ner.* 26, *Vitell.* 16; Amm. Marc. xxix. 2) or Fertoria (Caelius Aurelian. i. 5, ii. 1), a sedan used both in town and country (Tacit. *Ann.* xiv. 4; Suet. *Claud.* 25), by men (Tacit. *Hist.* i. 35, iii. 85; Juven. vii. 141; Martial. ix. 23), as well as by women. (Tacit. *Ann.* xiv. 4; Juv. i. 124, vi. 532; hence *muliebris sella*, Suet. *Otho*, 6.) It is expressly distinguished from the Lectica (Suet. *Claud.* 25; Martial, x. 10, xi. 98; Senec. *brev. vit.* 12), a portable bed or sofa, in which the person carried lay in a recumbent position, while the *sella* was a portable chair in which the occupant sat upright, but they are sometimes confounded, as by Martial (iv. 51). It differed from the *cathedra* also, but in what the difference consisted it is not easy to determine. [Cathedra.] The *sella* was sometimes entirely open, as we infer from the account given by Tacitus of the death of Galba (*Hist.* i. 35, &c.), but more frequently shut in. (Juven. i. 126; Suet. *Ner.* 26, *Vitell.* 16, *Otho*, 6.) Dion Cassius (lx. 2) pretends that Claudius first employed the covered sella, but in this he is contradicted by Suetonius (*Octav.* 53), and by himself (xlvii. 23, lvi. 43). It appears, however, not to have been introduced until long after the lectica was common, since we scarcely, if ever, find any allusion to it until the period of the empire. The sellae were made sometimes of plain leather, and sometimes ornamented with bone, ivory, silver (Lamprid. *Elagab.* 4), or gold (Claud. *Honor. Cons.* iv. 583), according to the rank or fortune of the proprietor. They were furnished with a pillow to support the head and neck (*cervical*, Juv. vi. 532, and Schol.), when made roomy the epithet *laxa* was applied (Senec. *de Const.* 14), when smaller than usual they were termed *sellulae* (Tacit. *Hist.* iii. 85); the motion was so easy that one might study without inconvenience (Plin. *Ep.* iii. 5), while at the same time it afforded healthful exercise. (Senec. *Brev. vit.* 12; Galen. *de Tuend. Val.* vi. 4; Caelius Aurelian. *l. c.*)

IV. Sellae of different kinds are mentioned incidentally in ancient writers, accompanied by epithets which serve to point out generally the purposes for which they were intended. Thus we read of *sellae balneares, sellae tonsoriae, sellae obstetriciae, sellae familiaricae* v. *pertusae*, and many others. Both Varro (*L. L.* v. 128) and Festus (*s. v.*) have preserved the word *seliquastrum*. The former classes it along with *sedes, sedile, solium, sellae*, the latter calls them "*sedilia antiqui generis*," and Arnobius includes them among common articles of furniture. No hint, however, is given by any of these authorities which could lead us to conjecture the shape, nor is any additional light thrown upon the question by Hyginus, who tells us, when describing the constellations, that Cassiopeia is seated "*in siliquastro.*"

Of chairs in ordinary use for domestic purposes, a great variety, many displaying great taste, have been discovered in excavations or are seen represented in ancient frescoes. The first cut annexed represents a bronze one from the Museum at Naples (*Mus. Borb.* vol. vi. tav. 28): the second, two chairs, of which the one on the right hand is in the Vatican and the other is taken from a painting at Pompeii. (*Mus. Borb.* vol. xii. tav. 3.) A chair of a very beautiful form is given in the *Mus. Borb.* vol. viii. tav. 20.





V. Sellae Equestres. [Ephippium.] [W.R.]

SE'MATA (σήματα). [Funus, p. 556, a.]

SEMBELLA. [Denarius.]

SEMENTIVAE FERIAE. [Feria, p. 530, a.]

SEMIS, SEMISSIS. [As, p. 140, b.]

SEMU'NCIA. [Uncia.]

SEMUNCIA'RIUM FUNUS. [Fenus, p. 527, b.]

SENA'TUS. In all the republics of antiquity the government was divided between a senate and a popular assembly; and in cases where a king stood at the head of affairs, as at Sparta, the king had little more than the executive. A senate in the early times was always regarded as an assembly of elders, which is in fact the meaning of the Roman senatus as of the Spartan γερουσία, and its members were elected from among the nobles of the nation. The number of senators in the ancient republics always bore a distinct relation to the number of tribes of which the nation was composed. [Boule, Gerusia.] Hence in the earliest times, when Rome consisted of only one tribe, its senate consisted of one hundred members (*senatores* or *patres*; compare Patricii), and when the Sabine tribe or the Tities became united with the Latin tribe or the Ramnes, the number of senators was increased to two hundred. (Dionys. ii. 47; Plut. *Rom.* 20.) This number was again augmented by one hundred, when the third tribe or the Luceres became incorporated with the Roman state. Dionysius (iii. 67) and Livy (i. 35) place this last event in the reign of Tarquinius Priscus; Cicero (*de Re Publ.* ii. 20), who agrees with the two historians on this point, states that Tarquinius doubled the number of senators, according to which we ought to suppose that before Tarquinius the senate consisted only of 150 members. This difference however may be accounted for by the supposition, that at the time of Tarquinius Priscus a number of seats in the senate had become vacant, which he filled up at the same time that he added 100 Luceres to the senate, or else that Cicero regarded the Luceres, in opposition to the two other tribes, as a second or a new half of the nation, and thus incorrectly considered their senators likewise as the second or new half of that body. The new senators added by Tarquinius Priscus were distinguished from those belonging to the two older tribes by the appellation *patres minorum gentium*, as previously those who represented the Tities had been distinguished, by the same name, from those who represented the Ramnes. (Dionys. ii. 57.) Servius Tullius did not make any change in the composition of the senate; but under Tarquinius Superbus their number is said to have become very much diminished, as this tyrant put many to death and sent others into exile. This account however appears to be greatly exaggerated, and it is a probable supposition of Niebuhr (*Hist. of Rome*, i. p. 526), that several vacancies in the senate arose from many of the senators accompanying the tyrant into his exile. The vacancies which had thus arisen were filled up immediately after the establishment of the republic, by L. Junius Brutus, as some writers state (Liv. ii. 1), or, according to Dionysius (v. 13), by Brutus and Valerius Publicola, and according to Plutarch (*Publ.* 11) and Festus (*s. v. Qui patres*) by Valerius Publicola alone. All however agree that the persons who were on this occasion made senators were noble plebeians of equestrian rank. Dionysius states, that the noblest of the plebeians were first raised to the rank of patricians, and that then the new senators were taken from among them. But this appears to be incompatible with the name by which they were designated. Had they been made patricians, they would have been patres like the others, whereas now the new senators are said to have been distinguished from the old ones by the name of *conscripti*. (Liv. ii. 1; Fest. *s. v. Conscripti* and *adlecti.*) Hence the customary mode of addressing the whole senate henceforth always was: *patres conscripti*, that is, *patres et conscripti*. There is a statement that the number of these new senators was 164 (Plut. *Publ.* 11; Fest. *s. v. Qui patres*); but this, as Niebuhr has justly remarked, is a fabrication, perhaps of Valerius of Antium, which is contradicted by all subsequent history.

Henceforth the number of 300 senators appears to have remained unaltered for several centuries. (Liv. *Epit.* 60.) C. Sempronius Gracchus was the first who attempted to make a change, but in what this consisted is not certain. In the epitome of Livy it is expressly stated, that he intended to add 600 equites to the number of 300 senators, which would have made a senate of 900 members, and would have given a great preponderance to the equites. This appears to be an absurdity. (Göttling, *Gesch. d. Röm. Staatsv.* p 437.) Plutarch (*C.*

Gracch. 5, &c.) states, that Gracchus added to the senate 300 equites, whom he was allowed to select from the whole body of equites, and that he transferred the judicia to this new senate of 600. This account seems to be founded upon a confusion of the lex judiciaria of C. Gracchus with the later one of Livius Drusus (Walter, *Gesch. d. Röm. Rechts*, p. 244), and all the other writers who mention the lex judiciaria of C. Gracchus do not allude to any change or increase in the number of senators, but merely state that he transferred the judicia from the senate to the equites, who remained in their possession till the tribuneship of Livius Drusus. The latter proposed, that as the senate consisted of 300, an equal number of equites should be elected (ἀριστίνδην) into the senate, and that in future the judices should be taken from this senate of 600. (Appian. *B. C.* i. 35; Aurel. Vict. *de Vir. Illustr.* 66; Liv. *Epit.* 71.) After the death of Livius Drusus, however, this law was abolished by the senate itself, on whose behalf it had been proposed, and the senate now again consisted of 300 members. During the civil war between Marius and Sulla many vacancies must have occurred in the senate. Sulla in his dictatorship not only filled up these vacancies, but increased the number of senators. All we know of this increase with certainty is, that he caused about 300 of the most distinguished equites to be elected into the senate (Appian. *B. C.* i. 100), but the real increase which he made to the number of senators is not mentioned anywhere. It appears, however, henceforth to have consisted of between five and six hundred. (Cic. *ad Att.* i. 14.) Julius Caesar augmented the number to 900, and raised to this dignity even common soldiers, freedmen, and peregrini. (Dion Cass. xliii. 47; Suet. *Caes.* 80.) This arbitrariness in electing unworthy persons into the senate, and of extending its number at random, was imitated after the death of Caesar, for on one occasion there were more than one thousand senators. (Suet. *Aug.* 35.) Augustus cleared the senate of the unworthy members, who were contemptuously called by the people *Orcini senatores*, reduced its number to 600 (Dion Cass. liv. 14), and ordained that a list of the senators should always be exhibited to public inspection. (Dion Cass. lv. 3.) During the first centuries of the empire, this number appears, on the whole, to have remained the same; but as everything depended upon the will of the emperor, we can scarcely expect to find a regular and fixed number of them. (Dion Cass. liii. 17.) During the latter period of the empire their number was again very much diminished.

With respect to the eligibility of persons for the senate, as well as to the manner in which they were elected, we must distinguish between the several periods of Roman history. It was formerly a common opinion, founded upon Livy (i. 8) and Festus (*s. v. Praeteriti senatores*), which has in modern times found new supporters in Huschke and Rubino, that in the early period of Roman history the kings appointed the members of the senate at their own discretion. Niebuhr and others after him have attempted to show that the populus of Rome was the real sovereign, that all the powers which the kings possessed were delegated to them by the populus, and that the senate was an assembly formed on the principle of representation, so that it represented the populus, and that its members were elected by the populus. Dionysius (ii. 14) also states that the senators were elected by the populus, but the manner in which he describes the election is erroneous, for he believes that the three tribes were already united when the senate consisted of only one hundred members, and that the senators were elected by the curies. Niebuhr (i. p. 338) thinks, that each gens sent its decurio, who was its alderman, to represent it in the senate; Göttling (p. 151, comp. p. 62) on the other hand believes, with somewhat more probability, that each decury (the δεκάς of Dionysius), which contained either a part of one or parts of several smaller gentes, had to appoint one old man by whom it was represented in the senate, and a younger one as eques. This supposition removes the difficulty respecting the decurio, which has been pointed out by Walter (*Gesch. d. Röm. Rechts*, p. 23. n. 12); for the decurio was the commander of a division of the army, and as such could not well have been of the age of a senator. As, according to this theory, each decury or gens appointed one senator, each cury was represented by ten, each tribe by one hundred, and the whole populus by three hundred senators, all of whom held their dignity for life. But this theory cannot be accepted, for we must either set nearly all the ancient authorities at defiance, or we must acquiesce in the old opinion that the king appointed the senators. The plebeians as such were not represented in the senate, for the instances in which plebeians are mentioned as being made senators, as in the reign of Tarquinius Priscus and after the abolition of the kingly power, cannot be regarded in any other light than mere momentary measures, which the government was obliged to adopt for several reasons, and without any intention to appoint representatives of the plebes. (Niebuhr, i. p. 526, &c.) The numbers of such plebeian senators at any rate must have been much smaller than they are stated by our authorities, for there is no instance of any plebeian senator on record until the year 439 B. C., when Spurius Maelius is mentioned as senator. The senate itself appears to have had some influence upon the election of new members, inasmuch as it might raise objections against a person elected. (Dionys. vii. 55.) The whole senate was divided into decuries, each of which corresponded to a curia. When the senate consisted of only one hundred members, there were accordingly only ten decuries of senators; and ten senators, one being taken from each decury, formed the *decem primi* who represented the ten curies. When subsequently the representatives of the two other tribes were admitted into the senate, the Ramnes with their decem primi retained for a time their superiority over the two other tribes (Dionys. ii. 58, iii. 1; Plut. *Num.* 3), and gave their votes first. (Dionys. vi. 84.) The first among the decem primi was the *princeps senatus*, who was appointed by the king (Dionys. ii. 12; Lyd. *de Mens.* i. 19), and was at the same time custos urbis. [Praefectus Urbi.] Respecting the age at which a person might be elected into the senate during the kingly period, we know no more than what is indicated by the name senator itself, that is, that they were persons of advanced age. (Comp. Becker, *Röm. Alterth.* vol. ii. pt. ii. p. 385, &c.)

On the establishment of the republic the election of senators passed from the hands of the kings into those of the magistrates, the consuls, consular tribunes, and subsequently the censors. (Liv. ii. 1; Fest. *s. v. Praeteriti senatores.*) But the power of electing senators possessed by the republican magistrates was by no means an arbitrary power, for the senators were always taken from among those who were equites, or whom the people had previously invested with a magistracy, so that in reality the people themselves always nominated the candidates for the senate. From the year 487 B. C. the princeps senatus was no longer appointed for life, but became a magistrate appointed by the curies, and the patres minorum gentium were likewise eligible to this dignity. (Niebuhr, ii. p. 119.) It moreover appears, that all the curule magistrates from the quaestors upwards had by virtue of their office a seat in the senate, which they retained after the year of their office was over, and it was from these ex-magistrates that the vacancies occurring in the senate were generally filled up.

After the institution of the censorship, the censors alone had the right to elect new members into the senate from among the ex-magistrates, and to exclude such as they deemed unworthy. (Zonar. vii. 19; compare Cic. *de Leg.* iii. 12.) [CENSOR.] The exclusion was effected by simply passing over the names and not entering them into the lists of senators, whence such men were called *praeteriti senatores.* (Fest. *s. v.*) On one extraordinary occasion the eldest among the ex-censors was invested with dictatorial power to elect new members into the senate. (Liv. xxiii. 22.) The censors were thus, on the one hand, confined in their elections to such persons as had already received the confidence of the people, and on the other, they were expressly directed by the lex Ovinia tribunicia to elect "ex omni ordine optimum quemque curiatim." (Fest. *l. c.*) This obscure lex Ovinia is referred by Niebuhr (i. p. 527) to the time anterior to the admission of the conscripti into the senate, but it evidently belongs to a much later period, and was meant to be a guidance to the censors, as he himself afterwards acknowledged (ii. p. 408, n. 855; compare Walter, p. 100, n. 68). The *ordo* mentioned in this lex is the ordo senatorius, *i. e.* men who were eligible for the senate from the office they had held. (Liv. xxii. 49.) The expression *curiatim* is very difficult to explain; some believe that it refers to the fact that the new senators were only appointed with the sanction of the senate itself (Dionys. vii. 55; Cic. *Philip.* v. 17), and in the presence of the lictors, who represented the curies.

From the time that the curule magistrates had the right to take their seats in the senate, we must distinguish between two classes of senators, viz., real senators, or such as had been regularly raised to their dignity by the magistrates or the censors, and such as had, by virtue of the office which they held or had held, a right to take their seats in the senate and to speak (*sententiam dicere, jus sententiae*), but not to vote. (Gellius, iii. 18; Fest. *s. v. Senatores.*) To this ordo senatorius also belonged the pontifex maximus and the flamen dialis. The whole of these senators had, as we have stated, no right to vote, but when the others had voted, they might step over or join the one or the other party, whence they were called *senatores pedarii*, an appellation which had in former times been applied to those juniores who were not consulars. (Gell. *l. c.*; compare Niebuhr, ii. p. 114; Walter, p. 144, and more especially Becker, *l. c.* p. 431, &c.; F. Hofmann, *Der Röm Senat*, p. 19, &c.) A singular irregularity in electing members of the senate was committed by Appius Claudius Caecus, who elected into the senate sons of freedmen (Liv. ix. 29, 46; Aur. Vict. *de Vir. Illustr.* 34); but this conduct was declared illegal, and had no further consequences.

When at length all the state offices had become equally accessible to the plebeians and the patricians, and when the majority of offices were held by the former, their number in the senate naturally increased in proportion. The senate had gradually become an assembly representing the people, as formerly it had represented the populus, and down to the last century of the republic the senatorial dignity was only regarded as one conferred by the people. (Cic. *pro Sext.* 65, *de Leg.* iii. 12, *c. Verr.* iv. 11, *pro Cluent.* 56.) But notwithstanding this apparently popular character of the senate, it was never a popular or democratic assembly, for now its members belonged to the nobiles, who were as aristocratic as the patricians. [NOBILES.] The office of princeps senatus, which had become independent of that of praetor urbanus, was now given by the censors, and at first always to the eldest among the ex-censors (Liv. xxvii. 11), but afterwards to any other senator whom they thought most worthy, and unless there was any charge to be made against him, he was re-elected at the next lustrum. This distinction, however, great as it was, afforded neither power nor advantages (Zonar. vii. 19), and did not even confer the privilege of presiding at the meetings of the senate, which only belonged to those magistrates who had the right to convoke the senate. (Gell. xiv. 7; Cic. *de Leg.* iii. 4.)

It has been supposed by Niebuhr (iii. p. 406), that a senatorial census existed at Rome at the commencement of the second Punic war, but the words of Livy (xxiv. 11) on which this supposition is founded seem to be too vague to admit of such an inference. Göttling (p. 346) infers from Cicero (*ad Fam.* xiii. 5), that Caesar was the first who instituted a senatorial census, but the passage of Cicero is still more inconclusive than that of Livy, and we may safely take it for granted that during the whole of the republican period no such census existed (Plin. *H. N.* xiv. 1), although senators naturally always belonged to the wealthiest classes. The institution of a census for senators belongs altogether to the time of the empire. Augustus first fixed it at 400,000 sesterces, afterwards increased it to double this sum, and at last even to 1,200,000 sesterces. Those senators whose property did not amount to this sum, received grants from the emperor to make it up. (Suet. *Aug.* 41; Dion Cass. liv. 17, 26, 30, lv. 13.) Subsequently it seems to have become customary to remove from the senate those who had lost their property through their own prodigality and vices, if they did not quit it of their own accord. (Tacit. *Annal.* ii. 48, xii. 52; Suet. *Tib.* 47.) Augustus also, after having cleared the senate of unworthy members, introduced a new and reanimating element into it by admitting men from the municipia, the colonies, and even from the provinces. (Tacit. *Annal.* iii. 55, xi. 25; Suet. *Vesp.* 9.) When an inhabitant of a province was honoured in this manner, the province was said to receive the *jus* *senatus*. Provincials who were made senators of course went to reside at Rome, and with the exception of such as belonged to Sicily or to Gallia Narbonensis, they were not allowed to visit their native countries without a special permission of the emperor. (Tacit. *Annal.* xii. 23; Dion Cass. lii. 46, lx. 25.) In order to make Rome or Italy their new home, the provincial candidates for the senate were subsequently always expected to acquire landed property in Italy. (Plin. *Epist.* vi. 19.) On the whole, however, the equites remained during the first centuries of the empire the seminarium senatus, which they had also been in the latter period of the republic.

As regards the age at which a person might become a senator, we have no express statement for the time of the republic, although it appears to have been fixed by some custom or law, as the aetas senatoria is frequently mentioned, especially during the latter period of the republic. But we may by induction discover the probable age. We know that according to the lex annalis of the tribune Villius, the age fixed for the quaestorship was 31. (Orelli, *Onom. Tull.* vol. iii. p. 133.) Now as it might happen that a quaestor was made a senator immediately after the expiration of his office, we may presume that the earliest age at which a man could become a senator was 32. Augustus at last fixed the senatorial age at 25 (Dion Cass. lii. 20), which appears to have remained unaltered throughout the time of the empire.

No senator was allowed to carry on any mercantile business. About the commencement of the second Punic war, some senators appear to have violated this law or custom, and in order to prevent its recurrence a law was passed with the vehement opposition of the senate, that none of its members should be permitted to possess a ship of more than 300 amphorae in tonnage, as this was thought sufficiently large to convey to Rome the produce of their estates abroad. (Liv. xxi. 63.) It is clear however from Cicero (*c. Verr.* v. 18), that this law was frequently violated.

Regular meetings of the senate (*senatus legitimus*) took place during the republic, and probably during the kingly period also, on the calends, nones, and ides of every month (Cic. *ad Q. Frat.* ii. 13); extraordinary meetings (*senatus indictus*) might be convoked on any other day, with the exception of those which were atri, and those on which comitia were held. (Cic. *ad Q. Frat.* ii. 2.) The right of convoking the senate during the kingly period belonged to the king, or to his vicegerent, the custos urbis. (Dionys. ii. 8; Praefectus Urbi.) This right was during the republic transferred to the curule magistrates, and at last to the tribunes also. Under the empire the consuls, praetors, and tribunes continued to enjoy the same privilege (Dion Cass. lvi. 47, lix. 24; Tacit. *Hist.* iv. 39), although the emperors also had it. (Dion Cass. liii. 1, liv. 3.) If a senator did not appear on a day of meeting, he was liable to a fine for which a pledge was taken (*pignoris captio*) until it was paid. (Gellius, xiv. 7; Liv. iii. 28; Cic. *de Leg.* iii. 4, *Philip.* i. 5; Plut. *Cic.* 43.) Under the empire the penalty for not appearing without sufficient reason was increased. (Dion Cass. liv. 18, lv. 3, lx. 11.) Towards the end of the republic it was decreed, that during the whole month of February the senate should give audience to foreign ambassadors on all days on which the senate could lawfully meet, and that no other matters should be discussed until these affairs were settled. (Cic. *ad Q. Frat.* ii. 13, *ad Fam.* i. 4.)

The places where the meetings of the senate were held (*curiae*, *senacula*) were always inaugurated by the augurs. [Templum.] The most ancient place was the Curia Hostilia, in which alone originally a senatusconsultum could be made. Afterwards however several temples were used for this purpose, such as the temple of Concordia, a place near the temple of Bellona [Legatus], and one near the porta Capena. (Fest. *s. v. Senacula*; Varro, *de Ling. Lat.* v. 155, 156.) Under the emperors the senate also met in other places: under Caesar the curia Julia, a building of immense splendour, was commenced; but subsequently meetings of the senate were not unfrequently held in the house of a consul.

When in the earliest times the king or the custos urbis, after consulting the pleasure of the gods by auspices, had convoked the senate (*senatum edicere*, *convocare*), he opened the session with the words: "Quod bonum, faustum, felix fortunatumque sit populo Romano Quiritibus," and then laid before the assembly (*referre*, *relatio*) what he had to propose. The president then called upon the members to discuss the matter, and when the discussion was over, every member gave his vote. The majority of votes always decided a question. The majority was ascertained either by *numeratio* or by *discessio*, that is, the president either counted the votes (Fest. *s. v. Numera*), or the members who voted on the same side joined together, and thus separated from those who voted otherwise. This latter method of voting appears in later times to have been the usual one, and, according to Capito (*ap. Gell.* xiv. 7), the only legitimate method. [Senatusconsultum.]

The subjects laid before the senate partly belonged to the internal affairs of the state, partly to legislation, and partly to finance; and no measure could be brought before the populus without having previously been discussed and prepared by the senate. The senate was thus the medium through which all affairs of the whole government had to pass: it considered and discussed whatever measures the king thought proper to introduce, and had, on the other hand, a perfect control over the assembly of the populus, which could only accept or reject what the senate brought before it. When a king died, the royal dignity, until a successor was elected, was transferred to the decem primi (Liv. i. 17), each of whom in rotation held this dignity for five days. The candidate for the royal power was first decided upon by the interreges, who then proposed him to the whole senate, and if the senate agreed with the election, the interrex of the day, at the command of the senate, proposed the candidate to the comitia and took their votes respecting him. (Dionys. ii. 58, iii. 36, iv. 40, 80; comp. Walter, p. 25, n. 28.) The will of the gods was then consulted by the augurs, and when the gods too sanctioned the election (Liv. i. 18), a second meeting of the populus was held, in which the augurs announced the sanction of the gods. Hereupon the king was invested with the powers belonging to his office.

Under the republic the right of convoking the senate was at first only possessed by the dictators, praetors or consuls, interreges, and the praefectus urbi, who also, like the kings of former times, laid before the senate the subjects for deliberation. The power of the senate was at first the same as under the kings, if not greater: it had the general care of the public welfare, the superintendence of all matters of religion, the management of all affairs with foreign nations; it commanded the levies of troops, regulated the taxes and duties, and had in short the supreme control of all the revenue and expenditure. The order in which the senators spoke and voted was determined by their rank as belonging to the majores or minores. (Cic. *de Re Publ.* ii. 20; Dionys. vi. 69, vii. 47.) This distinction of rank however appears to have ceased after the decemvirate, and even under the decemvirate we have instances of the senators speaking without any regular order. (Dionys. vi. 4, 16, 19, 21; Liv. iii. 39, 41.) It is also probable that after the decemvirate vacancies in the senate were generally filled with ex-magistrates, which had now become more practicable as the number of magistrates had been increased. The tribunes of the people likewise obtained access to the deliberations of the senate (Liv. iii. 69, vi. 1); but they had no seats in it yet, but sat before the opened doors of the curia. (Val. Max. ii. 2. § 7.) The senate had at first had the right to propose to the comitia the candidates for magistracies, but this right was now lost: the comitia centuriata had become quite free in regard to elections and were no longer dependent upon the proposal of the senate. The curies only still possessed the right to sanction the election; but in the year B. C. 299 they were compelled to sanction any election of magistrates which the comitia might make, before it took place (Cic. *Brut.* 14; Aurel. Vict. *de Vir. Illustr.* 33), and this soon after became law by the lex Maenia. (Orelli, *Onom. Tull.* vol. iii. p. 215.) When at last the curies no longer assembled for this empty show of power, the senate stept into their place, and henceforth in elections, and soon after also in matters of legislation the senate had previously to sanction whatever the comitia might decide. (Liv. i. 17.) After the lex Hortensia a decree of the comitia tributa became law even without the sanction of the senate. The original state of things had thus gradually become reversed, and the senate had lost very important branches of its power, which had all been gained by the comitia tributa. [TRIBUNUS PLEBIS.] In its relation to the comitia centuriata, however, the ancient rules were still in force, as laws, declarations of war, conclusions of peace, treaties, &c. were brought before them and decided by them on the proposal of the senate. (Walter, p. 132.)

The powers of the senate after both orders were placed upon a perfect equality may be thus briefly summed up. The senate continued to have the supreme superintendence in all matters of religion (Gellius, xiv. 7); it determined upon the manner in which a war was to be conducted, what legions were to be placed at the disposal of a commander, and whether new ones were to be levied; it decreed into what provinces the consuls and praetors were to be sent [PROVINCIA], and whose imperium was to be prolonged. The commissioners who were generally sent out to settle the administration of a newly conquered country, were always appointed by the senate. (Liv. xlv. 17; Appian. *de Reb. Hisp.* 99, *de Reb. Pun.* 135; Sallust. *Jug.* 16.) All embassies for the conclusion of peace or treaties with foreign states were sent out by the senate, and such ambassadors were generally senators themselves and ten in number. (Polyb. vi. 13; Liv. *passim.*) The senate alone carried on the negotiations with foreign ambassadors (Polyb. *l. c.*; Cic. *c. Vatin.* 15), and received the complaints of subject or allied nations, who always regarded the senate as their common protector. (Liv. xxix. 16, xxxix. 3, xlii. 14, xliii. 2; Polyb. *l. c.*) By virtue of this office of protector it also settled all disputes which might arise among the municipia and colonies of Italy (Dionys. ii. 1; Liv. ix. 20; Varro, *de Re Rust.* iii. 2; Cic. *ad Att.* iv. 15, *de Off.* i. 10), and punished all heavy crimes committed in Italy, which might endanger the public peace and security. (Polyb. *l. c.*) Even in Rome itself the judices to whom the praetor referred important cases, both public and private, were taken from among the senators (Polyb. vi. 17), and in extraordinary cases the senate appointed especial commissions to investigate them (Liv. xxxviii. 54, xxxix. 14, xl. 37, 44, &c.); but such a commission, if the case in question was a capital offence committed by a citizen, required the sanction of the people. (Polyb. vi. 16; Liv. xxvi. 33, &c.) When the republic was in danger the senate might confer unlimited power upon the magistrates by the formula, "videant consules, ne quid respublica detrimenti capiat" (Sallust. *Cat.* 29; Caes. *B. C.* i. 5, 7), which was equivalent to a declaration of martial law within the city. This general care for the internal and external welfare of the republic included, as before, the right to dispose over the finances requisite for these purposes. Hence all the revenue and expenditure of the republic were under the direct administration of the senate, and the censors and quaestors were only its ministers or agents. [CENSOR; QUAESTOR.] All the expenses necessary for the maintenance of the armies required the sanction of the senate, before anything could be done, and it might even prevent the triumph of a returning general, by refusing to assign the money necessary for it. (Polyb. vi. 15.) There are, however, instances of a general triumphing without the consent of the senate. (Liv. iii. 63, vii. 17, ix. 37.)

How many members were required to be present in order to constitute a legal meeting is uncertain, though it appears that there existed some regulations on this point (Liv. xxxviii. 44, xxxix. 4; Cic. *ad Fam.* viii. 5; Fest. *s. v. Numero*), and there is one instance on record, in which at least one hundred senators were required to be present. (Liv. xxxix. 18.) The presiding magistrate opened the business, and as the senators sat in the following order,—princeps senatus, consulares, censorii, praetorii, aedilicii, tribunicii, quaestorii, — it is natural to suppose, that they were asked their opinion and voted in the same order. (*Suo loco sententiam dicere*, Cic. *Philip.* v. 17, xiii. 13, &c., *ad Att.* xii. 21.) Towards the end of the republic the order in which the question was put to the senators, appears to have depended upon the discretion of the presiding consul (Varro, *ap. Gell.* xiv. 7), who called upon each member by pronouncing his name (*nominatim*, Cic. *c. Verr.* iv. 64), but he usually began with the princeps senatus (Cic. *pro Sext.* 32), or if consules designati were present, with them. (Sallust, *Cat.* 50; Appian, *B. C.* ii. 5.) The consul generally observed all the year round the same order in which he had commenced on the first of January. (Suet. *Caes.* 21.) A senator when called upon to speak might do so at full length, and even introduce subjects not directly connected with the point at issue. (Cic. *de Leg.* iii. 18; Gellius, iv. 10; Tacit. *Annal.* ii. 38, xiii. 39; compare Cic. *Philip.* vii.) It depended upon the president which of the opinions expressed he would put to the vote, and which he would pass over. (Polyb. xxxiii. 1; Cic. *ad Fam.* i. 2, x. 12; Caes. *B. C.* i. 2.) Those men who were not yet real senators, but had only a seat in the senate on account of the office they held, or had held, had no right to vote (Gellius, xiii. 8.) When a Senatusconsultum was passed, the consuls ordered it to be written down by a clerk in the presence of some senators, especially of those who had been most interested in it or most active in bringing it about. (Polyb. vi. 12; Cic. *de Orat.* iii. 2, *ad Fam.* viii. 8.) [SENATUSCONSULTUM.] A meeting of the senate was not allowed to be held before sunrise or to be prolonged after sunset (Varro, *ap. Gell. l. c.*): on extraordinary emergencies, however, this regulation was set aside. (Dionys. iii. 17; Macrob. *Sat.* i. 4.)

During the latter part of the republic the senate was degraded in various ways by Sulla, Caesar, and others, and on many occasions it was only an instrument in the hands of the men in power. In this way it became prepared for the despotic government of the emperors, when it was altogether the creature and obedient instrument of the princeps. The emperor himself was generally also princeps senatus (Dion Cass. liii. 1, lvii. 8, lxxiii. 5), and had the power of convoking both ordinary and extraordinary meetings (Dion Cass. liv. 3; Lex de imperio Vespas.), although the consuls, praetors, and tribunes, continued to have the same right. (Tacit. *Hist.* iv. 39; Dion Cass. lvi. 47, lix. 24, lx. 16, &c.) The ordinary meetings according to a regulation of Augustus were held twice in every month. (Suet. *Aug.* 35; Dion Cass. lv. 3.) A full assembly required the presence of at least 400 members, but Augustus himself afterwards modified this rule according to the difference and importance of the subjects which might be brought under discussion. (Dion Cass. liv. 35, lv. 3.) At a later period we find that seventy or even fewer senators constituted an assembly. (Lamprid. *Al. Sever.* 16.) The regular president in the assembly was a consul, or the emperor himself, if he was invested with the consulship. (Plin. *Epist.* ii. 11, *Panegyr.* 76.) At extraordinary meetings, the person who convoked the senate was at the same time its president. The emperor, however, even when he did not preside, had by virtue of his office of tribune, the right to introduce any subject for discussion, and to make the senate decide upon it. (Dion Cass. liii. 32; Lex de imperio Vespas.) At a later period this right was expressly and in proper form conferred upon the emperor under the name of *jus relationis*, and accordingly as he obtained the right to introduce three or more subjects, the jus was called *jus tertiae, quartae, quintae, &c. relationis.* (Vopisc. *Prob.* 12; J. Capitol. *Pertin.* 5, *M. Antonin.* 6; Lamprid. *Al. Sev.* 1.) The emperor introduced his proposals to the senate in writing (*oratio, libellus, epistola principis*), which was read in the senate by one of his quaestors. (Dion Cass. liv. 25, lx. 2; Suet. *Aug.* 65, *Tit.* 6; Tacit. *Annal.* xvi. 27; Dig. 1. tit. 13. s. 1. §§ 2 and 4.) [ORATIONES PRINCIPUM.] The praetors, that they might not be inferior to the tribunes, likewise received the jus relationis. (Dion Cass. lv. 3.) The mode of conducting the business, and the order in which the senators were called upon to vote, remained on the whole the same as under the republic (Plin. *Epist.* viii. 14, ix. 13); but when magistrates were to be elected, the senate, as in former times the comitia, gave their votes in secret with little tablets. (Plin. *Epist.* iii. 20, xi. 5.) The transactions of the senate were from the time of Caesar registered by clerks appointed for the purpose, under the superintendence of a senator. (Suet. *Caes.* 20, *Aug.* 36; Tacit. *Annal.* v. 4, &c.; Spart. *Hadrian*, 3; Dion Cass. lxxviii. 22.) In cases which required secrecy (*senatusconsultum tacitum*), the senators themselves officiated as clerks. (Capitol. *Gord.* 20.)

As the Roman emperor concentrated in his own person all the powers which had formerly been possessed by the several magistrates, and without limitation or responsibility, it is clear that the senate in its administrative powers was dependent upon the emperor, who might avail himself of its counsels or not, just as he pleased. In the reign of Tiberius the election of magistrates was transferred from the people to the senate (Vell. Pat. ii. 124; Tacit. *Annal.* i. 15; Plin. *Epist.* iii. 20, vi. 19), which, however, was enjoined to take especial notice of those candidates who were recommended to it by the emperor. This regulation remained, with a short interruption in the reign of Caligula, down to the third century, when we find that the princeps alone exercised the right of appointing magistrates. (Dig. 48. tit. 14. s. 1.) At the demise of an emperor the senate had the right to appoint his successor, in case no one had been nominated by the emperor himself; but the senate had in very rare cases an opportunity to exercise this right, as it was usurped by the soldiers. The aerarium at first still continued nominally to be under the control of the senate (Dion Cass. liii. 16, 22), but the emperors gradually took it under their own exclusive management (Dion Cass. lxxi. 33; Vopisc. *Aurel.* 9, 12, 20), and the senate retained nothing but the administration of the funds of the city (*arca publica*), which were distinct both from the aerarium and from the fiscus (Vopisc. *Aurel.* 20, 45), and the right of giving its opinion upon cases connected with the fiscal law. (Dig. 49. tit. 14. s. 15 and 42.) Its right of coining money was limited by Augustus to copper coins, and ceased altogether in the reign of Gallienus. (Eckhel, *D. N. Proleg.* c. 13.) Augustus ordained that no accusations should any longer be brought before the comitia (Dion Cass. lvi. 40), and instead of them he raised the senate to a high court of justice, upon which he conferred the right of taking cognizance of capital offences committed by senators (Dion Cass. lii. 31, &c.; Suet. *Calig.* 2; Tacit. *Annal.* xiii. 44; Capitol. *M. Antonin.* 10), of crimes against the state and the person of the emperors (Dion Cass. lii. 15, 17, 22, lx. 16, lxxvi. 8; Suet. *Aug.* 66; Tacit. *Annal.* iii. 49, &c.), and of crimes committed by the provincial magistrates in the administration of their provinces. The senate might also receive appeals from other courts (Suet. *Nero*, 17; Tacit. *Annal.* xiv. 28; Capitol. *M. Antonin.* 10; Vopisc. *Prob.* 13), whereas, at least from the time of Hadrian, there was no appeal from a sentence of the senate. (Dion Cass. lix. 18; Dig. 49. tit. 2. s. 1. § 2.) The princeps sometimes referred cases which were not contained in the above categories, or which he might have decided himself, to the senate, or requested its co-operation. (Suet. *Claud.* 14, 15, *Nero*, 15, *Domit.* 8, &c.) Respecting the provinces of the senate see PROVINCIA.

When Constantinople was made the second capital of the empire, Constantine instituted also a second senate in this city (Sozomen, ii. 2; *Excerpt. de gest. Const.* 30), upon which Julian conferred all the privileges of the senate of Rome. (Zosim. iii. 11; Liban. *Orat. ad Theodos.* ii. p. 383, ed. Morell.) Both these senates were still sometimes consulted by the emperors in an oratio upon matters of legislation (Cod. Theod. 6. tit. 2. s. 14; Symmach. *Epist.* x. 2. 28; Cod. 1. tit. 14. s. 3): the senate of Constantinople retained its share in legislation down to the ninth century. (Nov. Leon. 78.) Each senate also continued to be a high court of justice to which the emperor referred important criminal cases. (Amm. Marc. xxviii. 1. 23; Symmach. *Epist.* iv. 5; Zosim. v. 11, 38.) Capital offences committed by senators, however, no longer came under their jurisdiction, but either under that of the governors of provinces, or of the prefects of the two cities. (Walter, p. 367, &c.) Civil cases of senators likewise belonged to the forum of the praefectus urbi. (Cod. 3. tit. 24. s. 3; Symmach. *Epist.* x. 69.) The senatorial dignity was now obtained by descent (Cod. Theod. 6. tit. 2. s. 2; 12. tit. 1. s. 58; Cassiodor. *Variar.* iii. 6), and by having held certain offices at the court, or it was granted as an especial favour by the emperor on the proposal of the senate. (Cod. Theod. *l. c.*; Symmach. *Epist.* x. 25. 118.) To be made a senator was indeed one of the greatest honours that could be conferred, and was more valued than in the times of the republic; but its burdens were very heavy, for not only had the senators to give public games (Symmach. *Epist.* x. 25. 28), to make magnificent presents to the emperors (Cod. Theod. 6. tit. 2. s. 5), and in times of need extraordinary donations to the people (Zosim. v. 41; Symmach. *Ep.* vi. 14, 26, vii. 68), but in addition they had to pay a peculiar tax upon their landed property, which was called *follis* or *gleba*. (Zosim. ii. 32; Cod. Theod. 6. tit. 2; Symmach. *Epist.* iv. 61.) A senator who had no landed property was taxed at two folles. (Cod. Theod. 6. tit. 2. s. 2, 6. tit. 4. s. 21.) It was therefore only the wealthiest persons of the empire, no matter to what part of it they belonged, that could aspire to the dignity of senator. A list of them, together with an account of their property, was laid before the emperor every three months by the prefect of the city. (Symmach. x. 66, &c.) Down to the time of Justinian the consuls were the presidents of the senate, but from this time the praefectus urbi always presided. (Cod. Theod. 6. tit. 6. s. 1; Nov. Instit. 62.)

It now remains to mention some of the distinctions and privileges enjoyed by Roman senators: 1. The tunica with a broad purple stripe (*latus clavus*) in front, which was woven in it, and not as is commonly believed sewed upon it. (Acron. *ad Horat. Sat.* i. 5. 35; compare i. 6. 28; Quinctil. xi. 3.) 2. A kind of short boot with the letter C on the front of the foot. (Juv. vii. 192; Cic. *Phil.* xiii. 13.) This C is generally supposed to mean *centum*, and to refer to the original number of 100 (*centum*) senators. 3. The right of sitting in the orchestra in the theatres and amphitheatres. This distinction was first procured for the senators by Scipio Africanus Major, 194 B.C. (Liv. xxxiv. 54; Cic. *pro Cluent.* 47.) The same honour was granted to the senators in the reign of Claudius at the games in the circus. (Suet. *Claud.* 21; Dion Cass. lx. 7.) 4. On a certain day in the year a sacrifice was offered to Jupiter in the capitol, and on this occasion the senators alone had a feast in the capitol; the right was called the *jus publice epulandi*. (Gellius, xii. 8; Suet. *Aug.* 35.) 5. The *jus liberae legationis*. [LEGATUS, *sub finem*.] [L. S.]

SENATUSCONSULTUM. In his enumeration of the formal parts of the Jus Civile, Cicero includes Senatusconsulta. (*Top.* 5.) Numerous Leges properly so called were enacted in the reign of Augustus, and Leges, properly so called, were made even after his time. [LEX.] It was under Augustus however that the Senatusconsulta began to take the place of Leges properly so called, a change which is also indicated by the fact that until his time the Senatusconsulta were not designated either by the names of the Consuls or by any other personal name, so far as we have evidence. But from that time we find the Senatusconsulta designated either by the name of the Consuls, as Apronianum, Silanianum, or from the name of the Caesar, as Claudianum, Neronianum; or they are designated as made "auctore" or "ex auctoritate Hadriani," &c., or "ad orationem Hadriani," &c. The name of the Senatusconsultum Macedonianum is an exception, as will afterwards appear.

Many Senatusconsulta were enacted in the Republican period, and some of them were laws in the proper sense of the term, though some modern writers have denied this position. But the opinion of those who deny the legislative power of the Senate during the Republican period is opposed by facts. An attempt has sometimes been made to support it by a passage of Tacitus ("tum primum e campo Comitia ad patres translata sunt," *Ann.* i. 15), a passage which only refers to the elections. It is difficult however to determine how far the legislative power of the Senate extended. A recent writer (Walter, *Geschichte des Röm. Rechts*, 437, 1st ed.) observes "that the Senatusconsulta were an important source of law for matters which concerned administration, the maintenance of Religion, the suspension or repeal of laws in the case of urgent public necessity, the rights of the Aerarium and the Publicani, the treatment of the Italians and the Provincials." (Liv. xxvi. 34, xxxix. 3, xli. 9.) The following are instances of Senatusconsulta under the Republic: a Senatusconsultum "ne quis in urbe sepeliretur;" the Senatusconsultum de Bacchanalibus hereafter more particularly mentioned; a Senatusconsultum de Libertinorum tribu (Liv. xlv. 15); a Senatusconsultum de Macedonia (Liv. xlv. 18); a Senatusconsultum de Sumtibus at the Megalenses ludi (Gell. ii. 24); a Senatusconsultum "ne homo immolaretur" (Plin. *H. N.* xxx. 1); a Senatusconsultum de provinciis Quaestoriis; a Senatusconsultum made M. Tullio Cicerone referente to the effect, "ut legationum liberarum tempus annuum esset;" various Senatusconsulta de collegiis dissolvendis; an old Senatusconsultum, "Senatusconsultum vetus ne liceret Africanas (*bestias*) in Italiam advehere," which was so far repealed by a Plebiscitum proposed by Cn. Aufidius, Tribunus Plebis, that the importation for the purpose of the Circenses was made legal (Plin. *H. N.* viii. 17); an old Senatusconsultum by which "quaestio (*servorum*) in caput domini prohibebatur" (Tacit. *Ann.* ii. 30), a rule of law which Cicero (*pro Milon.* 22) refers to Mores as its foundation. From these instances of Senatusconsulta made in the Republican period we may collect in a general way the kind of matters to which this form of legislation applied. The constitution of the Senate was such as to gradually bring within the sphere of its legislation all matters that pertained to religion, police, administration, provincial matters, and all foreign relations. And it seems that the power of the Senate had so far increased at the time of the accession of Augustus that it was no great change to make it the only legislating body. Pomponius (Dig. 1. tit. 2. s. 2), though his historical evidence must be received with caution, states the matter in a way which is generally consistent with what we otherwise know of the progress of Senatorial legislation: "As the plebs found it difficult to assemble, &c., it was a matter of necessity that the administration of the State came to the Senate: thus the Senate began to act, and whatever the Senate had determined (*constituisset*) was observed (*observabatur*), and a law so made is called Senatusconsultum."

A Senatusconsultum was so named because the Cansul (*qui retulit*) was said "Senatum consulere:" "Marcivs L. F. S. Postvmivs L. F. Cos Senatvm Consolvervnt." (Senatusconsultum de Bacchanalibus.) In the Senatusconsultum De Philosophis et De Rhetoribus (Gell. xv. 11), the Praetor "consuluit." In the enacting part of a Lex the Populus was said "jubere," and in a Plebiscitum "scire:" in a Senatusconsultum the Senate was said "censere:" "De Bacchanalibvs, &c., ita exdeicendvm censvere." (S. C. de Bacch.) In the Senatusconsulta of the time of Augustus cited by Frontinus (*de Aquaeductibus Romae*, ii.), the phrase which follows "censuere" is sometimes "placere huic ordini." In Tacitus the verb "censere" is also applied to the person who made the motion for a Senatusconsultum. (*Ann.* iv. 20.) Sometimes the term "arbitrari" is used (Dig. 16. tit. 1. s. 2); and Gaius (i. 4), writing under the Antonines applies to the Senatus the terms which originally denoted the legislative power of the Populus: "Senatus jubet atque constituit; idque legis vicem optinet, quamvis fuit quaesitum." "Habere senatum" is to hold a meeting of the senate. When Cn. Pompeius was elected consul for the first time, his friend M. Varro wrote for his use a treatise "de Senatu habendo consulendoque." A Senatusconsultum made before the rising or after the setting of the sun was not valid. (Gellius, xiv. 7.)

The mode in which the legislation of the Senate was conducted in the Imperial period is explained in the article ORATIONES PRINCIPUM.

Certain forms were observed in drawing up a Senatusconsultum, of which there is an example in Cicero (*ad Fam.* viii. 8): "S. C. Auctoritates (for this is the right reading) Pridie. Kal. Octob. in Aede Apollinis, scribendo adfuerunt L. Domitius Cn. Filius Ahenobarbus, &c. Quod M. Marcellus Consul V. F. (*verba fecit*) de prov. Cons. D. E. R. I. C. (*de ea re ita censuerunt Uti, &c.*)." The preamble of the Senatusconsultum de Bacchanalibus is similar, but the names of the consuls come at the beginning and the word is "consolvervnt:" the date and place are also given; and the names of those qui scribendo adfuerunt (SC. ARF. in the Inscription). The names of the persons who were witnesses to the drawing up of the Senatusconsultum were called the "auctoritates," and these auctoritates were cited as evidence of the fact of the persons named in them having been present at the drawing up of the S. C. ("id quod in auctoritatibus praescriptis extat," Cic. *de Or.* iii. 2); from which passage, and from another (Cic. *ad Fam.* v. 2; "illud S. C. ea praescriptione est") in which Cicero refers to his name being found among the auctoritates of a S. C. as a proof of his friendship to the person whom the S. C. concerned, it is certain that "praescribo" in its various forms is the proper reading in these Senatusconsulta. (Compare the similar use of Praescriptio in Roman Pleadings [PRAESCRIPTIO].) There can be no doubt that certain persons were required to be present "scribendo," but others might assist if they chose, and a person in this way might testify his regard for another on behalf of whom or with reference to whom the S. C. was made. ("Cato autem et scribendo adfuit," &c. Cic. *ad Att.* vii. 1.) Besides the phrase "scribendo adesse," there are "esse ad scribendum" (Cic. *ad Att.* i. 19), and "poni ad scribendum" (as to which see the curious passage in Cicero, *ad Fam.* ix. 15). When a S. C. was made on the motion of a person, it was said to be made "in sententiam ejus." If the S. C was carried, it was written on tablets and placed in the Aerarium: the S. C. de Bacchanalibus provides that it shall be cut on a bronze tablet, but this was for the purpose of its being put up in a public place where it could be read (*vbei facilvmed gnoscier potisit*).

The Senatusconsulta were originally intrusted to the care of the tribunes and the aediles, but in the time of Augustus the quaestors had the care of them. (Dion Cass. lv. 36, and the note of Reimarus.) Under the later emperors the Senatusconsulta "quae ad principes pertinebant," were preserved in "libri elephantini." (Vopiscus, *Tacitus*, c. 8.)

A measure which was proposed as a Senatusconsultum might be stopped by the Intercessio of the Tribunes, and provision was sometimes made for further proceeding in such case: "si quis huic senatusconsulto intercesserit senatui placere auctoritatem perscribi (praescribi) et de ea re ad senatum populumque referri." (Cic. *ad Fam.* viii. 8.) This explains one meaning of Senatus auctoritas, which is a Senatusconsultum which has been proposed and not carried, and of which a record was kept with the "auctoritates eorum qui scribendo adfuerunt." In one passage Cicero calls a S. C. which had failed owing to an Intercessio, an Auctoritas (*ad Fam.* i. 7). One meaning of Auctoritas in fact is a S. C. proposed, but not yet carried; and this agrees with Livy (iv. 57): "Si quis intercedat Sto, auctoritate se fore contentum." If Senatus auctoritas occasionally appears to be used as equivalent to Senatusconsultum, it is an improper use of the word, but one which presents no difficulty if we consider that the names which denote a thing in its two stages are apt to be confounded in popular language, as with us the words Bill and Act. In its general and original sense Senatus Auctoritas is any measure to which a majority of the Senate has assented. (See the note of P. Manutius on Cic. *ad Fam.* v. 2.)

The proper enacting word in the Senatusconsulta is "censeo," but the word "decerno" was also used in ordinary language to express the enacting of a Senatusconsultum. (Cic. *ad Fam.* viii. 8; *Senatus decrevit ut &c. ad Att.* i. 19.) But a Senatusconsultum, which was a law in the proper sense of the term, is not called a Decretum, which was a rule made by the Senate as to some matter which was strictly within its competence. The words Decretum and Senatusconsultum are often used indiscriminately and with little precision. (Gell. ii. 24.) (See Aelius Gallus, *apud Festum*, *s. v. Senatus Decretum*, and DECRETUM.)

The forms of the Senatusconsulta are the best evidence of their character. The following are some of the principal Senatusconsulta which are preserved: the Senatusconsultum de Tiburtibus, printed by Gruter and others, which is "undoubtedly the oldest of all Roman documents" (Niebuhr, *Rom. Hist.* vol. iii. p. 264, note 66); the Senatusconsultum de Bacchanalibus; the Senatusconsultum in the Letter of Cicero already referred to; Cic. *Philipp.* v. 13; Gellius, xv. 11; the six Senatusconsulta about the Roman Aqueducts in the second book of Frontinus de Aquaeductibus; the Senatusconsultum about the Aphrodisienses (Tacit. *Ann.* iii. 62; Tacit. Oberlin. ii. 835); the oration of Claudius (Tacit. *Ann.* xi. 24; Tacit. Oberlin. ii. 806); the various Senatusconsulta preserved in the Digest, which are mentioned in a subsequent part of this article. See also the Senatusconsultum printed in Sigonius, "De Antiquo Jure Provinciarum," i. 288; and the Sctum by which the name Augustus was given to the month Sextilis. (Macrob. *Saturnal.* i. 12.)

The following list of Senatusconsulta contains perhaps all of them which are distinguished by the name of a consul or other distinctive name. Numerous Senatusconsulta under the Empire are referred to in the Latin writers, for which we find no distinctive name, though it is probable that all of them had a title like the Leges, but many of them being of little importance were not much referred to or cited, and thus their names were forgotten. Tacitus, for instance, often speaks of S. C. without giving their names, and in some cases we are able to affix the titles from other authorities. Many of the Imperial Senatusconsulta were merely amendments of Leges; but they were laws in the proper sense of the word.

Some of the Senatusconsulta of the Republican period were laws, as already observed, but others were only determinations of the Senate, which became Leges by being carried in the comitia. Such S. C. were really only auctoritates. One instance of this kind occurred on the occasion of the trial of Clodius for violating the mysteries of the Bona Dea. A rogatio on the subject of the trial was proposed to the Comitia ex Senatusconsulto (Cic. *ad Att.* i. 14); which is also spoken of as the Auctoritas of the Senate, and as "quod ab Senatu Constitutum" (the words of Gaius, i. 4).

APRONIANUM, probably enacted in the time of Hadrian, empowered all Civitates which were within the Roman Imperium to take a fideicommissa hereditas. This Senatusconsultum is cited by Ulpian (*Frag.* tit. 22) without the name, but it appears from comparing Ulpian with the Digest (36. tit. 1. s. 26) to be the Senatusconsultum Apronianum. A Senatusconsultum also allowed Civitates or Municipia, which were legally considered as Universitates, to be appointed heredes by their liberti or libertae. Ulpian speaks of this Senatusconsultum in the passage referred to, immediately before he speaks of that Senatusconsultum which we know to be the Apronianum, and it appears probable that the two Senatusconsulta were the same, for their objects were similar and they are mentioned together without any indication of their being different. This last mentioned provision is also mentioned in the Digest (38. tit. 3) as being contained in a Senatusconsultum which was posterior to the Trebellianum, but the name is not given in the Digest. Under this provision a Municipium could obtain the Bonorum Possessio. Bachius (*Historia Jurisprudentiae Romanae*) assigns this Senatusconsultum to the reign of Trajan. But it appears to belong to the time of Hadrian, and to be the same S. C. which allowed Civitates to take a legacy. (Ulp. *Frag.* tit. 24.)

ARTICULEIANUM gave the Praeses of a Province jurisdiction in the case of fideicommissa libertas, even when the heres did not belong to the Province. The heres could be compelled to give the libertas which was the subject of the fideicommissum. (MANUMISSIO; Dig. 40. tit. 5. s. 44, 51.) This Senatusconsultum was enacted A. D. 101, in which year Sex. Articuleius Paetus was consul.

DE BACCHANALIBUS. This Senatusconsultum, which is sometimes called Marcianum, was passed in the year B. C. 186. The terms of it are stated generally by Livy (xxxix. 18), and may be compared with the original Senatusconsultum which is printed in the edition of Livy by Drakenborch, and in that by J. Clericus, Amsterdam, 1710. There is a dissertation on this Senatusconsultum by Bynkershoek (*De Cultu Religionis Peregrinae apud Veteres Romanos*, *Op.* i. 412), who has printed the Senatusconsultum and commented upon it at some length. The provisions of this Senatusconsultum are stated generally under DIONYSIA, p. 414, b. There is no ancient authority, as it appears, for the name Marcianum, which has been given to it from the name of one of the Consuls who proposed it, and in accordance with the usual titles of S. C. in the Imperial period. This Sctum was found in A. D. 1640, in a village in Calabria, and is said to be now at Vienna. (Senatusconsulti De Bacchanalibus, &c. Explicatio, auctore Matthaeo Aegyptio, Neapol. 1729.)

CALVITIANUM. (Ulpian, *Frag.* tit. xvi.; JULIA ET PAPIA POPPAEA LEX, p. 692, b.)

CLAUDIANUM passed in the time of the Emperor Claudius, reduced a free woman to the condition of a slave (*ancilla*) if she cohabited with the slave of another person, after the master had given her notice that he would not permit it. But if a woman, who was a Roman citizen, cohabited with a slave with the consent of the slave's master, she might by agreement with the master remain free and yet any child born from this cohabitation would be a slave; for the Senatusconsultum made valid any agreement between the free woman and the slave's master, and by such agreement the woman was relieved from the penalty of the Senatusconsultum. But Hadrian, being moved thereto by a consideration of the hardship of the case and the incongruity of this rule of law (*inelegantia juris*), restored the old rule of the Jus Gentium, according to which the woman continuing free was the mother of a free child.

A difficulty arose on the interpretation of this Senatusconsultum for which the words of the law had not provided. If a woman, who was a Roman citizen, was with child, and became an ancilla pursuant to the Senatusconsultum in consequence of cohabiting with a slave contrary to the master's wish, the condition of the child was a disputed matter: some contended that if the woman had become pregnant in a legal marriage, the child was a Roman citizen, but if she had become pregnant by illicit cohabitation, the child was the property of the person who had become the master of the mother. [SERVUS (ROMAN).]

There is an apparent ambiguity in a passage of Gaius (i. 86) in which he says, "but that rule of the same Lex is still in force, by which the issue of a free woman and another man's slave is a slave, if the mother knew that the man with whom she cohabited, was a slave." The Lex of which he speaks, is the Lex Aelia Sentia. The exception in the Senatusconsultum of Claudius applied to the case of a compact between a free woman and the master of the slave, which compact implies that the woman must know the condition of the slave, and therefore according to the terms of the Lex the issue would be slaves. But Gaius says (i. 84) that under this Senatusconsultum the woman might by agreement continue free and yet give birth to a slave; for the Senatusconsultum gave validity to the compact between the woman and the master of the slave. At first sight it appears as if the Senatusconsultum produced exactly the same effect as the Lex with respect to the condition of the child. But this is explained by referring to the chief provision of the Senatusconsultum, which was that cohabitation with a slave "invito et denuntiante domino" reduced the woman to a servile condition, and it was a legal consequence of this change of condition that the issue of her cohabitation must be a slave. The Lex Aelia Sentia had already declared the condition of children born of the union of a free woman and a slave to be servile. The Senatusconsultum added to the penalty of the Lex by making the mother a slave also, unless she cohabited with the consent of the master, and thus resulted that "inelegantia juris" by which a free mother could escape the penalty of the Senatusconsultum by her agreement and yet her child must be a slave pursuant to the Lex. Hadrian removed this inelegantia by declaring that if the mother notwithstanding the cohabitation escaped from the penalties of the Senatusconsultum by virtue of her compact, the child also should have the benefit of the agreement. The Senatusconsultum only reduced the cohabiting woman to a servile state when she cohabited with a man's slave "invito et denuntiante domino:" if she cohabited with him, knowing him to be a slave, without the knowledge of the master, there could be no denuntiatio, and this case, it appears, was not affected by the Senatusconsultum, for Gaius observes, as above stated (i. 86), that the Lex had still effect and the offspring of such cohabitation was a slave. The fact of this clause of the Lex remaining in force after the enacting of the Senatusconsultum, appears to be an instance of the strict interpretation which the Roman Jurists applied to positive enactments; for the Senatusconsultum of Hadrian as stated by Gaius only applied to the case of a contract between the master's slave and the woman, and therefore its terms did not comprehend a case of cohabitation when there was no compact. Besides this if a free woman cohabited with a man's slave either without the knowledge of the master or with his knowledge, but without the "denuntiatio," it seems that this was considered as if the woman simply indulged in promiscuous intercourse (*vulgo concepit*), and the mother being free, the child also was free by the Jus Gentium till the Lex attempted to restrain such intercourse by working on the parental affections of the mother, and the Senatusconsultum by a direct penalty on herself. There was a "juris inelegantia" in a free woman giving birth to a slave, but this was not regarded by Hadrian, who was struck by the inelegantia of a woman by compact being able to evade the penalty of the Senatusconsultum while her child was still subject to the penalty of the Lex.

This Senatusconsultum was passed A. D. 52, and is mentioned by Tacitus, but the terms in which he expresses himself do not contain the true meaning of the Senatusconsultum, and in one respect, "sin consensisset dominus, pro libertis haberentur," they differ materially from the text of Gaius, unless the reading "libertis" should be "liberis." (See the notes on Tacitus, *Ann.* xii. 53, ed. Oberlin.) It appears however from a passage in Paulus (*S. R.* iv. tit. 10), that a woman, in some cases which are not mentioned by him, was reduced to the condition of a liberta by the Senatusconsultum; a circumstance which confirms the accuracy of the text of Tacitus, but also shows how very imperfectly he has stated the Senatusconsultum. Suetonius (*Vesp.* 11) attributes the Senatusconsultum to the reign of Vespasian, and expresses its effect in terms still more general and incorrect than those of Tacitus. Such instances show how little we can rely on the Roman historians for exact information as to legislation.

It appears from Paulus that the provisions of this Senatusconsultum are stated very imperfectly even by Gaius, and that they applied to a great number of cases of cohabitation between free women, whether Ingenuae or Libertinae, and slaves.

This Senatusconsultum was entirely repealed by a Constitution of Justinian. Some writers refer the words "ea lege" (Gaius, i. 85) to the Senatusconsultum Claudianum, and they must consequently refer the words "ejusdem legis" (Gaius, i. 86) also to this Senatusconsultum; but the word "lex" in neither case appears to refer to the Senatusconsultum, but to the Lex Aelia Sentia.

(Gaius, i. 84, 86, 91, 160; Ulp. *Frag.* tit. xi.; Cod. 7. tit. 24; Paulus, *S. R.* ii. tit. 21.)

There were several other Senatusconsulta Claudiana, of which there is a short notice in Jo. Augusti Bachii Historia Jurisprudentiae Romanae.

DASUMIANUM, passed in the reign of Trajan, related to Fideicommissa libertas. (Dig. 40. tit. 5. s. 51.) See Rudorff, *Zeitschrift*, &c. vol. xii. p. 307, *Das Testament des Dasumius.*

HADRIANI SENATUSCONSULTA. Numerous senatusconsulta were passed in the reign of Hadrian, but there does not appear to be any which is called Hadrianum. Many Senatusconsulta of this reign are referred to by Gaius as "Senatusconsulta auctore Hadriano facta," i. 47, &c., of which there is a list in the Index to Gaius. The Senatusconsulta made in the reign of Hadrian are enumerated by Bachius, and some of them are noticed here under their proper designations.

JUNCIANUM, passed in the reign of Commodus, related to Fideicommissa Libertas. (Dig. 40. tit. 5. s. 28, 51.) This Senatusconsultum is preserved in one of the passages of the Digest referred to.

JUNIANUM, passed in the time of Domitian, in the tenth consulship of Domitian, and in the consulship of Ap. Junius Sabinus, A. D. 84, had for its object to prevent collusion between a master and his slave, by which the slave should be made to appear to be as a free man. The person who discovered the collusion obtained the slave as his property. (Dig. 40. tit. 16.)

JUVENTIANUM is the name given by modern jurists to the Senatusconsultum, which is preserved in the Digest (5. tit. 3. s. 20. § 6). The Senatusconsultum is placed under the title "De Hereditatis Petitione."

LARGIANUM, passed in the first year of the Emperor Claudius, A. D. 42, gave to the children of a Manumissor, if they were not exheredated by name, a right to the bona of Latini in preference to Extranei heredes. (PATRONUS; Gaius, iii. 63—71; Inst. 3. tit. 7. s. 4; Cod. 7. tit. 6.)

LIBONIANUM, passed in the reign of Tiberius, in the consulship of T. Statilius Taurus and L. Scribonius Libo, A. D. 16, contained various provisions, one of which was to the effect that if a man wrote a will for another, every thing which he wrote in his own favour was void: accordingly he could not make himself a tutor (Dig. 26. tit. 2. s. 29), nor heres or legatarius (Dig. 34. tit. 8). This Senatusconsultum contained other provisions, and it appears to have been an extension of the Lex Cornelia de Falsis. [FALSUM.] See also *Coll. Leg. M.* & *R.* viii. 7.

MACEDONIANUM, enacted A. D. 46, provided that any loan of money to a filiusfamilias could not be recovered even after the death of the father. The Senatusconsultum took its name from Macedo, a notorious usurer, as appears from the terms of the Senatusconsultum which is preserved (Dig. 14. tit. 6). Theophilus (*Paraphr. Inst.*) states incorrectly that the Senatusconsultum took its name from a filiusfamilias. The provision of the Senatusconsultum is cited by Tacitus (*Ann.* xi. 13), but in such terms as might lead to ambiguity in the interpretation of the law. Suetonius (*Vesp.* 11) attributes this Senatusconsultum to the time of Vespasian; but he states its provisions in less ambiguous terms than Tacitus.

MEMMIANUM. This name is sometimes given to the Senatusconsultum, passed in the time of Nero, the terms of which are preserved by Tacitus (*Ann.* xv. 19): "ne simulata adoptio in ulla parte muneris publici juvaret, ac ne usurpandis quidem hereditatibus prodesset." The object of this Senatusconsultum was to prevent the evasion of the Lex Julia et Papia Poppaea. It is sometimes referred to the consulship of C. Memmius Regulus and Virginius Rufus A. D. 63, but it appears to belong to the preceding year. See Dig. 31. s. 51, and 53. tit. 1. s. 76.

NERONIANUM de Legatis, the provisions of which are stated in the article LEGATUM. (Gaius, ii. 157, 198, 212, 218, 220; Ulp. *Frag.* xxiv.)

NERONIANUM, also called PISONIANUM, from being enacted in the consulship of Nero and L. Calpurnius Piso, A. D. 57. It contained various provisions: "Ut si quis a suis servis interfectus esset, ii quoque, qui testamento manumissi sub eodem tecto mansissent, inter servos supplicia penderent" (Tacit. *Ann.* xiii. 32): "Ut occisa uxore etiam de familia viri quaestio habeatur, idemque ut juxta uxoris familiam observetur, si vir dicatur occisus" (Paulus, *S. R.* iii. tit. 5, who gives in substance also the provision mentioned by Tacitus, but adds: "Sed et hi torquentur, qui cum occiso in itinere fuerunt"): "Ut, si poenae obnoxius servus venisset, quandoque in eum animadversum esset, venditor pretium praestaret." (Dig. 29. tit. 5. s. 8.)

ORPHITIANUM enacted in the time of M. Aurelius (Capitol. *in vita*, 11) that the legitima hereditas of a mother who had not been in manu, might come to her sons to the exclusion of the consanguinei and other agnati. The name Orphitianum is supplied by Paulus (*S. R.* iv. tit. 10), and the Digest (38. tit. 17); the enactment was made in the consulship of V. Rufus and C. Orphitus. (Inst. 3. tit. 4.)

Paulus (iv. tit. 14) speaks of rules relating to manumission being included in a Senatusconsultum Orphitianum. [HERES.] This Senatusconsultum was made in the joint reign of M. Aurelius and Commodus. (Impp. Anton. et Commodi oratione in senatu recitata, Ulp. *Frag.* tit. xxvi.) See ORATIONES PRINCIPUM.

PEGASIANUM was enacted in the reign of Vespasian, Pegasus and Pusio being Consules (Suffecti?) in the year of the enactment. (Inst. ii. tit. 23; Gaius, ii. 254, &c) The provisions of this Senatusconsultum are stated under FIDEICOMMISSA and LEGATUM. This Senatusconsultum, or another of the same name, modified a provision of the Lex Aelia Sentia as to a Latinus becoming a Romanus. (Gaius, i. 31.)

PERSICIANUM, which may be the correct form instead of Pernicianum, was enacted in the time of Tiberius A. D. 34, and was an amendment of the Lex Julia et Papia Poppaea. (Compare LEX JULIA ET PAP. POP.; Ulp. *Frag.* tit. xvi.; Sueton. *Claud.* 23.)

PISONIANUM. [NERONIANUM.]

PLANCIANUM, of uncertain date, is by some writers assigned to the time of Vespasian. The Lex Julia Papia et Poppaea apparently contained a provision by which a fideicommissum was forfeited to the Fiscus, if a heres or legatarius engaged himself by a written instrument or any other secret mode to pay or give the fideicommissum to a person who was legally incapable of taking it. (Dig. 30. s. 103; 34. tit. 9. s. 10, 18; 49. tit. 14. s. 3.) Such a Fideicommissum was called Tacitum, and when made in the way described was said to be "in fraudem legis," designed to evade the law. If it was made openly (*palam*), this was no fraus, and though the fideicommissum might be invalid on account of the incapacity of the fideicommissarius to take, the penalty of the lex did not apply. It does not appear certain whether this provision as to the confiscation was contained in the original Lex or added by some subsequent Senatusconsultum. However this may be, the fiduciarius still retained his Quarta. But a Senatusconsultum mentioned by Ulpian (*Frag.* tit. xxv. s. 17) enacted that if a man undertook to perform a tacitum fideicommissum, he lost the Quadrans or Quarta [FIDEICOMMISSUM], nor could he claim what was Caducum under the Testamenta, which as a general rule he could claim if he had children. [LEGATUM; BONA CADUCA.] This Senatusconsultum, it appears from an extract in the Digest (35. tit. 2

s. 59), was the Plancianum, or Plautianum, for the reading is doubtful; and in this passage it is stated that the Fourth, which the Fiduciarius was not allowed to retain, was claimed for the Fiscus by a Rescript of Antoninus Pius. The penalty for the fraud only applied to that part of the property to which the fraud extended, and if the heres was heres in a larger share of the hereditas than the share to which the fraus extended, he had the benefit of the Falcidia for that part to which the fraus did not extend, which is thus expressed by Papinian (Dig. 34. tit. 9. s. 11), "sed si major modus institutionis quam fraudis fuerit quod ad Falcidiam attinet, de superfluo quarta retinebitur." The history of legislation on the subject of Tacita fideicommissa is not altogether free from some doubt.

Plautianum. [Plancianum.]

Rubrianum, enacted in the time of Trajan, in the consulship of Rubrius Gallus and Q. Coelius Hispo (probably consules suffecti) A. D. 101, related to fideicommissa libertas. Its terms are given in the Digest (40. tit. 5. s. 26): "Si hi a quibus libertatem praestari oportet evocati a Praetore adesse noluissent, Si causa cognita Praetor pronuntiasset libertatem his deberi, eodem jure statum servari ac si directo manumissi essent." Compare Plin. *Ep.* iv. 9, ad Ursum with the passage in the Digest.

Sabinianum, of uncertain date, but apparently after the time of Antoninus Pius. It related to the rights of one of three brothers who had been adopted, to a portion of the hereditas contra tabulas testamenti. (Cod. 8. tit. 48. s. 10; Inst. 3. tit. 1.)

Silanianum, probably passed in the time of Augustus in the consulship of P. Cornelius Dolabella and C. Junius Silanus A. D. 10, contained various enactments. It gave freedom to a slave who discovered the murderer of his master. If a master was murdered, all the slaves who were under the roof at the time, if the murder was committed under a roof, or who were with him in any place at the time of the murder, were put to the torture, and, if they had not done their best to defend him, were put to death. Tacitus (*Ann.* xiv. 42) refers to this provision of the Senatusconsultum, and he uses the phrase "vetere ex more." Lipsius (note on this passage) refers to Cicero (*ad Fam.* iv. 12). Servi Impuberes were excepted from this provision of the Senatusconsultum. (Dig. 29. tit. 5. s. 14.) The heres who took possession of the hereditas of a murdered person before the proper inquiry was made, forfeited the hereditas, which fell to the Fiscus: the rule was the same whether being heres ex testamento he opened the will (*tabulae testamenti*) before the inquiry was made, or whether being heres ab intestato, he took possession of the hereditas (*adiit hereditatem*) or obtained the Bonorum Possessio; he was also subjected to a heavy pecuniary penalty. A Senatusconsultum passed in the consulship of Taurus and Lepidus A. D. 11, enacted that the penalty for opening the will of a murdered person could not be inflicted after five years, except it was a case of parricide to which this temporis praescriptio did not apply. (Paulus, *S. R.* iii. tit. 5; Dig. 29. tit. 5; Cod. 6. tit. 35.)

Tertullianum is stated in the Institutes of Justinian (3. tit. 3) to have been enacted in the time of Hadrian, in the consulship of Tertullus and Sacerdos; but some critics, notwithstanding this, would refer it to the time of Antoninus Pius. This Senatusconsultum empowered a mother, whether Ingenua or Libertina, to take the Legitima hereditas of an intestate son; the Ingenua, if she was or had been the mother of three children; the Libertina, if she was or had been the mother of four children. They could also take, though they neither were nor had been mothers, if they had obtained the Jus Liberorum by Imperial favour. Several persons however took precedence of the mother; the sui heredes of the son, those who were called to the Bonorum Possessio as sui heredes, the father, and the frater consanguineus. If there was a soror consanguinea, she shared with her mother. The Senatusconsultum Orphitianum gave the children a claim to the hereditas of the mother.

(Ulp. *Frag.* tit. xxvi.; Paulus, *S. R.* iv. tit. 9; Dig. 38. tit. 17.)

Trebellianum, enacted in the time of Nero in the consulship of L. Annaeus Seneca and Trebellius Maximus A. D. 62, related to Fideicommissae hereditates.

(Fideicommissum; Gaius, ii. 251, 253; Dig. 36. tit. 1; Paulus, *S. R.* iv. tit. 2.)

Turpilianum, enacted in the time of Nero in the consulship of Caesonius Paetus and Petronius Turpillus A. D. 61, was against praevaricatio or the collusive desisting from prosecuting a criminal charge. The occasion of this Senatusconsultum and the terms of it are stated by Tacitus (*Ann.* xiv. 14): "qui talem operam emptitasset, vendidissetve, perinde poena teneretur ac publico judicio calumniae condemnaretur." The definition of a praevaricator is given in the Digest (48. tit. 16. s. 1. *Ad Senatusconsultum Turpilianum*).

Velleianum rendered void all intercessiones by women, whether they were on behalf of males or females. This Senatusconsultum was enacted in the consulship of Marcus Silanus and Velleius Tutor, as appears from the preamble of the Senatusconsultum (Dig. 16. tit. 1), and it appears most probably to have been passed in the reign of Claudius from the words of Ulpian in his comment upon it. The name of Velleius Tutor does not occur in the Fasti Consulares, and he may be a consul suffectus. The name of M. Silanus occurs as consul in the reign of Claudius, and the colleague of Valerius Asiaticus, A. D. 46. (Dion Cass. lx. 27.) [Intercessio.] In the year A. D. 19, according to the Fasti a M. Silanus was also consul; his colleague according to the Fasti was L. Norbanus Balbus, and this agrees with Tacitus (*Ann.* ii. 59).

Vitrasianum is assigned to the reign of Vespasian, but the time is very uncertain. It related to Fideicommissa Libertas. (Dig. 40. tit. 5. s. 30.)

Volusianum, enacted in the reign of Nero in the consulship of Q. Volusius Saturninus and P. Cornelius Scipio, A. D. 56. It contained a provision against pulling down a domus or villa for the sake of profit; but the object of this law seems rather obscure: it is referred to, without the name being given, in the Digest (18. tit. 1. s. 52. *Senatus censuit*, &c.). Tacitus (*Ann.* xiii. 28) mentions a Senatusconsultum in this consulship which limited the power of the Aediles: "quantum curules, quantum plebeii pignoris caperent, vel poenae irrogarent." A Senatusconsultum Volusianum (if the name is right) enacted that persons should be liable to the penalties of the Lex Julia de vi privata, who joined in the suit of another person with the bargain that they should share whatever was acquired by the condemnatio. (Dig. 48. tit. 7. s. 6.) [G. L.]

SENIO'RES. [Comitia, p. 333.]

SEPTA. [Comitia, p. 336, b.]

SEPTEMVIRI EPULO'NES. [Epulones.]

SEPTIMATRUS. [Quinquatrus.]

SEPTIMO'NTIUM, a Roman festival which was held in the month of December. It lasted only for one day (*dies Septimontium*, *dies Septimontialis*). According to Festus (*s. v. Septimontium*), the festival was the same as the Agonalia; but Scaliger in his note on this passage has shown from Varro (*de Ling. Lat.* vi. 24) and from Tertullian (*de Idolol.* 10), that the Septimontium must have been held on one of the last days of December, whereas the Agonalia took place on the tenth of this month. The day of the Septimontium was a dies feriatus for the montani, or the inhabitants of the seven ancient hills or rather districts of Rome, who offered on this day sacrifices to the gods in their respective districts. These sacra (*sacra pro montibus*, Fest. *s. v. Publica sacra*) were, like the paganalia, not sacra publica, but privata. (Varro, *l. c.*; compare Sacra.) They were believed to have been instituted to commemorate the enclosure of the seven hills of Rome within the walls of the city, but must certainly be referred to a time when the Capitoline, Quirinal, and Viminal were not yet incorporated with Rome. (Compare Columella, ii. 10; Suet. *Domit.* 4; Plut. *Quaest. Rom.* 68; Niebuhr, *Hist. of Rome*, vol. i. p. 389, &c.) [L. S.]

SEPTUNX. [As, p. 140, b.]

SEPULCRUM. [Funus, p. 560, b.]

SEQUESTRES. [Ambitus.]

SERA. [Janua, p. 626, b.]

SE'RICUM (*σηρικόν*), silk, also called *bombycinum.* The first ancient author who affords any evidence respecting the use of silk, is Aristotle (*H. A.* v. 19). After a description, partially correct, of the metamorphoses of the silkworm (*bombyx*, Martial, viii. 33), he intimates that the produce of the cocoons was wound upon bobbins by women for the purpose of being woven, and that Pamphile, daughter of Plates, was said to have first woven silk in Cos. This statement authorizes the conclusion, that raw silk was brought from the interior of Asia and manufactured in Cos as early as the fourth century B.C. From this island it appears that the Roman ladies obtained their most splendid garments [Coa Vestis], so that the later poets of the Augustan age, Tibullus (ii. 4), Propertius (i. 2, ii. 1, iv. 2, iv. 5), Horace (*Carm.* iv. 13. 13, *Sat.* i. 2. 101), and Ovid (*Art. Amat.* ii. 298), adorn their verses with allusions to these elegant textures, which were remarkably thin, sometimes of a fine purple dye (Hor. *ll. cc.*), and variegated with transverse stripes of gold. (Tibull. ii. 6.) About this time the Parthian conquests opened a way for the transport into Italy of all the most valuable productions of central Asia, which was the supposed territory of the Seres. The appearance of the silken flags attached to the gilt standards of the Parthians in the battle fought in 54 B. C. (Florus, iii. 11), must have been a very striking sight for the army of Crassus.

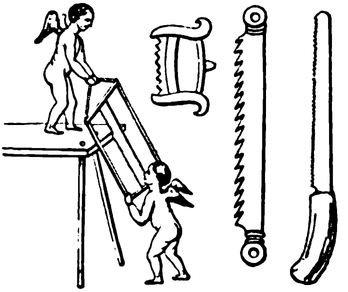
The inquiries of the Romans respecting the nature of this beautiful manufacture led to a very general opinion that silk in its natural state was a thin fleece found on trees. (Virg. *Georg.* ii. 121; Petron. 119; Seneca, *Hippol.* 386; Festus Avienus, 935; Sil. Ital. *Pun.* vi. 4, xiv. 664, xvii. 596.) An author, nearly contemporary with those of the Augustan age already quoted (Dionysius Periegetes, 755), celebrates not only the extreme fineness and the high value, but also the flowered texture of these productions. The circumstances now stated sufficiently account for the fact, that after the Augustan age we find no further mention of Coan, but only of *Seric* webs. The rage for the latter increased more and more. Even men aspired to be adorned with silk, and hence the senate early in the reign of Tiberius enacted "Ne vestis Serica viros foedaret." (Tac. *Ann.* ii. 33; Dion Cass. lvii. 15; Suidas, *s. v.* *Τιβέριος.*)

In the succeeding reigns, we find the most vigorous measures adopted by those emperors who were characterized by severity of manners, to restrict the use of silk, whilst Caligula and others, notorious for luxury and excess, not only encouraged it in the female sex, but delighted to display it in public on their own persons. (Suet. *Calig.* 52; Dion Cass. lix. 12; see also Joseph. *B. J.* vii. 5. § 4.) Shawls and scarves, interwoven with gold and brought from the remotest East, were accumulated in the wardrobe of the Empress during successive reigns (Martial, xi. 9), until in the year 176 Antoninus, the philosopher, in consequence of the exhausted state of his treasury, sold them by public auction in the Forum of Trajan with the rest of the imperial ornaments. (Capitol. *in vita*, 17.) At this period we find that the silken texture, besides being mixed with gold (*χρυσόπαστος*, *χρυσοῦφης*), was adorned with embroidery, this part of the work being executed either in Egypt or Asia Minor. (*Nilotis*, *Maeonia*, *acus*, Lucan, x. 141; Seneca, *Herc. Oet.* 664.) The Christian authors from Clemens Alexandrinus (*Paedag.* ii. 10) and Tertullian (*de Pallio*, 4) downwards discourage or condemn the use of silk. Plutarch also dissuades the virtuous and prudent wife from wearing it (*Conj. Praec.* p. 550, vol. vi. ed. Reiske), although it is probable that ribands for dressing the hair (Martial, xiv. 24) were not uncommon, since these goods (*Serica*) were procurable in the vicus Tuscus at Rome (xi. 27). Silk thread was also imported and used for various purposes. (Galen, Περὶ Διάγν. vol. vi. p. 533, ed. Chartier.)

Although Commodus in some degree replenished the palace with valuable and curious effects, including those of silk (Capitol. *Pertin.* 8), this article soon afterwards again became very rare, so that few writers of the third century make mention of it. When finely manufactured, it sold for its weight in gold, on which account Aurelian would not allow his empress to have even a single shawl of purple silk (*pallio blatteo serico*, Vopisc. *Aurel.* 45). The use of silk with a warp of linen or wool, called *tramoserica* and *subserica*, as distinguished from *holoserica*, was permitted under many restrictions. About the end, however, of the third century, silk, especially when woven with a warp of inferior value, began to be much more generally worn both by men and women; and the consequence was that, in order to confine the enjoyment of this luxury more entirely to the imperial family and court, private persons were forbidden to engage in the manufacture, and gold and silken borders (*paragaudae*) were allowed to be made only in the imperial gynaecea. [Paragauda.]

The production of raw silk (*μέταξα*) in Europe was first attempted under Justinian, A. D. 530. The eggs of the silkworm were conveyed to Byzantium in the hollow stem of a plant from "Serinda," which was probably Khotan in Little Bucharia, by some monks, who had learnt the method of hatching and rearing them. The worms were fed with the leaf of the Black or Common Mulberry (*συκάμινος*. Procop. *B. Goth.* iv. 17; Glycas, *Ann.* iv. p. 209; Zonar. *Ann.* xiv. p. 69, ed. Du Cange; Phot. *Bibl.* p. 80, ed. Roth.). The cultivation both of this species and of the White Mulberry, the breeding of silk-worms, and the manufacture of their produce, having been long confined to Greece, were at length in the twelfth century transported into Sicily, and thence extended over the south of Europe. (Otto Frisingen, *Hist. Imp. Freder.* i. 33; Man. Comnenus, ii. 8.) The progress of this important branch of industry was however greatly impeded even in Greece both by sumptuary laws restricting the use of silk except in the church service or in the dress and ornaments of the court, and also by fines and prohibitions against private silk-mills, and by other attempts to regulate the price both of the raw and manufactured article. It was at one time determined that the business should be carried on solely by the imperial treasurer. Peter Barsames, probably a Phoenician, held the office, and conducted himself in the most oppressive manner, so that the silk trade was ruined both in Byzantium and at Tyre and Berytus, whilst Justinian, the empress Theodora, and their treasurer amassed great wealth by the monopoly. (Procop. *Hist. Arcan.* 25.) The silks woven in Europe previously to the thirteenth century were in general plain in their pattern. Many of those produced by the industry and taste of the Seres, *i. e.* the silk manufacturers of the interior of Asia, were highly elaborate, and appear to have been very similar in their patterns and style of ornament to the Persian shawls of modern times. [J. Y.]

SERRA, *dim.* SERRULA (*πρίων*), a saw. It was made of iron (*ferrea*, Non. Marc. p. 223, ed. Merceri; *de ferro lamina*, Isid. *Orig.* xix. 19; Virg. *Georg.* i. 143). The form of the larger saw used for cutting timber is seen in the annexed woodcut, which is taken from a miniature in the celebrated Dioscorides written at the beginning of the sixth century. (Montfaucon, *Pal. Graec.* p. 203.) It is of the kind which we call the frame-saw, because it is fixed in a rectangular frame. It was held by a workman (*serrarius*, Sen. *Epist.* 57) at each end. The line was used to mark the timber in order to guide the saw (Sen. *Epist.* 90); and its movement was facilitated by driving wedges with a hammer between the planks (*tenues tabulae*) or rafters (*trabes*). (Corippus, *de Laud. Just.* iv. 45—48.) A similar representation of the use of the frame-saw is given in a painting found at Herculaneum, the operators being winged genii, as in this woodcut (*Ant. d'Ercol.* i. tav. 34); but in a bas-relief published by Micali (*Ital. av. il Dom. dei Rom.* tav. 49) the two sawyers wear tunics girt round the waist like that of the ship-builder in the woodcut at p. 141. The woodcut here introduced also shows the blade of the saw detached from its frame, with a ring at each end for fixing it in the frame, and exhibited on a funereal monument published by Gruter. On each side of the last-mentioned figure is represented a hand-saw adapted to be used by a single person. That on the left is from the same funereal monument as the blade of the frame-saw: that on the right is the figure of an ancient Egyptian saw preserved in the British Museum. These saws (*serrulae manubriatae*) were used to divide the smaller objects. Some of them, called *lupi*, had a particular shape, by which they were adapted for amputating the branches of trees. (Pallad. *de Re Rust.* i. 43.)



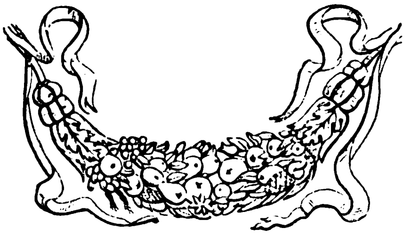
St. Jerome (*in Is.* xxviii. 27) seems clearly to allude to the circular saw, which was probably used, as at present, in cutting veneers (*laminae praetenues*, Plin. *H. N.* xvi. 43. s. 84). We have also intimations of the use of the centre-bit, and we find that even in the time of Cicero (*pro Cluent.* 64) it was employed by thieves.

Pliny (*H. N.* xxxvi. 22. s. 44) mentions the use of the saw in the ancient Belgium for cutting white building-stone: some of the oolitic and cretaceous rocks are still treated in the same manner both in that part of the continent and in the south of England. In this case Pliny must be understood to speak of a proper or toothed saw. The saw without teeth was then used, just as it is now, by the workers in marble, and the place of teeth was supplied, according to the hardness of the stone, either by emery or by various kinds of sand of inferior hardness. (Plin. *H. N.* xxxvi. 6. s. 9.) In this manner the ancient artificers were able to cut slabs of the hardest rocks, which consequently were adapted to receive the highest polish, such as granite, porphyry, lapis-lazuli, and amethyst. [Mola; Paries.]

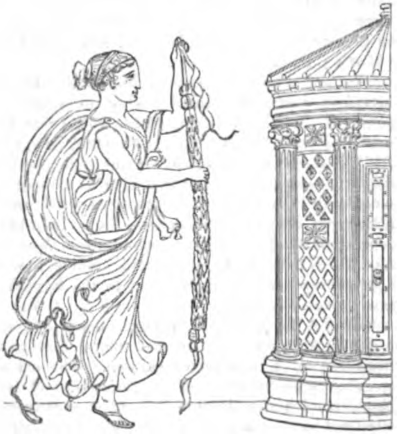
The saw is an instrument of high antiquity, its invention being attributed either to Daedalus (Plin. *H. N.* vii. 56; Sen. *Epist.* 90), or to his nephew Perdix (Hygin. *Fab.* 274; Ovid. *Met.* viii. 246) [Circinus], also called Talos, who, having found the jaw of a serpent and divided a piece of wood with it, was led to imitate the teeth in iron. (Diod. Sic. iv. 76; Apollodor. iii. 15.) In a bas-relief published by Winckelmann (*Mon. Ined.* ii. fig. 94), Daedalus is represented holding a saw approaching very closely in form to the Egyptian saw above delineated. [J. Y.]

SERRA'TI NUMMI. [Denarius, p. 394, a.]

SERTA, used only in the plural (*στέμμα*, *στεφάνωμα*), a festoon or garland. The art of weaving wreaths [Corona], garlands, and festoons, employed a distinct class of persons (*coronarii* and *coronariae*; *στεφανηπλόκοι*, Theophrast. *H. P.* vi. 8. § 1; Plin. *H. N.* xxi. 2. s. 3, or *στεφανοπλόκοι*), who endeavoured to combine all the most beautiful varieties of leaves, of flowers, and of fruits, so as to blend their forms, colours, and scents (Virg. *Copa*, 14, 35) in the most agreeable manner. The annexed woodcut taken from a sarcophagus at Rome (Millin, *Gal. Myth.* ii. 100), shows a festoon adapted to be suspended by means of the fillets at both ends. Its extremities are skilfully encased in acanthus-leaves: its body consists apparently of laurel or bay, together with a profusion of fruits, such as apples, pears, pomegranates, bunches of grapes, and fir-cones. At Athens there was a market, called *στεφανοπλόκιον* for the manufacture and sale of this class of productions, the work being principally performed by women and girls. (Aristoph. *Thesm* 455.)



When a priest was preparing a sacrifice, he often appeared with a festoon intended to be placed on the door of the temple (*festa fronde*, Virg. *Aen.* ii. 249; *variis sertis*, iv. 202; Juv. xii. 84; Lucan, ii. 354), on the front of the altar (Virg. *Aen.* i. 417) or upon the head of the victim. Thus in the Iliad (i. 14, 28), Chryses besides the gilded sceptre which denoted his office and authority carries a garland in honour of Apollo, which was probably wound about the sceptre. (See also Aristoph. *Av.* 894, *Pax*, 948; Callim. *Hymn. in Cer.* 45.) The act here described is seen in the annexed woodcut, which is taken from a bas-relief in the collection of antiques at Ince-Blundell, and represents a priestess carrying in her two hands a festoon to suspend upon the circular temple which is seen in the distance. As the festoons remained on the temples long after their freshness had departed, they became very combustible. The temple of Juno at Argos was destroyed in consequence of their being set on fire. (Thuc. iv. 133. § 2; Paus. ii. 17. § 7.) The garlands on funereal monuments hung there for a year, and were then renewed. (Tibull. ii. 4. 48, 7. 32; Propert. iii. 16. 23.) The funeral pile was also decorated in a similar manner, but with an appropriate choice of plants and flowers. (Virg. *Aen.* iv. 506.)



Festoons were placed upon the door-posts of private houses in token of joy and affection (Tibull. i. 2. 14) more especially on occasion of a wedding. (Lucan, ii. 354.) They were hung about a palace in compliment to the wealthy possessor (*insertabo coronis atria*, Prudent. *in Symm.* ii. 726): and on occasions of general rejoicing the streets of a city were sometimes enlivened with these splendid and tasteful decorations. (Martial, vi. 79. 8.)

The smaller garlands or crowns, which were worn by persons on the head or round the neck, are sometimes called *serta*. (Tibull. i. 7. 52.) The fashion of wearing such garlands suspended from the neck, was adopted by the early Christians. (Min. Felix, 38.) [J. Y.]

SERVIA'NA ACTIO. [PIGNUS.]

SE'RVITUS. [SERVUS.]

SERVITU'TES. The owner of a thing can use it in all ways consistent with his ownership, and he can prevent others from using it in any way that is inconsistent with his full enjoyment of it as owner. If the owner's power over the thing is limited either way, that is, if his enjoyment of it is subject to the condition of not doing certain acts in order that some other person may have the benefit of such forbearance, or to the condition of allowing others to do certain acts, which limit his complete enjoyment of a thing, the thing is said "servire" to be subject to a "servitus." Hence when a thing was sold as "optima maxima," this was legally understood to mean that it was warranted free from Servitutes. (Dig. 50. tit. 16. s. 90. 169; compare Cic. *de Leg. Agr.* iii. 2.) The existence of a Servitus must be proved: the presumption is that the ground is free (liber) till it is shown to be servient. Servitutes are also included in the terms "Jura," and "Jura in Re," and these terms are opposed to Dominium or complete ownership. He who exercises a Servitus therefore has not the animus domini, not even in the case of ususfructus, for the Ususfructuarius is never recognized as owner in the Roman Law. The technical word for ownership, when the ususfructus is deducted from it, is Proprietas.

A man can only have a right to a servitus in another person's property; and a servitus can only be in a corporeal thing. Viewed with respect to the owner of the thing, a Servitus either consists in his being restrained from doing certain acts to his property, which otherwise he might do (*servitus quae in non faciendo consistit; Servitus negativa*); or it consists in his being bound to allow some other person to do something to the property, which such person might otherwise be prevented from doing (*servitus quae in patiendo consistit; Servitus affirmativa*). A Servitus never consists in the owner of the servient property being obliged to do any act to his property, though he may be under an obligatio to do acts which are necessary towards the enjoyment of the Servitus. (Dig. 8. tit. 1. s. 15; Puchta, *Inst.* i. § 252, note *e*.)

There were two classes of Servitutes. Either they had for their subject a definite person, who could exercise the right, in which case they were called Personal, Personarum; and they ceased with the death of the person: the expression "personalis servitus" was used. (Dig. 34. tit. 3. s. 8. § 3.) Or they had for their subject another piece of property, as a house or land, and the person who exercised the Servitus exercised it in respect of his right to the house or land, which was its subject. Servitutes of the latter kind were called Praedial, Servitutes Praediorum or Rerum, or Jura Praediorum (Gaius, ii. 17. 29; Dig. 8. tit. 1. s. 1); and with reference to their special kinds, Jura aquarum, &c. (Cic. *pro Caecin.* 26.)

The exercise of Personal Servitutes, of which Usus and Ususfructus were the principal, was always connected with the natural possession of the thing; and consequently the Quasi Possessio of such Servitutes had a close resemblance to Possessio. [POSSESSIO.] Servitutes of this class consisted solely "in patiendo."

Praedial servitutes consisted both "in patiendo," and "in non faciendo." Those which consisted "in patiendo" comprised either such acts as a person might do, by virtue of the Servitus, which acts had only mediately a reference to another piece of land, as in the case of a Jus Itineris; or such acts as a man might do, with immediate reference to another piece of land, as Jus tigni immittendi, and the like. Those which consisted "in non faciendo" on the part of the owner were acts which another possessor of a piece of land could require the owner of the servient property not to do, but which except for the servitus, the owner might do.

Personal servitutes were USUS, USUSFRUCTUS, Habitatio, and Operae servorum et Animalium.

Habitatio or the right of living in another person's house resembled the ususfructus or usus aedium. But it was not lost as ususfructus and usus were, by capitis diminutio or neglect to exercise the right. Also, it consisted in the right to inhabit some definite part of a house only, and not the whole; the habitatio could be sold or let. If it was a donatio inter vivos, it could be set aside by the heredes of the giver. (Dig. 7. tit. 8. *De Usu et Habitatione;* Dig. 39. tit. 5. s. 27, 32; Inst. 2. tit. 5.)

Operae servorum et animalium consisted in a man having a right to the use and services of another person's slave or beast, so long as the slave or beast lived. The servitus continued after the death of the person entitled to it, and was not lost by a capitis diminutio nor by neglect to exercise it. This is called by Gaius (ii. 32) "the Ususfructus hominum et ceterorum animalium."

Praedial Servitutes imply the existence of two contiguous pieces of land (*praedia*), one of which owes a servitus to the other (*servitutem debet, praedium, fundus serviens*); and the servitus is said to be due (*deberi*) from the one to the other. The name of praedium dominans which is now often used to designate the praedium to which the servitus is due, is a modern invention. It is of the nature of a Servitus to be an advantage to the land to which it belongs: it must be something that in some way increases its value. It must also be a thing that is permanently to the advantage of the dominant praedium; for it is said "omnes servitutes praediorum perpetuas causas habere debent" (Paulus, Dig. 8. tit. 2. s. 8), which means there is a continuous adaptation of the servient to the use of the dominant tenement. The Servitus is considered as belonging to the dominant praedium in such a sense that it cannot be alienated without the praedium nor pledged nor let.

Praedial Servitutes were either Praediorum Urbanorum or Rusticorum. But the word Servitus has a double meaning, according as we view it as a right or a duty. The Servitus of a Praedium Rusticum or Urbanum is, in the former sense, the servitus which belongs to a particular Praedium, as a right: in the latter sense it is the servitus which some particular Praedium owes, as a duty. When the two Praedia are contemplated together in their mutual relations of right and duty, the word Servitus expresses the whole relation. Servitutes Urbanae are those which are for the advantage of an edifice as such, whether the advantage is derived from another building or simply a piece of land; Rusticae are those which are for the advantage of a piece of ground, as such, and mainly for the benefit of agriculture. "Urbanum praedium non locus facit, sed materia." (Ulp. Dig. 50. tit. 16. s. 198.)

The following are the principal Servitutes Urbanae:—1. Oneris ferendi, or the right which a man has to use the edifice or wall of his neighbour to support his own edifice. The owner of the servient property was consequently bound to keep it in repair so that it should be adequate to discharge its duty. (Dig. 8. tit. 5. s. 6.) 2. Tigni immittendi, or the right of planting a beam in or upon a neighbour's wall. 3. Projiciendi, or the right of adding something to a man's edifice, though it shall project into the open space which is above his neighbour's grounds. 4. Stillicidii, or fluminis recipiendi or immittendi. This servitus was either a right which a man had for the rain water to run from his house upon and through his neighbour's premises, or a right to draw such water from his neighbour's premises to his own. The technical meaning of Stillicidium is rain in drops; when collected in a flowing body it is Flumen. (Varro, *de Ling. Lat.* v. 27, ed. Müller; Cic. *de Or.* i. 38.) 5. Altius non tollendi, or the duty which a man owed not to build his house higher than its present elevation, or the duty of the owner of a piece of land not to raise his edifice above a certain height, in order that the owner of some other house might have the advantage of such forbearance. If a man was released from this duty by his neighbour, he obtained a new right, which was the Jus altius tollendi. In like manner, a man whose ground was released from the Servitus Stillicidii, was said to have the servitus stillicidii non recipiendi. This was not strictly accurate language, for if a servitus is defined to be some limitation of the usual rights of ownership, a recovery of these rights or a release from the duties which is implied by the possession of these rights by another, merely gives the complete exercise of ownership and so destroys all notion of a Servitus. Still such was the language of the Roman Jurists, and accordingly we find enumerated among the Urbanae Servitutes (Dig. 8. tit. 2. s. 2), "Stillicidium avertendi in tectum vel aream vicini aut non avertendi." 6. Servitus ne Luminibus, and ne Prospectui officiatur, or the duty which a man owes to his neighbour's land not to obstruct his light or his prospect (see Gaius, ii. 31; Cic. *de Or.* i. 39); and Servitus Luminum or Prospectus, or the duty of a man to allow his neighbour to make openings into his premises, as in a common wall for instance, to get light or a prospect. It was a Servitus the object of which was to procure light, whereas the ne officiatur was to prevent the destroying of light. (Dig. 8. tit. 2. s. 4. 40.) But there are different opinions as to the meaning of Servitus Luminum. 7. Servitus Stercolinii, or the right of placing dung against a neighbour's wall, &c. 8. Servitus fumi immittendi, or the right of sending one's smoke through a neighbour's chimney. 9. Servitus cloacae, or the right to a drain or sewer from a man's land or house through a neighbour's land or house.

The following are the principal Servitutes Rusticae: — 1. Servitus Itineris, or the right to a footpath through another man's ground or to ride through on horseback or in a sella or lectica, for a man in such cases was said *ire* and not *agere*. Viewed with reference to the person who exercised the right, this Servitus was properly called Jus eundi. (Gaius. iv. 3.) 2. Actus or Agendi, or the right of driving a beast or carriage through another man's land. 3. Viae or the right eundi et agendi et ambulandi. Via of course included the other two Servitutes; and it was distinguished from them by its width, which was defined by the Twelve Tables. (Dig. 8. tit. 3. s. 8.) The width of an Iter or Actus might be a matter of evidence, and if it was not determined, it was settled by an arbiter. If the width of a Via was not determined, its width was taken to be the legal width (*latitudo legitima*). In the work De Coloniis, attributed to Frontinus, the phrase "iter populo debetur or non debetur" frequently occurs. When "iter debetur" occurs, the width of the iter is given in feet. It seems that in the assignment of the lands in these instances, the lands were made "servire populo," for the purposes of a road. 4. Servitus pascendi or the right of a man in respect of the ground to which his cattle are attached, to pasture them on another's ground. 5. Servitus aquaeductus or ducendi aquam per fundum alienum. There were also other Servitutes as Aquae haustus, Pecoris ad aquam appulsus, Calcis coquendae, and Arenae fodiendae. If a Publicus locus or a Via publica intervened, no servitus aquaeductus could be imposed, but it was necessary to apply to the Princeps for permission to form an aquaeductus across a public road. The intervention of a Sacer et religiosus locus was an obstacle to imposing an Itineris servitus, for no Servitus could be due to any person on ground which was sacer or religiosus.

A Servitus Negativa could be acquired by mere contract; and it seems the better opinion that a Servitus Affirmativa could be so acquired, and that quasi possessio, at least in the later periods, was not necessary in order to establish the Jus Servitutis, but only to give a right to the Publiciana in rem actio. (Gaius, ii. 30, 31; Savigny, *Das Recht des Besitzes.*) The phrases "aquae jus constituere," "servitutem fundo imponere," occur (Cic. *ad Quint.* iii. 1. c. 2). According to Gaius, Servitutes Urbanae could only be transferred by the In jure cessio: Servitutes Rusticae could be transferred by Mancipatio also. (Gaius, ii. 29.)

A Servitus might be established by Testament (*Servitus Legata*, Dig. 33. tit. 3), and the right to it was acquired when the "dies legati cessit" [LEGATUM]; but tradition was necessary in order to give a right to the Publiciana in rem actio. A Servitus could be established by the decision of a judex in the Judicium Familiae erciscundae, Communi dividundo, and in a case where the Judex adjudicated the Proprietas to one and the Ususfructus to another (Dig. 7. tit. 1. s. 6). Servitutes could also be acquired by the Praescriptio longi temporis. (Cod. 7. tit. 33. s. 12.) An obscure and corrupt passage of Cicero (*ad Att.* xv. 26) seems to allude to the possibility of acquiring a right to a Servitus by use; as to which a Lex Scribonia made a change. [LEX SCRIBONIA.] Quasi servitudes were sometimes simply founded on positive enactments, which limited the owner of a property in its enjoyment (Nov. 22. c. 46. s. 2); and others were considered as "velut jure impositae" (Dig. 39. tit. 3. s. 1. § 23; and Dig. 43. tit. 27, *De Arboribus Caedendis.*)

A Servitus might be released (*remitti*) to the owner of the Fundus serviens (Dig. 8. tit. 1. s. 14); or it might be surrendered by allowing the owner of the Fundus Serviens to do certain acts upon it, which were inconsistent with the continuance of the Servitus. (Dig. 8. tit. 6. s. 8.) If both the dominant and the servient land came to belong to one owner, the Servitutes were extinguished; there was a Confusio. (Dig. 8. tit. 6. s. 1.) If the separate owners of two separate estates, jointly acquired an estate which was servient to the two separate estates, the Servitutes were not extinguished; but they were extinguished if the joint owners of a dominant estate, jointly acquired the servient estate. (Dig. 8. tit. 3. s. 27.) A ususfructus was extinguished when the Usufructuarius acquired the Proprietas of the thing. A Servitus was extinguished by the extinction of the object, but if the servient object was restored, the servitus was also restored. (Dig. 8. tit. 2. s. 20; tit. 6. s. 14.) A servitus was extinguished by the extinction of the subject, as in the case of a Personal Servitude with the death of the person who was intitled to it; and in the case of Praedial Servitutes with the destruction of the dominant subject, but they were revived with its revival: for instance, if a building to which a servitude belonged, was pulled down in order to be rebuilt, and if it was rebuilt in the same form, the servitude revived (Paulus, Dig. 8. tit. 2. s. 20. § 2; Moore v. Rawson, 3 B. & Cr. 332). A Servitus might be extinguished by not using it. There is a case in the Digest (8. tit. 3. s. 35) of the servitus of a spring, the use of which had been interrupted by the temporary failure of the spring, and a rescript of Augustus on the matter. According to the old law, Ususfructus and Usus were lost, through not exercising the right, in two years in the case of things immoveable, and in one year in the case of things moveable. In Justinian's legislation Ususfructus and Usus were only lost by not exercising the right, when there had been a Usucapio libertatis on the part of the owner of the thing or the ownership had been acquired by Usucapion. (Cod. 3. tit. 33. s. 16. § 1, and tit. 34. s. 13.)

Servitutes might be the subjects of Actiones in rem. (Dig. 7. tit. 6; 8. tit. 5.) An Actio Confessoria or Vindicatio Servitutis had for its object the establishing the right to a Servitus, and it could only be brought by the owner of the dominant land, when it was due to land. The object of the action was the establishment of the right, damages, and security against future disturbance in the exercise of the right; and the action might be not only against the owner of the servient thing, but against any person who impeded the exercise of the right. The plaintiff had of course to prove his title to the Servitus. The Actio Negatoria or Vindicatio libertatis, might be brought by the owner of the property against any person who claimed a Servitus in it. The object was to establish the freedom of the property from the servitus, for damages, and for security to the owner against future disturbance in the exercise of his ownership. The plaintiff had of course to prove his ownership and the defendant to prove his title to the Servitus. (Gaius, iv. 3 ; Dig. 8. tit. 5.)

In the case of Personal Servitudes, the Interdicts were just the same as in the case of proper Possession ; the Interdict which was applied in the case of proper Possession, was here applied as a Utile Interdictum. (*Frag. Vat.* 90, as emended by Savigny.)

In the case of Praedial Servitudes, we must first consider the Positive. In the first class, the acquisition of the Juris Quasi Possessio is effected by an act which is done simply as an exercise of the Right, independent of any other right. The interference with the exercise of the right was prevented by Interdicts applicable to the several cases. A person who was disturbed in exercising a Jus Itineris, Actus, Viae by any person whatever, whether the owner of the servient land or any other person, had a right to the Interdict: the object of this Interdict was protection against the disturbance, and compensation: its effect was exactly like that of the Interdict Uti possidetis. Another Interdict applied to the same objects as the preceding Interdict, but its object was to protect the person intitled to the servitude from being disturbed by the owner while he was putting the way or road in a condition fit for use.

There were various other Interdicts as in the case of the Jus aquae quotidianae vel aestivae ducendae (Dig. 43. tit. 20) ; in the case of the repair of water passages (43. tit. 21, *de rivis*) ; in the case of the Jus aquae hauriendae (43. tit. 22).

The second class of Positive Servitudes consists in the exercise of the servitude in connection with the possession of another piece of property. The Interdicts applicable to this case are explained under the third class, that of Negative Servitudes.

In the case of Negative Servitudes there are only two modes in which the Juris quasi Possessio can be acquired: 1, when the owner of the servient property attempts to do some act, which the owner of the dominant property considers inconsistent with his Servitus, and is prevented ; 2, by any legal act which is capable of transferring the Jus Servitutis. The possession is lost when the owner of the servient property does an act which is contrary to the Right. The Possession of the Servitudes of the second and third class was protected by the Interdict Uti possidetis. There was a special interdict about sewers (*De Cloacis*, Dig. 43. tit. 23).

It has been stated that Quasi-servitudes were sometimes founded on positive enactments. These were not Servitutes properly so called, for they were limitations of the exercise of ownership made for the public benefit. The only cases of the limitation of the exercise of ownership by positive enactment, which are mentioned in the Pandect, are reducible to three principal classes. The first class comprehends the limitation of ownership on religious grounds. To this class belongs Finis, or a space of five feet in width between adjoining estates, which it was not permitted to cultivate. This intermediate space was sacred and it was used by the owners of the adjoining lands for sacrifice. To this class also belongs the rule, that if a man had buried a dead body on the land of another without his consent, he could not as a general rule be compelled to remove the body, but he was bound to make recompence. (Dig. 11. tit. 7. s. 2. 7, 8.) The second class comprehends rules relating to police. According to the Twelve Tables every owner of land in the city was required to leave a space of two feet and a half vacant all round any edifice that he erected: this was called legitimum spatium, legitimus modus. Consequently between two adjoining houses there must be a vacant space of five feet. This law was no doubt often neglected, for after the fire in Nero's reign (Tacit. *Ann.* xv. 43), it was forbidden to build houses with a common wall (*communio parietum*) ; and the old legitimum spatium was again required to be observed ; and it is referred to in a rescript of Antoninus and Verus. (Dig. 8. tit. 2. s. 14.) This class also comprehends rules as to the height and form of buildings. Augustus (Sueton. *Octav.* 89) fixed the height at seventy feet ; Nero also after the great fire made some regulations with the view of limiting the height of houses. Trajan fixed the greatest height at sixty feet. These regulations were general, and had no reference to the convenience of persons who possessed adjoining houses: they had therefore no relation at all to the Servitutes altius tollendi and non tollendi as some writers suppose. The rule of the Twelve Tables which forbade the removing a "tignum furtivum aedibus vel vineis junctum," had for its object the preventing of accidents. (Dig. 47. tit. 3.) Another rule declared that the owners of lands which were adjoining to public aquaeducts should permit materials to be taken from their lands for these public purposes, but should receive a proper compensation. The Twelve Tables forbade the burning or interring of a dead body in the city ; and this rule was enforced by a Lex Duilia. In the time of Antoninus Pius this rule prevailed both in Rome and other cities.

The third class of limitations had for its object the promotion of Agriculture. It comprised the rules relating to AQUA PLUVIA, and to the Tignum Junctum in the case of a vineyard ; and it gave a man permission to go on his neighbour's premises to gather the fruits which had fallen thereon from his trees ; with this limitation that he could only go every third day. (Dig. 43. tit. 28, *De Glande legenda.*) The Twelve Tables enacted that if a neighbour's tree hung over into another person's land, that person might trim it to the height of fifteen feet from the ground (*quindecim pedes altius eam sublucator*). The rule was a limitation of ownership, but not a limitation of the ownership of the tree-owner: it was a limitation of the ownership of the land-owner ; for it allowed his neighbour's tree to overhang his ground, provided there were no branches less than fifteen feet from the ground.

With these exceptions, some of which were of great antiquity, ownership in Roman Law must be considered as unlimited. These limitations also had no reference to the convenience of individuals who had adjoining houses or lands. With respect to neighbours the law allowed them to regulate their mutual interests as they pleased, and accordingly a man could agree to allow a neighbour to derive a certain benefit from his land which their proximity rendered desirable to him, or he could agree to abstain from certain acts on his land for the benefit of his neighbour's land. The law gave force to these agreements under the name of Servitutes, and assimilated the benefits of them to the right of ownership by attaching to them a right of action like that which an owner enjoyed.

This view of the limitation of ownership among the Romans by positive enactment is from a valuable essay by Dirksen, *Ueber die gesetzlichen beschränkungen des Eigenthums, &c. Zeitschrift*, vol. ii. (Gaius, ii. 28—33; Inst. 2. tit. 3—5; Dig. 7 and 8; Cod. 3. tit. 33, 34.)

This sketch may be completed by reference to the following works and the authorities quoted in them: Mackeldey, *Lehrbuch, &c.* 12th ed.; Mühlenbruch, *Doctrina Pandectarum*, p. 268, &c.; Savigny, *Das Recht des Besitzes, Juris Quasi Possessio*, p. 525, 5th ed.; *Von der Bestellung der Servituten durch simple Vertrag und Stipulation*, von Hasse, Rhein. Mus. für Jurisprudenz, *Erster Jahrgang; Von dem Verhältniss des Eigenthums zu den Servituten*, von Puchta, *Rhein. Mus. Erst. Jahrg.*; Scheurl, *Bemerkungen zur lehre von den Servituten, Zeitschrift, &c.*, xii. p. 237; Puchta, *Inst.* ii. § 252. [G. L.]

SERVUS (GREEK). The Greek *δοῦλος*, like the Latin *servus*, corresponds to the usual meaning of our word slave. Slavery existed almost throughout the whole of Greece; and Aristotle (*Polit.* i. 3) says that a complete household is that which consists of slaves and freemen (*οἰκία δὲ τέλειος ἐκ δούλων καὶ ἐλευθέρων*), and he defines a slave to be a living working-tool and possession. (*Ὁ δοῦλος ἔμψυχον ὄργανον*, *Ethic. Nicom.* viii. 13; *ὁ δοῦλος κτῆμά τι ἔμψυχον*, *Polit.* i. 4.) None of the Greek philosophers ever seem to have objected to slavery as a thing morally wrong; Plato in his perfect state only desires that no Greeks should be made slaves by Greeks (*de Rep.* v. p. 469), and Aristotle defends the justice of the institution on the ground of a diversity of race, and divides mankind into the free (*ἐλεύθεροι*) and those who are slaves by nature (*οἱ φύσει δοῦλοι*): under the latter description he appears to have regarded all barbarians in the Greek sense of the word, and therefore considers their slavery justifiable.

In the most ancient times there are said to have been no slaves in Greece (Herod. vi. 137; Pherecrat. *ap. Athen.* vi. p. 263, b), but we find them in the Homeric poems, though by no means so generally as in later times. They are usually prisoners taken in war (*δοριάλωτοι*), who serve their conquerors: but we also read as well of the purchase and sale of slaves (*Od.* xv. 483). They were however at that time mostly confined to the houses of the wealthy.

There were two kinds of slavery among the Greeks. One species arose when the inhabitants of a country were subdued by an invading tribe and reduced to the condition of serfs or bondsmen: they lived upon and cultivated the land which their masters had appropriated to themselves, and paid them a certain rent. They also attended their masters in war. They could not be sold out of the country or separated from their families, and could acquire property. Such were the Helots of Sparta [HELOTES], the Penestae of Thessaly [PENESTAE], the Bithynians at Byzantium, the Callicyrii at Syracuse, the Mariandyni at Heraclea in Pontus, the Aphamiotae in Crete. [COSMI.] The other species of slavery consisted of domestic slaves acquired by purchase (*ἀργυρώνητοι* or *χρυσώνητοι*, see Isocr. *Platae.* p. 300, ed. Steph.), who were entirely the property of their masters, and could be disposed of like any other goods and chattels: these were the *δοῦλοι* properly so called, and were the kind of slaves that existed at Athens and Corinth. In commercial cities slaves were very numerous, as they performed the work of the artizans and manufacturers of modern towns. In poorer republics, which had little or no capital, and which subsisted wholly by agriculture, they would be few: thus in Phocis and Locris there are said to have been originally no domestic slaves. (Athen. vi. p. 264, c; Clinton, *F. H.* vol. ii. pp. 411, 412.) The majority of slaves was purchased; few comparatively were born in the family of the master, partly because the number of female slaves was very small in comparison with the male, and partly because the cohabitation of slaves was discouraged, as it was considered cheaper to purchase than to rear slaves. A slave born in the house of a master was called *οἰκότριψ*, in contradistinction to one purchased, who was called *οἰκέτης*. (Ammon. and Suid. *s. v.*) If both the father and mother were slaves, the offspring was called *ἀμφίδουλος* (Eustath. *ad Od.* ii. 290): if the parents were *οἰκότριβες*, the offspring was called *οἰκοτρίβαιος*. (Pollux. iii. 76.)

It was a recognized rule of Greek national law that the persons of those who were taken prisoners in war became the property of the conqueror (Xen. *Cyr.* vii. 5. § 73), but it was the practice for Greeks to give liberty to those of their own nation on payment of a ransom. Consequently almost all slaves in Greece, with the exception of the serfs abovementioned, were barbarians. It appears to follow from a passage in Timaeus (*ap. Athen.* vi. p. 265, b) that the Chians were the first who carried on the slave trade, where the slaves were more numerous than in any other place, except Sparta, that is in comparison with the free inhabitants. (Thuc. viii. 40.) In the early ages of Greece, a great number of slaves was obtained by pirates, who kidnapped persons on the coasts, but the chief supply seems to have come from the Greek colonies in Asia Minor, who had abundant opportunities of obtaining them from their own neighbourhood and the interior of Asia. A considerable number of slaves also came from Thrace, where the parents frequently sold their children. (Herod. v. 6.)

At Athens, as well as in other states, there was a regular slave market, called the *κύκλος* (Harpocrat. *s. v.*), because the slaves stood round in a circle. They were also sometimes sold by auction, and appear then to have been placed on a stone called the *πρατὴρ λίθος* (Pollux, iii. 78), as is also done when slaves are sold in the United States of North America: the same was also the practice in Rome, whence the phrase *homo de lapide emtus*. [AUCTIO.] The slave market at Athens seems to have been held on certain fixed days, usually the last day of the month (the *ἔνη καὶ νέα* or *νουμηνία*, Aristoph. *Equit.* 43, with Schol.). The price of slaves naturally differed according to their age, strength, and acquirements. "Some slaves," says Xenophon (*Mem.* ii. 5. § 2) "are well worth two minas, others hardly half a mina; some sell for five minas and others even for ten ; and Nicias the son of Niceratus is said to have given no less than a talent for an overseer in the mines." Böckh (*Publ. Econ. of Athens*, p. 67, &c., 2d ed.) has collected many particulars respecting the price of slaves ; he calculates the value of a common mining slave at from 125 to 150 drachmas. The knowledge of any art had a great influence upon the value of a slave. Of the thirty-two or thirty-three sword-cutlers who belonged to the father of Demosthenes, some were worth five, some six, and the lowest more than three minas ; and his twenty couch-makers together were worth 40 minas (*in Aphob.* i. p. 816). Considerable sums were paid for courtezans and female players on the cithara ; twenty and thirty minas were common prices for such (Ter. *Adelph.* iii. 1. 37, iii. 2. 15, iv. 7. 24 ; *Phorm.* iii. 3. 24) : Neaera was sold for thirty minas. (Demosth. *c. Neaer.* p. 1354. 16.)

The number of slaves was very great in Athens. According to the census made when Demetrius Phalereus was archon (B. C. 309), there are said to have been 21,000 free citizens, 10,000 Metics, and 400,000 slaves in Attica (Ctesicles, *ap. Athen.* vi. p. 272, c) : according to which the slave population is so immensely large in proportion to the free, that some writers have rejected the account altogether (Niebuhr, *Hist. of Rome*, vol. ii. note 143), and others have supposed a corruption in the numbers and that for 400,000 we ought to read 40,000. (Hume, *Essays*, vol. i. p. 443.) Böckh and Clinton (*F. H.* ii. p. 391), however, remark with some justice, that in computing the citizens and metics the object was to ascertain their political and military strength, and hence the census of only males of full age was taken ; while in enumerating slaves, which were property, it would be necessary to compute all the individuals who composed that property. Böckh takes the proportion of free inhabitants to slaves as nearly one to four in Attica, Clinton as rather more than three to one ; but whatever may be thought of these calculations, the main fact, that the slave population in Attica was much larger than the free, is incontrovertible : during the occupation of Decelea by the Lacedaemonians, more than 20,000 Athenian slaves escaped to this place. (Thuc. vii. 27.) In Corinth and Aegina their number was equally large : according to Timaeus, Corinth had 460,000, and according to Aristotle Aegina 470,000 slaves (Athen. *l. c.*), but these large numbers, especially in relation to Aegina, must be understood only of the early times, before Athens had obtained possession of the commerce of Greece.

At Athens even the poorest citizen had a slave for the care of his household (Aristoph. *Plut.* init.), and in every moderate establishment many were employed for all possible occupations, as bakers, cooks, tailors, &c. The number possessed by one person was never so great as at Rome during the later times of the republic and under the empire, but it was still very considerable. Plato (*de Rep.* ix. p. 578) expressly remarks, that some persons had fifty slaves and even more. This was about the number which the father of Demosthenes possessed (*in Aphob.* i. p. 823) ; Lysias and Polemarchus had 120 (Lys. *in Eratosth.* p. 395), Philemonides had 300, Hipponicus 600, and Nicias 1000 slaves in the mines alone. (Xen. *de Vect.* iv. 14, 15.) It must be borne in mind, when we read of one person possessing so large a number of slaves, that they were employed in various workshops, mines, or manufactories : the number which a person kept to attend to his own private wants or those of his household, was probably never very large. And this constitutes one great distinction between Greek and Roman slaves, that the labour of the former was regarded as the means by which an owner might obtain profit for the outlay of his capital in the purchase of the slaves, while the latter were chiefly employed in ministering to the wants of their master and his family, and in gratifying his luxury and vanity. Thus Athenaeus (vi. p. 272, e) remarks, that many of the Romans possess 10,000 or 20,000 slaves and even more, but not, he adds, for the sake of bringing in a revenue, as the wealthy Nicias.

Slaves either worked on their masters' account or their own (in the latter case they paid their masters a certain sum a day) ; or they were let out by their master on hire either for the mines or any other kind of labour, or as hired servants for wages (ἀποφορά). The rowers on board the ships were usually slaves (Isocrat. *de Pace*, p. 169, ed. Steph.) ; it is remarked as an unusual circumstance, that the seamen of the Paralos were freemen. (Thuc. viii. 73.) These slaves either belonged to the state or to private persons, who let them out to the state on payment of a certain sum. It appears that a considerable number of persons kept large gangs of slaves merely for the purpose of letting out, and found this a profitable mode of investing their capital. Great numbers were required for the mines, and in most cases the mine-lessees would be obliged to hire some, as they would not have sufficient capital to purchase as many as they wanted. We learn from a fragment of Hyperides preserved by Suidas (*s. v.* Ἀπεψηφίσατο), that there were at one time as many as 150,000 slaves, who worked in the mines and were employed in country labour. Generally none but inferior slaves were confined in these mines : they worked in chains, and numbers died from the effects of the unwholesome atmosphere. (Böckh, *On the Silver Mines of Laurion.*) We cannot calculate with accuracy what was the usual rate of profit which a slave-proprietor obtained. The thirty-two or thirty-three sword-cutlers belonging to the father of Demosthenes produced annually a net profit of 30 minas, their purchase value being 190 minas, and the twenty couch-makers a profit of 12 minas, their purchase value being 40 minas. (Demosth. *in Aphob.* i. p. 816.) The leather-workers of Timarchus produced to their masters two, the overseers three, oboli a day (Aeschin. *in Tim.* p. 118) : Nicias paid an obolus a day for each mining slave which he hired. (Xen. *Vect.* iv. 14.) The rate of profit upon the purchase-money of the slaves was naturally high, as their value was destroyed by age, and those who died had to be replaced by fresh purchases. The proprietor was also exposed to the great danger of their running away, when it became necessary to pursue them and offer rewards for their recapture (σῶστρα, Xen. *Mem.* ii. 10. § 1, 2 ; Plat. *Protag.* p. 310). Antigenes of Rhodes was the first that established an insurance of slaves. For a yearly contribution of eight drachmas for each slave that was in the army, he undertook to make good the value of the slave at the time of his running away. (Pseudo-Arist. *Oecon.* c. 35.) Slaves that worked in the fields were under an overseer (ἐπίτροπος), to whom the whole management of the estate was frequently entrusted, while the master resided in the city; the household slaves were under a steward (ταμίας), the female slaves under a stewardess (ταμία). (Xen. *Oecon.* xii. 2, ix. 11.)

The Athenian slaves did not, like the Helots of Sparta and the Penestae of Thessaly, serve in the armies; the battles of Marathon and Arginusae, when the Athenians armed their slaves (Pausan. i. 32. § 3; Schol. *ad Aristoph. Ran.* 33), were exceptions to the general rule.

The rights of possession with regard to slaves differed in no respect from any other property; they could be given or taken as pledges. (Dem. *in Pantaenet.* p. 967, *in Aphob.* p. 821, *in Onetor.* i. p. 871.) The condition, however, of Greek slaves was upon the whole better than that of Roman ones, with the exception perhaps of Sparta, where, according to Plutarch (*Lyc.* 28), it was the best place in the world to be a freeman, and the worst to be a slave (*ἐν Λακεδαίμονι καὶ τὸν ἐλεύθερον μάλιστα ἐλεύθερον εἶναι, καὶ τὸν δοῦλον μάλιστα δοῦλον*). At Athens especially the slaves seem to have been allowed a degree of liberty and indulgence, which was never granted to them at Rome. (Compare Plut. *de Garrul.* 18; Xenoph. *de Rep. Ath.* i. 12.) On the reception of a new slave into a house at Athens, it was the custom to scatter sweetmeats (καταχύσματα), as was done in the case of a newly married pair. (Aristoph. *Plut.* 768, with Schol.; Demosth. *in Steph.* p. 1123. 29; Pollux, iii. 77; Hesych. and Suidas, *s.v.* Καταχύσματα.)

The life and person of a slave were also protected by the law: a person who struck or maltreated a slave was liable to an action (ὕβρεως γραφή, Dem. *in Mid.* p. 529; Aeschin. *in Tim.* p. 41; Xen. *de Rep. Ath.* i. 10; Athen. vi. p. 267, f; Meier, *Att. Proc.* p. 322, &c.); a slave too could not be put to death without legal sentence. (Eurip. *Hecub.* 287, 288; Antiph. *de caed. Herod.* p. 728.) He could even take shelter from the cruelty of his master in the temple of Theseus, and there claim the privilege of being sold by him (πρᾶσιν αἰτεῖσθαι, Plut. *Thes.* 36; Pollux, vii. 13; Meier, *Att. Proc.* p. 403, &c.). The person of a slave, however, was not considered so sacred as that of a freeman: his offences were punished with corporal chastisement, which was the last mode of punishment inflicted on a freeman (Dem. *in Timocr.* p. 752); he was not believed upon his oath, and his evidence in courts of justice was always taken with torture.

Notwithstanding the generally mild treatment of slaves in Greece, their insurrection was not unfrequent (Plat. *Leg.* vi. p. 777): but these insurrections in Attica were usually confined to the mining slaves, who were treated with more severity than the others. On one occasion they murdered their guards, took possession of the fortifications of Sunium, and from this point ravaged the country for a considerable time. (Athen. vi. p. 272, f.)

Slaves were sometimes manumitted at Athens, though not so frequently as at Rome; but it seems doubtful whether a master was ever obliged to liberate a slave against his will for a certain sum of money, as some writers have concluded from a passage of Plautus. (*Casin.* ii. 5. 7.) Those who were manumitted (ἀπελεύθεροι) did not become citizens, as they did at Rome, but passed into the condition of Metics. They were obliged to honour their former master as their patron (προστάτης), and to fulfil certain duties towards him, the neglect of which rendered them liable to the δίκη ἀποστασίου, by which they might again be sold into slavery. [Libertus, p. 705, a; Apostasiou Dike.]

Respecting the public slaves at Athens, see Demosii.

It appears that there was a tax upon slaves at Athens (Xen. *de Vect.* iv. 25), which Böckh (*Publ. Econ.* pp. 331, 332, 2d ed.) supposes was three oboli a year for each slave.

Besides the authorities quoted in the course of this article, the reader may refer to Petitus, *Leg. Att.* ii. 6. p. 254, &c.; Reitermeier, *Gesch. der Sclaverei in Griechenland*, Berl. 1789; Limburg-Brouwer, *Histoire de la Civilisation des Grecs*, vol. iii. p. 267, &c.; Göttling, *de Notione Servitutis apud Aristotelem*, Jen. 1821; Hermann, *Lehrbuch der griech. Staatsalt.* § 114; and especially Becker, *Charikles*, vol. ii. p. 20, &c.

SERVUS (Roman). SE'RVITUS. "Servitus est constitutio juris gentium qua quis dominio alieno contra naturam subjicitur." (Florent. Dig. 1. tit. 5. s. 4.) Gaius also considers the potestas of a master over a slave as "juris gentium" (i. 52). The Romans viewed Liberty as a Natural State, and Slavery as a condition which was contrary to the Natural State. The mutual relation of Slave and Master among the Romans was expressed by the terms Servus and Dominus; and the power and interest which the dominus had over and in the slave was expressed by Dominium. The term Dominium or ownership, with reference to a slave, pointed to the slave merely as a thing or object of ownership, and a slave as one of the Res Mancipi was classed with other objects of ownership. The word Potestas was also applied to the master's power over his slave, and the same word was used to express the father's power over his children. The boundaries between the Patria and Dominica Potestas were originally very narrow, but the child had certain legal capacities which were altogether wanting to the condition of the slave. The master had no Potestas over the slave, if he had merely a "nudum jus Quiritium in servo:" it was necessary that the slave should be his In bonis at least. (Gaius, i. 54.)

According to the strict principles of the Roman Law, it was a consequence of the relation of Master and Slave that the Master could treat the Slave as he pleased: he could sell him, punish him, and put him to death. Positive morality however and the social intercourse that must always subsist between a master and the slaves, who are immediately about him, ameliorated the condition of slavery. Still we read of acts of great cruelty committed by masters in the later Republican and earlier Imperial periods, and the Lex Petronia was enacted in order to protect the slave. The original power of life and death over a slave, which Gaius considers to be a part of the Jus Gentium, was limited by a constitution of Antoninus, which enacted that if a man put his slave to death without sufficient reason (*sine causa*), he was liable to the same penalty as if he had killed another man's slave. The Constitution applied to Roman citizens and to all who were under the Imperium Romanum. (Gaius, i. 52, &c.) The same Constitution also prohibited the cruel treatment of slaves by their masters, by enacting that if the cruelty of the master was intolerable, he might be compelled to sell the slave; and the slave was empowered to make his complaint to the proper authority. (Senec. *de Benef.* iii. 22.) A Constitution of Claudius enacted that if a man exposed his slaves, who were infirm, they should become free; and the Constitution also declared that if they were put to death, the act should be murder. (Sueton. *Claud.* 25.) It was also enacted (Cod. 3. tit. 38. s. 11) that in sales or division of property, slaves, such as husband and wife, parents and children, brothers and sisters, should not be separated.

A slave could not contract a marriage. His cohabitation with a woman was Contubernium; and no legal relation between him and his children was recognized. Still nearness of blood was considered an impediment to marriage after manumission: thus a manumitted slave could not marry his manumitted sister. (Dig. 23. tit. 2. s. 14.)

A slave could have no property. He was not incapable of acquiring property, but his acquisitions belonged to his master; which Gaius considers to be a rule of the Jus Gentium (i. 52). A slave could acquire for his master by Mancipatio, Traditio, Stipulatio, or in any other way. In this capacity of the slave to take, though he could not keep, his condition was assimilated to that of a filiusfamilias, and he was regarded as a person. If one person had a Nudum Jus Quiritium in a slave, and he was another's In bonis, his acquisitions belonged to the person whose he was In bonis. If a man bona fide possessed another man's slave or a free person, he only acquired through the slave in two cases: he was entitled to all that the slave acquired out of or by means of the property of the possessor (*ex re ejus*); and he was entitled to all that the slave acquired by his own labour (*ex operis suis*); the law was the same with respect to a slave of whom a man had the Ususfructus only. All other acquisitions of such slaves or free persons belonged to their owner or to themselves, according as they were slaves or free men. (Ulp. *Frag.* tit. 19.) If a slave was appointed heres, he could only accept the hereditas with the consent of his master, and he acquired the hereditas for his master: in the same way, the slave acquired a legacy for his master. (Gaius, ii. 87, &c.)

A master could also acquire Possessio through his slave, and thus have a commencement of Usucapion (Gaius, ii. 89); but the owner must have the possession of the slave in order that he might acquire possession through him, and consequently a man could not acquire possession by means of a pignorated slave. [Pignus.] A bonae fidei possessor, that is, one who believed the slave to be his own, could acquire possession through him in such cases as he could acquire property; consequently a pledgee could not acquire possession through a pignorated slave, though he had the possession of him bona fide, for this bona fides was not that which is meant in the phrase bonae fidei possessor. The Usufructuarius acquired possession through the slave in the same cases in which the bonae fidei possessor acquired it. (Savigny, *Das Recht des Besitzes*, p. 314, ed. 5.)

Slaves were not only employed in the usual domestic offices and in the labours of the field, but also as factors or agents for their masters in the management of business [Institoria Actio, &c.], and as mechanics, artisans, and in every branch of industry. It may easily be conceived that under these circumstances, especially as they were often intrusted with property to a large amount, there must have arisen a practice of allowing the slave to consider part of his gains as his own: this was his Peculium, a term also applicable to such acquisitions of a filiusfamilias as his father allowed him to consider as his own. [Patria Potestas.] According to strict law, the Peculium was the property of the master, but according to usage it was considered to be the property of the slave. Sometimes it was agreed between master and slave, that the slave should purchase his freedom with his Peculium when it amounted to a certain sum. (Tacit. *Ann.* xiv. 42, and the note of Lipsius.) If a slave was manumitted by the owner in his lifetime, the Peculium was considered to be given together with Libertas, unless it was expressly retained. (Dig. 15. tit. 1. s. 53, *de Peculio.*) Transactions of borrowing and lending could take place between the master and slave with respect to the Peculium, though no right of action arose on either side out of such dealings, conformably to a general principle of Roman Law. (Gaius, iv. 78.) If after the slave's manumission, the master paid him a debt which had arisen in the manner above mentioned, he could not recover it. (Dig. 12. tit. 6. s. 64.) In case of the claim of creditors on the slave's Peculium, the debt of the slave to the master was first taken into the account, and deducted from the Peculium. So far was the law modified, that in the case of naturales obligationes, as the Romans called them, between master and slave, a fidejussor could be bound for a slave; and he could also be bound, if the creditor was an extraneus.

A naturalis obligatio might result from the dealings of a slave with other persons than his master; but the master was not at all affected by such dealings. The master was only bound by the acts and dealings of the slave, when the slave was employed as his agent or instrument, in which case the master might be liable to an Actio Exercitoria or Institoria. (Gaius, iv. 71.) There was of course an actio against the master, when the slave acted by his orders. [Jussu, Quod, &c.] If a slave or filiusfamilias traded with his peculium with the knowledge of the dominus or father, the peculium and all that was produced by it were divisible among the creditors and master or father in due proportions (*pro rata portione*), and if any of the creditors complained of getting less than his share, he had a tributoria actio against the master or father, to whom the law gave the power of distribution among the creditors. (Gaius, iv. 72, &c.) The master was not liable for anything beyond the amount of the peculium, and his own demand was payable first. (Dig. 14. tit. 4. *de Tributoria Actione.*) Sometimes a slave would have another slave under him, who had a peculium with respect to the first slave, just as the first slave had a peculium with respect to his master. On this practice was founded the distinction between Servi Ordinarii and Vicarii. (Dig. 15. tit. 1. s. 17.) These subordinate peculia were however legally considered as included in the principal peculium. In the case of a slave dying, being sold or manumitted, the Edict required that any action in respect of the Peculium must be brought within a year. (Dig. 15. tit. 2. s. 1, which contains the words of the Edict.) If a slave or filiusfamilias had carried on dealings without the knowledge and consent of his master or father, there might be an action against the master or father in respect of such dealings, so far as it could be proved that he had derived advantage from them. This was called the Actio de in rem Verso (Dig. 15. tit. 3), and it was in fact the same actio as that De Peculio. That was said "in rem patris dominive versum," which turned out for his advantage. For instance if a slave borrowed ten sestertia and paid them to the master's creditors, the master was bound to pay the loan, and the lender had an actio against him De in rem verso. If the slave paid any part of the borrowed sum to his master's creditors, the master was liable to the lender for the amount so applied, and if the slave had wasted the other part, the master was bound to make that good to the amount of the slave's peculium; but still with this provision, that the amount of the slave's peculium could only be ascertained by first deducting from it what he owed to the master. The case was the same with the peculium of a son and a slave. Thus, as Gaius observes (iv. 73), the Actio De peculio and De in rem verso was one actio, but contained two condemnationes.

It is a consequence of the relation of Slave and Master, that the Master acquired no rights against the slave in consequence of his Delicts. Other persons might obtain rights against a slave in consequence of his delicts, but their right could not be prosecuted by action until the slave was manumitted. (Gaius, iv. 77.) They had however a right of action against the slave's master for damages, and if the master would not pay the damages, he must give up the slave. [NOXA.] The slave was protected against injury from other persons. If the slave was killed, the master might either prosecute the killer for a capital offence, or sue for damages under the Lex Aquillia. (Gaius, iii. 213.) [AQUILLIA LEX; INJURIA.] The master had also a praetoria actio in duplum against those who corrupted his slave (*servus*, *serva*) and led him into bad practices (Dig. 11. tit. 3. s. 1. where the words of the Edict are given): the in duplum was to twice the amount of the estimated damage. He had also an action against a person who committed stuprum with his female slave. (Dig. 47. tit. 10. s. 25.)

A runaway slave (*fugitivus*) could not lawfully be received or harboured; to conceal him was Furtum. The master was entitled to pursue him wherever he pleased; and it was the duty of all authorities to give him aid in recovering the slave. It was the object of various laws to check the running away of slaves in every way, and accordingly a runaway slave could not legally be an object of sale. A class of persons called Fugitivarii made it their business to recover runaway slaves. The rights of the master over the slave were in no way affected by his running away. (Dig. 11. tit. 4. *De fugitivis:* there was a Lex Fabia on this subject, and apparently two Senatusconsulta at least; see also Varro, *de Re Rust.* iii. 14; Florus, iii. 19, and the note in Duker's edition.)

A person was a slave either Jure Gentium or Jure Civili. A person was born a slave Jure Gentium whose mother was a slave when she gave him birth (Gaius, i. 82); for it was a legal principle that the condition of those who were not begotten in Justae Nuptiae was to be reckoned from the moment of the birth. A slave born in the master's house was Verna. But it was also a principle of Roman Law that the status of a person who was begotten in Justae Nuptiae was reckoned from the time of conception. At a later period the rule of law was established, that though a woman at the time of the birth might be a slave, still her child was free, if the mother had been free at any time reckoning backwards from the time of the birth to the time of the conception. (Paulus, *S. R.* ii. tit. 24; Dig. 1. tit. 5. s. 5.) There were various cases of children the offspring of a free parent and a slave as to which positive law provided whether the children should be free or slaves. (Gaius, i. 83, &c.) [SENATUSCONSULTUM CLAUDIANUM.]

A person became a slave by capture in war, also Jure Gentium. [PRAEDA.] Captives in war were sold as belonging to the Aerarium or distributed among the soldiers by lot. (Walter, *Geschichte* &c. p. 50. note 35, 1st ed.) In reference to the practice of selling prisoners with a crown on their heads, we find the expression "sub corona venire, vendere." (Gell. vii. 4; Liv. v. 22; Caesar, *B. G.* iii. 16.)

A free person might become a slave in various ways in consequence of positive law, Jure Civili. This was the case with Incensi [CAPUT], and those who evaded military service. (Cic. *pro Caecina*, 34.) In certain cases, a man became a slave, if he allowed himself to be sold as a slave in order to defraud the purchaser; and a free woman who cohabited with a slave might be reduced to the same condition. [SENATUSCONSULTUM CLAUDIANUM.] Under the empire the rule was established that persons condemned to death, to the mines, and to fight with wild beasts, lost their freedom, and their property was confiscated, whence, concludes Gaius, it appears that they lose the Testamenti factio. (Dig. 28. tit. 1. s. 8.) But this was not the earlier law. A person so condemned, though he lost his freedom, had no master, and consequently the hereditates and legacies which were left to him, were simply void; for such a person was "poenae servus, non Caesaris." (Dig. 34. tit. 8. s. 3.) A man never lost his freedom by usucapion. (Gaius, ii. 48.) According to the old law a manifestus fur was liable to a capitalis poena and was addicted (*addicebatur*) to the person whose property he had stolen; but it was doubted whether the effect of the addictio was to make him a servus or to put him in the condition of an adjudicatus. (Gaius, iii. 189.)

By a Constitutio or Senatusconsultum of Claudius (Sueton. *Claud.* 25) a freedman who misconducted himself towards his patron, was reduced to his former state of slavery. But this was not the rule of law in the time of Nero. (Tacit. *Ann.* xiii. 27; see the notes of Ernesti and Lipsius on this passage: and PATRONUS, LIBERTUS.)

The State of Slavery was terminated by MANUMISSIO. It was also terminated by various positive enactments, either by way of reward to the slave or punishment to the master. The SENATUSCONSULTUM SILANIANUM is an example of the former; and various subsequent Constitutions gave freedom to slaves who discovered the perpetrators of certain crimes. (Cod. Theod. tit. 21. s. 2.) Liberty might also be acquired by the Praescriptio Temporis. After the establishment of Christianity, it might be acquired subject to certain limitations by becoming a monk or a spiritual person (Nov. 5. c. 2. and 123. c. 17. 35); but if the person left his monastery for a secular life, or rambled about in the towns or the country, he might be reduced to his former servile condition.

There were slaves that belonged to the state and were called Servi Publici (Plaut. *Capt.* ii. 2. 85): they had the testamenti factio to the amount of one half of their property (Ulp. *Frag.* tit. 20), from which circumstance it appears that they were viewed in a light somewhat different from the slaves of private persons.

In times of revolution under the Republic, it was not unusual to proclaim the liberty of slaves to induce them to join in revolt (Plut. *Mar.* c. 41, 42); but these were irregular proceedings, and neither justifiable nor examples for imitation. Lord Dunmore, the last British Governor of Virginia, at the commencement of the American Revolution, followed this bad example. [G. L.]

The preceding account treats of the legal condition of slaves in relation to their masters. It remains to give an account of the history of slavery among the Romans, of the sale and value of slaves, of the different classes into which they were divided, and of their general treatment.

Slaves existed at Rome in the earliest times of which we have any record; but they do not appear to have been numerous under the kings and in the earliest ages of the republic. The different trades and the mechanical arts were chiefly carried on by the clientes of the patricians, and the small farms in the country were cultivated for the most part by the labours of the proprietor and of his own family. But as the territories of the Roman state were extended, the patricians obtained possession of large estates out of the ager publicus, since it was the practice of the Romans to deprive a conquered people of part of their land. These estates probably required a larger number of hands for their cultivation than could readily be obtained among the free population, and since the freemen were constantly liable to be called away from their work to serve in the armies, the lands began to be cultivated almost entirely by slave labour. (Compare Liv. vi. 12.) Through war and commerce slaves could easily be obtained, and at a cheap rate, and their number soon became so great, that the poorer class of freemen was thrown almost entirely out of employment. This state of things was one of the chief arguments used by Licinius and the Gracchi for limiting the quantity of public land which a person might possess (Appian, *B. C.* i. 7, 9, 10); and we know that there was a provision in the Licinian Rogations that a certain number of freemen should be employed on every estate. (Appian, *B. C.* i. 8.) This regulation, however, was probably of little avail: the lands still continued to be almost entirely cultivated by slaves, although in the latest times of the republic we find that Julius Caesar attempted to remedy this state of things to some extent by enacting, that of those persons who attended to cattle a third should always be freemen. (Suet. *Jul.* 42.) In Sicily, which supplied Rome with so great a quantity of corn, the number of agricultural slaves was immense: the oppressions to which they were exposed drove them twice to open rebellion, and their numbers enabled them to defy for a time the Roman power. The first of these Servile wars began in B. C. 134 and ended in B. C. 132, and the second commenced in B. C. 102 and lasted almost four years.

Long however after it had become the custom to employ large gangs of slaves in the cultivation of the land, the number of those who served as personal attendants still continued to be small. Persons in good circumstances seem usually to have had only one to wait upon them (Plin. *H. N.* xxxiii. 1. s. 6), who was generally called by the name of his master with the word *por* (that is, *puer*) affixed to it, as *Caipor*, *Lucipor*, *Marcipor*, *Publipor*, *Quintipor*, &c.; and hence Quintilian (i. 4. § 26) says, long before whose time luxury had augmented the number of personal attendants, that such names no longer existed. Cato, when he went to Spain as consul, took only three slaves with him. (Apul. *Apol.* p. 430, ed. Ouden.) But during the latter times of the republic and under the empire the number of domestic slaves greatly increased, and in every family of importance there were separate slaves to attend to all the necessities of domestic life. It was considered a reproach to a man not to keep a considerable number of slaves. Thus Cicero, in describing the meanness of Piso's housekeeping, says "Idem coquus, idem atriensis: pistor domi nullus" (*in Pis.* 27). The first question asked respecting a person's fortune was "Quot pascit servos?" (Juv. iii. 141). Horace (*Sat.* i. 3. 12) seems to speak of ten slaves as the lowest number which a person in tolerable circumstances ought to keep, and he ridicules the praetor Tullius for being attended by no more than five slaves in going from his Tiburtine villa to Rome. (*Sat.* i. 6. 107.) The immense number of prisoners taken in the constant wars of the republic, and the increase of wealth and luxury augmented the number of slaves to a prodigious extent. The statement of Athenaeus (vi. p. 272, e), that very many Romans possessed 10,000 and 20,000 slaves and even more, is probably an exaggeration, but a freedman under Augustus, who had lost much property in the civil wars, left at his death as many as 4,116. (Plin. *H. N.* xxxiii. 10. s. 47.) Two hundred was no uncommon number for one person to keep (Hor. *Sat.* i. 3. 11), and Augustus permitted even a person that was exiled to take twenty slaves or freedmen with him. (Dion Cass. lvi. 27.) The mechanical arts, which were formerly in the hands of the Clientes, were now entirely exercised by slaves (Cic. *de Off.* i. 42): a natural growth of things, for where slaves perform certain duties or practise certain arts, such duties or arts will be thought degrading to a freedman. It must not be forgotten that the games of the amphitheatre required an immense number of slaves trained for the purpose. [GLADIATORES.] Like the slaves in Sicily, the gladiatores in Italy rose in B. C. 73 against their oppressors, and under the able generalship of Spartacus, defeated a Roman consular army, and were not subdued till B. C. 71, when 60,000 of them are said to have fallen in battle. (Liv. *Epit.* 97.)

Under the empire various enactments, mentioned above (p. 1036, a), were made to restrain the cruelty of masters towards their slaves; but the spread of Christianity tended most to ameliorate their condition, though the possession of them was for a long time by no means condemned as contrary to Christian justice. The Christian writers, however, inculcate the duty of acting towards them as we would be acted by (Clem. Alex. *Paedagog.* iii. 12), but down to the age of Theodosius wealthy persons still continued to keep as many as two or three thousand. (Chrysost. vol. vii. p. 633.) Justinian did much to promote the ultimate extinction of slavery; but the number of slaves was again increased by the invasion of the barbarians from the north, who not only brought with them their own slaves who were chiefly Sclavi or Sclavonians (whence our word *Slave*), but also reduced many of the inhabitants of the conquered provinces to the condition of slaves. But all the various classes of slaves became merged in course of time into the Adscripti Glebae or serfs of the middle ages.

The chief sources from which the Romans obtained slaves have been pointed out above. Under the republic one of the chief supplies was prisoners taken in war, who were sold by the quaestores (Plaut. *Capt.* Prol. 34, and i. 2. 1, 2) with a crown on their heads (see above, p. 1038, b), and usually on the spot where they were taken, as the care of a large number of captives was inconvenient. Consequently slave-dealers generally accompanied an army, and frequently after a great battle had been gained many thousands were sold at once, when the slave-dealers obtained them for a mere nothing. In the camp of Lucullus on one occasion slaves were sold for four drachmae each. The slave trade was also carried on to a great extent, and after the fall of Corinth and Carthage Delos was the chief mart for this traffic. When the Cilician pirates had possession of the Mediterranean as many as 10,000 slaves are said to have been imported and sold there in one day. (Strab. xiv. p. 668.) A large number came from Thrace and the countries in the north of Europe, but the chief supply was from Africa, and more especially Asia, whence we frequently read of Phrygians, Lycians, Cappadocians, &c. as slaves.

The trade of slave-dealers (*mangones*) was considered disreputable, and expressly distinguished from that of merchants (*mangones non mercatores sed venaliciarii appellantur*, Dig. 50. tit. 16. s. 207; Plaut. *Trin.* ii. 2. 51); but it was very lucrative, and great fortunes were frequently realized from it. The slave-dealer Thoranius, who lived in the time of Augustus, was a well-known character. (Suet. *Aug.* 69; Macrob. *Sat.* ii. 4; Plin. *H. N.* vii. 12. s. 10.) Martial (viii. 13) mentions another celebrated slave-dealer in his time of the name of Gargilianus.

Slaves were usually sold by auction at Rome. They were placed either on a raised stone (hence *de lapide emtus*, Cic. *in Pis.* 15; Plaut. *Bacch.* iv. 7. 17), or a raised platform (*catasta*, Tibull. ii. 3. 60; Persius, vi. 77, Casaubon, *ad loc.*), so that every one might see and handle them, even if they did not wish to purchase them. Purchasers usually took care to have them stript naked (Senec. *Ep.* 80; Suet. *Aug.* 69), for slave-dealers had recourse to as many tricks to conceal personal defects as the horse-jockeys of modern times: sometimes purchasers called in the advice of medical men. (Claudian, *in Eutrop.* i. 35, 36.) Slaves of great beauty and rarity were not exhibited to public gaze in the common slave-market, but were shown to purchasers in private (*arcana tabulata catastae*, Mart. ix. 60). Newly imported slaves had their feet whitened with chalk (Plin. *H. N.* xxxv. 17. s. 58; Ovid. *Am.* i. 8. 64), and those that came from the East had their ears bored (Juv. i. 104), which we know was a sign of slavery among many Eastern nations. The slave-market, like all other markets, was under the jurisdiction of the aediles, who made many regulations by edicts respecting the sale of slaves. The character of the slave was set forth in a scroll (*titulus*) hanging round his neck, which was a warranty to the purchaser (Gell. iv. 2; Propert. iv. 5. 51): the vendor was bound to announce fairly all his defects (Dig. 21. tit. 1. s. 1; Hor. *Sat.* ii. 3. 284), and if he gave a false account had to take him back within six months from the time of his sale (Dig. 21. tit. 1. s. 19. § 6), or make up to the purchaser what the latter had lost through obtaining an inferior kind of slave to what had been warranted. (Dig. 19. tit. 1. s. 13. § 4; Cic. *de Off.* iii. 16, 17, 23.) The vendor might however use general terms of commendation without being bound to make them good. (Dig. 18. tit. 1. s. 43; 21. tit. 1. s. 19.) The chief points which the vendor had to warrant, was the health of the slave, especially freedom from epilepsy, and that he had not a tendency to thievery, running away, or committing suicide. (Cic. *de Off.* iii. 17.) The nation of a slave was considered important, and had to be set forth by the vendor. (Dig. 21. tit. 1. s. 31. § 21.) Slaves sold without any warranty wore at the time of sale a cap (*pileus*) upon their head. (Gell. vii. 4.) Slaves newly imported were generally preferred for common work; those who had served long were considered artful (*veteratores*, Ter. *Heaut.* v. 1. 16); and the pertness and impudence of those born in their master's house (*vernae*, see above, p. 1038) were proverbial. (*Vernae procaces*, Hor. *Sat.* ii. 6. 66; Mart. i. 42, x. 3.)

The value of slaves depended of course upon their qualifications; but under the empire the increase of luxury and the corruption of morals led purchasers to pay immense sums for beautiful slaves, or such as ministered to the caprice or whim of the purchaser. Eunuchs always fetched a very high price (Plin. *H. N.* vii. 39. s. 40), and Martial (iii. 62, xi. 70) speaks of beautiful boys who sold for as much as 100,000 or 200,000 sesterces each (885*l.* 8*s.* 4*d.* and 1770*l.* 16*s.* 0*d.*). A *morio* or fool sometimes sold for 20,000 sesterces. (Mart. viii. 13.) Slaves who possessed a knowledge of any art which might bring in profit to their owners, also sold for a large sum. Thus literary men and doctors frequently fetched a high price (Suet. *de Ill. Gram.*; Plin. *H. N.* vii. 39. s. 40), and also slaves fitted for the stage, as we see from Cicero's speech on behalf of Q. Roscius. Female slaves who might bring in gain to their masters by prostitution were also dear: sometimes 60 minae were paid for a girl of this kind. (Plaut. *Pers.* iv. 4. 113.) Five hundred drachmae (perhaps at that time about 18*l.*) seem to have been a fair price for a good ordinary slave in the time of Horace. (*Sat.* ii. 7. 43.) In the fourth century a slave capable of bearing arms was valued at 25 solidi or aurei. [AURUM, p. 182, a.] (Cod. Theod. 7. tit. 13. s. 13.) In the time of Justinian the legal valuation of slaves was as follows: common slaves, both male and female, were valued at 20 solidi a piece, and under ten years of age at half that sum; if they were artificers, they were worth 30 solidi, if notarii 50, if medical men or midwives 60; eunuchs under ten years of age were worth 30 solidi, above that age 50, and if they were artificers also, as much as 70. (Cod. 6. tit. 44. s. 3.) Female slaves, unless possessed of personal attractions, were generally cheaper than male. Six hundred sesterces (about 5*l.*) were thought too much for a slave girl of indifferent character in the time of Martial (vi. 66); and two aurei or solidi were not considered so low a price for a slave girl (*ancilla*) in the time of Hadrian as to occasion doubt of her having come honestly into the hands of the vendor. (Dig. 47. tit. 2. s. 76.) We have seen that in the time of Justinian the legal value of female slaves was equal to that of males; this may probably have arisen from the circumstance that the supply of slaves was not so abundant then as at earlier times, and that therefore recourse was had to propagation for keeping up the number of slaves. But under the republic and in the early times of the empire this was done to a very limited extent, as it was found cheaper to purchase than to breed slaves.

Slaves were divided into many various classes: the first division was into public or private. The former belonged to the state and public bodies, and their condition was preferable to that of the common slaves. They were less liable to be sold, and under less control than ordinary slaves: they also possessed the privilege of the testamenti factio to the amount of one half of their property (see above, p. 1039, a), which shows that they were regarded in a different light from other slaves. Scipio, therefore, on the taking of Nova Carthago, promised 2000 artizans, who had been taken prisoners and were consequently liable to be sold as common slaves, that they should become public slaves of the Roman people, with a hope of speedy manumission, if they assisted him in the war. (Liv. xxvi. 47.) Public slaves were employed to take care of the public buildings (compare Tacit. *Hist.* i. 43), and to attend upon magistrates and priests. Thus the Aediles and Quaestors had great numbers of public slaves at their command (Gell. xiii. 13), as had also the Triumviri Nocturni, who employed them to extinguish fires by night. (Dig. 1. tit. 15. s. 1.) They were also employed as lictors, jailors, executioners, watermen, &c. (Comp. Gessner, *De Servis Romanorum publicis*, Berlin, 1844.)

A body of slaves belonging to one person was called *familia*, but two were not considered sufficient to constitute a *familia*. (Dig. 50. tit. 16. s. 40.) Private slaves were divided into urban (*familia urbana*) and rustic (*familia rustica*); but the name of urban was given to those slaves who served in the villa or country residence as well as in the town house; so that the words urban and rustic rather characterized the nature of their occupations than the place where they served. (*Urbana familia et rustica non loco, sed genere distinguitur*, Dig. 50. tit. 16. s. 166.) The familia urbana could therefore accompany their master to his villa without being called rustica on account of their remaining in the country. When there was a large number of slaves in one house, they were frequently divided into decuriae (Petron. 47): but independent of this division they were arranged in certain classes, which held a higher or a lower rank according to the nature of their occupation. These classes are: *Ordinarii*, *Vulgares*, *Mediastini*, and *Quales-Quales* (Dig. 47. tit. 10. s. 15), but it is doubtful whether the *Literati* or literary slaves were included in any of these classes. Those called *Vicarii* are spoken of above (p. 1037, b).

Ordinarii seem to have been those slaves who had the superintendence of certain parts of the housekeeping. They were always chosen from those who had the confidence of their master, and they generally had certain slaves under them. To this class the *actores*, *procuratores* and *dispensatores* belong, who occur in the familia rustica as well as the familia urbana, but in the former are almost the same as the *villici*. They were stewards or bailiffs. (Colum. i. 7, 8; Plin. *Ep.* iii. 19; Cic. *ad Att.* xi. 1; Suet. *Galb.* 12, *Vesp.* 22.) To the same class also belong the slaves who had the charge of the different stores, and who correspond to our housekeepers and butlers: they are called *cellarii*, *promi*, *condi*, *procuratores peni*, &c. [CELLA.]

Vulgares included the great body of slaves in a house who had to attend to any particular duty in the house, and to minister to the domestic wants of their master. As there were distinct slaves or a distinct slave for almost every department of household economy, as bakers (*pistores*), cooks (*coqui*), confectioners (*dulciarii*), picklers (*salmentarii*), &c. it is unnecessary to mention these more particularly. This class also included the porters (*Ostiarii*), the bed-chamber slaves [CUBICULARII], the litter-bearers (*lecticarii*) [LECTICA], and all personal attendants of any kind.

Mediastini. [MEDIASTINI.]

Quales-Quales are only mentioned in the Digest (*l. c.*), and appear to have been the lowest class of slaves, but in what respects they differed from the Mediastini is doubtful: Becker (*Gallus*, vol. i. p. 125) imagines they may have been a kind of slaves, *qualiquali conditione viventes*, which however does not give us any idea of their duties or occupations.

Literati, literary slaves, were used for various purposes by their masters, either as readers [ANAGNOSTAE], copyists or amanuenses [LIBRARII; AMANUENSIS], &c. Complete lists of all the duties performed by slaves are given in the works of Pignorius, Popma, and Blair, referred to at the close of this article.

The treatment of slaves of course varied greatly according to the disposition of their masters, but they appear upon the whole to have been treated with greater severity and cruelty than among the Athenians. Originally the master could use the slave as he pleased: under the republic the law does not seem to have protected the person or life of the slave at all, but the cruelty of masters was to some extent restrained under the empire, as has been stated above (p. 1036, b). The general treatment of slaves, however, was probably little affected by legislative enactments. In early times, when the number of slaves was small, they were treated with more indulgence, and more like members of the family: they joined their masters in offering up prayers and thanksgivings to the gods (Hor. *Ep.* ii. 1. 142), and partook of their meals in common with their masters (Plut. *Coriol.* 24), though not at the same table with them, but upon benches (*subsellia*) placed at the foot of the lectus. But with the increase of numbers and of luxury among masters, the ancient simplicity of manners was changed: a certain quantity of food was allowed them (*dimensum* or *demensum*), which was granted to them either monthly (*menstruum*, Plaut. *Stich.* i. 2. 3), or daily (*diarium*, Hor. *Ep.* i. 14. 41; Mart. xi. 108). Their chief food was the corn, called *far*, of which either four or five modii were granted them a month (Donat. *in Ter. Phorm.* i. 1. 9; Sen. *Ep.* 80), or one Roman pound (*libra*) a day. (Hor. *Sat.* i. 5. 69.) They also obtained an allowance of salt and oil: Cato (*R. R.* 58) allowed his slaves a sextarius of oil a month and a modius of salt a year. They also got a small quantity of wine with an additional allowance on the Saturnalia and Compitalia (Cato, *R. R.* 57), and sometimes fruit, but seldom vegetables. Butcher's meat seems to have been hardly ever given them.

Under the republic they were not allowed to serve in the army, though after the battle of Cannae, when the state was in such imminent danger, 8000 slaves were purchased by the state for the army, and subsequently manumitted on account of their bravery. (Liv. xxii. 57, xxiv. 14—16.)

The offences of slaves were punished with severity and frequently the utmost barbarity. One of the mildest punishments was the removal from the familia urbana to the rustica, where they were obliged to work in chains or fetters. (Plaut. *Most.* i. 1. 18; Ter. *Phorm.* ii. 1. 20.) They were frequently beaten with sticks or scourged with the whip (of which an account is given under FLAGRUM), but these were such every-day punishments, that many slaves ceased almost to care for them: thus Chrysalus says (Plaut. *Bacchid.* ii. 3. 131),

> "Si illi sunt virgae ruri, at mihi tergum est domi."

Runaway slaves (*fugitivi*) and thieves (*fures*) were branded on the forehead with a mark (*stigma*), whence they are said to be *notati* or *inscripti*. (Mart. viii. 75. 9.) Slaves were also punished by being hung up by their hands with weights suspended to their feet (Plaut. *Asin.* ii. 2. 37, 38), or by being sent to work in the Ergastulum or Pistrinum. [ERGASTULUM; MOLA]. The carrying of the furca was a very common mode of punishment. [FURCA.] The toilet of the Roman ladies was a dreadful ordeal to the female slaves, who were often barbarously punished by their mistresses for the slightest mistake in the arrangement of the hair or a part of the dress. (Ovid. *Am.* i. 14. 15, *Ar. Am.* iii. 235; Mart. ii. 66; Juv. vi. 498, &c.)

Masters might work their slaves as many hours in the day as they pleased, but they usually allowed them holidays on the public festivals. At the festival of Saturnus in particular, special indulgences were granted to all slaves, of which an account is given under SATURNALIA.

There was no distinctive dress for slaves. It was once proposed in the senate to give slaves a distinctive costume, but it was rejected since it was considered dangerous to show them their number. (Sen. *de Clem.* i. 24.) Male slaves were not allowed to wear the toga or bulla, nor females the stola, but otherwise they were dressed nearly in the same way as poor people, in clothes of a dark colour (*pullati*) and slippers (*crepidae*). (*Vestis servilis*, Cic. *in Pis.* 38.)

The rights of burial, however, were not denied to slaves, for as the Romans regarded slavery as an institution of society, death was considered to put an end to the distinction between slaves and freemen. Slaves were sometimes even buried with their masters, and we find funeral inscriptions addressed to the Dii Manes of slaves (*Dis Manibus*). It seems to have been considered a duty for a master to bury his slave, since we find that a person, who buried the slave of another, had a right of action against the master for the expenses of the funeral. (Dig. 11. tit. 7. s. 31.) In 1726 the burial vaults of the slaves belonging to Augustus and Livia were discovered near the Via Appia, where numerous inscriptions were found, which have been illustrated by Bianchini and Gori and give us considerable information respecting the different classes of slaves and their various occupations. Other sepulchres of the same time have been also discovered in the neighbourhood of Rome.

(Pignorius, *de Servis et eorum apud Veteres Ministeriis;* Popma, *de Operis Servorum;* Blair, *An Enquiry into the State of Slavery amongst the Romans*, Edinburgh, 1833; Becker, *Gallus*, vol. i. p. 103, &c.)

SESCUNX. [AS, p. 140, b.]

SESQUIPLA'RES and SESQUIPLA'RII. [EXERCITUS, p. 509, a.]

SESTE'RTIUM, a place outside Rome, distant two Roman miles and a half (whence the name) from the Esquiline gate, where slaves and malefactors of the lowest class were put to death (Schol. *ad Hor. Epod.* 5; Plut. *Galb.* 28; *in locum (i. e. Sestertium) servilibus poenis sepositum*, Tac. *Ann.* xv. 60).

SESTE'RTIUS, a Roman coin, which properly belonged to the silver coinage, in which it was one-fourth of the denarius, and therefore equal to 2½ asses. Hence the name, which is an abbreviation of *semis tertius* (sc. *nummus*), the Roman mode of expressing 2½. (Varro, *L. L.* v. 173, ed. Müller; Festus, *s. v.;* Plin. *H.N.* xxxiii. 3. s. 13.) The word *Nummus* is often expressed with *sestertius*, and often it stands alone, meaning *sestertius*.

Hence the symbol H S or I I S, which is used to designate the sestertius. It stands either for L L S (*Libra Libra et Semis*), or for II S, the two I's merely forming the numeral two (sc. *asses* or *librae*), and the whole being in either case equivalent to *dupondius et semis*. (Priscian, *de Ponder.* p. 1347; Festus, p. 347, Müller.)

When the as was reduced to half an ounce, and the number of asses in the denarius was made sixteen instead of ten [AS, DENARIUS], the sestertius was still ¼ of the denarius, and therefore contained no longer 2½, but 4 asses. The old reckoning of 10 asses to the denarius was kept, however, in paying the troops. (Plin. xxxiii. 3. s. 13.) After this change the sestertius was coined in brass as well as in silver; the metal used for it was that called ORICHALCUM, which was much finer than the common AES, of which the asses were made. (Plin. *H. N.* xxxiv. 2.)

The sum of 1000 *sestertii* was called *sestertium*. This was also denoted by the symbol H S, the obvious explanation of which is "I I S (2½) millia;" but Gronovius understands it as 2½ pounds of silver (*sestertium pondus argenti*), which he considers to have been worth originally 1000 sestertii, and therefore to have represented this value ever after. (*Pec. Vet.* i. 4, 11.) The *sestertium* was always a sum of money, never a *coin;* the *coin* used in the payment of large sums was the denarius.

According to the value we have assigned to the DENARIUS, up to the time of Augustus, we have

	£	*s.*	*d.*	*farth.*
the sestertius =	0	0	2	·5
the sestertium =	8	17	1	
after the reign of Augustus				
the sestertius =	0	0	1	3·5
the sestertium =	7	16	3	

Taking the earlier value of the *sestertius*, and neglecting the half farthing, we have 1 *sestertius* = two-pence, 6 *sestertii* = 1 shilling, and 120 *sestertii* = 1*l.* sterling. Hence we get the following very convenient RULE: *to convert sestertii into* *pounds sterling divide by* 120; *and correct the result by adding to it the quotient obtained by dividing the original number by* 1920: for ·5 of a farthing is $\frac{1}{1920}$ of a pound.

The sestertius was the denomination of money almost always used in reckoning considerable amounts. There are a very few examples of the use of the denarius for this purpose. The mode of reckoning was as follows: —

Sestertius = *sestertius nummus* = *nummus.*

Sums below 1000 *sestertii* were expressed by the numeral adjectives joined with either of these forms.

The sum of 1000 sestertii = *mille sestertii* = M *sestertium* (for *sestertiorum*) = M *nummi* = M *nummum* (for *nummorum*) = M *sestertii nummi* = M *sestertium nummum* = *sestertium.* These forms are used with the numeral adjectives below 1000, for sums between 1000 and 1,000,000 sestertii: sometimes *millia* is used instead of *sestertia:* sometimes both words are omitted: sometimes *nummum* or *sestertium* is added. For example, 600,000 sestertii = *sescenta sestertia* = *sescenta millia* = *sescenta* = *sescenta sestertia nummum.*

For sums of a thousand *sestertia* (*i. e.* a million *sestertii*) and upwards, the numeral adverbs in *ies* (*decies*, *undecies*, *vicies*, *&c.*) are used, with which the words *centena millia* (a hundred thousand) must be understood With these adverbs the neuter singular *sestertium* is joined in the case required by the construction. (Nepos, *Att.* xiv. 2, gives *sestertio vicies* and *sestertio centies.*) Thus, *decies sestertium*=*decies centena millia sestertium*= *ten times a hundred thousand sestertii* = 1,000,000 sestertii = 1000 *sestertia: millies* H S = *millies centena millia sestertium* = a thousand times one hundred thousand sestertii = 100,000,000 *sestertii* = 100,000 sestertia. When an amount is described by more than one of these adverbs in *ies*, they must be added together if the larger numeral stands first, but multiplied when the smaller is first; care however being taken not to reckon the *centena millia* which is understood, more than once in the whole amount. Thus, Suetonius (*Octav.* 101) has *millies et quingenties* for 150,000 sestertia, *i. e.* 100,000,000 + 50,000,000 = 150,000,000 sestertii, and immediately after *quaterdecies millies* for 1,400,000 sestertia, *i. e.* 14 × 1000 + 100,000 (= 1,400,000,000) sestertii. A variety was allowed in these forms: thus Cicero uses *decies et octingenta millia* for 1800 sestertia, *i. e.* 1,000,000 + 800,000 sestertii, and *quaterdecies* for 1400 sestertia, *i. e.* 14 × 100,000 sestertii. (*In Ver.* i. 39.)

When the numbers are written in cypher, it is often difficult to know whether *sestertii* or *sestertia* are meant. A distinction is sometimes made by a line placed over the numeral when *sestertia* are intended, or in other words, when the numeral is an adverb in *ies.* Thus: —

HS. M. C. = 1100 sestertii, but
HS. $\overline{\text{M. C.}}$ = HS millies centies
= 110,000 sestertia = 110,000,000 sestertii.

Wurm (p. 24) gives the following rule: When the numbers are divided into three classes by points, the right-hand division indicates units, the second thousands, the third hundreds of thousands. Thus, III. XII. DC = 300,000 + 12,000 + 600 = 312,600 sestertii. But these distinctions are by no means strictly observed in the manuscripts.

Like other parts and multiples of the as, the sestertius is applied to other kinds of magnitude, e. g. *pes sestertius* for 2½ feet.

It has been assumed throughout this article that the forms of *sestertium*, as a neuter *singular*, are genuine, a fact which may admit of doubt.

Sesterce is sometimes used as an English word. If so, it ought to be used only as the translation of *sestertius*, never of *sestertium.* [P. S.]

SEVIR. [Equites, p. 475, a; Augustales, p. 180, b.]

SEX SUFFRA'GIA. [Equites.]

SEXATRUS. [Quinquatrus.]

SEXTANS. [As, p. 140, b.]

SEXTA'RIUS, a Roman dry and liquid measure, which may be considered one of the principal measures in the Roman system, and the connecting point between it and that of the Greeks, for it was equal to the ξέστης of the latter; and there can be little doubt that the ξέστης was not an original Greek measure, but that the word was introduced into the Greek system from the Roman, for the purpose of establishing a unit of agreement. [Quadrantal.] It was one-sixth of the *congius*, and hence its name: in the Greek system it was one-sixth of the *chous.* It was divided, in the same manner as the As, into parts named *uncia*, *sextans*, *quadrans*, *triens*, *quincunx*, *semissis*, *&c.* The uncia, or twelfth part of the sextarius, was the Cyathus; its *sextans* was therefore two cyathi, its *quadrans* three, its *triens* four, its *quincunx* five, &c. (Wurm, *de Pond.* &c. p. 118, comp. the Tables.) [P. S.]

SE'XTULA, the sixth part of the *uncia*, was the smallest denomination of money in use among the Romans. (Varro, *L. L.* v. 171, ed. Müller.) It was also applied, like the uncia, to other kinds of magnitude. [Uncia.] [P. S.]

SIBYLLI'NI LIBRI. These books are said to have been obtained in the reign of Tarquinius Priscus, or according to other accounts in that of Tarquinius Superbus, when a Sibyl (Σίβυλλα), or prophetic woman, presented herself before the king, and offered nine books for sale. Upon the king refusing to purchase them she went and burnt three, and then returned and demanded the same price for the remaining six as she had done for the nine. The king again refused to purchase them, whereupon she burnt three more and demanded the same sum for the remaining three, as she had done at first for the nine: the king's curiosity now became excited, so that he purchased the books, and then the Sibyl vanished. (Dionys. iv. 62; Varro, *ap. Lactant.* i. 6; Gell. i. 19; Plin. *H. N.* xiii. 27: respecting the different Sibyls mentioned by ancient writers see Divinatio, p. 416, b.) These books were probably written in Greek, as the later ones undoubtedly were, and if so consequently came from a Greek source, though it is doubtful from what quarter: Niebuhr (*Hist. of Rome*, vol. i. p. 506) supposes them to have come from Ionia, but they were more probably derived from Cumae in Campania. (Göttling, *Gesch. der Röm. Staatsv.* p. 212.) They were kept in a stone chest under ground in the temple of Jupiter Capitolinus, under the custody of certain officers, at first only two in number, but afterwards increased successively to ten and fifteen, of whom an account is given under Decemviri, p. 387, a. The public were not allowed to inspect the books, and they were only consulted by the officers, who had the charge of them, at the special command of the senate (*ad libros ire*, Cic. *de Div.* i. 43; Liv. xxii. 57). They were consulted in the case of prodigies and calamities, but it is difficult to ascertain whether they contained predictions, or merely directions as to what was to be done for conciliating or appeasing the gods, in consequence of the mystery which enveloped them from the time that one of their keepers was put to death for divulging their secrets. (Dionys. *l. c.;* Valer. Max. i. 1. § 13.) Niebuhr remarks from the instances in Livy, that the original books were not consulted, as the Greek oracles were, for the purpose of getting light concerning future events; but to learn what worship was required by the gods, when they had manifested their wrath by national calamities or prodigies. Accordingly we find that the instruction they give is in the same spirit; prescribing what honour was to be paid to the deities already recognized, or what new ones were to be imported from abroad. They were probably written on palm-leaves (Serv. *ad Virg. Aen.* iii. 444, vi. 74), and it is not unlikely that the leaves of the Cumaean Sibyl described by Virgil were designed as an allusion to the form of the Sibylline books. Their nature being such, Niebuhr supposes that they were referred to in the same way as Eastern nations refer to the Koran and to Hafiz: they did not search for a passage and apply it, but probably only shuffled the palm leaves and then drew one.

When the temple of Jupiter Capitolinus was burnt in B. C. 82, the Sibylline books perished in the fire; and in order to restore them, ambassadors were sent to various towns in Italy, Greece, and Asia Minor, to make fresh collections, which on the rebuilding of the temple were deposited in the same place that the former had occupied. (Dionys. *l. c.*) But as a great many prophetic books, many of them pretending to be Sibylline oracles, had got into general circulation at Rome, Augustus commanded that all such books should be delivered up to the praetor urbanus by a certain day and burnt, and that in future none should be kept by any private person. More than 2000 prophetic books were thus delivered up and burnt, and those which were considered genuine and were in the custody of the state were deposited in two gilt cases at the base of the statue of Apollo, in the temple of that god on the Palatine, and were entrusted as before to the Quindecemvi. (Suet. *Aug.* 31; Tacit. *Ann.* vi. 12.) The writing of those belonging to the state had faded by time, and Augustus commanded the priests to write them over again. (Dion Cass. liv. 17.) A fresh examination of the Sibylline books was again made by Tiberius, and many rejected, which were considered spurious. (Dion Cass. lvii. 18.) A few years afterwards, also in the reign of Tiberius, it was proposed to add a new volume of Sibylline oracles to the received collection. (Tacit. *l. c.*)

The Christian writers frequently appeal to the Sibylline verses as containing prophecies of the Messiah; but these in most cases are clearly forgeries. A complete collection of Sibylline oracles was published by Gallaeus, Amst. 1689: fragments of them have also been published by Mai, Milan 1817, and Struve, Regiomont. 1818. (Compare Heidbreede, *de Sibyllis Dissertat.*, Berol. 1835.)

The Sibylline books were also called *Fata Sibyllina* (Cic. *Cat.* iii. 4), and *Libri Fatales*. (Liv. v. 15, xxii. 57.) Those that were collected after the burning of the temple on the Capitol, were undoubtedly written in Greek verses, and were acrostics (ἀκροστιχὶς, Cic. *de Div.* ii. 54; Dionys. *l. c.*). Along with the Sibylline books were preserved under the guard of the same officers the books of the two prophetic brothers, the Marcii (Serv. *ad Virg. Aen.* vi. 72; Cic. *de Div.* i. 40, ii. 55), the Etruscan prophecies of the nymph Bygoe, and those of Albuna or Albunea of Tibur. (Lactant. i. 6.) Those of the Marcii, which had not been placed there at the time of the battle of Cannae, were written in Latin: a few remains of them have come down to us in Livy (xxv. 12) and Macrobius (*Sat.* i. 17). See Niebuhr, vol. i. p. 507; Göttling, *Gesch. d. Röm. Staatsv.* p. 213; Hartung, *Die Religion d. Römer*, vol. i. p. 129, &c.

SICA, *dim.* SICILA, whence the English *sickle*, and SICILICULA (Plaut. *Rud.* iv. 4. 125), a curved dagger, adapted by its form to be concealed under the clothes, and therefore carried by robbers and murderers. [Acinaces.] (Cic. *Cat.* iii. 3.) *Sica* may be translated *a scimitar* to distinguish it from Pugio, which denoted a dagger of the common kind. *Sicarius*, though properly meaning one who murdered with the sica, was applied to murderers in general. (Quintil. x. i. § 12.) Hence the forms *de sicariis* and *inter sicarios* were used in the criminal courts in reference to murder. Thus *judicium inter sicarios*, "a trial for murder" (Cic. *pro Rosc.* 5); *defendere inter sicarios*, "to defend against a charge of murder" (*Phil.* ii. 4). [J. Y.]

SICA'RIUS. [Sica; Lex Cornelia, p. 687.]

SICILICUS. [Scrupulum; Uncia.]

SIGILLA'RIA. [Saturnalia.]

SIGMA. [Mensa.]

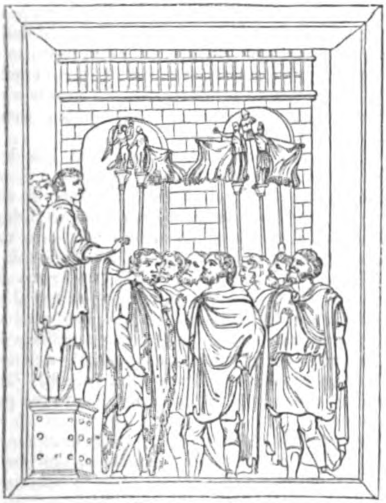
SIGNA MILITA'RIA (σημεῖα, σημαῖαι), military ensigns or standards. The most ancient standard employed by the Romans is said to have been a handful of straw fixed to the top of a spear or pole. Hence the company of soldiers, belonging to it, was called *Manipulus*. [Exercitus, p. 500, b.] The bundle of hay or fern was soon succeeded by the figures of animals, of which Pliny (*H. N.* x. 4. s. 5) enumerates five, viz. the eagle, the wolf, the minotaur (Festus, *s. v. Minotaur.*), the horse, and the boar. In the second consulship of Marius, B. C. 104, the four quadrupeds were entirely laid aside as standards, the eagle being alone retained. It was made of silver, or bronze, and with expanded wings, but was probably of a small size, since a standard-bearer (*signifer*) under Julius Caesar is said in circumstances of danger to have wrenched the eagle from its staff and concealed it in the folds of his girdle. (Flor. iv. 12.)

Under the later emperors the eagle was carried, as it had been for many centuries, with the legion, a legion being on that account sometimes called *aquila* (Hirt. *Bell. Hisp.* 39), and at the same time each cohort had for its own ensign the serpent or dragon (*draco*, δράκων), which was woven on a square piece of cloth (*textilis anguis*, Sidon. Apoll. *Carm.* v. 409), elevated on a gilt staff, to which a cross-bar was adapted for the purpose (Themist. *Orat.* i. p. 1, xviii. p. 267, ed. Dindorf; Claudian, iv. *Cons. Honor.* 546; vi. *Cons. Honor.* 566), and carried by the *draconarius*. (Veget. *de Re Mil.* ii. 13; compare Tac. *Ann.* i. 18.)

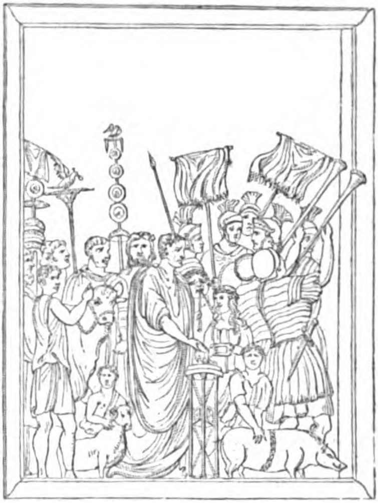
Another figure used in the standards was a ball (*pila*), supposed to have been emblematic of the dominion of Rome over the world (Isid. *Orig.* xviii. 3); and for the same reason a bronze figure of Victory was sometimes fixed at the top of the staff, as we see it sculptured, together with small statues of Mars, on the Column of Trajan and the Arch of Constantine. (See the next woodcut, and Causeus *de Sig. in Graevii Thes.* vol. x. p. 2529.) Under the eagle or other emblem was often placed a head of the reigning emperor, which was to the army the object of idolatrous adoration. (Josephus, *B. J.* ii. 9. § 2; Suet. *Tiber.* 48, *Calig.* 14; Tac. *Ann.* i. 39, 41, iv. 62.) The name of the emperor, or of him who was acknowledged as emperor, was sometimes inscribed in the same situation. (Sueton. *Vespas.* 6.) The pole, used to carry the eagle, had at its lower extremity an iron point (*cuspis*) to fix it in the ground, and to enable the *aquilifer* in case of need to repel an attack. (Suet. *Jul.* 62.)

The minor divisions of a cohort, called *centuries*, had also each an ensign, inscribed with the number both of the cohort and of the century. By this provision, together with the diversities of the crests worn by the centurions [Galea], every soldier was enabled with the greatest ease to take his place. (Veget. *l. c.*)

In the Arch of Constantine at Rome there are four sculptured panels near the top, which exhibit a great number of standards, and illustrate some of the forms here described. The annexed woodcut is copied from two ont of the four. The first panel represents Trajan giving a king to the Parthians: seven standards are held by the soldiers. The second, containing five standards, represents the performance of the sacrifice called *suovetaurilia*. (Bartoli, *Arc. Triumph.*)



When Constantine had embraced Christianity, a figure or emblem of Christ, woven in gold upon purple cloth, was substituted for the head of the emperor. This richly ornamented standard was called *labarum*. (Prudentius *cont. Symm.* i. 466, 488; Niceph. *H. E.* vii. 37.)



Since the movements of a body of troops and of every portion of it were regulated by the standards, all the evolutions, acts, and incidents of the Roman army were expressed by phrases derived from this circumstance. Thus *signa inferre* meant to advance (Caesar, *B. G.* i. 25, ii. 25), *referre* to retreat, and *convertere* to face about; *efferre*, or *castris vellere*, to march out of the camp (Virg. *Georg.* i. 108); *ad signa convenire*, to re-assemble. (Caesar, *B. G.* vi. 1. 37.) Notwithstanding some obscurity in the use of terms, it appears that, whilst the standard of the legion was properly called *aquila*, those of the cohorts were in a special sense of the term called *signa*, their bearers being *signiferi*, and that those of the manipuli or smaller divisions of the cohort were denominated *vexilla*, their bearers being *vexillarii*. Also those who fought in the first ranks of the legion before the standards of the legion and cohorts were called *antesignani*. (Caesar, *B. C.* i. 43, 44, 56.) A peculiar application of the term *vexillarii* is explained on p. 507, b.

In military stratagems it was sometimes necessary to conceal the standards. (Caesar, *B. G.* vii. 45.) Although the Romans commonly considered it a point of honour to preserve their standards, yet in some cases of extreme danger the leader himself threw them among the ranks of the enemy in order to divert their attention or to animate his own soldiers. (Florus, i. 11.) A wounded or dying standard-bearer delivered it, if possible, into the hands of his general (Florus, iv. 4), from whom he had received it (*signis acceptis*, Tac. *Ann.* i. 42). In time of peace the standards were kept in the Aerarium under the care of the Quaestor.

We have little information respecting the standards of any other nation besides the Romans. The banners of the Parthians appear to have had a similar form to that of the Romans, but were more richly decorated with gold and silk. [Sericum.] A golden eagle with expanded wings was the royal standard of Persia. (Xen. *Cyrop.* vii. 1. § 4, *Anab.* i. 10. § 12.) The military ensigns of the Egyptians were very various. Their sacred animals were represented in them (Diod. i. 86), and in the paintings at Thebes we observe such objects as a king's name, a sacred boat, or some other emblem, applied to the same purpose. (Wilkinson, *Man. and Cust.* vol. i. p. 294.) The Jewish army was probably marshalled by the aid of banners (*Ps.* xx. 5;

Cant. vi. 4; *Is.* xiii. 2); but not so the Greek, although the latter had a standard, the elevation of which served as a signal for joining battle, either by land (Polyaen. iii. 9. § 27; Corn. Nepos, xi. 2. § 2) or by sea. (Thucyd. i. 49.) A scarlet flag (φοινικὶς) was sometimes used for this purpose. (Polyaen. i. 48. § 2.) [J. Y.]

SIGNINUM OPUS. [DOMUS, p. 431, a.]

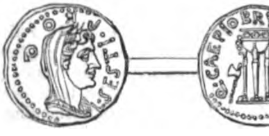
SIGNUM, a division of the Roman legion. [EXERCITUS, p. 501, a.]

SILENTIA'RII. [PRAEPOSITUS.]

SILICE'RNIUM. [FUNUS, p. 562, a.]

SILIQUA. [UNCIA.]

SI'MPULUM or SIMPU'VIUM, was the name of a small cup used in sacrifices, by which libations of wine were offered to the gods. Festus says that it was not unlike the cyathus. (Festus, *s. v.*; Varr. *L. L.* v. 124, ed. Müller; Plin. *H. N.* xxxv. 12. s. 46; Juv. vi. 343; Cic. *de Rep.* vi. 2.) It often appears on Roman coins, as on the annexed coin of the Sestia gens, which represents on the obverse a tripod with a secespita on one side and a simpuvium on the other. A simpuvium also appears on the coin figured under SECESPITA.



There was a proverbial expression *excitare fluctus in simpulo*, "to make much ado about nothing" (Cic. *de Leg.* iii. 16).

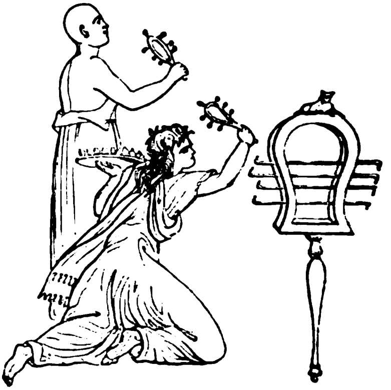
SINDON. [PALLIUM, p. 851, b.]

SINGULA'RES. [EXERCITUS, p. 508, b.]

SIPA'RIUM, a piece of tapestry stretched on a frame, which rose before the stage of the theatre (Festus, *s. v.*; Cic. *Prov. Cons.* 6; Juv. viii. 186), and consequently answered the purpose of the drop-scene with us, although, contrary to our practice, it was depressed when the play began, so as to go below the level of the stage (*aulaea premuntur*, Hor. *Epist.* ii. 1. 189), and was raised again when the performance was concluded (*tolluntur*, Ovid. *Met.* iii. 111—114). From the last-cited passage we learn that human figures were represented upon it, whose feet appeared to rest upon the stage when this screen was drawn up. From a passage of Virgil (*Georg.* iii. 25) we further learn, that the figures were sometimes those of Britons woven in the canvass and raising their arms in the attitude of lifting up a purple curtain, so as to be introduced in the same manner as ATLANTES, Persae, and CARYATIDES.

In a more general sense *siparium* denoted any piece of cloth or canvass stretched upon a frame. (Quintil. vi. 1. § 32.) [J. Y.]

SISTRUM (σεῖστρον), a mystical instrument of music, used by the ancient Egyptians in their ceremonies, and especially in the worship of Isis. (Ovid. *Met.* ix. 784, *Amor.* ii. 13. 11, iii. 9. 34, *de Ponto*, i. 1. 38.) It was held in the right hand (see woodcut), and shaken, from which circumstance it derived its name (*aera repulsa manu*, Tibull. i. 3. 24). Its most common form is seen in the right-hand figure of the annexed woodcut, which represents an ancient sistrum formerly belonging to the library of St. Genovefa at Paris. Plutarch (*de Is. et Osir.* pp. 670, 671, ed. Steph.) says, that the shaking of the four bars within the circular apsis represented the agitation of the four elements within the compass of the world, by which all things are continually destroyed and reproduced, and that the cat sculptured upon the apsis was an emblem of the moon. Apuleius (*Met.* xi. pp. 119, 121, ed. Aldi) describes the sistrum as a bronze rattle (*aureum crepitaculum*), consisting of a narrow plate curved like a sword-belt (*balteus*), through which passed a few rods, that rendered a loud shrill sound. He says that these instruments were sometimes made of silver or even of gold. He also seems to intimate, that the shakes were three together (*tergeminos ictus*), which would make a sort of rude music.



The introduction of the worship of Isis into Italy shortly before the commencement of the Christian aera made the Romans familiar with this instrument. The "linigeri calvi, sistrataque turba" (Mart. xii. 29) are most exactly depicted in two paintings found at Portici (*Ant. d'Ercolano*, vol. ii. pp. 309—320), and containing the two figures of a priest of Isis and a woman kneeling at her altar, which are introduced into the preceding woodcut. The use of the sistrum in Egypt as a military instrument to collect the troops is probably a fiction. (Virg. *Aen.* viii. 696; Propert. iii. 11. 43.) The sistrum is used in Nubia and Abyssinia to the present day.

Sistrum, which is in fact, like SCEPTRUM, a Greek word with a Latin termination, the proper Latin term for it being *crepitaculum*, is sometimes used for a child's rattle. (Martial, xiv. 54; Pollux, ix. 127.) [J. Y.]

SITELLA. [SITULA.]

SITO'NAE (σιτῶναι). [SITOS.]

SITOPHY'LACES (σιτοφύλακες), a board of officers, chosen by lot, at Athens. They were at first three, afterwards increased to fifteen, of whom ten were for the city, five for the Peiraeeus. Their business was partly to watch the arrival of the corn ships, take account of the quantity imported, and see that the import laws were duly observed; partly to watch the sales of corn in the market, and take care that the prices were fair and reasonable, and none but legal weights and measures used by the factors; in which respect their duties were much the same as those of the Agoranomi and Metronomi with regard to other saleable articles. [SITOS.] Demosthenes refers to the entry in the books of the Sitophylaces (τὴν παρὰ τοῖς σιτοφύλαξιν ἀπογραφὴν) to prove the quantity of corn imported from Pontus, which (he says) was equal to all that came from elsewhere, owing to the liberality of Leucon, king of the Bosporus, who allowed corn to be exported from Theudosia to Athens free of duty. (Demosth. *c. Leptin.* 466, 467.) These books were probably kept by the five who acted for the Peiraeeus, whose especial business it would be to inspect the cargoes that were unladen. (Harpocr. *s.v.* *Σιτοφύλακες*: Böckh, *Publ. Econ. of Athens*, p. 83, 2d ed.) [C. R. K.]

SITOS (σῖτος), corn. The soil of Attica, though favourable to the production of figs, olives, and grapes, was not so favourable for corn; and the population being very considerable in the flourishing period of the Athenian republic, it was necessary to import corn for their subsistence. According to the calculation of Böckh, which does not materially differ from that of other writers, there were 135,000 freemen and 365,000 slaves residing in Attica. The country, which contained an area of 64,000 stadia, produced annually about two millions of medimni of corn, chiefly barley. The medimnus was about 1 bushel, 3 gallons, and 5·75 pints, or 48 Attic χοίνικες. A χοῖνιξ was considered a fair daily allowance of meal (ἡμερησία τροφὴ) for a slave. The consumption of the whole population was three million medimni, and one-third therefore was imported. It came from the countries bordering on the Euxine Sea (Pontus, as it was called by the Greeks), and more especially from the Cimmerian Bosporus and the Thracian Chersonese; also from Syria, Egypt, Libya, Cyprus, Rhodes, Sicily, and Euboea. The necessities of the Athenians made them exceedingly anxious to secure a plentiful supply, and every precaution was taken for that purpose by the government as well as by the legislator. Sunium was fortified, in order that the corn vessels (σιταγωγαὶ ὁλκάδες) might come safely round the promontory. Ships of war were often employed to convoy the cargo (παραπέμπειν τὸν σῖτον) beyond the reach of an enemy. (Dem. *de Coron.* 250, 251, *c. Polycl.* 1211.) When Pollis, the Lacedaemonian admiral, was stationed with his fleet off Aegina, the Athenians embarked in haste, under the command of Chabrias, and offered him battle, in order that the corn-ships, which had arrived as far as Geraestus in Euboea, might get into the Peiraeeus. (Xenoph. *Hellen.* v. 4. § 61.) One of the principal objects of Philip in his attack on Byzantium was that, by taking that city he might command the entrance to the Euxine, and so have it in his power to distress the Athenians in the corn trade. Hence the great exertions made by Demosthenes to relieve the Byzantines, of the success of which he justly boasts (*de Coron.* 254, 307, 326).

The measures taken by the legislature to obtain supplies of corn may appear harsh, and their policy is at least doubtful, but they strongly evince the anxiety of the people on the subject. Exportation was entirely prohibited, nor was any Athenian or resident alien allowed to carry corn to any other place than Athens (σιτηγεῖν ἀλλόσε ἢ Ἀθήναζε). Whoever did so, was punishable with death. (Dem. *c. Phorm.* 918; Lycurg. *c. Leocr.* 151, ed. Steph.) Of the corn brought into the Athenian port two-thirds was to be brought into the city and sold there. (Harpocr. *s. v.* Ἐπεμελητὴς ἐμπορίου.) No one might lend money on a ship that did not sail with an express condition to bring a return cargo, part of it corn, to Athens. If any merchant, capitalist, or other person advanced money or entered into any agreement in contravention of these laws, not only was he liable to the penalty, but the agreement itself was null and void, nor could he recover any sum of money, or bring any action in respect thereof. (Dem. *c. Lacrit.* 941.) Information against the offenders was to be laid before the ἐπεμεληταὶ τοῦ ἐμπορίου. (Meier, *Att. Proc.* p. 87.) Strict regulations were made with respect to the sale of corn in the market. Conspiracies among the corn-dealers (σιτοπῶλαι) to buy up the corn (συνωνεῖσθαι), or raise the price (συνιστάναι τὰς τιμὰς), were punished with death. They were not allowed to make a profit of more than one obol in the medimnus; and it was unlawful to buy more than fifty φορμοὶ at a time. It is not certain what the size of a φορμὸς was: Böckh supposes it to be about as much as a medimnus. These laws remind us of our own statutes against engrossing and regrating; but they appear to have been easily evaded by the corn-dealers. (See the speech of Lysias κατὰ τῶν σιτοπωλῶν: Dem. *c. Dionysod.* 1285.) The sale of corn was placed under the supervision of a special board of officers called *Sitophylaces* (σιτοφύλακες), while that of all other marketable commodities was superintended by the agoranomi. (Lys. *id.* 165, ed. Steph.) It was their business to see that meal and bread were of the proper quality, and sold at the legal weight and price. They were bound to detect the frauds of the factor and the baker, and (if we may believe Lysias) they sometimes suffered death for their want of vigilance. The mode of proceeding against them was by εἰσαγγελία before the senate. (Platner, *Proc. und Klag.* vol. ii. p. 149.)

Notwithstanding these careful provisions, scarcities (σιτοδεῖαι) frequently occurred at Athens, either from bad harvests, the misfortunes of war, or other accidental causes. The state then made great efforts to supply the wants of the people by importing large quantities of corn, and selling it at a low price. Public granaries were kept in the Odeum, Pompeum, Long Porch, and naval storehouse near the sea. (Pollux, ix. 45; Dem. *c. Phorm.* 918.) *Sitonae* (σιτῶναι) were appointed to get in the supply and manage the sale. Demosthenes was appointed on one occasion to that office (*de Coron.* 310.) Persons called *apodectae* (ἀποδέκται) received the corn, measured it out, and distributed it in certain quantities. (Pollux, viii. 114.) Public-spirited individuals would sometimes import grain at their own expense, and sell it at a moderate price, or distribute it gratuitously. (Dem. *c. Phorm.* 918.) We read of the Athenian state receiving presents of corn from kings and princes. Thus Leucon, king of the Bosporus, sent a large present, for which he had the honour of ἀτέλεια (exemption from customs-duties) conferred on him by a decree of the people. (Dem. *c. Leptin.* 467; see Isocr. Τραπεζιτ. 370, ed. Steph.) Psammetichus, an Egyptian prince, sent a present in Olymp. 83. 4, Demetrius in Olymp. 118. 2, Spartacus, king of the Bosporus, a few years after. In later times, that made by the Roman Atticus is well known. On the whole of this subject the reader is referred to Böckh (*Publ. Econ. of Athens*, p. 77, &c., 2nd. ed.), where also he will find the various prices of meal and bread at Athens, and other details, copiously explained. As to the duty payable on the importation of corn, see Pentecoste.

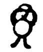
Σῖτος is strictly *wheat-flour*, ἄλφιτα *barley-flour*, πυροὶ *wheat*, κριθαὶ *barley*, ἄρτος *wheat bread*, μᾶζα *barley-bread*. Σῖτος, however, is often applied to all kinds of corn, and even in a larger sense to provisions in general. [C. R. K.]

SITOU DIKE (σίτου δίκη). The marriage portion (προῖξ) being intended as a provision for the wife, although it was paid to the husband by her father, brother, or other natural guardian (κύριος), if anything happened to sever the marriage contract, the husband or his representative was bound to repay it; or, if he failed to do so, he was liable to pay interest upon it at the rate of eighteen per cent. per annum (ἐπ' ἐννέα ὀβολοῖς τοκοφορεῖν). This was the law in case of a divorce (Demosth. *c. Neaer.* 1362); and also when, after a contract of marriage, and after payment of the marriage portion, the intended husband refused to perform his engagement. (Demosth. *c. Aphob.* 818.) Upon the death of the husband without children, the wife and her money went back to the natural guardian (Isaeus, *de Pyrr. her.* 41, ed. Steph.); but if he died leaving children, she had the option of staying with them or going back to her κύριος. If she did the latter, the children (or their guardian, if they were under age) were bound to pay back the portion to the κύριος, or eighteen per cent. interest in the meantime. (Isaeus, *de Pyrr. her.* 38, 46, ed. Steph.) And if she married again, her κύριος was bound in honour to give the same sum to her new husband. (Demosth. *c. Boeot. de dote*, 1010.) Upon the transfer of a woman from one husband to another, which was not uncommon, the προῖξ was transferred with her. (Demosth. *c. Onet.* 866.) A woman's fortune was usually secured by a mortgage of the husband's property; but whether this was so or not, her guardian, in any of the cases above mentioned, might bring an action against the party who unjustly withheld it; δίκη προικὸς, to recover the principal, δίκη σίτου, for the interest. The interest was called σῖτος (alimony or maintenance), because it was the income out of which the woman had to be maintained, αἱ ὀφειλόμεναι τροφαὶ, ἡ διδομένη πρόσοδος εἰς τροφὴν ταῖς γυναιξίν. (Harpocr. *s. v.* Σῖτος: Pollux, viii. 33; Demosth. *c. Aphob.* 839, 854.) The word σῖτος is often used generally for provisions, just as we use the word *bread*. So in the law, which required the son of an ἐπίκληρος to maintain his mother when he came of age and took possession of her inheritance, the expression is τὸν σῖτον μετρεῖν τῇ μητρί. (Demosth. *c. Steph.* 1135.) The allowance for rations given to soldiers was called σιτηρέσιον. (Böckh, *Publ. Econ. of Athens*, p. 272, 2d ed.) The δίκη σίτου was tried before the archon in the Odeum, the same building in which the corn granaries were kept, which makes it not improbable that in earlier times the defendant was called upon to pay the damages *in kind*, that is, in corn or some other sort of provisions; though it was soon found to be more convenient to commute this for a money payment. This cause, like the δίκη προικὸς, seems to have belonged to the ἔμμηνοι δίκαι, as it was presumed that the woman could not wait long for the means of her daily subsistence. It was ἀτίμητος, for the damages were clearly liquidated, being a mere matter of calculation, when the payment of the marriage portion was proved. (Suidas, *s. v.* Ὠδεῖον: Pollux, iii. 47, vi. 153. viii. 31, 33; Meier, *Att. Proc.* pp. 43, 423—427; Platner, *Proc. und Klag.* vol. ii. p. 266.) [C. R. K.]

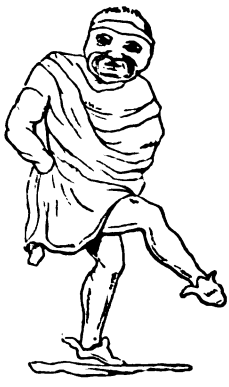
SITTYBAE. [Liber.]

SI'TULA, *dim.* SITELLA (ὑδρία), was probably a bucket or pail for drawing and carrying water (Plaut. *Amph.* ii. 2. 30), but was more usually applied to the vessel from which lots were drawn: *Sitella*, however, was more commonly used in this signification. (Plaut. *Cas.* ii. 5. 34, 43, ii. 6. 7, 11, Liv. xxv. 3, xli. 18.) It appears that the vessel was filled with water (as among the Greeks, whence the word ὑδρία), and that the lots (*sortes*) were made of wood; and as, though increasing in size below, it had a narrow neck, only one lot could come to the top of the water at the same time, when it was shaken. (*Situlam huc tecum afferto cum aqua et sortes*, Plaut. *Cas.* ii. 4. 17; Cic. *in Verr.* ii. 51; Vopisc. *Prob.* 8.) The vessel used for drawing lots was also called *urna* or *orca* as well as *Situla* or *Sitella*. (Cic. *in Vatin.* 14; Val. Max. vi. 3. § 4; Virg. *Aen.* vi. 431, &c.; Lucian, v. 394, with Schol.; compare Pers. iii. 48.)

It is important to understand the true meaning of Sitella, since almost all modern writers have supposed that the name of Sitella or Cista was given indifferently to the ballot-box, into which those who voted in the comitia and courts of justice cast their tabellae: but Wunder (*Codex Erfutensis*, p. clviii. &c.) has proved, that the opinion of Manutius (*de Comitiis Romanis*, c. 15. p. 527, ed. Graev.) is correct, who maintained that the Sitella was the urn, from which the names of the tribes or centuries were drawn out by lot, so that each might have its proper place in voting, and that the Cista was the box into which the tabellae were cast. [Cista.] The form of the Sitella is preserved on a coin of the Cassia gens, which is represented in the annexed cut.



SOCCUS, *dim.* SO'CCULUS, was nearly if not altogether equivalent in meaning to Crepida, and denoted a slipper or low shoe, which did not fit closely, and was not fastened by any tie. (Isid. *Orig.* xix. 33.) Shoes of this description were worn, more especially among the Greeks together with the Pallium, both by men and by women. But those appropriated to the female sex were finer and more ornamented (Plin. *H. N.* ix. 35. s. 56; *Soccus muliebris*, Suet. *Calig.* 52, *Vitell.* 2), although those worn by men were likewise in some instances richly adorned according to the taste and means of the wearer. (Plaut. *Bacch.* ii. 3. 98.)



For the reasons mentioned under the articles BAXA and CREPIDA the Soccus was worn by comic actors (Hor. *Ars Poët.* 80, 90), and was in this respect opposed to the COTHURNUS. (Mart. viii. 3. 13 ; Plin. *Epist.* ix. 7.) The preceding woodcut is taken from an ancient painting of a buffoon [MIMUS], who is dancing in loose yellow slippers (*luteum soccum*, Catull. *Epithal. Jul.* 10). This was one of their most common colours. (De L'Aulnaye, *Salt. Théat.* pl. iv.) [SOLEA.] [J. Y.]

SOCI'ETAS. Societas is classed by Gaius (iii. 135) and in the Institutions of Justinian among those obligationes which arise Consensu. When several persons unite for a common purpose, which is legal, and contribute the necessary means, such a union is Societas, and the persons are Socii. (Dig. 17. tit. 2. s. 57.) The contract of Societas might either be made in words or by the acts of the parties, or by the consent of the parties signified through third persons: it required no particular form of agreement. A Societas might be formed either for the sake of gain to arise from the dealings and labour of the Socii (*quaestus*), or not. Societas for the purpose of quaestus corresponds to the English Partnership. A Societas might be formed which should comprise all the property of the Socii (*societas omnium bonorum*) ; in which case as soon as the Societas was formed, all the property of all the Socii immediately became common (*res quae coeuntium sunt continuo communicantur*). But the Societas might be limited to a part of the property of the Socii or to a single thing, as the buying and selling of slaves, or to carrying on trade in a particular thing in a particular place. (Cic. *pro P. Quintio*, c. 3.) The communion of property in a Societas might also be limited to the use of the things. A Societas might be formed either *in perpetuum*, that is, so long as the parties lived, or *ad tempus* or *in tempore* or *sub conditione*. (Dig. 17. tit. 2. s. 1.)

Each Socius was bound to contribute towards the objects of the Societas according to the terms of the contract. But it was not necessary that all the Socii should contribute money: one might supply money and another might supply labour (*opera*), and the profit might be divisible between them, for the labour of one might be as valuable as the money of the other. In the case of Roscius the actor, Fannius had a slave Panurgus, who by agreement between Roscius and Fannius was made their joint property (*communis*). Roscius paid nothing for his one half of the man, but he undertook to instruct him in his art. Apparently they became partners in the man in equal shares, for Cicero complains of the terms of the Societas on the part of Roscius whose instruction was worth much more than the price of the slave before he was taught his art. (Cic. *pro Q. Roscio Com.* 10.) The agreement between the Socii might also be, that one Socius should sustain no loss and should have a share of the gain, provided his labour was so valuable as to render it equitable for him to become a partner on such terms. If the shares of the Socii were not fixed by agreement they were considered to be equal. (Dig. 17. tit. 2. s. 29.) One partner might have two or more shares, and another might have only one, if their contributions to the Societas in money or in labour were in these proportions. If the agreement was merely as to the division of profit, it followed that the Socii must bear the losses in the same proportion. Each Socius was answerable to the others for his conduct in the management of the business: he was bound to use Diligentia and was answerable for any loss through Culpa. The action which one socius had against another in respect of the contract of partnership, was an actio directa and called Pro Socio (*cur non arbitrum pro socio adegeris Qu. Roscium*, &c. ; Cic. *pro Q. Roscio Com.* 9). The action might be brought for any breach of the agreement of partnership, for an account and for a dissolution. A partner might transfer his interest to another person, but this transfer did not make that other person a partner, for consent of all parties was essential to a Societas: in fact such a transfer was a dissolution of the partnership, and the person to whom the transfer was made might have his action De Communi dividundo. But there might be the pro socio actio against the heres of a socius, for though the heres is not a socius, yet he succeeds to the interest of his testator or intestate in the partnership (*emolumento successor est ;* Dig. 17. tit. 2. s. 63. § 8).

Each socius had a right of action in proportion to his interest against any person with whom any of the socii had contracted, if the socii had commissioned him to make the contract or had approved of the contract; or if it was an action arising from a delict. Thus in the case of Roscius and Fannius, they had severally sued a third person in respect of their several claims as partners, and yet Fannius still claimed the half of what Roscius had recovered in respect of his share in the partnership. (*Pro Q. Rosc. Com.* 11, 17, 18.) In all other cases the person who made the contract could alone sue. All the socii could be sued if they had all joined in the contract with a third person, and each in proportion to his share. If one socius contracted on behalf of all, being commissioned to do so, all were liable to the full amount (*in solidum*). If a socius borrowed money, the other socii were in no case bound by his contract, unless the money had been brought into the common stock. In fact the dealings of one partner did not bind the other partners, except in such cases as they would be bound independent of the existence of the Societas. Condemnatio in an Actio Pro Socio was sometimes attended with INFAMIA.

A Societas, unless it was for a limited period, could be ended at the pleasure of any one of the socii: any member of the body could give notice of dissolution when he pleased (*renuntiare societati*), and therefore the Societas was dissolved (*solvitur*). But in the case of a societas omnium bonorum, if one socius had been appointed heres, he could not by giving notice of dissolution defraud his copartners of their share of the hereditas. The death of a partner dissolved the Societas ; and a Capitis diminutio was said to have the same effect. If the property of any one of the socii was sold either publice (*bonorum publicatio*) or privatim, the Societas was dissolved. It was also dissolved when the purpose for which it was formed was accomplished ; or the things in which there was a Societas, had ceased to exist ; or by the lapse of the time for which it was formed.

If on the dissolution of a partnership there was no profit, but a loss to sustain, the loss was borne, as already stated, by the socii in proportion to their shares. If one man contributed money and another labour, and there was a loss, how was the loss borne? If the money and the labour were considered equivalent, it would seem to follow that until the partnership property were exhausted by the payment of the debts, there should be no pecuniary contribution by the person who supplied the labour. This principle is a consequence of what Gaius states that the capital of one and the labour of another might be considered equal, and the gain might be divided, and if there was a loss the loss must be divided in the same proportion.

Societates were formed for the purposes of farming the public revenues. [PUBLICANI.]

(Gaius, iii. 148—154 ; Dig. 17. tit. 2 ; Inst. 3. tit. 26 ; Cod. 4. tit. 37 · Mühlenbruch, *Doctrina Pandectarum ;* Mackeldey, *Lehrbuch, &c. ;* Hasse, *Die Culpa des Röm. Rechts.* s. 46, 49.) [G. L.]

SO'CII (σύμμαχοι). In the early times, when Rome formed equal alliances with any of the surrounding nations, these nations were called *Socii.* (Liv. ii. 53.) After the dissolution of the Latin league, when the name *Latini,* or *Nomen Latinum,* was artificially applied to a great number of Italians, few only of whom were real inhabitants of the old Latin towns, and the majority of whom had been made Latins by the will and the law of Rome, there necessarily arose a difference between these Latins and the Socii, and the expression *Socii Nomen Latinum* is one of the old asyndeta, instead of *Socii et Nomen Latinum.* The Italian allies again must be distinguished from foreign allies. Of the latter we shall speak hereafter. The Italian allies consisted, for the most part, of such nations as had either been conquered by the Romans, or had come under their dominion by other circumstances. When such nations formed an alliance with Rome, they generally retained their own laws ; or if at first they were not allowed this privilege, they afterwards received them back again. The condition of the Italian allies varied, and mainly depended upon the manner in which they had come under the Roman dominion (Liv. viii. 25, ix. 20) ; but in reality they were always dependent upon Rome. Niebuhr (*Hist. of Rome,* vol. iii. p. 616) considers that there were two main conditions of the Socii, analogous or equal to those of the provincials, that is, that they were either *foederati* or *liberi* (*immunes,* Cic. *c. Verr.* iii. 6). The former were such as had formed an alliance with Rome, which was sworn to by both parties ; the latter were those people to whom the senate had restored their autonomy after they were conquered, such as the Hernican towns. (Liv. ix. 43.) But the condition of each of these classes must again have been modified according to circumstances. The cases in which Rome had an equal alliance with nations or towns of Italy became gradually fewer in number : alliances of this kind existed indeed for a long time with Tibur, Praeneste, Naples, and others (Polyb. vi. 14 ; Liv. xliii. 2 ; Cic. *pro Balb.* 8) ; but these places were, nevertheless, in reality as dependent as the other Socii. It was only a few people, such as the Camertes and Heracleans, that maintained the rights of their equal alliance with Rome down to a very late time. (Liv. xxviii. 45 ; Plut. *Mar.* 28 ; Cic. *pro Balb.* 20, *pro Arch.* 4.) With these few exceptions, most of the Italians were either Socii (in the later sense) or Latini. During the latter period of the republic they had the connubium with Rome (Diodor. *Excerpt. Mai,* xxxvii. 6), but not the suffrage of the Latins. It sometimes happened, as in the case of the Macedonian Onesimus, that a foreign individual was honoured by the senate by being registered among the Italian Socii (*in sociorum formulam referre*), and in this case the senate provided him with a house and lands in some part of Italy. (Liv. xliv. 16.)

Although the allies had their own laws, the senate, in cases where it appeared conducive to the general welfare, might command them to submit to any ordinance it might issue, as in the case of the Senatusconsultum de Bacchanalibus. (Liv. xxxix. 14.) Many regulations also, which were part of the Roman law, especially such as related to usury, sureties, wills, and innumerable other things (Liv. xxxv. 7 ; Gaius, iii. 121, &c. ; Cic. *pro Balb.* 8), were introduced among the Socii, and nominally received by them voluntarily. (Cic. *l. c. ;* Gell. xvi. 13, xix. 8.) The Romans thus gradually united the Italians with themselves, by introducing their own laws among them ; but as they did not grant to them the same civic rights the Socii ultimately demanded them arms in their hands.

Among the duties which the Italian Socii had to perform towards Rome the following are the principal ones : they had to send subsidies in troops, money, corn, ships, and other things, whenever Rome demanded them. (Liv. xxvi. 39, xxviii. 45, xxxv. 16, &c.) The number of troops requisite for completing or increasing the Roman armies was decreed every year by the senate (Liv. *passim*), and the consuls fixed the amount which each allied nation had to send, in proportion to its population capable of bearing arms, of which each nation was obliged to draw up accurate lists, called *formulae.* (Liv. xxxiv. 56 ; Polyb. ii. 23, &c.; Liv. xxii. 57, xxvii. 10.) The consul also appointed the place and time at which the troops of the Socii, each part under its own leader, had to meet him and his legions. (Polyb. vi. 21, 26 ; Liv. xxxiv. 56, xxxvi. 3, xli. 5.) The infantry of the allies in a consular army was usually more numerous than that of the Romans; the cavalry was generally three times the number of the Romans (Polyb. iii. 108, vi. 26, 30) : but these numerical proportions were not always observed. (Polyb. ii. 24, iii. 72.) The consuls appointed twelve praefects as commanders of the Socii, and their power answered to that of the twelve military tribunes in the consular legions. (Polyb. vi. 26, 37.) These praefects, who were probably taken from the allies themselves, and not from the Romans, selected a third of the cavalry, and a fifth of the infantry of the Socii, who formed a select detachment for extraordinary cases, and who were called the *extraordinarii.* The remaining body of the Socii was then divided into two parts, called the right and the left wing. (Polyb. *l. c. ;* Liv. xxxi. 21, xxxv. 5.) The infantry of the wings was, as usual, divided into cohorts, and the cavalry into turmae. In some cases also legions were formed of the Socii. (Liv. xxxvii. 39.) Pay and clothing were given to the allied troops by the states or towns to which they belonged, and which appointed quaestors or paymasters for this purpose (Polyb. vi. 21 ; Cic. *c. Verr.* v. 24) ; but Rome furnished them with provisions at the expense of the republic : the infantry received the same as the Roman infantry, but the cavalry only received two-thirds of what was given to the Roman cavalry. (Polyb. vi. 39 ; Cic. *pro Balb.* 20.) In the distribution of the spoil and of conquered lands they frequently received the same share as the Romans. (Liv. xl. 43, xli. 7, 13, xlv. 43, xlii. 4.) The Socii were also sometimes sent out as colonists with the Romans. (Appian, *de Bell. Civ.* i. 24.) They were never allowed to take up arms of their own accord, and disputes among them were settled by the senate. Notwithstanding all this, the socii fell gradually under the arbitrary rule of the senate and the magistrates of Rome; and after the year B. C. 173, it even became customary for magistrates, when they travelled through Italy, to require the authorities of allied towns to pay homage to them, to provide them with a residence, and to furnish them with beasts of burden when they continued their journey. (Liv. xlii. 1.) Gellius (x. 3) mentions a number of other vexations, which the Roman magistrates inflicted upon the Socii, who could not venture to seek any redress against them. The only way for the allies to obtain protection against such arbitrary proceedings, was to enter into a kind of clientela with some influential and powerful Roman, as the Samnites were in the clientela of Fabricius Luscinus (Val. Max. iv. 3. § 6), and the senate, which was at all times regarded as the chief protector of the Socii, not only recognised such a relation of clientela between Socii and a Roman citizen, but even referred to such patrons cases for decision which otherwise it might have decided itself. (Dionys. ii. 11; Liv. ix. 20; Cic. *pro Sull.* 21.) Socii who revolted against Rome were frequently punished with the loss of their freedom, or of the honour of serving in the Roman armies. (Gell. *l. c.;* Appian, *de Bell. Hannib.* 61; Strab. v. p. 385, vi. p. 389; Fest. *s. v. Brutiani.*) Such punishments however varied according to circumstances. After repeated and fruitless attempts to obtain the full Roman franchise by legal means, the Italian allies broke out in open war against Rome, the result of which was that she was compelled to grant what she had before obstinately refused.

After the civitas had been obtained by all the Italians by the Lex Julia de Civitate, the relation of the Italian Socii to Rome ceased. But Rome had long before this event applied the name Socii to foreign nations also which were allied with Rome, though the meaning of the word in this case differed from that of the Socii Italici. Livy (xxxiv. 57; comp. xxxv. 46) distinguishes two principal kinds of alliances with foreign nations: 1. *foedus aequum*, such as might be concluded either after a war in which neither party had gained a decisive victory, or with a nation with which Rome had never been at war; 2. a *foedus iniquum*, when a foreign nation conquered by the Romans was obliged to enter the alliance on any terms proposed by the conquerors. In the latter case the foreign nation was subject to Rome, and obliged to comply with anything that Rome might demand. But all foreign Socii, whether they had an equal or unequal alliance, were obliged to send subsidies in troops when Rome demanded them; these troops, however, did not, like those of the Italian Socii, serve in the line, but were employed as light-armed soldiers, and were called *milites auxiliares*, *auxiliarii*, *auxilia*, or sometimes *auxilia externa*. (Polyb. ii. 32; Liv. xxi. 46, &c., xxii. 22, xxvii. 37, xxxv. 11, xlii. 29, 35.) Towards the end of the republic all the Roman allies, whether they were nations or kings, sank down to the condition of mere subjects or vassals of Rome, whose freedom and independence consisted in nothing but a name. (Walter, *Gesch. d. Röm. Rechts*, p. 192, &c.; compare Foederatae Civitates.) [L. S.]

SO'CIO, PRO, ACTIO. [Societas.]

SO'CIUS. [Societas.]

SODA'LES. [Collegium.]

SODA'LES AUGUSTA'LES. [Augustales.]

SODA'LES TI'TII. [Titii.]

SODALI'TIUM. [Ambitus.]

SOLA'RIUM. [Horologium, p. 616, b; Domus, p. 429, b.]

SO'LEA was the simplest kind of sandal [Sandalium], consisting of a sole with little more to fasten it to the foot than a strap across the instep. (Gellius, iii. 14, xiii. 21.) It was sometimes made of wood (Isid. *Orig.* xix. 33), and worn by rustics (καλοπέδιλα, Theocrit. xxv. 102, 103), resembling probably the wooden sandals which now form part of the dress of the Capuchins. The solea, as worn by the upper classes, was adapted chiefly for wearing in the house, so that when a man went out to dinner, he walked in shoes [Calceus], taking with him slippers [Soccus] or soleae, which he put on when he entered the house. Before reclining at table, these were taken away by a servant (see woodcut, p. 308; Plaut. *Truc.* ii. 4. 16; Ovid. *Ar. Am.* ii. 212; Mart. viii. 59. 14); consequently when dinner was over it was necessary to call for them. (Plaut. *Truc.* ii. 4. 12, *Most.* ii. 1. 37; Hor. *Sat.* ii. 8. 77.) But, according to the state of the roads or of the weather, the shoes or boots were again put on in order to return home, the soleae being carried, as before, under the arm. (Hor. *Epist.* i. 13. 15.) When circumstances were favourable, this change of the shoes for slippers or soleae was not considered necessary, the latter being worn in the streets. (Mart. xii. 88.)

Soleae ligneae, soles or shoes of wood, were put on, under the authority of the Roman law, either for the purpose of torture, or perhaps merely to indicate the condition of a criminal, or to prevent his escape. (Cic. *Invent.* ii. 50, *ad Herenn.* i. 13.) In domestic life the sandal commonly worn by females was often used to chastise a husband and to bring him into subjection. (Menander, p. 68. 186, ed. Meineke: *solea objurgabere rubra*, Pers. v. 169; *sandalio*, Ter. *Eunuch.* v. 8. 4; Juv. vi. 516.)

Iron shoes (*soleae ferreae*) were put on the feet of mules (Catull. xvii. 26); but instead of this, Nero had his mules shod with silver (Sueton. *Nero*, 30), and his empress Poppaea her's with gold. (Plin. *H. N.* xxxiii. 11. s. 49.) [J. Y.]

SO'LIDUS. [Aurum, p. 182, b.]

SOLITAURI'LIA. [Sacrificium, p. 1000, a; Lustratio, p. 719, b; and woodcut on p. 1045.]

SO'LIUM. [Balneae, p. 191; Thronus.]

SOPHRONISTAE. [Gymnasium, p. 581, b.]

SORTES, lots. It was a frequent practice among the Italian nations to endeavour to ascertain a knowledge of future events by drawing lots (*sortes*): in many of the ancient Italian temples the will of the gods was consulted in this way, as at Praeneste, Caere, &c. [Oraculum, p. 843, a.] Respecting the meaning of Sors see Cic. *de Div.* ii. 41.

These sortes or lots were usually little tablets or counters, made of wood or other materials, and were commonly thrown into a sitella or urn, filled with water, as is explained under Situla. The lots were sometimes thrown like dice. (Suet. *Tib.*

14.) The name of Sortes was in fact given to anything used to determine chances (compare Cic. *de Div.* i. 34), and was also applied to any verbal response of an oracle. (Cic. *de Div.* ii. 56; Virg. *Aen.* iv. 346, 377.) Various things were written upon the lots according to circumstances, as for instance the names of the persons using them, &c.: it seems to have been a favourite practice in later times to write the verses of illustrious poets upon little tablets, and to draw them out of the urn like other lots, the verses which a person thus obtained being supposed to be applicable to him: hence we read of *Sortes Virgilianae*, &c. (Lamprid. *Alex. Sever.* 14; Spartian. *Hadr.* 2.) It was also the practice to consult the poets in the same way as the Mohammedans do the Koran and Hafiz, and many Christians the Bible, namely, by opening the book at random and applying the first passage that struck the eye to a person's own immediate circumstances. (August. *Confess.* iv. 3.) This practice was very common among the early Christians, who substituted the Bible and the Psalter for Homer and Virgil: many councils repeatedly condemned these *Sortes Sanctorum*, as they were called. (Gibbon, *Decline and Fall*, c. xxxviii. note 51.) The Sibylline books were probably also consulted in this way. [Sibyllini Libri.] Those who foretold future events by lots were called *Sortilegi.* (Lucan, ix. 581.)

The *Sortes Conviviales* were tablets sealed up, which were sold at entertainments, and upon being opened or unsealed entitled the purchaser to things of very unequal value; they were therefore a kind of lottery. (Suet. *Octav.* 75; Lamprid. *Heliogab.* 22.)

SPADO'NES. [Impubes, p. 631, b.]

SPARUS. [Hasta, p. 588, b.]

SPE'CIES NOVA. [Confusio.]

SPEC'TIO. [Augur. pp. 177, b. 178, a.]

SPECULA'RIA. [Domus, p. 432, b.]

SPECULA'RIS LAPIS. [Domus, p. 432, a.]

SPECULATO'RES. [Exercitus, p. 508, b; comp. Hemerodromi.]

SPE'CULUM (*κάτοπτρον, ἔσοπτρον, ἔνοπτρον*), a mirror, a looking-glass. The use of mirrors is of very high antiquity (*Job*, xxxvii. 18; *Exodus*, xxxviii. 8), but they are not mentioned by Homer, even when he describes in so circumstantial a manner the toilet of Hera. In the historical times of Greece they are frequently spoken of (Xen. *Cyr.* vii. 1. § 2; Eurip. *Medea*, 1161, *Orest.* 1112, &c.), and they were probably known in Greece long before, since every substance capable of receiving a fine polish would answer the purpose of a mirror. Thus basins were employed instead of mirrors (Artemiod. *Oneir.* iii. 30. p. 279, ed. Reiff), and also cups, the inside of which was sometimes so disposed, that the image of the person who drank from them was seen multiplied. (Plin. *H. N.* xxxiii. 9. s. 45; compare Vopisc. *Prob.* 4.)

The looking-glasses of the ancients were usually made of metal, at first of a composition of tin and copper, but afterwards more frequently of silver. (Plin. *l. c.*) Pliny says that silver mirrors were first made by Praxiteles in the time of Pompey the Great, but they are mentioned as early as that of Plautus. (*Most.* i. 3. 111.) Under the empire the use of silver mirrors was so common, that they began to be used even by maid servants (Plin. *H.N.* xxxiv. 17. s. 48): they are constantly mentioned in the Digest, when silver plate is spoken of (33. tit. 6. s. 3; 34. tit. 2. s. 19. § 8). At first they were made of the purest silver, but metal of an inferior quality was afterwards employed. (Plin. *H. N.* xxxiii. 9. § 45.) Frequently too the polished silver plate was no doubt very slight, but the excellence of the mirror very much depended on the thickness of the plate, since the reflection was stronger in proportion as the plate was thicker. (Vitruv. vii. 3. p. 204, ed. Bip.) We find gold mirrors mentioned once or twice by ancient writers (Eurip. *Hecub.* 925; Senec. *Quaest. Nat.* i. 17; Aelian, *V. H.* xii. 58); but it is not impossible, as Beckmann has remarked, that the term golden rather refers to the frame or ornaments than to the mirror itself, as we speak of a gold watch, though the cases only may be of that metal.

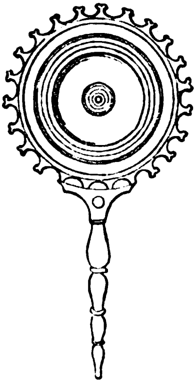
Besides metals, the ancients also formed stones into mirrors, but these are mentioned so seldom that we may conclude they were intended for ornament rather than for use. Pliny (*H. N.* xxxvi. 26. s. 67) mentions the obsidian stone, or, as it is now called, the Icelandic agate, as particularly suitable for this purpose. Domitian is said to have had a gallery lined with *phengites*, which by its reflection showed every thing that was done behind his back (Suet. *Dom.* 14), by which Beckmann understands a calcareous or gypseous spar, or selenite, which is indeed capable of reflecting an image; but we cannot therefore conclude that the ancients formed mirrors of it. Mirrors were also made of rubies according to Pliny (*H. N.* xxxvii. 7. s. 25), who refers to Theophrastus for his authority, but he seems to have misunderstood the passage of Theophrastus (*de Lapid.* 61), and this stone is never found now sufficiently large to enable it to be made into a mirror. The emerald, it appears, also served Nero for a mirror. (Plin. *H. N.* xxxvii. 5. s. 16; Isidor. xvi. 7.)

The ancients seem to have had glass mirrors also like ours, which consist of a glass plate covered at the back with a thin leaf of metal. They were manufactured as early as the time of Pliny at the celebrated glass-houses of Sidon (Plin. *H. N.* xxxvi. 26. s. 66), but they must have been inferior to those of metal, since they never came into general use and are never mentioned by ancient writers among costly pieces of furniture, whereas metal mirrors frequently are. Pliny seems to allude to them in another passage (*H. N.* xxxiii. 9. s. 45), where he speaks of gold being applied behind a mirror, which we can understand, if we admit that Pliny was acquainted with glass mirrors.

Of mirrors made of a mixture of copper and tin, the best were manufactured at Brundisium. (Plin. *H. N.* xxxiii. 9. s. 45, xxxiv. 17. s. 48.) This mixture produces a white metal, which, unless preserved with great care, soon becomes so dim that it cannot be used until it has been previously cleaned and polished. For this reason a sponge with pounded pumice-stone was generally fastened to the ancient mirrors. (Plat. *Timaeus*, p. 72, c.; Vossius, *ad Catull.* p. 97.)

Looking-glasses were generally small and such as could be carried in the hand. Most of those which are preserved in our Museums are of this kind; they usually have a handle, and are of a round or oval shape. Their general form is shown in the woodcut annexed. (Caylus, *Recueil d'Antiquités*, vol. v. pl. 62.)

Instead of their being fixed so as to be hung against the wall or to stand upon the table or floor, they were generally held by female slaves before their mistresses when dressing (Propert. iv. 7. 75, 76), which office was also performed sometimes by the lover, when admitted to the toilet of his mistress. (Ovid. *Ar. Am.* ii. 216.) On ancient vases we sometimes find female slaves represented holding up mirrors to their mistresses. (Tischbein, *Engrav. from ancient Vases*, vol. i. pl. 10.)



Looking-glasses, however, were also made of the length of a person's body (*specula totis paria corporibus*, Senec. *Quaest. Nat.* i. 17): of which kind the mirror of Demosthenes must have been. (Quintil. *Inst. Or.* xi. 3. § 68.) They were fastened to the walls sometimes (*speculum parieti affixum*, Dig. 34. tit. 2. s. 19. § 8; Vitruv. ix. 6. (9.) p. 280. Bip.), though not generally. Suetonius in his life of Horace speaks of an apartment belonging to that poet, which was lined with mirrors (*speculatum cubiculum*), which expression, however, Lessing considers as contrary to the Latin idiom, and therefore regards the whole passage as a forgery. That there were, however, rooms ornamented in this way, is probable from Claudian's description of the chamber of Venus, which was covered over with mirrors, so that whichever way her eyes turned she could see her own image. (*Hymn. in Nupt. Honor. et Mar.* 106, &c.) We frequently find the mirror mentioned in connection with Venus (Athen. xv. p. 687, c.), but Minerva was supposed to make no use of it. (Callim. *Hymn. in Lavacr. Pallad.* 17.)

(Spanheim, *Observ. in Callimachi Hymnum in lavacrum Palladis*, p. 547, Ultraj. 1697; Ménard, *Recherches sur les Miroirs des Anciens* in *l'Histoire de l'Académie des Inscr.* vol. xxiii. p. 140; Caylus, *Recueil d'Antiquités*, iii. p. 331, v. p. 173; Beckmann, *History of Inventions*, vol. iii. p. 164, transl.; Böttiger, *Sabina*, vol. i. pp. 133, 152, vol. ii. pp. 145, 169, *Griechischen Vasengemählden*, vol. iii. p. 46; Becker, *Gallus*, vol. i. p. 97, vol. ii. p. 111.)

SPECUS. [AQUAEDUCTUS, p. 113.]

SPHAERISTE'RIUM. [GYMNASIUM, p. 582, a; PILA.]

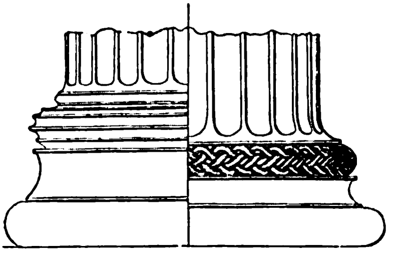
SPI'CULUM. [HASTA, p. 589, a.]

SPINTER or SPINTHER. [ARMILLA.]

SPIRA (σπεῖρα), *dim.* SPIRULA (Servius *in Virg. Aen.* ii. 217), the base of a column.

This member did not exist in the Doric order of Greek architecture [COLUMNA], but was always present in the Ionic and Corinthian, and, besides the bases properly belonging to those orders, there was one called the Attic, which may be regarded as a variety of the Ionic [ATTICURGES]. The term occurs frequently in Vitruvius (iii. 3. § 2; 4. § 1, 5; 5. § 1—4, iv. 1. § 7, v. 9. § 4, ed. Schneider) and in Pliny (*H. N.* xxxvi. 5. s. 4; 23. s. 56). They adopted it from the writings of Greek architects, whose works have perished. It is in fact the Greek term σπεῖρα, which was applied to this member of a column (Pollux, vii. 121) probably on account of its resemblance to a coil of rope. In ancient Greek inscriptions σπεῖρα denotes the base of Ionic and Corinthian pillars, being applied to those of the temples of Minerva Polias at Athens (C. O. Müller, *Min. Pol. Sacra*, pp. 35, 50; Böckh, *Corp. Inscr. Gr.* i. pp. 261—286), and of Jupiter at Labranda. (C. Fellows, *Exc. in Asia Minor*, pp. 262, 331.)

In the Tuscan and the Roman Doric the base consisted of a single torus (Festus, *s. v. Spira*), sometimes surmounted by an astragal. In the Ionic and Attic it commonly consisted of two tori (*torus superior* and *torus inferior*) divided by a *scotia* (τρόχιλος), and in the Corinthian of two tori divided by two scotiae. The upper torus was often fluted (ῥαβδωτός), and surmounted by an astragal [ASTRAGALUS], as in the left-hand figure of the annexed woodcut, which shows the form of the base in the Ionic temple of Panops on the Ilissus. The right-hand figure in the same woodcut shows the corresponding part in the temple of Minerva Polias at Athens. In this the upper torus is wrought with a plaited ornament, perhaps designed to represent a rope or cable. In these two temples the spira rests not upon a plinth (*plinthus*, πλίνθος), but on a podium. In Ionic buildings of a later date it rests on a square plinth corresponding in its dimensions with the ABACUS. For other examples, see Mauch, *Architektonische Ordnungen.* [J. Y.]



SPI'THAME (σπιθαμή), *a span*, a Greek measure equal to 3-4ths of the foot. There was no proper Roman measure corresponding to it, but the later writers used *palmus* in this sense; the early writers express the Greek span properly by *dodrans*. [MENSURA, p. 751, b; PALMUS.] [P. S.]

SPO'LIA. Four words are commonly employed to denote booty taken in war, *Praeda*, *Manubiae*, *Exuviae*, *Spolia*. Of these, *praeda* bears the most comprehensive meaning, being used for plunder of every description. [PRAEDA.] *Manubiae* was the money which the quaestor realised from the sale of those objects which constituted praeda (Gell. xiii. 24; Cic. *de Leg. Agr.* ii. 22.) The term *Exuviae* indicates any thing stripped from the person of a foe, while *Spolia*, properly speaking, ought to be confined to armour and weapons, although both words are applied loosely to trophies such as chariots, standards, beaks of ships and the like, which might be preserved and displayed. (See Doederlein, *Lat. Syn.* vol. iv. p. 337; Ramshorn, *Lat. Syn.* p. 869; Habicht, *Syn. Handwörterbuch*, n. 758.)

In the heroic ages no victory was considered complete unless the conquerors could succeed in stripping the bodies of the slain, the spoils thus obtained being viewed (like scalps among the North American Indians) as the only unquestionable evidence of successful valour; and we find in Homer that when two champions came forward to contend in single combat, the manner in which the body and arms of the vanquished were to be disposed of formed the subject of a regular compact between the parties. (Hom. *Il.* vii. 75, &c., xxii. 254, &c.) Among the Romans, spoils taken in battle were considered the most honourable of all distinctions; to have twice stripped an enemy, in ancient times, entitled the soldier to promotion (Val. Max. ii. 7. § 14), and during the second Punic war, Fabius when filling up the numerous vacancies in the senate caused by the slaughter at Cannae and by other disastrous defeats, after having selected such as had borne some of the great offices of state, named those next "qui spolia ex hoste fixa domi haberent, aut civicam coronam accepissent." (Liv. xxiii. 23.) Spoils collected on the battle field after an engagement, or found in a captured town were employed to decorate the temples of the gods, triumphal arches, porticoes, and other places of public resort, and sometimes in the hour of extreme need served to arm the people (Liv. xxii. 57, xxiv. 21, x. 47; Val. Max. viii. 6. § 1; Sil. Ital. x. 599), but those which were gained by individual prowess were considered the undoubted property of the successful combatant, and were exhibited in the most conspicuous part of his dwelling (Polyb. vi. 39), being hung up in the atrium, suspended from the door-posts, or arranged in the vestibulum, with appropriate inscriptions. (Liv. x. 7, xxxviii. 43; Cic. *Philipp.* ii. 28; Suet. *Nero*, 38; Virg. *Aen.* ii. 504, iii. 286, Tibull. i. l. 54; Propert. iii. 9. 26; Ovid. *Ar. Am.* ii. 743; Sil. Ital. vi. 446.) They were regarded as peculiarly sacred, so that even if the house was sold the new possessor was not permitted to remove them. (Plin. *H. N.* xxxv. 2.) A remarkable instance of this occurred in the "rostrata domus" of Pompey, which was decorated with the beaks of ships captured in his war against the pirates; this house passed into the hands of Antonius the triumvir (Cic. *Philipp. l. c.*), and was eventually inherited by the emperor Gordian, in whose time it appears to have still retained its ancient ornaments. (Capitolin. *Gordian.* 3.) But while on the one hand it was unlawful to remove spoils, so it was forbidden to *replace* or *repair* them when they had fallen down or become decayed through age (Plutarch, *Quaest. Rom.* 37), the object of this regulation being doubtless to guard against the frauds of false pretenders.

Of all spoils the most important were the *Spolia Opima*, a term applied to those only which the commander-in-chief of a Roman army stripped in a field of battle from the leader of the foe. (Liv. iv. 20.) Festus (*s. v. Opima*) gives the same definition as Livy, but adds "M. Varro ait opima spolia esse [etiam] si manipularis miles detraxerit dummodo duci hostium," a statement, if correctly quoted, directly at variance with the opinion generally received and acted upon. Thus when M. Crassus, in the fifth consulship of Octavianus (B. C. 29), slew Deldo, king of the Bastarnae, he was not considered to have gained spolia opima because acting under the auspices of another (Dion Cass. li. 24; compare Val. Max. iii. 2. § 6), and Plutarch (*Marcell.* 8) expressly asserts that Roman history up to his own time afforded but three examples. The first were said to have been won by Romulus from Acro, king of the Caeninenses, the second by Aulus Cornelius Cossus from Lar Tolumnius king of the Veientes, the third by M. Claudius Marcellus from Viridomarus (or Βριττόμαρτος as he is called by Plutarch), king of the Gaesatae. In all these cases, in accordance with the original institution, the spoils were dedicated to Jupiter Feretrius. The honours of spolia opima were voted to Julius Caesar during his fifth consulship (B. C. 44, the year of his death), but it was not even pretended that he had any legitimate claim to this distinction. (Dion Cass. xliv. 4.) (The question with regard to the true definition of spolia opima is discussed with great learning by Perizonius, *Animad. Hist.* c. 7.) [W. R.]

SPONDA. [LECTUS, p. 674, b.]

SPO'NDEO. [OBLIGATIONES, p. 817, b.]

SPO'NGIA. [PICTURA, p. 905, a.]

SPONSA, SPONSUS. [MATRIMONIUM, p. 741, b.]

SPONSA'LIA. [MATRIMONIUM, p. 741, b.]

SPONSOR. [INTERCESSIO, p. 640, b.]

SPO'RTULA. In the days of Roman freedom clients were in the habit of testifying respect for their patron by thronging his atrium at an early hour, and escorting him to places of public resort when he went abroad. As an acknowledgment of these courtesies some of the number were usually invited to partake of the evening meal. After the extinction of liberty the presence of such guests, who had now lost all political importance, was soon regarded as an irksome restraint, while at the same time many of the noble and wealthy were unwilling to sacrifice the pompous display of a numerous body of retainers. Hence the practice was introduced under the empire of bestowing on each client, when he presented himself for his morning visit, a certain portion of food as a substitute and compensation for the occasional invitation to a regular supper (*coena recta*), and this dole, being carried off in a little basket provided for the purpose, received the name of *sportula*. Hence also it is termed by Greek writers on Roman affairs δεῖπνον ἀπὸ σπυρίδος, which however must not be confounded with the δεῖπνον ἀπὸ σπυρίδος of earlier authors, which was a sort of pic-nic. [COENA, p. 304, b.] For the sake of convenience it soon became common to give an equivalent in money, the sum established by general usage being a hundred quadrantes. (Juv. i. 120; Martial. x. 70, 75.) Martial indeed often speaks of this as a shabby pittance (*centum miselli quadrantes*, iii. 7, compare i. 60, iii. 14, x. 74), which, however, he did not scorn himself to accept (x. 75), but at the same time does not fail to sneer at an upstart who endeavoured to distinguish himself by a largess to a greater amount on his birthday (x. 28). The donation in money, however, did not entirely supersede the sportula given in kind, for we find in Juvenal a lively description of a great man's vestibule crowded with dependents, each attended by a slave bearing a portable kitchen to receive the viands and keep them hot while they were carried home (iii. 249). If the sketches of the satirist are not too highly coloured, we must conclude that in his time great numbers of the lower orders derived their whole sustenance and the funds for ordinary expenditure exclusively from this source, while even the highborn did not scruple to increase their incomes by taking advantage of the ostentatious profusion of the rich and vain. (Juv. i. 95.) A regular roll was kept at each mansion of the persons, male and female, entitled to receive the allowance; the names were called over in order, the individuals were required to appear in person, and the almoner was ever on his guard to frustrate the roguery of false pretenders. (Juv. *l. c.*), whence the proverb quoted by Tertullian (*c. Marcion.* iii. 16), *sportulam furunculus captat.* The morning, as we have seen above (Juv. i. 128), was the usual period for these distributions, but they were sometimes made in the afternoon. (Martial. x. 70.)

Nero, imitating the custom of private persons, ordained that a sportula should be substituted for the public banquets (*publicae coenae*) given to the people on certain high solemnities; but this unpopular regulation was repealed by Domitian. (Suet. *Ner.* 16, *Dom.* 7; Martial, viii. 50.)

When the Emperor Claudius on one occasion resolved unexpectedly to entertain the populace with some games which were to last for a short time only, he styled the exhibition a *sportula*, and in the age of the younger Pliny the word was commonly employed to signify a gratuity, gift, or emolument of any description. (Plin. *Ep.* ii. 14, x. 118.)

(Compare a dissertation on the Sportula by Buttmann in the *Kritische Bibliothek* for 1821; see also Becker, *Gallus*, vol. i. p. 147.) [W. R.]

STABULA'RIUS. [Recepta Actio.]

STA'DIUM (ὁ στάδιος and τὸ στάδιον) 1. The foot-race course at Olympia and the other places in Greece where games were celebrated. It was originally intended for the foot-race, but the other contests which were added to the games from time to time [Olympia] were also exhibited in the Stadium, except the horse-races, for which a place was set apart, of a similar form with the stadium, but larger: this was called the Hippodromus (ἱππόδρομος).

The stadium was an oblong area terminated at one end by a straight line, at the other by a semicircle having the breadth of the stadium for its base. Round this area were ranges of seats rising above one another in steps.

It was constructed in three different ways, according to the nature of the ground. The simplest form was that in which a place could be found which had by nature the required shape, as at Laodicea. Most commonly, however, a position was chosen on the side of a hill, and the stadium was formed on one side by the natural slope, on the other by a mound of earth (γῆς χῶμα), as at Olympia, Thebes, and Epidaurus. (Pausan. ii. 27. § 6, vi. 20. § 5, 6, ix. 23. § 1.) Sometimes, however, the stadium was on level ground, and mounds of earth were cast up round it to form seats, and covered with stone or marble. We have two celebrated examples of this construction in the Pythian Stadium at Delphi and the Panathenaic at Athens. The former was originally constructed of Parnassian stone, and afterwards covered with Pentelic marble by Herodes Atticus (Paus. x. 32. § 1), who adorned in the same manner the stadium at Athens, which had been originally constructed on the banks of the Ilissus by the orator Lycurgus. The marble covering, which took four years to complete, has now disappeared, but the area is still left, with some ruins of the masonry. (Paus. i. 19. § 7; Leake's *Topography of Athens.*)

The stadium sometimes formed a part of the buildings of the gymnasium [Gymnasium], at other times it was placed in its neighbourhood, and often, as at Athens, stood entirely by itself. That at Olympia was in the sacred grove called Altis.

The size of the Grecian stadia varied both in length and breadth; but this variety is in all probability to be understood of the size of the whole enclosure, not of the length of the part marked out for the race; the latter appears to have been fixed, while the former was naturally different, according to the accommodation to be provided for spectators, or the magnificence which the builder might wish to confer upon the structure. The fixed length of the course, between the pillars which marked the beginning and the end of the race, was 600 Greek feet. There was a tradition that Hercules measured it out originally by his own foot. It is not improbable that Pheidon, who claimed to be a descendant of Hercules, and who presided as agonothete at the Olympic games, may have fixed the length of the stadium according to the standard of measure which he established.

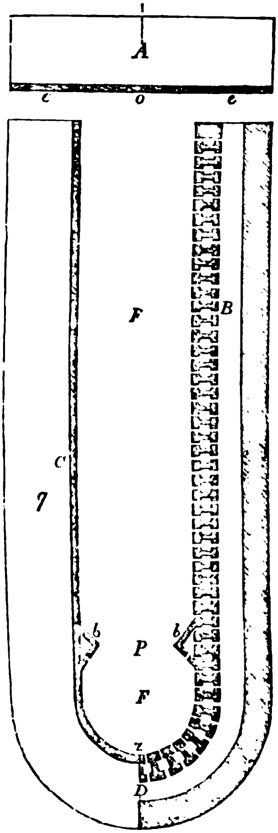
The accounts left by ancient writers of the arrangement of the parts of the stadium are scanty, but from a comparison of them with existing remains of stadia we may collect the following particulars.

At one end a straight wall shut in the area, and here were the entrances, the starting-place for the runners, and (at Olympia) an altar of Endymion. At the other end, at or near the centre of the semicircle, and at the fixed distance from the starting-place, was the goal, which was the termination of the simple foot-race, the runners in which were called σταδιοδρόμοι: the race itself is called στάδιον and δρόμος: in the δίαυλος δρόμος the racers turned round this and came back to the starting-place. The starting-place and goal had various names: the former was called ἄφεσις, γραμμή, ὕσπληξ, and βαλβίς: the latter τέρμα, βατήρ, τέλος, καμπτήρ and νύσσα. The term γραμμή is explained as the *line* along which the racers were placed before starting; ὕσπληξ, which means *the lash of a whip*, is supposed to have been a cord which was stretched in front of the racers to restrain their impatience, and which was let fall when the signal was given to start; the name καμπτήρ was applied to the goal because the runners in the δίαυλος and δόλιχος *turned* round it to complete their course. These terms are often applied indifferently to the starting-place and the goal; probably because the starting-place was also the end of all races, except the simple στάδιον. The starting-place and goal were each marked by a square pillar (στῆλαι, κίονες κυβοειδεῖς), and half way between these was a third. On the first was inscribed the word ἀρίστευε, on the second σπεῦδε, on the third κάμψον. The δολιχοδρόμοι turned round both the extreme pillars till they had completed the number of stadia of which their course consisted, which appears to have been different on different occasions, for the length of the δόλιχος δρόμος is variously stated at 6, 7, 8, 12, 20, and 24 stadia. (Schol. *ad Soph. Electr.* 691.)

The semicircular end of the area, which was called σφενδονή, and was not used in the races, was probably devoted to the other athletic sports. This σφενδονή is still clearly seen in the Ephesian and Messenian stadia, in the latter of which it is surrounded by 16 rows of seats. The area of the stadium was surrounded by the seats for spectators, which were separated from it by a low wall or podium.

Opposite to the goal, on one side of the stadium, were the seats of the Hellanodicae, for whom there was a secret entrance into the stadium (κρυπτὴ ἔσοδος), and on the other side was an altar of white marble, on which the priestesses of Demeter Chamyne sat to view the games. The area was generally adorned with altars and statues.

Such was the general form and arrangement of the Greek stadium. After the Roman conquest of Greece the form of the stadium was often modified so as to resemble the amphitheatre by making both its ends semicircular, and by surrounding it with seats supported by vaulted masonry, as in the Roman amphitheatre. The Ephesian stadium still has such seats round a portion of it. A restoration of this stadium is given in the following woodcut, copied from Krause.



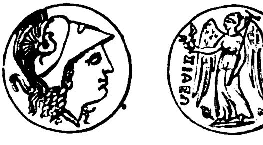
A is the boundary wall at the Aphesis, 77 feet deep, B C the sides, and D the semicircular end, of the same depth as A; F F the area, including the σφενδονή; *b b* pieces of masonry jutting out into the area; *e e* the entrances; from *o* to *p* is the length of an Olympic stadium; from *q* to *z* the range of amphitheatrical seats mentioned above.

(Krause, *Die Gymnastik und Agnostik der Hellenen*, p. 131, § 14; Müller, *Archäol. der Kunst*, § 290; Olympia.)

2. The word also signifies the chief Greek measure for itinerary distances, which was adopted by the Romans also, chiefly for nautical and astronomical measurements. It was equal to 600 Greek or 625 Roman feet, or to 125 Roman paces; and the Roman mile contained 8 stadia. (Herod. ii. 149; Plin. *H. N.* ii. 23. s. 21; Columell. *R. R.* v. 1; Strabo, vii. p. 497.) Hence the stadium contained 606 feet 9 inches English. (See the Tables.) This standard prevailed throughout Greece, under the name of the Olympic stadium, so called because, as above stated, it was the exact length of the stadium or foot-race course at Olympia, measured between the pillars at the two extremities of the course. There were multiples of the measure, corresponding to the longer races; thus the δίαυλος was 2 στάδια, and the δόλιχος 6 or more. (See above.) The ἱππικόν of 4 stadia we may presume to have been the length of one double course in the chariot race, which would give 2 stadia for the distance between the pillars in the hippodrome [Hippodromus, p. 611, a]. In mathematical geography, the ordinary computation was 600 stadia to a degree of a great circle of the earth's surface. The important question, whether the stadium was a uniform measure throughout Greece, is fully discussed under Mensura, p. 755. [P. S.]

STALA'GMIA. [Inauris.]

STATER (στατήρ), which means simply *a standard* (in this case both of weight and more particularly of money), was at first the name of the chief coin in the early Greek systems, namely, the *didrachm*. [Nummus, pp. 811, b, 812, a.] When gold began to be coined, the name was applied to the principal gold coin of Greece, which was also called Chrysus (χρυσοῦς), and which in the majority of cases was conformed to the Attic standard, and therefore a *stater* commonly signifies *a gold coin equal in weight to two Attic drachmae and in value to twenty;* but there are also staters of the Euboïc scale. The general subject of Greek gold money has been discussed under Aurum, where it is stated that the Greeks obtained their principal supply of gold from Asia. To the same quarter we must look for the origin of their gold money. The Daricus, which came to them from Persia, has been already treated of. [Daricus.] The stater is said to have been first coined in Lydia by Croesus. To this country, indeed, one tradition ascribes the origin both of gold and silver money (Herod. i. 94); but be this as it may, the stater of Croesus was the first gold coinage with which the Greeks were acquainted. (Herod. i. 84; Pollux, iii. 87, ix. 84.) Böckh (*Metrolog. Untersuch.* p. 129) asserts that these staters were undoubtedly formed of the pale gold or electrum which was washed down from Tmolus by the Pactolus, and which Sophocles speaks of as Sardian electrum. (*Antig.* 1037.) [Electrum.] There is, in the Hunterian collection (Plate 66, fig. 1), a very ancient coin of this pale gold, of an oval ball-like shape, impressed with the figure of a man kneeling, holding a fish in his left hand, and in his right a knife hanging down, which Pinkerton takes for a coin of Croesus, but respecting which nothing more can be said with safety than that it is a very ancient specimen of Asiatic money. Its weight is 248½ English grains, or allowing for the loss of weight by wear, about that of the Attic tetradrachm, which was twice the weight of the stater. This, therefore would be a double stater. (Böckh, *l. c.*) At all events, in the absence of certain specimens of the Lydian stater and of an express statement of its value, we may suppose from the very silence of the Greek writers, that it did not differ materially from the stater which was afterwards current in Greece; and which was equal *in weight* to *two* drachmae, and *in value* to *twenty*. (Hesych. *s. v.* *Χρυσοῦς*: Pollux, iv. 173; Harpocration, *s. v.* *Δαρεικός*.)



MACEDONIAN STATER. BRITISH MUSEUM.

The following were the principal Greek staters: 1. The Attic stater, which has been spoken of under AURUM. The weights of the coins there mentioned are 132·3, 132·7, 132·6, and 132·75 grains, the average of which is 132·5875 grains, which only falls short of the weight of the Attic didrachm by a little more than half a grain. [DRACHMA.] The gold of the Attic coins is remarkably pure.

2. The stater of Cyzicus was common in Greece, especially at Athens. We learn from Demosthenes (*in Phorm.* p. 914) that at a particular period (a little after B. C. 335) this stater passed on the Bosporus for 28 Attic drachmae, which, by a comparison with the then value of the daricus [DARICUS], would give for its weight about 180 grains. Several Cyzicene staters exist, but none of them come up to this weight. Hence we may conclude that the price of gold on the Bosporus was at that time unusually high. Some of the existing coins give 160 grains, and others not more than 120, for the weight of the Cyzicene stater; but, allowing for debasement in the minting, and for subsequent wear, we may perhaps take 180 grains for about its true value, and if so, it belongs to the Euboïc standard. Its value, calculated from the number of drachmae it passed for, would be 1*l.* 2*s.* 9*d.*

3. The Stater of Lampsacus is mentioned in an Attic inscription of B. C. 434. Several gold coins of Lampsacus are extant; they may be known by the impression of a sea-horse upon them. There are two in the British Museum of the weight of about 129 grains, which is just that of the daricus. The weights of the Lampsacene staters are very unequal; and both Lampsacus and Cyzicus appear to have had gold coins which were multiples of different standards. It is not improbable, that the Euboïc and Attic standards existed together at these places.

4. The stater of Phocaea is mentioned by Thucydides (iv. 52) and Demosthenes (*in Boeot.* p. 1019) as in circulation in their times. Sestini gives several of these, the largest of which, stamped with a Φ, weighs 255·42 English grains. This is a double stater, giving a single one of 127·71 grains, or 5 grains less than the Attic, and it seems to follow the standard of the daricus. Most of the others are thirds of the stater, and of a lighter comparative weight. There was also at Athens a Phocaean coin called *ἕκτη*, and its half *ἡμίεκτον*, and Hesychius (*s. v.* *ἕκτη*) mentions the *ἕκτη*, *τρίτη*, and *τετάρτη*, as coins of gold or silver or copper. Respecting these coins, see HECTE.

5. The stater of Macedonia was coined by Philip II. and Alexander the Great after the standard of the Attic didrachm, and of very fine gold. Under those princes it came into general circulation in Greece and throughout the Macedonian empire. The extant specimens of this coinage are very numerous.

Mr. Hussey gives the following report of an assay which was made for him of a stater of Alexander.

Gold	11 oz.	9 dwts.	6 grs.
Silver	,,	,,	18 ,,
Alloy			0

The silver is an accidental admixture, or, if known to be present, was not allowed for, so that this coin may be reckoned at 133 grains of fine gold, Our sovereign, after deducting the alloy, contains 113·12 grains of fine gold. Therefore the Macedonian stater $= \frac{133}{113{\cdot}12}$ of the English sovereign, or 1*l.* 3*s.* 6*d.* 0·672 farthing. The average is however a little below this stater, but not more so than is due to wear. The stater of Philip was very recently current in Greece at the value of about 25 shillings. This standard was preserved, or very nearly so, under the later Macedonian kings, and was adopted by other states, as Epirus, Aetolia, Acarnania, and Syracuse.

Besides the staters noticed above, most of the cities of Ionia had gold coins, but their value is very doubtful. There are specimens in existence from Chios, Teos, Colophon, Smyrna, Ephesus, and many other places. Samos, Siphnus, Thasos, the Greek cities of Sicily, and Cyrene had gold money at an early period.

Pollux mentions a Corinthian stater as used in Sicily which he calls *δεκάλιτρος στατήρ*, and makes equal to 10 Aeginetan obols. (Pollux, iv. 174, ix. 80.) The explanation of this statement is very difficult, and depends in a great measure on the disputed question whether the Corinthian money followed the Attic or the Aeginetan standard. [See NUMMUS, p. 812, a.]

In calculating the value of the stater in our money, the ratio of gold to silver must not be overlooked. Thus the stater of Alexander, which we have valued, according to the present worth of gold, at 1*l.* 3*s.* 6*d.*, passed for twenty drachmae, which, according to the present value of silver, were worth only 16*s.* 3*d.* But the former gives the better idea of the worth of the stater, the difference arising from the greater value of silver in ancient times than now. [ARGENTUM.]

Besides the stater itself, there were, as appears from the above remarks, double staters, and the halves (*ἡμιχρυσοῦς*, *ἡμιστατῆρες*), quarters, thirds, sixths, and twelfths of the stater. The coins of the last four denominations are, however, much less common than the single, double, and half staters.

The term *στατήρ*, in later times, was applied to the silver tetradrachm, but whether it was so used in the flourishing times of Athens is doubtful. [Drachma.]

It was also used in reference to weight, apparently like the Hebrew *shekel* and the Latin *pondo*, in a general sense. The Mina (Pollux, ix. 6) and the Sicilian Litra (Pollux, iv. 24), are both called stater.

(Sestini, *degli Stateri Antichi;* Hussey; Wurm; Böckh.) [P. S.]

STATERA, a steel-yard. [Libra; Trutina.]

STATI DIES. [Dies, p. 409, b.]

STATIO'NES. [Castra, p. 250, b.]

STATIO'NES FISCI. The Fiscus was divided into various departments, called *Stationes*, according to the different revenues belonging to it. (Cod. 4. tit. 31. s. 1; 10. tit. 5. s. 1.) Thus we read of a *Statio XX. hereditatium* (Orelli, *Inscr.* n. 3332), a *Statio Hereditatium* (Orelli, n. 3207; Gruter, p. 451, n. 3); a *Statio Annonae.* (Orelli, n. 4107, 4420.) See Walter, *Gesch. des Röm. Rechts*, § 314. 2d ed.

STATIO'NES MUNICIPIO'RUM. [Graecostasis.]

STATOR, a public servant, who attended on the Roman magistrates in the provinces. The Statores seem to have derived their name from standing by the side of the magistrate, and thus being at hand to execute all his commands; they appear to have been chiefly employed in carrying letters and messages. (Cic. *ad Fam.* ii. 17, 19, x. 21; Dig. 4. tit. 6. s. 10.) Alexander Severus forbade the use of statores in the provinces, and commanded that their duties should be discharged by soldiers. (Dig. 4. tit. 6. s. 10; Lamprid. *Alex. Sev.* 52.)

STATU LIBER. [Manumissio.]

STATUA'RIA ARS is in its proper sense the art of making statues or busts, whether they consist of stone or metal or other materials, and includes the art of making the various kinds of reliefs (alto, basso, and mezzo relievo). The ancients, accustomed to trace all their arts and sciences to a single person, who was generally believed to have been led to his discovery by some accidental circumstance, relate several stories to account for the origin and discovery of the arts of painting and statuary. (Plin. *H. N.* xxxv. 5 and 43; compare Quintil. x. 2. § 7.) But arts such as these cannot, like those which are the necessary result of particular local circumstances, or are in their origin of a complicated nature, be assigned to any particular nation or to any particular individual: they spring up naturally in all countries, and take their origin alike everywhere in the imitative faculty of man. It is, therefore, idle talk when modern writers gravely repeat the stories about the invention of sculpture or painting, or assign the invention of either of them to the Egyptians or any other nation. These arts in their infant state existed among the Greeks from time immemorial, and if there are any resemblances between the earliest works of Grecian art and those of Egypt, we have still no right to infer that the Greeks learnt them from the Egyptians, and we might as well assert that the Greeks learnt their arts from the Gauls or from the Siamese, for the works of these nations too resemble those of early Greece. An art in its primitive state manifests itself nearly in the same manner in all parts of the world. But what is of real interest is to know the causes through which statuary, or, to use a more common but less appropriate term, sculpture, became so pre-eminently *the* art of the Greeks, that down to this day no other nation has produced artists that can compete with them, and that all look upon the Greeks as the great masters and models for all ages. Winckelmann has pointed out three great causes, viz. their innate genius, their religion, and their social and political institutions; and these three points, if accurately examined, will certainly be found to have singularly co-operated in making the Greek artists what they were. There is another point connected with the origin of Grecian sculpture which appears to have led some modern writers to form erroneous opinions. The peculiar form of the Hermae [Hermae] has given rise to the belief that in the earliest statues the head only (bust) was represented, and that the remaining part of the body was expressed by a simple pillar or block. This view is contrary to nature as well as to history, for neither a nation nor a child (which in this case may be fairly taken as a representative of a nation in its infancy), when they begin to exercise their imitative faculty, will rest satisfied with forming the mere head of a human being, but endeavour to produce the whole as well as they can. We may add, that no other nation presents such a phenomenon in the earliest history of its arts. The Hermae, therefore, cannot have arisen from an incapability of forming a whole human figure. They appear rather to point to the time when the Greeks *began* to represent their gods in a human form. To give to a god the entire form of a man would have been irreverent, whereas the head was necessary, and at the same time sufficient, to represent him as a distinct individual being and endowed with spiritual and thinking powers. The process of humanizing the gods must have been preceded by the custom of representing them in unnatural forms, or such as were partly human and partly animal. The earliest images of the gods were pure images (not the gods themselves), and intended to express some thought or idea: now as the natural figure of man is only expressive of itself, the significant parts of two or more beings were put together to express the idea which men had formed of their gods. Such monstrous figures were retained as representations of some gods down to the latest times. As instances of this we may mention Glaucus with the tail of a fish (Philostr. *Icon.* ii. 15), the Arcadian Pan with goat's feet (Hist. *Mythol. Bilderb.* ii. p. 161, &c.), and the Demeter of Phigaleia with the head and mane of a horse. (Paus. viii. 42. § 3.) Homer's silence on such compound representations of the gods is no proof that they did not exist in early times.

Before proceeding to consider statuary in its several stages of developement, it is necessary to make a few preliminary remarks respecting the materials used by the Greeks in this art. On the whole it may be said that there is no material applicable to statuary which was not used by the Greeks. As *soft clay* is capable of being shaped without difficulty into any form, and is easily dried either by being exposed to the sun or by being baked, we may consider this substance to have been the earliest material of which figures were made. We have a trace of this in the story, that Zeus, in his anger at Prometheus having stolen the fire, ordered Hephaestus to form Pandora of earth moistened with tears. (Hesiod. *Theogon.* 571, &c.; Stob. *Serm.* 1.) The name plastic art (ἡ πλαστική), by which the ancients sometimes designate the art of statuary, properly signifies to form or shape a thing of clay. But notwithstanding the great facility of making figures of clay, they are not often mentioned in the early ages of Greece, while in Italy the *Dii fictiles* (πήλινοι ϑεοί) were very common from the earliest times. Clay figures, however, never fell into disuse entirely, and in later times we find not only statues of clay, but the pediments in small or rural temples frequently contained the most beautiful reliefs in clay, which were copies of the marble reliefs of larger temples. When Pliny (*H. N.* xxxv. 43) speaks of Rhoecus and Theodorus of Samos as the inventors of the *plastice*, he seems to labour under a mistake and to confound the art of working in clay with that of casting in metal, as in later times the latter of these two arts was commonly called plastice. Some ancient figures of clay are still preserved.

The second material was *wood*, and figures made of wood were called ξόανα, from ξέω, "polish" or "carve." Various kinds of wood were used in statuary; we find mention of oak, cedar, cypress, sycamore, pine, fig, box, and ebony. It was chiefly used for making images of the gods, and probably more on account of the facility of working in it, than for any other reason. It should, however, be remarked, that particular kinds of wood were used to make the images of particular deities: thus the statues of Dionysus, the god of figs, were made of fig-wood. The use of wood for statues of the gods continued to the latest times; but statues of men, as, for example, some of the victors in the public games, were likewise made of wood at a time when the Greeks were sufficiently acquainted with the art of working in stone and metal.

Stone was little used in statuary during the early ages of Greece, though it was not altogether unknown, as we may infer from the relief on the Lion-gate of Mycenae. In Italy, where the soft peperino afforded an easy material for working, stone appears to have been used at an earlier period and more commonly than in Greece. But in the historical times the Greeks used all the principal varieties of marble for their statues; the most celebrated kinds of which were the marbles of Paros and of Mount Pentelicus, both of which were of a white colour. Different kinds of marble and of different colours were sometimes used in one and the same statue, in which case the work is called Polylithic statuary.

Bronze (χάλκος, *aes*), *silver*, and *gold* were used profusely in the state of society described in the Homeric poems, which is a sufficient proof that works of art in these metals were not altogether unknown in those times. At that period, however, and long after, the works executed in metal were made by means of the hammer, and the different pieces were joined together by pins, rivets, cramps, or other mechanical fastenings, and, as the art advanced, by a kind of glue, cement, or solder. Iron came into use much later, and the art of casting both bronze and iron is ascribed to Rhoecus and to Theodorus of Samos. (Paus. x. 38. § 3.) [Aes; Metallum.]

Ivory came into use at a later period than any of the before-mentioned materials, and then was highly valued both for its beauty and rarity. In its application to statuary, ivory was generally combined with gold, and was used for the parts representing the flesh. Winckelmann has calculated that about one hundred statues of this kind are mentioned by the ancients.

The history of ancient art, and of statuary in particular, may be divided into five periods.

I. *First Period, from the earliest times till about Ol.* 50, *or* 580 B. C.

The real history of the arts is preceded by a period of a purely mythical character, which tradition has peopled with divine artists and most extraordinary productions. Three kinds of artists, however, may be distinguished in this mythical period: the first consists of gods and daemons, such as Athena, Hephaestus, the Phrygian or Dardanian Dactyli, and the Cabiri. The second contains whole tribes of men distinguished from others by the mysterious possession of superior skill in the practice of the arts, such as the Telchines and the Lycian Cyclopes. The third consists of individuals who are indeed described as human beings, but yet are nothing more than personifications of particular branches of art, or the representatives of families of artists. Of the latter the most celebrated is *Daedalus*, whose name indicates nothing but a smith, or an artist in general, and who is himself the mythical ancestor of a numerous family of artists (*Daedalids*), which can be traced from the time of Homer to that of Plato, for even Socrates is said to have been a descendant of this family. It is, however, very probable that, in Homer, *Daedalus* is merely an epithet of the god Hephaestus. (See *Dict. of Biog.* s. v.) He was believed to be an Athenian, but Crete also claimed the honour of being his native country. The stories respecting him are more like allegorical accounts of the progress of the arts than anything else. He was principally renowned in antiquity for his ξόανα, and several parts of Greece, as Boeotia, Attica, Crete, and even Libya in later times, were believed to possess specimens of his workmanship. (Paus. vii. 5, ix. 40. § 2, i. 18. § 5; Scylax, p. 53, ed. Huds.) Numerous inventions also, especially of instruments used in carving wood, are ascribed to him. He is said to have made his statues walking, which appears to mean that before his time human figures were represented with their legs close together, and that in his statues the legs were separated, which was at once a great step forward, as it imparted greater life and activity to a figure. *Smilis* (from σμίλη, a carving-knife) exercised his art in Samos, Aegina, and other places, and some remarkable works were attributed to him. (Müller, *Aeginet.* p. 97.) *Endoeus* of Athens is called a disciple of Daedalus. Various works were attributed to him by the ancients. One among them was a colossal ξόανον of Athena Polias in a temple at Erythrae in Ionia. She was represented sitting upon a ϑρόνος, holding a spindle in her hand, and with a πόλος on her head. Pausanias (vii. 5. § 4) saw this ξόανον himself. (See *Dict. of Biog.* s. vv. *Daedalus*, *Endoeus*, *Smilis*.)

According to the popular traditions of Greece, there was no period in which the gods were not represented in some form or other, and there is no doubt that for a long time there existed no other statues in Greece, than those of the gods; a statue of a man appears for a long time to have been a thing unheard of in Greece. The earliest representations of the gods, however, were by no means regarded as the gods themselves or even as images of them, but only as symbols of their presence; and as the imagination of a pious primitive age does not require much to be reminded of the presence of the deity, the simplest symbols were sometimes sufficient to produce this effect. Hence we find that in many places the presence of a god was indicated by the simplest and most shapeless symbols, such as unhewn blocks of stone (λίθοι ἀργοί, Paus. ix. 27. § 1, 35. § 1, vii. 22. § 3), and by simple pillars or pieces of wood. (Paus. vii. 22. § 3.; Clem. Alex. *Strom.* i. p. 418, and p. 348, ed. Sylburg; DOCANA and DAEDALA.) Many such symbolic representations of gods were held in the greatest esteem, even in the historical ages, as sacred inheritances of former times, and remained the conventional representations of the gods notwithstanding the progress which the arts had made. The general name for a representation of a god not consisting of such a rude symbol was ἄγαλμα. (Ruhnken, *ad Tim.* p. 2.)

In the Homeric poems, although the shield of Achilles, the gold and silver dogs which kept watch at the palace of Alcinous, and other similar things may be pure fictions, there are sufficient traces of the existence of statues of the gods; but it would seem that, as the ideas of the gods were yet gigantic and undefined, the representations of several superhuman beings were more calculated to inspire awe than to display any artistic beauty. (*Il.* xi. 36, &c.; Hesiod, *Scut. Herc.* 144, 156, 248, &c.) This was however not always the case. Temples are mentioned in several places (*Il.* i. 39, vii. 83, &c.), and temples presuppose the existence of representations of the gods. A statue of Athena is mentioned at Ilion, upon whose knees the queen places a magnificent peplus. (*Il.* vi. 92; comp. 273.) The statue thus appears to have been in a sitting position like the statues of Athena among the Ionians in general. (Strab. xiii. p. 601.) The existence of a statue of Apollo must be inferred from Iliad i. 28, for the στέμμα ϑεοῖο can only mean the wreath or diadem with which his statue itself used to be adorned. This statue must moreover have been represented carrying a bow, for attributes like ἀργυρότοξος could have no meaning unless they referred to something existing and well-known. Other proofs of representations of the gods in human form may be found in Iliad ii. 478, &c. iii. 396, &c. These statues were undoubtedly all ξόανα, and, as we must infer from the expressions of Homer, were far more perfect than they are said to have been previously to the time of Daedalus. A work still extant, which is certainly as old as the time of Homer, if not much older, is the relief above the ancient gate of Mycenae, representing two lions standing on their hind legs, with a sort of pillar between them. (Paus. ii. 16. § 4; Sir W. Gell, *Argol.* pl. 8—10; Göttling in the *Rheinisch. Mus.* 1841. part 2: wood-cut under MURUS.) These facts justify us in supposing that, at the time of Homer, the Greeks, but more especially the Ionians of Asia Minor, had made great progress in sculpture. The Ionians appear to have been far in advance of the Greeks of the mother-country. The cause of this must probably be sought in the influence which some of the nations of western Asia, such as the Lydians, Lycians, and Phoenicians, had upon the Ionian colonists, for that these nations excelled the Greeks in various branches of the arts is abundantly attested by numerous passages in the Homeric poems. We must not however attribute too much to this foreign influence, for there were many other causes at work besides, by which the Greek colonies, not only of Asia, but of Sicily and Italy also, were carried forward in advance of the mother-country. The ancient coins of the Italian Greeks too are much more beautiful and show more individuality than those of Greece proper; we also find that Learchus of Rhegium came to Sparta at a very early period, and formed there the earliest bronze statue of Zeus, which consisted of several pieces nailed together. (Paus. iii. 17. § 6.) About the same time, as some think, Gitiadas of Sparta made a bronze statue of Athena. (Paus. iii. 17. § 13.) There is, however, very great uncertainty respecting the true dates of these artists. (See *Dict. of Biog. s. vv. Gitiadas, Learchus.*) Another great work in bronze belonging to this period is the colossal statue of Zeus which was dedicated at Olympia by Cypselus or Periander of Corinth, and for which the wealthy Corinthians were obliged to sacrifice a considerable part of their property. (Strab. viii. pp. 353, 378; Phot. and Suid. *s. v.* Κυψελιδῶν.) About 650 B. C. Myron of Sicyon dedicated two ϑάλαμοι of bronze at Olympia, which were still there in the days of Pausanias (vi. 19. § 2).

The time which elapsed between the composition of the Homeric poems and the beginning of the fifth century before our aera may be termed the age of discovery; for nearly all the inventions, upon the application of which the developement of the arts is dependent, are assigned to this period, which may at the same time be regarded as the first historical period in the history of art. Glaucus of Chios or Samos is said to have invented the art of soldering metal (σιδήρου κόλλησις, Herod. i. 25). The two artists most celebrated for their discoveries were the two brothers Telecles and Theodorus of Samos, about the time of Polycrates. The most important of their inventions was the art of casting figures of metal. It is a singular circumstance, that the very two artists to whom this invention is ascribed, are said to have made their studies in Egypt; and the curious story of the two brothers executing a ξόανον of the Pythian Apollo in such manner, that while Telecles made the one half of the statue at Delos, the other half was made by Theodorus at Ephesus, and that when the two halves were put together, they tallied as accurately as if the whole had been the work of one artist (Diodor. i. 98), has been thought to support the Egyptian tradition that these artists were greatly assisted in the exercise of their art by what they had learnt in Egypt. But, in the first place, the whole story has a very fabulous appearance, and even admitting that the artists, as the Egyptians asserted, had actually been in their country, nobody will on this ground maintain that they learnt their art there: the utmost they could have learnt might have been some mechanical processes: the art itself must be vindicated for the Greeks. In the second place, Telecles and Theodorus are called by Diodorus sons of Rhoecus, and Pausanias himself, who was unable to discover a bronze work of Theodorus, saw at Ephesus a bronze statue which was the work of Rhoecus (x. 38. § 3.) Hence we have reason to suppose that Telecles and Theodorus learnt at any rate the art of casting metal from their father, and not in a foreign country. Respecting the various accounts of these two artists and the time at which they lived, see the *Dict. of Biog. s. vv.* Pliny (*H. N.* xxxv. 55) says, that Pasiteles called the art of modelling clay the mother of the art of casting figures in metal (*statuaria*), and this passage has been explained as if Pasiteles meant to say that in Samos the former of these arts had given rise to the latter. But this is manifestly wrong, for from the words which follow in the text of Pliny it is clear that the meaning is, that he never executed any work in metal, marble, &c. without previously taking a model in clay.

Statues of gods in baked clay, though in general more used for domestic and private than for public worship, continued to be made as before. Many specimens of small dimensions and of very rude workmanship have been discovered in Attic graves. (See Schol. *ad Aristoph. Av.* 436.) Ornaments and reliefs on houses, porticoes, and temples were likewise very commonly made of clay, especially at Corinth and in the Cerameicus. (Paus. i. 2. § 4, i. 3. § 1.)

Representations of the gods in marble are not mentioned in Homer, although they may have existed in his time, as well as statues of wood, which are likewise not expressly mentioned. Marble is found in the ancient Thesaurus of Orchomenos. Pliny (*H. N.* xxxvi. 4. s. 2) calculates that works in marble were executed by Malas in Chios at the beginning of the Olympiads; and about Ol. 50 (580 B. C.). Dipoenus and Scyllis were renowned for their works in marble. The most ancient specimen of a marble statue was seen by Pausanias (i. 43. § 7) in the market-place of Megara. The work consisted of two figures, Coroebus killing Poene. There are still extant some works in marble which may with certainty be ascribed to the period previous to Ol. 50.

Before we conclude our account of the works produced during this period, we have to mention the celebrated chest of Cypselus at Olympia, which Pausanias saw and described (iv. 17. § 2, &c.). It belonged perhaps to the year 733 B. C. The chest was made of cedar-wood, which was thought most durable. It was adorned on its four sides and on the cover with figures, partly in ivory, partly in gold, and partly in the cedar-wood itself, which represented various scenes taken from the stories of the heroic ages. Pausanias does not express his opinion as to their artistic merits, but the minuteness with which he describes them is a sufficient proof that he did not consider them as bad either in design or execution. Quatremère de Quincy has attempted (in his *Jupiter Olympien*) to restore this chest and its ornaments from the description of Pausanias; but the restoration is so egregiously bad, that an eye accustomed to the contemplation of genuine works of art shrinks from it with disgust.

During the whole of this period we scarcely hear of any statues except those of the gods, and although marble and bronze began to be extensively applied, yet wood was much more generally used for representations of the gods. These statues were painted [Pictura, p. 905], and in most cases dressed in the most gorgeous attire. The general character of the statues produced in the earlier times of this period is on the whole the same as among other nations at such an early period. The style in which they are executed is called the *archaic* or the *hieratic* style. The figures are stiff and clumsy, the countenances have little or no individuality, the eyes long and small, and the outer angles turned a little upwards, the mouth, which is likewise drawn upwards at the two corners, has a smiling appearance. The hair is carefully worked, but has a stiff wiry appearance, and hangs generally down in straight lines which are curled at the ends. The arms hang down the sides of the body, unless the figure carries something in its hands. The drapery is likewise stiff, and the folds are very symmetrical and worked with little regard to nature. As the arts during this period were chiefly employed in the service of religion, they could, notwithstanding the many mechanical discoveries of the time, make but slow progress towards the production of arts of sublimity or beauty, for in the representation of the gods for public worship ancient forms hallowed by time and custom were retained and repeated without the artist being allowed, even if he was able to do it, to depart from these forms or to introduce any material change. Art therefore could not make any great progress, until it was applied to purposes in which the artist's genius was not restrained by religious custom, and not bound to conventional forms. Religion, although the fostering mother of the arts in their infancy, became a tedious restraint when they grew up to manhood. But as soon as other spheres of action were opened, religion, in her turn, could not escape from the influence of the advancement of the arts, and the old conventional forms in many places gave way to works of real merit and genius. This great and important change took place about and after Ol. 50.

II. *Second Period, from Ol. 50 to Ol. 75.*
(580—480 B.C.)

This period, although comprising no more than one century, developed all the elements which combined to make Grecian art what it became during the third and most flourishing period of its history. Greece now came into close contact with the nations of the East and with Egypt; commerce flourished at Corinth, Aegina, Samos, Miletus, Phocaea, and other places; gold became more abundant in Greece than it had been before, and the tyrants, who sprang up in several parts of Greece, surrounded themselves with splendour and magnificence, and acted as the patrons of art to palliate their own usurpation. But all these were only external influences, and could not have produced a nation of artists like the Greeks. Epic poetry had gradually created in the minds of the people more defined ideas of their gods and heroes, while philosophy began to make men look beyond what was conventional and traditionary. The athletic and orchestic arts attained about Ol. 50 a high degree of perfection, and the circumstance that about the same time the gymnastic and athletic contests at the great public festivals began to be performed naked, directed the attention of the artists as well as of the public to nature, and rendered them familiar with the beautiful forms of the human body. But the imitation of nature was at first of a very hard and severe character, and the influence of conventional forms still acted in many cases as an obstacle.

The number of artists who flourished during this period is truly astonishing. It has been said that the close connection of father and son among the artists ceased at this time, and that individual artists worked free and according to the dictates of their own genius. But this is going too far, for it still continued to be the common practice for a son to be instructed by his father, and although this relation is usually expressed by the term *μαθητής*, yet on statues we only meet with the term *υἱός*. But, along with these families of artists, schools now became more general, in which the arts were taught and cultivated according to certain principles which were or became traditionary in each school; the schools thus acquired something of the spirit of castes or corporations.

The Ionians of Asia Minor and the islanders of the Aegean, who had previously been in advance of the other Greeks in the exercise of the fine arts, had their last flourishing period from Ol. 55 to Ol. 63 (560—528 B.C.). But this short period must have been one of the greatest as well as one of the most active and productive of numerous costly works of art. The presents which Croesus sent to Delphi, and some of which were said to have been made by the Samian Theodorus, must have been executed at the beginning of these forty years. Our want of information respecting the Ionians must be ascribed to the circumstance that we have no Pausanias to take us through their cities, and to describe and explain the works of art with which they were adorned. It is owing to the same circumstance that we know so little of Rhodes, Lemnos, Naxos, and Cyprus, although we may take for granted that these flourishing islands did not by any means neglect the arts. Respecting Chios and Samos we possess more information. Works in metal were produced in high perfection in the latter island, in Aegina and Argos, while Chios gained the greatest reputation from its possessing the earliest great school of sculptors in marble, in which Bupalus and Anthermus were the most distinguished about Ol. 60. Their works were scattered over various parts of Greece, and their value may be inferred from the fact that Augustus adorned with them the pediment of the temple of Apollo on the Palatine. (Plin. *H. N.* xxxvi. 4.) These works must be supposed originally to have belonged to a Greek temple of the same god, and must certainly have been of superior beauty to the works discovered in the island of Aegina, otherwise Augustus would not have chosen them as ornaments for the Palatine temple. Sicyon also possessed a celebrated school of sculptors in marble, and about Ol. 50 Dipoenus and Scyllis, who had come from Crete, were at the head of it, and executed several marble statues of gods. (Plin. *l. c.*) In Aetolia, whither they withdrew for a time, and at Argos, there likewise existed works in marble by these artists. Disciples of them, such as Dorycleidas, Medon, and Theocles, were engaged at Sparta and in other places. (Paus. v. 17. § 1, vi. 19.) Respecting Magna Graecia and Sicily we know few particulars, though it appears that the arts here went on improving and continued to be in advance of the mother-country. The most celebrated artists in southern Italy were Dameas of Croton and Pythagoras of Rhegium. (See the lives of these artists in the *Dictionary of Biography.*)

In Greece itself Sicyon continued from early times to be the seat of a distinguished school of artists. Here Canachus and Aristocles flourished about Ol. 70 as statuaries in metal, though the former was also celebrated in the art of carving in wood and in toreutic. Pliny (*H. N.* xxxvi. 4, calls Sicyon: *diu officinarum omnium metallorum patria.* Canachus, whose works Cicero (*Brut.* 18) calls more rigid and hard than was consistent with the truth of nature, was the most distinguished among the Sicyonian artists, and his skill found employment in other parts of Greece also. His most celebrated work was a colossal bronze statue of Apollo Philesius in the Didymaeon, the description of which may give us an idea of the character of temple-statues at this period. The whole figure was stiff, very muscular, and without any elegance. In his right hand, which was stretched out, the god held a fawn, and in the left, which was somewhat lower, a bow. The features of the countenance were hard and worked in the old hieratic style; the hair was divided and hung down like wire with little curls at the end. (Müller, *Archäol.* p. 64.)

In Aegina the arts appear likewise to have continued to flourish as before, and the most celebrated among its artists was Callon, about Ol. 66. (Paus. iii. 18. § 5, iv. 14. § 2.) Athens, which at this time rivalled Aegina in the fine arts, appears in a short space to have made great progress, for great artists as well as great works begin now to appear in the pages of Athenian history. This was in part owing to the influence of the Peisistratids. After the death of Peisistratus himself, the first quadriga of bronze was erected in front of the temple of Pallas. The most celebrated among the Athenian sculptors were Critias and Hegias or Hegesias, both distinguished for their works in bronze. The former of them made in Ol. 75 the statues of Harmodius and Aristogiton. (See the articles in the *Dict. of Biog.*)

Argos also distinguished itself, and it is a curious circumstance, that the greatest Attic artists with whom the third period opens, and who brought the Attic art to its culminating point, are disciples of the Argive Ageladas (about Ol. 66), which at once raises this city and her other artists, such as Aristomedon, Glaucus, Dionysius, and others to a greater importance than we might otherwise be inclined to attribute to them.

Among the numerous works produced during this period we shall first mention the representations of the gods (*ἀγάλματα*). In all the statues which were made for temples as objects of worship, the hieratic style was more or less conscientiously retained, and it is therefore not in these statues that we have to seek for proofs of the progress of art. They were for the most part, as of old, made of wood, and when an old statue was to be replaced by a new one, the latter was generally a faithful copy of the former. Thus the wooden statue of Demeter at Phigaleia with a horse's head, from which dragons and other monsters sprang forth, and which bore a dolphin and a dove in its hands, was imitated by Onatas in bronze after the wooden figure had been burnt. (Paus. viii. 42.) The same adherence to ancient forms of the gods was also visible in other cases; for when colonies were sent out the images of the gods of the mother-city were for the most part faithfully copied for the colony, and such copies were called *ἀφιδρύματα*. (Dionys. Hal. ii. 22, viii. 56; Strab. iv. p. 179.) The instances of the Apollo Philesius and of the Demeter of Onatas show that even in temple-statues wood began to give way to other and better materials. Besides bronze, marble also, and ivory and gold were now applied to statues of the gods, and it was not very uncommon to form the body of a statue of wood, and to make its head, arms, and feet of stone (ἀκρόλιθοι), or to cover the whole of such a wooden figure with ivory and gold. (Paus. ii. 4. § 1, vi. 25. § 4, &c., ii. 22. § 6; Eurip. *Troad.* 1081.) The latter method, which about this time became a distinct and much admired branch of statuary, was practised by Dorycleidas, Theocles, Medon, Canachus, Menaechmus, and others, and appears to have been introduced by Dipoenus and Scyllis. Quatremère de Quincy considered this kind of sculpture, which the moderns call chryselephantine sculpture, as a part of the art which the ancients called toreutic (τορευτική). There are few errors more surprising than this, and yet the opinion of the French critic has been repeated as if there could be no doubt about it. [ELEPHAS.]

From the statues of the gods erected for worship we must distinguish those statues which were dedicated in temples as ἀναθήματα, and which now became customary instead of craters, tripods, &c. But here too the change was not sudden, for the statues at first were frequently connected with tripods and similar ornaments. At Amyclae there were tripods made by Callon and Gitiadas with small statues of goddesses under them. (Paus. iii. 18.) In the execution of statues to be dedicated as ἀναθήματα, even though they were representations of gods, the artists were not only not bound to any traditional or conventional forms, but were, like the poets, allowed to make free use of mythological subjects, to add, and to omit, or to modify the stories, so as to render them more adapted for their artistic purposes.

A third class of statues, which were erected during this period in great numbers, were those of the victors in the great national games and of other distinguished persons (ἀνδριάντες). The custom of erecting statues of the victors in public appears to have commenced about Ol. 58 (Paus. vi. 18. § 5); but these statues soon became extremely numerous, and many of them were executed by the first artists of the time. In some the influence of the hieratic style was visible, or they were even made in that style, as the statue of Mylon by Dameas. (Philostr. *Apoll. Tyan.* iv. 28; comp. Paus. iv. 28, vi. 14. § 2.) Although these statues were generally not portraits, for Pliny (*H.N.* xxxiv. 9) states that only those who had gained the victory thrice were allowed to have an iconic statue erected, yet they were destined to preserve the memory of the particular physical powers and the bodily developement of the athletes, or even to show the peculiar skill or the peculiar stratagems by which an athlete had excelled and overcome his adversary, and thus afforded to the artists numerous opportunities of representing figures in a variety of attitudes and actions. (Paus. vi. 10. § 1, viii. 40; Schol. *ad Pind. Ol.* vii. init.; Xenoph. *Mem.* iii. 10. § 6.) Statues erected in public or dedicated in temples in honour of other distinguished persons are mentioned very rarely during this period, but they appear generally to have been portraits (εἰκόνες, *statuae iconicae*). The earliest statues of this kind we know of are those of Cleobis and Biton of Argos, which were dedicated in the temple of Delphi about Ol. 50. (Herod. i. 31.) The first iconic statues of Harmodius and Aristogiton were made by Antenor in 509 B. C., and in 477 B. C. new statues of the same persons were made by Critias. It is allowed on all hands that nothing contributed more to the advancement of statuary than the contests at the public games, as they not only rendered the artists familiar with the greatest variety of attitudes, and with the most beautifully developed forms of the bodies of the athletes, but also afforded to them numerous opportunities to represent in their works those same persons and attitudes which they had seen and admired. The widest field for study and exercise was thus opened to the artists.

We have seen that at a very early period of Grecian art attempts were made to adorn the outside of temples and other public buildings, but it was not till the period we are now describing that it became customary to adorn the pediments, friezes, and other parts of temples with reliefs or groups of statues of marble. We still possess two great works of this kind which are sufficient to show their general character during this period. 1. The *Selinuntine Marbles*, or the metopes of two temples on the acropolis of Selinus, in Sicily, which were discovered in 1823 by W. Harris and Sam. Angell, and are at present in the Museum of Palermo. Those belonging to the western temple appear to have been made at the beginning of this period, as they show a very great resemblance to the works in the hieratic style. The figures of the other or middle temple show indeed a considerable advancement of the art, but the execution is still hard and stiff; they may have possibly been executed a short time before Ol. 75. (See S. Angell and Th. Evans, *Sculptured Metopes discovered among the ruins of Selinus*, Lond. 1826; comp. METOPA.) 2. *The Aeginetan Marbles* were discovered in 1812 in the island of Aegina, and are now at Munich in the collection of the king of Bavaria. They consist of eleven statues, which adorned two pediments of a temple of Athena, and represent the goddess leading the Aeacids against Troy, and contain manifest allusions to the war of the Greeks with the Persians. Many small holes in the marble render it probable that originally several parts of these statues, perhaps the armour, were of bronze, and fixed to them with nails. The general character of these Aeginetan statues is a mixture of the archaic style and an anxious imitation of nature. The hair is wiry, and traces of paint are visible on all parts of the statues, with the exception of those representing the flesh. (See Edw. Lyon, *Outlines of the Egina Marbles*, 1829.)

Besides these a great number of works in bronze and marble of this period are still extant; they are partly round figures or statues and partly reliefs. (Müller, *Archäol.* p. 73, &c.) Some of the best specimens in marble relief, which seem to form the transition from this to the third period, are preserved in the British Museum. (See Combe, *Marbles of the Brit. Mus.* ii. pl. 6 and 7; *Specimens of Anc. Sculpture*, pl. 11.) It is not always easy to say whether a work made in the archaic style is really as old as the style indicates, as this style was never entirely abandoned, and was retained in temple-statues even under the Roman emperors.

III. *Third Period from Ol.* 75 *to Ol.* 111.
(480—336 B.C.)

During this period Athens was the centre of the fine arts in Greece. The Persian wars awakened in the hearts of the people the feeling and the conviction of their own power, and the Greeks, who had at first only warded off the attacks of the barbarians, now felt strong enough to act on the offensive. The fall of the Spartan Pausanias raised Athens in 472 B. C. to the supremacy in the wars against Persia. Athens had now acquired a powerful navy, and the tributes of the allies, which amounted at different times from 460 to 1200 talents, and which from 462 B. C. were deposited in the treasury at Athens, raised the city to a height of power such as few cities have ever possessed. Only a small portion of these treasures was spent upon war; the rest was applied at first to the fortification of the city, and afterwards to the building of temples, porticoes, theatres, gymnasia, &c. Among them we need only mention the Theseum, the Parthenon, the Propylaea, the stone theatre, the Poecile, and the Odeum. After the wars with Persia Athens appears by no means exhausted or broken down, but refreshed and strengthened like nature after a heavy storm.

Statuary during this period went hand in hand with the other arts and with literature: it became emancipated from its ancient fetters, from the stiffness and conventional forms of former times. The free and noble spirit of the Athenian democracy showed its influence in all departments of literature and art, and among the latter statuary reached its culminating point in the sublime and mighty works of Pheidias. (See *Dict. of Biog. s. v. Pheidias.*) The democratical spirit did not however lead to any kind of extravagance in the arts: no vehement passions or actions were represented, and although the character of those works which belong to the latter half of this period differs very much from those of the former half, yet on the whole all show a calm dignity and an almost passionless tranquillity of mind, a feature so peculiar to all the great masterpieces of Grecian art. The Peloponnesian war and the calamities which accompanied it produced a change in the state of things; a new generation now stepped into the place of the heroic race which had partaken in or witnessed the memorable events of the Persian war. Sensuality and an indulgence of the passions became the prominent features in the character of the Athenian people; and the prevailing desire after pleasures and strong excitements could not fail to produce an injurious influence upon the arts also. In the works of art which were produced after the year 380 B. C. there was no longer that calm and sublime majesty which characterised the works of Pheidias and his more immediate followers, but the figures were more pathetic, and calculated to have a greater effect upon the senses of the beholders. The different stages of the arts during this period bear the most striking analogy with the three phases of tragedy as they lie before us in the works of the three great dramatists, Aeschylus, Sophocles, and Euripides.

Argos was, next to Athens, the most distinguished seat of the arts during this period, and the works of the Athenian and Argive artists spread over all Greece, and became the models for other Greek artists.

The developement of statuary at Athens and Argos had been prepared by Calamis of Athens and Pythagoras of Rhegium, the former of whom, although not quite free from the hardness of the earlier style, yet produced a great variety of works, among which are mentioned representations of gods in a sublime style, graceful statues of women, and spirited horses, in which he was unrivalled. (Plin. *H. N.* xxxiv. 19. § 11; Quinctil. xii. 10. § 7; Cic. *Brut.* 18; Lucian, *Imag.* 6.) Pythagoras was distinguished for the perfection with which he expressed the muscles, veins, and hair in his athletic statues, for the beautiful proportions and the powerful expression of these statues which, as Pliny says, made the beholders feel the pains which the individuals represented were suffering. (Plin. *H. N.* xxxiv. 19. § 4; Paus. vi. 6. § 1; 13. § 4.) Several of his works are specified by Pausanias and Pliny. (See *Dict. of Biog. s. v.*) The career of Pheidias the Athenian begins about Ol. 82. The genius of this artist was so great and so generally recognised, that all the great works which were executed in the age of Pericles were placed under his direction, and thus the whole host of artists who were at that time assembled at Athens were engaged in working out his designs and ideas. (Plut *Peric.* 12.) He himself was chiefly engaged in executing the colossal works in ivory and gold, the expenses of which were supplied by the Greek states with the greatest liberality, and other works in bronze and marble. (For an account of the chryselephantine statues of Athena at Athens, and of Zeus at Olympia, and the other works of Pheidias, see the *Dict. of Biog. s. v.*) Pheidias was greatest in the representation of the gods, and especially in portraying the character of Athena, which he represented with various modifications, sometimes as a warlike goddess, and sometimes as the mild and graceful protectress of the arts. (Plin. *H. N.* xxxiv. 8. s. 19. § 1; Paus. i. 28. § 2; Lucian, *Imag.* 6.)

We do not read of many disciples of Pheidias, but the most distinguished among them were Agoracritus of Samos and Alcamenes of Athens. Both, though the latter with greater independence, applied their skill like their master to statues of the gods; both were especially renowned for the great beauty, softness, and calm majesty with which they represented goddesses, in the composition of which they rivalled each other. Some of the statues of Alcamenes were very highly valued in antiquity, especially his Hecate, Athena, Aphrodite in the gardens, Hephaestus, and also the groups in the pediment of the temple at Olympia. The most celebrated statue of Agoracritus was the Nemesis of Rhamnus, which had originally been intended as an Aphrodite to compete with that of Alcamenes, but was afterwards by the addition of the proper attributes consecrated as a Nemesis at Rhamnus.

We still possess a series of sculptured works in marble which were made by the school of Pheidias, and some of them undoubtedly by the great master himself. These works are:

1. Some parts of the eighteen sculptured metopes, together with the frieze of the small sides of the cella of the temple of Theseus. Ten of the metopes represent the exploits of Heracles, and the eight others those of Theseus. The figures in the frieze are manifestly gods, but their meaning is uncertain. All the figures are full of life and activity, and worked in the sublime style of the school of Pheidias. Some antiquarians value them even higher than the sculptures of the Parthenon. Casts of these figures are in the British Museum. (Compare Stuart, *Ant.* iii. chap. 1.)

2. A considerable number of the metopes of the Parthenon, which are all adorned with reliefs in marble, a great part of the frieze of the cella, some colossal figures, and a number of fragments of the

two pediments of this temple. The greater part of these works is now in the British Museum, where they are collected under the name of the Elgin Marbles. They have been described and commented upon so often, that they require no further mention here. (See *Dict. of Biog. s. v. Pheidias.*)

3. The marble reliefs of the temple of Nike Apteros belong indeed to a later age than that of Pheidias, but they are manifestly made in the spirit of his school. They represent with great liveliness and energy contests of Greeks with Persians, and of Greeks among themselves. These also are in the British Museum.

All these sculptures breathe on the whole the same sublime spirit, though it would seem that some, especially some figures of the metopes of the Parthenon, were executed by artists who had not emancipated themselves entirely from the influence of an earlier age. With this exception and some other slight defects, which are probably the consequences of the place which the sculptures occupied in the temples they adorned, we find everywhere a truth in the imitation of nature, which, without suppressing or omitting anything that is essential, and without any forced attempt to go beyond nature, produces the purest and sublimest beauty: these works show lively movements combined with calmness and ease, a natural dignity and grace united with unaffected simplicity; no striving after effect, or excitement of the passions. These sculptures alone afford us ample means to justify the ancient critics, who state that the *μεγαλεῖον* and *σεμνόν*, or the grand and sublime, were the characteristic features of Pheidias and his school. (Demetr. *de Elocut.* 14; Dionys. Hal. *de Isocrat.* p. 542.) Pheidias was the Aeschylus of statuary, and it may be safely asserted that, although the art subsequently made certain progress in the execution of details, yet Pheidias and his school were never excelled by subsequent generations.

Besides the sculptures of the three temples mentioned above, there are also similar ornaments of other temples extant, which show the influence which the school of Pheidas must have exercised in various parts of Greece, though they were executed in a different style. Of these we need only mention two as the most important.

1. The Phigaleian marbles, which belonged to the temple of Apollo Epicurius, built about Ol. 86 by Ictinus. They were discovered in 1812, and consist of twenty-three plates of marble belonging to the inner frieze of the cella. They are now in the British Museum. The subjects represented in them are fights with centaurs and amazons, and one plate shows Apollo and Artemis drawn in a chariot by stags. Many of the attitudes of the figures appear to be repetitions of those seen on the Attic temples, but there are at the same time great differences, for the Phigaleian marbles sometimes show a boldness of design which almost borders on extravagance, while some figures are incorrectly drawn and in forced attitudes. The best descriptions of them are those in *Bassi relievi della Grecia, disegn.* da G. M. Wagner (1814), and in Stackelberg's *Apollotempel zu Bassae in Arcadien u. die daselbst ausgegrab. Bildwerke*, 1828.

2. Marbles of the temple of the Olympian Zeus, which were made by Paeonius of Mende and Alcamenes of Athens. (Paus. v. 16.) Several fragments of these sculptures were discovered in 1829, and are now at Paris (*Expédit. Scientif. de la Morée*, pl. 74—78.) The figures of these marbles are indeed free from the fetters of the ancient style, and show a true imitation of nature, but do not nearly come up to the ideal simplicity of the works of Pheidias.

About the same time that the Attic school rose to its highest perfection under Pheidias, the school of Argos was likewise raised to its summit by Polycleitus, who was inferior to the former in his statues of gods (Quinctil. xii. 10. § 7, &c.; Cic. *Brut.* 18), though he advanced the toreutic art in his colossal statue of Hera at Argos further than Pheidias. (Plin. *H.N.* xxxiv. 8. s. 19. § 2.) But the art of making bronze statues of athletes was carried by him to the greatest perfection: ideal youthful and manly beauty was the sphere in which he excelled. Among his statues of gods we only know two, that of Hera and another of Hermes. Pliny mentions several of his representations of human beings, in which without neglecting to give them individuality, he made youthful figures in their purest beauty, and with the most accurate proportions of the several parts of the human body. (Plin. *l. c.*; comp. Strab. viii. p. 372.) One of these statues, a youthful Doryphorus, was made with such accurate observation of the proportions of the parts of the body, that it was looked upon by the ancient artists as a canon of rules on this point. (Cic. *Brut.* 86, *Orat.* 2; Quintil. v. 12. § 21; Lucian, *de Saltat.* 75.) Polycleitus is said to have written a work on the same subject, and it may be that his Doryphorus was intended to give a practical specimen of the rules he had laid down in his treatise. He gained a victory over Pheidias in the representation of an Amazon, which must consequently have been a figure in the greatest luxuriance of female beauty combined with a manly character. (Müller, *Archäol.* § 121.) Polycleitus was also distinguished in portrait-statues, among which that of Artemon Periphoretus, a mechanician of the time of Pericles, is mentioned with especial praise. (Comp. *Dict. of Biog. s. v.*)

Myron of Eleutherae, about Ol. 87, was, like Polycleitus, a disciple of Ageladas, but adhered to a closer imitation of nature than Polycleitus, and as far as the impression upon the senses was concerned, his works were most pleasing, but *animi sensus non expressit*, says Pliny (*H. N.* xxxiv. 8. s. 19. § 3). The cow of Myron in bronze was celebrated in all antiquity. (Tzetzes. *Chil.* viii. 194, &c.; Propert. ii. 31. 7.) Pliny mentions a considerable number of his works, among which a dog, a discobolus, pentathli and pancratiasts were most celebrated; the last of them were especially distinguished for their *eurythmia* and the animation displayed in their movements, as well as for the most beautiful athletic attitudes. Among his statues of gods we find only mention of a colossal group representing Heracles, Zeus, and Athena, which he made for the Samians. (Plin. *l. c.*; Cic. *c. Verr.* iv. 3; Strab. xiv. p. 637.) In his execution of the hair he adhered, according to Pliny, to the ancient style. (See *Dict. of Biog. s. v.*)

The deviation from the sublime ideality of the Attic school of Pheidias was still more manifest in the works of Callimachus and Demetrius. The former executed his statues with the utmost possible accuracy and attention to the minutest details, but was careless in the conception as well as in the execution of the whole, which destroyed the value of his works, whence he was designated by the nickname of κατατηξίτεχνος. Quinctilian (xii. 10. § 9) says of him *nimius in veritate*. (Comp. Lucian, *Philops*. 18 ; Plin. *Epist*. iii. 6.) On the whole it should be observed, that near the end of the Peloponnesian war and afterwards the greater part of the artists continued to work in the spirit and style of Polycleitus, and that the principal productions in Peloponnesus were bronze statues of athletes and statues erected in honour of other distinguished persons. (Paus. x. 9. § 4, vi. 2. § 4 ; Plut. *Lysand*. 1, 18, *de Orac. Pyth*. 2.)

The change which took place after the Peloponnesian war in the public mind at Athens could not fail to show its influence upon the arts also ; and the school of statuary, which had gradually become developed, was as different from that of Pheidias as the then existing state of feeling at Athens was from that which had grown out of the wars with Persia. It was especially Scopas of Paros and Praxiteles of Athens, about one generation after Myron and Polycleitus, who gave the reflex of their time in their productions. Their works expressed the softer feelings and an excited state of mind, such as would make a strong impression upon and captivate the senses of the beholders. But the chief masters of this new school still had the wisdom to combine these things, which were commanded by the spirit of the age, with a noble and sublime conception of the ideas which they embodied in their works. Scopas and Praxiteles were both distinguished as sculptors in marble, and both worked in the same style ; the legendary circles to which most of their ideal productions belong are those of Dionysus and Aphrodite, a fact which also shows the character of the age. There was a time when this school of statuary was considered superior even to that of Pheidias, and it is indeed true that its productions are distinguished by exquisite beauty and gracefulness, whence their female statues in particular are, in one sense, unrivalled ; but the effect they produced upon the minds of the beholders was by no means of the same pure and elevating nature as that of the works of their predecessors. (For an account of their works, see the articles *Praxiteles* and *Scopas* in the *Dictionary of Biography*.)

Cephissodorus and Timarchus were sons of Praxiteles. There were several works of the former at Rome in the time of Pliny; he made his art subservient to passions and sensual desires. Pliny (*H. N.* xxxvi. 5. s. 4. § 6) mentions among his works a celebrated Symplegma at Pergamus, which is the first instance of this kind that we hear of in Grecian art. A similar spirit pervaded the works of Leochares (as his Ganymedes carried by an eagle up to Zeus), of Polycles, who was the first that made the voluptuous statues of Hermaphrodites, and of Silanion, who made a dying Jocaste. (Plin. *H. N.* xxxiv. 8. s. 19. § 17 and 20 ; Plut. *de Aud. Poet.* 3, *Sympos*. v. 1 ; see *Dict. of Biog. s. vv.*) Leochares also made a number of portrait-statues in ivory and gold of members of the royal family of Macedonia, and of other persons. (Paus. v. 20.) Such portrait-statues about this time began to give much occupation to the artists. About the year 350 B. C. several of the greatest artists of the age, such as Scopas, Leochares, Timotheus, and Bryaxis, were engaged in Caria in making the magnificent mausoleum of Mausolus, a general description of which is given under MAUSOLEUM.

Most of the above-mentioned artists, however widely their works differed from those of the school of Pheidias, may yet be regarded as having only continued and developed its principles of art in a certain direction ; but towards the end of this period Euphranor and Lysippus of Sicyon carried out the principles of the Argive school of Polycleitus. (Cic. *Brut.* 86.) Their principal object was to represent the highest possible degree of physical beauty and of athletic and heroic power. (See their lives in the *Dict. of Biog*). The chief characteristic of Lysippus, and his school is a close imitation of nature, which even contrived to represent bodily defects in some interesting manner, as in his portraits of Alexander ; its tendency is entirely realistic. The ideal statues of former times disappear more and more, and make way for mere portraits. Lysippus, it is true, made statues of gods ; but they did not properly belong to his sphere ; he merely executed them because he had received orders which he could not well refuse. His greatest care was bestowed upon the execution of the details (*argutiae operum*), upon the correct proportions of the parts of the human body, and upon making his statues slender and tall above the common standard. In short, all the features which characterise the next period appear in the school of Lysippus.

IV. *Fourth Period, from Ol.* 111 *to Ol.* 158. (336—146 B. C.)

Within a few generations Grecian art had passed through the various stages of developement, and each of them had produced such an abundance of masterpieces that it was difficult for a new generation of artists to produce new and original works. Hence the artists of the periods which followed could not do much more than imitate, and their productions are better or worse in proportion as they were founded upon the study of earlier works or not. But even this period of eclecticism has nevertheless produced statues and groups worthy of the highest admiration, and which can be placed by the side of the best works of antiquity. The very slow decay of the arts, in comparison with the rapid decline of literature, is indeed a strange phenomenon.

During the first fifty years of this period the schools of Praxiteles and Lysippus continued to flourish, especially in works of bronze ; but after this time bronze statues were seldom made, until the art was carried on with new vigour at Athens about the end of the period. The school of Lysippus gave rise to that of Rhodes, where his disciple Chares formed the most celebrated among the hundred colossal statues of the sun. It was seventy cubits high and partly of metal. It stood near the harbour, and was thrown down by an earthquake about 225 B. C. (Plin. *H. N.* xxxiv. 18 ; Meursius, *Rhodus*, i. 16 ; *Dict. of Biog. s. v.*) Antiquarians assign to this part of the fourth period several very beautiful works still extant, as the magnificent group of Laocoon and his sons, which was discovered in 1506 near the baths of Titus, and is at present at Rome. This is, next to the Niobe, the most beautiful group among the extant works of ancient art ; it was according to Pliny the work of three Rhodian artists : Agesander, Polydorus, and Athenodorus. (Plin. *H. N.* xxxvi. 5. s. 4. § 11 ; Lessing's *Laocoon*.) The celebrated Farnesian bull is likewise the work of two Rhodian artists, Apollonius and Tauriscus. (Plin. *H. N.* xxxvi. 5. s. 4. § 10.)

In the various kingdoms which arose out of the conquests of Alexander the arts were more or less cultivated, and not only were the great masterworks of former times copied to adorn the new capitals, but new schools of artists sprang up in several of them. Alexandria, Pergamus, and Seleuceia rivalled each other in art no less than in literature. At Pergamus the celebrated groups were composed which represented the victories of Attalus and Eumenes over the Gauls. (Plin. *H. N.* xxxiv. 8. s. 19. § 24; Paus. i. 25. § 2; Plut. *Anton.* 60.) It is believed by some (Müller, *Arch.* § 158) that the so-called dying gladiator at Rome is a statue of a Gaul, which originally belonged to one of these groups. Ephesus also had a flourishing school of art, which appears to have followed in the main the style of Lysippus, and excelled, like that of Pergamus, in the representation of battle scenes. The Borghese fighter in the Louvre is supposed to be the work of an Ephesian Agasias, and to have originally formed a part of such a battle-scene. In Syria too, art flourished at Antioch until the time of Antiochus IV., before whose reign a number of statues had already been carried away by Scipio.

In these new monarchies statues of the gods were seldom made, and when they were executed they were in most cases copies from earlier works, as the character in which the gods were represented had gradually become fixed, and few artists ventured to alter the forms, which had become typical. Portrait-statues of kings increased, on the other hand, to a great extent. The vanity of the kings and the flattery of the artists created a new kind of statues: the princes were frequently identified with certain deities, and were consequently represented as such with all the requisite attributes. In many cases the mere bust of a king was put upon the body of a statue of a god. This was a most dangerous rock for artists; for the simple representation of a king in the shape of a god, which commenced as early as the time of Alexander, was soon thought an insufficient mark of veneration, and art degenerated into a mere instrument of the most vulgar flattery: pomp and show and tasteless ornaments were mistaken for art. Flattery towards the great was also shown in the monstrous number of statues that were erected to one and the same individual. Demetrius Phalereus had 360, or according to others 1500 statues erected to him. (Athen. xii. p. 537; Paus. v. 24. § 3; Clem. Alex. *Protrept.* iv. p. 16, ed. Sylb.; Dion Chrysost. *Orat.* 37. p. 122.) When the honour of a statue ceased to be considered as a high distinction, and when it became necessary to produce such numbers of statues, the workmanship naturally became worse in proportion as the honour sank in public estimation. During this time it became customary to combine with the statues of kings and generals symbolical representations of towns, which are called τύχαι πόλεων. In Magna Graecia art gradually fell into decay after the wars with the Romans; and the example of Capua, from which all the statues were carried to Rome, affords us an instance of the robberies and plunder which were committed by the Romans in other towns of Italy. But even after the Roman conquests the cultivation of the plastic arts cannot have ceased altogether, as we must infer from the numerous works found at Pompeii, some of which possess a higher degree of perfection and beauty than might have been expected in works of so late a date. In Sicily the activity of the artists appears to have ceased after the Roman conquest, for the numerous works with which Syracuse was adorned and with which we are made acquainted by Cicero (*c. Verr.* iv.), mostly belong to an earlier period.

Shortly before the taking of Corinth by Mummius, statues in bronze and marble were revived at Athens; and although the artists were far inferior to those of former times, yet they still produced works of great excellence, as they showed their good sense and taste by making the masterworks of their predecessors the subjects of study and imitation. (Plin. *H. N.* xxxiv. 8. s. 19.) Among those who contributed most to this revival of statuary were Cleomenes (who made the Medicean Venus, an imitation of that of Cnidus, but inferior in point of taste and delicacy), his son Cleomenes (by whom there is a statue in the Louvre, which shows exquisite workmanship but little life), Glycon, Apollonius, and others. (See their lives in the *Dict. of Biog.*)

About the close of this period, and for more than a century afterwards, the Romans, in the conquest of the countries where the arts had flourished, made it a regular practice to carry away the works of art; and, as they were unable to appreciate their value and merit, they acted in many cases no better than rude barbarians, regarding the most precious relics of art in no other light than that of chairs and tables, which might be made again at pleasure and at any time. At first these robberies were carried on with some moderation, as by Marcellus at Syracuse and by Fabius Maximus at Tarentum, and only with a view to adorn their triumphs and the public buildings of Rome. The triumphs over Philip, Antiochus, the Aetolians, the Gauls in Asia, Perseus, Pseudo-Philip, and above all the taking of Corinth, and subsequently the victories over Mithridates and Cleopatra, filled the Roman temples and porticoes with the greatest variety of works of art. After the taking of Corinth, the Roman generals and governors of provinces began to show a kind of amateurship in works of art, which was probably more owing to the fashion prevailing among the Roman grandees than to any real taste or love for the fine arts: they now carried off whatever they could, to adorn their own residences. Sometimes either their avarice or necessity induced them to melt down the most precious works without any regard to artistic worth. The sacrilegious plunder of temples and the carrying away of the sacred statues from the public sanctuaries, which had at first been prevented to some extent by the pontiffs, became afterwards a common practice. The manner in which Verres acted in Sicily is but one of many instances of the extent to which these robberies were carried on. The emperors, especially Augustus, Caligula, and Nero, followed these examples, and the immense number of statues which notwithstanding all this remained at Rhodes, Delphi, Athens, and Olympia, is truly astonishing. (See Völkel, *Ueber die Wegführung der alten Kunstwerke aus den eroberten Ländern nach Rom*; Müller, *Archäol.* § 164, &c.)

Before we proceed to describe the state of statuary during the last stage, in which Rome was the centre of the ancient world, it will be necessary to give an outline of the history of statuary among the Etruscans and Romans down to the year 146 B. C.

The Etruscans were on the whole an industrious and enterprising people. Different hypotheses have been proposed to account for the cultivation of the arts, in which this nation excelled all others in central and northern Italy, as well as for the peculiar style of some of their productions. Some writers think that it was owing to colonies from Lydia, which were established at Caere and Tarquinii, others that the Etruscans themselves were a Pelasgian tribe. With the works of Grecian art they must have become acquainted at an early time through their intercourse with the Greeks of southern Italy, whose influence upon the art of the Etruscans is evident in numerous cases. The East also appears to have exercised some influence upon the Etruscans, as many works of art found in Etruria contain precisely the same representations as those which we find in Asia, especially among the Babylonians. However this may have been effected, we know for certain that the whole range of the fine arts was cultivated by the Etruscans at an early period. Statuary in clay (which here supplied the place of wood, *ξόανα*, used in Greece) and in bronze appears to have acquired a high degree of perfection. In 267 B.C. no less than 2000 bronze statues are said to have existed at Volsinii (Plin. *H. N.* xxxiv. 16, 18; compare Vitruv. iii. 2), and numerous works of Etruscan art are still extant, which show great vigour and life, though they do not possess a very high degree of beauty. Among them we may mention the Chimaera of Arretium (at Florence); the Capitoline She-wolf (Dionys. i. 79; Liv. x. 23), which was dedicated in B.C. 296; the Minerva of Arezzo (now at Florence); and others. Some of their statues are worked in a Greek style; others are of a character peculiar to themselves, and entirely different from works of Grecian art, being stiff and ugly; others again are exaggerated and forced in their movements and attitudes, and resemble the figures which we meet with in the representations of Asiatic nations. Etruscan utensils of bronze, such as candelabra, paterae, cups, thrones, &c., embellished with various ornaments and figures, were very highly valued in antiquity, and even at Athens at a time when the arts were still flourishing there. (Ath. i. p. 28, xv. p. 700.) Their works in stone, especially the alto and bassorelievos, which are found in considerable numbers on chests containing the ashes of the dead, are with few exceptions, of very inferior merit.

The Romans previously to the time of the first Tarquin are said to have had no images of the gods; and for a long time afterwards their statues of gods in clay or wood were made by Etruscan artists. (Plin. *H. N.* xxxv. 45, xxxiv. 16.) During the early part of the republic the works executed at Rome were altogether of a useful and practical and not of an ornamental character; and statuary was in consequence little cultivated. But in the course of time the senate and the people, as well as foreign states which desired to show their gratitude to some Roman, began to erect bronze statues to distinguished persons in the Forum and other places. (Plin. *H. N.* xxxiv. 14.) The earliest works of this kind, which we can consider as really historical, are the statues of Attus Navius (Plin. *H. N.* xxxiv. 11; Cic. *de Divin.* i. 11), of Minucius outside the Porta Trigemina, and of Pythagoras and Alcibiades, which stood in the corners of the comitium from the year B.C. 314 down to the dictatorship of Sulla. (Plin. *H. N.* xxxiv. 12.) The last two statues were undoubtedly of Greek workmanship. The earliest metal statue of a deity was, according to Pliny, a Ceres which was made of the confiscated property of Spurius Cassius, about 485 B.C. (Plin. *H. N.* xxxiv. 9.) Two other metal statues of gods were the Capitoline Hercules, 306 B.C. (Liv. ix. 44), and the colossal statue of the Capitoline Jupiter, which, according to Livy, was made about 490 B.C. (Liv. ix. 40, x. 38; Plin. *H. N.* xxxiv. 18.) The number of statues of men in the Forum appears soon to have become very great, and many persons seem to have had them erected there without any right: hence in 161 B.C. the censors P. Cornelius Scipio and M. Popilius removed from the Forum all the statues of magistrates which had not been erected with the sanction of the senate or the people. (Plin. *H. N.* xxxiv. 14.) A statue of Cornelia, the mother of the Gracchi, stood in the porticus of Metellus. The artists by whom these and other statues were executed were undoubtedly Greeks and Etruscans.

V. *Fifth Period, from Ol.* 158 (B.C. 146) *to the fall of the Western Empire.*

During this period Rome was the capital of nearly the whole of the ancient world, not through its intellectual superiority, but by its military and political power. But it nevertheless became the centre of art and literature, as the artists resorted thither from all parts of the empire for the purpose of seeking employment in the houses of the great. The mass of the people, however, had as little taste for and were as little concerned about the arts as ever. (Horat. *Art. Poët.* 323; Petron. 88.) In addition to this there was still a strong party of the Romans, who, either from an affected or an honest contempt for the Greeks, entertained the vain hope of being able to restore the olden times. These circumstances account for the fact that a man like Cicero thought it necessary to conceal and disguise his love and knowledge of the fine arts. It was, therefore, only the most distinguished and intellectual Romans that really loved and cherished the arts. This was both a fortunate and an unfortunate circumstance: had it not been so, art would have perished at once; now it continued in some degree to be cultivated, but it experienced the same fate which it has met with at all times, when it has continued its existence without the sympathies of the people, and merely under the patronage of the great. Notwithstanding these unfavourable circumstances, there were a number of distinguished artists at Rome during the latter period of the republic, who had really imbibed the spirit of the ancient Greeks and who produced works of great beauty and merit. We need only mention such names as Pasiteles of southern Italy, who was a Roman citizen, and who made an ivory statue of Jupiter for the temple of Metellus (Plin. *H. N.* xxxvi. 5. s. 4. § 12); Arcesilaus, of whom Pliny mentions several highly valued works, and whose models were prized more than the statues of others; Decius, who even ventured to rival Chares in the art of founding metal statues; Diogenes, and others. During the empire the arts declined, and, with some noble exceptions, merely administered to the vanity, luxuries, and caprices of the emperors. (Senec. *Epist.* 88.) The inertness of the times, says Pliny (*H. N.* xxxv. 2), has destroyed the arts; and as there were no more minds to be represented, the representations of the bodies were likewise neglected. Occasionally, however, excellent and gifted sculptors still arose, and adorned the palaces of the emperors with beautiful groups. Pliny (*H. N.* xxxvi. 4. § 11) mentions as such Craterus, Pythodorus, Polydectes, Hermolaus, a second Pythodorus, Artemon, and Aphrodisius of Tralles. (See the articles in the *Dict. of Biog.*) In the time of Nero, who did much for the arts, we meet with Zenodorus, a founder of metal statues, who was commissioned by the emperor to execute a colossal statue of 110 feet high, representing Nero as the Sun. The work was not completely executed, as the art of using the metal had fallen into oblivion. In A. D. 75 the statue was consecrated as a Sol, and was afterwards changed into a statue of Commodus by altering the head. (Plin. *H. N.* xxxiv. 18; Herodian, i. 15.) The principal sculptured works that were produced during the empire, were, 1. Reliefs on public monuments, such as those adorning the triumphal arch of Titus, which represented the apotheosis of the emperor, and his triumph over Judaea. The invention and grouping of the figures are good and tasteful, but the execution is careless. The same may be said of the reliefs of the temple of Minerva in the Forum of Domitian, in which the drapery in particular is very bad. 2. Statues and busts of the emperors. These may again be divided into classes, and are easiest distinguished by the costumes in which they are represented. They are (*a*) faithful portraits in the costume of ordinary life (*toga*), or in the attire of warriors (*statuae thoracatae*) generally in an attitude as if they were addressing a body of men, as, *e. g.* the colossal statue of Augustus in the palace Grimani. To this class also belong the equestrian statues, and the statues upon triumphal cars with from two to six horses, and sometimes even with elephants, which were frequently made for emperors out of mere vanity, and without there having been any real triumph to occasion such a work. (Dion Cass. liii. 22; Stat. *Silv.* i. 1; Mart. ix. 69; Tacit. *de Orat.* 8. 11; Juv. vii. 126; Plin. *H. N.* xxxiv. 10.) *b.* Such statues as were intended to show the individual in an exalted, heroic or deified character. Among those were reckoned the so-called Achillean statues, which were first made in the time of Augustus; they were naked, and bore a hasta in one hand (Plin. *H. N.* xxxiv. 10): and secondly, statues in a sitting position, with the upper part of the body naked, and a pallium covering the loins. These statues were intended to represent an emperor as Jupiter, but sometimes also as an Apollo. (Müller, *Arch.* § 199.) This method of representing an emperor as a god was at first practised with much good taste. The statues of the ladies of the imperial families are likewise either simple and faithful portraits, or they are idealized as goddesses: specimens of each kind are still extant. The custom adopted in the Macedonian time, of combining allegorical representations of towns and provinces with the monuments erected in honour of the sovereigns, was sometimes followed by the Romans also, and some of them were made by very distinguished artists. (Strab. iv. p. 192; Müller, *l. c.*) In the reign of Trajan were executed the column of Trajan, with sculptures representing the victories of this emperor over the Dacians, and other similar works. We also possess a beautiful colossal statue of Nerva in the Vatican, and in the Louvre there is a beautiful statua thoracata of Trajan, and several fine busts of the same emperor.

Down to the reign of Hadrian statuary had become more and more confined to the representation of subjects of a common nature, so that at length we scarcely find anything else but the records of victories in the reliefs on the public monuments, and the various kinds of statues of the emperors and the members of their families. But in the reign of Hadrian the arts seemed to begin a new aera. He himself was undoubtedly a real lover and connoisseur of art, and he encouraged it not only at Rome, but in Greece and Asia Minor. The great Villa of Hadrian below Tivoli, the ruins of which cover an extent of ten Roman miles in circumference, was richer in works of art than any other place in Italy. Here more works of art have been dug out of the ground than anywhere else within the same compass. Hadrian was fond of the ancient forms in art as well as in language, and many works in the archaic style still extant may have been executed at this time. Some statues made at this time combine Egyptian stiffness with Grecian elegance; and, especially, the representations of Egyptian deities, such as that of Isis, are half Greek and half Egyptian. But, by the side of this strange school, there existed another, in which the pure Greek style was cultivated, and which has produced works worthy of the highest admiration. Foremost among these stand the statues and busts of Antinous, for whom the emperor entertained a passionate partiality, and who was represented in innumerable works of art. The colossal bust of Antinous in the Louvre is reckoned one of the finest works of ancient art, and is placed by some critics on an equality with the best works that Greece has produced. The two centaurs of black marble on the Capitol probably belong to the reign of Hadrian: one of them is executed in an old and noble style, and is managed by a little Eros riding on his back; the other looks more like an intoxicated Satyr. There are also some very good works in red marble which are referred to this period, as that material is not known to have been used before the age of Hadrian.

As the arts had received such encouragement and brought forth such fruits in the reign of Hadrian, the effects remained visible for some time during the reigns of the Antonines. Antoninus Pius built the great villa at Lanuvium, of which ruins are still extant, and where many excellent works of art have been discovered. But sophistry and pedantic learning now began to regard the arts with the same contempt as the ignorance of the Romans had formerly done. The frieze of a temple, which the senate caused to be erected to Antoninus Pius and Faustina, is adorned with griffins and vessels of very exquisite workmanship; but the busts and statues of the emperors show in many parts an affected elegance, while the features of the countenance are tasteless and trivial copies of nature. The best among the extant works of this time are the equestrian statue of M. Aurelius of gilt bronze, which stands on the Capitol, and the column of M. Aurelius with reliefs representing scenes of his war against the Marcomanni. The busts which we possess of M. Aurelius, Faustina, and Lucius Verus, are executed with very great care, especially as regards the hair. The number of extant busts of the Antonines amounts to above one hundred; and the rate at which busts of emperors were sometimes multiplied may be inferred from the fact, that the senate sometimes ordained that the bust of an emperor should be in the house of every citizen.

After the time of the Antonines the symptoms of decline in the arts became more and more visible. The most numerous works continued to be busts and statues of the emperors, but the best among them are not free from affectation and mannerism. The hair, especially in the representations of female figures, becomes gradually utterly tasteless, and instead of the natural hair the artists made it a point to show that it was a large peruque, which in some cases might be put on and taken off at pleasure. [GALERUS.] In the time of Caracalla many statues were made, especially of Alexander the Great. Alexander Severus was a great admirer of statues, not from a genuine love of art, but because he delighted in the representations of great and good men. (Lamprid. *Al. Sev.* 25.) The reliefs on the triumphal arch of Septimius Severus, representing his victories over the Parthians, Arabs, and Adiabenians, have scarcely any artistic merits. During this time of decay the custom arose of adorning sarcophagi with figures in high relief, representing scenes from the legends of Demeter and Dionysus, and from the heroic ages of Greece, sometimes also the fable of Eros and Psyche: all these contained allusions to the immortality of the soul. Art, however, now declined with great rapidity: busts and statues were more seldom made than before, and are awkward and poor; the hair is frequently indicated by nothing else but holes bored in the stone. The reliefs on the sarcophagi gradually become monotonous, lifeless, and evidently executed without spirit. The reliefs on the arch of Constantine, which are not taken from that of Trajan, are perfectly rude and worthless, and those on the column of Theodosius were not better. Art in the proper sense of the word ceased to exist; statues of victors in the public games continued to be erected down to the fourth, and statues of the emperors (at Constantinople) down to the eighth century; but at Rome, as at Constantinople, those who were honoured in this way were more concerned about their rank and dress being properly represented in their statues, than about the real artistic merit of the work. Statuary became mere manual labour, and required nothing but mechanical skill. At Constantinople, however, where statues had been collected from Rome, Greece, and Asia Minor, the events of history allowed the plastic arts to die away more gradually than in Italy.

Before concluding, it remains to say a few words on the destruction of ancient works of art. During the latter part of the reign of Constantine many statues of the gods were destroyed and melted down, and not long after his time a systematic destruction began, which under Theodosius spread to all parts of the empire. The spirit of destruction, however, was not directed against works of art in general and as such, but only against the pagan idols. The opinion, therefore, which is entertained by some, that the losses we have sustained in works of ancient art, are mainly attributable to the introduction of Christianity, is too sweeping and general. Of the same character is another opinion, according to which the final decay of ancient art was a consequence of the spiritual nature of the new religion. The coincidence of the general introduction of Christianity with the decay of the arts is merely accidental. That the early Christians did not despise the arts as such, is clear from several facts. We know that they erected statues to their martyrs, of which we have a specimen in that of St. Hippolitus in the Vatican library; and it is expressly stated that Christians devoted themselves to the exercise of the arts. (Baronius, *Annal. ad A.* 303.) The numerous works, lastly, which have been found in the Christian catacombs at Rome, might alone be a sufficient proof that the early Christians were not hostile towards the representation of the heroes of their religion in works of art. The hostility, such as it appears in the writings of Tatian and Augustine, cannot therefore have been general; and, in fact, Christianity during the middle ages became as much the mother of the arts of modern times, as the religion of Greece was the mother of ancient art. Another very general and yet incorrect notion is, that the northern barbarians after the conquest of Rome intentionally destroyed works of art. This opinion is not supported by any of the contemporary historians, nor is it at all probable. The barbarians were only anxious to carry with them the most precious treasures in order to enrich themselves; a statue must have been an object of indifference to them. What perished, perished naturally by the circumstances and calamities of the times: in times of need bronze statues were melted down and the material used for other purposes; marble statues were frequently broken to pieces and used for building materials. If we consider the history of Rome during the first centuries after the conquest of Italy by the Germans, we have every reason to wonder that so many specimens of ancient art have come down to our times.

The greatest destruction, at one time, of ancient works of art is supposed to have occurred at the taking of Constantinople, in the beginning of the thirteenth century. The collection of statues had been made with great care, and their number had accumulated to an amount which seems quite surprising when it is considered how long a time had elapsed since art had been encouraged or protected. At the period alluded to we are told that some of the finest works of the ancient masters were purposely destroyed; either in mere wantonness, or with the view of turning the material into money, or for sale to the metal founders for the value of the bronze. Among the few works saved from this devastation are the celebrated bronze horses which now decorate the exterior of St. Mark's church at Venice. They have been ascribed, but without sufficient authority, to Lysippus.

The finest collection of ancient bronzes is in the Museo Borbonico at Naples. They have been found chiefly in the ruins of Herculaneum and Pompeii, and among them are some examples of great skill and beauty. A few of the heads offer peculiarities in the treatment of the hair, the small corkscrew curls, and the ends of the beards being formed of separate pieces of metal fastened on. Several of the statues have the eyes of paste, and of stones, or sometimes of a different metal from the material of the rest of the work. Silver was often united with bronze. Cicero (*Verr.* iv. 43) mentions a statue of *Apollo aeneus, cujus in femore litterulis minutis argenteis nomen Myronis erat inscriptum.* In a bronze statue, of a youth, in the collection at Paris, are the remains of a Greek inscription in silver letters. They are inserted into the left foot. The Museo Borbonico possesses some examples of inlaid silver work. There are also instances of it in the collection of bronzes in the British Museum. Many of the examples of bronze works that have reached us exhibit signs of having been gilt, and the writers of antiquity refer occasionally to the practice. It does not seem to have been employed till taste had much deteriorated; probably when the value and richness of the material were more highly estimated than the excellence of the workmanship. Nero commanded a statue of Alexander, the work of Lysippus, to be gilt; but Pliny (*H. N.* xxxiv. 19. § 6) tells us it was found to injure the beauty and effect of the work, and the gold was removed. (Winckelmann, *Gesch. der Kunst;* Meyer, *Gesch. der bildenden Künste bei den Griechen;* F. Thiersch, *Ueber die Epochen der bildenden Kunst unter den Griechen;* K. O. Müller, *Handbuch der Archaeologie der Kunst*, 2nd ed. 1835, 3d ed. with notes by Welcker, 1848.) [L. S.]

STELAE (στῆλαι). [Funus, p. 556, b.]

STELLATU'RAE. [Exercitus, p. 505, a.]

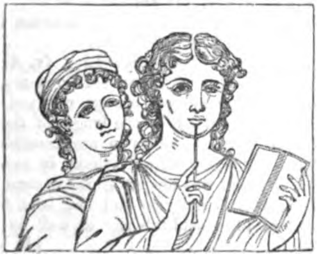
STHE'NIA (σθένια), a festival with contests celebrated by the Argives in honour of Zeus surnamed Sthenius, who had an altar consisting of a large rock in the neighbourhood of Hermione. (Hesych. *s. v.* Σθένια: compare Paus. ii. 32. § 7, 34. § 6.) Plutarch (*de Mus.* p. 1140, c.) states that the πάλη or wrestling, which formed a part of the contests at this festival, was accompanied by the flute; and he also mentions a tradition according to which the festival had originally been held in honour of Danaus, and that it was afterwards consecrated to Zeus Sthenius. [L. S.]

STIBA'DIUM. [Mensa.]

STILLICI'DIUM. [Servitutes, p. 1031, b.]

STILUS or STYLUS is in all probability the same word with the Greek στύλος, and conveys the general idea of an object tapering like an architectural column. It signifies,

1. An iron instrument (Ovid. *Met.* ix. 521; Martial, xiv. 21), resembling a pencil in size and shape, used for writing upon waxed tablets. (Plaut. *Bacch.* iv. 4. 63; Plin. *H. N.* xxxiv. 14.) At one end it was sharpened to a point for scratching the characters upon the wax (Quintil. i. 1. § 27), while the other end being flat and circular served to render the surface of the tablets smooth again, and so to obliterate what had been written. Thus, *vertere stilum* means *to erase*, and hence *to correct*, as in the well-known precept *saepe stilum vertas.* (Hor. *Sat.* i. 10. 72; Cic. *Verr.* ii. 41.) The stylus was also termed *graphium* (Ovid. *Amor.* i. 11. 23; Suet. *Jul.* 82), and the case in which it was kept *graphiarium* (Martial. xiv. 21) or *graphiaria theca.* (Suet. *Claud.* 35.) The annexed cut is from a picture found in Herculaneum. (Mus. Borbon. vol. vi. tav. 35.)



2. A sharp stake or spike placed in pitfalls before an entrenchment to embarrass the progress of an attacking enemy. (*Bell. African.* 31; Sil. Ital. x. 415.) It was intended to answer the same purpose as the contrivances called *cippi*, *lilia*, and *stimuli* by Caesar (*B. G.* vii. 73).

3. A bronze needle or rod for picking worms off fruit-trees (Pallad. iv. 10. § 20), also a wooden probe employed in gardening operations. (Columell. xi. 3. § 53.)

It bears also the meaning of the stem of a tree or vegetable (Columell. v. 10. § 21, xi. 3. § 46), which is perhaps the primary signification of στῦλος. [W. R.]

STIPENDIA'RII. The Stipendiariae urbes of the Roman provinces were so denominated, as being subject to the payment of a fixed money tribute, "stipendium," in contradistinction to the vectigales, who paid a certain portion, as a tenth or twentieth of the produce of their lands, their cattle, or customs. The word "stipendium" was used to signify the tribute paid, as it was originally imposed for and afterwards appropriated to the purpose of furnishing the Roman soldiers with pay (*stipendium*, Liv. iv. 60; Tacit. *Hist.* iv. 74). The condition of the urbes stipendiariae is generally thought to have been more honourable than that of the vectigales, but the distinction between the two terms was not always observed. (Liv. xxxvii. 35.) The word stipendiarius is also applied to a person who receives a fixed salary or pay, as a "stipendiarius miles" (Hirtius, *de Bell. Afric.* 43), a phrase which is sometimes used to denote a veteran who has received pay for many years, or served in many campaigns. (Veget. *de Re Milit.* i. 18.) Some MSS. have stipendiosus in the passage last quoted, which is perhaps a better reading. (Göttling, *Gesch. der Röm. Staatsverf.* p. 418.) [R. W.]

STIPE'NDIUM, a pension or pay, from *stipem* and *pendo*, because before silver was coined at Rome the copper money in use was paid by weight and not by tale. (Varro, *L. L.* v. 182, ed. Müller; Plin. *H. N.* xxx. 3.) According to Livy the practice of giving pay to the Roman soldiers (*ut stipendium miles de publico acciperet*) was not introduced till B. C. 405, on the occasion of the taking of Tarracina or Anxur. He represents the change as the spontaneous and unsolicited act of the senate, but from another passage (iv. 36) we learn that in the year 421 B. C. the tribunes had proposed that the occupiers of the public land should pay their *vectigal* regularly, and that it should be devoted to the payment of the troops. The concession was probably accelerated by the prospect of the last war with Veii, and made with a view of conciliating the plebs, who without some such favour would in their then humour have refused to vote for the war. Livy also represents the funds for the payment to have been raised by a tributum or general tax, but as Arnold observes (*Hist. of Rome*, vol. i. p. 369; compare Niebuhr, vol. ii. p. 440), "The vectigal, or tithe, due from the occupiers of the public land, was to provide pay for the soldiers; and if this were not sufficient, it was to be made good by a tax or tribute levied upon the whole people. This tithe, however, was probably paid very irregularly, and hence the pay of the soldiers would in point of fact be provided chiefly out of the tributum." A few years after this concession (B. C. 403), and during the hostilities against Veii, a certain amount of pay was assigned (*certus numerus aeris est assignatus*, Liv. v. 7) to the knight also. [EQUITES, p. 472, a.] Livy, however, seems to be here speaking of the citizens who possessed an equestrian fortune, but had no horse (*equus publicus*) assigned to them by the state. For it had always been customary for the knights of the 18 centuries to receive pay out of the common treasury, in the shape of an allowance for the purchase of a horse, and a yearly pension of 2000 asses for its keep. [AES EQUESTRE; AES HORDEARIUM.] Hence Niebuhr (vol. i. p. 474, and vol. ii. p. 441) doubts the accuracy of the account which is given by Livy (iv. 59), and observes that "the Veientine war cannot have been the occasion on which the practice of giving pay to the troops was first established: the aerarii must undoubtedly have always continued to pay pensions (*capita*) to the infantry, in the same way as single women and minors did to the knights: and the change consisted in this, that every legionary now became entitled to pay, whereas the number of pensioners had previously been limited by that of the persons liable to be charged with them; and hence the deficiency was supplied out of the aerarium, from the produce of the vectigal, and when this failed, by a tribute levied even from those plebeians who were themselves bound to serve." Consequently the tribunes murmured that the tribute was only imposed for the sake of ruining the plebs. (Liv. iv. 60.) In support of his opinion Niebuhr (*l. c.*) advances arguments which at least make it very probable that the "paternal legislation" of Servius Tullius provided for the pay of the infantry in the manner mentioned; but even admitting this, the practice might have been discontinued so as to justify the statement made on this subject by Livy. We have not space to repeat or discuss those arguments here, and therefore simply refer to vol. i. p. 374, and vol. ii. p. 441, of his History. According to Polybius (vi. 37) the daily pay of a legionary amounted, in his time, to two oboli, which, as he makes a drachma equivalent to a denarius, and a denarius in paying the soldiers was then estimated at ten asses (Plin. *l. c.*), and not at sixteen, as was usual in other money transactions, gives 3⅓ asses a day, or 100 a month. Now the yearly pension of the knights (1000 asses), observes Niebuhr, gives, if we take the old year of 10 months, 200 asses a month: just double the pay of the foot soldiers. In later times the knights received triple pay (*triplex stipendium merebant*). This allowance was first established by the military tribune Cn. Cornelius Cossus (400 B.C.), and according to Niebuhr was then designed as a compensation to those who served with their own horses; it did not become the general custom till some time afterwards. Polybius (vi. 37) thus speaks of the stipendium of his day, which he calls ὀψώνιον, as St. Luke (iii. 14) also does. "The foot soldier receives as pay two oboli a day: the centurion twice as much: the horseman a drachma or denarius. The foot soldiers also receive in corn every month an allowance (*demensum*) of ⅔ of an Attic medimnus or about 2 bushels of wheat: the horsemen 7 medimni of barley and 2 of wheat. The infantry of the allies receive the same allowance (σιτομετροῦνται) as the Roman: the horsemen 1⅓ medimni of wheat and 5 of barley. But there is this difference, that the allied forces receive their allowances as a gratuity; the Roman soldiers, on the contrary, have deducted from their pay the money value of whatever they receive, in corn, armour or clothes." There was indeed a law passed by C. Gracchus (Plut. *C. Gracch.* 5) which provided that besides their pay the soldiers should receive from the treasury an allowance for clothes; but from Tacitus (*Ann.* i. 17) this law seems either to have been repealed or to have fallen into disuse. The two oboli of Polybius, which we make equal to 3⅓ asses, are reckoned by Plautus in round numbers at 3 asses. Thus he says (*Most.* ii. 1. 10), "Isti qui trium nummorum causa subeunt sub falas." This amount was doubled for the legionaries by Julius Caesar (Sueton. *Jul. Caes.* 26) before the civil war. He also gave them corn whenever he had the means, without any restrictions (*sine modo mensuraque*). Under Augustus (Suet. *Aug.* 49; Tacit. *l. c.*) it appears to have been raised to 10 asses a day (three times the original sum), or 300 a month, or 1200 in four months. Now as the original amount of their pay had been tripled, the soldiers could not complain if the denarius were reckoned at 16 asses in payments made to themselves, as well as other persons; and taking this value, the 1200 asses amount to exactly 3 aurei, or 3 × 400 asses. This sum then was considered as an unit, and called *stipendium*, being paid three times a year. Hence Suetonius says of Domitian (*Dom.* 7): "Addidit et quartum stipendium, ternos aureos:" a fact which Zonaras (*Ann.* ii. p. 196) otherwise expresses by stating, that instead of 75 drachmae (*i. e.* denarii) Domitian gave the soldiers 100, *i. e.* he made an addition of 25 denarii or 1 aureus to their pay. The expression of Suetonius supposes that 3 aurei were paid every quarter instead of every four months, *after* the addition made by Domitian; that of Zonaras implies, that 4 aurei instead of 3 were paid, as before, every three months, the annual amount being the same either way, and the quarterly or four months' instalment of 3 or 4 aurei being called a stipendium. Niebuhr's (vol. ii. p. 443) statement on this subject is only partially correct or else obscure: at any rate, if the soldiers received 10 asses a day they must have received more than 1200 a year.

The Praetorian cohorts received twice as much as the legionaries. (Tacit. *l. c.*) The pay of the tribunes is not known; but it was considered very great (Juven. iii. 132), and probably was not less than 48 aurei per annum, after the time of Domitian. We must not omit to mention that if his pay were withheld the Roman soldier was allowed by an old unwritten custom to distrain the goods (*per pignoris capionem*) of the officer whose duty it was to supply it. The eques was allowed the same privilege against the persons who were bound to furnish him with the aes equestre, for the purchase of his horse, and the aes hordearium for its keep. (Gaius, lib. iv. § 26—28.)

From an expression which Livy (v. 4) puts into the mouth of a patrician orator, it might be supposed that the soldiers always received a full year's pay, independent of the length of their service. This, however, seems so unreasonable, that we cannot but agree with Niebuhr in supposing that the historian was misled by the custom of his own time, when a full year had long been the stipulated term of a soldier's pay as well as of his service. [R. W.]

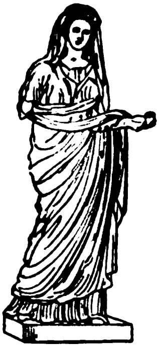
STIPULA'TIO, STIPULA'TOR. [OBLIGATIONES, pp. 817, b, 818, a.]

STIVA. [ARATRUM.]

STOA. [PORTICUS.]

STOICHEION. [HOROLOGIUM.]

STOLA, was a female dress worn over the tunic; it came as low as the ankles or feet (*ad talos stola demissa*, Hor. *Sat.* i. 2. 99), and was fastened round the body by a girdle, leaving above the breast broad folds (*rugosiorem stola frontem*, Mart. iii. 93. 4). The tunic did not reach much below the knee, but the essential distinction between the tunic and stola seems to have been, that the latter always had an INSTITA or flounce sewed to the bottom and reaching to the instep. (Hor. *Sat.* i. 2. 29; Ovid. *Ar. Amat.* i. 32.) Over the Stola the Palla or Pallium was worn [PALLIUM], as we see in the cut annexed. (*Mus. Borbon.* iii. tav. 37.)



The stola seems to have been usually fastened over the shoulder by a FIBULA or clasp, and generally had sleeves, but not always.

The Stola was the characteristic dress of the Roman matrons as the toga was of the Roman men. (Cic. *Phil.* ii. 18.) Hence the meretrices were not allowed to wear it, but only a dark-coloured toga (Tibull. iv. 10. 3; Mart. i. 36. 8); and accordingly Horace (*Sat.* i. 2. 63) speaks of the *matrona* in contradistinction to the *togata*.. For the same reason women, who had been divorced from their husbands on account of adultery, were not allowed to wear the Stola, but only the toga (Schol. *ad Hor. l. c.*): to which Martial alludes (ii. 39, vi. 64. 4). See Becker, *Gallus*, vol. i. p. 321, &c.

STRA'GULUM. [TAPES.]

STRATE'GUS (στρατηγός). The office and title of Strategus, or General, seem to have been more especially peculiar to the democratic states of ancient Greece: we read of them, for instance, at Athens, Tarentum, Syracuse, Argos, and Thurii; and when the tyrants of the Ionian cities in Asia Minor were deposed by Aristagoras, he established Strategi in their room, to act as chief magistrates. (Herod. v. 38.)

The Strategi at Athens were instituted after the remodelling of the constitution by Cleisthenes, to discharge the duties which had in former times been performed either by the king or the Archon Polemarchus. They were ten in number, one for each of the ten tribes, and chosen by the suffrages (χειροτονία) of the people. (Pollux, viii. 87.) Before entering on their duties, they were required to submit to a δοκιμασία, or examination of their character (Lysias, *c. Alcib.* 144); and no one was eligible to the office unless he had legitimate children, and was possessed of landed property in Attica. (Dinarch. *c. Demosth.* 99.) They were, as their name denotes, entrusted with the command on military expeditions, with the superintendence of all warlike preparations, and with the regulation of all matters in any way connected with the war department of the state. They levied and enlisted the soldiers (κατέλεξαν), either personally or with the assistance of the Taxiarchs. (Lysias, *c. Alcib.* 140, *pro Milit.* 114.) They were entrusted with the collection and management of the εἰσφοραί, or property taxes raised for the purposes of war; and also presided over, or officiated as Εἰσαγωγεῖς in the courts of justice in which any disputes connected with this subject or the trierarchy were decided. (Wolf, *ad Lept.* p. 94; Dem. *c. Lacr.* 940. 16.) They also nominated from year to year persons to serve as trierarchs (Dem. *c. Boeot.* i. 997; Xenoph. *de Rep. Athen.* 3), and took cognizance of the cases of ANTIDOSIS arising out of the trierarchy and property taxes (ἐποίουν τὰς ἀντιδόσεις, *c. Phaenip.* 1040.) They also presided at courts-martial and at the trials in cases of accusation for non-performance of military and naval duties. [ASTRATEIAS and ANAUMACHIOU GRAPHAE.] They likewise had the power of convening extraordinary assemblies of the people in cases of emergency [ECCLESIA, pp. 440, b, 441, a], and from the instance of Pericles it would always seem that in critical times they had the power of preventing an assembly being holden. (Thucyd. ii. 22.) But their most important trust was the command in war, and it depended upon circumstances to how many of the number it was given. At Marathon all the ten were present, and the chief command came to each of them in turn. The Archon Polemarchus also was there associated with them, and according to the ancient custom, his vote in a council of war was equal to that of any of the generals. (Herod. vi. 109.) In the expedition against Samos, also, all the ten generals were engaged (Thucyd. i. 116), the poet Sophocles being one of the number (Müller, *Literature of Ancient Greece*, p. 338); but it was obvious that in most cases it would be neither convenient nor useful to send out the whole number on the same undertaking, and during the course of a protracted war it would be necessary for some of them to be left at home, in charge of the war department there. Accordingly, in the best times of Athens, three only were for the most part sent out; one of these (τρίτος αὐτός) was considered as the commander-in-chief, but his colleagues had an equal voice in a council of war. Sometimes a strategus, as Pericles, was vested with extraordinary powers (Thucyd. ii. 65): in like manner, the three generals engaged in the Sicilian expedition, Nicias, Alcibiades, and Lamarchus, were made αὐτοκράτορες, or supreme and independent in all matters connected with it. (Thucyd. vi. 8, 26.) So also was Aristides in his command at Plataeae. But even in ordinary cases the Athenian generals were not fettered in the conduct of a campaign by any council of war, or other controlling authority, as the Spartan kings sometimes were; still they were responsible for it, and in the time of Demosthenes (*Philip.* i. 53) exposed on the termination of their command to capital indictment at the caprice of the people, or from the malevolence of personal enmity. (*c. Mid.* 535, *c. Aristocr.* 676.) Even Pericles himself (Thucyd. ii. 65) was fined by the people for imputed mismanagement, but really because the Athenians were disappointed in their expectations.

In the times of Chabrias and Phocion, however, the greater part of the generals regularly remained at home to conduct the processions, &c., as the citizens did to enjoy them, leaving their wars to be conducted by mercenaries and their leaders. (Demosth. *Phil.* i. 47. 12.) Some of them too were not commanders of all the troops, but only of the horse and foot of separate armies (*στρατηγὸς ὁ ἐπὶ τῶν ὅπλων* or *ὁπλιτῶν*, and *ὁ ἐπὶ τῶν ἱππέων*): and one of them, the general of the administration (*ὁ ἐπὶ τῆς διοικήσεως*), performed part of the judicial labours of the strategi, and other civil services, such as that of giving out the pay of the troops. (Böckh, *Publ. Econ. of Athens*, p. 181, 2d ed.; Dem. *pro Coron.* 265. 11.) We must also remember that the Athenian navy as well as the army was commanded by the Strategi, whence the "praetoria navis" or flag-ship is called *στρατηγὶς ναῦς*. (Hermann, *Lehrbuch der griech. Staatsalt.* § 152.)

The strategi at Athens were perhaps the most important officers of the republic, especially during war; and amongst them are numbered some of her most distinguished citizens, Miltiades, Themistocles, Pericles, Phocion, &c. But the generals of the early times differed in many respects from the contemporaries of Demosthenes. Formerly the general and the statesman were united in one person; the leader in the field was the leader in the assembly, and thus acquired a double influence, accompanied with a double responsibility. But in later times, the general and the professed orator or statesman were generally perfectly distinct (Isocr. *de Pace*, 173), and the latter, as ought always to be the case in free states, had by far the greater influence. The last of the Athenian generals who was considered to unite the two characters, was Phocion, who was general no less than forty-five times. (Plut. *Phoc.* 5.) Accordingly the various parties into which the state was then divided had each their orator and general, the former acting as a recognized leader (Demosth. *Olyn.* ii. 26); and a general, when absent on foreign expeditions, was liable to be maligned or misrepresented to the people by an unfriendly and influential demagogue. (Demosth. *de Cherson.* 97. 12.) Hence we cannot wonder that the generals of the age of Demosthenes were neither so patriotic nor so distinguished as those of former times, more especially when we call to mind, that they were often the commanders of mercenary troops, and not of citizens, whose presence might have checked or animated them. Moreover, they suffered in moral character by the contamination of the mercenary leaders with whom they were associated. The necessity they were under of providing their hired soldiers with pay, habituated them to the practice of levying exactions from the allies; the sums thus levied were not strictly accounted for, and what should have been applied to the service of the state was frequently spent by men like Chares upon their own pleasures, or in the purchase of a powerful orator. (Thirlwall, *Hist. of Greece*, vol. v. p. 214.) Another effect of the separation of the two characters, was that the responsibility of the general and of the orator or minister was lessened, and it was in most cases easy for a general to purchase an apparently disinterested advocacy of his conduct. There was this further abuse connected with the system, that according to Isocrates (*de Pace*, 168), military command was so much coveted, that the election of generals was often determined by the most profligate bribery.

The most eminent generals of the time of Demosthenes were Timotheus, Chabrias, Iphicrates, and Diopithes: Chares and Lysicles were inferior to them both in loyalty and skill, but the former and the mercenary Charidemus were frequently employed. Towards the decline of the Roman empire the chief magistrate at Athens was called *Στρατηγός*, or the Duke: Constantine bestowed on him the title of *Μέγας Στατηγός* or the *Grand Duke.* (Julian. *Orat.* i.) The military chiefs of the Aetolian and Achaean leagues were also called Strategi. The Achaean Strategi had the power of convening a general assembly of the league on extraordinary occasions. [ACHAICUM FOEDUS, p. 5, b.] [R. W.]

STRATO'RES. 1. Imperial Equerries subject to the Tribunus Stabuli. Their proper duty, as the name imports, was to saddle the horses; they also led them from the stable and assisted the emperor to mount. Hence they were termed in Greek *ἀναβολεῖς*. From the addition of *miles* to their title it appears that they were considered as part of the military establishment. (Spartian. *Caracall.* 7; Amm. Marc. xxx. 5; see Ducange, *s. v.*) Consuls and praetors had their stratores as we learn from inscriptions (Orell. *Inscr.* n. 798, 3250, 3523), and perhaps aediles also. (Orell. n. 1584.)

2. Officers sent into the provinces to select horses for the stud of the prince or for the general service of the state. (Amm. Marc. xxix. 3; Cod. Theod. 8. tit. 8. s. 4; Cod. 12. tit. 25; Salmas. *ad Capitolin. M. Antonin.* 8, *ad Trebell. Poll. Valerian.* 3.) These in all probability belonged to the same body with those mentioned above; the title *stratores a publicis rationibus*, by which they are usually distinguished in works upon Roman antiquities, rests upon no authority except the letters STR. A.P.R. in an inscription (Gruter, p. DLXIX. n. 8), the interpretation of which is very doubtful.

3. Jailors under the orders of the *Commentariensis* or Chief Inspector of Prisons. (Cod. Theod. 9. tit. 3. s. 1.) To these Ulpian refers (Dig. 1. tit. 16. s. 4), "nemo proconsulum stratores suos habere potest, sed vice eorum milites ministerio in provinciis funguntur," although the passage is quoted in most dictionaries as bearing upon the stratores of the stable. (Compare the *Notitia Dignitatum Imperii Orientis*, c. 13 and c. 101 in Graevii *Thes. Rom. Antiq.* vol. vii. p. 1375 and p. 1606.)

4. In the later Latin writers and especially in the monkish historians of the middle ages, *stratores* denote a chosen body of soldiers sent in advance of an army to explore the country, to determine the proper line of march, to select the spots best fitted for encamping, and to make all the arrangements necessary for the safety and comfort of the troops when they halted, their duties being in some respects analogous to those of the classical *metatores*, and in others to those of a modern *corps-de-guides*. (Symmach. *Epist. ad Theod. et Valent.* 1; Ducange, *s. v.*)

5. We find in an inscription the words Diomedes Ap. Strator, which is generally understood to commemorate the labours of some individual in paving the Appian Way, and mention is made of *stratores* of this description in another inscription found at Mayence. (Orell. n. 1450 ; compare Fuchs, *Geschichte von Mainz*.) [W. R.]

STRENA, a present given on a festive day and for the sake of good omen (Festus, *s. v.*), whence a good omen is called by Plautus *bona strena*. (*Stich.* v. 2. 24.) It was however chiefly applied to a new year's gift, to a present made on the Calends of January. In accordance with a Senatusconsultum new year's gifts had to be presented to Augustus in the Capitol, even when he was absent. (Suet. *Aug.* 57 ; comp. Dion Cass. liv. 35.) The person who received such presents was accustomed to make others in return (*strenarum commercium*) ; but Tiberius, who did not like the custom on account of the trouble it gave him and also of the expense in making presents in return, frequently left Rome at the beginning of January, that he might be out of the way (Dion Cass. lvii. 8), and also strictly forbade any such presents to be offered him after the first of January, as he used to be annoyed by them during the whole of the month. (Suet. *Tib.* 34 ; Dion Cass. lvii. 17.) The custom, so far as the emperor was concerned, thus seems to have fallen almost entirely into disuse during the reign of Tiberius. It was revived again by Caligula (Suet. *Cal.* 42 ; Dion Cass. lix. 24), but abolished by Claudius (Dion Cass. lx. 6) ; it must, however, have been restored afterwards, as we find it mentioned as late as the reigns of Theodosius and Arcadius. (Auson. *Ep.* xviii. 4 ; Symmach. *Ep.* x. 28.)

STRIAE. [Columna.]

STRIGA. [Castra, p. 254.]

STRIGIL. [Balneae, pp. 185, a, 192, a.]

STRO′PHIUM (*ταινία, ταινίδιον, ἀπόδεσμος*) was a girdle or belt worn by women round the breast and over the inner tunic or chemise. (Non. xiv. 8 ; *tereti strophio luctantes vincla papillas*, Catull. lxiv. 65.) It appears from an epigram of Martial (xiv. 66) to have been usually made of leather. (Becker, *Gallus*, vol. i. p. 321.)

STRUCTOR. [Coena, p. 307, b.]

STULTO′RUM FE′RIAE. [Fornacalia.]

STUPRUM. [Adulterium ; Concubina ; Incestum.]

STYLUS. [Stilus.]

SUBCENTU′RIO. [Exercitus, p. 506, a.]

SUBITA′RII. [Tumultus.]

SUBLIGA′CULUM or SUCCINCTO′RIUM (*διάζωμα, περίζωμα*), drawers. (Joseph. *Ant.* iii. 7. § 1.) This article of dress, or a bandage wound about the loins so as to answer the same purpose, was worn by athletes at the public games of Greece in the earliest ages [Athletae]: but the use of it was soon discontinued, and they went entirely naked. (Schol. *in Hom. Il.* xxiii. 683 ; Isid. *Orig.* xviii. 17.) The Romans, on the contrary, and all other nations except the Greeks, always adhered to the use of it in their gymnastic exercises. (Thucyd. i. 6 ; Schol. *in loc.* ; Clem. Alex. *Paedag.* iii. 9 ; Isid. *Orig.* xix. 22.) It was also worn by actors on the stage (Cic. *de Off.* i. 35), by those who were employed in treading grapes [Torcular] (*Geopon.* vi. 11), and by the Roman popa at the sacrifices, and it then received the denomination *limus* (Virg. *Aen.* xii. 120 ; Servius, *in loc.*), which name was also applied to it as worn by Roman slaves. (Gell. xii. 3.) The circumstance of the slaves in India wearing this as their only covering (Strabo, xv. 1. § 73. p. 156, ed. Sieb.) is agreeable to the practice of modern slavery in the West Indies and other tropical countries. [J. Y.]

SUBSCRI′PTIO CENSO′RIA. [Censor, p. 263, b.]

SUBSECI′VA. [Agrariae Leges, p. 42, a.]

SUBSELLIUM. [Thronus.]

SUBSIGNA′NI. [Exercitus, p. 502, a.]

SUBSTITU′TIO. [Heres, p. 599, a.]

SUBTE′MEN. [Tela.]

SUBU′CULA. [Tunica.]

SUCCE′SSIO. This word is used to denote a right which remains unchanged as such, but is changed with reference to its subject. The change is of such a nature that the right when viewed as attached to a new person is founded on a preceding right, is derived from it and depends upon it. The right must accordingly begin to be attached to the new person at the moment when it ceases to be attached to the person who previously had it ; and it cannot be a better right than it was to the person from whom it was derived (Dig. 50. tit. 17. s. 175. § 1). Thus in the case of the transfer of ownership by tradition, the new ownership begins when the old ownership ceases, and it only arises in case the former possessor of the thing had the ownership, that is, prior ownership is a necessary condition of subsequent ownership. This kind of change in ownership is called Successio. It follows from the definition of it that Usucapion is not included in it ; for Usucapion is an original acquisition. The successio of a heres is included, for though there might be a considerable interval between the death and the aditio hereditatis, yet when the hereditas was once taken possession of, the act of aditio had by a legal fiction relation to the time of the death. Thus whereas we generally view persons who possess rights as the permanent substance and the rights as accidents, in the case of Succession the right is the permanent substance, which persists in a series of persons.

The notion of Succession applies mainly though not exclusively to property. With respect to the law that relates to Familia, it applies so far as the parts of the Familia partake of the nature of property, such as the power of a master over his slave, and the case of Patronatus and Mancipii causa. Thus the patria potestas and the condition of a wife in manu may be objects of succession. It applies also to the case of adoption.

Successio is divided into Singular Succession and Universal Succession. These terms conveniently express the notion, but they are not Roman terms. The Roman terms were as follows: in universum jus, in eam duntaxat rem succedere (Dig. 21. tit. 3. s. 3) ; per universitatem, in rem succedere (Gaius, ii. 97 ; Dig. 43. tit. 3. s. 1) ; in omne jus mortui, in singularum rerum dominium succedere (Dig. 29. tit. 2. s. 37) ; in universa bona, in rei tantum dominium succedere. (Dig. 39. tit. 2. s. 24.)

It is Singular succession when a single thing as an object of ownership is transferred, or several things together, when they are transferred as individual things, and not as having any relation to one another in consequence of this accidental common mode of transfer. The person into whose place another comes by Singular succession, is called Auctor with respect to his successor. In order to be Singular succession, the whole right of the auctor must be transferred. He to whom an estate in fee simple is transferred, takes by Singular succession: he to whom a life estate is granted out of an estate in fee simple, does not take by Singular succession.

The object of Universal succession is property as an ideal whole (*universitas*) without any reference to its component parts. Yet the notion of succession applies as well to a fraction of this ideal whole as to the unit which this ideal whole is conceived to be; for the whole property being viewed as a unit, it may be conceived to be divided into fractional parts without any reference to the several things which are included in the ideal whole. It was also consistent with this species of succession that many particular things should be incapable of being transferred: thus in the case of an hereditas the ususfructus of the deceased did not pass to the heres, and in the case of adrogation neither the ususfructus nor the debts of the adrogated person, according to the old law.

In the case of Obligationes there is no Singular succession: there is either the change of the Obligatio into another by Novatio, or the suing for the debt by another (cessio actionis).

The object of Universal succession is a Universitas as such, and it is by means of the words Universitas and Universum, that the Romans denote this kind of succession; but it would be erroneous to infer from this use of the term that succession applies to all Universitates. Its proper application is to property, and the true character of Universal succession is the immediate passing over from one person to another of all the credits and debts that belong or are attached to the property. This happens in the case of an hereditas: heres in omne jus mortui, non tantum singularum rerum dominium succedit, quum et ea quae in nominibus sunt ad heredem transeant (Dig. 29. tit. 2. s. 37); and in the case of adrogation as to most matters. The debts would be transferred by adrogation if this were not accompanied with a capitis deminutio. Credits and debts could not be transferred by Singular succession. The cases of Universal succession were limited and the notion could not be applied and made effectual at the pleasure of individuals. The most important cases of Universal succession were the property of a deceased person; as hereditas, bonorum possessio, fideicommissaria hereditas, and others of the like kind. The property of a living person might be transferred in this way, in the case of adrogatio, conventio in manum, and the bonorum emtio. (Gaius, ii. 98.) In many other cases though the object is to transfer a whole property, it is in fact effected by the transfer of the several things: the following are instances of this kind of transfer, the gift of a whole property, or its being made a Dos, or being brought into a Societas, or the sale of an hereditas by a heres.

The notion of a Universal succession among the Romans appears to have been derived from the notion of the hereditas, to which it was necessary to attach the credits and debts of the deceased and the sacra. Other instances of Universal succession such as the Bonorum Possessio grew out of the notion of the hereditas; and it was found convenient to extend it to other cases, such as Adrogation. But, as already observed, the extension of the notion was not left to the pleasure of individuals, and accordingly this doctrine was, to use a Roman phrase, Juris Publici.

The words Successio, Successor, Succedere by themselves have a general meaning and comprise both kinds of Succession. Sometimes these words by themselves signify universal succession, as appears from the context (Gaius, iii. 82), and by such expressions as heredes ceterique successores. In other cases the kind of succession is denoted by appropriate words as per universitatem succedere, acquirere, transire, in universum jus succedere, &c. in the case of Universal Succession; and in rem, in rei dominium, in singularum rerum dominium succedere, &c. in the case of Singular Succession.

In the phrase "*per* universitatem succedere" the notion of universal succession is not directly expressed; for the phrase has immediate reference to the acquisition of a single thing, and it is only by means of the word Universitas that we express the notion, that the acquisition of the individual thing is effected by means of the acquisition of the whole.

(Savigny, *System*, &c. iii. p. 8; Gaius, ii. 97, &c.; Puchta, *Inst.* ii. § 198.) [G. L.]

SUCCESSOR. [SUCCESSIO.]

SUCCINCTO'RIUM. [SUBLIGACULUM.]

SUDA'TIO, SUDATO'RIUM. [BALNEAE, p. 190, b.]

SUFFI'BULUM. [VESTALES.]

SUFFRA'GIA SEX. [EQUITES, p. 472, b.]

SUFFRA'GIUM, a vote. At Athens the voting in the popular assemblies and the courts of justice was either by show of hands or by ballot, as is explained under CHEIROTONIA and PSEPHUS. It is commonly supposed that at Rome the people were always polled in the comitia by word of mouth, till the passing of the Leges Tabellariae about the middle of the second century before Christ [TABELLARIAE LEGES], when the ballot by means of tabellae was introduced. [TABELLA.] Wunder (*Codex Erfutensis*, p. clxvii. &c.) however has shown, that the popular assemblies voted by ballot, as well as by word of mouth, long before the passing of the Leges Tabellariae, but that instead of using tabellae they employed stones or pebbles (the Greek ψῆφοι), and that each voter received two stones, one white and the other black, the former to be used in the approval and the latter in the condemnation of a measure. The voting by word of mouth seems to have been adopted in elections and trials, and the use of pebbles to have been confined to the enactment and repeal of laws. That the latter mode of voting was adopted in early times is proved by many passages of Dionysius, and especially by x. 41: ὡς ὁ δῆμος ἀπῄτει τὰς ψήφους, οἱ νεώτατοι τῶν πατρικίων — τὰ ἀγγεῖα τῶν ψήφων τοὺς ἔχοντας ἀφηροῦντο; and by xi. 52: ἐκέλευσαν καδίσκον τεθῆναι ὑπὲρ τῆς πόλεως Ῥωμαίων, καθ᾽ ἑκάστην φυλὴν, εἰς ὃν ἀποθήσονται τὰς ψήφους. It is also confirmed by the common expressions used with respect to voting, as *suffragium ferre*, *mittere in suffragia*, *inire*, or *ire in suffragia*, which lead us to suppose that the suffragium probably signified something which was put by the hand from one place into another. For if the Romans had from the first been polled only by word of mouth, it is scarcely possible that such an expression as *suffragium ferre* would have been used, when they had nothing to *carry;* but on the contrary, some such word as *dicere* would have been employed, more especially as it is certain that in the most ancient times those who voted by word of mouth did not go up one by one to the officer who received the votes, but remained in their places, and were asked for their votes by the *Rogatores*, who thence derived their name. Besides which the word *suffragium* can scarcely signify the same as *sententia* or *vox*. The etymology is uncertain, for the opinions of those who connect it with φράζεσθαι or *fragor* do not deserve notice. Wunder thinks that it may possibly be allied with *suffrago*, and signified originally an ankle-bone or knuckle-bone. On the passing of the Leges Tabellariae the voting with stones or pebbles went out of use. For further particulars with respect to the voting in the comitia, see Comitia, p. 336; Diribitores; Situla; Tabella; Tabellariae Leges.

Those who had the *Jus Suffragii* or the right of voting in the comitia, as well as the capacity of enjoying magistracies, were citizens *optimo jure*. [Civitas, p. 291, b.]

SUGGESTUS means in general any elevated place made of materials heaped up (*sub* and *gero*), and is specially applied: 1. To the stage or pulpit from which the orators addressed the people in the comitia. [Rostra.] 2. To the elevation from which a general addressed the soldiers. (Tacit. *Hist.* i. 35.) 3. To the elevated seat from which the emperor beheld the public games (Suet. *Jul.* 76; Plin. *Paneg.* 51), also called *cubiculum*. [Cubiculum.]

SUGGRUNDA'RIUM. [Funus, p. 559, b.]

SUI HERE'DES. [Heres, p. 598, b.]

SUMTUA'RIAE LEGES, the name of various laws passed to prevent inordinate expense (*sumtus*) in banquets, dress, &c. (Gellius, ii. 24, xx. 1.) In the states of antiquity it was considered the duty of government to put a check upon extravagance in the private expenses of persons, and among the Romans in particular we find traces of this in the laws attributed to the kings and in the Twelve Tables. The censors, to whom was entrusted the *disciplina* or *cura morum*, punished by the *nota censoria* all persons guilty of what was then regarded as a luxurious mode of living: a great many instances of this kind are recorded. [Censor, p. 264, a.] But as the love of luxury greatly increased with the foreign conquests of the republic and the growing wealth of the nations, various Leges Sumtuariae were passed at different times with the object of restraining it. These however, as may be supposed, rarely accomplished their object, and in the latter times of the republic they were virtually repealed. The following is a list of the most important of them arranged in chronological order.

Oppia, proposed by the tribune C. Oppius in the consulship of Q. Fabius and Ti. Sempronius in the middle of the second Punic war B. C. 213, enacted that no woman should have above half an ounce of gold, nor wear a dress of different colours, nor ride in a carriage in the city or in any town, or within a mile of it, unless on account of public sacrifices. This law was repealed twenty years afterwards (Liv. xxxiv. 1, 8; Val. Max. ix. 1. § 3), whence we frequently find the Lex Orchia mentioned as the first Lex Sumtuaria. Tacitus (*Ann.* iii. 33, 34) speaks of Oppiae Leges.

Orchia, proposed by the tribune C. Orchius in the third year after the censorship of Cato B. C. 181, limited the number of guests to be present at entertainments. When attempts were afterwards made to repeal this law, Cato offered the strongest opposition, and delivered a speech in defence of the law, which is referred to by the grammarians. (Macrob. *Sat.* ii. 13; Festus, *s. vv. Obsonitavere, Percunctatum;* Schol. Bob. *in Cic. pro Sest.* p. 310, ed. Orelli; Meyer, *Orat. Roman. Fragm.* p. 91, &c., 2d ed.).

Fannia, proposed by the consul C. Fannius B. C. 161, limited the sums which were to be spent on entertainments, and enacted that not more than 100 asses should be spent on certain festivals named in the lex, whence it is called *Centussis* by Lucilius, that on ten other days in each month not more than 30 asses, and that on all other days not more than 10 asses should be expended: also that no other fowl but one hen should be served up, and that not fattened for the purpose. (Gell. ii. 24; Macrob. *Sat.* ii. 13; Plin. *H. N.* x. 50. s. 71.)

Didia, passed B. C. 143, extended the Lex Fannia to the whole of Italy, and enacted that not only those who gave entertainments which exceeded in expense what the law had prescribed, but also all who were present at such entertainments, should be liable to the penalties of the law. We are not however told in what these consisted. (Macrob. *Sat.* ii. 13.)

Licinia agreed in its chief provisions with the Lex Fannia, and was brought forward, we are told, that there might be the authority of a new law upon the subject, inasmuch as the Lex Fannia was beginning to be neglected. It allowed 200 asses to be spent on entertainments upon marriage days and on other days the same as the Lex Fannia: also, that on ordinary days there should not be served up more than three pounds of fresh and one pound of salt meat. (Gell. Macrob. *ll. cc.*) Gellius (*l. c.*) states, that this law was brought forward by P. Licinius Crassus, but we do not know at what time, probably however in his praetorship B. C. 103. Gellius relates elsewhere (xv. 8) that a Latin orator of the name of Favorinus spoke in support of this law. (See *Dict. of Biog.* art. *Favorinus.*)

Cornelia, a law of the dictator Sulla B. C. 81, was enacted on account of the neglect of the Fannian and Licinian Laws. Like these it regulated the expenses of entertainments. (Gell. ii. 24; Macrob. *l. c.*) Extravagance in funerals, which had been forbidden even in the Twelve Tables (Cic. *de Leg.* ii. 23—25), was also restrained by a law of Sulla. (Plut. *Sull.* 35.) It was probably the same law which determined how much might be spent upon monuments. (Cic. *ad Att.* xii. 35, 36.)

Aemilia, proposed by the consul Aemilius Lepidus B. C. 78, did not limit the expenses of entertainments, but the kind and quantity of food that was to be used. (Gell. Macrob. *ll. cc.*) Pliny (*H. N.* viii. 57. s. 82) and Aurelius Victor (*de Vir. Ill.* 72) ascribe this law to the consulship of M. Aemilius Scaurus B. C. 115. It is not impossible that there may have been two Aemilian Leges on the subject.

Antia, of uncertain date, proposed by Antius Restio, besides limiting the expenses of entertainments, enacted that no actual magistrate, or magistrate elect, should dine abroad anywhere except at the houses of certain persons. This law however was little observed; and we are told that Antius never dined out afterwards, that he might not see his own law violated. (Gell. Macrob. *ll. cc.*)

Julia, proposed by the dictator C. Julius Caesar, enforced the former sumptuary laws respecting entertainments, which had fallen into disuse. (Dion Cass. xliii. 25.) Julius Caesar adopted strong measures to carry this law into execution, but it was violated when he was absent from Rome. (Cic. *ad Att.* xiii. 7.) He stationed officers in the provision market to seize upon all eatables forbidden by the law, and sometimes sent lictors and soldiers to banquets to take away every thing which was not allowed by the law. (Suet. *Jul.* 43.) Cicero seems to refer to this law in two of his epistles (*ad Fam.* vii. 26, ix. 15).

Julia, a lex of Augustus, allowed 200 sesterces to be expended upon festivals on dies profesti, 300 upon those on the Calends, Ides, Nones, and some other festive days, and 1000 upon marriage feasts. There was also an edict of Augustus or Tiberius by which as much as from 300 to 2000 sesterces were allowed to be expended upon entertainments, the increase being made with the hope of securing thereby the observance of the law. (Gell. *l. c.*; Sueton. *Octav.* 34.)

Tiberius attempted to check extravagance in banquets (Suet. *Tib.* 34); and a senatusconsultum was passed in his reign for the purpose of restraining luxury, which forbade gold vases to be employed, except for sacred purposes, and which also prohibited the use of silk garments to men. (Tacit. *Ann.* ii. 33; Dion Cass. lvii. 15.) This sumptuary law, however, was but little observed. (Tacit. *Ann.* iii. 52, 53.) Some regulations on the subject were also made by Nero (Suet. *Ner.* 16), and by succeeding emperors, but they appear to have been of little or no avail in checking the increasing love of luxury in dress and food. (Platner, *Exercit. II. de Legibus Sumtuariis Rom.* Lips. 1752; Boxmann, *Dissert. antiquario-juridica de Leg. Rom. Sumtuariis*, Lugd. Batav. 1816.)

Sumptuary laws were not peculiar to antiquity. "Our own legislation, which in its absurd as well as its best parts has generally some parallel in that of the Romans, contains many instances of Sumptuary Laws, which prescribed what kind of dress, and of what quality, should be worn by particular classes, and so forth. The English Sumptuary Statutes relating to apparel commenced with the 37th of Edward III. This statute, after declaring that the outrageous and excessive apparel of divers people against their estate and degree is the destruction and impoverishment of the land, prescribes the apparel of the various classes into which it distributes the people; but it goes no higher than knights. The clothing of the women and children is also regulated. The next statute, 3rd of Edward IV., is very minute. This kind of statute-making went on at intervals to the 1st of Philip and Mary, when an act was passed for the Reformation of Excessive Apparel. These Apparel statutes were repealed by the 1st of James I." (Long's Translation of Plutarch's Life of Sulla, c. 2.)

SUOVETAURI'LIA. [Sacrificium; Lustratio.]

SUPERFI'CIES, SUPERFICIA'RIUS. — Superficies is anything which is placed upon the ground, so as to become attached to it. The most common case of superficies is that of buildings erected on another man's land. "Those are aedes superficiariae which are built on hired ground, and the property of which both by the Jus Civile and Naturale belongs to him to whom the ground (*solum*) also belongs." (Gaius, Dig. 43. tit. 18. s. 2.) Cicero (*ad Att.* iv. 2) uses the expression "*superficies aedium*." Every building then was considered a part of the ground on which it stood; and the ownership and possession of the building were inseparable from the ownership and possession of the ground. The Superficies resembles a Servitus and is classed among the Jura in re. According to the definition, the Superficiarius had not the thing even In bonis; and as the animus Domini could not exist in the case of Superficies, he consequently could not be Possessor. He had however a Juris Quasi Possessio. The Superficiarius had the right to the enjoyment of the Superficies: he could alienate the Superficies and pledge it for the term of his enjoyment; he could dispose of it by testament; and it could be the object of succession ab intestato; he could also make it subject to a Servitus; and he could prosecute his right by a utilis in rem actio. As he had a Juris Quasi Possessio, he was protected against threatened disturbance by a special Interdict, which is given in the Digest (43. tit. 18), and in its effect resembles the Interdictum Uti possidetis. The explanation of the passage relating to this Interdict (Dig. 43. tit. 18. s. 3) is given by Savigny (*Das Recht des Besitzes*, p. 289, 5th ed.). If he was ejected, he could have the Interdictum de vi, as in the case of proper Possession; and if he had granted the use of the Superficies to another Precario, who refused to restore it, he had the Interdictum de precario.

A man could obtain the use of a Superficies by agreement with the owner of the land for permission to erect a building on it: he thus obtained a Jus Superficiarium; and he might also by agreement have the use of an existing Superficies. He was bound to discharge all the duties which he owed in respect of the Superficies, and to make the proper payment in respect of it (*solarium*), if any payment had been agreed on. The solarium was a ground-rent. (Dig. 43. tit. 8. s. 2. § 17.)

The rule of law that the Superficies belonged to the owner of the soil was expressed thus: Superficies solo cedit. (Gaius, ii. 73.) If then a man built on another man's land, the house became the property of the owner of the land. But if the owner of the land claimed the house, and would not pay the expense incurred by building it, the builder of the house could meet the claimant with a plea of dolus malus (*exceptio doli mali*), that is to say, if he was a Bonae fidei possessor. In any other case, he had of course no answer to the owner's claim.

According to Coke (*Co. Litt.* 48, b), "a man may have an inheritance in an upper chamber, though the lower buildings and the soil be in another, and seeing it is an inheritance corporeal, it shall pass by livery." But this doctrine is open to serious objections, and contradicts a fundamental principle of law.

At Rome if a man received permission to build on a locus publicus, he thereby obtained a Jus Superficiarium. The Lex Icilia de Aventino, B. C. 456, probably gave the ground in ownership to the Plebs. Dionysius, who speaks particularly of this lex, says that several persons united to build a house on the same plot of ground, and distributed the stories among them; this, however, would not be a case of superficies, but a communio pro indiviso. In later times, it was common at Rome for the ground on which Insulae were built to remain the property of the owner of the soil, while other persons had a Jus Superficiarium in the different stories, in respect of which a rent (*solarium*) was payable to the dominus of the soil. Rudorff (*Beitrag zur Geschichte der Superficies, Zeitschrift für Geschicht. Rechtsw.* &c., No. xi.) says that these terms were as common in Rome "as they now are in London where great landholders, in consideration of a rent for nine and ninety years, and the reservation of the ownership of the soil, allow others to occupy building ground and slightly built houses." He who builds on another's land on a building lease has a Jus Superficiarium and nothing more.

(Gaius, ii. 73—75; Dig. 43. tit. 18; Lex Icilia, Dionys. *Antiq. Rom.* x. 32; Puchta, *Inst.* ii. § 244; *Zeitschrift. &c.* xi. 219; Stair, *Institutes*, book ii. tit. 7; M'Dowell, *Inst.* i. 676; *Code Civil*, art. 664.) [G. L.]

SUPERNUMERA'RII. [Accensi.]

SU'PPARUM. [Navis, p. 790, a; Tunica.]

SUPPLICA'TIO was a solemn thanksgiving or supplication to the gods decreed by the senate, when all the temples were opened, and the statues of the gods frequently placed in public upon couches (*pulvinaria*), to which the people offered up their thanksgivings and prayers (*ad omnia pulvinaria supplicatio decreta est*, Cic. *in Catil.* iii. 10). [Lectisternium.] A *Supplicatio* was decreed for two different reasons.

I. As a thanksgiving, when a great victory had been gained: it was usually decreed as soon as official intelligence of the victory had been received by a letter from the general in command. The number of days during which it was to last was proportioned to the importance of the victory. Sometimes it was decreed for only one day (Liv. iii. 63), but more commonly for three or five days. A supplication of ten days was first decreed in honour of Pompey at the conclusion of the war with Mithridates (Cic. *de Prov. Cons.* 11), and one of fifteen days after the victory over the Belgae by Caesar, an honour which Caesar himself says (*B. G.* ii. 35) had never been granted to any one before. (Compare Cic. *l. c.*) Subsequently a supplicatio of twenty days was decreed after his conquest of Vercingetorix. (Caes. *B. G.* vii. 90.) From this time the senate seems to have frequently increased the number of days out of mere compliment to the general. We thus find mention of thanksgivings for forty days (Dion Cass. xliii. 14), fifty days (*Id.* xliii. 42, and Cic. *Phil.* xiv. 14), and even sixty. (Dion Cass. xl. 50.) A supplicatio was usually regarded as a prelude to a triumph, but it was not always followed by one, as Cato reminds Cicero, to whose honour a supplicatio had been decreed. (Cic. *ad Fam.* xv. 5.) This honour was conferred upon Cicero on account of his suppression of the conspiracy of Catiline, which had never been decreed to any one before in a civil capacity (*togatus*), as he frequently takes occasion to mention. (*In Catil.* iii. 6, 10, *in Pis.* 3, *Phil.* ii. 6.)

II. A *Supplicatio*, a solemn supplication and humiliation, was also decreed in times of public danger and distress, and on account of prodigies to avert the anger of the gods. (Liv. iii. 7, x. 23, xxxi. 9, xxxvii. 3.)

SURDUS. [Obligationes, p. 818, a; Testamentum.]

SUSPENSU'RA. [Balneae, p. 191, b.]

SYCOPHANTES (*συκοφάντης*). At an early period in Attic history a law was made prohibiting the exportation of figs. Whether it was made in a time of dearth, or through the foolish policy of preserving to the natives the most valuable of their productions, we cannot say. It appears, however, that the law continued in force long after the cause of its enactment, or the general belief of its utility, had ceased to exist; and Attic fig-growers exported their fruit in spite of prohibitions and penalties. To inform against a man for so doing was considered harsh and vexatious; as all people are apt to think that obsolete statutes may be infringed with impunity. Hence the term *συκοφαντεῖν*, which originally signified *to lay an information against another for exporting figs*, came to be applied to all ill-natured, malicious, groundless, and vexatious accusations. It is defined by Suidas, *ψευδῶς τινος κατηγορεῖν*. (Stephan. *Thesaur.* 8873, b.)

Sycophantes in the time of Aristophanes and Demosthenes designated a person of a peculiar class, not capable of being described by any single word in our language, but well understood and appreciated by an Athenian. He had not much in common with our *sycophant*, but was a happy compound of the *common barretor*, *informer*, *pettifogger*, *busybody*, *rogue*, *liar*, *and slanderer*. The Athenian law permitted any citizen (*τὸν βουλόμενον*) to give information against public offenders, and prosecute them in courts of justice. It was the policy of the legislator to encourage the detection of crime, and a reward (such as half the penalty) was frequently given to the successful accuser. Such a power, with such a temptation, was likely to be abused, unless checked by the force of public opinion, or the vigilance of the judicial tribunals. Unfortunately, the character of the Athenian democracy and the temper of the judges furnished additional incentives to the informer. Eminent statesmen, orators, generals, magistrates, and all persons of wealth and influence were regarded with jealousy by the people. The more causes came into court, the more fees accrued to the judges, and fines and confiscations enriched the public treasury. The prosecutor therefore in public causes, as well as the plaintiff in civil, was looked on with a more favourable eye than the defendant, and the chances of success made the employment a lucrative one. It was not always necessary to go to trial or even to commence legal proceedings. The timid defendant was glad to compromise the cause, and the conscious delinquent to avert the threat of a prosecution by paying a sum of money to his opponent. Thriving informers found it not very difficult to procure witnesses, and the profits were divided between them. According to Theophrastus (*ap. Athen.* vi. 254, b), Athens was full of *Διονυσοκολάκων καὶ λωποδυτῶν καὶ ψευδομαρτύρων καὶ συκοφαντῶν καὶ ψευδοκλητήρων*. The character of the *συκοφάνται* will be best understood by the examples and descriptions found in the Attic writers. Aristophanes directs the keenest edge of his satire against them. (See particularly *Acharn.* 818, *Aves*, 1410, *Plut.* 850.) Demosthenes says: *πονηρὸν ὁ συκοφάντης καὶ βάσκανον καὶ φιλαίτιον* (*de Coron.* 307; compare *c. Eubul.* 1309). *Συκοφαντεῖν τριάκοντα μνᾶς* in Lysias (*c. Evand.* 177, ed. Steph.) signifies "to extort thirty minas by *Sycophant-like* practices." (See further Lys. Δημ. Καταλ. Απολ. 171; Aesch. *de Fals. Leg.* 36, ed.

Steph. ; Dem. *de Cor.* 291 ; Xenoph. *Mem.* ii. 9. § 4, *de Rep. Ath.* i. 4.) That the increase of litigation and perjury was in some measure owing to the establishment of clubs and political associations and the violence of party spirit, may be gathered from various passages of the Attic writers. (Thucyd. viii. 54 ; Demosth. *c. Boeot. de dote*, 1010, *c. Pantaen.* 978, *c. Zenoth.* 885.)

The Athenian law did indeed provide a remedy against this mischievous class of men. There was a *γραφὴ συκοφαντίας* tried before the Thesmothetae. Any person who brought a false charge against another, or extorted money by threat of legal proceedings, or suborned false witnesses, or engaged in a conspiracy to ruin the character of an innocent man, was liable to this *γραφή*. He might also be proceeded against by *φάσις*, *ἔνδειξις*, *ἀπαγωγή*, *προβολή* or *εἰσαγγελία*. (See articles PHASIS, &c. ; Aesch. *de Fals. Leg.* 47, ed. Steph. ; Dem. *c. Theocr.* 1325.) The trial was an *ἀγὼν τιμητός*. The heaviest punishment might be inflicted, together with *ἀτιμία* and confiscation of property. Besides this, if any man brought a criminal charge against another, and neglected to prosecute it (*ἐπεξελθεῖν*), he was liable to a penalty of 1000 drachmas, and lost the privilege of instituting a similar proceeding in future, which was considered to be a species of *ἀτιμία*. (Dem. *c. Mid.* 548, *c. Theocr.* 1323.) The same consequence followed, if he failed to obtain a fifth part of the votes at the trial. The *ἐπωβελία* in civil actions was a penalty of the same kind and having the same object: viz., to prevent the abuse of legal process, and check frivolous and unjust actions. Such were the remedies provided by law, but they were found inefficacious in practice ; and the words of Aristophanes (*Plutus*, 885) were not more severe than true : "there is no charm against the bite of a Sycophantes." (See Platner, *Proc. und Klag.* vol. ii. p. 164 ; Meier, *Att. Proc.* p. 335 ; Schömann, *Ant. Jur. pub. Gr.* pp. 101, 185 ; Pollux, viii. 31, 46, 47, 88.) [C.R.K.]

SYLAE (*σῦλαι*). When a Greek state, or any of its members, had received an injury or insult from some other state or some of its members, and the former was unwilling, or not in a condition, to declare open war, it was not unusual to give a commission, or grant public authority to individuals to make reprisals. This was called *σύλας*, or *σῦλα, διδόναι*. (Demosth. *c. Lacrit.* 931 ; Lysias, *c. Nicom.* 185, ed. Steph.) Polybius (iv. 26, 36, 53) calls it *λάφυρον* or *ῥύσια καταγγέλλειν*. Thus, when the Lacedaemonians thought the Athenians had broken the treaty with them by making incursions from Pylus, they issued a proclamation that any of their subjects might commit depredations on the Athenians (*ληΐζεσθαι τοὺς Ἀθηναίους*, Thucyd. v. 115). Demosthenes (*de Coron. Trierarch.* 1232) declares that the deputy captains of triremes so misbehaved themselves in foreign countries, plundering everybody they came near, that no Athenian could travel safely *διὰ τὰς ὑπὸ τούτων ἀνδροληψίας καὶ σύλας κατεσκευασμένας*, where *ἀνδροληψίας* refers to the arrest of the person, *σύλας* to the seizure of goods. Suidas explains *σῦλαι* by the synonym *συλλήψεις*. As to *ἀνδροληψίαι* for another purpose, see PHONOS. In the *ναυτικὴ συγγραφὴ* in the speech of Demosthenes (*c. Lacr.* 927), one of the conditions is that goods may be landed only *ὅπου ἂν μὴ σῦλαι ὦσιν Ἀθηναίοις*, "where no hostilities are exercised against Athenians." The people of Athens passed a special decree to authorise privateering ; and when any booty was taken by Athenian subjects, they reserved to themselves the right of determining whether it was lawfully taken, whether it ought to be kept or restored, and what should be done with it. (Demosth. *c. Timocr.* 703 ; Argum. 694, 695.) The ancient practice may be compared with the modern one of granting letters of marque and reprisal. (Harpocr. *s. v.* *Σύλας* : Schömann, *de Comit.* p. 284, *Ant. Jur. Pub. Gr.* p. 367.) [C.R.K.]

SYLLOGEIS (*συλλογεῖς*), usually called *Συλλογεῖς τοῦ δήμου*, or the Collectors of the People, were special commissioners at Athens, who made out a list of the property of the oligarchs previously to its confiscation. (*Lex Rhet.* p. 304, Bekker.) They formed an *ἀρχή* (Harpocr. *s. v.* *Συλλογή*), and seem to have been introduced after the dominion of the Thirty Tyrants. It appears from an inscription that the Syllogeis had to attend to the sacred rites connected with the worship of Athena and the Olympian Zeus, whence Böckh conjectures that they collected or summoned the citizens to certain sacred rites, in which the people were feasted, and that from this circumstance they derived their name : the property of the oligarchs, of which they are said to have made out a list for the purpose of confiscation, may have been applied to these public banquets, since confiscated property was not unfrequently divided among the citizens. (*Corpus Inscr. Graec.* No. 99. pp. 137, 138, No. 157. p. 250.)

SY'MBOLA. [COENA, p. 304, b ; DICASTES.]

SYMBOLAEON, SYNALLAGMA, SYNTHE'CE (*συμβόλαιον*, *συνάλλαγμα*, *συνθήκη*), are all words used to signify a contract, but are distinguishable from one another. *Συμβόλαιον* is used of contracts and bargains between private persons, and peculiarly of loans of money. Thus, *συμβαλεῖν εἰς ἀνδράποδον* is, to lend upon the security of a slave. (Demosth. *c. Aphob.* 822, *c. Zenoth.* 884, *c. Phorm.* 907, *c. Timoth.* 1185, *c. Dionys.* 1284.) *Συνάλλαγμα* signifies any matter negotiated or transacted between two or more persons, whether a contract or anything else. (Demosth. *c. Onet.* 867, 869, *c. Timocr.* 760.) *Συνθήκη* is used of more solemn and important contracts, not only of those made between private individuals, but also of treaties and conventions between kings and states. (Thucyd. i. 40, v. 18, viii. 37 ; Xenoph. *Hell.* vii. 1. § 2 ; Demosth. *de Rhod.* 199, *de Coron.* 251, *c. Aristog.* 774 ; Dinarch. *c. Demosth.* 101, ed. Steph.)

As to the necessity or advantage of having written agreements between individuals, see SYNGRAPHE. National compacts, on account of their great importance, and the impossibility of otherwise preserving evidence of them, were almost always committed to writing, and commonly inscribed on pillars or tablets of some durable material. (Thucyd. v. 23, 47 ; see Aristoph. *Acharn.* 727.) Upon a breach, or on the expiration, of the treaty, the pillars were taken down. (Demosth. *pro Megalopol.* 209.)

For breaches of contract actions were maintainable at Athens, called *συμβολαίων* (or *συνθηκῶν*) *παραβάσεως δίκαι*. (Pollux, vi. 153, viii. 31.) Such actions, it is apprehended, applied only to express contracts, not to obligations *ex delicto*, or the *ἀκούσια συναλλάγματα* of Aristotle. (*Ethic. Nicom.* v. 4.) Thus, if I had promised to pay a sum of money by a certain day, and failed to perform that promise, an action for breach of contract would have lain at Athens. But if my cow had broken my neighbour's fence, my obligation to repair the damage would have given rise not to an action for breach of contract, but to a δίκη βλάβης. (Meier, *Att. Proc.* pp. 476, 477.) On the other hand, a δίκη βλάβης would lie against a person who had committed a breach of contract; for he was regarded as a wrongdoer, and liable to pay compensation to the party injured. Therefore Dionysodorus, who had failed to perform the conditions of a ναυτικὴ συγγραφὴ, had a δίκη βλάβης brought against him by the persons who lent him money on his ship. (Demosth. 1282; see also *pro Phorm.* 950, *c. Callipp.* 1240.) The Athenian law frequently gave an option between various forms of action. It is not, however, improbable that the δίκη συνθηκῶν παραβάσεως was only one species of the δίκη βλάβης, and the name one of a less technical kind. Wherever a debt had become due to a man by reason of some previous contract, we may suppose that he had the option between an action of debt (χρέους) and one for breach of contract. The same observation will apply to the δίκαι παρακαταθήκης, ἀργυρίου, and others of a similar kind. The main point of difference might be this: that in a general action for breach of contract, the plaintiff went for unliquidated damages, which the court had to assess; whereas, upon a claim to recover a debt or sum certain, or a specific chattel, the court had nothing more to do than to determine whether the plaintiff was entitled to it or not; the ἀγὼν was ἀτίμητος. All such actions were tried before the Θεσμοθέται. (Meier, *Att. Proc.* pp. 67, 184, 493—497, 510.)

Ὁμολογία appears to be a word of less technical nature than συνθήκη, though (as we might expect in words of this sort) they are often used indifferently. Grammarians make them synonymous. (Harpocr. *s. v.* Ἀσυνθετώτατον: Suidas, *s. v.* Συνθήκη.) Συνθήκας ποιεῖσθαι or τίθεσθαι μετά τινος is, to make an agreement with any one; ἐμμένειν ταῖς συνθήκαις, to abide by it; ὑπερβαίνειν or παραβαίνειν, to break or transgress. Here we may observe, that συνθῆκαι is constantly used in the plural, instead of συνθήκη, the only difference being, that strictly the former signifies the terms or articles of agreement, in the same manner as διαθῆκαι, the *testamentary dispositions*, is put for διαθήκη, *the will.* Σύμβολον also signifies a compact or agreement, but had become (in Attic parlance) obsolete in this sense, except in the expression δίκαι ἀπὸ συμβόλων. (See below.) [C.R.K.]

SYMBOLON, DIKAE APO (δίκαι ἀπὸ συμβόλων). The ancient Greek states had no well defined international law for the protection of their respective members. In the earlier times troops of robbers used to roam about from one country to another, and commit aggressions upon individuals, who in their turn made reprisals, and took the law into their own hands. Even when the state took upon itself to resent the injury done to its members, a violent remedy was resorted to, such as the giving authority to take σῦλα, or ῥύσια, a sort of national distress. As the Greeks advanced in civilization, and a closer intercourse sprang up among them, disputes between the natives of different countries were settled (whenever it was possible) by friendly negotiation. It soon began to be evident, that it would be much better, if, instead of any interference on the part of the state, such disputes could be decided by legal process, either in the one country or the other. Among every people, however, the laws were so framed, as to render the administration of justice more favourable to a citizen than to a foreigner; and therefore it would be disadvantageous, and often dangerous, to sue a man, or be sued by him, in his own country. The most friendly relation might subsist between two states, such as συμμαχία or ἐπιγαμία, and yet the natives of each be exposed to this disadvantage in their mutual intercourse. To obviate such an evil, it was necessary to have a special agreement, declaring the conditions upon which justice was to be reciprocally administered. International contracts of this kind were called σύμβολα, defined by Suidas thus, συνθῆκαι ἃς ἂν ἀλλήλαις αἱ πόλεις θέμεναι τάττωσι τοῖς πολίταις, ὥστε διδόναι καὶ λαμβάνειν τὰ δίκαια: and the causes tried in pursuance of such contracts were called δίκαι ἀπὸ συμβόλων. The more constant and more important the intercourse between any two nations, the more necessary would it be for them to establish a good system of international jurisprudence. Commercial people would stand in need of it the most. Aristotle mentions the Tuscans and Carthaginians as having σύμβολα περὶ τοῦ μὴ ἀδικεῖν. (*Polit.* iii. 1, 3, and 5, 10.) No such agreement has been preserved to us, and we know but little about the terms that were usually prescribed. The basis of them seems to have been the principle that *actor sequitur forum rei;* but this, as well as other conditions, must have varied according to circumstances. Liberty of person, and protection of property, would, no doubt, be secured to the foreigner, as far as possible; and it would be the duty of the πρόξενος to see that these rights were respected. A common provision was, that the party who lost his cause might appeal to the tribunal of the other country, or to that of some third state mutually agreed upon. (Etym. Magn. *s. v.* Ἔκκλητος πόλις.) This was perhaps suggested by the practice which had grown up, of referring national quarrels to the arbitration of some individual or third state. (Thucyd. i. 34, 78, 140, v. 41, vii. 18; Schömann, *Ant. Jur. pub. Gr.* p. 367.)

When the Athenians made any such treaty, they required it to be approved of and finally ratified by a jury of the Heliaea, under the direction of the Thesmothetae. Hence Pollux (viii. 88) says of those magistrates, τὰ σύμβολα τὰ πρὸς τὰς πόλεις κυροῦσιν. The other contracting state was therefore compelled to send an envoy to Athens, with power to conclude the treaty (if he thought fit) as it was drawn up and settled by the Thesmothetae and jurors. Most of the people with whom the Athenians had to deal, were either subject or inferior to them, and were content to acquiesce in the above regulation. Philip, however, would not submit to it, and demanded that the terms should receive final ratification in Macedonia. This demand is made the subject of complaint by Demosthenes (*de Halon.* 78).

The name of δίκαι ἀπὸ συμβόλων was given also to the causes which the allies of the Athenians sent to be tried at Athens. (Pollux, viii. 63.) This fact has been called in question by Böckh, but there is not much reason for doubting it. It is true that the expression is not strictly applicable to causes, not between an Athenian and a foreigner, but between two foreigners; and it may be allowed that the object of the Athenians in bringing such causes to Athens was, not to give the allies a better or speedier means of obtaining justice, but to secure certain advantages to the imperial city. (Xenoph. *de Republ. Ath.* i. 16.) It is, however, not improbable that the arrangement was called *σύμβολα*, for the very purpose of softening the harshness of the measure, by giving an honourable name to that which in reality was a mark of servitude. For the same reason the confederate states were called *σύμμαχοι*, *allies*, while in point of fact they were rather *ὑπήκοοι* or *subjects*.

These causes were tried in the summer months, when the voyage to Athens was more convenient, and (like all other *δίκαι ἀπὸ συμβόλων*) belonged to the jurisdiction of the Thesmothetae. We have but one example of such a cause preserved to us, viz. the speech of Antiphon on the death of Herodes, where both the prosecutor and the defendant are natives of Mytilene. (Harpoc. *s. v.* *Σύμβολα*: Thucyd. i. 77. c. not. Goeller; Platner, *Proc. und Klag.* vol. i. pp. 105—114; Meier, *Att. Proc.* pp. 67, 773; Schömann, *Ant. jur. publ. Gr.* p. 376.) [C. R. K.]

SYMBU'LI (*σύμβουλοι*). [Paredri.]

SYMMO'RIA (*συμμορία*). [Eisphora; Trierarchia.]

SY'MPHOREIS (*συμφορεῖς*). [Exercitus, p. 485, b.]

SYMPO'SIUM (*συμπόσιον*, *comissatio*, *convivium*), a drinking-party. The *συμπόσιον*, or the *πότος*, must be distinguished from the *δεῖπνον*, for though drinking almost always followed a dinner-party, yet the former was regarded as entirely distinct from the latter, was regulated by different customs, and frequently received the addition of many guests, who were not present at the dinner. For the Greeks did not usually drink at their dinner, and it was not till the conclusion of the meal, that wine was introduced, as is explained under Coena [p. 306, a]. Thus we read in the Symposium of Plato (p. 176, a.) that after the dinner had been finished, the libations made, and the paean sung, they turned to drinking (*τρέπεσθαι πρὸς τὸν πότον*).

Symposia seem to have been very frequent at Athens. Their enjoyment was heightened by agreeable conversation, by the introduction of music and dancing, and by games and amusements of various kinds: sometimes, too, philosophical subjects were discussed at them. The Symposia of Plato and Xenophon give us a lively idea of such entertainments at Athens. The name itself shows, that the enjoyment of drinking was the main object of the Symposia: wine from the juice of the grape (*οἶνος ἀμπέλινος*) was the only drink partaken of by the Greeks, with the exception of water. For palm-wine and beer [Cerevisia], though known to many of the Greeks from intercourse with foreign nations, were never introduced among them; and the extraordinary cheapness of wine at Athens [Vinum] enabled persons even in moderate circumstances to give drinking-parties to their friends. Even in the most ancient times the enjoyment of wine was considered one of the greatest sources of pleasure, and hence Musaeus and his son supposed that the just passed their time in Hades in a state of perpetual intoxication, as a reward of their virtue (*ἡγησάμενοι κάλλιστον ἀρετῆς μισθὸν μέθην αἰώνιον*, Plat. *Leg.* ii. p. 363, c. d.). It would appear from the Symposium of Plato, that even the Athenians frequently concluded their drinking-parties in rather a riotous manner, and it was to guard against this that such parties were forbidden at Sparta and in Crete. (Plat. *Min.* p. 320, a.)

The wine was almost invariably mixed with water, and to drink it unmixed (*ἄκρατον*) was considered a characteristic of barbarians. (Plat. *Leg.* i. p. 637, e.) Zaleucus is said to have enacted a law among the Locrians, by which any one who was ill and drank of unmixed wine without the command of his physician, was to be put to death (Aelian, *V. H.* ii. 37); and the Greeks in general considered unmixed wine as exceedingly prejudicial to physical and mental health. (Athen. ii. p. 36, b.) The Spartans attributed the insanity of Cleomenes to his indulging in this practice, which he learnt from the Scythians. (Herod. vi. 84.) So universal was it not to drink wine unless mixed with water, that the word *οἶνος* is always applied to such a mixture, and whenever wine is spoken of in connection with drinking, we are always to understand wine mixed with water, unless the word *ἄκρατος* is expressly added (*τὸ κρᾶμα, καίτοι ὕδατος μετέχον πλείονος, οἶνον καλοῦμεν*, Plut. *Conjug. Praec.* 20).

The proportion, in which the wine and water were mixed, naturally differed on different occasions. To make a mixture of even half wine and half water (*ἴσον ἴσῳ*) was considered injurious (Athen. *l. c.*), and generally there was a much greater quantity of water than of wine. It appears from Plutarch (*Symp.* iii. 9), Athenaeus (x. p. 426), and Eustathius (*ad Od.* ix. 209. p. 1624), that the most common proportions were 3 : 1, or 2 : 1, or 3 : 2. Hesiod (*Op.* 596) recommends the first of these.

The wine was mixed either with warm or cold water: the former, which corresponded to the *Calida* or *Calda* of the Romans [Calida], was by far the less common. On the contrary, it was endeavoured to obtain the water as cool as possible, and for this purpose both snow and ice were frequently employed. [Psycter.] Honey was sometimes put in the wine (Athen. i. p. 32, a.), and also spices (Id. p. 31, e.): in the latter case it received the name of *τρίμμα*, and is frequently mentioned by the writers of the New Comedy. (Pollux, vi. 18.) Other ingredients were also occasionally added.

The mixture was made in a large vessel called the *κρατήρ* [Crater], from which it was conveyed into the drinking-cups by means of *οἰνοχόαι* or *κύαθοι*. [Cyathus.] The cups usually employed were the *κύλιξ*, *φιάλη*, *καρχήσιον*, and *κάνθαρος*, of which an account is given in separate articles. The *ῥυτόν*, or drinking-horn, was also very commonly used. We find several craters on vases representing drinking scenes. (See for example *Mus. Borbon.* vol. v. t. 51.)

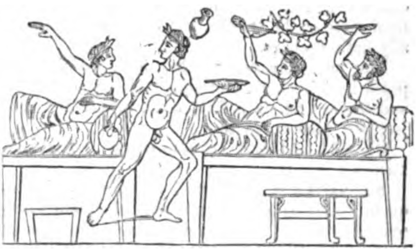
The guests at a Symposium reclined on couches and were crowned with garlands of flowers, as is explained under Coena. A master of the revels (*ἄρχων τῆς πόσεως*, *συμποσίαρχος* or *βασιλεύς*) was usually chosen to conduct the Symposium (*παιδαγωγεῖν συμπόσιον*, Plat. *Leg.* i. p. 641, a. b.), whose commands the whole company had to obey, and who regulated the whole order of the entertainment, proposed the amusements, &c. The same practice prevailed among the Romans, and their Symposiarch was called the *Magister* or *Rex Convivii*, or the *Arbiter Bibendi*. The choice was generally determined by the throwing of Astragali or Tali; but we find in Plato (*Symp.* p. 213, e.) Alcibiades constituting himself Symposiarch. The proportion in which the wine and water were mixed was fixed by him, and also how much each of the company was to drink. The servants (*οἰνοχόοι* and *οἰνηροὶ θεράποντες*), usually young slaves, who had to mix the wine and present it to the company, were also under his orders; but if there was no Symposiarch, the company called for the wine just as they pleased. (Xen. *Symp.* ii. 27.)

Before the drinking commenced, it was agreed upon in what way they should drink (Plat. *Symp.* p. 176, a. b.), for it was not usually left to the option of each of the company to drink as much or as little as he pleased, but he was compelled to take whatever the Symposiarch might order. At Athens they usually began drinking out of small cups (*μέτρια ποτήρια*, Athen. x. p. 431, e.), but as the entertainment went on, larger ones were introduced. (Diog. Laërt. i. 104.) In the Symposium of Plato (pp. 213, 214) Alcibiades and Socrates each empty an immense cup, containing eight cotylae, or nearly four English pints; and frequently such cups were emptied at one draught (*ἀπνευστὶ* or *ἀμυστὶ πίνειν*, *ἀμυστίζειν*, Athen. x. p. 431, b.; Lucian, *Lexiph.* 8; Suidas, *s. v.* *Ἀμυστί*).

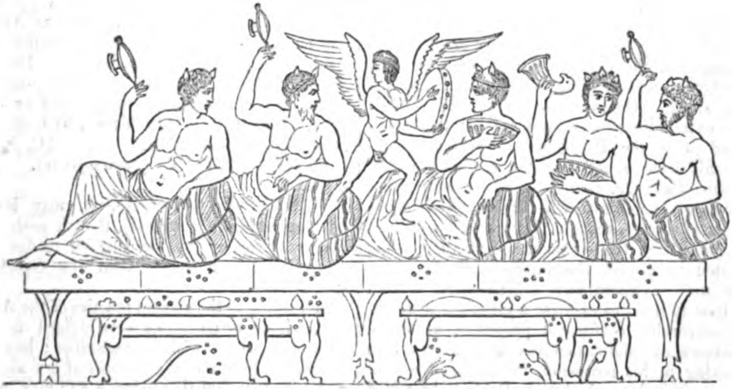
The cups were always carried round from right to left (*ἐπὶ δεξιά*), and the same order was observed in the conversation and in everything that took place in the entertainment (*ἐπὶ δεξιὰ διαπίνειν*, Plat. *Rep.* iv. p. 420, e., *ἐπὶ δεξιὰ λόγον εἰπεῖν*, *Symp.* p. 214, b.; Athen. xi. p. 463, e.). The company frequently drank to the health of one another (*προπίνειν φιλοτησίας*, Lucian, *Gall.* 12; Athen. xi. p. 498, d.), and each did it especially to the one to whom he handed the same cup. This seems to have been the custom, which Cicero alludes to, when he speaks of "drinking after the Greek fashion." (*Graeco more bibere*, *Verr.* i. 26; compare *Tusc.* i. 40, *Graeci in conviviis solent nominare, cui poculum tradituri sunt.*)

Music and dancing were usually introduced, as already stated, at Symposia, and we find few representations of such scenes in ancient vases without the presence of female players on the flute and the cithara. Plato, indeed, decidedly objects to their presence, and maintains that it is only men incapable of amusing themselves by rational conversation, that have recourse to such means of enjoyment (*Protag.* p. 347, c. d., *Symp.* p. 176, e.); but this says nothing against the general practice, and Xenophon in his Symposium represents Socrates mightily pleased with the mimetic dancing and other feats performed on that occasion. The female dancers and the players on the flute and the cithara were frequently introduced at the Symposia of young men for another purpose, and were oftentimes actually *ἑταῖραι* [Hetaerae], as we see clearly represented on many ancient vases. (See for example *Mus. Borbon.* vol. v. t. 51.) Respecting the different kinds of dances performed at Symposia, see Saltatio.

Representations of Symposia are very common on ancient vases. Two guests usually reclined on each couch (*κλίνη*), as is explained on p. 305, and illustrated by the following cut from one of Sir W. Hamilton's vases, where the couch on the right hand contains two persons, and that on the left is represented with only one, which does not appear to have been the usual practice. The guests wear garlands of flowers, and the two who are reclining on the same couch hold a *φιάλη* each in the right hand.



Sometimes there were four or five persons on one couch, as in the following woodcut, taken from Millin (*Peintures de Vases Antiques*, vol. ii. pl. 58). Three young and two older men are reclining on a couch (*κλίνη*), with their left arms resting on striped pillows (*προσκεφάλαια* or *ὑπαγκώνια*). Before the couch are two tables. Three of the men are holding a *calix* or *κύλιξ* suspended by one of the handles to the fore-finger, the fourth holds a *φιάλη*, and the fifth a *φιάλη* in one hand and a *ῥυτόν* in the other. [Calix; Phiala; Rhyton.] In the middle Comos is beating the tympanum.



Respecting the games and amusements by which the Symposia were enlivened, it is unnecessary to say much here, as most of them are described in separate articles in this work. Enigmas or riddles (*αἰνίγματα* or *γρῖφοι*) were among the most usual and favourite modes of diversion. [Aenigma.] The Cottabos was also another favourite game at Symposia, and was played at in various ways. [Cottabos.] The other games at Symposia, which require mention, are, the *ἀστραγαλισμός* and *κυβεία*, explained under Tali and Tesserae, the *πεττεία*, spoken of under Latrunculi, and the *χαλκισμός*. The latter consisted in turning round a piece of money placed upright on its edges, and causing it suddenly to stop while moving by placing a finger on its top. (Pollux, ix. 118; Eustath. *ad Il.* xiv. 291, p. 986.)

A drinking-party among the Romans was sometimes called *Convivium*, but the word *Comissatio* more nearly corresponds to the Greek *συμπόσιον*. [Comissatio.] The Romans, however, usually drank during their dinner (*coena*), which they frequently prolonged during many hours in the later times of the republic and under the empire. Their customs connected with drinking differed little from those of the Greeks, and have been incidentally noticed above.

The preceding account has been mainly composed from Becker's *Charikles* (vol. i. p. 451, &c.) and *Gallus* (vol. ii. p. 235, &c.), where the subject is treated at length.

SYNALLAGMA (*συνάλλαγμα*). [Symbolaeon.]

SY'NDICUS (*σύνδικος*), *an advocate*, is frequently used as synonymous with the word *συνήγορος*, to denote any one who pleads the cause of another, whether in a court of justice or elsewhere. *Συνδικεῖν* also is used indifferently with *συνηγορεῖν* or *συναγωνίζεσθαι*. (Andoc. *de Myst.* 19, ed. Steph.; Demosth. *c. Aristocr.* 689, *c. Zenoth.* 885, *c. Steph.* 1127.) Thus, the five public advocates, who were appointed to defend the ancient laws before the Court of Heliasts, when an amendment or a new law in abrogation thereof was proposed, are called both *σύνδικοι* and *συνήγοροι*. As to them, see Nomothetes and also Schömann, *de Comit.* p. 255, *Ant. Jur. Publ. Gr.* p. 228. The name of *σύνδικοι* seems to have been peculiarly applied to those orators who were sent by the state to plead the cause of their countrymen before a foreign tribunal. Aeschines, for example, was appointed to plead before the Amphictyonic council on the subject of the Delian temple; but a certain discovery having been made not very creditable to his patriotism, the court of Areiopagus took upon themselves to remove him, and appoint Hyperides in his stead. (Demosth. *de Coron.* 271, 272.) These extraordinary advocates are not to be confounded with the Pylagorae, or ordinary Amphictyonic deputies. (Schömann, *de Comit.* p. 321, *Ant. Jur. Publ. Gr.* p. 257.) There were other *σύνδικοι*, who acted rather as magistrates or judges than as advocates, though they probably derived their name from the circumstance of their being appointed to protect the interests of the state. These were extraordinary functionaries, created from time to time, to exercise a jurisdiction in disputes concerning confiscated property; as when, for instance, an information was laid against a man for having in his possession the goods of a condemned criminal, or which were liable to be seized in execution on behalf of the state; or when the goods of a convict having been confiscated, a claim was made by a mortgagee, or other creditor having a lien thereupon, to have his debt satisfied out of the proceeds. Such a claim was called *ἐνεπίσκημμα*, and to prosecute it *ἐνεπισκήψασθαι*. (Harpoc. and Suidas, *s. v.*) On this subject the reader is referred to the speeches of Lysias *de Publ. Pecun.*, *de Nic. Fratr. Pecun.*, *de Aristoph. Pecun.*, and more especially pp. 149, 151, 154, ed. Steph. The first appointment of these judicial *σύνδικοι* took place after the expulsion of the thirty tyrants; and one of their duties appears to have been to receive informations from the *φύλαρχοι* against those persons who had served in the cavalry during the interregnum, and who by a special decree of the people were ordered to restore to the treasury all the pay which they had received for that service. (Lysias, *pro Mantith.* 146, ed. Steph.) See Synegorus; Harpoc. *s. v.* *Σύνδικοι*: Meier, *Att. Proc.* p. 110; Schömann, *de Comit.* p. 316. [C. R. K.]

SYNEDRI (*σύνεδροι*), a name given to the members of any council, or any body of men who sat together to consult or deliberate. The congress of Greeks at Salamis is called *συνέδριον*. (Herod. viii. 75, 79.) Frequent reference is made to the general assembly of the Greeks, *τὸ κοινὸν τῶν Ἑλλήνων συνέδριον*, at Corinth, Thermopylae, or elsewhere. (Aesch. *c. Ctesiph.* 62, ed. Steph.; Demosth. Περὶ τῶν πρὸς Ἀλέξανδρον, 215.) When the new alliance of the Athenians was formed after B. C. 377, upon fairer and more equitable principles than the former, the several states who were included therein were expressly declared to be independent, and a congress was held at Athens, to which each of the allied states sent representatives. The congress was called *συνέδριον*, and the deputies *σύνεδροι*, and the sums furnished by the allies *συντάξεις*, in order to avoid the old and hateful name of *φόρος* or tribute. (Harpocrat. *s. v.*; Plut. *Sol.* 15.) Many allusions to this new league are made by the orators, especially Isocrates, who strongly urges his countrymen to adhere to the principle on which the league was formed, and renounce all attempt to re-establish their old supremacy. (*De Pace*, 165, ed. Steph.) Perhaps the *σύνεδροι* mentioned in the oath of the Δικασταί are the Athenian members of this congress. (Schömann, *Att. Proc.* 130.) For further information on the subject of this confederacy, see Schömann, *Ant. Jur. Publ. Gr.* p. 434; Böckh, *Publ. Econ. of Athens*, p. 418, 2d ed.; Thirlwall, *Hist. of Greece*, vol. v. pp. 42, 203.

The name of *συνέδριον* was given at Athens to any magisterial or official body, as to the court of Areiopagus (Aesch. *c. Timarch.* 13; Dinarch. *c. Demosth.* 91, ed. Steph.); or to the place where they transacted business, their board or council-room. (Isocrat. Περὶ Ἀντιδόσεως, 318, ed. Steph.; Demosth. *c. Theocr.* 1324.) [C. R. K.]

SYNEGO'RICON (*συνηγορικόν*). [Synegorus.]

SYNE'GORUS (*συνήγορος*), may be translated an advocate or counsel, though such translation will convey to the English reader a more comprehensive meaning than the Greek word strictly bears.

According to the ancient practice of the Athenian law, parties to an action were obliged to conduct their own causes without assistance: but on the increase of litigation the sciences of law and rhetoric began to unfold themselves; and men, who had paid no attention to these, were unable to compete with more experienced opponents. To consult a friend before bringing an action, or about the best means of preparing a defence, were obvious expedients. It was but another step to have a speech prepared by such friend out of court, to be delivered by the party himself when the cause was brought to trial. A class of persons thus sprang up, somewhat in the nature of chamber counsel, who received money for writing speeches and giving legal advice to those who consulted them. Of this class Antiphon was the first who acquired any celebrity. Lysias, Isaeus, and Isocrates obtained considerable incomes by speech-writing. Demosthenes followed the same profession for some time, until his engagements in public business forced him to relinquish it. (Dem. *c. Zenoth.* 890.) These persons were called not *συνήγοροι*, but *λογογράφοι*, a name applied to Demosthenes reproachfully by his rival, who accuses him also of betraying his clients by showing the speeches which he had written to the adversary. (Aesch. *c. Ctesiph.* 78, *c. Timarch.* 13, ed. Steph.) [LOGOGRAPHI.] Still, whatever assistance the party might have received out of court, the law which compelled him to appear in person at the trial, remained in force; although the prohibition to speak by counsel was so far relaxed, that if the party was labouring under illness, or through any physical or mental debility was unable to conduct his own cause without manifest disadvantage, he might (by permission of the court) procure a relation or friend to speak for him. Thus, when Miltiades was impeached for treason, and by reason of a gangrene in his hip was unable to plead his own cause, he was brought on a litter into court, and his brother Tisagoras addressed the people on his behalf. So, when Isocrates was ill, his son Aphareus spoke for him in the cause about the *ἀντίδοσις*. And in the speech of Demosthenes against Leochares we see (p. 1081) that the son conducts his father's cause. As a general rule, the party was expected to address the court himself; for the judges liked to form an opinion of him from his voice, look, and demeanour; and therefore if a man distrusted his own ability, he would open the case himself by a short speech, and then ask permission for his friend to come forward. (Demosth. *c. Phorm.* 922. *c. Neaer.* 1349.) This was seldom refused; and in the time of the orators the practice was so well established, that the principal speeches in the cause were not unfrequently made by the advocate. The defences by Demosthenes of Ctesiphon against Aeschines, and of Phanus against Aphobus, may be cited as examples. In both of these it will be seen that Demosthenes was as much interested as the defendants themselves; and it is further to be observed, that the advocate was looked upon with more favour on this very account; for as no fees were allowed to be taken, a speaker was regarded with suspicion who had no apparent motive for undertaking the cause of another person. Hence we find in most of the *συνηγορικοὶ λόγοι*, that the speaker avows what his motives are; as for instance, that he is connected by blood or friendship with the one party, or at enmity with the other, or that he has a stake in the matter at issue between them. (See the opening of the speeches of Isaeus, *de Nicost. her.* and *de Philoct. her.*; Isocrates *c. Euthyn.* and Demosthenes *c. Androt.*) In the cause against Leochares above cited it is evident that the son had an equal interest with his father in preserving the inheritance, and therefore he would be considered in the light of a party. The law which prohibited the advocate from taking fees, under peril of a *γραφὴ* before the Thesmothetae (Demosth. *c. Steph.* 1137), made no provision (and perhaps it was impossible to make an effective provision) against an influence of a more pernicious kind, viz. that of political association, which induced men to support the members of their club or party without the least regard for the right or justice of the case. Hence the frequent allusions by the orators to the *ἐργαστήρια συκοφαντῶν, μοχθηρῶν ἀνθρώπων συνεστηκότων, παρασκευὰς λόγων, μαρτύρων, συνωμοτῶν*, all which expressions have reference to that system of confederation at Athens, by which individuals endeavoured to influence and control the courts of justice. (See ERANI; SYCOPHANTES; Reiske, *Index in Orat. Att. s. v.* Ἐργαστήριον and *παρασκευή*.) That friends were often requested to plead, not on account of any incapacity in the party, but in order that by their presence they might exert an influence on the bench, is evident from an attentive perusal of the orators. In some cases this might be a perfectly legitimate course, as where a defendant charged with some serious crime called a man of high reputation to speak in his behalf, and pledge himself thereby that he believed the charge was groundless. With such view Aeschines, on his trial for misconduct in the embassy, prayed the aid of Eubulus and Phocion, the latter of whom he had previously called as a witness. (Aesch. *de Fals. Leg.* 51, 52, ed. Steph.)

On criminal trials the practice with respect to advocates was much the same as in civil actions; only that it seems to have been more common to have several speakers on the part of the prosecution; and in causes of importance, wherein the state was materially interested, more especially in those which were brought before the court upon an *εἰσαγγελία*, it was usual to appoint public advocates (called *συνήγοροι*, *σύνδικοι*, or *κατήγοροι*) to manage the prosecution. Thus, Pericles was appointed, not at his own desire, to assist in the impeachment of Cimon. (Plut. *Pericl.* 10.) Public prosecutors were chosen by the people to bring to trial Demosthenes, Aristogiton, and others charged with having received bribes from Harpalus. (Dinarch. *c. Demosth.* 90, 96, ed. Steph.) In ordinary cases however the accuser or prosecutor (*κατήγορος*) was a distinct person from the *συνήγορος*, who acted only as auxiliary to him. It might be, indeed, that the *συνήγορος* performed the most important part at the trial, as Anytus and Lycon are said to have done on the trial of Socrates, wherein Melitus was prosecutor; or it might be that he performed a subordinate part, making only a short speech in support of the prosecution, like those of Lysias against Epicrates, Ergocles, and Philocrates, which are called *ἐπίλογοι*. But however this might be, he was in point of law an auxiliary only, and was neither entitled to a share of the reward (if any) given by the law to a successful accuser, nor liable, on the other hand, to a penalty of a thousand drachms, or the *ἀτιμία* consequent upon a failure to get a fifth part of the votes. Here we must distinguish between an advocate and a joint prosecutor. The latter stood precisely in the same situation as his colleague, just as a co-plaintiff in a civil action. The names of both would appear in the bill (*ἔγκλημα*), both would attend the *ἀνάκρισις* and would in short have the same rights and liabilities; the elder of the two only having priority in certain matters of form, such as the *πρωτολογία*. (Argum. *Or. Dem. c. Androt.* 592.) In the proceeding against the law of Leptines there were two prosecutors, Aphepsion and Ctesippus the son of Chabrias; each addressed the court, Aphepsion first, as being the elder; each had his advocate, the one Phormio, the other Demosthenes, who tells us in the exordium that he had undertaken to speak, partly from a conviction of the impolicy of the law, and partly to oblige the son of Chabrias, who would have been deprived of certain privileges inherited from his father, if the law had taken effect. (See Argum. 453.)

There seems to have been no law which limited the number of persons who might appear as advocates, either in public or private causes. There was however this practical limitation, that as the time allowed for speaking to either party was measured by the clepsydra, if either chose to employ a friend to speak for him, he subtracted so much from the length of his own speech as he meant to leave for that of his friend, and the whole time allowed was precisely the same, whatever the number of persons who spoke on one side. Both parties were usually allowed to make two speeches, the plaintiff beginning, the defendant following, then the plaintiff replying, and lastly the defendant again. These are often called *λόγοι πρότεροι* and *ὕστεροι* respectively, but are not to be confounded with the *συνηγορίαι* or *δευτερολογίαι*, which might, and usually did, immediately follow the speech of the party in whose favour they were made, though as a matter of arrangement it might be convenient sometimes to reserve the speech of the advocate for the reply, in which case the *συνηγορικὸς λόγος* and the *ὕστερος λόγος* would be the same. (Schömann, *Att. Proc.* pp. 707—712, 715; Platner, *Proc. und Klag.* vol. i. p. 91.)

With respect to the custom of producing friends to speak in mitigation of damages or punishment, see TIMEMA. As to the public advocates appointed to defend the old laws before the Court of Heliasts, see SYNDICUS, NOMOTHETES.

The fee of a drachm (*τὸ συνηγορικόν*) mentioned by Aristophanes (*Vespae*, 691) was probably the sum paid to the public advocate whenever he was employed on behalf of the state. It has been shown clearly by Schömann, that Petit was wrong in supposing that the orators or statesmen who spoke in the assembly are called *συνήγοροι*. They are always distinguished by the title of *ῥήτορες* or *δημήγοροι*, or if they possessed much influence with the people, *δημαγωγοί*: and it is not to be supposed that they constituted a distinct class of persons, inasmuch as any Athenian citizen was at liberty to address the assembly when he pleased; though, as it was found *in practice* that the possession of the *βῆμα* was confined to a few persons who were best fitted for it by their talent and experience, such persons acquired the title of *ῥήτορες*, &c. (*De Comit.* pp. 107—109, 210.) There appears however to have been (at least at one period) a regular appointment of *συνήγοροι*, ten in number, with whom the Scholiast on Aristophanes (*l. c.*) confounded the *ῥήτορες* or orators. For what purpose such ten *συνήγοροι* were appointed, is a matter about which we have no certain information. Some think they were officers connected with the board of Scrutators who audited magistrates' accounts. Aristotle (*Polit.* vi. 3) says the authorities to whom magistrates rendered their accounts were called in some of the Greek states *εὔθυνοι*, in others *λογισταί*, in others *συνήγοροι* or *ἐξετασταί*, and the author of the Lexicon Rhetoricum, published by Bekker (*Anecd.* i. 301), says that the Synegori were *ἄρχοντες κληρωτοὶ οἳ ἐβοήθουν τοῖς λογισταῖς πρὸς τὰς εὐθύνας*. But what sort of assistance did they render? Is it not probable that they performed the duty which their name imports, viz. that of prosecuting such magistrates as, in the opinion of the Logistae, had rendered an unsatisfactory account? Any individual, indeed, might prefer charges against a magistrate when the time for rendering his account had arrived; but the prosecution by a *συνήγορος* would be an *ex officio* proceeding, such as the Logistae were bound to institute, if they had any reason to suspect the accounting party of malversation or misconduct. If this conjecture be well-founded, it is not unreasonable to suppose that these ten *συνήγοροι* were no other than the public advocates who were employed to conduct state prosecutions of a different kind. They might be appointed annually, either by lot or by election (according to Harpocration, *s. v.* *Συνήγορος*). Their duties would be only occasional, and they would receive a drachm as their fee whenever they were employed. Böckh's conjecture, that they received a drachm a day for every day of business, is without much foundation. [C. R. K.]

SYNGENEIA (*συγγένεια*). [HERES, p. 595, b.]

SYNGRAPHE (*συγγραφή*), signifies a written contract: whereas *συνθήκη* and *συμβόλαιον* do not necessarily import that the contract is in writing; and *ὁμολογία* is, strictly speaking, a verbal agreement. Pollux explains the word, *συνθήκη ἔγγραφος, ὁμολογία ἔγγραφος* (viii. 140).

At Athens important contracts were usually reduced to writing; such as leases (*μισθώσεις*), loans of money, and all executory agreements, where certain conditions were to be performed. The rent, the rate of interest, with other conditions, and also the penalties for breach of contract (*ἐπιτίμια τὰ ἐκ τῆς συγγραφῆς*) were particularly mentioned. The names of the witnesses and the sureties (if any) were specified. The whole was contained in a little tablet of wax or wood (*βιβλίον* or *γραμματεῖον*, sometimes double, *δίπτυχον*), which was sealed, and deposited with some third person, mutually agreed on between the parties. (Isocrat. *Trapez.* 362, ed. Steph.; Demos. *c. Apat.* 903, 904, *c. Dionysod.* 1283.) An example of a contract on a bottomry loan (*ναυτικὴ συγγραφή*) will be found in Demosth. *c. Lacrit.* 926, where the terms are carefully drawn up, and there is a declaration at the end, *κυριώτερον δὲ περὶ τούτων ἀλλὰ μηδὲν εἶναι τῆς συγγραφῆς*, "which agreement shall be valid, anything to the contrary notwithstanding."

Anything might form the subject of a written contract — a release (*ἄφεσις*), a settlement of disputes (*διάλυσις*), the giving up of a slave to be examined by torture, or any other accepted challenge (*πρόκλησις*); in short, any matter wherein the contracting parties thought it safer to have documentary evidence of the terms. *Ἐκδιδόναι ἀνδρίαντα κατὰ συγγραφὴν* is, to give an order for the making of a statue of certain dimensions, of a certain fashion, at a certain price, &c., as specified in the agreement. (Demosth. *de Cor.* 268.) No particular form of words was necessary to make the instrument valid in point of law, the sole object being to furnish good evidence of the parties' intention. The agreement itself was valid without any writing; and would form the ground of an action against the party who broke it, if it could be sufficiently proved. Hence it was the practice to have witnesses to a parol agreement. The law declared *κυρίας εἶναι τὰς πρὸς ἀλλήλους ὁμολογίας, ἃς ἂν ἐναντίοι μαρτύρων ποιήσωνται*. (Demosth. *c. Phaenipp.* 1042, *c. Euerg. et Mnes.* 1162, *c. Dionys.* 1283, *c. Onetor.* 869.) It seems that for the maintenance of an *ἐμπορικὴ δίκη* it was necessary to have a written contract. (Demosth. *c. Zenoth.* 882.)

Bankers were persons of extensive credit, and had peculiar confidence reposed in them. They were often chosen as the depositaries of agreements and other documents. Money was put into their hands without any acknowledgment, and often without witnesses. They entered these and also the loans made by themselves to others in their books, making memoranda (*ὑπομνήματα*) of any important particulars. Such entries were regarded as strong evidence in courts of justice. Sureties were usually required by them on making loans. (Isocr. *Trapez.* 369, ed. Steph.; Demosth. *c. Apat.* 894, *pro Phorm.* 950, 958, *c. Timoth.* 1185, *c. Phorm.* 908; Böckh, *Publ. Econ. of Athens*, p. 128, 2d ed.)

Συγγραφὴ denotes an instrument signed by both or all the contracting parties. *Χειρόγραφον* is a mere acknowledgment by one party. *Συγγράψασθαι συγγραφὴν* or *συνθήκην* is to draw up the contract, *σημήνασθαι* to seal it, *ἀναιρεῖν* to cancel, *ἀνελέσθαι* to take it up from the person with whom it was deposited, for the purpose of cancelling, when it was no longer of any use. *Ὑπανοίγειν*, to break the seal clandestinely for some fraudulent purpose, as to alter the terms of the instrument, or erase or destroy some material part, or even the whole, thereof (*μεταγράφειν* or *διαφθείρειν*). [Symbolaeon.] [C. R. K.]

SYNOI'KIA (*συνοίκια* or *συνοικέσια*), a festival celebrated every year at Athens on the 16th of Hecatombaeon in honour of Athena. It was believed to have been instituted by Theseus to commemorate the concentration of the government of the various towns of Attica and Athens. (Thucyd. iii. 15; Steph. Byz. *s. v.* *Ἀθῆναι*.) According to the Scholiast on Aristophanes (*Pax*, 962) an unbloody sacrifice was on this day offered to the goddess of peace (*εἰρήνη*). This festival, which Plutarch (Thes. 24) calls *μετοίκια*, is mentioned both by him and by Thucydides as still held in their days. (Compare Meyer, *de Bon. damnat.* p. 120.) [L. S.]

SYNOI'KIA (*συνοικία*) differs from *οἰκία* in this: that the latter is a dwelling-house for a single family: the former adapted to hold several families, a lodging-house, *insula*, as the Romans would say. The distinction is thus expressed by Aeschines (*c. Timarch.* 17, ed. Steph.): *ὅπου μὲν γὰρ πολλοὶ μισθωσάμενοι μίαν οἴκησιν διελόμενοι ἔχουσι, συνοικίαν καλοῦμεν, ὅπου δ' εἷς ἐνοικεῖ, οἰκίαν.*

There was a great deal of speculation in the building and letting of houses at Athens. (Xenoph. *Oecon.* iii. 1.) The lodging-houses were let mostly to foreigners who came to Athens on business, and especially to the *μέτοικοι*, whom the law did not allow to acquire real property, and who therefore could not purchase houses of their own. (Demosth. *pro Phorm.* 946.) As they, with their families, formed a population of about 45,000, the number of *συνοικίαι* must have been considerable. Pasion, the banker, had a lodging-house valued at 100 minas. Xenophon recommended that the *μέτοικοι* should be encouraged to invest their money in houses, and that leave should be granted to the most respectable to build and become house-proprietors (*οἰκοδομησαμένοις ἐγκεκτῆσθαι*, *de Vectig.* ii. 6.) The *ἰσοτελεῖς* laboured under no such disability; for Lysias and his brother Polemarchus, who belonged to that class, were the owners of three houses. The value of houses must have varied according to the size, the build, the situation, and other circumstances. Those in the city were more valuable than those in the Peiraeeus or the country, *caeteris paribus.* Two counting-houses are mentioned by Isaeus (*de Hagn. her.* 88, ed. Steph.) as yielding a return of rather more than 8½ per cent. interest on the purchase-money. But this probably was much below the average. The summer season was the most profitable for the letting of houses, when merchants and other visitors flocked to Athens. The rent was commonly paid by the month. Lodging-houses were frequently taken on speculation by persons called *ναύκληροι* or *σταθμοῦχοι*, who made a profit by underletting them, and sometimes for not very reputable purposes. (Isaeus, *de Philoct. her.* 58, ed. Steph.) Hesychius explains the word *ναύκληρος, ὁ συνοικίας προεστώς*: see also Harpocration, *s. v.* Some derive the word from *ναίω*: but it is more probable that it was given as a sort of nickname to the class, when they first sprang up. (See Stephan. *Thesaur.* 6608; Reiske, *Index in Or. Att. s. v. Συνοικία*: Böckh, *Publ. Econ. of Athens*, pp. 65, 141, 2d ed.) [C. R. K.]

SYNTAGMA (*σύνταγμα*). [Exercitus, p. 488, a.]

SYNTAXEIS (*συντάξεις*). [Synedri.]

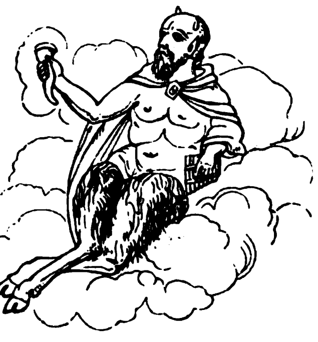
SYNTELEIA (*συντέλεια*). [Trierarchia.]

SYNTHE'CE (*συνθήκη*). [Symbolaeon.]

SY'NTHESIS, a garment frequently worn at dinner, and sometimes also on other occasions. As it was inconvenient to wear the toga at table on account of its many folds, it was customary to have dresses especially appropriated to this purpose, called *vestes coenatoriae*, or *coenatoria* (Mart. x. 87. 12, xiv. 135; Petr. 21), *accubitoria* (Petr. 30), or *Syntheses*. The Synthesis is commonly explained to be a loose kind of robe, like the Pallium; but Becker (*Gallus*, vol. i. p. 37) supposes from a comparison of a passage of Dion Cassius (lxiii. 13) with one of Suetonius (*Ner.* 51) describing the dress of Nero, that it must have been a kind of tunic, an *indumentum* rather than an *amictus*. [Amictus.] That it was, however, an easy and comfortable kind of dress, as we should say, seems to be evident from its use at table above mentioned, and also from its being worn by all classes at the Saturnalia, a season of universal relaxation and enjoyment. (Mart. xiv. 1, 141, vi. 24.) More than this respecting its form we cannot say: it was usually dyed with some colour (Mart. ii. 46, x. 29), and was not white like the toga.

The word Synthesis is also applied to a set of wearing apparel or a complete wardrobe. (Dig. 34. tit. 3. s. 38.) This use of the word agrees better with its etymology (*σύνθεσις, συντίθημι*) than the one mentioned above. (Becker, *l. c.*)

SYRINX (*σύριγξ*), the Pan's Pipe, or Pandean Pipe, was the appropriate musical instrument of the Arcadian and other Grecian shepherds, and was regarded by them as the invention of Pan, their tutelary god (Virg. *Buc.* ii. 32, viii. 24), who was sometimes heard playing upon it (*συρίζοντος*: see Theocrit. i. 3. 14, 16; Schol. *in loc.*; Longus, iv. 27), as they imagined, on mount Maenalus. (Paus. viii. 36. § 5.) It was of course attributed to Faunus, who was the same with Pan. (Hor. *Carm.* i. 17. 10.) When the Roman poets had occasion to mention it, they called it *fistula* (Virg. *Buc.* ii. 36, iii. 22, 25; Hor. *Carm.* iv. 12. 10; Ovid. *Met.* viii. 192, xiii. 784; Mart. xiv. 63; Tibull. i. 5. 20.) It was also variously denominated according to the materials of which it was constructed, whether of cane (*tenui arundine*, Virg. *Buc.* vi. 8; Hom. *Hymn. in Pana*, 15; *ποιμενίῳ δονάκι*, Brunck, *Anal.* i. 489), reed (*calamo*, Virg. *Buc.* i. 10, ii. 34, v. 2; *κάλαμος*, Theocrit. viii. 24; Longus, i. 4), or hemlock (*cicuta*, Virg. *Buc.* v. 85). In general seven hollow stems of these plants were fitted together by means of wax, having been previously cut to the proper lengths, and adjusted so as to form an octave (Virg. *Buc.* ii. 32, 36); but sometimes nine were admitted, giving an equal number of notes. (Theocrit. viii. 18—22.) Another refinement in the construction of this instrument, which, however, was rarely practised, was to arrange the pipes in a curve so as to fit the form of the lip, instead of arranging them in a plane. (Theocrit. i. 129.) A syrinx of eight reeds is shown in the gem figured on page 846. The annexed woodcut is taken from a bas-relief in the collection at Appledurcombe in the Isle of Wight. (*Mus. Worsleyanum*, pl. 9.) It represents Pan reclining at the entrance of the cave, which was dedicated to him in the Acropolis at Athens. He holds in his right hand a drinking-horn [RHYTON] and in his left a syrinx, which is strengthened by two transverse bands.



The ancients always considered the Pan's Pipe as a rustic instrument, chiefly used by those who tended flocks and herds (Hom. *Il.* xviii. 526; Apoll. Rhod. i. 577; Dionys. Perieg. 996; Longus, i. 2, i. 14—16, ii. 24—26); but also admitted to regulate the dance. (Hes. *Scut.* 278.) The Lydians, whose troops marched to military music, employed this together with other instruments for the purpose. (Herod. i. 17.) This instrument was the origin of the organ [HYDRAULA].

The term *σύριγξ* was also applied to levels, or narrow subterranean passages, made either in searching for metals, in mining at the siege of a city (Polyaen. v. 17), or in forming catacombs for the dead. (Aelian, *H. A.* vi. 43, xvi. 15.) [J. Y.]

SYRMA (*σύρμα*), which properly means that which is drawn or dragged (from *σύρω*), is applied to a dress with a train. The long Peplos worn by the Trojan matrons was consequently a dress somewhat of this kind. (*Il.* vi. 442.) The Syrma, however, was more especially the name of the dress worn by the tragic actors, which had a train to it trailing upon the ground; whence the word is explained by Pollux (vii. 67), as a *τραγικὸν φόρημα ἐπισυρόμενον*, and is alluded to by Horace (*Ar. Poet.* 215), in the words,

—— traxitque vagus per pulpita vestem.

(Compare Juv. viii. 229.) Hence we find *Syrma* used metaphorically for tragedy itself. (Juv. xv. 30; Mart. iv. 49.)

SYSSI'TIA (*συσσίτια*). The custom of taking the principal meal of the day in public prevailed extensively amongst the Greeks from very early ages. It existed not only with the Spartans and Cretans, amongst both of whom it was kept up till comparatively recent times, but also at Megara in the age of Theognis (v. 305), and at Corinth in the time of Periander, who it seems abolished the practice as being favourable to aristocracy. (Arist. *Pol.* v. 9. § 2.) Nor was it confined to the Hellenic nation: for according to Aristotle (*Pol.* vii. 9), it prevailed still earlier amongst the Oenotrians in the south of Italy, and also at Carthage, the political and social institutions of which state resembled those of Sparta and Crete. (*Pol.* ii. 8.) The origin of the usage cannot be historically established; but it seems reasonable to refer it to infant or patriarchal communities, the members of which being intimately connected by the ties of a close political union and kindred, may naturally be supposed to have lived together almost as members of the same family. But however and wherever it originated, the natural tendency of such a practice was to bind the citizens of a state in the closest union; and accordingly we find that at Sparta, Lycurgus availed himself of it for this purpose, though we cannot determine with any certainty whether he introduced it there, or merely perpetuated and regulated an institution, which the Spartans brought with them from their mother-country and retained at Sparta as being suitable to their position and agreeable to their national habits. The latter supposition is perhaps the more probable. The Cretan usage Aristotle (*Pol.* vii. 9) attributes to Minos; this, however, may be considered rather "the philosopher's opinion than as an historical tradition:" but the institution was confessedly of so high antiquity, that the Peloponnesian colonists may well be supposed to have found it already existing in Crete, even if there had been no Dorian settlers in the island before them. (Thirlwall, *Hist. of Greece*, vol. i. p. 287.)

The Cretan name for the Syssitia was Ἀνδρεῖα (Arist. *Pol.* ii. 7), the singular of which is used to denote the building or public hall where they were given. This title affords of itself a sufficient indication that they were confined to men and youths only: a conclusion justified and supported by all the authorities on the subject. (Plat. *Leg.* vi. p. 780, d.) It is not however improbable, as Hoeck (*Creta*, vol. iii. p. 123) suggests, that in some of the Dorian states there were syssitia of the young unmarried women as well as of the men. (Comp. Pindar, *Pyth.* ix. 18.) All the adult citizens partook of the public meals amongst the Cretans, and were divided into companies or "messes," called Ἑταιρίαι, or sometimes ἀνδρεῖα. (Athen. iv. p. 143.) These divisions were perhaps originally confined to persons of the same house and kindred, but afterwards any vacancies in them were filled up at the discretion of the members. (Hoeck, vol. iii. p. 126.) The divinity worshipped under the name of Ζεὺς Ἑταιρεῖος (Hesych. *s. v.*) was considered to preside over them.

According to Dosiadas, who wrote a history of Crete (Athen. *l. c.*), there were in every town of the island (πανταχοῦ) two public buildings, one for the lodging of strangers (κοιμητήριον), the other a common hall (ἀνδρεῖον) for the citizens. In the latter of these the syssitia were given, and in the upper part of it were placed two tables for the entertainment of foreign guests (ξενικαὶ τράπεζαι), a circumstance deserving of notice, as indicating the extent to which the Dorians of Crete encouraged mutual intercourse and hospitality. Then came the tables of the citizens. But besides these there was also a third table on the right of the entrance dedicated to Ζεὺς ξένιος, and perhaps used for the purpose of making offerings and libations to the god.

The Syssitia of the Cretans were distinguished by simplicity and temperance. They always *sat* at their tables, even in later times, when the custom of reclining had been introduced at Sparta. (Cic. *pro Mur.* 35.) The entertainment began with prayer to the gods and libations. (Athen. iv. p. 143, e.) Each of the adult citizens received an equal portion of fare, with the exception of the "Archon," or "Master of the Tables," who was perhaps in ancient times one of the κόσμοι, and more recently a member of the γερωνία or council. This magistrate received a fourfold portion; "one as a common citizen, a second as President, a third for the house or building, a fourth for the furniture" (τῶν σκευῶν, Heraclid. Pont. iii.): an expression from which it would seem that the care of the building and the provision of the necessary utensils and furniture devolved upon him. The management of all the tables was under the superintendence of a female of free birth (ἡ προεστηκυῖα τῆς συσσιτίας γυνή), who openly took the best fare and presented it to the citizen who was most eminent in council or the field. She had three or four male assistants under her, each of whom again was provided with two menial servants (καληφόροι, or wood-carriers). Strangers were served before the citizens, and even before the Archon or President. (Heracl. Pont. *l. c.*) On each of the tables was placed a cup of mixed wine, from which the messmates of the same company drank. At the close of the repast this was replenished, but all intemperance was strictly forbidden by a special law. (Plat. *Minos*, p. 265.)

Till they had reached their eighteenth year, when they were classed in the ἀγέλαι, the youths accompanied their fathers to the syssitia along with the orphans of the deceased. (Hoeck, vol. iii. p. 185.) In some places the youngest of the orphans waited on the men; in others this was done by all the boys. (Ephor. *ap. Strab.* x. p. 483.) When not thus engaged, they were seated near to the men on a lower bench, and received only a half portion of meat: the eldest of the orphans appear to have received the same quantity as the men, but of a plainer description of fare. (Athen. iv. p. 143.) The boys like the men had also a cup of mixed wine in common, which however was not replenished when emptied. During the repast a general cheerfulness and gaiety prevailed, which were enlivened and kept up by music and singing. (Alcman, *ap. Strab. l. c.*) It was followed by conversation, which was first directed to the public affairs of the state, and afterwards turned on valiant deeds in war and the exploits of illustrious men, whose praises might animate the younger hearers to an honourable emulation. While listening to this conversation, the youths seem to have been arranged in classes (ἀνδρεῖα), each of which was placed under the superintendence of an officer (παιδονόμος) especially appointed for this purpose; so that the syssitia were thus made to serve important political and educational ends.

In most of the Cretan cities, the expenses of the syssitia were defrayed out of the revenues of the public lands and the tribute paid by the Perioeci, the money arising from which was applied partly to the service of the gods, and partly to the maintenance of all the citizens both male and female. (Arist. *Pol.* ii. 7. 4); so that in this respect there might be no difference between the rich and the poor. From the statement of Aristotle compared with Dosiadas (Athen. *l. c.*), it appears probable that each individual received his separate share of the public revenues, out of which he paid his quota to the public table, and provided with the rest for the support of the females of his family. This practice however does not appear to have prevailed exclusively at all times and in all the cities of Crete. In Lyctus, for instance, a colony from Sparta, the custom was different: the citizens of that town contributed to their respective tables a tenth of the produce of their estates; a practice which may be supposed to have obtained in other cities, where the public domains were not sufficient to defray the charges of the syssitia. But both at Lyctus and elsewhere, the poorer citizens were in all probability supported at the public cost.

In connection with the accounts given by the ancient authors respecting the Cretan syssitia there arises a question of some difficulty, viz. how could one building accommodate the adult citizens and youths of such towns as Lyctus and Gortyna? The question admits of only two solutions: we are either misinformed with respect to there being only one building in each town used as a common hall, or the number of Dorian citizens in each town must have been comparatively very small.

The Spartan Syssitia were in the main so similar to those of Crete that one was said to be borrowed from the other. (Arist. *Pol.* ii. 7.) In later times they were called φειδίτια, or the "spare meals," a term which is probably a corruption of φιλίτια, the love-feasts, a word corresponding to the Cretan ἑταιρεῖα. (Göttling, *ad Arist. Oecon.* p. 190; Müller, *Dor.* iv. 3. § 3.) Anciently they were called ἀνδρεῖα, as in Crete, (Plut. *Lycur.* 12.) They differed from the Cretan in the following respects. Instead of the expenses of the tables being defrayed out of the public revenues, every head of a family was obliged to contribute a certain portion at his own cost and charge; those who were not able to do so were excluded from the public tables. (Arist. *Pol.* ii. 7. 4.) The guests were divided into companies generally of fifteen persons each, and all vacancies were filled up by ballot, in which unanimous consent was indispensable for election. No persons, not even the kings, were allowed what was called an *ἀφίδιτος ἡμέρα* (Hesych. *s. v.*) or excused from attendance at the public tables, except for some satisfactory reason, as when engaged in a sacrifice, or a chase, in which latter case the individual was required to send a present to his table. (Plut. *l. c. Agis*, c. 10.) Each person was supplied with a cup of mixed wine, which was filled again when required; but drinking to excess was prohibited at Sparta as well as in Crete. The repast was of a plain and simple character, and the contribution of each member of a mess or *φειδίτης* was settled by law. (Wachsmuth, vol. ii. pt. ii. p. 24, 1st ed.; Plut. *l. c.*) The principal dish was the *μέλας ζωμός* or black broth, with pork. (Athen. iv. p. 141.) The *ἐπάϊκλον* or aftermeal (from the Doric *ἄϊκλον*, a meal) was however more varied, and richly supplied by presents of game, poultry, fruit, &c., and other delicacies which no one was allowed to purchase. Moreover, the entertainment was enlivened by cheerful conversation, though on public matters. (Xen. *Rep. Lacon*. v. 6.) Singing also was frequently introduced, as we learn from Alcman (*Frag.* 31), that "at the banquets and drinking entertainments of the men it was fit for the guests to sing the paean." The arrangements were under the superintendence of the Polemarchs.

The use and purposes of the institutions described above are very manifest. They united the citizens by the closest ties of intimacy and union, making them consider themselves as members of one family, and children of one and the same mother, the state. They maintained a strict and perfect separation between the higher and the subject classes both at Sparta and in Crete, and kept up in the former a consciousness of their superior worth and station, together with a strong feeling of nationality. At Sparta also they were eminently useful in a military point of view, for the members of the syssitia were formed into corresponding military divisions, and fought together in the field, as they had lived together at home, with more bravery and a keener sense of shame (*αἰδώς*), than could have been the case with merely chance comrades. (Herod. i. 65.) Moreover "they gave an efficacy to the power of public opinion which must have nearly superseded the necessity of penal laws." (Thirlwall, vol. i. p. 289.) With respect to the political tendencies, they were decidedly arranged upon aristocratical principles, though no individual of a company or mess was looked upon as superior to his fellows. Plutarch (*Quaes. Sympos.* vii. p. 332) accordingly calls them *συνέδρια ἀριστοκρατικά*, or aristocratical meetings, and compares them with the Prytaneium and Thesmothesium at Athens.

The simplicity and sobriety, which were in early times the characteristic both of the Spartan and Cretan Syssitia, were afterwards in Sparta at least supplanted by luxury and effeminate indulgence. The change was probably gradual, but the kings Areus and Acrotatus (B. C. 300) are recorded as having been mainly instrumental in accelerating it. The reformer Agis endeavoured but in vain to restore the old order of things, and perished in the attempt. In his days Sparta contained 4500 families, out of which he proposed to make fifteen syssitia, whence Müller infers that formerly, when the number of families was 9000, the number of syssitia was thirty; and consequently that Herodotus, when he spoke of Lycurgus having instituted the "syssitia" for war, alluded to the larger divisions and not the single banqueting companies; a conclusion justified by the context. Müller moreover supposes, that in this sense the Syssitia at Sparta corresponded to the divisions of the state called obae, and sometimes *φρατρίαι*, which were also thirty in number. (*Dorians*, iii. 5. § 6, and 12. § 4.)

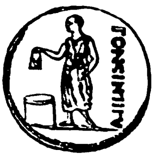
(Hoeck, *Creta*, vol. iii. pp. 120—139; Hüllman's *Anfänge*, § 138; Thirlwall, *Hist. of Greece*, vol. i. pp. 288, 331; Hermann, *Lehrbuch der Griech. Staats*. §§ 22, 28.) [R. W.]

SYSTY'LOS. [TEMPLUM.]

T.

TABELLA, *dim.* of TABULA, a billet or tablet, with which each citizen and judex voted in the comitia and courts of justice. In the comitia, if the business was the passing of a law, each citizen was provided with two Tabellae, one inscribed V. R. *i. e. Uti Rogas*, "I vote for the law," the other inscribed A. *i. e. Antiquo*, "I am for the old law." (Compare Cic. *ad Att.* i. 14.) If the business was the election of a magistrate, each citizen was supplied with only one tablet, on which the names of the candidates were written, or the initials of their names, as some suppose from the oration *pro Domo*, c. 43; the voter then placed a mark (*punctum*) against the one for whom he voted, whence *puncta* are spoken of in the sense of votes. (Cic. *pro Planc.* 22.) For further particulars respecting the voting in comitia, see DIRIBITORES, CISTA, SITELLA, and SUFFRAGIUM.

The judices were provided with three Tabellae: one of which was marked with A. *i. e. Absolvo*, "I acquit;" the second with C. *i. e. Condemno*, "I condemn;" and the third with N. L. *i. e. Non Liquet*, "It is not clear to me." The first of these was called *Tabella absolutoria* and the second *Tabella damnatoria* (Suet. *Octav.* 33), and hence Cicero (*pro Mil.* 6) calls the former *litera salutaris*, and the latter *litera tristis*. It would seem that in some trials the Tabellae were marked with the letters L. and D. respectively, *i.e. Libero* and *Damno*, since we find on a denarius of the Caelian gens a Tabella marked with the letters L. D.; and as we know that the vote by ballot in cases of Perduellio was first introduced by C. Caelius Caldus [TABELLARIAE LEGES], the Tabella on the coin undoubtedly refers to that event. There is also a passage in Caesar (*B. C.* iii. 83), which seems to intimate that these initial letters were sometimes marked on the tabellae: "Unam fore tabellam, qui *liberandos* omni periculo censerent; alteram, qui capitis *damnarent*," &c. (Compare Spanheim, *Numism.* vol. ii. p. 199.)



BRITISH MUSEUM.

The preceding cut contains a copy of a coin of the Cassian gens, in which a man wearing a toga is represented in the act of placing a tabella, marked with the letter A. (*i. e. absolvo*), in the cista. The letter on the tabella is evidently intended for A.

For the other meanings of Tabella see Tabula.

TABELLA'RIAE LEGES, the laws by which the ballot was introduced in voting in the comitia. As to the ancient mode of voting at Rome, see Suffragium. There were four enactments known by the name of Tabellariae Leges, which are enumerated by Cicero (*de Leg.* iii. 16). They are mentioned below according to the order of time in which they were passed.

1. Gabinia Lex, proposed by the tribune Gabinius B. C. 139, introduced the ballot in the election of magistrates (Cic. *l. c.*); whence Cicero (*Agr.* ii. 2) calls the tabella "vindex tacitae libertatis."

2. Cassia Lex, proposed by the tribune L. Cassius Longinus B. C. 137, introduced the ballot in the "Judicium Populi," with the exception of cases of Perduellio. The "Judicium Populi" undoubtedly applies to cases tried in the comitia by the whole body of the people [Judex, p. 649], although Ernesti (*Index Leg.*) wishes to give a different interpretation to the words. This law was supported by Scipio Africanus the younger, for which he was censured by the aristocratical party. (Cic. *de Leg.* iii. 16, *Brut.* 25, 27, *pro Sextio*, 48; Ascon. *in Cornel.* p. 78, ed. Orelli.)

3. Papiria Lex, proposed by the tribune C. Papirius Carbo B. C. 131, introduced the ballot in the enactment and repeal of laws. (Cic. *de Leg.* iii. 16.)

4. Caelia Lex, proposed by C. Caelius Caldus B. C. 107, introduced the ballot in cases of Perduellio, which had been excepted in the Cassian law. (Cic. *l. c.*)

There was also a law brought forward by Marius B. C. 119, which was intended to secure freedom and order in voting. (Cic. *de Leg.* iii, 17; Plut. *Mar.* 4.)

TABELLA'RIUS, a letter-carrier. As the Romans had no public post, they were obliged to employ special messengers, who were called *Tabellarii*, to convey their letters (*tabellae*, *literae*), when they had not an opportunity of sending them otherwise. (Cic. *Phil.* ii. 31; Cic. *ad Fam.* xii. 12, xiv. 22.)

TABE'LLIO, a notary. (Suidas. *s. v.*) Under the empire the Tabelliones succeeded to the business of the Scribae in the times of the republic. [Scribae.] They were chiefly employed in drawing up legal documents, and for this purpose usually took their stations in the market-places of towns. (Cod. 4. tit. 21. s. 17; Novell. 73. c. 5, &c.) They formed a special order in the state. (Gothofr. *ad Cod. Theod.* 12. tit. 1. s. 3.)

TABERNA is defined by Ulpian as any kind of building fit to dwell in "nempe ex eo, quod *abulis* clauditur" (Dig. 50. tit. 10. § 183), or accordng to the more probable etymology of Festus, beause it was made of planks. (Festus, *s. v. Contuernales*, *Tabernacula.*) Festus (*s. v. Adtibernalis*) sserts that this was the most ancient kind of bode used among the Romans, and that it was om the early use of such dwellings that the words *berna* and *tabernaculum* were applied to military nts, though the latter were constructed of skins. Ve know very little of the form and materials of e ancient tents; but we may infer from the noces we have of them that they were generally composed of a covering of skins partly supported by wooden props, and partly stretched on ropes. Sometimes, in a permanent camp, they may have been constructed entirely of planks; and sometimes, in cases of emergency, garments and rushes were spread over any support that could be obtained. (Lipsius, *de Milit. Roman.* in *Oper.* vol. iii. pp. 154—155.) From *taberna*, when used in this sense, are derived *tabernaculum*, the more common name of a tent, and Contubernales.

The usual meaning of *taberna* is a *shop*. Originally the shops were stalls or booths in or round the market-place [Agora; Forum]; afterwards they were permanently established both on the sides of the market-place, and in other parts of the city. Neither the ancient authors nor the remains of Pompeii lead us to suppose that tradesmen often had their shops forming part of their houses, as with us. A few houses are indeed found in Pompeii entirely devoted to the purposes of trade, consisting, that is, of the shop and the rooms occupied by the tradesman and his family. Most commonly, however, the shops formed a part of a large house, to the owner of which they belonged, and were by him let out to tradesmen. [Domus, p. 430.] Some of the shops round a house were retained by the owner for the sale of the produce of his estates. This arrangement of the shops was probably an improvement on an older plan of placing them against the walls of houses. Even under the emperors we find that shops were built out so far into the street as to obstruct the thoroughfare. Martial (vii. 61) mentions an edict of Domitian by which this practice was put down, and the shops were confined within the areas of the houses.

The following are the most remarkable classes of shops of which we have notices or remains.

1. Shops for the sale of wine, hot drinks, and ready-dressed meat. [Caupona.]

2. Bakers' shops. Of these several have been found at Pompeii, containing the mill as well as the other implements for making bread. [Mola; Pistor.]

3. Booksellers' shops. [Liber.]

4. Barbers' and Hairdressers' shops. [Barba.]

[P. S.]

TABERNA'CULUM. [Taberna; Templum.]

TABLINUM. [Domus, p. 428, a.]

TA'BULAE. This word properly means planks or boards, whence it is applied to several objects, as gaming-tables (Juv. i. 90), pictures (Cic. *de Fin.* v. 1; Propert. i. 2. 22), but more especially to tablets used for writing, of which alone we have to speak here. The word Tabulae was applied to any flat substance used for writing upon, whether stone or metal, or wood covered with wax. Livy (i. 24) indeed distinguishes between *Tabulae* and *Cera*, by the former of which he seems to mean tablets of stone or metal; but *Tabulae* and *Tabellae* more frequently signify waxen tablets (*tabulae ceratae*), which were thin pieces of wood usually of an oblong shape, covered over with wax (*cera*). The wax was written on by means of the stilus. [Stilus.] These tabulae were sometimes made of ivory and citron-wood (Mart. xiv. 3. 5), but generally of a wood of a more common tree, as the beech, fir, &c. The outer sides of the tablets consisted merely of the wood; it was only the inner sides that were covered over with wax. They were fastened together at the back by means of wires, which answered the purpose of hinges, so that they opened and shut like our books; and to prevent the wax of one tablet rubbing against the wax of the other, there was a raised margin around each, as is clearly seen in the woodcut under Stilus. There were sometimes two, three, four five, or even more, tablets fastened together in the above-mentioned manner. Two such tablets were called *Diptycha* (δίπτυχα), which merely means "twice-folded" (from πτύσσω "to fold"), whence we have πτυκτίον, or with the τ omitted, πυκτίον. The Latin word *pugillares*, which is the name frequently given to tablets covered with wax (Mart. xiv. 3; Gell. xvii. 9; Plin. *Ep.* i. 6), may perhaps be connected with the same root, though it is usually derived from *pugillus*, because they were small enough to be held in the hand. Such tablets are mentioned as early as the time of Homer, who speaks of a πίναξ πτυκτός. (*Il.* vi. 169.) Three tablets fastened together were called *Triptycha* (τρίπτυχα), which Martial (xiv. 6) translates by *triplices* (*cerae*); in the same way we also read of *Pentaptycha* (πεντάπτυχα) called by Martial (xiv. 4) *Quintuplices* (*cerae*), and of *Polyptycha* (πολύπτυχα) or *Multiplices* (*cerae*). The pages of these tablets were frequently called by the name of *cerae* alone; thus we read of *prima cera*, *altera cera*, "first page," "second page." (Compare Suet. *Ner.* 17.) In tablets containing important legal documents, especially wills, the outer edges were pierced through with holes (*foramina*), through which a triple thread (*linum*) was passed, and upon which a seal was then placed. This was intended to guard against forgery, and if it was not done such documents were null and void. (Suet. *Ner.* 17; Paulus, *Sent. Rec.* v. 25. § 6; Testamentum.)

Waxen tablets were used among the Romans for almost every species of writing, where great length was not required. Thus letters were frequently written upon them, which were secured by being fastened together with packthread and sealed with wax. Accordingly we read in Plautus (*Bacchid.* iv. 4. 64) when a letter is to be written,

> "Effer cito stilum, ceram, et tabellas, et linum."

The sealing is mentioned afterwards (l. 96). (Compare Cic. *in Catil.* iii. 5.) Tabulae and tabellae are therefore used in the sense of letters. (Ovid. *Met.* ix. 522.) Love-letters were written on very small tablets called *Vitelliani* (Mart. xiv. 8, 9), of which word however we do not know the origin. Tablets of this kind are presented by Amor to Polyphemus on an ancient painting. (*Mus. Borbon.* vol. i. tav. 2.)

Legal documents, and especially wills, were almost always written on waxen tablets, as mentioned above. Such tablets were also used for accounts, in which a person entered what he received and expended (*Tabulae* or *Codex accepti et expensi*, Cic. *pro Rosc. Com.* 2), whence *Novae Tabulae* mean an abolition of debts either wholly or in part. (Suet. *Jul.* 42; Cic. *de Off.* ii. 23.) The above are merely instances of the extensive use of waxen tablets; it is unnecessary to pursue the subject further.

Two ancient waxen tablets have been discovered in a perfect state of preservation, one in a gold mine four or five miles from the village of Abrudbànyá in Transylvania, and the other in a gold mine in the village itself. Of this interesting discovery an account has been published by Massmann in a work intitled "Libellus Aurarius, sive Tabulae Ceratae, et antiquissimae et unice Romanae in Fodina Auraria apud Abrudbanyam, oppidulum Transsylvanum, nuper repertae," Lipsiae (1841). An account of these tablets, taken from Massmann's description, will serve as a commentary on what has been said above. Both the tabulae are triptycha, that is, consisting of three tablets each. One is made of fir-wood, the other of beech-wood, and each is about the size of what we call a small octavo. The outer part of the two outside tablets of each exhibits the plain surface of the wood, the inner part is covered with wax, which is now almost of a black colour, and is surrounded with a raised margin. The middle tablet has wax on both sides with a margin around each; so that each of the two tabulae contains four sides or four pages covered with wax. The edges are pierced through, that they might be fastened together by means of a thread passed through them. The wax is not thick in either; it is thinner on the beechen tabulae, in which the stilus of the writer has sometimes cut through the wax into the wood. There are letters on both of them, but on the beechen tabulae they are few and indistinct; the beginning of the first tablet contains some Greek letters, but they are succeeded by a long set of letters in unknown characters. The writing on the tabulae made of fir-wood is both greater in quantity and in a much better state of preservation. It is written in Latin, and is a copy of a document relating to some business connected with a collegium. The name of the consuls is given, which determines its date to be A. D. 169. One of the most extraordinary things connected with it is, that it is written from right to left. The writing begins on what we should call the last or fourth page, and ends at the bottom of the third; and by some strange good fortune it has happened that the same document is written over again, beginning on the second page and ending at the bottom of the first; so that where the writing is effaced or doubtful in the one it is usually supplied or explained by the other.

Waxen tablets continued to be used in Europe for the purposes of writing in the middle ages; but the oldest of these with which we are acquainted belongs to the year 1301 A. D., and is preserved in the Florentine Museum.

The tablets used in voting in the comitia and the courts of justice were also called tabulae as well as tabellae. [Tabellae.]

TA'BULAE PU'BLICAE. [Tabularium.]

TABULA'RII were notaries or accountants, who are first mentioned under this name in the time of the empire. (Sen. *Ep.* 88; Dig. 11. tit. 6. s. 7; 50. tit. 13. s. 1. § 6.) Public notaries, who had the charge of public documents, were also called tabularii (Dig. 43. tit. 5. s. 3), and these seem to have differed from the tabelliones in the circumstance that the latter had nothing to do with the custody of the public registers. Public tabularii were first established by M. Antoninus in the provinces, who ordained that the births of all children were to be announced to the tabularii within thirty days from the birth. (Capitol. *M. Anton.* 9.) Respecting the other duties of the public tabularii, see Cod. Theod. 8. tit. 2, and Gothofr. *ad loc.*

TABULA'RIUM, a place where the public records (*tabulae publicae*) were kept. (Cic. *pro C. Rabir.* 3, *pro Arch.* 4.) These records were of various kinds, as for instance Senatusconsulta, Tabulae Censoriae, registers of births, deaths, of the names of those who assumed the toga virilis, &c. (See Abram. *ad Cic. Mil.* 27.) There were various tabularia at Rome, all of which were in temples; we find mention made of tabularia in the temples of the Nymphs (Cic. *pro Mil.* 27), of Lucina, of Juventus, of Libitina, of Ceres, and more especially in that of Saturn, which was also the public treasury. (Servius, *ad Virg. Georg.* ii. 502; Capitol. *M. Anton. Phil.* 9.) [Aerarium.]

A tabularium was also called by other names, as *Grammatophylacium*, *Archium*, or *Archivum*. (Dig. 48. tit. 19. s. 9.) In a private house the name of *Tablinum* was given to the place where the family records and archives were kept. [Domus, p. 428, a.]

TAEDA or TEDA (*δαΐς*, *Att.* *δᾴς*, *dim.* *δᾳδίον*), a light of fir-wood, called on this account *pinea taeda*. (Catull. lix. 15; Ovid. *Fast.* ii. 558.) Before the adoption of the more artificial modes of obtaining light, described under Candela, Fax, Funale, and Lucerna, the inhabitants of Greece and Asia Minor practised the following method, which still prevails in those countries, and to a certain extent in Scotland and Ireland, as well as in other parts of Europe, which abound in forests of pines. (Fellows, *Exc. in Asia Minor*, pp. 140, 333—335.) A tree having been selected of the species Pinus Maritima, *Linn.*, which was called *πεύκη* by the ancient Greeks from the time of Homer (*Il.* xi. 494, xxiii. 328), and which retains this name, with a slight change in its termination, to the present day, a large incision was made near its root, causing the turpentine to flow so as to accumulate in its vicinity. This highly resinous wood was called *δᾴς*, *i. e.* torch-wood; a tree so treated was called *ἔνδᾳδος*, the process itself *ἐνδᾳδοῦν* or *δᾳδουργεῖν*, and the workmen employed in the manufacture, *δᾳδουργοί*. After the lapse of twelve months the portion thus impregnated was cut out and divided into suitable lengths. This was repeated for three successive years, and then, as the tree began to decay, the heart of the trunk was extracted, and the roots were dug up for the same purpose. (Theophrast. *H. P.* i. 6. § 1, iii. 9. § 3, 5, iv. 16. § 1, x. 2. § 2, 3; Athen. xv. 700, f.) These strips of resinous pinewood are now called *δᾳδία* by the Greeks of Mount Ida. (Hunt and Sibthorp, *in Walpole's Mem.* pp. 120, 235.)

When persons went out at night, they took these lights in their hands (Aristoph. *Eccles.* 688, 970), more particularly in a nuptial procession. (Hom. *Il.* xviii. 492; Hes. *Scut.* 275; Aristoph. *Pax*, 1317; Ovid. *Met.* iv. 326; Fast. vi. 223.) Hence *taedae felices* signified "a happy marriage" (Catull. 61. 25; compare Prudent. *c. Symm.* ii. 165); and these lights, no less than proper torches, are attributed to Love and Hymen. (Ovid. *Met.* iv. 758.) [J. Y.]

TAE'NIA. [Vitta; Strophium.]

TAGUS (*ταγός*), a leader or general, was more especially the name of the military leader of the Thessalians. Under this head it is proposed to give a short account of the Thessalian constitution.

The Thessalians were a Thesprotian tribe (Herod. vii. 176; Vell. Pat. i. 3), and originally came from the Thesprotian Ephyra. Under the guidance of leaders, who are said to have been descendants of Hercules, they invaded the western part of the country afterwards called Thessaly, and drove out or reduced to the condition of Penestae or bondsmen the ancient Aeolian inhabitants (*τὴν τότε μὲν Αἰολίδα νῦν δὲ Θετταλίαν καλουμένην*, Diod. iv. 57). The Thessalians afterwards spread over the other parts of the country, and took possession of the most fertile districts, and compelled the Peraebi, Magnetes, Achaean Phthiotae, and other neighbouring people to submit to their authority and to pay them tribute. (Thucyd. ii. 101, iv. 78, viii. 3; Aristot. *Pol.* ii. 6.) The population of Thessaly therefore consisted, like that of Laconica, of three distinct classes. 1. The Penestae, whose condition was nearly the same as that of the Helots. [Penestae.] 2. The subject people, who inhabited the districts which were not occupied by the Thessalian invaders. They paid tribute, as stated above, but were personally free, though they had no share in the government. They corresponded to the Perioeci of Laconica, by which name they are called by Xenophon. (*Hell.* vi. 1. § 19.) [Perioeci.] 3. The Thessalian conquerors, who alone had any share in the public administration, and whose lands were cultivated by the Penestae.

For some time after the conquest Thessaly seems to have been governed by kings of the race of Hercules, who may however have been only the heads of the great aristocratical families, invested with the supreme power for a certain time. Under one of these princes, named Aleuas, the country was divided into four districts, Phthiotis, Histiaeotis, Thessaliotis, and Pelasgiotis. (Aristot. *ap. Harpocrat.* *s. v.* Τετραρχία: Strab. ix. p. 430.) This division continued till the latest times of Thessalian history, and we may therefore conclude that it was not merely a nominal one. Each district may perhaps have regulated its affairs by some kind of provincial council, but respecting the internal government of each we are almost entirely in the dark. (Thirlwall, *Hist. of Greece*, vol. i. p. 437.)

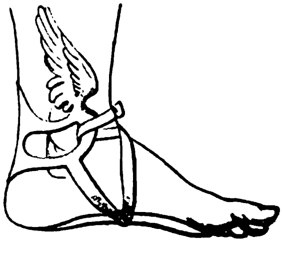
When occasion required, a chief magistrate was elected under the name of Tagus (*ταγός*), whose commands were obeyed by all the four districts. He is sometimes called king (*βασιλεύς*, Herod. v. 63), and sometimes *ἀρχός*. (Dionys. v. 74.) His command was of a military rather than of a civil nature, and he seems only to have been appointed when there was a war or one was apprehended. Pollux (i. 128) accordingly in his list of military designations classes together the Boeotarchs of the Thebans, the King of the Lacedaemonians, the Polemarch of the Athenians (in reference to his original duties), and the Tagus of the Thessalians. We do not know the extent of the power which the Tagus possessed constitutionally, nor the time for which he held the office; probably neither was precisely fixed, and depended on the circumstances of the times and the character of the individual. (Thirlwall, vol. i. p. 438.) He levied soldiers from the states in each district, and seems to have fixed the amount of tribute to be paid by the allies. (Xenoph. *Hell.* vi. 1. § 19.) When Jason was tagus he had an army of more than 8000 cavalry and not less than 20,000 hoplites (Xenoph. *l. c.*), and Jason himself says that when Thessaly is under a tagus, there is an army of 6000 cavalry and 10,000 hoplites. (*Id.* vi. 1. § 8.) The tribute which Jason levied from the subject towns was the same as had been previously paid by one of the Scopadae, whom Buttmann supposes to be the same Scopas as the one mentioned by Aelian (*V. H.* xii. 1) as a contemporary of Cyrus the younger. When Thessaly was not united under the government of a tagus the subject towns possessed more independence. (Xenoph. *Hell.* vi. 1. § 9.) In later times some states called their ordinary magistrates *ταγοί* (Böckh, *Corp. Inscr.* n. 1770), which may have been done however, as Hermann suggests, only out of affectation.

Thessaly however was hardly ever united under one government. The different cities administered their own affairs independent of one another, though the smaller towns seem to have frequently been under the influence of the more important ones (*τῶν ἐξ ὑμῶν* (*τῶν Φαρσαλίων*) *ἠρτημένων πόλεων*, Xenoph. *Hell.* vi. 1. § 8). In almost all the cities the form of government was aristocratical (*δυναστείᾳ μᾶλλον ἢ ἰσονομίᾳ ἐχρῶντο τὸ ἐγχώριον οἱ Θεσσαλοί*, Thucyd. iv. 78), and it was chiefly in the hands of a few great families, who were descended from the ancient kings. Thus Larissa was subject to the Aleuadae, whence Herodotus (vii. 6) calls them kings of Thessaly; Cranon or Crannon to the Scopadae, and Pharsalus to the Creondae. (Compare Theocr. xvi. 34, &c.) These nobles had vast estates cultivated by the Penestae; they were celebrated for their hospitality and lived in a princely manner (*φιλόξενός τε καὶ μεγαλοπρεπὴς τὸν Θετταλικὸν τρόπον*, Xenoph. *Hell.* vi. 1. § 3), and they attracted to their courts many of the poets and artists of southern Greece. The Thessalian commonalty did not however submit quietly to the exclusive rule of the nobles. Contests between the two classes seem to have arisen early, and the conjecture of Thirlwall (vol. i. p. 438), that the election of a tagus, like that of a dictator at Rome, was sometimes used as an expedient for keeping the commonalty under, appears very probable. At Larissa the Aleuadae made some concessions to the popular party. Aristotle (*Pol.* v. 5) speaks, though we do not know at what time he refers to, of certain magistrates at Larissa, who bore the name of *πολιτοφύλακες*, who exercised a superintendence over the admission of freemen, and were elected themselves out of the body of the people, whence they were led to court the people in a way unfavourable to the interests of the aristocracy. There were also other magistrates at Larissa of a democratical kind, called *Λαρισσοποιοί*. (Aristot. *Pol.* iii. 1.) Besides the contests between the oligarchical and democratical parties, there were feuds among the oligarchs themselves; and such was the state of parties at Larissa under the government of the Aleuadae two generations before the Persian war, that a magistrate was chosen by mutual consent, perhaps from the commonalty, to mediate between the parties (*ἄρχων μεσίδιος*, Aristot. *Pol.* v. 5). At Pharsalus too at the close of the Peloponnesian war the state was torn asunder by intestine commotions, and for the sake of quiet and security the citizens entrusted the acropolis and the whole direction of the government to Polydamas, who discharged his trust with the strictest integrity. (Xenoph. *Hell.* vi. 1. § 2, 3.)

The power of the aristocratical families however seems to have continued with little diminution till towards the close of the Peloponnesian war, when decided democratical movements first begin to appear. At this time the Aleuadae and the Scopadae had lost much of their ancient influence. Pherae and Pharsalus then became the two leading states in Thessaly. At Pherae a tyranny, probably arising from a democracy, was established by Lycophron, who opposed the great aristocratical families, and aimed at the dominion of all Thessaly. (Xenoph. *Hell.* ii. 3. § 4; Diod. xiv. 82.) The latter object was accomplished by Jason, the successor and probably the son of Lycophron, who effected an alliance with Polydamas of Pharsalus, and caused himself to be elected tagus about B. C. 374. While he lived the whole of Thessaly was united as one political power, but after his murder in B. C. 370 his family was torn asunder by intestine discords and did not long maintain its dominion. The office of tagus became a tyranny under his successors, Polydorus, Polyphron, Alexander, Tisiphonus, and Lycophron; till at length the old aristocratical families called in the assistance of Philip of Macedonia, who deprived Lycophron of his power in B. C. 353, and restored the ancient government in the different towns. At Pherae he is said to have restored popular or at least republican government. (Diod. xvi. 38.) The country however only changed masters; for a few years later (B. C. 344) he made it completely subject to Macedonia by placing at the head of the four divisions of the country, tetrarchies or tetradarchies, which he re-established, governors devoted to his interests and probably members of the ancient noble families, who had now become little better than his vassals. (Dem. *Philip.* ii. p. 71, iii. p. 117; Harpocrat. *s. v.*) Thessaly from this time remained in a state of dependence on the Macedonian kings (Polyb. iv. 76), till the victory of T. Flaminius at Cynoscephalae in B. C. 197 again gave them a show of independence under the protection of the Romans. (Liv. xxxiii. 34, xxxiv. 51, Polyb. xviii. 30.)

(Buttmann, *Mythologus*, No. xxii. *Von dem Geschlecht der Aleuaden*; Voemel, *de Thessaliae Incolis antiqu.* Frankf. 1829; Horn, *de Thessalia Macedonum imperio subjecta*, Gryphiae, 1829; Tittmann, *Darstellung d. Griech. Staatsverf.* p. 713, &c.; Schömann, *Antiq. Juris publ. Graec.* p. 401, &c.; Hermann, *Lehrbuch d. griech. Staatsalt.* § 178.)

TALA'RIA, small wings, fixed to the ancles of Mercury and reckoned among his attributes. (*πέδιλα*, Athen. xii. p. 537, f.; *πτηροπέδιλος*, Orph. *Hymn.* xxvii. 4; Ovid. *Met.* ii. 736; Fulgent. *Mythol.* i.) In many works of ancient art they are represented growing from his ancles, as if they were a part of his bodily frame; but more frequently they are attached to him as a part of his dress, agreeably to the description of the poets (Hom. *Il.* xxiv. 340, *Od.* v. 44; Virg. *Aen.* iv. 239); and this is commonly done by representing him with sandals, which have wings fastened to them on each side over the ancles. But there is a most beautiful bronze statue of this divinity in the



museum at Naples, in which the artist, instead of the sole of a sandal, has made the straps unite in a rosette under the middle of the foot (see the woodcut), evidently intending by this elegant device to represent the messenger of the gods as borne through space without touching the ground.

Besides Mercury the artists of antiquity also represented Perseus as wearing winged sandals (*Mon. Matth.* iii. 28; Inghirami, *Vasi Fittili*, i. tav. 70, iv. tav. 166); because he put on those of Mercury, when he went on his aërial voyage to the rescue of Andromeda. (Ovid. *Met.* iv. 665—677; Hes. *Scut.* 216—220; Eratosth. *Catast.* 22; Hygin. *Poet. Astron.* ii. 12.) The same appendage was ascribed to Minerva, according to one view of her origin, viz. as the daughter of Pallas. (Cic. *de Nat. Deor.* iii. 23; Tzetzes, *Schol. in Lycoph.* 355.) [J. Y.]

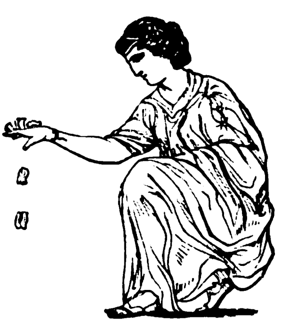
TALARUS (*τάλαρος*). [CALATHUS.]

TALA'SSIO. [MATRIMONIUM, p. 743, b.]

TALENTUM. [LIBRA, 2d art.; PONDERA; NUMMUS.]

TA'LIO, from Talis, signifies an equivalent, but it is used only in the sense of a punishment or penalty the same in kind and degree as the mischief which the guilty person has done to the body of another. A provision as to Talio occurred in the Twelve Tables: Si membrum rupit ni cum eo pacit talio esto. (Festus, *s. v. Talionis.*) This passage does not state what Talio is. Cato as quoted by Priscian (vi. p. 710, Putsch) says: Si quis membrum rupit aut os fregit, talione proximus cognatus ulciscatur. The law of Talio was probably enforced by the individual or his friends: it is not probable that the penalty was inflicted under a decision of a court of justice. It seems likely that it bore some analogy to the permission to kill an adulterer and adultress in certain cases, which the Julia Lex confirmed; and if so, the law would define the circumstances under which an injured person or his cognati might take this talio. The punishment of death for death was talio; but it is not said that the cognati could inflict death for death. Talio, as a punishment, was a part of the Mosaic law: "breach for breach, eye for eye, tooth for tooth: as he hath caused a blemish in a man, so shall it be done to him again." (*Levit.* xxiv. 20; Rein, *Das Criminalrecht der Römer*, pp. 37, 358, 816, 915.) [G. L.]

TALUS (*ἀστράγαλος*), a huckle-bone. The huckle-bones of sheep and goats have often been found in Greek and Roman tombs, both real, and imitated in ivory, bronze, glass, and agate. Those of the antelope (*δορκάδειοι*) were sought as objects of elegance and curiosity. (Theoph. *Char.* 5.; Athen. v. p. 193, f.) They were used to play with from the earliest times, principally by women and children (Plut. *Alcib.* p. 350), occasionally by old men. (Cic. *de Senect.* 16.) A painting by Alexander of Athens, found at Resina, represents two women occupied with this game. One of them, having thrown the bones upwards into the air, has caught three of them on the back of her hand. (*Ant. d'Erc.* i. tav. 1.) See the following woodcut, and compare the account of the game in Pollux (ix. c. 7). Polygnotus executed a similar work at Delphi, representing the two daughters of Pandarus thus employed (*παιζούσας ἀστραγάλοις*, Paus. x. 30. § 1). But a much more celebrated production was the group of two naked boys, executed in bronze by Polycletus, and called the *Astragalizontes*. (Plin. *H. N.* xxxiv. 8. s. 19.) A fractured marble group of the same kind, preserved in the British Museum, exhibits one of the two boys in the act of biting the arm of his play-fellow so as to present a lively illustration of the account in Homer of the fatal quarrel of Patroclus. (*Il.* xxiii. 87, 88.) To play at this game was sometimes called *πενταλιθίζειν*, because five bones or other objects of a similar kind were employed (Pollux, *l. c.*); and this number is retained among ourselves.



Whilst the tali were without artificial marks, the game was entirely one of skill; and in ancient no less than in modern times, it consisted not merely in catching the five bones on the back of the hand as shown in the wood-cut, but in a great variety of exercises requiring quickness, agility, and accuracy of sight. When the sides of the bone were marked with different values, the game became one of chance. [ALEA; TESSERA.] The two ends were left blank, because the bone could not rest upon either of them on account of its curvature. The four remaining sides were marked with the numbers 1, 3, 4, 6; 1 and 6 being on two opposite sides, and 3 and 4 on the other two opposite sides. The Greek and Latin names of the numbers were as follows (Pollux, *l. c.*; Eustath. *in Hom. Il.* xxiii. 88; Sueton. *August.* 71; Mart. xiii. 1. 6):—1. Μονάς, εἷς, *κύων*, Χῖος (Brunck, *Anal.* i. 35, 242); *Ion.* Οἴνη: *Unio*, *Vulturius*, *canis* (Propert. iv. 9. 17; Ovid. *Art. Amat.* ii. 205, *Fast.* ii. 473): 3. Τριάς: *Ternio*; 4. Τετράς: *Quaternio*; 6. Ἑξάς, ἑξίτης, Κῷος: *Senio.*

As the bone is broader in one direction than in the other, it was said to fall upright or prone (*ὀρθὸς ἢ πρηνῆς*, *rectus aut pronus*), according as it rested on the narrow or the broad side. (Plut. *Sympos. Prob.* p. 1209, ed. Steph.; Cic. *de Fin.* iii. 16.)

Two persons played together at this game, using four bones, which they threw up into the air, or emptied out of a dice-box [FRITILLUS], and observing the numbers on the uppermost sides. The numbers on the four sides of the four bones admitted of thirty-five different combinations. The lowest throw of all was four aces (*jacit voltorios quatuor*, Plaut. *Curc.* ii. 3. 78). But the value of a throw (*βόλος*, *jactus*,) was not in all cases the sum of the four numbers turned up. The highest in value was that called *Venus*, or *jactus Venereus* (Plaut. *Asin.* v. 2. 55; Cic. *de Div.* ii. 59; Sueton. *l. c.*), in which the numbers cast up were all different (Mart. xiv. 14), the sum of them being only fourteen. It was by obtaining this throw that the king of the feast was appointed among the Romans (Hor. *Carm.* i. 4. 18, ii. 7. 25) [Symposium], and hence it was also called *Basilicus.* (Plaut. *Curc.* ii. 3. 80.) Certain other throws were called by particular names, taken from gods, illustrious men and women, and heroes. Thus the throw, consisting of two aces and two trays, making eight, was denominated *Stesichorus.* When the object was simply to throw the highest numbers, the game was called πλειστοβολίνδα. (Pollux, vii. 206, ix. 95, 110, 117.) Before a person threw the tali, he often invoked either a god or his mistress. (Plaut. *Capt.* i. 1. 5, *Curc.* ii. 3. 77—79.) These bones, marked and thrown as above described, were also used in divination. (Sueton. *Tiber.* 14.) [J. Y.]

TA'MIAS (ταμίας), was a name given to any person who had the care, managing, or dispensing of money, stock, or property of any description, confided to him; as a steward, butler, housekeeper, storehousekeeper, or treasurer. And the word is applied metaphorically in a variety of ways. But the ταμίαι, who will fall under our notice in this article, are certain officers entrusted with important duties by the Athenian government; and more especially the treasurers of the temples and the revenue.

In ancient times every temple of any importance had property belonging to it, besides its furniture and ornaments; and a treasury where such property was kept. Lands were attached to the temple, from which rents accrued; fines were made payable to the god; trophies and other valuables were dedicated to him by the public; and various sacred offerings were made by individuals. There was a ταμίας ἱερῶν χρημάτων, who, together with ἐπιστάται and ἱεριοποιοί, had the custody and management of these funds. The wealthiest of all the temples at Athens was that of Athena in the Acropolis, in which were kept the spoils taken from the Persians (τὰ ἀριστεῖα τῆς πόλεως), besides magnificent statues, painting, and other works of art. (Demosth. *c. Timocr.* 741.) To the Goddess large fines were specially appropriated by the law or given by decree of the courts or the assembly; and besides this she received a tenth of all the fines that went to the state, a tenth of all confiscations and prizes taken in war. Her treasurers were called ταμίαι τῆς θεοῦ, or τῶν τῆς θεοῦ, or ταμίαι ἱερῶν χρημάτων τῆς θεοῦ, and sometimes simply ταμίαι. (Demosth. *c. Androt.* 615.) They appear to have existed from an early period. Herodotus (viii. 51, 53) relates that the ταμίαι τοῦ ἱεροῦ with a few other men awaited the attack of Xerxes upon the Acropolis, and perished in its defence. They were ten in number, chosen annually by lot from the class of Pentacosiomedimni, and afterwards when the distinction of classes had ceased to exist, from among the wealthiest of Athenian citizens. (Harpocr. and Suid. *s. v.* Ταμίαι.) The treasurers of the other gods were chosen in like manner; but they, about the 90th Olympiad, where all united into one board, while those of Pallas remained distinct. (Demosth. *c. Timocr.* 743.) Their treasury, however, was transferred to the same place as that of Athena, viz. to the Opisthodomus of the Parthenon, where were kept not only all the treasures belonging to the temples, but also the state treasure (ὅσια χρήματα, as contra-distinguished from ἱερά), under the care of the treasurers of Pallas. (Aristoph. *Plut.* 1194.) All the funds of the state were considered as being in a manner consecrated to Pallas; while on the other hand the people reserved to themselves the right of making use of the sacred monies, as well as the other property of the temples, if the safety of the state should require it. (Thucyd. ii. 13.) Payments made to the temples were received by the treasurers in the presence of some members of the senate, just as public monies were by the Apodectae; and then the treasurers became responsible for their safe custody. As to fines see Epibole, Practores, and on the whole of this subject, Böckh, *Publ. Econ. of Athens*, pp. 160—164.

The treasurer of the revenue, ταμίας or ἐπιμελητὴς τῆς κοινῆς προσόδου, was a more important personage than those last mentioned. He was not a mere keeper of monies, like them, nor a mere receiver, like the Apodectae; but a general paymaster, who received through the Apodectae all money which was to be disbursed for the purposes of the administration (except the property-taxes which were paid into the war-office, and the tribute from the allies, which was at first paid to the Hellenotamiae, and afterwards to other persons hereafter mentioned), and then distributed it in such manner as he was required to do by the law; the surplus (if any) he paid into the war-office or the Theoric fund. As this person knew all the channels in which the public money had to flow, and exercised a general superintendence over the expenditure, he was competent to give advice to the people upon financial measures, with a view to improve the revenue, introduce economy, and prevent abuses; he is sometimes called ταμίας τῆς διοικήσεως, or ὁ ἐπὶ τῆς διοικήσεως, and may be regarded as a sort of minister of finance. To him Aristophanes refers in *Equit.* 947. He was elected by χειροτονία, and held his office for four years, but was capable of being re-elected. A law, however, was passed during the administration of Lycurgus, prohibiting re-election; so that Lycurgus, who is reported to have continued in office for twelve years, must have held it for the last eight years under fictitious names. The power of this officer was by no means free from control; inasmuch as any individual was at liberty to propose financial measures, or institute criminal proceedings for malversation or waste of the public funds; and there was an ἀντιγραφεὺς τῆς διοικήσεως appointed to check the accounts of his superior. Anciently there were persons called Πορισταί who appear to have assisted the ταμίαι in some part of their duties. (Böckh, *id.* 166) [Poristae.]

The money disbursed by the treasurer of the revenue was sometimes paid directly to the various persons in the employ of the government, sometimes through subordinate pay offices. Many public functionaries had their own paymasters, who were dependent on the ταμίας τῆς προσόδου, receiving their funds from him, and then distributing them in their respective departments. Such were the τριηροποιοί, τειχοποιοί, ὁδοποιοί, ταφροποιοί, ἐπεμεληταὶ νεωρίων, who received through their own ταμίαι such sums as they required from time to time for the prosecution of their works. The payment of the judicial fees was made by the Colacretae (κωλακρέται), which, and the providing for the meals in the Prytaneum, were the only duties that remained to them after the establishment of the Apodectae by Cleisthenes. (Aristoph. *Vesp.* 693, 724.) The ταμίαι of the sacred vessels, τῆς

Παράλου and *τῆς Σαλαμινίας*, acted not only as treasurers, but as trierarchs; the expenses (amounting for the two ships together to about sixteen talents) being provided by the state. They were elected by *χειροτονία* (Demosth. *c. Mid.* 570; Pollux, viii. 116.) Other trierarchs had their own private *ταμίαι*, for the keeping of accounts and better dispatch of business. (Böckh, *Id.* p. 171, &c.; Schömann, *Ant. Jur. publ. Gr.* pp. 250, 312.)

The duties of the *Ἑλληνοταμίαι* are spoken of in a separate article. [Hellenotamiae.]

The war fund at Athens (independently of the tribute) was provided from two sources, 1st, the property-tax [Eisphora], and 2dly, the surplus of the yearly revenue, which remained after defraying the expenses of the civil administration, *τὰ περιόντα χρήματα τῆς διοικήσεως*. Of the ten *Στρατηγοί*, who were annually elected to preside over the war department, one was called *στρατηγὸς ὁ ἐπὶ τῆς διοικήσεως*, to whom the management of the war fund was entrusted. He had under him a treasurer, called *ταμίας τῶν στρατιωτικῶν*, who gave out the pay of the troops, and defrayed all other expenses incident to the service. Demosthenes, perhaps on account of some abuses which had sprung up, recommended that the generals should have nothing to do with the military fund, but that this should be placed under the care of special officers, *ταμίαι καὶ δημόσιοι*, who should be accountable for its proper application: *τὸν μὲν τῶν χρημάτων λόγον παρὰ τούτων λαμβάνειν, τὸν δὲ τῶν ἔργων παρὰ τοῦ στρατηγοῦ.* (*De Cherson.* 101.) The passage just cited confirms the opinion of those who think that in Demosth. *de Coron.* 238, 265, the words *ὁ ἐπὶ τῆς διοικήσεως* refer to a *στρατηγός* so designated, and not to the *ταμίας τῆς προσόδου.* (Schömann, *Ant. Jur. publ. Gr.* p. 252, n. 7; Böckh, *Id.* p. 168; Meier, *Att. Proc.* p. 105.)

So much of the surplus revenue, as was not required for the purposes of war, was to be paid by the treasurer of the revenue into the Theoric fund; of which, after the Archonship of Euclides, special managers were created. [Theorica.]

Lastly, we have to notice the treasurers of the demi, *δήμων ταμίαι*, and those of the tribes, *φυλῶν ταμίαι*, who had the care of the funds belonging to their respective communities, and performed duties analogous to those of the state treasurers. The demi, as well as the tribes, had their common lands, which were usually let to farm. The rents of these formed the principal part of their revenue. *Φύλαρχοι, δήμαρχοι*, and other local functionaries were appointed for various purposes; but with respect to their internal economy we have but scanty information. (Schömann, *de Comit.* pp. 371—378, *Ant. Jur. publ. Gr.* pp. 203, 204.) [C. R. K.]

TAPES or TAPE'TE (Non. Marcell. p. 229, ed. Merceri), *τάπης, τάπις*, or *δάπις*, *dim.* *δαπίδιον*, a piece of tapestry, a carpet.

The use of tapestry was in very ancient times characteristic of Oriental rather than of European habits (Athen. ii. p. 48, n.); we find that the Asiatics, including the Egyptians and also the Carthaginians, who were of Asiatic origin, excelled in the manufacture of carpets, displayed them on festivals and other public occasions, and gave them as presents to their friends. (Xen. *Anab.* vii. 3. § 18, 27.) They were nevertheless used by the Greeks as early as the age of Homer (*Il.* xvi. 224, xxiv. 230, 645, *Od.* iv. 298, vii. 337), and by some of the later Roman Emperors they were given as presents to the combatants at the Circensian Games. (Sidon. Apoll. *Carm.* xxiii. 427.) The places most renowned for the manufacture were Babylon (Arrian, *Exped. Alex.* vi. p. 436, ed. Blanc.; Sidon. Apoll. *Epist.* ix. 13), Tyre and Sidon (Heliodor. v. p. 252, ed. Commelin.), Sardes (Athen. ii. p. 48, b., vi. p. 255, e., xii. p. 514, c.; Non. Marcell. p. 542), Miletus (Aristoph. *Ran.* 542), Alexandria (Plaut. *Pseud.* i. 2. 13), Carthage (Athen. i. p. 28, a), and Corinth. (Athen. i. p. 27, d.) In reference to the texture, these articles were distinguished into those which were light and thin with but little nap, chiefly made at Sardes and called *ψιλοτάπιδες* (Athen. vi. p. 255, e., xii. p. 514, c.; Diog. Laërt. v. 72), and those in which the nap (*μαλλός*) was more abundant, and which were soft and woolly (*οὔλοι*, Hom. *Il.* xvi. 224; *μαλακοῦ ἐρίοιο*, *Od.* iv. 124). The thicker and more expensive kinds (*μαλλωτοί*) resembled our baize or drugget, or even our soft and warm blankets, and were of two sorts, viz. those which had the nap on one side only (*ἑτερόμαλλοι*), and those which had it on both sides, called *ἀμφίταποι* (Athen. v. p. 197, b., vi. p. 255, e.; Diog. Laërt. v. 72, 73), *amphitapae* (Non. Marcell. p. 540; Lucil. *Sat.* i. p. 188, ed. Bip.), or *ἀμφιτάπητες* (Eustath. *in Hom. Il.* ix. 200), and also *ἀμφίμαλλοι* or *amphimalla.* (Plin. *H. N.* viii. 48. s. 73.) Instead of being always used, like blankets, in single pieces as they came from the loom [Pallium], carpets were often sewed together. (Plaut. *Stich.* ii. 2. 54.) They were frequently of splendid colours, being dyed either with the kermes (Hor. *Sat.* ii. 6. 102—106) or with the murex (*ἁλουργεῖς, ἁλιπορφύροι*), and having figures, especially hunting-pieces, woven into them. (Sidon. Apoll. *l. c.*; Plaut. *Pseud.* i. 2. 14.) These fine specimens of tapestry were spread upon thrones or chairs, and upon benches, couches, or sofas, at entertainments (Hom. *Il.* ix. 200, *Od.* xx. 150; Virg. *Aen.* i. 639, 697—700; Ovid. *Met.* xiii. 638; Cic. *Tusc.* v. 21), more especially at the nuptials of persons of distinction. Catullus (*Argon.* 47—220) represents one to have been so employed, which exhibited the whole story of Theseus and Ariadne. They were even used to sleep upon (Hom. *Il.* x. 156; Anac. viii. 1, 2; Theocrit. xv. 125; Aristoph. *Plut.* 540; Virg. *Aen.* ix. 325, 358), and for the clothing of horses. (*Aen.* vii. 277.) The tapestry used to decorate the bier and catafalque at the Apotheosis of a Roman Emperor was interwoven with gold. (Herodian, iv. 2, p. 82, ed. Bekker.) The orientals upon occasions of state and ceremony spread carpets both over their floors and upon the ground. (Aeschyl. *Agam.* 879—936; Athen. iv. p. 131, b., xii. p. 514, c.)

Besides the terms which have now been explained, the same articles of domestic furniture had denominations arising from the mode of using them, either in the Triclinium (*tricliniaria Babylonica*, Plin. *H. N.* viii. 48. s. 74) or in the Cubiculum (*cubicularia polymita*, Mart. xiv. 150), and especially from the constant practice of spreading them out (*textile stragulum*, Cic. *Tusc.* v. 21; *stratum*, C. Nepos, *Ages.* viii. 2; *vestis stragula*, Liv. xxxiv. 7; Hor. *Sat.* ii. 3. 118; *στρωμναί*, Plut. *Lycurg.* p. 86, ed. Steph.; Athen. iv. p. 142, a., *στρώματα*, ii. p. 48, d.). The Greek term *peristroma*, which was transferred into the Latin (Diog. Laërt. *l. c.*; Plaut. *Stich.* ii. 2. 54; Cic. *Phil.* ii. 27), had a special signification, meaning probably a coverlet made so large as to hang round the sides of the bed or couch. [J. Y.]

TAPHUS (τάφος). [Funus, p. 556, a.]

TARENTI'NI LUDI. [Ludi Saeculares.]

TARRHUS (ταῤῥός). [Navis, p. 788, a.]

TAURII LUDI. [Ludi Saeculares.]

TAXIARCHI (ταξίαρχοι), were military officers at Athens, who were next in rank to the Strategi. [Strategus.] They were ten in number like the strategi, one for each tribe, and were elected in the same way, namely by χειροτονία. (Dem. *Philip.* i. p. 47; Pollux, viii. 87.) In war each commanded the infantry of his own tribe (Dem. *in Boeot.* p. 999; Aesch. *de Fals. Leg.* p. 333), and they were frequently called to assist the Strategi with their advice at the war-council. (Thucyd. vii. 60.) In peace they assisted the Strategi in levying and enlisting soldiers, as is stated under Strategus, and they seem to have also assisted the latter in the discharge of many of their other duties.

The Taxiarchs were so called from their commanding τάξεις, which were the principal divisions of the hoplites in the Athenian army. Each tribe (φυλή) formed a τάξις, whence we find φυλή used as synonymous with τάξις. (Lys. *in Agorat.* pp. 498, 501.) As there were ten tribes, there were consequently in a complete Athenian army ten τάξεις, but the number of men contained in each would of course vary according to the importance of the war. Among the other Greeks the τάξις was the name of a much smaller division of troops. The λόχος among the Athenians was a subdivision of the τάξις, and the λοχαγοί were probably appointed by the taxiarchs. (Schömann, *Ant. Jur. publ. Graec.* p. 253, &c.)

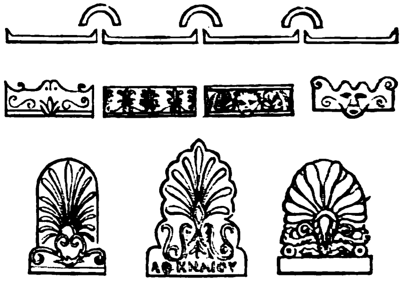
TAXIS (τάξις). [Taxiarchi.]

TECTOR, TECTO'RIUM OPUS. [Paries, p. 870, a.]

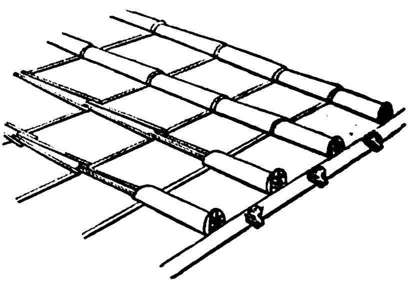
TE'GULA (κέραμος, *dim.* κεραμίς, Xen. *Hellen.* vi. 5. § 9), a roofing-tile. Roofing-tiles were originally made, like bricks, of baked clay (γῆς ὀπτῆς). Byzes of Naxos first introduced tiles of marble about the year 620 B. C. (Paus. v. 10. § 2.) Besides the superior beauty and durability of the material, these tiles could be made of a much larger size than those of clay. Consequently, when they were employed in the construction of the greatest temples, such as that of Jupiter at Olympia (Paus. *l. c.*), the Parthenon at Athens, and the Serapeium at Puteoli, their dimensions were in exact proportion to the other parts of the building; and the effect of the parallel rows of joint-tiles descending from the ridge to the eaves, and terminated by ornamental frontons, with which the lions'-heads (*capita leonina*, Vitruv. iii. 5. § 15; χολέραι, Horapoll. *Hier.* i. 21) over the cornice alternated, was exceedingly grand and beautiful. How highly this invention was prized by the ancients is proved by the attempt of the Roman censor Q. Fulvius Flaccus to despoil the temple of the Lacinian Juno of some of its marble tiles (*tegulae marmoreae*), in order to adorn another temple which he had vowed to erect in Rome. (Liv. xlii. 4; Val. Max. i. 1. § 20.) A still more expensive and magnificent method of roofing consisted in the use of tiles made of bronze and gilt. (Plin. *H. N.* xxxiii. 3. s. 18.)

At Rome the houses were originally roofed with shingles, and continued to be so down to the time of the war with Pyrrhus, when tiles began to supersede the old roofing material. (Plin. *H. N.* xvi. 10. s. 36; Niebuhr, *Hist. of Rome*, vol. iii. p. 559.)

Tiles were originally made perfectly flat, or with nothing more than the hook or nozle underneath the upper border, which fulfilled the purpose of fixing them upon the rafters. They were afterwards formed with a raised border on each side, as is shown in the annexed woodcut representing the section of four of the tiles remaining at Pompeii.



In order that the lower edge of any tile might overlap the upper edge of that which came next below it, its two sides were made to converge downwards. See the next woodcut representing a tiled roof, from a part of which the joint-tiles are removed in order to show the overlapping and the convergence of the sides. It was evidently necessary to cover the lines of junction between the rows of flat tiles, and this was done by the use of semicylindrical tiles called *imbrices*. The above woodcut shows the section of three imbrices found at Pompeii, and indicates their position relatively to the flat tiles. This is also shown in the next woodcut. The roof, by the exact adaptation of the broad *tegulae* and the narrow *imbrices* throughout its whole extent, became like one solid and compact frame-work. (Xen. *Mem.* iii. 1. § 7; *confringit tegulas imbricesque*, Plaut. *Most.* i. 2. 28; Plin. *H. N.* xxxvi. 22. s. 44.) The rows of joint-tiles divided the roof into an equal number of channels, down which the water descended into the gutter (*canalis*) to be discharged through openings made in the lions'-heads, the position and appearance of which are shown in the woodcuts. The rows of flat tiles terminated in a variously ornamented front, which rose immediately above the cornice, and of which four specimens are shown in the first woodcut. The first and fourth patterns are drawn from tiles found at Pompeii, and the two internal from tiles preserved in the British



Museum and brought thither from Athens. The lions'-heads upon the third and fourth are perforated. [ANTEFIXA.] The frontons, which were ranged along the cornice at the termination of the rows of joint-tiles, were either painted or sculptured so as to represent leaves, aplustria [APLUSTRE], or masks. The first woodcut shows three examples of such frontons, which belong to the Elgin collection in the British Museum. They are drawn on a much larger scale than the other objects in the same woodcut. The invention of these graceful ornaments is ascribed to Dibutades of Corinth. (Plin. *H. N.* xxxv. 12. s. 43.)

Other highly curious details upon the tiled roofs of Greek temples may be seen in the *Unedited Antiquities of Attica*, Lon. 1817.

The same arrangement of tiles which was placed round a temple was also to be found within a house which was formed with an opening in the centre. Hence any person who descended from the roof into the open court or impluvium of a house, was said to pass "through the tiles" (*per tegulas*, Ter. *Eun.* iii. 5. 40; compare Gellius, x. 15; *διὰ τῶν κεράμων*, St. Luke, v. 19).

Pliny mentions a kind of tiling under the name *pavonaceum* (*H. N.* xxxvi. 22. s. 44), so called probably because the tiles were semicircular at their lower edge, and overlapped one another like the feathers in the train of a peacock. Ancient sepulchres and urns, made in the form of small temples [FUNUS], often represent very exactly the appearance of a roof with the above-mentioned varieties in the form of the tiles. [J. Y.]

TEICHOPOEUS (*τειχοποιός*). Among the various persons to whom was entrusted the management of public works at Athens (*ἐπιστάται δημοσίων ἔργων*), were those whose business it was to build and keep in repair the public walls. It is needless to observe how important to the city of Athens were her walls and fortifications, more especially the long walls, which connected the upper city with the Peiraeeus, and which gave it the advantages of an island. These were maintained at considerable expense. The *τειχοποιοί* appear to have been elected by *χειροτονία*, one from each tribe, and probably for a year. They were considered to hold a magisterial office (*ἀρχή*), and in that capacity had an *ἡγεμονία δικαστηρίου*. Aeschines calls them *ἐπιστάται τοῦ μεγίστου τῶν ἔργων*. Funds were put at their disposal, for which they had their treasurer (*ταμίας*), dependent on the treasurer of the revenue. They were liable to render an account (*εὐθύνη*) of their management of these funds, and also of their general conduct, like other magistrates. The office of *τειχοποιός* has been invested with peculiar interest in modern times, on account of its having been held by Demosthenes, and its having given occasion to the famous prosecution of Ctesiphon, who proposed that Demosthenes should receive the honour of a crown before he had rendered his account according to law. As to the nature of the office, and the laws thereto relating, we may probably rely upon the account given by Aeschines. (Aesch. *c. Ctesiph.* 55—57, ed. Steph.; Böckh, *Publ. Econ. of Athens*, pp. 170, 203, 2d ed.) [C. R. K.]

TELA (*ἱστός*), a loom. Although weaving was amongst the Greeks and Romans a distinct trade carried on by a separate class of persons (*ὑφάνται*, *textores* and *textrices*, *linteones*), who more particularly supplied the inhabitants of the towns with the productions of their skill (Cato, *de Re Rust.* 135), yet every considerable domestic establishment, especially in the country, contained a loom (Cato, *de Re Rust.* 10, 14) together with the whole apparatus necessary for the working of wool (*lanificium*, *ταλασία*, *ταλασιουργία*). (Hesiod, *Op. et Dies*, 779; Virg. *Georg.* i. 285, 294.) [CALATHUS.] These occupations were all supposed to be carried on under the protection of Minerva, specially denominated *Ἐργάνη*, who was always regarded in this character as the friend and patroness of industry, sobriety, and female decorum. (Serv. *in Virg. Ecl.* vi. 3.)

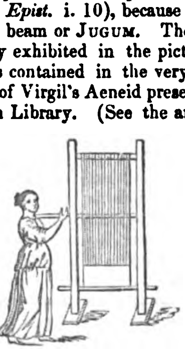
When the farm or the palace was sufficiently large to admit of it, a portion of it called the *ἱστῶν* (*histones*, Varro, *de Re Rust.* i. 2) or *textrinum*, was devoted to this purpose. (Cic. *Verr.* iv. 26.) The work was there principally carried on by female slaves (*quasillariae*, *αἱ ἔριθοι*, Theocrit. xv. 80; Hom. *Od.* i. 356—360, vii. 235, xxi. 350) under the superintendence of the mistress of the house, who herself also together with her daughters took part in the labour, both by instructing beginners and by finishing the more tasteful and ornamental parts. (Vitruv. vi. 7. p. 164, ed. Schneider; Symmachus, *Epist.* vi. 40.) But although weaving was employed in providing the ordinary articles of clothing among the Greeks and Romans from the earliest times, yet as an inventive and decorative art, subservient to luxury and refinement, it was almost entirely Oriental. Persia, Babylonia, Egypt, Phoenicia, Phrygia, and Lydia, are all celebrated for the wonderful skill and magnificence displayed in the manufacture of scarfs, shawls, carpets and tapestry. [CHLAMYS, PALLIUM, PEPLUM, TAPES.]

Among the peculiarities of Egyptian manners Herodotus (ii. 35; compare Athen. ii. p. 48, b) mentions that weaving was in that country the employment of the male sex. This custom still continues among some Arab and negro tribes. (Welsted, *Travels*, vol. i. p. 123; Prichard, *Researches*, vol. ii. p. 60, 3d edit.) Throughout Europe, on the other hand, weaving was in the earliest ages the task of women only. The matron, assisted by her daughters, wove clothing for the husband and the sons. (Colum. *de Re Rust.* xii. *Praef.*; Plin. *H. N.* viii. 48. s. 74; Herod. ix. 109.) This domestic custom gives occasion in the works of the epic and tragic poets to some very interesting *dénoûmens* and expressions of affection between near relations. Indeed the recognition, or *Ἀναγνώρισις*, as Aristotle calls it (*de Art. Poet.* 6. § 18, 14. § 21), often depends on this circumstance. Thus Creusa proves herself to be the mother of Ion (Eurip. *Ion*, 1416, 1417) by describing the pattern of a shawl which she had made in her youth, and in which she had wrapped her infant son. Iphigenia recognises her brother Orestes on one occasion (Eurip. *Iph. in Taur.* 814—817), and Electra recognises him on another (Aeschyl. *Choeph.* 225) by the figured clothing which he wore, and which they had long before woven for him.

Besides the shawls which were frequently given to the temples by private persons, or obtained by commerce with foreign nations, companies or colleges of females were attached to the more opulent temples for the purpose of furnishing a regular supply. Thus the sixteen women, who lived together in a building destined to their use at Olympia, wove a new shawl every five years to be displayed at the games which were then celebrated in honour of Hera, and to be preserved in her temple. (Paus. v. 16. § 2—4, vi. 24. § 8.) [**Heraea.**] A similar college at Sparta was devoted to the purpose of weaving a tunic every year for the sitting statue of the Amyclean Apollo, which was thirty cubits high. (Paus. iii. 16. § 2, 19. § 2.) At Athèns the company of virgins called *ἐργαστῖναι* or *ἐργάναι*, and *ἀῤῥηφόροι*, who were partly of Asiatic extraction, wove the shawl which was carried in the Panathenaic procession and which represented the battle between the gods and the giants. (Eurip. *Hec.* 461—469 ; Virg. *Ciris*, 21—35.) [**Arrhephoria** ; **Panathenaea.**] A similar occupation was assigned to young females of the highest rank at Argos. (Eurip. *Iph. in Taur.* 213—215.) In the fourth century the task of weaving began to be transferred in Europe from women to the other sex, a change which St. Chrysostom deplores as a sign of prevailing sloth and effeminacy. (*Orat.* 34. vol. iii. p. 470, ed. Saville.) Vegetius (*de Re Mil.* i. 7), who wrote about the same time, mentions *linteones*, or the manufacturers of linen cloth, in the number of those who were ineligible as soldiers.

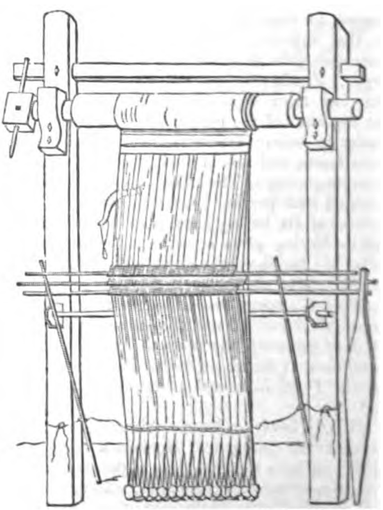
Every thing woven consists of two essential parts, the warp and the woof, called in Latin *Stamen* and *Subtegmen*, *Subtemen*, or *Trama* (Vitruv. x. 1 ; Ovid. *Met.* iv. 397 ; Plin. *H. N.* xi. 24. s. 28 ; Pers. *Sat.* vi. 73), in Greek *στήμων* and *κροκή*. (Plato, *Polit.* pp. 297, 301, 302, ed. Bekker ; Aelian, *H. A.* ix. 17 ; Plut. *de Is. et Osir.* p. 672.) Instead of *κροκή* Plato (*Leg.* v. p. 386, ed. Bekker) sometimes uses *ἐφυφή*, and in the passages referred to he mentions one of the most important differences between the warp and the woof : viz. that the threads of the former are strong and firm in consequence of being more twisted in spinning, whilst those of the latter are comparatively soft and yielding. This is in fact the difference which in the modern silk manufacture distinguishes *organzine* from *tram*, and in the cotton manufacture *twist* from *weft*. Another name for the woof or tram was *ῥοδάνη*. (Hom. *Batr.* 181 ; Eustath. *in Hom. Il.* xxiii. 762, *Od.* v. 121.)

The warp was called *stamen* in Latin (from *stare*) on account of its erect posture in the loom. (Varro, *L. L.* v. 113, ed. Müller.) The corresponding Greek term *στήμων* and likewise *ἱστός* have evidently the same derivation. For the same reason the very first operation in weaving was to set up the loom, *ἱστὸν στήσασθαι* (Hom. *Od.* ii. 94 ; Hesiod, *Op. et Dies*, 779) ; and the web or cloth, before it was cut down or "descended" from the loom (*κατέβα ἀφ' ἱστῶ*, Theocrit. xv. 35), was called "vestis pendens," or "pendula tela" (Ovid, *Met.* iv. 395, *Epist.* i. 10), because it hung from the transverse beam or **Jugum.** These particulars are all clearly exhibited in the picture of Circe's loom, which is contained in the very ancient illuminated MS. of Virgil's Aeneid preserved at Rome in the Vatican Library. (See the annexed woodcut, and compare *Aen.* vii. 14 : *apud majores stantes texebant*, Servius *in loc.* ; Hom. *Od.* x. 222.) Although the upright loom here exhibited was in common use, and employed for all ordinary purposes, the practice, now generally adopted, of placing the warp in an horizontal position was occasionally resorted to in ancient times ; for the upright loom (*stans tela*, *ἱστὸς ὄρθιος*), the management of which required the female to stand and move about, is opposed to another kind at which she sat. (Artemidor. iii. 36 ; Servius, *l. c.*)



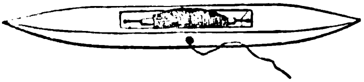
We observe in the preceding woodcut about the middle of the apparatus a transverse rod passing through the warp. A straight cane was well adapted to be so used, and its application is clearly expressed by Ovid in the words "stamen secernit arundo." (*Met.* vi. 55.) In plain weaving it was inserted between the threads of the warp so as to divide them into two portions, the threads on one side of the rod alternating with those on the other side throughout the whole breadth of the warp. The two upright beams supporting the jugum, or transverse beam, from which the warp depends, were called *κελεόντες* (Theocrit. xviii. 34), and *ἱστόποδες*, literally, "the legs of the loom." (Eustath. *in Hom. Od.* xiii. 107.)

Whilst the improvements in machinery have to a great extent superseded the use of the upright loom in all other parts of Europe, it remains almost in its primitive state in Iceland. The following woodcut is reduced from an engraving of the Icelandic loom in Olaf Olafsen's *Economic Tour* in that island, published in Danish at Copenhagen, A. D. 1780. We observe underneath the jugum a roller (*ἀντιον*, Pollux, vii. x. § 36 ; Eustath. *in Hom. Od.* xiii. 107) which is turned by a handle, and on which the web is wound as the work advances. The threads of the warp, besides being separated by a transverse rod or plank, are divided into thirty or forty parcels, to each of which a stone is suspended for the purpose of keeping the warp in a perpendicular position and allowing the necessary play to the strokes of the spatha, which is drawn at the side of the loom. The mystical ode written about the eleventh century of our era,



with which Gray has made us familiar in his translation, and which describes the loom of "the Fatal Sisters," represents warriors' skulls as supplying the place of these round stones (*pondera*, Sen. *Epist.* 91 ; Plin. *H. N. l. c.*). The knotted bundles of threads, to which the stones were attached, often remained after the web was finished in the form of a fringe. [Fimbriae.]

Whilst the comparatively coarse, strong, and much-twisted thread designed for the warp was thus arranged in parallel lines, the woof remained upon the spindle [Fusus], forming a *spool*, *bobbin*, or *pen* (*πήνη*, *dim.* *πήνιον*, Hom. *Il.* xxiii. 762 ; Eurip. *Hec.* 466). This was either conveyed through the warp without any additional contrivance, as is still the case in Iceland, or it was made to revolve in a shuttle (*πανοῦλκος*, Hesych. *s. v.* Πήνιον : *radius*, Lucret. v. 1352). This was made of box brought from the shores of the Euxine, and was pointed at its extremities, that it might easily force its way through the warp. (Virg. *Aen.* ix. 476 ; Ovid. *Met.* iv. 275, vi. 56, 132, *Fast.* iii. 879.) The annexed woodcut shows the form in which it is still used in some retired parts of our island for common domestic purposes, and which may be regarded as a form of great antiquity. An oblong cavity is seen in its upper surface, which holds the bobbin. A small stick, like a wire, extends through the length of this cavity, and enters its two extremities so as to turn freely. The small stick passes through a hollow cane, which our manufacturers call a *quill*, and which is surrounded by the woof. This is drawn through a round hole in the front of the shuttle, and, whenever the shuttle is thrown, the bobbin revolves and delivers the woof through this hole. The process of winding the yarn so as to make it into a bobbin or pen, was called *πηνίζεσθαι* (Theocrit. xviii. 32) or *ἀναπηνίζεσθαι.* (Aristot. *H. A.* v. 19.) The reverse process by which it was delivered through the hole in front of the shuttle (see the last woodcut) was called *ἐκπηνίζεσθαι.* Hence the phrase *ἐκπηνιεῖται ταῦτα* means "he shall disgorge these things." (Aristoph. *Ran.* 586 ; Schol. *in loc.*)



All that is effected by the shuttle is the conveyance of the woof across the warp. To keep every thread of the woof in its proper place it is necessary that the threads of the warp should be decussated. This was done by the leashes, called in Latin *licia*, in Greek *μίτοι* (*μίτος*, Hom. *Il.* xxiii. 762). By a leash we are to understand a thread having at one end a loop, through which a thread of the warp was passed, the other end being fastened to a straight rod called *Liciatorium*, and in Greek *κανών.* (Aristoph. *Thesm.* 829.) The warp, having been divided by the arundo, as already mentioned, into two sets of threads, all those of the same set were passed through the loops of the corresponding set of leashes, and all these leashes were fastened at their other end to the same wooden rod. At least one set of leashes was necessary to decussate the warp, even in the plainest and simplest weaving. The number of sets was increased according to the complexity of the pattern, which was called *bilix* or *trilix* (Mart. xiv. 143), *δίμιτος*, *τρίμιτος* (Crat. Jun. *Frag.* p. 103, ed. Runkel), or *πολύμιτος* (*Per. Mar. Eryth.* pp. 164, 170, 173, ed. Blancardi), according as the number was two, three, or more.

The process of annexing the leashes to the warp was called *ordiri telam* (Plin. *H. N.* xi. 24. s. 28), also *licia telae addere*, or *adnectere.* (Virg. *Georg.* i. 285 ; Tibull. i. 6. 78.) It occupied two women at the same time, one of whom took in regular succession each separate thread of the warp and handed it over to the other ; this part of the process was called *παραφέρειν*, *παραδίδοναι*, or *προφορεῖσθαι.* (Schol. *in Aristoph. Av.* 4 ; Suidas, Hesychius, *s. v.*) The other woman, as she received each thread, passed it through the loop in proper order, and this act, which we call "entering," was called in Greek *διάζεσθαι.* (Schol. *in Hom. Od.* vii. 107.)

Supposing the warp to have been thus adjusted, and the pen or the shuttle to have been carried through it, it was then decussated by drawing forwards the proper rod, so as to carry one set of the threads of the warp across the rest, after which the woof was shot back again, and by the continual repetition of this process the warp and woof were interlaced. (Plutarch, vii. *sap. conv.* p. 592, ed. Reiske ; Hom. *Il.* xxiii. 760—763.) In the preceding figure of the Icelandic loom we observe two staves, which are occasionally used to fix the rods in such a position as is most convenient to assist the weaver in drawing her woof across her warp. After the woof had been conveyed by the shuttle through the warp, it was driven sometimes downwards, as is represented in the first woodcut, but more commonly upwards as in the second. (Isid. *Orig.* xix. 22 ; Herod. ii. 35.) Two different instruments were used in this part of the process. The simplest and probably the most ancient was in the form of a large wooden sword (*spatha*, *σπάθη*, *dim.* *σπάθιον*, Brunck, *Anal.* i. 222 ; Plato, *Lysis*, p. 118 ; Aesch. *Choeph.* 226). From the verb *σπαθάω*, to beat with the spatha, cloth rendered close and compact by this process was called *σπαθητός.* (Athen. xii. p. 525, d.) This instrument is still used in Iceland exactly as it was in ancient times, and a figure of it copied from Olafsen, is given in the second woodcut.

The spatha was, however, in a great degree superseded by the comb (*pecten*, *κερκίς*), the teeth of which were inserted between the threads of the warp, and thus made by a forcible impulse to drive the threads of the woof close together. (Ovid. *Fast.* iii. 880, *Met.* vi. 58 ; Juv. ix. 26 ; Virg. *Aen.* vii. 14 ; Hom. *Il.* xxii. 448 ; Aristoph. *Aves*, 832 ; Eurip. *Ion*, 509, 760, 1418, 1492.) It is probable that the teeth were sometimes made of metal (Hom. *Od.* v. 62) ; and they were accommodated to the purpose intended by being curved (*pectinis unci*, Claudian, *in Eutrop.* ii. 382), as is still the case in the combs which are used in the same manner by the Hindoos. Among us the office of the comb is executed with greater ease and effect by the *reed*, *lay*, or *batten.*

The lyre [Lyra], the favourite musical instrument of the Greeks, was only known to the Romans as a foreign invention. Hence they appear to have described its parts by a comparison with the loom, with which they were familiar. The terms *jugum* and *stamina* were transferred by an obvious resemblance from the latter to the former object; and, although they adopted into their own language the Greek word *plectrum* (Ovid. *Met.* xi. 167—170), they used the Latin Pecten to denote the same thing, not because the instrument used in striking the lyre was at all like a comb in shape and appearance, but because it was held in the right hand and inserted between the stamina of the lyre as the comb was between the stamina of the loom. (Virg. *Aen.* vi. 647; Juv. vi. 290—293; Pers. vi. 2.)

After enumerating those parts of the loom which were necessary to produce even the plainest piece of cloth, it remains to describe the methods of producing its varieties, and more especially of adding to its value by making it either warmer and softer, or more rich and ornamental. If the object was to produce a checked pattern (*scutulis dividere*, Plin. *H. N.* viii. 48. s. 74; Juv. ii. 97), or to weave what we should call a Scotch plaid, the threads of the warp were arranged alternately black and white, or of different colours in a certain series according to the pattern which was to be exhibited. On the other hand, a striped pattern (ῥαβδωτός, Diod. Sic. v. 30; *virgata sagula*, Virg. *Aen.* viii. 660) was produced by using a warp of one colour only, but changing at regular intervals the colour of the woof. Of this kind of cloth the Roman *trabea* (Virg. *Aen.* vii. 188) was an example. Checked and striped goods were, no doubt, in the first instance, produced by combining the natural varieties of wool, white, black, brown, &c. [Pallium.] The woof also was the medium, through which almost every other diversity of appearance and quality was effected. The warp as mentioned above was generally more twisted, and consequently stronger and firmer than the woof: and with a view to the same object different kinds of wool were spun for the warp and for the woof. The consequence was, that after the piece was woven, the fuller drew out its nap by carding, so as to make it like a soft blanket (Plato, *Polit.* p. 302) [Fullo]; and, when the intention was to guard against the cold, the warp was diminished and the woof or nap (κρόξ, κρόκυς) made more abundant in proportion. (Hesiod. *Op. et Dies*, 537; Proclus *ad loc.*) In this manner they made the soft χλαῖνα or Laena [Pallium]. On the other hand a woof of finely twisted thread (ἤτριον) produced a thin kind of cloth, which resembled our buntine (*lacernae nimia subteminum tenuitate perflabiles*, Amm. Marcell. xiv. 6). Where any kind of cloth was enriched by the admixture of different materials, the richer and more beautiful substance always formed part of the woof. Thus the *vestis subserica*, or *tramoserica*, had the tram of silk. [Sericum.] In other cases it was of gold (Virg. *Aen.* iii. 483; Servius *in loc.*); of wool dyed with Tyrian purple (Ovid. *Met.* vi. 578; *Tyrio subtegmine*, Tibull. iv. 1. 122; *picto subtegmine*, Val. Flacc. vi. 228); or of beavers'-wool (*vestis fibrina*, Isid. *Orig.* xix. 22). Hence the epithets φοινικόκροκος, "having a purple woof" (Pind. *Ol.* vi. 39, ed. Böckh; Schol. *in loc.*), ἀνθοκρόκος, "producing a flowery woof" (Eurip. *Hec.* 466), χρυσεοπηνήτος, "made from bobbins or pens of gold thread" (Eurip. *Orest.* 829), εὔπηνος, "made with good bobbins" (Eurip. *Iph. in Taur.* 814, 1465), κερκίδι ποικιλλοῦσα, "variegating with the comb" (Eurip. *Iph. in Taur.* 215), &c.

But besides the variety of materials constituting the woof, an endless diversity was effected by the manner of inserting them into the warp. The terms *bilix* and δίμιτος, the origin of which has been explained, probably denoted what we call *dimity* or *tweeled* cloth, and the Germans *zwillich*. The poets apply *trilix*, which in German has become *drillich*, to a kind of armour, perhaps chain-mail, no doubt resembling the pattern of cloth, which was denoted by the same term. (Virg. *Aen.* iii. 467, v. 259, vii. 639, xii. 375; Val. Flaccus, iii. 199.) In the preceding figure of the Icelandic loom the three rods with their leashes indicate the arrangement necessary for this texture. All kinds of damask were produced by a very complicated apparatus of the same kind (*plurimis liciis*), and were therefore called *Polymita*. (Plin. *H. N.* viii. 48. s. 74; Mart. xiv. 150.)

The sprigs or other ornaments produced in the texture at regular intervals were called flowers (ἄνθη, Philostr. *Imag.* ii. 28; θρόνα, Hom. *Il.* xxii. 440) or feathers (*plumae*). Another term, adopted with reference to the same machinery, was ἐξίμιτον or ἐξάμιτον, denoting velvet. In the middle ages it became ζάμιτον, and thus produced the German *sammet*.

The Fates are sometimes mentioned by classical writers in a manner very similar to the description of "the Fatal Sisters" above referred to. (*Dira sororum licia*, Stat. *Achill.* i. 520; *fatorum inextricabiliter contorta licia*, Apul. *Met.* xi.)

As far as we can form a judgment from the language and descriptions of ancient authors, the productions of the loom appear to have fallen in ancient times very little, if at all, below the beauty and variety of the damasks, shawls, and tapestry of the present age, and to have vied with the works of the most celebrated painters, representing first mythological, and afterwards scriptural subjects. In addition to the notices of particular works of this class, contained in the passages and articles which have been already referred to, the following authors may be consulted for accounts of some of the finest specimens of weaving: Euripid. *Ion*, 190—202, 1141—1165; Aristot. *Mir. Auscult.* 99; Athen. xii. p. 541; Asterii, *Homilia de Div. et Laz.*; Theod. Prodrom. *Rhod. et Dos. Amor.* ad fin.; Virg. *Aen.* v. 250—257, *Cir.* 21—35; Ovid. *Met.* vi. 61—128; Stat. *Theb.* vi. 64, 540—547; Auson. *Epig.* 26; Lamprid. *Heliog.* 28; Claudian, *de VI. Cons. Honor.* 561—577, *in Stilich.* ii. 330—365. [J. Y.]

TELAMO'NES. [Atlantes.]

TE'LETAE (τελεταί). [Mysteria.]

TELO'NES (τελώνης). Most of the taxes at Athens were farmed by private persons, who took upon themselves the task of collecting, and made periodical payments in respect thereof to the state. They were called by the general name of τελῶναι, while the farmers of any particular tax were called εἰκοστῶναι, πεντηκοστολόγοι, &c., as the case might be. The duties were let by auction to the highest bidder. Companies often took them in the name of one person, who was called ἀρχώνης or τελωνάρχης, and was their representative to the state. Sureties were required of the farmer for the payment of his dues. The office was frequently undertaken by resident aliens, citizens not liking it, on account of the vexatious proceedings to which it often led. The farmer was armed with considerable powers; he carried with him his books, searched for contraband or uncustomed goods, watched the harbour, markets and other places, to prevent smuggling, or unlawful and clandestine sales; brought a φάσις or other legal process against those whom he suspected of defrauding the revenue; or even seized their persons on some occasions, and took them before the magistrate. To enable him to perform these duties, he was exempted from military service. Collectors (ἐκλογεῖς) were sometimes employed by the farmers; but frequently the farmer and the collector were the same person. (Böckh, *Publ. Econ. of Athens*, p. 335, &c., 2d ed.)

The taxes were let by the Commissioners, acting under the authority of the Senate. [POLETAE.] The payments (καταβολαὶ τέλους) were made by the farmer on stated Prytaneias in the Senate-house. There was usually one payment made in advance, προκαταβολή, and one or more afterwards, called προσκατάβλημα. Upon any default of payment, the farmer became ἄτιμος, if a citizen, and he was liable to be imprisoned at the discretion of the court, upon an information laid against him. If the debt was not paid by the expiration of the ninth Prytaneia, it was doubled; and if not then paid, his property became forfeited to the state, and proceedings to confiscation might be taken forthwith. Upon this subject the reader should consult the speech of Demosthenes against Timocrates. (Schömann, *Ant. Jur. publ. Gr.* p. 317.) [C. R. K.]

TELOS (τέλος), a tax. The taxes imposed by the Athenians and collected at home were either ordinary or extraordinary. The former constituted a regular or permanent source of income; the latter were only raised in time of war or other emergency. The ordinary taxes were laid mostly upon *property*, and upon citizens *indirectly* in the shape of toll or customs; though the resident aliens paid a poll-tax, called μετοίκιον, for the liberty of residing at Athens under protection of the state. [METOECI.] As to the customs and harbour dues, see PENTECOSTE. An excise was paid on all sales in the market, called ἐπωνία, though we know not what the amount was. (Harpoc. *s. v.* Ἐπωνία.) And a duty was imposed on aliens for permission to sell their goods there. Slave-owners paid a duty of three obols for every slave they kept; and slaves who had been emancipated paid the same. This was a very productive tax before the fortification of Deceleia by the Lacedaemonians. (Xenoph. *de Vectig.* iv. 25.) There was also a πορνικὸν τέλος, and some others of minor importance, as to which the reader is referred to Böckh (*Publ. Econ. of Athens*, p. 333, 2d ed.). The justice fees (Πρυτανεῖα, Παράστασις, &c.) were a lucrative tax in time of peace. (Thucyd. vi. 91; Böckh, *Id.* p. 345, &c.)

The extraordinary taxes were the property tax (εἰσφορά), and the compulsory services called λειτουργίαι. Some of these last were regular, and recurred annually; the most important, the τριηραρχία, was a war-service, and performed as occasion required. As these services were all performed, wholly or partly, at the expense of the individual, they may be regarded as a species of tax. [EISPHORA; LEITOURGIA; TRIERARCHIA.]

The tribute (φόροι) paid by the allied states to the Athenians formed, in the flourishing period of the republic, a regular and most important source of revenue. In B. C. 415 the Athenians substituted for the tribute a duty of five per cent. (εἰκοστή) on all commodities exported or imported by the subject states, thinking to raise by this means a larger income than by direct taxation. [EICOSTE.]

A duty of ten per cent. (δεκάτη) on merchandise passing into and from the Euxine Sea was established for a time by Alcibiades and other Athenian generals. [DECUMAE.] This may be regarded as an isolated case. In general, where δεκάται are mentioned among the Greeks, they denote the tithes of land; such as the Persian Satraps collected from conquered countries, or such as tyrants exacted of their subjects for the use of land held under them as lords of the whole country. For instance, Peisistratus took a tithe of this kind, which was reduced by his sons to a twentieth. The state of Athens held the tithe of some lands; other tithes were assigned to the temples or service of the Gods, having been dedicated by pious individuals, or by reason of some conquest or vow, such as that recorded by Herodotus (vii. 132).

Other sources of revenue were derived by the Athenians from their mines and public lands, fines, and confiscations. The public demesne lands, whether pasture or arable, houses or other buildings, were usually let by auction to private persons. The conditions of the lease were engraven on stone. The rent was payable by Prytaneias. If not paid at the stipulated time, the lessee, if a citizen, became ἄτιμος, and subject to the same consequences as any other state debtor. As to fines and confiscations, see TIMEMA.

These various sources of revenue produced, according to Aristophanes, an annual income of two thousand talents in the most flourishing period of the Athenian empire. (*Vesp.* 660.) See the calculations of Böckh, *Id.* p. 433, &c.

Τελεῖν signifies "to settle, complete, or perfect," and hence "to settle an account," and generally "to pay." Thus Τέλος comes to mean any payment in the nature of a tax or duty. The words are connected with *zahlen* in German, and the old sense of *tale* in English, and the modern word *toll.* (Arnold, *ad Thuc.* i. 58.) Though τέλος may signify any payment in the nature of a tax or duty, it is more commonly used of the ordinary taxes, as customs, &c. Τέλος, τελεῖν is used with reference to the property-tax, in the sense of *being rated in a certain proportion*, or, which is the same thing, *belonging to a particular class of rate-payers.* Thus ἱππάδα or ἱππικὸν τελεῖν, or εἰς ἱππάδα τελεῖν, means, to belong to the class of knights. And the same expression is used metaphorically, without any immediate reference to the payment of a tax. Thus εἰς ἄνδρας τελεῖν, is to be classed among adults. So ἐς Βοιωτοὺς τελέειν, Herod. vi. 108. Ἰσοτέλεια signifies the right of being taxed on the same footing, and having other privileges, the same as the citizens; a right sometimes granted to resident aliens. [METOECI.] Ἀτέλεια signifies an exemption from taxes, or other duties and services; an honour very rarely granted by the Athenians. [ATELEIA.] As to the farming of the taxes, see TELONES. For an epitome of the whole subject, see Schömann, *Ant. Jur. publ. Gr.* p. 314, &c. [C. R. K.]

TE'MENOS (τέμενος), a piece of land cut or marked off from other land. The name was particularly applied to a piece of land cut off from the public land and appropriated to the support of a king in the heroic age (Hom. *Il.* vi. 193, vii. 313, xx. 184, *Od.* vi. 293, xi. 183), and likewise to a piece of land, cut off from common uses, and dedicated to a god. In Attica, there appears to have been a considerable quantity of such sacred lands (τεμένη), which were let out by the state to farm; and the income arising from them was appropriated to the support of the temples, and the maintenance of public worship. (Xen. *Vectig.* iv. 19; Harpocrat. *s. v.* ἀπὸ Μισθωμάτων; Böckh, *Publ. Econ. of Athens*, p. 303, 2d ed.)

TEMO. [ARATRUM; CURRUS.]

TEMPLUM is the same word as the Greek τέμενος, from τέμνω to cut off, for *templum*, according to Servius (*ad Aen.* i. 446), was any place which was circumscribed and separated by the augurs from the rest of the land by a certain solemn formula. The technical terms for this act of the augurs are *liberare* and *effari*, and hence a templum itself is a *locus liberatus et effatus*. A place thus set apart and hallowed by the augurs was always intended to serve religious purposes, but chiefly for taking the *auguria*. ("*Templum locus augurii aut auspicii causa quibusdam conceptis verbis finitus*," Varro, *de Ling. Lat.* vi. p. 81, Bip.) When Varro (*de Ling. Lat.* v. p. 65, Bip.) says that a *locus effatus* was always outside the city, we must remember that this only means outside the *pomoerium*, for the whole space included within the *pomoerium* was itself a *templum*, *i. e.* a place in which auspices could be taken [POMOERIUM]; but when they were to be taken in any place outside the *pomoerium*, it was always necessary for such a place to be first circumscribed and sanctified by the augur (*liberare et effari*). The place in the heavens within which the observations were to be made was likewise called *templum*, as it was marked out and separated from the rest by the staff of the augur. When the augur had defined the *templum* within which he intended to make his observations, he fixed his tent in it (*tabernaculum capere*), and this tent was likewise called *templum*, or more accurately, *templum minus*. To this *minus templum* we must refer what Servius (*ad Aen.* iv. 200) and Festus (*s. v. minora templa*) state, that a *templum* was enclosed with planks, curtains, &c., attached to posts fixed in the ground, and that it had only one door (*exitus*). The place chosen for a *templum* was generally an eminence, and in the city it was the *arx*, where the fixing of a tent does not appear to have been necessary, because here a place called *auguraculum* was once for all consecrated for this purpose. (Paul Diac. *s. v. Auguraculum;* comp. Liv. i. 18, iv. 18; Cic. *de Off.* iii. 16.)

Besides this meaning of the word *templum* in the language of the augurs, it also had that of a temple in the common acceptation. In this case too, however, the sacred precinct within which a temple was built, was always a *locus liberatus et effatus* by the augurs, that is, a *templum* or a *fanum* (Liv. x. 37; Varro, *de Ling. Lat.* v. p. 65, Bip.); the consecration was completed by the pontiffs, and not until inauguration and consecration had taken place, could *sacra* be performed or meetings of the senate be held in it. (Serv. *ad Aen.* i. 446.) It was necessary then for a temple to be sanctioned by the gods, whose will was ascertained by the augurs, and to be consecrated or dedicated by the will of man (the pontiffs). Where the sanction of the gods had not been obtained, and where the mere act of man had consecrated a place to the gods, such a place was only a *sacrum*, *sacrarium*, or *sacellum*. [SACRARIUM; SACELLUM.] Varro (*ap. Gell.* xiv. 7. § 7) justly considers the ceremony performed by the augurs as essential to a temple, as the consecration by the pontiffs took place also in other sanctuaries which were not *templa*, but mere *sacra* or *aedes sacrae*. Thus the sanctuary of Vesta was not a *templum* but an *aedes sacra*, and the various *curiae* (Hostilia, Pompeia, Julia) required to be made *templa* by the augurs before senatusconsulta could be made in them. In what manner a *templum* differed from a *delubrum* is more difficult to decide, and neither the ancient nor modern writers agree in their definitions. Some ancients believed that *delubrum* was originally the name given to a place before or at the entrance of a temple, which contained a font or a vessel with water, by which persons, before entering the temple, performed a symbolic purification (Serv. *ad Aen.* iv. 56, ii. 225; Corn. Fronto, quoted by Dacier on Fest. *s. v. Delubrum*); others state that *delubrum* was originally the name for a wooden representation of a god (ξόανον), which derived its name from *librum* (the bark of a tree), which was taken off (*delibrare*) before the tree was worked into an image of the god, and that hence *delubrum* was applied to the place where this image was erected. (Fest. *s. v. Delubrum;* Massur. Sab. *ap. Serv. ad Aen.* ii. 225.) Hartung (*Die Rel. d. Röm.* i. p. 143, &c.) derives the word *delubrum* from *liber* (anciently *luber*), and thinks that it originally meant a *locus liberatus*, or a place separated by the augur from the profane land, in which an image of a god might be erected, and sacred rites be performed. A *delubrum* would therefore be a sanctuary, whose chief characteristic was its being separated from the profane land. But nothing certain can be said on the subject. (Comp. Macrob. *Sat.* iii. 4.)

After these preliminary remarks, we shall proceed to give a brief account of the ancient temples, their property, and their ministers, both in Greece and Rome. We must, however, refer our readers for a more detailed description of the architectural structure of ancient temples to other works, such as Stieglitz, *Archäologie der Baukunst*, and others, especially as the structure of the temples varied according to the divinities to whom they were dedicated, and other circumstances.

Temples in Greece.—Temples appear to have existed in Greece from the earliest times. They were separated from the profane land around them (τόπος βέβηλος, or τὰ βέβηλα), because every one was allowed to walk in the latter. (Schol. *ad Soph. Oed. Col.* 10.) This separation was in early times indicated by very simple means, such as a string or a rope. (Paus. viii. 10. § 2.) Subsequently, however, they were surrounded by more efficient fences, or even by a wall (ἕρκος, περίβολος, Herod. vi. 134; Pollux, i. 10; Paus. *passim*), the entrance to which was decorated, as architecture advanced, with magnificent Propylaea [PROPYLAEA]. The whole space enclosed in such a περίβολος was called τέμενος, or sometimes ἱερόν (Herod. ix. 36, vi. 19, with Valckenaer's note; Thucyd. v. 18); and contained, besides the temple itself, other sacred buildings, and sacred ground planted with groves, &c. Within the precincts of the sacred enclosure no dead were generally allowed to be buried, though there were some exceptions to this rule, and we have instances of persons being buried in or at least near certain temples. The religious laws of the island of Delos did not allow any corpses to be buried within the whole extent of the island (Thucyd. iii. 104 : comp. Herod. i. 64), and when this law had been violated, a part of the island was first purified by Peisistratus, and subsequently the whole island by the Athenian people.

The temple itself was called νεώς, and at its entrance fonts (περιῤῥαντήρια) were generally placed, that those who entered the sanctuary to pray or to offer sacrifices might first purify themselves. (Pollux, i. 10 ; Herod. i. 51.) In the earliest times the Greek temples were either partly or wholly made of wood (Paus. v. 20. § 3 ; 16. § 1, viii. 10. § 2), and the simplest of all appear to have been the σηκοί, which were probably nothing but hollow trees in which the image of a god or a hero was placed as in a niche (Hesiod. *Fragm.* 54, ed. Göttling ; Schol. *ad Soph. Trach.* 1169); for a temple was originally not intended as a receptacle for worshippers, but simply as an habitation for the deity. The act of consecration, by which a temple was dedicated to a god, was called Ἵδρυσις. The character of the early Greek temples was dark and mysterious, for they had no windows, and they received light through the door, which was very large, or from lamps burning in them. Vitruvius (iv. 5) states that the entrance of Greek temples was always towards the west, but most of the temples still extant in Attica, Ionia, and Sicily have their entrance towards the east. Architecture, however, in the construction of magnificent temples, made great progress even at an earlier time than either painting or statuary, and long before the Persian wars we hear of temples of extraordinary grandeur and beauty. All temples were built either in an oblong or round form, and were mostly adorned with columns. Those of an oblong form had columns either in the front alone, in the fore and back fronts, or on all the four sides. Respecting the original use of these porticoes see PORTICUS. The classification of temples, according to the number and arrangement of their columns, will be described presently. The friezes and metopes were adorned with various sculptures, and no expense was spared in embellishing the abodes of the gods. The light which was formerly let in at the door, was now frequently let in from above through an opening in the middle, which was called ὕπαιθρον, and a temple thus constructed was called ὕπαιθρος. (Vitruv. *l. c.*) Many of the great temples consisted of three parts : 1. the πρόναος or πρόδομος, the vestibule ; 2. the *cella* (ναός, σηκός) ; and 3. the ὀπισθόδομος. The *cella* was the most important part, as it was, properly speaking, the temple, or the habitation of the deity whose statue it contained. In one and the same cella there were sometimes the statues of two or more divinities, as in the Erechtheum at Athens the statues of Poseidon, Hephaestus, and Butas. The statues always faced the entrance, which was in the centre of the *prostylus*, or front portico. The place where the statue stood was called ἕδος, and was surrounded by a balustrade or railings (ἴκρια, ἐρύματα, Paus. v. 11. § 2). Some temples also had more than one cella, in which case the one was generally behind the other, as in the temple of Athena Polias at Athens. In temples where oracles were given, or where the worship was connected with mysteries, the cella was called ἄδυτον, μέγαρον, or ἀνάκτορον, and to it only the priests and the initiated had access. (Pollux, i. 9 ; Paus. ix. 8. § 1, viii. 62 ; 37. § 5 ; Herod. viii. 53, ix. 65 ; Plut. *Num.* 13 ; Caes. *de Bell. Civ.* iii. 105.) In some cases the cella was not accessible to any human being, and various stories were related of the calamities that had befallen persons who had ventured to cross the threshold. (Paus. viii. 52. § 3 ; 10. § 2 ; 38. § 2 ; Soph. *Oed. Col.* 37.) The ὀπισθόδομος was a chamber which had its entrance in the back front of a temple, and served as a place in which the treasures of the temple were kept, and thus supplied the place of the ϑησαυροί which were attached to some temples. (Compare Müller, *Archäol. d. Kunst*, § 288 ; Stieglitz, *Archäol. der Baukunst*, vol. ii. § 1 ; Hirt, *Lehre der Gebäude*, § 1 ; Böckh, *ad Corp. Inscript.* pp. 264, &c.)

We now proceed to describe the classification of temples, both Greek and Roman, the latter being chiefly imitated from the former. They were either quadrangular or circular.

Quadrangular Temples were described by the following terms, according to the number and arrangement of the columns on the fronts and sides.

1. Ἄστυλος, *astyle*, without any columns. (Leonidas Tarent. *in* Brunck, *Anal.* vol. i. p. 237 ; Plin. *H. N.* xxxiv. 8.)

2. Ἐν παραστάσι, *in antis*, with two columns in front between the antae. (Pind. *Ol.* vi. 1.)

3. Πρόστυλος, *prostyle*, with four columns in front.

4. Ἀμφιπρόστυλος, *amphiprostyle*, with four columns at each end.

5. Περίπτερος or ἀμφικίων (Soph. *Ant.* 285), *peripteral*, with columns at each end and along each side.

6. Δίπτερος, *dipteral*, with two ranges of columns (πτερά) all round, the one within the other.

7. Ψευδοδίπτερος, *pseudodipteral*, with one range only, but at the same distance from the walls of the *cella* as the outer range of a δίπτερος.

To these must be added a sort of sham invented by the Roman architects, namely :

8. Ψευδοπερίπτερος, *pseudoperipteral* (Vitruv. iv. 7), where the sides had only half-columns (at the angles three-quarter columns), attached to the walls of the *cella*, the object being to have the *cella* large without enlarging the whole building, and yet to keep up something of the splendour of a peripteral temple.

Names were also applied to the temples, as well as to the porticoes themselves, according to the number of columns in the portico at either end of the temple ; namely, τετράστυλος, *tetrastyle*, when there were *four* columns in front, ἑξάστυλος, *hexastyle*, when there were *six*, ὀκτάστυλος, *octastyle*, when there were *eight*, δεκάστυλος, *decastyle*, when there were *ten*. There were never more than ten columns in the end portico of a temple ; and when there were only two, they were always arranged in that peculiar form called *in antis* (ἐν παραστάσι). The number of columns in the end porticoes was never uneven, but the number along the sides of a temple was generally uneven. The number of the side columns varied : where the end portico was tetrastyle, there were never any columns at the sides, except false ones, attached to the walls, as in the temple of *Fortuna Virilis* at Rome, which has a tetrastyle portico, with a column behind each corner column, and then five false columns along each side of the *cella* : where it was hexastyle or octastyle, there were generally 13 or 17 columns at the sides, counting in the corner columns : sometimes a hexastyle temple had only eleven columns on the sides. The last arrangement resulted from the rule adopted by the Roman architects, who counted by intercolumniations (the spaces between the columns), and whose rule was to have *twice as many intercolumniations along the sides of the building as in front;* another example of the rule is furnished by the above-mentioned temple of Fortuna Virilis, which has four columns in front and, altogether, seven on each side. The Greek architects, on the contrary, counted by columns, and their rule was to have *twice as many columns along the sides as in front, and one more**, counting the corner columns in each case: sometimes, however, they followed the other rule, as in the temple at Mylasa, where there are six columns in front and eleven at each side. Another set of terms, applied to temples and other buildings having porticoes, as well as to the porticoes themselves, was derived from the distances between the columns as compared with the lower diameters of the columns. They were the following:—

1. Πυκνόστυλος, *pycnostyle*, the distance between the columns a diameter of a column and half a diameter.

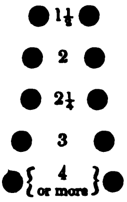
2. Σύστυλος, *systyle*, the distance between the columns two diameters of a column.

3. Εὔστυλος, *eustyle*, the distance between the columns two diameters and a quarter, except in the centre of the front and back of the building, where each intercolumniation (*intercolumnium*) was three diameters; called eustyle, because it was best adapted both for beauty and convenience.

4. Διάστυλος, *diastyle*, the intercolumniation, or distance between the columns, three diameters.

5. Ἀραιόστυλος, *araeostyle*, the distances excessive, so that it was necessary to make the epistyle (ἐπιστύλιον), or architrave, not of stone, but of timber. [EPISTYLIUM.]

These five kinds of intercolumniation are illustrated by the following diagram: —

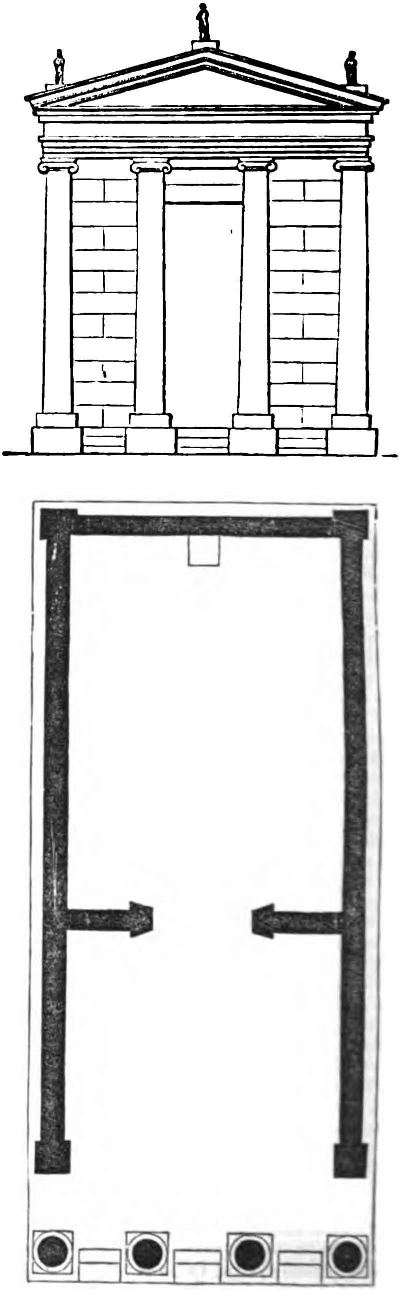


The following elevations and plans of temples will aid the reader in understanding the different terms descriptive of the number and arrangement of the columns. They are taken from the plates to Hirt's *Geschichte der Baukunst;* and although, for the sake of greater clearness and convenience, they are not all taken from actual buildings, but are general representations of each form, yet they are not merely imaginary, for they are founded on a careful comparison of existing remains with the descriptions of Vitruvius.

I. IN ANTIS.

An engraving of a temple of this form has been given under ANTAE.

II. PROSTYLE, TETRASTYLE, of the Ionic order.



The above engraving exhibits clearly the *prodomus* or *pronaos*, or space enclosed by the portico and the side walls projecting beyond the front wall; and the *cella*, with the statue of the god opposite to the entrance.

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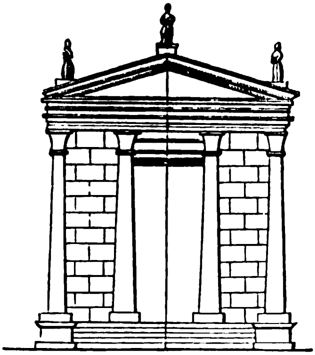
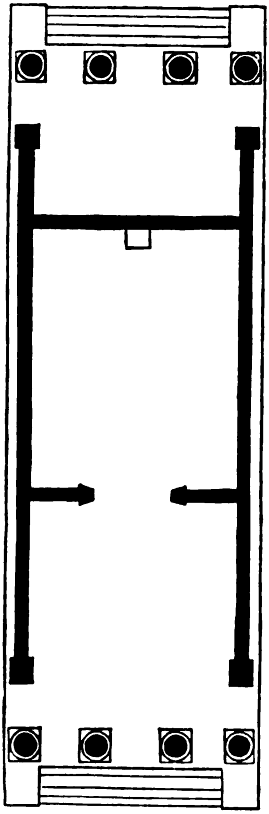
* The Roman rule might also be stated according to the number of columns thus:—*twice as many columns along the sides as in front, and one less.*

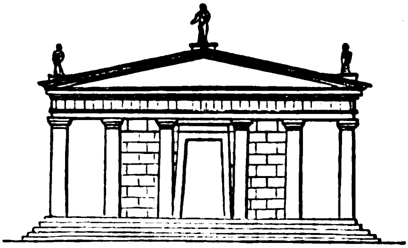
III. Amphiprostyle, Tetrastyle.

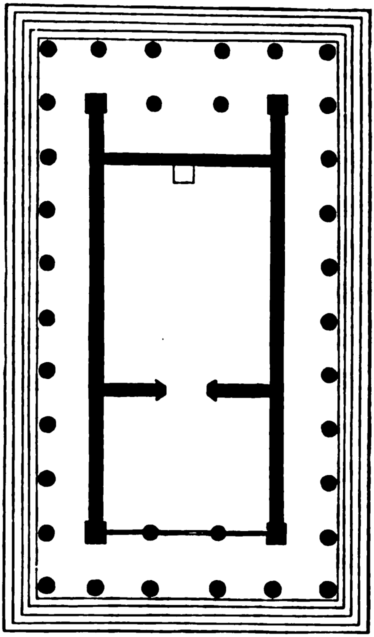




Vitruvius (iii. 1) says that "the *Amphiprostylos* has every part which the *Prostylos* has, and moreover it has columns and a pediment in the *posticum* after the same manner." This *posticum* (the Greek *opisthodomus*) appears to have been of two kinds; either a mere portico attached to the back wall of the *cella*, or a larger space, as shown in the figure.

IV. Peripteral, Hexastyle, of the Doric order.

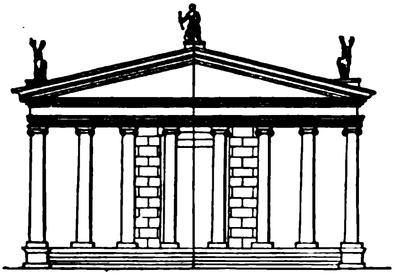


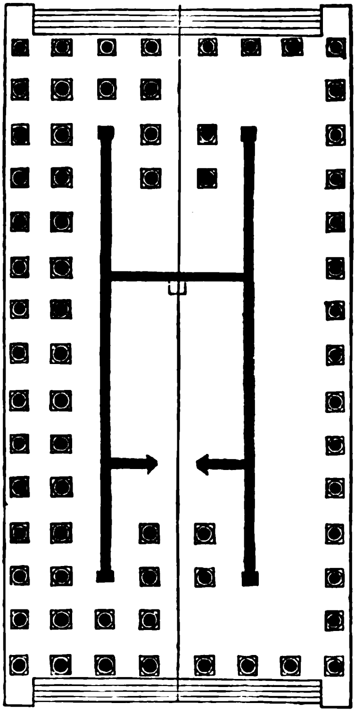


The above plan is that of a Roman *Peripteros*: to represent the Grecian *Peripteros* two columns should be added to each side, and the length thus gained thrown into the *opisthodomus*. In this form there were two columns between the *antae* terminating the projecting walls; and the three intercolumniations thus formed were fenced with marble railings (*plutei*, Vitruv. iv. 4), with gates in them giving access to the *prodomus*, as shown by the lines in the figure.

This species of temple was not only more splendid than the former, but also more fully adapted for the performance of grand religious ceremonies, as the continuous portico all round it would give shelter and passage to a large number of people. Accordingly we find that several of the most celebrated Greek temples are of this form; such as that of Zeus Nemeus between Argos and Corinth, of Concord at Agrigentum, of Theseus at Athens, which has no pillars between the *antas* of the *posticum*.

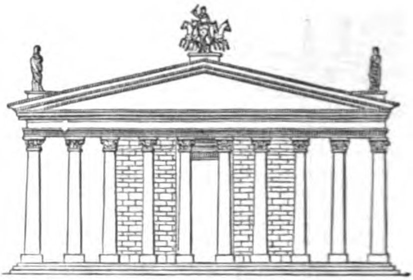
V. Dipteral and Pseudodipteral, Octastyle, of the Ionic order. To save space, the one side of the cut represents half of the dipteral temple, the other side half of the pseudodipteral.

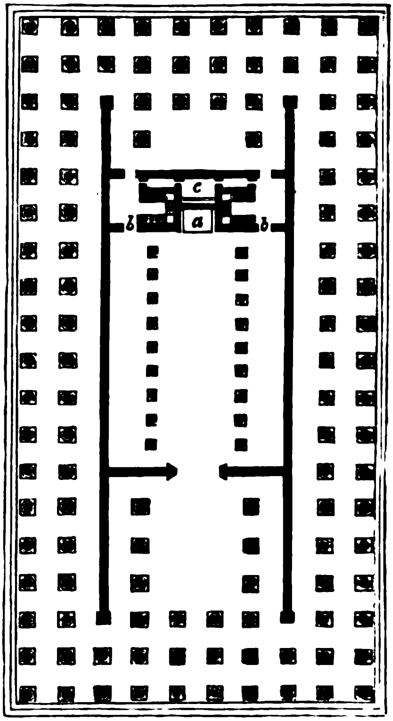




The *Dipteros* may be considered as a *Peripteros*, increased in size and magnificence by the addition of another row of pillars along each side; the *Pseudodipteros* as a *Peripteros* with the side columns moved outwards over the space of one column and intercolumniation, so as to allow of eight columns in front. Vitruvius, who describes the latter first, assigns its invention to the architect Hermogenes. From the expense of such edifices, there were naturally very few examples of them. The far-famed temple of Artemis at Ephesus, and that of Quirinus at Rome, were dipteral. That of Artemis at Magnesia, built by Hermogenes, was pseudodipteral.

VI. Hypaethral, Decastyle, of the Corinthian order.



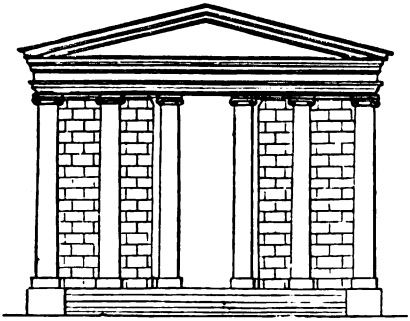


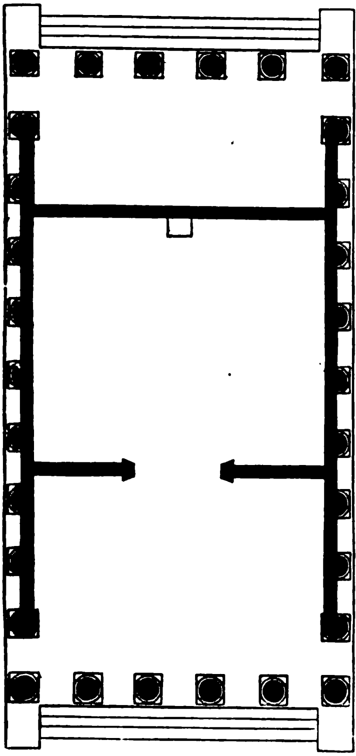
a, the statue of the god; *b b*, entrances to the cella from the opisthodomus; *c*, apartments for the keeper of the temple.

Every decastyle temple was also hypaethral, but there were also octastyle and even hexastyle hypaethral temples.

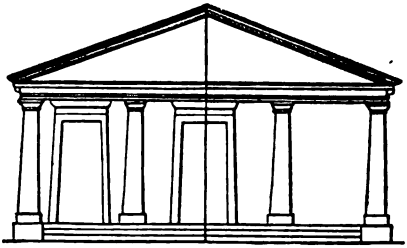
A question has lately been raised whether there ever were any hypaethral temples. The two sides of the question will be found discussed in the following works: Ross, *Keine Hypäthraltempel mehr*, in his *Hellenika*, pt. i. pp. 1—39, Halle, 1846, 4to., and Bötticher, *Der Hypäthraltempel, auf Grund des Vitruvischen Zeugnisses, gegen Prof. D. L. Ross, erwiesen*, Potsdam, 1847, 4to.

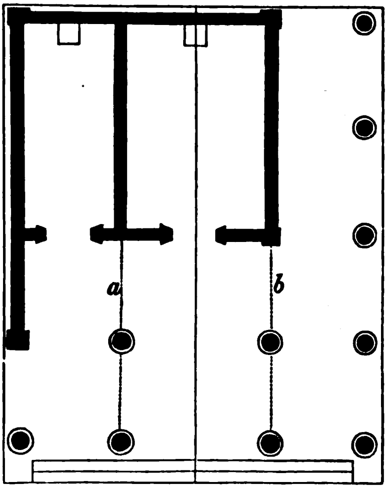
VII. Pseudoperipteral, Hexastyle, of the Ionic Order.





These were the chief normal forms of quadrangular temples. The variations made upon them, especially by the union of two or more temples in one building, were very numerous. (See Hirt, Stieglitz, and the other authorities.) One form deserves particular notice, inasmuch as it was certainly very ancient, and some writers have supposed that it contained the germs of all the other forms; this was what Vitruvius called the *Tuscan Temple*. (Vitruv. iv. 7.) The passage of Vitruvius is very difficult, and has been differently explained. (Comp. Stieglitz and Hirt.) The following engraving is so constructed as to contain a representation of the three chief forms, real or supposed, of the Tuscan temple.

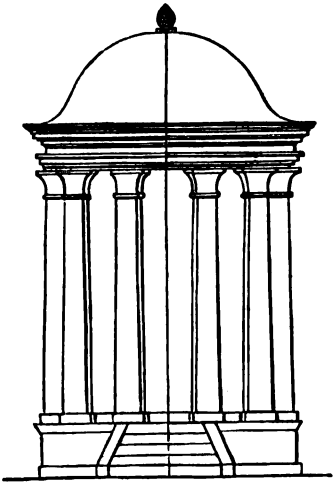


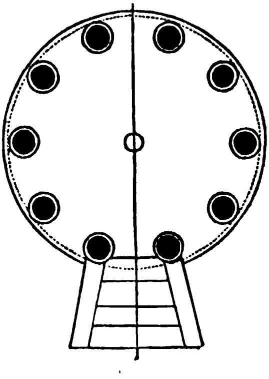


The above plan is divided by the lines *a*, *b*, into three portions, by completing each of which, we have three different plans. Thus, if the middle portion be retained as it is, and the part to the right of *b* be made like that to the left of *a*, we have one of the supposed forms. Again, if the middle portion be retained, and the two sides completed on the same plan, namely, like the portion to the left of *a*, but without the projecting side wall, and with a round column in place of the square pillar which terminates it, we have what others suppose to have been the true original form of the Tuscan temple. In either case, the characteristic feature is the union of three *cellae* in one temple, dedicated to three associated deities, the middle *cella*, which (as shown in the figure) was larger than the other two, being assigned to the chief of the three divinities; as in the great temple on the Capitol, the middle *cella* of which was dedicated to Jupiter, the *cella* on the right side of the middle one to Minerva, and the remaining *cella* to Juno. Lastly, a later variation of the Tuscan temple, in which its chief peculiarity was lost, was made by retaining only the middle *cella*, and carrying a peristyle of columns along each side of it, as represented in the right-hand division of the plan and elevation.

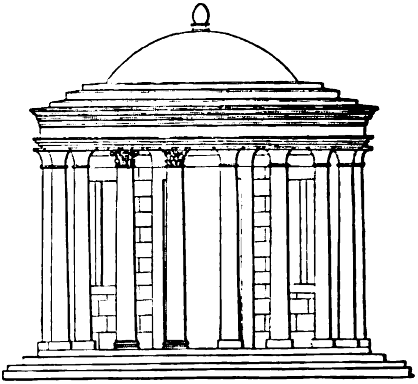
Circular Temples, properly so called, were probably not used by the Greeks in early times. The round buildings of which we have notices were either *tholi* or mere monumental edifices. Several round buildings of this kind are mentioned by Pausanias; such as the *tholus* at Athens, in which there were several small silver statues; where the Prytaneis sacrificed (Paus. i. 5), and where, according to Pollux (viii. 155) they also banquetted. There was another *tholus* at Epidaurus, in the sacred grove of Asclepios, which he describes as well worth seeing: it was built of white marble, after the design of Polycleitus, and adorned on the inside with paintings by Pausias. (Paus. ii. 27.) (See Stieglitz, vol. ii. pp. 38, fol.) Vitruvius (iv. 7) however recognizes two regular forms of circular temples, to which a third must be added.

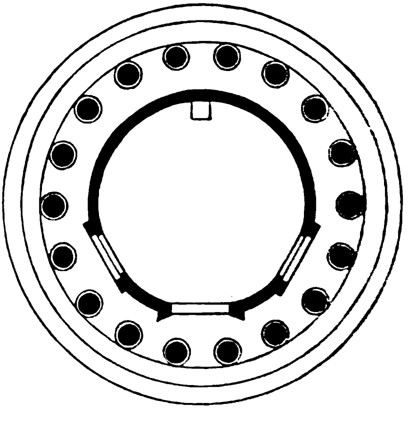
I. The MONOPTEROS consisted of a single circle of columns, standing on a platform (*tribunal*), the outer wall of which formed a *stylobate* or continuous pedestal for the columns, and surmounted by a dome; but without any *cella*. For the proportions see Vitruvius. The remains of such a temple have been found at the ruins of Puteoli.





II. The PERIPTEROS had a circular *cella* surrounded by a single peristyle of columns, standing on three steps, and the whole surmounted by a dome. Specimens are preserved in the so-called temples of Vesta at Rome (see wood-cut on p. 299) and at Tivoli.

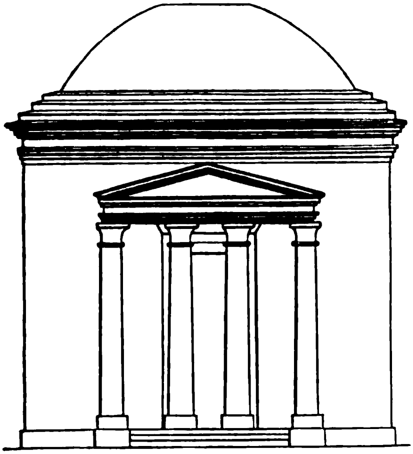


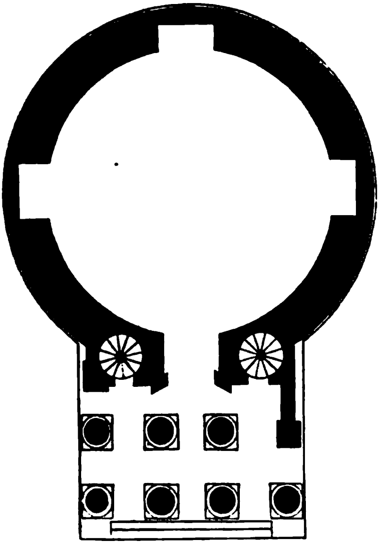


The proportions of the temples of this form were very carefully regulated. The existing specimens agree in most particulars with the rules laid down by Vitruvius, according to whom the distance of the wall of the *cella* from the edge of the substruction was one-fifth of the whole diameter of the substruction; and consequently the diameter of the *cella* (including its walls) was three-fifths of the whole: the internal diameter of the *cella* was equal to the height of the columns: the height of the dome was equal to a semi-diameter of the whole building: and the centre of the dome was surmounted by a pyramid (or cone), to support an ornament equal in height to the capitals of the columns. (For a full discussion of the passage, see Hirt, *Lehre d. Gebäude*, pp. 29, 30.)

Both species of round temples are mentioned by Servius (*ad Aen.* ix. 408), who says that they were peculiar to Vesta, Diana, Hercules, and Mercury; and he distinguishes the *Monopteros* by the following description: — *tectum sine parietibus columnis subnixum.*

III. Another form, of which we have the chief example in the Pantheon, besides some smaller specimens (see Hirt, § 19), consists of a circular *cella* surmounted by a dome, without a peristyle, but with an advanced portico. The following engraving represents such a temple, with a prostyle tetrastyle portico, of two slightly different kinds (compare the left and right sides of the portico in the plan); the niches are for the statues of three associated deities, such as Apollo, Diana, and Latona; and thus this form of temple may be regarded, in its religious design, as a variation of the old Tuscan temple.





The portico of such a temple might be hexastyle, or even octastyle, as in the Pantheon.

Respecting the more minute details of the construction of temples of both sorts, which our space does not permit us to enter into, the reader is referred to the works of Hirt and Stieglitz, as quoted above; and lists and brief descriptions of the chief Greek and Roman temples, with references to the works in which they are more fully described, will be found in Müller's *Handbuch der Archäologie der Kunst*, under the heads of the respective periods in the history of the art.

Besides the terms which have now been explained, temples were designated by the names of the deities to whom they were dedicated, as the Ὀλυμπεῖον or temple of *Zeus Olympius*; the Παρθενών, or temple of *Athena Parthenos*, &c.; and sometimes a name was given according to some peculiar feature of the structure, as in the case of the Parthenon at Athens, which was called *Hecatompedon*, because its front was exactly 100 feet wide.

Independently of the immense treasures contained in many of the Greek temples, which were either utensils or ornaments, and of the tithes of spoils, &c. (Herod. vii. 132; Diodor. xi. 3; Polyb. iv. 33), the property of temples, from which they derived a regular income, consisted of lands (τεμένη), either fields, pastures, or forests. In Attica we sometimes find that a demos is in possession of the estates of a particular temple: thus the Peiraeeus possessed the lands belonging to the Theseum: in what their right consisted is not known; but of whatever kind it may have been, the revenues accruing from such property were given to the temples, and served to defray the expenses for sacrifices, the maintenance of the buildings, &c. For this purpose all temple-property was generally let out to farm, unless it was, by some curse which lay on it, prevented from being taken into cultivation. (Harpocrat. *s. v.* Ἀπὸ μισθωμάτων: comp. Isocrat. *Areop.* 11.) The rent for such sacred domains was, according to Demosthenes (*in Eubulid.* p. 1318), received by the demarch, probably the demarch of the demos by which the sacred domain was occupied; for in other cases we find that the rents were paid to the authorities entrusted with the administration of the temples. (Böckh, *Staatsh.* i. p. 327, &c., ii. p. 339.) The supreme control over all property of temples belonged to the popular assembly. (Demosth. *in Neaer.* p. 1380.)

Respecting the persons entrusted with the superintendence, keeping, cleaning, etc., of temples, we scarcely possess any information. [Aeditui.] We have mention of persons called κλειδοῦχοι, κληδοῦχοι, νεοφύλακες, who must have been employed as guards and porters (Aeschyl. *Suppl.* 294), although it is not certain whether these functions were not performed by priests who were occasionally called by names derived from some particular function. At Olympia φαιδρύνται were appointed who belonged to the family of Pheidias, and had to keep clean the statue of the Olympian Zeus. (Paus. v. 14. § 5.)

Temples at Rome.—In the earliest times there appear to have been very few temples at Rome, and in many spots the worship of a certain divinity had been established from time immemorial, while we hear of the building of a temple for the same divinity at a comparatively late period. Thus the foundation of a temple to the old Italian divinity Saturnus, on the capitoline, did not take place till

498 B.C. (Liv. ii. 21; Dionys. vi. 1; Plut. *Publ.* 12.) In the same manner Quirinus and Mars had temples built to them at a late period. Jupiter also had no temple till the time of Ancus Martius, and the one then built was certainly very insignificant. (Dionys. ii. 34; Liv. i. 33.) We may therefore suppose that the places of worship among the earliest Romans were in most cases simple altars or sacella. The Roman temples of later times were constructed in the Greek style. The cella was here, as in Greece, the inner spacious part of the temple which contained the statue or statues of the gods, and an altar before each statue. (Vitruv. iv. 5.) The roof which covered the cella is called *testudo*, but it was in most cases not wholly covered, in order to let the light in from above. (Varro, *ap. Serv. ad Aen.* i. 505.) The entrance of a Roman temple was, according to Vitruvius, if possible, always towards the west, which side was at the same time faced by the image of the divinity, so that persons offering prayers or sacrifices at the altar looked towards the east. (Comp. Isidor. xv. 4, 7; Hygin. *de Limit.* p. 153, ed. Goes.) If it was not practicable to build a temple in such a position, it was placed in such a manner that the greater part of the city could be seen from it; and when a temple was erected by the side of a street or road, it was always so situated that those who passed by could look into it, and offer their salutations to the deity.

As regards the property of temples, it is stated that in early times lands were assigned to each temple, but these lands were probably intended for the maintenance of the priests alone. [SACERDOS.] The *sacra publica* were performed at the expense of the treasury, and in like manner we must suppose, that whenever the regular income of a temple, arising from fees and fines, was not sufficient to keep a temple in repair, the state supplied the deficiency, unless an individual volunteered to do so.

The supreme superintendence of the temples of Rome, and of all things connected with them, belonged to the college of pontiffs. Those persons who had the immediate care of the temples were the AEDITUI. [L. S.] and [P. S.]

TEMPORA'LIS ACTIO. [ACTIO.]

TE'MPORIS PRAESCRI'PTIO. [PRAESCRIPTIO.]

TENSAE. [THENSAE.]

TEPIDA'RIUM. [BALNEAE, p. 190, a.]

TERMINA'LIA, a festival in honour of the god Terminus, who presided over boundaries. His statue was merely a stone or post stuck in the ground to distinguish between properties. On the festival the two owners of adjacent property crowned the statue with garlands and raised a rude altar, on which they offered up some corn, honeycombs, and wine, and sacrificed a lamb (Hor. *Epod.* ii. 59) or a sucking pig. They concluded with singing the praises of the god. (Ovid. *Fast.* ii. 639, &c.) The public festival in honour of this god was celebrated at the sixth milestone on the road towards Laurentum (*Id.* 682), doubtless because this was originally the extent of the Roman territory in that direction.

The festival of the Terminalia was celebrated *a. d.* VII. *Kal. Mart.*, or the 23d of February on the day before the Regifugium. The Terminalia was celebrated on the last day of the old Roman year, whence some derive its name. We know that February was the last month of the Roman year, and that when the intercalary month Mercedonius was added, the last five days of February were added to the intercalary month, making the 23rd of February the last day of the year. (Varro, *L. L.* vi. 13, ed. Müller; Macrob. *Sat.* i. 13.) When Cicero in a letter to Atticus (vi. 1) says, *Accepi tuas litteras a. d. V. Terminalia* (*i. e.* Feb. 19), he uses this strange mode of defining a date, because being then in Cilicia he did not know whether any intercalation had been inserted that year. [CALENDARIUM, pp. 229, b. 230, a.]

TERU'NCIUS. [As, p. 141, a.]

TE'SSERA, *dim.* TESSE'RULA and TESSELLA (*κύβος*), a square or cube; a die; a token.

The use of small cubes of marble, earthenware, glass, precious stones, and mother-of-pearl for making tessellated pavements (*pavimenta tessellata*, Sueton. *Jul.* 46) is noticed under DOMUS, p. 431 and PICTURA, p. 915.

The dice used in games of chance [ALEA] had the same form, and were commonly made of ivory, bone, or some close-grained wood, especially privet (*ligustra tesseris utilissima*, Plin. *H. N.* xvi. 18. s. 31). They were numbered on all the six sides like the dice still in use (Ovid. *Trist.* ii. 473); and in this respect as well as in their form they differed from the *tali*, which are often distinguished from tesserae by classical writers. (Gellius, xviii. 13; Cic. *de Sen.* 16.) [TALUS.] Whilst four tali were used in playing, only three tesserae were anciently employed. Hence arose the proverb, *ἢ τρὶς ἓξ. ἢ τρεῖς κύβοι*, *i. e.* "either three sizes or three aces," meaning, all or none (Plat. *Leg.* xii. *ad fin.*; Schol. *in loc.*; Pherecrates, p. 49, ed. Runkel); for *κύβος* was used to denote the ace, as in the throw *δύο κύβω καὶ τέτταρα*, *i. e.* 1, 1, 4, = 6. (Eupolis, p. 174, ed. Runkel; Aristoph. *Ran.* 1447; Schol. *in loc.*) Three sizes is mentioned as the highest throw in the Agamemnon of Aeschylus (32). As early as the time of Eustathius (*in Od.* i. 107) we find that the modern practice of using two dice instead of three had been established.

The ancients sometimes played with dice *πλειστοβολίνδα* [TALUS], when the object was simply to throw the highest numbers. At other times they played also with two sets of LATRUNCULI or draughtsmen, having fifteen men on each side. The board (*alveus lusorius*, Plin. *H. N.* xxxvii. 2. s. 6; *alveolus*, Gellius, i. 20, xiv. 1) was divided by twelve lines, so that the game must have been nearly or altogether the same with tric-trac or backgammon. (Brunck, *Anal.* iii. 60; Jacobs, *ad loc.*) Perhaps the *duodecim scripta* of the Romans was the same game. [ABACUS.]

Objects of the same materials with dice, and either formed like them or of an oblong shape, were used as tokens for different purposes. The *tessera hospitalis* was the token of mutual hospitality, and is spoken of under HOSPITIUM, p. 619, a. This token was probably in many cases of earthenware, having the head of Jupiter Hospitalis stamped upon it. (Plaut. *Poen.* v. 1. 25; 2. 87—99.) *Tesserae frumentariae* and *nummariae* were tokens given at certain times by the Roman magistrates to the poor, in exchange for which they received a fixed amount of corn or money. (Sueton. *Aug.* 40, 42, *Nero*, 11.) [FRUMENTARIAE LEGES.] Similar tokens were used on various occasions, as they arose in the course of events. For example, when the Romans sent to give the Carthaginians their choice of peace or war, they sent two tesserae, one marked with a spear, the other with a CADUCEUS, requesting them to take either the one or the other. (Gellius, x. 27.)

From the application of this term to tokens of various kinds, it was transferred to *the word* used as a token among soldiers. This was the *tessera militaris*, the *σύνθημα* of the Greeks. Before joining battle it was given out and passed through the ranks as a method by which the soldiers might be able to distinguish friends from foes. Thus at the battle of Cunaxa the word was "Zeus the Saviour and Victory," and on a subsequent engagement by the same troops "Zeus the Saviour, Heracles the Leader." (Xen. *Anab.* i. 8. § 16, vi. 3. § 25.) The soldiers of Xenophon used a verbal sign for the same purpose when they were encamped by night (vii. 3. § 34). Aeneas Tacticus (c. 24) gives various directions necessary to be observed respecting the word. Respecting the *tessera* or watchword in the Roman camp, see CASTRA, p. 251, a. [J. Y.]

TESTA. [FICTILE.]

TESTAMENTUM is "mentis nostrae justa contestatio in id solemniter facta ut post mortem nostram valeat." (Ulp. *Frag.* tit. 20; comp. Ulp. Dig. 28. tit. 1. s. 1, where he has "justa sententia.") In this passage the word Justa means "jure facta," "as required by law." The word Contestatio is apparently used with reference to the origin of the term Testamentum, which is to be referred to "Testari," which signifies "to make a solemn declaration of one's will." Gellius (vi. 12) properly finds fault with Servius Sulpicius for saying that the word is compounded "a mentis contestatione." The person who made a Testamentum was Testator. (Sueton. *Ner.* 17; Dig. 28. tit. 3. s. 17.)

In order to be able to make a valid Roman will, the Testator must have the Testamentifactio (Cic. *ad Fam.* vii. 21), which term expresses the legal capacity to make a valid will: the word has also another signification. [HERES, p. 598, b.] The testamentifactio was the privilege only of Roman citizens who were patresfamilias. The following persons consequently had not the testamentifactio: those who were in the Potestas or Manus of another, or in Mancipii causa, as sons and daughters, wives in manu and slaves; but with respect to his Castrense Peculium [PATRIA POTESTAS] a filiusfamilias had the privilege of testamentary disposition: Latini Juniani, Dediticii: Peregrini could not dispose of their property according to the form of a Roman will: a person who was doubtful as to his status, as for instance if his father had died abroad and the fact was not ascertained, could not make a testament: an Impubes could not dispose of his property by will even with the consent of his Tutor; when a male was fourteen years of age, he obtained the testamentifactio, and a female obtained the power, subject to certain restraints, on the completion of her twelfth year: muti, surdi, furiosi, and prodigi "quibus lege bonis interdictum est" had not the testamentifactio; the reasons why these several classes of persons had not the testamentifactio illustrate the Roman mode of deducing legal conclusions from general principles: — the Mutus had not the Testamentifactio, because he could not utter the words of Nuncupatio; the Surdus, because he could not hear the words of the Emtor familiae; the Furiosus, because he had not intellectual capacity to declare his will (*testari*) about his property; and the Prodigus, because he was under a legal restraint, so that he had no commercium, and consequently could not exercise the formal act of the familiae mancipatio. (Ulp. *Frag.* tit. 20. s. 13; CURATOR; IMPUBES.) As to the testament which a man has made before he becomes Furiosus, see Dig. 28. tit. 1. s. 20. § 4.

Women had originally no testamentifactio, and when they did acquire the power, they could only exercise it with the auctoritas of a Tutor. Of course a daughter in the power of her father, whether she was unmarried or married, and a wife in manu could never make a will. The rules therefore as to a woman's capacity to make a will, could apply only to unmarried women after the death of their father and to widows who were not in the power of a father. This subject requires explanation.

Cicero (*Top.* 4) observes "if a woman has made a will, and has never undergone a capitis diminutio, it does not appear that the Bonorum Possessio can be granted in pursuance of such will according to the Praetor's Edict; for if it could, the Edict must give the Possessio in respect of the wills of Servi, Exules, and Pueri." Cicero means to say that if a woman made a will without having sustained a capitis diminutio, the will could have no effect at all: and he derives his argument "ab adjunctis," for if such a will could have any effect, then the wills of other persons, who had not the testamentifactio, might be effectual so far as to give the Bonorum Possessio. It is not a logical inference from the language of Cicero that a woman who had sustained a capitis diminutio could make a will; but this is the ordinary meaning of such language and it appears to be his. Consistently with this, Ulpian says (*Frag.* tit. 20. s. 15), "women after their twelfth year can make a will with the auctoritas of a Tutor, so long as they are in tutela;" and the comment of Boëthius on the passage of the Topica clearly shows that he understood it in this way. A woman then could make a will with the auctoritas of her Tutor and not without. Now if a woman was in Tutela Legitima, it might be correctly said that she could not make a will; for, if she was Ingenua, the tutela belonged of right to the Agnati and Gentiles, and if she was a Liberta, it belonged to the patron. In these cases a woman could indeed make a valid will with the consent of her Tutores, but as her Tutores were her heirs in case of intestacy, such consent would seldom be given, and though a woman under such circumstances might be allowed to make a will, it may be assumed that it was a circumstance altogether unusual, and thus the rule as to a woman in Tutela Legitima, as above stated, might be laid down as generally true. The passage of Cicero therefore does not apply to the Tutela Legitima, but to something else. Since the discovery of the Institutes of Gaius the difficulty has been cleared up, though it had been solved in a satisfactory manner by Savigny before the publication of Gaius. (*Beytrag zur Geschichte der Geschlechtstutel*, Zeitschrift, vol. iii. p. 328.)

A woman could make a "coemptio fiduciae causa," in order to qualify herself to make a will; for "at that time women had not the power of making a will, except certain persons, unless they made a co-emptio and were remancipated and manumitted; but on the recommendation of Hadrian the senate made the ceremony of coemptio unnecessary for this purpose." (Gaius, 115, a.) The coemptio was accompanied with a capitis diminutio, and this is what Cicero alludes to in the passage of the Topica. [MATRIMONIUM (ROMAN).] A woman who came in manum viri had sustained a capitis diminutio, but it must not be inferred from this that if she became a widow she could make a will. The Capitis diminutio of Cicero means that the will must be made with the auctoritas of a tutor. Now if the husband died, when the wife had been in manu, and he appointed no tutor for her, she was in the legitima tutela of her nearest agnati, who would be her own children and step-children, if she had any. But the tutela legitima in such a case would seem something unnatural, and accordingly the magistratus would give a tutor to the woman; and such a tutor, as he had no interest in the woman's property, could not prevent her from making a will. The husband might by his will give the wife a power to choose a Tutor (tutoris optio), and such a Tutor could not refuse his consent to the woman making a will; for instead of the woman being in the potestas of the tutor, he was in the potestas of the woman, so far as to be bound to assent to her testamentary dispositions. (Compare Liv. xxxix. 19; Cic. *pro Muren.* c. 17; Gaius, i. 150.)

The case of Silius (Cic. *ad Fam.* vii. 21) may be a case of a woman's making a will, without the auctoritas of a tutor, for it appears that a woman (Turpilia) had disposed of property by will, and Servius Sulpicius was of opinion that this was not a valid will, because the will-maker had not the testamentifactio. There may however have been other reasons why the will-maker had not the testamentifactio, than the want of a capitis diminutio (in the sense of Cic. *Top.* 4), and consequently the opinion of those critics who refer the case mentioned in this letter to the principle of the Capitis diminutio is not a certain truth.

The following references may be consulted as to this matter: Cic. *pro Caecin.* 6. 25, *pro Flacc.* 35, *pro Muren.* 12, *ad Att.* vii. 8; Liv. xxxix. 19; Gaius, i. 150, &c.

Libertae could not make a testament without the auctoritas of their patronus, except so far as this rule was altered by enactments; for they were in the legitima tutela of their patronus. Libertae, who had a certain number of children, could make a will without the auctoritas of their patronus. [PATRONUS.]

The Vestal Virgins had no tutor, and yet they could make a Testament. The Twelve Tables released them from all tutela "in honorem sacerdotii." (Cic. *de Rep.* iii. 10; Gaius, i. 145.)

In order to constitute a valid will, it was necessary that a heres should be instituted, which might be done in such terms as follow: — Titius heres esto, Titium heredem esse jubeo. [HERES (ROMAN.)]

All persons who had the commercium could be heredes; slaves also and others who were not sui juris could be made heredes, but they could not take for themselves. [HERES; SERVUS, p. 1037.] But there were many classes of persons who could not be heredes: Peregrini, who had not received the commercium: persons who were imperfectly described: Juristical persons or universitates, except by their liberti, a privilege granted by a Senatusconsultum: Gods, or the temples of Gods, except such as were excepted by a Senatusconsultum and Imperial Constitutions, such as Jupiter Tarpeius, Apollo Didymaeus, Mars in Gallia, Minerva Iliensis, Hercules Gaditanus, and others enumerated by Ulpian (*Frag.* tit. 22. s. 6): a Postumus alienus could not be made a heres, for he was an incerta persona: it is a disputed question whether, according to the old law, women could be made heredes; but the question concerns only those who were sui juris, as to whom there seems no sufficient reason why they could not be made heredes; the capacity of women to take under a will was limited by the LEX VOCONIA: unmarried persons and persons who had no children were limited as to their capacity to take under a will by the Papia Poppaea Lex. [LEX JULIA et PAPIA POPPAEA.]

The first question as to the validity of a will was the capacity of the testator: the next question was as to the proper observance of the forms required by law, "except in the case of soldiers, who, in consideration of their little acquaintance with such matters, were allowed to make their wills as they pleased or as they could." (Gaius, ii. 114.) This remark of Gaius seems to refer to the Imperial period.

As to the Form of wills, Gaius (ii. 101) and Ulpian (*Frag.* tit. xx.) are now the best authorities.

Originally there were two modes of making wills; for people made their wills either at Calata Comitia, which were appointed twice a year for the making of wills; or they made wills *in procinctu*, that is, when they were going to battle; for an army in movement and under arms is Procinctus. A third mode of making wills was introduced, which was effected *per aes et libram*, whence the name of Testamentum per aes et libram. If a man had neither made his will at Calata Comitia nor In procinctu, and was in imminent danger of death, he would mancipate (*mancipio dabat*) his Familia, that is, his Patrimonium to a friend and would tell him what he wished to be given to each after his death. The old form of making a will per aes et libram was this. The Familiae emtor, that is the person who received the Familia by mancipation, filled the place of heres, and accordingly the testator instructed him what he wished to be given to each after his death. In the time of Gaius the practice was different. One person was instituted heres (*heres testamento instituitur*), who was charged with the payment of the legacies, or, as it is expressed in the phraseology of the Roman Law, "a quo etiam legata relinquebantur;" and another person was present as familiae emtor from a regard to the old legal form. The mode of proceeding was this. The testator, after having written his will (*tabulas testamenti*), called together five witnesses, who were Roman citizens and puberes, and a libripens, as in the case of other mancipationes, and mancipated his familia to some person in compliance with legal forms (*dicis causa*). The words of the Familiae emtor (Gaius, ii. 104) show clearly the original nature of the transaction: "Familiam pecuniamque tuam endo mandatam tutelam custodelamque meam recipio eaque quo tu jure testamentum facere possis secundum legem publicam hoc aere (aeneaque libra) esto mihi emta." (As to the reading of this passage, see Puchta, *Inst.* iii. § 306, note *g.*) The Emtor then struck the scales with a piece of money which he gave to the testator as the price of the Familia. Then the testator taking the will in his hand said: "Haec ita ut in his tabulis cerisque (or cerisve) scripta sunt ita do ita lego ita testor itaque vos Quirites testimonium mihi perhibetote." This was called the Nuncupatio or publishing of the will; in other words the testator's general confirmation of all that he had written in his will.

As the Familiae emtio was supposed to be a real transaction between the Emtor and Testator, the testimony of their several families was excluded, and consequently a person who was in the power of the Familiae Emtor, or in the power of the Testator could not be a witness. If a man who was in the power of another was the familiae emtor, it followed that his father could not be a witness, nor his brother, if the brother was in the power of the father. A filiusfamilias who after his Missio disposed of his Castrense peculium by testament, could not have his father as witness nor any one who was in the power of his father. The same rules applied to the libripens, for he was a witness. A person who was in the power of the heres or of a legatee or in whose power the heres or legatee was, or who was in the power of the same person as the heres or a legatee, and also the heres or a legatee could all be witnesses; for as Ulpian observes, there is no objection to any number of witnesses from the same family. But Gaius observes that this ought not to be considered as law with respect to the heres, and him who is in the power of the heres and him in whose power the heres is.

According to Gaius, wills were originally made only at Calata Comitia, and In Procinctu. The Comitia were held twice a year for the purpose of making wills, and a will not made there was invalid. It is sometimes assumed that these Comitia were held in order that the Gentes might consent to the testamentary disposition, in which it is implied that they might refuse their consent. But there is no direct evidence for this opinion, and it derives no support from a consideration of the mode of disposing of property per aes et libram. The form per aes et libram was a form introduced in cases when the will had not been made at the Calata Comitia nor In Procinctu. It had effect because it was an alienation of property inter vivos without the consent of any parties except the buyer and seller, which alienation must be assumed to have been a legal transaction at the time when this new form of will was introduced. This new form was a sale and the familiae emtor undertook a trust; he resembled the heres fiduciarius of later times. It is probable enough that there were originally no means of compelling him to execute the trust, but opinion would be a sufficient guarantee that the testator's will would be observed, and thus would arise one of those parts of Law which had its source in Mos. Now when the Romans introduced new legal forms, they always assimilated them to old forms, whence we have a probable conclusion that the form of mancipatio was also observed at the Calata Comitia; and if so, the consent of the Gentes was not necessary, unless it was necessary to every alienation of property, which in the absence of evidence must not be assumed, though such may have been the fact. The difference then between the will made at the Calata Comitia and the will per aes et libram, consisted in the greater solemnity and notoriety of the former, and the consequent greater security that the testator's intentions would be observed. Written wills are not spoken of with reference to this time, nor is it probable that wills were written: it does not appear that a written will was ever required by law. The testator's disposition of his property would be short and simple in those early times, and easily remembered; but there would be greater security for an unwritten will made at the Comitia than for an unwritten will made per aes et libram; whence in course of time Tabulae became a usual part of the ceremony of a will.

As we are ignorant of the true nature of private property among the Romans, viewed with respect to its historical origin, we cannot determine with certainty such questions as these respecting testamentary disposition, but it is of some importance to exclude conjectures which are devoid of all evidence. Rein (*Das Röm. Privatrecht*, p. 373, note) has referred to the modern writers who have discussed this subject: he has adopted the opinion of Niebuhr, according to which "as the property of an extinct house escheated to the cury, that of an extinct cury to the publicum of the citizens at large, the consent of the whole populus was requisite; and this is the origin of the rule that testaments were to be made in the presence of the pontiff and the curies." (*Hist. of Rome*, vol. ii. p. 338.) But there is no evidence of the assertion contained in the first part of this passage; and if this rule as to escheat is admitted to be a fact, the rule that testaments must be confirmed by the pontiff and curies is no necessary conclusion. Niebuhr further observes that "the plebeian houses were not so connected; but the whole order had a public coffer in the temple of Ceres; and when the army, being assembled in centuries, either on the field of Mars, or before a battle, passed the last will of a soldier into a law, it thereby resigned the claims of the whole body to the property." This assertion also is not supported by evidence, and is therefore a mere conjecture against the probability of which there are sufficient reasons.

The Testamentum in procinctu is, for anything we know to the contrary, as old as the testament at the Calata Comitia. In this case the forms of the Calata Comitia were of necessity dispensed with, or the soldier would often have died intestate. This power of disposition in the case of a Testamentum in procinctu could not depend on the consent of the whole populus, in each particular instance; for the nature of the circumstances excluded such consent. He had therefore full power of disposition In Procinctu, a circumstance which leads to the probable conclusion that the will made at the Calata Comitia differed only from the other will in its forms and not in its substance. Some writers assert that the Testamentum in Procinctu could only be made after the auspices were taken, which gave the testament the religious sanction, and that when the auspices ceased to be taken in the field, this kind of testament ceased to be made; and that the military testaments mentioned about the latter part of the republic (as by Caesar, *Bell. Gall.* i. 39; Vell. Pat. ii. 5, &c.) were not the same kind of testaments, but purely military testaments made without any form, which in the Imperial period became in common use and of which Julius Caesar probably introduced the practice. (Dig. 29. tit. 1. *De Testamento Militis.*) Cicero however speaks of the will In procinctu (*de Or.* i. 53) as then in use, and he describes it as made "sine libra et tabulis," that is, without the forms which were used after the introduction of the testamentum per aes et libram. Thus the Testamentum in Procinctu always retained its characteristic of being exempted from legal *forms*, but as to the *capacity* of the Testator it was always subject to the same rules of law as other wills, so far as we know.

The form of Mancipatio owed its origin to positive enactments: it was a form of alienation accompanied with certain public ceremonies, the presumed object of which was to secure evidence of the transfer. The form of Mancipatio as applied to a will was exactly the same form as Mancipatio applied to any other purpose: it was an alienation of the property, and according to strict principles it must have been irrevocable. It may be concluded then that Roman wills were originally irrevocable. It is sometimes assumed that the five witnesses to the Testament (*cives Romani puberes*) were representatives of the five Classes of Servius Tullius. If this is true (which is a mere assumption) the classes were represented as witnesses only, not as persons who gave their consent to the act. Engelbach states: "Mancipation was originally a formal sale in which the publicness of the transaction constituted the essential characteristic. When the seller had transferred to the buyer the ownership of a thing before the five representatives of the five classes of the Roman People, this was as valid as any other Lex which was brought before the assembly of the People and passed into a Lex." (*Ueber die Usucapion zur Zeit der Zwölf Tafeln*, p. 80.) The whole meaning of this is not clear, but so far as this it is clear and true: the Testamentum per aes et libram differed in no respects as to the capacity of the alienor, from any other Mancipation. Now we must either suppose that the assumed consent of the populus to the Testamentary disposition at the Calata Comitia, was expressed by a special enactment which should transfer the property according to the Testator's wish, or that the consent only must have been given to the transfer, and the transfer must have been made in the usual way: the latter is the only conceivable case of the two. In assuming this original necessity of consent on the part ot the populus to the testamentary disposition, we assume that Roman property was originally inalienable at the will of the owner. This may be true, but it is not yet shown to be so.

The Twelve Tables recognize a man's power to dispose of his property by will as he pleased: "Uti legassit super pecunia tutelave suae rei ita jus esto." (Ulp. *Frag.* tit. xi. 14.) It is generally admitted, and the extant passages are consistent with the opinion, that the new testamentary form per aes et libram existed while the two original forms were still in use. Now in the testamentum per aes et libram there is no pretence for saying that any consent was required except that of the buyer and seller; and the Twelve Tables recognize the testator's power of disposition. If then the form of testament at Comitia Calata subsisted after the Twelve Tables, we have, according to the views of some writers, a form of testamentum to which the consent of the testator was sufficient and another form in which it was not. There still remains to those who support this opinion, the power of saying that the consent of the sovereign people had become a form, and therefore it was indifferent, so far as concerns this consent, whether the will was made at the Comitia where it would be fully witnessed, or per aes et libram where it would be witnessed by the five representatives. But it is easy to suggest possibilities; less easy to weigh evidence accurately and to deduce its legitimate consequences.

As already observed, there seems to have been no rule of law that a testament must be written. The mancipatio required no writing, nor did the institution of a heres, and the number of witnesses was probably required in order to secure evidence of the testator's intentions. Thus it is said (Dig. 28. tit. 1. s. 21) that the heres might either be made by oral declaration (*nuncupatio*) or by writing. Written wills however were the common form among the Romans at least in the later republican and in the imperial periods. They were written on tablets of wood or wax, whence the word "cera" is often used as equivalent to "tabella;" and the expressions prima, secunda cera are equivalent to prima, secunda pagina. The will might be written either by the testator or any other person with his consent, and sometimes it was made with the advice of a lawyer. It was written in the Latin language, until A. D. 439 when it was enacted that wills might be in Greek. (Cod. 6. tit. 23. s. 21.) By the old law a legacy could not be given in the Greek language, though a fideicommissum could be so given. It does not appear that there was originally any signature by the witnesses. The will was sealed, but this might be done by the testator in secret, for it was not necessary that the witnesses should know the contents of the will; they were witnesses to the formal act of mancipatio, and to the testator's declaration that the tabulae which he held in his hand contained his last will. It must however have been in some way so marked as to be recognized, and the practice of the witnesses (*testes*) sealing and signing the will became common. (As to the will of Claudius, see Suetonius, *Claudius*, 44.) It was necessary for the witnesses both to seal (*signare*), that is, to make a mark with a ring (*annulus*) or something else on the wax and to add their names (*adscribere*). The five witnesses signed their names with their own hand, and their adscription also declared whose will it was that they sealed. (Dig. 28. tit. 1. s. 30.) The seals and adscriptions were both on the outside. A Senatusconsultum, which applied to wills among other instruments, enacted that they should be witnessed and signed as follows: they were to be tied with a triple thread (*linum*) on the upper part of the margin which was to be perforated at the middle part, and the wax was to be put over the thread and sealed. Tabulae which were produced in any other way had no validity. (Compare Paulus, *S. R.* v. tit. 25. s. 6, where impositae seems to be the true reading, with Sueton. *Ner.* 17.) A man might make several copies of his will, which was often done (*ut vulgo fieri solet*, Dig. 31. tit. 1. s. 47; a case put to Proculus) for the sake of caution. Both Augustus and Tiberius made two copies of their wills. (Sueton. *Aug.* 101, *Tiber.* 76.) When sealed, it was deposited with some friend, or in a temple, or with the Vestal Virgins; and after the testator's death it was opened (*resignare*) in due form. The witnesses or the major part were present, and after they had acknowledged their seals, the thread (*linum*) was broken and the will was opened and read, and a copy was made; the original was then sealed with the public seal and placed in the archium, whence a fresh copy might be got, if the first copy should ever be lost. (Paulus, iv. 6.) This practice described by Paulus may have been of considerable antiquity. The will of Augustus which had been deposited with the Vestal Virgins was brought into the Senate after his death (Tacit. *Ann.* i. 8): none of the witnesses were admitted except those of Senatorian rank; the rest of the witnesses acknowledged their signatures outside of the Curia. (Sueton. *Tib.* 23.)

A passage in a Novel of Theodosius II. (A. D. 439, *De Testamentis*) states the old practice as to the signature of the witnesses. "In ancient times a testator showed (*offerebat*) his written testament to the witnesses, and asked them to bear testimony that the will had so been shown to them (*oblatarum tabularum perhibere testimonium*)" which are almost the words of Gaius. The Novel goes on to state that the ignorant presumption of posterity had changed the cautious rule of the ancient law, and the witnesses were required to know the contents of the will; the consequence of which was that many persons preferred dying intestate to letting the contents of their wills be known. The Novel enacted what we may presume to have been the old usage, that the testator might produce his will sealed, or tied up, or only closed, and offer it to seven witnesses, Roman citizens and puberes, for their sealing and adscription, provided at the same time he declared the instrument to be his will and signed it in their presence, and then the witnesses affixed their seals and signatures at the same time also. Valentinian III. enacted that if a Testamentum was holographum, witnesses were not necessary.

A fragment of a Roman will, belonging to the time of Trajan, was published by Puggé in the *Rheinisches Museum*, vol. i. p. 249, &c.; and it is explained by Rudorff (*Das Testament des Dasumius*, *Zeitschrift*, &c. vol. xii. p. 301).

The penalties against fraud in the case of wills and other instruments were fixed by the Lex Cornelia. [FALSUM.]

The Edict established a less formal kind of will, since it acknowledged the validity of a written will when there had been no mancipatio, provided there were seven witnesses and seven seals, and the testator had the testamentifactio at the time of making the will and at the time of his death. (Gaius, ii. 147.) The terms of the Edict are given by Cicero (*in Verr.* i. 1, 45.) The Edict only gave the Bonorum Possessio which is the sense of hereditas in the passage of Cicero referred to, as well as in Gaius (ii. 119). This so-called Praetorian Testament existed in the Republican period, and for a long time after. Thus a man had his choice between two forms of making his will; the Civil form by Mancipatio, and the Praetorian with seven seals and seven witnesses, and without Mancipatio. (Savigny, *Beytrag zur Geschichte der Röm. Testam.*, *Zeitschrift*, vol. i. p. 78.)

The Praetorian Testament prepared the way for the abolition of Mancipatio, the essential character of a will made according to the Jus Civile, and in the Legislation of Justinian the form of making a testament was simplified. It required seven male witnesses of competent age and legal capacity, and the act must be done in the presence of all, at the same place, and at the same time, that is, it must be continuous. The testator might declare his last will orally (*sine scriptis*) before seven witnesses, and this was a good will. If it was a written will, the testator acknowledged it before the witnesses as his last will, and put his name to it, and the witnesses then subscribed their names and affixed their seals. The testator might write his will or have it written by another person, but such other person could derive no advantage under the will. [SENATUSCONSULTUM LIBONIANUM.]

The cases in which a will was not valid, because the heredes sui were not expressly exheredated, are stated in HERES (ROMAN).

A testament which was invalid from the first was Injustum and never could become valid: it was Non jure factum, when the proper forms had not been observed; it was Nullius Momenti, as in the case of a filiusfamilias who is "praeteritus." A Testamentum Justum might become either Ruptum or Irritum in consequence of subsequent events. (Dig. 28. tit. 3. s. 1.)

A testament became Ruptum, if the testator made a subsequent testament in due form as required by law: and it made no matter, whether or not there turned out to be a heres under the second will; the only question was whether there could have been one. If then the heres named in the second will refused the hereditas, or died either in the lifetime of the testator, or after his death, and before the cretio, or failed to comply with the conditions of the will, or lost the hereditas under the Lex Julia et Papia Poppaea—in all these cases the paterfamilias died intestate.

The testator must have a capacity to make a will and continue to have the capacity until his death; but this principle does not apply to mental sanity, for the will was valid if the testator became insane. But the will became Irritum if the testator sustained a capitis diminutio after the date of the will; or if it failed of effect because there was no heres. Thus a prior will which was invalidated by a subsequent will was Ruptum, and if there was no heres under the subsequent will, such will was Irritum.

If a man who had made a will was taken prisoner by the enemy, his will was good jure postliminii if he returned home; if he died in captivity, it was made as valid by the Lex Cornelia as if he had not been a captive.

Though a will might be Ruptum or Irritum by the Jus Civile, it was not always without effect; for the Bonorum Possessio secundum tabulas might be had by the scriptus heres, if the will was witnessed by seven witnesses, and if the testator had the testamentifactio. The distinction between the case of a will which was invalid Jure Civili for want of due forms, and one which was invalid for want of legal capacity to dispose of property by will was well recognized in the time of Cicero. (*Top.* 11.) A will also became Ruptum by adgnatio, that is, if a suus heres was born after the making of the will who was not either instituted heres or exheredated, as the law required. A quasi adgnatio also arose by adoption, or by the in manum conventio, or by succession to the place of a suus heres, as in the instance of a grandson becoming a suus heres in consequence of the death or the emancipation of a son: a will also became ruptum by the manumission of a son, that is, where the son after a first and second mancipation returned into the power of his father. [EMANCIPATIO.]

A testament was called Inofficiosum which was made in legal form, "sed non ex officio pietatis." For instance, if a man had exheredated his own children, or passed over his parents, or brothers or sisters, the will was in form a good will, but if there was no sufficient reason for this exheredation or praeterition, the persons aggrieved might have an Inofficiosi querela. The ground of the complaint was the allegation that the testator was "non sanae mentis," so as to have capacity to make a will. It was not alleged that he was Furiosus or Demens, for these were technical words which implied complete legal incapacity. The distinction was a fine one, and worthy of the subtlety of the Jurists, to whom it may be presumed to owe its origin. By the legislation of Justinian no person could maintain a Querela inofficiosi beyond the degree of brothers and sisters; and brothers and sisters could only maintain their claim against "scripti heredes" who were "turpes personae." The complaint also could only be maintained in cases where the complaining parties had no other right or means of redress. If any portion, however small, was left by the will to the complaining party, he could not maintain a Querela inofficiosi, and he was only intitled to so much as would make up his proper share. If the judex declared the testamentum to be Inofficiosum, it was rescinded; but if there were several heredes, the testament would only be rescinded as to him or them against whose institution the Judex had pronounced. The portion of an hereditas which might be claimed by the Querela inofficiosi was one-fourth, which was divided among the claimants pro rata. (Plin. *Ep.* v. 1; Inst. 2. tit. 18; Dig. 5. tit. 2, De Inofficioso Testamento.)

The Querela Inofficiosi is explained by Savigny with his usual perspicuity (*System, &c.* vol. ii. p. 127). When a testator passed over in his will any of his nearest kinsfolks, who in the case of intestacy would be his heredes, this gave rise to the opinion that the person thus passed over had merited this mark of the testator's disapprobation. If this opinion was unfounded, the testator had done an unmerited injury to the person, and his remedy was by getting the will set aside, as made under the influence of passion. If the will was set aside, the testator was thereby declared to have died intestate, and the complainant obtained the hereditas which was the immediate object of the Querela, or his share of it. But the ultimate object of the Querela was the public re-establishment of the injured honour of the complainant, who in this action appeared in a hostile position with respect to the Testator who had brought his character in question. Consequently this action had for its ultimate object Vindicta, and the peculiarity of the action consisted in the difference between this ultimate object of the action and the immediate object of it (property), which was merely a means to the ultimate object. [VINDICTA.]

There is no evidence to show when the Querela Inofficiosi was introduced as a mode of setting aside a will. The phrase Testamentum Inofficiosum occurs in Cicero, and in Quintilian (*Inst. Or.* x. 2).

Codicilli were an informal will: they may be defined to be a testamentary disposition of such a kind which does not allow any direct universal succession, and, consequently, neither the direct appointment nor exheredation of a heres, even though the codicilli are confirmed by a testament; but he who was appointed heres by a testament, might be requested by codicilli to give the hereditas to another altogether or in part, even though the codicilli were not confirmed by a Testament. A legacy could not be given by codicilli, unless the codicilli were confirmed by a will; and this must be the case to which Pliny refers (*Ep.* ii. 16). Acilianus had made Pliny "heres ex parte," but he had also made codicilli in his own handwriting, which as Pliny alleges were void (*pro non scriptis habendi*), because they were not confirmed by the will. Now, as already observed, it appears from Gaius (ii. 273), that a person who was appointed heres by a will, might be required by codicilli to give the whole hereditas or a part to another, even though the codicilli were not confirmed by a will. But Pliny is speaking of codicilli which were void for want of a testamentary confirmation; and this, as we learn from Gaius, is the case of a legacy given by codicilli which have not been confirmed by a will. This confirmation might be either prospective or retrospective (*si in testamento caverit testator, ut quidquid in codicillis scripserit, id ratum sit*, Gaius, ii. 270; *quos novissimos fecero*, Dig. 29. tit. 7. s. 8). This passage of Pliny as to the confirmation of codicilli by a testament, has sometimes been misunderstood. It is stated, (Dig. 29. tit. 7. s. 8), "Conficiuntur codicilli quatuor modis: aut enim in futurum confirmantur aut in praeteritum, aut per fideicommissum testamento facto aut sine testamento." These four modes are referred to in Gaius: the first two are contained in the words above quoted, Si in testamento, &c.: the third is the case of the heres institutus being required to give the hereditas to another person by codicilli non confirmati; and the fourth is the case of a fideicommissum given by codicilli of a person who made no other testamentary disposition. It was a rule of law that codicilli, when duly made, were to be considered (except in a few cases) as incorporated in the will at the time when the will was made, a principle which led to various legal conclusions, which the Roman jurists deduced with their usual precision. (Dig. 27. tit. 7. s. 2.)

Originally there was probably no particular form required for codicilli; but there must have been evidence of their containing the testator's intention. Subsequently witnesses were required and five witnesses were sufficient for codicilli made in writing, if the witnesses subscribed their names to the codicilli. (Cod. 6. tit. 36.) But a man could without writing and in the presence of five witnesses impose a fideicommissum on his heres. A testament which was defective as such, might be effectual as codicilli. The power to make codicilli was the same as the power to make a testament. (Dig. 29. tit. 7. *De Jure Codicillorum*; Inst. 2. tit. 25.)

The subject of Roman Testaments can only be satisfactorily expounded in a large treatise, and it would require to be treated historically. The preceding sketch may be useful, and generally true, and it affects to be nothing more. (Gaius, ii. 101—108; Ulp. *Frag.* xx.; Inst. 2. tit. 10, &c.; Dig. 28. tit. 1; Cod. 6. tit. 23; Vangerow, *Pandekten*, &c. ii. § 427, &c.) [G. L.]

TESTIS, a witness. 1. GREEK. [MARTYRIA.] 2. ROMAN. [JUSJURANDUM.]

TESTU'DO (χελώνη), a tortoise, was the name given to several other objects.

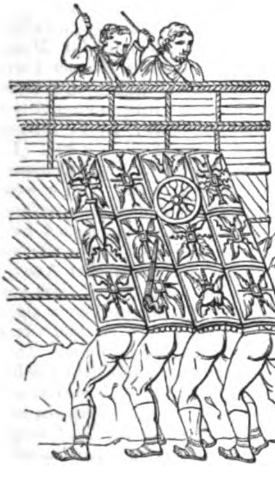
1. To the Lyra, because it was sometimes made of a tortoise-shell. [LYRA.]

2. To an arched or vaulted roof. (Virg. *Aen.* i. 505; Cic. *Brut.* 22.) [TEMPLUM, p. 1112, a.] Thus in a Roman house, when the Cavum Aedium was roofed all over and had no opening or com-

pluvium in the centre, the Cavum Aedium was called Testudo. (Varr. *L. L.* v. 161, ed. Müller.) [Domus, p. 427, b.]

3. To a military machine moving upon wheels and roofed over, used in besieging cities, under which the soldiers worked in undermining the walls or otherwise destroying them. (Caes. *B. G.* v. 42, 43, *B. C.* ii. 2.) It was usually covered with raw hides or other materials which could not easily be set on fire. The battering-ram [Aries] was frequently placed under a testudo of this kind, which was then called *Testudo Arietaria*. (Vitruv. x. 19. p. 322, Bip.) Vitruvius also mentions and explains the construction of several other military machines to which the name of Testudines was given (x. 20, 21; compare Polyb. ix. 41).

4. The name of Testudo was also applied to the covering made by a close body of soldiers who placed their shields over their heads to secure themselves against the darts of the enemy. The shields fitted so closely together as to present one unbroken surface without any interstices between them, and were also so firm that men could walk upon them, and even horses and chariots be driven over them. (Dion Cass. xlix. 30.) A testudo was formed (*testudinem facere*) either in battle to ward off the arrows and other missiles of the enemy, or, which was more frequently the case, to form a protection to the soldiers when they advanced to the walls or gates of a town for the purpose of attacking them. (Dion Cass. *l. c.*; Liv. x. 43; Caes. *B. G.* ii. 6; Sall. *Jug.* 94; see cut annexed, taken from the Antonine column.) Sometimes the shields were disposed in such a way as to make the testudo slope. The soldiers in the first line stood upright, those in the second stooped a little, and each line successively was a little lower than the preceding down to the last, where the soldiers rested on one knee. Such a disposition of the shields was called *Fastigata Testudo*, on account of their sloping like the roof of a building. The advantages of this plan were obvious: the stones and missiles thrown upon the shields rolled off them like water from a roof; besides which, other soldiers frequently advanced upon them to attack the enemy upon the walls. The Romans were accustomed to form this kind of testudo, as an exercise, in the games of the Circus. (Liv. xliv. 9; Polyb. xxviii. 12.)



TETRADRACHMON. [Drachma.]

TETRARCHA or **TETRARCHES** (τετράρχης). This word was originally used, according to its etymological meaning, to signify the governor of the fourth part of a country (τετραρχία or τετραδαρχία). We have an example in the ancient division of Thessaly into four tetrarchies, which was revived by Philip. (Harpocrat. *s. v.* Τετραρχία: Strabo, ix. p. 430; Demosth. *Philipp.* ii. p. 117; Eurip. *Alcest.* 1154; Thirlwall's *Greece*, vi. pp. 13, 14.) [Tagus.] Each of the three Gallic tribes which settled in Galatia was divided into four tetrarchies, each ruled by a tetrarch. (Strabo, xii. pp. 566, 567; Plin. *H. N.* v. 42.) This arrangement subsisted till the latter times of the Roman republic (Appian. *Mithrid.* 46, *Syr.* 50, *Bell. Civ.* iv. 88), but at last the twelve tetrarchs of Gallograecia were reduced to one, namely Deiotarus. (Liv. *Epit.* xciv.; Cic. *pro Deiot.* 15; Hirtius, *de Bell. Alex.* 67.) Some of the tribes of Syria were ruled by tetrarchs, and several of the princes of the house of Herod ruled in Palestine with this title. (Plin. *H. N.* v. 16, 19; Joseph. *Antiq.* xiv. 13. § 1, xvii. 8. § 1, xi. 4. § 18, xvii. 11. § 1, xi. 2. § 1, *Vit.* 11.) Niebuhr (*Hist. of Rome*, ii. p. 135) remarks that the tetrarchs in Syria were zemindars, who occupied the rank of sovereigns, in the same way as the zemindars of Bengal succeeded under Lord Cornwallis in getting themselves recognised as dependent princes and absolute proprietors of the soil.

In the later period of the republic and under the empire, the Romans seem to have used the title (as also those of *ethnarch* and *phylarch*) to designate those tributary princes who were not of sufficient importance to be called kings. (Compare Lucan. vii. 227; Sallust, *Catil.* 20; Cic. *pro Mil.* 28, *in Vatin.* 12; Horat. *Sat.* i. 3. 12; Vell. Paterc. ii. 51; Tacit. *Annal.* xv. 25.) [P. S.]

TETRASTY'LOS. [Templum.]

TETRO'BOLUS. [Drachma.]

TETTARACONTA, HOI (οἱ τετταράκοντα), *the Forty*, were certain officers chosen by lot, who made regular circuits through the demi of Attica, whence they are called δικασταὶ κατὰ δήμους, to decide all cases of αἰκία and τὰ περὶ τῶν βιαίων, and also all other private causes, where the matter in dispute was not above the value of ten drachmae. Their number was originally thirty, but was increased to forty after the expulsion of the thirty tyrants, and the restoration of the democracy by Thrasybulus, in consequence, it is said, of the hatred of the Athenians to the number of thirty. They differed from other δικασταί, inasmuch as they acted as εἰσαγωγεῖς, as well as decided causes; that is, they received the accusation, drew up the indictment, and attended to all that was understood in Athenian law by the ἡγεμονία τοῦ δικαστηρίου. They consequently may be classed among the regular magistrates of the state. (Pollux, viii. 40; Harpocrat. *s. v.* Κατὰ δήμους δικαστής: Rhetor. Lex. 310. 21; Demosth. *c. Timocr.* p. 735. 11, *c. Pantaen.* p. 976. 10; Schubert, *De Aedil.* pp. 96—98; Meier, *Att. Proc.* pp. 77—82; Schömann, *Ant. Jur. Publ. Graec.* p. 267. 10.)

TEXTOR, TEXTRINUM. [Tela, p. 1099.]

THALAMI'TAE, THALA'MII (θαλαμῖται, θαλάμιοι). [Navis, p. 788, a.]

THALLO'PHORI (ϑαλλοφόροι). [PANATHENAEA, p. 857, a.]

THALY'SIA (ϑαλύσια), a festival celebrated in honour of Dionysus and Demeter (Menand. Rhet. quoted by Meursius), or according to others of Demeter alone, as it is described by Theocritus in his seventh idyll, and by the grammarians who wrote the argumenta to the same. It was held in autumn, after the harvest, to thank the gods for the benefits they had conferred upon men. (Spanheim *ad Callimach. hymn. in Cer.* 20 and 137; Wüstemann *ad Theocrit. Idyll.* vii. 3.) [L. S.]

THARGE'LIA (ϑαργήλια), a festival celebrated at Athens on the 6th and 7th of Thargelion in honour of Apollo and Artemis (Etymol. M.; Suidas, *s. v.* Θαργήλια), or according to the Scholiast on Aristophanes (*Equit.* 1405) in honour of Helios and the Horae; the latter statement however is in substance the same as the former. The Apollo who was honoured by this festival was the Delian Apollo. (Athen. x. p. 424.)

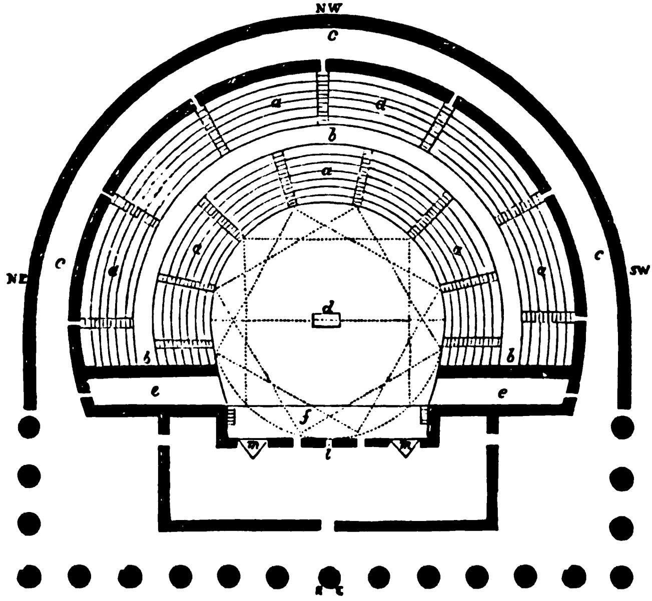
The real festival, or the Thargelia in a narrower sense of the word, appears to have taken place on the 7th, and on the preceding day the city of Athens or rather its inhabitants were purified. (Plut. *Symp.* viii. 1; Diog. Laërt. ii. 44; Harpocrat. *s. v.* Φαρμακός.) The manner in which this purification was effected is very extraordinary and certainly a remnant of very ancient rites, for two persons were put to death on that day, and the one died on behalf of the men and the other on behalf of the women of Athens. The name by which these victims were designated was *φαρμακοί*: according to some accounts both of them were men, but according to others the one dying on behalf of the women was a woman and the other a man. (Hesych. *s. v.* Φαρμακοί.) On the day when the sacrifice was to be performed the victims were led out of the city to a place near the sea, with the accompaniment of a peculiar melody, called *κραδίης νόμος*, played on the flute. (Hesych. *s. v.*) The neck of the one who died for the men was surrounded with a garland of black figs, that of the other with a garland of white ones; and while they were proceeding to the place of their destiny they were beaten with rods of fig-wood, and figs and other things were thrown at them. Cheese, figs, and cake were put into their hands that they might eat them. They were at last burnt on a funeral pile made of wild fig-wood, and their ashes were thrown into the sea and scattered to the winds. (Tzetzes, *Chil.* v. 25.) Some writers maintain from a passage of Ammonius (*de Different. Vocab.* p. 142, ed. Valck.) that they were thrown into the sea alive, but this passage leaves the matter uncertain. We are not informed whether this expiatory and purifying sacrifice was offered regularly every year, but from the name of the victims (*φαρμακοί*) as well as from the whole account of Tzetzes, which is founded on good authorities, it appears highly probable that this sacrifice only took place in case of a heavy calamity having befallen the city (*νοσούσης τῆς πόλεως*), such as the plague, a famine, &c. What persons were chosen as victims on such occasions is not mentioned, and we only learn from Suidas (*s. v.* Φαρμακοί) that they were kept at the public expense (*δημοσίᾳ τρεφόμενοι*). But they were in all probability criminals sentenced to death, and who were kept by the state from the time of their condemnation to be sacrificed at the Thargelia. In the earlier times however they were not criminals, but either cripples (Tzetzes, *l. c.*; Schol. *ad Aristoph. Ran.* 733), or persons who offered to die voluntarily for the good of their country. (Athen. ix. p. 370; Suidas, *s. v.* Παρθένοι.)

The second day of the Thargelia was solemnized with a procession and an agon which consisted of a cyclic chorus performed by men at the expense of a choragus. (Lysias, *de Muner. accept.* p. 255; Antiphon, *de Choreut.* c. 11; Demosth. *in Mid.* p. 517.) The prize of the victor in this agon was a tripod which he had to dedicate in the temple of Apollo which had been built by Peisistratus. (Suidas, *s. v.* Πύθιον.) On this day it was customary for persons who were adopted into a family to be solemnly registered and received into the genos and the phratria of the adoptive parents. This solemnity was the same as that of registering one's own children at the apaturia. (Isaeus, *de Apollod. hered.* c. 15. *de Aristarch. hered.* c. 8.) [ADOPTIO (GREEK).]

Respecting the origin of the Thargelia there are two accounts. According to Istrus (*ap. Phot. Lex.* p. 467; Etymol. M., and Harpocrat. *s. v.* Φαρμακός) the *φαρμακοί* derived their name from one Pharmacus, who having stolen the sacred phials of Apollo and being caught in the act by the men of Achilles, was stoned to death, and this event was commemorated by the awful sacrifice at the Thargelia. Helladius (p. 534. 3), on the other hand, states that at first these expiatory sacrifices were offered for the purpose of purifying the city of contagious diseases, as the Athenians after the death of the Cretan Androgeus were visited by the plague. A similar festival, probably an imitation of the Thargelia, was celebrated at Massilia. (Petron. 141.) (See Meursius, *Graecia Feriata*, *s. v.* Θαργήλια: Bode, *Gesch. der lyrisch. Dichtkunst der Hellen.* i. p. 173, &c., where an account is also given of the *κραδίης νόμος*; K. F. Hermann, *Handb. der Gottesd. Alterth.* § 60. n. 4. &c.) [L. S.]

THEA'TRUM (ϑέατρον). The Athenians before the time of Aeschylus had only a wooden scaffolding on which their dramas were performed. Such a wooden theatre was only erected for the time of the Dionysiac festivals, and was afterwards pulled down. The first drama that Aeschylus brought upon the stage was performed upon such a wooden scaffold, and it is recorded as a singular and ominous coincidence that on that occasion (500 B. C.) the scaffolding broke down. To prevent the recurrence of such an accident the building of a stone theatre was forthwith commenced on the south-eastern descent of the acropolis, in the Lenaea; for it should be observed that throughout Greece theatres were always built upon eminences, or on the sloping side of a hill. The new Athenian theatre was built on a very large scale, and appears to have been constructed with great skill in regard to its acoustic and perspective arrangements, but the name of the architect is not known. It is highly probable that dramas were performed in this new theatre as soon as it was practicable, and before it was completely finished, which did not take place till about B. C. 340, unless we adopt the untenable supposition that the completion of the Attic theatre at this time refers to a second theatre. (Paus. i. 29. § 16; Plut. *Vit. X. Orat.* pp. 841, c, 852, c.) During this long interval of forty Olympiads theatres were erected in all parts of Greece and Asia Minor, although Athens was the centre of the Greek drama and the only place which produced great masterworks in this department of literature. It should also be borne in mind that theatres are mentioned in several parts of Greece where the worship of Dionysus and the drama connected with it did not exist, so that these buildings were devoted to other public exhibitions. Thus at Athens itself there were in later times, besides the theatre in the Lenaea, two others, viz. the Ἀγρίππειον and the ἐπὶ Ῥηγίλλῃ ϑέατρον, which were not destined for dramatic performances, but were only places in which the sophists delivered their declamations. At Sparta there was a theatre of white marble (Paus. iii. 14. § 1) in which assemblies of the people were held, choral dances performed, and the like (Athen. iv. p. 139, xiv. p. 631), for the festive joy of Dionysus and the regular drama were foreign to the Spartans. All the theatres however which were constructed in Greece were probably built after the model of that of Athens, and with slight deviations and modifications they all resembled one another in the main points, as is seen in the numerous ruins of theatres in various parts of Greece, Asia Minor, and Sicily. Some of them were of prodigious dimensions. The theatre at Epidaurus in the grove of Asclepius, of which considerable ruins are still extant, excelled in beauty the Roman theatres (Paus. ii. 27. § 5), and in size even that of Megalopolis, which was reckoned the largest theatre in Greece. (Paus. viii. 32. § 1.) The great number of ruins of theatres may enable us to form an idea of the partiality of the Greeks for such magnificent buildings, and of their gigantic dimensions. The ruins of the theatre at Argos enclose a space of 450 feet in diameter; the theatre of Ephesus is even 660 feet in diameter. Upon these ruins see the works of Clarke, Dodwell, Leake, Hughes, Arundell, and the Supplement to Stuart's *Antiquities of Athens*.

The construction of the Greek theatres has been the subject of much discussion and dispute in modern times, and although all the best writers agree on the great divisions of which a theatre consisted, the details are in many cases mere matters of conjecture. The Attic theatre was, like all the Greek theatres, placed in such a manner that the place for the spectators formed the upper or north-western, and the stage with all that belonged to it the south-eastern part, and between these two parts lay the orchestra. We shall consider each of these three divisions separately, together with its parts and subdivisions, referring the reader to the annexed plan which has been made from the remains of Greek theatres still extant, and from a careful examination of the passages in ancient writers which describe the whole or parts of a theatre, especially in Vitruvius and Pollux.



1. The place for the spectators was in a narrower sense of the word called ϑέατρον. The seats for the spectators, which were in most cases cut into the rock, consisted of rows of benches rising one above another; the rows themselves (a) formed parts (nearly three-fourths) of concentric circles, and were at intervals divided into compartments by one or more broad passages (b) running between them and parallel with the benches. These passages were called διαζώματα, or κατατομαί, Lat. *praecinctiones* (Vitruv. v. 3 and 7; Bekker, *Anecdot.* p. 270; Pollux, iv. 123; Harpocrat. and Suid. *s. v.* Κατατομή), and when the concourse of people was very great in a theatre, many persons might stand in them. One side of such a passage formed towards the upper rows of benches a wall, in which in some theatres, though perhaps not at Athens, niches were excavated which contained metal vessels (ἠχεῖα) to increase the sounds coming from the stage and orchestra. (Vitruv. i. 1. § 9, v. 4; Stieglitz, *Archäol. der Baukunst*, &c. ii. 1. p. 150.) Across the rows of benches ran stairs, by which

persons might ascend from the lowest to the highest. But these stairs ran in straight lines only from one praecinctio to another; and the stairs in the next series of rows were just between the two stairs of the lower series of benches. By this course of the stairs the seats were divided into a number of compartments resembling cones from which the tops are cut off; hence they were termed *κερκίδες*, and in Latin *cunei*. The whole of the place for the spectators (*ϑέατρον*) was sometimes designated by the name *κοῖλον*, Latin *cavea*, it being in most cases a real excavation of the rock. Above the highest row of benches there rose a covered portico (c), which of course far exceeded in height the opposite buildings by which the stage was surrounded, and appears to have also contributed to increase the acoustic effect. (Apul. *Met.* iii. p. 49, Bip.) The entrances to the seats of the spectators were partly underground, and led to the lowest rows of benches, while the upper rows must have been accessible from above. (Pollux, iv. 123; Athen. xiv. p. 622.)

2. The orchestra (*ὀρχήστρα*) was a circular level space extending in front of the spectators, and somewhat below the lowest row of benches. But it was not a complete circle, one segment of it being appropriated to the stage. The orchestra was the place for the chorus, where it performed its evolutions and dances, for which purpose it was covered with boards. As the chorus was the element out of which the drama arose, so the orchestra was originally the most important part of a theatre: it formed the centre around which all the other parts of the building were grouped. In the centre of the circle of the orchestra was the *ϑυμέλη*, that is, the altar of Dionysus (d), which was of course nearer to the stage than to the seats of the spectators, the distance from which was precisely the length of a radius of the circle. In a wider sense the orchestra also comprised the broad passages (*πάροδοι*, e) on each side between the projecting wings of the stage and the seats of the spectators, through which the chorus entered the orchestra. The chorus generally arranged itself in the space between the thymele and the stage. The thymele itself was of a square form, and was used for various purposes, according to the nature of the different plays, such as a funeral monument, an altar, &c. It was made of boards and surrounded on all sides with steps. It thus stood upon a raised platform, which was sometimes occupied by the leader of the chorus, the flute-player, and the rhabdophori. (Müller, *Dissert. on the Eumen. of Aeschyl.* p. 249, &c. transl.) The flute-player as well as the prompter (*ὑποβολεύς*, *monitor*) were generally placed behind the thymele, so as to face the stage and not to be seen by the spectators. (Plut. *Rei publ. gerend. praec.* p. 813, e.; Ath. xiv. p. 631.) The orchestra as well as the *ϑέατρον* lay under the open sky; a roof is nowhere mentioned.

3. The stage. Steps led from each side of the orchestra to the stage, and by them the chorus probably ascended the stage whenever it took a real part in the action itself. The back side of the stage was closed by a wall called the *σκηνή* or *scena*, from which on each side a wing projected which was called the *παρασκήνιον*. The whole depth of the stage was not very great, as it only comprised a segment of the circle of the orchestra. The whole space from the scena to the orchestra was termed the proscenium (*προσκήνιον*), and was what we should call the real stage. That part of it which was nearest to the orchestra, and where the actors stood when they spoke was the *λογεῖον*, also called *ὀκρίβας* or *ὀκρίβαντες*, in Latin *pulpitum*, which was of course raised above the orchestra and probably on a level with the thymele. What the *ὑποσκήνιον* was is not clear; some think that it was a place to which the actors withdrew when they had acted their parts, others think that it was the same as the *κονίστρα* (Suidas, *s. v.* *Σκηνή*); but as it is stated that the *ὑποσκήνιον* was adorned with statues, it seems more probable that it was the wall under the *λογεῖον* which faced the orchestra and the spectators. The *σκηνή* or *scena* was, as we have already stated, the wall which closed the stage (*proscenium* and *logeum*) from behind. It represented a suitable background or the locality in which the action was going on. Before the play began, it was covered with a curtain (*παραπέτασμα*, *προσκήνιον*, *αὐλαίαι*, Latin *aulaea* or *siparium*; Etymol. M. *s. v.* *Αὐλός*: Athen. xiii. p. 587; Pollux, iv. 122.) When the play began this curtain was let down and was rolled upon a roller underneath the stage. The proscenium and logeum thus were never concealed from the spectators. As regards the scenery represented on the *σκηνή*, it was different for tragedy, comedy, and the satyric drama, and for each of these kinds of poetry the scenery must have been capable of various modifications according to the character of each individual play; at least that this was the case with the various tragedies, is evident from the scenes described in the tragedies still extant. In the latter however the back-ground (*σκηνή*) in most cases represented the front of a palace with a door in the centre (i) which was called the *royal door*. This palace generally consisted of two stories (*διστεγία*, Pollux, iv. 129), and upon its flat roof there appears to have sometimes been some elevated place from which persons might observe what was going on at a distance. (Eurip. *Phoeniss.* 88, &c.) The palace presented on each side a projecting wing, each of which had its separate entrance. These wings generally represented the habitations of guests and visitors. All the three doors must have been visible to the spectators. (Vitruv. v. 7.) The protagonistes always entered the stage through the middle or royal door, the deuteragonistes and tritagonistes through those on the right and left wings. In tragedies like the Prometheus, the Persians, Philoctetes, Oedipus in Colonus, and others the back-ground did not represent a palace. There are other pieces again in which the scena must have been changed in the course of the performance, as in the Eumenides of Aeschylus and the Ajax of Sophocles. The dramas of Euripides required a great variety of scenery; and if in addition to this we recollect that several pieces were played in one day, it is manifest that the mechanical parts of stage performance, at least in the days of Euripides, must have been brought to great perfection. The scena in the Satyric drama appears to have always represented a woody district with hills and grottoes; in comedy the scena represented, at least in later times, the fronts of private dwellings or the habitations of slaves. (Vitruv. v. 8. § 1; Pollux, iv. 125.) The art of scene-painting must have been applied long before the time of Sophocles, although Aristotle (*Poet.* iv. 16) ascribes its introduction to him. [PICTURA, p. 908, b.]

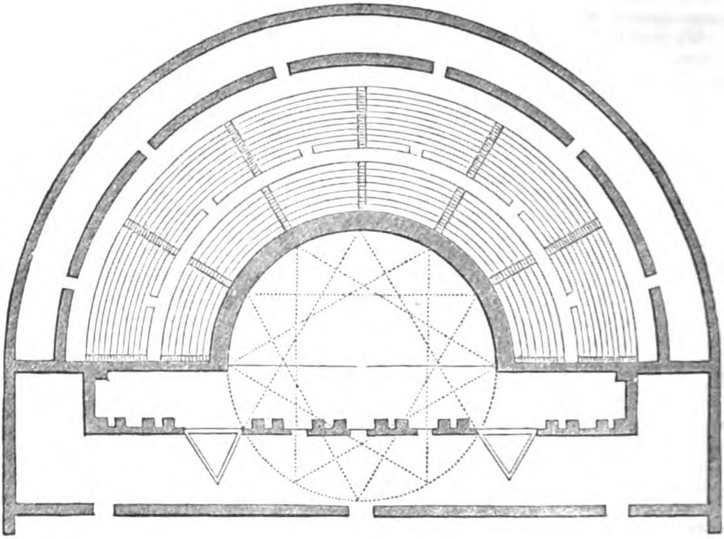
The machines in the Greek theatres were extremely numerous, but we are in many cases unable to form an exact idea of their nature and their effects. We shall only mention the most important among them. 1. The *περίακτοι* (m) stood near the two side entrances of the scena; their form was that of a prisma, and by a single turn they produced a change in the scenery. (Vitruv. v. 7; Pollux, iv. 126.) 2. The *χαρώνιοι κλίμακες*, or the Charonian steps, by which the shades ascended from the lower world upon the stage. (Pollux, iv. 132.) 3. The *μηχανή*, *κράδη* or *ἐώρημα*, a machine by which gods or heroes were represented passing through or floating in the air: hence the proverb, *deus ex machina.* (Pollux, iv. 126, 128, 131; Suidas, *s. v.* Ἐώρημα: Hesych. *s. v.* Κράδη.) 4. The *ἐξώστρα* or *ἐκκύκλημα.* [Exostra.] 5. The *ϑεολογεῖον*, an especial elevated place above the scena for the Olympian gods when they had to appear in their full majesty. (Pollux, iv. 130; Phot. *Lex.* p. 597.) 6. The *βροντεῖον*, a machine for imitating thunder. It appears to have been placed underneath the stage, and to have consisted of large brazen vessels in which stones were rolled. (Pollux, iv. 130; Suidas, *s. v.* Βροντή: Vitruv. v. 7.) Respecting several other machines of less importance, see Pollux, iv. *περὶ μέρων ϑεάτρου.*

It is impossible to enter here upon the differences, which are presented by many ruins of theatres still extant, from the description we have given above. It is only necessary to mention, that in the theatres of the great cities of the Macedonian time the space between the thymele and the logeum was converted into a lower stage, upon which mimes, musicians, and dancers played, while the ancient stage (proscenium and logeum) remained destined, as before, for the actors in the regular drama. This lower stage was sometimes called thymele or orchestra. (Müller, *Hist. of Greek Lit.* i. p. 299; Donaldson, *The Theatre of the Greeks.*)

The Romans must have become acquainted with the theatres of the Italian Greeks at an early period, whence they erected their own theatres in similar positions upon the sides of hills. This is still clear from the ruins of very ancient theatres at Tusculum and Faesulae. (Niebuhr, *Hist. of Rome*, iii. p. 364, &c.) The Romans themselves however did not possess a regular stone theatre until a very late period, and although dramatic representations were very popular in earlier times, it appears that a wooden stage was erected when necessary, and was afterwards pulled down again, and the plays of Plautus and Terence were performed on such temporary scaffoldings. In the meanwhile many of the neighbouring towns about Rome had their stone theatres, as the introduction of Greek customs and manners was less strongly opposed in them than in the city of Rome itself. Wooden theatres, adorned with the most profuse magnificence, were erected at Rome even during the last period of the republic. The first attempt to build a stone theatre was made a short time before the consulship of P. Cornelius Scipio Nasica. It was sanctioned by the censors, and was advancing towards its completion, when Scipio, in 155 B. C., persuaded the senate to command the building to be pulled down as injurious to public morality. (Liv. *Epit.* 48.) Respecting the magnificent wooden theatre which M. Aemilius Scaurus built in his aedileship, 58 B.C., see Pliny, *H. N.* xxxvi. 24. § 7. Its scena consisted of three stories, and the lowest of them was made of white marble, the middle one of glass, and the upper one of gilt wood. The cavea contained 80,000 spectators. (Comp. Plin. *H. N.* xxxiv. 17.) In 55 B. C. Cn. Pompey built the first stone theatre at Rome near the Campus Martius. It was of great beauty, and is said to have been built after the model of that of Mytilene; it contained 40,000 spectators. (Plin. *H. N.* xxxvi. 24. § 7; compare Drumann, *Gesch. Roms.* iv. p. 520, &c.) C. Curio built in 50 B. C. two magnificent wooden theatres close by one another, which might be changed into one amphitheatre. (Plin. *H. N.* xxxvi. 24. § 8.) After the time of Pompey, however, other stone theatres were erected, as the theatre of Marcellus, which was built by Augustus and called after his nephew Marcellus (Dion Cass. xliii. 49; Plin. *H. N.* xxxvi. 12); and that of Balbus (Plin. *l. c.*), whence Suetonius (*Aug.* 44) uses the expression *per trina theatra.*

The construction of a Roman theatre resembled, on the whole, that of a Greek one. The principal differences are, that the seats of the spectators, which rose in the form of an amphitheatre around the orchestra, did not form more than a semicircle; and that the whole of the orchestra likewise formed only a semicircle, the diameter of which formed the front line of the stage. The Roman orchestra contained no thymele, and was not destined for a chorus, but contained the seats for senators and other distinguished persons, such as foreign ambassadors, which are called "primus subselliorum ordo." In the year 68 B. C. the tribune L. Roscius Otho carried a law which regulated the places in the theatre to be occupied by the different classes of Roman citizens: it enacted that fourteen ordines of benches were to be assigned as seats to the equites. (Liv. *Epit.* 99; Ascon. *ad Cornel.* p. 78, ed. Orelli.) Hence these quatuordecim ordines are sometimes mentioned without any further addition as the honorary seats of the equites. They were undoubtedly close behind the seats of the senators and magistrates, and thus consisted of the rows of benches immediately behind the orchestra. Velleius (ii. 32) and Cicero (*pro Muren.* 19) speak of this law in a manner to lead us to infer that it only restored to the equites a right which they had possessed before. Another part of this law was that spendthrifts and persons reduced in their circumstances (*decoctores*), whether through their own fault or not, and whether they belonged to the senatorian or equestrian order, should no longer occupy the seats assigned to their order, but occupy a separate place set apart for them. (Cic. *Philip.* ii. 18.) In the reign of Augustus the senate made a decree, that foreign ambassadors should no longer enjoy the privilege mentioned above, as it had sometimes happened that freedmen were sent to Rome as ambassadors. The soldiers also were separated from the people by the same decree; the same was the case with women, praetextati and paedagogi. (Suet. *Aug.* 44.) This separation consisted probably in one or more cunei being assigned to a particular class of persons. The woodcut on the following page contains a probable representation of the plan of a Roman theatre.

For a fuller account of the construction of Greek and Roman theatres see the commentators on Vitruvius (*l. c.*), J. Chr. Genelli, *das Theater zu Athen, hinsichtlich auf Architectur, Scenerie und Darstellungs Kunst überhaupt*, Berlin, 1818, 8vo.; G. C. W. Schneider, *Das Attische Theaterwesen*,



zum bessern Verstehen der Griech. Dramatiker; Stieglitz, *Archäologie der Baukunst der Griech. und Römer*; Ferrara, *Storia e descrip. de' princip. teatri ant. e moderni*, Milano, 1830; the Supplement to Stuart's *Antiq. of Athens*. A general outline is also given, by Müller, *Hist. of Gr. Lit.* i. p. 299, &c.; and by Bode, *Gesch. der dramat. Dichtkunst d. Hellen.* i. p. 156, &c.

It remains to speak of a few points respecting the attendance in the Greek theatres. Theatrical representations at Athens began early in the morning, or after breakfast (Aeschin. *c. Ctesiph.* p. 466; Athen. xi. p. 464); and when the concourse of people was expected to be great, persons would even go to occupy their seats in the night. The sun could not be very troublesome to the actors, as they were in a great measure protected by the buildings surrounding the stage, and the spectators protected themselves against it by hats with broad brims. (Suidas, *s. vv.* *Πέτασος* and *Δράκων*.) When the weather was fine, especially at the Dionysiac festivals in spring, the people appeared with garlands on their heads; when it was cold, as at the Lenaea in January, they used to wrap themselves up in their cloaks. (Suidas, *l. c.*) When a storm or a shower of rain came on suddenly, the spectators took refuge in the porticoes behind the stage, or in those above the uppermost row of benches. Those who wished to sit comfortably brought cushions with them. (Aeschin. *c. Ctesiph. l. c.*; Theophr. *Char.* 2.) As it was not unusual for the theatrical performances to last from ten to twelve hours, the spectators required refreshments, and we find that in the intervals between the several plays, they used to take wine and cakes. (Athen. xi. p. 464; Aristot. *Eth. Nicol.* x. 5.)

The whole of the cavea in the Attic theatre must have contained about 50,000 spectators. The places for generals, the archons, priests, foreign ambassadors, and other distinguished persons, were in the lowest rows of benches, and nearest to the orchestra (Pollux, iv. 121, viii. 133; Schol. *ad Aristoph. Equit.* 572), and they appear to have been sometimes covered with a sort of canopy. (Aeschin. *l. c.*) The rows of benches above these were occupied by the senate of 500, those next in succession by the ephebi, and the rest by the people of Athens. But it would seem that they did not sit indiscriminately, but that the better places were let at a higher price than the others, and that no one had a right to take a place for which he had not paid. (Plat. *Apolog.* p. 26; Aelian. *V. H.* ii. 13; Demosth. *in Mid.* p. 572.) The question, whether in Greece, and more especially at Athens, women were present at the performance of tragedies, is one of those which have given rise to much discussion among modern scholars, as we have scarcely any passage in ancient writers in which the presence of women is stated as a positive fact. But Jacobs (*Vermischt. Schriften*, iv. p. 272), and Passow (in Zimmermann's *Zeitschr. für die Alterth.* 1837. n. 29), have placed it almost beyond a doubt, from the various allusions made by ancient writers, that women were allowed to be present during the performance of tragedies. This opinion is now perfectly confirmed by a passage in Athenaeus (xii. p. 534), which has been quoted by Becker (*Charikles*, ii. p. 560), in corroboration of the conclusion to which the above mentioned writers had come. In this passage we find that at Athens, and at the time of the Peloponnesian war, the spectators in the theatre consisted of men and women. We have, however, on the other hand, every reason to believe that women were not present at comedies, while boys might be present both at tragedy and comedy. (Theoph. *Charact.* 9; Isaeus, *de Ciron. hered.* p. 206; Aristoph. *Nub.* 537, &c.; Lucian, *de Gymnast.* 22.) The seats which women occupied in the Greek theatres appear to have been separated from those of the men. (Göttling, in the *Rheinisch. Mus.* 1834, p. 103, &c.)

For the purpose of maintaining order and preventing excesses, the ancients had a sort of theatre-police; the persons who held this office were called in Greece ῥαβδοφόροι or ῥαβδοῦχοι, and at Rome *Praecones*. (Schol. *ad Aristoph. Pax*, 718.)

Respecting the attendance at the Greek theatres, and the conduct of the people, see a very good dissertation of Becker, in his *Charikles*, ii. pp. 249—278. [L. S.]

THENSAE or TENSAE (for the orthography and etymology of the word are alike doubtful, although the oldest MSS. generally omit the aspirate) were highly ornamented sacred vehicles, which, in the solemn pomp of the Circensian games, conveyed the statues of certain deities with all their decorations to the pulvinaria, and after the sports were over bore them back to their shrines. (Cic. *in Verr.* ii. 1, 59, and note of Pseudo-Ascon. iii. 27, v. 72; Serv. *ad Virg. Aen.* i. 21; Festus, *s.v.*; Diomedes, i. p. 372, ed. Putsch.; Dion Cass. xlvii. 40; Tertull. *de Spect.* 7.) We are ignorant of their precise form; for although we find several representations upon ancient medals and other works of art, of gods seated in cars, and especially of the sun-chariot of Elagabalus (Herodian. v. 6; see Vaillant, *Numismata Imp.* vol. ii. p. 269; Ginzrot, *Die Wägen und Fahrwerke*, &c. tab. xlii. fig. 6); yet we have no means of deciding which, if any, of these are tensae. We know that they were drawn by horses (Plut. *Coriolan.* 25, who calls them ϑήσσας), and escorted (*deducere*) by the chief senators in robes of state, who, along with pueri patrimi [PATRIMI], laid hold of the bridles and traces, or perhaps assisted to drag the carriage (for *ducere* is used as well as *deducere*, Liv. v. 41), by means of thongs attached for the purpose (and hence the proposed derivation from *tendo*). So sacred was this duty considered, that Augustus, when labouring under sickness, deemed it necessary to accompany the tensae in a litter. If one of the horses knocked up or the driver took the reins in his left hand, it was necessary to recommence the procession, and for one of the attendant boys to let go the thong or to stumble was profanation. (Liv. v. 41; Plut. *l. c.*; Ascon. *l. c.*; Arnob. *adv. gent.* iv. 31; compared with the oration *de Harusp. resp.* 11; Tertull. *de cor. mil.* 13, and *de Spectac.* 7; Suet. *Octav.* 43.)

The only gods distinctly named as carried in tensae are Jupiter and Minerva (Suet. *Vespas.* 5; Dion Cass. xlvii. 40, l. 8, lxvi. 1), to which number Mars is usually added on the authority of Dion Cassius (lxxviii. 8), but, in the passage referred to, he merely states, that at the Circensian games celebrated A. D. 216, the statue of Mars, which was in the procession (πομπεῖον), fell down, and it is very remarkable that Dionysius (vii. 72), in his minute description of the Pompa Circensis, takes no notice whatever of the Tensae, but represents the statues of the gods as carried on men's shoulders, *i. e.* on fercula. That a considerable number of deities however received this honour seems probable from the expression of Cicero, in his solemn appeal at the close of the last Verrine oration, "omnesque dii, qui vehiculis tensarum solemnes coetus ludorum initis;" though we cannot determine who these gods were. We frequently hear indeed of the chariot of Juno (Virg. *Georg.* iii. 531), of Cybele (*Aen.* vi. 784), and many others, but as these are not mentioned in connexion with the Pompa Circensis, there is no evidence that they were tensae. Among the impious flatteries heaped on Caesar, it was decreed that his ivory statue should accompany the images of the gods to the circus in a complete chariot (ἅρμα ὅλον, that is, *a tensa*, in opposition to a mere *ferculum*), and that this chariot should stand in the Capitol immediately opposite to that of Jupiter. (Dion Cass. xliii. 15, 21, 45, xliv. 6.)

Similar homage was paid upon high festivals to the images of their gods by other ancient nations. Thus, in the curious ceremonies performed at Papremis connected with the worship of the Egyptian deity, whom Herodotus (ii. 63) imagined to be identical with Ares, the statue, enshrined in a chapel made of gilded wood, was dragged in a four-wheeled car by a body of priests. So also, in the account given by Athenaeus (v. c. 27, &c.), after Callixenes of Rhodes, of the gorgeous pageant at Alexandria, during the reign of Ptolemy Philadelphus, we read of a car of Bacchus of prodigious size, most costly materials, and most elaborate workmanship, which was dragged by 180 men, and to such customs we may find a parallel in modern times in the usages which prevail at the festival of S. Agatha at Catania, and S. Rosolia at Palermo.

(Scheffer *de Re vehiculari*, c. 24; Ginzrot, *Die Wägen und Fahrwerke der Griechen und Römer*, c. 55; but the latter author, both here and elsewhere, allows his imagination to carry him farther than his authorities warrant.) [W. R.]

THEODOSIA'NUS CODEX. [CODEX THEODOSIANUS.]

THEOPHA'NIA (ϑεοφάνια), a festival celebrated at Delphi, on the occasion of which the Delphians filled the huge silver crater which had been presented to the Delphic god by Croesus. (Herod. i. 51.) Valckenaer on Herodotus (*l. c.*) thought that the reading was corrupt, and that Θεοξένια should be read, as this festival is well known to have been celebrated by the Delphians. (Plut. *de his qui sero a num. pun.* p. 557, f; Polemon, *ap. Athen.* ix. p. 372.) But both festivals are mentioned together by Pollux (i. 34), and Philostratus (*Vit. Apollon.* iv. 31). The Theophania were intended as a celebration of the return of Apollo to Delphi from which he was believed to be absent during the winter months. An agon called theoxenia was also celebrated at Pellene in Achaia in honour of Hermes and Apollo. (Schol. *ad Pind. Ol.* vii. 156, ix. 146.) But no particulars of any of these festivals are known. [L. S.]

THEO'RI (ϑεωροί), were persons sent on special missions (ϑεωρίαι) to perform some religious duty, as to consult an oracle, or to offer a sacrifice, on behalf of the state. It is thus explained by the grammarians: ϑεοπρόποι, ἢ οἱ ϑεώμενοι, ἢ οἱ φροντίζοντες περὶ τὰ ϑεῖα· οἱ εἰς ϑυσίαν πεμπόμενοι καὶ ἑορτὰς καὶ πανηγύρεις καὶ χρηστήρια. (Harpocr. Suidas and Hesych. *s. v.* Θεωροί: compare Pollux, ii. 55; Sophocl. *Oedip. Tyr.* 114.) There were in some of the Dorian states, as the Aeginetans, Troezenians, Messenians, and Mantineans, official priests called ϑεωροί, whose duty it was to consult oracles, interpret the responses, &c., as among the Spartans there were men called Pythii, chosen by the kings to consult the oracle at Delphi. (Schömann, *Ant. Jur. publ. Gr.* pp. 130, 395.) At Athens there were no official persons called ϑεωροί, but the name was given to those citizens who were appointed from time to time to conduct religious embassies to various places; of which the most important were those that were sent to the Olympian, Pythian, Nemean, and Isthmian games, those that went to consult the God at Delphi, and those that led the solemn procession to Delos, where the Athenians established a quadriennial festival, in revival of the ancient Ionian one, of which Homer speaks. (Thucyd. iii. 104). The expense of these embassies was defrayed partly by the state and partly by wealthy citizens, to whom the management of them was entrusted, called ἀρχιθέωροι, chiefs of the embassy. This was a sort of λειτουργία, and frequently a very costly one; as the chief conductor represented the state, and was expected to appear with a suitable degree of splendour; for instance, to wear a golden crown, to drive into the city with a handsome chariot, retinue, &c. Nicias, who was very rich, is reported to have incurred great expenses on his embassy to Delos, beyond what was required of him; and Alcibiades astonished all the spectators at Olympia by the magnificence of his horses, chariots, &c., and the profuseness of his expenditure. (Böckh, *Publ. Econ. of Athens*, p. 214, &c. 2d ed.; Thirlwall, *Hist. of Greece*, vol. iii. pp. 217, 330.) [Delia.]

The Salaminian, or Delian, ship was also called ϑεωρὶς ναῦς, and was principally used for conveying embassies to Delos, though, like the Paralus, it was employed on other expeditions besides. (Suidas, *l. c.;* Böckh, *Id.* p. 240.) [C. R. K.]

THEO'RIA (ϑεωρία). [Theori.]

THEO'RICA (ϑεωρικά). Under this name at Athens were comprised the monies expended on festivals, sacrifices, and public entertainments of various kinds; and also monies distributed among the people in the shape of largesses from the state.

There were, according to Xenophon, more festivals at Athens than in all the rest of Greece. (*De Rep. Ath.* iii. 8.) Besides those which were open to the whole body of the people, there were many confined to the members of each tribe, deme, and house. These last were provided for out of the private funds of the community who celebrated them. At the most important of the public festivals, such as the Dionysia, Panathenaea, Eleusinia, Thargelia, and some others, there were not only sacrifices, but processions, theatrical exhibitions, gymnastic contests, and games, celebrated with great splendour and at a great expense. A portion of the expense was defrayed by the individuals, upon whom the burden of λειτουργία devolved; but a considerable, and perhaps the larger, part was defrayed by the public treasury. Demosthenes complains, that more money was spent on a single Panathenaic or Dionysiac festival than on any military expedition. (*Philip.* i. 50.) The religious embassies to Delos and other places, and especially those to the Olympian, Nemean, Isthmian, and Pythian games, drew largely upon the public exchequer, though a part of the cost fell upon the wealthier citizens who conducted them. (Schömann, *Ant. Jur. publ. Gr.* p. 305.)

The largesses distributed among the people had their origin at an early period, and in a measure apparently harmless, though from a small beginning they afterwards rose to a height most injurious to the commonwealth. The Attic drama used to be performed in a wooden theatre, and the entrance was free to all citizens who chose to go. It was found, however, that the crushing to get in led to much confusion and even danger. On one occasion, about B. C. 500, the scaffolding which supported the roof fell in, and caused great alarm. It was then determined that the entrance should no longer be gratuitous. The fee for a place was fixed at two obols, which was paid to the lessee of the theatre, (called ϑεατρώνης, ϑεατροπώλης, or ἀρχιτέκτων,) who undertook to keep it in repair, and constantly ready for use, on condition of being allowed to receive the profits. This payment continued to be exacted after the stone theatre was built. Pericles, to relieve the poorer classes, passed a law which enabled them to receive the price of admission from the state; after which all those citizens who were too poor to pay for their places applied for the money in the public assembly, which was then frequently held in the theatre. (Schömann, *Id.* p. 219.) In process of time this donation was extended to other entertainments besides theatrical ones; the sum of two oboli being given to each citizen who attended; if the festival lasted two days, four oboli; and if three, six oboli; but not beyond. Hence all theoric largesses received the name of διωβελία. The sums thus given varied at different times, and of course depended on the state of the public exchequer. These distributions of money, like those of grain and flour, were called διανομαί, or διαδόσεις. They were often made at the Dionysia, when the allies were present, and saw the surplus of their tribute distributed from the orchestra. The appetite of the people for largesses grew by encouragement, stimulated from time to time by designing demagogues; and in the time of Demosthenes they seem not to have been confined to the poorer classes. (*Philip.* iv. 141.) Böckh calculates that from 25 to 30 talents were spent upon them annually. (*Publ. Econ. of Athens*, p. 224, 2d ed.)

So large an expenditure of the public funds upon shows and amusements absorbed the resources, which were demanded for services of a more important nature. By the ancient law the whole surplus of the annual revenue which remained after the expense of the civil administration (τὰ περίοντα χρήματα τῆς διοικήσεως) was to be carried to the military fund, and applied to the defence of the commonwealth. Since the time of Pericles various demagogues had sprung up, who induced the people to divert all that could be spared from the other branches of civil expenditure into the Theoric fund, which at length swallowed up the whole surplus, and the supplies needed for the purpose of war or defence were left to depend upon the extraordinary contributions, or property-tax (εἰσφοραί). An attempt was made by the demagogue Eubulus, of whom Theopompus says, that τὰς προσόδους καταμισθοφορῶν διετέλει (Athen. iv. p. 166), to perpetuate this system. He passed a law, which made it a capital offence to propose that the Theoric fund should be applied to military service. In B. C. 353 Apollodorus carried a decree empowering the people to determine whether the surplus revenue might be applied to the purpose of war; for which he was indicted by a γραφὴ παρανόμων, convicted and fined; and the decree was annulled, as a matter of course. (Demosth. *c. Neaer.* 1346—1348.) The law of Eubulus was a source of great embarrassment to Demosthenes, in the prosecutions of his schemes for the national defence; and he seems at last, but not before B. C. 339, to have succeeded in repealing it. (Harpocr. and Suidas, *s. v.* Θεωρικὰ and Εὔβουλος: Böckh. *Id.* i. pp. 219—223; Schömann, *Id.* p. 307.)

In the earlier times there was no person, or board of persons, expressly appointed to manage the Theoric fund. The money thus appropriated was disbursed by the Hellenotamiae. After the anarchy, the largess system having been restored by Agyrrhius, a board of managers was appointed, who are called *ἀρχὴ ἐπὶ τῷ ϑεωρικῷ, οἱ ἐπὶ τὸ ϑεωρικὸν τεταγμένοι* or *κεχειροτονημένοι, ϑεωρικὴ ἀρχὴ*, &c. They were elected by show of hands at the period of the great Dionysia, one from each tribe. In the time of Eubulus many other branches of the administration were placed under the control of this board; as the management of the civil expenditure, the office of the Apodectae, the building of docks, arsenals, streets, &c. This was dictated by an anxiety on the part of the people that no part of the revenue should be improperly diverted from the Theoric fund, which they thought would be prevented by increasing the powers of its managers. But these extraordinary powers appear not to have been of long continuance. (Aeschin. *c. Ctesiph.* 57, ed. Steph.; Böckh, p. 170, &c.; Schömann, *Id.* 320; Wachsmuth, *Hellen. Alt.* vol. ii. pt. i. pp. 124—127, 1st ed.) [C. R. K.]

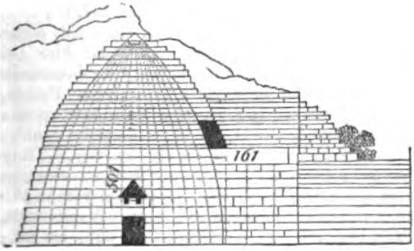
THEOXE'NIA. [Theophania.]

THERAPON (ϑεράπων). [Helotes.]

THERMAE. [Balneae, p. 193, b.]

THERMOPO'LIUM. [Calida; Caupona.]

THESAURUS (ϑησαυρός), a treasure-house. That buildings of this description were required, especially by kings and states, in the earliest period of civilization, is self-evident; and tradition points to subterranean buildings in Greece, of unknown antiquity and of peculiar formation, as having been erected during the heroic period, for the purpose of preserving precious metals, arms, and other property (*κειμήλια*). Such are the treasury of Minyas, at Orchomenus, described by Pausanias (ix. 38), and of which some remains still exist (Dodwell, vol. i. p. 227), and those of Atreus and his sons at Mycenae (Paus. ii. 16), the chief one of which, the so-called Treasury of Atreus, still exists almost in a perfect state. The preceding woodcut shows a ground-plan of the building, and a section of the principal chamber, which is about 48 feet in diameter, and 50 high, and is vaulted over in the manner described under Arcus, p. 128, a. The remains of similar structures have been found at various places in Greece and Italy.



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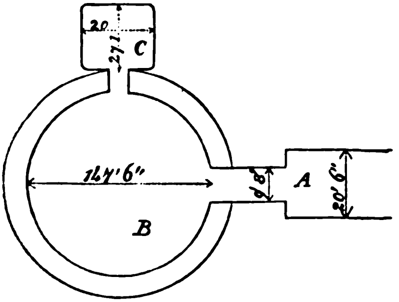


PLAN.

A, entrance: B, principal chamber: C, small side chamber.

It is, however, very questionable whether these edifices were treasuries at all: some of the best archaeologists maintain that they were tombs. The question cannot be entered into here: a full discussion of it, with a description of the buildings themselves, will be found in the works now quoted. (Müller, *Archäol. d. Kunst*, §§ 48, 291, Welcker's edition; Welcker's review of Müller's *Archäologie*, in the *Rhein. Mus.* for 1834, vol. ii. pp. 469, foll.; Col. Mure, *Ueber die Königlichen Grabmäler des heroischen Zeitalters*, in the *Rhein. Mus.* for 1838, vol. vi. pp. 240, foll.; we are not aware whether this Essay has been published in English; Abeken, *Mittelitalien*, pp. 234, foll.)

In the historical times, the public treasury was either in a building attached to the *agora*, or in the *opisthodomus* of some temple. (Hirt, *Lehre d. Gebäude*, pp. 189, 190.)

Respecting the public treasury at Rome, see Aerarium. [P. S.]

THESEIA (ϑησεῖα), a festival celebrated by the Athenians in honour of their national hero Theseus (Aristoph. *Plut.* 622, &c. with the Schol. *Thesmoph.* 841; Suidas, *s. v.* *Θησείοις*), whom they believed to have been the author of their democratical form of government. In consequence of this belief donations of bread and meat were given to the poor people at the Theseia, which thus was for them a feast at which they felt no want and might fancy themselves equal to the wealthiest citizens. We learn from Gellius (xv. 20. § 3) that a contest also was held on this occasion, but we are not informed in what it consisted. The day on which this festival was held was the eighth of every month (*ὀγδόαι*), but more especially the eighth of Pyanepsion, because it was believed that Theseus returned from Crete on that day. (Schol. *ad Aristoph. l. c.*; Plut. *Thes.* 36.) Hence the festival was sometimes called *ὀγδόδιον*. (Hesych. *s.v.*) From the passages above referred to, compared with Diodorus (v. 52), it appears highly probable that the festival of the Theseia was not instituted till B. C. 469, when Cimon brought the remains of Theseus from Scyros to Athens.

(Meursius, *Graec. Fer. s. v.* *Θησεῖα*, *Theseus*, p. 133; Corsini, *Fast. Att.* ii. p. 330; Ideler, *Histor. Untersuchungen über die Astronom. Beobachtung. der Alten*, p. 383, &c.) [L. S.]

THESMOPHO'RIA (*Θεσμοφόρια*), a great festival and mysteries celebrated in honour of Demeter in various parts of Greece, and only by married women, though some ceremonies also were performed by maidens. The Attic Thesmophoria were held in the month of Pyanepsion and began on the eleventh. Its introduction is ascribed by Demosthenes, Diodorus Siculus, and Plutarch (*ap. Theodoret. Therap.* 1) to Orpheus, while Herodotus (ii. 171) states that it was introduced into Greece from Egypt by the daughters of Danaus, who made the Pelasgian women of Peloponnesus acquainted with the mysteries, that after the Dorian conquest they fell into disuse, and were only preserved by the Arcadians, who remained undisturbed in their ancient seats. Thus much appears certain from the name of the festival itself, that it was intended to commemorate the introduction of the laws and regulations of civilized life, which was universally ascribed to Demeter. (Diodor. v. 5.) Respecting the duration of the Attic Thesmophoria, various opinions are entertained both by ancient and modern writers. According to Hesychius (*s. v.* Τρίτη Θεσμοφορίων) it lasted four days: it has been inferred from Aristophanes (*Thesmoph.* 80) that it lasted for five days. Such discrepancies have undoubtedly arisen from the circumstance that the women spent several days before the commencement of the real festival in preparations and purifications, during which they were especially bound to abstain from sexual intercourse, and for this purpose they slept and sat upon particular kinds of herbs which were believed to have a purifying effect. (Hesych. *s. v.* Κνέωρον: Etymol. M. *s. v.* Σκόροδον: Aelian. *Nat. An.* ix. 26; Schol. *ad Theocrit.* iv. 25; Dioscorid. i. 135; Plin. *H. N.* xxiv. 19; Stephan. Byz. *s. v.* Μίλητος.) During this time the women of each demos appointed two married women from among themselves to conduct the preliminary solemnities (ἄρχειν εἰς τὰ Θεσμοφόρια, Isaeus, *de Ciron. hered.* p. 208, ed. Reisk.), and their husbands who had received a dowry amounting to three talents, had to pay the expenses for the solemnity in the form of a liturgy. (Isaeus, *de Pyrrh. hered.* p. 66.) The festival itself, which according to the most probable supposition, also adopted by Wellauer (*de Thesmophoriis*, p. 6), lasted only for three days, began on the 11th of Pyanepsion, which day was called ἄνοδος or κάθοδος (Hesych. *s. v.* Ἄνοδος) from the circumstance that the solemnities were opened by the women with a procession from Athens to Eleusis. In this procession they carried on their heads sacred laws (νόμιμοι βίβλοι or ϑεσμοί), the introduction of which was ascribed to Demeter Θεσμοφόρος, and other symbols of civilised life. (Schol. *ad Theocrit.* xiv. 23.) The women spent the night at Eleusis in celebrating the mysteries of the goddess. (Aen. Tact. *Poliorc.* 4.)

The second day, called νηστεία (Athen. vii. p. 307), was a day of mourning, during which the women sat on the ground around the statue of Demeter, and took no other food than cakes made of sesame and honey (σησαμοῦς, Aristoph. *Thesmoph.* 535, *Pax*, 820). On this day no meetings either of the senate or the people were held. (Aristoph. *Thesm.* 79.) It was probably in the afternoon of this day that the women held a procession at Athens, in which they walked barefooted behind a waggon, upon which baskets with mystical symbols were conveyed to the Thesmophorion. (Aristoph. *Thesm.* 276, &c.) The third day, called καλλιγένεια from the circumstance that Demeter was invoked under this name (Aristoph. *Thesm.* 296), was a day of merriment and raillery among the women themselves, in commemoration of Iambe who was said to have made the goddess smile during her grief. (Aristoph. *Thesm.* 792, *Ran.* 390; Hesych. *s. v.* Στήνια: Phot. *Lex.* p. 397; Apollod. i. 5. § 1.) Hesychius mentions a sacrifice called ζημία, which was offered to the goddess as an atonement for any excess or error which might have been committed during the sacred days, and this sacrifice was probably offered at the close of the third day.

There are several other particulars mentioned by ancient writers as forming part of the Thesmophoria, but we are not able to ascertain in what manner they were connected with the festival, or on what day they took place.

Thesmophoria were also celebrated in many other parts of Greece, as stated above. The principal places where they are mentioned by ancient authors are the following:—Sparta, where the festival lasted for three days (Hesych. *s. v.* Τριήμερος); Drymaea in Phocis (Paus. x. 33. § 6; Steph. Byz. *s. v.* Δρυμία); Thebes in Boeotia (Plut. *Pelop.* p. 280; Xenoph. *Hellen.* v. 2. § 29); Miletus (Steph. Byz. *s. v.* Μίλητος: Diog. Laërt. ix. § 43), Syracuse (Athen. xiv. p. 647), Eretria in Euboea (Plut. *Quaest. Gr.* p. 298, b. &c.), Delos (Athen. iii. p. 109), Ephesus (Strab. xiv. p. 633; Herod. vi. 16), Agrigentum (Polyaen. v. l. 1), and other places. But of their celebration in these towns we know no more than a few isolated particulars which are mentioned in the passages referred to.

(Meursius, *Graecia Feriata*, *s. v.* Θεσμοφόρια: Wellauer, *de Thesmophoriis*, Wratislaviae 1820, 8vo.; Creuzer, *Symbol.* iv. p. 440, &c.; Preller in *Zimmermann's Zeitschrift*, 1835, n. 98; and in general Wachsmuth, *Hellen. Alt.* ii. p. 574, 2d ed. &c.; K. F. Hermann, *Handb. der Gottesd. Alterth.* § 56. n. 15, &c.) [L. S.]

THESMOPHY'LACES (ϑεσμοφύλακες). [Hendeca.]

THESMOS (ϑεσμός). [Nomos.]

THESMO'THETAE (ϑεσμοθέται). [Archon.]

THESSA (ϑῆσσα). [Heres, p. 597, b.]

THETES (ϑῆτες). In earlier times this name denoted any freemen who worked for hire (οἱ ἕνεκα τροφῆς δουλεύοντες, Photius, *s. v.*; ἐλευθερῶν ὄνομα διὰ πενίαν ἐπ' ἀργυρίῳ δουλευόντων, Pollux, iii. 32). Homer (*Od.* iv. 644, xviii. 356) speaks of ϑῆτες τε δμῶές τε, the latter properly signifying those who became slaves by captivity. They are to be distinguished not only from all common slaves, but also from those persons who were in the condition of the Penestae or Helots. (Wachsmuth, *Hell. Alt.* vol. i. pt. i. pp. 235, 255, 322, 1st ed.; Schömann, *Ant. Jur. pub. Gr.* p. 70.) The persons best known by the name of ϑῆτες are the members of the fourth or lowest class at Athens, according to the political division of Solon. They are spoken of under Census. [C. R. K.]

THIASOS (ϑίασος). [Dionysia, p. 411, a; Erani, p. 475, b.]

THOLIA (ϑολία). [Umbraculum.]

THOLUS (ϑόλος, ὁ and ἡ, also called σκιάς) is a name which was given to any round building which terminated at the top in a point, whatever might be the purpose for which it was used. (Hesych. and Suidas. *s. v.* Θόλος: *Od.* xxii. 442, 459, 466.) At Athens the name was in particular applied to the new round prytaneum near the senate-house, which should not be confounded with the old prytaneum at the foot of the acropolis. (Paus. i. 5. § 1, 18. § 13.) It was therefore the place in which the prytanes took their common meals and offered their sacrifices. It was adorned with some small silver statues (Pollux, viii. 155; Demosth. *de Fals. Leg.* p. 419), and near it stood the ten statues of the Attic ἐπώνυμοι. [Eponymi, Prytaneium.]

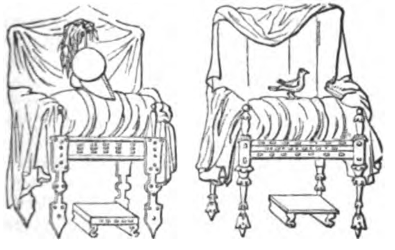
Other Greek cities had likewise their public ϑόλοι: thus we find that Polycletus built one of white marble at Epidaurus, the inside of which was adorned with paintings by Pausias. It was originally surrounded by columns, of which in the days of Pausanias six only were standing, and upon these were inscribed the names of such persons as had been cured of some disease by Asclepius, together with the name of the disease itself and the manner in which they had obtained their recovery. (Paus. ii. 17. § 3.) [L. S.]

THORAX. [Lorica.]

THRACES. [Gladiatores, p. 576, a.]

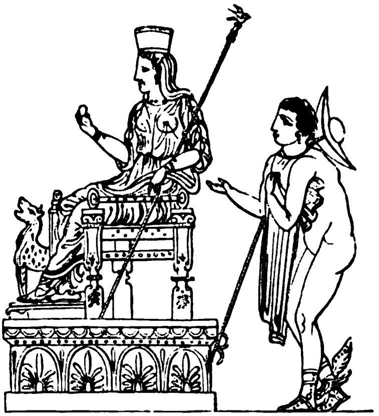
THRANI'TAE (ϑρανῖται). [Navis, p. 788, a.]

THRONUS, the Greek ϑρόνος, for which the proper Latin term is *solium*; a throne. This did not differ from a chair (καθέδρα) [Cathedra; Sella] except in being higher, larger, and in all respects more magnificent. (Athen. v. p. 192, e.) On account of its elevation it was always necessarily accompanied by a foot-stool (*subsellium*, *ὑποπόδιον*, *Att.* *ϑράνιον*, *Ion.* *ϑρῆνυς*, Hom. *Il.* xiv. 240, *Od.* i. 131, x. 315). Besides a variety of ornaments, especially nails or studs of silver, bestowed upon the throne itself, it was often covered with beautiful and splendid drapery. (Hom. *Od.* xx. 150.) [Tapes.] The accompanying woodcut shows two gilded thrones with cushions and drapery represented on paintings found at Resina. (*Ant. d'Erc.* vol. i. tav. 29.) These were intended to be the thrones of Mars and Venus, which is expressed by the helmet on the one and the dove on the other.



All the greater gods were sometimes represented as enthroned. This was in imitation of the practice adopted by mortals, and more particularly in Asia, as in the case of Xerxes (Philostr. *Imag.* ii. 31), and of the Parthians. (Claud. *in IV. Cons. Honor.* 214.) When the sitting statue of the god was colossal, the throne was of course great in proportion, and consequently presented a very eligible field for the display of sculpture and painting. As early as the sixth century before Christ Bathycles of Magnesia thus decorated the throne of the Amyclaean Apollo. (*Dict. of Biog.* art. *Bathycles.*) The throne of the Olympian Zeus, the work of Pheidias, was constructed and ornamented in a similar manner. (*Dict. of Biog.* art. *Pheidias*, vol. iii. p. 252.) As a chair for common use was sometimes made to hold two persons (Hom. *Il.* iii. 424, *Od.* xvii. 330) and a throne shared by two potentates (δίφρον, Doris, *ap. Athen.* i. p. 17, f.), so two divinities were sometimes supposed to occupy the same throne. (Paus. viii. 37. § 2.) Besides those belonging to the statues of the gods, the thrones of monarchs were sometimes deposited in the temples as Donaria. (Paus. ii. 19. § 4, v. 12. § 3.)

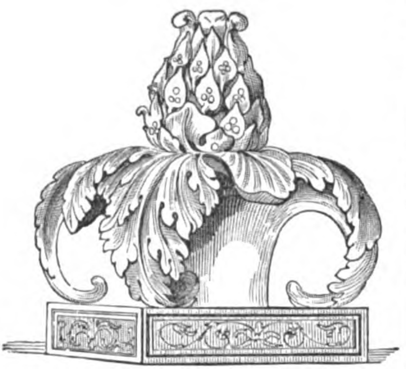
The following woodcut, taken from a fictile vase in the Museo Borbonico at Naples, represents Juno seated on a splendid throne, which is elevated, like those already described, on a basement. She holds in her left hand a sceptre, and in her right the apple, which Mercury is about to convey to Paris with a view to the celebrated contest for beauty on Mount Ida. Mercury is distinguished by his Talaria, his Caduceus, and his petasus thrown behind his back and hanging by its string. On the right side of the throne is the representation of a tigress or panther.



The elevated seat used by a schoolmaster was called his throne. (Brunck, *Anal.* ii. 417.) [J. Y.]

THY'MELE (ϑυμέλη). [Theatrum, p. 1122.]

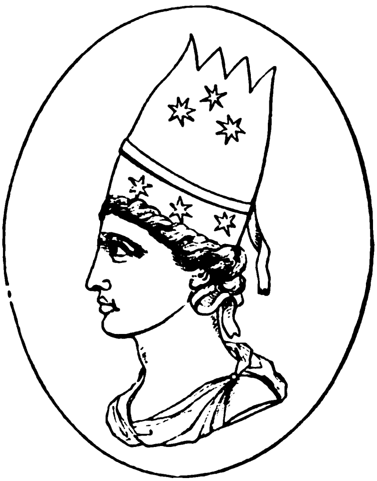
THYRSUS (ϑύρσος), a pole carried by Dionysus, and by Satyrs, Maenades, and others who engaged in Bacchic festivities and rites. (Athen. xiv. p. 631, a.; Vell. Pat. ii. 82.) [Dionysia, p. 411, a.] It was sometimes terminated by the apple of the pine, or fir-cone (κωνοφόρος, Brunck, *Anal.* i. 421), that tree (πεύκη) being dedicated to Dionysus in consequence of the use of the turpentine which flowed from it, and also of its cones, in making wine. (Walpole, *Mem. on Eur. and As. Turkey*, p. 235.) The monuments of ancient art, however, most commonly exhibit instead of the pine-apple a bunch of vine or ivy-leaves (Ovid. *Met.* xi. 27, 28; Propert. iii. 3. 35) with grapes or berries, arranged into the form of a cone. The following woodcut, taken from a marble ornament (*Mon. Matth.* ii. tab. 86), shows the head of a thyrsus composed of the leaves and berries of the ivy, and surrounded by acanthus-leaves. Very frequently also a white fillet was tied to the pole just below the head, in the manner represented in the woodcut on p. 136, b., where each of the figures holds a thyrsus in her hand. See also the woodcut to Funambulus and Vannus. (Statius, *Theb.* vii. 654.) [Instita.] The fabulous history of Bacchus relates that he converted the thyrsi carried by himself and his followers into dangerous weapons, by concealing an iron point in the head of leaves. (Diod. iii. 64, iv. 4; Macrob. *Sat.* i. 19.) Hence his thyrsus is called "a spear enveloped in vine-leaves" (Ovid. *Met.* iii 667), and



its point was thought to incite to madness. (Hor. *Carm.* ii. 19. 8; Ovid. *Amor.* iii. 1. 23, iii. 15. 17, *Trist.* iv. 1. 43; Brunck, *Anal.* iii. 201; Orph. *Hymn.* xlv. 5, l. 8.) [J. Y.]

TIA'RA or TIA'RAS (τιάρα or τιάρας: *Att.* κυρβασία, Moeris, *s. v.*; Herod. v. 49, vii. 64; Aristoph. *Aves*, 487), a hat with a large high crown. This was the head-dress which characterized the north-western Asiatics, and more especially the Armenians (Xen. *Cyr.* 1. § 13; Sueton. *Nero*, 13), the Parthians, and the Persians (Herod. iii. 12; Philost. Sen. *Imag.* ii. 31; Plaut. *Pers.* iv. 2. 2), as distinguished from the Greeks and Romans, whose hats fitted the head or had only a low crown. The Mysian hat, or "Phrygian bonnet," as it is now called [Pileus, p. 919, b.], was a kind of tiara (Virg. *Aen.* vii. 247; Servius, *in loc.*; Sen. *Thyest.* iv. 1. 40, 41; Philostr. Jun. *Imag.* 8), formed with lappets to be tied under the chin (Juv. vi. 516; Val. Flacc. vi. 700), and dyed purple. (Ovid. *Met.* xi. 181.)

The king of Persia wore an erect tiara, whilst those of his subjects were soft and flexible, falling on one side. (Herod. vii. 61; Xen. *Anab.* ii. 5. § 23, *Cyrop.* viii. 3. § 13; Schol. *in Aristoph. l. c.*) He was also distinguished by the splendid colours of his tiara (Themist. *Orat.* 2. p. 36, c., 24. p. 306, c.), and by a Diadema, which encircled it, and which was variegated with white spots upon a blue ground. The Persian name for this regal head-dress was *cidaris*. (Curt. iii. 8; κίδαρις or κίταρις, Strabo, xi. 12. § 9; Pollux, vii. § 58.) The preceding woodcut shows the cidaris as represented on a gem in the Royal Cabinet at Paris, and supposed by Caylus to be worn by a sovereign of Armenia. (*Recueil d'Ant.* ii. p. 124.) From a very remote period (Aeschyl. *Pers.* 668) down to the present day the tiara of the king of Persia has been commonly adorned with gold and jewellery. [J. Y.]



TI'BIA (αὐλός), a pipe, the commonest musical instrument of the Greeks and Romans. It was very frequently a hollow cane perforated with holes in the proper places. (Plin. *H. N.* xvi. 36. s. 66; Athen. iv. p. 182.) In other instances it was made of some kind of wood, especially box, and was bored with a gimblet (*terebrato buxo*, Ovid. *Fast.* vi. 697). The Phoenicians used a pipe, called *gingrus*, or αὐλὸς γιγγραΐνος, which did not exceed a span in length, and was made of a small reed or straw. (Athen. iv. p. 174, f; Festus, *s. v. Gingriator.*) The use of the same variety in Egypt is proved by specimens in the British Museum, which were discovered in an Egyptian tomb.

When a single pipe was used by itself, the performer upon it, as well as the instrument, was called *monaulos.* (Mart. xiv. 64; μόναυλος, Brunck, *Anal.* i. 484.) Thus used, it was much in fashion at Alexandria. (Athen. iv. p. 174, b.) When its size became considerable, and it was both strengthened and adorned by the addition of metallic or ivory rings (Hor. *Art. Poet.* 202—205; Propert. iv. 6. 8), it must have been comparable to the flageolet, or even to the clarionet of modern times. Among the varieties of the single pipe the most remarkable were the bag-pipe, the performer on which was called *utricularius* (Sueton. *Nero*, 54) or ἀσκαύλης (*Onomast.*); and the αὐλὸς πλάγιος or πλαγίαυλος (Theocrit. xx. 29; Longus, i. 2; Heliodor. *Aethiop.* v.; Aelian, *H. A.* vi. 19; Eustath. *in Hom. Il.* xviii. 495), which, as its name implies, had a mouth-piece inserted into it at right angles. Its form is shown in a restored terminal statue of Pan in the Townley collection of the British Museum. Pan was the reputed inventor of this kind of tibia (Bion, iii. 7) as well as of the *fistula* or Syrinx.

But among the Greeks and Romans it was much more usual to play on two pipes at the same time. Hence a performance on this instrument (*tibicinium*, Gellius, iv. 13), even when executed by a single person, was called *canere* or *cantare tibiis*. (Gellius, *N. A.* xv. 17; Corn. Nepos, xv. 2. § 1.) This act is exhibited in very numerous works of ancient art, and often in such a way as to make it manifest that the two pipes were perfectly distinct, and not connected, as some have supposed, by a common mouth-piece. We see this more especially in two beautiful paintings, which were found at Resina and Cività Vecchia, and which represent Marsyas teaching the young Olympus to play on the double pipe. (*Ant. d' Ercolano*, i. tav. 9, iii. tav. 19; compare Paus. x. 30. § 5.) The *tibiae pares* in the British Museum, which were found with a lyre in a tomb at Athens, appear to be of cedar. Their length is about 15 inches. Each of them had a separate mouth-piece (γλῶσσις), and besides the hole at the end it has five holes along the top and one underneath. The circumstance of these three instruments being found together, is in accordance with the fact, that they are very commonly mentioned together by ancient authors (Pind. *Ol.* iii. 9, xi. 97, 98, *Isth.* iv. 30, ed. Böckh ; 1 *Cor.* xiv. 7) ; and the reason of this was, that performances on the double pipe were very frequently accompanied by the music of the lyre. (Hor. *Epod.* ix. 5.) The mouth-pieces of the two pipes often passed through a Capistrum. (See woodcut, p. 553.)

Three different kinds of pipes were originally used to produce music in the Dorian, Phrygian, and Lydian modes. [Musica, p. 777.] About the third century B. C., Pronomus, the Theban, invented adjustments (*ἁρμονίαι*) by which the same set of pipes might be fitted to all the modes. (Paus. ix. 12. § 4 ; Athen. xiv. p. 631, e.) In what these adjustments consisted we are not clearly informed. Probably stopples or plugs (*ὅλμοι*) were used for this purpose. It appears also, that to produce the Phrygian mode the pipe had only two holes above (*biforis*, Virg. *Aen.* ix. 617—620), and that it terminated in a horn bending upwards. (Tibull. ii. 1. 86 ; Ovid. *Met.* iii. 533.) It thus approached to the nature of a trumpet, and produced slow, grave, and solemn tunes. The Lydian mode was much quicker, and more varied and animating. Horace mentions "Lydian pipes" as a proper accompaniment, when he is celebrating the praise of ancient heroes (*Carm.* iv. 13. 30). The Lydians themselves used this instrument in leading their troops to battle ; and the pipes, employed for the purpose, are distinguished by Herodotus (i. 17) as "male and female," *i. e.* probably bass and treble, corresponding to the ordinary sexual difference in the human voice. The corresponding Latin terms are *tibia dextra* and *sinistra* (*laeva*, Plin. *l. c.*): the respective instruments are supposed to have been so called, because the former was more properly held in the right hand and the latter in the left. The "tibia *dextra*" was used to lead or commence a piece of music, and the "sinistra" followed it as an accompaniment. Hence the former was called *incentiva*, the latter *succentiva*. (Varro, *de Re Rust.* i. 2.) The comedies of Terence having been accompanied by the pipe, the following notices are prefixed to explain the kind of music appropriate to each: *tibiis paribus*, *i. e.* with pipes in the same mode ; *tib. imparibus*, pipes in different modes ; *tib. duabus dextris*, two pipes of low pitch ; *tib. par. dextris et sinistris*, pipes in the same mode and of both low and high pitch.

The use of the pipe among the Greeks and Romans was threefold, viz. at sacrifices (*tibiae sacrificae*), entertainments (*ludicrae*, Plin. *l. c.*; woodcut, p. 308), and funerals. (Ovid. *Fast.* vi. 657.) 1. A sacrifice was commonly attended by a piper (*tibicen*, Varro, *de Re Rust.* iii. 17; woodcut, p. 1045, b), who partook of the food offered, so that "to live like a piper" became a proverb applied to those who maintained themselves at the expense of other people. (Suidas, *s. v.* Αὐλητὴς : Aristoph. *Pax*, 952.) The worshippers of Bacchus (Virg. *Aen.* xi. 737), and still more of Cybele, "the Berecynthia mater" (Hor. *Carm.* iv. 1. 23), used the Phrygian pipe, the music of which was on this account denominated *τὸ Μητρῷον αὔλημα*. (Paus. x. 30. § 5.) 2. At public entertainments the *tibicines* wore tunics reaching down to their feet (Ovid. *Fast.* vi. 686), as is exemplified in one of the woodcuts under Tunica. In conformity with the use of this kind of music at public festivals, a band of tibicines preceded a Roman general when he triumphed. (Florus, ii. 2.) 3. The gravity and solemnity of the Phrygian pipes, which adapted them to the worship of Cybele, also caused them to be used at funerals. (Statius, *Theb.* vi. 120 ; compare Joseph. *B. J.* iii. 8. 5 ; Matt. ix. 23.) The pipe was the instrument principally used to regulate the dance [Saltatio], whether at sacrifices, festivals, or private occasions in domestic life (Herod. vi. 129); by means of it also the rowers kept time in a trireme. (Max. Tyr. 23.)

Notwithstanding the established use of the pipe for these important purposes, it was regarded, more especially by the Athenians, as an inelegant instrument, greatly inferior to the lyre. (Plut. *Alcib.* p. 351 ; Gellius, *N. A.* xv. 17 ; Aristot. *Polit.* viii. 6.) Horace, however, represents Clio as performing according to circumstances either on the lyre or the pipe (*Carm.* i. 12. 2 ; compare Philost. Sen. *Imag.* ii. 5); and it is certain that the pipe was by no means confined anciently, as it is with us, to the male sex, but that *αὐλητρίδες*, or female tibicines, were very common. (Xen. *Symp.* ii. 1; Hor. *Epist.* i. 14. 25.) The Thebans always esteemed this instrument, and excelled greatly in the use of it. (*Anthol.* ed. Jacobs. ii. 633.) [J. Y.]

TIBI'CEN. [Tibia.]

TIGNI IMMITTENDI SERVITUS. [Servitutes, p. 1031, b.]

TIME'MA (*τίμημα*). The penalty imposed in a court of criminal justice at Athens, and also the damages awarded in a civil action, received the name of *Τίμημα*, because they were *estimated* or *assessed* according to the injury which the public or the individual might respectively have sustained. The penalty was either fixed by the judge, or merely declared by him according to some estimate made before the cause came into court. In the first case the trial was called *ἀγὼν τιμητὸς*, in the second case *ἀγὼν ἀτίμητος*, a distinction which applies to civil as well as to criminal trials.

It is obvious that on a criminal charge two inquiries have to be made ; first, whether the defendant is guilty, secondly, if he be found guilty, what punishment ought to be inflicted upon him. It may be advisable to leave the punishment to the discretion of the judge, or it may not. In some cases the Athenian law-giver thought that the judge ought to have no discretion. Thus, in cases of murder and high treason sentence of death was imposed by the law and only pronounced by the judge [Phonos ; Prodosia], and in many other cases the punishment was likewise fixed by the law. But where the exact nature of the offence could not be foreseen by the lawgiver, or it might so far vary in its character and circumstances as to admit of many degrees of culpability, it might be desirable or even necessary to leave the punishment to the discretion of the judge. The law then directed that the same court which passed sentence on the culprit should forthwith impose the penalty which his crime deserved. Thus in the *νόμος ὕβρεως* (Demosth. *c. Mid.* 529) it is enacted: *ὅτου ἂν καταγνῷ ἡ ἡλιαία, τιμάτω περὶ αὐτοῦ παραχρῆμα, ὅτου ἂν δόξῃ ἄξιος εἶναι παθεῖν ἢ ἀποτῖσαι*, where *ἀποτῖσαι* refers to pecuniary penalties, *παθεῖν* to any other sort of penalty, as death, imprisonment, &c. Sometimes a special provision was made as to the means of enforcing the punishment ; as in the law last cited, and also in the laws in Demosth. *c. Timocr.* 733, it is declared, that if a fine be imposed, the party shall be imprisoned until it is paid.

In civil causes the sentence by which the Court awarded redress to the injured party would vary according to the nature of his complaint. Where he sought to recover an estate in land, or a house, or any specific thing, as a ring, a horse, a slave, nothing further was required, than to determine to whom the estate, the house, or the thing demanded, of right belonged. [Heres (Greek); Oikias Dike.] The same would be the case in an action of debt, *χρέους δίκη*, where a sum certain was demanded; as for instance, where the plaintiff had lent a sum of money to the defendant, and at the trial no question was made as to the amount, but the dispute was, whether it was a loan or a gift, or whether it had been paid or not. So, in an action for breach of contract, if by the terms of the contract a certain penalty had been attached to its violation, it would be unnecessary to have an inquiry of damages, they being already *liquidated* by the act of the parties themselves. (Demosth. *c. Dionys.* 1291, 1296, et argum.) In these and many other similar cases the trial was *ἀτίμητος*. On the other hand, wherever the damages were in their nature *unliquidated*, and no provision had been made concerning them either by the law or by the agreement of the parties, they were to be assessed by the dicasts.

The following was the course of proceeding in the *τιμητοὶ ἀγῶνες*.

Let us suppose that on a criminal prosecution the defendant had been found guilty. The superintending magistrate then called upon the prosecutor to say, what punishment he proposed to be inflicted on him, and what he had to say thereupon. The bill of indictment (*ἔγκλημα*) was always superscribed with some penalty by the person who preferred it. He was said *ἐπιγράφεσθαι τίμημα*, and the penalty proposed is called *ἐπίγραμμα*. (Demosth. *c. Nausim.* 985.) We find also the expressions *ἐπάγειν τίμημα, τιμᾶσθαι τῷ φεύγοντι, τίμησιν ποιεῖσθαι.* When a charge was brought not by a private individual, but by a magistrate ex officio, the law required him in like manner to write down the penalty which he thought the case merited. (Demosth. *c. Macart.* 1076.) The prosecutor was now called upon to support the allegation in the indictment, and for that purpose to mount the platform and address the dicasts (*ἀναβαίνειν εἰς τίμημα*).

Here he said whatever occurred to him as likely to aggravate the charge, or increase the dicasts against his opponents. He was not bound, however, to abide by the proposal made in the bill, but might, if he pleased (with the consent of the court) ask for a lower penalty than he had demanded before. This was often done at the request of the defendant himself, or of his friends; sometimes from motives of humanity; and sometimes from prudential considerations. If the accused submitted to the punishment proposed on the other side, there was no further dispute; if he thought it too severe, he made a counter proposition, naming the penalty (commonly some pecuniary fine) which he considered would satisfy the demands of justice. He was then said *ἀντιτιμᾶσθαι*, or *ἑαυτῷ τιμᾶσθαι.* (Demosth. *c. Timocr.* 743, *c. Nicostr.* 1252; Aesch. *de Fals. Leg.* 29, ed. Steph.) He was allowed to address the court in mitigation of punishment; to say what he could in extenuation of his offence, or to appeal to the mercy of his judges. This was frequently done for him by his relations and friends; and it was not unusual for a man, who thought himself in peril of life or freedom, to produce his wife and children in court, to excite compassion. (Demosth. *c. Mid.* 573, 575, *c. Aristocr.* 793, *de Fals. Leg.* 431, 434, *c. Onetor.* 878, *c. Aphob.* 834; Aristoph. *Vesp.* 560.) After both parties had been heard, the dicasts were called upon to give their verdict.

Here occurs a question, about which there has been much difference of opinion, and which it is impossible to determine with any certainty; viz. whether the dicasts, in giving this verdict, were confined to a choice between the estimates of the opposing parties, or whether they had a discretion to award what punishment they pleased. Without entering upon any controversial discussion, the following appears to the writer the most probable view of the matter.

The dicasts had no power of discussing among themselves, or agreeing upon the fine or penalty to be awarded. Such power was incompatible with their mode of voting by ballot. [Psephus.] At the same time it would be absurd to suppose that the Athenian court had no means of controlling the parties in the exercise of that privilege which the law gave them, or that it was the common practice for the parties to submit widely different estimates to the dicasts, and leave them no alternative but the extreme of severity on the one side, and the extreme of mercy on the other. Many passages in the orators are opposed to such a view, and especially the words of Demosthenes, *c. Timocr.* 737.

The course of proceeding seems to have been as follows. The prosecutor usually superscribed his indictment with the highest penalty which the law or the nature of the case would admit of. In the course of the trial there might be various indications on the part of the dicasts of a disposition to favour one side or the other. They often exhibited their feelings by vehement gestures, clamour, interruption, and questioning of the parties. It was not unusual for the speakers to make allusions to the punishment before the first verdict had been given. (Aesch. *c. Timarch.* 12, *de Fals. Leg.* 48, ed. Steph.; Demosth. *c. Mid.* 523, *c. Boeot. de dot.* 1022, 1024, *c. Spud.* 1033, *c. Macart.* 1060, *c. Steph.* 1128; Platner, *Proc. und Klag.* vol. i. p. 384.) All this enabled both parties to feel the pulse of the court before the time had arrived for the second verdict. If the prosecutor saw that the dicasts were greatly incensed against his opponent, and he himself was not mercifully inclined, he would persist in asking for the highest penalty. If he was himself disposed to be merciful, or thought that the dicasts were, he would relax in his demand. Similar views would prevent the defendant from asking for too small a penalty, or would induce him to effect a compromise (if possible) with his opponent. We may reasonably suppose, that it was competent for the prosecutor to mitigate his demand at any time before the magistrate called on the dicasts to divide; but not after, without the consent of the court. (Demosth. *c. Nicostrat.* 1252, 1254, *c. Theocrin.* 1343, *c. Neaer.* 1347.) If the parties were endeavouring to come to an arrangement, the court would give them a reasonable time for that purpose; and there is reason to believe, that the petitions addressed by the defendant or his friends to the prosecutor were made aloud in the hearing of the dicasts. As to the suggested explanation of τιμᾶν τὴν μάκραν, see Psephus.

We cannot doubt that in case of heinous offences, or those which immediately concerned the state, the court would not permit of a compromise between the opposing parties; but in ordinary cases, a public prosecutor was looked on by the Athenians much in the light of a plaintiff, especially where his object was to obtain some penalty given by the law to an informer. When the parties could not come to terms, the dicasts, after hearing what each of them had to say, divided on their respective propositions, and the majority of votes determined the penalty. (Platner, *Proc. und Klag.* vol. i. pp. 198—202; Meier, *Att. Proc.* pp. 178—182.)

The course thus pursued at Athens must have led to injustice occasionally, but was, perhaps, the only course that could be adopted with so large a number of judges. Aristotle tells us, that Hippodamus of Miletus (who, no doubt, perceived the evils of this system) proposed that the verdict should not be given by ballot (διὰ ψηφοφορίας), but that each judge should bring in a tablet with a special statement of his opinion; upon which proposal Aristotle remarks, that its effect would be to make each judge a διαιτητής: that it was an object with most of the ancient lawgivers, that the judges should not confer with each other (κοινολογῶνται), and then he comments on the confusion that would arise, if the judge were allowed to propose a penalty different from that submitted to him by the parties. (Arist. *Polit.* ii. 5. §§ 3, 8, 9.)

As a general rule, only one penalty could be imposed by the court, though the law sometimes gave more than one. (Demosth. c. *Lept.* 504, c. *Neaer.* 1363.) Sometimes the law expressly empowered the jury to impose an additional penalty (προστίμημα) besides the ordinary one. Here the proposition emanated from the jury themselves, any one of whom might move that the punishment allowed by the law should be awarded. He was said προστιμᾶσθαι, and the whole dicasts, if (upon a division) they adopted his proposal, were said προστιμᾷν. (Demosth. c. *Timocr.* 733; Meier, *Att. Proc.* pp. 183, 725.) We may observe, that the preposition πρὸς in the verb προστιμᾶν does not always imply that a *second penalty* is imposed, but is sometimes used with reference to other matters, as in Demosth. c. *Aristog.* 790.

In private actions the course of proceeding with respect to the assessment of damages was much the same as described above. In some cases, where the plaintiff's demand was made up of several charges, or arose out of various matters, he would give in his bill of plaint a detailed account, specifying the items, &c., instead of including them in one gross estimate. This seems to have been considered the fairer method, and may be compared to our *bill of particulars*, which the plaintiff delivers to the defendant. (Demosth. c. *Aphob.* 853.) The liability of the plaintiff to the ἐπωβελία, which was calculated upon the sum demanded, operated as a check upon exorbitant demands, in addition to that which we have already noticed.

The προστίμησις rarely occurred in private actions, except in those where the wrongful act complained of had the character of a public offence, as in the δίκη ψευδομαρτυριῶν. [Martyria.]

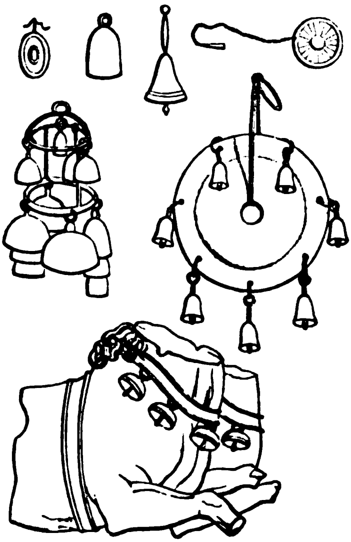
As to the amount of revenue derived by the Athenians from public fines, see Böckh, *Publ. Econ. of Athens*, p. 375, &c. 2d ed.

As to Τίμημα in the sense of *the rateable value* of property with reference to the Athenian property tax, see Eisphora. [C. R. K.]

TIMOCRA'TIA. [Oligarchia.]

TINTINNA'BULUM (κώδων), a bell. Bells were used for a great variety of purposes among the Greeks and Romans, which it is unnecessary to particularize here. One use, however, of them, for the purpose of keeping watch and ward in the fortified cities of Greece, deserves mention. (Thucyd. iv. 135; Aristoph. *Aves*, 843, 1159; Schol. *in loc.*) A guard (φύλαξ) being stationed in every tower, a περίπολος (see p. 463, a) walked to and fro on the portion of the wall between two towers. It was his duty to carry the bell, which he received from the guard at one tower, to deliver it to the guard at the next tower, and then to return, so that the bell by passing from hand to hand made the circuit of the city. By this arrangement it was discovered if any guard was absent from his post, or did not answer to the bell in consequence of being asleep. Hence to prove or try a person was called κωδωνίζειν (Aelian, *H. A.* xvi. 25); to perform the office of patrole was κωδωνοφορεῖν.

The forms of bells were various in proportion to the multiplicity of their applications. In the Museum at Naples are some of the form which we call bell-shaped; others are more like a Chinese gong. The bell, fig. 1 in the annexed woodcut, is a simple disk of bell-metal; it is represented in a painting as hanging from the branch of a tree. (Bartoli, *Sep. Ant.* 13.) Figure 2 represents a bell of the same form, but with a circular hole in the centre, and a clapper attached to it by a chain. This is in the Museum at Naples, as well as the bell, fig. 3, which in form is exactly like those still commonly used in Italy to be attached to the necks of sheep, goats, and oxen. Fig. 4 is represented



on one of Sir W. Hamilton's vases (i. 43) as carried by a man in the garb of Pan, and probably for the purpose of lustration. (Theocrit. ii. 36; Schol. *in loc.*) Fig. 5 is a bell, or rather a collection of twelve bells suspended in a frame, which is preserved in the Antiquarium at Munich. This jingling instrument, as well as that represented by fig. 6 (from Bartoli, *Luc. Sep.* ii. 23), may have been used at sacrifices, in Bacchanalian processions, or for lustration. Fig. 7 is a fragment of ancient sculpture, representing the manner in which bells were attached to the collars of chariot-horses. (Ginzrot, *über Wägen*, ii. pl. 57.) [J. Y.]

TIRO was the name given by the Romans to a newly enlisted soldier, as opposed to *veteranus*, one who had had experience in war. (Caesar, *Bell. Civ.* iii. 28.) The mode of levying troops is described under Exercitus, pp. 496, 499. The age at which the liability to military service commenced was 17.

From their first enrolment the Roman soldiers, when not actually serving against an enemy, were perpetually occupied in military exercises. They were exercised every day (Veget. i. 1), the tirones twice, in the morning and afternoon, and the veterani once. The exercises included not only the use of their weapons and tactics properly so called, but also whatever could tend to increase their strength and activity, and especially carrying burthens and enduring toil. Vegetius (i. 9—27) enumerates among the exercises of the tirones marching, running, leaping, swimming, carrying the shield, fighting at a post [Palus], thrusting with the sword in preference to striking, using their armour, hurling spears and javelins, shooting arrows, throwing stones and leaden bullets, leaping on and off their horses, carrying weights, fortifying the camp, and forming the line of battle.

Vegetius also gives rules for choosing tirones according to their country, their being rustics or townsmen, their age, stature, personal appearance, and previous occupation (i. 2—8). But these rules refer almost exclusively to the state of things under the emperors, when the army was no longer recruited from the citizens of Rome, but from the inhabitants of the provinces.

At this period, the tiro, when approved as fit for the army, was branded or tatooed in the hand with a mark (*stigmata; puncta signorum*), which Lipsius conjectures to have been the name of the emperor.

The state of a tiro was called *tirocinium;* and a soldier who had attained skill in his profession was then said *tirocinium ponere*, or *deponere*. (Justin. xii. 4, ix. 1.)

(Lipsius, *de Milit. Roman.* in *Oper.* vol. iii. pp. 32, 33, 184, 193—197.)

In civil life the terms *tiro* and *tirocinium* were applied to the assumption of the toga virilis, which was called *tirocinium fori* [Toga], and to the first appearance of an orator at the rostrum, *tirocinium eloquentiae* (Senec. *Proëm.* l. 2.); and we even have such a phrase as *tirocinium navis* for the first voyage of a ship. (Plin. *H. N.* xxiv. 7. s. 26.) [P. S.]

TIROCI'NIUM. [Tiro.]

TITHENI'DIA (*τιθηνίδια*), a festival celebrated at Sparta by the nurses who had the care of the male children of the citizens. On this occasion the nurses (*τιτθαί*) carried the little boys out of the city to the temple of Artemis surnamed Corythallia, which was situated on the bank of the stream Tiassus in the district of Cleta. Here the nurses sacrificed sucking pigs on behalf of the children, and then had a feast, probably of the meat of the victims, with which they ate bread baked in an oven (*ἰπνίτας ἄρτους*, Athen. iv. p. 139; comp. Plut. *Sympos.* iii. 9, *Quaest. Gr.* vii. p. 211, Wyttenb.; Hesych. *s. v. κορυθαλλίστριαι.*) [L. S.]

TITIES or TITIENSES. [Patricii.]

TI'TII SODA'LES, a sodalitas or college of priests at Rome, who represented the second tribe of the Romans, or the Tities, that is, the Sabines, who after their union with the Ramnes or Latins continued to perform their own ancient Sabine sacra. To superintend and preserve these, T. Tatius is said to have instituted the Titii sodales. (Tacit. *Annal.* i. 54.) In another passage (*Hist.* ii. 95) Tacitus describes this sacerdotium in a somewhat different manner, inasmuch as he says that it was instituted by Romulus in honour of king Tatius, who after his death was worshipped as a god. But this account seems only to mean that Romulus after the death of Tatius sanctioned the institution of his late colleague and made the worship of Tatius a part of the Sabine sacra. From Varro (*de Ling. Lat.* v. 85, ed. Müller), who derives the name Sodales Titii from Titiae aves, which were observed by these priests in certain auguries, it appears that these priests also preserved the ancient Sabine auguries distinct from those of the other tribes. During the time of the republic the Titii sodales are no longer mentioned, as the worships of the three tribes became gradually united into one common religion. (Ambrosch, *Studien u. Andeut.* p. 192, &c.) Under the empire we again meet with a college of priests bearing the name of Sodales Titii or Titienses, or Sacerdotes Titiales Flaviales; but they had nothing to do with the sacra of the ancient tribe of the Tities, but were priests instituted to conduct the worship of an emperor, like the Augustales. (Gruter, *Inscript.* xix. 4, ccciv. 9, cccxcvi. 1; Inscript. ap. Murat. 299. 5: comp. Lucan. *Phars.* i. 602.) [Augustales.] [L. S.]

TOCOS (*τόκος*). [Fenus.]

TOCULLIONES. [Fenus.]

TOGA (*τήβεννος*), a gown, the name of the principal outer garment worn by the Romans, is derived by Varro from *tegere*, because it covered the whole body (v. 144, ed. Müller). Gellius (vii. 12) states that at first it was worn alone, without the tunic. [Tunica.] Whatever may have been the first origin of this dress, which some refer to the Lydians, it seems to have been received by the Romans from the Etruscans, for it is seen on Etruscan works of art as the only covering of the body, and the *toga praetexta* is expressly said to have been derived from the Etruscans. (Liv. i. 8; Plin. *H. N.* viii. 48. s. 74; Müller, *Etrusker*, vol. i. p. 262.)

The toga was the peculiar distinction of the Romans, who were thence called *togati* or *gens togata*. (Virg. *Aen.* i. 282; Martial. xiv. 124.) It was originally worn only in Rome itself, and the use of it was forbidden alike to exiles and to foreigners. (Plin. *Epist.* iv. 11; Suet. *Claud.* 15.) Gradually, however, it went out of common use, and was supplanted by the Pallium and lacerna, or else it was worn in public under the lacerna. (Suet. *Aug.* 40.) [Lacerna.] But it was still used by the upper classes, who regarded it as an honourable distinction (Cic. *Philip.* ii. 30), in the courts of justice, by clients when they received the Sportula (Martial. xiv. 125), and in the theatre or at the games, at least when the emperor was present. (Suet. *Claud.* 6; Lamprid. *Commod.* 16.) Under Alexander Severus guests at the emperor's table were expected to appear in the toga. (Lamprid. *Sever.* 1.)

The form of the toga, and the manner of wearing it, are matters which are much disputed, and about which indeed it seems almost impossible, with our present information, to arrive at certainty.

The form was, undoubtedly, in some sense *round* (Quintil. xi. 3. § 137; Isid. *Orig.* xix. 24), *semicircular* according to Dionysius (iii. 61), who calls it *περιβόλαιον ἡμικύκλιον*. It seems, however, impossible, from the way in which it was worn, that it could have been always a semicircle. Such may perhaps have been its form as worn in the most ancient times, when it had no great fulness; but to account for the numerous folds in which it was afterwards worn, we must suppose it to have had a greater breadth in proportion to its length, that is, to have been a smaller segment than a semicircle. Probably the size of the segment which the toga formed (on which its fulness depended) was determined by the fashion of the time or the taste of the wearer. This appears to be the true explanation of Quintilian's words (xi. 3. § 139), "Ipsam togam rotundam, et *apte caesam* velim," which could have no meaning if nothing more were required than to give the garment the very simple form of a simicircle. The only other point to be noticed respecting the form of the toga, is the question whether, when it came to be worn in many complicated folds, the art of the tailor may not have been employed to keep these folds in their position. This question, however, belongs more properly to the mode of wearing the toga.

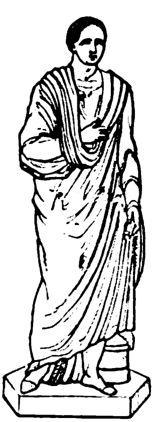
On this subject our principal information is derived from Quintilian (xi. 3. §§ 137, &c.) and Tertullian (*de Pallio*), whose statements, however, refer to the later and more complicated mode of wearing the garment, and from statues in Roman costume.

Frequent reference is made to the *Sinus* of the toga. This was a portion of the garment, which hung down in front of the body, like a sling; it will be more fully explained presently.

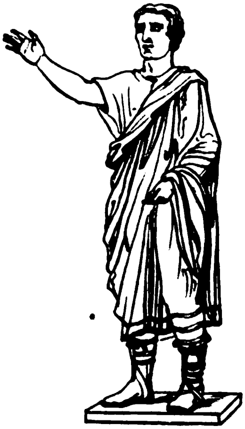
We must make a clear distinction between the more ancient and simpler mode of wearing the toga, and the full form, with many complicated folds, in which it was worn at a later period.

Quintilian (xi. 3. § 137) says that the ancients had no *sinus*, and that afterwards the sinuses were very short. The passage in Livy (xxi. 18, *sinu ex toga facto*, *iterum sinu effuso*) seems to refer not to *the* sinus, technically so called, but *a* sinus which Fabius made at the moment by gathering up some part of his toga.

The ancient mode of wearing the toga is shown in the following cut, which is taken from the *Augusteum*, pl. 117 (Becker, *Gallus*, vol. ii. p. 83), and represents a statue at Dresden.



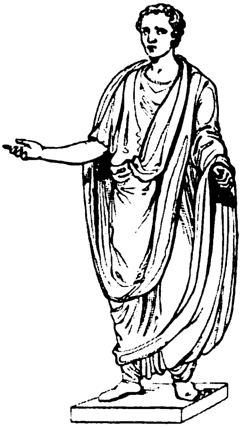
Let the toga, which in this case was probably not far from an exact semicircle, be held behind the figure, with the curved edge downwards. First, one corner is thrown over the left shoulder; then the other part of the garment is placed on the right shoulder, thus entirely covering the back and the right side up to the neck. It is then passed over the front of the body, leaving very little of the chest uncovered, and reaching downwards nearly to the feet (in the figure, quite to one of them). The remaining end, or corner, is then thrown back over the left shoulder, in such a manner as to cover the greater part of the arm. By this arrangement the right arm is covered by the garment, a circumstance noticed by Quintilian (§ 138); but it was occasionally released by throwing the toga off the right shoulder, and leaving it to be supported on the left alone. This arrangement is seen in many ancient statues; an example is shown in the following cut, which represents the celebrated statue of Aulus Metellus (commonly called the Etruscan orator) in the Florence Gallery. (Müller, *Denkmäler*, vol. i. pl. lviii. No. 289.) The portion of the toga which, in the first figure, hangs down from the chest, if it be a *sinus*, is certainly of the kind described by Quintilian as *perquam brevis*.



The next cut represents the later mode of wearing the toga, and is taken from an engraving in the *Museo Borbonico* (vol. vi. tav. 41) of a statue found at Herculaneum.

By comparing this and other statues with the description of Quintilian, we may conclude that the mode of wearing the toga was something like the following: —

First, as above remarked, the form in this case was a segment less than a semicircle. As before, the curved side was the lower, and one end of the



garment was thrown over the left shoulder, and hung down in front, but much lower than in the former case. This seems to be the part which Quintilian (§ 139) says should reach down halfway between the knee and the ankle. In our figure it reaches to the feet, and in some statues it is even seen lying on the ground. The garment was then placed over the back, as in the older mode of wearing it, but, instead of covering the right shoulder, it was brought round *under* the right arm to the front of the body. This is the most difficult part of the dress to explain. Quintilian says (§ 140):—"Sinus decentissimus, si aliquanto supra imam togam fuerit, nunquam certe sit inferior. Ille, qui sub humero dextro ad sinistrum oblique ducitur velut balteus, nec strangulet nec fluat." Becker's explanation of this matter seems perfectly satisfactory. He supposes that the toga, when carried under the right arm, was then folded into two parts; one edge (namely, the lower or round edge) was then brought almost close under the arm, and drawn, but not tightly, across the chest to the left shoulder, forming the *velut balteus* of Quintilian, while the other part was allowed to fall gracefully over the lower part of the body, forming the *sinus*, and then the remaining end of the garment was thrown over the left shoulder, and hung down nearly as low as the other end, which was first put on. It is to this part that Quintilian seems to refer when he says (§ 140):—"Pars togae, quae postea imponitur, sit inferior: nam ita et sedet melius, et continetur;" but the true application of these words is very doubtful. By the bottom of the toga (*imam togam*) in the above quotation, he seems to mean the end of the toga first put on. The part last thrown over the left shoulder, as well as the end first put on, covered the arm, as in the older mode of wearing the garment. The outer edge (*extrema ora*) of this part ought not, says Quintilian (§ 140), to be thrown back. He adds (§ 141), "Super quod (*i. e.* sinistrum brachium) ora ex toga duplex aequaliter sedeat," by which he probably means that the edge of this portion should coincide with the edge of the end which was first thrown over the left shoulder, and which is of course covered by this portion of the garment. He says (§ 141) that the shoulder and the whole of the throat ought not to be covered, otherwise the dress will become narrow and that dignity which consists in width of chest will be lost. This direction appears to mean that the part brought across the chest (*velut balteus*) should not be drawn too tight.

Tassels or balls are seen attached to the ends of the toga, which may have served to keep it in its place by their weight, or may have been merely ornaments.

There is one point which still remains to be explained. In the figure a mass of folds is seen in the middle of the part of the toga drawn across the chest (*velut balteus*). This is the *umbo* mentioned by Tertullian (*de Pallio*, 5), and used by Persius for the toga itself (*Sat.* v. 33). It was either a portion of the *balteus* itself, formed by allowing this part of the garment to hang loose (which perhaps it must have done, as it is the curved, and therefore longer edge that is thus drawn across the chest), and then gathering it up in folds and tucking these folds in, as in the figure, or else the folds which composed it were drawn out from the *sinus*, and either by themselves, or with the loose folds of the *balteus*, formed the *umbo*. It seems to have been secured by passing the end of it under the girdle of the tunic; and perhaps this is what Quintilian means by the words (§ 140), "Subducenda etiam pars aliqua tunicae, ne ad lacertum in actu redeat."

The back of the figure, which is not seen in our engravings, was simply covered with the part of the garment which was drawn across it, and which, in the ancient mode of wearing it, reached down to the heels. (Quintil. § 143). Quintilian states how low it was worn in his time, but the meaning of his words is very obscure (§ 139: "pars ejus prior mediis cruribus optime terminatur, posterior eadem portione altius qua cinctura." See above).

A garment of the supposed shape of the toga, put on according to the above description, has been found by the writer of this article to present an appearance exactly like that of the toga as seen on statues, and Becker states that he has made similar experiments with equally satisfactory results.

Tertullian (*de Pallio*, 5) contrasts the simplicity of the Pallium with the complication of the toga, and his remarks apply very well to the above description. It appears by his account that the folds of the *umbo* were arranged before the dress was put on, and fixed in their places by pins or hooks; but generally speaking it does not seem that the toga was held on by any fastening: indeed the contrary may be inferred from Quintilian's directions to an orator for the management of his toga while speaking (§§ 144—149).

Another mode of wearing the toga was the *cinctus Gabinus*. It consisted in forming a part of the toga itself into a girdle, by drawing its outer edge round the body and tying it in a knot in front, and at the same time covering the head with another portion of the garment. It was worn by persons offering sacrifices (Liv. v. 46; Lucan. i. 596), by the consul when he declared war (Virg. *Aen.* vii. 612), and by devoted persons, as in the case of Decius. (Liv. v. 46.) Its origin was Etruscan, as its name implies (Servius in *Virg. l. c.*; Müller, *Etrusker*, vol. i. p. 265; Thiersch in *Annal. Acad. Bavar.* vol. i. p. 29, quoted by Müller, *Annot. ad Festum*, p. 225). Festus (*l. c.*) speaks of an army about to fight being girt with the cinctus Gabinus. Persons wearing this dress were said to be *procincti* (or *incincti*) *cinctu* (or *ritu*) *Gabino*.

The colour of the toga worn by men (*toga* *virilis*) was generally white, that is, the natural colour of white wool. Hence it was called *pura* or *vestimentum purum*, in opposition to the *praetexta* mentioned below. A brighter white was given to the toga of candidates for offices (*candidati* from their *toga candida*) by rubbing it with chalk. There is an allusion to this custom in the phrase *cretata ambitio*. (Pers. v. 177.) White togas are often mentioned as worn at festivals, which does not imply that they were not worn commonly, but that new or fresh-cleaned togas were first put on at festivals. (See Lipsius, *Elect.* i. 13, in *Oper.* vol. i. pp. 256, 257.) The toga was kept white and clean by the fuller [Fullo]. When this was neglected, the toga was called *sordida*, and those who wore such garments *sordidati*. This dress (with disarranged hair and other marks of disorder about the person), was worn by accused persons, as in the case of Cicero. (Plut. *Cic.* 30, 31; Dion Cass. xxxviii. 16; Liv. vi. 20.) The *toga pulla*, which was of the natural colour of black wool, was worn in private mourning, and sometimes also by artificers and others of the lower orders. (See the passages in Forcellini, *s. vv. Pullus*, *Pullatus*.) The *toga picta*, which was ornamented with Phrygian embroidery, was worn by generals in triumphs [Triumphus], and under the emperors by the consuls, and by the praetors when they celebrated the games. It was also called *Capitolina*. (Lamprid. *Alex. Sever.* c. 40.) The *toga palmata* was a kind of toga picta. The *toga praetexta* had a broad purple border. It was worn with the Bulla, by children of both sexes. It was also worn by magistrates, both those of Rome, and those of the colonies and municipia, by the sacerdotes, and by persons engaged in sacred rites or paying vows. (Liv. xxxiv. 7; Festus, *s. v. Praetexta pulla.*) Among those who possessed the *jus togae praetextae habendae*, the following may be more particularly mentioned: the dictator, the consuls, the praetors (who laid aside the praetexta when about to condemn a Roman citizen to death), the augurs (who, however, are supposed by some to have worn the trabea), the decemviri sacris faciundis [Decemviri], the aediles, the triumviri epulones, the senators on festival days (Cic. *Phil.* ii. 43), the magistri collegii, and the magistri vicorum when celebrating games. [Magister.] In the case of the tribuni plebis, censors, and quaestors there is some doubt upon the subject. The *praetexta pulla* might only be worn at the celebration of a funeral. (Festus. *l. c.*)

The toga praetexta, as has been above remarked, is said to have been derived from the Etruscans. It is said to have been first adopted, with the latus clavus [Clavus Latus], by Tullus Hostilius as the royal robe, whence its use by the magistrates in the republic. (Plin. *H N.* ix. 39. s. 63.) According to Macrobius (*Sat.* i. 6) the *toga* introduced by Hostilius was not only *praetexta*, but also *picta*. Pliny states (*H. N.* viii. 48. s. 74) that the *toga regia undulata* (that is, apparently, embroidered with waving lines or bands) which had been worn by Servius Tullius was preserved in the temple of Fortune. The toga praetexta and the bulla aurea were first given to boys in the case of the son of Tarquinius Priscus, who at the age of fourteen, in the Sabine war, slew an enemy with his own hand. (Macrob. *l. c*, where other particulars respecting the use of the toga praetexta may be found.) Respecting the leaving off of the toga praetexta and the assumption of the toga virilis, see Impubes, Bulla, Clavus Latus. The occasion was celebrated with great rejoicings by the friends of the youth, who attended him in a solemn procession to the Forum and Capitol. (Valer. Max. v. 4. § 4.) This assumption of the toga virilis was called *tirocinium fori*, as being the young man's introduction to public life, and the solemnities attending it are called by Pliny (*Epist.* i. 9) *officium togae virilis*, and by Tertullian (*de Idolol.* c. 16) *solemnitates togae*. The public ceremonies, connected with the assumption of the *toga virilis* by the sons of the emperors, are referred to by Suetonius (*Oct.* 26, *Tib.* 54, *Calig.* 16, *Ner.* 7). The toga virilis is called *libera* by Ovid (*Fasti*, iii. 771). Girls wore the praetexta till their marriage.

The *trabea* was a toga ornamented with purple horizontal stripes. Servius (*ad Aen.* vii. 612) mentions three kinds of trabea; one wholly of purple, which was sacred to the gods, another of purple and white, and another of purple and saffron, which belonged to augurs. The purple and white trabea was a royal robe, and is assigned to the Latin and early Roman kings, especially to Romulus. (Plin. *H. N.* viii. 49, ix. 39; Virg. *Aen.* vii. 187, xi. 334; Ovid. *Fast.* ii. 504.) It was worn by the consuls in public solemnities, such as opening the temple of Janus. (Virg. *Aen.* vii. 612; Claudian. *in Rufin.* i. 249.) The equites wore it at the *transvectio* and in other public solemnities. (Valer. Max. ii. 2; Tacit. *Ann.* iii. 2.) Hence the *trabea* is mentioned as the badge of the equestrian order. Lastly, the toga worn by the Roman emperors was wholly of purple. It appears to have been first assumed by Julius Caesar. (Cic. *Philip.* ii. 34.)

The material of which the toga was commonly made was wool. It was sometimes thick and sometimes thin. The former was the *toga densa*, *pinguis*, or *hirta*. (Suet. *Aug.* 82; Quintil. xii. 10.) A new toga, with the nap neither worn off nor cut close, was called *pexa*, to which is opposed the *trita* or *rasa*, which was used as a summer dress. (Martial. ii. 85.) On the use of silk for togas see Sericum.

It only remains to speak of the general use of the toga. It was originally worn by both sexes; but when the stola came to be worn by matrons, the toga was only worn by the meretrices and by women who had been divorced on account of adultery. [Stola.] Before the use of the toga became almost restricted to the upper classes, their toga was only distinguished from that of the lower classes by being fuller and more expensive. In war it was laid aside and replaced by the Paludamentum and Sagum. Hence *togatus* is opposed to *miles*. The toga was, however, sometimes used by soldiers, but not in battle, nor as their ordinary dress; but rather as a cloak or blanket. It was chiefly worn in Rome, and hence *togatus* is opposed to *rusticus*. The toga was often used as a covering in sleeping; and lastly, as a shroud for the corpse.

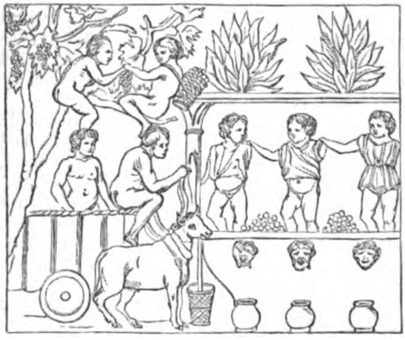
(Becker, *Gallus*, vol. ii. pp. 78—88; Ferrarius, *de Re Vestiaria;* Rubenius, *de Re Vest.*) [P. S.]

TONSOR. [Barba.]

TOPIA'RIUS. [Hortus.]

TORA'LIA. [Torus.]

TO'RCULUM or TO'RCULAR (ληνός), a press for making wine and oil. When the grapes were ripe (σταφυλή), the bunches were gathered, any which remained unripe (ὄμφαξ) or had become dry or rotten were carefully removed (*Geopon.* vi. 11) [Forfex], and the rest carried from the vineyard in deep baskets (*quali*, Virg. *Georg.* ii. 241 : ταλάροι, Hes. *Scut.* 296 ; ἀῤῥίχοι, Longus, ii. 1 ; κοφίνοι, *Geopon. l. c.*) to be poured into a shallow vat. In this they were immediately trodden by men, who had the lower part of their bodies naked (Virg. *Georg.* ii. 7), except that they wore drawers [Subligaculum]. At least two persons usually trod the grapes together. To "tread the wine-press alone" indicated desolation and distress. (Is. lxiii. 3.) The Egyptian paintings (Wilkinson, *Man. and Cust.* vol. ii. pp. 152—157) exhibit as many as seven treading in the same vat, and supporting themselves by taking hold of ropes or poles placed above their heads. From the size of the Greek and Roman vats there can be no doubt that the company of treaders was often still more numerous. To prevent confusion and to animate them in their labour they moved in time or danced, as is seen in the ancient mosaics of the church of St. Constantia at Rome, sometimes also leaning upon one another. The preceding circumstances are illustrated in the following woodcut, taken from a bas-relief. (*Mon. Matth.* iii. tab. 45.) An antefixa in the British Museum (Combe, *Anc. Terra-cottas*, No. 59) shows a person by the side of the vat performing during this act on the *scabellum* and *tibiae pares*, for the purpose of aiding and regulating the movements of those in it. Besides this instrumental music they were cheered with a song, called μέλος ἐπιλήνιον (Athen. v. p. 199, a.) or ὕμνος ἐπιλήνιος, specimens of which may be seen in Anacreon (*Od.* xvii. 1 and lii.; and Brunck, *Anal.* ii. 239. See Jacobs, *ad loc.;* compare Theocrit. vii. 25). After the grapes had been trodden sufficiently, they were subjected to the more powerful pressure of a thick and heavy beam [Prelum] for the purpose of obtaining all the juice yet remaining in them. (Vitruv. x. 1 ; Virg. *Georg.* ii. 242 ; Servius *in loc.;* Hor. *Carm.* i. 20. 9.) Instead of a beam acted on by wedges, a press with a screw [Cochlea] was sometimes used for the same purpose. (Vitruv. vi. 6; Plin. *H. N.* xviii. 31. s. 74.) A strainer or colander [Colum] was employed to clear the must from solid particles, as it flowed from the vat.



The preceding woodcut shows the apertures at the bottom of the vat, by which the must (*mustum*, γλεῦκος) was discharged, and the method of receiving it, when the vat was small, in wide-mouthed jars, which when full were carried away to be emptied into casks (*dolia*, πιθοί, Longus, ii. 1, 2). [Dolium.] When the vineyard was extensive and the vat large in proportion, the must flowed into another vat of corresponding size, which was sunk below the level of the ground, and therefore called ὑπολήνιον (Mark, xii. 1; *Geopon.* vi. 1. 11), in Latin *lacus*. (Ovid. *Fast.* v. 888; Plin. *Epist.* ix. 20; Colum. *de Re Rust.* xii. 18.)

From ληνός Bacchus was called *Lenaeus* (Ληναῖος). The festival of the *Lenaea* was celebrated on the spot where the first Attic wine-press was said to have been constructed. [Dionysia.]

Olives as well as grapes were subjected to the *prelum* for the sake of their oil. [Olea, p. 826.]

The building erected to contain all the vessels and other implements (*torcula vasa*, Varro, *de Re Rust.* iii. 2) for obtaining both wine and oil was called *torcularium* (Cato, *de Re Rust.* 12, 13, 18; Col. *de Re Rust.* xii. 18) and ληνεών (*Geopon.* vi. 1). It was situated near the kitchen and the wine-cellar. (Vitruv. vi. 6.) [J. Y.]

TOREU'TICE. [Caelatura.]

TORMENTUM (ἀφετήριον ὄργανον), a military engine. All the missiles used in war, except those thrown from the sling [Funda], are projected either by the hand alone or with the aid of elastic substances. Of elastic instruments the bow [Arcus] is still used by many nations. But the *tormentum*, so called from the twisting (*torquendo*) of hairs, thongs and vegetable fibres (Polyb. iv. 56), has fallen into disuse through the discovery of gunpowder. The word *tormentum* is often used by itself to denote engines of various kinds. (Cic. *ad Fam.* xv. 4 ; Caes. *B. C.* iii. 44, 45, *B. Alex.* 10; Liv. xx. 11 ; Vell. Pat. ii. 82 ; Curt. iv. 9. 16.) Often also these engines are specified separately under the names of *Balistae* and *Catapultae*, which names however most commonly occur together in the accounts of sieges and other military operations, because the two kinds of engines denoted by them were almost always used in conjunction. [Helepolis.] The balista (πετροϐόλος) was used to shoot stones (Ovid. *Trist.* i. 2. 48 ; Lucan, vi. 198; Non. Marc. p. 555, ed. Merceri), the catapulta (καταπέλτης, καταπελτική) to project darts, especially the Falarica [Hasta], and a kind of missile, 4½ feet long, called *trifax*. (Festus, *s. v.*) Whilst in besieging a city the ram [Aries] was employed in destroying the lower part of the wall, the balista was used to overthrow the battlements (*propugnacula*, Plaut. *Bacch.* iv. 4. 58—61 ; ἐπάλξεις), and the catapult to shoot any of the besieged who appeared between them. (Diod. xvii. 42, 45, xx. 48, 88.) The forms of these machines being adapted to the objects which they were intended to throw, the catapult was long, the balista nearly square, which explains the following humourous enumeration by Plautus (*Capt.* iv. 2. 16) of the three μηχαναί, the application of which has just been explained.

> "Meus est balista pugnus, cubitus catapulta est
> mihi,
> Humerus aries."

In the same armament the number of catapults was commonly much greater than the number of balistae. (Non. Marc. p. 552, ed. Merceri ; Liv. xxvi. 47.) Also these two classes of machines were both of them distinguished into the greater and the less, the number of "the less" being much more considerable than the number of "the greater." When Carthago Nova, which had served the Carthaginians for an arsenal, was taken by the Romans, the following were found in it: 120 large and 281 small catapults; 23 large and 52 small balistae. (Liv. *l. c.*) Three sizes of the balista are mentioned by historians, viz. that which threw stones weighing half a hundred-weight (τριακονταμναίους λίθους, Polyb. ix. 34), a whole hundred-weight (*balista centenaria*, Non. Marc. *l. c.*; λιθοβόλος ταλαντιαίος, Polyb. *l. c.;* Diod. xx. 86), and three hundred-weight (πετροβόλος τριτάλαντος, Diod. xx. 48). Besides these, Vitruvius (x. 11) mentions many other sizes, even down to the balista which threw a stone of only two pounds weight. In like manner catapults were denominated according to the length of the arrows emitted from them. (Vitruv. x. 10; Schneider, *ad loc.*) According to Josephus, who gives some remarkable instances of the destructive force of the balista, it threw stones to the distance of a quarter of a mile. (*B. J.* iii. 7. § 19, 23; comp. Procop. *Bell. Goth.* i. 21, 23.) Neither from the descriptions of authors nor from the figures on the column of Trajan (Bartoli, *Col. Traj. tab.* 45—47) are we able to form any exact idea of the construction of these engines. Still less are we informed on the subject of the *Scorpio* or *Onager*, which was also a tormentum. (Vitruv. x. 10; Liv. xxvi. 6, 47; Amm. Marcell. xx. 7, xxiii. 4.) Even the terms *balista* and *catapulta* are confounded by writers subsequent to Julius Caesar, and Diodorus Siculus often uses καταπέλτης to include both balistae and catapults, distinguishing them by the epithets πετροβόλοι and ὀξυβελεῖς (xiii. 51, xx. 48, 83, 86, xxi. 4).

The various kinds of tormenta appear to have been invented shortly before the time of Alexander the Great. When horse-hair and other materials failed, the women in several instances cut off their own hair and twisted it into ropes for the engines. (Caes. *B. C.* iii. 9; Veget. *de Re Mil.* iv. 9.) These machines, with those who had the management of them, and who were called *balistarii* and ἀφεταί (Polyb. iv. 56), were drawn up in the rear of an advancing army, so as to throw over the heads of the front ranks. In order to attack a maritime city, they were carried on the decks of vessels constructed for the purpose. (Diod. xx. 83—86; Tacit. *Ann.* ii. 6.)

The meaning of *tormentum* as applied to the cordage of ships is explained on p. 790, a. [J.Y.]

TORMENTUM (*βάσανος*), torture. 1. Greek. By a decree of Scamandrius it was ordained that no free Athenian could be put to the torture (Andoc. *de Myst.* 22; compare Lys. περὶ τραυμ. 177, *c. Agorat.* 462); and this appears to have been the general practice, notwithstanding the assertion of Cicero (*Part. Orat.* c. 34) to the contrary (*de Institutis Atheniensium, Rhodiorum — apud quos liberi civesque torquentur*). The only two apparent exceptions to this practice are mentioned by Antiphon (*de Herod. caed.* 729) and Lysias (*c. Simon.* 153). But, in the case mentioned by Antiphon, Böckh has shown that the torture was not applied at Athens, but in a foreign country; and in Lysias, as it is a Plataean boy that is spoken of, we have no occasion to conclude that he was an Athenian citizen, since we learn from Demosthenes (*c. Neaer.* 1381) that all Plataeans were not necessarily Athenian citizens. It must, however, be observed that the decree of Scamandrius does not appear to have interdicted the use of torture as a means of execution, since we find Demosthenes (*de Cor.* 271) reminding the judges that they had put Antiphon to death by the rack (στρεβλώσαντες). Compare Plut. *Phoc.* c. 35.

The evidence of slaves was, however, always taken with torture, and their testimony was not otherwise received. (Antiph. *Tetral.* i. p. 633.) From this circumstance their testimony appears to have been considered of more value than that of freemen. Thus Isaeus (*De Ciron. Hered.* 202) says, "When slaves and freemen are at hand, you do not make use of the testimony of freemen; but, putting slaves to the torture, you thus endeavour to find out the truth of what has been done." Numerous passages of a similar nature might easily be produced from the orators. (Comp. Demosth. *c. Onetor.* i. p. 874; Antiphon, *De Choreut.* 778; Lycurg. *c. Leocr.* 159—162.) Any person might offer his own slave to be examined by torture, or demand that of his adversary, and the offer or demand was equally called πρόκλησις εἰς βάσανον. If the opponent refused to give up his slave to be thus examined, such a refusal was looked upon as a strong presumption against him. The πρόκλησις appears to have been generally made in writing (Demosth. *c. Pantaen.* 978), and to have been delivered to the opponent in the presence of witnesses in the most frequented part of the Agora (Demosth. *c. Aphob.* iii. 848); and as there were several modes of torture, the particular one to be employed was usually specified (Demosth. *c. Steph.* i. 1120). Sometimes, when a person offered his slave for torture, he gave his opponent the liberty of adopting any mode of torture which the latter pleased. (Antiph. *De Choreut.* 777.) The parties interested either superintended the torture themselves, or chose certain persons for this purpose, hence called βασανισταί, who took the evidence of the slaves (ἑλόμενοι βασανιστὰς, ἀπηντήσαμεν εἰς τὸ Ἡφαστεῖον, Isocr. *Trap.* c. 9; compare Demosth. *c. Pantaen.* 978, 979; Antiph. Κατηγορία Φαρμακ. 609). In some cases, however, we find a public slave attached to the court, who administered the torture (παρέσται δὲ ἤδη ὁ δημίος, καὶ βασανιεῖ ἐναντίον ὑμῶν, Aesch. *De Leg.* 284, ed. Tayl.); but this appears only to have taken place when the torture was administered in the court, in presence of the judges. (Aesch. *l. c.*; Demosth. *c. Euerg.* 1144.) This particular mode of administering the torture was, however, certainly contrary to the usual practice (βασανίζειν οὐκ ἔστιν ἐναντίον ὑμῶν, Demosth. *c. Steph.* i. 1106). The general practice was to read at the trial the depositions of the slaves, which were called βασανοί (Harpocr. Suid. *s. v.*; Demosth. *c. Nicostrat.* 1254), and to confirm them by the testimony of those who were present at the administration of the torture. (Meier, *Att. Process*, p. 680, &c.)

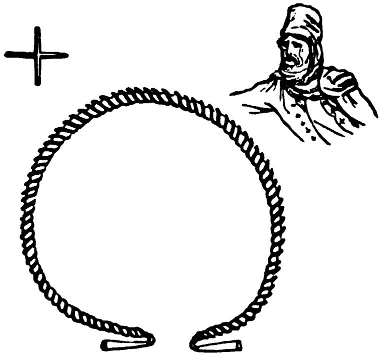
2. Roman. During the time of the republic, freemen were never put to the torture, and slaves only were exposed to this punishment. Slaves, moreover, could not be tortured to prove the guilt of their own master, except in the case of incestus, which was a crime against the gods, or unless the senate made an exception in some special instance, as was done in the Catilinarian conspiracy. (Cic. *pro Mil.* 22, *pro Deiot.* 1, *Part. Orat.* 34; Dion Cass. lv. 5; Tac. *Ann.* ii. 30, iii. 67; Dig. 48. tit. 18. s. 1. § 16.) At a later time slaves might be tortured to bear witness against their masters in cases of majestas (Cod. 9. tit. 8. ss. 6, 7) and adultery. (Dig. 48. tit. 18. s. 17; Cod. 9. tit. 9. ss. 3, 6,

32.) Under the emperors even free persons were put to the torture to extract evidence from them in cases of majestas; and although this indignity was confined for the most part to persons in humble circumstances, we read of cases in which even Roman senators and equites were exposed to it. (Dion Cass. lx. 15; Suet. *Tib.* 58; Dig. 48. tit. 18. s. 10. § 1.) For further information see Dig. 48. tit. 18, *De Quaestionibus;* Walter, *Geschichte des Römischen Rechts*, pp. 875, 876, 1st ed.; Rein, *Das Criminalrecht der Römer*, p. 542.

TORQUES or TORQUIS (στρεπτός), an ornament of gold, twisted spirally and bent into a circular form, which was worn round the neck by men of distinction among the Persians (Curt. iii. 3; Themist. *Orat.* 24, p. 306, c.), the Gauls (Florus, i. 13, ii. 4), and other Asiatic and northern nations. (Isid. *Orig.* xix. 30.) *Torc* was the name of it among the Britons and ancient Irish. Virgil (*Aen.* v. 558, 559) thus describes it as part of the attire of the Trojan youths:

"It pectore summo
Flexilis obtorti per collum circulus auri."

Ornaments of this kind have been frequently found both in France and in many parts of Great Britain and Ireland (Petrie, *Trans. of R. Irish Acad.* vol. xviii.; *Antiq.* pp. 181—184), varying in size and weight, but almost always of the form exhibited in the annexed woodcut, which represents a torquis found in Brecknockshire, and now preserved in the British Museum. The same woodcut contains a section of this torquis of the size of the original. It shows, as Mr. Petrie observes concerning some found in the county of Meath, "four equidistant radiations from a common centre." The torquis in the British Museum is four feet and a half in length. Its hooks correspond well to the following description of the fall of a Celtic warrior: "Torquis ab incisa decidit *unca* gula." (Propert. iv. 10. 44.) A torquis, which instead of being bent into a circular form was turned into a spiral, became a bracelet, as is shown in the lowest figure of the woodcut to ARMILLA. A torquis contrived to answer this purpose, is called *torquis brachialis.* (Vopisc. *Aurel.* 7.) Such bracelets and torques are often found together, having been worn by the same people.



The head in the preceding woodcut is that of a Persian warrior in the mosaic of the battle of Issus, mentioned in p. 431. It illustrates the mode of wearing the torquis, which in this instance terminates in two serpents' heads instead of hooks. It was by taking this collar from a Gallic warrior that T. Manlius obtained the cognomen of *Torquatus.* (Cic. *de Fin.* ii. 22, *de Off.* iii. 31; Gellius, ix. 13; Non. Marc. pp. 227, 228, ed. Merceri.)

Torques, whether in the form of collars or bracelets, no doubt formed a considerable part of the wealth of those who wore them. Hence they were an important portion of the spoil, when any Celtic or Oriental army was conquered, and they were among the rewards of valour bestowed after an engagement upon those who had most distinguished themselves. (Juv. xvi. 60; Plin. *H. N.* xxxiii. 2. s. 10; Sidon. Apollin. *Carm.* xxiii. 424.) The monuments erected to commemorate Roman soldiers and to enumerate the honours which they had obtained, often mention the number of torques conferred upon them. (Maffei, *Mus. Veron.* p. 218.) [PHALERA.] [J. Y.]

TORUS, a bed; originally made of straw (Plin. *H. N.* viii. 48. s. 73), hay, leaves, woolly plants (Mart. xiv. 160, 162), sea-weed (*de mollibus ulvis*, Ovid. Met. viii. 656), also stuffed with wool, and afterwards with feathers (xi. 611), or swans-down (Mart. xiv. 161), so as to be as much raised and as soft as possible. (Virg. *Aen.* vi. 603; Ovid. *Amor.* ii. 4. 14.) It was sometimes covered with the hide of a quadruped (Virg. *Aen.* viii. 177), but more commonly with sheets or blankets, called *Toralia.* (Hor. *Sat.* ii. 4. 84, *Epist.* i. 5. 22.) The torus may be observed on the sopha in the first woodcut, p. 308; and its appearance there may suffice to explain the transference of its name to the larger semi-circular mouldings in the base of columns. [ATTICURGES; SPIRA.] [J. Y.]

TO'XOTAE (τοξόται). [DEMOSII.]

TRA'BEA. [TOGA.]

TRADI'TIO. [DOMINIUM.]

TRAGOE'DIA (τραγῳδία), tragedy. 1. GREEK. The tragedy of the ancient Greeks as well as their comedy confessedly originated in the worship of the god Dionysus. It is proposed in this article (1) to explain from what element of that worship Tragedy took its rise, and (2) to trace the course of its developement, till it reached its perfect form and character in the drama of the Attic tragedians, Aeschylus, Sophocles, and Euripides.

The peculiarity which most strikingly distinguishes the Greek tragedy from that of modern times, is the lyrical or choral part. This was the offspring of the dithyrambic and choral odes from which, as applied to the worship of Dionysus, Greek tragedy took its rise. This worship, we may observe, was of a twofold character, corresponding to the different conceptions which were anciently entertained of Dionysus as the changeable God of flourishing, decaying, or renovated nature, and the various fortunes to which in that character he was considered to be subject at the different seasons of the year. Hence Müller observes (*Lit. of Greece*, p. 288), "the festivals of Dionysus at Athens and elsewhere were all solemnized in the months nearest to the shortest day, coincidently with the changes going on in the course of nature, and by which his worshippers conceived the god himself to be affected." His mournful or joyous fortunes (πάθη), his mystical death, symbolizing the death of all vegetation in winter, and his birth (Plat. *de Leg.* iii. p. 700; Proclus *in Gaisford's Hephaest.* p. 383), indicating the renovation of all nature in the spring, and his struggles in passing from one state to another, were not only represented and sympathised in by the Dithyrambic singers and dancers, but they also carried their enthusiasm so far, as to fancy themselves under the influence of the same events as the god himself, and in their attempts to identify themselves with him and his fortunes, assumed the character of the subordinate divinities, the Satyrs, Nymphs, and Panes (*Nympharumque leves cum Satyris chori*), who formed the mythological train of the god. Hence, as is explained under Dionysia (p. 410, b), arose the custom of the disguise of Satyrs being taken by the worshippers at the festivals of Dionysus, from the choral songs and dances of whom the Grecian tragedy originated, "being from its commencement connected with the public rejoicings and ceremonies of Dionysus in *cities*, while comedy was more a sport and merriment of the country festivals." In fact the very name of Tragedy (*τραγῳδία*), far from signifying anything mournful or pathetic, is most probably derived from the goatlike appearance of the Satyrs who sang or acted with mimetic gesticulations (*ὄρχησις*) the old Bacchic songs, with Silenus, the constant companion of Dionysus, for their leader. (Bode, *Gesch. d. Hellen. Dichtkunst*, vol. iii. p. 31.) From their resemblance in dress and action to goats, they were sometimes called *τράγοι*, and their song *τραγῳδία*. Thus Aeschylus in a fragment of the Prometheus *Πυρφόρος* calls a Satyr *Τράγος*, and the Satyric chorus in the Cyclops of Euripides (l. 80) appears in the skin of a goat (*χλαῖνα τράγου*). The word *Σάτυρος* also is apparently the same as *τίτυρος*, a kind of goat. (Phot. *Lex. s. v.*) According to another opinion, the "word Tragedy was first coined from the goat that was the prize of it, which prize was first constituted in Thespis' time." (Bentley, *Phalar.* p. 249.) This derivation, however, as well as another, connecting it with the goat offered on the altar of Bacchus (Müller, *Literat. of Greece*, p. 291), around which the chorus sang, is not equally supported either by the etymological principles of the language, or the analogous instance of *κωμῳδία*, the "revel-song." (*Etymol. Magn.* p. 764; Eurip. *Bacch.* 131; Aelian, *V. H.* iii. 40.)

But the Dionysian dithyrambs were not always of a gay and joyous character: they were capable of expressing the extremes of sadness aud wild lamentation as well as the enthusiasm of joy; and it was from the Dithyrambic songs of a mournful cast, probably sung originally in the winter months, that the stately and solemn tragedy of the Greeks arose. That there were Dithyrambs of such a character, expressive of the sufferings of Dionysus (*τὰ τοῦ Διονύσου πάθη*), appears from the statement in Herodotus (v. 67), that at Sicyon in the time of Clisthenes (B. C. 600) it was customary to celebrate (*γεραίρειν*) the sufferings of that god with "tragic choruses." But it must be remarked that in the most ancient times the Dithyrambic song was not executed by a regular chorus. Thus Archilochus says in Trochaic verse, "I know how when my mind is inflamed with wine to lead off the Dithyramb, the beautiful song of Dionysus," whence we may infer that in his time (B. C. 700) the Dithyramb was sung by a band of revellers led by a flute-player. Lyrical choruses, indeed, had been even then established, especially in the Dorian states of Greece, in connection with the worship of Apollo, the cithara or *φόρμιγξ* being the instrument to which the choreutae sang and danced. (Müller, *Literat. of Greece*, p. 204; *Dorians*, iv. 7. § 8.) In fact the connection of the Dorian choral poetry with the worship of Apollo, the direct opposite to that of Dionysus, and its consequent subjection to established rules and forms, admitting too, from the Dorian character but little innovation, affords the most obvious explanation of the striking circumstance that nothing decidedly dramatic sprang from it, as from the dithyrambic performances. (Bode, p. 16.) Still there were some points in which the Dorian worship of Apollo resembled that of Dionysus, *e.g.* the dances with which the former god was honoured, and the kind of mimicry which characterised them. Other circumstances also, on which we cannot here dwell, would probably facilitate the introduction of the Dionysian Dithyramb amongst the Dorian states, especially after the improvements made in it by Arion (B. C. 600), which were so great, that even the invention of that species of poetry is ascribed to him, though it had been known in Greece for a century before his time. The worship of Dionysus was celebrated at his native place, Methymnae in Lesbos, with music and orgiastic rites; and as Arion travelled extensively in the Dorian states of Hellas, he had ample opportunities of observing the varieties of choral worship, and of introducing any improvements which he might wish to make in it. (Bode, p. 22.) He is said to have been the inventor of the "tragic turn" (*τραγικοῦ τρόπου*), a phrase of doubtful signification, but which seems to mean, that he was the inventor of a grave and solemn style of music, to which his Dithyrambs were danced and sung. (Hermann, *Opusc.* vol. vii. p. 216.) Suidas (*s. v.*) adds of him, *λέγεται καὶ πρῶτος χορὸν στῆσαι, καὶ διθύραμβον ᾆσαι καὶ ὀνομάσαι τὸ ᾀδόμενον ὑπὸ τοῦ χοροῦ, καὶ Σατύρους εἰσενεγκεῖν ἔμμετρα λέγοντας.* From the first clause, in connection with other authorities (Schol. *in Aristoph. Aves*, 1403), we learn that he introduced the cyclic chorus (a fact mythologically expressed by making him the son of *Cycleus*); *i. e.* the Dithyramb, instead of being sung as before his time in a wild irregular manner, was danced by a chorus of fifty men around a blazing altar; whence in the time of Aristophanes, a dithyrambic poet and a teacher of cyclian choruses were nearly synonymous. (Müller, p. 204.) As the alteration was made at Corinth, we may suppose that the representation of the Dithyrambic was assimilated in some respects to that of the Dorian choral odes. The clause to the effect that Arion introduced Satyrs, *i. e. τράγοι*, speaking in verse (*trochaic*), is by some thought another expression for the invention of the "tragic style." A simpler interpretation is, that he introduced the Satyrs as an addition and contrast to the dance and song of the cyclic chorus of the Dithyramb, thus preserving to it its old character as a part of the worship of Bacchus. The phrase *ὀνομάσαι* (compare Herod. i. 23) alludes to the different titles given by him to his different Dithyrambs according to their subjects, for we need not suppose that they all related directly to Bacchus. (Welcker, *Nachtrag.* p. 233.) As he was the first cithara player of his age (Herod. i. 23), it is probable that he made the lyre the principal instrument in the musical accompaniment.

From the more solemn Dithyrambs then, as improved by Arion, with the company of Satyrs, who probably kept up a joking dialogue, ultimately sprang the dramatic tragedy of Athens, somewhat in the following manner. The choruses which represented them were under the direction of a leader or exarchus, who, it may be supposed, came forward separately, and whose part was sometimes taken by the poet himself. (Plato, *Rep.* iii. p. 394, c.) We may also conjecture that the exarchus in each case led off by singing or reciting his part in a solo, and that the chorus dancing round the altar then expressed their feelings of joy or sorrow at his story, representing the perils and sufferings of Dionysus, or some hero, as it might be. Accordingly some scholars have recognized in such choral songs, or in a proximate deviation from them, what has been called a "lyrical tragedy," performed without actors distinct from the chorus, and conceived to be a transition step between the Dithyramb and the dramatic Tragedy. The title, however, does not occur in ancient writers, and therefore, if it means anything, can only refer to representations of the character we have just ascribed to the Dithyrambs of Arion, modified from time to time, according to circumstances or the fancy of the writer. That the names *τραγῳδία* and *τράγῳδος* are applied, indeed, to works and writers before the time of Thespis, and that the "tragedy" of that age was entirely choral, without any regular formal dialogue, is evident from many authorities. Thus Athenaeus (xiv. p. 630, c), observes that the whole satyrical poetry formerly consisted of choruses, as did the "tragedy" of old times (*ἡ τότε τραγῳδία*). Again, Diogenes Laërtius (iii. 56) states that formerly the chorus alone acted (*διεδραματίζεν*) or performed a drama, on which Hermann (*Opusc.* vii. 218) observes, "after the Dithyramb was sung, some of the chorus in the guise of Satyrs came forward and improvised some ludicrous stories; but in exhibitions of this sort," he adds, "we see rather dramaticae tragoediae initia, quam ullum lyrici cujusdam generis vestigium." Lyric poets also seem to have been spoken of as Tragedians; thus according to Suidas (*s. v.*) Pindar wrote 17 *δράματα τραγικά* ("but not lyrical tragedies," Hermann, *l. c.*), and Simonides of Ceos wrote tragedies, or a tragedy, as some manuscripts have it. But whatever may be *inferred* from this, it only *proves* that Dithyrambic poets were also called Tragedians, just as in the Scholia on Aristophanes (*Plut.* 290) a writer is described as *διθυραμβοποιὸς ἢ τραγῳδιδάσκαλος.* For the arguments on both sides see Hermann, *l. c.;* and Böckh on the Orchomenian Inscriptions. (*Greek Theatre*, p. 28.)

The choral Dithyrambic songs, accompanied with mimetic action (the lyrical tragedy ?), prevailed to some extent, as all choral poetry did, amongst the Dorians of the Peloponnesus (Müller, *Dorians*, ii. 10. § 6); whence their derivative, the choral element of the Attic tragedy, was always written in the Dorian dialect, thus showing its origin. The lyrical poetry was, however, especially popular at Sicyon and in Corinth. In the latter city Arion made his improvements; in the former "tragic choruses," *i. e.* dithyrambs of a sad and plaintive character, were very ancient (Herod. v. 67; Welcker, *Nachtrag*, p. 235), and the Sicyonians are also said to have been the inventors of the *τραγῳδία* (*τραγῳδίας εὑρέται μὲν Σικυώνιοι, τελεσιουργοὶ δὲ Ἀττικοὶ ποιηταί*, Themist. xxvii. p. 406, Dindorf); but of course this can only mean, that the dramatic tragedy was a derivative, through many changes, of the old satyrical *τραγῳδία*, *i. e.* of the songs sung with mimetic dancing by the goatlike Satyrs, or as others would say, round the altar, on which lay the burnt sacrifice of a goat. It appears then that there is a good and intelligible foundation for the claims which, according to Aristotle (*Poet.* iii. 3), were made by the Peloponnesians, and especially by the Sicyonians, to the invention of "tragedy," understanding by it a choral performance, such as has been described above. Now the subjects of this Dithyrambic tragedy were not always, even in ancient times, confined to Dionysus. Even Arion wrote Dithyrambs, relating to different heroes (Herod. i. 23), a practice in which he was followed by succeeding poets, who wrote Dithyramb-like odes (whence they were classed amongst the *τραγικοὶ ποιηταί*), which they called Centaurs, Ajaces, or Memnons, as it might be. (Zenob. v. 40.) Thus, Epigenes the Sicyonian is said to have written a tragedy, *i. e.* a piece of dithyrambic poetry on a subject unconnected with Dionysus, which was consequently received with the cry of *οὐδὲν πρὸς τὸν Διόνυσον*, or "this has nothing to do with Bacchus." (Apostolius, xv. 13.) If this anecdote be true, and Epigenes preceded Arion, the introduction of the Satyrs into the Dithyrambic chorus by the latter, may possibly have been meant to satisfy the wishes of the people; but whether it was so or not, there is scarcely any doubt that from the time of Arion, the tragic dithyramb gradually became less satyrical and sportive in its character, till the creation of the independent Satyric drama and the Attic dramatic tragedy. (Bode, p. 23.)

As to the steps by which this was effected, Aristotle (*Poet.* iv. 14) says, "Tragedy was at the first an extemporaneous effusion (*ἀπ' ἀρχῆς αὐτοσχεδιαστική*), and was derived *ἀπὸ τῶν ἐξαρχόντων τὸν Διθύραμβον*, i. e. from the leaders or the chief singers of the Dithyramb, who probably sang or recited their parts in the trochaic metre, while the main body of the ode was written in irregular verse. It is easy to conceive how the introduction of an actor or speaker independent of the chorus might have been suggested by the exarchs or coryphaei coming forward separately and making short off-hand speeches (Welcker, *Nachtrag*, p. 228), whether learnt by heart beforehand, or made on the spur of the moment. [CHORUS.] But it is also possible, if not probable, that it was suggested by the rhapsodical recitations of the epic and gnomic poets formerly prevalent in Greece: the gnomic poetry being generally written in Iambic verse, the metre of the Attic dialogue, and which Aristotle (*Poet.* 4) says was used by Homer in his Margites, though its invention is commonly ascribed to Archilochus. In fact the rhapsodists themselves are sometimes spoken of as actors (*ὑποκριταί*) of the pieces they recited, which they are also said to act (*ὑποκρινάσθαι*, Athen. xiv. p. 629, d; Müller, *Literature*, &c., p. 34). But if two or more rhapsodes were called upon to go through an episode of a poem, a regulation which obtained at the Panathenaea, and attributed to Solon or Hipparchus (Wolf, *Proleg.* p. 97; Plato, *Hippar.* p. 228), it is clear that they would present much of a dramatic dialogue. In fact (Bode, p. 6) the principal scenes of the whole Iliad might in this way have been represented as parts of a drama. These recitations then being so common, it was natural to combine with the representation of the Dithyramb, itself a mixture of recitative and choral song, the additional element of the dialogue, written in Iambic verse, a measure suggested perhaps by the gnomic poetry, and used by Solon about the time of the origin of the dialogue (Solon, *Frag.* 28, Gaisford), more especially as it is the most colloquial of all Greek metres (*λεκτικὸν*) and that into which common conversation most readily falls. It is indeed only a conjecture that the dialogue or the Ionian element of Attic tragedy was connected with the rhapsodical recitations, but it is confirmed by the fact that Homeric rhapsodes were common at Sicyon (Herod. v. 67), the cradle of the Dorian tragedy, and also at Brauron in Attica, where the worship of Dionysus existed from ancient times. (Hesych. *s. v.* *Βραυρωνίοις.*) This however is certain, that the union of the Iambic dialogue with the lyrical chorus took place at Athens under Peisistratus, and that it was attributed to Thespis, a native of Icarus, one of the country demes or parishes of Attica where the worship of Dionysus had long prevailed. The introduction of this worship into Attica, with its appropriate choruses, seems to have been partly owing to the commands of the Dorian oracle (Dem. *c. Mid.* p. 531), in very early times. Thus it is stated (Plato, *Minos*, p. 321; Plut. *Sol.* 29), that tragedy (*i. e.* the old Dithyrambic and Satyrical tragedy) was very ancient in Attica, and did not originate with Thespis or his cotemporaries. This alteration made by him, and which gave to the old tragedy (*ἀρχομένων τῶν περὶ Θέσπιν ἤδη τὴν Τραγῳδίαν κινεῖν*) a new and dramatic character (making it an *ignotum tragicae genus*, Hor. *Art. Poet.* 275), was very simple but very important. He introduced an actor, as it is recorded, for the sake of giving rest to the chorus (Diog. Laërt. iii. 50) and independent of it, in which capacity he probably appeared himself (Plut. *Sol.* 29), taking various parts in the same piece, under various disguises, which he was enabled to assume by means of the linen masks, the invention of which is attributed to him. Now as a chorus, by means of its leader, could maintain a dialogue with the actor, it is easy to see how with one actor only "a dramatic action might be introduced, continued, and concluded, by the speeches between the choral songs expressive of the joy or sorrow of the chorus at the various events of the drama." Thus Müller observes that in the play of Pentheus, supposed to have been composed by Thespis, "a single actor might appear successively as Dionysus, Pentheus, a messenger, Agave the mother of Pentheus, and in these characters express designs and intentions, or relate events which could not be represented, as the murder of Pentheus by his mother: by which means he would represent the substance of the fable as it appears in the Bacchae of Euripides." (Müller, p. 29; Bode, p. 57.) With respect to the character of the drama of Thespis there has been much doubt: some writers, and especially Bentley (*Phalar.* p. 218), have maintained that his plays were all satyrical and ludicrous, *i. e.* the plot of them was some story of Bacchus, the chorus consisted principally of satyrs, and the argument was merry — an opinion indeed which is supported by the fact that in the early part of his time, the satyric drama had not acquired a distinctive character. It may also appear to be confirmed by the statement (Aristot. *Poet.* 4) that at first the Tragedians made use of the trochaic tetrameter, as being better suited to the satyrical and saltatorial nature of their pieces. But perhaps the truth is that in the early part of his career Thespis retained the satyrical character of the older tragedy, but afterwards inclined to more serious compositions, which would almost oblige him to discard the Satyrs from his choruses. That he did write serious dramas is intimated by the titles of the plays ascribed to him, as well as by the character of the fragments of Iambic verse quoted by Plutarch as his (Bentley, *Phalar.* p. 214), and which even if they are forgeries of Heraclides Ponticus, at least prove what was the opinion of a scholar of Aristotle on the subject. Besides the assertion that Sophocles (Suidas, *in vit.*) wrote against the chorus of Thespis seems to show that there was some similarity of character between the productions of the two poets. (Bode, p. 47.) A summary of the arguments in favour of the serious character of the tragedy of Thespis is given by Welcker (*Nachtrag*, pp. 257—276). The invention of the prologus and rhesis of tragedy (an expression clearly in some measure identical with the introduction of an actor) is also ascribed to Thespis by Aristotle. (*Themist.* p. 382, ed. Dind.) By the former word is meant the first speech of the actor (Aristot. *Poet.* 12), or the prooemium with which he opened the piece; the chorus then sang the first ode or *πάροδος*, after which came the *ῥῆσις* or dialogue between the actor and the principal choreutae. The invention of this dialogue is also alluded to in the phrase *λέξεως δὲ γενομένης.* (*Id.* 4.) It is evident that the introduction of the dialogue must also have caused an alteration in the arrangement of the chorus, which could not remain cyclic or circular, but must have been drawn up in a rectangular form about the thymele or altar of Bacchus in front of the actor, who was elevated on a platform or table (*ἐλεός*), the forerunner of the stage. The statement in Pollux (iv. 123), that this was the case before Thespis seems incorrect. (Welcker, *Nachtrag*, p. 268.) If we are right in our notion of the general character of the Thespian drama, the phrase *οὐδὲν πρὸς Διόνυσον*, which was certainly used in his time, was first applied to his plays at Athens, as being unconnected with the fortunes of Dionysus, and as deviations from the *μικροὶ μῦθοι καὶ λέξις γελοία* of his predecessors. Plutarch however (*Symp.* i. 5) supposes that its first application was later: he says "when Phrynichus and Aeschylus continued to elevate tragedy to legends and tales of sufferings (*εἰς μύθους καὶ πάθη προαγόντων*), the people missing and regretting the old Satyric chorus, said, "What is this to Bacchus?" Hence the expression was used to signify what was mal-à-propos, or beside the question.

The reader may have observed that we have not noticed the lines of Horace (*Ar. Poet.* 276):

"Dicitur et plaustris vexisse poemata Thespis,
Quae canerent agerentque peruncti faecibus ora."

The fact is that they are founded on a misconception of the origin of the Attic tragedy, and that the tale about the wagons of Thespis probably arose out of a confusion of the wagon of the comedian Susarion with the *platform* of the Thespian actor. The first representation of Thespis was in B. C. 535. His immediate successors were the Athenian Choerilus and Phrynichus, the former of whom represented plays as early as B.C. 524. He is said by Suidas to have written 150 pieces: from the title of one of them, the "Alope," its subject seems to have been a legend of Attic origin. (Paus. i. 14. § 3; Bode, p. 60.) That he excelled in the Satyrical drama invented by Pratinas, is indicated by the line of an unknown author,

> Ἡνίκα μὲν βασιλεὺς ἦν Χοιρίλος ἐν Σατύροις,

and if he wrote anything like the number of dramas ascribed to him, it is also evident that the custom of contending with Tetralogies must have been of early origin, for there were only two dramatic festivals during the year.

Phrynichus was a pupil of Thespis, and gained his first victory in the dramatic contests B.C. 511. In his works, the lyric or choral element still predominated over the dramatic, and he was distinguished for the sweetness of his melodies, which in the time of the Peloponnesian war were very popular with the admirers of the old style of music. The esteem in which his "ambrosial songs" were then held is shown in several passages of Aristophanes (*Aves*, 748, *Thesm.* 164), and in the line (*Vesp.* 219) where the dicasts are made to chaunt the old Sidonian sweet songs of Phrynichus,

> Καὶ μινυρίζοντες μέλη
> Ἀρχαιομελισιδωνοφρυνιχήρατα.

"Sidonian" being an allusion to the play which he wrote called the Phoenissae. The first use of female masks is also attributed to him (Suidas, *in vit.*), and he so far deviated from the general practice of the Attic tragedians as to write a drama on a subject of cotemporary history, the capture of Miletus by the Persians, B.C. 494. (Herod. vi. 21.)

We now come to the first writer of Satyrical dramas, Pratinas of Phlius, a town not far from Sicyon, and which laid claim to the invention of tragedy as well as comedy. (Bode, p. 35.) For some time previously to this poet, and probably as early as Thespis, tragedy had been gradually departing more and more from its old characteristics, and inclining to heroic fables, to which the chorus of Satyrs was not a fit accompaniment. But the fun and merriment caused by them were too good to be lost, or displaced by the severe dignity of the Aeschylean drama. Accordingly the Satyrical drama, distinct from the recent and dramatic tragedy, but suggested by the sportive element of the old Dithyramb, was founded by Pratinas, who however appears to have been surpassed in his own invention by Choerilus. It was always written by tragedians, and generally three tragedies and one Satyrical piece were represented together, which in some instances at least formed a connected whole, called a tetralogy (τετραλογία). The Satyrical piece was acted last, so that the minds of the spectators were agreeably relieved by a merry after-piece at the close of an earnest and engrossing tragedy. The distinguishing feature of this drama was the chorus of Satyrs, in appropriate dresses and masks, and its subjects seem to have been taken from the same class of the adventures of Bacchus and of the heroes as those of tragedy; but of course they were so treated and selected, that the presence of rustic satyrs would seem appropriate. In their jokes and drollery and naïveté consisted the merriment of the piece; for the kings and heroes who were introduced into their company were not of necessity thereby divested of their epic and legendary character (Horace, *Ar. Poet.* 222, speaks of the "incolumi gravitate"), though they were obliged to conform to their situation and suffer some diminution of dignity, from their position. Hence Welcker (*Nachtrag*, p. 331) observes, the Satyrical drama, which, so to speak, was "the Epos turned into prose, and interspersed with jokes made by the chorus," is well spoken of as a "playful tragedy" (παίζουσα τραγῳδία), being both in form and materials the same as tragedy. Thus also Horace (*Ar. Poet.* 231) says:

> Effutire leves indigna Tragoedia versus
> Intererit Satyris paulum pudibunda protervis,

alluding in the first line to the mythic or epic element of the Satyric drama, which he calls Tragoedia, and in the second representing it as being rather ashamed of its company. The scene was of course laid in the supposed haunts of the Satyrs, as we learn from Vitruvius (v. 8): "Satyricae scenae ornantur arboribus, montibus reliquisque agrestibus rebus," all in keeping with the incidents of the pieces, and reminding the spectators of the old Dithyramb and the god Dionysus, in whose honour the dramatic contests were originally held. We must however observe that there were some characters and legends, which as not presenting any serious or pathetic aspects, were not adapted for tragedy, and therefore were naturally appropriated to the Satyric drama. Such were Sisyphus, Autolycus, Circe, Callisto, Midas, Omphale, and the robber Skiron. Hercules also, as he appears in Aristophanes (*Ranae*) and the Alcestis of Euripides, was a favourite subject of this drama, as being no unfit companion for a drunken Silenus and his crew. (Müller, 295.) The Odyssee also, says Lessing (*Leben des Sophocles*, § 115), was in general a rich storehouse of the Satyrical plays; but though the Cyclops of Euripides, the only satyrical play extant, was taken from it, the list of Satyric pieces given by Welcker (*Nachtrag*, p. 284—322) hardly confirms this assertion.

We now come to the improvements made in tragedy by Aeschylus, of which Aristotle (*Poet.* iv. § 16) thus speaks:—"He first added a second actor and diminished the parts of the chorus, and made the dialogue the principal part of the action" (Τὸν λόγον πρωταγωνιστὴν παρεσκεύασε). He also availed himself of the aid of Agatharchus, the scene-painter, and improved the costume of his actors by giving them thick-soled boots (ἐμβάται), as well as the masks, which he made more expressive and characteristic. Horace (*Ar. Poet.* 278) thus alludes to his improvements:—

> "personae pallaeque repertor honestae
> Aeschylus, et modicis instravit pulpita tignis
> Et docuit magnumque loqui, nitique cothurno"

The custom of contending with trilogies (τριλογίαι), or with three plays at a time, is said to have been also introduced by him. In fact he did so much for tragedy, and so completely built it up to its "towering height," that he was considered the father of it. The subjects of this drama, as we have before intimated from Plutarch, were not connected with the worship of Dionysus; but rather with the great cycle of Hellenic legends and some of the myths of the Homeric Epos. Accordingly he said of himself (Athen. viii. p. 347, e) that his dramas were but scraps and fragments from the great feasts of

Homer. Another instance of his departure from the spirit and form of the old tragedy, as connected with Dionysus, is shown in his treatment of the Dithyrambic chorus of fifty men, which in his trilogy of the Oresteia he did not bring on the stage all at once, but divided it into separate parts making a different set of choreutae for each of the three pieces. (Müller, *Eumenid.*) In the latter part of his life Aeschylus made use of one of the improvements of Sophocles, namely the *τριταγωνιστής*, or third actor. This was the finishing stroke to the dramatic element of Attic tragedy, which Sophocles is said to have matured by further improvements in costume and scene-painting. Under him tragedy appears with less of sublimity and sternness than in the hands of Aeschylus, but with more of calm grandeur and quiet dignity and touching incident. His latter plays are the perfection of the Grecian tragic drama, as a work of art and poetic composition in a thoroughly chastened and classic style, written when as he says of himself he had put away the boyish pomp of Aeschylus (*τὸν Αἰσχύλου διαπεπαιχὼς ὄγκον*), and the harsh obscurity of his own too great refinements, and attained to that style which he thought the best, and most suited for portraying the characters of men. (Plut. *de Pro. V.S.* p. 79, b.) The introduction of the third actor enabled him to do this the more effectually, by showing the principal character on different sides and under different circumstances, both as excited by the opposition of one and drawn out by the sympathies of another. [HISTRIO, p. 611.] Hence though the plays of Sophocles are longer than those of Aeschylus, still there is not a corresponding increase of action, but a more perfect delineation of character. Creon for instance in the Antigone, and Ajax are more perfect and minutely drawn characters than any in Aeschylus. The part of the chorus is, on the other hand, considerably diminished in his plays. Another distinguishing feature in them is their moral significance and ethical teaching. Though the characters in them are taken from the old subjects of national interest, still they do not always appear as heroes, or above the level of common humanity, but in such situations and under the influence of such motives, passions, and feelings as fall to the lot of men in general: so that "every one may recognise in them some likeness of himself."

In the hands of Euripides tragedy deteriorated not only in dignity, but also in its moral and religious significance. He introduces his heroes in rags and tatters, and busies them with petty affairs, and makes them speak the language of every-day life. As Sophocles said of him (Arist. *Poet.* 25), he represented men not as they ought to be, but as they are, without any ideal greatness or poetic character — thoroughly prosaic personages. His dialogues too were little else than the rhetorical and forensic language of his day cleverly put into verse: full of sophistry and quibbling distinctions. One of the peculiarities of his tragedies was the *πρόλογος*, an introductory monologue, with which some hero or god opens the play, telling who he is, what is the state of affairs, and what has happened up to the time of his address, so as to put the audience in possession of every fact which it might be necessary for them to know: a very business-like proceeding no doubt, but a poor makeshift for artistical skill. The "Deus ex machina," also, though not always, in a "nodus, tali vindice dignus," was frequently employed by Euripides to effect the *dénoûment* of his pieces. The chorus too no longer discharged its proper and high functions either as a representative of the feelings of unprejudiced observers, or, "as one of the actors, and a part of the whole," joining in the development of the piece. Many of his choral odes in fact are but remotely connected in subject with the action of the play. Another novelty of Euripides was the use of the "monodies" or lyrical songs, in which not the chorus, but the principal persons of the drama, declare their emotions and sufferings. They were amongst the most brilliant parts of his pieces, and being sung by persons on the stage, are sometimes described as *ᾠδαὶ ἀπὸ σκηνῆς*. (Phot. *Lex.* *s. v.*) Aristophanes often parodied them, and makes Euripides say of himself (*Ranae*, 944), that he "nurtured tragedy with monodies, introducing Cephisophon" his chief actor, to sing them.

Εἶτ' ἀνέτρεφον μονῳδίαις, Κηφισοφῶντα μιγνύς.

Euripides was also the inventor of tragi-comedy, which not improbably suggested, as it certainly resembled, the *Ἱλαροτραγῳδία* of the Alexandrian age, the latter being a half-tragic, half-comic drama, or rather a parody or travesty of tragical subjects. A specimen of the Euripidean tragi-comedy is still extant in the Alcestis, acted B. C. 438, as the last of four pieces, and therefore as a substitute for a Satyrical drama. Though tragic in its form and some of its scenes, it has a mixture of comic and satyric characters (*e. g.* Hercules) and concludes happily.

It remains to make some remarks on the nature and object of Greek tragedy in general, and on the parts into which it was divided. According to Plato (*Leg.* vii. p. 817) the truest tragedy is an imitation of the noblest and best life: *μίμησις τοῦ καλλίστου καὶ ἀρίστου βίου*. Aristotle's definition is more comprehensive and perhaps perfect. "Tragedy is an imitation of an action that is important (*σπουδαίας*), and entire, and of a proper magnitude, in pleasurable language, by means of action, not of narration, and effecting through terror and pity the refinement and correction of such passions" (*τὴν τοιούτων παθημάτων κάθαρσιν*). He then adds, Tragedy contains six parts: the story, *i. e.* the combination of incidents or plot, manners, expression, sentiment, decoration, and music (*μῦθος καὶ ἤθη, καὶ λέξις, καὶ διάνοια, καὶ ὄψις, καὶ μελοποιΐα*). Of these the story is the principal part, developing the character of agents, and being in fact the very soul of tragedy. The manners come next, and manifest the disposition of the speakers. The sentiments take the third place, and comprehend whatever is said, whether proving anything, or expressing some general reflection. Afterwards he adds, Fables are of two sorts, simple and complicated (*οἱ μὲν ἁπλοῖ, οἱ δὲ πεπλεγμένοι*), the catastrophe of the former produced without a revolution or discovery, of the latter with one or both. Now a revolution (*περιπέτεια*) is a change to the reverse of what is expected from the circumstances of the action: a discovery (*ἀναγνώρισις*) is a change from known or unknown, happening between characters whose happiness or unhappiness forms the catastrophe of the drama. The best sort of discovery is accompanied by a revolution, as in the Oedipus. Aristotle next enumerates the parts of *quantity* (*κατὰ τὸ ποσὸν*) or division in tragedy: these are, the prologue, episode, exode, and choral songs; the last divided into the parode and stasimon. The πρόλογος is all that part of a tragedy which precedes the parodos of the chorus, *i. e.* the first act. The ἐπεισόδιον is all the part between whole choral odes. The ἔξοδος that part which has no choral ode after it. Of the choral part the πάροδος is the first speech of the whole chorus (not broken up into parts): the stasimon is without anapaests and trochees. These two divisions were sung by all the choreutae (κοινὰ ἁπάντων), but the "songs on the stage" and the κόμμοι by a part only (ἴδια δὲ τὰ ἀπὸ τῆς σκηνῆς καὶ κόμμοι). The commus, which properly means a wailing for the dead, was generally used to express strong excitement, or lively sympathy with grief and suffering, especially by Aeschylus. It was common to the actors and a portion only of the chorus (κομμὸς δὲ θρῆνος, κοινὸς χοροῦ, καὶ ἀπὸ σκηνῆς), whence its derivative κομματικά is used to designate broken and interrupted songs sung either by individual choreutae or divisions of the chorus. (Müller, *Eumen.* p. 84.) Again the πάροδος was so named as being the passage-song of the chorus sung while it was advancing to its proper place in the orchestra, and therefore in anapaestic or marching verse: the στάσιμον, as being chaunted by the chorus when standing still in its proper position. (*Suid.* and *Etym. Magn.*)

With respect to the ends or purposes of Tragedy, Aristotle observes that they are best effected by the representation of a change of fortune from prosperity to adversity, happening to a person neither eminently virtuous nor just, nor yet involved in misfortune by deliberate vice or villany, but by some error of human frailty, and that he should also be a person of high fame and eminent prosperity, like Oedipus or Thyestes. Hence, he adds, Euripides is not censurable, as is generally supposed; for tragedies with an unhappy termination like his, have always the most *tragic* effect; and Euripides is the most tragic of all poets, *i. e.* succeeds best in producing pity: an expression especially true of some scenes in the Medea. In Aeschylus, the feelings of pity and melancholy interest are generally excited by the relation in which his heroes stand to destiny. He mostly represents them as vainly struggling against a blind but irresistible fate, to whose power (according to the old Homeric notion) even the father of gods and men is forced to yield, and it is only occasionally, as in the splendid chorus of the Eumenides (522), that we trace in him any intimations of a moral and retributive government of the world. Hence there is a want of moral lessons in his works. In Sophocles, on the contrary, we see indications of a different tone of thought, and the superintendence of a directing and controlling power is distinctly recognized: "the great Zeus in heaven, who superintends and directs all things." (*Electr.* 174; Thirlwall, *Phil. Mus.* vol. ii. p. 492.)

The materials of Greek tragedy were the national mythology,

> "Presenting Thebes, or Pelops' line,
> Or the tale of Troy divine."

The exceptions to this were the two historical tragedies, the "Capture of Miletus," by Phrynichus, and the "Persians" of Aeschylus; but they belong to an early period of the art. Hence the plot and story of the Grecian tragedy were of necessity known to the spectators, a circumstance which strongly distinguishes the ancient tragedy from the modern, and to which is owing in some measure the practical and quiet irony in the handling of a subject, described by Thirlwall (*Phil. Mus.* ii. p. 483, &c.) as a characteristic of the tragedy of Sophocles.

The functions of the Chorus in Greek Tragedy were very important, as described by Horace (*Ar. Poet.* 193),

> "Actoris partes chorus officiumque virile
> Defendat: neu quid medios intercinat actus,
> Quod non proposito conducat, et haereat apte," &c.

We must conceive of it, says A. W. Schlegel, as the personification of the thought inspired by the represented action; in other words, it often expresses the reflections of a dispassionate and right-minded spectator, and inculcates the lessons of morality and resignation to the will of heaven, taught by the occurrence of the piece in which it is engaged. Besides this, the chorus enabled a poet to produce an image of the "council of elders," which existed under the heroic governments, and under whose advice and in whose presence the ancient princes of the Greek tragedy generally acted. This image was the more striking and vivid, inasmuch as the chorus was taken from the people at large, and did not at all differ from the appearance and stature of ordinary men; so that the contrast or relation between them and the actors was the same as that of the Homeric λαοί and ἄνακτες. Lastly, the choral songs produced an agreeable pause in the action, breaking the piece into parts, while they presented to the spectator a lyrical and musical expression of his own emotions, or suggested to him lofty thoughts and great arguments. As Schlegel says, the chorus was the spectator idealised. With respect to the number of the chorus, Müller (*Lit. of Greece*, 300) thinks that out of the dithyrambic chorus of 50 a quadrangular chorus of 48 persons was first formed, and that this was divided into sets of 12, one for each play of a tetraloge; but in the time of Sophocles, the tragic chorus amounted to 15, a number which the ancient grammarians always presuppose in speaking of its arrangements, though it might be that the form of the Aeschylean tragedy afterwards became obsolete.

The preceding account should be read in connection with the articles CHORUS, DIONYSIA, HISTRIO, and THEATRUM.

The explanation of the following phrases may be useful.

Παραχορήγημα: this word was used in case of a fourth actor appearing on the stage; probably because the choragus was required to be at an *extra* expense in supplying him with costume, &c.; sometimes actors so called spoke, as the character of Pylades does (Aesch. *Choeph.* 900—902); sometimes they were mutes.

Παρασκήνιον: this phrase was used when one of the choreutae spoke in song, instead of a fourth actor, probably near or behind the side-scenes. Παρηγορήματα were voices off the stage, and not seen, as the frogs in the Ranae. (Pollux, iv. 109; Schol. *in Aristoph. Pac.* 113.)

Παραχωρήματα, persons who came forward but once, something like the πρόσωπα προτατικά, or introductory persons who open a drama and never appear again; as the watchman in the Agamemnon, and Polydorus in the Hecuba. Terence also frequently uses the persona protatica. (Donat. Ter. *Prolog. ad Andr.*)

The διχορία was a double chorus, formed of the choruses of two separate plays: thus at the end of the Eumenides of Aeschylus the Furies of one play and the festal train of another come on the stage together. (Müller, *Literat. &c.* p. 300.)

The principal modern writers on the Greek Tragedy are mentioned in the course of the article. The reader may also consult Wachsmuth, vol. ii. pt. ii. pp. 467, 421; Gruppe, *Ariadne, Die Tragische Kunst der Griechen in ihrer Entwickelung und in ihrem Zusammenhange mit der Volkspoesie*, Berl. 1834; *Museum Criticum*, vol. ii. p. 69, &c.; Copleston, *Praelectiones Academicae;* Schneider, *Ueber das Attische Theaterwesen*, an exceedingly valuable book.

2. Roman. The tragedy of the Romans was, for the most part, an imitation of, or rather a borrowing from, the Greek, the more imperfect and unnatural, as the construction of the Roman theatre afforded no appropriate place for the chorus, which was therefore obliged to appear on the stage, instead of in the orchestra. The first tragic poet and actor at Rome (Gellius, xxi. 17) was Livius Andronicus, a Greek by birth, who began to exhibit in B. C. 240. From the account in Livy (vii. 2), it would seem that in his monodies (or the lyrical parts sung, not by a chorus, but by one person), it was customary to separate the singing from the mimetic dancing, leaving the latter only to the actor, while the singing was performed by a boy placed near the flute-player (*ante tibicinem*); so that the dialogue only (*diverbia*) was left to be spoken by the actors. One of the plays written by him was an "Andromeda;" and he also made a Latin prose translation of the Odyssee. The next tragic poet at Rome was Naevius, who however appears to have written comedies as well as tragedies (Hieron. *in Euseb. Olymp.* 144. 3), and a history of the first Punic war: so that the writing of tragedies was not a distinct profession at Rome, as at Athens. An "Alcestis" seems to have been written by him. To the same epoch as Livius Andronicus, and Naevius, belongs Ennius, who resembled the latter in being an epic poet as well as a tragedian. Amongst the plays written by him are mentioned, a Medea, an Ajax, a Phoenissae, an Iphigenia, an Andromache, and a Hecuba. The metre used by him and Naevius was iambic or trochaic in the dialogue, and anapaestic for the lyrical parts. (Gellius, xi. 4.) The next distinguished tragedian was Pacuvius, a nephew of Ennius, and a painter also. His style was more remarkable for spirit and vigour of expression than polish or refinement, a deficiency attributable to his age and provincial origin, as he was born at Brundisium. Among his plays occur an Antiope, a Chryses, and a Dulorestes (Quintil. x. 1; Cicero, *Orat.* iii. 39), and his tragedies found admirers even in the time of Persius (i. 77). Cicero (*l. c.*) quotes from him a spirited translation of the concluding lines of the Prometheus Vinctus of Aeschylus. Attius or Accius the younger was junior to Pacuvius by about fifty years. His earlier plays were, as he himself admitted, harsh and obscure (Gellius, xiii. 2); but his style probably altered with increasing years. Many fragments of his plays occur in Cicero and the Latin grammarians, Diomedes, Nonius, and Varro. He was also a writer of annals in hexameter verses. (Macrob. *Sat.* i. 7.) The five poets mentioned above belong to the earlier epoch of Roman tragedy, in which little was written but translations and imitations of the Greek, with occasional insertions of original matter. How they imitated the structure of the choral odes is doubtful, perhaps they never attempted it. Ennius, Pacuvius, and Accius are contrasted by Cicero (*de Orat.* iii. 7), with Aeschylus, Sophocles, and Euripides; and of the two last Quintilian (x. 1. § 97) says, "Virium Accio plus tribuitur; Pacuvium videri doctiorem, qui esse docti affectant, volunt."

In the age of Augustus the writing of tragedies, whether original or imitations, seems to have been quite a fashionable occupation. The emperor himself attempted an Ajax, but did not succeed; and when his friends asked him, "Quidnam Ajax ageret?" his reply was "Ajacem suum in spongiam incubuisse." (Suet. *Aug.* 85.) One of the principal tragedians of this epoch was Asinius Pollio, to whom the line (Virg. *Eclog.* viii. 10)

"Sola Sophocleo tua carmina digna cothurno,"

is supposed to apply: he also excelled in other literary accomplishments. (Hor. *Carm.* ii. 1.) Ovid (*Trist.* ii. 556) also wrote a tragedy, of which Quintilian (x. 1. § 98) says, "Ovidii Medea videtur mihi ostendere, quantum ille vir praestare potuerit si ingenio suo temperare quam indulgere maluisset." His "armorum judicium" (*Metamor.* xiii.) between Ajax and Ulysses, on which Pacuvius and Accius also wrote dramas, proves that he might have rivalled Euripides in rhetorical skill. Quintilian also says of Varius, who was distinguished in epic as well as tragic poetry (Hor. *Carm.* i. 6, *Ar. Poet.* 55; Tacit. *Dial.* xii. 1), that his Thyestes might be compared with any of the Greek tragedies. Some fragments of this Thyestes are extant, but we have no other remains of the tragedy of the Augustan age. The loss perhaps is not great; for the want of a national and indigenous mythology must have disabled the Roman poets from producing any original counterparts of the Greek tragedy; besides which, in the later days of the republic, and under the empire, the Roman people were too fond of gladiatorial shows, and beast-fights, and gorgeous spectacles, to encourage the drama. Moreover, it is also manifest that a tragedy like that of the Greeks could not have flourished under a despotism.

The only complete Roman tragedies that have come down to us are the ten attributed to the philosopher Seneca. But whether he wrote any of them or not is a disputed point. It is agreed that they are not all from the same hand, and it is doubtful whether they are all of the same age even. In one of them, the Medea, the author made his heroine kill her children on the stage, "coram populo," in spite of the precept of Horace. Schlegel (Lect. viii.) thus speaks of them: "To whatever age they belong, they are beyond description bombastic and frigid, utterly unnatural in character and action, and full of the most revolting violations of propriety, and barren of all theatrical effect. With the old Grecian tragedies they have nothing in common but the name, the exterior form, and the matter. Their persons are neither ideal nor real men, but misshapen giants of puppets, and the wire that moves them is at one time an unnatural heroism, at another a passion alike unnatural, which no atrocity of guilt can appal." Still they have had admirers: Heinsius calls the Hippolytus "divine," and prefers the Troades to the Hecuba of Euripides: even Racine has borrowed from the Hippolytus in his Phèdre.

Roman tragedians sometimes wrote tragedies on subjects taken from their national history. Pacuvius, *e. g.* wrote a *Paulus*, L. Accius a *Brutus* and a *Decius*. (Cic. *de Div.* i. 22.) Curiatius Maternus, also a distinguished orator in the reign of Domitian, wrote a Domitius and a Cato, the latter of which gave offence to the rulers of the state (*potentium animos offendit*, Tacit. *Dial.* 2; Lang. *Vind. Trag. Roman.* p. 14). The fragments of the Thyestes of Varius are given by Bothius, *Poet. Scen. Lat. Frag.* p. 279. [R. W.]

TRA'GULA. [Hasta, p. 589, a.]

TRANSA'CTIO IN VIA. [Actio, p. 11, a.]

TRA'NSFUGA. [Desertor.]

TRANSTRA. [Navis, p. 788, a.]

TRANSVE'CTIO E'QUITUM. [Equites.]

TRAUMATOS EK PRONOIAS GRAPHE (τραύματος ἐκ προνοίας γραφή). Our principal information respecting this action is derived from two speeches of Lysias, namely, πρὸς Σίμωνα and περὶ τραύματος ἐκ προνοίας, though they do not supply us with many particulars. It appears, however, that this action could not be brought by *any* person who had been wounded or assaulted by another, but that it was necessary to prove that there had been an intention to murder the person who had been wounded; consequently the πρόνοια consisted in such an intention. Cases of this kind were brought before the Areiopagus: if the accused was found guilty, he was exiled from the state and his property confiscated. (Compare Dem. *c. Aristocr.* 627. 22, *c. Boeot.* 1018. 9, Aesch. *de Fals. Leg.* 270, *c. Ctes.* 440, 608; Lys. *c. Andoc.* p. 212; Lucian, *Timon*, 46; Pollux, viii. 40; Meier, *Att. Proc.* p. 314.)

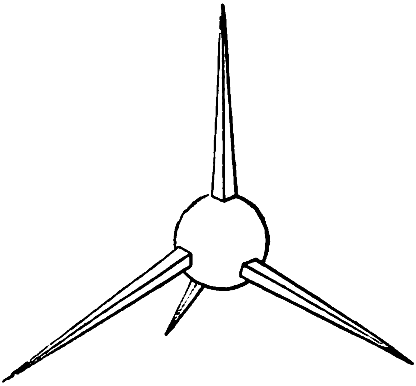
TRESSIS. [As, p. 141, a.]

TRESVIRI. [Triumviri.]

TRIA'RII. [Exercitus, pp. 495—497, 501, b.]

TRI'BULA or TRI'BULUM (τριβόλος), a corn-drag, consisting of a thick and ponderous wooden board, which was armed underneath with pieces of iron or sharp flints and drawn over the corn by a yoke of oxen, either the driver or a heavy weight being placed upon it, for the purpose of separating the grain and cutting the straw. (Varro, *de Re Rust.* i. 52; Ovid. *Met.* xiii. 803; Plin. *H. N.* xviii. 30; Longus, iii. 22; Brunck, *Anal.* ii. 215; Amos, i. 3.) Together with the *tribula* another kind of drag, called *traha*, was also sometimes used, which it is probable was either entirely of stone or made of the trunk of a tree. (Virg. *Georg.* i. 164; Servius, *ad loc.*; Col. *de Re Rust.* ii. 21.) These instruments are still used in Greece, Asia Minor, Georgia, and Syria, and are described by various travellers in those countries, but more especially by Paul Lucas (*Voyage*, vol. i. p. 182), Sir R. K. Porter (*Travels*, vol. i. p. 158), Jackson (*Journey from India*, p. 249), and C. Fellows, (*Journal*, pp. 70, 333). The corn is threshed upon a circular floor (*area*, ἅλων), either paved, made of hardened clay, or of the natural rock. It is first heaped in the centre, and a person is constantly occupied in throwing the sheaves under the drag as the oxen draw it round. Lucas and Fellows have given prints representing the tribula as now used in the East. The verb *tribulare* (Cato, *de Re Rust.* 23), and the verbal noun *tribulatio* were applied in a secondary sense to denote affliction in general. [J. Y.]

TRI'BULUS (τρίβολος), a caltrop, also called *murex*. (Val. Max. iii. 7. § 2; Curt. iv. 13. § 36.) When a place was beset with troops, the one party endeavoured to impede the cavalry of the other party either by throwing before them caltrops, which necessarily lay with one of their four sharp points turned upwards, or by burying the caltrops with one point at the surface of the ground. (Veget. *de Re Mil.* iii. 24; Jul. Afric. 69, *ap. Vet. Math. Graec.* p. 311.) The annexed woodcut is taken from a bronze caltrop figured by Caylus (*Recueil*, iv. pl. 98). [J. Y.]



TRIBU'NAL (βῆμα), a raised platform, or, to use the term adopted from the French, tribune, on which the praetor and judices sat in the Basilica. It is described under Basilica (p. 199).

There was a tribunal in the camp, which was generally formed of turf, but sometimes, in a stationary camp, of stone, from which the general addressed the soldiers, and where the consul and tribunes of the soldiers administered justice. When the general addressed the army from the tribunal, the standards were planted in front of it, and the army placed round it in order. The address itself was called *Allocutio*. (Plut. *Pomp.* 41; Lipsius, *de Milit. Rom.* iv. 9; Castra.)

A tribunal was sometimes erected in honour of a deceased imperator, as, for example, the one raised to the memory of Germanicus. (Tacit. *Annal.* ii. 83.)

Pliny (*H. N.* xvi. 1) applies the term to embankments against the sea. [P. S.]

TRIBU'NUS. This word seems originally to have indicated an officer connected with a tribe (*tribus*), or who represented a tribe for certain purposes; and this is indeed the character of the officers who were designated by it in the earliest times of Rome, and may be traced also in the later officers of this name. We subjoin an account of all the Roman officers known under this name.

1. Tribunes of the three ancient tribes. At the time when all the Roman citizens were contained in the three tribes of the Ramnes, Tities, and Luceres, each of them was headed by a tribune (φύλαρχος, Dionys. ii. 7; Dig. 1. tit. 2. s. 2. § 20; Serv. *ad Aen.* v. 560), and these three tribunes represented their respective tribes in all civil, religious, and military affairs; that is to say, they

were in the city the magistrates of their tribes, and performed the sacra on their behalf, and in times of war they were their military commanders. (Liv. i. 59; Dionys. ii. 64; Varro, *de Ling. Lat.* v. 81.) Niebuhr (*Hist. of Rome*, i. p. 331) supposes that the *tribunus celerum* was the tribune of the Ramnes, the oldest and noblest among the three tribes, and in this opinion he is followed by Göttling (*Gesch. d. Röm. Staatsverf*, p. 166), though it is in direct contradiction to Dionysius (ii. 13) and Pomponius (*de Orig. Jur.* Dig. 1. tit. 2. s. 2. § 15), according to whom the tribunus celerum was the commander of the *celeres*, the king's body-guard, a statement which is rejected by Niebuhr without his being supported by any ancient authority, except that Dionysius in one passage (ii. 64) vaguely speaks of tribuni celerum in the plural. That however the tribunus celerum was really distinct from the three tribunes of the tribes, is acknowledged by Niebuhr himself in a subsequent part of his work (iii. p. 41). In what manner the tribunus celerum was appointed is uncertain, but notwithstanding the statement of Dionysius, that Tarquinius Superbus gave this office to L. Junius Brutus, it is much more probable that he was elected by the tribes or curiae; for we find that when the imperium was to be conferred upon the king, the comitia were held under the presidency of the tribunus celerum, and in the absence of the king, to whom this officer was next in rank, he convoked the comitia: it was in an assembly of this kind that Brutus proposed to deprive Tarquinius of the imperium. (Liv. i. 59.) A law passed under the presidency of the tribunus celerum was called a *lex tribunicia*, to distinguish it from one passed under the presidency of the king. [Lex Regia.] The tribunes of the three ancient tribes ceased to be appointed when these tribes themselves ceased to exist as political bodies, and when the patricians became incorporated in the local tribes of Servius Tullius. [Tribus (Roman).]

2. Tribunes of the Servian tribes. When Servius Tullius divided the commonalty into thirty local tribes, we again find that at the head of each of these tribes there was a tribune, whom Dionysius calls φύλαρχος, like those of the patrician tribes. (Dionys. iv. 14.) He mentions them only in connection with the city tribes, but there can be no doubt that each of the rustic tribes was likewise headed by a tribune. The duties of these tribunes, who were without doubt the most distinguished persons in their respective districts, appear to have consisted at first in keeping a register of the inhabitants in each district and of their property, for purposes of taxation and for levying the troops for the armies. When subsequently the Roman people became exempted from taxes, the main part of their business was taken from them, but they still continued to exist. Niebuhr (i. p. 421) supposes that the *tribuni aerarii*, who occur down to the end of the republic, were only the successors of the tribunes of the tribes. Varro (*de Ling. Lat.* vi. 86) speaks of *curatores omnium tribuum*, a name by which he probably means the tribunes of the tribes. When in the year 406 B. C. the custom of giving pay (*stipendium*) to the soldiers was introduced, each of the tribuni aerarii had to collect the tributum in his own tribe, and with it to pay the soldiers (Varro, *de Ling. Lat.* v. 181), and in case they did not fulfil this duty, the soldiers had the right of pignoris capio against them. (Cato, *ap. Gell.* vii. 10.) In later times their duties appear to have been confined to collecting the tributum, which they made over to the military quaestors who paid the soldiers. [Quaestor.] The lex Aurelia (70 B. C.) called the tribuni aerarii to the exercise of judicial functions, along with the senators and equites, as these tribunes represented the body of the most respectable citizens. (Orelli, *Onom. Tull.* iii. p. 142; Appian, *de Bell. Civ.* iii. 23.) But of this distinction they were subsequently deprived by Julius Caesar. (Suet. *Caes.* 41.)

3. Tribuni plebis. The ancient tribunes of the plebeian tribes had undoubtedly the right of convoking the meetings of their tribes, and of maintaining the privileges granted to them by king Servius and subsequently by the Valerian laws. But this protection was very inadequate against the insatiable ambition and usurpations of the patricians. When the plebeians, impoverished by long wars and cruelly oppressed by the patricians, at last seceded in the year 494 B. C. to the Mons Sacer, the patricians were obliged to grant to the plebeians the right of appointing tribunes (*tribuni plebis*) with more efficient powers to protect their own order than those which were possessed by the heads of the tribes. The purpose for which they were appointed was only to afford protection against any abuse on the part of the patrician magistrates; and that they might be able to afford such protection, their persons were declared sacred and inviolable, and it was agreed that whoever acted against this inviolability should be an outlaw, and that his property should be forfeited to the temple of Ceres. (Liv. ii. 33; Dionys. vi. 89.) This decree seems to contain evidence that the heads of the tribes in their attempts to protect members of their own order had been subject themselves to insult and maltreatment; and that similar things occurred even after the sanctity of the tribunes was established by treaty, may be inferred from the fact, that, some time after the tribuneship was instituted, heavy punishments were again enacted against those, who should venture to annoy a tribune when he was making a proposition to the assembly of the tribes. The law by which these punishments were enacted ordained that no one should oppose or interrupt a tribune while addressing the people, and that whoever should act contrary to this ordinance should give bail to the tribunes for the payment of whatever fine they should affix to his offence in arraigning him before the commonalty: if he refused to give bail, his life and property were forfeited. (Dionys. vii. 17.) It should however be observed that this law belongs to a later date than that assigned to it by Dionysius, as has been shown by Niebuhr (ii. p. 98); it was in all probability made only a short time before its first application in 461 B. C. in the case of Caeso Quinctius. (Liv. iii. 13.) The tribunes were thus enabled to afford protection to any one who appealed to the assembly of the commonalty, or required any other assistance. They were essentially the representatives and the organs of the plebeian order, and their sphere of action was the comitia tributa. With the patricians and their comitia they had nothing to do. The tribunes themselves however were not judges and could inflict no punishments (Gellius, xiii. 12), but could only propose the imposition of a fine to the commonalty (*multam irrogare*). The tribunes were thus in their origin only a protecting magistracy of

the plebs, but in the course of time their power increased to such a degree that it surpassed that of all other magistrates, and the tribunes then, as Niebuhr (i. p. 614) remarks, became a magistracy for the whole Roman people in opposition to the senate and the oligarchical elements in general, although they had nothing to do with the administration or the government. During the latter period of the republic they became true tyrants, and Niebuhr justly compares their college, such as it was in later times, to the national convention of France during the first revolution. But notwithstanding the great and numerous abuses which were made of the tribunitian power by individuals, the greatest historians and statesmen confess that the greatness of Rome and its long duration is in a great measure attributable to the institution of this office.

As regards the number of the tribunes of the people, all the ancient writers agree (see the passages in Niebuhr, i. n. 1356), that at first they were only two, though the accounts differ as to the names of the first tribunes. Soon afterwards, however, the number of tribunes was increased to five, one being taken from each of the five classes. (Ascon. *in Cic. Corn.* p. 56, ed. Orelli; Zonar. vii. 15.) When this increase took place is quite uncertain. According to Dionysius (vi. 89) three new tribunes were added immediately after the appointment of the first two. Cicero (*Fragm. Cornel.* p. 451, Orelli) states, that the year after the institution of the tribunes their number was increased to ten; according to Livy (ii. 33) the first two tribunes immediately after their appointment elected themselves three new colleagues; according to Piso (*ap. Liv.* ii. 58) there were only two tribunes down to the time of the Publilian laws. It would be hopeless to attempt to ascertain what was really the case; thus much only is certain, that the number was not increased to ten till the year 457 B. C., and that then two were taken from each of the five classes. (Liv. iii. 30; Dionys. x. 30.) This number appears to have remained unaltered down to the end of the empire.

The time when the tribunes were elected was, according to Dionysius (vi. 89), always on the 10th of December, although it is evident from Cicero (*ad Att.* i. 1) that in his time at least the election took place a. d. XVI. Kal. Sextil. (17th of July.) It is almost superfluous to state that none but plebeians were eligible to the office of tribune; hence when towards the end of the republic patricians wished to obtain the office, they were obliged first to renounce their own order and to become plebeians [PATRICII, p. 876]; hence also under the empire it was thought that the princeps should not be tribune because he was a patrician. (Dion Cass. liii. 17, 32.) But the influence which belonged to this office was too great for the emperors not to covet it. Hence Augustus received the tribunitia potestas for life. (Suet. *Aug.* 27; Tacit. *Annal.* i. 2; compare Suet. *Tiber.* 9, 23, *Vesp.* 12, *Tit.* 6.) During the republic, however, the old regulation remained in force even after the tribunes had ceased to be the protectors of the plebs alone. The only instance in which patricians were elected to the tribuneship is mentioned by Livy (iii. 65), and this was probably the consequence of an attempt to divide the tribuneship between the two orders. Although nothing appears to be more natural than that the tribunes should originally have been elected by that body of the Roman citizens which they represented, yet the subject is involved in considerable obscurity. Cicero (*Fragm. Cornel. l. c.*) states that they were elected by the comitia of the curies; the same is implied in the accounts of Dionysius (*l. c.*) and Livy (ii. 56), according to whom the comitia of the tribes did not obtain this right till the Lex Publilia (472 B. C.; Liv. ii. 56; Dionys. x. 41). Niebuhr thinks (i. p. 618) that down to the Publilian law they were elected by the centuries, the classes of which they represented in their number, and that the curies, as Dionysius himself mentions in another place (vi. 90), had nothing to do with the election except to sanction it. The election in the comitia of the centuries however does not remove the difficulties, whence Göttling (p. 289) is inclined to think that the tribunes before the expiration of their office appointed their successors, after a previous consultation with the plebeians. The necessity of the sanction by the curies cannot be doubted, but it appears to have ceased even some time before the Publilian law. (Niebuhr, ii. p. 190.) After this time it is never heard of again, and the election of the tribunes was left entirely to the comitia tributa, which were convoked and held for this purpose by the old tribunes previously to the expiration of their office. (Liv. ii. 56, &c.; Dionys. ix. 43, 49.) One of the old tribunes was appointed by lot to preside at the election. (Liv. iii. 64; Appian, *de Bell. Civ.* i. 14.) As the meeting could not be prolonged after sunset, and the business was to be completed in one day, it sometimes happened that it was obliged to break up before the election was completed, and that those who were elected filled up the legitimate number of the college by cooptatio. (Liv. *l. c.*) But in order to prevent this irregularity the tribune L. Trebonius in 448 B. C. got an ordinance passed, according to which the college of the tribunes should never be completed by cooptatio, but the elections should be continued on the second day, if they were not completed on the first, till the number ten was made up. (Liv. iii. 64, 65, v. 10; comp. Niebuhr, ii. p. 383.) The place where the election of the tribunes was held was originally and lawfully the Forum, afterwards also the Campus Martius, and sometimes the area of the Capitol.

We now proceed to trace the gradual growth of the tribunitian power. Although its original character was merely auxilium or βοήθεια against patrician magistrates, the plebeians appear early to have regarded their tribunes also as mediators or arbitrators in matters among themselves. This statement of Lydus (*de Magist.* i. 38, 44; Dionys. vii. 58) has been pointed out by Walter (*Gesch. d. Röm. Rechts*, p. 85). The whole power possessed by the college of tribunes was designated by the name *tribunicia potestas*, and extended at no time further than one mile beyond the gates of the city; at a greater distance than this they came under the imperium of the magistrates, like every other citizen. (Liv. iii. 20; Dionys. viii. 87.) As they were the public guardians, it was necessary that every one should have access to them and at any time; hence the doors of their houses were open day and night for all who were in need of help and protection, which they were empowered to afford against any one, even against the highest magistrates. For the same reason a tribune was not allowed to be absent from the city for a whole day, except during the Feriae Latinae, when the whole people was assembled on the Alban Mount. (Macrob. *Sat.* i. 3.)

In the year 456 B. C. the tribunes, in opposition to the consuls, assumed the right to convoke the senate, in order to lay before it a rogation and discuss the same (Dionys. x. 31, 32); for until that time the consuls alone had had the right of laying plebiscita before the senate for approbation. Some years after, 452 B. C., the tribune demanded of the consuls to request the senate to make a senatusconsultum for the appointment of persons to frame a new legislation; and during the discussions on this subject the tribunes themselves were present in the senate. (Dionys. x. 50, 52.) The written legislation which the tribunes then wished can only have related to their own order; but as such a legislation would only have widened the breach between the two orders, they afterwards gave way to the remonstrances of the patricians, and the new legislation was to embrace both orders. (Liv. iii. 31; Zonar. vii. 18.) From the second decemvirate the tribuneship was suspended, but was restored after the legislation was completed, and now assumed a different character from the change that had taken place in the tribes. [TRIBUS (ROMAN.)] The tribunes now had the right to be present at the deliberations of the senate (Liv. iii. 69, iv. 1); but they did not sit among the senators themselves, but upon benches before the opened doors of the senate-house. (Val. Max. ii. 2. § 7; F. Hofmann, *Der Röm. Senat*, p. 109, &c.) The inviolability of the tribunes, which had before only rested upon a contract between the two estates, was now sanctioned and confirmed by a law of M. Horatius. (Liv. iii. 55.) As the tribes now also included the patricians and their clients, the tribunes might naturally be asked to interpose on behalf of any citizen, whether patrician or plebeian. Hence the patrician ex-decemvir, Appius Claudius, implored the protection of the tribunes. (Liv. iii. 56; comp. also viii. 33, 34; Niebuhr, ii. p. 374.) About this time the tribunes also acquired the right to take the auspices in the assemblies of the tribes. (Zonaras, vii. 19.) They also assumed again the right which they had exercised before the time of the decemvirate, to bring patricians who had violated the rights of the plebeians before the comitia of the tribes, as is clear from several instances. (Liv. iii. 56, &c., iv. 44, v. 11, &c.) Respecting the authority which a plebiscitum proposed to the tribes by a tribune received through the lex Valeria, see PLEBISCITUM. While the college thus gained outwardly new strength every day, a change took place in its internal organisation, which to some extent paralyzed its powers. Before the year 394 B. C. every thing had been decided in the college by a majority (Liv. ii. 43, 44; Dionys. ix. 1, 2, 41, x. 31); but about this time, we do not know how, a change was introduced, which made the opposition (*intercessio*) of one tribune sufficient to render a resolution of his colleagues void. (Zonar. vii. 15.) This new regulation does not appear in operation till 394 and 393 B. C. (Liv. v. 25, 29); the old one was still applied in B. C. 421 and 415. (Liv. iv. 42, 48; comp. Niebuhr, ii. p. 438.) From their right of appearing in the senate, and of taking part in its discussions, and from their being the representatives of the whole people, they gradually obtained the right of intercession against any action which a magistrate might undertake during the time of his office, and this even without giving any reason for it. (Appian, *de Bell. Civ.* i. 23.) Thus we find a tribune preventing a consul convoking the senate (Polyb. vi. 16), preventing the proposal of new laws or elections in the comitia (Liv. vi. 35, vii. 17, x. 9, xxvii. 6); and they interceded against the official functions of the censors (Dion Cass. xxxvii. 9; Liv. xliii. 16); and even against a command issued by the praetor. (Liv. xxxviii. 60; Gell. vii. 19.) In the same manner a tribune might place his veto upon an ordinance of the senate (Polyb. vi. 16; Dion Cass. xli. 2); and thus either compel the senate to submit the subject in question to a fresh consideration, or to raise the session. (Caes. *de Bell. Civ.* i. 2; Appian, *de Bell. Civ.* i. 29.) In order to propose a measure to the senate they might themselves convoke a meeting (Gellius, xiv. 7), or when it had been convoked by a consul they might make their proposal even in opposition to the consul, a right which no other magistrates had in the presence of the consuls. The senate, on the other hand, had itself, in certain cases, recourse to the tribunes. Thus, in 431 B. C. it requested the tribunes to compel the consuls to appoint a dictator, in compliance with a decree of the senate, and the tribunes compelled the consuls, by threatening them with imprisonment, to appoint A. Postumius Tubertus dictator. (Liv. iv. 26.) From this time forward we meet with several instances in which the tribunes compelled the consuls to comply with the decrees of the senate, *si non essent in auctoritate senatus*, and to execute its commands. (Liv. v. 9, xxviii. 45.) In their relation to the senate a change was introduced by the *Plebiscitum Atinium*, which ordained that a tribune, by virtue of his office, should be a senator. (Gellius, xiv. 8; Zonar. vii. 15.) When this plebiscitum was made is uncertain; but we know that in 170 B. C. it was not yet in operation. (Liv. xlv. 15.) It probably originated with C. Atinius, who was tribune in B. C. 132. (Liv. *Epit.* 59; Plin. *H. N.* vii. 45.) But as the quaestorship, at least in later times, was the office which persons held previously to the tribuneship, and as the quaestorship itself conferred upon a person the right of being present and expressing his opinion in the senate, the law of Atinius was in most cases superfluous.

In their relation to other magistrates we may observe, that the right of intercessio was not confined to stopping a magistrate in his proceedings, but they might even command their viatores [VIATOR] to seize a consul or a censor, to imprison him, or to throw him from the Tarpeian rock. (Liv. ii. 56, iv. 26, v. 9, ix. 34, *Epit.* 48, 55, 59; Cic. *de Leg.* iii. 9, *in Vatin.* 9; Dion Cass. xxxvii. 50.) It is mentioned by Labeo and Varro (*ap. Gell.* xiii. 12) that the tribunes, when they brought an accusation against any one before the people, had the right of *prehensio*, but not the right of *vocatio*, that is, they might command a person to be dragged by their viatores before the comitia, but could not summon him. An attempt to account for this singularity is made by Gellius (*l. c.*). They might, as in earlier times, propose a fine to be inflicted upon the person accused before the comitia, but in some cases they dropped this proposal and treated the case as a capital one. (Liv. viii. 33, xxv. 4, xxvi. 3.) The college of tribunes had also the power of making edicts, as that mentioned by Cicero (*in Verr.* ii. 41; comp. Gell. iv. 14; Liv. xxxviii. 52). In cases in which one member of the college opposed a resolution of his colleagues nothing could be done, and the measure was dropped; but this useful check was removed by the example of C. Tiberius Gracchus, in which a precedent was given for proposing to the people that a tribune obstinately persisting in his veto should be deprived of his office. (Appian, *de Bell. Civ.* i. 12; Plut. *Tib. Gracch.* 11, 12, 15; Cic. *de Leg.* iii. 10; Dion Cass. xxxvi. 13.)

From the time of the Hortensian law the power of the tribunes had been gradually rising to such a height that there was no other in the state to equal it, whence Velleius (ii. 2) even speaks of the imperium of tribunes. They had acquired the right of proposing to the comitia tributa or the senate measures on nearly all the important affairs of the state, and it would be endless to enumerate the cases in which their power was manifested. Their proposals were indeed usually made ex auctoritate senatus, or had been communicated to and approved by it (Liv. xlii. 21); but cases in which the people itself had a direct interest, such as a general legal regulation (Liv. xxi. 63, xxxiv. 1), the granting of the franchise (Liv. xxxviii. 36), the alteration of the attributes of a magistrate (Liv. xxii. 25, &c.), and others, might be brought before the people, without their having previously been communicated to the senate, though there are also instances of the contrary. (Liv. xxxv. 7, xxvii. 5.) Subjects belonging to the administration could not be brought before the tribes without the tribunes having previously received through the consuls the auctoritas of the senate. This however was done very frequently, and hence we have mention of a number of plebiscita on matters of administration. (See a list of them in Walter, p. 132, n. 11.) It sometimes even occurs that the tribunes brought the question concerning the conclusion of a peace before the tribes, and then compelled the senate to ratify the resolution as expressing the wish of the whole people. (Liv. xxx. 43, xxxiii. 25.) Sulla, in his reform of the constitution on the early aristocratic principles, left to the tribunes only the jus auxiliandi, but deprived them of the right of making legislative or other proposals, either to the senate or the comitia, without having previously obtained the sanction of the senate. [TRIBUS (ROMAN).] But this arrangement did not last, for Pompey restored to them their former rights. (Zachariae, *L. Corn. Sulla, als Ordner des Röm. Freistaates*, ii. p. 12, &c. and p. 99, &c.)

During the latter period of the republic, when the office of quaestor was in most cases held immediately before that of tribune, the tribunes were generally elected from among the senators, and this continued to be the same under the empire. (Appian. *de Bell. Civ.* i. 100.) Sometimes, however, equites also obtained the office, and thereby became members of the senate (Suet. *Aug.* 10, 40), where they were considered of equal rank with the quaestors. (Vell. Pat. ii. 111.) Tribunes of the people continued to exist down to the fifth century of our aera, though their powers became naturally much limited, especially in the reign of Nero. (Tacit. *Annal.* iii. 28.) They continued however to have the right of intercession against decrees of the senate, and on behalf of injured individuals. (Tacit. *Annal.* xvi. 26, *Hist.* ii. 91, iv. 9; Plin. *Epist.* i. 23, ix. 13; comp. Becker, *Handb. der Röm. Alterth.* vol. ii. pt. ii. p. 247, &c.)

4. **TRIBUNI MILITUM CUM CONSULARI POTESTATE.** When in 445 B. C. the tribune C. Canuleius brought forward the rogation that the consulship should not be confined to either order (Liv. iv. 1; Dionys. xi. 52), the patricians evaded the attempt by a change in the constitution: the powers which had hitherto been united in the consulship were now divided between two new magistrates, viz. the *Tribuni militum cum consulari potestate* and the censors. Consequently, in 444 B. C. three military tribunes, with consular power, were appointed, and to this office the plebeians were to be equally eligible with the patricians. (Liv. iv. 7; Dionys. xi. 60, &c.) For the years following however, the people were to be at liberty, on the proposal of the senate, to decide whether consuls were to be elected according to the old custom, or consular tribunes. Henceforth, for many years, sometimes consuls and sometimes consular tribunes were appointed, and the number of the latter varied from three to four, until in 405 B. C. it was increased to six, and as the censors were regarded as their colleagues, we have sometimes mention of eight tribunes. (Liv. iv. 61, v. 1; Diodor. xv. 50; Liv. vi. 27; Diodor. xv. 51; Liv. vi. 30.) At last, however, in 367 B. C. the office of these tribunes was abolished by the Licinian law, and the consulship was restored. The consular tribunes were elected in the comitia of the centuries, and undoubtedly with less solemn auspices than the consuls. Concerning the irregularity of their number, see Niebuhr, ii. p. 325, &c., p. 389, &c.; comp. Göttling, p. 326, &c.; Becker, *Handb. der Röm. Alterth.* vol. ii. pt. ii. p. 136, &c.

5. **TRIBUNI MILITARES.** [EXERCITUS, pp. 503, 504.]

6. **TRIBUNUS VOLUPTATUM**, was an officer who does not occur till after the time of Diocletian, and who had the superintendence of all public amusements, especially of theatrical performances. (Cassiodor. *Variar.* vii. 10.) [L. S.]

TRIBUS (φῦλον, φυλή). 1. **GREEK.** In the earliest times of Greek history mention is made of people being divided into tribes and clans. Homer speaks of such divisions in terms which seem to imply that they were elements that entered into the composition of every community. Nestor advises Agamemnon to arrange his army *κατὰ φῦλα, κατὰ φρήτρας*, so that each may be encouraged by the presence of its neighbours. (*Il.* ii. 362.) A person not included in any clan (ἀφρήτωρ), was regarded as a vagrant or outlaw. (*Il.* ix. 63.) These divisions were rather natural than political, depending on family connection, and arising out of those times, when each head of a family exercised a patriarchal sway over its members. The bond was cemented by religious communion, sacrifices and festivals, which all the family or clansmen attended, and at which the chief usually presided. The aggregate of such communities formed a political society. (Aristot. *Pol.* i. 1. § 7.) In the ages succeeding the heroic tribes and clans continued to exist, though in the progress of civilisation they became more extended, and assumed a territorial or political, rather than a fraternal character. The tribes were not in general distinctions between nobles and commons, unless the people were of different races, or unless there had been an accession of foreigners, who were not blended with the original inhabitants. It is true, that in the common course of things, nobles, or privileged classes, sprang up in various countries, by reason either of wealth, or of personal merit, or of descent from the ancient kings; and that in some cases all the land was possessed by them, as by the Gamori of Syracuse (Herod. vii. 155); sometimes their property was inalienable, as under our feudal law (Arist. *Pol.* ii. 4. § 4); and the Bacchiadae are an instance of a noble family, who intermarried only among themselves. (Herod. v. 92.) Still, however, as a general rule, there was no decided separation of tribe, much less of caste, between nobles and commons of the same race. Nor was there any such distinction of a sacerdotal order. The priestly function was in early times united to that of the king (Arist. *Pol.* iii. 9. § 7); afterwards the priesthood of particular deities became hereditary in certain families, owing either to a supposed transmission of prophetic power, as in the case of the Eumolpidae, Branchidae, Iamidae; or to accidental circumstances, as in the case of Telines of Gela (Herod. vii. 153); but the priests were not separated, as an order, from the rest of the people. (Wachsmuth, *Hell. Alt.* vol. i. pt. i. pp. 76, 149, 1st. ed.; Schömann, *Ant. jur. pub. Gr.* p. 79.) The most important distinctions of a class-like nature, between people living under the same government, arose in those countries that were conquered by the migratory hordes of Thessalians, Boeotians, and Dorians, in the century subsequent to the heroic age. The revolutions which they effected, though varying in different places according to circumstances, had in many respects a uniform character. The conquering body took possession of the country,, and became its lords; the original inhabitants, reduced to subjection, and sometimes to complete vassalage or servitude, remained a distinct people or tribe from the conquerors. The former built cities, usually at the foot of some citadel that had belonged to the ancient princes, where they resided, retaining their military discipline and martial habits; while a rural population, consisting principally of the former natives, but partly also of the less warlike of the invaders, and partly of fresh emigrants invited or permitted by them to settle, dwelt in the surrounding villages, and received the name of Περίοικοι. The condition of the Lacedaemonian περίοικοι is spoken of under PERIOECI. A similar class arose in most of the countries so colonized, as in Argos, Corinth, Elis, Crete, &c. (Herod. viii. 73; Thucyd. ii. 25; Xenoph. *Hell.* iii. 2. § 23, 30; Pausan. iii. 8. § 3, viii. 27. § 1; Arist. *Pol.* ii. 6. § 1, v. 2. § 8.) But their condition varied according to the manner in which the invaders effected their settlement, and other circumstances and events prior or subsequent to that time. In many places the new comer was received under a treaty, or upon more equitable terms, so that a union of citizenship would take place between them and the original inhabitants. This was the case in Elis, Messenia, Phlius, Troezen. (Pausan. ii. 13. § 1, v. 4. § 1; Thirlwall, *Hist. of Greece*, vol. i. p. 342.) So the Cretans, who invaded Miletus, mingled with the ancient Carians, and the Ionians with the Cretans and Carians of Colophon. (Pausan. vii. 2. § 5, vii. 3. § 1.) In Megara, the ruling class, after a lapse of some time, amalgamated with the lower. (Thirlwall, vol. i. p. 430.) In other places the περίοικοι were more degraded. Thus, in Sicyon they were compelled to wear sheep-skins, and called *κατωνακυφόρος* (Athenaeus vi. 271); in Epidaurus they were styled *κονίποδες*, *dusty-footed*, a name which denoted their agricultural occupation, but was meant as a mark of contempt. (Müller, *Dor.* iii. 4. § 2.) But in general they formed a sort of middle order between the ruling people and the serf or slave. Thus, in Argos, there was a class of persons called *Gymnesii* or *Gymnetes*, corresponding to the Helots. [GYMNESII.] So in Thessaly, in the districts not immediately occupied by the Thessalian invaders, there dwelt a population of ancient Aeolians, who were not serfs, like the Penestae [PENESTAE], but only tributary subjects, who retained their personal liberty, though not admitted to the rank of citizens. (Thirlwall, vol. i. p. 438; Schömann, *Id.* p. 401.) So also in Crete, there were the Dorian freemen, the περίοικοι, or old inhabitants, similar to the Lacedaemonians, and the slaves. [COSMI.] We may observe that the term περίοικοι is sometimes used in rather a different sense; as when Xenophon gives that name to the Thespians, who were not subjects of the Thebans, as the Achaeans were of the Spartans. (*Hell.* v. 4. § 46.) In some of the maritime states the condition of the subject classes was somewhat different; they were suffered to reside more in the town; as in Corinth, where they were artizans, at Tarentum, where they were fishermen. (Wachsmuth, vol. i. pt. i. p. 162; Schömann, *Id.* pp. 80, 107.)

The ruling people, thus remaining distinct from the rest, were themselves divided into tribes and other sections. Of the Dorian race there were originally three tribes, traces of which are found in all the countries which they colonized. Hence they are called by Homer Δωριέες τριχάϊκες. (*Od.* xix. 177,) These tribes were the Ὑλλεῖς, Πάμφυλοι, and Δυμανάται or Δυμᾶνες. The first derived their name from Hyllus, son of Hercules, the two last from Pamphylus and Dymas, who are said to have fallen in the last expedition when the Dorians took possession of the Peloponnesus. The Hyllean tribe was perhaps the one of highest dignity; but at Sparta there does not appear to have been much distinction, for all the freemen there were by the constitution of Lycurgus on a footing of equality. To these three tribes others were added in different places, either when the Dorians were joined by other foreign allies, or when some of the old inhabitants were admitted to the rank of citizenship or equal privileges. Thus the Cadmean Aegeids are said by Herodotus to have been a great tribe at Sparta, descended (as he says) from Aegeus, grandson of Theras (Herod. iv. 149), though others have thought they were incorporated with the three Doric tribes. (Thirlwall, vol. i. pp. 257, 268, 314.) At Argos, Aegina, and Epidaurus there was an Hyrnethian tribe besides the three Doric. (Müller, *Aegin.* p. 140.) In Sicyon Cleisthenes having changed the names of the Doric tribes, to degrade and insult their members, and given to a fourth tribe, to which he himself belonged, the name of Archelai, sixty years after his death the Doric names were restored, and a fourth tribe added, called Αἰγιαλέες, from Aegialeus, son of the Argive hero Adrastus. (Herod. v. 68.) Eight tribes are mentioned in Corinth (Suidas, *s. v.* Πάντα ὀκτω), four in Tegea. (Pausan. viii. 53. § 6.) In Elis there were twelve tribes, that were afterwards reduced to eight by a war with the Arcadians (Paus. v. 9. § 6), from which they appear to have been geographical divisions. (Wachsmuth, vol. ii. pt. i. p. 17.) Sometimes we find mention of only one of the Doric tribes, as of the Hylleans in Cydonia (Hesych. *s. v.* Ὑλλεῖς), the Dymanes in Halicarnassus; which probably arose from colonies having been founded by the members of one tribe only. (Wachsmuth, vol. ii. pt. i. p. 15.)

Of all the Dorian people the Spartans kept themselves the longest unmixed with foreign blood. So jealous were they to maintain their exclusive privileges, that they had only admitted two men into their body before the time of Herodotus. (Herod. ix. 33, 35.) Afterwards their numbers were occasionally recruited by the admission of Laconians, Helots, and foreigners; but this was done very sparingly, until the time of Agis and Cleomenes, who created large numbers of citizens. But we cannot further pursue this subject. (Schömann, *Id.* p. 114.)

The subdivision of tribes into φρατρίαι or πάτραι, γένη, τρίττυες, &c. appears to have prevailed in various places. (Wachsmuth, vol. ii. pt. i. p. 18.) A Sparta each tribe contained ten ὠβαί, a word, like κῶμαι, denoting a local division or district; each *obe* contained ten τριακάδες, communities containing thirty families. But very little appears to be known of these divisions, how far they were local, or how far genealogical. After the time of Cleomenes the old system of tribes was changed; new ones were created corresponding to the different quarters of the town, and seem to have been five in number. (Schömann, *Ant. Jur. Pub.* p. 115; Müller, *Dor.* iii. 5.)

The four Ionian tribes, Teleontes or Geleontes, Hopletes, Argadenses, Aegicorenses, who are spoken of below in reference to Attica, were found also in Cyzicum. In Samos a φυλὴ Αἰσχριωνίη is mentioned by Herodotus (iii. 26), which was probably a Carian race that mingled with the Ionians. In Ephesus five tribes are mentioned, of different races. With respect to these the reader is referred to Wachsmuth, vol. ii. pt. i. p. 16.

The first Attic tribes that we read of are said to have existed in the reign, or soon after the reign, of Cecrops, and were called *Cecropis* (Κεκροπὶς), *Autochthon* (Αὐτόχθων), *Actaea* (Ἀκταία), and *Paralia* (Παραλία). In the reign of a subsequent king, Cranaus, these names were changed to *Cranais* (Κραναῒς), *Atthis* (Ἀτθὶς), *Mesogaea* (Μεσόγαια), and *Diacris* (Διακρὶς). Afterwards we find a new set of names; *Dias* (Διάς), *Athenais* (Ἀθηναῒς), *Posidonias* (Ποσειδωνιάς), and *Hephaestias* (Ἡφαιστιάς); evidently derived from the deities who were worshipped in the country. (Compare Pollux, viii. 109.) Some of those secondly mentioned, if not all of them, seem to have been geographical divisions; and it is not improbable that, if not independent communities, they were at least connected by a very weak bond of union. But all these tribes were superseded by four others, which were probably founded soon after the Ionic settlement in Attica, and seem (as before observed) to have been adopted by other Ionic colonies out of Greece. The names *Geleontes* (Γελέοντες), *Hopletes* (Ὅπλητες), *Argades* (Ἀργάδεις), *Aegicores* (Αἰγικορεῖς), are said by Herodotus (v. 66) to have been derived from the sons of Ion, son of Xuthus. (Compare Eurip. *Ion*, 1596, &c.; Pollux, *l. c.*) Upon this, however, many doubts have been thrown by modern writers, who have suggested various theories of their own, more or less ingenious, to which reference will be found in the books cited below. It is impossible within our limits to discuss the question at any length. The etymology of the three last names would seem to suggest, that the tribes were so called from the occupations which their respective members followed; the Hopletes being the armed men, or warriors; the Argades, labourers or husbandmen; the Aegicores, goatherds or shepherds. It is difficult, however, to discover in the first name any such meaning, unless Τελέοντες, and not Γελέοντες, be the true reading, in which case it has been supposed that this tribe might be a sacerdotal order, from τελεῖν, used in its religious sense; or a peasantry who paid rent to the lords of the soil, from τελεῖν, in the sense of *to pay*. Against the former of these interpretations it may be objected, that no trace of a priestly order is to be found in later times of Attic history; and against the latter, that the Argades and the Teleontes would denote a similar class of people, unless we resort to another interpretation of the word Argades, viz. *artisans*, who would hardly constitute a distinct tribe in so early a period of society. It may be observed, however, that Argades and Aegicores may be taken to signify a local distribution of inhabitants, the former being the tillers of the ground, dwelling in the plain, the latter mountaineers; and this agrees very well, not only with the known character of the country of Attica, but also with the division above mentioned as having existed in the reign of Cranaus, viz. Mesogaea and Diacris. There is no more difficulty in the one case than in the other, in supposing that some of the tribes were denominated from their localities or occupations, while others owed their names to other circumstances. Argades and Aegicores might be the old inhabitants, according to their previous division; while the other two tribes might be the Ionic settlers, Hopletes the most warlike portion of them, Geleontes the great body, so called from a son of Ion. Or the last might, as Schömann thinks, be the ancient nobility, as distinguished from the Ionic settlers. Whatever be the truth with respect to the origin of these tribes, one thing is more certain, that, before the time of Theseus, whom historians agree in representing as the great founder of the Attic commonwealth, the various people who inhabited the country continued to be disunited and split into factions.

Theseus in some measure changed the relations of the tribes to each other, by introducing a gradation of ranks in each; dividing the people into Εὐπατρίδαι, Γεωμόροι, and Δημιουργοί, of whom the first were nobles, the second agriculturists or yeomen, the third labourers and mechanics. At the same time, in order to consolidate the national unity, he enlarged the city of Athens, with which he incorporated several smaller towns, made it the seat of government, encouraged the nobles to reside there, and surrendered a part of the royal prerogative in their favour. The Tribes or Phylae were divided, either in the age of Theseus or soon after, each into three φρατρίαι (a term equivalent to fraternities, and analogous in its political relation to the Roman *Curiae*), and each φρατρία into thirty γένη (equivalent to the Roman *Gentes*), the members of a γένος being called γεννῆται or ὁμογαλάκτες. Each γένος was distinguished by a particular name of a patronymic form, which was derived from some hero or mythic ancestor. We learn from Pollux (viii. 111) that these divisions, though the names seem to import family connection, were in fact artificial; which shows that some advance had now been made towards the establishment of a closer political union. The members of the φρατρίαι and γένη had their respective religious rites and festivals, which were preserved long after these communities had lost their political importance, and perhaps prevented them from being altogether dissolved. (Compare Niebuhr, *Hist. of Rome*, vol. i. p. 311, &c.)

The relation between the four Ionic tribes and the three classes, into which Theseus divided the nation, is a difficult and perplexing question. It would appear from the statements of ancient writers on the subject that *each* of the four tribes was divided into Eupatridae, Geomori, and Demiurgi; which is confirmed by the fact that the four φυλοβασιλεῖς, who were the assessors of the sovereign, were all taken from the Eupatridae, but at the same time one from each tribe. [Phylobasileis.] This, as Thirlwall (*Hist. of Greece*, vol. ii. p. 10) has remarked, can only be conceived possible on the supposition, that the distinctions which originally separated the tribes had become merely nominal; but Malden (*Hist. of Rome*, p. 140), who rejects the notion that the four Ionic tribes were castes deriving their name from their employment, supposes that the Tribes or Phylae consisted of the Eupatridae alone, and that the latter were divided into four Phylae like the patricians at Rome into three. The Geomori and Demiurgi had therefore, according to his supposition, nothing to do with the tribes. This view of the subject would remove many difficulties and is most in accordance with the subsequent history and political analogies in other states, but seems hardly supported by sufficient evidence to warrant us in receiving it.

After the age of Theseus, the monarchy having been first limited and afterwards abolished, the whole power of the state fell into the hands of the *Eupatridae* or nobles, who held all civil offices, and had besides the management of religious affairs, and the interpretation of the laws. Attica became agitated by feuds, and we find the people, shortly before the legislation of Solon, divided into three parties, Πεδιαῖοι or lowlanders, Διάκριοι or highlanders, and Πάραλοι or people of the sea coast. The two first remind us of the ancient division of tribes, Mesogaea and Diacris; and the three parties appear in some measure to represent the classes established by Theseus: the first being the nobles, whose property lay in the champaign and most fertile part of the country; the second, the smaller landowners and shepherds; the third, the trading and mining class, who had by this time risen in wealth and importance. To appease their discords, Solon was applied to; and thereupon framed his celebrated constitution and code of laws. Here we have only to notice, that he retained the four tribes as he found them, but abolished the existing distinctions of *rank*, or at all events greatly diminished their importance, by introducing his property qualification, or division of the people into Πεντακοσιομέδιμνοι, Ἱππεῖς, Ζευγῖται, and Θῆτες. The enactments of Solon continued to be the *law* at Athens, though in great measure suspended by the tyranny, until the democratic reform effected by Cleisthenes. He abolished the old tribes, and created ten new ones, according to a geographical division of Attica, and named them after ten of the ancient heroes: *Erechtheis*, *Aegeis*, *Pandionis*, *Leontis*, *Acamantis*, *Oeneis*, *Cecropis*, *Hippothoontis*, *Aeantis*, *Antiochis*. These tribes were divided each into ten δῆμοι, the number of which was afterwards increased by subdivision; but the arrangement was so made, that several δῆμοι not contiguous or near to one another were joined to make up a tribe. [Demus.] The object of this arrangement was, that by the breaking of old associations a perfect and lasting revolution might be effected, in the habits and feelings, as well as the political organization of the people. He allowed the ancient φρατρίαι to exist, but they were deprived of all political importance. All foreigners admitted to the citizenship were registered in a Phyle and Demus, but not in a Phratria or Genos; whence Aristophanes (*Ranae*, 419, *Aves*, 765) says, as a taunting mode of designating new citizens, that they have no phrators, or only barbarous ones (quoted by Niebuhr, vol. i. p. 312). The functions which had been discharged by the old tribes were now mostly transferred to the δῆμοι. Among others, we may notice that of the forty-eight ναυκραρίαι into which the old tribes had been divided for the purpose of taxation, but which now became useless, the taxes being collected on a different system. The reforms of Cleisthenes were destined to be permanent. They continued to be in force (with some few interruptions) until the downfal of Athenian independence. The ten tribes were blended with the whole machinery of the constitution. Of the Senate of five hundred, fifty were chosen from each tribe. The allotment of δικασταί was according to tribes; and the same system of election may be observed in most of the principal offices of state, judicial and magisterial, civil and military; as that of the διαιτηταί, λογισταί, πωληταί, ταμίαι, τειχοποιοί, φύλαρχοι, στρατηγοί, &c. In B. C. 307 Demetrius Poliorcetes increased the number of tribes to twelve by creating two new ones, namely *Antigonias* and *Demetrias*, which afterwards received the names of *Ptolemais* and *Attalis*; and a thirteenth was subsequently added by Hadrian, bearing his own name. (Plut. *Demetr.* 10; Paus. i. 5. § 5; Pollux, viii. 110.)

The preceding account is only intended as a brief sketch of the subject, since it is treated of under several other articles, which should be read in connection with this. [Civitas (Greek); Demus; Phylarchi; Phylobasileis, &c.]

(See Wachsmuth, vol. i. pt. i. pp. 224—240; Hermann, *Lehrbuch d. Griech. Staats.* §§ 24, 93, 94, 111, 175, 176; Schömann, *Ant. jur. pub.* pp. 165, 178, 200, 395; Thirlwall, vol. ii. pp. 1—14, 32, 73.) [C. R. K.]

2. Roman. The three ancient Romulian tribes, the Ramnes, Tities, and Luceres, or the Ramnenses, Titienses, and Lucerenses, to which the patricians alone belonged, must be distinguished from the thirty plebeian tribes of Servius Tullius, which were entirely local, four for the city, and twenty-six for the country around Rome. The history and organization of the three ancient tribes is spoken of under Patricii. They continued of political importance almost down to the time of the decemviral legislation; but after this time they no longer occur in the history of Rome, except as an obsolete institution.

The institution and organization of the thirty plebeian tribes, and their subsequent reduction to twenty by the conquests of Porsenna, are spoken of under PLEBES. The four city tribes were called by the same name as the regions which they occupied, viz. *Suburana*, *Esquilina*, *Collina*, and *Palatina*. (Varro, *De Ling. Lat.* v. 56. ; Festus, *s. v. Urbanas tribus.*) The names of the sixteen country tribes which continued to belong to Rome after the conquest of Porsenna, are in their alphabetical order as follow: *Aemilia*, *Camilia*, *Cornelia*, *Fabia*, *Galeria*, *Horatia*, *Lemonia*, *Menenia*, *Papiria*, *Pollia* (which Niebuhr, i. n. 977, thinks to be the same as the Poblilia, which was instituted at a later time), *Papiria*, *Pupinia*, *Romilia*, *Sergia*, *Veturia*, and *Voltinia*. (Compare Göttling, *Gesch. d. Röm. Staatsv.* p. 238.) As Rome gradually acquired possession of more of the surrounding territory, the number of tribes also was gradually increased. When Appius Claudius, with his numerous train of clients, emigrated to Rome, lands were assigned to them in the district where the Anio flows into the Tiber, and a new tribe, the tribus Claudia, was formed. This tribe, which Livy (ii. 16, if the reading is correct) calls *vetus Claudia tribus*, was subsequently enlarged, and was then designated by the name *Crustumina* or *Clustumina*. (Niebuhr, i. n. 1236.) This name is the first instance of a country tribe being named after a place, for the sixteen older ones all derived their names from persons or heroes who were in the same relation to them, as the Attic heroes called ἐπώνυμοι were to the Attic phylae. In B. C. 387, the number of tribes was increased to twenty-five by the addition of four new ones, viz. the *Stellatina*, *Tromentina*, *Sabatina*, and *Arniensis*. (Liv. vi. 5 ; Niebuhr, ii. p. 575.) In 358 B. C. two more, the *Pomptina* and *Publilia*, were formed of Volscians. (Liv. vii. 15.) In B. C. 332, the Censors Q. Publilius Philo and Sp. Postumius increased the number of tribes to twenty-nine, by the addition of the *Maecia* and *Scaptia*. (Liv. viii. 17.) In B. C. 318 the *Ufentina* and *Falerina* were added. (Liv. ix. 20.) In B. C. 299 two others, the *Aniensis* and *Terentina* were added by the censors (Liv. x. 9), and at last, in B. C. 241, the number of tribes was augmented to thirty-five, by the addition of the *Quirina* and *Velina*. This number was never afterwards increased, as none of the conquered nations were after this incorporated with the sovereign Roman state. (Liv. *Epit.* 19, i. 43.) When the tribes, in their assemblies, transacted any business, a certain order (*ordo tribuum*) was observed, in which they were called upon to give their votes. The first in the order of succession was the Suburana, and the last the Arniensis. (Cic. *de Leg. Agr.* ii. 29.) Any person belonging to a tribe had in important documents to add to his own name that of his tribe, in the ablative case. (NOMEN, p. 802, b. Compare Becker, *Handb. der Röm. Alterth.* vol. ii. pt. i. p. 164, &c.)

Whether the local tribes, as they were established by the constitution of Servius Tullius, contained only the plebeians, or included the patricians also, is a point on which the opinions of modern scholars are divided. Niebuhr, Walter, and others, think that the patricians were excluded, as they had already a regular organization of their own; Wachsmuth, Gerlach, Rein, Becker, and others, on the contrary, maintain that the patricians also were incorporated in the Servian tribes ; but they allow, at the same time, that by far the majority of the people in the assemblies of the tribes were plebeians, and that hence the character of these assemblies was essentially plebeian ; especially as the patricians, being so few in numbers, and each of them having no more influence in them than a plebeian, seldom attended the meetings of the tribes. The passages, however, which are quoted in support of this opinion, are partly insufficient to prove the point (as Liv. ii. 56, 60 ; Dionys. ix. 41), and partly belong to a later period, when it certainly cannot be doubted that the patricians belonged to the tribes. We must therefore suppose, with Niebuhr, that down to the decemviral legislation the tribes and their assemblies were entirely plebeian.

The assemblies of the tribes (*comitia tributa*), as long as they were confined to the plebeians, can scarcely have had any influence upon the affairs of the state : all they had to do was to raise the tributum, to hold the levies for the armies, and to manage their own local and religious affairs. [TRIBUNUS; PLEBES.] (Fest. *s. vv. Jugarius*, *Publica sacra*, *Sobrium* ; Varro, *de Ling. Lat.* vi. 24 ; Cic. *pro Dom.* 28 ; Macrob. *Sat.* i. 4. 16.) Their meetings were held in the forum, and their sphere of action was not extended by the establishment of the republic. The first great point they gained was through the lex Valeria, passed by Valerius Publicola. [LEGES VALERIAE.] But the time from which the increase of the power of the comitia of the tribes must be dated, is that in which the tribuni plebis were instituted (494 B. C.). During the time of the decemviral legislation the comitia were for a short time deprived of their influence, but we have every reason to believe that immediately after, probably by this legislation itself, the comitia tributa, instead of a merely plebeian, became a national assembly, inasmuch as henceforth patricians and freeborn clients were incorporated in the tribes, and thus obtained the right of taking part in their assemblies. (Liv. iv. 24, v. 30, vi. 18, xxix. 37.) This new constitution of the tribes also explains the otherwise unaccountable phenomena mentioned in the article TRIBUNUS, that patricians sought the protection of the tribunes, and that on one occasion even two of the tribunes were patricians. From the latter fact it has been inferred, with great probability, that about that time attempts were made by the patricians to share the tribuneship with the plebeians. But notwithstanding the incorporation of the patricians in the tribes, the comitia tributa remained essentially plebeian, as the same causes, which would have acted, had the patricians been included in the tribes by Servius Tullius, were still in operation ; for the patricians were now even fewer in number than two centuries before. Hence the old name of plebiscitum, which means originally a resolution of the plebes only, although in a strict sense of the word no longer applicable, was still retained, as a resolution of the comitia tributa was practically a resolution of the plebes, which the patricians, even if they had voted against it unanimously, could not have prevented. Moreover, owing to this, the patricians probably attended the comitia tributa very seldom. For a more detailed account of the comitia tributa, see COMITIA TRIBUTA. [L. S.]

TRIBU'TA COMI'TIA [COMITIA.]

TRIBUTO'RIA A'CTIO. [SERVUS, p. 1037.]

TRIBU'TUM is a tax which, as Niebuhr (*Hist. of Rome*, i. p. 468) supposes, was at first paid only by the plebeians, since the name itself is used by the ancients in connection with the Servian tribes; for Varro (*de Ling. Lat.* v. 181) says "tributum dictum a tribubus," and Livy (i. 43) "tribus appellatae a tributo." But this seems to be only partially correct, as Livy (iv. 60) expressly states that the patres also paid the same tax. It is indeed true, that the patricians had little real landed property, and that their chief possessions belonged to the ager publicus, which was not accounted in the census as real property, and of which only the tithes had to be paid, until at a late period an alteration was attempted by the Lex Thoria. (Appian, *de Bell. Civ.* i. 27.) But there is no reason for supposing that the patricians did not pay the tributum upon their real property, although the greater part of it naturally fell upon the plebeians. (Liv. iv. 60, v. 10.) The impost itself varied according to the exigencies of the state, and was partly applied to cover the expenses of war, and partly those of the fortifications of the city. (Liv. vi. 32.) The usual amount of the tax was one for every thousand of a man's fortune (Liv. xxiv. 15, xxxix. 7, 44), though in the time of Cato it was raised to three in a thousand. The tributum was not a property tax in the strict sense of the word, for the accounts respecting the plebeian debtors clearly imply, that the debts were not deducted in the valuation of a person's property, so that he had to pay the tributum upon property which was not his own, but which he owed, and for which he had consequently to pay the interest as well. It was a direct tax upon objects without any regard to their produce, like a land or house tax, which indeed formed the main part of it. (Niebuhr, i. p. 581.) That which seems to have made it most oppressive, was its constant fluctuation. It was raised according to the regions or tribes instituted by Servius Tullius, and by the tribunes of these tribes subsequently called tribuni aerarii (Dionys. iv. 14, 15.) Dionysius, in another passage (iv. 19) states that it was imposed upon the centuries according to their census, but this seems to be a mistake, as the centuries contained a number of juniores who were yet in their fathers' power, and consequently could not pay the tributum. It was not like the other branches of the public revenue let out to farm, but being fixed in money it was raised by the tribunes, unless (as was the case after the custom of giving pay to the soldiers was introduced) the soldiers, like the equites, demanded it from the persons themselves who were bound to pay it. [AES EQUESTRE and HORDEARIUM.] When this tax was to be paid, what sum was to be raised, and what portion of every thousand asses of the census, were matters upon which the senate alone had to decide. But when it was decreed, the people might refuse to pay it when they thought it too heavy, or unfairly distributed, or hoped to gain some other advantage by the refusal. (Liv. v. 12.) In later times the senate sometimes left its regulation to the censors, who often fixed it very arbitrarily. No citizen was exempt from it, but we find that the priests, augurs, and pontiffs made attempts to get rid of it, but this was only an abuse which did not last. (Liv. xxxiii. 42.) In cases of great distress, when the tributum was not raised according to the census, but to supply the momentary wants of the republic, it was designated by the name of *Tributum Temerarium*. (Fest. *s. v. Tributorum collationem.*) After the war with Macedonia (B. C. 147), when the Roman treasury was filled with the revenues accruing from conquests and from the provinces, the Roman citizens became exempted from paying the tributum (Cic. *de Off.* ii. 22; Plin. *H. N.* xxxiii. 17), and this state of things lasted down to the consulship of Hirtius and Pansa (43 B. C.; Plut. *Aem. Paul.* 38), when the tributum was again levied on account of the exhausted state of the aerarium. (Comp. Cic. *ad Fam.* xii. 30, *Philip.* ii. 37.) After this time it was imposed according to the discretion of the emperors.

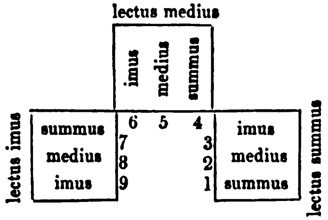
Respecting the tributum paid by conquered countries and cities, see VECTIGALIA. Comp. Hegewisch, *Versuch über die Röm. Finanzen*, Altona 1804; Bosse, *Grundzüge des Finanzwesens im Röm. Staat*, Braunschweig 1803. [L. S.]

TRICLI'NIUM, the dining-room of a Roman house, the position of which, relatively to the other parts of the house, is explained in p. 428. It was of an oblong shape, and according to Vitruvius (vi. 3. § 8) ought to be twice as long as it was broad. The same author (§ 10) describes triclinia, evidently intended to be used in summer, which were open towards the north, and had on each side a window looking into a garden. The "house of the Tragic Poet" at Pompeii, and also that of Actaeon, appear to have had summer dining-rooms opening to the viridarium. The woodcut at p. 562 shows the arrangement of the three couches (*lecti*, κλίναι), from which the triclinium derived its name. They also remain in the "House of Actaeon," being built of stone.

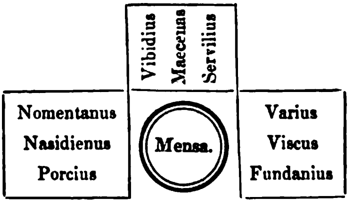
The articles LECTUS, TORUS and PULVINAR, contain accounts of the furniture used to adapt these couches for the *accubatio*, *i. e.* for the act of reclining during the meal. When so prepared for an entertainment they were called *triclinia strata* (Caes. *B. C.* iii. 92; comp. Athen. ii. pp. 47, 48), and they were made to correspond with one another in substance, in dimensions, and in shape. (Varro, *L. L.* ix. 47, ed. Müller.) As each guest leaned during a great part of the entertainment upon his left elbow, so as to leave the right arm at liberty, and as two or more lay on the same couch, the head of one man was near the breast of the man who lay behind him, and he was therefore said to lie in the bosom of the other. (Plin. *Epist.* iv. 22.) Among the Romans, the usual number of persons occupying each couch was three, so that the three couches of a triclinium afforded accommodation for a party of nine. It was the rule of Varro (Gellius xiii. 11), that the number of guests ought not to be less than that of the Graces, nor to exceed that of the Muses. Sometimes however, as many as four lay on each of the couches. (Hor. *Sat.* i. 4. 86.) Among the Greeks it was usual for only two persons to recline on each couch. [COENA, p. 305, a.]

In such works of ancient art as represent a symposium, or drinking-party, we always observe that the couches are elevated above the level of the table. This circumstance throws some light upon Plutarch's mode of solving the problem respecting the increase of room for the guests as they proceeded with their meal. (*Sympos.* v. 6.) Each man in order to feed himself lay flat upon his breast or nearly so, and stretched out his hand towards the table; but afterwards, when his hunger was satisfied, he turned upon his left side, leaning on his elbow. To this Horace alludes in describing a person sated with a particular dish, and turning in order to repose upon his elbow. (*Sat.* ii. 4. 39.)

We find the relative positions of two persons who lay next to one another, commonly expressed by the prepositions *super* or *supra* and *infra.* A passage of Livy (xxxix. 43), in which he relates the cruel conduct of the consul L. Quintius Flamininus, shows that *infra aliquem cubare* was the same as *in sinu alicujus cubare*, and consequently that each person was considered as *below* him to whose breast his own head approached. On this principle we are enabled to explain the denominations both of the three couches, and of the three places on each couch.



Supposing the annexed arrangement to represent the plan of a Triclinium, it is evident that, as each guest reclined on his left side, the countenances of all when in this position were directed, first, from No 1 towards No 3, then from No. 4 towards No. 6, and lastly, from No 7 towards No. 9; that the guest No. 1 lay, in the sense explained, *above* No. 2, No. 3 *below* No. 2, and so of the rest; and that, going in the same direction, the couch to the right hand was *above* the others, and the couch to the left hand *below* the others. Accordingly the following fragment of Sallust (*ap. Serv. in Virg. Aen.* i. 698) contains the denominations of the couches as shown on the plan: "Igitur discubuere: Sertorius (*i. e. No.* 6) inferior in medio; super eum L. Fabius Hispaniensis senator ex proscriptis (*No.* 5): in summo Antonius (*No.* 1); et infra scriba Sertorii Versius (*No.* 2): et alter scriba Maecenas (*No.* 8) in imo, medius inter Tarquinium (*No.* 7) et dominum Perpernam (*No.* 9)." On the same principle, No. 1 was the highest place (*Locus summus*) on the highest couch; No. 3 was Locus imus in lecto summo; No. 2 Locus medius in lecto summo; and so on. It will be found that in the following passage (Hor. *Sat.* ii. 8. 20—23) the guests are enumerated in the order of their accubation—an order exhibited in the annexed diagram.



Fundanius, one of the guests, who was at the top relatively to all the others, says,

> "Summus ego, et prope me Viscus Thurinus, et infra,
> Si memini, Varius: cum Servilio Balatrone
> Vibidius, quos Maecenas adduxerat umbras.
> Nomentanus erat super ipsum, Porcius infra."

It is possible that Maecenas ought to be in the place No. 4 instead of No 5, since the entertainment was given more especially in honour of him, and No. 4 was an honourable place. The host himself, Nasidienus, occupies the place No. 8, which was usually taken by the master of the feast, and was a convenient situation for giving directions and superintending the entertainment. Unless there be an exception in the instance of No. 4, it is to be observed that at each table the most honourable was the middle place. (Virg. *Aen.* i. 698.)

The general superintendence of the dining-room in a great house was intrusted to a slave called *tricliniarcha*, who, through the instrumentality of other slaves of inferior rank, took care that every thing was kept and proceeded in proper order. [J. Y.]

TRIDENS. [Fuscina.]

TRIENS. [As.]

TRIERA'RCHIA (*τριηραρχία*). This was one of the extraordinary war services or liturgies [Leiturgia] at Athens, the object of which was to provide for the equipment and maintenance of the ships of war belonging to the state. The persons who were charged with it were called Τριήραρχοι, or Trierarchs, as being the captains of Triremes, though the name was also applied to persons who bore the same charge in other vessels. It existed from very early times in connection with the forty-eight naucraries of Solon, and the fifty of Cleisthenes: each of which corporations appears to have been obliged to equip and man a vessel. (Comp. Naucraria: *Lex Rhet.* p. 283.) Under the constitution of Cleisthenes the ten tribes were at first severally charged with five vessels. This charge was of course superseded by the later forms of the Trierarchy, explained in the course of this article.

I. *The services to which the Trierarchs were liable.* What these were previously to 358 B. C. there can be no doubt; the vessel was furnished by the state, though sometimes a wealthy and patriotic individual served in his own ship. Cleinias, for instance, did so at Artemisium (Herod. viii. 17), but as it is particularly recorded that this ship was his own, we may infer, that he supplied at his own cost what the state was bound to provide. The same custom prevailed during the Peloponnesian war also. The 100 ships prepared and reserved at the beginning of the war, for any critical emergency, were supplied by the state. (Thucyd. ii. 24.) In the expedition against Sicily (*Id.* vi. 31) the state furnished the hull of the vessel (*ναῦν κενόν*), and the pay of the crews, a drachma per day for each man: but the equipment of the ships was at the cost of the Trierarchs, who also gave *ἐπιφοραί* (Pollux, iii. 94), or additional pay to secure the best men. The same conclusions are also deducible from the credit which a Trierarch takes to himself for saving his vessel, when the city lost her ships at Aegospotami (Isocr. *c. Callim.* 382): and from the further statement that he paid the sailors out of his own pocket. From the threat of Cleon (Aristoph. *Equit.* 916) that he would (as *Στρατηγός*) make an adversary a Trierarch, and give him an old ship with a rotten mast (*ἱστίον σαπρόν*), it appears that the state furnished the hull and mast also, but that the Trierarch was bound to keep and return them in good repair: an obligation expressed in the inscriptions quoted by Böckh (*Urkunden über das Seewesen des Attischen Staates*, p. 197), by the phrase, δεῖ τὴν ναῦν δόκιμον καὶ ἐντελῆ παραδοῦναι. Consequently the statement in the oration against Midias (p. 564. 22) that when Demosthenes was quite young (B. C. 364) the Trierarchs paid all the expenses themselves (τὰ ἀναλώματα ἐκ τῶν ἰδίων) only implies that they defrayed the expenses which were customary at that time, and which were afterwards diminished by the regulation of the symmoriae; but not that they supplied the ship, or pay and provisions for the crew. The whole expenditure, says Böckh, means nothing more than the equipment of the vessel, the keeping it in repair, and the procuring the crew which was attended with much trouble and expense, as the Trierarchs were sometimes obliged te give bounties in order to induce persons to serve, foreign sailors not being admissible. From the oration of Demosthenes against Polycles (B. C. 361), we learn the following particulars about the Trierarchy of that time. The Trierarchs were obliged to launch their ship; the sailors were supplied from particular parishes (δῆμοι), through the agency of the demarchi; but those supplied to Apollodorus the client of Demosthenes were but few and inefficient, consequently he mortgaged his estate (ὑποθεῖναι τὴν οὐσίαν), and hired the best men he could get, giving great bounties and premiums (προδόσεις). He also equipped the vessel with his own tackle and furniture, taking nothing from the public stores (ἐκ τῶν δημοσίων οὐδὲν ἔλαβον. Compare the Speech on the Crown of the Trierarchy, p. 1229). Moreover in consequence of his sailors deserting when he was out at sea, he was put to additional and heavy expenses in hiring men at different ports. The provision money for the sailors (σιτηρέσιον) was provided by the state, and paid by the strategi, and so generally speaking was the pay for the marines (ἐπιβάται): but Demosthenes' client only received it for two months, and as he served for five months more than his time, (from the delay of his successor elect,) he was obliged to advance it himself for fifteen months, with but an uncertain prospect of repayment. Other circumstances are mentioned which made his Trierarchy very expensive, and the whole speech is worth reading, as showing the unfairness and hardship to which a rich man was sometimes subjected as a Trierarch. The observation that he took no furniture from the public stores, proves that at that time (B. C. 361), the triremes were fitted out and equipped from the public stores, and consequently by the state; but as we learn from other passages in Demosthenes, and the inscriptions in Böckh (*Urkunden*, No. iii.), the Trierarchs were obliged to return in good condition any articles which they took; in default of doing so they were considered debtors to the state.

That the ship's furniture was either wholly or in part supplied by the state, also appears from another speech (*c. Euerg. et Mnesib.* 1146): but Trierarchs did not always avail themselves of their privilege in this respect, that they might have no trouble in settling with the state. It is evident then, that at the time referred to (about B. C. 360), the only expenses binding upon the Trierarchs were those of keeping in repair the ship and the ship's furniture; but even these might be very considerable, especially if the ship were old, or exposed to hard service and rough weather. Moreover, some Trierarchs, whether from ambitious or patriotic motives, put themselves to unnecessary expense in fitting out and rigging their ships, from which the state derived an advantage. Sometimes, on the other hand, the state suffered, by the Trierarchs performing their duties at the least possible expense, or letting out their Trierarchy (μισθῶσαι τὴν λειτουργίαν) to the contractor who offered the lowest tender. (Dem. *de Coron. Trierar.* 1230.) One consequence of this was, that the duties were inadequately performed; but there was a greater evil connected with it, namely, that the contractors repaid themselves by privateering on their own account, which led to reprisals and letters of marque being granted against the state. (SYLAE: Dem. *Id.* 1231.) It seems strange that the Athenians tolerated this, especially as they were sometimes inconsistent enough to punish the Trierarchs who had let out their Trierarchy, considering it as a desertion of post (λειποτάξιον, *Id.* 1230).

We may here observe, that the expression in Isaeus (*de Apoll. Hered.* 67), that a Trierarch "had his ship made himself" (τὴν ναῦν ποιησάμενον), does not mean that he was at the cost of building it (ναυπηγησάμενος), but only of fitting it up and getting it ready for sea. That the ships always belonged to the state, is further evident from the fact that the senate was intrusted with the inspection of the ship-building (Dem. *c. Androt.* 599. 13); and is placed beyond all doubt by the "Athenian Navy List" of the inscriptions in Böckh. (*Urkunden*, &c.) Some of the ships there mentioned are called ἀνεπικλήρωτοι, whence it appears that the public vessels were assigned by lot to the respective Trierarchs. A τριήρης ἐπιδόσιμος was a ship presented to the state as a free gift, just as τριήρη ἐπιδοῦναι means to present the state with a trireme (Dem. *c. Mid.* 566, 568). The duration of a Trierarchy was a year, and if any Trierarch served longer than his legal time, he could charge the extra expenses (τὸ ἐπιτριηράρχημα) to his successor. To recover these expenses an action (ἐπιτριηραρχήματος δίκη) might be brought against the successor, of which we have an example in the speech of Apollodorus against Polycles, composed by Demosthenes for the former.

II. *On the expenses of the Trierarchy.* These would of course depend upon circumstances; but except in extraordinary cases, they were not more than 60, nor less than 40 minae: the average was about 50. Thus about the year B. C. 360, a whole Trierarchy was let out for 40 minae; in later times the general amount of a contract was 60. (Dem. *c. Mid.* 539, 564. 20, *de Coron.* 260, 262.)

III. *On the different forms of the Trierarchy.* In ancient times one person bore the whole charge, afterwards it was customary for two persons to share it, who were then called Syntrierarchs (συντριήραρχοι). When this practice was first introduced is not known, but Böckh conjectures that it was about the year 412 B. C., after the defeat of the Athenians in Sicily, when the union of two persons for the Choregia was first permitted. The most ancient account of a syntrierarchy is later than 410 (Lys. *c. Diogit.* 907, 909), and we meet with one so late as B. C. 358, the year of the Athenian expedition into Euboea. (Dem. *c. Mid.* 566. 24.) The syntrierarchy to which we allude was indeed a voluntary service (ἐπίδοσις), but there can be little doubt that it was suggested by the ordinary practice of that time; and even under the next form of the service, two Trierarchs were sometimes employed for the *immediate* direction of the Trierarchy. The syntrierarchy, however, did not entirely supersede the older and single form, being only meant as a relief in case of emergency, when there was not a sufficient number of wealthy citizens to bear the expense singly. Numerous instances in fact occur of single Trierarchies, between 410 and 358 B. C., and in two passages of Isaeus (*de Dicaeog. Her.* 54, *de Apoll.* 67), referring to this period, the single and double Trierarchy are mentioned as cotemporaneous. Apollodorus also was sole Trierarch (Dem. *c. Polycl.*) so late as B. C. 361. In the case of a syntrierarchy the two Trierarchs commanded their vessel in turn, six months each (Id. 1219), according as they agreed between themselves.

The third form of the Trierarchy was connected with, or suggested by, the syntrierarchy. In B. C. 358, the Athenians were unable to procure a sufficient number of legally appointed Trierarchs, and accordingly they summoned the volunteers. This, however, was but a temporary expedient; and as the actual system was not adequate to the public wants, they determined to manage the Trierarchy somewhat in the same way as the property taxes [EISPHORA], namely, by classes or symmoriae, according to the law of Periander passed, as Böckh shows, in the year 358, and which was the primary and original enactment on the subject. With this view 1200 *συντελεῖς*, or partners (Dem. *c. Mid.* 564) were appointed, who were probably the wealthiest individuals of the state, according to the census or valuation. These were divided into 20 *συμμορίαι*, or classes; out of which a number of persons (*σώματα*) joined for the equipment or rather the maintenance and management of a ship, under the title of a *συντέλεια* (Harpocr. *s. v.*) or union. Sometimes, perhaps, by special enactment, when a great number of ships was required, a synteleia of this kind consisted of four or five wealthy individuals, who bore jointly the expenses of one trireme (Harpocr. *s. v.* *Συμμορία*); but generally to every ship there was assigned a synteleia of fifteen persons of different degrees of wealth, as we may suppose, so that four only were provided for by each symmoria of sixty persons.

These synteleiae of fifteen persons each seem to have been also called symmoriae by Hyperides. (Harpocr. *s. v.*; compare Dem. *de Symmor.* 183.) It appears, however, that before Demosthenes carried a new law on this subject (B. C. 340), it had been customary for *sixteen* persons to unite in a synteleia or company for a ship (Dem. *pro Cor.* 261), who bore the burden in equal shares. This being the case it follows, either that the members of the symmoriae had been by that time raised from 1200 to 1280, or that some alterations had taken place in their internal arrangements, of which no account has come down to us. (Böckh, *Urkunden*, &c. p. 181.) From the phrase *ἐκ τῶν ἐν τοῖς λόχοις συντελειῶν*, used in the *κατάλογος* (*de Cor.* 261), it would also seem that the word *λόχοι* was used of civil as well as military divisions, and, in this instance, of the symmoriae. The superintendence of the whole system was in the hands of the 300 wealthiest members, who were therefore called the "leaders of the symmoriae" (*ἡγεμόνες τῶν συμμοριῶν*), on whom the burdens of the trierarchy chiefly fell, or rather ought to have fallen. (Dem. *pro Cor.* 329, *c. Euerg. et Mnesib.* 1145.) The services performed by individuals under this system appear to have been the same as before: the state still provided the ship's tackle (*i. e.* the *ὀθόνια καὶ στύππια καὶ σχοινία*, and other things), and some stringent enactments were made to compel the Trierarchs to deliver it up according to the inventory taken of it (*τὸ διάγραμμα τῶν σκευῶν*), either at Athens or to their successors sent out by the symmoriae. This conclusion, that the vessel was equipped by the state, is confirmed by Demosthenes (*de Symmor.* 183. 17), and in the oration against Midias (*l. c.*) he says, referring to the system of the symmoriae, that the state provided the crews, and the furniture. The only duty then of the Trierarchs under this system was to keep their vessels in the same repair and order as they received them. But even from this they managed to escape: for the wealthiest members, who had to serve for their synteleia, let out their Trierarchies for a talent, and received that amount from their partners (*συντελεῖς*), so that in reality they paid next to nothing, or, at any rate, not what they ought to have done, considering that the Trierarchy was a ground of exemption from other liturgies. It does not appear from the orators how the different synteleiae appointed the Trierarchs who were to take charge of their vessels; but it was probably left to themselves without being regulated by any legal enactment. The evils and irregularities of the symmoriae are thus (rhetorically perhaps) described by Demosthenes: "I saw your navy going to ruin, and the rich escaping with little cost, and persons of moderate income losing their property, and the city losing the opportunities of action, and the triremes not being equipped in sufficient time to meet an emergency, and therefore I proposed a law, &c." The changes he meant to effect by it are related in his oration concerning the symmoriae (B. C. 354), and are as follow: he proposed to add 800 to the 1200 *συντελεῖς*, making the whole 2000, so that, subtracting all those who could claim exemption as minors, orphans, &c., there might always remain 1200 persons (*σώματα*) to serve. These were to be divided into 20 symmoriae of 60 each, as under the old system: each of these was to be subdivided into five divisions of 12 persons each, one-half rich and the other poor (*ἀντανaπληρῶν*), so as to form altogether 100 smaller symmoriae. The number of triremes, according to this scheme, was to be 300, classed in 20 divisions of 15 ships: each of these divisions was to be assigned to one of the 20 larger symmoriae, so that each of the smaller would receive 3; and in case of 300 ships being required, four Trierarchs would be appointed to each. Moreover, each of the greater symmoriae was to receive the same amount of the public stores for equipment, in order that they might apportion it to the smaller classes. With a view to levying the crews, and for other purposes, the generals were to divide the dockyards into ten parts for 30 ships' stations (*νεώσοικοι*) adjacent to each other; and to assign each of these parts to a tribe, or two large symmoriae of 30 ships. These ten parts were to be subdivided into thirds, each of which was to be assigned to a third part (*τριττύς*) of the tribe to whom the whole was allotted, so that each third would receive ten ships. Whether this scheme was put into practice does not appear, but it seems that it was not, for the mismanagement of the Trierarchy appears to have continued till Demosthenes carried his law about the "Trierarchy according to the Valuation." One of the chief evils connected with it was, that the triremes were never equipped in time; and as Demosthenes (*Phil.* 50) complains of this, in B. C. 352, we may conclude that his proposal fell to the ground. But these evils were too serious to remain without a remedy; and therefore when the orator was the *ἐπιστάτης τοῦ ναυτικοῦ* or the superintendent of the Athenian navy, he brought forward and carried a law for altering and improving the system of the symmoriae and companies, the members of which no longer called themselves Trierarchs, but partners (*συντελεῖς*) (Id. *de Cor.* 260), thereby introducing the "*Fourth form* of the Trierarchy." The provisions of the law were as follow. The naval services required from every citizen were to depend upon and be proportional to his property, or rather to his taxable capital (*τίμημα*, see EISPHORA), as registered for the symmoriae of the property taxes, the rate being one trireme for every ten talents of taxable capital, up to three triremes and one auxiliary vessel (*ὑπηρέσιον*) for the largest properties; *i. e.* no person, however rich, could be required to furnish more. Those who had not ten talents in taxable capital were to club together in synteleiae till they had made up that amount; and if the valuation of the year of Nausinicus (B. C. 379) was still in force, the taxable capital (for the highest class) was one-fifth of the whole. By this law great changes were effected. All persons paying taxes were rated in proportion to their property, so that the poor were benefitted by it, and the state likewise: for, as Demosthenes (*de Cor.* 261) says, those who had formerly contributed one-sixteenth to the Trierarchy of one ship were now Trierarchs of two, in which case they must either have served by proxy, or done duty in successive years. He adds that the consequences were highly beneficial. During the whole war, carried on after the law was in force, no Trierarch implored the aid of the people (*ἱκετηρίαν ἔθηκε*), or took refuge in a temple, or was put into prison by the persons whose duty it was to dispatch the fleet (*οἱ ἀποστολεῖς*), nor was any trireme lost at sea, or lying idle in the docks for want of stores and tackle, as under the old system, when the service (*τὸ λειτουργεῖν*) fell on the poor. The duties and services to which the Trierarchs were subject under the new law were probably the same as under the third form of the Trierarchy, the symmoriae.

On the relation which, in this system, the cost of a Trierarchy bore to the property of a Trierarch Böckh makes the following remarks, which may be verified by a reference to EISPHORA. "If we reckon that, as formerly, it cost about a talent, the total expense of the Trierarchs, for 100, 200, or 300 triremes amounted to an equal number of talents, or a sixtieth, a thirtieth, and a twentieth of the valuation of Attica: *i. e.* for the first class one-third, two-thirds, and one per cent. of their property: for the poorer a proportionally less amount: and of the annual incomes, taken as a tenth part of the property, 3⅓, 6⅔, and 10 per cent. for the most wealthy. But we may reckon that Athens at that time had not more than 100 or 200 triremes at sea, very seldom 300; so that this war-tax did not for the richest class amount on an average to more than one-third, and two-thirds per cent. of their property."

This arrangement of Demosthenes was calculated for 300 triremes, for which number 300 persons serving in person would be necessary; so that the chief burden must have fallen upon the leaders of the former symmoriae. The year of passing this law Böckh fixes at B. C. 340 or 339. How long it remained in force is uncertain. In the speech for the crown (B. C. 330), where much is said on the subject of the Trierarchy, it is neither mentioned that the law was in existence, nor that it was repealed; but Demosthenes (p. 329) says that Aeschines had been bribed by the leaders of the symmoriae to nullify it.

It appears then that the Trierarchy, though the most expensive of the liturgies, was not of necessity oppressive, if fairly and economically managed, though this, as has been before observed, was not always the case. (Demosth. *c. Polyc.*)

With respect to the amount of property which rendered a man liable to serve a Trierarchy or syntrierarchy, Böckh observes, "I am aware of no instance of liability arising from a property of less value than 500 minae, and as an estate of one or two talents never obliged the possessor to the performance of any liturgy (Dem. *c. Aphob.* p. 833), the assertion of Isaeus (*de Dicaeog. Hered.* p. 54) that many had served the office of Trierarch whose property was not more than 80 minae, obliges us (if true) to suppose that public-spirited individuals were sometimes found to contribute to a Trierarchy (rather perhaps to a syntrierarchy) out of a very small property."

The disadvantages which in later times resulted from the Trierarchs not being ready for sea by the time for sailing, were in early times prevented by their appointments being made beforehand; as was the case with the Trierarchs appointed to the 100 ships which were reserved at the beginning of the Peloponnesian war against an attack upon Athens by sea.

The appointment to serve under the first and second forms of the Trierarchy was made by the strategi (Demosth. *c. Lacr.* 940. 16), and in case any person was appointed to serve a Trierarchy, and thought that any one else (not called upon) was better able to bear it than himself, he offered the latter an exchange of his property [ANTIDOSIS] subject to the burden of the Trierarchy.

In cases of extreme hardship, persons became suppliants to the people, or fled to the altar of Artemis at Munychia. If not ready in time, they were sometimes liable to imprisonment (*ἔνοχοι δεσμῷ*, Dem. *de Cor.* 262. 15). Thus on one occasion (Dem. *de Cor. Trier.* 1229. 6), the Trierarchs were by a special decree subjected to imprisonment, if they were not off the pier (*χῶμα*) by the end of the month; on the contrary, whoever got his ship ready first, was to be rewarded with the "crown of the Trierarchy;" so that in this way considerable emulation and competition were produced. Moreover, the Trierarchs were *ὑπεύθυνοι*, or liable to be called to account for their expenditure; though they applied their own property to the service of the state. (Dem. *c. Polyc.* 1222. 11; Aeschin. c. *Ctesiph.* 56.) But they also received money out of the treasury for various disbursements, as the pay of the soldiers and sailors, and the extra hands (*ὑπηρεσία*): thus, on one occasion, each Trierarch is stated to have received 30 minae, *εἰς ἐπίπλουν*. (Dem. *de Cor. Trier.* 1231. 14.) The Trierarchs may also have been considered *ὑπεύθυνοι*, from being required to show that they had performed their duties properly. The Sacred Triremes, the Paralus and the Salamis, had special treasurers [TAMIAS] appointed to them (Pollux,

viii. 116); and, on the authority of Ulpian (*ad Dem. c. Mid.* 686), it has been believed that the state acted as Trierarch for each of them; but in the inscriptions quoted by Böckh (*Urkunden*, &c., p. 169), no difference is made between the Trierarchs of the Paralus and other vessels, and therefore it would seem that the state appointed Trierarchs for them as well as for other vessels, and provided out of the public funds for those expenses only which were peculiar to them.

IV. *On the exemptions from the Trierarchy.*—By an ancient law, in force B. C. 355 (Dem. *c. Lept.*), no person (but minors or females) could claim exemption from the Trierarchy, who were of sufficient wealth to perform it, not even the descendants of Harmodius and Aristogiton. But from Isaeus (*De Apoll. Hered.* 67) it appears that in the time of the single Trierarchy no person could be compelled to serve a second time within two years after a former service (*δύο ἔτη διαλιπών*). The nine archons also were exempt, and the Trierarchy was a ground of exemption from the other liturgies, any of which, indeed, gave an exemption from all the rest during the year next following that of its service. (Dem. *c. Lept.* 459, 464.)

But all property was not subject to the service, as we learn from Demosthenes (*De Symm.* 182. 14), who tells us that a person was exempt, if *ἀδύνατος*, or unable to serve from poverty; so also were "wards, heiresses, orphans, cleruchi, and corporate bodies." Of course an heiress could only claim exemption while unmarried. Wards also were free from *all liturgies*, during their minority, and for a year after their *δοκιμασία*. (Lysias, *c. Diogit.* 908.) By *κληροῦχοι*, are meant colonists, who, while absent by the command of the state, could not perform a Trierarchy. The *τὰ κοινωνικά* admits of a doubt, but it probably means the property of joint tenants, as brothers or coheirs, which had not yet been apportioned to them (Pollux, viii. 184), or it may refer to monies invested in partnership. Moreover, though the proper duration of a Trierarchy was a year, it was legally dissolved if the general furnished no pay to the soldiers, or if the ship put into the Peiraeeus, it being then impossible to keep the sailors together. (Dem. *c. Polyc.* 1209.)

V. *On the legal proceedings connected with the Trierarchy.*—These were either between individual Trierarchs, or between Trierarchs and the state, and therefore in the form of a Diadicasia. They generally arose in consequence of a Trierarch not delivering up his ship and her rigging in proper order, either to his successor or to the state. If he alleged that the loss or damage of either happened from a storm, he was said *σκηψάσθαι κατὰ χειμῶνα ἀπολωλέναι*, and if his plea were substantiated, *ἔδοξεν ἐν τῷ δικαστηρίῳ κ. τ. λ.* Vessels or furniture on which a trial of this kind had been held, were said to be *διαδεδικασμένα*.

The presidency of the courts which tried matters of this sort was vested in the strategi, and sometimes in the superintendents of the dockyard, in conjunction with the *ἀποστολεῖς*. The senate also appears to have had a judicial power in these matters: *e. g.* we meet in various inscriptions with the phrase *οἵδε τῶν τριηράρχων, ὧν ἐδίπλωσεν ἡ βουλὴ τὴν τριήρη.* Böckh conjectures that the Trierarchs of whom this is said had returned their ships in such a condition, that the state might have called upon them to put them in thorough repair, or to rebuild them, at a cost for an ordinary trireme of 5000 drachmae. Supposing that they were not released from this liability by any decree of a court of justice, and that the rebuilding was not completed, he conceives that it must have been competent (in a clear and flagrant case) for the senate to have inflicted upon them the penalty of twice 5000 drachmae, the technical phrase for which was "doubling the trireme." (*Urkunden*, &c. p. 228.)

The phrase *ὡμολογῆσεν τριήρη καινὴν ἀποδώσειν*, which occurs in inscriptions, does not apply to an undertaking for giving a new trireme, but merely for putting one in a complete state of repair.

The phrase *φαίνειν πλοῖον* (Dem. *c. Lacr.* 941), to lay an information against a vessel, is used not of a public ship, but of a private vessel, engaged perhaps in smuggling or privateering. (Böckh, *Publ. Econ. of Athens*, pp. 541—576, 2d ed.) [R. W.]

TRIEROPOII (*τριηροποιοί*). [Navis, p. 785, a.]

TRIGON. [Pila.]

TRILIX. [Tela, p. 1102, b.]

TRINU'NDINUM. [Nundinae.]

TRIO'BOLON. [Dicastes, p. 402, b.]

TRIO'BOLUS. [Drachma.]

TRIPLICA'TIO. [Actio, p. 12, a.]

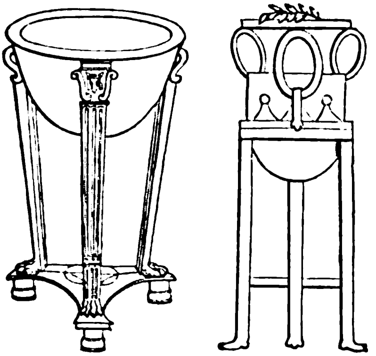
TRIPOS (*τρίπους*), a tripod, *i. e.* any utensil or article of furniture supported upon three feet. More especially

I. A three-legged table. [Mensa.] The first woodcut, at p. 308, shows such a table in use. Its three supports are richly and tastefully ornamented. Various single legs (*trapezophora*, Cic. *ad Fam.* vii. 23), wrought in the same style out of white marble, red porphyry, or other valuable materials, and consisting of a lion's-head or some similar object at the top, and a foot of the same animal at the bottom, united by intervening foliage, are preserved in the British Museum (Combe, *Ancient Marbles*, i. 3, i. 13, iii. 38) and in other collections of antiquities. The tripod used at entertainments to hold the Crater had short feet, so that it was not much elevated. These tables were probably sometimes made to move upon castors. (Hom. *Il.* xviii. 375).

II. A pot or caldron, used for boiling meat, and either raised upon a three-legged stand of bronze, as is represented in the woodcut, p. 827, or made with its three feet in the same piece. Such a utensil was of great value, and was sometimes offered as a prize in the public games (xxiii. 264, 702, 703).

III. A bronze altar, not differing probably in its original form from the tall tripod caldron already described. In this form, but with additional ornament, we see it in the annexed woodcut, which represents a tripod found at Frejus. (Spon, *Misc. Erud. Ant.* p. 118.) That this was intended to be used in sacrifice may be inferred from the bull's-head with a fillet tied round the horns, which we see at the top of each leg.

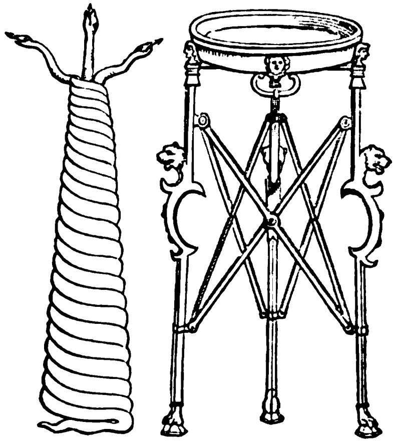
All the most ancient representations of the sacrificial tripod exhibit it of the same general shape, together with three rings at the top to serve as handles (*οὔατα*, Hom. *Il.* xviii. 378). Since it has this form on all the coins and other ancient remains, which have any reference to the Delphic oracle, it has been with sufficient reason concluded that the tripod, from which the Pythian priestess gave responses, was of this kind. The right-hand figure in the woodcut is copied from one



published by K. O. Müller (Böttiger's *Amalthea*, i. p. 119), founded upon numerous ancient authorities, and designed to show the appearance of the oracular tripod at Delphi. Besides the parts already mentioned, viz. the three legs, the three handles, and the vessel or caldron, it shows a flat, round plate, called ὅλμος, on which the Pythia seated herself in order to give responses, and on which lay a laurel wreath at other times. This figure also shows the position of the Cortina, which, as well as the caldron, was made of very thin bronze, and was supposed to increase the prophetic sounds which came from underneath the earth. (Virg. *Aen.* iii. 92.)

The celebrity of this tripod produced innumerable imitations of it (Diod. xvi. 26), called "Delphic tripods." (Athen. v. p. 199.) They were made to be used in sacrifice, and still more frequently to be presented to the treasury both in that and in many other Greek temples. (Athen. vi. pp. 231, f.—232, d.; Paus. iv. 32. § 1.) [Donaria.] Tripods were chiefly dedicated to Apollo (Paus. iii. 18. § 5) and to Bacchus. Partly in allusion to the fable of the rape of a tripod from Apollo by Hercules, and the recovery of it by the former (Paus. iii. 21. § 7, x. 13. § 4), the tripod was one of his usual attributes, and therefore occurs continually on coins and ancient marbles which have a relation to him. Of this we have an example in the bas-relief engraved on p. 117, which also exhibits two more of his attributes, the lyre and the serpent. In conformity with the same ideas it was given as a prize to the conquerors at the Pythian and other games, which were celebrated in honour of Apollo. (Herod. i. 144.) On the other hand, the theatre at Athens being considered sacred to Bacchus, the successful Choragus received a bronze tripod as the appropriate prize. The choragic monuments of Thrasyllus and Lysicrates, the ornamental fragments of which are now in the British Museum, were erected by them to preserve and display the tripods awarded to them on such occasions. We find also that a tripod was sometimes consecrated to the Muses (Hes. *Op. et Dies*, 658) and to Hercules. (Paus. x. 7. § 3.)

A tripod, scarcely less remarkable than that from which the Pythia delivered oracles, and consecrated to Apollo in the same temple at Delphi, was that made from the spoils of the Persian army after the battle of Plataeae. It consisted of a golden bowl, supported by a three-headed bronze serpent. (Herod. ix. 81; Thucyd. i. 132; Schol. *in loc.*; Paus. x. 13. § 5; Gyllius, *Top. Const.* ii. 13; Banduri, *Imp. Orient.* t. ii. p. 614.) The golden bowl having been removed, the bronze serpent was taken to Constantinople, and is probably the same which was seen there by Spon and Wheler in 1675. The first figure in the annexed wood-cut is copied from Wheler's engraving of it. (*Journey into Greece*, p. 185.) He says it was about fourteen or fifteen feet high.



The use of bronze tripods as altars evidently arose in a great degree from their suitableness to be removed from place to place. We have an example of this mode of employing them in the scene which is represented in the woodcut on p. 1045. To accommodate them as much as possible to this purpose, they are sometimes made to fold together into a small compass by a contrivance, which may be understood from an inspection of the preceding woodcut. The right-hand figure represents a tripod in the British Museum. A patera, or a plain metallic disk, was laid on the top, when there was occasion to offer incense. Many of these movable folding tripods may be seen in Museums, proving how common they were among the Romans.

Another species of tripods deserving of notice are those made of marble or hard stone. One was discovered in the villa of Hadrian, five feet high, and therefore unsuitable to be used in sacrifice. It is very much ornamented, and was probably intended merely to be displayed as a work of art. (Caylus, *Recueil*, ii. pl. 53.) [J. Y.]

TRIPU'DIUM. [Augur, pp. 175, b., 176, a.]

TRIRE'MIS. [Navis.]

TRITAGONISTES. [Histrio.]

TRITTYA (τριττύα). [Sacrificium, p. 1000.]

TRITTYS (τριττύς). [Tribus, p. 1154.]

TRIUMPHUS, a solemn procession in which a victorious general entered the city in a chariot drawn by four horses. He was preceded by the captives and spoils taken in war, was followed by his troops, and after passing in state along the Via Sacra, ascended the Capitol to offer sacrifice in the temple of Jupiter.

Such displays have been so universal among all warlike tribes from the earliest times, and are so immediately connected with some of the strongest passions of the human heart, that it would be as useless as it is impossible to trace their origin historically. It is scarcely necessary to advert to the fancies of those ancient writers, who refer their first institution to the mythic conquests of Bacchus in the East (Diodor. iv. 5; Plin. *H. N.* vii. 57), nor need we attach much importance to the connection between *triumphus* and *ϑρίαμβος*, according to the etymology doubtingly proposed by Varro (*L. L.* vi. 68, ed. Müller). Rejoicings after a victory, accompanied by processions of the soldiery with their plunder, must have been coeval with the existence of the Romans as a nation, and accordingly the return of Romulus with spolia opima after he had defeated the Caeninenses and slain Acro their king, is described by Dionysius (ii. 34; compare Prop. iv. 1. 32) with all the attributes of a regular triumph. Plutarch (*Rom.* 16) admits that this event was the origin of and first step towards the triumph of after times, but censures Dionysius for the statement that Romulus made his entrance in a quadriga, which he considers disproved by the fact that all the triumphal (*τροπαιοφόρους*) statues of that king, as seen in his day, represented him on foot. He adds that Tarquinius Priscus, according to some, or Poplicola, according to others, first triumphed in a chariot; and in corroboration of this we find that the first triumph recorded by Livy (i. 38; compare Flor. i. 5; Eutrop. i. 6) is that over the Sabines by Tarquinius, who according to Verrius (Plin. *H. N.* xxxiii. 19) wore upon this occasion a robe of cloth or gold. Whatever conclusion we may form upon these points, it is certain that from the first dawn of authentic history down to the extinction of liberty a regular triumph (*justus triumphus*) was recognized as the summit of military glory, and was the cherished object of ambition to every Roman general. A triumph might be granted for successful achievements either by land or sea, but the latter were comparatively so rare that we shall for the present defer the consideration of the naval triumph.

After any decisive battle had been won, or a province subdued by a series of successful operations, the Imperator forwarded to the senate a laurel-wreathed despatch (*literae laureatae*, Zonar. vii. 21; Liv. xlvi. 1; Plin. *H. N.* xv. 40) containing an account of his exploits. If the intelligence proved satisfactory the senate decreed a public thanksgiving. [SUPPLICATIO.] This supplication was so frequently the forerunner of a triumph, that Cato thinks it necessary to remind Cicero that it was not invariably so. (Cic. *ad Fam.* xv. 5.) After the war was concluded the general with his army repaired to Rome, or ordered his army to meet him there on a given day, but did not enter the city. A meeting of the senate was held without the walls, usually in the temple of Bellona (*e.g.* Liv. xxvi. 21, xxxvi. 39) or Apollo (Liv. xxxix. 4), that he might have an opportunity of urging his pretensions in person, and these were then scrutinized and discussed with the most jealous care. The following rules and restrictions were for the most part rigidly enforced, although the senate assumed the discretionary power of relaxing them in special cases.

1. That no one could be permitted to triumph unless he had held the office of dictator, of consul, or of praetor. (Liv. xxviii. 38, xxxi. 20.) Hence a triumph was not allowed to P. Scipio after he had expelled the Carthaginians from Spain, because he had commanded in that province "sine ullo magistratu." (Val. Max. ii. 8. § 5; Liv. *l. c.*) The honours granted to Pompey, who triumphed in his 24th year (B.C. 81), before he had held any of the great offices of state, and again ten years afterwards, while still a simple eques, were altogether unprecedented. (Liv. *Epit.* 89; Cic. *pro Leg. Man.* 21; Vell. Pat. ii. 30; Val. Max. viii. 15. § 8; Plut. *Pomp.* 12, 22; Dion Cass. xxxvi. 8.)

2. That the magistrate should have been actually in office both when the victory was gained and when the triumph was to be celebrated. This regulation was insisted upon only during the earlier ages of the commonwealth. Its violation commenced with Q. Publilius Philo, the first person to whom the senate ever granted a "prorogatio imperii" after the termination of a magistracy (Liv. viii. 26), and thenceforward proconsuls and propraetors were permitted to triumph without question (Liv. xxxix. 45, xl. 25, 34), although for a considerable time the event was of rare occurrence. It was long held, however, that it was necessary for the "prorogatio imperii" to follow immediately upon the termination of the magistracy, for a triumph was refused to L. Lentulus, who succeeded P. Scipio in Spain, on the ground that, although he had been formerly praetor, his imperium had not been continued uninterruptedly from the period when the command expired, but had been renewed "extra ordinem" after a lapse of some years. (Liv. xxxi. 20.) But towards the close of the republic this principle was entirely abandoned. Consuls and praetors seldom quitted the city until their term of office had ceased, and when at any subsequent period they entered upon the government of a province, either in regular rotation or "extra ordinem," they enjoyed the full status and all the privileges of proconsuls and propraetors. The position of Pompey when sent against the pirates and afterwards against Mithridates, and of Cicero when he went to Cilicia, will be sufficient to illustrate this without multiplying examples.

3. That the war should have been prosecuted or the battle fought under the auspices and in the province and with the troops of the general seeking the triumph (Liv. xxxi. 48, xxxiv. 10; Val. Max. ii. 8. § 2), and hence the triumph of the praetor Furius (Liv. xxxi. 49) was considered irregular and imperfect. Thus if a victory was gained by the legatus of a general who was absent from the army, the honour of it did not belong to the former, but to the latter, inasmuch as he had the auspices.

4. That at least 5000 of the enemy should have been slain in a single battle (Val. Max. ii. 8. § 1), that the advantage should have been positive and not merely a compensation for some previous disaster (Oros. v. 4), and that the loss on the part of the Romans should have been small compared with that of their adversaries. (Liv. xxxiii. 22.) By a law of the tribunes L. Marius and M. Cato penalties were imposed upon all Imperatores who should be found guilty of having made false returns to the senate, and it was ordained that so soon as they returned to the city they should be required to attest the correctness of such documents upon oath before the city quaestor. (Val. Max. *l. c.*) It is

clear that these provisions could never have existed during the petty contests with which Rome was fully occupied for some centuries; and even when wars were waged upon the most extensive scale we find many instances of triumphs granted for general results, without reference to the numbers slain in any one engagement (e. g. Liv. viii. 26, xl. 38).

5. That the war should have been a legitimate contest against public foes (*justis hostilibusque bellis*, Cic. *pro Deiot.* 5), and not a civil contest. Hence Catulus celebrated no triumph over Lepidus, nor Antonius over Catiline, nor Cinna and Marius over their antagonists of the Sullan party, nor Caesar after Pharsalia, and when he did subsequently triumph after his victory over the sons of Pompey it caused universal disgust. Hence the line in Lucan (i. 12):

> "Bella geri placuit nullos habitura triumphos."

(See Val. Max. ii. 8. § 7; Dion Cass. xliii. 42; Plut. *Caes.* 56.) [OVATIO.]

6. That the dominion of the state should have been extended and not merely something previously lost regained. Hence Fulvius, who won back Capua after its revolt to Hannibal, did not receive a triumph. (Val. Max. *l. c.*; compare Liv. xxxi. 5, xxxvi. 1.) The absolute acquisition of territory does not appear to have been essential. (Duker, *ad Liv.* xxxi. 5.)

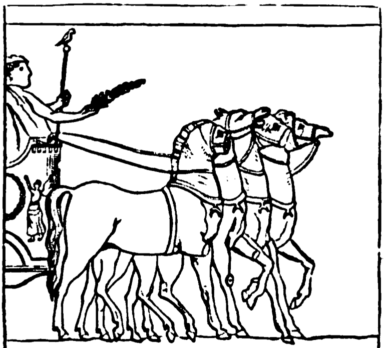
7. That the war should have been brought to a conclusion and the province reduced to a state of peace so as to permit of the army being withdrawn, the presence of the victorious soldiers being considered indispensable in a triumph. In consequence of this condition not being fulfilled an ovation only was granted to Marcellus after the capture of Syracuse (Liv. xxvi. 21, compare xxviii. 29, xxx. 48) and to L. Manlius upon his return from Spain. (Liv. xxxix. 29.) We find an exception in Liv. xxxi. 48, 49, but this and similar cases must be regarded as examples of peculiar favour. (See also Tacit. *Ann.* i. 55, compared with ii. 41.)

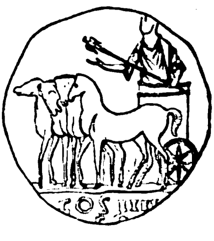
The senate claimed the exclusive right of deliberating upon all these points and giving or withholding the honour sought (Liv. iii. 63; Polyb. vi. 13), and they for the most part exercised the privilege without question, except in times of great political excitement. The sovereignty of the people, however, in this matter was asserted at a very early date, and a triumph is said to have been voted by the tribes to Valerius and Horatius, the consuls of B. C. 446, in direct opposition to the resolution of the fathers (Liv. iii. 63; Dionys. xi. 50), and in a similar manner to C. Marcius Rutilus the first plebeian dictator (Liv. vii. 17), while L. Postumius Megellus, consul B. C. 294, celebrated a triumph, although resisted by the senate and seven out of the ten tribunes. (Liv. x. 37.) Nay more, we read of a certain Appius Claudius, consul B. C. 143, who having persisted in celebrating a triumph in defiance of both the senate and people, was accompanied by his daughter (or sister) Claudia, a vestal virgin, and by her interposition saved from being dragged from his chariot by a tribune. (Oros. v. 4; Cic. *pro. Coel.* 14; Val. Max. v. 4. § 6; Suet. *Tib.* 2.) A disappointed general, however, seldom ventured to resort to such violent measures, but satisfied himself with going through the forms on the Alban Mount, a practice first introduced by C. Papirius Maso, and thus noticed in the Capitoline Fasti: C. PAPIRIUS MASO COS. DE CORSEIS PRIMUS IN MONTE ALBANO III. NONAS MART. AN. DXXII. (Plin. *H.N.* xv. 38.) His example was followed by Marcellus (Liv. xxvi. 21; Plut. *Marc.* 22), by Q. Minucius (Liv. xxxiii. 23), and by many others, so that Livy (xlii. 21) after mentioning that the senate had refused a triumph to Cicereius (praetor B. C. 173) adds, "in monte Albano, *quod jam in morem venerat*, triumphavit." (See also Liv. xlv. 38.)

If the senate gave their consent they at the same time voted a sum of money towards defraying the necessary expenses (Polyb. vi. 13), and one of the tribunes "ex auctoritate senatus" applied for a plebiscitum to permit the Imperator to retain his imperium on the day when he entered the city. (Liv. xlv. 35, xxvi. 21.) This last form could not be dispensed with either in an ovation or a triumph, because the imperium conferred by the comitia curiata did not include the city itself, and when a general had once gone forth "paludatus" his military power ceased as soon as he re-entered the gates, unless the general law had been previously suspended by a special enactment; and in this manner the resolution of the senate was, as it were, ratified by the plebs. [IMPERIUM; PALUDAMENTUM.] For this reason no one desiring a triumph ever entered the city until the question was decided, since by so doing he would ipso facto have forfeited all claim. We have a remarkable example of this in the case of Cicero, who after his return from Cilicia lingered in the vicinity of Rome day after day, and dragged about his lictors from one place to another, without entering the city, in the vain hope of a triumph.

Such were the preliminaries, and it only now remains to describe the order of the procession. This in ancient days was sufficiently simple. The leaders of the enemy and the other prisoners were led along in advance of the general's chariot, the military standards were carried before the troops who followed laden with plunder, banquets were spread in front of every door, and the populace brought up the rear in a joyous band, filled with good cheer, chanting songs of victory, jeering and bantering as they went along with the pleasantries customary on such occasions. (Liv. iii. 29.) But in later times these pageants were marshalled with extraordinary pomp and splendour, and presented a most gorgeous spectacle. Minute details would necessarily be different according to circumstances, but the general arrangements were as follow. When the day appointed had arrived the whole population poured forth from their abodes in holiday attire, some stationed themselves on the steps of the public buildings in the forum and along the Via Sacra, while others mounted scaffoldings erected for the purpose of commanding a view of the show. The temples were all thrown open, garlands of flowers decorated every shrine and image, and incense smoked on every altar. (Plut. *Aemil. Paul.* 32; Dion Cass. lxxiv. 1.) Meanwhile the Imperator called an assembly of his soldiers, delivered an oration commending their valour, and concluded by distributing rewards to the most distinguished and a sum of money to each individual, the amount depending on the value of the spoils. He then ascended his triumphal car and advanced to the Porta Triumphalis (where this gate was is a question which we cannot here discuss; see Cic. *in Pis.* 23; Suet. *Octav.* 101; Josephus, *B. J.* vii. 24), where he was met by the whole body of the senate headed by the magistrates. The procession then defiled in the following order.

1. The Senate headed by the magistrates. (Dion Cass. li. 21 ; Serv. *ad Virg. Aen.* 543.) 2. A body of trumpeters. 3. A train of carriages and frames (Josephus, *B. J.* vii. 24) laden with spoils, those articles which were especially remarkable either on account of their beauty or rarity being disposed in such a manner as to be seen distinctly by the crowd. (Suet. *Jul.* 37.) Boards were borne aloft on fercula, on which were painted in large letters the names of vanquished nations and countries. Here, too, models were exhibited in ivory or wood (Quinctil. vi. 3) of the cities and forts captured (Plin. v. 5), and pictures of the mountains, rivers, and other great natural features of the subjugated region, with appropriate inscriptions. Gold and silver in coin or bullion, arms, weapons, and horse furniture of every description, statues, pictures, vases, and other works of art, precious stones, elaborately wrought and richly embroidered stuffs, and every object which could be regarded as valuable or curious. 4. A body of flute-players. 5. The white bulls or oxen destined for sacrifice, with gilded horns, decorated with infulae and serta, attended by the slaughtering priests with their implements, and followed by the Camilli bearing in their hands paterae and other holy vessels and instruments. 6. Elephants or any other strange animals, natives of the conquered districts. 7. The arms and insignia of the leaders of the foe. 8. The leaders themselves, and such of their kindred as had been taken prisoners, followed by the whole band of inferior captives in fetters. 9. The coronae and other tributes of respect and gratitude bestowed on the Imperator by allied kings and states. 10. The lictors of the Imperator in single file, their fasces wreathed with laurel. (Plin. *H. N.* v. 40.) 11. The Imperator himself in a circular chariot of a peculiar form (Zonar. vii. 21) drawn by four horses, which were sometimes, though rarely, white. (Plut. *Camill.* 7 ; Serv. *l. c.*; Dion Cass. xliii. 14.) The circular form of the chariot is seen in the preceding cut, copied from a marble formerly in the possession of the Duke d'Alcala at Seville (Montfaucon, *Ant. Exp.* vol. iv. pl. cv.), and also in the following cut, which represents the reverse of one of the coins of the Antonines. He was attired in a gold embroidered robe (*toga picta*) and flowered tunic (*tunica palmata*), he bore in his right hand a laurel bough (Plut. *Paull.* 32), and in his left a sceptre (Dionys. v. 47 ; Val. Max. iv. 4. § 5), his brows were encircled with a wreath of Delphic laurel (Plin. *H. N.* xv. 38, 39), in addition to which, in ancient times, his body was painted bright red. (Plin. *H. N.* xxiii. 36.) He was accompanied in his chariot by his children of tender years (Liv. xlv. 40 ; Tac. *Ann.* ii. 41), and sometimes by very dear or highly honoured friends (Dion Cass. li. 16, lxiii. 20), while behind him stood a public slave holding over his head a golden Etruscan crown ornamented with jewels. (Plin. *H. N.* xxxiii. 4, xxviii. 7 ; Zonar. vii. 21.) The presence of a slave in such a place at such a time seems to have been intended to avert "invidia" and the influence of the evil eye, and for the same purpose a fascinum, a little bell, and a scourge were attached to the vehicle. (Plin. *H. N.* xxviii. 7 ; Zonar. vii. 21.) Tertullian (*Apol.* 33) tells us, that the slave ever and anon whispered in the ear of the Imperator the warning words "Respice post te, hominem memento te," and this statement is copied by Zonaras (*l. c.*), but is not confirmed by any earlier writer. Isidorus (xviii. 2), misunderstanding Pliny (xxviii. 7), imagines that the slave in question was a common executioner. 12. Behind the chariot or on the horses which drew it (Zonar. *l. c.*) rode the grown-up sons of the Imperator, together with the legati, the tribuni (Cic. *in Pis.* 25), and the equites, all on horseback. 13. The rear was brought up by the whole body of the infantry in marching order, their spears adorned with laurel (Plin. xv. 40), some shouting Io Triumphe (Varro, *L. L.* v. 7, ed. Müller ; Hor. *Carm.* iv. 2. 49 ; Tibull. ii. 6. 121), and singing hymns to the gods, while others proclaimed the praises of their leader or indulged in keen sarcasms and coarse ribaldry at his expense, for the most perfect freedom of speech was granted and exercised. (Liv. iv. 53, v. 49, xlv. 38, Dionys. vii. 72; Suet. *Jul.* 49, 51 ; Mart. i. 5. 3.)





The arrangement of the procession as given above is taken, with some changes, from the treatise of Onuphrius Panvinius De Triumpho in the 9th volume of the Thesaurus of Graevius. The different particulars are all collected from the accounts transmitted to us of the most celebrated triumphs, such as that of Pompey in Appian (*Bell. Mith.* 116, 117), of Aemilius Paullus in Plutarch (*Paull.* 32) and in Livy (xlv. 40), of Vespasian and Titus in Josephus (*B. J.* vii. 5. § 4, 5, 6), and of Camillus in Zonaras (vii. 21), together with the remarks of Dionysius (ii. 34, v. 47), Servius (*ad Virg. Aen.* iv. 543), and Juvenal (*Sat.* x. 38—45).

Just as the pomp was ascending the Capitoline hill some of the hostile chiefs were led aside into the adjoining prison and put to death, a custom so barbarous that we could scarcely believe that it existed in a civilized age were it not attested by the most unquestionable evidence. (Cic. *in Verr.* v. 30; Liv. xxvi. 13; Joseph. vii. 24.) Pompey, indeed, refrained from perpetrating this atrocity in his third triumph (Appian, *Bell. Mith.* 117), and Aurelian on like occasion spared Zenobia, but these are quoted as exceptions to the general rule. When it was announced that these murders had been completed (Joseph *l. c.*) the victims were then sacrificed, an offering from the spoils was presented to Jupiter, the laurel wreath was deposited in the lap of the god (Senec. *Consol. ad Helv.* 10; Plin. *H. N.* xv. 40; Plin. *Paneg.* 8; Stat. *Sylv.* iv. 1. 41), the Imperator was entertained at a public feast along with his friends in the temple, and returned home in the evening preceded by torches and pipes, and escorted by a crowd of citizens. (Flor. ii. 1.) Plutarch (*Q. R.* 77) and Valerius Maximus (ii. 8. § 6) say that it was the practice to invite the consuls to this banquet, and then to send a message requesting them not to come, in order, doubtless, that the Imperator might be the most distinguished person in the company.

The whole of the proceedings, generally speaking, were brought to a close in one day, but when the quantity of plunder was very great, and the troops very numerous, a longer period was required for the exhibition, and thus the triumph of Flaminius continued for three days in succession. (Liv. xxxix. 52; Plut. *Aemil. Paull.* 32.)

But the glories of the Imperator did not end with the show nor even with his life. It was customary (we know not if the practice was invariable) to provide him at the public expense with a site for a house, such mansions being styled *triumphales domus*. (Plin. xxxvi. 24. § 6.) After death his kindred were permitted to deposit his ashes within the walls (such, at least, is the explanation given to the words of Plutarch, *Q. R.* 78), and laurel-wreathed statues standing erect in triumphal cars, displayed in the vestibulum of the family mansion, transmitted his fame to posterity.

A Triumphus Navalis appears to have differed in no respect from an ordinary triumph except that it must have been upon a smaller scale, and would be characterized by the exhibition of beaks of ships and other nautical trophies. The earliest upon record was granted to C. Duilius, who laid the foundation of the supremacy of Rome by sea in the first Punic war (Liv. *Epit.* xvii.; Fast. Capit.); and so elated was he by his success, that during the rest of his life, whenever he returned home at night from supper, he caused flutes to sound and torches to be borne before him. (Flor. ii. 1; Cic. *Cat. Maj.* 13.) A second naval triumph was celebrated by Lutatius Catulus for his victory off the Insulae Aegates, B. C. 241 (Val. Max. ii. 8. § 2; Fast. Capit.); a third by Q. Fabius Labeo, B. C. 189, over the Cretans (Liv. xxxvii. 60), and a fourth by C. Octavius over King Perseus (Liv. xlv. 42) without captives and without spoils.

Triumphus Castrensis was a procession of the soldiers through the camp in honour of a tribunus or some officer, inferior to the general, who had performed a brilliant exploit. (Liv. vii. 36.)

After the extinction of freedom the Emperor being considered as the commander-in-chief of all the armies of the state, every military achievement was understood to be performed under his auspices, and hence, according to the forms of even the ancient constitution, he alone had a legitimate claim to a triumph. This principle was soon fully recognised and acted upon, for although Antonius had granted triumphs to his legati (Dion Cass. xlix. 42), and his example had been freely followed by Augustus (Suet. *Octav.* 38; Dion Cass. liv. 11, 12) in the early part of his career, yet after the year B. C. 14 (Dion Cass. liv. 24), he entirely discontinued the practice, and from that time forward triumphs were rarely, if ever, conceded to any except members of the imperial family. But to compensate in some degree for what was then taken away, the custom was introduced of bestowing what were termed *Triumphalia Ornamenta*, that is, permission to receive the titles bestowed upon and to appear in public with the robes worn by the Imperatores of the commonwealth when they triumphed, and to bequeath to their descendants triumphal statues. These *triumphalia ornamenta* are said to have been first bestowed upon Agrippa (Dion Cass. *l. c.*) or upon Tiberius (Suet. *Octav.* 9), and ever after were a common mark of the favour of the prince. (Tacit. *Ann.* i. 72, ii. 52, iii. 72, &c., *Hist.* i. 79, ii. 78, &c.)

The last triumph ever celebrated was that of Belisarius, who entered Constantinople in a quadriga, according to the fashion of the olden time, after the recovery of Africa from the Vandals. The total number of triumphs upon record down to this period has been calculated as amounting to 350. Orosius (vii. 9) reckons 320 from Romulus to Vespasian, and Pitiscus (*Lexic. Antiq.* *s. v.* *Triumphus*) estimates the number from Vespasian to Belisarius at 30. [W. R.]

TRIU'MVIRI or TRE'SVIRI, were either ordinary magistrates or officers, or else extraordinary commissioners, who were frequently appointed at Rome to execute any public office. The following is a list of the most important of both classes, arranged in alphabetical order.

1. Triumviri Agro Dividundo. [Triumviri Coloniae Deducendae.]

2. Triumviri Capitales were regular magistrates first appointed about B. C. 292. (Liv. *Epit.* 11; Dig. 1. tit. 2. s. 2. § 30.) The institution of their office is said to have been proposed by L. Papirius, whom Festus (*s. v. Sacramentum*) calls tribune of the plebs, but whom Niebuhr (*Hist. of Rome*, vol. iii. pp. 407, 408) supposes to be L. Papirius Cursor, who was praetor in B. C. 292. They were elected by the people, the comitia being held by the praetor. (Festus, *l. c.*) They succeeded to many of the functions of the Quaestores Parricidii. (Varro, *L. L.* v. 81, ed. Müller; Quaestor.) It was their duty to inquire into all capital crimes, and to receive informations respecting such (Varro, *l. c.*; Plaut. *Asin.* i. 2. 5, *Aulul.* iii. 2. 2; Cic. *pro Cluent.* 13), and consequently they apprehended and committed to prison all criminals whom they detected. (Liv. xxxix. 17; Val. Max. vi. 1. § 10; Cic. *l. c.*) In conjunction with the Aediles, they had to preserve the public peace, to prevent all unlawful assemblies, &c. (Liv. xxv. 1, xxxix. 14.) They enforced the payment of fines due to the state (Fest. *l. c.*) They had the care of public prisons, and carried into effect the sentence of the law upon criminals. (Liv. xxxii. 26; Val. Max. v. 4. § 7, viii. 4. § 2; Sall. *Cat.* 55; Tacit. *Ann.* v 9.) In these points they resembled the magistracy of the Eleven at Athens. [Hendeca.] They had the power of inflicting summary punishment upon

slaves and persons of lower rank: their court appears to have been near the Maenian column. (Festus, *l. c.*; Gell. iii. 3; Plaut. *Amphitr.* i. 1 3; Cic. *pro Cluent.* 13.) Niebuhr (*l. c.*), who is followed by Arnold (*Hist. of Rome*, vol. ii. p. 389), supposes that they might inflict summary punishment on *all* offenders against the public peace who might be taken in the fact; but the passage of Festus, which Niebuhr quotes, does not prove this, and it is improbable that they should have had power given them of inflicting summary punishment upon a Roman citizen, especially since we have no instance recorded of their exercising such a power. (Walter, *Gesch. d. Röm. Rechts*, pp. 165, 858, 1st ed.; Göttling, *Gesch. d. Röm. Staatsv.* p. 378.)

3. TRIUMVIRI COLONIAE DEDUCENDAE were persons appointed to superintend the formation of a colony. They are spoken of under COLONIA, p. 315, b. Since they had besides to superintend the distribution of the land to the colonists, we find them also called *Triumviri Coloniae Deducendae Agroque Dividundo* (Liv. viii. 16), and sometimes simply *Triumviri Agro Dando* (Liv. iii. 1).

4. TRIUMVIRI EPULONES. [EPULONES.]

5. TRIUMVIRI EQUITUM TURMAS RECOGNOSCENDI, or LEGENDIS EQUITUM DECURIIS, were magistrates first appointed by Augustus to revise the lists of the Equites, and to admit persons into the order. This was formerly part of the duties of the censors. (Suet. *Aug.* 37; Tacit. *Ann.* iii. 30.)

6. TRIUMVIRI MENSARII. [MENSARII.]

7. TRIUMVIRI MONETALES. [MONETA.]

8. TRIUMVIRI NOCTURNI, were magistrates elected annually, whose chief duty it was to prevent fires by night; and for this purpose they had to go round the city during the night (*vigilias circumire*). If they neglected their duty they were sometimes accused before the people by the tribunes of the plebs. (Val. Max. viii. 1. § 5, 6.) The time at which this office was instituted is unknown, but it must have been previously to the year B.C. 304. (Liv. ix. 46.) Augustus transferred their duties to the Praefectus Vigilum. (Dig. 1. tit. 15. s. 1.) [PRAEFECTUS VIGILUM.]

9. TRIUMVIRI REFICIENDIS AEDIBUS, extraordinary officers elected in the Comitia Tributa in the time of the second Punic war, were appointed for the purpose of repairing and rebuilding certain temples. (Liv. xxv. 7.)

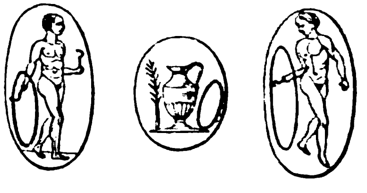
10. TRIUMVIRI REIPUBLICAE CONSTITUENDAE. Niebuhr (*Hist. of Rome*, vol. iii. p. 43) supposes that magistrates under this title were appointed as early as the time of the Licinian Rogations, in order to restore peace to the state after the commotions consequent upon those Rogations. (Lydus, *de Mag.* i. 35.) Niebuhr also thinks that these were the magistrates intended by Varro, who mentions among the extraordinary magistrates, that had the right of summoning the senate, Triumvirs for the regulation of the republic, along with the Decemvirs and Consular Tribunes. (Gell. xiv. 7.) We have not, however, any certain mention of officers or magistrates under this name, till towards the close of the republic, when the supreme power was shared between Caesar (Octavianus), Antonius, and Lepidus, who administered the affairs of the state under the title of *Triumviri Reipublicae Constituendae.* This office was conferred upon them in B.C. 43 for five years (Liv. *Epit.* 120; Appian, *B. C.* iv. 2—12; Dion Cass. xlvi. 54—56; Vell. Pat. ii. 65; Plut. *Cic.* 46); and on the expiration of the term, in B.C. 38, was conferred upon them again, in B.C. 37, for five years more. (Appian, *B. C.* v. 95; Dion Cass. xlviii. 54.) The coalition between Julius Caesar, Pompeius, and Crassus, in B.C. 60 (Vell. Pat. ii. 44; Liv. *Epit.* 103) is usually called the first triumvirate, and that between Octavianus, Antony, and Lepidus, the second; but it must be borne in mind that the former never bore the title of triumviri, nor were invested with any office under that name, whereas the latter were recognized as regular magistrates under the above-mentioned title.

11. TRIUMVIRI SACRIS CONQUIRENDIS DONISQUE PERSIGNANDIS, extraordinary officers elected in the Comitia Tributa in the time of the second Punic war, seem to have had to take care that all property given or consecrated to the gods was applied to that purpose. (Liv. xxv. 7.)

12. TRIUMVIRI SENATUS LEGENDI were magistrates appointed by Augustus to admit persons into the senate. This was previously the duty of the censors. (Suet. *Aug.* 37.)

TRO'CHILUS. [SPIRA.]

TROCHUS (τροχός), a hoop. The Greek boys used to exercise themselves like ours with trundling a hoop. It was a bronze ring, and had sometimes bells attached to it. (Mart. xi. 22. 2, xiv. 168, 169.) It was impelled by means of a hook with a wooden handle, called *clavis* (Propert. iii. 12), and ἐλατήρ. From the Greeks this custom passed to the Romans, who consequently adopted the Greek term. (Hor. *Carm.* iii. 24. 57.) The hoop was used at the GYMNASIUM (Propert. *l. c.*; Ovid. *Trist.* ii. 485); and, therefore, on one of the gems in the Stosch collection at Berlin, which is engraved in the annexed woodcut, it is accompanied by the jar of oil and the laurel branch, the signs of effort and of victory. On each side of this we have represented another gem from the same collection. Both of these exhibit naked youths trundling the hoop by means of the hook or key. These show the size of the hoop, which in the middle figure has also three small rings or bells on its circumference. (Winckelmann, *Desc. des Pierres Gravées*, pp. 452—455.)



In a totally different manner hoops were used in the performances of tumblers and dancers. Xenophon describes a female dancer who receives twelve hoops in succession, throwing them into the air and catching them again, her motions being regulated by another female playing on the pipe. (*Sympos.* ii. 7, 8.)

On the use of τροχός, to denote the potter's wheel, see FICTILE. [J. Y.]

TROJAE LUDUS. [CIRCUS, p. 288, b.]

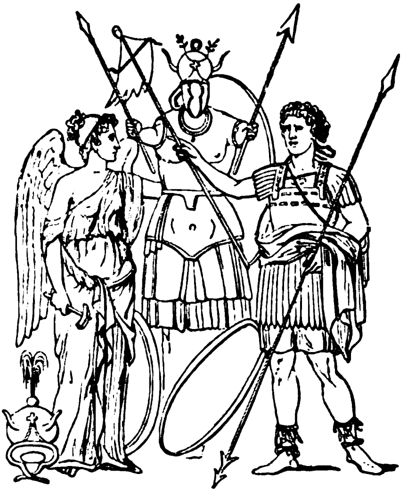
TROPAEUM (τρόπαιον, Att. τροπαῖον, Schol. *ad Aristoph. Plut.* 453), a trophy, a sign and memorial of victory, which was erected on the field of battle where the enemy had turned (τρέπω, τρόπη) to flight, and in case of a victory gained at sea, on the nearest land. The expression, for raising or erecting a trophy, is τροπαῖον στῆσαι or στήσασθαι, to which may be added ἀπὸ or κατὰ τῶν πολεμίων. (Wolf, *ad Dem. in Lept.* p. 296.)

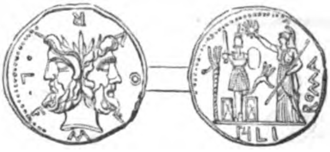
When the battle was not decisive, or each party considered it had some claims to the victory, both erected trophies. (Thucyd. i. 54, 105, ii. 92.) Trophies usually consisted of the arms, shields, helmets, &c., of the enemy that were defeated; and from the descriptions of Virgil and other Roman poets, which have reference to the Greek rather than to the Roman custom, it appears that the spoils and arms of the vanquished were placed on the trunk of a tree, which was fixed on an elevation. (Virg. *Aen.* xi. 5; Serv. *ad loc.*; Stat. *Theb.* iii. 707; Juv. x. 133.) It was consecrated to some divinity with an inscription (ἐπίγραμμα), recording the names of the victors and of the defeated party (Eurip. *Phoen.* 583; Schol. *ad loc.*; Paus. v. 27. § 7; Virg. *Aen.* iii. 288; Ovid. *Ar. Am.* ii. 744; Tacit. *Ann.* ii. 22); whence trophies were regarded as inviolable, which even the enemy were not permitted to remove. (Dion Cass. xlii. 58.) Sometimes, however, a people destroyed a trophy, if they considered that the enemy had erected it without sufficient cause, as the Milesians did with a trophy of the Athenians. (Thucyd. viii. 24.) That rankling and hostile feelings might not be perpetuated by the continuance of a trophy, it seems to have been originally part of Greek international law that trophies should be made only of wood and not of stone or metal, and that they should not be repaired when decayed. (Plut. *Quaest. Rom.* c. 37, p. 273. c.; Diod. xiii. 24.) Hence we are told that the Lacedaemonians accused the Thebans before the Amphictyonic-council, because the latter had erected a metal trophy. (Cic. *de Invent.* ii. 23.) It was not however uncommon to erect such trophies. Plutarch (*Alcib.* 29. p. 207, d.) mentions one raised in the time of Alcibiades, and Pausanias (ii. 21. § 9, iii. 14. § 7, v. 27. § 7) speaks of several which he saw in Greece. (Wachsmuth, *Hell. Alt.* vol. ii. pt. i. p. 424, 1st ed.; Schömann, *Ant. Jur. Publ. Graec.* p. 370.)

The trophies erected to commemorate naval victories were usually ornamented with the beaks or acroteria of ships [Acroterium; Rostra]; and were generally consecrated to Poseidon or Neptune. Sometimes a whole ship was placed as a trophy. (Thucyd. ii. 84, 92.)

The following woodcut taken from a painting found at Pompeii (*Mus. Borbon.* vol. vii. t. 7) contains a very good representation of a tropaeum, which Victory is engaged in erecting. The conqueror stands on the other side of the trophy with his brows encircled with laurel.

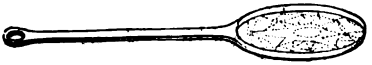
The Macedonian kings never erected trophies, for the reason given by Pausanias (ix. 40. § 4), and hence the same writer observes that Alexander raised no trophies after his victories over Dareius and in India. The Romans too, in early times, never erected any trophies on the field of battle (Florus, iii. 2), but carried home the spoils taken in battle, with which they decorated the public buildings, and also the private houses of individuals. [Spolia.] Subsequently, however, the Romans adopted the Greek practice of raising trophies on the field of battle: the first trophies of this kind were erected by Domitius Ahenobarbus and Fabius Maximus in B. C. 121, after their conquest of the Allobroges, when they built at the junction of the Rhone and the Isara towers of white stone, upon which trophies were placed adorned with the spoils of the enemy. (Florus, *l. c.*; Strabo, iv. p. 185.) Pompey also raised trophies on the Pyrenees after his victories in Spain (Strabo, iii. p. 156; Plin. *H. N.* iii. 3; Dion Cass. xli. 24.; Sall. *ap. Serv. in Virg. Aen.* xi. 6); Julius Caesar did the same near Ziela, after his victory over Pharnaces (Dion Cass. xlii. 48), and Drusus, near the Elbe, to commemorate his victory over the Germans. (Dion Cass. li. 1; Florus, iv. 12.) Still, however, it was more common to erect some memorial of the victory at Rome than on the field of battle. The trophies raised by Marius to commemorate his victories over Jugurtha and the Cimbri and Teutoni, which were cast down by Sulla and restored by Julius Caesar, must have been in the city. (Suet. *Jul.* 11.) In the later times of the republic, and under the empire, the erection of triumphal arches was the most common way of commemorating a victory, many of which remain to the present day. [Arcus.] We find trophies on the Roman coins of several families. The annexed coin of M. Furius Philus is an example; on the reverse, Victory or Rome is represented crowning a trophy.





TROSSULI. [Equites, p. 472, a.]

TRUA, *dim.* TRULLA (τορύνη), derived from τρύω, τόρω, &c., to perforate; a large and flat spoon or ladle pierced with holes; a trowel. The annexed woodcut represents such a ladle, adapted to stir vegetables or other matters in the pot (Schol. *in Aristoph. Av.* 78), to act as a strainer when they were taken out of the water, or to dispel the froth from its surface. (Non. Marcell. p. 19, ed. Merceri.) The ladle here drawn was found in the kitchen of "the house of Pansa," at Pompeii.

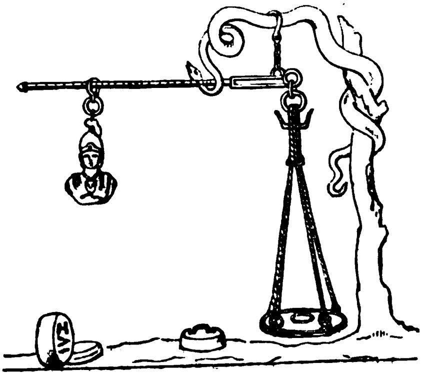


The *trulla vinaria* (Varro, *L. L.* v. 118, ed. Müller) seems to have been a species of colander [Colum], used as a wine-strainer. (Cic. *Verr.* iv. 27; Hor. *Sat.* ii. 3. 144.) Though generally applied to these domestic and culinary purposes (Eupolis, p. 174, ed. Runkel) the trulla was found to be convenient for putting bees into a hive. (Col. *de Re Rust.* ix. 12.) It was also commonly used to plaster walls (Pallad. *de Re Rust.* i. 13, 15), and thus gave rise to the verb *trullissare*. [Paries.]

Fellows (*Exc. in Asia Minor*, p. 153) explains the Eastern method of using a kind of colander in washing the hands. It is placed as a cover upon the jar [Olla], which receives the dirty water. This may therefore be the *trulleum*, which the ancients used, together with the basin and ewer, to wash their hands. (Non. Marcell. p. 547, ed. Merceri.) [J. Y.]

TRUBLION. [Cotyla.]

TRUTINA (τρυτάνη), a general term including both Libra, a balance, and *statera*, a steelyard. (Non. Marc. p. 180.) Payments were originally made by weighing, not by counting. Hence a balance (*trutina*) was preserved in the temple of Saturn at Rome. (Varro, *L. L.* v. 183, ed. Müller.) The balance was much more ancient than the steelyard, which according to Isidore of Seville (*Orig.* xvi. 24) was invented in Campania, and therefore called by way of distinction *Trutina Campana*. Consistently with this remark, steelyards have been found in great numbers among the ruins of Herculaneum and Pompeii. The construction of some of them is more elaborate and complicated than that of modern steelyards, and they are in some cases much ornamented. The annexed woodcut represents a remarkably beautiful statera which is preserved in the Museum of the Capitol at Rome. Its support is the trunk of a tree, round which a serpent is entwined. The equipoise is a head of Minerva. Three other weights lie on the base of the stand, designed to be hung upon the hook when occasion required. (*Mus. Capit.* vol. ii. p. 213.)



Vitruvius (x. 3. s. 8. § 4) explains the principle of the steelyard, and mentions the following constituent parts of it: the scale (*lancula*) depending from the head (*caput*), near which is the point of revolution (*centrum*) and the handle (*ansa*). On the other side of the centre from the scale is the beam (*scapus*) with the weight or equipoise (*aequipondium*), which is made to move along the points (*per puncta*) expressing the weights of the different objects that are put into the scale. [J. Y.]

TUBA (σάλπιγξ), a bronze trumpet, distinguished from the *cornu* by being straight while the latter was curved: thus Ovid (*Met.* i. 98)

"Non tuba directi non aeris cornua flexi."

(Compare Vegetius, iii. 5.) Facciolati in his Lexicon (*s. v. Tuba*) is mistaken in supposing that Aulus Gellius (v. 8) and Macrobius (*Sat.* vi. 8), who copies him, intend to affirm that the tuba was crooked. The words of the former do not mean that both the lituus and the tuba were crooked, but that both that kind of trumpet which was called a lituus and also the staff of the augur were crooked, and that it was doubtful which of the two had lent its name to the other. [Lituus]

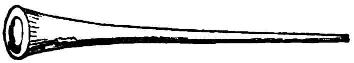
The tuba was employed in war for signals of every description (Tacit. *Hist.* ii. 29; Caesar. *B. C.* iii. 46; Hirt. *B. G.* viii. 20; Liv. xxxix. 27), at the games and public festivals (Juv. vi. 249, x. 214; Virg. *Aen.* v. 113; Ovid, *Fast.* i. 716), also at the last rites to the dead (*hinc tuba, candelae*, Pers. iii. 103; Virg. *Aen.* xi. 191; Ovid. *Heroid.* xii. 140, *Amor.* ii. 6. 6), and Aulus Gellius (xx. 2) tells us from Atteius Capito that those who sounded the trumpet at funerals were termed *siticines*, and used an instrument of a peculiar form. The tones of the tuba are represented as of a harsh and fear-inspiring character (*fractos sonitus tubarum*, Virg. *Georg.* iv. 72; *terribilem sonitum aere canoro*, *Aen.* ix. 503), which Ennius (Serv. *ad Virg. Aen.* ix. 503,; Priscian viii. 18. 103, ed. Krehl) endeavoured to imitate in the line

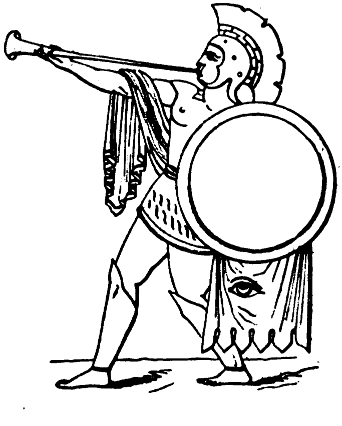
"At tuba terribili sonitu *taratantara* dixit."

The invention of the tuba is usually ascribed by ancient writers to the Etruscans (Athenaeus, iv. c. 82; Pollux, iv. 85, 87; Diodor. v. 40; Serv. *ad Virg. Aen.* viii. 516; Clem. Alex. *Strom.* i. p. 306), and the epithet ληστοσαλπιγκταί (*i. e.* robber-trumpeters, Photius and Hesych. *s. v.* and Pollux. *l. c.*) would seem to indicate that they had made it famous by their piracies. It has been remarked that Homer never introduces the σάλπιγξ in his narrative but in comparisons only (*Il.* xviii. 219, xxi. 388; Eustath. and Schol.), which leads us to infer that although known in his time it had been but recently introduced into Greece, and it is certain that notwithstanding its eminently martial character, it was not until a late period used in the armies of the leading states. By the tragedians its Tuscan origin was fully recognized: Athena in Aeschylus orders the deep-toned piercing Tyrrhenian trumpet to sound (*Eumen.* 567), Ulysses in Sophocles (*Aj.* 17) declares that the accents of his beloved goddess fell upon his ears like the tones of the brazen-mouthed Tyrrhenian bell (κώδωνος, *i. e.* the bell-shaped aperture of the trumpet), and similar epithets are applied by Euripides (*Phoeniss.* 1376

Heraclid. 830), and other Greek (Auctor. *Rhes.* 988 ; Brunck, *Anal.* tom. ii. p. 142) and Roman writers (*Tyrrhenus clangor*, Virg. *Aen.* viii. 526 ; Stat. *Theb.* iii. 650 ; *Tyrrhenae clangore tubae*, Silius, ii. 19). According to one account it was first fabricated for the Tyrrhenians by Athena, who in consequence was worshipped by the Argives under the title of Σάλπιγξ (Schol. *ad Hom. Il.* xviii. 219, e. cod. Vict. ; Pausan. ii. 21. § 3); while at Rome the *tubilustrium*, or purification of sacred trumpets, was performed on the last day of the Quinquatrus. [QUINQUATRUS.] In another legend the discovery is attributed to a mythical king of the Tyrrhenians, Maleus, son of Hercules and Omphale (Lutat. *ad Stat. Theb.* iv. 224, vi. 404 ; Hygin. *Fab.* 274 ; Schol, *ad Hom. l. c.*), in a third to Pisaeus the Tyrrhenian (Plin. *H. N.* vii. 57 ; Photius, *s. v.*), and Silius has preserved a tradition (viii. 490), according to which the origin of this instrument is traced to Vetulonii. (Müller, *Die Etrusker*, iv. 1, 3, 4, 5.)

There appears to have been no essential difference in form between the Greek and Roman or Tyrrhenian trumpets. Both were long, straight, bronze tubes gradually increasing in diameter, and terminating in a bell-shaped aperture. They present precisely the same appearance on monuments of very different dates, as may be seen from the cuts annexed, the former of which is from Trajan's column, and the latter from an ancient fictile vase. (Hope, *Costumes of the Ancients*, pl. 156.)





The scholiast on the Iliad (*l. c.*) reckons six varieties of trumpets ; the first he calls the Grecian Σάλπιγξ which Athena discovered for the Tyrrhenians, and the sixth, termed by him κατ' ἐξόχην, the τυρσηνικὴ σάλπιγξ, he describes as bent at the extremity (κώδωνα κεκλασμένον ἔχουσα) ; but by this we must unquestionably understand the sacred trumpet (ἱερατικὴ σάλπιγξ, Lydus, *de Mens.* iv. 6), the *lituus* already noticed at the beginning of this article. (Compare Lucan, i. 431.) [W. R.]

TUBILU'STRIUM. [QUINQUATRUS.]

TUBUS, TUBULUS. [FISTULA.]

TULLIA'NUM. [CARCER.]

TUMULTUA'RII. [TUMULTUS.]

TUMULTUS was the name given to a sudden or dangerous war in Italy or Cisalpine Gaul, and the word was supposed by the ancients to be a contraction of *timor multus.* (Cic. *Phil.* viii. 1 ; *tumultus dictus, quasi timor multus*, Serv. *ad Virg. Aen.* ii. 486, viii. 1 ; Festus, *s. v. Tumultuarii.*) It was however sometimes applied to a sudden or dangerous war elsewhere (Liv. xxxv. 1, xli. 6 ; Cic. *Phil.* v. 12) ; but this does not appear to have been a correct use of the word. Cicero (*Phil.* viii. 1) says that there might be a war without a tumultus, but not a tumultus without a war ; but it must be recollected that the word was also applied to any sudden alarm respecting a war ; whence we find a tumultus often spoken of as of less importance than a war (*e. g.* Liv. ii. 26), because the results were of less consequence, though the fear might have been much greater than in a regular war.

In the case of a tumultus there was a cessation from all business (*justitium*), and all citizens were obliged to enlist without regard being had to the exemptions (*vacationes*) from military service, which were enjoyed at other times. (Cic. *ll. cc.*; Liv. vii. 9, 11, 28, viii. 20, xxxiv. 56.) As there was not time to enlist the soldiers in the regular manner, the magistrate appointed to command the army displayed two banners (*vexilla*) from the capitol, one red, to summon the infantry, and the other green, to summon the cavalry, and said, "Qui rempublicam salvam vult, me sequatur." Those that assembled took the military oath together, instead of one by one, as was the usual practice, whence they were called *conjurati*, and their service *conjuratio.* (Serv. *ad Virg. Aen.* viii. 1.) Soldiers enlisted in this way were called *Tumultuarii* or *Subitarii.* (Festus, *s. v.* ; Liv. iii. 30, x. 21, xl. 26.)

TU'NICA (χιτών, *dim.* χιτωνίσκος, χιτώνιον), the under-garment of the Greeks and Romans.

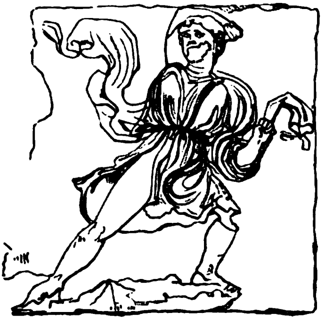
1. GREEK. The Chiton was the only kind of ἔνδυμα, or under-garment worn by the Greeks. Of this there were two kinds, the Dorian and Ionian. The Dorian Chiton, as worn by males, was a short woollen shirt, without sleeves ; the Ionian was a long linen garment, with sleeves. The under-garment, afterwards distinguished as the Dorian, seems to have been originally worn in the whole of Greece. Thucydides (i. 6) speaks as if the long linen garment worn at Athens a little before his time was the most ancient kind, since he attributes the adoption of a simpler mode of dress to the Lacedaemonians, but we know with tolerable certainty that this dress was brought over to Athens by the Ionians of Asia. (Müller, *de Minerva Poliade*, p. 41, *Dor.* iv. 2. § 4.) It was commonly worn at Athens during the Persian wars, but appears to have entirely gone out of fashion about the time of Pericles, from which time the Dorian Chiton was the under-garment universally adopted by men through the whole of Greece. (Athen. xii. p. 512, c ; Eustath. p. 954. 47 ; Thucyd. *l. c.*; Aristoph. *Equit.* 1330.)

The distinction between the Doric and Ionic Chiton still continued in the dress of women. The Spartan virgins only wore this one garment, and had no upper kind of clothing, whence it is sometimes called *Himation* [PALLIUM] as well as *Chi-*

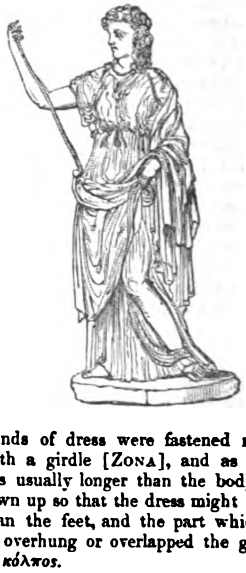
ton. (Compare Herod. v. 87; Schol. *ad Eurip. Hecub.* 933.) Euripides (*Hecub. l. c., Androm.* 598) incorrectly calls this Doric dress Peplos, and speaks of a Doric virgin as *μονόπεπλος*. From the circumstance of their only wearing one garment, the Spartan virgins were called *γυμναὶ* (Plut. *Lyc.* 14) [Nudus], and also *μονοχίτωνες*. (Schol. *ad Eurip. l. c.*; Athen. xiii. p. 589, f.) They appeared in the company of men without any further covering; but the married women never did so without wearing an upper garment. This Doric Chiton was made, as stated above, of woollen stuff; it was without sleeves, and was fastened over both shoulders by clasps or buckles (*πόρπαι, περόναι*), which were often of considerable size. (Herod. Schol. *ad Eurip. ll. cc.*) It was frequently so short as not to reach the knee (Clem. Alex. *Paed.* ii. 10, p. 258), as is shown in the figure of Diana, on p. 276, who is represented as equipped for the chase. It was only joined together on one side, and on the other was left partly open or slit up (*σχιστὸς χίτων*, Pollux, vii. 55), to allow a free motion of the limbs: the two skirts (*πτέρυγες*) thus frequently flew open, whence the Spartan virgins were sometimes called *φαινομηρίδες* (Pollux, *l. c.*), and Euripides (*Androm. l. c.*) speaks of them as with

> *γυμνοῖσι μηροῖς καὶ πέπλοις ἀνειμένοις.*

Examples of this *σχιστὸς χίτων* are frequently seen in works of art: the following cut is taken from a bas-relief in the British Museum, which represents an Amazon with a Chiton of this kind: some parts of the figure appear incomplete, as the original is mutilated. (See also *Mus. Borbon.* vol. iv. t. 21.)

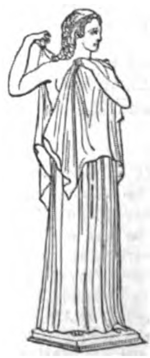


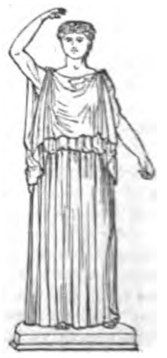
The Ionic Chiton, on the contrary, was a long and loose garment, reaching to the feet (*ποδήρης*), with wide sleeves (*κόραι*), and was generally made of linen. The sleeves, however, appear usually to have covered only the upper part of the arm; for in ancient works of art we seldom find the sleeves extending further than the elbow, and sometimes not so far. The sleeves were sometimes slit up, and fastened together with an elegant row of brooches (Aelian, *V. H.* i. 18), and it is to this kind of garment that Böttiger (*Kleine Schrift.* vol. iii. p. 56) incorrectly gives the name of *σχιστὸς χίτων*. The Ionic Chiton, according to Herodotus (v. 87, 88), was originally a Carian dress, and passed over to Athens from Ionia. The women at Athens originally wore the Doric Chiton, but were compelled to change it for the Ionic after they had killed, with the buckles or clasps of their dresses, the single Athenian who had returned alive from the expedition against Aegina, because there were no buckles or clasps required in the Ionic dress. The Muses are generally represented with this Chiton. The woodcut annexed, taken from a statue in the British Museum, represents the Muse Thalia wearing an Ionic Chiton. The Peplum has fallen off her shoulders, and is held up by the left hand. The right arm holding a Pedum is a modern restoration.



Both kinds of dress were fastened round the middle with a girdle [Zona], and as the Ionic Chiton was usually longer than the body, part of it was drawn up so that the dress might not reach further than the feet, and the part which was so drawn up overhung or overlapped the girdle, and was called *κόλπος*.

There was a peculiar kind of dress, which seems to have been a species of double Chiton, called *διπλοΐς, διπλοΐδιον*, and *ἡμιδιπλοΐδιον*. Some writers suppose that it was a kind of little cloak thrown over the Chiton, in which case it would be an Amictus, and could not be regarded as a Chiton; but Becker and others maintain that it was not a separate article of dress, but was merely the upper part of the cloth forming the Chiton, which was larger than was required for the ordinary Chiton, and was therefore thrown over the front and back. The following cuts (*Mus. Borbon.* vol. ii. t. 4, 6) will give a clearer idea of the form of this garment than any description.





It seems impossible to determine with certainty whether the Diploidion formed part of the Chiton, or was a separate piece of dress. Those writers who maintain the former view, think that it is quite proved by the left-hand figure in the preceding cut; but this is not conclusive evidence, since the Chiton may have terminated at the waist. In the right-hand figure we see that the Chiton is girded round the middle of the body, as described above, and that the fold which overhangs (*κόλπος*) forms, with the end of the Diploidion, a parallel line, which was always the case. This is also plainly seen in the woodcut to the article UMBRACULUM. Since the Diploidion was fastened over the shoulders by means of buckles or clasps, it was called *ἐπωμὶς*, which Müller (*Archäol. d. Kunst*, § 339. 4) supposes from Eurip. *Hecub.* 553, and Athen. xiii. p. 608, b, to have been only the end of the garment fastened on the shoulder; but these passages do not necessarily prove this, and Pollux (vii. 49) evidently understands the word as meaning a garment itself.

Besides the word *χιτών*, we also meet with the diminutives *χιτωνίσκος* and *χιτώνιον*, the former of which is generally applied to a garment worn by men, and the latter to one worn by women, though this distinction is not always preserved. A question arises whether these two words relate to a different garment from the Chiton, or mean merely a smaller one. Many modern writers think that the Chiton was not worn immediately next the skin, but that there was worn under it a shirt (*χιτωνίσκος*) or chemise (*χιτώνιον*). In the dress of men, however, this does not appear to have been the case; since we find *χιτωνίσκος* frequently used as identical with *χιτών*, and spoken of as the only under garment worn by individuals. (Τὸ *ἱμάτιον καὶ τὸν χιτωνίσκον*, Plat. *Hipp. Min.* p. 368; Dem. *in Mid.* p. 583. 21; Aesch. *in Tim.* p. 143; Athen. xii. p. 545, a.) It appears, on the contrary, that females were accustomed to wear a chemise (*χιτώνιον*) under their Chiton, and a representation of such an one is given in p. 185. (Compare Athen. xiii. p. 590, f.; Aristoph. *Lysistr.* 48, 150.)

It was the usual practice among the Greeks to wear an Himation, or outer garment, over the Chiton, but frequently the Chiton was worn alone. A person who wore only a Chiton was called *μονοχίτων* (*οἰοχίτων* in Homer, *Od.* xiv. 489), an epithet given to the Spartan virgins, as explained above. In the same way, a person who wore only an Himation, or outer garment, was called *ἀχίτων*. (Xen. *Mem.* i. 6. § 2; Aelian, *V. H.* vii. 13; Diod. Sic. xi. 26.) The Athenian youths, in the earlier times, wore only the Chiton, and when it became the fashion, in the Peloponnesian war, to wear an outer garment over it, it was regarded as a mark of effeminacy. (Aristoph. *Nub.* 964, compared with 987.)

Before passing on to the Roman under garment, it remains to explain a few terms which are applied to the different kinds of Chiton. In later times, the Chiton worn by men was of two kinds, the *ἀμφιμάσχαλος* and the *ἑτερομάσχαλος*, the former the dress of freemen, the latter that of slaves. (Pollux, vii. 47.) The *ἀμφιμάσχαλος* appears to have signified not only a garment which had two sleeves, but also one which had openings for both arms; while the *ἑτερομάσχαλος*, on the contrary, had only a sleeve, or rather an opening for the left arm, leaving the right, with the shoulder and a part of the breast uncovered, whence it is called *ἐξωμίς*, a representation of which is given on p. 512. When the sleeves of the Chiton reached down to the hands, it seems to have been properly called *χειριδωτός* (Gell. vii. 12, see woodcut, p. 329), though this word seems to have been frequently used as equivalent to *ἀμφιμάσχαλος*. (Hesych. *s. v.* *Ἀμφιμάσχαλος*.)

A *χιτὼν ὀρθοστάδιος* was one which was not fastened round the body with a girdle (Pollux, vii. 48; Phot. *Lex.* p. 346, Pors.): a *χιτὼν στολιδωτός* seems to have had a kind of flounce at the bottom. (Pollux vii. 64; Xenoph. *Cyrop.* vi. 4. § 2.)

On the subject of the Greek Chiton in general, see Müller, *Dorians*, iv. 2. § 3, 4, *Archäologie der Kunst*, § 337, 339; Becker, *Charikles*, vol. ii. p. 309, &c.

2. ROMAN. The *Tunica* of the Romans, like the Greek Chiton, was a woollen under garment, over which the Toga was worn. It was the *Indumentum* or *Indutus*, as opposed to the *Amictus*, the general term for the toga, pallium, or any other outer garment. [AMICTUS.] The Romans are said to have had no other clothing originally but the toga; and when the Tunic was first introduced, it was merely a short garment without sleeves, and was called *Colobium*. (Gell. vii. 12; Serv. *ad Virg. Aen.* ix. 616.) It was considered a mark of effeminacy for men to wear Tunics with long sleeves (*manicatae*) and reaching to the feet (*talares*). (Cic. *Cat.* ii. 10.) Julius Caesar was accustomed to wear one which had sleeves, with fringes at the wrist (*ad manus fimbriata*, Suet. *Jul.* 45), and in the later times of the empire, tunics with sleeves, and reaching to the feet, became common.

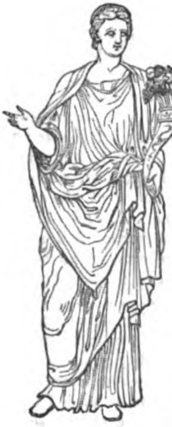
The Tunic was girded (*cincta*) with a belt or girdle around the waist, but was usually worn loose, without being girded, when a person was at home, or wished to be at his ease. (Hor. *Sat.* ii. 1. 73; Ovid, *Am.* i. 9. 41.) Hence we find the terms *cinctus*, *praecinctus*, and *succinctus*, applied, like the Greek *εὔζωνος*, to an active and diligent person, and *discinctus* to one who was idle or dissolute. (Hor. *Sat.* i. 5. 6, ii. 6. 107, *Epod.* i. 34.)

The form of the Tunic, as worn by men, is represented in many woodcuts in this work. In works of art it usually terminates a little above the knee; it has short sleeves, covering only the upper part of the arm, and is girded at the waist (see cuts, pp. 90, 808): the sleeves sometimes, though less frequently, extend to the hands (cut, p. 141).

Both sexes usually wore two tunics, an outer and an under, the latter of which was worn next the skin, and corresponds to our shirt and chemise. Varro (*ap. Non.* xiv. 36) says, that when the Romans began to wear two tunics, they called them *Subucula* and *Indusium*, the former of which Böttiger (*Sabina*, vol. ii. p. 113) supposes to be the name of the under tunic of the men, and the latter of that of the women. But it would appear from another passage of Varro (*L. L.* v. 131, ed. Müller) referred to by Becker (*Gallus*, vol. ii. p. 89), as if Varro had meant to give the name of *Subucula* to the under tunic, and that of *Indusium* or *Intusium* to the outer, though the passage is not without difficulties. It appears, however, that *Subucula* was chiefly used to designate the under tunic of men. (Suet. *Aug.* 82; Hor. *Epist.* i. 1. 95.) The word *interula* was of later origin, and seems to have applied equally to the under tunic of both sexes.

(Apul. *Florid.* ii. p. 32; *Metam.* viii. p. 533, ed. Oud.; Vopisc. *Prob.* 4.) The *Supparus* or *Supparum* is said by Festus (*s. v.*) to have been a linen vest, and to have been the same as the *Subucula*; but Varro (v. 131), on the contrary, speaks of it as a kind of outer garment, and contrasts it with *Subucula*, which he derives from *subtus*, while *supparus* he derives from *supra*. The passage of Lucan (ii. 364) in which it is mentioned does not enable us to decide whether it was an outer or under garment, but would rather lead us to suppose that it was the former. Persons sometimes wore several tunics, as a protection against cold: Augustus wore four in the winter, besides a Subucula. (Suet. *Aug.* 82.)

As the dress of a man usually consisted of an under tunic, an outer tunic, and the toga, so that of a woman, in like manner, consisted of an under tunic (*Tunica intima*, Gell. x. 15), an outer tunic, and the palla. The outer tunic of the Roman matron was properly called Stola [Stola], and is represented in the woodcut on p. 1073; but the annexed woodcut, which represents a Roman empress in the character of Concordia, or Abundantia, gives a better idea of its form. (Visconti, *Monumenti Gabini*, n. 34; Böttiger, *Sabina*, tav. x.) Over the Tunic or Stola the Palla is thrown in many folds, but the shape of the former is still distinctly shown.



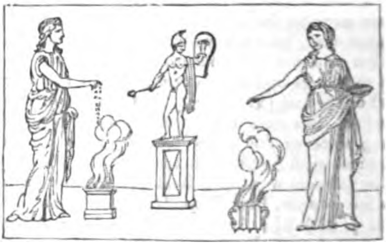
The tunics of women were larger and longer than those of men, and always had sleeves; but in ancient paintings and statues we seldom find the sleeves covering more than the upper part of the arm. An example of the contrary is seen in the *Museo Borbonico*, vol. vii. tav. 3. Sometimes the tunics were adorned with golden ornaments called *Leria*. (Festus, *s. v.*; Gr. λῆροι, Hesych. Suid. *s. v.*)

Poor people, who could not afford to purchase a toga, wore the tunic alone, whence we find the common people called *Tunicati*. (Cic. *in Rull.* ii. 34; Hor. *Epist.* i. 7. 65.) Persons at work laid aside the toga; thus, in the woodcut on p. 808, a man is represented ploughing in his tunic only. A person who wore only his tunic was frequently called Nudus.

Respecting the Clavus Latus and the Clavus Angustus, worn on the tunics of the Senators and Equites respectively, see Clavus.

When a triumph was celebrated, the conqueror wore, together with an embroidered toga (*Toga picta*), a flowered tunic (*Tunica palmata*), also called *Tunica Jovis*, because it was taken from the temple of Jupiter Capitolinus. (Liv. x. 7; Mart. vii. 1; Juv. x. 38.) [Triumphus, p. 1166, a.] Tunics of this kind were sent as presents to foreign kings by the senate. (Liv. xxx. 15, xxxi. 11.)

TURI'BULUM (θυμιατήριον), a censer. The Greeks and Romans, when they sacrificed, commonly took a little frankincense out of the Acerra and let it fall upon the flaming altar. [Ara.] More rarely they used a censer, by means of which they burnt the incense in greater profusion, and which was in fact a small moveable grate or Foculus. (Aelian, *V. H.* xii. 51.) The annexed woodcut, taken from an ancient painting, shows the performance of both of these acts at the same time. Winckelmann (*Mon. Ined.* 177) supposes it to represent Livia, the wife, and Octavia, the sister of Augustus, sacrificing to Mars in gratitude for his safe return from Spain. (Hor. *Carm.* iii. 14. 5.) The censer here represented has two handles for the purpose of carrying it from place to place, and it stands upon feet so that the air might be admitted underneath, and pass upwards through the fuel.



As the censer was destined for the worship of the gods, it was often made of gold or silver (*Ep. ad Heb.* ix. 4; Thucyd. vi. 46) and enriched with stones and gems. (Herod. iv. 162; Cic. *Verr.* iv. 21—24.) We find a silver censer in the official enumerations of the treasures presented to the Parthenon at Athens: its bars (διερείσματα) were of bronze. (Böckh, *Corp. Inscrip.* vol. i. pp. 198, 235, 238.) [J. Y.]

TURMA. [Exercitus, p. 497, b.]

TURRIS (πύργος), a tower. The word τύρσις, from which comes the Latin *turris*, signified according to Dionysius (i. 26) any strong building surrounded by walls; and it was from the fact of the Pelasgians in Italy dwelling in such places that the same writer supposes them to have been called Tyrsenians or Tyrrhenians, that is, the inhabitants of towns or castles. *Turris* in the old Latin language seems to have been equivalent to *urbs*. (Polyb. xxvi. 4; Göttling, *Gesch. d. Röm. Staatsv.* p. 17.) The use of towers by the Greeks and Romans was various.

I. *Stationary Towers*. 1. Buildings of this form are frequently mentioned by ancient authors, as forming by themselves places of residence and defence. This use of towers was very common in Africa. (Diod. Sic. iii. 49, *Itin. Ant.* pp. 34, 35, with Wesseling's notes.) We have examples in the tower of Hannibal on his estate between Acholla and Thapsus (Liv. xxxiii. 48), the *turris* *regia* of Jugurtha (Sallust. *Jug.* 103), the tower of a private citizen without the walls of Carthage, by the help of which Scipio took the city (Appian. *Pun.* 117); and, in Spain, the tower in which Cn. Scipio was burnt. (Appian. *Hisp.* 16.) Such towers were common in the frontier provinces of the Roman empire. (Ammian. Marcell. xxviii. 2.)

2. They were erected within cities, partly to form a last retreat in case the city should be taken, and partly to overawe the inhabitants. In almost all Greek cities, which were usually built upon a hill, rock, or some natural elevation, there was a kind of tower, a castle, or a citadel, built upon the highest part of the rock or hill, to which the name of *Acropolis* was given, as at Athens, Corinth, Argos, Messene, and many other places. The Capitolium at Rome answered the same purpose as the Acropolis in the Greek cities; and of the same kind were the tower of Agathocles at Utica (Appian. *Pun.* 14), and that of Antonia at Jerusalem. (Joseph. *Bell. Jud.* v. 5. § 8, *Act. Apostol.* xxi. 31.)

3. The fortifications both of cities and camps were strengthened by towers, which were placed at intervals on the murus of the former [MURUS] and the vallum of the latter; and a similar use was made of them in the lines (*circumvallatio*) drawn round a besieged town. [VALLUM.] They were generally used at the gates of towns and of stative camps. [PORTA.] The use of temporary towers on walls to repel an attack will be noticed below.

II. *Moveable Towers.* These were among the most important engines used in storming a fortified place. They were of two kinds. Some were made so that they could be taken to pieces and carried to the scene of operations: these were called folding towers (*πύργοι πτύκτοι* or *ἐπτυγμένοι*, *turres plicatiles*, or portable towers, *φορητοὶ πυργοί*). The other sort were constructed on wheels, so as to be driven up to the walls; and hence they were called *turres ambulatoriae* or *subrotatae*. But the *turres plicatiles* were generally made with wheels, so that they were also *ambulatoriae*.

The first invention or improvement of such towers is ascribed by Athenaeus the mechanician (quoted by Lipsius, *Oper.* vol. iii. p. 297) to the Greeks of Sicily in the time of Dionysius I. (B. C. 405.) Diodorus (xiv. 51) mentions towers on wheels as used by Dionysius at the siege of Motya. He had before (xiii. 54) mentioned towers as used at the siege of Selinus (B. C. 409), but he does not say that they were on wheels. According to others, they were invented by the engineers in the service of Philip and Alexander, the most famous of whom were Polyidus, a Thessalian, who assisted Philip at the siege of Byzantium, and his pupils Chaereas and Diades. (Vitruv. x. 19. s. 13.) Heron (c. 13) ascribes their invention to Diades and Chaereas, Vitruvius (*l. c.*) to Diades alone, and Athenaeus (*l. c.*) says that they were improved in the time of Philip at the siege of Byzantium. Vitruvius states that the towers of Diades were carried about by the army in separate pieces. Respecting the towers used by Demetrius Poliorcetes at the siege of Rhodes, see HELEPOLIS.

Appian mentions the *turres plicatiles* (*Bell. Civ.* v. 36, 37), and states that at the siege of Rhodes Cassius took such towers with him in his ships, and had them set up on the spot. (*Id.* iv. 72.)

Besides the frequent allusions in ancient writers to the moveable towers (*turres mobiles*, Liv. xxi. 11), we have particular descriptions of them by Vitruvius (x. 19. s. 13), and Vegetius (iv. 17).

They were generally made of beams and planks, and covered, at least on the three sides which were exposed to the besieged, with iron, not only for protection, but also, according to Josephus, to increase their weight and thus make them steadier. They were also covered with raw hides and quilts, moistened, and sometimes with alum, to protect them from fire. The use of alum for this purpose appears to have originated with Sulla at the siege of Athens. (Amm. Marc. xx. and Claud. Quadrig. *ap. Lips.* p. 300.) Their height was such as to overtop the walls, towers, and all other fortifications of the besieged place. (Liv. xxi. 11.) Vitruvius (*l. c.*), following Diades, mentions two sizes of towers. The smallest ought not, he says, to be less than 60 cubits high, 17 wide, and one-fifth smaller at the top; and the greater 120 cubits high and 23½ wide. Heron (c. 13), who also follows Diades, agrees with Vitruvius so far, but adds an intermediate size, half-way between the two, 90 cubits high. Vegetius mentions towers of 30, 40, and 50 feet square. They were divided into stories (*tabulata* or *tecta*), and hence they are called *turres contabulatae*. (Liv. xxi. 34.) Towers of the three sizes just mentioned consisted respectively of 10, 15, and 20 stories. The stories decreased in height from the bottom to the top. Diades and Chaereas, according to Heron, made the lowest story 7 cubits and 12 digits, those about the middle 5 cubits, and the upper 4 cubits and one-third of a cubit.

The sides of the towers were pierced with windows, of which there were several to each story.

These rules were not strictly adhered to in practice. Towers were made of 6 stories, and even fewer. (Diod. xiv. 51.) Those of 10 stories were very common (Hirt. *Bell. Gall.* viii. 41; Sil. Ital. xiv. 300), but towers of 20 stories are hardly, if ever, mentioned. Plutarch (*Lucull.* 10) speaks of one of 100 cubits high used by Mithridates at the siege of Cyzicus.

The use of the stories was to receive the engines of war [TORMENTA], and slingers and archers were stationed in them and on the tops of the towers. (Liv. xxi. 11.) In the lowest story was a battering-ram [ARIES]; and in the middle one or more bridges (*pontes*) made of beams and planks, and protected at the sides by hurdles. Scaling-ladders (*scalae*) were also carried in the towers, and when the missiles had cleared the walls, these bridges and ladders enabled the besiegers to rush upon them.

The towers were placed upon wheels (generally 6 or 8), that they might be brought up to the walls. These wheels were placed for security inside of the tower.

The tower was built so far from the besieged place as to be out of the enemy's reach, and then pushed up to the walls by men stationed inside of and behind it. (Caesar, *B. G.* ii. 30, 31; Q. Curt. viii. 10.) The attempt to draw them forward by beasts of burthen was sometimes made, but was easily defeated by shooting the beasts. (Procop. *Bell. Goth.* i. ap. Lips. p. 298.) They were generally brought up upon the AGGER (Hirtius, *l. c.*), and it not unfrequently happened that a tower stuck fast or fell over on account of the softness of the agger. (Liv. xxxii. 17; Q. Curt. iv. 6. § 9.) They were placed on the agger before it was completed, to protect the soldiers in working at it. (Sall. *Jugurth.* 76; Caesar, *B. G.* vii. 22.) When the tower was brought up to the walls without an *agger*, the ground was levelled before it by means of the MUSCULUS.

These towers were accounted most formidable engines of attack. They were opposed in the following ways.

1. They were set on fire, either by sallies of the besieged, or by missiles carrying burning matter, or by letting men down from the walls by ropes, close to the towers, while the besiegers slept. (Veget. iv. 18; Sil. Ital. xiv. 305.)

2. By undermining the ground over which the tower had to pass, so as to overset it. (Veget. iv. 20.)

3. By pushing it off by main force by iron-shod beams, *asseres* or *trabes*. (Veget. *l. c.*)

4. By breaking or overturning it with stones thrown from catapults, when it was at a distance, or, when it came close to the wall, by striking it with an iron-shod beam hung from a mast on the wall, and thus resembling an Aries.

5. By increasing the height of the wall; first with masonry, and afterwards with beams and planks, and also by the erection of temporary wooden towers on the walls. (Caesar, *B. G.* vii. 22; Veget. iv. 19.) This mode of defence was answered by the besiegers in two ways. Either the agger on which the tower stood was raised, as by Caesar at the siege of Avaricum (*B. G. l. c.*), or a smaller tower was constructed within the upper part of the tower, and when completed was raised by screws and ropes. (Veget. *l. c.*) On these towers in general see Lipsius, *Poliorcet.* in *Oper.* vol. iii. pp. 296—356.

III. Caesar (*B. C.* ii. 8—9) describes a peculiar sort of tower, which was invented at the siege of Massilia, and called *turris latericia*, or *laterculum*. It partook somewhat of the character both of a fixed and of a besieging tower. It was built of masonry near the walls of the town to afford the besiegers a retreat from the sudden sallies of the enemy; the builders were protected by a moveable cover; and the tower was pierced with windows for shooting out missiles.

IV. Towers in every respect similar to the *turres ambulatoriae* (excepting of course the wheels) were constructed on ships, for the attack of fortified places by sea. (Caes. *Bell. Civ.* iii. 40, where, respecting the term *ad libram*, see the commentators; Liv. xxiv. 34; Appian. *Mith.* 73, *Bell. Civ.* v. 106; Amm. Marc. xxi. 12.)

V. Small towers carrying a few armed men were placed on the backs of elephants used in battle. (Liv. xxxvii. 40.)

VI. The words *πύργος* and *turris* are applied to an army drawn up in a deep oblong column. (Gell. x. 9; Cato, *de Re Milit. ap. Fest. s. v. Serra proeliari*, p. 344, ed. Müller; Eustath. *ad Hom. Il.* xii. 43.) [P. S.]

TUTE'LA. [TUTOR.]

TUTE'LAE ACTIO. [TUTOR.]

TUTOR. The difference between a Tutor and Tutela, and Curator and Curatio or Cura, is explained in the article CURATOR. In the Roman system there might be persons who were under no potestas, and had property of their own, but by reason of their age or sex required protection for their own interest, and for the interest of those who might be their heredes. This protection was given by the tutela to Impuberes and women.

A Tutor derived his name a "tuendo" from protecting another (*quasi Tuitor*). His power and office were "Tutela," which is thus defined by Servius Sulpicius (Dig. 26. tit. 1. s. 1): "Tutela est vis ac potestas in capite libero ad tuendum eum qui propter aetatem suam (*sua*) sponte se defendere nequit jure civili data ac permissa." After the word "suam" it has been suggested by Rudorff that something like what follows has been omitted by the copyists: "eamve quae propter sexum," a conjecture which seems very probable. Tutela expresses both the status of the Tutor and that of the person who was In Tutela. The tutela of Impuberes was a kind of Potestas, according to the old law: that of Mulieres was merely a Jus.

As to the classification of the different kinds (*genera*) of Tutela, the jurists differed. Some made five genera, as Quintus Mucius; others three, as Servius Sulpicius; and others two, as Labeo. The most convenient division is into two genera, the tutela of IMPUBERES (*pupilli, pupillae*), and the tutela of Women. The pupillus or the pupilla is the male or the female who is under Tutela.

Every paterfamilias had power to appoint by testament a Tutor for his children who were in his power: if they were males, only in case they were Impuberes; if they were females, also in case they were marriageable (*nubiles*), that is above twelve years of age. Therefore if a tutor was appointed for a male, he was released from the Tutela on attaining puberty (fourteen years of age), but the female still continued in tutela, unless she was released from it by the Jus Liberorum under the Lex Julia et Papia Poppaea. A man could only appoint a Tutor for his grandchildren, in case they would not upon his death come into the power of their father. A father could appoint a tutor for Postumi, provided they would have been in his power, if they had been born in his life-time. A man could appoint a tutor for his wife in manu, and for his daughter-in-law (*nurus*) who was in the manus of his son. The usual form of appointing a Tutor was this: "Lucium Titium Liberis meis tutorem do." A man could also give his wife in manu the power of choosing a tutor (*tutoris optio*); and the optio might be either plena or angusta. She who had the plena optio might choose (and consequently change) her tutor any number of times: she who had the angusta optio was limited in her choice to the number of times which the testator had fixed. [TESTAMENTUM.]

The power to appoint a tutor by will was either given or confirmed by the Twelve Tables. The earliest instance recorded of a testamentary Tutor is that of Tarquinius Priscus being appointed by the will of Ancus (Liv. i. 34), which may be taken to prove this much at least, that the power of appointing a tutor by will was considered by the Romans as one of their oldest legal institutions. The nearest kinsmen were usually appointed Tutores, and if a testator passed over such, it was a reflection on their character (Cic. *pro P. Sextio*, 52), that is, we must suppose, if the testator himself was a man in good repute. Persons named and appointed Tutores by a will were Tutores Dativi: those who were chosen under the power given by a will were Tutores Optivi. (Gaius, i. 154.)

If the testator appointed no tutor by his will, the tutela was given by the Twelve Tables to the nearest Agnati, and such Tutores were called Legitimi. The nearest Agnati were also the heredes in case of the immediate heredes of the Testator dying intestate and without issue, and the tutela was therefore a right which they claimed as well as a duty imposed on them. Persius (ii. 12) alludes to the claim of the Tutor as heres to his pupillus. A son who was pubes, was the legitimus tutor of a son who was impubes; and if there was no son who was pubes, the son who was impubes had his father's brother (*patruus*) for his tutor. The same rule applied to females also, till it was altered by a Lex Claudia. If there were several agnati in the same degree, they were all tutores. If there were no Agnati, the tutela belonged to the Gentiles, so long as the Jus Gentilicium was in force. (Gaius, iii. 17, and i. 164.) The tutela in which a freedman was with respect to his Patronus was also Legitima; not that it was expressly given by the words (*lex*) of the Twelve Tables, but it flowed from the lex as a consequence (*per consequentiam*, Ulp. *Frag.* tit. 11); for as the hereditates of intestate liberti and libertae belonged to the patronus, it was assumed that the tutela belonged to him also, since the Twelve Tables allowed the same persons to be tutors in the case of an ingenuus, to whom they gave the hereditas in case there was no suus heres. (Gaius, i. 165.)

If a free person had been mancipated to another either by the parent or coemptionator, and such other person manumitted the free person, he became his tutor fiduciarius by analogy to the case of freedman and patron. (Compare Gaius, i. 166 with Ulp. *Frag.* tit. 11. s. 5.) [Emancipatio; Fiducia.]

If an impubes had neither a tutor Dativus nor Legitimus, he had one given to him, in Rome, under the provisions of the Lex Atilia by the Praetor Urbanus and the major part of the Tribuni Plebis; in the provinces in such cases a tutor was appointed by the Praesides under the provisions of the Lex Julia et Titia. [Lex Julia et Titia.] If a tutor was appointed by testament either sub condicione or ex die certo, a tutor might be given under these Leges so long as the condition had not taken effect or the day had not arrived: and even when a tutor had been appointed absolutely (*pure*), a tutor might be given under these Leges so long as there was no heres; but the power of such tutor ceased as soon as there was a tutor under the testament, that is, as soon as there was a heres to take the hereditas. If a tutor was captured by the enemy, a tutor was also given under these Leges, but such tutor ceased to be tutor, as soon as the original tutor returned from captivity, for he recovered his tutela Jure Postliminii.

Before the passing of the Lex Atilia tutors were given by the praetor in other cases, as for instance, when the legis actiones were in use, the Praetor appointed a tutor if there was any action between a tutor and a woman or ward, for the tutor could not give the necessary authority (*auctoritas*) to the acts of those whose tutor he was, in a matter in which his own interest was concerned. Other cases in which a tutor was given are mentioned by Ulpian, *Frag.* tit. 11.

Ulpian's division of Tutores is into Legitimi, Senatusconsultis constituti, Moribus introducti. His legitimi tutores comprehend all those who become tutores by virtue of any Lex, and specially by the Twelve Tables: accordingly it comprises tutores in the case of intestacy, tutores appointed by testament, for they were confirmed by the Twelve Tables, and tutores appointed under any other Lex as the Atilia. Various Senatusconsulta declared in what cases a tutor might be appointed; thus the Lex Julia de maritandis ordinibus (Papia et Poppaea) enacted that the Praetor should appoint a tutor for a woman or a virgin, who was required to marry by this law, "ad dotem dandam, dicendam, promittendamve," if her Legitimus tutor was himself a Pupillus: a Senatusconsultum extended the provision to the provinces, and enacted that in such case the praesides should appoint a tutor; and also that if a tutor was mutus or furiosus, another should be appointed for the purposes of the Lex. The case above mentioned of a tutor being given in the case of an action between a tutor and his ward, is a case of a tutor Moribus datus. In the Imperial period from the time of Claudius tutores extra ordinem were appointed by the consuls also.

Only those could be Tutores who were sui juris. A person could not be named Tutor in a Testament, unless he had the Testamentifactio with the Testator, a rule which excluded such persons as Peregrini. The Latini Juniani were excluded by the Lex Junia. (Gaius, i. 23.) Women could not be Tutores. Many persons who were competent to be Tutores, might excuse themselves from taking the office: these grounds of excuse (*excusationes*) were, among others, age, absence, the being already Tutor in other cases, the holding of particular offices and other grounds which are enumerated in the Fragmenta Vaticana (123—247). In the system of Justinian the tutela is viewed as a Publicum munus.

The power of the Tutor was with respect to the property and pecuniary interests, not the person of the Pupillus, and the passage of the Twelve Tables which gives or confirms to a testator the power of disposing of his property, uses the phrase, Uti legassit super pecunia tutelave suae rei, that is the Tutela of the property. It was not absolutely essential to the notion of Tutela that the Tutor should have the administration of property; and he had it not in the case of Mulieres. It might happen that the Tutores from their nearness of blood and other causes might have the guardianship of the Impubes; but then the protection of the property of the Impubes was the special office of the Tutor, and the care of the infant belonged to the mother, if she survived (*custodia matrum*, Hor. *Ep.* i. 1. 22). In a case mentioned by Livy (iv. 9), where the mother and the Tutores could not agree about the marriage of the mother's daughter, the magistratus decided in favour of the mother's power (*secundum parentis arbitrium*). As to the later law, see Dig. 27. tit. 2. s. 1. § 6.

A pupillus could do no act by which he diminished his property, but any act to which he was a party was valid, so far as concerned the pupillus, if it was for his advantage. Consequently a pupillus could contract obligationes, which were for his advantage, without his Tutor. (Gaius, iii. 107.) The Tutor's office was "negotia gerere et auctoritatem interponere." Thus the natural act of the pupillus became by auctoritatis interpositio of the Tutor, a legal act; and thus the pupillus and his Tutor formed one complete person, as to legal capacity to act. No particular form was required for the expression of the tutor's auctoritas, and his presence, when the act was done by the pupillus, was enough, if he made no opposition to it. (Ulp. *Frag.* tit. 11. s. 25.) The Negotiorum Gestio in which the Tutor acted alone took place when the Pupillus was an Infans, or absent, or Furiosus: it was his duty to preserve and improve the property and to do all necessary acts for that purpose. When the Pupillus was no longer Infans, he could do various acts with the Auctoritas of his Tutor: the auctoritas was the consent of the Tutor to the act of the Pupillus, which was necessary in order to render it a legal act. Thus it was a rule of law that neither a woman nor a pupillus could alienate a Res mancipi without the auctoritas of a Tutor: a woman could alienate a Res nec mancipi without such consent, but a pupillus could not. (Gaius, ii. 80.) The incapacity of the pupillus is best shown by the following instance: if his debtor paid a debt to the pupillus, the money became the property of the pupillus, but the debtor was not released, because a pupillus could not release any duty that was due to himself without the auctoritas of his Tutor, for he could alienate nothing without such auctoritas, and to release his debtor was equivalent to parting with a right. Still if the money really became a part of the property of the pupillus, or, as it was expressed according to the phraseology of the Roman Law, *si ex ea pecunia locupletior factus sit*, and he afterwards sued for it, the debtor might answer his demand by an Exceptio doli mali. (Gaius, ii. 84; Cic. *Top.* 11.) The subject of the incapacity of Impuberes and the consequent necessity of the auctoritas of a Tutor is further explained in the articles IMPUBES and INFANS.

The tutela was terminated by the death or capitis deminutio maxima and media of the Tutor. The case of a Tutor being taken prisoner by the enemy has been stated. (Gaius, i. 187.) A legitimus Tutor became disqualified to be Tutor legitimus if he sustained a capitis deminutio minima, which was the case if he allowed himself to be adopted (Gaius, i. 195; Ulp. *Frag.* tit. 11. s. 13); but this was not the case with a testamentary Tutor. The tutela ceased by the death of the pupillus or pupilla, or by a capitis deminutio, as for instance the pupilla coming in manum viri. It also ceased when the pupillus or pupilla attained the age of Puberty, which in the male sex was fourteen and in the female was twelve. [IMPUBES.] The tutela ceased by the abdicatio of the testamentary Tutor, that is, when he declared "nolle se tutorem esse." The Tutor legitimus could only get rid of the Tutela, in such cases as he could get rid of it, by In jure cessio, a privilege which the Testamentary tutor had not. The person to whom the tutela was thus transferred was called Cessicius Tutor. If the Cessicius Tutor died, or sustained a Capitis deminutio, or transferred the tutela to another by the In jure cessio, the tutela reverted to the legitimus tutor. If the legitimus tutor died, or sustained a capitis deminutio, the cessicia became extinguished. Ulpian adds (*Frag.* tit. xi. s. 8): "as to what concerns adgnati, there is now no cessicia tutela, for it was only permitted to transfer by the In jure cessio the tutela of females, and the legitima tutela of females was done away with by a Lex Claudia, except the tutela patronorum." The power of the legitimus tutor to transfer the tutela, is explained when we consider what was his relation to the female. [TESTAMENTUM.]

The tutela of a tutor was terminated, when he was removed from the tutela as *suspectus*, or when his excusatio was allowed to be justa; but in both of these cases, a new tutor would be necessary. (Gaius, i. 182.)

The tutor, as already observed, might be removed from his office, if he was misconducting himself: this was effected by the Accusatio suspecti, which is mentioned in the Twelve Tables. (Gaius, i. 182; Dirksen, *Uebersicht, &c. der Zwölf Tafeln*, 599—604.)

The Twelve Tables also gave the pupillus an action against the Tutor in respect of any mismanagement of his property, and if he made out his case, he was entitled to double the amount of the injury done to his property. This appears to be the action which in the Digest is called Rationibus distrahendis, for the settlement of all accounts between the Tutor and his Pupillus. There was also the Judicium tutelae, which comprehended the Actio tutelae directa and Contraria, and like the Actio distrahendis rationibus could only be brought when the Tutela was ended. The Actio tutelae directa was for a general account of the property managed by the Tutor, and for its delivery to the pupillus now become Pubes. The tutor was answerable not only for loss through dolus malus, but for loss occasioned by want of proper care. This was an action Bonae fidei and consequently In incertum (Gaius, iv. 62). If the tutor was condemned in such a judicium, the consequence was Infamia. [INFAMIA.] The tutor was intitled to all proper allowances in respect of what he had expended or done during his management of the property of the pupillus. The Tutor had the Actio tutelae contraria against the pupillus for all his proper costs and expenses; and he might have also a Calumniae judicium, in case he could show that the pupillus had brought an action against him from malicious motives.

In order to secure the proper management of the property of a pupillus or of a person who was In curatione, the Praetor required the Tutor or Curator to give security; but no security was required from Testamentary Tutores, because they had been selected by the testator; nor, generally, from Curatores appointed by a Consul, Praetor or Praeses, for they were appointed as being fit persons. (Gaius, i. 199.)

The Tutela of women who are puberes, requires a separate consideration. If they were not in Potestas or In Manu, yet they were under a Tutela.

It was an old rule of Roman Law that a woman could do nothing "sine auctore," that is without a tutor to give to her acts a complete legal character. (Liv. xxxiv. 2, the speech of Cato for the Lex Oppia.) The reasons for this rule are given by Cicero (*pro Murena*, c. 12), by Ulpian (*Frag.* tit. 11. s. 1) and by Gaius (i. 190); but Gaius considers the usual reasons as to the rule being founded on the inferiority of the sex, as unsatisfactory; for women who are puberes (*perfectae aetatis*) manage their own affairs, and in some cases a tutor must interpose his auctoritas (*dicis causa*), and frequently he is compelled to give his auctoritas by the Praetor. (Gaius, i. 190.) Ulpian also observes (*Frag.* tit. 11. s. 25): "in the case of pupilli and pupillae, tutores both manage their affairs and give their auctoritas (*et negotia gerunt et auctoritatem interponunt*); but the tutores of women (mulieres, that is women who are puberes) only give their auctoritas." There were other cases also in which the capacity of a Mulier was greater than that of a Pupillus or Pupilla. The object of this rule seems to have been the same as the restriction on the Testamentary power of women, for her Agnati who were a woman's Legitimi Tutores were interested in preventing the alienation of her property.

A Mulier might have a Tutor appointed by her father's Testament; or by the Testament of her husband in whose hand she was (tutor dativus). She might also receive from her husband's will the Tutoris Optio (tutor optivus). Women who had no testamentary Tutor, were in the tutela of their Agnati, until this rule of law was repealed by a Lex Claudia, which Gaius (i. 157) illustrates as follows: "a masculus impubes has his frater pubes or his patruus for his tutor; but women (*faeminae*) cannot have such a tutor." This old tutela of the Twelve Tables (*legitima tutela*) and that of manumissores (*patronorum tutela*) could be transferred by the In jure cessio, while that of pupilli could not, "being," as Gaius observes, "not onerous, for it terminated with the period of puberty." But, as already suggested, there were other reasons why the Agnati could part with the tutela, which in the case of Patroni are obvious. The tutela of Patroni was not included within the Lex Claudia. The Tutela fiduciaria was apparently a device of the lawyers for releasing a woman from the tutela legitima (Cic. *pro Murena*, c. 12); though it seems to have been retained, after the passing of the Lex Claudia, which took away the tutela of Agnati over women, as a general mode by which a woman changed her Tutor. (Gaius, i. 115.) To effect this, the woman made a "coemptio fiduciae causa;" she was then remancipated by the coemptionator to some person of her own choice: this person manumitted her by Vindicta, and thus became her Tutor fiduciarius. Thus the woman passed from her own familia to another, and her Agnati lost all claims upon her property, and her Tutor fiduciarius might be compelled by the Praetor to give his auctoritas to her acts. (Gaius, i. 190, ii. 122.)

A tutor dativus was given to women under the Lex Atilia, when there was no tutor; and in other cases which have been already mentioned. (Gaius, i. 173, &c.; Ulp. *Frag.* tit. 11.) The Vestal Virgins were exempt from tutela; and both Ingenuae and Libertinae were exempted from tutela by the Jus Liberorum. (Gaius, i. 145, 194.) Octavia, the sister of Caesar Octavianus, and his wife Livia, were released from Tutela by a special enactment. (Dion Cass. xlix. 38.) The tutela of feminae was determined by the death of the Tutor, or that of the woman; and by her acquiring the Jus Liberorum, either by bearing children, or from the Imperial favour. The abdicatio of the Tutor, and the In jure cessio (so long as the In jure cessio was in use) merely effected a change of Tutor.

Mulieres differed from pupilli and pupillae in having a capacity to manage their affairs, and only requiring in certain cases the Auctoritas of a Tutor. If the woman was in the legitima tutela of patroni or parentes, the Tutores could not be compelled, except in certain very special cases, to give their auctoritas to acts which tended to deprive them of the woman's property, or to diminish it before it might come to their hands. (Gaius, 192.) Other Tutores could be compelled to give their auctoritas. The special cases in which the auctoritas of a Tutor was required were, if the woman had to sue "lege," or in a legitimum judicium, if she was going to bind herself by a contract, if she was doing any Civil act, or permitting her freedwoman to be in contubernium with the slave of another person, or alienating a Res Mancipi. Among Civil Acts (*civilia negotia*) was the making of a Testament, the rules as to which are stated in the article TESTAMENTUM. Libertae could not make a will without the consent of their Patroni, for the will was an act which deprived the Patron of his rights (Gaius, iii. 43) as being a Legitimus tutor. Gaius mentions a Rescript of Antoninus, by which those who claimed the bonorum possessio secundum tabulas non jure factas, could maintain their right against those who claimed it ab intestato. He adds, this Rescript certainly applies to the wills of males, and also of feminae who had not performed the ceremony of Mancipatio or Nuncupatio; but he does not decide whether it applies to the testaments of women made without the auctoritas of a tutor; and by tutor he means not those who exercised the legitima tutela of parents or Patroni; but Tutors of the other kind (*alterius generis*, compare ii. 122 and i. 194, 195) who could be compelled to give their auctoritas. It would be a fair conclusion, however, that a woman's will made without the auctoritas of such tutores, ought to be valid under the Rescript.

A payment made to a mulier was a release to the debtor, for a woman could part with Res nec Mancipi without the auctoritas of a Tutor: if, however, she did not receive the money, but affected to release the debtor by acceptilatio, this was not a valid release to him. (Cic. *Top.* 11; Gaius, ii. 83, 85, iii. 171.) She could not manumit without the auctoritas of a tutor. (Ulp. *Frag.* tit. i. s. 17; compare Cic. *pro M. Coel.* c. 29.) Gaius (ii. 47) states that no alienation of a Res Mancipi by a mulier in agnatorum tutela was valid unless it was delivered with the auctoritas of a Tutor, which he expresses by saying that her Res Mancipi could not otherwise be the object of Usucapion, and that this was a provision of the Twelve Tables (ii. 47). In other cases, if a Res Mancipi was transferred by tradition, the purchaser acquired the Quiritarian ownership by Usucapion [USUCAPIO]; but in the case of a woman's Res Mancipi, the auctoritas of the Tutor was required in order that Usucapion might be effected. In another passage (ii. 80) Gaius observes that a woman cannot alienate her Res Mancipi without the auctoritas of her tutor, which means that the formal act of mancipatio is null without his auctoritas; and such act could not operate as a traditio for want of his auctoritas as appears from the other passage (ii. 47). The passage of Cicero (*pro Flacco*, c. 34) is in accordance with Gaius; but another (*ad Att.* i. 5) is expressed so vaguely, that though the explanation is generally supposed to be clear, it seems exceedingly doubtful, if it can be rightly understood. The possibility of Uusucapion, when there was the auctoritas of the Tutor, appears from Gaius; but it does not appear why Cicero should deny, generally, the possibility of Usucapion of a woman's property, when she was in Legitima Tutela. The passage, however, is perfectly intelligible on the supposition of there having been a transfer without the auctoritas of a Tutor, and on the further supposition of Cicero thinking it unnecessary to state the particular facts of a case which must have been known to Atticus. (See Casaubon's note on Cic. *ad Att.* i. 5.)

The auctoritas of a Tutor was not required in the case of any Obligatio by which the woman's condition was improved; but it was necessary in cases where the woman became bound. (Gaius, i. 192, iii. 108; Ulp. *Frag.* tit. 11. s. 27; Cic. *pro Caecin.* 25.) If the woman wished to promise a Dos, the auctoritas of a Tutor was necessary. (Cic. *pro Flacc.* 35.) By the Lex Julia, if a woman was in the legitima tutela of a pupillus, she might apply to the Praetor Urbanus for a Tutor who should give the necessary auctoritas in the case of a Dos constituenda. (Gaius, i. 178; Ulp. *Frag.* 11. tit. 20.) As a woman could alienate Res nec mancipi without the consent of a Tutor, she could contract an obligation by lending money, for by delivery the money became the property of the receiver. A senatusconsultum allowed a woman to apply for a Tutor in the absence of her Tutor, unless the Tutor was a Patronus; if he was a Patronus, the woman could only apply for a Tutor in order to have his auctoritas for taking possession of an hereditas (*ad hereditatem adeundam*) or contracting a marriage.

The Tutela of a woman was terminated by the death of the Tutor or that of the woman; by a marriage by which she came in manum viri; by the privilege of children (*jus liberorum*); by abdicatio, and also by the in jure cessio, so long as the Agnatorum tutela was in use: but in these two last cases there was only a change of Tutor.

A woman had no right of action against her Tutor in respect of his Tutela, for he had not the Negotiorum gestio, or administration of her property, but only interposed his Auctoritas. (Gaius, i. 191.)

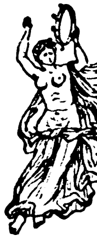
The tutela mulierum existed at least as late as Diocletian, A. D. 293 (*Vat. Frag.* § 325). There is no trace of it in the Code of Theodosius, or in the legislation of Justinian.

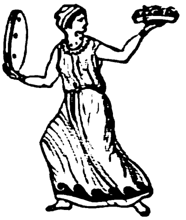
(The most recent and the most complete work on the Roman Tutela is said to be by Rudorff (*Das Recht der Vormundschaft*, 1832—1834), the substance of which appears to be given by Rein, *Das Röm. Privatrecht*, p. 239, &c.; Gaius, i. 142—200; Ulp. *Frag.* xi. xii.; Inst. 1. tit. 13—26; Dig. 26 and 27; Cod. 5. tit. 28—75.) [G. L.]

TU'TULUS was the name given to a pile of hair on a woman's head. Great pains were taken by the Roman ladies to have this part of the hair dressed in the prevailing fashion, whence we read in an inscription of an *ornatrix a tutulo.* (Gruter, 579. 3.) Sometimes the hair was piled up to an enormous height. (Lucan, ii. 358; Juv. vi. 503; Stat. *Silv.* i. 2. 114.) The Tutulus seems to have resembled very much the Greek *κόρυμβος*, of which a representation is given in the first woodcut on p. 329, a.

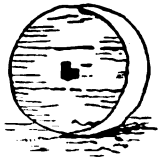
The Flaminica always wore a Tutulus, which was formed by having the hair plaited up with a purple band in a conical form. (Festus, *s. v.*)

TY'MPANUM (*τύμπανον*), a small drum carried in the hand. Of these, some resembled in all respects a modern tambourine with bells. Others presented a flat circular disk on the upper surface and swelled out beneath like a kettledrum, a shape which appears to be indicated by Pliny when he describes a particular class of pearls in the following terms: "Quibus una tantum est facies, et ab ea rotunditas, aversis planities, ob id tympania vocantur." (*H. N.* ix. 54.) Both forms are represented in the cuts below. That upon the left is from a painting found at Pompeii (*Mus. Borbon.* tom. vii. tav. 37), that on the right from a fictile vase (Millin, *Peintures de Vases Antiques*, pl. 56), and here the convexity on the under side is distinctly seen. Tympana were covered with the hides of oxen (Ovid. *Fast.* iv. 342; Stat. *Theb.* ii. 78) or of asses (Phaedr. iii. 20. 4), were beaten (Suet. *Aug.* 68) with a stick (Phaedr. *l. c.*) or with the hand (Ovid. *Met.* iv. 30; see cuts), and were much employed in all wild enthusiastic religious rites (Aristoph. *Lysistr.* i. 387), especially the orgies of Bacchus and of Cybele (Catull. lxiv. 262; Claud. *de Cons. Stilich.* iii. 365; Lucret. ii. 618; Catull. lxiii. 8; Virg. *Aen.* ix. 619; Claud. *Eutrop.* i. 278; compare Lobeck, *Aglaophamus*, pp. 630, 652), and hence Plautus (*Truc.* ii. 7. 49) characterises an effeminate coxcomb as "Moechum malacum, cincinnatum, umbraticolam, tympanotribam." According to Justin (xli. 2) they were used by the Parthians in war to give the signal for the onset.





2. A solid wheel without spokes for heavy waggons (Virg. *Georg.* iv. 444), such as is shown in the cut on page 923. These are to this day common in the rude carts of southern Italy and Greece, and Sir C. Fellows (*Excursions in Asia Minor*, p. 72), from whose work the figure below is copied, found them attached to the farm vehicles of Mysia. "The wheels are of solid blocks of wood, or thick planks, generally three, held together by an iron hoop or tire; a loud creaking noise is made by the friction of the galled axle," a satisfactory commentary on the "stridentia plaustra" of Virgil (*Georg.* iii. 536).



3. Hence, wheels of various kinds, a sort of crane worked by a wheel for raising weights (Lucret. iv. 903; Vitruv. x. 4; ANTLIA), a wheel for drawing water (Vitruv. x. 14), a solid toothed wheel forming part of the machinery of a mill (Vitruv. x. 9, 10), and the like.

4. An ancient name for round plates or chargers, such as were afterwards called *lances* and *staterae.* (Plin. *H. N.* xxxiii. 52.)

5. An architectural term signifying the flat surface or space within a pediment, and also the square panel of a door. (Vitruv. iii. 3, iv. 6.)

6. A wooden cudgel for beating malefactors, and also a beating post to which they were tied when flogged; hence the Greek verbs τυμπανίζειν and ἀποτυμπανίζειν are formed. (Schol. *ad Aristoph. Plut.* 476; St. Paul, *Ep. to Hebrews*, xi. 35; Pollux, viii. 70.) [W. R.]

TYPUS (τύπος), which properly means a *blow*, and hence *the effect of a blow*, and specifically a *mark* or *impress* made by a blow, is applied in the arts to any die or mould, and to any figure formed by striking from a die, or by casting in a mould, or even by cutting, as a cameo or intaglio, and, more generally, to any figure whatever, as being the *type* or *facsimile* of the thing represented by it. (See the Lexicons.) By the *typi* which Cicero (*ad Att.* i. 10) commissions Atticus to obtain for him to work into the plastering of his *atrium*, he probably means reliefs of any sort. The different specific meanings included in the word are more exactly expressed by certain compounds, such as ἀντίτυπος, the *copy* or *impress* of a τύπος, *a die* or *mould; ἔντυπος* and *ἐντύπωμα, a sunken pattern* or *intaglio; ἔκτυπος, a relief* of any kind, especially a *cameo*, and, more specifically, *a high-relief*, as opposed to *πρόστυπος, a low-relief*.) Comp. FICTILE, p. 532, a; FORMA. [P. S.]

TYRANNUS (τύραννος). In the heroic age all the governments in Greece were monarchical, the king uniting in himself the functions of the priest, the judge, and military chief. These were the πατρικαὶ βασιλεῖαι of Thucydides. (i. 13.) In the first two or three centuries following the Trojan war various causes were at work, which led to the abolition, or at least to the limitation, of the kingly power. Emigrations, extinctions of families, disasters in war, civil dissensions, may be reckoned among these causes. Hereditary monarchies became elective; the different functions of the king were distributed; he was called ἄρχων, κόσμος, or πρύτανις, instead of βασιλεύς, and his character was changed no less than his name. Noble and wealthy families began to be considered on a footing of equality with royalty; and thus in process of time sprang up oligarchies or aristocracies, which most of the governments that succeeded the ancient monarchies were in point of fact, though not as yet called by such names. These oligarchies did not possess the elements of social happiness or stability. The principal families contended with each other for the greatest share of power, and were only unanimous in disregarding the rights of those whose station was beneath their own. The people, oppressed by the privileged classes, began to regret the loss of their old paternal form of government; and were ready to assist any one who would attempt to restore it. Thus were opportunities afforded to ambitious and designing men to raise themselves, by starting up as the champions of popular right. Discontented nobles were soon found to prosecute schemes of this sort, and they had a greater chance of success, if descended from the ancient royal family. Peisistratus is an example; he was the more acceptable to the people of Athens, as being a descendant of the family of Codrus. (Herod. v. 65.) Thus in many cities arose that species of monarchy which the Greeks called τυραννίς, which meant only *a despotism*, or irresponsible dominion of one man; and which frequently was nothing more than a revival of the ancient government, and, though unaccompanied with any recognized hereditary title, or the reverence attached to old name and long prescription, was hailed by the lower orders of people as a good exchange, after suffering under the domination of the oligarchy. All *tyrannies*, however, were not so acceptable to the majority; and sometimes we find the nobles concurring in the elevation of a despot, to further their own interests. Thus the Syracusan *Gamori*, who had been expelled by the populace, on receiving the protection of Gelon, sovereign of Gela and Camarina, enabled him to take possession of Syracuse, and establish his kingdom there. (Herod. vii. 154, 155.) Sometimes the conflicting parties in the state, by mutual consent, chose some eminent man, in whom they had confidence, to reconcile their dissensions; investing him with a sort of dictatorial power for that purpose, either for a limited period or otherwise. Such a person they called αἰσυμνήτης. [AESYMNETES.]

A similar authority was conferred upon Solon, when Athens was torn by the contending factions of the Διάκριοι, Πεδιαῖοι, and Πάραλοι, and he was requested to act as mediator between them. Solon was descended from Codrus, and some of his friends wished him to assume the sovereignty; this he refused to do, but, taking the constitutional title of Archon, framed his celebrated form of polity and code of laws. (Herod. i. 29; Plut. *Solon*. c. 13, &c.; Schömann, *Antiq. Jur. publ. Gr.* p. 173.) The legislative powers conferred upon Draco, Zaleucus, and Charondas, were of a similar kind, investing them with a temporary dictatorship.

The τύραννος must be distinguished, on the one hand, from the αἰσυμνήτης, inasmuch as he was not elected by general consent, but commonly owed his elevation to some *coup d'état*, some violent movement or stratagem, such as the creation of a body-guard for him by the people, or the seizure of the citadel (Herod. i. 59; Thucyd. i. 126); and on the other hand, from the ancient king, whose right depended, not on usurpation, but on inheritance and traditionary acknowledgment. The power of a king might be more absolute than that of a *tyrant;* as Pheidon of Argos is said to have made the royal prerogative greater than it was under his predecessors; yet he was still regarded as a king; for the difference between the two names depended on title and origin, and not on the manner in which the power was exercised. (Aristot. *Polit.* v. 8.) The name of *tyrant* was originally so far from denoting a person who abused his power, or treated his subjects with cruelty, that Peisistratus is praised by Thucydides (vi. 54) for the moderation of his government; and Herodotus says, he governed *οὔτε τιμὰς τὰς ἐούσας συνταράξας, οὔτε θέσμια μεταλλάξας, ἐπί τε τοῖσι κατεστεῶσι ἔνεμε τὴν πόλιν κοσμέων καλῶς τε καὶ εὖ*. (i. 59.) Therefore we find the words βασιλεὺς and τύραννος used promiscuously by the Attic tragedians *passim* (see the *Argument* of the Oedipus Tyrannus); and even by prose authors. Thus Herodotus calls the Lydian Candaules τύραννος (i. 7), the kingdom of Macedonia τυραννίς (viii. 137), and Periander of Corinth βασιλεύς. (iii. 52; compare v. 27, 92.) Afterwards, when *tyrants* themselves had become odious, the name also grew to be a word of reproach, just as *rex* did among the Romans. (Wachsmuth, *Hellen. Alt.* vol. i. pt. i. pp. 279—288, 1st ed.; Thirlwall, *Hist. of Greece*, vol. i. pp. 401, 404.)

Among the early *tyrants* of Greece those most worthy of mention are: — Cleisthenes of Sicyon, grandfather of the Athenian Cleisthenes, in whose family the government continued for a century since its establishment by Orthagoras, about B. C. 672 (Herod. v. 67, 69); Cypselus of Corinth, who expelled the Bacchiadae, B. C. 656, and his son Periander, both remarkable for their cruelty; their dynasty lasted between seventy and eighty years (Herod. v. 92); Procles of Epidaurus (Herod. iii. 50, 52); Pantaleon of Pisa, who celebrated the thirty-fourth Olympiad, depriving the Eleans of the presidency (Pausan. vi. 21, 22); Theagenes of Megara, father-in-law to Cylon the Athenian (Thucyd. i. 126); Peisistratus, whose sons were the last of the early *tyrants* on the Grecian continent.

In Sicily, where *tyranny* most flourished, the principal were Phalaris of Agrigentum, who established his power in B. C. 568, concerning whose supposed epistles Bentley wrote his famous treatise; Theron of Agrigentum; Gelon, already mentioned, who, in conjunction with Theron, defeated Hamilcar the Carthaginian, on the same day on which the battle of Salamis was fought; and Hiero, his brother: the last three celebrated by Pindar. (See Herod. vii. 156, 165, 166.) In Grecian Italy we may mention Anaxilaus of Rhegium, who reigned B. C. 496 (Herod. vi. 23, vii. 165); Cleinias of Croton, who rose after the dissolution of the Pythagorean league; (as to which see Polyb. ii. 39; Athen. xii. p. 522, xiv. p. 623; Thirlwall, *Id.* vol. ii. p. 154.) The following also are worthy of notice: Polycrates of Samos (Herod. iii. 39, 56, 120, 125; Thucyd. i. 13); Lygdamis of Naxos (Herod. i. 61, 64); Histiaeus and Aristagoras of Miletus. (Herod. iv. 137, v. 23, 30, 37, vi. 29.) Perhaps the last mentioned can hardly be classed among the *Greek tyrants*, as they were connected with the Persian monarchy. (Wachsmuth, *Id.* vol. i. pt. i. p. 274.)

The general characteristics of a *tyranny* were, that it was bound by no laws, and had no recognized limitation to its authority, however it might be restrained *in practice* by the good disposition of the *tyrant* himself, or by fear, or by the spirit of the age. It was commonly most odious to the wealthy and noble, whom the *tyrant* looked upon with jealousy as a check upon his power, and whom he often sought to get rid of by sending them into exile or putting them to death. The advice given by Thrasybulus of Miletus to Periander affords an apt illustration of this. (Herod. v. 92.) The *tyrant* usually kept a body-guard of foreign mercenaries, by aid of whom he controlled the people at home; but he seldom ventured to make war, for fear of giving an opportunity to his subjects to revolt. The Sicilian sovereigns form an exception to this observation. (Thucyd. i. 17.) He was averse to a large congregation of men in the town, and endeavoured to find rustic employments for the populace; but was not unwilling to indulge them with shows and amusements. A few of the better sort cultivated literature and the arts, adorned their city with handsome buildings, and even passed good laws. Thus, Peisistratus commenced building the splendid temple of Jupiter Olympus, laid out the garden of the Lyceum, collected the Homeric poems, and is said to have written poetry himself. Tribute was imposed on the people, to raise a revenue for the *tyrant*, to pay his mercenaries, and maintain his state. Peisistratus had the tithe of land, which his sons reduced to the twentieth. [Telos.]

The causes which led to the decline of *tyranny* among the Greeks were partly the degeneracy of the *tyrants* themselves, corrupted by power, indolence, flattery, and bad education; for even where the father set a good example, it was seldom followed by the son; partly the cruelties and excesses of particular men, which brought them all into disrepute; and partly the growing spirit of inquiry among the Greek people, who began to speculate upon political theories, and soon became discontented with a form of government, which had nothing in theory, and little in practice, to recommend it. Few dynasties lasted beyond the third generation. Most of the tyrannies, which flourished before the Persian war, are said to have been overthrown by the exertions of Sparta, jealous probably of any innovation upon the old Doric constitution, especially of any tendency to ameliorate the condition of the Perioeci, and anxious to extend her own influence over the states of Greece by means of the benefits which she conferred. (Thucyd. i. 18.) Upon the fall of *tyranny*, the various republican forms of government were established, the Dorian states generally favouring oligarchy, the Ionian democracy. (Wachsmuth, vol. i. pt. i. p. 289; Schömann, *Id.* pp. 84, 88—91.)

As we cannot in this article pursue any historical narrative, we will shortly refer to the *revival* of *tyranny* in some of the Grecian states after the end of the Peloponnesian war. In Thessaly Jason of Pherae raised himself, under the title of Ταγός, B. C. 374, to the virtual sovereignty of his native city, and exercised a most extensive sway over most of the Thessalian states, but this power ceased with Lycophron, B. C. 353. [Tagus.] In Sicily, the corruption of the Syracusans, their intestine discords, and the fear of the Carthaginian invaders, led to the appointment of Dionysius to the chief military command, with unlimited powers; by means of which he raised himself to the throne, B. C. 406, and reigned for 38 years, leaving his son to succeed him. The younger Dionysius, far inferior in every respect to his father, was expelled by Dion, afterwards regained the throne, and was again expelled by Timoleon, who restored liberty to the various states of Sicily. (For their history the reader is referred to Xenoph. *Hell.* ii. 2. § 24; Diod. xiv. 7, 46, 66, 72, 109, xv. 73, 74, xvi. 5, 16, 36, 68, 69, &c.; Plut. *Dion.* and *Timol.*; Wachsmuth, vol. i. pt. ii. pp. 316—326.) With respect to the dynasty of the Archaenactidae in the Cimmerian Bosporus, and some of the towns on the coast of the Euxine, see Wachsmuth, vol. i. pt. ii. p. 329. Lastly, we may notice Evagoras of Cyprus, who is panegyrized by Isocrates; Plutarch of Eretria, Callias and Taurosthenes of Chalcis, who were partisans of Philip against the Athenians. (Plut. *Phoc.* 12; Isocr. *Evag.*; Wachsmuth, vol. i. pt. ii. p. 330.) The persons commonly called *the thirty tyrants* at Athens, who obtained the supreme power at the close of the Peloponnesian war, do not fall within the scope of the present subject. With respect to the Athenian laws against *tyranny*, and the general feelings of the people, see Prodosia. [C. R. K.]

TYRANNIDOS GRAPHE (*τυραννίδος γραφή*). [Prodosia.]

U. V.

VACA'NTIA BONA. [BONA VACANTIA.]

VACA'TIO. [EXERCITUS, p. 499.]

VADIMO'NIUM. [ACTIO, p. 11 ; PRAES.]

VAGI'NA. [GLADIUS.]

VALLUM, a term applied either to the whole or a portion of the fortifications of a Roman camp. It is derived from *vallus* (a stake), and properly means the palisade which ran along the outer edge of the top of the agger, but it very frequently includes the agger also. The *vallum*, in the latter sense, together with the *fossa* or ditch which surrounded the camp outside of the *vallum*, formed a complete fortification. [AGGER.]

The *valli* (χάρακες), of which the *vallum*, in the former and more limited sense, was composed, are described by Polybius (xviii. i. 1, *Excerpt. Antiq.* xvii. 14) and Livy (xxxiii. 5), who make a comparison between the *vallum* of the Greeks and that of the Romans, very much to the advantage of the latter. Both used for *valli* young trees or arms of larger trees, with the side branches on them ; but the *valli* of the Greeks were much larger and had more branches than those of the Romans, which had either two or three, or at the most four branches, and these generally on the same side. The Greeks placed their valli in the agger at considerable intervals, the spaces between them being filled up by the branches ; the Romans fixed theirs close together, and made the branches interlace, and sharpened their points carefully. Hence the Greek vallus could easily be taken hold of by its large branches and pulled from its place, and when it was removed a large opening was left in the vallum. The Roman vallus, on the contrary, presented no convenient handle, required very great force to pull it down, and even if removed left a very small opening. The Greek valli were cut on the spot ; the Romans prepared theirs beforehand, and each soldier carried three or four of them when on a march. (Polyb. *l. c.;* Virg. *Georg.* iii. 346, 347 ; Cic. *Tusc.* ii. 16.) They were made of any strong wood, but oak was preferred.

The word *vallus* is sometimes used as equivalent to *vallum.* (Caesar, *Bell. Civ.* iii. 63.)

A fortification like the Roman vallum was used by the Greeks at a very early period. (Hom. *Il.* ix. 349, 350.)

Varro's etymology of the word is not worth much (*L. L.* v. 117, ed. Müller).

In the operations of a siege, when the place could not be taken by storm, and it became necessary to establish a blockade, this was done by drawing defences similar to those of a camp round the town, which was then said to be *circumvallatum.* Such a circumvallation, besides cutting off all communication between the town and the surrounding country, formed a defence against the sallies of the besieged. There was often a double line of fortifications, the inner against the town, and the outer against a force that might attempt to raise the siege. In this case the army was encamped between the two lines of works.

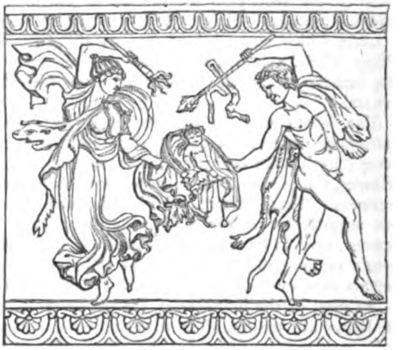
This kind of circumvallation, which the Greeks called ἀποτειχισμός and περιτειχισμός, was employed by the Peloponnesians in the siege of Plataeae. (Thucyd. ii. 78, iii. 20—23.) Their lines consisted of two walls (apparently of turf) at the distance of 16 feet, which surrounded the city in the form of a circle. Between the walls were the huts of the besiegers. The walls had battlements (ἐπάλξεις), and at every tenth battlement was a tower, filling up by its depth the whole space between the walls. There was a passage for the besiegers through the middle of each tower. On the outside of each wall was a ditch (τάφρος). This description would almost exactly answer for the Roman mode of circumvallation, of which some of the best examples are that of Carthage by Scipio (Appian, *Punic.* 119, &c.), that of Numantia by Scipio (Appian, *Hispan.* 90), and that of Alesia by Caesar (*Bell. Gall.* vii. 72, 73). The towers in such lines were similar to those used in attacking fortified places, but not so high, and of course not moveable. [TURRIS.]

(Lipsius, *de Milit. Rom.* v. 5, in *Oper.* iii. pp. 156, 157 ; *Poliorc.* ii. 1, in *Oper.* iii. 283.) [P. S.]

VALLUS. [VALLUM.]

VALVAE. [JANUA, p. 625, b.]

VANNUS (λικμός, λίκνον), a winnowing-fan, *i. e.* a broad basket, into which the corn mixed with chaff (*acus*, ἄχυρα) was received after thrashing, and was then thrown in the direction of the wind. (Col. *de Re Rust.* ii. 21 ; Virg. *Georg.* iii. 134.) It thus performed with greater effect and convenience the office of the *pala lignea*, or winnowing-shovel. [PALA.] Virgil (*Georg.* i. 166) dignifies this simple implement by calling it *mystica vannus Iacchi.* The rites of Bacchus, as well as those of Ceres, having a continual reference to the occupations of rural life, the vannus was borne in the processions celebrated in honour of both these divinities. Hence Λικνίτης (Hesych. *s. v.*) was one of the epithets of Bacchus. In an ANTEFIXA in the British Museum (see the annexed woodcut) the infant Bacchus is carried in a vannus by two dancing bacchantes clothed in skins, the one male and carrying a THYRSUS, the other female and carrying a torch [FAX]. Other divinities were sometimes conceived to have been cradled in the same manner. (Callim. *Jov.* 48 ; Schol. *in loc.;* Hom. *H. in Merc.* 254.) The vannus was also used in the processions to carry the instruments of sacrifice and the first fruits or other offerings, those who bore them being called the λικνοφόροι. (Callim. *Cer.* 127.) [J. Y.]



VAPPA. [VINUM.]

VAS. [ACTIO, p. 11 ; PRAES.]

VAS (pl. *vasa*), a general term for any kind of vessel. Thus we read of *vas vinarium* (Cic. *Verr.* iv. 27), *vas argenteum* (Cic. *l. c.;* Hor. Sat. ii. 7. 72), *vasa Corinthia et Deliaca* (Cic. *pro Rosc. Am.*

46), *vasa Samia*, that is, made of Samian earthenware (Cic. *pro Mur.* 36), *vasa Murrhina* (Plin. *H. N.* xxxvii. 2. s. 7). [Murrhina Vasa.] The word *vas* was used in a still wider signification, and was applied to any kind of utensil used in the kitchen, agriculture, &c. Thus Plautus says (*Aulul.* i. 3. 17): —

> "Cultrum, securim, pistillum, mortarium,
> Quae utenda vasa semper vicini rogant,
> Fures venisse, atque abstulisse dicito."

(Comp. Dig. 33. tit. 7. s. 8; 34. tit. 2. s. 20). The utensils of the soldiers were called *vasa*, and hence *vasa colligere* and *vasa conclamare* signify to pack up the baggage, to give the signal for departure (Cic. *Verr.* iv. 19; Liv. xxi. 47, xxvii. 47; Caes. *B. C.* i. 66, iii. 37).

UDO, a sock of goats-hair or felt. (Mart. xiv. 140.) Hesiod (*Op. et Dies*, 542) advises countrymen to wear brogues (*perones*, *καρβατίναι*) made of ox-hide, with socks of the above description within them. Socks of a finer felt were sometimes worn by the Athenians. (Cratinus, p. 29, ed. Runkel.) [J. Y.]

VECTIGA'LIA, the general term for all the regular revenues of the Roman state. (Cic. *pro Leg. Manil.* 6.) The word is derived from *veho*, and is generally believed to have originally signified the duties paid upon things imported and exported (*quae vehebantur*). If this were true, it would necessarily imply that these duties were either the most ancient or the most important branch of the Roman revenues, and that for either of these reasons the name was subsequently used to designate all the regular revenues in general. But neither point is borne out by the history of Rome, and it seems more probable that vectigal means anything which is brought (*vehitur*) into the public treasury, like the Greek *φόρος*. The earliest regular income of the state was in all probability the rent paid for the use of the public and and pastures. This revenue was called *pascua*, a name which was used as late as the time of Pliny (*H. N.* xviii. 3), in the tables or registers of the censors for all the revenues of the state in general.

The senate was the supreme authority in all matters of finance, but as the state itself did not occupy itself with collecting the taxes, duties, and tributes, the censors were entrusted with the actual business. These officers, who in this respect may not unjustly be compared to modern ministers of finance, used to let the various branches of the revenue to the publicani for a fixed sum, and for a certain number of years. [Censor; Publicani.]

As most of the branches of the public revenues of Rome are treated of in separate articles, it is only necessary to give a list of them here, and to explain those which have not been treated of separately.

1. The tithes paid to the state by those who occupied the ager publicus. [Decumae; Agrariae Leges.]

2. The sums paid by those who kept their cattle on the public pastures. [Scriptura.]

3. The harbour duties raised upon imported and exported commodities. [Portorium.]

4. The revenue derived from the salt-works. [Salinae.]

5. The revenues derived from the mines (*metalla*). This branch of the public revenue cannot have been very productive until the Romans had become masters of foreign countries. Until that time the mines of Italy appear to have been worked, but this was forbidden by the senate after the conquest of foreign lands. (Plin. *H. N.* xxxiii. 4, xxxvii. 13.) The mines of conquered countries were treated like the salinae, that is, they were partly left to individuals, companies, or towns on condition of a certain rent being paid (Plin. *H. N.* xxxiv. 1; Cic. *Philip.* ii. 19), or they were worked for the direct account of the state, or were farmed by the publicani. In the last case, however, it appears always to have been fixed by the lex censoria how many labourers or slaves the publicani should be allowed to employ in a particular mine, as otherwise they would have been able to derive the most enormous profits. (Plin. *H. N.* xxxiii. 4.) Among the most productive mines belonging to the republic we may mention the rich gold-mines near Aquileia (Polyb. xxxiv. 10), the gold-mines of Ictimuli near Vercelli, in which 25,000 men were constantly employed (Plin. *H. N.* xxxiii. 4; Strab. v. p. 151), and lastly the silver-mines in Spain in the neighbourhood of Carthago Nova, which yielded every day 25,000 drachmas to the Roman aerarium. (Polyb. xxxiv. 9; comp. Liv. xxxiv. 21.) Macedonia, Thrace, Illyricum, Africa, Sardinia, and other places also contained very productive mines, from which Rome derived considerable income.

6. The hundredth part of the value of all things which were sold (*centesima rerum venalium*). This tax was not instituted at Rome until the time of the civil wars; the persons who collected it were called *coactores*. (Cic. *Ep. ad Brut.* i. 18, *pro Rab. Post.* 11.) Tiberius reduced this tax to a two-hundredth (*ducentesima*), and Caligula abolished it for Italy altogether, whence upon several coins of this emperor we read R. C. C., that is, *Remissa Ducentesima*. (Tacit. *Annal.* i. 78, ii. 42; Suet. *Calig.* 16.) According to Dion Cassius (lviii. 16, lix. 9) Tiberius restored the centesima, which was afterwards abolished by Caligula. (Comp. Dig. 50. tit. 16. s. 17. § 1.) Respecting the tax raised upon the sale of slaves see Quinquagesima.

7. The vicesima hereditatium et manumissionum. [Vicesima.]

8. The tribute imposed upon foreign countries was by far the most important branch of the public revenue during the time of Rome's greatness. It was sometimes raised at once, sometimes paid by instalments, and sometimes changed into a poll-tax, which was in many cases regulated according to the census. (Cic. *c. Verr.* ii. 53, 55, &c.; Paus. vii. 16.) In regard to Cilicia and Syria we know that this tax amounted to one per cent. of a person's census, to which a tax upon houses and slaves was added. (Cic. *ad Fam.* iii. 8, *ad Att.* v. 16; Appian, *de Reb. Syr.* 50.) In some cases the tribute was not paid according to the census, but consisted in a land-tax. (Appian, *de Bell. Civil.* v. 4; comp. Walter, *Gesch. des Röm. Rechts*, p. 224. &c.)

9. A tax upon bachelors. [Aes Uxorium.]

10. A door-tax. [Ostiarium.]

11. The *octavae*. In the time of Caesar all liberti living in Italy and possessing property of 200 sestertia, and above it, had to pay a tax consisting of the eighth part of their property. (Dion Cass. l. 10.)

It would be interesting to ascertain the amount of income which Rome at various periods derived from these and other sources; but our want of information renders it impossible. We have only the general statement that previously to the time of Pompey the annual revenue amounted to fifty millions of drachmas, and that it was increased by him to eighty-five millions. (Plut. *Pomp.* 45.) Respecting the sums contained at different times in the aerarium at Rome, see Pliny, *H. N.* xxxiii. 17.

(Burmann, *de Vectig. Pop. Romani;* Hegewisch, *Versuch über die Röm. Finanzen*; Bosse, *Grundzüge des Finanzwesens im Röm. Staat.;* Dureau de la Malle, *Economie Politique des Romains*, Paris, 2 vols. 8vo.) [L. S.]

VEHES (ὄχημα), a load of hay, manure, or anything which was usually conveyed in a cart. [PLAUSTRUM.] Pliny speaks of "a large load of hay" (*vehem foeni large onustam*, Plin. *H. N.* xxxvi. 15. s. 24), which shows that this term did not always denote a fixed quantity. With the Romans, however, as with us, the *load* was likewise used as a measure, a load of manure being equal to eighty modii, which was about twenty bushels. (Col. *de Re Rust.* ii. 15, 16, xi. 2.) The trunk of a tree, when squared, was also reckoned a load, the length varying according to the kind of timber, viz. 20 feet of oak, 25 of fir, &c. (Col. *l. c.*) A load was also called CARPENTUM. [J. Y.]

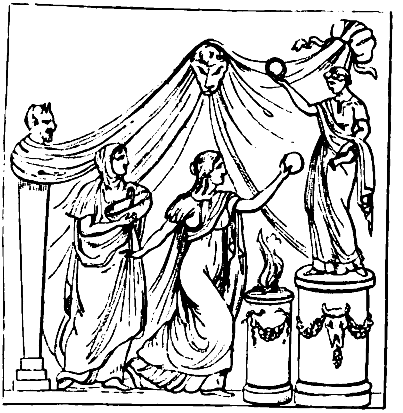
VELA'RIUM. [VELUM.]

VELA'TI was a name given to the Accensi in the Roman army, who were only supernumerary soldiers ready to supply any vacancies in the legion. [ACCENSI.] They were called Velati, because they were only clothed (*velati*) with the saga, and were not regularly armed. (Festus, *s. v. Velati, Adscripticii.*)

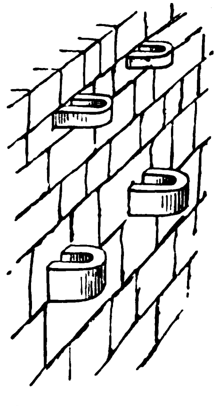
VE'LITES. [EXERCITUS, pp. 503, a, 506, b.]

VELUM (*αὐλαία*, Theophrast. *Char.* 5; Athen. v. p. 196, c; Pollux, iv. 122; *παραπέτασμα*, Plato, *Polit.* p. 294, ed. Bekker; Synes. *Epist.* 4; *καταπέτασμα*, Matt. xxvii. 51), a curtain; (*ἱστίον*), a sail. In private houses curtains were either hung as coverings over doors (Sueton. *Claud.* 10), or they served in the interior of the house as substitutes for doors. (Sen. *Epist.* 81.) [JANUA.] In the palace of the Roman emperor a slave, called *velarius*, was stationed at each of the principal doors to raise the curtain when any one passed through. (Inscript. *ap. Pignor. de Servis*, p. 470.) Window-curtains were used in addition to window-shutters. (Juv. ix, 80.) Curtains sometimes formed partitions in the rooms (Plin. *Epist.* iv. 19), and, when drawn aside, they were kept in place by the use of large brooches (*fibulae*). Iron curtain-rods have been found extending from pillar to pillar in a building at Herculaneum. (Gell, *Pompeiana*, vol. i. p. 160, Lon. 1832.)

In temples curtains served more especially to veil the statue of the divinity. They were drawn aside occasionally so as to discover the object of worship to the devout. (Apuleius, *Met.* xi. p. 127, ed. Aldi.) [PASTOPHORUS.] Antiochus presented to the temple of Jupiter at Olympia a woollen curtain of Assyrian manufacture, dyed with the Tyrian purple and interwoven with figures. When the statue was displayed, this curtain lay upon the ground, and it was afterwards drawn up by means of cords; whereas in the temple of Diana at Ephesus the corresponding curtain or veil was attached to the ceiling, and was let down in order to conceal the statue. (Paus. v. 12. § 2.) The annexed woodcut is from a bas-relief representing two females engaged in supplication and sacrifice before the statue of a goddess. The altar is adorned for the occasion [SERTUM], and the curtain is drawn aside and supported by a terminus. (Guattani, *Mon. Ined. per* 1786, Nov. T. iii.)



In the theatres there were hanging curtains to decorate the scene. (Virg. *Georg.* iii. 25; Propert. iv. 1. 15.) The SIPARIUM was extended in a wooden frame. The *velarium* was an awning stretched over the whole of the cavea to protect the spectators from the sun and rain. (Juv. iv. 121; Sueton. *Calig.* 26.) These awnings were in general either woollen or linen; cotton was used for this purpose a little before the time of Julius Caesar. (Plin. *H. N.* xix. 1. s. 6; Dion Cass. xliii. 24; Lucret. vi. 108.) This vast extent of canvass was supported by masts (*mali*, Lucret. *l. c.*) fixed into the outer wall. The annexed woodcut shows the form and position of the great rings cut out of lava, which remain on the inside of the wall of the Great Theatre at Pompeii near the top, and which are placed at regular distances, and one of them above another, so that each mast was fixed into two rings. Each ring is of one piece with the stone behind it. At Rome we observe a similar contrivance in the Coliseum; but the masts were in that instance ranged on the outside of the wall, and rested on 240 consoles, from which



they rose so as to pass through holes cut in the cornice. The holes for the masts are also seen in the Roman theatres at Orange and other places.

Velum, and much more commonly its derivative *velamen*, denoted the veil worn by women. (Prudent. *c. Symm.* ii. 147.) That worn by a bride was specifically called *flammeum* [MATRIMONIUM, p. 743, a]: another special term was RICA. Greek women, when they went abroad, often covered their heads with the shawl [PEPLUM], thus making it serve the purpose of a veil. But they also used a proper head-dress, called *καλύπτρα* (Apollod. ii. 6. § 6; Aelian, *V. H.* vii. 9), which besides serving to veil their countenances, whenever they desired it, was graceful and ornamental, and was therefore attributed to Venus (Paus. iii. 15. § 8; Brunck, *Anal.* ii. 459) and Pandora (Hes. *Theog.* 573). The veil of Ilione, the eldest daughter of Priam, was one of the seven objects preserved at Rome as pledges of the permanency of its power. (Serv. *in Virg. Aen.* vii. 188.)

Velum also meant a sail (*ἱστίον*, NAVIS, p. 790, a; *λαῖφος*, Callim. *Epig.* v. 4; Eurip. *Hec.* 109). Sail-cloth was commonly linen, and was obtained in great quantities from Egypt; but it was also woven at other places, such as Tarquinii in Etruria. (Liv. xxviii. 45.) But cotton sail-cloth (*carbasa*) was also used, as it is still in the Mediterranean. The separate pieces (*lintea*) were taken as they came from the loom, and were sewed together. This is shown in ancient paintings of ships, in which the seams are represented as distinct and regular. [J. Y.]

VENA'BULUM, a hunting-spear. This may have been distinguished from the spears used in warfare by being barbed; at least it is often so formed in ancient works of art representing the story of Meleager (Bartoli, *Admir.* 84) and other hunting scenes. It was seldom, if ever, thrown, but held so as to slant downwards and to receive the attacks of the wild boars and other beasts of chace. (Virg. *Aen.* iv. 131, ix. 553; Varr. *L. L.* viii. 53, ed. Müller; Apul. *Met.* viii. pp. 78, 83, ed. Aldi; Plin. *Ep.* i. 6.) [J. Y.]

VENALICIA'RII. [SERVUS, p. 1040, a.]

VENA'TIO, hunting, was the name given among the Romans to an exhibition of wild beasts, which fought with one another and with men. These exhibitions originally formed part of the games of the Circus. Julius Caesar first built a wooden amphitheatre for the exhibition of wild beasts, which is called by Dion Cassius (xliii. 22) *ϑέατρον κυνηγετικόν*, and the same name is given to the amphitheatre built by Statilius Taurus (Id. li. 23), and also to the celebrated one of Titus (Id. lxvi. 24); but even after the erection of the latter we frequently read of Venationes in the Circus. (Spart. *Hadr.* 19; Vopisc. *Prob.* 19.) The persons who fought with the beasts were either condemned criminals or captives, or individuals who did so for the sake of pay and were trained for the purpose. [BESTIARII.]

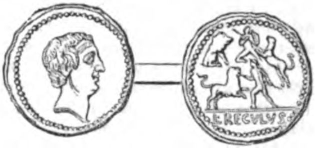
The Romans were as passionately fond of this entertainment as of the exhibitions of gladiators, and during the latter days of the republic and under the empire an immense variety of animals was collected from all parts of the Roman world for the gratification of the people, and many thousands were frequently slain at one time. We do not know on what occasion a venatio was first exhibited at Rome; but the first mention we find of any thing of the kind is in the year B. C. 251, when L. Metellus exhibited in the Circus 142 elephants, which he had brought from Sicily after his victory over the Carthaginians, and which were killed in the Circus according to Verrius, though other writers do not speak of their slaughter. (Plin. *H. N.* viii. 6.) But this can scarcely be regarded as an instance of a venatio, as it was understood in later times, since the elephants are said to have been only killed because the Romans did not know what to do with them, and not for the amusement of the people. There was, however, a venatio in the later sense of the word in B. C. 186, in the games celebrated by M. Fulvius in fulfilment of the vow which he had made in the Aetolian war; in these games lions and panthers were exhibited. (Liv. xxxix. 22.) It is mentioned as a proof of the growing magnificence of the age that in the Ludi Circenses, exhibited by the curule aediles P. Cornelius Scipio Nasica and P. Lentulus B. C. 168, there were 63 African panthers and 40 bears and elephants. (Liv. xliv. 18.) From about this time combats with wild beasts probably formed a regular part of the Ludi Circenses, and many of the curule aediles made great efforts to obtain rare and curious animals, and put in requisition the services of their friends. (Compare Caelius's letter to Cicero, *ad Fam.* viii. 9.) Elephants are said to have first fought in the Circus in the curule aedileship of Claudius Pulcher, B. C. 99, and twenty years afterwards, in the curule aedileship of the two Luculli, they fought against bulls. (Plin. *H. N.* viii. 7.) A hundred lions were exhibited by Sulla in his praetorship, which were destroyed by javelin-men sent by king Bocchus for the purpose. This was the first time that lions were allowed to be loose in the Circus; they were previously always tied up. (Senec. *de Brev. Vit.* 13.) The games, however, in the curule aedileship of Scaurus B. C. 58 surpassed anything the Romans had ever seen; among other novelties he first exhibited an hippopotamos and five crocodiles in a temporary canal or trench (*euripus*, Plin. *H. N.* viii. 40). At the venatio given by Pompey in his second consulship B. C. 55, upon the dedication of the temple of Venus Victrix, and at which Cicero was present (Cic. *ad Fam.* vii. 1), there was an immense number of animals slaughtered, among which we find mention of 600 lions, and 18 or 20 elephants: the latter fought with Gaetulians, who hurled darts against them, and they attempted to break through the railings (*clathri*) by which they were separated from the spectators. (Senec. *l. c.*; Plin. viii. 7. 20.) To guard against this danger Julius Caesar surrounded the arena of the amphitheatre with trenches (*euripi*).

In the games exhibited by J. Caesar in his third consulship, B. C. 45, the venatio lasted for five days and was conducted with extraordinary splendour. Camelopards or giraffes were then for the first time seen in Italy. (Dion Cass. xliii. 23; Suet. *Jul.* 39; Plin. *H. N.* viii. 7; Appian, *B. C.* ii. 102; Vell. Pat. ii. 56.) Julius Caesar also introduced bull-fights, in which Thessalian horsemen pursued the bulls round the circus, and when the latter were tired out, seized them by the horns and killed them. This seems to have been a favourite spectacle; it was repeated by Claudius and Nero. (Plin. *H. N.* viii. 70; Suet. *Claud.* 21; Dion Cass. lxi. 9.) In the games celebrated by Augustus, B. C. 29, the hippopotamos and the rhinoceros were first exhibited, according to Dion Cassius (li. 22), but the hippopotamos is spoken of by Pliny, as mentioned above, in the games given by Scaurus. Augustus also exhibited a snake 50 cubits in length (Suet. *Aug.* 43), and thirty-six crocodiles, which are seldom mentioned in the spectacles of later times. (Dion Cass. lv. 10.)

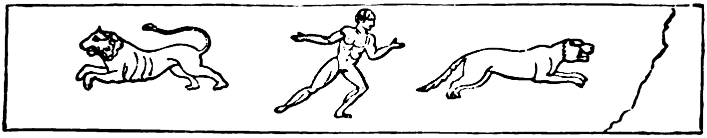
The occasions on which Venationes were exhibited have been incidentally mentioned above. They seem to have been first confined to the Ludi Circenses, but during the later times of the republic, and under the empire, they were frequently exhibited on the celebration of triumphs, and on many other occasions, with the view of pleasing the people. The passion for these shows continued to increase under the empire, and the number of beasts sometimes slaughtered seems almost incredible. At the consecration of the great amphitheatre of Titus, 5000 wild beasts and 4000 tame animals were killed (Suet. *Tit.* 7; Dion Cass. lvi. 25), and in the games celebrated by Trajan, after his victories over the Dacians, there are said to have been as many as 11,000 animals slaughtered. (Dion Cass. lxviii. 15.) Under the emperors we read of a particular kind of Venatio, in which the beasts were not killed by bestiarii, but were given up to the people, who were allowed to rush into the area of the circus and carry away what they pleased. On such occasions a number of large trees, which had been torn up by the roots, was planted in the circus, which thus resembled a forest, and none of the more savage animals were admitted into it. A Venatio of this kind was exhibited by the elder Gordian in his aedileship, and a painting of the forest with the animals in it is described by Julius Capitolinus. (*Gordian*, 3.) One of the most extraordinary venationes of this kind was that given by Probus, in which there were 1000 ostriches, 1000 stags, 1000 boars, 1000 deer, and numbers of wild goats, wild sheep, and other animals of the same kind. (Vopisc. *Prob.* 19.) The more savage animals were slain by the bestiarii in the amphitheatre, and not in the circus. Thus, in the day succeeding the venatio of Probus just mentioned, there were slain in the amphitheatre 100 lions, and the same number of lionesses, 100 Libyan and 100 Syrian leopards, and 300 bears. (Vopisc. *l. c.*) It is unnecessary to multiply examples, as the above are sufficient to give an idea of the numbers and variety of animals at these spectacles; but the list of beasts which were collected by the younger Gordian for his triumph, and were exhibited by his successor Philip at the Secular Games, deserve mention on account of their variety and the rarity of some of them. Among these we find mention of 32 elephants, 10 elks, 10 tigers (which seem to have been very seldom exhibited), 60 tame lions, 30 tame leopards, 10 hyaenas, an hippopotamos and rhinoceros, 10 archoleontes (it is unknown what they were), 10 camelopards, 20 onagri (wild asses, or perhaps zebras), 40 wild horses, and an immense number of similar animals. (Vopisc. *Gordian*, 33.)

How long these spectacles continued is uncertain, but they were exhibited after the abolition of the shows of gladiators. There is a law of Honorius and Theodosius, providing for the safe convoy of beasts intended for the spectacles, and inflicting a penalty of five pounds of gold upon any one who injured them. (Cod. 11. tit. 44.) They were exhibited at this period at the praetorian games, as we learn from Symmachus. (*Epist.* ix. 70, 71, 126, &c.) Wild beasts continued to be exhibited in the games at Constantinople as late as the time of Justinian. (Procop. *Hist. Arc.* c. 9.)

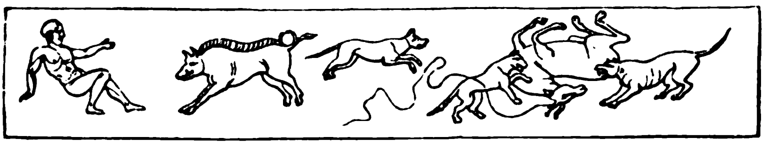
Combats of wild beasts are sometimes represented on the coins of Roman families, as on the annexed coin of M. Livineius Regulus, which probably refers to the venatio of Julius Caesar mentioned above.

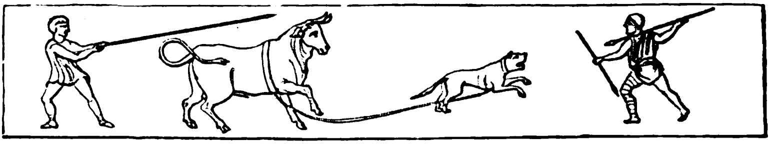


In the bas-reliefs on the tomb of Scaurus at Pompeii, there are representations of combats with wild beasts, which are copied in the following woodcuts from Mazois (*Pomp.* i. pl. 32, 33). On the same tomb gladiatorial combats are represented, which are figured on p. 576 of the present work.

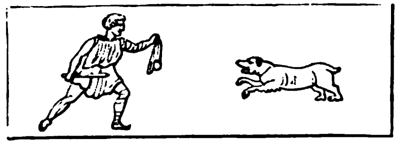


The first represents a man naked and unarmed between a lion and a panther. Persons in this defenceless state had of course only their agility to trust to in order to escape from the beasts. In the second cut we see a similar person against whom a wild boar is rushing, and who appears to be preparing for a spring to escape from the animal. In the same relief there is a wolf running at full speed, and also a stag with a rope tied to his horns who has been pulled down by two wolves or dogs. The





third relief is supposed by Mazois to represent the training of a bestiarius. The latter has a spear in each hand; his left leg is protected by greaves, and he is in the act of attacking a panther, whose movements are hampered by a rope, which fastens him to the bull behind him, and which accordingly places the bestiarius in a less dangerous position, though more caution and activity are required than if the beast were fixed to a single point. Behind the bull another man stands with a spear, who seems to be urging on the animal. The fourth woodcut represents a man equipped in the same way as the matador in the Spanish bull-fights in the present day, namely, with a sword in one hand and a veil in the other. The veil was first employed in the arena in the time of the emperor Claudius. (Plin. *H. N.* viii. 21.)



VENEFI'CIUM, the crime of poisoning, is frequently mentioned in Roman history. Women were most addicted to it; but it seems not improbable that this charge was frequently brought against females without sufficient evidence of their guilt, like that of witchcraft in Europe, in the middle ages. We find females condemned to death for this crime in seasons of pestilence, when the popular mind is always in an excited state and ready to attribute the calamities under which they suffer to the arts of evil-disposed persons. Thus the Athenians, when the pestilence raged in their city during the Peloponnesian war, supposed the wells to have been poisoned by the Peloponnesians (Thucyd. ii. 48), and similar instances occur in the history of almost all states. Still however the crime of poisoning seems to have been much more frequent in ancient than in modern times; and this circumstance would lead persons to suspect it in cases when there was no real ground for the suspicion. Respecting the crime of poisoning at Athens, see PHARMACON GRAPHE.

The first instance of its occurrence at Rome in any public way was in the consulship of M. Claudius Marcellus and C. Valerius, B. C. 331, when the city was visited by a pestilence. After many of the leading men of the state had died by the same kind of disease, a slave-girl gave information to the curule aediles that it was owing to poisons prepared by the Roman matrons. Following her information they surprized about twenty matrons, among whom were Cornelia and Sergia, both belonging to Patrician families, in the act of preparing certain drugs over a fire; and being compelled by the magistrates to drink these in the forum, since they asserted that they were not poisonous, they perished by their own wickedness. Upon this further informations were laid, and as many as a hundred and seventy matrons were condemned. (Liv. viii. 18; compare Val. Max. ii. 5. § 3; August. *De Civ. Dei*, iii. 17.) We next read of poisoning being carried on upon an extensive scale as one of the consequences of the introduction of the worship of Bacchus. (Liv. xxxix. 8.) [DIONYSIA, p. 413.] In B. C. 184, the praetor, Q. Naevius Matho, was commanded by the senate to investigate such cases (*de veneficiis quaerere*): he spent four months in the investigation, which was principally carried on in the municipia and conciliabula, and, according to Valerius of Antium, he condemned 2000 persons. (Liv. xxxix. 38. 41.) We again find mention of a public investigation into cases of poisoning by order of the senate, in B. C. 180, when a pestilence raged at Rome, and many of the magistrates and other persons of high rank had perished. The investigation was conducted in the city and within ten miles of it by the praetor C. Claudius, and beyond the ten miles by the praetor C. Maenius. Hostilia, the widow of the consul C. Calpurnius, who had died in that year, was accused of having poisoned her husband, and condemned on what appears to have been mere suspicion. (Liv. xl. 37.) Cases of what may be called private poisoning, in opposition to those mentioned above, frequently occurred. The speech of Cicero in behalf of Cluentius supplies us with several particulars on this subject. Under the Roman emperors it was carried on to a great extent, and some females, who excelled in the art, were in great request. One of the most celebrated of these was Locusta, who poisoned Claudius at the command of Agrippina, and Britannicus at that of Nero, the latter of whom even placed persons under her to be instructed in the art. (Tacit. *Annal.* xii. 66, xiii. 15; Suet. *Ner.* 33; Juv. i. 71.)

The first legislative enactment especially directed against poisoning was a law of the dictator Sulla — Lex Cornelia de Sicariis et Veneficis — passed in B. C. 82, which continued in force, with some alterations, to the latest times. It contained provisions against all who made, bought, sold, possessed, or gave poison for the purpose of poisoning. (Cic. *pro Cluent.* 54; Marcian, Dig. 48. tit. 8. s. 3; Inst. 4. tit. 18. s. 5.) The punishment fixed by this law was, according to Marcian, the deportatio in insulam and the confiscation of property; but it was more probably the interdictio aquae et ignis, since the deportatio under the emperors took the place of the interdictio, and the expression in the Digest was suited to the time of the writers or compilers. [LEX CORNELIA, p. 687.] By a senatusconsultum passed subsequently, a female, who gave drugs or poison for the purpose of producing conception even without any evil intent, was banished (*relegatus*), if the person to whom she administered them died in consequence. By another senatusconsultum all druggists (*pigmentarii*), who administered poisons carelessly "purgationis causa," were liable to the penalties of this law. In the time of Marcian (that of Alexander Severus) this crime was punished capitally in the case of persons of lower rank (*humiliores*), who were exposed to wild beasts, but persons of higher rank (*altiores*) were condemned to the deportatio in insulam. (Dig. *l. c.*)

The word Veneficium was also applied to potions, incantations, &c. (Cic. *Brut.* 60; Petron. 118); whence we find *Veneficus* and *Venefica* used in the sense of a sorcerer and sorceress in general.

VER SACRUM (*ἔτος ἱερόν*). It was a custom among the early Italian nations, especially among the Sabines, in times of great danger and distress, to vow to the deity the sacrifice of every thing born in the next spring, that is between the first of March and the last day of April, if the calamity under which they were labouring should be removed. (Fest. *s. v. Ver sacrum;* Liv. xxii. 9, 10, xxxiv. 44; Strab. v. p. 172; Sisenna *ap. Non.* xii. 18; Serv. *ad Aen.* vii. 796.) This sacrifice in the early times comprehended both men and domestic animals, and there is little doubt that in many cases the vow was really carried into effect. But in later times it was thought cruel to sacrifice so many innocent infants, and accordingly the following expedient was adopted. The children were allowed to grow up, and in the spring of their twentieth or twenty-first year they were with covered faces driven across the frontier of their native country, whereupon they went whithersoever fortune or the deity might lead them. Many a colony had been founded by persons driven out in this manner; and the Mamertines in Sicily were the descendants of such devoted persons. (Fest. *l. c.* and *s. v. Mamertini;* compare Dionys. i. 16; Plin. *H. N.* iii. 18; Justin. xxiv. 4; Liv. xxxiii. 44.)

In the two historical instances in which the Romans vowed a ver sacrum, that is, after the battle of lake Trasimenus and at the close of the second Punic war, the vow was confined to domestic animals, as was expressly stated in the vow. (Liv. *l. c.*; Plut. *Fab. Max.* 4.) [L. S.]

VERBE'NA. [Sagmina.]

VERBENA'RIUS. [Fetialis.]

VERNA. [Servus, pp. 1038, 1040.]

VERSO IN REM ACTIO. [Servus, p. 1038.]

VERSU'RA. [Fenus, p. 527, a.]

VERU, VERU'TUM. [Hasta. p. 588, b.]

VESPAE, VESPILLO'NES. [Funus, p. 559, a.]

VESTA'LES, the virgin priestesses of Vesta who ministered in her temple and watched the eternal fire. Their existence at Alba Longa is connected with the earliest Roman traditions, for Silvia the mother of Romulus was a member of the sisterhood (Liv. i. 20; Dionys. i. 76); their establishment in the city, in common with almost all other matters connected with state religion, is generally ascribed to Numa (Dionys. ii. 65; Plut. *Num.* 10), who selected four (their names are given in Plutarch), two from the Titienses and two from the Ramnes (Dionys. ii. 67; Festus, *s. v. Sex Vestae*), and two more were subsequently added from the Luceres, by Tarquinius Priscus according to one authority (Plut. *Num. l. c.*), by Servius Tullius according to another. (Dionys. iii. 67.) This number of six remained unchanged at the time when Plutarch wrote, and the idea that it was afterwards increased to seven rests upon very unsatisfactory evidence. (See *Mémoires de l'Academie des Inscript.* vol. iv. p. 167; Ambros. *Epist.* v. 31, *c. Symmach.* and the remarks of Lipsius.)

They were originally chosen (*capere* is the technical word) by the king (Liv. i. 3. 20; Dionys. *ll. cc.*) and during the republic and empire by the Pontifex Maximus. It was necessary that the maiden should not be under six nor above ten years of age, perfect in all her limbs, in the full enjoyment of all her senses, patrima et matrima [Patrimi], the daughter of free and freeborn parents who had never been in slavery, who followed no dishonourable occupation, and whose home was in Italy. (Gell. i. 12.) The lex Papia ordained that when a vacancy occurred the Pontifex Maximus should name at his discretion twenty qualified damsels, one of whom was publicly (*in concione*) fixed upon by lot, an exemption being granted in favour of such as had a sister already a vestal and of the daughters of certain priests of a high class. (Gell. *l. c.*) The above law appears to have been enacted in consequence of the unwillingness of fathers to resign all control over a child, and this reluctance was manifested so strongly in later times that in the age of Augustus *libertinae* were declared eligible. (Dion Cass. lv. 22; Suet. *Octav.* 31.) The casting of lots moreover does not seem to have been practised if any respectable person came forward voluntarily and offered a daughter who fulfilled the necessary conditions. As soon as the election was concluded the Pontifex Maximus took the girl by the hand and addressed her in a solemn form preserved by Aulus Gellius from Fabius Pictor. Sacerdotem. Vestalem. Quae. Sacra. Faciat. Quae. Ious. Siet. Sacerdotem. Vestalem. Facere. Pro. Populo. Romano. Quiritium. Utei. Quae. Optima. Lege. Fovit. Ita. Te. Amata. Capio. where the title Amata seems simply to signify "beloved one," and not to refer as Gellius supposes to the name of one of the original Vestals, at least no such name is to be found in the list of Plutarch alluded to above. After these words were pronounced she was led away to the atrium of Vesta, and lived thenceforward within the sacred precincts under the special superintendence and control of the pontifical college. (Dionys. ii. 67; Liv. iv. 44, viii. 15; Plin. *Ep.* iv. 11; Suet. *Octav.* 31; Gell. i. 12.)

The period of service lasted for thirty years. During the first ten the priestess was engaged in learning her mysterious duties, being termed *discipula* (Val. Max. i. 1. § 7), during the next ten in performing them, during the last ten in giving instructions to the novices (Dionys. *l. c.*; Plut. *l. c.*; Senec. *de vit. beat.* 29), and so long as she was thus employed she was bound by a solemn vow of chastity. But after the time specified was completed she might, if she thought fit, throw off the emblems of her office (Dionys. *l. c.*), unconsecrate herself (*exaugurare*, Gell. vi. 7), return to the world and even enter into the marriage state. (Plut. *l. c.*) Few however availed themselves of these privileges; those who did were said to have lived in sorrow and remorse (as might indeed have been expected from the habits they had formed): hence such a proceeding was considered ominous, and the priestesses for the most part died as they had lived in the service of the goddess. (Tacit. *Ann.* ii. 86; Inscrip. quoted by Gronov. *ad Tacit. Ann.* iii. 64.)

The senior sister was entitled *Vestalis Maxima*, or *Virgo Maxima* (Ovid. *Fast.* iv. 639; Suet. *Jul.*

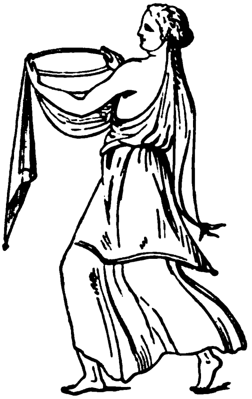
83, *Domit.* 8; Orell. *Inscript.* n. 2233, &c.; ἡ πρεσβεύουσα, Dion Cass. liv. 24; ἡ ἀρχιερεία, lxxix. 9), and we find also the expressions *Vestalium vetustissimam* (Tacit. *Ann.* xi. 32) and *tres maximae.* (Serv. *ad Virg. Ecl.* viii. 82.)

Their chief office was to watch by turns, night and day, the everlasting fire which blazed upon the altar of Vesta (VIRGINESQUE VESTALES IN URBE CUSTODIUNTO IGNEM FOCI PUBLICI SEMPITERNUM, Cic. *de Leg.* ii. 8. 12; Liv. xxviii. 11; Val. Max. i. 1. § 6; Senec. *de Prov.* 5), its extinction being considered as the most fearful of all prodigies, and emblematic of the extinction of the state. (Dionys. ii. 67; Liv. xxvi. 1.) If such misfortune befell and was caused by the carelessness of the priestess on duty, she was stripped and scourged by the Pontifex Maximus, in the dark and with a screen interposed, and he rekindled the flame by the friction of two pieces of wood from a *felix arbor.* (Dionys., Plut., Val. Max. *ll. cc.*; Festus, *s. v. Ignis.*) Their other ordinary duties consisted in presenting offerings to the goddess at stated times, and in sprinkling and purifying the shrine each morning with water, which according to the institution of Numa was to be drawn from the Egerian fount, although in later times it was considered lawful to employ any water from a living spring or running stream, but not such as had passed through pipes. When used for sacrificial purposes it was mixed with *muries*, that is, salt which had been pounded in a mortar, thrown into an earthen jar and baked in an oven. (Ovid. *Fast.* iii. 11; Propert. iv. 4. 15; Plut. *Num.* 13; Fest. *s. v. Muries.*) They assisted moreover at all great public holy rites, such as the festivals of the Bona Dea (Dion Cass. xxxvii. 45) and the consecration of temples (Tacit. *Hist.* iv. 53), they were invited to priestly banquets (Macrob. ii. 9; Dion Cass. xlvii. 19), and we are told that they were present at the solemn appeal to the gods made by Cicero during the conspiracy of Catiline. (Dion Cass. xxxvii. 35.) They also guarded the sacred relics which formed the *fatale pignus imperii*, the pledge granted by fate for the permanency of the Roman sway, deposited in the inmost adytum (*penus Vestae*, see Festus, *s. v.*) which no one was permitted to enter save the virgins and the chief pontifex. What this object was no one knew, some supposed that it was the Palladium, others the Samothracian gods carried by Dardanus to Troy and transported from thence to Italy by Aeneas, but all agreed in believing that something of awful sanctity was here preserved, contained, it was said, in a small earthen jar closely sealed, while another exactly similar in form, but empty, stood by its side. (Dionys. i. 69, ii. 66; Plut. *Camill.* 20; Liv. xxvi. 27; Lamprid. *Elagab.* 6; Ovid. *Fast.* vi. 365; Lucan, ix. 994.)

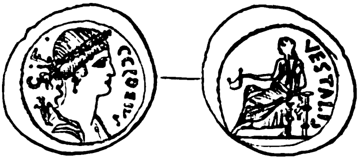
We have seen above that supreme importance was attached to the purity of the Vestals, and a terrible punishment awaited her who violated the vow of chastity. According to the law of Numa she was simply to be stoned to death (Cedrenus, *Hist. Comp.* p. 148, or p. 259, ed. Bekker), but a more cruel torture was devised by Tarquinius Priscus (Dionys. iii. 67; Zonaras, vii. 8) and inflicted from that time forward. When condemned by the college of pontifices, she was stripped of her vittae and other badges of office, was scourged (Dionys. ix. 40), was attired like a corpse, placed in a close litter and borne through the forum attended by her weeping kindred, with all the ceremonies of a real funeral, to a rising ground called the *Campus Sceleratus*, just within the city walls, close to the Colline gate. There a small vault underground had been previously prepared, containing a couch, a lamp, and a table with a little food. The Pontifex Maximus, having lifted up his hands to heaven and uttered a secret prayer, opened the litter, led forth the culprit, and placing her on the steps of the ladder which gave access to the subterranean cell, delivered her over to the common executioner and his assistants, who conducted her down, drew up the ladder, and having filled the pit with earth until the surface was level with the surrounding ground, left her to perish deprived of all the tributes of respect usually paid to the spirits of the departed. In every case the paramour was publicly scourged to death in the forum. (Plut. *Num.* 10, *Fab. Max.* 18, *Quaest. Rom.* vol. vii. p. 154, ed. Reiske; Dionys. ii. 67, iii. 67, viii. 89, ix. 40; Liv. iv. 44, viii. 15, xxii. 57; Plin. *Ep.* iv. 11; Suet. *Dom.* 8; Dion Cass. lxvii. 3, lxxvii. 16, and fragg. xci. xcii.; Festus *s. v. Probrum et Sceleratus Campus.*)

But if the labours of the Vestals were unremitting and the rules of the order rigidly and pitilessly enforced, so the honours they enjoyed were such as in a great measure to compensate for their privation. They were maintained at the public cost and from sums of money and land bequeathed from time to time to the corporation. (Suet. *Octav.* 31, *Tib.* 76; Sicul. Flacc. 23, ed. Goes.) From the moment of their consecration they became as it were the property of the goddess alone, and were completely released from all parental sway without going through the form of *emancipatio* or suffering any *capitis deminutio*. (Gell. i. 11.) They had a right to make a will, and to give evidence in a court of justice without taking an oath (Gell. x. 15), distinctions first conceded by an Horatian law to a certain Caia Tarratia or Fufetia, and afterwards communicated to all. (Gell. i. 12; Gaius, i. 145; compare Plin. *H. N.* xxxiv. 11.) From the time of the triumviri each was preceded by a lictor when she went abroad (Dion Cass. xlvii. 19), consuls and praetors made way for them, and lowered their fasces (Senec. *Controvers.* vi. 8; compare Plut. *Tib. Gracch.* 15), even the tribunes of the plebs respected their holy character (Oros. v. 4; Suet. *Tib.* 2; compare Cic. *pro Coel.* 14; Val. Max. v. 4. § 6), and if any one passed under their litter he was put to death. (Plut. *Num.* 10.) Augustus granted to them all the rights of matrons who had borne three children (Dion Cass. lvi. 10; Plut. *l. c.*), and assigned them a conspicuous place in the theatre (Suet. *Octav.* 44; Tacit. *Ann.* iv. 16), a privilege which they had enjoyed before at the gladiatorial shows. (Cic. *pro Muren.* 35.) Great weight was attached to their intercession on behalf of those in danger and difficulty, of which we have a remarkable example in the entreaties which they addressed to Sulla on behalf of Julius Caesar (Suet. *Jul.* 1; compare Cic. *pro Font.* 17; Suet. *Vitell.* 16, Dion Cass. lxv. 18; Tacit. *Ann.* iii. 69, xi. 32, *Hist.* iii. 81), and if they chanced to meet a criminal as he was led to punishment they had a right to demand his release, provided it could be proved that the encounter was accidental. Wills, even those of the emperors, were committed to their charge (Suet. *Jul.* 83, *Octav.* 101; Tacit. *Ann.* i. 8), for when in such keeping they were considered inviolable (Plut. *Anton.* 58); and in like manner very solemn treaties, such as that of the triumvirs with Sextus Pompeius, were placed in their hands. (Appian, *B. C.* v. 73; Dion Cass. xlviii. 37 and 46; compare xlviii. 12.) That they might be honoured in death as in life, their ashes were interred within the pomoerium. (Serv. *ad Virg. Aen.* xi. 206.)

They were attired in a stola over which was an upper vestment made of linen (Val. Max. i. 1. § 7; Dionys. ii. 68; Plin. *Ep.* iv. 11), and in addition to the Infula and white woollen Vitta they wore when sacrificing a peculiar head-dress called *suffibulum*, consisting of a piece of white cloth bordered with purple, oblong in shape, and secured by a clasp. (Festus, *s. v. Suffibulum.*) In dress and general deportment they were required to observe the utmost simplicity and decorum, any fanciful ornaments in the one or levity in the other being always regarded with disgust and suspicion. (Liv. iv. 44, viii. 15; Plin. *Ep.* iv. 11; Ovid. *Fast.* iv. 285.) We infer from a passage in Pliny (*H. N.* xvi. 85) that their hair was cut off, probably at the period of their consecration; whether this was repeated from time to time does not appear, but they are never represented with flowing locks. The first of the following cuts, copied from a gem (Montfaucon, *Ant. Exp.* i. pl. xxviii., *Supplem.* i. pl. xxiii.), represents the Vestal Tuccia who when wrongfully accused appealed to the goddess to vindicate her honour, and had power given her to carry a sieve full of water from the Tiber to the temple. (Val. Max. viii. 1. § 5; Plin. *H. N.* xxviii. 2.) The form of the upper garment is here well seen. The second is from a denarius of the Gens Clodia, representing upon the reverse a female priestess with a simpuvium in her hand, and bearing the legend VESTALIS; on the obverse is a head of Flora with the words C. CLODIVS C. F. Two Vestals belonging to this gens were celebrated in the Roman Annals. (See Ovid. *Fast.* iv. 279; Suet. *Tib.* 2; Augustin. *de Civ. Dei*, x. 16; Herodian. i. 11.) [TRIUMPHUS, p. 1165, a.] The coin seems to have been struck to commemorate the splendour of the Floralia as exhibited during the famous aedileship of C. Clodius Pulcher B. C. 99. (Cic. *de Off.* ii. 16, *c. Verr.* iv. 2; Plin. *H. N.* xxxv. 4.)



(Lipsius, *de Vesta et Vestalibis Syntagma*, and Noehden, "On the worship of Vesta, &c. Classical Journal, vol. xv. 123, vol. xvi. 321," have collected most of the authorities on this subject; Göttling, *Geschichte der Römisch. Staatsverfassung*, p. 189.) [W. R.]



VESTI'BULUM. [DOMUS, p. 427, a; JANUA, p. 627, b.]

VESTICEPS. [IMPUBES, 631, a.]

VETERA'NUS. [EXERCITUS, p. 499, b.]

VEXILLA'RII. [EXERCITUS, p. 507, b.]

VEXILLUM. [EXERCITUS, p. 507, b; SIGNA MILITARIA.]

VIAE. Three words are employed by the Roman jurists to denote a road, or a right of road, *Iter*, *Actus*, *Via*. The different meanings of these three words are given under SERVITUTES, p. 1032.

We next find *Viae* divided into *privatae* or *agrariae* and *publicae*, the former being those the use of which was free while the soil itself remained private property, the latter those of which the use, the management, and the soil were alike vested in the state. *Viae Vicinales* (*quae in vicis sunt vel quae in vicos ducunt*), being country cross-roads merging in the great lines, or at all events not leading to any important terminus, might be either *publicae* or *privatae* according as they were formed and maintained at the cost of the state or by the contributions of private individuals. (Dig. 43. tit. 8. s. 2. § 21, 22; tit. 7. s. 3; Sicul. Flacc. *de Cond. Agr.* p. 9, ed. Goes.) The *Viae publicae* of the highest class were distinguished by the epithets *militares*, *consulares*, *praetoriae*, answering to the terms ὁδοὶ βασιλικαὶ among the Greeks and *king's highway* among ourselves.

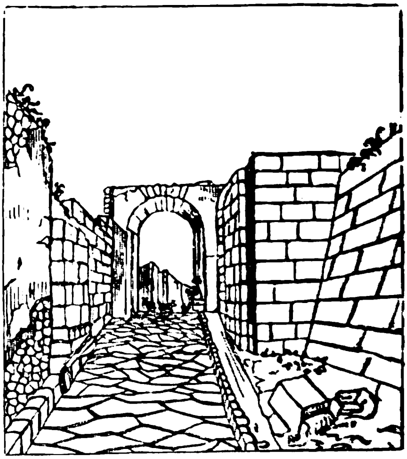
That public roads of some kind must have existed from the very foundation of the city is manifest, but as very little friendly intercourse existed with the neighbouring states for any length of time without interruption, they would in all probability not extend beyond the narrow limits of the Roman territory, and would be mere muddy tracks used by the peasants in their journeys to and from market. It was not until the period of the long protracted Samnite wars that the necessity was strongly felt of securing an easy, regular, and safe communication between the city and the legions, and then for the first time we hear of those famous paved roads, which, in after ages, keeping pace with the progress of the Roman arms, connected Rome with her most distant provinces, constituting not only the most useful, but the most lasting of all her works. (Strabo, v. p. 235.) The excellence of the principles upon which they were constructed is sufficiently attested by their extraordinary durability, many specimens being found in the country around Rome which have been used without being repaired for more than a thousand years, and are still in a high state of preservation.

The Romans are said to have adopted their first ideas upon this subject from the Carthaginians (Isidor. xv. 16. § 6), and it is extremely probable that the latter people may, from their commercial activity, and the sandy nature of their soil, have been compelled to turn their attention to the best means of facilitating the conveyance of merchandize to different parts of their territory. It must not be imagined, however, that the Romans employed from the first the elaborate process which we are about to describe. The first step would be from the *Via Terrena* (Dig. 43. tit. 11. s. 2), the mere track worn by the feet of men and beasts and the wheels of waggons across the fields, to the *Via Glareata*, where the surface was hardened by gravel; and even after pavement was introduced the blocks seem originally to have rested merely on a bed of small stones. (Liv. xli. 27; compare Liv. x. 23. 47.)

Livy has recorded (ix. 29) that the censorship of Appius Caecus (B.C. 312) was rendered celebrated in after ages from his having brought water into the city and paved a road (*quod viam munivit et aquam in urbem perduxit*), the renowned *Via Appia*, which extended in the first instance from Rome to Capua, although we can scarcely suppose that it was carried so great a distance in a single lustrum. (Niebuhr, *Röm. Gesch.* iii. p. 356.) We undoubtedly hear long before this period of the *Via Latina* (Liv. ii. 39), the *Via Gabina* (Liv. ii. 11, iii. 6, v. 49), and the *Via Salaria* (Liv. vii. 9), &c.; but even if we allow that Livy does not employ these names by a sort of prolepsis, in order to indicate conveniently a particular direction (and that he does speak by anticipation when he refers to milestones in some of the above passages is certain), yet we have no proof whatever that they were laid down according to the method afterwards adopted with so much success. (Compare Liv. vii. 39.)

Vitruvius enters into no details with regard to road-making, but he gives most minute directions for pavements, and the fragments of ancient pavements still existing and answering to his description correspond so exactly with the remains of the military roads, that we cannot doubt that the processes followed in each case were identical, and thus Vitruvius (vii. 1), combined with the poem of Statius (*Silv.* iv. 3), on the *Via Domitiana*, will supply all the technical terms.

In the first place, two shallow trenches (*sulci*) were dug parallel to each other, marking the breadth of the proposed road; this in the great lines, such as the Via Appia, the Via Flaminia, the Via Valeria, &c., is found to have been from 13 to 15 feet, the Via Tusculana is 11, while those of less importance, from not being great thoroughfares, such as the Via which leads up to the temple of Jupiter Latialis, on the summit of the Alban Mount, and which is to this day singularly perfect, seem to have been exactly 8 feet wide. The loose earth between the *Sulci* was then removed, and the excavation continued until a solid foundation (*gremium*) was reached, upon which the materials of the road might firmly rest; if this could not be attained, in consequence of the swampy nature of the ground or from any peculiarity in the soil, a basis was formed artificially by driving piles (*fistucationibus*). Above the *gremium* were four distinct strata. The lowest course was the *statumen*, consisting of stones not smaller than the hand could just grasp; above the statumen was the *rudus*, a mass of broken stones cemented with lime, (what masons call *rubble-work*,) rammed down hard and nine inches thick; above the rudus came the *nucleus*, composed of fragments of bricks and pottery, the pieces being smaller than in the rudus, cemented with lime and six inches thick. Uppermost was the *pavimentum*, large polygonal blocks of the hardest stone (*silex*), usually, at least in the vicinity of Rome, basaltic lava, irregular in form but fitted and jointed with the greatest nicety (*apta jungitur arte silex*, Tibull. i. 7. 60) so as to present a perfectly even surface, as free from gaps or irregularities as if the whole had been one solid mass, and presenting much the same external appearance as the most carefully built polygonal walls of the old Pelasgian towns. The general aspect will be understood from the cut given below of a portion of the street at the entrance of Pompeii. (Mazois, *Les Ruines de Pompéi*, vol. i. pl. xxxvii.)



The centre of the way was a little elevated so as to permit the water to run off easily, and hence the terms *agger viae* (Isidor. xv. 16. § 7; Ammian. Marcellin. xix. 16; compare Virg. *Aen.* v. 273); and *summum dorsum* (Stat. *l. c.*), although both may be applied to the whole surface of the pavimentum. Occasionally, at least in cities, rectangular slabs of softer stone were employed instead of the irregular polygons of silex, as we perceive to have been the case in the forum of Trajan, which was paved with travertino, and in part of the great forum under the column of Phocas, and hence the distinction between the phrases *silice sternere* and *saxo quadrato sternere.* (Liv. x. 23, xli. 27.) It must be observed, that while on the one hand recourse was had to piling, when a solid foundation could not otherwise be obtained, so, on the other hand, when the road was carried over rock, the statumen and the rudus were dispensed with altogether, and the nucleus was spread immediately on the stony surface previously smoothed to receive it. This is seen to have been the case, we are informed by local antiquaries, on the Via Appia, below Albano, where it was cut through a mass of volcanic peperino.

Nor was this all. Regular foot-paths (*Margines*, Liv. xli. 27, *crepidines*, Petron. 9; Orelli, *Inscrip.* n. 3844; *umbones*, Stat. *Silv.* iv. 3. 47) were raised upon each side and strewed with gravel, the different parts were strengthened and bound together with *gomphi* or stone wedges (Stat. *l. c.*), and stone blocks were set up at moderate intervals on the side of the foot-paths, in order that travellers on horseback might be able to mount without the aid of an ἀναβολεὺς to hoist them up. (Plut. *C. Gracch.* 7.) [STRATORES.]

Finally, C. Gracchus (Plut. *l. c.*) erected milestones along the whole extent of the great highways, marking the distances from Rome, which appear to have been counted from the gate at which each road issued forth. The passage of Plutarch, however, may only mean that Gracchus erected milestones on the roads which he made or repaired; for it is probable that milestones existed much earlier. [MILLIARE.] Augustus, when appointed inspector of the viae around the city, erected in the forum a gilded column (χρυσοῦν μίλιον — χρυσοῦς κίων, *milliarium aureum*, Dion Cass. liv. 8; Plin. *H. N.* iii. 5; Suet. *Oth.* 6; Tacit. *Hist.* i. 27), on which were inscribed the distances of the principal points to which the viae conducted. Some have imagined, from a passage in Plutarch (*Galb.* 24), that the distances were calculated from the milliarium aureum, but this seems to be disproved both by the fact that the roads were all divided into miles by C. Gracchus nearly two centuries before, and also by the position of various ancient milestones discovered in modern times. (See Holsten. *de Milliario Aureo* in Graev. *Thes. Antiq. Rom.* vol. iv. and Fabretti *de Aquis et Aquaeductis, Diss.* iii. n. 25.)

It is certain that during the earlier ages of the republic the construction and general superintendence of the roads without, and the streets within, the city, were committed like all other important works to the censors. This is proved by the law quoted in Cicero (*de Leg.* iii. 3), and by various passages in which these magistrates are represented as having first formed and given their names to great lines, such as the Via Appia and the Via Flaminia, or as having executed important improvements and repairs. (Liv. ix. 29, 43, *Epit.* 20, xxii. 11, xli. 27; Aurel. Vict. *de Viris illust.* c. 72; Lips. *Excurs. ad Tac. Ann.* iii. 31.) These duties, when no censors were in office, devolved upon the consuls, and in their absence on the Praetor Urbanus, the Aediles, or such persons as the senate thought fit to appoint. (Liv. xxxix. 2; Cic. *c. Verr.* i 48, 50, 59.) But during the last century of the commonwealth the administration of the roads, as well as of every other department of public business, afforded the tribunes a pretext for popular agitation. C. Gracchus, in what capacity we know not, is said to have exerted himself in making great improvements, both from a conviction of their utility and with a view to the acquirement of popularity (Plut. *C. Gracch.* 7), and Curio, when tribune, introduced a *Lex Viaria* for the construction and restoration of many roads and the appointment of himself to the office of inspector (ἐπιστάτης) for five years. (Appian. *B. C.* ii. 26; Cic. *ad Fam.* viii. 6.) We learn from Cicero (*ad Att.* i. 1), that Thermus, in the year B. C. 65, was *Curator* of the Flaminian Way, and from Plutarch (*Caes.* 5), that Julius Caesar held the same office (ἐπιμελητής) with regard to the Appian Way, and laid out great sums of his own money upon it, but by whom these appointments were conferred we cannot tell. During the first years of Augustus, Agrippa, being aedile, repaired all roads at his own proper expense; subsequently the emperor, finding that the roads had fallen into disrepair through neglect, took upon himself the restoration of the Via Flaminia as far as Ariminum, and distributed the rest among the most distinguished men in the state (*triumphalibus viris*), to be paved out of the money obtained from spoils (*ex manubiali pecunia sternendas*, Suet. *Octav.* 30; Dion Cass. liii. 22). In the reign of Claudius we find that this charge had fallen upon the quaestors, and that they were relieved of it by him, although some give a different interpretation to the words. (Suet. *Claud.* 24.) Generally speaking, however, under the empire, the post of inspector-in-chief (*curator*), — and each great line appears to have had a separate officer with this appellation, — was considered a high dignity (Plin. *Ep.* v. 15), insomuch that the title was frequently assumed by the emperors themselves, and a great number of inscriptions are extant, bearing the names of upwards of twenty princes from Augustus to Constantine, commemorating their exertions in making and maintaining public ways. (Gruter, *Corp. Inscrip.* cxlix. . . . . . clix.)

These *curatores* were at first, it would appear, appointed upon special occasions, and at all times must have been regarded as honorary functionaries rather than practical men of business. But from the beginning of the sixth century of the city there existed regular commissioners, whose sole duty appears to have been the care of the ways, four (*quatuorviri viarum*) superintending the streets within the walls, and two the roads without. (Dig. 1. tit. 2. s. 2. § 30. compared with Dion Cass. liv. 26.) When Augustus remodelled the inferior magistracies he included the former in the vigintivirate, and abolished the latter; but when he undertook the care of the viae around the city, he appointed under himself two *road-makers* (ὁδοποιούς, Dion Cass. liv. 8), persons of praetorian rank, to whom he assigned two lictors. These were probably included in the number of the new superintendents of public works instituted by him (Suet. *Octav.* 37), and would continue from that time forward to discharge their duties, subject to the supervision and control of the *curatores* or inspectors-general.

Even the contractors employed (*mancipes*, Tacit. *Ann.* ii. 31) were proud to associate their names with these vast undertakings, and an inscription has been preserved (Orell. *Inscrip.* n. 3221) in which a wife, in paying the last tribute to her husband, inscribes upon his tomb MANCIPI VIAE APPIAE. The funds required were of course derived, under ordinary circumstances, from the public treasury (Dion Cass. liii. 22; Sicul. Flacc. *de cond. agr.* p. 9, ed. Goes.), but individuals also were not unfrequently found willing to devote their own private means to these great national enterprises. This, as we have already seen, was the case with Caesar and Agrippa, and we learn from inscriptions that the example was imitated by many others of less note. (*e.g.* Gruter, clxi. n. 1 and 2.) The *Viae Vicinales* were in the hands of the rural authorities (*magistri pagorum*), and seem to have been maintained by voluntary contribution or assessment, like our parish roads (Sicul. Flacc. p. 9), while the streets within the city were kept in repair by the inhabitants, each person being answerable for the portion opposite to his own house. (Dig. 43. tit. 10. s. 3.)

Our limits preclude us from entering upon so large a subject as the history of the numerous military roads which intersected the Roman dominions. We shall content ourselves with simply mentioning those which issued from Rome, together with their most important branches within the bounds of Italy, naming at the same time the principal towns through which they passed, so as to convey a general idea of their course. For all the details and controversies connected with their origin, gradual extensions, and changes, the various stations upon each, the distances, and similar topics, we must refer to the treatises enumerated at the close of this article, and to the researches of the local antiquaries, the most important of whom, in so far as the southern districts are concerned, is Romanelli.

Beginning our circuit of the walls at the Porta Capena, the first in order, as in dignity, is,

I. The VIA APPIA, the *Great South Road*. It was commenced, as we have already stated, by Appius Claudius Caecus, when censor, and has always been the most celebrated of the Roman Ways. It was the first ever laid down upon a grand scale and upon scientific principles, the natural obstacles which it was necessary to overcome were of the most formidable nature, and when completed it well deserved the title of *Queen of Roads* (*regina viarum*, Stat. *Silv.* ii. 2, 12). We know that it was in perfect repair when Procopius wrote (*Bell. Goth.* i. 14), long after the devastating inroads of the northern barbarians; and even to this day the cuttings through hills and masses of solid rock, the filling up of hollows, the bridging of ravines, the substructions to lessen the rapidity of steep descents, and the embankments over swamps, demonstrate the vast sums and the prodigious labour that must have been lavished on its construction. It issued from the *Porta Capena*, and passing through *Aricia*, *Tres Tabernae*, *Appii Forum*, *Tarracina*, *Fundi*, *Formiae*, *Minturnae*, *Sinuessa*, and *Casilinum*, terminated at *Capua*, but was eventually extended through *Calatia* and *Caudium* to *Beneventum*, and finally from thence through *Venusia*, *Tarentum*, and *Uria*, to *Brundusium*.

The ramifications of the Via Appia most worthy of notice, are.

(1.) The VIA SETINA, which connected it with *Setia*. Originally it would appear that the *Via Appia* passed through *Velitrae* and *Setia*, avoiding the marshes altogether, and travellers, to escape this circuit, embarked upon the canal, which in the days of Horace traversed a portion of the swamps.

(2.) The VIA DOMITIANA struck off at *Sinuessa*, and keeping close to the shore passed through *Liternum*, *Cumae*, *Puteoli*, *Neapolis*, *Herculaneum*, *Oplonti*, *Pompeii*, and *Stabiae* to *Surrentum*, making the complete circuit of the bay of Naples.

(3.) The VIA CAMPANA or CONSULARIS from *Capua* to *Cumae* sending off a branch to *Puteoli* and another through *Atella* to *Neapolis*.

(4.) The VIA AQUILLIA began at *Capua* and ran south through *Nola* and *Nuceria* to *Salernum*, from thence, after sending off a branch to *Paestum*, it took a wide sweep inland through *Eburi* and the region of the *Mons Alburnus* up the valley of the *Tanager;* it then struck south through the very heart of *Lucania* and *Bruttium*, and passing *Nerulum*, *Interamnia* and *Cosentia*, returned to the sea at *Vibo*, and thence through *Medma* to *Rhegium*. This road sent off a branch near the sources of the *Tanager*, which ran down to the sea at *Blanda* on the *Laus Sinus* and then continued along the whole line of the Bruttian coast through *Laus* and *Terina* to *Vibo*, where it joined the main stem.

(5.) The VIA EGNATIA began at *Beneventum*, struck north through the country of the Hirpini to *Equotuticum*, entered Apulia at *Aecae*, and passing through *Herdonia*, *Canusium*, and *Rubi*, reached the Adriatic at *Barium* and followed the coast through *Egnatia* to *Brundusium*. This was the route followed by Horace. It is doubtful whether it bore the name given above in the early part of its course.

(6.) The VIA TRAJANA began at *Venusia* and ran in nearly a straight line across Lucania to *Heraclea* on the *Sinus Tarentinus*, thence following southwards the line of the east coast it passed through *Thurii*, *Croto*, and *Scyllacium*, and completed the circuit of *Bruttium* by meeting the *Via Aquillia* at *Rhegium*.

(7.) A VIA MINUCIA is mentioned by Cicero (*ad Att.* ix. 6), and a VIA NUMICIA by Horace (*Epist.* i. 18. 20), both of which seem to have passed through Samnium from north to south, connecting the Valerian and Aquillian and cutting the Appian and Latin ways. Their course is unknown. Some believe them to be one and the same.

Returning to Rome, we find issuing from the porta Capena, or a gate in its immediate vicinity

II. The VIA LATINA, another great line leading to Beneventum, but keeping a course farther inland than the Via Appia. Soon after leaving the city it sent off a short branch (VIA TUSCULANA) to *Tusculum*, and passing through *Compitum Anagninum*, *Ferentinum*, *Frusino*, *Fregellae*, *Fabrateria*, *Aquinum*, *Casinum*, *Venafrum*, *Teanum*, *Allifae*, and *Telesia*, joined the *Via Appia* at *Beneventum*.

A cross-road called the VIA HADRIANA, running from *Minturnae* through *Suessa Aurunca* to *Teanum*, connected the *Via Appia* with the *Via Latina*.

III. From the *Porta Esquilina* issued the VIA LABICANA, which passing Labicum fell into the *Via Latina* at the station *ad Bivium* 30 miles from Rome.

IV. The VIA PRAENESTINA, originally the VIA GABINA, issued from the same gate with the former. Passing through *Gabii* and *Praeneste*, it joined the *Via Latina* just below *Anagnia*.

V. Passing over the VIA COLLATINA as of little importance, we find the VIA TIBURTINA, which issued from the *Porta Tiburtina*, and proceeding N. E. to *Tibur*, a distance of about 20 miles, was continued from thence, in the same direction, under the name of the VIA VALERIA, and traversing the country of the Sabines passed through *Carseoli* and *Corfinium* to *Aternum* on the Adriatic, thence to *Adria*, and so along the coast to *Castrum Truentinum*, where it fell into the *Via Salaria*.

A branch of the *Via Valeria* led to *Sublaqueum*, and was called VIA SUBLACENSIS. Another branch extended from *Adria* along the coast southwards through the country of Frentani to *Larinum*, being called, as some purpose, VIA FRENTANA APPULA.

VI. The VIA NOMENTANA, anciently FICULNENSIS, ran from the *porta Collina*, crossed the *Anio* to *Nomentum*, and a little beyond fell into the *Via Salaria* at *Eretum*.

VII. The VIA SALARIA, also from the *porta Collina* (passing *Fidenae* and *Crustumerium*) ran north and east through Sabinum and Picenum to *Reate* and *Asculum Picenum*. At *Castrum Truentinum* it reached the coast, which it followed until it joined the *Via Flaminia* at *Ancona*.

VIII. Next comes the VIA FLAMINIA, the *Great North Road* commenced in the censorship of C. Flaminius and carried ultimately to *Ariminum*.

It issued from the *Porta Flaminia* and proceeded nearly north to *Ocriculum* and *Narnia* in Umbria. Here a branch struck off, making a sweep to the east through *Interamna* and *Spoletium*, and fell again into the main trunk (which passed through *Mevania*) at *Fulginia*. It continued through *Fanum Flaminii* and *Nuceria*, where it again divided, one line running nearly straight to *Fanum Fortunae* on the Adriatic, while the other diverging to *Ancona* continued from thence along the coast to *Fanum Fortunae*, where the two branches uniting passed on to *Ariminum* through *Pisaurum*. From thence the *Via Flaminia* was extended under the name of the VIA AEMILIA and traversed the heart of Cisalpine Gaul through *Bononia*, *Mutina*, *Parma*, *Placentia* (where it crossed the Po) to *Mediolanum*. From this point branches were sent off through *Bergomum*, *Brixia*, *Verona*, *Vicentia*, *Patavium* and *Aquileia* to *Tergeste* on the east, and through *Novaria*, *Vercelli*, *Eporedia* and *Augusta Praetoria* to the *Alpis Graia* on the west, besides another branch in the same direction through *Ticinum* and *Industria* to *Augusta Taurinorum*. Nor must we omit the VIA POSTUMIA, which struck from *Verona* right down across the Appenines to *Genoa*, passing through *Mantua* and *Cremona*, crossing the Po at *Placentia* and so through *Iria*, *Dertona* and *Libarna*, sending off a branch from *Dertona* to *Asta*.

Of the roads striking out of the *Via Flaminia* in the immediate vicinity of Rome the most important is the VIA CASSIA, which diverging near the *Pons Mulvius* and passing not far from *Veii* traversed Etruria through *Baccanae*, *Sutrium*, *Vulsinii*, *Clusium*, *Arretium*, *Florentia*, *Pistoria*, and *Luca*, joining the *Via Aurelia* at *Luna*.

(α) The VIA AMERINA broke off from the *Via Cassia* near *Baccanae*, and held north through *Falerii*, *Tuder*, and *Perusia*, re-uniting itself with the *Via Cassia* at *Clusium*.

(β) Not far from the *Pons Mulvius* the VIA CLODIA separated from the *Via Cassia*, and proceeding to *Sabate* on the *Lacus Sabatinus* there divided into two, the principal branch passing through central Etruria to *Rusellae* and thence due north to *Florentia*, the other passing through *Tarquinii* and then falling into the *Via Aurelia*.

(γ) Beyond *Baccanae* the VIA CIMINA branched off, crossing the *Mons Ciminus* and rejoining the *Via Cassia* near *Fanum Voltumnae*.

IX. The VIA AURELIA, the *Great Coast Road*, issued originally from the *Porta Janiculensis* and subsequently from the *Porta Aurelia*. It reached the coast at *Alsium* and followed the shore of the lower sea along Etruria and Liguria by *Genoa* as far as *Forum Julii* in Gaul. In the first instance it extended no farther than *Pisa*.

X. The VIA PORTUENSIS kept the right bank of the Tiber to *Portus Augusti*.

XI. The VIA OSTIENSIS originally passed through the *Porta Trigemina*, afterwards through the *Porta Ostiensis*, and kept the left bank of the Tiber to *Ostia*. From thence it was continued under the name of VIA SEVERIANA along the coast southward through *Laurentum*, *Antium*, and *Circaei*, till it joined the *Via Appia* at *Tarracina*. The VIA LAURENTINA, leading direct to *Laurentum*, seems to have branched off from the *Via Ostiensis* at a short distance from Rome.

XII. Lastly, the VIA ARDEATINA from Rome to *Ardea*. According to some this branched off from the *Via Appia*.

Alphabetical Table of the Viae described above.

1. Via Aemilia VIII..
2. ,, Appia I.
3. ,, Aquillia I. (4.)
4. ,, Amerina VIII. (α.)
5. ,, Ardeatina XII.
6. ,, Aurelia IX.
7. ,, Campana I. (3.)
8. ,, Cassia VIII.
9. ,, Cimina VIII. (γ.)
10. ,, Clodia VIII. (β.)
11. ,, Collatina V.
12. ,, Consulares I. (3.)
13. ,, Domitiana I. (2.)
14. ,, Egnatia I. (5.)
15. ,, Ficulnensis VI.
16. ,, Flaminia VIII.
17. ,, Frentana Appula V.
18. ,, Gabina IV.
19. ,, Hadriana II.
20. Via Labicana III.
21. ,, Latina II.
22. ,, Laurentina XI.
23. ,, Minucia I. (7.)
24. ,, Nomentana VI.
25. ,, Numicia I. (7.)
26. ,, Ostiensis XI.
27. ,, Portuensis X.
28. ,, Postumia VIII.
29. ,, Praenestina IV.
30. ,, Salaria VII.
31. ,, Setina I. (1.)
32. ,, Severiana XI.
33. ,, Sublacensis V.
34. ,, Tiburtina V.
35. ,, Trajana I. (6.)
36. ,, Tusculana II.
37. ,, Valeria V.

The most elaborate treatise upon Roman Roads is Bergier, *Histoire des Grands Chemins de l'Empire Romain*, published in 1622. It is translated into Latin in the tenth volume of the Thesaurus of Graevius, and with the notes of Henninius occupies more than 800 folio pages. In the first part of the above article the essay of Nibby, *Delle Vie degli Antichi dissertazione*, appended to the fourth volume of the fourth Roman edition of Nardini, has been closely followed. Considerable caution, however, is necessary in using the works of this author, who although a profound local antiquary, is by no means an accurate scholar. To gain a knowledge of that portion of the subject so lightly touched upon at the close of the article, it is necessary to consult the various commentaries upon the Tabula Peutingeriana and the different ancient Itineraries, together with the geographical works of Collarius, Cluverius, and D'Anville. [W. R.]

VIA'TICUM (ἐφόδιον) is, properly speaking, every thing necessary for a person setting out on a journey, and thus comprehends money, provisions, dresses, vessels, &c. (Plaut. *Epid.* v. 1. 9; Plin. *Epist.* vii. 12; Cic. *de Senect.* 18.) When a Roman magistrate, praetor, proconsul, or quaestor went to his province, the state provided him with all that was necessary for his journey. But as the state in this as in most other cases of expenditure preferred paying a sum at once to having any part in the actual business, the state engaged contractors (*redemptores*), who for a stipulated sum had to provide the magistrates with the viaticum, the principal parts of which appear to have been beasts of burden and tents (*muli et tabernacula*). Julius Caesar introduced some modification of this system, by his Lex De Repetundis [REPETUNDAE]; and Augustus once for all fixed a certain sum to be given to the proconsuls (probably to other provincial magistrates also) on setting out to their provinces, so that the redemptores had no more to do with it. (Cic. *ad Fam.* xii. 3; Suet. *Aug.* 36; Gellius, xvii. 2, 13; comp. Sigonius, *de Antiq. Jure Provinc.* iii. 11; Casaubon *ad Theophrast.* 11.) [L. S.]

VIA'TOR was a servant who attended upon and executed the commands of certain Roman magistrates, to whom he bore the same relation as the lictor did to other magistrates. The name *viatores* was derived from the circumstance of their being chiefly employed on messages either to call upon senators to attend the meeting of the senate, or to summon the people to the comitia, &c. (Cic. *de Senect.* 16.) In the earlier times of the republic we find viatores as ministers of such magistrates also as had their lictors: viatores of a dictator and of the consuls are mentioned by Livy (vi. 15, xxii.

11; comp. Plin. *H. N.* xviii. 4; Liv. viii. 18). In later times however viatores are only mentioned with such magistrates as had only potestas and not imperium, such as the tribunes of the people, the censors, and the aediles. They were, in short, the attendants of all magistrates who had the *jus prendendi*. (Gell. xiii. 12; Liv. ii. 56, xxx. 39, xxxix. 34; Lydus, *de Magist.* i. 44.) How many viatores attended each of these magistrates is not known; one of them is said to have had the right at the command of his magistrate to bind persons (*ligare*), whence he was called lictor. (Gell. xii. 3.) It is not improbable that the ancient writers sometimes confound viatores and lictores. (Sigonius, *de Ant. Jur. Civ. Romanorum*, ii. 15; Becker, *Handb. der Röm. Alterth.* vol. ii. pt. ii. p. 379.) [L. S.]

VICA'RII SERVI. [Servus, p. 1037, b.]

VICA'RIUS. [Exercitus, p. 504, a.]

VICE'SIMA, a tax of five per cent. Every Roman, when he manumitted a slave, had to pay to the state a tax of one-twentieth of his value, whence the tax was called *vicesima manumissionis*. This tax appears to have been levied from the earliest times, and was not abolished when all other imposts were done away with in Rome and Italy. (Liv. vii. 16, xxvii. 10; Cic. *Ad Att.* ii. 16.) Caracalla raised this tax to a *decima*, that is, ten per cent., but Macrinus again reduced it to the old standard. (Dion. Cass. lxxvii. 9, lxxviii. 12.) The persons employed in collecting it were called *Vicesimarii*. (Petron. *Fragm. Tragur.* 65; Orelli, *Inscript.* n. 3333, &c.)

A tax called *vicesima hereditatium et legatorum* was introduced by Augustus (*Lex Julia Vicesimaria*): it consisted of five per cent. which every Roman citizen had to pay to the aerarium militare, upon any inheritance or legacy left to him, with the exception of such as were left to a citizen by his nearest relatives, and such as did not amount to above a certain sum. (Dion Cass. lv. 25, lvi. 28; Plin. *Paneg.* 37, &c.; Capitol. *M. Antonin.* 11.) Peregrini and Latini who had become Roman citizens had, in a legal sense, no relative, and were therefore obliged in all cases to pay the vicesima hereditatium. (Plin. *Paneg. l. c.*) As only citizens had to pay this tax, Caracalla, in order to make it more productive, granted the franchise to all the subjects of the empire, and at the same time raised it to ten per cent. (*decima*), but Macrinus again reduced it to five (Dion. Cass. lxxvii. 9, lxxviii. 12), and at last it was abolished entirely. It was levied in Italy and the provinces by procuratores appointed for the purpose, and who are mentioned in many inscriptions as PROCURATORES XX HEREDITATIUM, or AD VECTIGAL XX HEREDIT. But these officers generally sold it for a round sum to the publicani, which the latter had to pay in to the praefects of the aerarium militare. (Plin. *Epist.* vii. 14, *Paneg.* 37.) [L. S.]

VICOMAGISTRI. [Vicus.]

VI'CTIMA. [Sacrificium.]

VICTORIA'TUS. [Denarius.]

VICUS is the name of the subdivisions into which the four regions occupied by the four city tribes of Servius Tullius were divided, while the country regions, according to an institution ascribed to Numa, were subdivided into Pagi. (Dionys. ii. 76.) This division, together with that of the four regions of the four city tribes, remained down to the time of Augustus, who made the vici subdivisions of the fourteen regions into which he divided the city. (Suet. *Aug.* 30.) In this division each vicus consisted of one main street, including several smaller by-streets; their number was 424, and each was superintended by four officers, called *vicomagistri*, who had a sort of local police, and who, according to the regulation of Augustus, were every year chosen by lot from among the people who lived in the vicus. (Suet. *l. c.*; Dion Cass. lv. 8.) On certain days, probably at the celebration of the compitalia, they wore the praetexta, and each of them was accompanied by two lictors. (Dion Cass. *l. c.*; Ascon. *ad Cic. in Pison.* p. 7. ed. Orelli.) These officers, however, were not a new institution of Augustus, for they had existed during the time of the republic, and had had the same functions as a police for the vici of the Servian division of the city. (Liv. xxxiv. 7; Festus, *s. v.* *Magistrare*; comp. Sextus Rufus, *Breviarium de Regionibus Urbis Romae*; and P. Victor, *de Regionibus Urbis Romae.*) [L. S.]

VICUS. [Universitas, p. 1216, a.]

VI'GILES. [Exercitus, p. 510, a.]

VIGI'LIAE. [Castra, p. 250, b.]

VIGINTISEXVIRI were twenty-six magistratus minores, among whom were included the triumviri capitales, the triumviri monetales, the quatuorviri viarum curandarum for the city, the two curatores viarum for the roads outside the city, the decemviri litibus (*stlitibus*) judicandis, and the four praefects who were sent into Campania for the purpose of administering justice there. Augustus reduced the number of officers of this college to twenty (*vigintiviri*), as the two curatores viarum for the roads outside the city and the four Campanian praefects were abolished. (Dion Cass. liv. 26.) Down to the time of Augustus the sons of senators had generally sought and obtained a place in the college of the vigintisexviri, it being the first step towards the higher offices of the republic; but in A. D. 13 a senatusconsultum was passed ordaining that only equites should be eligible to the college of the vigintiviri. The consequence of this was that the vigintiviri had no seats in the senate, unless they had held some other magistracy which conferred this right upon them. (Dion Cass. *l. c.*) The age at which a person might become a vigintivir appears to have been twenty. (Compare Dion Cass. lx. 5; Tacit. *Annal.* iii. 29, with Lipsius' note; Spart. *Did. Julian.* 1.) An account of the magistrates forming this college has been given in separate articles. [L. S.]

VIGINTIVIRI. [Vigintisexviri.]

VILLA, a farm or country-house. The Roman writers mention two kinds of villa, the *villa rustica* or farm-house, and the *villa urbana* or *pseudourbana*, a residence in the country or in the suburbs of a town. When both of these were attached to an estate, they were generally united in the same range of buildings, but sometimes they were placed at different parts of the estate. The part of the *villa rustica*, in which the produce of the farm was kept, is distinguished by Columella by a separate name, *villa fructuaria*.

1. The *villa rustica* is described by Varro (*R. R.* i. 11, 13), Vitruvius (vi. 9), and Columella (i. 4. § 5).

The villa, which must be of size corresponding to that of the farm, is best placed at the foot of a wooded mountain, in a spot supplied with running water, and not exposed to severe winds nor to the effluvia of marshes, nor (by being close to a public road) to a too frequent influx of visitors. The villa attached to a large farm had two courts (*cohortes*, *chortes*, *cortes*, Varro, i. 13). At the entrance to the outer court was the abode of the *villicus*, that he might observe who went in and out, and over the door was the room of the *procurator*. (Varro, *l. c.*; Colum. i. 6.) Near this, in as warm a spot as possible, was the kitchen, which, besides being used for the preparation of food, was the place where the slaves (*familiae*) assembled after the labours of the day, and where they performed certain in-door work. Vitruvius places near the kitchen the baths and the press (*torcular*) for wine and oil, but the latter, according to Columella, though it requires the warmth of the sun, should not be exposed to artificial heat. In the outer court were also the cellars for wine and oil (*cellae vinariae et oleariae*), which were placed on the level ground, and the granaries, which were in the upper stories of the farm-buildings, and carefully protected from damp, heat, and insects. These store-rooms form the separate *villa fructuaria* of Columella; Varro places them in the *villa rustica*, but Vitruvius recommends that all produce which could be injured by fire should be stored without the villa.

In both courts were the chambers (*cellae*) of the slaves, fronting the south; but the *ergastulum* for those who were kept in chains (*vincti*) was underground, being lighted by several high and narrow windows.

The inner court was occupied chiefly by the horses, cattle, and other live stock, and here were the stables and stalls (*bubilia*, *equilia*, *ovilia*).

A reservoir of water was made in the middle of each court, that in the outer court for soaking pulse and other vegetable produce, and that in the inner, which was supplied with fresh water by a spring, for the use of the cattle and poultry.

2. The *Villa urbana* or *pseudo-urbana* was so called because its interior arrangements corresponded for the most part to those of a town-house. [House.] Vitruvius (vi. 8) merely states that the description of the latter will apply to the former also, except that in the town the atrium is placed close to the door, but in the country the peristyle comes first, and afterwards the atrium, surrounded by paved porticoes, looking upon the palestra and ambulatio.

Our chief sources of information on this subject are two letters of Pliny, in one of which (ii. 17) he describes his Laurentine villa, in the other (v. 6) his Tuscan, with a few allusions in one of Cicero's letters (*ad Quint.* iii. 1), and, as a most important illustration of these descriptions, the remains of a suburban villa at Pompeii. (*Pompeii*, ii. c. 11, Lond. 1832.)

The clearest account is that given by Pliny in the first of the two letters mentioned above, from which, therefore, the following description is for the most part taken.

The villa was approached by an avenue of plane trees leading to a portico, in front of which was a *xystus* divided into flower-beds by borders of box. This xystus formed a terrace, from which a grassy slope, ornamented with box-trees cut into the figures of animals, and forming two lines opposite to one another, descended till it was lost in the plain, which was covered with acanthus. (Plin. v. 6.) Next to the portico was an atrium, smaller and plainer than the corresponding apartment in a town-house. In this respect Pliny's description is at variance with the rule of Vitruvius; and the villa at Pompeii also has no atrium. It would appears from Cicero (*l. c.*) that both arrangements were common. Next to the atrium in Pliny's Laurentine villa was a small elliptic peristyle (*porticus in O literae similitudinem circumactae*, where, however, the readings D and Δ are also given instead of O). The intervals between the columns of this peristyle were closed with talc windows (*specularibus*, see Domus, p. 432), and the roof projected considerably, so that it formed an excellent retreat in unfavourable weather. The open space in the centre of this peristyle seems often to have been covered with moss and ornamented with a fountain. Opposite to the middle of this peristyle was a pleasant *cavaedium*, and beyond it an elegant triclinium, standing out from the other buildings, with windows or glazed doors in the front and sides, which thus commanded a view of the grounds and of the surrounding country, while behind there was an uninterrupted view through the cavaedium, peristyle, atrium, and portico into the xystus and the open country beyond.

Such was the principal suite of apartments in Pliny's Laurentine villa. In the villa at Pompeii the arrangement is somewhat different. The entrance is in the street of the tombs. The portico leads through a small vestibule into a large square peristyle paved with *opus signinum*, and having an impluvium in the centre of its uncovered area. Beyond this is an open hall, resembling in form and position the *tablinum* in a town-house. Next is a long gallery extending almost across the whole width of the house, and beyond it is a large cyzicene oecus, corresponding to the large triclinium in Pliny's villa. This room looks out upon a spacious court, which was no doubt a xystus or garden, and which is surrounded on all sides by a colonnade composed of square pillars, the top of which forms a terrace. In the farthest side of this court is a gate leading out to the open country. As the ground slopes downward considerably from the front to the back of the villa, the terrace just spoken of is on a level with the cyzicene oecus, the windows of which opened upon it; and beneath the oecus itself is a range of apartments on the level of the large court, which were probably used in summer, on account of their coolness.

The other rooms were so arranged as to take advantage of the different seasons and of the surrounding scenery. Of these, however, there is only one which requires particular notice, namely, a state bed-chamber, projecting from the other buildings in an elliptic or semicircular form, so as to admit the sun during its whole course. This apartment is mentioned by Pliny, and is also found in the Pompeian villa. In Pliny's Laurentine villa its wall was fitted up as a library.

The villa contained a set of baths, the general arrangement of which was similar to that of the public baths. [Balneae.]

Attached to it were a garden, *ambulatio*, *gestatio*, *hippodromus*, *sphaeristerium*, and in short all necessary arrangements for enjoying different kinds of exercise. [Hortus; Gymnasium.]

(Becker, *Gallus*, vol. i. p. 258; Schneider's notes on Columella and Varro, and Gierig's on Pliny, contain many useful remarks.) [P. S.]

VI'LLICUS (ἐπίτροπος in Greek writers, Plut. *Crass.* 4), a slave who had the superintendence of the *villa rustica*, and of all the business of the farm, except the cattle, which were under the care of the *magister pecoris*. (Varro, *R. R.* i. 2.) The duties of the villicus were to obey his master implicitly, and to govern the other slaves with moderation, never to leave the villa except to go to market, to have no intercourse with soothsayers, to take care of the cattle and the implements of husbandry, and to manage all the operations of the farm. (Cato, *R. R.* 5. 142.) His duties are described at great length by Columella (xi. 1, and i. 8), and those of his wife (*villica*) by the same writer (xii. 1), and by Cato (c. 143).

The word was also used to describe a person to whom the management of any business was entrusted. (See the passage quoted in Forcellini's Lexicon.) [P. S.]

VINA'LIA. There were two festivals of this name celebrated by the Romans: the *Vinalia urbana* or *prioria*, and the *Vinalia rustica* or *altera*. The vinalia urbana were celebrated on the 23rd of April (IX. *Calend. Mai*). This festival answered to the Geeek πιθοιγία, as on this occasion the wine casks which had been filled the preceding autumn were opened for the first time, and the wine tasted. (Plin. *H. N.* xviii. 69. § 3.) But before men actually tasted the new wine, a libation was offered to Jupiter (Fest. *s. v. Vinalia*), which was called calpar. (Fest. *s. v. Calpar.*)

The rustic vinalia, which fell on the 19th of August (XIV. *Calend. Sept.*) and was celebrated by the inhabitants of all Latium, was the day on which the vintage was opened. On this occasion the flamen dialis offered lambs to Jupiter, and while the flesh of the victims lay on the altar, he broke with his own hands a bunch of grapes from a vine, and by this act he, as it were, opened the vintage (*vindemiam auspicari*; Varro, *de Ling. Lat.* vi. 20), and no must was allowed to be conveyed into the city until this solemnity was performed. (Plin. *H. N.* xviii. 69. § 4.) This day was sacred to Jupiter, and Venus too appears to have had a share in it. (Varro, *l. c.*; *de Re Rust.* i. 1; Macrob. *Sat.* i. 4; Ovid, *Fast.* iv. 897, &c.) An account of the story which was believed to have given rise to the celebration of this festival is given by Festus (*s. v. Rustica vinalia*) and Ovid (*Fast.* iv. 863, &c.; compare Aurel. Vict. *de Orig. Gent. Rom.* 15). [L. S.]

VINDEMIA'LIS FE'RIA. [FERIAE, p. 530, a.]

VINDEX. [ACTIO, p. 11, a; MANUS INJECTIO.]

VINDICA'TIO. Actiones In Rem were called Vindicationes: Actiones in Personam, "quibus dari fieri oportere intendimus," were called Condictiones. (Gaius, iv. 5.) Vindicationes therefore were actions about the title to res Corporales, and to Jura in re. (Gaius, iv. 3.) The distinction between Vindicationes and Condictiones was an essential distinction which was not affected by the change in the form of procedure from the Legis Actiones to that of the Formulae. The Legis Actiones fell into disuse (Gaius, iv. 31) except in the case of Damnum Infectum and a Judicum Centumvirale, and from this time both Vindicationes and Condictiones were prosecuted by the Formulae. [ACTIO.] The peculiar process of the Vindicatio belonged to the period when the Legis Actiones were in force.

The five modes of proceeding Lege (Gaius, iv. 12), were Sacramento; Per judicis postulationem; Per condictionem; Per manus injectionem; Per pignoris capionem. [PER JUDICIS POSTULATIONEM; PER CONDICTIONEM; MANUS INJECTIO; PER PIGNORIS CAPIONEM.]

A man might proceed Sacramento either in the case of an Actio in personam or an Actio in rem. The part of the process which contained the *sacramento contendere*, or the challenge to the deposit of a sum of money originally, and afterwards to the engagement to pay a penalty, was applicable both to an action in personam and an action in rem. The condition of the penalty was in fact the existence or non-existence of the right claimed by the plaintiff, whatever the right might be; and the process thus assumed the form of a suit for the penalty. It was the Sacramentum which gave to this form of action its peculiar character. When the parties were in judicio, they briefly stated their cases severally, which was called causae conjectio. If it was an Actio in rem, that is a Vindicatio, moveable things and moving things (*mobilia et moventia*) which could be brought before the Praetor (*in jus*), were claimed before the Praetor (*in jure vindicabantur*) thus: he who claimed a thing as his property (*qui vindicabat*), held a rod in his hand, and laying hold of the thing, it might be a slave or other thing, he said; "Hunc ego hominem ex jure Quiritium Meum esse aio secundum causam sicut dixi. Ecce tibi Vindictam imposui;" and saying this he placed the rod on the thing. The other claimant (*adversarius*) did and said the same. This claiming of a thing as property by laying the hand upon it, was "in jure manum conserere," a phrase as old as the XII Tables. (Gell. xx. 10.) The Praetor then said: "Mittite ambo hominem," and the claimants obeyed. Then he who had made the first vindicatio thus addressed his opponent: "Postulo anne dicas qua ex causa vindicaveris." The opponent replied: "Jus peregi sicut Vindictam imposui." Then he who had made the first vindicatio proceeded to that part of the process called the Sacramentum, which was in the form of a wager as to the Right; he said: "Quando tu injuria vindicavisti D Aeris sacramento te provoco." The opponent replied by giving the Similiter; "Similiter ego te."

The process of the Sacramentum, as already observed, was applicable to an actio in personam; but as that was founded on an obligatio, there was of course no specific object to claim. In the case of a Vindicatio the Praetor declared the Vindiciae in favour of one of the parties, that is, in the meantime he established one of the parties as Possessor, and compelled him to give security to his opponent for the thing in dispute and the mesne profits, or as it was technically expressed, "jubebat praedes adversario dare litis et vindiciarum."

The Praetor took security from both for the amount of the Sacramentum; for the party who failed paid the amount of the Sacramentum as a penalty (*poenae nomine*) which penalty belonged to the state (*in publicum cedebat*). The sums of money were originally deposited in *sacro*: the successful party took his money back, and the deposit of the unsuccessful party was paid into the aerarium. (Varro, *de L. L.* 180, Müller; Festus, *s. v. Sacramentum.*)

The Poena of the Sacramentum was quingenaria, that is, quingenti asses, in cases when the property in dispute was of the value of a thousand asses and upwards; and in cases of smaller value it was fifty asses. This was a provision of the XII. Tables; but if a man's freedom (*libertas*) was in issue, the poena was only fifty asses.

If the property claimed was a piece of land, the claimants appeared In jure and challenged each other to go on the land in the presence of witnesses (*superstites*, Festus, *s. v.*; Cic. *pro Murena*, 12), where each made his claim. In the time of the Twelve Tables says Gellius (xx. 10) the Magistratus who presided in the court accompanied the parties to the land in order to perfect the process in jure; but this mode of procedure, which might do in very early times and within a small territory, must have become inconvenient. Accordingly it became the practice for one of the claimants to go through the form of ejecting the other from the land, which was called the Vis Civilis. (Compare Gellius, xx. 10; Cic. *pro Caecina*, 1, 7, 32, *pro Tullio*, 20.) In course of time it became the practice to bring into court a clod of earth, or a bit of a column, as a sign of the thing; and even in the case of moveable objects, a part was often brought into court to represent the whole; and the Vindicatio was made as if the whole thing was there. It seems that the process might also be begun by the parties performing the ceremony of the Deductio on the ground before they came In jus, where however they performed the fiction of going to the premises and returning. The change in the form of procedure, which change was accomplished "contra Duodecim Tabulas, tacito consensu," led to the phrase "*ex* jure manum conserere" (Gell. xx. 10), which is explained thus: one party called the other out of court (ex jure) "ad conserendam manum in rem de qua agebatur:" the parties, he says, then went together to the land in dispute, and brought a clod of earth from it, "in jus in urbem ad Praetorem;" and the clod of earth was viewed as the whole "ager."

When the Legis Actiones fell into disuse, the process of the Vindicatio was altered and became that of the Sponsio. The term Sponsio is best explained by giving the substance of a passage in Gaius (iv. 91, &c.). In the case of an actio in rem, a man might proceed either Per formulam petitoriam, in which the Intentio of the plaintiff was, that a certain thing was his property; or he might proceed Per sponsionem which did not contain such an Intentio. The defendant was challenged to a Sponsio in such terms as these: "Si homo quo de agitur ex jure Quiritium meus est sestertios xxv. Nummos dare spondes?" The Intentio in the formula was that if the slave belonged to the plaintiff, the sum of money contained in the Sponsio ought to be paid to the plaintiff (*sponsionis summam actori dari debere*). The Sponsio evidently took its name from the verb Spondeo. If the plaintiff proved the slave to be his property, he was intitled to a judgment. Yet the sum of money was not paid, though it was the object of the Intentio, for, says Gaius, "it is not poenalis, but praejudicialis, and the sponsio is introduced merely as a means of trying the right to the property, and this explains why the defendant has no restipulatio." The sponsio was said to be "pro praede litis et vindiciarum," because it took the place of the praedium, which when the Legis actiones were in use, was given "pro lite et vindiciis," that is, "pro re et fructibus" by the possessor to the plaintiff. [PRAEJUDICIUM; PRAES.]

This Sponsio Praejudicialis was merely a technical mode of converting an actio in rem into an actio in personam, and we must suppose that there was some good reason for the practice. It might be conjectured that it was introduced in order to obviate the trouble and difficulties attendant on the old process of the Vindicatio.

From the expression of Gaius, it appears that there was also a Sponsio Poenalis, that is both the defendant made a sponsio and the plaintiff made a restipulatio. Thus in the case of "certa pecunia credita," the defendant's sponsio was made at the risk of losing the sum, if he could not sustain his denial of the plaintiff's claim; and the plaintiff's restipulatio was made at the like risk if he could not support his claim. The poena of the Sponsio and restipulatio belonged to the successful party. (Gaius, iv. 13.) There was also a Poenalis sponsio in the case of Interdicts (Gaius, iv. 141, 165, &c.), and Pecunia Constituta. In the case of Certa Pecunia the sponsio was to the amount of one-third of the sum demanded, which was called legitima pars. (Cic. *pro Rosc. Com.* 4, 5.) In the case of Constituta Pecunia the sponsio was to the amount of one-half. (Gaius, iv. 171.) These stipulationes were fixed by law; in other cases they were fixed by the Edict.

These sponsiones were introduced probably partly with a view to check litigation, and partly with a view to give compensation to the party who ultimately obtained a verdict; for otherwise there do not appear in the Roman law to be any direct provisions as to the costs of suits. Thus Gaius (iv. 174) enumerates four modes in which the Actoris calumnia is checked; the Calumniae judicium, Contrarium judicium, Jusjurandum, and the Restipulatio. The Restipulatio, he says, "is allowed in certain cases; and as in the Contrarium judicium the plaintiff has in all cases judgment against him, if he cannot sustain his case, and it matters not whether or not he knows that his claim was not good, so in all cases the plaintiff (that is if he cannot sustain his case) is condemned in the penalty of the restipulatio."

As to the form of the Sponsio the passage of Gaius already referred to is an example; and there is another in the oration of Cicero, *pro P. Quintio* (8. 27). The use of the word Si or Ni in the Sponsio would depend on the fact which was affirmed or rather on the mode of affirmation and the party affirming. Cicero (*pro Caecin.* 23) alludes to the use of these words (*sive, sive*). Brissonius (*de Formulis*, &c. v. 7. p. 348) has collected instances of them.

The other mode of procedure in the case of Vindicatio, that was in use after the Legis Actiones fell into disuse was, Per Formulam Petitoriam, in which the plaintiff (*actor*) claimed the thing as his property (*intendit rem suam esse*). In this form of proceeding there was the Stipulatio called Judicatum solvi, by which the defendant engaged to obey the decree of the Judex. (Gaius, iv. 91.) This formula was adapted also to the cases of Praetorian ownership and the Actio Publiciana. (Gaius, iv. 34, 36.) In cases which were brought before the Centumviri, it was the practice, at least in the Imperial period, to come first before the Praetor Urbanus or Peregrinus in order that the matter might be put in the old form of the Sacramentum. (Gaius, iv. 31, 95; Gell. xx. 10.)

An hereditas was sued for like any other thing either by the Sacramentum, so long as it was in use, or the Sponsio, or the Petitoria Formula. (Gaius, iv. 11, 31; Walter, *Geschichte des Röm. Rechts*; Puchta, *Inst.* ii. § 161.) [G. L.]

VINDI'CIAE. [VINDICATIO.]

VINDICTA. [MANUMISSIO; VINDICATIO.]

VINDICTA. A class of actions in the Roman Law have reference to Vindicta as their object, which is thus expressed: ad ultionem pertinet, in sola vindicta constitutum est, Vindictam continet. (Dig. 47. tit. 12. s. 6. 10; 29. tit. 2. s. 20. § 5.) Some of these actions had for their object simply compensation, as the Actio doli. Others had for their object to give the complainant something more (*poena*) than the amount of his injury, as in the Furti actio, and sometimes in addition to this compensation also as in the Vi Bonorum raptorum actio. A third class of actions had for its immediate object money or property, but this was not the ultimate object as in the cases already mentioned, but merely a means; the real object was Vindicta. This Vindicta consists in the re-establishment of a right which has been violated in the person of the complainant, in which case the individual discharges the office which the State discharges generally in matters of Crime. Those actions of which Vindicta is the object, are distinguished from other actions by forming exceptions to the general rules as to the legal capacity of those who may institute them, such as a filiusfamilias and one who has sustained a capitis deminutio.

The following are actions of this kind:—
1. Actio Injuriarum. When a filiusfamilias was injured, a wrong was done both to him and to his father. The injury done to the son is the only one that belongs to the head of Vindicta. The father generally brought the action, for he could acquire through his son all rights of action. But the son could bring an action in his own name with the permission of the Praetor, if the father was absent, or was in any way prevented from bringing the action; and in some cases, if the father refused to bring the action. The pecuniary damages which were the immediate object of the action belonged to the father, so that the son appeared in the double capacity of suing in his own name in respect of the Vindicta, and as the representative of his father in respect of the damages. If the son was emancipated, the right of action passed to him and was not destroyed by the capitis deminutio.

2. Actio sepulcri violati, which could be brought by the children of the deceased, even if they refused the hereditas, or by the heredes. The object was Vindicta, which was effected by giving the plaintiff damages to the amount of the wrong (*quanti ob eam rem aequum videbitur*, *&c.* Dig. 47. tit. 12. s. 3). The action was consequently in bonum et aequum concepta, and the right was not affected by a capitis deminutio. If those who had a right to bring the action neglected to do so, any person might bring the action; but in that case the damages were limited to 100 aurei by the Edict.

3. Actio de effusis. When a free person was injured by anything being poured or thrown from a house, he had an actio in bonum et aequum concepta, the ultimate object of which was Vindicta.

4. An action for mischief done to a man by any dangerous animal belonging to another, when it happened through the want of proper caution on the part of the owner. (Dig. 21. tit. 1. s. 40—43.)

5. Interdictum quod vi aut clam. This is a plaint which could be instituted by a filiusfamilias in his own name, because the object was Vindicta. The ground of this capacity of a filiusfamilias was an injury done to him personally by a person who acted in opposition to his remonstrance. If for instance the son inhabited a house belonging to his father or one hired from a stranger, and was disturbed in his enjoyment by some act of his neighbour, the filiusfamilias might have an action for the amount of the damage, but the pecuniary satisfaction would belong to the father as in the case of the Actio Injuriarum. But the action was not in bonum et aequum concepta, since it had a definite object, which was either the restoration of things to their former condition, which might be immediately for the benefit of the filiusfamilias, or to ascertain the value of the wrong done (*quod interest*).

6. The action against a Libertus in respect of an In Jus vocatio. [PATRONUS.] If the Libertus had proceeded against the son of his patron, and the father was absent, the son could institute the suit himself, as in the case of the Actio Injuriarum.

7. Querela Inofficiosi. [TESTAMENTUM.]

8. Actiones Populares, which are actions in which the plaintiff claims a sum of money, but not as a private individual: he comes forward as a kind of representative of the State. If the act complained of be such as affects the interests of individuals as such, they can bring an action in preference to any other person and the action is not purely popular: to this class belong such actions as the Actio sepulcri violati. But if there are no persons who are individually interested in the matter complained of, or none such bring an action, any person (*unus ex populo*) may bring the action as the Procurator of the State, and he is not bound to give the security which an ordinary procurator must give. A filiusfamilias can bring such action. By virtue of the Litis contestatio the action becomes the same as if it were founded on an obligatio, and this right of action as well as the money which may arise from it is acquired by the filiusfamilias for his father. These actiones being for fixed sums of money are not in bonum et aequum conceptae.

With the populares actiones may be classed as belonging to the same kind, the Interdicta Publica or Popularia, and that Novi operis nuntiatio which is for the protection of Publicum Jus; with this distinction, that the proceedings have not for their object the recovery of a sum of money. But in the general capacity of all persons to bring such actions, independent of the usual rules as to legal capacity, all these modes of proceeding agree.

(Savigny, *System des heut. Röm. Rechts*, ii. 121.) [G. L.]

VI'NEA, in its literal signification, is a bower formed of the branches of vines, and from the protection which such a leafy roof affords, the name was applied by the Romans to a roof under which the besiegers of a town protected themselves against darts, stones, fire, and the like, which were thrown by the besieged upon the assailants. The description which Vegetius (*de Re Mil.* iv. 15) gives of such a machine perfectly agrees with what we know of it from the incidental mention of other writers. The whole machine formed a roof, resting upon posts eight feet in height. The roof itself was generally sixteen feet long and seven broad. The wooden frame was in most cases light, so that it could be carried by the soldiers; sometimes, however, when the purpose which it was to serve required great strength, it was heavy and then the whole fabric probably was moved by wheels attached to the posts. The roof was formed of planks and wicker-work, and the uppermost layer or layers consisted of raw hides or wet cloth as a protection against fire, by which the besieged frequently destroyed the vineae. (Liv. ii. 17, v. 7, xxi. 61.) The sides of a vinea were likewise protected by wicker-work. Such machines were constructed in a safe place at some distance from the besieged town, and then carried or wheeled (*agere*) close to its walls. Here several of them were frequently joined together, so that a great number of soldiers might be employed under them. When vineae had taken their place close to the walls the soldiers began their operations, either by undermining the walls, and thus opening a breach, or by employing the battering-ram (*aries*, Liv. xxi. 7, 8). In the time of Vegetius the soldiers used to call these machines *causiae*. (J. Lipsius, *Poliorcet.* i. dial. 7.) [L. S.]

VINUM (*οἶνος*). The general term for the fermented juice of the grape.

The native country of the vine was long a vexata quaestio among botanists, but, although many points still remain open for debate, it seems now to be generally acknowledged that it is indigenous throughout the whole of that vast tract which stretches southward from the woody mountains of Mazanderân on the Caspian to the shores of the Persian Gulf and the Indian sea, and eastward through Khorasan and Cabul to the base of the Himalaya, — the region to which history and philology alike point as the cradle of the human race. Hence, when we consider the extreme facility of the process in its most simple form, we need little wonder that the art of making wine should have been discovered at a very remote epoch.

In the earliest of profane writers the cultivation of the grape is represented as familiar to the Heroic Greeks, some of his most beautiful and vivid pictures of rural life being closely connected with the toils of the vineyard. It is worth remarking that the only wine upon whose excellence Homer dilates in a tone approaching to hyperbole is represented as having been produced on the coast of Thrace, the region from which poetry and civilization spread into Hellas, and the scene of several of the more remarkable exploits of Bacchus. Hence we might infer that the Pelasgians introduced the culture of the vine when they wandered westward across the Hellespont, and that in like manner it was conveyed to the valley of the Po, when at a subsequent period they made their way round the head of the Adriatic. It seems certain from the various legends that wine was both rare and costly in the earlier ages of Italian and Roman history. Thus, a tradition preserved by Varro (*ap. Plin. H. N.* xiv. 14) told that when Mezentius agreed to aid the Rutilians he stipulated that the produce of the Latian vineyards should be his recompense. Romulus is said to have used milk only in his offerings to the gods (Plin. *l. c.*): Numa, to check extravagance, prohibited the sprinkling of wine upon the funeral pyre, and, to stimulate the energies of the rustic population, he ordained that it should be held impious to offer a libation to the gods of wine which had flowed from an unpruned stock. So scarce was it at a much later period that Papirius the dictator, when about to join in battle with the Samnites, vowed to Jupiter a small cupful (*vini pocillum*) if he should gain the victory. That wine was racked off into amphorae and stored up in regular cellars as early as the era of the Gracchi Pliny considers proved by the existence in his own day of the *Vinum Opimianum*, described hereafter. But even then no specific appellation was given to the produce of different localities, and the jar was marked with the name of the consul alone. For many years after this foreign wines were considered far superior to native growths, and so precious were the Greek vintages esteemed in the times of Marius and Sulla that a single draught only was offered to the guests at a banquet. The rapidity with which luxury spread in this matter is well illustrated by the saying of M. Varro, that Lucullus when a boy never saw an entertainment in his father's house, however splendid, at which Greek wine was handed round more than once, but when in manhood he returned from his Asiatic conquests he bestowed on the people a largess of more than a hundred thousand cadi. Four different kinds of wine are said to have been presented for the first time at the feast given by Julius Caesar in his third consulship (B.C. 46), these being Falernian, Chian, Lesbian, and Mamertine, and not until after this date were the merits of the numerous varieties, foreign and domestic, accurately known and fully appreciated. But during the reign of Augustus and his immediate successors the study of wines became a passion, and the most scrupulous care was bestowed upon every process connected with their production and preservation. (Plin. *H. N.* xiv. 28.) Pliny calculates that the number of wines in the whole world deserving to be accounted of high quality (*nobilia*) amounted to eighty, of which his own country could claim two-thirds (xiv. 13); and in another passage (xiv. 29) he asserts that 195 distinct kinds might be reckoned up, and that if all the varieties of these were to be included in the computation, the sum would be almost doubled. (Plin. *H. N.* xiv. 6. 29.)

The process followed in wine-making was essentially the same among both the Greeks and the Romans. After the grapes had been gathered, they were first trodden with the feet and afterwards submitted to the action of the press. This part of the process of wine-making is described in the article TORCULUM.

The sweet unfermented juice of the grape was termed *γλεῦκος* by the Greeks and *mustum* by the Romans, the latter word being properly an adjective signifying *new* or *fresh*. Of this there were several kinds distinguished acccording to the manner in which each was originally obtained and subsequently treated. That which flowed from the clusters, in consequence merely of their pressure upon each other before any force was applied, was known as *πρόχυμα* (Geopon. vi. 16) or *protropum* (Plin. *H. N.* xiv. 11), and was reserved for manufacturing a particular species of rich wine described by Pliny (*l. c.*) to which the inhabitants of Mytilene gave the name of *πρόδρομος* or *πρότροπος*. (Athen. i. p. 30, b., ii. p. 45, e.) That which was obtained next, before the grapes had been fully trodden, was the *mustum lixivium*, and was considered best for keeping. (Geopon. vi. 16; Colum. xii. 41.) After the grapes had been fully trodden and pressed, the mass was taken out, the edges of the husks cut, and the whole again subjected to the press; the result was the *mustum tortivum* or *circumcisitum* (Cato, *R. R.* 23; Varr. i. 54; Colum. xii. 36), which was set apart and used for inferior purposes.

A portion of the must was used at once, being drunk fresh after it had been clarified with vinegar. (Geopon. vi. 15.) When it was desired to preserve a quantity in the sweet state, an amphora was taken and coated with pitch within and without; it was filled with *mustum lixivium*, and corked so as to be perfectly air-tight. It was then immersed in a tank of cold fresh water or buried in wet sand, and allowed to remain for six weeks or two months. The contents after this process were found to remain unchanged for a year, and hence the name *ἀεὶ γλεῦκος*, *i. e. semper mustum.* (Geopon. vi. 16; Plut. *Q. N.* 26; Cato, *R. R.* 120; Colum. xii. 29; Plin. *H. N.* xiv. 11.) A considerable quantity of must from the best and oldest vines was inspissated by boiling, being then distinguished by the Greeks under the general names of ἕψημα or γλύξις (Athen. i. 31, e.), while the Latin writers have various terms according to the extent to which the evaporation was carried. Thus, when the must was reduced to two-thirds of its original volume it became *carenum* (Pallad. Octobr. tit. xviii.), when one-half had evaporated, *defrutum* (Plin. *H. N.* xiv. 9), when two-thirds, *sapa* (known also by the Greek names *siraeum* and *hepsema*, Plin. *l. c.*), but these words are frequently interchanged. (See Varr. *ap. Non.* c. 17, n. 14; Colum. xii. 19.) Similar preparations are at the present time called in Italy *musto cotto* and *sapa*, and in France *sabe*. The process was carried on in large caldrons of lead (*vasa defrutaria*), iron or bronze being supposed to communicate a disagreeable flavour, over a slow fire of chips, on a night when there was no moon (Plin. xviii. 74), the scum being carefully removed with leaves (Plin. *l. c.*; Virg. *Georg.* i. 269, iv. 296), and the liquid constantly stirred to prevent it from burning. (Plin. xxiii. 2; Cato, *R. R.* 105; Colum. xii. 19, 20, 21; Pallad. xi. 18; Dioscorid. v. 9.) These grape-jellies, for they were nothing else, were used extensively for giving body to poor wines and making them keep, and entered as ingredients into many drinks, such as the *burranica potio*, so called from its red colour, which was formed by mixing *sapa* with milk (Festus, *s. v. Burranica*; compare Ovid. *Fast.* iv. 782), and others described hereafter.

The whole of the mustum not employed for some of the above purposes was conveyed from the *lacus* to the *cella vinaria* (*οἰνοθήκη*, *πιθεών*, Geopon. vi. 2, 12), an apartment on the ground-floor or a little below the surface, placed in such a situation as to secure a moderate and equable temperature, and at a distance from dunghills or other objects emitting a strong odour. (Varro, *R. R.* i. 13; Geopon. *l. c.*) Here were the *dolia* (*πίθοι*), otherwise called *seriae* or *cupae*, long bell-mouthed vessels of earthenware (hooped tubs of wood being employed in cold climates only, Plin. xiv. 21) very carefully formed of the best clay and lined with a coating of pitch (*πισσωθέντα*, *picata*), the operation (*πίσσωσις*, *picatio*) being usually performed while they were hot from the furnace. They were usually sunk (*depressa*, *defossa*, *demersa*) one-half or two-thirds in the ground; to the former depth if the wine to be contained was likely to prove strong, to the latter if weak, and attention was paid that they should repose upon a dry bed. They were moreover sprinkled with sea-water, fumigated with aromatic plants and rubbed with their ashes. all rank smelling substances, such as rotten leather, garlic, cheese, and the like, being removed, lest they should impart a taint to the wine. (Geopon. vi. 2, 3, 4; Cato, *R. R.* 23; Varro, i. 13; Colum. xii. 18, 25; Dig. 33. tit. 6. s. 3.) In these *dolia* the process of fermentation took place. They were not filled quite full, in order that the scum only might boil over, and this was also cleared off at regular intervals by skimming, and carried to a distance. The fermentation usually lasted for about nine days, and as soon as it had subsided and the *mustum* had become *vinum*, the dolia were closely covered, the upper portion of their interior surface as well as the lids (*opercula doliorum*) having been previously well rubbed over with a compound of defrutum, saffron, old pitch, mastic, and fir-cones. (Geopon. vi. 12; Cato, *R. R.* 107; Varro, i. 65; Colum. xii. 25, 30.) The *opercula* were taken off about once every thirty-six days, and oftener in hot weather, in order to cool and give air to the contents, to add any preparation required to preserve them sound, and to remove any impurities that might be thrown up. Particular attention was paid to the peculiar light scum, the *ἄνθος οἴνου* (*flos vini*), which frequently appeared on the surface after a certain time, since it was supposed to afford indications by its colour and consistence of the quality of the wine. If red (*πορφυρίζον*), broad, and soft, it was a sign that the wine was sound; if glutinous, it was a bad symptom; if black or yellow, it denoted want of body; if white, it was a proof that the wine would keep well (*μόνιμον*). Each time that the opercula were replaced they were well rubbed with fir-cones. (Geopon. vii. 15; Colum. xii. 38.) [THYRSUS.]

The commoner sorts of wine were drunk direct from the dolium, and hence draught wine was called *vinum doliare* or *vinum de cupa* (Dig. 18. tit. 6. s. 1. § 4; Varr. *ap. Non.* c. 2. n. 113), but the finer kinds, such as were yielded by choice localities and possessed sufficient body to bear keeping, were drawn off (*diffundere*, *μεταγγίζειν*) into *amphorae* or *lagenae*, many fanciful precautions being observed in transferring them from the larger to the smaller vessel. (Geopon. vii. 5, 6; compare Plin. xiv. 27.) These *amphorae* were made of earthenware, and in later times occasionally of glass; they were stoppered tight by a plug of wood or cork (*cortex*, *suber*), which was rendered impervious to air by being smeared over with pitch, clay, or gypsum. On the outside the title of the wine was painted, the date of the vintage being marked by the names of the consuls then in office, or when the jars were of glass, little tickets (*pittacia*, *tesserae*) were suspended from them indicating these particulars. (Petron. 34.) The amphorae were then stored up in repositories (*apothecae*, Colum. i. 6; Plin. *Ep.* ii. 17; *horrea*, Senec. *Ep.* 115; *tabulata*, Colum. xii. 41) completely distinct from the *cella vinaria*, and usually placed in the upper story of the house (whence *descende*, *testa*, Hor. *Carm.* iii. 21. 7; *deripere horreo*, iii. 28. 7) for a reason explained afterwards.

It is manifest that wines prepared and bottled, if we may use the phrase, in the manner described above must have contained a great quantity of dregs and sediment, and it became absolutely necessary to separate these before it was drunk. This was sometimes effected by fining with yelks of eggs, those of pigeons being considered most appropriate by the fastidious (Hor. *Sat* ii. 4. 51), or with the whites whipped up with salt (Geopon. vii. 22), but more commonly by simply straining through small cup-like utensils of silver or bronze perforated with numerous small holes, and distinguished by the various names *ὑλιστήρ*, *τρύγοιπος*, *ἠθμός*, *colum vinarium*. (Geopon. vii. 37.) [Colum.] Occasionally a piece of linen cloth (*σάκκος*, *saccus*) was placed over the *τρύγοιπος* or *colum* (Pollux, vi. 19, x. 75) and the wine (*σακκίας*, *saccatus*) filtered through. (Martial, viii. 45.) The use of the *saccus* was considered objectionable for all delicate wines, since it was believed to injure (Hor. *Sat.* ii. 4. 51) if not entirely to destroy their flavour, and in every instance to diminish the strength of the liquor. For this reason it was employed by the dissipated in order that they might be able to swallow a greater quantity without becoming intoxicated. (Plin. xiv. 22, compare xxiii. 1, 24, xix. 4. 19; Cic. *ad Fam.* ii. 8.) The double purpose of cooling and weakening was effectually accomplished by placing ice or snow in the filter, which under such circumstances became a *colum nivarium* (Martial, xiv. 103) or *saccus nivarius* (xiv. 104).

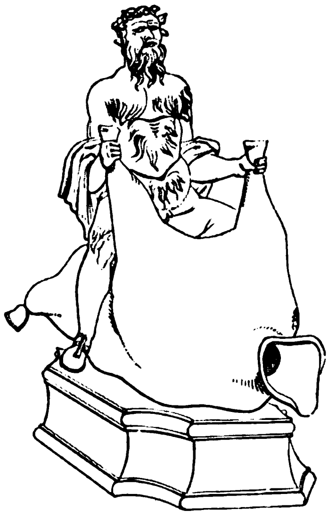
The wine procured from the *mustum tortivum*, which was always kept by itself, must have been thin and poor enough, but a still inferior beverage was made by pouring water upon the husks and stalks after they had been fully pressed, allowing them to soak, pressing again, and fermenting the liquor thus obtained. This, which was given to labourers in winter instead of wine, was the *ϑάμνα* or *δευτέριος* of the Greeks, the *lora* or *vinum operarium* of the Romans, and according to Varro (*ap. Non.* xvii. 13) was, along with sapa, defrutum, and passum, the drink of elderly women. (See Athen. x. p. 440.) The Greeks added the water in the proportion of ⅓ of the must previously drawn off, and then boiled down the mixture until ⅓ had evaporated; the Italians added the water in the proportion of $\frac{1}{10}$ of the must, and threw in the skimmings of the defrutum and the dregs of the lacus. Another drink of the same character was the *faecatum* from wine-lees, and we hear also of *vinum prueliganeum* given to the vintagers, which appears to have been manufactured from inferior and half-ripe fruit gathered before the regular period. (Geopon. vi. 3; Cato, *R. R.* 23, 57, 153; Varro, i. 54; Colum. xii. 40; Plin. xiv. 12.) We find an analogy to the above processes in the manufacture of cider, the best being obtained from the first squeezing of the apples and the worst from the pulp and skins macerated in water.

In all the best wines hitherto described the grapes are supposed to have been gathered as soon as they were fully ripe and fermentation to have run its full course. But a great variety of sweet wines were manufactured by checking the fermentation, or by partially drying the grapes, or by converting them completely into raisins. The *γλύκος οἶνος* of the Geoponic writers (vii. 19) belongs to the first class. Must obtained in the ordinary manner was thrown into the dolia, which remained open for three days only and were then partially covered for two more; a small aperture was left until the seventh day, when they were luted up. If the wine was wished to be still sweeter, the dolia were left open for five days and then at once closed. The free admission of air being necessary for brisk fermentation, and this usually continuing for nine days, it is evident that it would proceed weakly and imperfectly under the above circumstances. For the *Vinum Dulce* of Columella (xii. 27) the grapes were to be dried in the sun for three days after they were gathered, and trodden on the fourth during the full fervour of the mid-day heat. The *mustum lixivium* alone was to be used, and after the fermentation was finished an ounce of well-kneaded iris-root was added to each 50 sextarii; the wine was racked off from the lees, and was found to be sweet, sound, and wholesome. (Colum. *l. c.*) For the *Vinum Diachytum*, more luscious still, the grapes were exposed to the sun for seven days upon hurdles. (Plin. *H. N.* xiv. 11.)

Lastly, *Passum* or *raisin-wine* was made from grapes dried in the sun until they had lost half their weight, or they were plunged into boiling oil, which produced a similar effect, or the bunches after they were ripe were allowed to hang for some weeks upon the vine, the stalks being twisted or an incision made into the pith of the bearing shoot so as to put a stop to vegetation. The stalks and stones were removed, the raisins were steeped in must or good wine, and then trodden or subjected to the gentle action of the press. The quantity of juice which flowed forth was measured, and an equal quantity of water added to the pulpy residuum, which was again pressed and the product employed for an inferior *passum* called *secundarium*, an expression exactly analogous to the *δευτέριος* mentioned above. The passum of Crete was most prized (Mart. xiii. 106; Juv. xiv. 270), and next in rank were those of Cilicia, Africa, Italy, and the neighbouring provinces. The kinds known as *Psythium* and *Melampsythium* possessed the peculiar flavour of the grape and not that of wine, the *Scybillites* from Galatia and the *Haluntium* from Sicily in like manner tasted like must. The grapes most suitable for passum were those which ripened early, especially the varieties *Apiana* (called by the Greeks *Sticha*), *Scirpula and Psithia*. (Geopon. vii. 18; Colum. xii. 39; Plin. *H. N.* xiv. 11; Virg. *Georg.* ii. 93.)

The Greeks recognized three colours in wines: *red* (*μέλας*), *white*, *i. e.* pale, straw-colour (*λευκός*), and brown or amber-coloured (*κιῤῥός*). (Athen. i. p. 32, c.) Pliny distinguishes four: *albus* answering to *λευκός*, *fulvus* to *κιῤῥός*, while *μέλας* is subdivided into *sanguineus* and *niger*, the former being doubtless applied to bright glowing wines like Tent and Burgundy, while the *niger* or *ater* (Plaut. *Menaech.* v. 6. 17) would resemble Port. In the ordinary Greek authors the epithet *ἐρυθρός* is as common as *μέλας*, and will represent the *sanguineus*.

We have seen that wine intended for keeping was racked off from the dolia into amphorae. When it was necessary in the first instance to transport it from one place to another, or when carried by travellers on a journey, it was contained in bags made of goat-skin (*ἀσκοί*, *utres*) well pitched over so as to make the seams perfectly tight. The cut below, from a bronze found at Herculaneum (*Mus. Borbon.* vol. iii. tav. 28), exhibits a Silenus astride upon one of them. When the quantity was large a number of hides were sewed together, and the leathern tun thus constructed carried from place to place in a cart, as shown in the illustration on page 90. (Compare Lucian, *Lex.* 6.)



Among the ancients recourse was had to various devices for preventing or correcting acidity, heightening the flavour, and increasing the durability of the inferior kinds of wine. This subject was reduced to a regular system by the Greeks: Pliny mentions four authors who had written formal treatises, and the authors of the Geoponic collection, together with Cato, Varro, and Columella, supply a multitude of precepts upon the same topic. The object in view was accomplished sometimes by merely mixing different kinds of wine together, but more frequently by throwing into the dolia or amphorae various condiments, or seasonings (*ἀρτύσεις*, *medicamina*, *conditurae*). When two wines were mixed together those were selected which possessed opposite good qualities and defects. (Athen. i. p. 32. 6.)

The principal substances employed as *conditurae* were, 1. sea-water; 2. turpentine, either pure, or in the form of pitch (*pix*), tar (*pix liquida*), or resin (*resina*). 3. Lime, in the form of gypsum, burnt marble, or calcined shells. 4. Inspissated must. 5. Aromatic herbs, spices, and gums; and these were used either singly, or cooked up into a great variety of complicated confections.

We have already seen that it was customary to line the interior of both the dolia and the amphorae with a coating of pitch; but besides this it was common to add this substance, or resin, in powder, to the must during the fermentation, from a conviction that it not only rendered the wine more full-bodied, but also communicated an agreeable bouquet, together with a certain degree of raciness or piquancy. (Plin. *N. H.* xiv. 25; Plutarch, *Symp.* v. 3.) Wine of this sort, however, when new (*novitium resinatum*) was accounted unwholesome and apt to induce headach and giddiness. From this circumstance it was denominated *crapula*, and was itself found to be serviceable in checking the fermentation of the must when too violent.

It must be remembered, that when the vinous fermentation is not well regulated, it is apt to be renewed, in which case a fresh chemical change takes place, and the wine is converted into vinegar (*ὄξος*, *acetum*), and this acid, again, if exposed to the air, loses its properties and becomes perfectly insipid, in which form it was called *vappa* by the Romans, who used the word figuratively for a worthless blockhead.

Now the great majority of inferior wines, being thin and watery, and containing little alcohol, are constantly liable to undergo these changes, and hence the disposition to acescence was closely watched and combated as far as possible. With this view those substances were thrown into the dolia, which it was known would neutralize any acid which might be formed, such as vegetable ashes, which contain an alkali, gypsum, and pure lime, besides which we find a long list of articles, which must be regarded as preventives rather than correctives, such as the various preparations of turpentine already noticed, almonds, raisins steeped in must, parched salt, goats' milk, cedar-cones, gall-nuts, blazing pine-torches, or red-hot irons quenched in the liquid, and a multitude of others. (Geopon. vii. 12, 15, 16, &c.) But in addition to these, which are all harmless, we find some traces of the use of the highly poisonous salts of lead for the same purpose (Geopon. vii. 19), a practice which produced the most fatal consequences in the middle ages, and was prohibited by a series of the most stringent enactments. (See Beckmann's *History of Inventions*, vol. i. p. 396, Trans.)

Defrutum also was employed to a great extent; but being itself liable to turn sour, it was not used until its soundness had been tested by keeping it for a year. It was then introduced, either in its simple state, in the proportion of a sextarius to the amphora, that is, of 1 to 48, or it was combined with a great variety of aromatics, according to a prescription furnished by Columella (xii. 20). In this receipt, and others of the same kind, the various herbs were intended to give additional efficacy to the nourishing powers of the defrutum, and great pains were taken to prevent them from affecting the taste of the wine. But from a very early period it was customary to flavour wines highly by a large admixture of perfumes, plants, and spices. We find a spiced drink (*ἐξ ἀρωμάτων κατασκευαζόμενος*) noticed under the name of *τρίμμα* by Athenaeus and the writers of the new comedy (Athen. i. p. 31, e.; Pollux, vi. 18), and for the whole class Pliny has the general term *aromatites* (xiv. 19. § 5).

There was another and very numerous family of wines, entitled *οἶνοι ὑγιεινοί*, into which drugs were introduced to produce medicinal effects. Such were *vinum marrubii* (horehound) for coughs, the *scillites* (squill-wine), to assist digestion, promote expectoration, and act as a general tonic, *absinthites* (wine of wormwood), corresponding to the modern *vermuth*, and above all the *myrtites* (myrtle-berry-wine), which possessed innumerable virtues. (Columell. 32, 39; Geopon. viii. 1, &c.)

Pliny, under the head of *vina fictitia*, includes not only the *οἶνοι ὑγιεινοί*, but a vast number of others bearing a strong analogy to our British home-made wines, such as cowslip, ginger, elderberry, and the like; and as we manufacture Champagne out of gooseberries, so the Italians had their imitations of the costly vintages of the most favoured Asiatic isles. These *vina fictitia* were, as may be imagined, almost countless, every variety of fruit, flower, vegetable, shrub, and perfume being put in requisition: figs, cornels, medlars, roses, asparagus, parsley, radishes, laurels, junipers, cassia, cinnamon, saffron, nard, malobathrum, afford but a small sample. It must be remarked, that there was one material difference between the method followed by the Greeks and that adopted by the Romans in cooking these potions. The former included the drug, or whatever it might be, in a bag, which was suspended in a jar of wine, and allowed to remain as long as was thought necessary; the latter mixed the flavouring ingredient with the sweet must, and fermented them together, thus obtaining a much more powerful extract; and this is the plan pursued for British wines, except that we are obliged to substitute sugar and water for grape-juice. (Geopon. viii. 32, 33, 34; Plin. *H. N.* xiv. 19; Colum. *ll. cc.*; Cato, *R. R.* 114, 115.)

But not only were spices, fragrant roots, leaves, and gums, steeped in wine or incorporated during fermentation, but even the precious perfumed essential oils (*unguenta*) were mixed with it before it was drunk. The Greeks were exceedingly partial to this kind of drink. (Aelian, *V. H.* xii. 31.) We also learn from Aelian (*l. c.*) that it was named *μυῤῥινίτης*, which seems to be the same with the *μυῤῥίνης* of Poseidippus (Athen. i. p. 32, b.), the *μυῤῥίνη* of Hesychius, the *μυρίνης* of Pollux (vi. 2), and the *murrhina* of Plautus (*Pseudol.* ii. 4. 50; compare *nardini amphoram*, *Miles Gl.* iii. 2. 11; Festus, *s. v. Murrata potio* and *Murrina*). The Romans were not slow to follow the example set them, valuing bitterness so highly, says Pliny (*H. N.* xiii. 5), that they were resolved to enjoy costly perfumes with two senses, and hence the expressions "*foliata sitis*" in Martial (xiv. 110) and "*perfusa mero spumant unguenta Falerno*" in Juvenal (vi. 303).

In a more primitive age we detect the same fondness for the admixture of something extraneous. Hecamede, when preparing a draught for Nestor, fills his cup with Pramnian wine, over which she grates goat-milk cheese and sprinkles the whole with flour (*Il.* xi. 638), the latter being a common addition at a much later epoch. (Athen. x. p. 432.) So also the draught administered by Circe consisted of wine, cheese, and honey; and according to Theophrastus (Athen. i. p. 32, a.) the wine drunk in the prytaneum of the Thasians was rendered delicious by their throwing into the jar which contained it a cake of wheaten flour kneaded up with honey. (Compare Plat. *Symp.* i. 1. 4.)

This leads us on to notice the most generally popular of all these compound beverages, the *οἰνόμελι* of the Greeks, the *mulsum* of the Romans. This was of two kinds; in the one honey was mixed with wine, in the other with must. The former was said to have been invented by the legendary hero Aristaeus, the first cultivator of bees (Plin. xiv. 4), and was considered most perfect and palatable when made of some old rough (*austerum*) wine, such as Massic or Falernian (although Horace objects to the latter for this purpose, *Sat.* ii. 4. 24), and new Attic honey. (Mart. iv. 13, xiii. 108; Dioscor. v. 16; Macrob. *Sat.* vii. 12.) The proportions as stated in the Geoponic collection were four, by measure, of wine to one of honey, and various spices and perfumes, such as myrrh, cassia, costum, malobathrum, nard, and pepper, might be added. The second kind, the *oenomelum* of Isidorus (*Orig.* xx. 3. § 11), according to the Greek authorities (Geopon. viii. 26), was made of must evaporated to one half of its original bulk, Attic honey being added in the proportion of one to ten. This, therefore, was merely a very rich fruit syrup in no way allied to wine. The virtues of *mulsum* are detailed by Pliny (*H. N.* xxii. 4; compare Geopon. *l. c.*); it was considered the most appropriate draught upon an empty stomach, and was therefore swallowed immediately before the regular business of a repast began (Hor. *Sat.* ii. 4. 25; Senec. *Ep.* 122), and hence the whet (*gustatio*) coming before the cup of mulsum was called the *promulsis*. (Cic. *ad. Fam.* ix. 16 and 20.) We infer from Plautus (*Bacch.* iv. 9. 149; compare Liv. xxxviii. 55) that *mulsum* was given at a triumph by the Imperator to his soldiers.

Mulsum (sc. *vinum*) or *οἰνόμελι* is perfectly distinct from *mulsa* (sc. *aqua*). The latter, or *mead*, being made of honey and water mixed and fermented, is the *μελίκρατον* or *ὑδρόμελι* of the Greeks (Geopon. viii. 28; Dioscorid. v. 9; Isidor. *Orig.* xx. 3. § 10; Plin. *H. N.* xiv. 20), although Pollux confounds (vi. 2) *μελίκρατον* with *οἰνόμελι*. Again, *ὑδρομήλον* (Geopon. viii. 27) or *hydromelum* (Isidor. *Orig.* xx. 3. § 11) was cider; *ὀξύμελι* (Plin. *H. N.* xiv. 20) was a compound of vinegar, honey, salt, and pure water, boiled together and kept for a long time; *ῥοδομέλι* was a mere confection of expressed juice of rose-leaves and honey. (Geopon. viii. 29.)

The ancients considered old wine not only more grateful to the palate but also more wholesome and invigorating (Athen. i. p. 26, a.; ii. p. 36, e.), and curiously enough, Pliny supposes that it grew more strong and fiery by age in consequence of the dissipation of the watery particles (*H. N.* vii. 3). Generally speaking the Greek wines do not seem to have required a long time to ripen. Nestor in the Odyssee, indeed, drinks wine ten years old (iii. 391), and wine kept for sixteen years is incidentally mentioned by Athenaeus (xiii. p. 584, b); but the connoisseurs under the Empire pronounced that all transmarine wines arrived at a moderate degree of maturity (*ad vetustatem mediam*) in six or seven. (Plin. xiv. 10.) Many of the Italian varieties, however, as we shall see below, required to be kept for twenty or twenty-five years before they were drinkable (which is now considered ample for our strongest ports), and even the humble growths of Sabinum were stored up for from four to fifteen. (Hor. *Carm.* i. 9. 7; Athen. i. p. 276.) Hence it became a matter of importance to hasten, if possible, the natural process. This was attempted in various ways, sometimes by elaborate condiments (Geopon. vii. 24), sometimes by sinking vessels containing the must in the sea, by which an artificial mellowness was induced (*praecox vetustas*), and the wine in consequence termed *thalassites* (Plin. *H. N.* xiv. 10); but more usually by the application of heat. (Plut. *Symp.* v. 3.) Thus it was customary to expose the amphorae for some years to the full fervour of the sun's rays, or to construct the *apothecae* in such a manner as to be exposed to the hot air and smoke of the bath-furnaces (Colum. i. 6), and hence the name *fumaria* applied to such apartments, and the phrases *fumosos*, *fumum bibere*, *fuligine testae* in reference to the wines. (Tibull. ii. 1. 26; Hor. *Carm.* iii. 8. 9; Juv. v. 35.) If the operation was not conducted with care, and the amphorae not stoppered down perfectly tight, a disagreeable effect would be produced on the contents, and it is in consequence of such carelessness that Martial pours forth his maledictions on the fumaria of Marseilles (x. 36, iii. 82, xii. 123).

The year B. C. 121 is said to have been a season singularly favourable to all the productions of the earth; from the great heat of the autumn the wine was of an unprecedented quality, and remained long celebrated as the *Vinum Opimianum*, from L. Opimius the consul of that year, who slew C. Gracchus. A great quantity had been treasured up and sedulously preserved, so that samples were still in existence in the days of the elder Pliny, nearly two hundred years afterwards. It was reduced, he says, to the consistence of rough honey, and, like other very old wines, so strong and harsh and bitter as to be undrinkable until largely diluted with water. Such wines, however, he adds, were useful for flavouring others when mixed in small quantities.

Our most direct information with regard to the price of common wine in Italy is derived from Columella (iii. 3. § 12), who reckons that the lowest market price of the most ordinary quality was 300 sesterces for 40 urnae, that is 15 sesterces for the amphora, or 6*d.* a gallon nearly. At a much earlier date, the triumph of L. Metellus during the first Punic war (B. C. 250), wine was sold at the rate of 8 asses the amphora (Varro, *ap. Plin. H. N.* xviii. 4), and in the year B. C. 89 the censors P. Licinius Crassus and L. Julius Caesar issued a proclamation that no one should sell Greek and Aminean wine at so high a rate as 8 asses the amphora; but this was probably intended as a prohibition to their being sold at all, in order to check the taste then beginning to display itself for foreign luxuries, for we find that at the same time they positively forbade the use of exotic unguents. (Plin. *H. N.* xiv. 16, xiii. 3.)

The price of native wine at Athens was four drachmas for the metretes, that is about 4½*d.* the gallon, when necessaries were dear, and Böckh considers that we may assume one half of this sum as the average of cheaper times. In fact, we find in an agreement in Demosthenes (*In Lacrit.* p. 928) 300 casks (*κεράμια*) of Mendaean wine, which we know was used at the most sumptuous Macedonian entertainments (Athen. iv. p. 129, d.), valued at 600 drachmas, which gives two drachmas for the metretes, or little more than 2*d.* a gallon; but still more astonishing is the marvellous cheapness of Lusitanian wine, of which more than ten gallons were sold for 3*d.* On the other hand high prices were given freely for the varieties held in esteem, since, as early as the time of Socrates, a metretes of Chian sold for a mina. (Plut. *de Anim. Tranquill.* 10; Böckh, *Publ. Econ. of Athens*, vol. i. p. 133, 1st ed.)

With respect to the way in which wine was drunk, and the customs observed by the Greeks and Romans at their drinking entertainments, the reader is referred to the article SYMPOSIUM.

It now remains for us to name the most esteemed wines, and to point out their localities; but our limits will allow us to enumerate none but the most celebrated. As far as those of Greece are concerned, our information is scanty; since in the older writers we find but a small number defined by specific appellations, the general term *οἶνος* usually standing alone without any distinguishing epithet. The wine of most early celebrity was that which the minister of Apollo, Maron, who dwelt upon the skirts of Thracian Ismarus, gave to Ulysses. It was red (*ἐρυθρόν*), and honey-sweet (*μελιηδέα*), so precious, that it was unknown to all in the mansion, save the wife of the priest and one trusty housekeeper; so strong, that a single cup was mingled with twenty of water; so fragrant, that even when thus diluted it diffused a divine and most tempting perfume. (*Od.* ix. 203.) Pliny (*H. N.* xiv. 6) asserts that wine endowed with similar noble properties was produced in the same region in his own day. Homer mentions also more than once (*Il.* xi. 638, *Od.* x. 234) *Pramnian wine* (*οἶνος Πραμνεῖος*), an epithet which is variously interpreted by certain different writers. (Athen. i. p. 28, f.) In after times a wine bearing the same name was produced in the island of Icaria, around the hill village of Latorea, in the vicinity of Ephesus, in the neighbourhood of Smyrna near the shrine of Cybele, and in Lesbos. (Athen. i. p. 30, c. &c.; Plin. xiv. 6.) The Pramnian of Icaria is characterized by Eparchides as dry (*σκληρός*), harsh (*αὐστηρός*), astringent and remarkably strong, qualities which, according to Aristophanes, rendered it particularly unpalatable to the Athenians. (Athen. i. p. 30, c.)

But the wines of greatest renown during the brilliant period of Grecian history and after the Roman conquest were grown in the islands of Thasos, Lesbos, Chios and Cos, and in a few favoured spots on the opposite coast of Asia (Strabo, xiv. p. 637), such as the slopes of Mount Tmolus, the ridge which separates the valley of the Hermus from that of the Caÿster (Plin. v. 29; Virg. *Georg.* ii. 97; Ovid. *Met.* vi. 15), Mount Messogis, which divides the tributaries of the Caÿster from those of the Maeander (Strabo, xiv. p. 650), the volcanic region of the Catacecaumene (Vitruv. iii. 3) which still retains its fame (Keppell's *Travels*, ii. p. 355), the environs of Ephesus (Dioscorid. v. 12), of Cnidus (Athen. i. p. 29, a.), of Miletus (Athen. *l. c.*), and of Clazomenae. (Plin. xiv. 9.) Among these the first place seems to have been by general consent conceded to the *Chian*, of which the most delicious varieties were brought from the heights of Ariusium, in the central parts (Virg. *Ecl.* v. 71; Plin. *H. N.* xiv. 7; Silius, vii. 210), and from the promontory of Phanae at the southern extremity of the island. (Virg. *Georg.* ii. 97.) The *Thasian* and *Lesbian* occupied the second place, and the *Coan* disputed the palm with them. (Athen. i. pp. 28, 29, &c.) In Lesbos the most highly prized vineyards were around Mytilene (Athen. i. p. 30, b., iii. p. 86, e.; p. 92, d.), and Methymna. (Athen. viii. p. 363, b.; Pausan. x. 19; Virg. *Georg.* ii. 89; Ovid. *Ar. Am.* i. 57.) Pliny (xiv. 9), who gives the preference over all others to the *Clazomenian*, says that the Lesbian had naturally a taste of salt water, while the epithet "innocens," applied by Horace, seems to point out that it was light and wholesome.

It may here be observed that there is no foundation whatever for the remark that the finest Greek wines, especially the products of the islands in the Aegean and Ionian seas, belonged for the most part to the luscious sweet class. The very reverse is proved by the epithets *αὐστηρός*, *σκληρός*, *λεπτός*, and the like, applied to a great number, while *γλυκύς* and *γλυκάζων* are designations comparatively rare, except in the vague language of poetry. "*Vinum omne dulce minus odoratum*," says Pliny (*H. N.* xiv. 11), and the ancients appear to have been fully sensible that sweet wines could not be swallowed either with pleasure or safety, except in small quantities. The mistake has arisen from not perceiving that the expressions *οἶνος γλυκύς* and *οἶνος ἡδύς* are by no means necessarily synonymous. The former signifies wine *positively sweet*, the latter wine agreeable to the taste from the *absence of acidity*, in most cases indicating nothing more than *sound wine*.

It is well known that all the most noble Italian wines, with a very few exceptions, were derived from Latium and Campania, and for the most part grew within a short distance of the sea. "The whole of these places," says Strabo (v. p. 234), when describing this coast, "yield excellent wine; among the most celebrated are the Caecuban, the Fundanian, the Setinian, and so also are the Falernian, the Alban, and the Statinian." But the classification adopted by Pliny (xiv. 6) will prove our best guide, and this we shall follow to a certain extent.

In the first rank, then, we must place the *Setinum* which fairly deserves the title of *Imperial*, since it was the chosen beverage of Augustus and most of his courtiers. It grew upon the hills of Setia, above Forum Appii, looking down upon the Pomptine marshes. (*Pendula Pomptinos quae spectat Setia campos*, Mart. xiii. 112; see also vi. 86, ix. 3, x. 74, xiii. 112; Juv. v. 34; Silius, viii. 378; Plin. *H. N. l. c.*) Before the age of Augustus the *Caecubum* was the most prized of all. It grew in the poplar swamps bordering on the gulf of Amyclae, close to Fundi. (Mart. xiii. 115.) In the time of Pliny its reputation was entirely gone, partly in consequence of the carelessness of the cultivators, and partly from its proper soil, originally a very limited space, having been cut up by the canal of Nero extending from Baiae to Ostia. Galen (Athen. i. p. 27, a.) represents it as generous, full bodied and heady, not arriving at maturity until it had been kept for many years. (Plin. *l. c.*; Strabo, v. p. 231; Mart. xiii. 115; Hor. *Carm.* i. 20. 9, iii. 23. 2, &c.)

The second rank was occupied by the *Falernum*, of which the *Faustianum* was the most choice variety, having gained its character from the care and skill exercised in the cultivation of the vines; but when Pliny wrote, it was beginning to fall in public estimation, in consequence of the growers being more solicitous about quantity than quality, just as was the case with Madeira a few years ago. The *Falernus ager*, concerning the precise limits of which there have been many controversies, commenced at the Pons Campanus, on the left hand of those journeying towards the Urbana Colonia of Sulla, the *Faustianus ager* at a village about six miles from Sinuessa, so that the whole district in question may be regarded as stretching from the Massic hills to the river Vulturnus. Falernian became fit for drinking in ten years, and might be used when twenty years old, but when kept longer gave headachs, and proved injurious to the nervous system. Pliny distinguishes three kind, the rough (*austerum*), the sweet (*dulce*), and the thin (*tenue*). Galen (*ap. Athen.* i. p. 26, c.) two only, the rough (*αὐστηρός*) and the sweetish (*γλυκάζων*). When the south wind prevailed during the season of the vintage the wine was sweetish and darker in colour (*μελάντερος*), but if the grapes were gathered during weather of a different description, it was rough and tawny or amber-coloured (*κιῤῥός*). The ordinary appearance of Falernian, which has been made a theme of considerable discussion, seems to be determined by a passage in Pliny (*H. N.* xxxvii. 12), in which we are informed that the finest amber was named *Falerna*. Others arranged the varieties differently; that which grew upon the hill tops they called *Caucinum*, that on the middle slopes *Faustianum*, that on the plain *Falernum*. (Plin. *l. c.* and xxiii. 21; Athen. i. p. 26, c.; Hor. *Carm.* i. 20. 10; Prop. iv. 6; Martial, ix. 95; Silius, vii. 159.)

In the third rank was the *Albanum*, from the Mons Albanus (*Mons Juleus*, Mart. xiii. 109), of various kinds, very sweet (*praedulce*), sweetish (*γλυκάζων*), rough (Plin. xxiii. 21), and sharp (*ὀμφακίας*); it was invigorating (*nervis utile*), and in perfection after being kept for fifteen years. (Plin. *ll. cc.*; Mart. xiii. 109; Hor. *Sat.* ii. 8. 14; Juv. v. 33; Athen. i. p. 26, d.) Here too we place the *Surrentinum*, from the promontory forming the southern horn of the bay of Naples, which was not drinkable until it had been kept for five-and-twenty years, for being destitute of richness (*ἀλιπής*) and very dry (*ψαφαρός*), it required a long time to ripen, but was strongly recommended to convalescents, on account of its thinness and wholesomeness. Galen, however, was of opinion that it agreed with those only who were accustomed to use it constantly; Tiberius was wont to say that the physicians had conspired to dignify what was only *generous vinegar*; while his successor, Caligula, styled it *nobilis vappa*. (Plin. *ll. cc.*; Athen. *l. c.*) Of equal reputation were the *Massicum*, from the hills which formed the boundary between Latium and Campania, although somewhat harsh, as would seem, from the precautions recommended by the epicure in Horace (*Sat.* ii. 4. 51: compare *Carm.* i. 1. 19, i. 7. 21, iii. 21; Mart. xiii. 111; Silius, vii. 207), and the *Gauranum*, from the ridge above Baiae and Puteoli, produced in small quantity, but of very high quality, full bodied (*εὔτονος*) and thick (*παχύς*). (Athen. *l. c.*; Plin. *H. N.* iii. 5; Flor. iii. 5.) In the same class are to be included the *Calenum* from Cales, and the *Fundanum* from Fundi. Both had formerly held a higher place, "but vineyards," moralizes Pliny, "as well as states, have their periods of rise, of glory, and of fall." The *Calenum* was light (*κοῦφος*), and better for the stomach than Falernian; the *Fundanum* was full bodied (*εὔτονος*) and nourishing, but apt to attack both stomach and head; therefore little sought after at banquets. (Strabo, v. p. 234; Athen. i. p. 27, a.; Hor. *Carm.* i. 31. 9; Juv. i. 69; Mart. x. 35, xiii. 113.) This list is closed by the *Veliterninum*, *Privernatinum*, and *Signinum*, from Velitrae, Privernum, and Signia, towns on the Volscian hills; the first was a sound wine, but had this peculiarity, that it always tasted as if mixed with some foreign substance; the second was thin and pleasant; the last was looked upon only in the light of a medicine, valuable for its astringent qualities. (Athen. i. p. 27, b.; Plin. *l. c.*; Mart. xiii. 116.) We may safely bring in one more, the *Formianum*, from the gulf of Caieta (*Laestrygonia Bacchus in amphora*, Hor. *Carm.* iii. 16. 34), associated by Horace with the Caecuban, Falernian, and Calenian (Hor. *Carm.* i. 20, iii. 16), and compared by Galen (*ap. Athen.* i. p. 26, e.) to the Privernatinum and Rheginum, but richer (λιπαρωτέρος), and ripening quickly.

The fourth rank contained the *Mamertinum*, from the neighbourhood of Messana, first brought into fashion by Julius Caesar. The finest, called *Potalanum* (Ἰωταλῖνος, Athen. i. p. 27, d.), from the fields nearest to the main land, was sound (ἡδὺς), light, and at the same time not without body. The *Tauromenitanum* was frequently substituted fraudulently for the Mamertinum, which it resembled. (Athen. i. p. 27, d.; Plin. *l. c.*)

Of the wines in Southern Gaul, that of *Baeterrae* alone bore a high character. The rest were looked upon with suspicion, in consequence of the notorious frauds of the dealers in the Province, who carried on the business of adulteration to a great extent, and did not scruple to have recourse to noxious drugs. Among other things, it was known that they purchased aloes, to heighten the flavour and improve the colour of their merchandise, and conducted the process of artificial ripening so unskilfully, as to impart a taste of smoke, which called forth, as we have seen above, the malediction of Martial on the fumaria of Marseilles. (Plin. *H. N.* xiv. 8. § 5.)

The produce of the Balearic isles was compared to the first growths of Italy, and the same praise was shared by the vineyards of *Tarraco* and *Lauron*, while those of the *Laletani* were not so much famed for the quality as for the abundance of their supply. (Plin. *H. N.* xiv. 8. § 6; Mart. xiii. 118; Silius, iii. 370.)

Returning to the East, several districts of Pontus, Paphlagonia, and Bithynia, Lampsacus on the Hellespont, Telmessus in Caria, Cyprus, Tripolis, Berytus, and Tyre, all claimed distinction, and above all the *Chalybonium*, originally from Beroea, but afterwards grown in the neighbourhood of Damascus also, was the chosen and only drink of the Great King (Plin. *H. N.* xiv. 9; Geopon. v. 2; Athen. i. p. 28, d.), to which we may join the *Babylonium*, called nectar by Chaereus (Athen. i. p. 29, f.), and the Βύβλινος from Phoenicia, which found many admirers. (Athen. i. p. 29, b.) The last is spoken of elsewhere as Thracian, or Grecian, or Sicilian, which may have arisen from the same grape having been disseminated through these countries. (Compare Herod. ii. 35; Athen. i. p. 31, a.)

Passing on, in the last place, to Egypt, where, according to Hellanicus, the vine was first discovered, the *Mareoticum*, from near Alexandria, demands our attention. It is highly extolled by Athenaeus, being white, sweet, fragrant, light (λεπτός), circulating quickly through the frame, and not flying to the head; but superior even to this was the *Taenioticum*, so named from a long narrow sandy ridge (ταινία) near the western extremity of the Delta; it was aromatic, slightly astringent, and of an oily consistency, which disappeared when it was mixed with water: besides these we hear of the *Sebennyticum*, and the wine of Antylla, a town not far from Alexandria. Advancing up the valley, the wine of the Thebaïs, and especially of Coptos, was so thin and easily thrown off that it could be given without injury to fever patients; and ascending through Nubia, to the confluence of the Nile with the Astapus, we reach *Meroë*, whose wine has been immortalized by Lucan. (Athen. i. p. 33, f.; Strab. xvii. p. 799; Hor. *Carm.* i. 37. 10; Virg. *Georg.* ii. 91; Lucan, x. 161; Plin. *H. N.* xiv. 9.) Martial appears to have held them all very cheap, since he pronounces the vinegar of Egypt better than its wine. (xiii. 112.)

We read of several wines which received their designation, not from the region to which they belonged, but from the particular kind of grape from which they were made, or from some circumstance connected with their history or qualities. Names belonging to the former class were in all likelihood bestowed before the most favoured districts were generally known, and before the effects produced upon the vine, by change of soil and climate, had been accurately observed and studied. After these matters were better understood, habit and mercantile usage would tend to perpetuate the ancient appellation. Thus, down to a late period, we hear of the *Amineum* (Ἀμιναῖος οἶνος, Hesych.), from the *Aminea Vitis*, which held the first place among vines, and embraced many varieties, carefully discriminated and cultivated according to different methods. (Plin. *H. N.* xiv. 4. § 1; Cato, *R. R.* 6 and 7; Colum. iii. 2. § 7; 9. § 3.) It was of Grecian origin, having been conveyed by a Thessalian tribe to Italy (a story which would seem to refer to some Pelasgian migration), and reared chiefly in Campania around Naples, and in the Falernus ager. Its characteristic excellence was the great body and consequent durability of its wine. (*Firmissima vina*, Virg. *Georg.* ii. 97; Galen, *Meth. med.* xii. 4; Geopon. viii. 22; Cels. iv. 2; Macrob. ii. 16; Auson. *Ep.* xviii. 32; Seren. Samm. xxix. 544.) So, in like manner, the ψίθιος οἶνος (Athen. i. p. 28, f.), from the ψιθία ἄμπελος (Colum. iii. 2. § 24), which Virgil tells us (*Georg.* ii. 93) was particularly suitable for *passum*, and the καπνίας (smoke-wine) of Plato the comic poet (Athen. i. p. 31, e.), prepared in greatest perfection near Beneventum, from the κάπνεος ἄμπελος, so named in consequence of the clusters being neither white nor black, but of an intermediate dusky or smoky hue. (Theophr. *H. P.* ii. 4, *C. P.* v. 3; Aristot. *de Gener.* iv. 4; Plin. *H. N.* xiv. 4. § 7; compare xxxvi. 36, on the gem *Capnias*.)

On the other hand, the Σαπρίας, on whose divine fragrance Hermippus descants in such glowing language (Athen. i. p. 29, e.), is simply some rich wine of great age, "toothless, and sere, and wondrous old." (ὀδόντας οὐκ ἔχων, ἤδη σαπρὸς . . . γέρων γε δαιμονίως, Athen. x. p. 441, d.; see Eustath. *ad Hom. Od.* ii. 340; Casaub. *ad Athen.* i. p. 29.) The origin of the title ἀνθοσμίας is somewhat more doubtful: some will have it to denote wine from a sweet-smelling spot (Suid. *s. v.*); others more reasonably refer it to the "bouquet" of the wine itself (Hesych. *s. v.*); according to Phanias of Eresus, in one passage, it was a compound, formed by adding one part of sea-water to fifty of must, although, in another place, he seems to say, that it was wine obtained from grapes gathered before they were ripe, in which case it might resemble Champagne. (Athen. i. p. 32, a.; compare p. 462, e.)

Those who desire more minute details upon this very extensive subject may consult the Geoponic Collection, books iii. to viii. inclusive; the whole of the 14th book of Pliny's Natural History, together with the first thirty chapters of the 23d; the 12th book of Columella, with the commentary of Schneider and others; the 2d book of Virgil's Georgics, with the remarks of Heyne, Voss, and the old grammarians; Galen, i. 9, and xii. 4;

Pollux, vi. foll.; Athenaeus, lib. i. and lib. x.; besides which there are a multitude of passages in other parts of the above authors, in Cato, Varro, and in the classics generally, which bear more or less upon these topics.

Of modern writers we may notice particularly, Prosper Rendella, *Tractatus de Vinea, Vindemia et Vino*, Venet. 1629; Galeatius Landrinus, *Quaestio de Mixtione Vini et Aquae*, Ferrar. 1593; Andreas Baccius, *de Naturali Vinorum Historia, &c.*, Rom. 1596, *de Conviviis Antiquorum, &c.*, Gronov. Thes. Graec. Antiq.; Sir Edward Barry, *Observations on the Wines of the Ancients*, Lond. 1775; Henderson, *History of Ancient and modern Wines*, Lond. 1824. Some of the most important facts are presented in a condensed form in Becker's *Gallus*, vol. ii. pp. 163—176, and pp. 238—241, and *Charikles*, vol. i. p. 456, foll. [W. R.]

VIOCURI. [Quatuorviri Viales.]

VIRGA, dim. VIRGULA (ῥάϐδος), a rod or wand. This was in many cases the emblem of a certain rank or office; being carried, for example, by the Salii, by a judge or civil officer (see woodcut, p. 98), a herald [Caduceus] (Non. Marc. p. 528; Ovid. *Met.* i. 716), and by the *Tricliniarcha* [Triclinium], or any other person who had to exercise authority over slaves. (Senec. *Epist.* 47.) The use of the rod (ῥαϐδίζειν, *Acts*, xvi. 22) in the punishment of Roman citizens was abolished by the *Lex Porcia* (p. 696, a). In the Fasces a number of rods were bound together.

The wand was also the common instrument of magical display, as in the hand of Circe (Hom. *Od.* x. 238, 293, 318, 389), and of Minerva (xvi. 172). To do any thing *virgula divina* was to do it *by magic.* (Cic. *Att.* i. 44.) The stripes of cloth were called *virgae.* (Ovid. *Ar. Am.* iii. 269.) [Pallium; Tela.] [J. Y.]

VI'RGINES VESTA'LES. [Vestales Virgines.]

VIRIDA'RIUM. [Hortus.]

VIS. Leges were passed at Rome for the purpose of preventing acts of violence. The Lex Plotia or Plautia was enacted against those who occupied public places and carried arms (Cic. *ad Att.* ii. 24, *de Harusp. Respons.* 8; the Dissertation of Waechter, *Neues Archiv. des Criminalrechts*, vol. xiii. reprinted in Orellii Onomasticon). The Lex proposed by the consul Q. Catulus on this subject, with the assistance of Plautius the tribunus, appears to be the Lex Plotia. (Cic. *pro Coel.* 29; Sallust. *in Cic. Declam.*) There was a Lex Julia of the dictator Caesar on this subject, which imposed the penalty of aquae et ignis interdictio. (Cic. *Philip.* i. 9.) Two Juliae Leges were passed as to this matter in the time of Augustus, which were respectively entitled De Vi Publica, and de Vi Privata. (Dig. 48. tit. 6, 7.) The Lex de Vi Publica did not apply, as the title might seem to import, exclusively to acts againts the public peace, and it is not possible to describe it very accurately except by enumerating its chief provisions. The collecting of arms (*arma, tela*) in a house (*domus*), or in a villa (*agrove in villa*), except for the purpose of hunting, or going a journey or a voyage, was in itself a violation of the Lex. The signification of the word tela in this Lex was very extensive. The punishment for the violation of this Lex was aquae et ignis interdictio, except in the case of attacking and plundering houses or villas with an armed band, in which case the punishment was death; and the penalty was the same for carrying off a woman, married or unmarried. The cases enumerated in the Digest, as falling within the penalties of the Lex Julia de Vi Privata, are cases where the act was of less atrocity; for instance, if a man got a number of men together for a riot, which ended in the beating of a person, but not in his death, he came within the penalties of the Lex de Vi Privata. It was also a case of Vis Privata, when persons combined to prevent another being brought before the praetor. The Senatusconsultum Volusianum extended the penalties of the Lex to those who maintained another in his suit, with the view of sharing any advantage that might result from it. The penalties of this Lex were the loss of a third part of the offender's property; and he was also declared to be incapable of being a Senator or Decurio, or a Judex: by a Senatusconsultum, the name of which is not given, he was incapacitated from enjoying any honour, quasi infamis. (This matter is discussed at length by Rein, *Das Criminalrecht der Römer*, p. 732.) [G. L.]

VIS et VIS ARMATA. There was an interdict De Vi et Vi Armata, which applied to the case of a man who was forcibly ejected from the possession of a piece of ground or edifice (*qui vi dejectus est*). The object of the interdict was to restore the party ejected to possession. (Dig. 43. tit. 16; Interdictum.) [G. L.]

VISCERA'TIO. [Funus, p. 562, a.]

VITELLIA'NI. [Tabulae, p. 1092, a.]

VITIS. [Exercitus, p. 504, b.]

VITRUM (ὕαλος), glass. A singular amount of ignorance and scepticism long prevailed with regard to the knowledge possessed by the ancients in the art of glass-making. Some asserted that it was to be regarded as exclusively a modern invention, while others, unable altogether to resist the mass of evidence to the contrary, contented themselves with believing that the substance was known only in its coarsest and rudest form. It is now clearly demonstrated to have been in common use at a very remote epoch. Various specimens still in existence prove that the manufacture had in some branches reached a point of perfection to which recent skill has not yet been able to attain; and although we may not feel disposed to go so far as Winckelmann (l. c. 2. § 20), who contends that it was used more generally and for a greater variety of purposes in the old world than among ourselves, yet when we examine the numerous collections arranged in all great public museums, we must feel convinced that it was employed as an ordinary material for all manner of domestic utensils by the Egyptians, Greeks, and Romans.

We find the process of glass-blowing distinctly represented in the paintings of Beni Hassan, which if any faith can be reposed in the interpretation of hieroglyphics according to the phonetic system, were executed during the reigns of Osirtasen the First, the contemporary of Joseph, and his immediate successors, while a glass bead has been found at Thebes bearing the name of a monarch who lived 3300 years ago, about the time of the Jewish Exodus. Vases also, wine-bottles, drinking-cups, bugles, and a multitude of other objects have been discovered in sepulchres and attached to mummies both in Upper and Lower Egypt, and although in most cases no precise date can be affixed to these relics, many of them are referred by the most competent judges to a very early period. (Wilkinson, *Ancient Egyptians*, vol. iii. p. 88, &c.)

A story has been preserved by Pliny (*H. N.* xxxvi. 65), that glass was first discovered accidentally by some merchants who having landed on the Syrian coast at the mouth of the river Belus, and being unable to find stones to support their cooking-pots, fetched for this purpose from their ship some of the lumps of nitre which composed the cargo. This being fused by the heat of the fire, united with the sand upon which it rested and formed a stream of vitrified matter. No conclusion can be drawn from this tale, even if true, in consequence of its vagueness; but it probably originated in the fact recorded by Strabo (xvi. p. 758) and Josephus (*B. J.* ii. 9), that the sand of the district in question was esteemed peculiarly suitable for glass-making, and exported in great quantities to the workshops of Sidon and Alexandria, long the most famous in the ancient world. (See Hamberger and Michaelis on the Glass of the Hebrews and Phoenicians, *Commentar. Soc. Gott.* vol. iv.; Heeren, *Ideen*, i. 2. p. 94.) Alexandria sustained its reputation for many centuries; Rome derived a great portion of its supplies from this source, and as late as the reign of Aurelian we find the manufacture still flourishing. (Cic. *pro Rabir. Post.* 14; Strabo, *l. c.;* Martial, xi. 11, xii. 74, xiv. 115; Vopisc. *Aurel.* 45; Boudet, *Sur l'Arte de la Verrerie né en Egypte; Description de l'Egypte*, vol. ix. p. 213.)

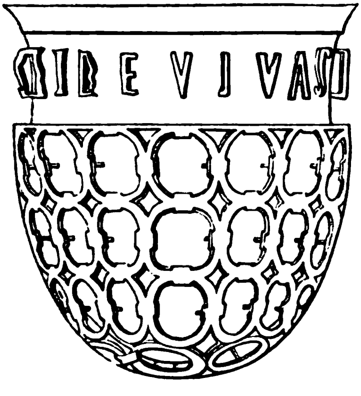
There is some difficulty in deciding by what Greek author glass is first mentioned, because the term *ὕαλος*, like the Hebrew word used in the book of Job (xxviii. 17) and translated in the LXX. by *ὕαλος*, unquestionably denotes not only artificial glass but rock-crystal, or indeed any transparent stone or stone-like substance. (Schol. *ad Aristoph. Nub.* 737.) Thus the *ὕελος* of Herodotus (iii. 24), in which the Ethiopians encased the bodies of their dead, cannot be glass, although understood in this sense by Ctesias and Diodorus (ii. 15), for we are expressly told that it was dug in abundance out of the earth; and hence commentators have conjectured that rock-crystal or rock-salt, or amber, or oriental alabaster, or some bituminous or gummy product might be indicated. But when the same historian in his account of sacred crocodiles (ii. 69) states that they were decorated with ear-rings made of melted stone (*ἀρτήματά τε λίθινα χυτὰ καὶ χρύσεα ἐς τὰ ὦτα ἐνθέντες*), we may safely conclude that he intends to describe some vitreous ornament for which he knew no appropriate name. The *σφραγὶς ὑαλίνη* and *σφραγῖδε ὑαλίνα* of an Athenian inscription referred to B. C. 398 (Böckh, *Corp. Inscrip.* n. 150. § 50), together with the passage in Aristophanes (*Acharn.* 74) where the envoy boasts that he had been drinking with the great king "*ἐξ ὑαλίνων ἐκπωμάτων*" decide nothing, especially since in another comedy (*Nub.* 737) Strepsiades describes a *ὕαλος*, or burning-glass, as a transparent stone sold in the shops of apothecaries, and we know that any solid diaphanous substance ground into the form of a lens would produce the effect. Setting aside the two problems with regard to glass, attributed to Aristotle, as confessedly spurious, we at length find a satisfactory testimony in the works of his pupil and successor, Theophrastus, who notices the circumstance alluded to above, of the fitness of the sand at the mouth of the river Belus for the fabrication of glass.

Among the Latin writers Lucretius appears to be the first in whom the word *vitrum* occurs (iv. 604, vi. 991); but it must have been well known to his countrymen long before, for Cicero names it, along with paper and linen, as a common article of merchandise brought from Egypt (*pro Rab. Post.* 14). Scaurus, in his aedileship (B. C. 58), made a display of it such as was never witnessed even in after-times; for the *scena* of his gorgeous theatre was divided into three tiers, of which the under portion was of marble, the upper of gilded wood, and the middle compartment of glass. (Plin. *H. N.* xxxvi. 34. § 7.) In the poets of the Augustan age it is constantly introduced, both directly and in similes, and in such terms as to prove that it was an object with which every one must be familiar (e. g. Virg. *Georg.* iv. 350, *Aen.* vii. 759; Ovid. *Amor.* i. 6. 55; Prop. iv. 8. 37; Hor. *Carm.* iii. 13. 1). Strabo declares that in his day a small drinking-cup of glass might be purchased at Rome for half an as (xvi. p. 758; compare Martial, ix. 60), and so common was it in the time of Juvenal and Martial, that old men and women made a livelihood by trucking sulphur matches for broken fragments. (Juv. v. 48; Martial, i. 42, x. 3; Stat. *Sylv.* i. 6. 73; compare Dion Cass. lvi. 17.) When Pliny wrote manufactories had been established not only in Italy, but in Spain and Gaul also, and glass drinking-cups had entirely superseded those of gold and silver (*H. N.* xxxvi. 66, 67), and in the reign of Alexander Severus we find *vitrearii* ranked along with curriers, coachmakers goldsmiths, silversmiths, and other ordinary artificers whom the emperor taxed to raise money for his thermae. (Lamprid. *Alex. Sev.* 24.)

The numerous specimens transmitted to us prove that the ancients were well acquainted with the art of imparting a great variety of colours to their glass; they were probably less successful in their attempts to render it perfectly pure and free from all colour, since we are told by Pliny that it was considered most valuable in this state. It was wrought according to the different methods now practised, being fashioned into the required shape by the blowpipe, *cut*, as we term it, although *ground* (*teritur*) is a more accurate phrase, upon a wheel, and engraved with a sharp tool, like silver ("aliud flatu figuratur, aliud torno teritur, aliud argenti modo coelatur," Plin. *H. N.* xxxvi. 66). Doubts have been expressed touching the accuracy of the last part of this statement; but since we have the most positive evidence that the diamond (*adamas*) was employed by engravers of gems (Plin. *H. N.* xxxvii. 15; Solin. 52; Isidor. xvi. 13, 3), and might therefore have been applied with still greater facility to scratching the surface of glass, there is no necessity for supposing that Pliny was not himself aware of what he meant to say, nor for twisting his words into meanings which they cannot legitimately assume, especially since hieroglyphics and various others devices are now to be seen on Egyptian vases and trinkets which have been engraved by some such process. (Wilkinson, vol. iii. p. 105.) The *diatreta* of Martial (xii. 70) were glass cups cut or engraved according to one or other of the above methods. The process was difficult, and accidents occurred so frequently (Mart. xiv. 115) that the jurists found it necessary to define accurately the circumstances under which the workman became liable for the value of the vessel destroyed. (Dig. 9. tit. 2. s. 27. § 29; see Salmasius *ad Vopisc. Saturn.* c. 8.) The art of etching upon glass, now so common, was entirely unknown, since it depends upon the properties of fluoric acid, a chemical discovery of the last century.

We may now briefly enumerate the chief uses to which glass was applied.

1. Bottles, vases, cups, and cinerary urns. A great number of these may be seen in the British Museum and all the principal continental cabinets, but especially in the Museo Borbonico at Naples, which contains the spoils of Herculaneum and Pompeii, and includes upwards of 2400 specimens of ancient glass. These sufficiently prove the taste, ingenuity, and consummate skill lavished upon such labours; many which have been shaped by the blowpipe only, are remarkable for their graceful form and brilliant colours, while others are of the most delicate and complicated workmanship. A very remarkable object belonging to the last class, the property of the Trivulsi family, is described in the notes to Winckelmann (i. c. 2. § 21) and figured here. It is a glass cup contained within a sort of network, also of glass, to which it is attached by a series of short and very fine glass props placed at equal distances from each other. Round the rim are several letters connected with the cup in the same manner as the network, and forming the words BIBE VIVAS MULTOS ANNOS. The characters of the inscription are green, the network is blue, the cup itself resembles opal, shades of red, white, yellow and blue predominating in turn according to the angle at which the light falls upon it. It was at first believed that this effect was the result of long interment beneath the ground; but it is much more likely to have been produced by the artist, for it corresponds precisely to the account given of two precious cups presented by an Egyptian priest to the emperor Adrian, and characterised as *calices allassontes versicolores*. (Vopisc. *Saturn.* c. 8.) Neither the letters nor the network have been soldered to the cup, but the whole has been cut of a solid mass, after the manner of a cameo, the marks of the wheel being still visible on the little props, which are more or less angular according as the instrument was able to reach them completely or not. But the great triumph of ancient genius in this department is the celebrated Portland Vase, formerly known as the Barberini Vase, which is now in the British Museum. It was found about three hundred years ago, at a short distance from Rome, in a marble coffin within a sepulchral vault, pronounced upon very imperfect evidence to have been the tomb of Alexander Severus. The extreme beauty of this urn led Montfaucon and other antiquaries to mistake it for a real sardonyx. Upon more accurate examination it was ascertained to be composed of dark blue glass, of a very rich tint, on the surface of which are delineated in relief several minute and elaborately wrought figures of opaque white enamel. It has been determined by persons of the greatest practical experience, that these figures must have been moulded separately, and afterwards fixed to the blue surface by a partial fusion; but the union has been effected with such extraordinary care and dexterity, that no trace of the junction can be observed, nor have the most delicate lines received the slightest injury. With such samples before us, we need not wonder that in the time of Nero a pair of moderate-sized glass cups with handles (*pteroti*) sometimes cost fifty pounds (*HS. sex millibus*, Plin. *H. N.* xxxvi. 66). For a full description of the Portland Vase, see the eighth volume of the Archaeologia.



2. Glass Pastes presenting fac-similes, either in relief or intaglio, of engraved precious stones. In this way have been preserved exact copies of many beautiful gems, of which the originals no longer exist, as may be seen from the catalogues of Stosch, of Tassie, of the Orleans collection, and from similar publications. These were in demand for the rings of such persons as were not wealthy enough to purchase real stones, as we perceive from the phrase "*vitreis gemmis ex vulgi annulis.*" (Plin. *H. N.* xxxv. 30.) Large medallions also of this kind are still preserved, and bas-reliefs of considerable magnitude. (See Winckelmann, i. c. 2. § 27.)

3. Closely allied to the preceding were imitations of coloured precious stones, such as the carbuncle, the sapphire, the amethyst, and above all, the emerald. These counterfeits were executed with such fidelity, that detection was extremely difficult, and great profits were realised by dishonest dealers who entrapped the unwary. (Plin. *H. N.* xxxvii. 75.) That such frauds were practised even upon the most exalted in station is seen from the anecdote given by Trebellius Pollio of the whimsical vengeance taken by Gallienus (*Gall.* c. 12) on a rogue who had cheated him in this way, and collections are to be seen at Rome of pieces of coloured glass which were evidently once worn as jewels, from which they cannot be distinguished by the eye. (Plin. *H. N.* xxxvii. 26. 33. 75; Senec. *Ep.* 90; Isidor. *Orig.* xvi. 15. § 27; Beckmann, *History of Inventions*, vol. i. p. 199. Eng. Trans. 3d edit.)

4. One very elegant application of glass deserves to be particularly noticed. A number of fine stalks of glass of different colours were placed vertically, and arranged in such a manner as to depict upon the upper surface some figure or pattern, upon the principle of a minute mosaic. The filaments thus combined were then subjected to such a degree of heat as would suffice to soften without melting them, and were thus cemented together into a solid mass. It is evident that the picture brought out upon the upper surface would extend down through the whole of the little column thus formed, and hence if it was cut into thin slices at right

angles to the direction of the fibres, each of these sections would upon both sides represent the design which would be multiplied to an extent in proportion to the total length of the glass threads. Two beautiful fragments evidently constructed in this way are accurately commented upon by Winckelmann (i. c. 2. § 22, 23, 24), and another recently brought from Egypt is shown on the frontispiece to the third volume of Wilkinson's work. Many mosaic pavements and pictures (*opus musivum*) belong to this head, since the cubes were frequently composed of opaque glass as well as marble, but these have been already discussed in p. 915 of this work.

5. Thick sheets of glass of various colours appear to have been laid down for paving floors, and to have been attached as a lining to the walls and ceilings of apartments in dwelling houses, just as scagliuola is frequently employed in Italy, and occasionally in our own country also. Rooms fitted up in this way were called *vitreae camerae*, and the panels *vitreae quadraturae*. Such was the kind of decoration introduced by Scaurus for the scene of his theatre, not columns nor pillars of glass as some, nor bas-reliefs as others have imagined. (Plin. *H. N.* xxxvi. 64; Stat. *Syl.* i. 5. 42; Senec. *Ep.* 76; Vopisc. *Firm.* c. 3; Winckelmann, i. c. 2. § 21; Passeri, *Lucernae Fictiles*, p. 67. tab. lxxi.)

6. The question whether glass windows were known to the ancients has, after much discussion, been set at rest by the excavations at Pompeii, for not only have many fragments of flat glass been disinterred from time to time, but in the tepidarium of the public baths a bronze lattice came to light with some of the panes still inserted in the frame, so as to determine at once not only their existence, but the mode in which they were secured and arranged. (Mazois, *Palais de Scaurus*, c. viii. p. 97; *Ruines de Pompéi*, vol. iii. p. 77; Becker, *Gallus*, vol. ii. p. 20.) [DOMUS, p. 432.]

7. From the time that pure glass became known, it must have been remarked that when darkened upon one side, it possessed the property of reflecting images. We are certain that an attempt was made by the Sidonians to make looking-glasses (Plin. *H. N.* xxxvi. 66), and equally certain that it must have failed, for the use of metallic mirrors, which are more costly in the first instance, which require constant care, and attain but imperfectly the end desired, was universal under the Empire. Respecting ancient mirrors, see SPECULUM.

8. A strange story with regard to an alleged invention of malleable glass is found in Petronius (c. 51), is told still more circumstantially by Dion Cassius (lvii. 21), and is alluded to by Pliny (*H. N.* xxxvi. 66), with an expression of doubt, however, as to its truth. An artist appeared before Tiberius with a cup of glass. This he dashed violently upon the ground. When taken up it was neither broken nor cracked, but dinted like a piece of metal. The man then produced a mallet, and hammered it back into its original shape. The emperor inquired whether any one was acquainted with the secret, and was answered in the negative, upon which the order was given that he should be instantly beheaded, lest the precious metals might lose their value, should such a composition become generally known. [W. R.]

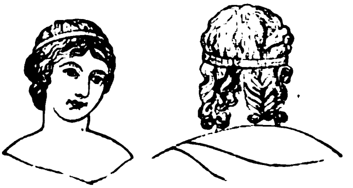
VITTA, or plural VITTAE, a ribbon or fillet, is to be considered, I. As an ordinary portion of female dress. II. As a decoration of sacred persons and sacred things.

1. When considered as an ordinary portion of female dress, it was simply a band encircling the head, and serving to confine the tresses (*crinales vittae*) the ends, when long (*longae taenia vittae*), hanging down behind. (Virg. *Aen.* vii. 351, 403; Ovid. *Met.* ii. 413, iv. 6; Isidor. xix. 31. § 6.) It was worn (1.) by maidens (Virg. *Aen.* ii. 168; Prop. iv. 11. 34; Val. Flacc. viii. 6; Serv. *ad Virg. Aen.* ii. 133); (2.) by married women also, the vitta assumed on the nuptial day being of a different form from that used by virgins. (Prop. iv. 3. 15, iv. 11. 34; Plaut. *Mil. Gl.* iii. 1. 194; Val. Max. v. 2. § 1.)

The Vitta was *not* worn by libertinae even of fair character (Tibull. i. 6. 67), much less by meretrices; hence it was looked upon as an *insigne pudoris*, and, together with the *stola* and *instita*, served to point out at first sight the freeborn matron. (Ovid. *A. A.* i. 31, *R. A.* 386, *Trist.* ii. 247, *Ep. ex Pont.* iii. 3. 51.)

The colour was probably a matter of choice, white and purple are both mentioned. (Ovid. *Met.* ii. 413, *Ciris*, 511; Stat. *Achill.* i. 611.) One of those represented in the cuts below is ornamented with embroidery, and they were in some cases set with pearls (*vittae margaritarum*, Dig. 34. tit. 2. s. 25. § 2).

The following woodcuts represent back and front views of the heads of statues from Herculaneum, on which we perceive the vitta. (*Bronzi d'Ercolano*, vol. ii. tav. 72, 75.)



II. When employed for sacred purposes, it was usually twisted round the infula [INFULA], and held together the loose flocks of wool. (Virg. *Georg.* iii. 487, *Aen.* x. 537; Isidor. xix. 30. § 4; Serv. *ad Virg. Aen.* x. 538; the expression of Lucan v. 142, &c. is obscure.) Under this form it was employed as an ornament for (1.) Priests, and those who offered sacrifice. (Virg. *Aen.* ii. 221, vi. 637, x. 537; Tacit. *Ann.* i. 57.) (2.) Priestesses, especially those of Vesta, and hence *vittata sacerdos* for a Vestal, *κατ' ἐξόχην*. (Virg. *Aen.* vii. 418; Ovid. *Fast.* iii. 30, vi. 457; Juv. iv. 9, vi. 50.) (3.) Prophets and poets, who may be regarded as priests, and in this case the Vittae were frequently intertwined with chaplets of olive or laurel. (Virg. *Aen.* iii. 81, vi. 665; Stat. *Silv.* ii. 1. 26, *Achill.* i. 11, *Theb.* iii. 466). (4.) Statues of deities. (Virg. *Aen.* ii. 168, 296; Juv. vi. 50; compare Stat. *Silv.* iii. 3. 3.) (5.) Victims decked for sacrifice. (Virg. *Georg.* iii. 487, *Aen.* ii. 133, 156, v. 366; Ovid. *Ep. ex Pont.* iii. 2. 74, Stat. *Achill.* ii. 301.) (6.) Altars. (Virg. *Ecl.* viii. 64, *Aen.* iii. 64.) (7.) Temples. (Prop. iv. 9. 27; compare Tacit. *Hist.* iv. 53.) (8.) The *ἱκετήρια* of suppliants. (Virg. *Aen.* vii. 237, viii. 128.)

The sacred vittae, as well as the infulae, were made of wool, and hence the epithets *lanea* (Ovid. *Fast.* iii. 30) and *mollis.* (Virg. *Ecl.* viii. 64.) They were white (*niveae*, Virg. *Georg.* iii. 487; Ovid. *Met.* xiii. 643; Stat. *Theb.* iii. 466), or purple (*puniceae*, Prop. iv. 9. 27), or azure (*caeruleae*) when wreathed round an altar to the manes. (Virg. *Aen.* iii. 64.)

Vitta is also used in the general sense of a string for tying up garlands (Plin. *H. N.* xviii. 2; Isidor. xix. 31. 6), and *vittae loreae* for the leathern straps or braces by which a machine was worked. (Plin. *H. N.* xviii. 31.) [W. R.]

ULNA (ὠλένη), properly the fore-arm from the shoulder to the wrist, is also used for the whole arm, and even for the whole span of both arms; and hence, as a measure of length, it appears to be used with different significations. In the chief passages in which it occurs (Virg. *Buc.* iii. 105, *Georg.* iii. 355; Ovid, *Metam.* viii. 750; Hor. *Epod.* iv. 8) there is nothing to determine its length, except, perhaps, in the last quoted passage, where, however, we may easily suppose the exaggeration of caricature. Servius, however, in his note on the first of these passages, says that it was the space between the outstretched hands, that is, the same as the Greek ὀργυία of six feet; and this is evidently its meaning in Pliny (*H. N.* xvi. 40. s. 76, 32. s. 57), where it is important to observe that *crassitudo* refers to the *circumference* of the trunk, not to its *diameter*. Later writers use it as equivalent to the *cubit* or a modification of it, and hence the modern *ell*. (Pollux, ii. 140; Solin. 54.) [P. S.]

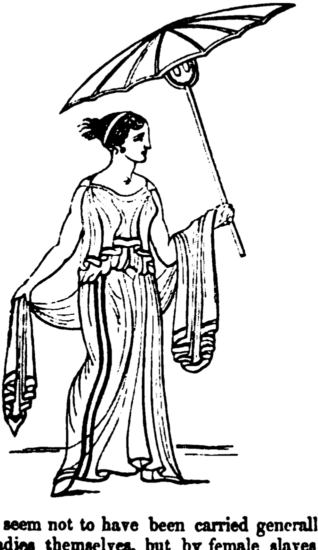
ULTROTRIBU'TA. [Censor, p. 265, a.]

UMBELLA. [Umbraculum.]

UMBI'LICUS. [Liber.]

UMBO. [Clipeus; Toga, p. 1136, b.]

UMBRA'CULUM, UMBELLA (σκιάδειον, σκιάδιον, σκιαδίσκη) a parasol, was used by Greek and Roman ladies as a protection against the sun. They seem not to have been carried generally by the ladies themselves, but by female slaves who held them over their mistresses. The daughters of the aliens (μέτοικοι) at Athens had to carry parasols after the Athenian maidens at the Panathenaea, as is mentioned under Hydriaphoria. The parasols of the ancients seem to have been exactly like our own parasols or umbrellas in form, and could be shut up and opened like ours. (Aristoph. *Equit.* 1348; Schol. *ad loc.*; Ovid. *Ar. Am.* ii. 209.) They are often represented in paintings on ancient vases: the annexed woodcut is taken from Millin's *Peintures de Vases Antiques*, vol. i. pl. 70. The female is clothed in a long Chiton or Diploidion [Tunica, p. 1172, b.], and has a small Himation, which seems to have fallen off her shoulders.



It was considered a mark of effeminacy for men to make use of parasols. (Anacreon, *ap. Athen.* xii. p. 534, a.) The Roman ladies used them in the amphitheatre to defend themselves from the sun or some passing shower (Mart. xiv. 28), when the wind or other circumstances did not allow the velarium to be extended. To hold a parasol over a lady was one of the common attentions of lovers (Mart. xi. 73; Ovid. *l. c.*), and it seems to have been very common to give parasols as presents. (Juv. ix. 50.)

Instead of parasols the Greek women in later times wore a kind of straw hat or bonnet, called θολία. (Pollux, vii. 174; compare x. 127; Theocr. xv. 39.) The Romans also wore a hat with a broad brim (*petasus*) as a protection against the sun. (Suet. *Aug.* 82; Dion Cass. lix. 7.) See Paciaudi, *de Umbellae gestatione*, Rom. 1752; Becker, *Charikles*, vol. ii. p. 73.

UNCIA (ὀγκία, οὐγκία, οὐγγία), the twelfth part of the As or Libra, is derived by Varro from *unus*, as being the unit of the divisions of the as (*L. L.* v. 171, Müller). It was subdivided into 2 *semunciae*, 3 *duellae*, 4 *sicilici*, 6 *sextulae*, 24 *scrupula*, and 144 *siliquae*. The values of the *Uncia* and its subdivisions, in terms of our own weights, will be found in the Tables.

In connecting the Roman system of weights and money with the Greek, another division of the uncia was used. When the *drachma* was introduced into the Roman system as equivalent to the *denarius* of 96 to the pound [Denarius; Drachma] the *uncia* contained 8 *drachmae*, the *drachma* 3 *scrupula*, the *scrupulum* 2 *oboli* (since 6 *oboli* made up the *drachma*), and the *obolos* 3 *siliquae* (κερατία). Therefore the uncia was divided into 8 *drachmae*, 24 *scrupula*, 48 *oboli*, 144 *siliquae*. In this division we have the origin of the modern Italian system, in which the pound is divided into 12 ounces, the ounce into 8 drams, the dram into 3 scruples, and the scruple into 6 carats. In each of these systems 1728 *κερατία*, *siliquae*, or *carats* make up the pound.

The uncial system was adopted by the Greeks of Sicily, who called their obol λίτρα (the Roman *libra*), and divided it into twelve parts, each of which they called ὀγκία or οὐγκία (the Roman *uncia*). In this system the ὀγκία was reckoned equal to the χαλκοῦς. [Litra; Nummus, pp. 813, 814.]

Müller considers that the Greeks of Sicily, and also the Romans themselves, obtained the uncial system from the Etruscans. (*Etrusker*, i. p. 309.)

The Romans applied the uncial division to all kinds of magnitude. [As.] In length the uncia was the twelfth of a foot, whence the word *inch*, in area the twelfth of a jugerum, in content the twelfth of a sextarius, in time the twelfth of an hour. [As, *sub fin.*] Respecting the *uncia* as a coin see As, p. 141, a.

(Böckh, *Metrolog. Untersuch.* pp. 155, 160, 165, 293; Wurm, *de Pond*, &c. pp. 8, 9, 63, 67, 118, 138.) [P. S.]

UNCIA'RIUM FENUS. [Fenus, p. 527, b.]

UNCTO'RES. [Balneae, p. 190, b.]

UNCTUA'RIUM. [Balneae, p. 190, b.]

UNGUENTA, ointments, oils, or salves. The application of Unguenta in connection with bathing and the athletic contests of the ancients is stated under Balneae, Athletae, &c. But although their original object was simply to preserve the health and elasticity of the human frame, they were in later times used as articles of luxury. They were then not only employed to impart to the body or hair a particular colour, but also to give to them the most beautiful fragrance possible; they were, moreover, not merely applied after a bath, but at any time, to render one's appearance or presence more pleasant than usual. In short they were used then as oils and pomatums are at present.

The numerous kinds of oils, soaps, pomatums, and other perfumes with which the ancients were acquainted, are quite astonishing. We know several kinds of soap which they used, though, as it appears, more for the purpose of painting the hair than for cleaning it. (Plin. *H. N.* xviii. 12, 51; Mart. viii. 23. 20, xiv. 26, 27.) For the same purpose they also used certain herbs. (Ovid. *Ar. Amat.* iii. 163, *Amor.* i. 14.)

Among the various and costly oils which were partly used for the skin and partly for the hair, the following may be mentioned as examples: mendesium, megalesium, metopium, amaracinum, Cyprinum, susinum, nardinum, spicatum, iasminum, rosaceum, and crocus-oil, which was considered the most costly. (Becker, *Gallus*, ii. p. 27.) In addition to these oils the ancients also used various kinds of powder as perfumes, which by a general name are called *Diapasmata*. To what extent the luxury of using fragrant oils and the like was carried on, may be inferred from Seneca (*Epist.* 86), who says that people anointed themselves twice or even three times a day, in order that the delicious fragrance might never diminish. At Rome, however, these luxuries did not become very general till towards the end of the republic (Gell. vii. 12), while the Greeks appear to have been familiar with them from early times. The wealthy Greeks and Romans carried their ointments and perfumes with them, especially when they bathed, in small boxes of costly materials and beautiful workmanship, which were called *Narthecia*. (Böttiger, *Sabina*, i. p. 52.) The traffic which was carried on in these ointments and perfumes in several towns of Greece and southern Italy was very considerable. The persons engaged in manufacturing them were called by the Romans *Unguentarii* (Cic. *de Off.* i. 12; Horat. *Sat.* ii. 3. 228), or as they frequently were women, *Unguentariae* (Plin. *H. N.* viii. 5), and the art of manufacturing them *Unguentaria*. In the wealthy and effeminate city of Capua there was one great street called the Seplasia, which consisted entirely of shops in which ointments and perfumes were sold.

A few words are necessary on the custom of the ancients in painting their faces. In Greece this practice appears to have been very common among the ladies, though men also had sometimes recourse to it, as for example, Demetrius Phalereus. (Athen. xii. p. 642.) But as regards the women, it appears that their retired mode of living, and their sitting mostly in their own apartments, deprived them of a great part of their natural freshness and beauty, for which, of course, they were anxious to make up by artificial means. (Xenoph. *Oecon.* 10. § 10; Stobaeus, iii. p. 87, ed. Gaisford; compare Becker, *Charicles*, ii. p. 232.) This mode of embellishing themselves was probably applied only on certain occasions, such as when they went out, or wished to appear more charming. (Lysias, *de caed. Eratosth.* p. 15; Aristoph. *Lysistr.* 149, *Eccles.* 878, *Plut.* 1064; Plut. *Alcib.* 39.) The colours used for this purpose were white (*ψιμύθιον* (*cerusa*) and red (*ἔγχουσα* or *ἄγχουσα*, *παιδέρως*, *συκάμινον*, or *φῦκος*, Xenoph. *Oecon.* 10. § 2; Aristoph. *Lysistr.* 48, *Eccles.* 929; Alexis, *ap. Athen.* xiii. p. 568, compare 557; Etymol. Mag. *s. v.* Ἐψιμμυθιῶσθαι). The eyebrows were frequently painted black (*μέλαν*, *ἄσβολος*, or *στίμμις*, Alexis, *ap. Athen.* xiii. p. 568; Pollux, v. 101). The manner in which this operation of painting was performed, is still seen in some ancient works of art representing ladies in the act of painting themselves. Sometimes they are seen painting themselves with a brush and sometimes with their fingers. (Böttiger, *Sabina*, ii. tab. ix. and i. tab. vi.)

The Romans, towards the end of the republic and under the empire, were no less fond of painting themselves than the Greeks. (Horat. *Epod.* xii. 10; Ovid. *Ar. Am.* iii. 199; Plin. *H. N.* xxviii. 8.) The red colour was at Rome, as in many parts of Greece, prepared from a kind of moss which the Romans called fucus (the *rocella* of Linnaeus), and from which afterwards all kinds of paint were called *fucus*. Another general term for paint is *creta*. For embellishing and cleaning the complexion the Greeks as well as the Romans used a substance called *oesipum* (see the comment. on Suidas, *s. v.* Οἴσπη), which was prepared of the wool taken from those parts of the body of a sheep in which it perspired most. Another remedy often applied for similar purposes consisted of powdered excrementa of the Egyptian crocodiles. (Horat. and Plin. *l. c.*)

Respecting the subjects here mentioned and everything connected with the toilet of the ancients, see Böttiger, *Sabina oder Morgenscenen im Putzzimmer einer reichen Römerin.* Leipz. 1806. 2 vols. [L. S.]

UNGUENTA'RII. [Unguenta.]

UNIVE'RSITAS. The philosophical division of things (Res) in the widest sense of the term, is into things Corporeal (Res Corporales), objects of sense, and things Incorporeal (Res Incorporales), objects of intellect only (Cic. *Top* 5.); and this division was applied by the Roman Jurists to things as the objects of Rights. When a man said of a thing "meum est," it might be either a Corporeal thing, as a piece of land or an animal; or it might be an Incorporeal thing, as a Jus utendi fruendi. Obligationes were also classed among Incorporeal things. But this is not a division of things, in the limited sense, for things in that sense are always corporeal; it is a division of things in the wider sense.

In a thing corporeal we may consider that there are parts, in reference to which the whole is a Universitas or a unit. If then the division into parts is made with reference to the subjection of a part to a person's will, the part is viewed as a whole, as a thing in itself, that is, the whole is viewed pro diviso; for division in this case is the same as making many wholes out of one whole. It is here assumed that the thing is in its nature divisible; as a piece of land which is capable of being divided into parts.

But there are parts of things corporeal which are essential to the constitution of the whole, so that the whole cannot be divided into parts without the destruction of its nature; as a living animal for instance.

Besides the corporeal parts into which a (corporeal) thing is divisible, we may suppose incorporeal, ideal parts of a corporeal thing (Dig. 45. tit. 3. s. 5). These parts are assumed fractions of a whole, not corporeal parts. If such a part is the object of thought, the whole corporeal thing is viewed pro indiviso: the corporeal object of the will is the thing, and the limitation of the will to a part, is merely intellectual. Thus several persons may be joint owners of a piece of undivided land, but no one can say that any particular part belongs to him. The case just put is that of a corporeal whole and ideal parts. But the whole may be ideal and the parts corporeal: as when there is a number of independent corporeal things, not materially connected, but they are intellectually connected so as to form in idea a whole: thus a flock of sheep is an ideal whole, and the several sheep are the independent corporeal things. The ideal whole is not composed of the several corporeal things, for an ideal whole cannot be composed of corporeal parts; but the ideal whole is a notion which is formed with reference to some particular purpose. It is necessary that the purpose of the several things shall not be different from and independent of the general purpose for which the notion is formed, but subservient to it. Thus as separate corporeal things may be often materially united to form a new corpus; so the several independent things which are not capable of such material union, may be viewed as an ideal union or as a a universitas for some purpose; the flock of sheep may be viewed as a whole, as a universitas, for the purpose of ownership. Such a universitas, as already observed, is independent of the several corporeal things: it still exists if they are all changed. Thus in a flock of sheep we have a fictitious, a juristical whole or thing, and in the notion of a universitas of persons we have a fictitious or juristical person, which is still the same person though all the individuals are changed. As a number of sheep must have a name, a flock, in order to be comprehended in one notion, so a juristical person must have a name, as the universitas of Fabri, or the city of Rome.

The term universitas then may have various senses, 1. Both the universitas and the parts may be corporeal (Dig. 50. tit. 16. s. 239. § 8): territorium est universitas agrorum intra fines cujusque civitatis. 2. The universitas may be corporeal, and the parts incorporeal, as when we imagine fractional parts of a thing. 3. The universitas may be incorporeal, and the parts corporeal, as a flock of sheep. 4. The universitas and the parts may both be incorporeal.

The fourth is the case when the notion of a whole and its parts is not applied to things, but to rights: thus a man's whole property may be viewed as a unit, or as a universitas, which comprehends the several rights that he has to the several material things which form the ideal unit of his property.

In this way we arrive at the correct notion of a universitas of persons, which is the notion of a fictitious person imagined for certain purposes, as the notion of a universitas of independent material things is the notion of a fictitious thing, imagined for certain purposes.

A single person only can properly be viewed as the subject of rights and duties; but the notion of legal capacity may by a fiction be extended to an imaginary person, to a universitas personarum, but the fictitious person is not a unit composed of the real persons: it is a name in which the several persons or a majority may act for certain permanent purposes. The purpose itself is sometimes the fictitious person, as when property is given for the service of religion, whether it is administered by one person or several persons. Such juristical persons have certain legal capacities as individuals have; but their legal capacities are limited to property as their object. It is true that the Romans often considered persons as a collective unity, simply because they all exercised the same functions: thus they speak of the Collegium of the consuls [COLLEGIUM], and of the Tribuni Plebis. In like manner they say that the Duumviri of a municipum are to be viewed as one person. (Dig. 50. tit. 1. s. 25). But these fictitious unities have only reference to Jus Publicum, and they have no necessary connection with juristical persons, the essential character of which is the capacity to have and acquire property by some name.

Juristical persons could be subjects of ownership, Jura in re, obligationes, and hereditas: they could own slaves and have the Patronatus; but all the relations of Familia, as the Patria Potestas and others of a like kind, were foreign to the notion. But though the capacity to have property is the distinguishing characteristic of Juristical persons viewed with relation to Jus Privatum, the objects for which the property is had and applied may be any; and the capacity to have property implies a purpose for which it is had, which is often much more important than this mere capacity. But the purposes for which Juristical persons have property are quite distinct from their capacity to have it. This will appear from all or any of the examples hereinafter given.

The following are Juristical persons: (1) Civitas: (2) Municipes: this term is more common than Municipium, and comprehends both citizens of a Municipium and a Colony; it is also used when the object is to express the Municipium as a whole opposed to the individual members of it. (3) Respublica. In the republican period, when used without an adjunct, Respublica expressed Rome, but in the old jurists it signifies a Civitas dependent on Rome. (4) Respublica Civitatis or Municipii: (5) Commune, Communitas. Besides the Civitates, component parts of the Civitates are also Juristical persons: (1) Curiae or Decuriones; the word Decuriones often denotes the individuals composing the body of Decuriones as opposed to the Civitas (Municipes), which appears from a passage in the Digest (4. tit. 3. s. 15), where it is stated that an action for Dolus will not lie against the Municipes, for a fictitious person cannot be guilty of Dolus, but such action will lie against the individual Decuriones who administer the affairs of the Municipes. Sometimes the word Curia is used as equivalent to Civitas: and sometimes the Decuriones are spoken of as a Juristical person, which has property as such. (2) Vici; which have no political self-existence, but are attached to some Respublica; yet they are juristical persons, can hold property, and maintain suits. (3) Fora, Conciliabula, Castella. These were places between Civitates and Vici as to extent and importance; they belonged to a Respublica, but had the rights of juristical persons: they are not mentioned in the legislation of Justinian, but the names occur in the Tablet of Heraclea, in the Lex Galliae Cisalpinae, and in Paulus (*S. R.* iv. tit. 6. s. 2.) In the later period of the Empire, Provinces were viewed as juristical persons.

In the writings of the Agrimensores, communities, and, particularly, colonies (*coloni*), are designated by the appropriate name of Publicae Personae, and property is spoken of as belonging to the Coloni, that is, the Colonia, Coloni being used here in the same sense in which Municipes was used as above explained.

Other juristical persons were (1) Religious bodies, as Collegia of Priests, and of the Vestal Virgins, which could hold property and take by testament. (2) Associations of official persons, such as those who were employed in administration: the body of Scribae became one of the most numerous and important, as they were employed in all branches of administration; the general name was Scribae, a term which includes the particular names of librarii, fiscales and others; they were divided into subdivisions called Decuriae, a term which even under the Republic and also under the Empire denoted the corporations of Scribae; the individual members were called decuriati, and subsequently decuriales; the decuriati had great privileges in Rome and subsequently in Constantinople. (Cic. *in Verr.* iii. 79, *ad Quint. Frat.* ii. 3; Tacit. *Ann.* xiii. 27; Sueton. *Aug.* 57, *Claud.* 1.) (3) Associations for trade and commerce, as Fabri, Pistores, Navicularii, the individuals of which had a common profession, on which the notion of their union was founded; but each man worked on his own account. Associations properly included under Societates [Societas]: such associations could be dissolved by the notice of any member, and were actually dissolved by the death of a single member. Some of these associations, such as those for working Mines, Salinae, and farming the Portoria were corporate bodies, though they had the name of Societates. (4) Associations, called Sodalitates, Sodalitia, Collegia Sodalitia, which resembled modern clubs. In their origin they were friendly associations for feasting together; in course of time many of them became political associations, but from this we must not conclude that their true nature really varied; they were associations not included in any other class that has been enumerated, but they differed in their character according to the times. In periods of commotion they became the central points of political factions, and new associations, it may be reasonably supposed, would be formed expressly for political purposes. Sometimes the public places were crowded by the Sodalitia and Decuriati (Cic. *ad Quint. Frat.* ii. 3), and the Senate was at last compelled to propose a lex which should subject to the penalties of Vis those who would not disperse. This was followed by a general dissolution of collegia according to Asconius (*in Cornelianam*), but the dissolution only extended to mischievous associations, as may be safely inferred from the nature of the case, and even the words of Asconius, if carefully examined, are not inconsistent with this conclusion. In the Digest (47. tit. 22. s. 1, 2, 3) we find the rule that no collegium could be formed without the permission of a Senatusconsultum or the Caesar; and persons who associated unlawfully were guilty of an extraordinarium crimen. The rule of law means that no union of persons could form a juristical person without the consent of the proper authority; and this is quite distinct from the other provision contained in the same rule, which punished associations of persons who acted as corporations, for this part of the rule relates only to such associations as were dangerous, or of an undefined character.

There were also in the Imperial period the Collegia tenuiorum, or associations of poor people, but they were allowed to meet only once a month and they paid monthly contributions. (Dig. 47. tit. 22. s. 1, 3.) A man could only belong to one of them. Slaves could belong to such a collegium, with the permission of their masters.

Communities of cities and towns have a kind of natural or necessary existence; and other bodies, called corporations, have been fashioned by a kind of analogy to them, and like them can have property, and be represented like them by an agent, wherein consists the essence of a juristical person. Some of these corporations, like communities of cities and towns, were of a permanent character, as Colleges of Priests, Decuriae, and Companies of artisans; others had a temporary character, as Societates and Sodalitates. All these corporations are designated by the name either of Collegium or Corpus, between which there is no legal distinction; for it appears that one corporation was called a Collegium and another a Corpus, as it might happen. But both of these terms denote a Corporation, as above explained, as opposed to a Civitas or Respublica. The members of such corporations were Collegae and Sodales, which is a more general and an older term than Sodalitas. Altogether they were called Collegiati and Corporati: the members of particular kinds of corporations were Decuriati, Decuriales, Socii. The common name which includes all Corporations and Civitates is Universitas, as opposed to which any individual is singularis persona.

The notion of individual property as a unity is founded on the notion of the unity of the owner. But this notion of unity, when once established, may for certain purposes be arbitrarily assumed, and accordingly it is applied to the case of Peculium, Dos, and Hereditas, and modern writers have designated these as cases of a Universitas Juris. The name Universitas Juris does not occur in the Roman law. On this subject see Puchta, *Inst.* ii. § 222. The nature of Succession is explained under Successio.

The term Universitas was adopted in the middle ages to denote certain great schools, but not as Schools: the term denoted these places as corporations, that is, as associations of individuals. The adjunct which would express the kind of persons associated would depend on circumstances: thus in Bologna, the expression Universitas Scholarium was in common use; in Paris, Universitas Magistrorum. The School as such was called Schola, and from the thirteenth century, most commonly Studium; and if it was a distinguished school, it was called Studium Generale. The first occasion on which the term Universitas was applied to a great school is said to be in a Decretal of Innocent III., of the beginning of the thirteenth century, addressed Scholaribus Parisiensibus.

(Savigny, *System des Heutigen Röm. Rechts*, i. 378, ii. 235, iii. 8; Savigny, *Geschichte des Röm. Rechts im Mittelalter*, vol. iii. 318, 380; Puchta, *Inst.* ii. § 222.) [G. L.]

VOCA'TIO IN JUS. [Actio, p. 10. b.]

VOLO'NES is synonymous with *Voluntarii* (from *volo*), and might hence be applied to all those who volunteered to serve in the Roman armies without there being any obligation to do so. But it was applied more especially to slaves, when in times of need they offered or were allowed to fight in the Roman armies. Thus when during the second Punic war after the battle of Cannae there was not a sufficient number of freemen to complete the army, about 8000 young and able-bodied slaves offered to serve. Their proposal was accepted; they received armour at the public expense, and as they distinguished themselves they were honoured with the franchise. (Liv. xxii. 57, xxiii. 35; Macrob. *Sat.* i. 11; Fest. *s. v. Volones.*) In after times the name volones was retained whenever slaves chose or were allowed to take up arms in defence of their masters, which they were the more willing to do, as they were generally rewarded with the franchise. (Liv. xxiv. 11, 14, &c., xxvii. 38, xxviii. 46; J. Capitolin. *M. Antonin. Philos.* 21.) [L. S.]

VOLU'MEN. [Liber.]

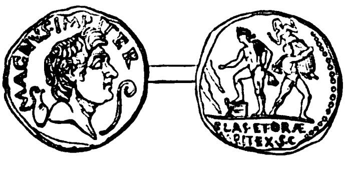
VOLUNTA'RII. [Volones.]

VOMITO'RIA. [Amphitheatrum, p. 84.]

URAGUS. [Exercitus, p. 506, a.]

URBA'NAE COHORTES. [Exercitus, p. 510, a.]

U'RCEUS, a pitcher, or water-pot, generally made of earthenware. (Dig. 33. tit. 7. s. 18; Hor. *Ar. Poët.* 22.) It was used by the priests at Rome in the sacrifices, and thus appears with other sacrificial emblems on the coins of some of the Roman gentes. The annexed coin of the Pompeia gens has on the obverse a lituus before the head of Pompeius, the triumvir, and an urceus behind it.



URNA, an urn, a Roman measure of capacity for fluids, equal to half an Amphora. (Hor. *Sat.* i. 1. 54.) This use of the term was probably founded upon its more general application to denote a vessel for holding water, or any other substance, either fluid or solid. (Plaut. *Pseud.* i. 2. 24; Hor. *Sat.* i. 5. 91, ii. 6. 10; Ovid. *Met.* iii. 172.)

An urn was used to receive the names of the judges (*judices*) in order that the praetor might draw out of it a sufficient number to determine causes (Hor. *Carm.* iii. 1. 16; Virg. *Aen.* vi. 432; Plin. *Epist.* x. 3; Juv. xiii. 4): also to receive the ashes of the dead. [Funus, p. 560, a.] For this purpose urns were made of marble, porphyry, baked clay, bronze, or glass, of all forms and sizes, some quite simple, and others sculptured in bas-relief, or ornamented in an endless variety of ways. [J. Y.]

URPEX. [Irpex.]

USTRI'NA, USTRI'NUM. [Funus, p. 559, b.]

USUCA'PIO. The history of Usucapio is an important fact in the history of Roman Jurisprudence. Usucapio is the acquisition of Quiritarian ownership by continuous possession; consequently, it is not possible in the case of a Peregrinus nor is it applicable to provincial land.

Gaius (ii. 40—42) states that there was originally in Rome only one kind of ownership: a person was either owner of a thing Ex jure Quiritium, or he was not owner at all. But afterwards ownership was divided, so that one man might be owner Ex jure Quiritium, and another might have the same thing In bonis, that is, have the right to the exclusive enjoyment of it. He then goes on to give an instance of the mode in which the divided ownership might arise by reference to the transfer of a Res Mancipi: if such a thing was transferred by bare tradition, and there was neither Mancipatio nor In jure cessio, the new owner only acquired the natural ownership, as some would call it, or only had it In bonis, and the original owner retained the Quiritarian ownership until the purchaser acquired the Quiritarian ownership by Usucapio (*possidendo usucapiat*); for when the Usucapio was completed, the effect was the same as if the thing had been originally mancipated or transferred by the In jure cessio. Gaius adds, "in the case of moveable things the Usucapio is completed in a year, but in the case of a fundus or aedes two years are required; and so it is provided by the Twelve Tables."

In this passage he is evidently speaking of Res Mancipi only, and of them only when transferred to the purchaser by the owner without the forms of Mancipatio or in Jure Cessio. From this then it might be safely concluded that the Twelve Tables provided a remedy for defective modes of conveyance of Res Mancipi from the owner; and this is all that could be concluded from this passage. But a passage which immediately follows shows that this was all that the Twelve Tables did; for Gaius (ii. 43) proceeds to say, "But (*Ceterum*) there may be Usucapio even in the case of those things which have come to us by tradition from a person who was not the owner, whether they are Res Mancipi or not, provided we have received them bona fide, believing that he who delivered (*qui tradiderit*) them to us was the owner. And this rule of law seems to have been established, in order that the ownership of things might not be long in uncertainty, seeing that one or two years would be quite sufficient for the owner to look after his property, that being the time allowed to the Possessor for Usucapio."

The reason for limiting the owner to one or two years has little force in it and possibly no historical truth; but it is clear from this passage that this application of the rule of Usucapio was formed from analogy to the rule of the Twelve Tables, and that it was not contained in them. The limitation of the time of Usucapio is clearly due to the Twelve Tables, and the time applied only to purchases of Res Mancipi from the owner, when the legal forms of conveyance had been neglected. But the origin of Usucapio was probably still more remote.

When Gaius states that there was originally only one kind of ownership at Rome, and that afterwards ownership was divided, he immediately shows how this arose by taking the case of a Res Mancipi. This division of ownership rested on the division of things into Res Mancipi and Res Nec Mancipi, a distinction that had reference to nothing else than the mode of transferring the property of them. Things were merely called Res Mancipi, because the ownership of them could not be transferred without Mancipatio. Things were Res nec Mancipi, the alienation of which could be effected without Mancipatio. There could be no division of things into Mancipi and Nec mancipi, except by determining what things should be Res Mancipi. Res nec Mancipi are determined negatively: they are all things that are not Res Mancipi. But the negative determination pre-supposes the positive. Therefore Res Mancipi were determined before Res nec Mancipi could be determined; and before the Res Mancipi were determined, there was no distinction of things into Res Mancipi and Res nec Mancipi. But this distinction, as such, only affected the condition of those things to which it had a direct application: consequently all other things remained as they were before. The conclusion then is certain, that the Res Mancipi as a class of things were posterior in order of time to the class of Res nec Mancipi, which comprehended all things except Res Mancipi. Until then the class of Res Mancipi was established, all property at Rome could be alienated by tradition, as Res nec Mancipi could be alienated by tradition after the class of Res Mancipi was constituted.

The time when the class of Res Mancipi was formed is not known; but it is most consistent with all that we know to suppose that it existed before the Twelve Tables. If we consider the forms of Mancipatio [MANCIPATIO], we cannot believe that they arose in any other way than by positive enactment. As soon as the forms of Mancipatio and of the In jure cessio (which from its character must be posterior to Mancipatio) were established, it followed that mere tradition of a thing to a purchaser and payment of the purchase-money, could not transfer the ownership of a Res Mancipi. The transfer gave the purchaser merely a Possessio, and the original owner retained the property. In course of time the purchaser obtained the Publiciana actio, and from this time it might be said that a double ownership existed in the same thing.

The introduction of Mancipatio, which gave rise to the double ownership, was also followed by the introduction of Usucapio. The bona fide Possessor of a Res Mancipi which had not been transferred by Mancipatio, had no legal defence against the owner who claimed the thing. But he had the exceptio doli, and subsequently the Exceptio rei venditae et traditae by which he could protect himself against the owner; and as Possessor simply he had the protection of the Interdict against third persons. He had the full enjoyment of the thing, and he could transfer the possessio, but he could do no act with respect to it for which Quiritarian ownership was necessary; consequently he could not alienate it by Mancipatio or In jure Cessio, and it was a necessary consequence that he could not dispose of it by Testament in the same way in which Quiritarian ownership was disposed of by Testament. The necessity for such a rule as that of Usucapio was evident, but it could arise in no other way than by positive enactment, for its effect was to be the same as that of Mancipatio. The Twelve Tables fixed the term of Usucapio, but we do not know whether they fixed or merely confirmed the rule of law as to Usucapio.

It is a mistake to suppose that tradition or delivery was a part of Mancipatio as such. Mancipatio was merely a form of transferring ownership which was fixed by law, and the characteristic of which was publicity: a delivery of the thing would of course generally follow, but it was no part of the transfer of ownership. Land (*praedia*) for instance could be mancipated without delivery (*in absentia mancipari solent*, Ulp. *Frag.* tit. 18; Gaius, i. 121.) In the case of moveable things, it was necessary that they should be present, not for the purpose of delivery, but that the thing mancipated might be identified by apprehension. The essential to the transfer of ownership in all countries, is the consent of two persons, who have legal capacity to consent, the seller and the buyer. All the rest is form that may be varied infinitely: this consent is the substance. Yet tradition as a form of transfer was undoubtedly the old Roman form, and consent alone was not sufficient; and it may be admitted that consent alone was never sufficient for the transfer of ownership without affecting the principle laid down that consent alone is essential in the transfer of ownership. This apparent incongruity is ingeniously and sufficiently explained in the following manner: "Tradition owes its origin to a time when men could not sufficiently separate in their minds Physical ownership, or the dominium over a thing, from Legal ownership. As a man can only call a bird in the air or a wild animal in the forest his own when he has caught it; so men thought that tradition must be added to contract in order to enable a man to claim the thing as his own." (Engelbach, *Ueber die Usucapion*, &c. p. 60.)

Besides the case of property there might be Usucapio in the case of Servitutes, Marriage, and Hereditas. But as Servitutes praediorum rusticorum could only be the objects of Mancipatio and could only be established by the same form by which ownership of Res Mancipi was transferred, so according to the old law, these Servitutes alone could be the object of Usucapio; and, as it is contended by Engelbach, only in the case of Aquaeductus, Haustus, Iter and Actus. But as the ownership of Res Mancipi could be acquired by bare tradition followed by usucapio, so these servitutes could be established by contract and could be fully acquired by Usucapio. In the later Roman law, when the form of Mancipatio was replaced by mere tradition, servitutes could be established per pacta et stipulationes only. In the case of a Marriage Coemptione, the form of Mancipatio was used, and the effect was that the woman came into the hand of her husband, and became part of his Familia. The marriage Usu could not of itself effect this, but if the woman lived with her husband a year, she passed into his Familia by Usucapio (*velut annua possessione usucapiebatur*): and accordingly it was provided by the laws of the Twelve Tables, that if she did not wish thus to come into her husband's hand, she must in every year absent herself from him for three nights in order to interrupt the usus. (Gaius, i. 110.) Thus Usucapio added to Usus produced the effect of Coemptio. In the case of the Hereditas, when the testator had the testamenti factio, and had disposed of his property without observing the forms of Mancipatio and Nuncupatio, the person whom he had named his heres, could obtain the legal ownership of the hereditas by Usucapio. (Gaius, ii. 54.) In all these cases then the old law as to Usucapio was this: when the positive law had required the forms of Mancipatio in order that a certain end should be effected, Usucapio supplied the defect of form, by converting a possessio (subsequently called In bonis) into Dominium ex jure Quiritium. Usucapio then was not originally a mode of acquisition, but it was a mode by which a defect in the mode of acquisition was supplied, and this defect was supplied by the use of the thing, or the exercise of the right. The end of Usucapio was to combine the beneficial with the Quiritarian ownership of a thing. Accordingly the original name for Usucapio was Usus Auctoritas, the auctoritas of usus or that which gives to Usus its efficacy and completeness, a sense of Auctoritas which is common in the Roman Law. Some say that usus auctoritas is usus et auctoritas. (Cic. *Pro Caecin.* 19.) [AUCTORITAS; TUTELA.] But Usus alone never signifies Usucapio; and consistently with this, in those cases where there could be no Usucapio, the Roman writers speak of Usus only. Possessio is the Usus of a piece of ground as opposed to the ownership of it; and the term Usus was applied to the enjoyment of land of which a man either had not the ownership or of which he could not have the ownership, as the Ager publicus. In the later law, as it is known to us in the Pandect, Usucapio was a mode of acquiring ownership, the term Usus Auctoritas was replaced by the phrase Usu Capere, and in the place of Usucapio sometimes the phrase "possessione or longa possessione capere" occurs; but Possessio alone never is used for Usucapio. In order to establish the title by Usucapio, the Possession must be continuous or uninterrupted during the whole Usucapion. If there was an interruption of the Possession (usurpatio), and the Possession was acquired again, this was the commencement of a new Usucapio. The possession must also have a legal origin, without which the possession would have no effect. The possessor must be able to show an origin of his possession which would give him at least bonitarian ownership: this was called justa causa possessionis, titulus usucapionis. The causa might be a bargain and sale, a gift (donatio), a legacy and others.

It appears from a passage of Gaius already quoted, that in his time Usucapio was a regular mode of acquisition, which was applicable to things which had come to a man by tradition from one who was not the owner, and was applicable both to Res Mancipi and Nec Mancipi, if the possessor acquired the possession of them bona fide, that is, for instance, if he believed that he brought them from the owner. There were however some exceptions to this rule: a man could never acquire the ownership of a stolen thing by Usucapio, for the Twelve Tables prevented it, and the Lex Julia et Plautia prevented Usucapio in the case of a thing Vi possessa. The meaning of the law was not that the thief or the robber could not acquire the ownership by Usucapio, for the mala fides in which their possession originated was an obstacle to the Usucapio, but no person who bona fide bought the thing that was stolen or vi possessa, could acquire the ownership by Usucapio. (Gaius, ii. 45.) According to other authorities the rule as to a stolen thing was established by the Lex Atinia. Provincial lands also were not objects of Usucapio.

If a woman was in the tutela of her agnati, her Res Mancipi could not be objects of Usucapio, unless they had been received from her by traditio with the auctoritas of her tutor; and this was a provision of the Twelve Tables. The legal incapacity of the woman to transfer ownership by Mancipatio must be the origin of this rule. The property of a woman who was in Tutela legitima could not be an object of Usucapio, as Cicero explains to Atticus (*de tutela legitima nihil usucapi posse, ad Att.* i. 5). The foundation of this rule, according to some, was the legal incapacity of a woman who was in the tutela of her Agnati, to make a will. [TESTAMENTUM; but see TUTELA.]

In order to acquire by usucapio, a person must have the capacity of Roman ownership; consequently all persons were excluded from acquiring by Usucapio who had not the Commercium. The passage quoted by Cicero (*de Offic.* i. 12) from the Twelve Tables, "adversum hostem (*i. e.* peregrinum) aeterna auctoritas," is alleged in support of this rule of law; that is, a Peregrinus may have the use of a Res Mancipi which has been transferred by traditio, but he can never acquire anything more by Usucapio.

Things could not be objects of Usucapio, which were not objects of Commercium. Accordingly all Res divini juris, such as temples and lands dedicated to the gods, and Res communes could not be objects of Usucapio. The Limits or bounds by which the Romanus Ager was marked out were consequently not objects of Usucapio, as to which there was a provision in the Twelve Tables. (Cic. *de Leg.* i. 21. "Quoniam usucapionem intra quinque pedes esse noluerunt.") The Quinque pedes are the limites linearii, the breadth of which was fixed at five feet by a Lex Mamilia. The approach to a sepulchre was also not an object of Usucapio. Free men could not be objects of Usucapio. (Gaius, ii. 48.)

In the time of Gaius (ii. 51) a man might take possession of another person's land, provided he used no force (*vis*), the possession of which was vacant either from the carelessness of the owner, or because the owner had died without a Successor [SUCCESSIO], or had been long absent; and if he transferred the field to a bona fide purchaser, the purchaser could acquire the ownership by Usucapio, even though the seller knew that the field was not his own. This rule was established against the opinion of those who contended that a Fundus could be Furtivus or an object of theft. But a man might in some cases acquire by Usucapio the ownership of a thing which he knew to be not his own: as if a man had possession of a thing belonging to the hereditas, of which the heres had never acquired the possession, provided it was a thing that could be an object of Usucapio. This species of possessio and usucapio was called Pro herede: and even things immovable (*quae solo continentur*) could be thus acquired by one year's usucapio. The reason was this: the Twelve Tables declared that the ownership of res soli could be acquired by usucapio in two years, and all other things in one year: now as the hereditas was not a res soli it must be included in the "other things," and it was further determined that the several things which made up the hereditas must follow the rule as to the hereditas; and though the rule as to the hereditas was changed, it continued as to all the things comprised in it. (Seneca, *De Benef.* vi. 5.) The reason of this "improba possessio et usucapio," says Gaius, was that the heres might be induced the sooner to take possession of the hereditas, and that there might be somebody to discharge the sacra, which in ancient times (*illis temporibus*) were very strictly observed; and also that there might be somebody against whom the creditors might make their demands. This kind of Possessio and Usucapio was called Lucrativa. In the time of Gaius it had ceased to exist, for a Senatusconsultum of Hadrian's time enabled the heres to recover that which had been acquired by Usucapio, just as if there had been no Usucapio; but in the case of a heres necessarius, the old rule still remained. (Gaius, ii. 52—58; Cic. *Top.* 6; Plin. *Ep.* v. 1.)

Gaius mentions a mode of acquisition under the name of Usureceptio. If a man mancipated a thing to a friend or transferred it by the In Jure Cessio, simply in order that the thing might be in his friend's safe keeping (*fiduciae causa; quod tutius nostrae res apud eum essent*), he had always a capacity for recovering it. In order to recover immediately the Quiritarian ownership of the thing, Remancipatio was necessary; but if the thing was transferred to him by traditio, the Remancipatio was completed by Usucapio, or as it is here called by Usureceptio: for Usureceptio differs in no respect from Usucapio, except that the person who acquires the Quiritarian ownership by Usus, in the one case acquires (*capit*), in the other re-acquires (*recipit*) the thing. In the case of a pignorated thing, the debtor's capacity to recover by Usureceptio was the same as in the case of Fiducia as soon as he had paid his debt to the creditor: and even if he had not paid the money and had obtained possession of the thing neither by hiring it from the creditor, nor precario, he had a lucrativa usucapio, which was a usureceptio and was probably formed from analogy to the lucrativa usucapio pro herede.

Servitutes praediorum rusticorum were established, at least according to the old law, by Mancipatio: the right to the Servitutes could only be properly extinguished by a Remancipatio. If the Servitus was extinguished by mere agreement, there must be a usureceptio on the part of the owner of the servient tenement in order to complete its legal release from the Servitus. In order that the possession of the libertas of the servient land might be enjoyed uninterruptedly for two years, there must be for the same time a total abstinence from all exercise of the right on the part of him who had the servitus. Subsequently, it was considered sufficient if the person entitled to the Servitus did not exercise his right for two years.

When usucapio was established as a means of giving the Quiritarian ownership to him who had acquired a thing In bonis, the form of mancipatio must have gradually lost its importance, and Usucapio came to be viewed as a mode of acquisition. Accordingly, it has been already observed, it became applicable to all cases of bona fide possessio, whether the thing was a Res Mancipi or not. Formerly if a will had been made in due form except as to Mancipation and Nuncupation, the heres acquired the hereditas by Usucapio; but with the introduction of the Praetorian Testament [TESTAMENTUM] and the Bonorum Possessio, the Bonorum Possessor obtained the right to actiones fictitiae or utiles in all cases where the deceased had a right of action, and he acquired by Usucapio the Quiritarian ownership of the several things which were included in the hereditas. In course of time it came to be considered by the jurists as a rule of law that there could be no Usucapio of an hereditas. (Gaius, ii. 54.) In like manner in the case of Servitutes established by contract, the introduction of the Actio Publiciana rendered the doctrine of Usucapio unnecessary, and a Scribonia Lex is mentioned which repealed all Usucapio of Servitutes. (Dig. 41. tit. 3. s. 4. § 29.) But this Lex only applied to the establishment of servitutes; it did not affect that Usucapio by which the freedom of a servient piece of land was effected. It became a maxim of law: servitutes praediorum rusticorum non utendo amittuntur, which, viewed with respect to the servient land, was a Usureceptio. In this sense "usurpata recipitur" seems to be used in a passage of Paulus (*S. R.* i. tit. 17. s. 2). "Usurpari" is commonly used in the sense of "uti," and in this passage of Paulus "usurpata recipitur" seems equivalent to "usu recipitur;" though this is not the meaning that has usually been given to this passage.

In the case of marriage also Usucapio fell into disuse (Gaius, i. 111).

But in other respects usucapio subsisted. He who had acquired a Res Mancipi by tradition, had now a Praetorian ownership, and he had a right of action in respect of this ownership, which was analogous to the Rei Vindicatio. But Usucapio was still necessary to give him Quiritarian ownership and its consequent advantages. The distinction between Res Mancipi and Nec Mancipi existed, and as a consequence the Testamentum per aes et libram subsisted at the same time with the Praetorian Testament.

When finally all distinction was abolished between Res Mancipi and Nec Mancipi, and the ownership of all things could be acquired by Traditio and Occupatio, that kind of Usucapio ceased by which a thing In bonis became a man's Ex Jure Quiritium. All Usucapio was now the same, and its general definition became "adjectio dominii per continuationem possessionis temporis lege definiti." (Dig. 41. tit. 3. s. 2, *De Usurpationibus et Usucapionibus.*) By a constitution of Justinian (Inst. 2. tit. 6, De Usucapionibus et longi temporis possessionibus) it was enacted that there might be usucapion of Res Mobiles in three years, and of Res Immobiles "per longi temporis possessionem," which is explained to be ten years "inter praesentes," and twenty years "inter absentes;" and this applied to the whole Roman Empire, so that ownership of all things could be acquired on these terms within the whole Roman empire; but the conditions of "justus titulus," "bona fides," and the capability of the thing to be an object of usucapion were still required. The absence of a justus titulus or the fact of the thing being not capable of usucapion, did not deprive the possessor of the title by usucapion, but a possession of thirty, or in some cases, forty years was required. From this time the terms Usucapio and Longi temporis praescriptio, were used indifferently, as some writers suppose, though on this point there is not uniformity of opinion.

(Engelbach, *Ueber die Usucapion zur zeit der Zwölf Tafeln*, Marburg 1828; Mühlenbruch, *Doctrin. Pandect.* § 261, &c.; *Ueber die Usucapio, pro herede* von Arndts, *Rhein. Mus. für Jurisprudenz*, vol. ii. p. 125; Puchta, *Inst.* ii. § 239.) [G. L.]

USURAE. [Fenus, p. 526, b.]

USURPATIO. One sense of this word is "Usucapionis interruptio," (Dig. 41. tit. 3. s. 2.) Appius Claudius, not the Decemvir, but he who made the Appia Via and brought the Aqua Claudia to Rome, wrote a book De Usurpationibus, which was not extant in the time of Pomponius. (Dig. 1. tit. 2. s. 36.) In some cases "usurpatio" means the preservation of a right by the exercise of it, as "jus usurpatum," in the case of a Servitus aquae ducendae; and this nearly agrees with that sense of Usurpare which is equivalent to Uti. [Usucapio.] As to the passage in Gellius, iii. 2, see Savigny, *System*, &c. iv. 365. [G. L.]

USUS. [Matrimonium, p. 741.]

USUS. [Ususfructus.]

USUSFRUCTUS and USUS were Personal Servitutes. [Servitutes.] (Dig. 8. tit. 1. s. 1.) Ususfructus is defined to be "jus alienis rebus utendi fruendi salva rerum substantia." (Dig. 7. tit. 1. s. 1.) Accordingly Ususfructus comprehended the "jus utendi" and the "jus fruendi." Usus comprehended only the "jus utendi." The complete distinction between Ususfructus and Usus will only appear from a statement of what each is.

A ususfructus was the right to the enjoyment of the fruits of a thing by one person, while the ownership (proprietas) belonged to another. It could be established by Testament, which was the common case, as when the Heres was required to give to another the ususfructus of a thing; and it could also be established by contract between the owner of a thing and him who contracted for the Ususfructus. He who had the Ususfructus was Ususfructuarius or Fructuarius, and the object of the Ususfructus was Res Fructuaria. The utmost limit of Ususfructus and Usus was the life of the person who had the right. Thus the Ususfructus and Usus were generally life estates; but not more. (Dig. 45. tit. 1. s. 38. § 12.)

There might be Ususfructus both in Praedia Rustica and Urbana, in slaves, beasts of burden and other things; and a Ususfructus of a whole property (omnium bonorum) might be given; or of some aliquot part. (Dig. 32. tit. 2. s. 37, 43.)

If the Ususfructus of a thing was bequeathed to a person, all the "fructus" of the thing belonged to the Fructuarius during the time of his enjoyment. Consequently if the Ususfructus of a piece of land was given to him, he was intitled to collect and have for his own all the fructus that were already on the land, and all that were produced on it during the time of his enjoyment. But as he only acquired the ownership of the fructus by collecting them (perceptio), he was not intitled to fructus, which existed on the land at the time when his right ended, and which he had not collected: quidquid in fundo nascitur, vel quidquid inde percipitur, ad fructuarium pertinet. (Dig. 7. tit. 1. s. 59. § 1; tit. 4. s. 13.)

He was bound not to injure the land, and he was bound to cultivate it properly. As to quarries and mines, he could work them for his benefit, if he worked them properly (*quasi bonus paterfamilias*). If after the bequest of the ususfructus, minerals were found on the land, he could work them. He could be compelled to plant new trees in the place of those which died, and generally to keep the land in good condition. If the ususfructus was of aedes, the fructuarius was intitled to all the rents and profits which he received during the time of his enjoyment. He could be compelled to keep a house in repair, but it seems to be doubtful how far he was bound to rebuild the house if it fell down from decay: at any rate he was liable for all moderate and reasonable expenses which were necessary for the maintenance of the property.

The Fructuarius could not alienate the right to the ususfructus, though he might give to another the usus of his right; and he might surrender the right to the Ususfructus to the owner of the thing. He could not subject the thing to servitutes; nor could the owner do this even with the consent of the fructuarius. The Fructuarius could make such changes or alterations in the thing as would improve it, but not such as would in any way deteriorate the thing, or even render the maintenance of it a greater burden. Consequently he had greater power over cultivated land than over houses or pleasure-grounds, for a part of the value of houses or pleasure-grounds and things of the like kind consists in opinion, and must be measured by the rank, wealth, and peculiar disposition of the owner.

The fructuarius could maintain or defend his rights by action and by interdicts. On the completion of the time of the Ususfructus, the thing was to be restored to the owner, who could generally require securities from the fructuarius both for the proper use of the thing and for its restoration in due time. This security was in some cases dispensed with by positive enactments, and in other cases by agreement; but it could not be dispensed with by testament.

Originally there could be no Ususfructus in things unless they were things corporeal and such as could be restored entire, when the time of Ususfructus had expired. But by a Senatusconsultum of uncertain date, there might be quasi ususfructus of things which were consumed in the use, and in this case the fructuarius in fact became the owner of the things, but was bound to give security that he would either restore as much in quantity and value as he had received, or the value of the things in money. (Dig. 7. tit. 5. s. 7; and compare Randall v. Russell, 3 Mer. 190.) It is generally supposed that this Senatusconsultum was passed in the time of Augustus, and a passage of Cicero (*Top.* 3) is alleged to show that it did not exist in the time of Cicero: "Non debet ea mulier, cui vir bonorum suorum usumfructum legavit, cellis vinariis et oleariis plenis relictis, putare id ad se pertinere. Usus enim non abusus legatur." The only difficulty is in the words "id ad se pertinere," which are usually translated "these things, (the cellae vinariae, &c.) are not objects of Ususfructus," from which it is inferred that there was at that time no Ususfructus in things which were consumed in the Use. But if this is the sense, the words which follow, "for the usus, not the abusus (power to consume) is the object of the legacy," have no clear meaning. These words simply signify that a Usus is given, not an Abusus; but this does not prove that an abusus could not be given. Puchta shows that the phrase "res pertinet ad usufructuarium," which exactly corresponds to the phrase in Cicero, does not mean "that the thing is an object of ususfructus," but that "it belongs to the fructuarius." In the Digest (7. tit. 1. s. 68) the question is, whether the young child of a female slave belongs to the fructuarius (an partus ad fructuarium pertineat), and it is answered in the negative, with the following explanation: "nec usumfructum in eo fructuarius habebit." The passage of Cicero therefore will mean, that wine and oil in the testator's possession are not given to her by a bequest of the ususfructus of his property, for it is usus, that is, the enjoyment of the future fruits, which is given, and not "abusus" or the power to consume fruits which already exist. In other words the testator gives the woman a Ususfructus in all his property, that is a right to gather the fruits, but he does not give the wine and oil, which are fruits already gathered, to the woman to be her property as if she had gathered them during her Ususfructus. Puchta contends that "abusus" does not necessarily signify that there could be "abusus" only in the case of things "quae usu consumuntur:" he says that in the place of wine and oil Cicero might have given the young of animals, as an example without altering his expression. If this interpretation is correct, Puchta contends that the Senatusconsultum as to Quasi ususfructus is older than the time of Cicero.

Usus is defined (Dig. 7. tit. 8. s. 2) by the negation of "frui:" "cui usus relictus est, uti potest, frui vero non potest." The title of the Digest above referred to is "De Usu et habitatione," and the instances given under that title mainly refer to the use of a house or part of a house. Accordingly the usus of a house might be bequeathed without the fructus (Dig. 7. tit. 8. s. 18): it has been already explained what is the extent of the meaning of Ususfructus of a house. The usus of a thing implies the power of using it either for necessary purposes or purposes of pleasure. The man who was intitled to the usus could not give the thing to another to use, though a man who had the usus of a house could allow another to lodge with him. A man who had the usus of an estate could take wood for daily use, and could enjoy the orchard, the fruit, flowers and water, provided he used them in moderation, or as it is expressed "non usque ad compendium, sed ad usum scilicet non abusum." If the usus of cattle (*pecus*) was left, the usuarius was intitled to a moderate allowance of milk. If the usus of a herd of oxen was bequeathed to a man, he could use the oxen for ploughing and for all purposes for which oxen are adapted. If the usus was of things which were consumed in the use, then the usus was the same as Ususfructus. (Dig. 7. tit. 5. s. 5. § 2; s. 10. § 1.) Usus was in its nature indivisible, and accordingly part of a Usus could not be given as a legacy, though persons might have the fructus of a thing in common. (Dig. 7. tit. 8. s. 19.) As to his duties the usuarius was in most respects like the fructuarius. In some cases Usus is equivalent to Ususfructus, as where there can be no usus of a thing without a taking of the Fructus. As to Usus in the English system, see Slanning v. Style, 3 P. Wms. p. 335, and Hyde v. Parratt, 1 P. Wms. p. 1. (Inst. 2. tit. 4; Dig. 7. tit. 1, &c.; Frag. Vat. *de Usufructu;* Mühlenbruch, *Doct. Pandect.* § 284, &c.; *Ueber das alter des Quasiususfructus,* Von Puchta, *Rhein. Museum für Jurisprudenz.* vol. iii. p. 82.) [G. L.]

UTERINI. [Cognati.]

UTI POSSIDE'TIS. [Interdictum.]

UTILIS ACTIO. [Actio, p. 10, a.]

UTRES. [Vinum, p. 1203, b.]

UTRICULA'RIUS. [Tibia.]

UTRUBI. [Interdictum.]

VULCANA'LIA, a festival celebrated at Rome in honour of Vulcan, on the 23d of August (x. *Calend. Sept.*) with games in the circus Flaminius, where the god had a temple. (Inscript. *ap. Gruter.* lxi. 3, cxxxiv.; Publ. Vict. *de regionib. urb. Romae,* 9.) The sacrifice on this occasion consisted of fishes which the people threw into the fire. (Varro, *de Ling. Lat.* vi. 20.) It was also customary on this day to commence working by candlelight, which was probably considered as an auspicious beginning of the use of fire, as the day was sacred to the god of this element. (Plin. *Epist.* iii. 5.) It was on the day of this festival that the consul Q. Fulvius Nobilior received a severe defeat from the Celtiberians, B. C. 153. It became an ater dies in consequence. (Appian, *Hisp.* 45.) [L. S.]

VULGA'RES. [Servus, p. 1041, b.]

UXOR. [Matrimonium, p. 740, b.]

UXO'RIUM. [Aes Uxorium.]

X.

XENA'GI (ξεναγοί). The Spartans, as being the head of that Peloponnesian and Dorian league, which was formed to secure the independence of the Greek states, had the sole command of the confederate troops in time of war, ordered the quotas which each state was to furnish, and appointed officers of their own to command them. Such officers were called ξεναγοί. The generals whom the allies sent with their troops were subordinate to these Spartan ξεναγοί, though they attended the council of war, as representatives of their respective countries. (Thucyd. ii. 7, 10, 75, v. 54; Xenoph. *Hell.* iii. 5. § 7, *Agesil.* ii. 10.) After the peace of Antalcidas, the league was still more firmly established, though Argos refused to join it; and the Spartans were rigorous in exacting the required military service, demanding levies by the σκυτάλη, and sending out ξεναγοί to collect them. (Xenoph. *Hell.* v. 2. §§ 7, 37, vi. 3. § 7; Wachsmuth, *Hell. Alterth.* vol. i. pt. ii. pp. 114, 241, 1st ed.; Schömann, *Ant. jur. Pub. Gr.* p. 426.) [C. R. K.]

XENELA'SIA (ξενηλασία). The Lacedaemonians appear in very early times, before the legislation of Lycurgus, to have been averse to intercourse with foreigners (ξένοισι ἀπρόσμικτοι, Herod. i. 65). This disposition was encouraged by the lawgiver, who made an ordinance forbidding strangers to reside at Sparta, without special permission, and empowering the magistrate to expel from the city any stranger who misconducted himself, or set an example injurious to public morals. Such jurisdiction was exercised by the Ephori. Thucydides (ii. 39) makes Pericles reproach the Lacedaemonians with this practice, as if its object were to prevent foreigners from becoming acquainted with such institutions and means of defence as would be dangerous for an enemy to know. The intention of Lycurgus, more probably, was to preserve the national character of his countrymen, and prevent their being corrupted by foreign manners and vices (as Xenophon says), ὅπως μὴ ῥᾳδιουργίας οἱ πολῖται ἀπὸ τῶν ξένων ἐμπίπλαιντο. (*De Rep. Laced.* xiv. 4 ; compare Plut. *Lycurg.* 27.) With the same view the Spartans were themselves forbidden to go abroad without leave of the magistrate. Both these rules, as well as the feelings of the people on the subject, were much relaxed in later times when foreign rule and supremacy became the object of Spartan ambition. Even at an earlier period we find that the Spartans knew how to observe the laws of hospitality upon fit and proper occasions, such as public festivals, the reception of ambassadors, &c. (Xenoph. *Mem.* i. 2. § 61.) They worshipped a Ζεὺς ξένιος and Ἀθανᾶ ξενία. (Pausan. iii. 1. § 111.) The connection, called by the Greeks προξενία, was cultivated at Sparta both by the state and by individuals ; of which their connection with the Peisistratidae is an example ; and also that of a Spartan family with the family of Alcibiades. (Thucyd. v. 43, vi. 89, viii. 6 ; Herod. v. 91 ; compare vi. 57.) [Hospitium.] Many illustrious men are reported to have resided at Sparta with honour, as Terpander, Theognis, and others. (Schömann, *Ant. jur. Publ. Gr.* p. 142.) Xenophon was highly esteemed by the nation, and made Spartan πρόξενος. (See further on the subject of the ξενηλασία, Thucyd. i. 144, with Goeller's notes ; Aristoph. *Aves*, 1013 ; Harpocr. *s. v.* Καὶ γὰρ τὸ μηδένα.) [C. R. K.]

XE'NIAS GRAPHE (ξενίας γροφή). This was a prosecution at Athens for unlawfully usurping the rights of citizenship. As no man could be an Athenian citizen, except by birth or creation (γένει or ποιήσει), if one, having neither of those titles, assumed to act as a citizen, either by taking part in the popular assembly, or by serving any office, judicial or magisterial, or by attending certain festivals, or doing any other act which none but a citizen was privileged to do, he was liable to a γραφὴ ξενίας, which any citizen might institute against him. (Demosth. *c. Timoth.* 1204.) Or he might be proceeded against by εἰσαγγελία. (Schömann, *de Comit.* p. 187.) If condemned, his property and person were forfeited to the state, and he was forthwith to be sold for a slave. (Demosth. *Epist.* i. 1481.) The judgment however was arrested, if he brought a δίκη ψευδομαρτυριῶν against the witnesses who had procured his conviction, and convicted them of giving false testimony. During such proceeding he was kept in safe custody to abide the event. [Martyria.] When a person tried on this charge was acquitted by means of fraudulent collusion with the prosecutor or witnesses, or by any species of bribery, he was liable to be indicted afresh by a γραφὴ δωροξενίας, the proceedings in which, and the penalty, were the same as in the γραφὴ ξενίας. The jurisdiction in these matters belonged, in the time of Demosthenes, to the Thesmothetae, but anciently, at least in the time of Lysias, to the Nautodicae. (Harpocr. *s. v.* Δωροξενία, Παράστασις, Ναυτοδίκαι ; Hesych. and Suidas, *s. v.* Ξενίας δίκη, Ναυτοδίκαι ; Pollux, viii. 40. 126 ; Meier, *Att. Proc.* pp. 83, 347, 761.)

In order to prevent fraudulent enrolment in the register of the δῆμοι, or ληξιαρχικὸν γραμματεῖον, which was important evidence of citizenship, the δημόται themselves were at liberty to revise their register, and expunge the names of those who had been improperly admitted. From their decision there was an appeal to a court of justice, upon which the question to be tried was much the same as in the γραφὴ ξενίας, and the appellant, if he obtained a verdict, was restored to the register ; but if judgment was given against him, was sold for a slave. [Demus.] (Harpocr. *s. v.* Διαψήφισις : Schömann, *de Comit.* p. 381.) For an example of this see the speech of Demosthenes against Eubulides. [C. R. K.]

XENI (ξένοι), mercenaries. [Mercenarii.]

XENUS, XENIA (ξένος, ξενία). [Hospitium.]

XESTES (ξέστης), a Greek measure of capacity, both fluid and solid, which contained 12 cyathi or 2 cotylae, and was equal to 1-6th of the χοῦς, 1-48th of the Roman *amphora quadrantal*, and 1-72nd of the Attic *amphora metretes* ; or, viewing it as a dry measure, it was half the *choenix* and 1-96th of the *medimnus*. It contained very nearly a pint English.

It is thought desirable to add here a few words to the remarks made under Mensura, Pondera, and Quadrantal, respecting the connection between the Greek and Roman measures of weight and capacity, according to the views of Böckh.

At this point the Roman and Attic systems of measures coincide ; for, though the ξέστης may perhaps have varied in different states of Greece, there is no doubt that the Attic ξέστης was identical, both in name and in value, with the Roman *sextarius* : in fact the word ξέστης seems to be only an Hellenic form of *sextarius*. Also the Attic χοῦς was equal to the Roman *congius*, for the ξέστης was the sixth of the former, and the sextarius the sixth of the latter. Further, the Attic *metretes* or *amphora* contained 12 χοές, and the Roman *amphora* contained 8 *congii* ; giving for the ratio of the former to the latter 3 : 2 or 1½ : 1. Again, the Attic medimnus was the double of the Roman amphora, and was to the metretes in the ratio of 4 : 3 : and the Roman *modius* was the sixth of the Attic *medimnus*, and the third of the Roman *amphora*. Hence the two systems are connected by the numbers 2 and 3 and their multiples.

How and when did this relation arise ? It cannot be accidental, nor can we suppose that the Greek system was modelled upon the Roman, since the former existed long before the Roman conquest of Greece. We must therefore suppose that the Roman system was in some way adapted to the Greek. It is a remarkable circumstance that the uncial system of division, which characterised the Roman weights and measures [As ; Uncia], is not found in the genuine Roman measures of capacity (for the use of the *cyathus* as the *uncia* of the *sextarius* appears to have originated with the Greek physicians in later times) : and this is the more remarkable, as it is adopted in the Greek system ; the Greek *amphora* being divided into 12 χοές, and the Roman into 8 *congii*, instead of 12. In the Roman foot again, besides the uncial division, we have the division into 4 *palmi* and 16 *digiti*, which seems clearly to have been borrowed from the Greek division into 4 παλαισταί and 16 δάκτυλοι. It seems therefore highly probable that the Greek system of measures had a considerable influence on that of the Romans.

To find the origin of this connection, we must look from the measures to the weights, for both systems were undoubtedly founded on weight. The Roman amphora or quadrantal contained 80 pounds (whether of wine or water does not matter here), and the congius 10 pounds. Also the Attic talent was reckoned equal to 80 Roman pounds, and contained 60 minae. Therefore the Attic mina had to the Roman pound the ratio of 80 : 60 or 4 : 3.

Now if we look at the subject historically, we find all the principal features of the Roman system in existence as early as the time of Servius Tullius. We must therefore seek for the introduction of the Greek element before that time. At that early period Athens does not appear to have had any considerable commercial intercourse with Italy, but other Grecian states had, through the colonies of Magna Graecia. The Phocaeans at a very early period had a traffic with the Tyrrhenians, the Aeginetans had a colony in Umbria, and Corinth and her colonies were in intercourse with the people of Central Italy, besides the traces of Corinthian influence upon Rome, which are preserved in the legend of the Tarquinii. It is therefore to the Aeginetico-Corinthian system of weights and measures that we must look for the origin of Grecian influence on the Roman system. Now the half of the Aeginetan mina had to the Roman pound the ratio of 10 : 9 ; and since the Aeginetan mina was to the Attic as 5 : 3, we get from the comparison of these ratios the Attic mina to the Roman pound as 4 : 3, as above.

(Böckh, *Metrologische Untersuchungen*, xi. § 10.) [P. S.]

XYSTARCHUS. [Gymnasium, p. 581, b.]

XYSTUS. [Gymnasium, p. 580, b. ; Hortus.]

Z.

ZACORI (ζάκοροι). [Aeditui.]

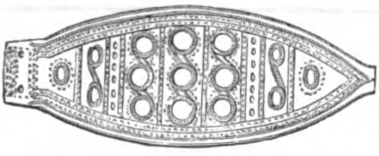
ZETE'TAE (ζητηταί) *Inquisitors*, were extraordinary officers, appointed by the Athenians to discover the authors of some crime against the state, and bring them to justice. Public advocates, συνήγοροι or κατήγοροι, were sometimes directed to assist them in this duty. Frequently the court of Areopagus performed the office of inquisitors for the state, and indeed it was the duty of every magistrate to assist in procuring information against offenders. (Andoc. *de Myst.* 3, 5, 6 ; Dinarch. *c. Demosth.* pp. 90, 97, ed. Steph.) Ζητηταί were more frequently appointed to search for confiscated property, the goods of condemned criminals and state debtors ; to receive and give information against any persons who concealed, or assisted in concealing them, and to deliver an inventory of all such goods (ἀπογράφειν) to the proper authorities. The delinquent was then prosecuted, either before the σύνδικοι, or it might be before the ζητηταί themselves, if their commission extended to the holding of an ἡγεμονία δικαστηρίου. Any person, however, who thought himself entitled to the goods, which were the subject of such information, or to any part of them, might prefer a complaint against the inquisitor or informer, and petition to have the goods or the part to which he was entitled, or their proceeds, restored to him. This proceeding was called ἐνεπίσκημμα. [Syndici ; Paracatabole.] Inquisitors were also called Μαστῆρες. On one particular occasion a set of commissioners called συλλογεῖς, were appointed, to discover the property of the oligarchs, who were concerned in overturning the democracy. (Harpocr. *s. v.* Ζητηταί : Böckh, *Publ. Econ. of Athens*, p. 158, 2d ed. ; Meier, *Att. Proc.* pp. 110, 112, 566.) See also the speeches of Lysias *de Publ. Bon.* and *de Aristoph. Bon.* [C. R. K.]

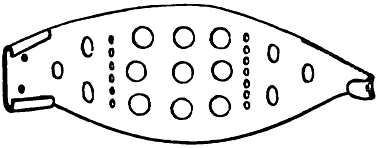
ZEUGI'TAE (ζευγῖται). [Census.]

ZONA, *dim.* ZO'NULA, also called CI'NGULUM (ζώνη, ζῶμα, ζωστῆρ, Herod. i. 215, iv. 9 ; μίτρα), a girdle or zone, worn about the loins by both sexes. As in the case of some other articles of dress, the distinction between the male and female girdle was denoted by the use of a diminutive, ζώνη or ζωστῆρ being more properly a man's, ζώνιον a woman's girdle. (Moeris Att. *s. v.*) The finer kinds of girdles were made by netting, whence the manufacturer of them was called ζωνιοπλόκος. (Th. Magister, p. 413, ed. Oudendorp ; *Zonarius.*)

The chief use of this article of dress was to hold up the tunic (ζώννυσθαι, Callim. *Dian.* 12), which was more especially requisite to be done when persons were at work, on a journey, or engaged in hunting. Hence we see the loins girded in the woodcuts of the boatman at p. 512, of the shipbuilders at pp. 98, 141, of the goat-herd at p. 886, of the hunters at p. 989, and of Diana at p. 276. The ζώνη or ζωστῆρ is also represented in many ancient statues and pictures of men in armour as worn round the cuirass. Among the Romans the Magister Equitum wore a girdle of red leather, embroidered with needlework, and having its two extremities joined by a very splendid and elaborate gold buckle. [Fibula.] (Lydus, *de Mag.* ii. 13.) The girdle, mentioned by Homer (*Il.* iv. 135, v. 539, x. 77, xi. 236), seems to have been a constituent part of the cuirass, serving to fasten it by means of a buckle, and also affording an additional protection to the body, and having a short kind of petticoat attached to it, as is shown in the figure of the Greek warrior in p. 712. In consequence of the use of the girdle in fastening on the armour, ζώννυσθαι or ζώσασθαι meant to *arm one's-self* (Hom. *Il.* xi. 15), and from this circumstance Athene was worshipped under the character Ζωστηρία. (Paus. ix. 17. § 2.) The woodcuts at pp. 712, 854 show that the ancient cuirass did not descend low enough to secure that part of the body, which was covered by the ornamental kilt or petticoat. To supply this defect was the design of the *mitra* (μίτρα), a brazen belt lined probably on the inside with leather and stuffed with wool, which was worn next to the body (Hom. *Il.* iv. 137, 187, v. 707, 857 ; Schol. *in Il.* iv. 187), so as to cover the lower part of the abdomen. The annexed woodcut shows the outside and inside of the bronze plate of a mitra, one foot long, which was obtained by Bröndsted (*Bronzes of Siris*, p. 42) in the island of Euboea, and is now preserved in the Royal Library at Paris. We observe at one end two holes for fastening the strap which went behind the body, and at the other end a hook fitted probably to a ring, which was attached to the strap. A portion of a similar bronze plate is engraved by Caylus (*Rec. d'Ant.* v. pl. 96. fig. 1).

Men used their girdles to hold money instead of a purse. (Plaut. *Merc.* v. 2. 84 ; Gellius, xv 12 ; Sueton. *Vitell.* 16.) The wallet [Pera] was

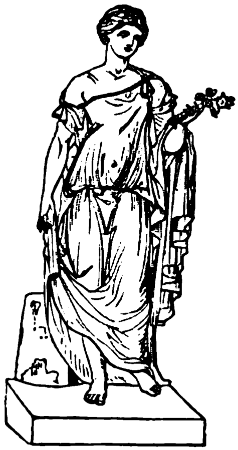




fastened to the girdle; and still more frequently the fold of the tunic, formed by tucking it up, and called *sinus*, was used as a pocket to carry whatever was necessary.

As the girdle was worn to hold up the garments for the sake of business or of work requiring despatch, so it was loosened and the tunic was allowed to fall down to the feet to indicate the opposite condition, and more especially in preparing to perform a sacrifice (*veste recincta*, Virg. *Aen.* iv. 518; Ovid, *Met.* vii. 182), or funeral rites (*discincti*, Sueton. *Aug.* 100; *incinctae*, Tibull. iii. 2. 18).

A girdle was worn by young women, even when their tunic was not girt up, and removed on the day of marriage, and therefore called ζώνη παρθενική. (Jacobs, *Anthol.* ii. p. 873; παρθένον μίτρην, Brunck, *Anal.* iii. 299; Sen. *Oed.* ii. 3. 17; Hom. *Od.* v. 231; Longus, i. 2; Ovid. *Epist. Her.* ii. 116, ix. 66, Festus, *s. v. Cingulum;* Catull. ii. 13, lxiv. 28.) The Flora in the museum at Naples (see the annexed woodcut) shows the appearance of the girdle as worn by young women.



A horse's girth, used to fasten on the saddle [Ephippium], was called by the same names, and was sometimes made of rich materials, and embroidered in the most elaborate manner. (Ovid. *Rem. Am.* 236; Claud. *Epig.* 34, 36.) These terms, *zona* and *cingulum*, were also used to signify the five zones as understood by geographers and astronomers. (Virg. *Georg.* i. 233; Plin. *H.N.* ii. 68; Macrob. *Som. Scip.* ii.) [J. Y.]

ZO'PHORUS (ζωφόρος or διάζωμα), the frieze of an entablature. (See Columna, p. 324, a, and the woodcuts.) [P. S.]

TABLES OF GREEK AND ROMAN MEASURES, WEIGHTS, AND MONEY.

Table

I. Greek Measures of Length.
    (1) Smaller Measures.
II. Roman Measures of Length.
    (1) Smaller Measures.
III. Greek Measures of Length.
    (2) Land and Itinerary.
IV. Roman Measures of Length.
    (2) Land and Itinerary.
V. Greek Measures of Surface.
VI. Roman Measures of Surface.
VII. Greek Measures of Capacity.
    (1) Liquid Measures.
VIII. Roman Measures of Capacity.
    (1) Liquid Measures.
IX. Greek Measures of Capacity.
    (2) Dry Measures.
X. Roman Measures of Capacity.
    (2) Dry Measures.
XI. Greek Weights.
XII. Greek Money.
XIII. Roman Weights.
    (1) The As and its Uncial Divisions.
XIV. Roman Weights.
    (2) Subdivisions of the Uncia.
XV. Roman Money. (1) Before Augustus.
XVI. Roman Money. (2) After Augustus.

In the construction of these Tables, the same authorities have been used as those referred to in the articles in the body of the work. Particular acknowledgment is due of the assistance which has been derived from the Tables of Hussey and Wurm. The last two Tables (of Greek and Roman money) have been taken without alteration from Mr. Hussey's, because they were thought incapable of improvement, except one addition in the Table of Attic money. All the calculations, however, have been made *de novo*, even where the results are the same as in Mr. Hussey's Tables.

The Tables are so arranged as to exhibit the corresponding Greek and Roman measures in direct comparison with each other. In some of the Tables the values are given, not only in our several measures, but also in decimals of a primary unit, for the purpose of facilitating calculations. In others, *approximate values* are given, that is, values which differ from the true ones by some small fraction, and which, from their simplicity, will perhaps be found far more useful for ordinary purposes than the precise quantities, while the error, in each case, can easily be corrected. Fuller information will be found under Mensura, Nummus, Pondera, and the specific names. [P. S.]

TABLE I.

GRECIAN MEASURES OF LENGTH.

I. SMALLER MEASURES.												Decimals of a Foot.	Feet.	Inches.
Δάκτυλος												·0632	”	·7584375
2	Κόνδυλος											·1264	”	1·516875
4	2	Παλαιστή, Δῶρον, Δοχμή*, or Δακτυλοδοχμή										·2528	”	3·03375
8	4	2	Διχάς, or Ἡμιπόδιον†									·5056	”	6·0675
10	5	2½	1¼	Λιχάς†								·6320	”	7·584375
11	5½	2¾	1⅜	1 1/10	Ὀρθοδῶρον†							·6952	”	8·3428125
12	6	3	1½	1⅕	1 1/11	Σπιθαμή						·7584	”	9·10125
16	8	4	2	1⅗	1 5/11	1⅓	ΠΟΥ͂Σ					1·01125	1	0·135
18	9	4½	2¼	1⅘	1 7/11	1½	1⅛	Πυγμή				1·13766	1	1·651875
20	10	5	2½	2	1 9/11	1⅔	1¼	1⅑	Πυγών			1·264	1	3·16875
24	12	6	3	2⅖	2 2/11	2	1½	1⅓	1⅕	ΠΗΧΥΣ		1·5169	1	6·2025
72	36	18	9	7⅕	6 6/11	6	4½	4	3⅗	3	Ξύλον‡	4·5506	4	6·6075
96	48	24	12	9⅗	8 8/11	8	6	5⅓	4⅘	4	1⅓ 'Ὀργυιά'	6·0675	6	0·81

TABLE II.

ROMAN MEASURES OF LENGTH.

I. SMALLER MEASURES.							Decimals of a Foot.	Feet.	Inches.
Digitus - - - - - - -							·060675	”	·7281
1⅓	Uncia* or Pollex - - - - - -						·0809	”	·9708
4	3	Palmus - - - - - -					·2427	”	2·9124
12	9	3	Palmus Major (of late times) - - - -				·7281	”	8·7372
16	12	4	1⅓	Pes† - - - - -			·9708	”	11·6496
20	15	5	1⅔	1¼	Palmipes - - - - -		1·2135	1	2·562
24	18	6	2	1½	1⅕	Cubitus - - - -	1·4562	1	5·4744

(1) NOTES TO TABLE I.

* Some make the δοχμή = σπιθαμή.

† The accounts of these measures are various and somewhat confused. (See Wurm, p. 91; Hussey, p. 235.)

‡ A measure mentioned by some late writers, which, from its name, may be presumed to have been used for measuring timber.

N. B. — *Approximate Values.* From the above Table, it will be seen that the Greek *Foot*, *Cubit*, and *Orguia*, only exceed the English *Foot*, *Foot and a half*, and *Fathom*, by about 1-10th, 2-10ths, and 8-10ths of an inch respectively.

(2) NOTES TO TABLE II.

* It is not thought necessary to give the whole scale of the Uncial divisions of the foot. They can easily be calculated from the Uncia.

N. B. — *Approximate Values.* The Roman *Uncia*, *Pes*, and *Cubitus* only fall short of our *Inch*, *Foot*, and *Foot and a half*, by less than 1-10th, 4-10ths, and 6-10ths of an inch respectively.

TABLE III.

GRECIAN MEASURES OF LENGTH.

II. LARGER MEASURES.—LAND AND ITINERARY.*														Decimals of a Mile.	Miles.	Feet.	Inches.
ΠΟΥ͂Σ														·0001915	,,	1	0·135
1½	ΠΗ͂ΧΥΣ													·000287	,,	1	6·2025
2½	1⅔	Βῆμα												·0004788	,,	2	6·3375
6	4	2⅖	'ΟΡΓΥΙΑ'											·001149	,,	6	0·81
10	6⅔	4	1⅔	Κάλαμος, Ἄκαινα, or Δεκάπους										·001915	,,	10	1·35
60	40	24	10	6	Ἅμμα									·01149	,,	60	8·1
100	66⅔	40	16⅔	10	1⅔	Πλέθρον								·0195	,,	101	1·5
600	400	240	100	60	10	6	ΣΤΑ'ΔΙΟΝ or ΣΤΑ'ΔΙΟΣ							·1149	,,	606	9
1200	800	480	200	120	20	12	2	Δίαυλος						·2298	,,	1213	6
2400	1600	960	400	240	40	24	4	2	Ἱππικόν					·4596	,,	2427	,,
4800	3200	1920	800	480	80	48	8	4	2	ROMAN MILE (μίλιον)				·9193	,,	4854	,,
18,000	12,000	7200	3000	1800	300	180	30	15	7½	3¾	Παρασάγγης			3·4474	3	2362	6
36,000	24,000	14,400	6000	3600	600	360	60	30	15	7½	2	Σχοῖνος		6·8948	6	4735	,,
360,000	240,000	144,000	60,000	36,000	6000	3600	600	300	150	75	20	10	DEGREE	68·9488 †	68	5110	,,

TABLE IV.

ROMAN MEASURES OF LENGTH.

II. LARGER MEASURES.—LAND AND ITINERARY.									Decimals of a Mile.	Miles.	Feet.	Inches.
Pes									·0001838	„	„	11·6496
1½	Cubitus								·0002757	„	1	5·4744
2½	1⅔	Gradus, or Pes Sestertius							·0004596	„	2	5·124
5	3⅓	2	Passus						·0009193	„	4	10·248
10	6⅔	4	2	Decempeda, or Pertica					·001838	„	9	8·496
120	80	48	24	12	Actus * (in length)				·2206	„	116	5·952
5000	3333⅓	2000	1000	500	41⅔	Mille Passuum			·9193	„	4854	„
7500	5000	3000	1500	750	62½	1½	Gallic Leuga		1·379	1	2003	„
375,000	250,000	150,000	75,000	37,500	3125	75	50	Degree †	68·9488	68	5110	„

(1) NOTES TO TABLE III.

* In order to show the relations more clearly, the foreign measures most familiar to the Greeks are included in this Table.

† This is, of course, not the true number of English statute miles contained in a degree of a great circle of the earth, but the number *computed* from the data exhibited in the Table, some of which are only approximate; namely, 1 Degree = 75 Roman miles = 600 Greek Stadia, and 1 Greek foot = 12·135 inches. The true value of a degree in English miles is 69$\frac{1}{51}$ = 69·0196, and the difference is only about 7-100ths of a mile.

(2) NOTES TO TABLE IV.

* See Actus and Mensura. † See Note to Table III.

N. B. — The Roman mile only differs from the English by less than 1-10th.

TABLE V.

GRECIAN MEASURES OF SURFACE.

ORDINARY LAND MEASURES.							Square Feet.	Perches.	Square Feet.
ΠΟΥ͂Σ (Square Foot)							1·0226	”	1·0226
36	Ἑξαπόδης						36·81456	”	36·81456
100	$2\frac{7}{9}$	Ἄκαινα (Square of the κάλαμος)					102·26266	”	102·26266
$833\frac{1}{3}$	$23\frac{4}{27}$	$8\frac{1}{3}$	Ἡμίεκτος				852·1888	3	35·439
$1666\frac{2}{3}$	$46\frac{8}{27}$	$16\frac{2}{3}$	2	Ἕκτος			1704·3776	6	70·877
2500	$69\frac{4}{9}$	25	3	$1\frac{1}{2}$	Ἄρουρα		2556·5664	9	106·318
10,000	$277\frac{7}{9}$	100	12	6	4	ΠΛΕ´ΘΡΟΝ	10,226·2656	37	153·02*

* This differs from a rood, or a quarter of an acre, by little more than 2 perches; for the rood contains 40 perches.

N. B. — It is worth while to notice how the decimal and duodecimal systems are combined in the above scale, and also in the measures of length.

TABLE VI.

ROMAN MEASURES OF SURFACE.

ORDINARY LAND MEASURES.										Square Feet.	Acres.	Roods.	Perches.	Square Feet.
Pes Quadratus										·94245	,,	,,	,,	·9445
100	Scrupulum, or Decempeda Quadrata *									94·245	,,	,,	,,	94·245
480	4⅘	Actus Simplex								452·377	,,	,,	1	180·127
2400	24	5	Uncia †							2261·89	,,	,,	8	83·885
3600	36	7½	1½	Clima						3392·83	,,	,,	12	125·83
14,400	144	30	6	4	Actus Quadratus					13,571·318	,,	1	9	231·07
28,800	288	60	12	8	2	Jugerum				27,142·636	,,	2	19	189·89 ‡
57,600	576	120	24	16	4	2	Heredium			54,285·272	1	0	39	107·53 §
5,760,000	57,600	12,000	2400	1600	400	200	100	Centuria		5,428,527·2	124	2	19	135·25
23,040,000	230,400	48,000	9600	6400	1600	800	400	4	Saltus	21,714,108·8	498	1	37	268·75 ‖

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* This was the square of the standard 10-foot measuring-rod.

† The *As* to which this *Uncia* and the above *Scrupulum* belong is the *Jugerum*. The other uncial divisions of the *Jugerum* may easily be calculated from the *Uncia*. The *Semissis* is, of course, the *Actus Quadratus*.

‡ *i. e.* almost 5-8ths of an acre.

§ *i. e.* almost an acre and a quarter.

‖ *i. e.* almost 500 acres.

TABLE VII.

GRECIAN MEASURES OF CAPACITY.

I. ATTIC LIQUID MEASURES.												Gallons.	Pints.	Approximate.*	
														Gallons.	Pints.
Κοχλιάριον												,,	·008	,,	$\frac{1}{120}$
2	Χήμη											,,	·016	,,	$\frac{1}{60}$
2½	1¼	Μύστρον										,,	·02	,,	$\frac{1}{48}$
5	2½	2	Κόγχη									,,	·04	,,	$\frac{1}{24}$
10	5	4	2	ΚΥ'ΑΘΟΣ								,,	·08	,,	$\frac{1}{12}$
15	7½	6	3	1½	'Οξύβαφον							,,	·12	,,	$\frac{1}{8}$
30	15	12	6	3	2	Τέταρτον						,,	·24	,,	$\frac{1}{4}$
60	30	24	12	6	4	2	Κοτύλη, Τρυβλίον, or 'Ημίνα					,,	·48	,,	$\frac{1}{2}$
120	60	48	24	12	8	4	2	ΞΕ'ΣΤΗΣ (Sextarius)				,,	·96	,,	1
720	360	288	144	72	48	24	12	6	ΧΟΥ͂Σ			,,	5·76	,,	6
5760	2880	2304	1152	576	384	192	96	48	8	ROMAN AMPHORA (κεράμιον)		5	6·08	6	,,
8640	4320	3456	1728	864	576	288	144	72	12	1½	ΑΜΦΟΡΕΥΣ ΜΕΤΡΗΤΗΣ	8	5·12	9	,,

* As the *Sextarius* differs from the English pint by only 1-25th part of the latter, it will be found useful, in ordinary rough calculations, to take it at exactly a pint, and so with the other measures in this table. The results thus obtained may be corrected by subtracting from each of them its 1-25th part.

N. B. — The *Aeginetan* measures of capacity may be easily calculated from these, according to the ratio given under QUADRANTAL.

TABLE VIII.

ROMAN MEASURES OF CAPACITY.

I. LIQUID MEASURES.										Gallons.	Pints.	Approximate.*	
												Gallons.	Pints.
Ligula										,,	·02	,,	$\frac{1}{48}$
4	CYATHUS †									,,	·08	,,	$\frac{1}{12}$
6	1½	Acetabulum								,,	·12	,,	$\frac{1}{8}$
12	3	2	Quartarius, *i. e.* 1-4th of the *Sextarius*							,,	·24	,,	$\frac{1}{4}$
24	6	4	2	Hemina or Cotyla						,,	·48	,,	$\frac{1}{2}$
48	12	8	4	2	SEXTARIUS, *i. e.* 1-6th of the *Congius*					,,	·96	,,	1
288	72	48	24	12	6	CONGIUS				,,	5·76	,,	6
1152	288	192	96	48	24	4	Urna			2	7·04	3	,,
2304	576	384	192	96	48	8	2	AMPHORA QUADRANTAL		5	6·08	6	,,
46,080	11,520	7680	3840	1920	960	160	40	20	Culeus	115	1·6	120	,,

* See the Note to Table VII.

† According to the uncial division, the *Sextarius* was the *As*, and the *Cyathus* the *Uncia.*

TABLE IX.

GRECIAN MEASURES OF CAPACITY.

II. ATTIC DRY MEASURES.									Gallons.	Pints.	Approximate.*	
											Gallons.	Pints.
Κοχλιάριον									,,	·008	,,	$\frac{1}{120}$
10	ΚΥ'ΑΘΟΣ								,,	·08	,,	$\frac{1}{12}$
15	1½	'Οξύϐαφον							,,	·12	,,	1
60	6	4	ΚΟΤΥ'ΛΗ, or 'Ημίνα						,,	·48	,,	½
120	12	8	2	ΞΕ'ΣΤΗΣ (*Sextarius*)					,,	·96	,,	1
240	24	16	4	2	ΧΟΙ̃ΝΙΞ				,,	1·92	,,	2†
960	96	64	16	8	4	'Ημίεκτον			,,	7·68	1	,,
1920	192	128	32	16	8	2	"Εκτος (equal to the Roman *Modius*)		1	7·36	2	,,
11,520	1152	768	192	96	48	12	6	ΜΕ'ΔΙΜΝΟΣ	11	4·16	12‡	,,

* See the Note to Table VII. † Or one quart. ‡ Or one bushel and a half.

N. B. — Respecting the *Aeginetan* Measures, see the Note to Table VII.

TABLE X.

ROMAN MEASURES OF CAPACITY.

II. DRY MEASURES.								Gallons.	Pints.	Approximate.*	
										Gallons.	Pints.
Ligula								”	·02	”	1/48
4	CYATHUS†							”	·08	”	1/12
6	1½	Acetabulum						”	·12	”	⅛
12	3	2	Quartarius, *i. e.* 1-4th of the *Sextarius*					”	·24	”	¼
24	6	4	2	Hemina, or Cotyla				”	·48	”	½
48	12	8	4	2	SEXTARIUS, *i. e.* 1-6th of the *Congius*			”	·96	”	1
384	96	64	32	16	8	Semimodius		”	7·68	1	”
768	192	128	64	32	16	2	MODIUS	1	7·36	2‡	”

* See the Note to Table VII.

† See the Note to Table VIII.

‡ Or a quarter of a bushel.

TABLE XI.

GRECIAN WEIGHTS.

1. Ratios of the three chief Systems.	
Aeginetan : Euboic or old Attic	: : 6 : 5
Aeginetan : Solonian or later Attic*	: : 5 : 3
Euboic : Solonian	: : 138$\frac{8}{9}$: 100 or : : 100 : 72 or : : 25 : 18

The Aeginetan Talent	= 6000 Aeginetan Drachmae	= 7200 Euboic	= 10,000 Solonian
Euboic „	= 5000 „	= 6000 „	= 8333$\frac{1}{3}$ „
Solonian* „	= 3600 „	= 4320 „	= 6000 „

* Also called the *Attic Silver Talent*. When Attic weights are spoken of without any further distinction, these are generally intended.

2. Aeginetan Weights.				Exact.*			Approximate.		
				lb.	oz.	grs.	lb.	oz.	grs.
Obol ('Οβολός)				„	„	18·472$\frac{2}{9}$	„	„	20
6	Drachma (Δραχμή)			„	„	110·83$\frac{1}{3}$	„	$\frac{1}{4}$	„
600	100	Mina (Μνᾶ)		1	9	145·83$\frac{1}{3}$ †	1$\frac{2}{3}$	„	„
36,000	6000	60	Talent (Τάλαντον)	95	„	„	100	„	„

* In this and the other tables the English weights used are those of the avoirdupois scale as fixed by statute; namely, the grain = the Troy grain, the ounce = 437$\frac{1}{2}$ grains, the pound = 16 ounces = 7000 grains.

† Or $\frac{1}{3}$ of an oz.

3. Euboic or Attic Commercial Weights.*				Exact.			Approximate.		
				lb.	oz.	grs.	lb.	oz.	grs.
Obol				„	„	15·393$\frac{14}{27}$	„	„	15[illegible]
6	Drachma			„	„	92·3611$\frac{1}{9}$	„	„	92[illegible]
600	100	Mina		1	5	48·611$\frac{1}{9}$	1$\frac{1}{4}$	„	„
36,000	6000	60	Talent	79	2	291·63$\frac{1}{3}$	80	„	„

* See pp. 933, b., 934, a. It is here assumed that the Attic commercial mina was exactly 138$\frac{8}{9}$ silver drachmae, not 138, as stated in the decree. The difference is not quite half a grain in the drachma.

4. Attic Commercial Weights increased.*	Exact.			Approximate.		
	lb.	oz.	grs.	lb.	oz.	grs.
1 Mina = 150 Drachmae (silver)	1	6	350	1$\frac{1}{3}$	„	„
5 Minae = 6 Minae (commercial)	†7	14	291·6$\frac{2}{3}$	7$\frac{1}{2}$	„	„
1 Talent = 65 Minae (commercial)	88†		145·8$\frac{1}{3}$	90	„	„

* See p. 934, a.

† Here, as in the preceding table, the commercial mina is taken as equal to 138$\frac{8}{9}$ drachmae, not 138.

5. Attic Silver Weights.				Exact.			Approximate.		
				lb.	oz.	grs.	lb.	oz.	grs.
Obol				„	„	11·0833$\frac{1}{3}$	„	„	12
6	Drachma			„	„	66·5 *	„	„	70
600	100	Mina		„	15	87·5 †	1	„	„
36,000	6000	60	Talent	57	„	„	60	„	„

* This value is, if any thing, too small. Böckh makes it 67·4. Respecting other scales of weight, see PONDERA.

† Or $\frac{1}{5}$ of an oz.

TABLE XII.

GRECIAN MONEY.

I. ATTIC COPPER AND SILVER.													£*	s.	d.	Farthings.
Lepton (Λεπτόν)													”	”	”	·116
7	Chalchus (Χαλκοῦς)												”	”	”	·8125
14	2	Dichalcon, or Quarter Obol (Δίχαλκον)											”	”	”	1·625
28	4	2	Half Obol (Ἡμιοβόλιον)										”	”	”	3·25
56	8	4	2	Obol (Ὀβολός)									”	”	1	2·5
112	16	8	4	2	Diobolus (Διόβολον)								”	”	3	1
168	24	12	6	3	1½	Triobolus (Τριόβολον)							”	”	4	3·5
224	32	16	8	4	2	1⅓	Tetrobolus (Τετρόβολον)						”	”	6	2
336	48	24	12	6	3	2	1½	Drachma† (Δραχμή)					”	”	9	3
672	96	48	24	12	6	4	3	2	Didrachm (Δίδραχμον)				”	1	7	2
1344	192	96	48	24	12	8	6	4	2	Tetradrachm (Τετράδραχμον)			”	3	3	”
33,600	4800	2400	1200	600	300	200	150	100	50	25	Mina (Μνᾶ)		4	1	3	”
2,016,000	288,000	144,000	72,000	36,000	18,000	12,000	9000	6000	3000	1500	60	Talent (Τάλαντον)	243	15‡	”	”

* Respecting the sense in which sums of ancient money are said to be equivalent to certain sums of our money, see Nummus, p. 815, a.

† The Drachma was very nearly equal to the French Franc.

‡ Or, approximately, 250*l.*, the difference being only 1-40th.

II. *Aeginetan and Euboic Silver.* — The coins of these systems can be easily calculated from the Attic, according to the ratios given in Table XI. No. 1. As thus calculated, the Aeginetan Talent was equal to 406*l.* 5*s*, and the Euboic was equal to 338*l.* 10*s.* 10*d.*, and the Drachmae were equal respectively to 1*s.* 4¼*d.* for the Aeginetan, and 1*s.* 1½*d.* + ⅙ of a farthing for the Euboic. Respecting the values of the coins actually found, see Nummus.

III. *Grecian Gold.* — The values of the Grecian gold money cannot be conveniently reduced to the tabular form; they will be found in the articles Stater and Dareicus.

TABLE XIII.

ROMAN WEIGHTS.

I. THE UNCIAL DIVISIONS OF THE POUND.													Avoirdupois Weight.		
													Decimals of a Pound.	Oz.	Grs.
Uncia													·060119	„	430·83$\frac{1}{3}$*
$1\frac{1}{2}$	Sescuncia, or Sescunx												·090178	1	203·75
2	$1\frac{1}{3}$	Sextans											·120238	1	404·16$\frac{2}{3}$
3	2	$1\frac{1}{2}$	Quadrans, or Teruncius										·180357	2	168·7500
4	$2\frac{1}{3}$	2	$1\frac{1}{3}$	Triens									·240476	3	270·83$\frac{1}{3}$
5	$3\frac{1}{3}$	$2\frac{1}{2}$	$1\frac{2}{3}$	$1\frac{1}{4}$	Quincunx								·300595	4	354·16$\frac{2}{3}$
6	4	3	2	$1\frac{1}{2}$	$1\frac{1}{5}$	Semis, or Semissis							·360714	5	337·5
7	$4\frac{1}{3}$	$3\frac{1}{2}$	$2\frac{1}{3}$	$1\frac{3}{4}$	$1\frac{2}{5}$	$1\frac{1}{6}$	Septunx						·420833	6	320·33$\frac{1}{3}$
8	$5\frac{1}{3}$	4	$2\frac{2}{3}$	2	$1\frac{3}{5}$	$1\frac{1}{3}$	$1\frac{1}{7}$	Bes, or Bessis					·480952	7	104·16$\frac{2}{3}$
9	6	$4\frac{1}{2}$	3	$2\frac{1}{4}$	$1\frac{4}{5}$	$1\frac{1}{2}$	$1\frac{2}{7}$	$1\frac{1}{8}$	Dodrans				·541071	8	277·5
10	$6\frac{1}{3}$	5	$3\frac{1}{3}$	$2\frac{1}{2}$	2	$1\frac{2}{3}$	$1\frac{3}{7}$	$1\frac{1}{4}$	$1\frac{1}{9}$	Dextans			·601190	9	270·83$\frac{1}{3}$
11	$7\frac{1}{3}$	$5\frac{1}{2}$	$3\frac{2}{3}$	$2\frac{3}{4}$	$2\frac{1}{5}$	$1\frac{5}{6}$	$1\frac{4}{7}$	$1\frac{3}{8}$	$1\frac{2}{9}$	$1\frac{1}{10}$	Deunx		·661309	10	260·83$\frac{1}{3}$
12	8	6	4	3	$2\frac{2}{5}$	2	$1\frac{5}{7}$	$1\frac{1}{2}$	$1\frac{1}{3}$	$1\frac{1}{5}$	$1\frac{1}{11}$	As, or Libra	·721428	11	237·5

* This only differs from the ounce avoirdupois by less than 7 grains.

TABLE XIV.

ROMAN WEIGHTS.

II. SUBDIVISIONS OF THE UNCIA.											Grains.
Siliqua											2·9224
3	Obolus										8·767361
6	2	Scrupulum									17·53472
12	4	2	Semisextula								35·0694
24	8	4	2	Sextula							70·138
36	12	6	3	1½	Sicilicus						105·2083
48	16	8	4	2	1⅓	Duella					140·277
72	24	12	6	3	2	1½	Semuncia				120·416
144	48	24	12	6	4	3	2	Uncia			420·833
1728	576	288	144	72	48	36	24	12	As or Libra		5050

TABLE XV.

ROMAN MONEY.

I. BEFORE THE REIGN OF AUGUSTUS: when the Denarius was 1-7th of an Ounce, or about 60 Grains.

1. *Copper Coins.*								2. *Silver Coins.*						£	s.	d.	Farthings.
Sextula	-	-		-	-		-	-	-	-	-	-	-	,,	,,	,,	·35416
1½	Quadrans	-		-	-		-	Teruncius		-	-	-	-	,,	,,	,,	·53125
2	1⅓	Triens -		-	-		-	-	-	-	-	-	-	,,	,,	,,	·7083
3	2	1½	Semissis -		-		-	2	Sembella -		-	-	-	,,	,,	,,	1·0625
6	4	3	2	As	-		-	4	2	Libella	-	-	-	,,	,,	,,	2·125
12	8	6	4	2	Dupondius		-	-	-	-	-	-	-	,,	,,	1	·25
24	16	12	8	4	2	SESTERTIUS		16	8	4	SESTERTIUS	-	-	,,	,,	2	·5
48	32	24	16	8	4	2	-	32	16	8	2	Quinarius	-	,,	,,	4	1
96	64	48	32	16	8	4	-	24	32	16	4	2	DENARIUS -	,,	,,	8	2
3. *Gold Coins.* AUREUS * (value in proportion to Roman Silver)								-	-	-	-	-	-	,,	17	8	2
(value in English current coin)								-	-	-	-	-	-	1	1	1	2
4. *Money of Account* (*not a Coin*). SESTERTIUM, or Mille Nummi								-	-	-	-	-	-	8	17	1	,,

* For the subdivisions of the gold money, see AURUM.

TABLE XVI.

ROMAN MONEY.

II. AFTER THE REIGN OF AUGUSTUS: when the Denarius was 1-8th of an Ounce, or 52·5 Grains.									£	s.	d.	Farthings.
Sextula									„	„	„	·3125
1½	Quadrans								„	„	„	·46875
2	1⅓	Triens							„	„	„	·625
3	2	1½	Semissis						„	„	„	·9375
6	4	3	2	As					„	„	„	1·875
12	8	6	4	2	Dupondius				„	„	„	3·75
24	16	12	8	4	2	SESTERTIUS			„	„	1	3·5
48	32	24	16	8	4	2	Quinarius, or Victoriatus		„	„	3	3
96	64	48	32	16	8	4	2	DENARIUS	„	„	7	2
AUREUS, reckoned at 25 Denarii									„	15	7	2
“ reckoned in English Current Coin									„	18	5	3·25
SESTERTIUM, or Mille Nummi									7	16	3	„

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Epitropus.
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Hori.
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Hypoboles graphe.
Jusjurandum, 1.
Leiponautiou graphe.
Prodosia.
Proeisphoras dike.
Prostates tou demou.
Prothesmia.
Psephus.
Pseudengraphes graphe
Pseudocleteias graphe.
Rhetorice graphe.
Rhetrae.
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Seisachtheia.
Sitou dike.
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Timema.
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Frenum.
Habenae, 1.
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Apophora.
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Income, &c. — *continued.*
  Eisphora.
  Epidoseis.
  Fiscus.
  Ostiarium.
  Pentecoste.
  Phoros.
  Portorium.
  Quadragesima.
  Quinquagesima.
  Salarium.
  Salinae.
  Scriptura.
  Stationes fisci.
  Stipendiarii.
  Telones.
  Telos.
  Theorica.
  Tributum.
  Vectigalia.
  Vicesima.
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  Caduceus.
  Cantabrum.
  Fasces.
  Insignia.
  Sceptrum.
  Talaria.
  Thyrsus.
  Virga.
LEAGUES.
  Achaicum Foedus.
  Aetolicum Foedus.
  Socii.
LITERATURE.
  Commentarius.
  Fescennina.
  Logographi.
  Paean.
  Satura.
MACHINES AND CONTRIVANCES.
  Antlia.
  Cardo.
  Catena.
  Clitellae.
  Cochlea.
  Columbarium, 2.
  Ephippium.
  Exostra.
  Ferculum.
  Fistula.
  Follis.
  Forma.
  Fornax.
  Helix, 2.
  Jugum, 2.
  Libra, Libella.
  Machinae.
  Mola, 1. hand mill.
    „ 2. cattle mill.
    „ 3. water mill.
    „ 4. floating mill.
    „ 5. saw mill.
    „ 6. pepper mill.
  Mortarium, pila.
  Pegma.
  Phalangae.
  Retis, Rete.
  Scalae.
  Tela.
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  Tintinnabulum.
  Torculum.
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  Acta, 1. 5.
  Adlecti.
  Aeinautae.
  Aesymnetes.
  Alabarches.
  Amphictyones.
  Archon.
  Areiopagus.
  Bidiaei.
  Boetarches.
  Boule.
  Censor.
  Centumviri.
  Colacretae.
  Consul.
  Consularis.
  Cosmi.
  Decaduchi.
  Decarchia.
  Decemviri legibus scribendis.
    „ litibus judicandis.
    „ sacris faciundis.
    „ agris dividundis.
  Demarchi.
  Demiurgi.
  Dictator.
  Duumviri.
  Eisagogeis.
  Ephetae.
  Ephori.
  Epimeletae.
  Eponymus.
  Gerousia.
  Gynaeconomi.
  Harmostae.
  Hendeka, hoi.
  Hieromnemones.
  Illustres.
  Interrex.
  Magistratus.
  Medix tuticus.
  Nomophylaces.
  Paedonomus.
  Patronomi.
  Perduellionis duumviri.
  Phylarchi.
  Phylobasileis.
  Polemarchus.
  Poletae.
  Poristae.
  Praetor.
  Probouli.
  Proconsul.
  Rex, 1. Greek.
    „ 2. Roman.
  Senatus.
  Tetrarches.
  Tribuni plebis.
  Tribunus.
  Triumviri.
  Tyrannus.
  Vigintisex viri.
MANUFACTURES AND MATERIALS.
  Byssus.
  Cilicium.
  Coa vestis.
  Elephas.
  Fictile.
  Gausapa.
  Lodix, lodicula.
  Salinae.
  Sericum.
  Serta.
  Tapes, tapeta.
  Vitrum.
MANNERS AND CUSTOMS.
  Acclamatio.
  Acta.
  Amnestia.
  Anakleteria.
  Angaria.
  Cheirotonia.
  Chelidonia.
  Chirographum.
  Corona convivialis.
    „ nuptialis.
    „ natalitia.
    „ longa.
    „ Etrusca.
    „ pactilis.
    „ tonsilis.
    „ pampinea.
  Crypteia.
  Diploma.
  Hospitium.
  Hydriaphoria.
  Immunitas,
  Jusjurandum, 1. Greek.
    „ 2. Roman.
  Leiturgia.
  Matrimonium, 1. Greek.
    „ 2. Roman.
  Nomen.
  Nudus.
  Proscriptio.
  Prytaneium.
  Suffragium.
  Synoikia.
  Syssitia.
  Tabella.
  Tribus, 1. Greek.
    „ 2. Roman.
  Trierarchia.
  Venatio.
  Viaticum.
  Xenelasia.
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  Camara, 2.
  Carchesium, 2.
  Cataphracti, 2.
  Corbitae.
  Cymba.
  Delphis.
  Dolo, 2.
  Epibatae.
  Epistoleus.
  Harpago.
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  Insignia, 5
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- Maritime Affairs — *continued.*
  - Navarchus.
  - Navis.
  - Naumachia.
  - Paralus.
  - Phaselus.
  - Portisculus.
  - Praefectus classis.
  - Remulcum.
  - Rudens.
- Markets.
  - Agora.
  - Deigma.
  - Emporium.
  - Forum.
  - Macellum.
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  - Clima.
- Measures and Weights.
  - Acaena.
  - Acetabulum.
  - Achane.
  - Acna, or Acnua.
  - Actus.
  - Addix.
  - Amma.
  - Amphora.
  - Artaba.
  - Arura.
  - As.
  - Cheme.
  - Choenix.
  - Chous.
  - Concha.
  - Congius.
  - Cotyla.
  - Cubitus.
  - Cubus.
  - Culeus.
  - Cyathus.
  - Dactylus.
  - Decempeda.
  - Gradus.
  - Hecte, 1.
  - Hemina.
  - Hippicon.
  - Jugerum.
  - Libra, as.
  - Ligula.
  - Litra.
  - Maris.
  - Medimnus.
  - Mensura.
  - Metretes.
  - Milliare.
  - Modius.
  - Mystrum.
  - Obolus.
  - Orgyia.
  - Palmipes.
  - Palmus.
  - Parasanga.
  - Passus.
  - Pertica.
  - Pes.
  - Plethron.
  - Pondera.
  - Quadrantal.
  - Schoenus.
  - Scrupulum.
- Measures, &c. — *continued.*
  - Sextarius.
  - Spithame.
  - Stadium, 2.
  - Ulna.
  - Uncia.
  - Urna.
  - Xestes.
- Medicine.
  - Archiater.
  - Chirurgia.
  - Diaetetica.
  - Iatralipta.
  - Iatrosophista.
  - Medicina.
  - Medicus.
- Metals.
  - Aes.
  - Argentum.
  - Aurum.
  - Electrum.
  - Metallum.
  - Orichalcum.
- Military Costume.
  - Abolla.
  - Alicula.
  - Balteus.
  - Bulla.
  - Caliga.
  - Paludamentum.
  - Sagum.
- Military Engines.
  - Aries.
  - Catapulta.
  - Cataracta.
  - Corvus.
  - Covinus.
  - Crates.
  - Cuniculus.
  - Ericius.
  - Helepolis.
  - Lupus ferreus.
  - Pluteus, 2.
  - Scalae.
  - Stylus, 2.
  - Testudo, 3.
  - Tormentum.
  - Tribulus.
  - Turris, 2.
  - Vinea.
- Military Ensigns.
  - Signa Militaria.
- Military Levies.
  - Catalogus.
  - Conquisitores.
  - Emphruri.
  - Epariti.
  - Tumultus.
- Military Manœuvres.
  - Cuneus.
  - Forfex.
  - Testudo.
- Military Pay and Allowances.
  - Acta.
  - Aes equestre.
  - „ hordearium.
  - „ militare.
  - Praeda.
  - Spolium.
- Military Pay, &c. — *continued.*
  - Stipendium.
- Military Punishments.
  - Decimatio.
  - Deilias graphe.
  - Desertor.
  - Fustuarium.
- Military Rewards.
  - Aurum coronarium.
  - Corona obsidionalis.
  - „ civica.
  - „ navalis.
  - „ muralis.
  - „ castrensis, vallaris.
  - „ ovalis.
  - „ oleagina.
  - Hasta pura.
  - Ovatio.
  - Praeda.
  - Spolia.
  - Triumphus.
  - Tropaeum.
- Money.
  - Aes.
  - „ circumforaneum.
  - „ manuarium.
  - Argentum
  - As.
  - Assarius nummus
  - Aurum.
  - Chalcus.
  - Cistophorus.
  - Damaretion.
  - Danace.
  - Daricus.
  - Denarius.
  - Drachma.
  - Hecte, 2.
  - Libella.
  - Litra.
  - Nummus.
  - Obolus.
  - Sestertius.
  - Sextula.
  - Stater.
  - Uncia.
- Music and Musical Instruments.
  - Acroama.
  - Aeneatores.
  - Buccina.
  - Canticum.
  - Capistrum.
  - Chorus.
  - Cornu.
  - Crotalum.
  - Cymbalum.
  - Hydraula.
  - Jugum, 4.
  - Lituus, 2.
  - Lyra.
  - Musica, 1. Greek.
  - „ 2. Roman.
  - Pecten.
  - Sambuca.
  - Sistrum.
  - Syrinx.
  - Testudo, 1.
  - Tibia.
  - Tuba.

- Music, &c. — *continued.*
  - Tympanum.
- Officers and Soldiers.
  - Accensi, 2.
  - Aeneatores.
  - Agathoergi.
  - Ala.
  - Alauda.
  - Antecessores.
  - Argyraspides.
  - Campidoctores.
  - Catalogus.
  - Cataphracti.
  - Celeres.
  - Conquisitores.
  - Contubernales.
  - Damosia.
  - Dimachae.
  - Ducenarii.
  - Duplarii.
  - Epariti.
  - Evocati.
  - Excubitores.
  - Exercitus, 1. Greek.
  - „ 2. Roman.
  - Libratores.
  - Mensores, 2, 3, 5.
  - Mercenarii.
  - Phylarchi.
  - Praefectus castrorum.
  - „ praetorio.
  - Praetor.
  - Praetoriani.
  - Rufuli.
  - Strategus.
  - Tagus.
  - Taxiarchi.
  - Tiro.
  - Velati.
  - Volones.
  - Xenagi.
- Oracles and Divination.
  - Augurium, auspicium.
  - Caput extorum.
  - Oraculum, 1. of Apollo.
  - „ 2. of Zeus.
  - „ 3. of other gods.
  - „ 4. of heroes.
  - „ 5. of the dead.
  - „ 6. Italian.
  - Sibyllini Libri.
  - Sortes.
- Painting.
  - Colores.
    - Black: atramentum.
    - „ elephantinum.
    - „ tryginum.
    - Blue: caeruleum.
    - „ lomentum
    - „ tritum.
    - „ Armenium.
    - „ Indicum.
    - Brown: ochra usta.
    - Green: chrysocolla.
    - „ aerugo.
    - „ scolecia.
    - „ Theodotion.
    - „ Appianum.
    - „ creta viridis.
- Painting — *continued.*
    - Purple: purpurissum.
    - „ ostrum.
    - „ hysginum.
    - „ rubiae radix.
    - Red: cinnabaris.
    - „ „ Indica.
    - „ minium.
    - „ rubrica.
    - „ cicerculum.
    - „ cerussa usta.
    - „ sandaracha.
    - White: melinum.
    - „ paraetonium.
    - „ creta anularia.
    - „ cerussa.
    - Yellow: sil.
    - „ auripigmentum.
  - Pictura.
- Priests and Priestly Offices.
  - Aeditui.
  - Agyrtae.
  - Arvales fratres.
  - Asiarchae.
  - Augur, auspex.
  - Augustales.
  - Corybantes.
  - Curio.
  - Epulones.
  - Eumolpidae.
  - Exegetae.
  - Fetiales.
  - Flamen.
  - Galli.
  - Haruspices.
  - Hiereis ton soteron.
  - Luperci.
  - Neocori.
  - Pastophori.
  - Pausarii.
  - Pontifex.
  - Rex sacrificulus.
  - Sacerdos.
  - Salii.
  - Theori.
  - Titii sodales.
  - Vestales.
- Private Buildings.
  - Aithousa.
  - Apotheca.
  - Armarium.
  - Atrium.
  - Bibliotheca.
  - Caupona.
  - Cella.
  - Cubiculum.
  - Domus, 1. Greek.
  - „ 2. Roman.
    - „ vestibulum.
    - „ ostium.
    - „ atrium.
    - „ alae.
    - „ tablinum.
    - „ fauces.
    - „ perystylum.
    - „ cubicula.
    - „ triclinia.
    - „ oeci.
    - „ exedrae.
    - „ culina.
- Private Buildings — *continued.*
  - Domus coenacula.
    - „ diaeta.
    - „ solaria.
  - Exedrae.
  - Focus.
  - Fornax.
  - Fornix.
  - Hemicyclium.
  - Janua.
  - Insignia, 4.
  - Lararium.
  - Later.
  - Paries cratitius.
    - „ formaceus.
    - „ lateritius.
    - „ reticulata structura.
    - „ structura antiqua.
    - „ emplecton.
    - „ e lapide quadrato.
  - Pergula.
  - Pinacotheca.
  - Pluteus, 1.
  - Puteal.
  - Scalae.
  - Synoikia.
  - Taberna.
  - Tegula.
  - Triclinium.
  - Villa.
- Public Buildings.
  - Aerarium.
  - Amphitheatrum.
  - Archeion.
  - Arcus triumphalis.
  - Argyrocopeion.
  - Athenaeum.
  - Auditorium.
  - Balneae.
  - Basilica, chalcidicum.
  - Bibliotheca.
  - Carcer, 2.
  - Chalcidicum.
  - Circus.
  - Cochlea, 3.
  - Curia.
  - Forum.
  - Graecostasis.
  - Hippodromus.
  - Horreum.
  - Labyrinthus.
  - Lautumiae.
  - Lesche.
  - Moneta.
  - Museum.
  - Obeliscus.
  - Odeum.
  - Paradisus.
  - Porticus.
  - Prytaneion.
  - Rostra.
  - Stadium.
  - Suggestus.
  - Tabularium.
  - Thesaurus.
  - Tribunal.
- Public Officers.
  - Accensi, 1.
  - Actuarii.

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Adlecti, 2.
Adlector.
Admissionales.
Aediles.
Agathoergi.
Agonothetae.
Agoranomi.
Agrimensores.
Agronomi.
Apodectae.
Apostoleis.
Apparitores.
Asiarchae.
Astynomi.
Boonae.
Cancellarius.
Carnifex.
Choregus.
Coactor.
Comes.
Commentariensis.
Critae.
Curatores.
[*An alphabetical list of curatores is given.*]
Diaetetae.
Diribitores.
Ducenarii, 1, 2.
Ecdicus.
Episcopi.
Epistates.
Euthyni.
Exetastae.
Frumentarii.
Grammateus.
Hieropoii.
Hodopoei.
Hylori.
Hyperetes.
Legatus.
Leiturgia.
Lictor.
Magister.
[*An alphabetical list of magistri is given.*]
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Mastigophori.
Mensarii.
Metronomi.
Notarii.
Opinatores.
Paredri.
Parochi.
Praetores.
Praecones.
Praefectus Annonae.
„ Urbi.
Praepositus.
Primicerus.
Probouli.
Procurator.
Publicani.
Pythii.
Quaestores classici.
„ parricidii.
Quinqueviri.
Scribae.
Sitophylaces.
Stator.

Public Officers — *continued.*
Stratores.
Syllogeis.
Tabellio.
Tabularii.
Tamias.
Teichopoeus.
Tettaraconta, hoi.
Theori.
Trierarchia.
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Viatores.
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ROADS AND STREETS.
Angiportus.
Callis.
Mansio.
Viae.
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ROMAN LAW.
Acceptilatio.
Accessio.
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Adoptio, 2.
Adulterium, 2.
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Aediles.
Affinitas.
Agrariae leges.
Album.
Alluvio.
Ambitus.
Appellatio.
Aquae pluviae arcendae actio.
Arra, Arrha.
Arrabo, Arrhabo.
Assertor.
Assessor.
Auctio.
Auctor, Auctoritas.
Basilica.
Beneficium.
Bona.
„ caduca.
„ fides.
„ rapta.
„ vacantia.
Bonorum cessio.
„ collatio.
„ emptio.
„ possessio.
Breviarium Alaricianum.
Calumnia.
Caput.
Caupo.
Cautio, cavere.
Centumviri.
Certi, incerti actio.
Chirographum.
Civitas.
Cliens.
Codex Gregorianus.
„ Hermogenianus.
„ Justinianeus.
„ Theodosianus.
Cognati.
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Roman Law — *continued.*
Colonia, 2.
Commissoria lex.
Commissum.
Commodatum.
Communi dividundo actio.
Compensatio.
Concubina.
Confessoria actio.
Confusio.
Constitutiones.
Corpus juris civilis.
Crimen, delictum.
Culpa, dolus malus.
Curator.
Damnum.
„ infectum.
„ injuria datum.
Decretum.
Dediticii.
Dejecti effusive actio.
Depositum.
Divortium, 2.
Domicilium.
Dominium.
Dominus.
Donatio mortis causa.
„ propter nuptias.
„ inter virum et uxorem.
Dos, 2.
Edictum.
„ Theodorici.
Emancipatio.
Emphyteusis.
Emptio et venditio.
Evictio.
Exercitoria actio.
Exhibendum, actio ad.
Exsilium, 2.
Falsum.
Familia.
Familiae erciscundae actio.
Fenus, 2.
Fictio.
Fidei commissum.
Fiducia.
Finium regundorum actio.
Fiscus.
Foederatae civitates.
Frumentariae leges.
Fundus.
Furtum.
Gens.
Heres, 2.
Honores.
Imperium.
Impubes.
Incendium.
Incestum.
Infamia.
Infans.
Ingenui.
Injuria.
Institoria actio.
Institutiones.
Intercessio.
Interdictum.
Intestabilis.
Judex.

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Roman Law — *continued.*
  Judex Pedaneus.
  Judicati actio.
  Jure, cessio in.
  Jurgium.
  Juridici.
  Jurisconsulti.
  Jurisdictio.
  Jus.
   „ Aelianum.
   „ Civile Flavianum.
   „ Civile Papirianum.
  Jusjurandum, 2.
  Jussu quod, actio.
  Latinitas.
  Legatum.
  Lex.
   [*Under this head an alphabetical list of the principal laws is given.*]
  Libelli accusatorum.
   „ famosi.
  Liber, Libertas.
  Libertus, 2.
  Litis contestatio.
  Locatio, conductio.
  Magistratus.
  Majestas.
  Mancipii causa.
  Mancipium.
  Mandatum.
  Manumissio.
  Manus injectio.
  Mora.
  Mutuum.
  Negotiatores.
  Negotiorum gestorum actio.
  Nexum.
  Novellae constitutiones.
  Noxalis actio.
  Obligationes.
  Occupatio.
  Operis novi nuntiatio.
  Orationes principum.
  Orator.
  Pandectae *or* Digesta.
  Patria potestas.
  Patronus.
  Pauperies.
  Peculatus.
  Per condictionem.
  Per judicis postulationem.
  Per pignoris capionem.
  Pignus.
  Plagium.
  Plebiscitum.
  Poena.
  Possessio.
  Postliminium.
  Praedium.
  Praejudicium.
  Praes.
  Praescriptio.
  Praetor.
  Procurator.
  Proscriptio.
  Provincia.
  Publiciana in rem actio.
  Quanti minoris actio.

Roman Law — *continued.*
  Quorum bonorum interdictum.
  Recepta, de recepto actio.
  Redhibitoria actio.
  Repetundae pecuniae.
  Restitutio in integrum.
  Rutiliana actio.
  Sectio.
  Senatus consultum.
   [*An alphabetical list of senatus consulta is given.*]
  Servitutes.
  Societas.
  Successio.
  Sumtuariae leges.
  Superficies.
  Tabellariae leges.
  Talio.
  Testamentum.
  Tormentum, 2.
  Tutor.
  Vindicatio.
  Vindicta.
  Vis.
  Universitas.
  Usucapio.
  Usurpatio.
  Usufructus.
Sacrifices and Religious Rites.
  Acerra.
  Amburbium.
  Anakleteria.
  Antigoneia.
  Apotheosis.
  Ara.
  Arateia.
  Canephoros.
  Corona sacerdotalis.
   „ sutilis.
   „ radiata.
  Cortina, 3.
  Diabateria.
  Diamastigosis.
  Eisiteria.
  Eleusinia.
  Exauguratio.
  Exiteria, *or* Epexodia.
  Inauguratio.
  Lituus, 1.
  Lustratio.
  Lustrum.
  Proerosia.
  Sacra.
  Sacrificium.
  Sagmina.
  Secespita.
  Simpulum.
  Supplicatio.
  Thensae.
  Tripos, 3.
  Turibulum.
  Ver sacrum.
Slaves and Bondsmen.
  Agaso.
  Alipilus.
  Aliptae.
  Amanuensis.
  Anagnostae.

Slaves, &c. — *continued.*
  Anteambulones.
  Aquarii.
  Bruttiani.
  Calones.
  Capsarii.
  Coloni.
  Cosmetae.
  Cubicularii.
  Cursores.
  Demosii
  Fartor.
  Gymnesii.
  Helotes.
  Ieroduli.
  Librarii.
  Mediastini.
  Notarii.
  Paedagogus.
  Pedisequi.
  Penestae.
  Servus, 1. Greek.
   „ 2. Roman.
  Tabellarius.
  Thetes.
  Villicus.
Statuary.
  Acrolithi.
  Canabus.
  Caryatides.
  Colossus.
  Daedala.
  Hermae.
  Imago.
  Persae.
  Sculptura.
  Statuaria ars.
  Typus.
Superstitions.
  Amuletum.
  Apophrades hemerai.
  Astrologia.
  Fascinum.
  Oscillum.
  Prodigium.
  Sortes.
Temples and Holy Places.
  Aediculae.
  Argei.
  Asylum.
  Bidental.
  Docana.
  Propylaea.
  Sacellum.
  Sacrarium.
  Templum.
  Velum.
Titles.
  Augustus.
  Caesar.
Tools and Implements.
  Acus.
  Amussis.
  Apsis.
  Ascia
  Asilla.
  Circinus.
  Colus.
  Contus.
  Culter.

Tools, &c.— *continued.*
Dolabra, Dolabella.
Falx.
Fistuca.
Follis.
Forceps.
Forfex.
Fuscina.
Fusus.
Harpago.
Incus.
Jugum, 5.
Ligo.
Lima.
Malleus, Malleolus.
Norma.
Regula.
Runcina.
Securis.
Serra.
Trades and Occupations.
Ambubaiae,
Argentarii.
Athletae.
Balatro.
Barber, tonsor.
Bestiarii.
Bibliopola.
Calculator.
Caupo.
Fabri.
Fullo.
Funambulus.
Gladiatores.
Hemerodromi.
Histrio, 1. Greek.
„ 2. Roman
Interpres.
Leno.
Lepturgi.
Logographi, 2.
Mensores.
Notarii.
Pelatae.
Pistor.
Plumarii.
Redemtor.
Sagarii.
Vehicles and their parts.
Antyx.
Arcera.
Basterna.
Canathron.
Capistrum.
Carpentum.
Carruca.
Chiramaxium.
Cisium.
Covinus.
Currus, bigae.
„ trigae.
„ quadrigae.
Esseda.
Hamaxopodes, arbusculae.
Harmamaxa.
Jugum, 7.
Lectica.
Petorritum
Pilentum.
Rheda.
Sella, 3.
Utensils.
Acetabulum.
Aenum.
Alabastrum.
Amphora.
Ampulla.
Anaglypha.
Authepsa.
Bascauda.
Bicos.
Cadus.
Calathus.
Calix.
Candela.
Candelabrum.
Cantharus.
Capsa.
Carchesium, 1.
Catinus.
Chrysendita.
Cista.
Cochlear.
Colum.
Cophinus.
Corbis, Corbula, Corbicula.
Utensils — *continued.*
Cortina, 1, 2.
Crater.
Cupa.
Cyathus.
Fax.
Ferculum.
Funale.
Guttus.
Lanx, Lancula.
Laterna.
Lecythus.
Lucerna.
Mazonomus.
Modiolus.
Murrhina vasa.
Oenophorum.
Olla, aula.
Patera, Patella.
Patina.
Poculum.
Psycter.
Pyxis.
Rhyton.
Salinum.
Sartago.
Situla, Sitella.
Taeda.
Tripos, 2.
Trua, Trulla.
Vas.
Urceus.
Writing and Writing Materials.
Adversaria.
Album.
Atramentum.
Buxum.
Calamus.
Codex.
Libellus.
„ memorialis.
Liber.
Nota.
Regula.
Scytale.
Stylus, 1.
Tabulae.

THE END.

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